

PRACTICE POINTERS

Client Selection: Picking the Right People

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This article has been part of the series “So You Want to Go Solo?” and was produced in conjunction with The Handle|BAR Incubator (HBI) program. Designed for attorneys with an entrepreneurial spirit who want to open a solo practice, serve low- and modest-means Nevadans, and learn the ropes of the business side of running a firm, HBI meets regularly to provide guidance and support. A new incubator class is launching in March 2022. If you would like to learn more or apply you can visit nvbar.org/incubator. The deadline for applications is January 31, 2022. You can also call Sheri Long, practice management director, at 702-317-1454 to get more information about the incubator.

Editor’s Note: This is part four of the series “So You Want to Go Solo.” The first two parts can be found in the September 2021 and October 2021 issues of Nevada Lawyer, while the third part can be found in the December 2021 issue.

Even if you’re just starting your practice and there’s not a single client in your contact list, you still don’t want to take every case that walks through the door. Sure, the client may be hiring you, but if you aren’t a little choosy, your office could start to feel like the “Pit of Despair.” Don’t settle for client interactions that suck years from your life; learn to spot red flags in potential clients and don’t be afraid to say no.

The first step to a successful attorney-client relationship is honesty. You may be tempted to sugarcoat the situation or overstate potential outcomes in an effort to better sell yourself. *Don’t*. There will come a time when your client is going to have to deal with the reality of their circumstances, and if he or she is blindsided when the judge gives the decision, you will experience 10 times the unpleasantness you would have faced by being frank from the start. You don’t want your client “sparing you details”—return the courtesy.

So, you’re being honest. What are you looking for in potential clients? It may vary from time to time, depending on how busy your firm is or how much drama you’re willing to stomach, but overall, remember this: when the case is closed, you want the payment in hand—and you

want that pay to have been worth it. You may have to fight the allegations, the court, or the system on behalf of your client—don’t add fighting your client to the mix. If a potential client can’t or won’t pay in advance, has an unrealistic outcome in mind, needs to be the smartest in the room, is seeking vengeance or fighting “for the principle of the thing” with a budget in mind, let them go. They don’t need an attorney—they need a dentist, because it will be like pulling teeth to get payment and satisfaction from them. Another thing to watch for: clients who have already hired and fired other counsel. You don’t want to become another casualty left in their wake.

Even if a potential client is pleasant, patient, and wealthy, you may have reasons not to take their case. This may seem an obvious question, but *do you have the expertise the case requires?* What are the stakes? Defending a murder allegation at trial isn’t a great way to “get your feet wet.” Know your limits. If you don’t feel comfortable with your experience level, look to assist more experienced counsel on similar matters before stepping out on your own.

Not personally knowing about everything entailed in the case doesn’t automatically mean you shouldn’t take a case, though. It is possible to hire consultants and experts—if you have the funding. Be clear and upfront about the need for such resources, and make sure your client knows it will be their responsibility to hire and pay the expert or consultant for services.

Before you put a ring on it, make sure you don’t have any conflicts of interest with the case. Many case management programs have a system for conflict checking. If yours doesn’t, you need to keep some sort of a searchable spreadsheet of clients, co-defendants, victims, adversaries, etc. so that you don’t have to rely on your memory to know

if you have a conflict. The more thorough your conflict-checking system is, the less time you spend digging into cases you later realize you can't take.

A quick note to the people-pleasers out there: practice turning down cases in a polite, but firm way. You're going to want to help everyone, but remember that overworking yourself will make you less helpful to those who need you most—your family, friends, and those clients who can actually pay you. Don't be a Scrooge, but remember that without money coming in, you won't be able to help anyone.

When you need to turn away potential clients, you can take certain steps to ease your mind and keep a positive image:

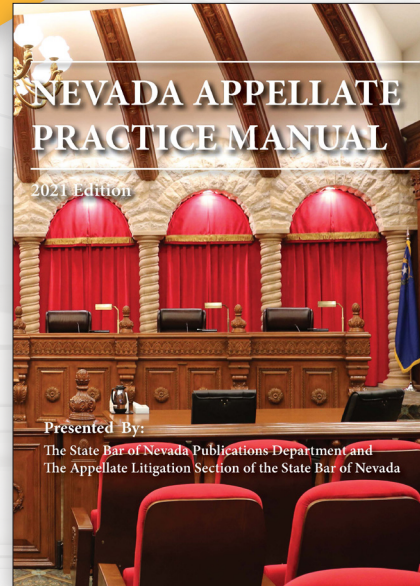
1. Be clear and quick. Don't keep them hoping that maybe you can take the case if you know can't. Let them move on and find someone who *can* represent them.
2. You don't have to give a reason, but if you would like one, try "I'm so sorry. With everything I've got on my plate, I just don't feel I would be able to dedicate the time and attention your case deserves." This helps them feel valued and helps them understand that they want an attorney that can dedicate the appropriate time.
3. Offer referrals and contact information for attorneys who may be able to take the case. Cultivating positive feelings for your firm helps to ensure that you'll always have clients when you want them.

Your clients' perspectives of you are shaped before the retainer is signed, and one of the most important steps in a case is deciding whether or not to take it. Be kind to yourself and your client by avoiding taking cases you aren't equipped to handle, clients who can't pay, and unnecessary drama. Get back to potential clients as soon as you're able and be clear about expectations and realities, and whether you can take the case or not.

SHAIN MANUELE is the State Bar of Nevada's practice management advisor in the Handle|BAR program.



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