

Do You Take Calls on the Weekend?

An October 2010 discussion on SoloSez, the email listserv for general practice, solo and small firm lawyers

From the Wall Street Journal Law Blog:

"Not Working for thr Weekend: A Q&A With Monet Pincus"

By Ashby Jones

From a small law firm website:

"We do not work on the weekends and do not provide emergency numbers for the weekends. There are times we may look at and answer your email over the weekend, but this is generally the exception and not to be relied upon by you that we are accessible on weekends."

"To find out exactly whats going on, we called up the firms owner, Monet Pincus < <http://pincusfamilylaw.com/MonetPincus.htm> >, to find out more about the client expectations section, which includes some other rather stern admonitions to clients and potential clients."

Entire article at

http://blogs.wsj.com/law/2010/10/11/not-working-for-the-weekend-a-qa-with-monet-pincus/?mod=djemplawblog_h

How do you feel about this attorney's "warning" to clients and prospective clients?

I think the page could've been written a little more gently, but I like the general idea.

Part of having a manageable practice is controlling client expectations. Why not set the stage for that right off the bat?

I have been meaning to write a detailed page on my site. I just haven't done it yet.

Andrew

Andrew Flusche, Virginia

I think he has successfully garnered a great deal of attention, and plenty of opportunity to downplay it off the page. It's very likely to get him a lot of traffic. It's also doing a great deal to establish recognition of his rather unusual name.

I take a gentler approach, but I do agree that expectation setting is critical at the outset.

-Rick

Richard J. Rutledge, Jr., North Carolina

True to his southern location, Andrew is more gentle than I will be.

I think this, being a manifesto, is right on target. Manifesto always sounds to me as if a guerilla warrior is shouting from the top of a conquered building. If I saw this on a firm website, or if I received it at my first interview, I wouldn't even finish the interview.

I say pretty much the same thing in what's called Client Information Sheet. It's printed on pink paper. Not very manifestish. It's gentler, for the client's information (duh. hence the title.), and it suggests ways the client can save money, it suggests ways client can save aggravation, time, etc., by using these tips. It is not a manifesto. If the client wants to ignore 'ways to save money', I'm fine with handling the unnecessary phone calls and such and charging for them.

I list my office hours, which is pretty obvious that's when I'm open for business. Clients know (because I tell 'em) we are each part of a team. Only military or born into military or born irretrievably southern call me Ma'm or Miss Carolyn, everyone else uses my first name. I am not GodLawyer.

Because I think one has to be off one's bat to believe we can "control" their expectations. They're going to expect any and everything under the sun. We control our own boundaries, and in that frame of mind, I limit my scope of representation. I don't do emotional or psychological counseling, financial planning, I am not The Decider - it's been done and who can compete?

C.J. Stevens, Montana

I do take calls on weekends. Holidays ... any day, 24/7. But my practice permits it because I'm lucky enough that my clients (a)

appreciate my 24/7 availability but (b) are always careful not to abuse it.

On my page, I note that I practice copyright law, but I manage expectations with this:

"NOTE: I cannot help you if you are a copyright holder trying to use licensing agreements (e.g. EULA), access control technologies (e.g. those covered by the DMCA), anticompetitive practices, or privacy-invasion and data-mining schemes, to (1) extend the scope of your control over your copyrighted works beyond the limits established in the Copyright Act, (2) to deny others the right to make lawful, non-infringing use of your works, (3) to require disclosure of information beyond that needed to complete a legitimate transaction, (4) to impede free and open competition, or (5) to suppress freedom of expression."

It has served me well for eight years.

John T. Mitchell, Washington, D.C.

Interesting that Rick assumed the lawyer in question was male. I did too. But I looked at the website and it's an all female firm. That said, I'm with Andrew - maybe could've been written a little less harshly, but I like the idea.

I think he has successfully garnered a great deal of attention, and plenty of opportunity to downplay it off the page. It's very likely to get him a lot of traffic. It's also doing a great deal to establish recognition of his rather unusual name.

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Anne Pohli, Texas

Yes, Andrew called me on that. I didn't really assume, so much as I thought one of the interviews said "he." I may have also concluded, by extrapolation, that "Monet" was a male name (as a French speaker, "-et" would tend to be a masculine ending; the feminine form would be -ette, but there are exceptions for proper names, to be sure).

I hadn't gone to the site (which could use some editing), but isn't bad.

My bad, I suppose.

-Rick

Richard J. Rutledge, Jr.

I am trying to start a practice. I learned from a mentor to take calls 24/7. Why? They usually don't take much time, they are billable, and on weekends I ALWAYS use my .2 hour minimum (specified in my engagement contracts), whereas for weekday calls I usually reduce the charge to actual time, which most often is .1 hour.

These billed hours increase client satisfaction and make me money.

Note though that my clients are mostly business people who don't have their papers in front of them on weekends!

Larry Frost, Minnesota

I take messages on the weekends and screen them. If they are from a client, I call/text/email a response. If they are from someone trying to sell me a service my business can't survive without, they are automatically deleted.

I look at it this way. I ask my tax professional to take time out of his weekend to come to my house so that it's more convenient for both me and my hubby. I also ask for weekend doctor and dentist appointments. As far as I'm concerned, I'm a service provider and I feel I should be available when it's convenient for my clients. In the past three years, I've only had one or two folks who abused the system. It is a risk I take.

Jeena R. Belil, New York

I have a family oriented practice so I tend to get calls at all hours. However, I have a policy with my clients - if this is a true emergency please call, however if I take a call at home on a holiday or weekend, the client will be charged for one-half hour of time just to pick up the phone and take the call. In my initial meeting with clients, I make it plain that I am available, but if for example, it is a matter that can and should be addressed during business hours, most clients will take a long and hard look at calling his or her attorney at home on a holiday or weekend if that phone call is going to cost the added expense. Yes, I have taken calls on Thanksgiving Day, Christmas and Easter, but never twice from the same client.

Marc Matheny, Indiana

I am in the hand holding business, for a fee, of course. I take client calls at night, weekends, holidays, when I am out of town, when I am out of the country. However, if I had a practice where I was an 8 to 5 lawyer, Monday through Friday, I might think differently. As a small lawyer, what you have to sell is your time and your advice. Because I no longer do petty criminal cases, I no longer get the 1:30 in the morning calls from the jail.

So -- what is your paractice? What do you need to do to promote yourself and your practice? These are individual questions each of us needs to decide for ourselves.

Frederick G. Irtz, II, Kentucky

One of the things I love about being solo is the flexibility. Sure, I (sometimes) take calls on weekends, but I screen them - I don't automatically answer every time the phone rings. Ditto email. Some get returned immediately, others later. Depends on the client, the situation, and what *I'm* doing. Same is true during the week, to be honest.

I also do a substantial amount of other work on the weekends, sometimes. Again, depends on the situation. If I have a court appearance on Monday or Tuesday, I will often use weekend time to prepare. I write trusts on weekends, and often have fun playing with spreadsheets to create neat presentations for my clients. I find that stuff enjoyable, and since my home office is right between the laundry room and the kitchen, well, it's a great way to kill time when something's in the oven or the washer.

But there is a trade-off - I also take time off during the week, for doctor appointments, to ferry my kid around, or even just to take a walk on the pier or go to the beach. My assistant/friend and I will take a 2 hour lunch, have a beer and shoot the breeze, if there's nothing that HAS to be done rush-rush. I will take my mom to a doctor's appointment so I can translate "medicalese" into "old-people-ese" and vice versa. I plan to take a couple of hours each week to mentor the high school robotics team, starting in January. And most mornings (today excepted - I had to take my car for service this morning) I don't even see the office door until 10 or 10:30. (Though I do stay until 5:45, because my son gets out of swim practice at 6.)

People often ask me if I'm taking a particular holiday off (e.g., this past Monday), and I just chuckle, and try to explain that I sort of work "24/7" except when I don't... I basically work when and where I feel like it, or have to, to get the job done. And that applies to phone calls and emails

too.

C.

Cynthia Hannah-White, Hawaii

If I'm in the office, I take the call. Sometimes I am there on the weekends (usually not) but the "rule" applies for each day of the week.

Dana

Dana Z. Johnson, Illinois

I have gotten several clients I think just because I was the only attorney who called them back on a weekend. They told me so. I don't have an office space yet, and am working from home. I have two small boys in preschool and kindergarten, so I'm working around their schedule to a large degree. With that, I work about the same amount on Sat and Sun as I do during the weekdays. Seems to be working for me, and my clients have appreciated being called on the weekends and in the evenings.

Kimberly Vereb, Indiana

I don't take many calls. My most "important" clients, i.e., those on my premium service plans, & my clients paying me \$100kvplus (currently at 0), get access to my cell number.

However, I set expectations with them. They each know that I may or may not immediately return a phone call. They also know that on weekends/holidays, my response will be almost non-existent. I tell them I have a family that is always more important than my law practice or clients.

Jeffrey Taylor

No. Oh, Hell No.

Two things. First, my practice is largely probate. The clients are dead. They don't come into

my office. They're dead. They don't use my parking lot. They're dead. They don't call me on the phone, either at work or at home, because They're Dead. And if something doesn't get done today, it'll nearly always wait till tomorrow, because They Are Dead and frankly, they'll wait.

Second. How they gonna call me on the weekend? I have a cell phone but it is never on except when I'm making an out going call. My home phone is 1) not just unpublished but unlisted and 2) is listed under a name other than my own, though it is under a "jones".

I got grand total of one client who has my home phone number and that's because he used to be my landlord and I gave it to him for use in an emergency at the building I was renting. There's maybe 2 dozen people, probably less, who've got my home phone.

Absent someone paying you a really massive retainer, or unless you got one and only one client at whom you are at that persons beck and call, I'm not seeing any reason for client to call you at home.

Ronald Jones, Florida

I thought the question was interesting, but the responses are even more interesting. Clearly the answer to the question depends on your practice area.

I take calls from clients day, evening, and weekends. However, my clients do not call me on weekends. It is so rare that I can't recall the last time it happened, absent prepping for a trial.

But almost all of my clients are business people, my work is business related, and there is nothing that is going to be accomplished by calling me over a weekend. OTOH, I can see where weekend and evening calls could be a problem for those with family law practices.

My view is we are in a service business, and the name of the game is superior service. I would never put out a document that says I don't take weekend calls, or my family comes first. My family does come first, but there is no reason to stick a client's nose in it, and for the once a year weekend phone call, the risk of offending someone is just not worth it..

Unless of course they call while I am on the golf course. Then it really becomes a problem

Mark J. Astarita, New York

This raises an issue I've been running into. If someone calls my office and, for whatever reason, I have to call him or her back from home, I frequently run into "does not accept blocked calls". I'm not about to give out my home telephone number or cell phone number as I HAVE had people call me at 2 am (because their friend got arrested and I don't even do criminal law) and on Easter at dinner time. In any event, oftentimes these are new potential clients. My general practice is to call people back the same day. Any ideas on how to handle this?

Veronica M. Schnidrig, Oregon

If you have a Google Voice account, you can place out-going calls that show that the call is coming from your Google Voice number (you'd need to ask Jim Tyre if this is improper "spoofing," but I think it works).

If you didn't previously have a Google Voice number, this might be a reason to get one, since they are free.

-Brian H. Cole, California

Sweet!! Thanks - now to find that and set it up. . . .
Veronica M. Schnidrig

Veronica,

Some service providers do the same. I know 8x8 VOIP can do that if you use an Iphone (or maybe it's Blackberry? - one of those).

Dana

Dana Z. Johnson