

Fall Forum scenarios:

1. Attorney represented Consumer in divorce action. Custody was a main issue in the divorce, and Consumer made it clear to Attorney that she wanted a child custody evaluation completed. Attorney understood this request. Consumer missed an August hearing because Attorney did not notify her of the hearing. After that hearing, Attorney did not inform Consumer of scheduling deadlines set by the court for filing a motion for custody evaluation and for mediation. Attorney missed all the deadlines. Meanwhile, Consumer communicated with Attorney and asked about finding a custody evaluator and scheduling the evaluation. Attorney's responses were vague. In December, Attorney's partner attended the final hearing and realized Attorney had missed deadlines. Partner informed Consumer there was no longer an opportunity to request a child custody evaluation. Custody awarded to other party.

2. Consumer wants attorney to prepare the final orders in a divorce matter. Consumer recently spoke with Attorney, who stated he will "get right on it," but the final documents have not been prepared. ORS cannot withhold child support from ex-spouse without written orders. Consumer then discovers Attorney is suspended from practicing law because Attorney did not complete MCLE requirements.

3. Elderly wife can no longer take care of her ailing husband. She is forced to place him in a rest home which upsets him so much he threatens divorce. She reviews their individual trusts, which were both prepared by Attorney about ten years ago. Attorney also prepared Wife's amendment to her trust seven years ago. However, at the time the original trusts were created, Attorney also prepared a post nuptial document on behalf of Husband, and Wife signed it in Attorney's office. The post nuptial gives all of Husband's premarital assets to his children from a prior marriage.

The post nuptial has a provision which states Wife had the option of obtaining her own counsel before she signed the document. Nevertheless, Wife believed she and Husband were equally represented by Attorney, and trusted Attorney had her best interest in mind. Wife claims she did not read the post nuptial before she signed it in front of Attorney.

4. Attorney represented Consumer in 4-year long divorce. Attorney did not respond in a timely manner to Consumer's calls/messages. At the final hearing, a settlement was reached and entered into the record, and Attorney was assigned the task of preparing the final documents and the QDRO. Attorney delayed, but eventually she sent a message to Consumer that final documents were submitted and signed by the judge. Consumer called the Attorney and thanked her over and over again for her work.

Consumer then called the court clerk and requested a copy of the file. Consumer discovered her Attorney had not prepared the final documents. Opposing counsel had prepared the final documents and had left out important language. Consumer is very upset with Attorney and does not trust her to address and correct the matter. Consumer retained new counsel to amend the decree and file a writ of garnishment to collect money owed to Consumer by her ex-Husband.

5. a. Attorney represented Consumer in a personal injury case. The case settled and Consumer was to receive \$4600, but Attorney paid her only \$3100 and the Attorney's check bounced.

b. Same Attorney/different Consumer. Personal injury case. The case settled, and Consumer was to receive \$22,000. Attorney tells Consumer to meet him in the parking lot of the local Albertson's where Attorney will give him a portion of the settlement. Consumer meets Attorney in the parking lot, and receives \$3000 cash. Attorney tells Consumer to call him next

week and he will have more money. Consumer is upset and afraid he won't see any more of his settlement money.

6. Attorney represents Consumer's sister in a personal injury case. Sister, however, had to leave the US after her work visa ended. Consumer now trying to work with Attorney to conclude Sister's case, but Attorney takes a long time to return Consumer's calls and messages. Attorney was contacted, and he said Sister's case weakened significantly after she gave her deposition. The insurance company's settlement offer is only \$3000. Attorney is negotiating with the medical providers in an effort to have them lessen their bills. Additionally, Attorney is not taking any fee for his work so Sister can have something in her pocket. Attorney stated that since this case is pro bono, it has to wait until Attorney has free time after he works on his paying cases.

7. Consumer sold her home in the Midwest and moved to Utah five years ago to marry Husband. Shortly after marrying, Consumer discovered Husband has borderline personality disorder. Consumer, who was fifty years old at the time, developed a chronic illness that prevented her from working. Husband was upset Consumer did not contribute to the financial wellbeing of the marriage, and he filed for divorce.

Attorney represents Consumer in the divorce action. When Consumer scheduled appointments with Attorney to discuss the case, he kept her waiting, sometimes for an hour. During the meetings, it was clear to Consumer that Attorney had not reviewed the file and did not remember details of the case. Attorney did not explain to Consumer her legal rights in the case.

Mediation was scheduled, but Attorney did not meet with Consumer beforehand to explain the process and discuss a possible settlement. During mediation, Attorney chatted with the mediator in a very friendly way, and then seemed to agree with everything opposing counsel proposed. A settlement was offered, but Consumer did not agree with it. Attorney was stern with her and stated it would cost \$20,000 to take the case to trial, and the case is not worth that much. Consumer felt coerced into signing the stipulation.

Consumer was forced to move out of the marital home, and although she was awarded a lump sum cash alimony award, it was not due to be paid until after she moved. She has no money to live on while she tries to relocate and find new housing. It appears to Consumer that Attorney did not fight hard enough for her and gave in too easily to what the opposing counsel wanted.

Consumer is distraught, confused, and angry at the way Attorney handled the case.

8. Consumer wrote to the CAP attorney from the Utah State Prison. In his letter he explained he had been wrongfully found guilty of murder and was upset with the incompetent way his attorney had handled the trial. He had no idea how the gun went off or who was holding it at the time his ex-girlfriend was shot. He had been high on illegal drugs, and could not clearly remember the incident when it happened in his relative's home. Nevertheless, he is sure he didn't do it.

9. Consumer is involved in a court action against his ex-wife concerning child custody. Consumer's ex-wife refuses to communicate with him in any manner. The ex-wife's Attorney contacted Consumer and requested that he direct his communications only to Attorney. Recently, however, Attorney has become belligerent toward Consumer. Consumer claims Attorney uses foul language, hangs up, and then calls Consumer back to swear at him again.

10. Consumer claims Attorney does not return her calls, e-mail messages, or letters sent by postal mail. Consumer has not spoken with Attorney for over two months, and cannot get a return call from him. Consumer likes her Attorney and does not want to start over with other counsel. Consumer only wants regular updates and the favor of return calls.