

Your Guide to:

FIRING

YOUR LAWYER

Even if you
really think it's a
good idea...it's
usually not!

SO, YOU ARE THINKING ABOUT FIRING YOUR LAWYER...

About three times a week we get a call from someone who has a pending personal injury claim. They have hired an attorney but they feel something just isn't right. So, they want to fire their lawyer and usually have the following questions:

- (1) Can I consult with another attorney before firing my current lawyer?
- (2) Since the case isn't over yet, does that mean my lawyer can't charge me anything?
- (3) Can I get the insurance company to just pay me the settlement and I'll decide when to pay the lawyer?
- (4) What's so bad about that, I'm still going to fire my lawyer?
- (5) What if I have a really good reason to fire my lawyer, does he still get paid?
- (6) Are there any conditions upon which a lawyer can't be fired?
- (7) Whose client am I if my lawyer leaves his firm?



Law Office of Tyson Mutrux
1 S. Memorial Drive, 11th Floor
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QUESTION #1

Can I consult with another attorney before firing my current lawyer?



ANSWER: You have the absolute right to consult with another attorney before deciding whether to fire your lawyer, but...

The Missouri state Bar has clearly stated that it is completely fine for you to consult with another attorney when considering firing your current attorney.

In fact, we recommend consulting with another attorney before you fire your lawyer.

Why?

Because we have found that most clients don't really have a good reason to fire their lawyer! The advice we usually give is to go back and make an appointment with your lawyer and get whatever it is that is bugging you about that lawyer's representation off your chest.

Frankly, most client-attorney dissatisfaction comes from a lack of communication. Maybe goals for the case were not adequately discussed at the

beginning of the representation. Maybe you think that because your lawyer has not communicated with you, nothing is going on.

(There is usually a lot actually going on. Legal cases don't tend to get resolved overnight!)

"Our clear recommendation: try to work out your concerns with your lawyer first."

Remember that even though you have a right to consult with another lawyer while you are currently represented, the new lawyer is ethically prohibited from taking any action whatsoever in your case until the old lawyer is discharged, withdraws, or agrees to a joint representation agreement.

Our clear recommendation: try to work out your concerns with your lawyer first.

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WHAT YOUR ATTORNEY SHOULD BE ABLE TO EXPECT FROM YOU	TRUTHFULNESS	PUNCTUALITY	PROMPT PAYMENT	CONSTANT FEEDBACK
	Your lawyer can't properly represent you without your full honesty about the case.	If your you're told to be somewhere at a certain time, be there!	Would you rather have your attorney working on your case or chasing you for money?	Let your attorney know if you don't agree with the direction of your case.

QUESTION #2

Since the case isn't over yet, does that mean my lawyer can't charge me anything?



ANSWER: No.

Your lawyer wants you to be pleased with the services provided, but she also expects to be paid for those services. Like it or not, we don't work for free.

The law is clear that if you fire your lawyer, and the lawyer has not done anything wrong, then your lawyer is entitled to be paid based on the value of the services provided.

This usually means you have to calculate how many hours the lawyer worked on your case, then multiply that by the billable hourly rate to

determine the value of the lawyer's work.

For contingency fee cases, your lawyer may be able to place a lien on your case based upon the offer you have at the time you fire him. For example, if you have a \$10,000 offer and the fee agreement is 1/3, then the attorney could

place a lien on your case for \$3,333.33, plus expenses

Regardless of hourly or contingency fees, you will also owe the for any expenses advanced on your behalf.

Your lawyer expects to be paid for the services provided.

WARNING!!!

- If you change lawyers, it will almost always delay your case. The new lawyer will want to ask the judge for a continuance (extension), in order to digest all the information in the case and undertake tasks that the old lawyer didn't do.
- Most fee agreements state that the fee is non-refundable.
- If you've got a public defender whom you don't like, it can be difficult to get a different court-appointed lawyer.

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WHAT YOU SHOULD EXPECT FROM YOUR ATTORNEY	HONESTY	CONFIDENTIALITY	COMPETENCE	DILIGENCE
	Your lawyer has a duty to be honest with you about your case, even when the truth hurts.	Everything you tell your lawyer should be kept in strict confidence.	Your lawyer must not accept any money for legal tasks he is not competent to perform.	Your case must be actively pursued by your attorney, not collecting dust on a shelf.



INSIDE LOOK



Practice Focus

Tyson specializes in DWI/
DUI defense, criminal
defense, and personal
injury cases.

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QUESTION #3

Can I get the insurance company to just pay me the settlement and I'll decide when to pay the lawyer?

ANSWER: Fat Chance (this means no).

Without a doubt, the attorney is going to place a lien on your case if she has put a lot of work into the case. Like it or not, the insurance company **MUST** honor this lien by law.

This means that if the insurance company pays you without paying the lawyer's lien, it might have to pay the lawyer directly out of its own pocket. As you can imagine, insurance companies don't like doing this.

QUESTION #4

What's so bad about that, I'm still going to fire my lawyer?

ANSWER: Because you better ask your lawyer how much you're going to owe if you fire him.

Folks call us and say they can't possibly owe the attorney much; the lawyer hasn't done anything on the case. You still better ask. It's usually not true that the lawyer has not done anything. In fact, at the beginning of a personal injury case, there is usually a flurry of activity, including requesting, obtaining and reviewing medical records, talking to witnesses and the like.

This is why we recommend talking to the lawyer first. It all may be just a communication issue. Besides, the second lawyer is not obligated to reduce his fee just because you are firing your first lawyer. You may end up paying a ton of money to two lawyers when you really don't need to.

QUESTION #5

What if I have a really good reason to fire my lawyer, does he still get paid?



ANSWER: Maybe not. Depending on the case, he may end up owing you money.

There are many reasons you could fire your attorney for cause, but to prevent the attorney from getting paid, the accusations would have to be pretty serious. An example might be that your lawyer really didn't do any work on your case. Or, even worse, the attorney may have blown the statute of limitations. If the latter is the situation, and it is a personal injury case, he or his malpractice carrier may owe you for what you could have recovered from the negligent party.

QUESTION #6

Are there any conditions upon which a lawyer can't be fired?

ANSWER: Not really. You have an absolute right to fire your attorney.

The only caveat, however, is that if a lawyer has entered an appearance for you in a lawsuit, he can only be released from that lawsuit by court order. The judge has to agree. It is conceivable, for example, that if you wanted to fire your lawyer in the middle of trial (or even shortly before trial), a judge might not allow your lawyer to withdraw or be released from the case.

QUESTION #7

Whose client am I if my lawyer leaves his firm?

ANSWER: You can choose whichever attorney you want. Period.

Clients in no way "belong" to a particular attorney or to the firm. Clients retain the right at all times to fire and/or replace their attorney. Likewise, clients get to choose who will represent them in the future.

HOW TO AVOID HIRING THE WRONG LAWYER

Quick tips for avoiding having to fire your lawyer

TIP #1: Call the attorney's office.

To get a good "feel" for a lawyer, call the office and ask for any books or white papers they have written. Most lawyers will gladly send you their new client information package.

TIP #2: Find a law firm that specializes in your specific issue.

It's important that a client find an attorney who has dealt with the specific issues related to your case. You wouldn't hire a chiropractor to fix your sore tooth, would you?

TIP #3: Get referrals or recommendations from friends.

Friends and family are the perfect place to get referrals. If you have used an attorney in the past for a will or for some other reason, ask them for a referral.

TIP #4: Do your research — beyond the ads.

No attorney looks bad on their website or on ads. While some upstanding, reliable attorneys fork over big bucks for advertising blitzes, other reputable attorneys don't spend a dime on marketing. Consumers shouldn't make a decision simply based on clever advertising.

TIP #5: Make sure you know which attorney will oversee your case.

Oftentimes, the firm's lead attorney may not be handling many cases, particularly smaller ones. When it comes to trial, you want to make sure you have the lawyer of your choosing.

TIP #6: Interview the attorney.

Ask a lot of questions to find out if this attorney has the skills and experience that match your needs.

TIP #7: Ask whether the attorney leans toward settlements or trials.

You'll want to ask whether the lawyer tends to go to trial or settle cases out of

court. The very best attorneys are never afraid to go to trial.

TIP #8: Find out whether the attorney is a sole practitioner or has a large staff.

Some clients are more comfortable with larger firms, while others prefer a sole practitioner.

TIP #9: Inquire upfront about costs.

Most attorneys who handle personal injury cases do so on a contingency basis. This means the lawyer doesn't get paid unless the client wins. Still, some lawyers do ask for upfront costs for other types of cases.

TIP #10: Be leery of promises.

If an attorney is promising you the world, you might want to be skeptical.



LAW OFFICE OF
TYSON MUTRUX

Practice Areas

- Personal Injury
- DWI/DUI Defense
- Criminal Defense

Bar Licenses

- Missouri
- Illinois
- U.S. Federal Courts

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ABOUT TYSON MUTRUX

DWI/DUI, Criminal Defense, & Personal Injury Attorney

Tyson is currently an associate with Brown & Brown in St. Louis, Missouri. Tyson specializes in Personal Injury Litigation, Criminal law, and Traffic/DWI offenses.

Tyson's previous positions include clerkships with the St. Louis County Prosecutor's Office, the Hammer Law Firm, and Dunne, Koenig, & Green.

Tyson served one year on the executive board of the Bar Association of Metropolitan St. Louis Young Lawyers Division as a student chair. He also served as a Representative and as a Delegate to the American Bar Association. Tyson is a founding member of the Veterans Bar Association in St. Louis.

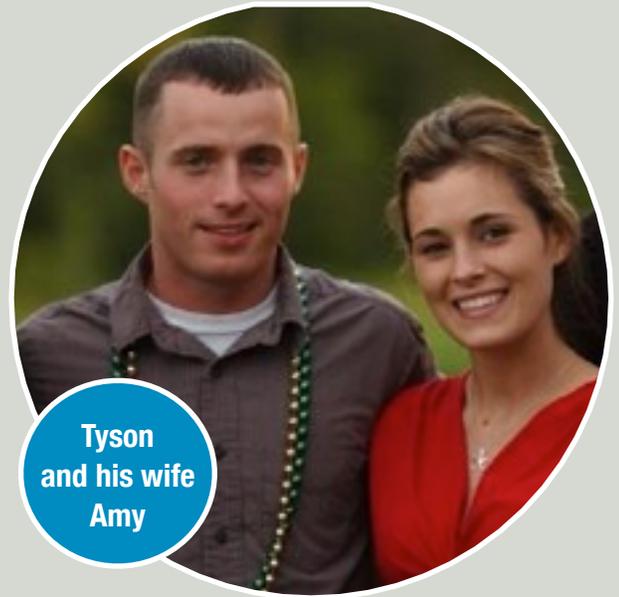
Tyson graduated magna cum laude from the University of Missouri with a Bachelors of Science in Business and an emphasis in Marketing. He later obtained his

Juris Doctorate from Saint Louis University School of Law. In law school, Tyson served on the executive board of the Student Bar Association and as a Senator for the University's Student Government Association.

Prior to attending the University of Missouri, Tyson served in the United States Army with the 7228th Medical Support Unit in Fort McCoy, Wisconsin. He later worked for State Farm Insurance as a Fire Claim Representative after obtaining his undergraduate degree.

Education

- J.D., Saint Louis University School of Law
- B.S., Business, University of Missouri



Tyson and his wife Amy

Employment

- Brown & Brown, Associate
- The Hammer Law Firm, Law Clerk
- St. Louis County Prosecutor's Office, Law Clerk
- Dunne, Koenig & Green, Law Clerk
- State Farm Insurance, Fire Claim Representative
- United States Army, Sergeant, Field Medic, EMT



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