

**QUESTION 4    THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK II  
OR IN SOFTEST ANSWER SCREEN 4**

Attorney has been retained by a client, Craig, to handle criminal charges arising out of an incident involving alcohol. Craig, a nineteen-year-old college student, was stopped by the police and found to have consumed alcohol while underage. Attorney believes a motion in limine to exclude the breathalyzer evidence would be successful, which would likely result in the charges being dropped. Craig's parents are paying for the representation, and Craig's father called Attorney, suggesting it might be better for Craig to "take responsibility" and "learn his lesson." The father also wants to know the "true story," which he does not seem to have heard from Craig, so he can consider the right course of action.

Attorney's website offers a "free initial consultation." A new prospective client, Cindy, saw the website and made an appointment for a free consultation with Attorney. After meeting with Attorney for approximately 30 minutes, Cindy said she would like to retain Attorney and signed a fee agreement. Attorney and Cindy continued talking about Cindy's case for another 45 minutes. About three weeks later, Cindy discharged Attorney. One week thereafter, she received a bill for 45 minutes of Attorney's time at the hourly rate set forth in the fee agreement; the services rendered were described as "attorney conference." Cindy called Attorney for an explanation, and he told her that it was his policy to charge for time once the client had retained him. The policy is not disclosed on the website nor in the fee agreement, and the agreement makes no mention of the free consultation or when the charging of attorney time commences.

**Under the Michigan Rules of Professional Conduct: (1) Discuss whether Attorney may take into consideration the concerns of Craig's parents, and whether he may answer Craig's father's questions about what really happened. (2) Discuss whether Attorney's website offer is proper and whether it was proper for Attorney to charge Cindy for the conference.**

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