

QUESTION 13 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK V

Larry is engaged in the general practice of law. Larry has just had a conversation with a new potential client, Camilla, who wants to divorce her husband Dennis.

Larry represented Dennis several years ago in an action brought by creditors of Dennis's closely held corporation. The creditors sued Dennis in his personal capacity and attempted to reach his personal assets. Larry successfully defended Dennis against claims that the corporation fraudulently conveyed assets to him and that the corporate entity should be disregarded (piercing the corporate veil). Larry's representation of Dennis included handling extensive discovery regarding Dennis's personal assets and negotiations regarding possible satisfaction of corporate debts by Dennis's personal assets.

Larry would like to enter into a fee agreement in which Camilla agrees to pay, in addition to Larry's usual reasonable hourly rate, an additional sum based upon the amount involved, results obtained by Larry, and value added to the representation by Larry's expertise, reputation and ability. Larry ordinarily enters into oral fee agreements.

Camilla has told Larry that she is not sure how Dennis will react to the news that she wants a divorce. He may retain counsel and fight. But, there is a chance that he may be cooperative, amicably divide up their assets, and negotiate in good faith regarding Camilla's requests for spousal and child support. Camilla can afford a lawyer and is willing to pay to get what she is entitled to. However, she is also cost conscious and does not want to pay more than is necessary. She has asked Larry if he can just work "as needed" on the case, and in the background, at least initially. Specifically, Camilla asked whether Larry could simply draft the complaint for divorce, a motion and brief for a temporary restraining order regarding the transfer of assets, and related documents, without putting his name on the pleadings or filing an appearance.

(1) May Larry represent Camilla? (2) Is the proposed fee arrangement permissible? (3) May Larry agree to draft various papers for Camilla to file with the court with only her signature on them? Explain your answers.

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