

SAMPLE

NEW CLIENT SCREENING CHECKLIST

SUBJECT MATTER

- ✓ What is the legal matter for which the client needs representation?
- ✓ Are there any imminent deadlines or time limitations?
- ✓ Is the case too large, time consuming or expensive for my practice to handle?
- ✓ Is the case one that is pending or that must be filed in another jurisdiction?
- ✓ If so, am I familiar with the local statute of limitations, other filing deadlines, substantive issues and procedural rules?
- ✓ Is the matter within my primary area(s) of practice?
- ✓ If not, how much time would be required to become competent in that area?
- ✓ If the case is outside my area of practice or in another jurisdiction, do I know an attorney to whom I could associate or refer the case?
- ✓ If I refer the case, do I seek a referral fee and remain liable to the client as if I were the receiving attorney's partner?
- ✓ If so, do I trust that the attorney is competent and will not expose me to a malpractice claim or ethical grievance?
- ✓ Am I willing to learn and comply with the disclosure and consent requirements imposed by the applicable ethics rules?
- ✓ Does the matter have merit?
- ✓ Does the client have evidence to corroborate his/her story?

CLIENT ISSUES

- ✓ What are the client's expectations (with both the outcome and the time involved)?
- ✓ Are they reasonable?
- ✓ If not, is this client able to adjust his/her expectations to make them reasonable?
- ✓ What is the client's motive (justice, revenge, vendetta, to be compensated)?

- ✓ Is the motive likely to cause the client to be unable to accept settlement or an unfavorable outcome?
- ✓ Has the client shown himself/herself to be dishonest or to lack integrity?
- ✓ Is the client evasive or reluctant in connection with a commitment to abide by a fee agreement?
- ✓ Has the client indicated that he/she will be difficult to control as a witness?

PRIOR ATTORNEY-CLIENT RELATIONSHIPS

- ✓ Has the client retained prior attorneys in the same matter?
- ✓ If so, why did the previous attorney-client relationships terminate?
- ✓ Has the client made claims or grievance complaints against any prior attorneys?
- ✓ Do any prior attorneys claim that legal fees/costs are owed?
- ✓ Has the client refused to pay legitimate invoices for legal fees?

PROTECTING YOURSELF

- ✓ If I have accepted the client, have I sent the client an engagement letter for the client to sign and return setting forth the scope of the retention and the fee agreement?
- ✓ If I have referred the client to another attorney without a referral fee, have I sent the client a non-engagement letter?
- ✓ If I have referred the client to another attorney and have received or expect to receive a referral fee, have I sent the client a letter disclosing what is required by the applicable ethics rules and have I obtained the client's consent in the form required by the applicable ethics rules?
- ✓ If I have declined to represent the client, have I sent a non-engagement letter clearly and unequivocally informing the client that I am not representing him/her, that I express no opinion about the matter, that the matter may be affected by a statute of limitations and that he/she should seek other representation?