

AILA Fee Agreements Ethics Live Online Course

A representation agreement is the glue that holds the client-lawyer relationship together and dictates how both parties will work together. Without a carefully prepared and executed representation agreement, both parties are at risk. This interactive virtual immersive series will explore ways of drafting ethical and profitable representation agreements that instill the client with trust and confidence in your services, set a roadmap for the case, and protect all parties in the event of a disagreement. You don't have to be an ethics master or a contracts guru to craft an effective fee agreement. Join us every Friday for live, virtual one-hour sessions, where we discuss immigration law engagement agreements, dissect common clauses, and improve them.

This is a group learning opportunity, a safe place where we share openly about how we do business in order to improve. Connect with colleagues and learn from their mistakes and talents, as well as from faculty, Charity Anastasio, AILA Ethics and Practice Counsel.

What you will learn:

- The clauses every engagement agreement should have
- The clauses some agreements should have and when they apply
- How to achieve clarity in fees and costs clauses
- Making it your own, protective of the firm, *and* fair to the client
- Writing in a client-centric manner to get more clients (while not giving up the protections you need and want)

Course Outline:

Week 1: Friday, September 9, 2022, 1:00-2:00pm ET

- The ethics rules that govern what goes into an agreement and who has access to it
 - RPC 1.2, Scope of Representation and Allocation of Duties Between Client and Lawyer
 - RPC 1.4, Communication
 - RPC 1.6, Confidentiality
 - RPCs 1.7 and 1.9, Conflicts of Interest and Current and Past Clients
- The marketing aspect of a fee/engagement agreement
 - Conveying your processes and procedures
 - Conveying your expertise
 - Conveying your obligations to the client and the client's obligations to you
- The clauses every agreement should have
- Let's talk about organization and tone
 - Organizational template
 - Five different tones identified and compared

Homework:

- Rewrite scope of representation
- Write an outline for your agreement
- Identify your preferred tone

Week 2: Friday, September 16, 2022, 1:00-2:00pm ET

- Review homework and discuss questions
- Digging into the costs and fees clauses
 - RPC 1.5, Fees
 - RPC 1.15, Safekeeping Client Property
 - Most common problems with the money clauses
- The clauses some agreements need and when you need them
- Let's talk about dual representation

Homework:

- Read third-party payor article
- Read article on 12 fee fumbles
- Write/rewrite a dual representation clause in your tone

Week 3: Friday, September 23, 2022, 1:00-2:00pm ET

- Review homework and discuss questions
- Special state considerations
 - Maryland: Example of fee disputes through arbitration/mediation
 - Washington, California, and Colorado: Examples of flat fee points
 - Know your state! Know your state rules! Discussion of multi-jurisdictional practice
- Fee agreement maintenance
 - Understanding metadata and how to maintain your documents
 - When and how to rewrite
 - Addressing editing struggles
- Thinking about the end from the beginning
 - The “everything hit the fan” clauses
 - Fairness in withdrawal clauses

Homework:

- Write compelling duties clauses
- Write a choice of laws clause that makes sense for your firm and clients
- Write a withdrawal clause

Week 4: Friday, September 30, 2022, 1:00-2:00pm ET

- Review homework and discuss questions
- Special issues for immigration lawyers
 - Is it really flat fee? Or have you made it hybrid? What are the consequences of that?
 - Change of laws clauses
 - Cases that drag on past any expected date
 - Changing fees midstream
- Let's talk about second impressions
 - Making them want to hire you
 - Native language or English decisions