What to Do When Client Starts cc-ing You on E-mails?

Hello Sezzers,

I have a lovely client who comes to me now and again on business matters.

I have a retainer in my trust account specifically for this occasional work.

Client has started cc-ing me on e-mails, without a heads up in advance.

What am I supposed to do with these? This is not a follow up from previous work, but a truly out of the blue cc where client is e-mailing someone and just cc's me on the response.

On a related note, does anyone have a nice way of telling the client to knock it off?

If you can bill for your time looking at these emails, what's the problem?

If you can't or aren't sure, you can clarify with your client. Something

like: "I am happy to look at anything you send my way, but be aware that it does involve billable time. I leave it up to you to decide what and when you want to send me emails/other correspondence."

Robert Weiss

Bill ‘em for reviewing the email.

Randy Birch, Utah

Why guess? Email the client asking for clarification on what assistance the client is seeking. Then you can follow up as appropriate. I'd bill, but no charge that email and bill on subsequent ones.

Clients frequently think emails are no big deal. Go back and count the number of emails you received or sent on a specific day and use those figures in conveying to the client that together emails in your practice are time intensive and that they really multiply over time. I find time spent educating client is time well spent.

Of course, YMMV.

Deb Matthews, Virginia

This is in my engagement agreement:

Sweeney Law Firm will bill you at the rate of $XXX per hour based on actual hours (or fractional parts thereof) worked. Paralegal time is billed at the rate of $XXX per hour. The minimum billing unit is 0.1 hours but it is not generally our practice to bill for every brief, incidental telephone call or other contacts, such as electronic mail, unless they become commonplace or otherwise unduly burdensome. Please take note, however, that electronic mail despite being a convenient form of communication can also create tension between attorneys and clients with respect to our firm's billing practices.

It is not uncommon for the attorneys of this law firm to receive several dozen electronic communications (emails and texts) per day. As such, the attorneys of the firm (and our staff) spend a great deal of time reviewing and responding to clients' email inquiries and recording such time in conformance with Sweeney Law Firm's billing practices. Electronic messages from our clients are welcomed but email should be used judiciously in order to avoid "sticker shock" when you receive your invoice for our professional services.

Michael Sweeney

Deb has it exactly right. The client is probably cc-ing you to let the other party know that the client's "big, bad attorney" is waiting in the wings, so s/he is using your status as an attorney for their benefit. If it were me, I'd let the client know that you're happy to review the emails, ask if there's anything the client wants you to do, but also let the client know that you're going to have to

charge for your time. Don't bill for the warning email, but do bill for subsequent email reading.

My guess is one of two things will happen...either the client will do nothing in response, and you can bill your time reading subsequent emails, or the client will stop cc-ing you.

YMMV.

Scott I. Barer, California

I think this is about more than billing for your time to review an email.

He doesn't care if you review. I don't think he's seeking anything other than what he is already getting out of using your name. He is using the threat of you in his presentation of himself and in his negotiations.

He is presenting you all as a team; he comes with a lawyer. Period. That alone implies a lot and might even be intimidating to the recipient. Your presence validates everything he says as if you've already agreed with the contents of the email.

Do you mind him using you that way? If you do, I think you should tell him it is inappropriate for him to misrepresent the situation and imply that

you are representing him on matters that you are not. Now, if he wants to

pay a small retainer so you can be Of Counsel or something, then you are willing to work out terms that would include a review of the emails.

Another question for me is - is the value that your name adds to the email worth something to you? He's using you, to gain an advantage. Should he pay for just that privilege? I think that is the first question. If the answer to that is yes - proceed accordingly.

If the answer is no, then I think I would still tell him it is inappropriate to misrepresent the relationship. If something comes up and you cc me because you are intending to follow-up w/ a question, or because you think you might need to retain me on the matter - that is fine, but you can not just use my name on your correspondence on matters wherein I am not involved.

It just occurred to me while typing this that if anything happened in any of those situations - you would be called or emailed. The other party would most certainly hire an attorney (if he didn't have one), thinking your guy already has one. The email recipient would give their atty the emails and that atty would call you, thinking you are already the atty for that matter.

my two cents

Misty Wilks, Maryland

I would be concerned about conflicts. What if you get CC'd on something where you represent the other party in another matter?

That is how I would approach it with the client as well. "I appreciate your confidence in me, but I always need to be careful about my ethical obligations. If you cc me on something and I already represent the other party in another matter, you could force me to withdraw from representing either of you. I would hate to lose you as a client over something that we could take care of in five minutes if you check with me first!"

Good luck!

Kelcey Patrick-Ferree, Iowa