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## HEARTACHES INTERVIEW

### Confidential Information for Randy Keene, Esq. Keene & Fritz, LLC

You are one of the founding partners of Keene & Fritz, a boutique, ten-lawyer firm specializing in employment law. The firm is financially sound. You work primarily on contingency fees, at the traditional rate of 33%, and usually obtain favorable settlements or jury verdicts. While you or one of your partners occasionally have to absorb the zero-dollar fee resulting from an adverse finding, the gains from successful cases more than compensate. After all, as plaintiff's counsel, you have to be willing to take a risk. Fortunately, you are usually able to persuade clients to follow your advice as to whether it would be better to settle or to risk trial in a particular case.

You also generally offer clients the opportunity to pay you on an hourly basis at the rate of \$200 per hour, instead of on a contingency fee. The hourly rate is often charged when the client does not wish to file suit (at least not yet), but merely seeks your legal analysis and advice, and/or a bit of correspondence or communication with the employer, on their behalf. You will insist on an hourly rate contract when a client's case is very shaky, not worth the trial investment and risk, but the client still wants you to undertake representation.

You offer clients a short, initial consultation without charge, in which you learn their basic legal problem. Both of you then determine whether you would like to work together.

If the client decides to retain you as counsel, you provide them with a written fee agreement and ask for their signature. You then undertake a more comprehensive and detailed interview, in which you gather all necessary information with which to analyze the claim, to understand the client's interests, and to further build client rapport. After the interview, you do any necessary legal research and think through available options. You then meet with the client again, to review your findings, explain the legal issues and their implications, and discuss various options with the client.

You understand that your next appointment is an initial client consultation with B.J. Stanton, a nurse at Farmington Hospital. You don't know what the nature of B.J.'s problem is, but you will surely find out.

Conduct an initial client consultation session with B.J. Stanton. If it is going well, you may undertake the more complete interview.

Based upon the information you learn in the consultation session and the interview, do any necessary research to identify the legal issues, and consider what options are available to B.J.