

Requirement	Evaluate whether the potential client and the matter pose any unacceptable risk to the legal practice and determine the appropriate response	
Steps	Make enquiries	<p>The accountable senior lawyer should conduct a face to face meeting, or, if this cannot be done, communicate by other means acceptable to the legal practice and make sufficient enquiry to form a view on the suitability of the client including:</p> <ul style="list-style-type: none"> • The nature of the legal matter • The outcomes the prospective client is seeking • The merits and weaknesses of the prospective client’s position • Level of understanding and ability to pay costs • Capacity to instruct, understand advice and provide required documentation • Reasons for engaging the legal practice and previous experience with the legal profession • Expectations of the legal practice, the duration and conduct of the matter • Follow up enquiry prior to accepting instructions: <ul style="list-style-type: none"> ○ Solvency check ○ District Court and Supreme Court website checks for previous litigation involving the prospective client ○ Letter from doctor or psychiatrist as to capacity to instruct
	Evaluate prospect	<p>Based on face to face enquiry, the accountable lawyer should evaluate whether the client poses any unacceptable risk to the legal practice due to:</p> <ul style="list-style-type: none"> • Unrealistic or difficult to manage expectations: <ul style="list-style-type: none"> ○ Outcomes ○ Costs ○ Time ○ What the legal practice will and won’t do ○ What is required of them • Attitude and conduct of the prospective client: <ul style="list-style-type: none"> ○ Is difficult, high conflict or highly litigious ○ May lack mental capacity to provide instructions (refer to Law Society’s Guide on When a Client’s capacity is in doubt) ○ Disparages, or has a track record of suing lawyers or other professionals/experts ○ Questions or attempts to negotiate fee estimate ○ Resists putting money into trust ○ Is too eager to put money into trust (cyber fraud risk) ○ Appears to have unethical or unlawful intentions ○ May not be able to pay fees, communicate instructions or manage their side of the matter • Matter is outside legal practice’s competence

	Determine approach	<p>Based on the evaluation of risk factors associated with the prospective client, the accountable senior lawyer should make a determination to:</p> <ul style="list-style-type: none"> • Accept that the level of risk posed to the legal practice by the prospective client is acceptable and proceed to scope the matter and enter into an engagement agreement (see Law Society's Client Engagement Agreements) • Consult with the relevant partner or other senior lawyers on whether to accept the matter, and if so what steps to take to manage client risk prior to accepting instructions and during the conduct of the matter • Decline the matter on the basis that risks identified during enquiry are unacceptable to the legal practice
	Decline matter	<p>Where the legal practice decides to decline the matter, the accountable senior lawyers should:</p> <ul style="list-style-type: none"> • Clearly state that the representation is declined and that there is no lawyer/client relationship. It is not necessary to set out your reasons for the decision • Return any documentation or other property obtained during the consultation. • Refer to the fact that statutes of limitations may apply to bar recovery rights and remedies are not promptly pursued. If a specific statute of limitations poses an immediate problem, make specific reference to a need for urgent action • Inform the prospective client to seek other legal counsel as soon as possible to pursue his/her rights. • Take care not to express an opinion on the merits of the claim unless careful research has been conducted to support the position • Confirm receipt by the prospective client of the legal practice's decision to decline to act in the matter.

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