



February 11, 2020

SENT VIA ELECTRONIC MAIL

All Clients of the Law Office of M. Jude Egan

Re: Annual Reminder of Office Policies and Procedures & Updated Policies and Procedures for 2020

Dear Clients,

I am sending out the Client Checklist that many of you initialed when you first engaged us to represent you. Some clients, I understand, were not provided this checklist when you engaged us, but nevertheless, the attached document embodies our policies and procedures. I try to send out a reminder annually (give or take) as a reminder of how we work.

First off, when Kristin went on maternity leave in November, we staffed up by bringing on Alice and Elizabeth, each of whom had been to law school. Elizabeth was waiting for her California State Bar results (she passed on her first try!) and Alice was preparing to sit for the bar exam at the end of February 2020 (Alice is currently on leave while she studies). I also formed an alliance with Helen Zajic, a senior attorney who I had identified as an incredible litigator and strategist and wanted to work with. I have a very loose arrangement with Helen, but if she's been assigned to work with you, she's all-in on her representation. However, she will not work on most cases.

Also, Tony Osko had been with us for several months, but left (as sometimes happens with newer lawyers) to move on to other things. I have taken over his cases.

Kristin is back from leave now, although she's working from home about half the time so that she can be with her baby girl Scarlett Rose Black. This seems to be working for all of us, but she may start to be back in the office more as we get closer to summer. When you call the office, our phone system routes her extension to her line at home.

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I stay involved in all of our cases and, as a result, staffing changes do not affect us the way they do in offices in which each lawyer has their own case load only. We keep our number of active clients to a level that is manageable for our staff and hire help when we need it. Even with some staffing changes have no single case has gone without representation or someone in the office with knowledge of the details of the case. I do assign work to other people in the office of course, but I usually meet with each lawyer privately for a couple of hours per week to keep up to date on the goings on in each case they are working on, work through strategy and help make sure we are staying the path.

I want to reiterate our office policies because when things get busy, I tend to try to make it easier for clients and lawyers and judges to get ahold of me by handing out my cell phone number. This means every few years, I get to a point where all of the communications channels that we set up to help me keep my brain-space clear get disrupted. A typical day for me will look like 23 client calls and 30 unique client text messages, many of which have substantive questions attached to them. This is challenging my ability to process information to say the least.

Communication with The Office (and Me):

We have always worked a “triage” system in this office with Kristin and other staff members handling client questions/concerns and then routing them to me. I typically, as I said, meet with each staff member for 1-2 hours per week (in addition to a weekly staff meeting mid-day on Mondays) so that I know what is going on in every case. All of my staff can get ahold of me anytime to let me know if there are burning questions. Typically, I handle the questions by giving Kristin a message to give to you, sending you an email, giving you a call or setting a meeting.

I do this for two reasons: first, it is a better way to manage your money than having you call me directly for everything. I charge \$425 per hour, which is just under the leading edge of the market in Santa Maria for lawyers of my experience and knowledge. I bill you at- at least a .2 for each phone call (even if it only takes a couple of minutes), and most phone calls last .5. It is substantially less cost to you to speak with Kristin or Elizabeth. Second, I do it for me, which is that I have to have my head clear to work on my cases. Fun fact: I am often up until 2 or 3 am each day working on documents for clients, in large part because that is the quietest time of the day for me and allows me to think. The problem with taking more than 20 calls

and responding to more than 30 separate substantive text messages is that I end up staying up later and later every day. I'm human and I have a family, including an 11-year-old daughter and an Austrian exchange student and my wife likes to see me as well.

Many text messages I receive say "Any Updates???" I probably get 5-8 of these messages per day. The truth is that I am often in court from 8:30 AM until noon every day, which means in the morning I will not have any updates for anyone other than those who had court dates. Then, many days I am back in court at 1:30 PM until mid-afternoon. I typically meet with office staff after court every day and then again at 3:30 PM. That means, in all likelihood, I won't have the "update" on your case. But Kristin and Elizabeth are reading my email (and theirs), answering the phones and reading the paper correspondence as well as speaking with court clerks and judicial staff. They may also be talking to other lawyers and paralegal staff. Almost assuredly, they will always have more of an update than I will. In other words, the "Any Updates???" text both drives me crazy AND is difficult because I rarely have any updates that you could not get from Kristin or Elizabeth. In fact, sometimes I text them after I get your text and say, "hey, do you have an update on X case?" In other words, please call them to request updates – you can also email me; Kristin or Elizabeth will read your email and talk to me about it and we will use our triage system.

I need to keep some boundaries even though I like all of my clients very much and, in fact, look forward to talking to all of you at various times. I simply can't keep doing it like I've been doing it over the last few months because I just can't keep working 16-18 hours per day.

Therefore, I am reminding everyone that your first phone call or text message should always be to the office – to Kristin or Elizabeth. They will route your questions to me in our meetings or if something is pressing, more quickly. I will in turn give them the answer to your question, send you an email /give you a call, or ask them to set an appointment so you can come into the office. This has worked very well for almost 10 years and I ask that we return to that approach. This is now as true for text messages as it is for phone calls and emails. Please reach out to the office first and only if you truly cannot get through for some reason, giving at least 48 hours for them to get back to you, then reach out to me directly.

The exception is for emergencies. But we need to define emergency. If it's Friday afternoon, there is almost assuredly nothing anyone who isn't a law enforcement officer can do. The judges have gone home, the other lawyers have turned their phones off, and we can't do much. If you are in jail (or a loved one is in jail) or if someone is hurt, then it's an emergency. I have the numbers for good criminal lawyers, and I can get ahold of them on Friday afternoon. But, normally, when we get a call about a muffed exchange or a missed support payment on a Friday afternoon, there is almost nothing we can do except say we will address it Monday. I tell people always that your children's safety is the most important thing – and that if there is a problem, call law enforcement.

Appointments:

We have not been set up for clients to just “drop by” the office. This is in part because we keep staffing somewhat lean in order to keep your billing down but also because of safety concerns. We keep the doors locked at all times to keep a secure environment for the staff. Please call ahead of time. We usually have someone here in the office, often more than one person, so we can normally accommodate a short-notice appointment, but it's very helpful for our staff if they know you are coming.

Office Hours/Holidays:

The office is closed on Federal holidays and Court holidays. I am normally working remotely. Sometimes the staff works remotely on those days as well, but we normally use those days as “catch-up” days and don't answer the phones. This is largely because other offices are closed and because having one day per month or so to work on client files completely uninterrupted is good for the soul (and for client matters).

Payments:

Everyone signs a fee agreement giving us the ability to require an “evergreen” retainer, which means that you would need to give us new retainer money each month. I have tried not to use that model with any clients, in part because I know that it is a financial burden. That said, the only way the office can function if we do not have an evergreen retainer, is for clients to pay their bills as they come due.

We are usually willing to do a payment plan if need be, but we are really not built to be a bank and ask that you keep payment plans short and that you take care of balances quickly. There are a number of loan programs via Paypal, Square, AfterPay and other sources that will make short term or small loans. We take major credit cards and pay the fee so that you can make payments to places that are organized to be banks. I would ask that if you are getting behind in your billing, you make a plan to get your bill current. We try incredibly hard to keep the costs of your invoices low and to bill you fairly. Remember that we sell our time and knowledge and that is all. So, giving away time means that we are working for free. I know that you would not work for free in your jobs. Please do your best to keep us current (many of you are and I am grateful for that). Also remember that Kristin, Elizabeth, Helen, the mortgage company, the insurance carriers and any number of people get paid before I do. When I work for free, it makes it more difficult to keep the lights on.

I do not believe that there is any firm you will find anywhere that works harder for you. Kristin and I basically live our jobs. We hurt when you hurt. We celebrate when you celebrate. I often work until the wee hours of the night to make sure your documents and writings are well-researched and cleanly written (probably 3 nights per week). The court clerks have remarked at the *volume* of work we push out of our office; lawyers and judges continue to remark at the *quality* of work we put out. We listen, we research the law, and we write briefs to marry the two for court.

Please keep your billing current and if you are having difficulty doing so, please call and make a plan with us. We are doing payment plans, but the requirement is that we set up the plan on Law Pay (our billing software) to do an automatic payment each billing cycle so we are not having to chase you for payments.

Filing fees:

Typically, firms maintain an account for court and other costs. We have to pay \$5-10 for every document we file for you now (there's actually a statewide lawsuit claiming that if we are required to file electronically, then we should not be charged a fee, but for now, we pay this fee). I am trying not to maintain additional accounts for your fees because 1) it's another expense for you in an incredibly

expensive process and 2) I have to pay someone to manage those accounts and it's more hassle.

So, you have noticed that we have begun to have you pay filing fees to the Court directly by taking your card and asking you to sign an authorization. We pay out \$5,000-7,000 per month in filing fees to the court which means that we are fronting that money out of pocket. When we get those fees back from you on a net 30 or net 45 basis, we are extending sometimes \$10,000-12,000 in 45 days' in credit which is a backbreaker for cashflow. Again, we could handle this through evergreen retainers, cost retainers and higher fees, but in an attempt to keep costs down, we simply pass those costs on to you and have you to pay them directly on your card.

Access to Records/Electronic Storage:

We have been working with new practice management software that should coordinate with our Dropbox file storage in such a way that we can make your electronic file and your workflow file available to you directly with a login. Give us another couple of months to roll that out, but eventually you will be invited via email to access your files online.

Conclusions:

In short, although you do not have to initial and return the document below, please look it over. These are the office policies. As always, if you have billing questions, Kristin is empowered by me to remove line items about which you have questions. The last thing we ever want to do is feel like there is confusion or upset over billing. We continue to offer 5% off if you pay in the first 48 hours of receiving your bill. The trade-off is that we need you to make real efforts to get your billing paid quickly or I am going to have to go back to the evergreen retainer model.

If this letter causes any issues, please let us know and we can prepare a substitution of attorney and let you find other counsel. I would hate to see anyone go because, as you know, I come to care about each of you and want to get you the best results. However, if we do not return to the triage system to free up my phone and get paid within 7 days of sending out our invoices, the firm can't function. Allow us to serve you best by telling you what works best for us. We invite your feedback of course.

Please review the attached document for a short version of this longer letter.

Truly yours,

A handwritten signature in black ink, appearing to be 'M. Jude Egan', with a long horizontal flourish extending to the right.

M. Jude Egan