ENGAGEMENT LETTER / FEE AGREEMENT

Properly defining scope of work in engagement letter or fee agreement gives attorney vehicle to discuss changes in scope, such as civil or criminal investigation by DOJ

- Attorney should consider "what ifs" in defining scope – current case involves allegations of child pornography, so potential for DOJ investigation exists from start of representation

If client's matter has potential for DOJ investigation, attorney could include statement regarding this in scope section of engagement letter or fee agreement, for example:

- If criminal investigation, Attorney will assist client in finding competent criminal counsel
- If investigation by DOJ, Attorney will discuss impact on civil proceeding with client to determine best way to proceed
- Etc.

PLF supplies forms for engagement letters and fee agreements at:

http://www.osbplf.org/index.asp?page=newaids2&id=30&catname=Engagement+Letters

See also Chapter 3 of The Ethical Oregon Attorney (2006 rev), available in Bar Books on the Oregon State Bar web site regarding engagement letters and fee agreements and their contents