

# THE INITIAL CLIENT MEETING

Mark E. Weinhardt  
The Weinhardt Law Firm  
2600 Grand Ave., Suite 450  
Des Moines, IA 50312  
mweinhardt@weinhardtllaw.com  
www.weinhardtllaw.com

---

---

---

---

---

---

---

---

## Prepare for the meeting

- Learn about the client.
- Learn about the case.
  - Review the applicable law.
  - Check online court filings.
  - Look for media reports.
- Run a conflict check.

---

---

---

---

---

---

---

---

## Set Ground Rules for the Meeting

- Attorney-Client Privilege.
  - The meeting is privileged, even if you don't get hired.
  - Chase people out of the room who would defeat the privilege.
- Make clear that you don't represent the client yet—the client will decide that later.

---

---

---

---

---

---

---

---

**Learn About the Client's Need**

- It may start very generally: "How can I help you?"
- Or it may be much more targeted—the specific need prompted the meeting.
- Hypothetical: The client brings you a preliminary complaint charging burglary in the third degree of a house. What do you ask him?

---

---

---

---

---

---

---

---

**Learn About the Client's Need**

- Think about when and how you ask about the facts.
- "What do you think caused the prosecutor to bring this charge against you?"
- Do you explain the law to the client before the client tells you the facts?

---

---

---

---

---

---

---

---

**Learn About the Client's Need**

- Let the client vent.
- The story may meander. Let it at first.
- Ask very open-ended questions.
- Make sure you learn all of the client's problems.

---

---

---

---

---

---

---

---

**Learn About the Client's Need**

- Find out what sources of information are available to you.
  - Documents the client has.
  - Things on the client's phone/computer.
  - Social media posts.
  - Other witnesses to the events.
- This probably isn't the day for the big factual debrief, but start planning for it.

---

---

---

---

---

---

---

---

**Learn About the Client's Need**

- Who has the client talked to and what has s/he said?
  - To the other side.
  - To nonparty witnesses.
  - If applicable, to law enforcement. (In a criminal case, learn the circumstances of the statements to law enforcement.)
- Who outside the privilege scope has documents and tangible things that are important?
  - Voluntary production or exchange.
  - Public information.
  - Subpoenas/criminal searches.

---

---

---

---

---

---

---

---

**Learn About the Client's Need**

- Find out about important events that need attention.
  - Answer deadline in civil case.
  - Court appearances/hearings.
  - Upcoming communications with other side.
  - Criminal case: Meetings with probation/drug evaluation/drug treatment.
- Don't leave the meeting without a plan for handling these things.

---

---

---

---

---

---

---

---

### Who Is Your Client?

- Get basic background information. And get to *know* this person. Build empathy.
- Look for positive facts to use with a court, a jury, or opposing counsel.
- Is this someone you want to represent?
- Can the client afford the reasonable cost of your good work?
- Are there any conflicts of interest?

---

---

---

---

---

---

---

---

### Who Is Your Client? (Criminal)

- Prior criminal history.
- Other pending criminal cases.
- Probation/parole/bond conditions/restraining orders.
- Medical conditions.
- Substance abuse history and status.
- "Where were you born?"

---

---

---

---

---

---

---

---

### Who Are You?

- Tell the client about your background.
  - Look for things in common with the client.
  - Explain why you are well-suited for this case (if you are.)
- Tell the client about your firm and others who may work on the case.
- [Sometimes] Offer to let the client shop.

---

---

---

---

---

---

---

---

### Talk About the Case

- Provide an assessment of the client’s situation *to the extent you can*. Don’t be bashful about saying you need to learn more.
- Make clear the client understands the possible outcomes, positive and negative.
- Describe your plan if you are hired.
- Don’t overpromise. Many clients will hear better words than you said.

---

---

---

---

---

---

---

---

### Stop the Bleeding

- If possible, put a stop to the thing that hurts.
- Don’t break the law (any more).
- Don’t talk to the other side (especially law enforcement) or people who do.
- Don’t obstruct justice or the litigation process.
- Obey court orders and similar obligations.

---

---

---

---

---

---

---

---

### Terms of Representation

- Define the scope of the engagement—what you will and will not do.
- Reach an agreement about your fees. You *must* have an explicit agreement. It *should* be in writing.
- Discuss any conflict issues and resolve them.
- Specify when the engagement commences.
- Let the client know who’s the boss.

---

---

---

---

---

---

---

---

### What's In Your Engagement Agreement

- Scope of the engagement.
- Fee arrangement.
- Retainer arrangement.
- Conflict of interest waiver.
  - Include third party payor—who must sign.
- Email/cell phone waiver.
- When the engagement ends.

---

---

---

---

---

---

---

---

### If You Decline the Engagement

- Communicate clearly that you are not representing the (prospective) client.
- Document that communication.
- Suggest alternative counsel.
- Make sure the prospective client knows of any deadlines or next steps.

---

---

---

---

---

---

---

---

### Say Thank You!

- Acknowledge and thank the referral source.

---

---

---

---

---

---

---

---

# THE INITIAL CLIENT MEETING

Mark E. Weinhardt  
The Weinhardt Law Firm  
2600 Grand Ave., Suite 450  
Des Moines, IA 50312  
mweinhardt@weinhardtllaw.com  
www.weinhardtllaw.com

---

---

---

---

---

---

---

---