



WLF Newsletter, Issue 4, Winter 2010

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Media Recognition of Wirken Law Firm, LLC

We are pleased to announce that Christopher B. Wirken has been recognized amongst the 2009 Best of The Bar by the *Kansas City Business Journal* and the 2009 Rising Stars / Top Young Attorneys in Missouri and Kansas by *Kansas City Magazine*.

Why do lawyers cost so much?

Some folks will bluntly say "because they are worth it", but that is too broad and generic of an answer. Others may say "you get what you pay for". More specifically, assuming you know what you are facing, how do you value solving or preventing your problems?

First, you must always keep in mind that we are discussing YOUR problem that you bring to a lawyer: a contract you signed, a wreck you were in, a person you went into business with, your spouse, your children, a ticket you got. A lawyer can work on your problem but they require a fee or they won't be in business very long. All a lawyer has to offer is their time and the services they can provide in that time.

Further, you must always keep in mind that we are forecasting the future. The nature of your problem is not all that predictable. Lawyers may be optimistic and ask solely for the "minimum up front" in a retainer, but ask for more as your problem proves more complicated than expected.

To best assess the value, needs or things to do by the type of issue, take the following examples:

- A speeding ticket may cost around \$100-200 to "plead guilty", but could jeopardize your driving privilege and will likely make you a "higher risk to insure". It will also raise your rates over \$50 more each month for several years (approximately \$1800 or more in increased insurance). OR, you pay around \$350-\$500 for a lawyer to get you a diversion or "non-moving violation" and avoid losing your license or paying higher insurance.
- A divorce requires a filing fee around \$150-200, a full disclosure of your earnings, expenses, assets, and debts all summarized within at least 8 documents in a Missouri case and at least 7 documents in a Kansas case. Additional documents are needed if there are children. Both parties would need to know what they own and owe, believe the other side and have no disputes or disagreements. Otherwise, you are bringing a situation with an unlimited propensity for emotional reaction, explosive complication and, occasionally, a serious need for therapy and counseling that your health insurance will not cover to someone who must bill for their time.
- When a verbal contract is breached, your recovery is limited to the law of the state. When a written contract is breached, your recovery is limited to the contents of the contract. You will not collect your attorneys' fees in a breach of contract action unless you have a written contract specifically providing for the recovery of the same. Even then, an attorney cannot assume that a judgment will be collected and they will likely require payment up front in a collection action. Lawyers cannot stay in business if they don't get paid for their efforts or collect a judgment and they don't control whether or not you entered a contract with someone headed for bankruptcy or from whom collection is difficult or impossible. Be sure to discuss these risks with your lawyer before proceeding. Accordingly, the cost of getting a judgment and the risk of success in getting and/or collecting a judgment create a "bare minimum" value to pursue in court with a lawyer. Persons can proceed without a lawyer in small claims if they have the time and ability to do so. Otherwise, I consider cases under "the bare minimum"



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value to be "tuition in the school of hard knocks" and hope that you don't repeat the same mistake again.

- Defending a law suit is a very unpredictable situation (best compared to being "under siege"), because you don't know what it will take before the opposition is defeated or they give up. The costs for such a situation are not readily ascertained. Creative, efficient and experienced counsel is your best hope in helping you achieve a resolution.

(THE PRECEEDING INFORMATION SHOULD NOT BE CONSIDERED LEGAL ADVICE. These letters are written solely to be informative as to general realities, facts and concepts of law for the reader and to encourage discussion with legal counsel. A legal relationship cannot be formed without the exchange of fundamental information from the potential client and discussion with a lawyer.)