

“The Smart Client’s Guide to Working With a Lawyer” By Arkady Itkin

Introduction

This guide is designed to help you become the kind of client the best lawyers out there are looking to work with, so that you can secure good legal representation without unnecessary delays and frustration.

1. Start With a Clear, Strategic First Contact And Solid Communication

When it comes to initial contact with potential lawyers for your issue, email is almost always more effective than calling. Phone calls so often lead to endless phone tag and dealing with various gatekeepers such as assistants, secretaries, or even worse – AI intake agents. A well-written email that tells the lawyer what your exact issue is and what specific help you are looking for will help avoid all this.

Examples:

(Wrongful Termination): I worked at Company X for 8 years, receiving consistently good performance reviews. About six months ago I went on approved medical leave in connection with a cancer surgery. Just a few days after returning, I was written up for being 3 minutes late and a week later terminated for “not being a team player”. My most recent position was software engineer, making a base salary of \$160,000. I believe I was terminated in retaliation for taking medical leave, and I would like to discuss and evaluate my potential wrongful termination case.

(Personal Injury): On date x, I was proceeding South down highway 100 when I was rear-ended by another vehicle. I suffered injuries to my neck and back. I would like to discuss pursuing my injury case. I have all the insurance information, my initial medical records and photos of both vehicles involved in the accident and of my bruising suffered in this accident upon request.

Respond to follow-up emails from lawyers promptly and ideally within 1-2 days. If it takes you a week or more to reply, the lawyers you started talking to will assume that you are not really serious about pursuing your case, and they will lose interest in your case.

2. Consider Getting A Second Opinion

Speak with at least two lawyers about your issue or your case. Ask each lawyer you consult to explain to you what their opinion is based on. A good attorney enjoys answering the “why” questions and educating their clients. Getting different perspectives from at least two different legal professionals may help you make a more informed decision on your issue. Most legal issues are not rocket science, and you should also exercise your own judgment as to which legal advice makes more sense to you and why.

And remember, a lawyer who doubts your case and who plays devil’s advocate when evaluating your case is actually doing his job, which you should appreciate. Testing your case against potential weaknesses before pursuing it is something the best lawyers do way before your case is tested the same way six months later by opposing counsel. This is not being negative or insecure. This is being attentive and thorough, and making sure you are not wasting your time and that’s lawyers on a case that’s not going anywhere because of one or more specific legal or factual issues which would be fatal to your proving that case.

3. Evaluating Your Case Must Involve Practical Consideration as Much As Legal Ones

Just because you can sue doesn’t mean you should. And just because you should, doesn’t mean you should do it today vs a month from now or six months from now. The cost, the time commitment, and the emotional energy required for litigation, among other factors, have to be weighed against the benefits of a potential outcome of that legal process.

During your initial consult, do ask that lawyer about alternatives to following one of his recommended approaches vs the other. Also, it’s perfectly fine to ask that lawyer: “What would you do if you were in my shoes?” The answer to this question necessarily requires considering your age, income and financial obligation, familial status, goals, availability to participate in the legal process, and our risk tolerance.

4. Share Potential Issues In Your Case Early—Don’t Hide Them

Your lawyer needs to know the weaknesses of your case as early as possible. Don’t hide any skeletons from your own attorney. On the contrary, show them off early, discuss and decide how to deal with them if and when it becomes necessary. Lawyers really don’t like surprises in the form of not knowing something important about their client’s case until much later in the case.

In the context of employment cases, this includes angry, rude emails sent by you to your management, previous record of discipline, and misrepresentation on a job application, resume, or elsewhere.

In personal injury cases, the most common skeleton is preexisting injuries to the same part of your body, which may affect your subsequent condition and ability to recover.

5. Be Nice

This sounds simple enough. However, quite a few people out there come across so angry or entitled or both that they turn off every lawyer they speak with because of their attitude, even if they otherwise have a righteous case, which would otherwise be worth pursuing. Just about every lawyer learns from experience that representation is a relationship, and they so much prefer working with someone they like than someone they can barely stand. These same lawyers also know that people who are unlikeable don't do well at a deposition or in court in front of a judge and jury. It's hard to find in favor of, let alone award significant damages, to someone you simply don't like as a person.

Some of the early signs of being unlikeable include - raising your voice on the phone, having unrealistic expectations about the outcome of your case, demanding immediate attention to your case, as if the lawyer you are talking to has no other cases to work on, saying things like "I am interviewing lawyers", etc.

This works both ways. If a lawyer strikes you as non-responsive, arrogant or dismissive, why should you be working with them and paying someone who makes the whole experience of being represented by them worse than it needs to be?

Conclusion

The best lawyers out there are also the pickiest. They are looking for two things - (1) a good case, and (2) a good client who is likeable, respectful, and who will make working on their case a professionally fulfilling experience. These same lawyers want to avoid at all costs dealing with clients who raise their blood pressure and make them hate their job. Fighting the other side is often hard enough. The last thing lawyers want is to fight their own clients.

Be the client your lawyer wants to fight for, and this will help you find the best lawyer for your case sooner.
