

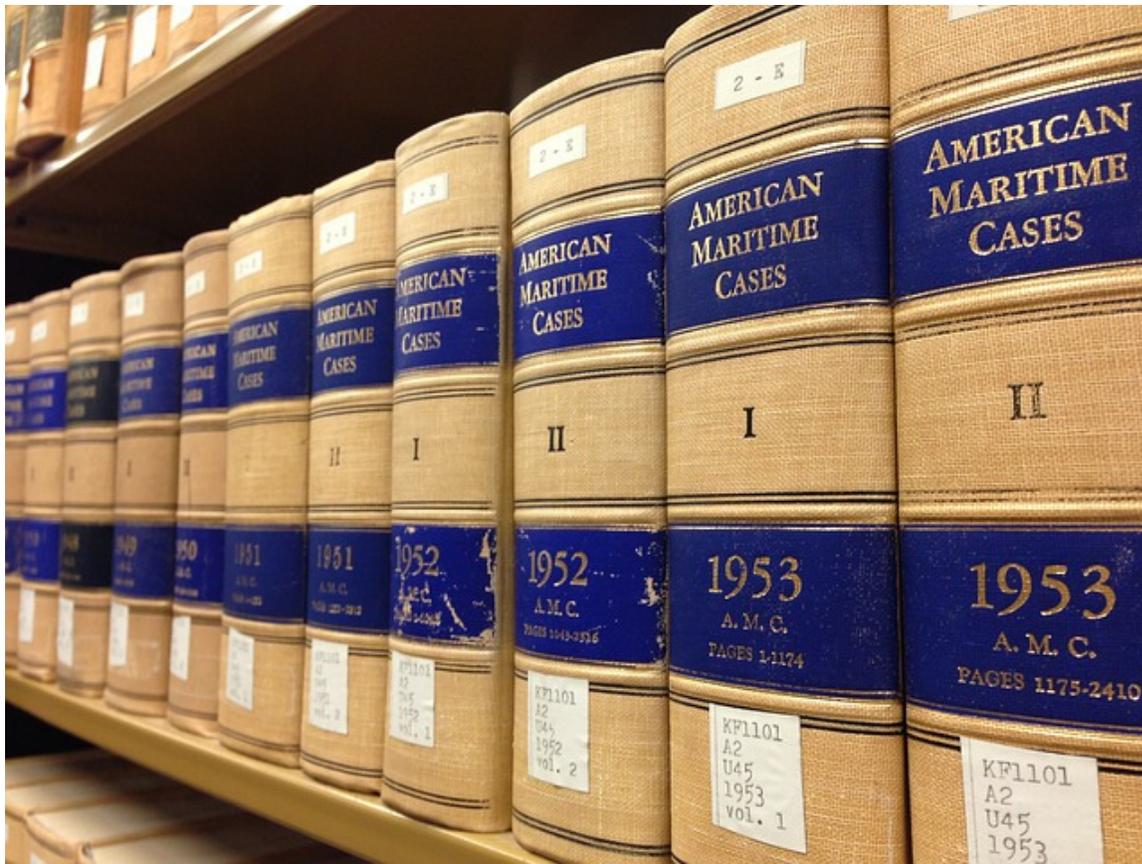
Legal Malpractice in the Real World: Interview with Richard G. Johnson, Esq.



Editor's note: For an insightful and sobering look at the reality of filing a lawsuit for malpractice, check out the following Q&A with an attorney who pioneered in his specialty. The article first appeared in a publication for HALT, the nonprofit for legal reform. The interview is reprinted with permission of copyright holder Richard G. Johnson, Esq. copyright © 2015. Special thanks to Mr. Johnson for granting access.

SLEEP
WALKING
THROUGH
GLASS

*A True Story of Crime,
Deception, & Survival*



Richard G. Johnson, a long-time member of HALT, is a practicing plaintiff’s legal malpractice attorney in Cleveland, OH, as well as a charter member of the Association of Professional Responsibility Lawyers, the only national bar that focuses solely on legal ethics issues. Mr. Johnson agreed to share his insights about legal malpractice with HALT members...

HALT: Why did you become a plaintiff’s legal malpractice attorney?

RGJ: When I graduated from Case Western Reserve University School of Law in 1990, I decided to start my own practice. That is when the field of legal ethics and professional responsibility really became a practice area. People had been practicing that kind of law, but it wasn’t seen as its own area. Back then, no one who was willing to sue lawyers. So, I saw a huge need. I also had a personal experience when I was 17 after my father died with the legal system and had a lawyer quit on me.

So many clients experience abandonment by lawyers and lack of communication—the patronizing attitude of “I’m a lawyer, I know what’s best, and I don’t have to explain it to you.” Then there is the frustration of going to the bar and expecting the bar to help you. People don’t understand that the bar has no interest in helping you; their only interest is in protecting the

public from the future misconduct of the lawyer. They leave helping the person who's been harmed to legal malpractice attorneys, and of course at the time there was no one who was willing to sue lawyers.

HALT: Has the legal malpractice landscape changed significantly since you started?

RGJ: I've seen a change, but I wouldn't say significantly. It's still very common that people don't know you can sue lawyers, the public is still generally unaware of what the remedies are, and there are still not many people out there who practice legal malpractice.

HALT: Do you have suggestions for people who are trying to locate a legal malpractice attorney?

RGJ: The easiest way, in addition to the directories HALT maintains, is to go to the web site of the Association of Professional Responsibility Lawyers' (www.aprl.net), of which I'm a charter member. That's the only legal ethics bar there is, so it's an easy place to find someone who is at least going to be qualified to handle their case. You could also go to a medical malpractice plaintiff's lawyer, and if he doesn't like the lawyer you want to sue, he might consider it, because there's not much difference in terms of the negligence theories, although there's a lot of difference in terms of the ethics rules.

HALT: What else should people know about before attempting to pursue a legal malpractice case?

RGJ: These cases are very expensive. For instance, although more than 50% of the people who call have a valid reason, less than one percent have the damages necessary to support the case. I can't help people with minor claims, which is anything under a \$100,000 dollars. That is a lot of money to the average person, but in terms of a lawsuit, it's trump change. Between expert witnesses and depositions, you can easily spend \$20,000 or \$30,000 on an average case. I'm not taking a \$20,000 dollar case because you're going to spend more on experts and depositions and legal fees. You won't get anything back, and it's not worth it.

People want justice when they come to me, and I try to dissuade them as early as possible. By the time they're with me, there is no justice. You're trying to put the broken egg back together, and there's a transaction cost involved. So in the best case scenario, I'm going to get them two-thirds of their money back because they have to pay me. It's impossible for me to make someone whole. Nobody's ever being made whole, it's a salvage operation, and people don't get that. All I can do is get people money.

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