

NEWS

LEGAL FEES

Time can be money for lawyers, clients

I had a morning coffee this week with a fellow who shared a beef he had with a lawyer's bill. I'll call him Mr. Client and the lawyer, Mr. Lawyer.



ACHIEVING JUSTICE

Paul Hergott

It wasn't a big bill—something under \$200. It wasn't a big amount of work, either—something under 10 minutes.

Aside from what seems to be an insane hourly rate, Mr. Client wasn't expecting a bill in the first place.

Mr. Client needed some legal advice. He contacted Mr. Lawyer by telephone. He spent less than 10 minutes on the phone with him.

Following the consultation, Mr. Lawyer must have looked up Mr. Client's address, because Mr. Client hadn't been asked for an address, and sent him a bill.

Mr. Lawyer didn't say he was going to charge for his time. Does that seem sort of bad?

As with most things, there are two sides to this story.

Mr. Lawyer's time is his work product.

It's what he sells. It's how he makes a living. If he doesn't get paid for his time, he doesn't get paid at all. Everyone knows that.

Don't you all know that? Do you expect to walk into a hair salon, get your hair cut, enjoy a nice scalp massage, and then walk out without paying? No.

Everyone knows that hair stylists charge for their services.

The stylist doesn't have to say: "Look, before I get started, please be clear that I'll be charging you \$35."

Some lawyers will provide a free initial consultation, particularly for personal injury or other contingency fee cases.

The free initial consultation gives the lawyer a chance to assess whether or not she is interested in taking the case.

It also gives her an opportunity to sell herself to the prospective client, in the hopes that the client will sign a contingency fee agreement.

Free initial consultations can also be used to bring hourly rate work in the door, sort of like a "loss leader" in the retail world.

Perhaps free initial consultations are so commonplace that people have come to expect them.

My suggestion to Mr. Client as we chatted over coffee? I told him not to pay the bill.

The way he told me the story, I felt like Mr. Client had been taken advantage of.

When I really thought about it though, I realized that my feelings probably reflect the fact that I do mostly contingency fee work and give free initial consultations all the time.

After reflecting on it, I think both of them were at fault in the situation.

Each of them should have clarified up front what their expectations were.

Mr. Client should have told

Mr. Lawyer up front that he was interviewing the lawyer to see whether there was a case worth pursuing and, if so, to decide whether he would choose to hire that lawyer.

Mr. Lawyer should have clarified up front that he would be charging for his time, and told Mr. Client what his hourly rate or minimum consultation fee was.

Had either of them done that, there would have been no issue. How's that for a lesson that applies absolutely everywhere in our personal and business lives?

I expect that most lawsuits and most relationship demises, business and personal, would be avoided if we were all careful to simply clarify our expectations at the outset.

This column is intended to provide general information about injury claims. It is not a substitute for retaining a lawyer to provide legal advice specifically pertaining to your case. Paul Hergott is a lawyer at Hergott Law in West Kelowna.

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OKANAGAN COLLEGE

Apprentices carry on mechanic's legacy

The legacy of Hermann Koessler's passion for trades will carry on through students at Okanagan College thanks to a generous donation made in his memory.

Three years after her husband's death, Ute Koessler made the difficult but emotionally rewarding decision to donate his tools to students at Okanagan College, despite being offered thousands of dollars for the valuable collection.

"The last thing Hermann said to me was, 'I have so much knowledge to give, I wish young people would want to be tradespeople,'" she said.

"My husband was so skilled and willing to teach people, he was so proud to be a tradesperson.

"I know he would be honoured to have his tools

used by so many learning the trades."

Koessler's lifetime worth of tools, valued at more than \$87,000, were hand delivered by his friend, Mike Goodmurphy, and his wife Ute, who took the time to speak to a group of entry-level automotive service technician students at Okanagan College; telling them about Hermann's life, his work and his passion for their chosen field.

A German immigrant, Hermann arrived in Montreal in 1969 with one heavy suitcase containing a few articles of clothing and his most prized possessions, his tools.

A trained and experienced mechanic, possessing a meister brief from Germany, Hermann's lack of English made his early years in Canada challen-

ging. While others were paid \$5 per hour, Hermann earned just \$2 for the same work.

Supervisors quickly took note of his mechanical aptitude and ability to fix nearly anything and Hermann was able to overcome his language barrier, rising through the ranks.

Hermann's skills took him around the world; he and his wife eventually moved to the Okanagan and settled in Oyama. In 2001 a fire swept through the Koessler farm burning down Hermann's workshop and collection of tools.

Insurance replaced Hermann's tool set, which included grinders, drill presses, table saws, and hand tools—those new tools all now live at Okanagan College.



CONTRIBUTED

OKANAGAN COLLEGE trades apprentice students will benefit from a donation to the program made by the family of Hermann Koessler.

"We are honoured to accept Hermann Koessler's tools," said John Haller, dean of trades and apprenticeship. "Okanagan College is a place of learning and a place where we promote the same pas-

sion and appreciation for the trades.

"We know the importance of providing skills and training to the next generation and are humbled to carry on his legacy."



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