



## **Some Free Advice About Costly Advice**

By Joseph M. Patchen

**The Necessary Evil.** How do lawyers make a living charging for advice by the fraction of an hour? They make it up in volume. When the business owner or decision maker has a legal “problem” they may not be interested in cultivating a long-term and beautiful relationship with a lawyer. They want to make sure that the hourly fee lawyer is not building the Taj Mahal when a shed will do. Most of these issues can be resolved through good up-front selection of a sensible attorney who provides the client with a written game plan and a detailed budget.

**Into the Lion’s Mouth.** It gets more interesting when a business has ongoing need for legal counsel in numerous areas. It is not always possible nor is it even appropriate to negotiate a new engagement agreement every time a client needs some quick advice on a transaction, a point of regulatory complexity or any one of the 101 twists and turns that confront a business on any given day. Now, we are entering the area where the lawyer is extending credit, and the client is extending his head further into the lion’s mouth. What makes this phase of the relationship work? Trust. Or, perhaps better said, hope.

**The Outside General Counsel.** The wise lawyer is in it for the long run. Over time, the lawyer becomes more valuable with knowledge of the client’s business objectives and long-term goals, decision-making style, employees, frequently-used agreements, and frequently-encountered problems. The mature attorney-client relationship is earned through good practical and timely advice, fee estimates adhered to, crises averted, and growth opportunities proactively embraced.

**“Discourage litigation... there will be business enough.”** So said Abraham Lincoln. Abe counseled with his clients’ long-term interests in mind. It seemed to work for him and his biggest client, the Illinois Central Railroad. You may benefit from seeking a shift from the “necessary evil” to the “outside general counsel” for your lawyer-client relationship.

For information or questions please contact Joseph M. Patchen, at 614-628-0779 at Carlile Patchen & Murphy LLP.