Client Screening Checklist

Proper client screening is one of the most effective ways to reduce the risk of malpractice claims. The purpose of screening is to filter out high-risk clients, who are more likely to bring an unmerited malpractice claim against lawyers or otherwise make your practice unenjoyable. Use the following questions to help you identify red flags.

- ☐ What are the client's expectations (with both the outcome and time involved)?
- ☐ Are they reasonable? (Answer "no" is red flag.)
- ☐ If expectations are not reasonable, is this client able to adjust his/her expectations to make them reasonable? (Answer "no" is red flag.)
- ☐ Has the client show himself/herself to be dishonest or to lack integrity? (Answer "yes" is red flag.)
- ☐ Has the client indicated that s/he will be difficult to control as a witness? (Answer "yes" is red flag.)
- ☐ Does the client indicate difficulty or unwillingness to pay or express financial hardship? (Answer "yes" is red flag.)
- ☐ Has the client retained prior attorneys in the same matter? (Answer "yes" is red flag.)
- ☐ If so, why did the previous attorney-client relationship end? (PC's unwilling to explain is red flag.)
- ☐ Has the client made claims or grievance complaints against any prior attorneys? (Answer "yes" is red flag.)

Case Screening Checklist

Besides screening clients, it's also important to assess the case to ensure you can provide competent representation. Use these questions to help you screen cases.

- ☐ Does this case fall outside of the type of cases you normally accept? (Answer "yes" is red flag.)
- ☐ Do you have or can you acquire the requisite skill and knowledge to take on the case? (Answer "no" is red flag.)
- ☐ Do you have the time and resources necessary to be thorough and prepared for this case? (Answer "no" is red flag.)
- ☐ Do you have a mentor or an experienced lawyer whom you can seek advice and guidance on this case? (Answer "no" is red flag.)

What to do if Red Flags are Raised

- If a red flag is raised, put extra effort into evaluating the client by asking follow-up questions.
- If many red flags are going off, decline that client and send that person a nonengagement letter.