

HARVEST HARPER

INITIAL CLIENT INTERVIEWING EXERCISE

Instructions for the Attorney

You are a senior associate at a very well-regarded plaintiff's law firm of Teller Bates. You were an excellent law student and took a job as an Assistant District Attorney after graduation to get trial experience right away. Always committed to plaintiff's side work, you made a lateral move three years ago to Teller Bates, which handles a mix of personal injury and employment work. You have a growing reputation as a talented young trial attorney and are pleased to receive referrals from law school classmates (even on the defense side).

Last week, you received a call from a classmate married to the owner of a local restaurant. She explained that one of her husband's employees had been injured at the local Harvest Plenty grocery store, and that she had given the employee your name. That afternoon, your assistant took the call from the employee, Jan Hapless, and set up an initial client interview.

You know that Harvest Plenty is an upscale health food grocery chain, with many stores in the region. Indeed, they may be a national corporation. You live on the other side of town from their local store, so you have never shopped there. You have done a conflict check. Neither you nor your law firm has any known conflicts that would prohibit your taking this case against Harvest Plenty.

If Jan decides to retain you as counsel and you decide to take Jan's case, you anticipate that it would be on a contingency fee. Your normal practice (and that of your firm) is to charge a 33% contingency fee, after deduction of out-of-pocket expenses. In most cases, depending upon the nature of experts required and retained, out-of-pocket expenses run between \$2,500 and \$5,000, some attributable to filing fees, court costs, and deposition transcripts and a larger proportion for expert fees. Your retention under a contingency fee would cover your legal services up to and including trial, but not in the event of an appeal.

If Jan wanted to pay you for your time, instead of on a contingency basis, your normal hourly charge is \$200 per hour. It is difficult to say how many hours would be involved, typically four hours or so to draft a complaint and answer, a few hours in document discover, at least two or three days in deposition.

Prepare for your initial interview with Jan Hapless.