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## Consultation Fees

I am sure this has happened thousands of times but I am relatively new to the solo arena. I had a client come in three weeks ago for a FREE consultation for estate planning for his wife, who has early stages of dementia, and for himself. After spending about an hour and a half with him and providing several options, per his email three days later, he decided to go with "another law office." I respectfully responded and told him that I am sure his attorney will take good care of the matter and asked if there was anything I could have done better for the sake of current and future clients or what the other attorney did better. I never heard back from him. Should I follow-up?

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No. I'd let it go. I know it must be disappointing after all of that time you put in but you did your follow up (I presume with some non engagement wording to CYA). Otherwise, you look like you are chasing and ethic rules (let alone just general appearances) prohibit that.

In the future, I'd try to keep your free consultations to an hour. Once that hour has been reached, you might want to gently ask the client what he/she wants to do. Move forward (i.e., with you) or not.

I am sure you are eager for work but don't look desperate (in that you just have all this time to give away). Some of my clients/potential clients fail to make that first free appointment on time - if after 15/20 minutes they are still late and failed to contact me to let me know they are running behind, I contact the person, politely let them know that the appointment was canceled (since they did not make), and move on. When/if they show up and or contact me, I invite them to reschedule. If they are going to not treat as a professional from the start or the matter as a serious professional matter, it is a polite gentle way of showing them the importance of you and your time.

Just some general thoughts. Either way, good luck!

Michael Eisenberg

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Lesson learned: never, ever offer a 1.5 hour free consult.

You've already asked for the guy's feedback and he doesn't wish to give it. Don't bother following up with this guy -- his mind is made up and, for whatever reason, he saw something of greater value with the other attorney (lower fees, better sales job, whatever). You'll only annoy him.

I do an initial 15 minute phone screen for no charge, to determine whether in fact they've called the right attorney, if it's worth my and the client's



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while to come in, and eliminate the tire-kickers. (For example, if they've called me and it turns out to be an age discrimination case, I'll give them the names of several reputable attorneys and move them along.)

If it looks like a potentially good case, I quote them my consultation rate, which equals a two-hour fee. I let the client know that we have a lot to talk about, and that my goal is that by the end of the appointment, the client has learned a lot more about their options and we are able to agree about the next steps that need to be taken -- which may be to get documents drafted, perform additional research, or whatever. If they don't want to go forward after the two hours, fine. If the appointment goes longer than two hours, so be it.

If the client balks at the consultation fee, I stand firm (unless it's clear that they are low-income AND low-asset, at which point I decide whether I can afford to take on a low-bono case). I've had to learn to be less of a soft touch and minimize how much of my time -- and money -- I give away to people who may actually be better off than I am.

As for why THIS particular client went elsewhere, is it possible that they went to someone with elder law expertise that you didn't have?

Sasha Golden

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I know people have previously said don't do free consultations, but I do. I am still new enough to solo practice that I am willing to do it. However, I have established a few rules, some based on experience, some based on things I have heard on this list, some based on books I have read.

1. Free consultations are for an hour at the most. If you are late, I deduct that amount of time from the hour.
2. I provide absolutely no legal advice during the consultation. I ask questions, ask them what they are trying to accomplish, and try to frame the legal issues and/or remedies they are seeking. I try to figure out who the client is (especially if it is representation of a corporation v. individual), and whether there will need to be other parties involved. We discuss the time involvement. I tell them I cannot provide any legal advice until they sign a Retainer agreement and provide a retainer -- yes, I got burned once just like everyone else -- and then ask how they want to move forward. When they leave, I write up the Retainer Agreement and fax/mail it out.
3. If they don't show up, I call to say they missed appointment. If they reschedule, I deduct from the time available the time I waited around for their stupid %^&^%\$\$\$^&\*((\*&^^. I tell them because they didn't show for the first appointment, they now no longer have an hour appointment, but only a 45 minute/30 minute appointment.
4. If it is a case about a contract, corporation, etc., I often ask them to send me the documents ahead of our meeting. I won't sit there and look at the documents while someone sits in my office.

Michelle J. Rozovics

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I wouldn't worry too much about giving away an hour or two for an initial estate planning meeting. Ideally it would be an hour, but so what if it runs over? And, I think setting an arbitrary end time discourages candid

conversation.

Use this experience to improve your process so the next client engages you at the end of the meeting.

Of course, as Sasha pointed out several weeks ago, I'm not an estate planner, I'm a document pusher, so what do I know?

Brian Blum

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I ditto Sasha's response. Let them go. The reason could be anything, including how you look. I also ditto the response of others. If you believe that you should give a free consultation, limit it to an hour. I generally only do it for people I know or who I know are serious. Otherwise, you end up losing a lot of time. If after more experience with this you find that it evens out in the end, then adjust the time given. Anticipate that the time may be a "gift" and not paid for. I also try to do a quick consult on a phone to see if the person coming in is worth his/her time or mine. If the work should be referred out, I do that. The primary thing is to not lose time and to not give any advice (which can come back to haunt you). Lynne R. Ostfeld

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I can sympathize with you. I am just now learning to be more aggressive with asking for payment up front, or telling people to come to my office with a check already made out for a certain amount. Once they have written a check and handed it over, they are more likely to see it through to the end with you. I think it takes getting burned a few times (as I have) before you begin to see the necessity of Foonberg's advice that if you think there is a risk that a client will not be able/willing to pay you for your time, you have two choices: "you can either do the work and not get paid, or not do the work and not get paid".

Good luck and continue to lean on the group - I know I have a depressing moment like this almost once a week.

Chris Vaughn-Martel

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