

5 Tips For Lawyers Representing Lawyers

By **Keith Goldberg**

Law360, New York (June 05, 2013, 6:56 PM ET) -- The old legal saw goes: "The person who represents himself has a fool for a client." That includes the person who's in the business of representation.

Whether it's a malpractice suit brought by a disgruntled client or a nasty partnership dispute roiling a law firm, even the most successful attorneys need a good lawyer sometimes. But it isn't always easy for someone who gives legal advice for a living to receive it.

"Lawyers are so used to analyzing things objectively for their clients that it's sometimes hard for them to recognize that they're not being objective in their analysis of their dispute," said [Thompson Hine LLP](#) partner Simon Miller, who focuses his practice on partnership disputes.

That's the job of the attorneys they hire to represent them.

"We're an ego-driven profession, and you have to try to put ego aside and be as objective as you can and [go with] what you think will work and what won't work," said Leslie Corwin of [Greenberg Traurig LLP](#), a partnership law expert who frequently handles firm ruptures and partner-firm contract disputes.

Here, attorneys who represent their fellow lawyers offer Law360 five tips for maintaining a healthy client relationship with a legal peer.

Accept More Client Input

Lawyers who represent lawyers will be dealing with clients who are likely as knowledgeable of the law as they are and won't be afraid to speak up, experts say.

"If you're representing a lawyer, you have a highly sophisticated client and you have a client who is going to want to be very involved in the representation," said [Polsinelli PC](#) shareholder Stacy Carpenter, who frequently represents attorneys in malpractice cases. "This is a client that is going to have substantive input on case strategy that you don't always get from lay clients."

That means attorneys representing lawyers should expect to be second-guessed — and overruled — by their clients when it comes to legal strategy choices. However, experts say that the clients' advanced legal knowledge can also be an asset, and that attorneys shouldn't be afraid to bounce legal ideas or strategies off of them.

"You really want to view your client as a member of your legal team," Carpenter said. "In a malpractice case, that can be really helpful, because nobody knows more about that underlying case than them."

Still, Stand Your Ground

It's one thing to accept a higher level of scrutiny from an attorney client, but if you allow yourself to be constantly second-guessed, it's a surefire way to doom the relationship, experts say.

"The biggest pitfall is not establishing from the onset of the relationship that you are the lawyer in the case and the lawyer client is the client, not the lawyer," said [Much Shelist PC](#) principal Marty O'Hara, who represents lawyers and other professionals in malpractice cases.

Corwin said some attorney clients have provided initial drafts of briefs, or sketch memos that outline how they want their case handled. But that's as far as it can go, he said.

"The bottom line is: I'm putting my name on it, so the final work product has to be mine," Corwin said.

Remember, if attorney clients didn't need legal advice, they wouldn't hire an attorney in the first place, experts say.

"Usually, if [lawyers] come for help, they have identified an issue that needs to be addressed but are also aware of their own limitations in knowing how to deal with the matter most appropriately," said [Hinshaw & Culbertson LLP](#) partner Anthony Davis, who counsels lawyers and law firms on legal ethics issues.

Provide Deeper Legal Answers

While nonlawyer clients will ask attorneys why they've chosen a particular legal strategy, they generally don't demand the same level of detail as a lawyer client, experts say.

"The analysis that has to be provided oftentimes goes a little bit deeper, or is a little more legalized than when you're dealing with a lay client," O'Hara said. "Your analysis has to be sharper and more in depth in order to satisfy what the client wants to know or satisfy the client's needs and expectations."

And because lawyer clients have a firm grasp of the law, they're going to challenge that analysis and decision-making in a completely different way than lay clients, experts say.

"Once you have a strategy, you'd better be prepared to answer questions from clients who can really drill you," Carpenter said. "Your advice has to be substantive — you're not going to tell them the high-level things you'd tell a lay client."

Don't Assume You Know Your Client's Business

Having a firm grasp of your client's business is key to any successful attorney-client relationship. While lawyers and their attorney clients may both practice law, all law practices are not alike,

experts say.

"Don't necessarily assume that because they're a lawyer that you automatically understand their business," Miller said. "I always have to remind myself that a law firm is a business, like any other professional business."

Attorneys must account for their clients' practices — personal injury lawyers will have different approaches than corporate attorneys, he said. In matters such as partner-firm disputes, attorneys need to have a thorough understanding of the firm's business structure, according to Corwin.

"A lot of issues are contractual — you're dealing with fiduciary obligations and the like," Corwin said. "Most law firms nowadays are LLPs and PCs. Be aware of what the rules are [for those entities] and what that means [for your case]."

Prepare for High Standards in Court

Getting clients to turn over documents and other records is crucial when crafting a legal defense, but experts say it's especially vital when the defendant is an attorney.

"All professionals, especially attorneys, are held to a high standard where, frankly, judges and juries aren't inclined to take your word for it," Carpenter said.

Not only is having a complete case file key to satisfy judges and juries in malpractice cases and other disputes, but it also puts attorneys in a much better position to evaluate their client's case as well as justify their evaluation, she added.

"In any battle between a lawyer and a client, the client goes in with a couple of touchdowns on the board in his or her favor," said Charles Luce Jr. of Denver-based [Moye White LLP](#), who advises attorneys and law firms and blogs about legal ethics and the practice of law. "If the lawyer doesn't have decent detailed records, either through the records filed electronically or time and billing records, you need to get out in front and anticipate the paths of attack."

--Editing by Elizabeth Bowen and Chris Yates.

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