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I Am Appalled At Some Lawyers' Alleged Conduct

A recent lawsuit between a law firm and its client has revealed an insight into alleged over-billing by the firm. The firm, DLA Piper, sued energy industry executive Adam Victor for \$675,000 in unpaid legal fees. Mr. Victor counter-claimed, accusing the firm of fraudulent over-billing.

During the course of discovery, the firm was required to produce a number of emails between its lawyers. When discussing some of the emails, a story on the suit noted:

“I hear we are already \$200k over our estimate — that’s Team DLA Piper!” wrote Erich P. Eisenegger, a lawyer at the firm.

Another DLA Piper lawyer, Christopher Thomson, replied, noting that a third colleague, Vincent J. Roldan, had been enlisted to work on the matter.

“Now Vince has random people working full time on random research projects in standard ‘churn that bill, baby!’ mode,” Mr. Thomson

wrote. “That bill shall know no limits.”

This article comes out just a few days after I was reading an email from another lawyer about what clients want. Clients don’t want the highest quality legal services they can get. That would require reading and re-reading every document, deposing every witness, etc. Instead, what clients want is value. Clients want to know that they’re receiving appropriate legal services given the nature of the case.



I’ve long seen this in my practice. I’m often amazed at the sheer volume of work that some attorneys create on a case. Maybe I’m hyper-sensitive because most of our work is contingent fee work — we don’t get paid based on the hours spent on the case, instead we get paid as a percentage of our clients’ recovery. Because we don’t get paid based on hours, the contingent fee encourages us to be efficient — to do the work necessary to get the case ready for trial, but not to create unnecessary work. In other words, we’re paid for creating value.

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“Billing Issues” continued...

That even makes a difference in our hourly cases. Because of our experience working on contingent fees and doing the real work to create value, we use the same tactics and skills to the benefit of our hourly cases. For example, I handled a real estate development dispute where the client had a previous law firm. The large law firm had charged the client almost \$30,000.00 for pre-suit investigation and pre-suit mediation. When that failed, the client went looking elsewhere and was referred to us. We filed the lawsuit, had a mediation, and resolved the case. Our total fees for all of that? Around \$3,500.00.

It's sad to hear stories about this, but at least it is a good reminder for all of us to keep thinking about our clients first and to remember that they want value. Are we helping them? That's the question we should always ask.

— Brooks Schuelke

Volunteers



National Volunteer Week: April 21-27, 2013

If there is one thing readers of this newsletter understand about us, I hope they know about our commitment to volunteering. My family spends a significant amount of our time volunteering for a number of different organizations, and this year I'm particularly proud of our efforts. My wife was recently named Volunteer of the Year at our son's elementary, and I am in the process of launching three new community service efforts.

We're not alone. Americans have historically supported their neighbors and townspeople, even when those “neighbors” live on the other side of the world. It's especially true when a crisis involves the massive destruction that comes with tornadoes, epic flooding and hurricanes.

Caring Americans nationwide showed how ordinary people can do extraordinary things through service. They volunteered their time and money to work with individuals and organizations.

People helping people. It's the American way.

National Volunteer Week focuses attention on the power of volunteerism. Every leader, from the president, governors and mayors, to corporate and community leaders, works with citizens to observe the meaning of this week.

This year's theme is: Celebrating People in Action. It honors individuals who help to solve significant problems.

Volunteering can bring new meaning to our lives. I know that in almost every volunteer activity I do, I come out receiving much more than I'm giving.

This year, I hope you'll choose to celebrate National Volunteer Week by choosing to volunteer in some way, even if it's only for an hour.

And if you already volunteer, which I'm sure many of you do, let us know what you're doing. We love to hear about our friends and family members doing good.

MORE PEDESTRIANS ARE BEING HIT: HERE'S WHY!

Studies show more pedestrians are involved in wrecks. Why?

- * They are listening to music.

Hearing is as important as seeing. Listening to music makes it impossible to hear an oncoming vehicle. Researchers at the University of Washington and Seattle Children's Hospital say music listeners crossed intersections faster than others with electronic devices, but they didn't watch for cars and couldn't hear them.



- * They are texting.

Walkers who are texting may be at most risk. This fact is in line with several studies. Texters also walked slower than everyone else, including those talking on cell phones. Texters were four times less likely to follow safety rules, including looking both ways, staying on the crosswalk and obeying traffic signals.

- * They are talking on the phone.

Pedestrians who were talking on cell phones, browsing the Internet, or even talking to someone next to them all increased their risk of injury.

Most of the distracted walkers in the studies were adults, but one researcher says it's important for parents to tell their children to put their cellphones down when walking.

FACEBOOK FAUX PAS

I have read an increasing number of stories about criminal prosecutions or civil lawsuits being dramatically affected by Facebook, Twitter, or other social media posts. I like social media (you can find me on Facebook at brooks.schuelke or on Twitter @bschuelke), but you have to be sensible. Here are some tips to make your Facebook and social media experience a little safer.

1. If you're in an accident or other dispute, don't post about it on Facebook. Know that insurance companies or other lawyers will look up your account to see what you're saying.
2. Don't make yourself a target. Don't post when you'll be out of town or out of your house. We all want to post pictures of our latest trips and vacations, but save those posts until you get home.
3. Don't place too much personal information on your profile. In this day and age, identity theft is a major issue for all of us. Don't help the bad guys by putting too much information together for them.
4. Don't think your Facebook posts are private. Even with above-average privacy settings, there are a number of ways that your Facebook posts can show up in unexpected places. Keep that in mind when posting.
5. Watch your friends. Your Facebook page doesn't include only the items you post; it includes items that your friends post about you. At best, that might include some embarrassing photo of you in your 1980s perm, but at worst, it could include something that can torpedo you in a job interview or other part of your life.



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This newsletter is informational and not legal advice. If you need legal advice, feel free to call us to set up a consultation.

I'M A GREAT HUMAN BEING?

We appreciate your referrals and strive to do our best in taking care of them. One of the things that helps us know we're doing a good job in that area is when we receive thank you notes from our clients and former clients.

Fortunately, we get many of those, but one recent note made me laugh. After thanking me for doing something, the client noted:

It almost makes me mad that I have met a really great human being who is also a lawyer.

I don't know if I'm a great human being or not, but I do hope you'll continue to refer cases to our firm so we can continue to show what we can do.

PROTECT YOURSELF WITH UNINSURED/UNDERINSURED MOTORIST COVERAGE

I have had too many clients in recent months who were in car wrecks caused by drivers who either didn't have insurance or didn't have enough insurance to fully compensate the client for the client's injury.

Uninsured/underinsured motorist insurance, which you can buy as part of your own car insurance policy, protects you from exactly that situation.

It is relatively cheap, but critical. I urge to you to talk to your agent to make sure you have enough coverage to protect you and your family.