
Retaining files

Posted by Samantha - 2007/02/04 14:18

I have a client that has not paid my invoices for legal services, but wants me to release his permanent file to him. I'm sure other attorneys have had this problem before. I believe that the attorney work product is mine, but the executed client signed documents are the client's. The problem is that if I release the file to the client, then the client will never pay me for my services. I'm happy to get rid of the client, but i just want to get paid. Any recommendations?

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Re:Retaining files

Posted by Jackie - 2007/02/04 23:53

I believe the rules of professional conduct addresses work product and who's entitled to what. But I would take the position that the client doesn't own anything because he/she hasn't paid for it yet. Also, did you have them sign an engagement letter? If this wasn't addressed in the letter, then you may want to revise it to avoid this situation in the future.

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Re:Retaining files

Posted by Tomas P. - 2007/02/05 13:43

I believe that the attorney can keep his work product and not release it until payment is received, but the rest of the client's personal file is the property of the client (assuming the client already paid for it). If the client doesnt pay for legal services then the attorney can file suit against his/her client. I realize this is unpopular, but this maybe the only option to recover fees for legal services rendered.

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Re:Retaining files

Posted by Samantha - 2007/03/03 15:46

Tomas and Jackie;

Thanks for the advice, after calling and discussing with the State Bar, they agree that the permanent file is mine and that i will need to sue my client for attorney fees.

Its hard to get all the money upfront, as you need to trust the client sometimes.

I will update my engagement letter state that the permanent file is my property.

Thanks again.

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