

How do I get my file back?

You should request a copy of your file from the attorney. The request can be in the form of a letter.

The attorney may charge you to make a copy of the file.

If the attorney charges you for copies, he or she may only charge the "reasonable costs" of such copying which are defined as the actual cost of copying, including staff time, paper and copy machine costs.

If you owe the attorney money it could complicate the process.

If you have a new attorney, he or she can request to view the file from your previous attorney.

Important Contact Information

**State Bar of New Mexico
Fee Arbitration Program**
Albuquerque (505) 797-6068
Statewide (800) 876-6657
www.nmbar.org

**State Bar of New Mexico
Referral Program**
(30 minute consultation for \$30)
Albuquerque (505) 797-6066
Statewide (800) 876-6657

**To file a formal complaint
contact:
The Disciplinary Board of the
Supreme Court of New Mexico
(505) 842-5781
www.nmdisboard.org**



Fee Arbitration Program
Office of General Counsel
P. O. Box 92860
Albuquerque, NM 87199-2860
(505) 797-6054 • (800) 876-6657
www.nmbar.org

5/09



The Client ~ Attorney Relationship

From
Beginning
to End

P. O. Box 92860
Albuquerque, NM 87199-2860
(505) 797-6054 • (800) 876-6657
www.nmbar.org

Communicating With Your Attorney

As a client you must tell your attorney all facts relating to your matter even if they seem unimportant or are damaging to your case or unflattering to you. With all of the relevant information, your attorney may be able to develop a strategy to defuse any potentially damaging issues.

When meeting with your attorney you should discuss the best way to communicate i.e. phone calls, emails or letters, etc. including any charges that will apply to each communication.

Your attorney should address your questions and concerns promptly. He or she should keep you informed on the status of your matter and should send you copies of all relevant papers. You should keep your own file as this will help you monitor the progress of your case as well as protect you in the event something happens to your attorney or his or her records.

Your attorney should tell you about the potential consequences if you win or lose your case, including whether you may be responsible for your opponent's attorney's fees and any other obligations which may arise.

If you are having trouble maintaining communication with your attorney you should write a letter to your attorney and include all questions and issues you have concerning your case and request the attorney contact you by a certain date.

If your attorney fails to communicate with you, you may want to consider terminating the attorney and hiring another attorney to complete your case.

Attorney Fees

Your attorney should explain his or her fees and what expenses you will be expected to pay and when and how to pay. You should receive or request a written document which outlines the terms of your professional relationship.

Your attorney is required to maintain all client funds and property in a trust account which is an account separate from the attorney's own funds and property. Your attorney should provide you with a periodic accounting.

If you are being charged on an hourly basis, your attorney cannot withdraw from the trust account any legal fees you have paid in advance until work is done to earn the fees.

“You should keep your own file as this will help you monitor the progress of your case . . .”

Your attorney should refund any unearned legal fees to you whenever he or she completes or withdraws as your attorney.

If the attorney does not provide a refund or an accounting you will need to make your request in writing.

If you are unable to resolve the fee dispute with your attorney, you may wish to explore other options including the State Bar of New Mexico's Fee Arbitration program at (505) 797-6054 or (800) 876-6657.

Confidentiality

Your attorney may not reveal your secrets and confidences without your express permission except in very specific circumstances. You should ask your attorney what those circumstances are.

If you have another person present during your consultation with your attorney, you may have compromised the attorney/client privilege which protects your privacy. You should discuss this with your attorney.

Termination

Except for some court-appointed attorneys, an attorney is not obligated to accept a case or continue to represent a client if the attorney determines the client's cause is without merit or if there is a conflict of interest.

A attorney may also withdraw if the client is no longer paying under the agreement, if the client's goals have significantly changed from those stated in the representation agreement, or a suitable working relationship with the client is no longer possible.

If you chose to terminate your attorney, you should do so in writing telling him or her that the services will no longer be required. You should know that there can be some repercussions in terminating an attorney with whom you still owe money.

The attorney may attach a lien to a settlement, property or your file until he or she is paid. In some cases, if there is a lien against a settlement it could be difficult to find another attorney willing to complete your case for you.