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Do you have procedures for screening prospective clients?

A law firm should have a policy requiring the screening of new clients to identify potential “problem” clients or cases. Among the situations in which problems may arise:

- the client lacks visible means to pay the fees likely to be incurred
- the client owes prior counsel, or other professional advisers, significant amounts of fees
- the fees are likely to exceed the benefits of success
- the client's expectations are unreasonable
- the client is motivated by a desire for revenge, a crusade or other inappropriate motive
- the matter is outside the firm’s normal areas of practice
- the deadline to complete the first phase of the matter is unreasonably short
- the matter was previously handled by other lawyers or rejected by other lawyers
- the client is currently suing or has previously sued its lawyers or other professional advisers

Each potential client and matter should be screened before the firm agrees to undertake representation to help the firm avoid potential conflicts of interest and identify other potential problem areas. The firm should adopt and make available to its lawyers a New Client/Matter Screening Checklist of factors to consider before accepting an engagement. The firm may require that the originating attorney certify that he or she has considered the factors in the checklist before accepting the engagement.

The lawyers’ risk management web site, <http://www.lawyerlaw.com>, provided to you by Westport as a value-added service, contains a new client screening checklist as well as articles related to the topic of screening prospective clients, such as “Clients Focus Wrath on Unmet Expectations”, “Get Picky With Client Selection”, and “Risks Involved In Electronic Communications”.