

Answering the Call — an Attorney's Duty

At 7:00 on a recent Tuesday evening, I went to a fundraiser for my former high school. I was recently put on the board and flattered by the appointment. Admittedly, I'm trying to get a discount for my children to attend when they're old enough. And who knows where that next huge case will come from... With young boys at three and five, I don't socialize much, so I was thrilled to be around grown-ups, not watching Paw Patrol or eating sloppy joes. If you want to find me after hours, I'm probably trying to 'unchocolfy' furniture, with varying degrees of success. I was excited to discuss downtown developments and recount high school memories. Stress had been high, and this was how I could recharge. Evidenced by a soiled button down, I saw the food bar and devoured way too many caramel brownies as I enjoyed myself.

As I caught up with old acquaintances, enjoying myself, my phone rings. I hit ignore. It rings over and over again... Randy. All I think is "freaking Randy..." I am immediately annoyed. I just spoke to this contingent fee client for nearly two hours. He knows there will be no case developments for months. I represent him for a contested wreck of limited value. He knows depositions are not set until mid-winter. Nothing in his case is urgent. I step out to see what his perceived emergency is. He wants to know how to endorse a disability check to his ex-wife. All I can think is, "that's why I'm pulled out of an event I've been looking forward to?!" I tell him I'll call in an hour to discuss this. In the meantime, I'm stewing... I'm his lawyer, not his banker. I don't represent him for this, why is he bothering me about that?

Time to check myself. Randy is a good man. He was hurt in an out of county wreck that required him to be airlifted to Louisville. He is in his late forties and disabled. His income is limited to social security. He has a seventh-grade education and no experience with the legal system. He has no experience with finance or banking. He doesn't know how to navigate complex social systems, and he has a lawyer. And my cell number. Of course he calls me. I have answers. He hired me to help him. I'm his problem solver. And frankly, I like Randy. Of course, I helped him, albeit an hour later.

Our practices are busy. Most of us have busy family lives and multiple non-profit engagements. We're pulled in a thousand different directions. But we've got to remember one of the very first rules of professional conduct is prompt communicate with our clients. Last I looked, the number one bar complaint against lawyers are claims that they do not promptly communicating with clients.

Obviously, there are needy clients and then there are *really* needy clients. We have the duty nonetheless. Many of our clients are completely unfamiliar with the legal system. More importantly, their case is likely the most important thing going on in their lives or that has ever happened to them. It is probably the source of their largest stress. They probably have very real and desperate liberty, financial, business or family issues. They probably can't sleep or focus because of these issues. They wouldn't have hired us and agreed to pay us a bunch of money if they didn't need us. They are panicked. Something awful happened or is happening to them and they came to us to help. Of course, we always think about how much money we'll make on a case, but we need to earn it. We need to help, that's what lawyers do.

I have been an unwilling litigant myself. Years ago, I was sued in a legal malpractice case, wherein I merely served as local counsel in—ironically—a legal malpractice case. I freaked out when I got the complaint. I was unreasonably scared it would destroy my practice, reputation and financially ruin me. I was panicked. I couldn't sleep. Thank God for Mark Fenzel, Don Darby and Sam Wardle. I blew up a very patient Don Darby's phone. He talked me off the ledge. Fortunately this legal dream team got the matter resolved in a motion to dismiss without filing an Answer. Was it the spurious facts against me or the genius of these lawyers that got this dismissed? Who cares? In my opinion, they walk on water. Hopefully Randy will think the same of me... As long as I keep answering my phone.



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Bryan R. Armstrong
LBA President