
BOXALL BATTLES

PHASE 2- POST INITIAL INTERVIEW

Information for Dianne Nelson's Lawyer

At the close of your initial interview with Dianne Nelson, she agreed to retain you as counsel for dealings with her brother, BoxAll, and the real estate held in the Nelson Family Trust. She agreed to pay for your time at your normal hourly rate, to be billed promptly and periodically against a \$10,000 retainer.

You see your client's longtime grudges against her father and brother as understandable, whether or not reasonable. One really can't judge another family's dynamics. It's entirely possible her brother Keith is as difficult as she described him.

When she pressed you for strategic advice, you explained it was important to have a signed retention letter first, and you wanted to think through strategic options. You said you would need to see some key documents and promised to attach a list to the retention letter.

You asked if her brother had retained separate counsel, but she didn't know. She gave you the name of BoxAll's corporate counsel – an attorney in a well-regarded local law firm.

Consider the following questions:

- 1) Draft a retention letter to your new client. Assuming you would attach it to an email as a pdf in the first instance, also draft the text of the cover email.
- 2) Create a list of the types of documents you would ask your client to gather and provide to you, if possible. This list would be attached to the client retention letter.
- 3) Assuming the documents she provides back up her story, would you contact BoxAll's counsel about this matter – at least to learn whether Keith Nelson had retained separate counsel? If Keith Nelson does have (or gets) separate counsel, would you contact them? How would you approach any dealings with this attorney?
- 4) What are your thoughts about the Nelson matriarch? Your client seemed to assume that her and her mother's interests are aligned because of their close relationship. But is that true? Her mother may already have a lawyer – the one who created her will and the Trust documents. What are your concerns about your client's mother and how should you address them?

Of course, your initial strategic advice will depend on documents provided and on what you learn from initial contact with Keith Nelson's attorney.

Nevertheless, you anticipate that as soon as Ms. Nelson signs and returns the retention letter, she will press you about: *What are we going to DO? How can we stop my brother from getting away with anything and everything?*

What are your thoughts about next steps? What's the best way to communicate them to your client?