



## Client Intake Best Practices

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I find that a large proportion of firms could benefit from improvement in their client intake procedures. The better these procedures are, the more likely you will have quality clients, get paid for your services, avoid conflicts, collect valuable strategic information for marketing purposes, avoid wasting otherwise billable time, and avoid potential malpractice actions. All that from improvement in intake practices? You betcha!

Let's start with what you need before the first call comes in. You need a high quality intake form, and you need an intake checklist. For some firms they may be identical, but they should not be. The checklist is for the attorney, secretary or paralegal to use behind the scenes when doing the telephone screening, and again later for the initial interview. It prompts you to collect all the essential information you need to know for a preliminary conflict check, and to ensure the matter is of the type you handle. If you don't have a checklist, you will forget something important. That's guaranteed.

The intake form, on the other hand, is completed by the prospective client either upon arrival, or is brought in completed upon arrival. On it you gather essential client information you would not take time to gather on the phone, such as a history of significant dates, present and former names, spouse name, employer information, SSN, former attorney(s), and so forth. Also included on this form should be information the firm needs for marketing purposes. You want the client to indicate their referral source, have them check off all the ways they've heard of your firm (TV, Radio, print ads, seminar, etc), and indicate which contributed *most* to their decision to seek your services. Don't forget to ask for an approximate date for seminars or articles, so you can get a realistic perspective of how far ahead seeds must be planted to bear fruit.

You must have procedures in place regarding how to handle first calls from prospects. For many types of clients and areas of practice, you have merely a matter of hours at most to respond before the prospect moves on to another attorney. So you must have your procedures finely tuned, with back-up in place, to ensure that calls, faxes or emails are responded to quickly even if you're not around.

At many firms the initial screening is conducted by a well-trained secretary or paralegal, who is authorized to set up an appointment based on the information uncovered during the telephone screening, and an initial conflict check.

Should you charge a client for an initial consultation? There is no hard and fast rule either way. My recommendation is that with an exception of some categories of prospective clients, (e.g. a Fortune 100 company), you do so. That is, unless you have so much free time on your hands you have already become expert at FreeCell and Minesweeper. The simple fact is that you can waste a lot of time with tire-kickers and those who just want to ensure you are prevented from providing services to anyone but them, but are not willing to have to pay for it. Those one to three hour “freebies” add up to a staggering amount by year end.

As one attorney recently stated on the PBA Solo & Small Firm Listserv, “. . . some overly rotten folks will call every attorney they need to for a free consultation, ask different questions of different attorneys within the time allotted to them, and manage to get the whole package of all needed advice for free from a variety of ‘free consultation’ style attorneys. This once became apparent to me when I was called within 2 days by 5 younger attorneys asking me for additional help on questions obviously related to the same folks.”

If you feel strongly about offering a free consultation, try charging an initial consultation fee, and providing a credit for it on the first bill if you are retained. That way you still benefit by eliminating the window shoppers and freeloaders, and provide a valuable benefit to clients.

I am often asked how much of an initial consultation fee should be charged. Let me start by saying it is all over the place from firm to firm. But a nominal amount, like \$25 or \$50, is no more effective than none, in my opinion. I usually recommend an initial consultation fee of anywhere from one to three times the normal hourly rate multiplied by the number of hours you will provide. If you will provide an “unlimited length” initial consultation, then charge based on the average length of an initial meeting.

Your office should not set up an appointment without setting the initial consultation fee, and following with a letter which confirms the initial meeting date and amount of the initial consultation fee. Your letter should clearly state that the fee is due before the initial consultation begins. This should be taken care of by your receptionist, secretary or paralegal. By the time they come to you, you should have their completed information intake form in your hands, and know their fee has been paid. Hint: if they can’t get it together to bring the check and complete and bring the intake form, this is probably not a client you want to represent.



Certain types of law lend themselves to a FAQ (Frequently Asked Questions) pamphlet which can be included with the appointment confirmation letter. This will begin the client education process, and also help you reduce some of your time at the initial meeting which would otherwise be spent answering simple questions. There are also video tapes, and many firms have created their own PowerPoint slide presentations which prospects view prior to the initial meeting. All of this is designed to better educate the client, and also to cut down on the time you spend on administrivia when conducting initial interviews.

As part of your interview process, you want to find out as much as possible about the quality of the client, in addition to the quality of the matter. This is the critical juncture when you have the ability to avoid the next headache, unpaid receivable and/or malpractice suit by paying careful attention to detail.

If you take on every client who will have you, except for those with conflicts, you are not doing a thorough job of screening. There are many reasons to decline clients. Here are some of them:

1. the prospect has had too many lawyers before you, and may even refuse to name them—a real alarm bell regarding a client who does not pay or is a real problem to deal with
2. the prospect thinks all previous lawyers were “idiots”, or makes otherwise derogatory statements about lawyers in general
3. the prospect cannot demonstrate he/she can pay for the cost of your services, balks at paying a retainer, and/or asks for a special reduced rate or payment terms up front
4. the prospect is too demanding and expects their work will be handled before all other client work—usually recognized by a demand that the suit or action happen TODAY when there is no justification for the rush
5. you really dislike the prospect personally
6. you do not agree with the prospect’s legal position
7. you do not believe the prospect is being truthful
8. the prospect is a family member
9. the matter is outside your normal area(s) of expertise
10. the prospect indicates they know the law and what they want to do, and just wants the attorney to do the front end work for them



Normally, an attorney makes a decision almost immediately following the initial interview regarding whether or not they want to take on the representation. In that circumstance, I recommend to attorneys that once they've concluded the initial interview, they meet briefly with an appropriate staff member, and then they have the secretary, paralegal, or office manager sit with the client and explain the engagement agreement, (which can follow under separate cover), billing practices, communication practices, and fees schedule. The staff member should stress the retainer, how it works, and that no work will commence until the engagement agreement is signed and returned with the retainer.

If you need to do some research before you decide whether you want to retain the client, a follow-up meeting by the staff person can be conducted via telephone to cover the above points. If it will be up to the prospect to decide whether to accept your representation, then the follow-up meeting to discuss the business matters should be conducted before the prospect departs if at all possible.

Solid business practices and payment expectations should be employed and established at the very beginning of the relationship. Doing so will only drive away prospects you do not want or need as clients. Quality clients will appreciate the care and diligence you show to the business and communication aspects of your practice. And even for those who do not ultimately retain you, at least you will not lose money on them throughout the year by conducting free initial consultations.

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