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### DEALING WITH "I HAVE JUST A SIMPLE QUESTION" OVER THE PHONE

How does everyone deal with callers who say they just have a simple question and have the patience of about 2 minutes to get to hear the answer and it better be the answer they want to hear? One of the people seemed to have contempt although he wanted my advice -- remarkable (I answer my phone "law offices" and his response was "hey law offices").... I've even had people hang up on me when they keep trying to pronounce my name and I get tired with it and I just say "how can I help you?"

My practice areas are real estate, estate planning, and business (with some consumer breach of contract type claims) -- all areas that don't lend themselves to free consultations because the consultation is the full extent of the service you're going to provide and the only opportunity to earn a fee. Usually they involve the review of long contracts to find the verbiage that answers the question.

I got two of these types of calls on Friday.. and I answer my own phone on purpose because I feel I end up saving time screening out potential clients, and providing better service to existing clients. However I feel used... but it also seems like I'll spend as much time explaining why I need to see them as I would just telling them the outlines of an answer if I happen to know what factors would need to be considered. I usually feel like the person doesn't know what the heck I am telling them and just trying to be a lawyer by making things confusing and trying to find a way I can charge them lots of money.

One question was whether the vendor in a vendor-vendee contract can just take over a manufactured home (actually a question subject to UCC repossession) and the other was how to transfer title to house (intervivos transfer by joint ownership with right of survivorship or through probate).

I should be making money answering these types of questions, not to mention it would probably take me longer to tell people what steps they need to go through to get something done than if I just went ahead and did it myself (I guess this gets into the whole question of "unbundling" legal services).

So, anyway -- here is what I think I want to start saying and I have to discipline myself everytime before I pick up the phone with a new caller to do this ....

"I need to have complete information to provide you with the right LEGAL ADVICE. You and I both want to make sure you get the best advice. I am afraid that if you try to do this yourself it make create a bigger problem that you don't anticipate. Would you like to have have a



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phone consultation or office consultation?" If they say phone consultation I charge them my regular fee over the phone by credit card, ask them to fax or email me their documents, and if I don't have time right then and there to deal with it then I ask when I can call back."

Granted the latter option has been taken up only a few times but I think saying a "phone consultation" rather than "answering a simple question" makes them realize they're on the hook for my fee.

Maybe I needed to vent... but sometimes I feel like I'm becoming free hotline and can't help but feel the scorn from these people who just got my free advice but didn't listen to a word I said.

The other types of calls I hate are like the one I got this week... I want to sue the mechanic for my broken transmission, and I don't care what it will take. They don't want to hear maybe a letter is in order ... I usually listen to these times vent to me for 20 minutes and then they never call back.

Being 3 years into the practice, how I do I deal with this stuff so I don't burn out and can stick around to serve the good clients who are out there and is it possible to "convert" someone of these other folks into paying clients with the right coaxing?

Andrew Svitek

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I would not do the phone consult, even for a fee, because these people will most likely complain about how much you charge, or will want an unreasonably quick response. I think that people would expect a lesser charge by phone than for an in office visit.

I don't represent many consumer clients, so I don't frequently run into this problem. But I do get calls for advice about some of the regulatory matters that I handle. If I can give a clear cut answer, I do. If the problem is too complicated, I will either set up a meeting or suggest that they retain me. In some cases, if they seem to want to do it themselves, I'll refer them to a site where they can get that information

If I did have a consumer practice, and received the same questions over and over, I'd write up an FAQ and put it on my website - and refer clients to the website if I felt they were looking for free advice. I'd even put something up on the site like "Why can't I simply give a yes or no answer over the phone" - and go into detail about how cases are different, need to know all the facts, etc...

Carolyn Elefant

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I don't do phone consultations except for friends or family. I tell them they need to make an appointment for an initial consultation and that I charge \$150 for initial consultation. If they ask why I can't just answer their question over the phone, I tell them because I am not set up to charge you \$150 over the phone yet, they need to bring me a check. Sometimes they laugh and sometimes they hang up. I win either way.

Duke Drouillard

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Most of us have struggled with this problem. If you don't get them to come into the office, your billing will be limited, and you run the risk of giving bad legal advice since you will not have the benefit of all of the information you need.

Unfortunately, you need to treat these callers as potential adversaries, in many cases. They are often bottom feeders who have no idea of the legal complexity within a particular situation, and if you cannot give them a one-line answer to their complicated question, they could end up filing a bar complaint.

Just ask yourself, what's in it for me? What do I get for giving away free legal advice to an unknown part?

How do you do a conflicts check without collecting at least some information up front?

Mike Phillips

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We're on the local bar referral lists, and have this problem ALL the time. People call up demanding free legal advice.

Our assistant (and yeah, we used to answer our own phones, too. That's why we now pay someone else to do it...) now asks them flat out, as soon as warranted:

"Are you looking for free legal advice?"

If the answer is yes, she tells them that we don't do that, certainly not over the phone. Then she quotes our rates. Freeloaders and tire-kickers vanish.

The other solution to your problem is, as soon as someone says they have a "quick question," tell them that your "quick question rate" is some large multiple of your normal hourly. (When they ask why, tell them it's to pay the malpractice premiums because "quick questions" almost always generate "wrong answers").

Or... tell them you've got a "quick answer" : it depends. (Gets 'em every time!)

Mike Wasylik

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There is no such thing as a "simple question."

Dick O'Connor

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Dealing with tire kickers and bottom feeders :

A. A Lawyer's Time Is Her Stock In Trade-Abraham Lincoln

B. "Mr. Prospective Client, please give me your phone number. You'll be the first one I call when I start giving out free advice."

C. Physician accosted at cocktail party : "Oh, you're a doctor! Can you just give me a quick answer to XYZ that's been bothering me now for 6 weeks? Sure. Please take off your clothes."

D. If you don't respect yourself enough to ask to be paid, why should the client?

E. see The Rule in Foonberg's case.

F. If you insist on answering your own phone [bad move, IMHO], you say, as early as possible, "That's a very interesting issue. I think I can help you with that, but there are a number of questions we need to discuss. My initial consultation fee is \$XXX. I can see you tomorrow afternoon at 2pm : does that work for you?"

Charlie Abut

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