

## **Know Your Client Rights**

On occasion, a potential client will visit our office for an initial consultation, and speak negatively about their previous experience, with a different attorney. For example, recently, I conducted a client's initial immigration case consultation. Fifteen minutes into our consultation, she became very upset as she described the actions of her previous attorney.

According to her, two months earlier, she hired a different attorney to assist her with an immigrant visa petition case. She paid him an initial down payment, but he never fully prepared the necessary applications and supporting documents. Over the next few weeks, that attorney refused to return her telephone calls, or meet with her, to discuss her case. Frustrated, she decided to end her business relationship with that attorney, and demanded her documents from that law office. But that office refused to give her a copy of her file, claiming that she still owed them more money according to their retainer agreement. Nevertheless, she could not continue her case with that firm. She now sought our help with the immigration case that her previous attorney did not complete.

On behalf of this client, our law firm spoke directly with the previous attorney and demanded her file from that office. We have since received a copy of her file from that office, and are handling her immigration matter. Fortunately, her case is salvageable, and we can still achieve the immigration goals sought by her and her family.

Most attorneys are ethical professionals, who competently handle cases, and effectively communicate with their clients. However, there are rare and unfortunate situations where an particular attorney and client do not work well together. During such instances, it is important for clients to understand their rights. Knowing your rights, and demanding the law firm that you hire respect those rights, is important to preserve a healthy attorney-client relationship.

Many states have rules and guidelines that determine a client's rights upon hiring an attorney. For example, below is New York State's list of client's rights:

1. You are entitled to be treated with courtesy and consideration at all times by your lawyer and the other lawyers and personnel in your lawyer's office.
2. You are entitled to an attorney capable of handling your legal matter competently and diligently, in accordance with the highest standards of the profession. If you are not satisfied with how your matter is being handled, you have the right to withdraw from the attorney-client relationship at any time.
3. You are entitled to your lawyer's independent professional judgment and undivided loyalty uncompromised by conflicts of interest.
4. You are entitled to be charged a reasonable fee and to have your lawyer explain at the outset how the fee will be computed and the manner and frequency of billing. You are entitled to request and receive a written itemized bill from your attorney at reasonable intervals. You may refuse to enter into any fee arrangement that you find unsatisfactory.

5. You are entitled to have your questions and concerns addressed in a prompt manner and to have your telephone calls returned promptly.

6. You are entitled to be kept informed as to the status of your matter and to request and receive copies of papers. You are entitled to sufficient information to allow you to participate meaningfully in the development of your matter.

7. You are entitled to have your legitimate objections respected by your attorney, including whether or not to settle your matter.

8. You have the right to privacy in your dealings with your lawyer and to have your secrets and confidences preserved to the extent permitted by law.

9. You are entitled to have your attorney conduct himself or herself ethically in accordance with the Code of Professional Responsibility.

10. You may not be refused representation on the basis of race, creed, color, religion, sex, sexual orientation, age, national origin or disability.

Your rights as a client are important. More importantly, your attorney should respect these rights. If you experience problems with a law firm's service, you should raise your issues with the attorney handling your case. Most likely, your attorney will recognize your importance as a law firm client, and do his best to solve any problems. Know your rights and expect professional service.

*Atty. Rio M. Guerrero is the managing partner of The Guerrero Law Firm. During his many years of legal practice, Atty. Guerrero has served as an immigration legal expert witness in the New Jersey State court system, taught complex immigration law at the City University of New York, and represented thousands of clients in a wide range of immigration and nationality matters. You may contact Atty. Guerrero directly at (212) 481-2744 or e-mail him at [rio@guerrerolawfirm.com](mailto:rio@guerrerolawfirm.com). The above information is not, nor intended to be, legal advice. Nothing within this publication creates an attorney-client relationship with the reader. Applicability of the legal principles discussed above differs upon individual facts and circumstances.*