I Can't Find My Client

The odds are that sometime during the course of your career you will be unable to locate one of your clients. Often, this happens at a crucial point during representation, such as on the eve of trial or when a statute is about to run.

Here are some suggestions for minimizing this risk:

- Look for red flags. Clients who move frequently, change jobs often, or have no friends or family in the community are likely to fall out of touch.
- Listen to your intuition. If your gut says this is the wrong case for you, turn it down. Don't be swayed by pressure from a friend, the amount of fees involved, or the promise of a quick resolution. Such cases are rarely worth the trouble and often result in malpractice claims which could have been avoided.
- Use client intake forms which prompt you to collect names, addresses, telephone numbers, e-mail addresses, and relationships of at least two people who will always know where your client can be reached. Get additional names and contact information if the situation warrants.
- Stress to clients the importance of keeping in touch with your office at all times. Some law offices add language to their fee agreement or engagement letters giving the responsible attorney the right to withdraw if the client fails to cooperate in the client's case. This can include requiring the client to keep a current address and telephone number on file with the lawyer's office at all times.
- If a client becomes unresponsive or difficult to reach, the situation is not likely to improve. Carefully document your efforts to communicate with the client and give strong consideration to withdrawing from representation **when the problem first develops.**
- Take extra precautions with impaired clients. One solution may be to learn the names and numbers of the other professionals with whom your client has regular contact.

(Case workers, social workers, psychologists, and physicians are examples.) Get your client's authorization to establish and maintain contact with these professionals.

- Recognize that certain practice areas such as criminal law involve clients who are more likely to move without notifying you.
- If you decide to withdraw from representation, read and comply with the applicable disciplinary and court rules.
- If it's too late and your client has already disappeared, conduct as thorough a search as possible. Working from the information on your intake sheet, call the client's workplace and emergency contacts. Visit your client's last known address and talk to the neighbors. Do a DMV search. Run a skip trace. Use the Internet. Check your file for additional data which may help you find your client. (Social Security number, drivers license, date of birth, former names.) Apply the same level of diligence in searching for your client as you would in locating and serving the opposing party in your case.

If you are an Oregon attorney facing a time limit or hearing date and can't locate your client, call the Oregon State Bar Professional Liability Fund at 503-639-6911 or 800-452-1639 and ask to speak with one of our on-call claims attorneys. They can guide you on how to proceed.

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