Twitter Thread by Daniel Barnett



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Why I don't reply to requests for free advice... [THREAD]

I get asked for free advice a lot. Seriously, a lot. Although I do a certain amount of work for free each year, I tend not to carry out free work except through a recognised pro bono scheme such as Advocate or ELAAS.

It's never as simple as answering your quick question; it's answering your quick question, along with the quick questions from anything up to 15 other people who email, tweet or message me with their own quick questions every single day.

Each of you has a real problem which needs understanding, thinking about, replying, and then making sure I've got a careful note of the conversation and advice given in case two years later you contact me and say the advice was wrong.

The question might well be quick. But if the answer was either quick or straightforward, you'd have found it on Google.

If you want advice, say, on your employment rights, I'd need to see your contract. I'd need to see the relevant correspondence, and policies, and disciplinary or grievance investigation notes and outcomes, and there's usually a long backstory.

I also know that most people who approach me for 'quick' advice know they need to cut out 90% of the background, and it's usually in that background detail that the truth lies.

If I'm giving you advice worth anything, I'll need to drill in and question you about the details, and I'll never take anything you say at your word without challenging it, because that's not how good lawyers work.

I've represented clients in many dozens of cases where we discovered things halfway through the case that fundamentally changed the advice or the outlook, both favourably and unfavourably.

A 'quick' question rarely has a 'quick' answer, at least not if you want advice that comes filtered through my many years' experience of doing this. And if you don't, well then you can ask Bob down the pub.

There's a blurred boundary between informal advice I give to friends or relatives in a social context, and situations where a court would say I have assumed responsibility for professional advice, knowing you are relying on my skills and knowledge.

And if I can be sued by a friend for informal advice in a pub, I can definitely be sued by you if I adopt you as a pro bono client - which is basically what you are if you contact me out of the blue for pro bono advice.

I have insurance of course. All lawyers do. But I don't want to be sued - and I don't want to do work that means I'm taking the risk of being sued unless I'm being paid for it. Getting sued can take dozens of hours in wasted time responding to and dealing with the claim

So if I've given you an answer to your question and it's wrong - or even if you just think it was wrong - I could end up being sued even though I wasn't paid for the advice in the first place.

I give away loads of free legal information:-

■ my employment law email bulletins
■ my YouTube videos (https://t.co/YwCy01lZhZ)
■ my podcast
■ my LBC phone-in show

I'd like to think that helps a lot of people, and I hope it can help you.

But I can't go that step further and apply those guides to the unique scenario that you, as an individual, might find yourself in. At least, I can't do it for you, and everyone else who'd like me to help them for free, whilst still earning a living. Which brings me on to...

At the end of the day, I'm in this to earn a living.

'Quick' advice is synonymous with 'free' advice. You probably wouldn't want to work for free - and I don't want to either.

You wouldn't think it's reasonable to ask an electrician to instal lights for you for free, giving you the benefit of the skills they've learned over the years.

I think it's similarly unreasonable to ask a lawyer to work for free, giving the benefit of their knowledge and skills acquired over years - but that's what you're doing when you ask if you can ask a 'quick quesion'

Every minute I spend giving you free help, and giving the other people who ask me for free help, every day - is one less minute I spend working for my clients who have first call on my work time, and my family, who have first call on my personal time.

To put it another way, if I spent time helping non-paying clients and responding to your calls, tweets and emails during the day, it would be very, very difficult for me to get anything done for my paying clients.

So that's it. Please don't take offence if I don't engage with your request for free advice. What I *can* offer you is this video...

https://t.co/ZayfSpQa53

PS I think I copied a couple of these points from @Familoo a while ago, but I've just looked on her site, and I can't find the post I'm thinking of. So if I did nick some of this from her, appropriate acknowledgments and accreditations etc..