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November 6, 2015

Dear M:

In advance of our telephone conference later today about your fees, I decided to jot down some thoughts so that you can consider and address them when we speak. (I am, of course, not charging you for my almost two-hours doing so and, in the vein of practice management, I will likely convert this letter and your thoughts on it into an open letter to all future clients at some point in the future. There may be important lessons for others in your story.)

I start with some basics. I am committed to treating everyone fairly. My clients, my adversaries, the court and, importantly, myself.

I attach an itemized listing of all your charges. I invite you to review them carefully. If I've made a mistake, please bring it to my attention and I will correct it. If you did not want a particular service or you feel you did not receive value for your money, I invite you to discuss it with me. I will, of course, be fair.

I am also saddened by our current position. You know that I've been committed to get you out from under the oppressive \$30k debt the court determined you owe your ex-wife. It seems that after all the hard work we've done to develop a likely-successful "theory of the case" to get you out from under it, we'll only manage to replace your debt to her, with a similar debt to me or to the bank. While I've worked hard, given you value, and see that you've grown significantly during this process, it is hardly the result I was hoping to achieve for you.

We are, at this point, hopefully (but not assuredly) nearing the finish line. You've spent more in legal fees than you ever dreamed you would spend. Ironically, if you stop and walk away from it now, all the time, effort and money you've invested will have been in vain. What a position to be in! In an effort to learn from this and, possibly, share the lessons with others, I review how we got to this point.

You came to me several months ago. Despite my instructions, you came with some, but not all, of your documents—and incomplete copies of the documents you did have. I gave you some idea of how I would handle your matter. I told you, however, that the missing documents likely held

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the key to the ultimate strategy we would employ. I told you that presenting me with incomplete documents means that I will have to start over when you assembled the entire file. It prevented me from doing a full job at the outset and, therefore, will cost you more than if we did it right the first time. Because you were facing possible prison, I encouraged you to immediately obtain copies of the entire court file, retain me, and together develop a legal strategy. You paid me for the consult and returned home.

In the following weeks, I called and wrote you several times (though I don't usually call potential clients), reminding you of the urgency of your situation and the importance of leaving enough time to develop a cohesive, *winning* legal strategy. You ignored my encouragement and allowed the time to run.

Just one week before your next court date, you returned and retained me. You had not yet obtained your court file and therefore again came with incomplete documents. You instructed *me* to get your court files and said you were willing to incur the cost of having me do so.

I couldn't sleep that night, I was that worried about you. I tossed and turned all night long, thinking about your case and trying to come up with a strategy to save you from your impending incarceration. (Of course, I didn't charge you for the sleepless time.) At about 4 o'clock in the morning, I came up with a great idea. I was elated and excited and shared the idea with you the next day. Unfortunately, several days later you gave me additional information that negated my great idea, and returned me, once again, to a sleepless state. I had to develop yet another winning theory. Obviously, this came at a cost—financially for you, emotionally for me.

Moreover, though I sent a representative to the Courthouse, the clerks did not release the files to her (despite their prior telephone assurance that they would). I fired off letters of protest to the clerks and the District Administrative Judge. When the dust settled, I received the files (though belatedly and only after requiring an adjournment of your hearing), but it did take hours of my time, and I just got some of the important files yesterday. I gave you a courtesy credit for some of my time but even a lawyer's discounted time is expensive.

I spent a lot of time on your case, and we spent many hours together. We've done important work. I stayed late, skipped meals and neglected other areas of my life because your matter was more important to me. I went to sleep thinking about your case and woke up thinking about it. You told me that despite the seriousness and punitive nature of what you were facing, you "enjoyed" seeing how your case developed. We've become friends as well as an attorney and his client.

Time that I could have otherwise spent on billable work for other clients I spent on your case. Moreover, because I worried about the serious repercussions you were facing, I've been anxious almost every minute of these last two weeks. That means I'll need some down time after I finish working on your case.

You've now experienced two different kinds of lawyers: You've had a lawyer that takes your

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money and you become another client to them. They handle your case as they've handled the hundreds before you. As you told me of that other lawyer, "He wasn't interested in anything I had to say. He told me to plead guilty [though I knew I was innocent]."

Then there's me and how I handle your case. I treat you as important. I learn every aspect, detail and angle of your case. Instead of not-caring and not-listening to your insights about your case, I understand you and then recognize and point out angles that you had never even thought of. I tried to help you gain valuable insight into yourself so that you're a better witness and participant at trial and conferences. I tried to help you recognize the mannerisms that undercut and sabotage your credibility and effectiveness. I taught you how to develop a winning strategy that is honest and reflects your integrity. Unfortunately, all that hard work really is expensive.

So what could we have done differently for it to have been less expensive for you? We can't change who we are except through understanding and reflection, so I won't comment on our personalities or say that if we were someone other than who we are, life would've been cheaper. That would be as pointless as it would be useless. The two causes I do mention are: (a) incomplete files or information; and (b) allowing a lawyer to do something that you could have done yourself. You'll recall that I warned you repeatedly about them at the outset and throughout our little ordeal. Not because I'm particularly smart, but because I've seen the same items recur in countless cases.

You recall, I begged, pleaded and beseeched you to do as much as you can yourself so that you keep your fees as low as possible. I begged you to assemble a complete set of documents and come to me with them complete so that I can do my work once, do it right, and then put it down knowing it was ready for court. I wanted to obviate all the false starts and blind alleys that incomplete information invariably causes and all of the anxiety and stress of worrying about a client without the information necessary to develop a winning strategy. Even now, we are on the eve of your court date and I have still to get *your* final documents and I haven't yet reviewed the court files I received yesterday. You told me that you decided it was better for you to keep doing your work and to pay me and have me do all these things than to allow the lawsuit to distract you from your work.

So, if we get you out from under the child support debt and replace it with another approximately equal debt, have we won or lost? Has it all been worthwhile? What lessons have we or you learned? Do you agree with my analysis above? Do you have other items to add to the list? Knowing what you do now, what, if anything, would you have done differently.

I am very interested in hearing your thoughts and insights on this very important matter.

Your friend and counselor,

Chaim

Last Revised: 1/25/16