

Professional Fees: Is your client properly informed?

The number of professional liability claims that arise at the time of the collection of fees is truly surprising. Clients often deny that they owe any fees whatsoever, arguing, rightly or wrongly, that there has been professional malpractice. Fees are therefore a source of major conflicts between lawyers and their clients.

A lawsuit for the recovery of fees is therefore not without risks. Given the growing number of complaints about lawyers' fees, a preventive approach should be adopted in accordance with your professional and ethical obligations, in order to avoid that the client becomes an ex-client.

Here are some suggestions:

TO REMEMBER:

- Learn to identify and decline potential clients who do not have the capacity to pay for your professional services;
- Provide clients with a realistic estimate of the approximate cost of services;
- Before and during a mandate, make sure that the client has all the useful information about the nature of the services to be provided and the financial arrangements relating to the mandate;
- Detail the mandate in writing;
- Have a fee agreement signed and request an advance based on your cost estimate;
- Notify the client immediately in the event of a marked discrepancy between the initial assessment and the actual cost of services;
- Communicate regularly with the client, ideally in writing;
- Send your bill to the client periodically;
- Establish a system by which you will be quickly notified of accounts receivable;
- When an account is unpaid, contact the client promptly to find out why he/she refuses or neglects to pay;
- After communicating with the client: act! If the client is not satisfied with the services provided or does not have the capacity to pay, consider ceasing to represent him/her, making sure you respect the relevant provisions of the Code of Civil Procedure and the Code of Ethics;
- Being aware of the risk that you might be subject to a counterclaim, ask yourself if it is worth taking a lawsuit for the recovery of fees.