

# TAKING THE CASE

- Liability
- Damages
  - Small case to settle early?
  - A wrong you can sink your teeth into
- Ability to Pay
- Connections to client/ will client cooperate for the long haul?

# INITIAL CLIENT MEETING

- Managing expectations
- Explain how fee shifting works
  - You are working for free in a very risky endeavor

# RETAINER AGREEMENT

- Greater of hourly rate or percentage
- Protect fees if non economic recovery
- Protect fees if client loses interest
- See the Sample Retainer Agreement Attached as Exhibit

# RULE 2-703

- Put notification in Complaint
- Separate notification
- Regular updates of total time - not all details.
- Keep good time and be aware of efficiency

# SETTLEMENT NEGOTIATIONS

- Argue for lump sum
- If argument is made that this is all about your time, offer to split case, but make sure client is listed as the "prevailing party."
- Manage expectations here, too. There will be sticker shock and the client's friends will all tell him he deserves more and you deserve less.
- Do not throw good money after bad

# FILING FEE PETITION

- Wait until you win
- Don't provide retainer or detailed time until you win
- Get a friend to help
- Make sure you know the case law -*Blaylock* and *Friolo*
- Expect the judge to be as hostile as opposing counsel
- Don't forget to add costs



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