

EXERCISE

Client Questions

The following exercise supplements Chapter 14 and is referred to on page 419 of the textbook.

Would you ask a client the following questions?

1. Can I see some identification?	Yes / No
2. Are you single and looking for a relationship?	Yes / No
3. How does that make you feel?	Yes / No
4. What date did that take place?	Yes / No
5. Was anyone else present at the time?	Yes / No
6. What is your weekly take home salary?	Yes / No
7. You know we'll win and get those idiots, don't you?!	Yes / No
8. Do you have a mental or physical illness?	Yes / No
9. Do you like to mix business with pleasure?	Yes / No
10. Can you give me the deeds to your house as security for my legal fees?	Yes / No

Notes for answers

- 1 Yes. It is important that you make sure you know who your client is, particularly if they are going to engage in contracts. You need to be sure, for example, if you have a couple before you who want to arrange a second mortgage, that you really have the husband and wife there, and not the husband and his lover pretending to be the wife!
- 2 No. Unless it was relevant to the case, such as in a case where an incident took place at a singles' party, to check that the motive of a client in attending a singles' event was to find a relationship, not to just stir up trouble.
- 3 Not usually. This is the sort of question a counsellor or therapist would ask. A lawyer is not qualified to act as a therapist, and should, especially given the hourly charge-out rates, keep focused on what needs to be established to make out the case, which will usually be dates, events, etc.
- 4 Yes. It is important to establish a time line and order of events with most cases.
- 5 Yes. This will identify if there are potential witnesses.
- 6 Usually no, unless there is an issue over paying child support payments out of a person's salary or something similar.
- 7 No. You do not have a crystal ball and cannot advise the client that you will win – you can only say that there is a strong prospect of success. Also, you should not be judging the other party as you feed into the emotions of the client.
- 8 Usually no, because clients have no obligation to disclose disabilities. If you need to know this information for the case, you should preface the request by explaining the importance of the information and that anything they tell you will be kept confidential unless they agree otherwise.
- 9 No. Unless it is directly related to the case, for example the case specifically is about a work-related affair.
- 10 No. This is not an appropriate form of security for costs. You should instead seek a sum of money to be held in trust on account of costs (your legal fees) and disbursements (payments the lawyer needs to make on your behalf, eg filing fees, expert reports, barrister fees, photocopying).