

Initial Client Consultation by E-Mail

Good Morning Sezzers,

Having worked in-house for years, I am not new to the practice of law but I am new to private practice as a solo attorney. I have recently received several referrals from other attorneys which arrive via email. Usually, the potential client will ask 3-4 questions saying or implying that they might need to hire me to resolve these issues. I often feel like these emailers are taking advantage - they get free legal information without having to hire me.

I feel that a free initial case evaluation is useful for both attorney and client, as it gives both a chance to explore ways in which the attorney can assist the client. I prefer initial telephone consultations because responding by email takes considerably more time. Over the phone you can give the potential client short shrift and speak more informally. For example, on the phone you can say "this is what I think is the answer to your question but I would need to look into it further if you decide to retain me."

Responding by email, on the other hand, requires a more polished and complete response. To answer their 3-4 questions, sometimes I need to do a some legal research to confirm that my thinking is correct. Proof reading is also necessary to make sure the answers sound professional and that there are no grammatical errors.

All told, even a 500-word email response can take valuable time out of my day. It would all be worthwhile if the client decides to retain me but so far most of them do not. I'm interested in hearing how other solo attorneys handle these issues.

I would handle it by emailing them that the response is too lengthy to put in an email and let's schedule a time to talk. I agree that it's much harder to put together a lawyerly email.

Audrey Cosgrove, Illinois

Why don't you just respond with: "Call me."?

Shell Bleiweiss Illinois

I agree with Shell.. I don't like to email with clients for the same reason.

Patricia Dennis, Illinois

Because of my blog, I get these frequently. Lately, I have just been replying with essentially, call my office and talk to [Legal Assistant]. I also add please don't send me info about your case, since we have no attorney client relationship and may not have one. One poor lady took umbrage at my "terse" response. She said it was very rude. She has never received such a response, etc. But, IIRC, her husband had filed a lawsuit, passed away and she was in danger of very serious financial issues. So, I think her reaction was more stress related. Too, if someone freaks out over a "terse" email, then I have enough clients already, thank you.

Really, I just cannot afford to invest more than a few minutes in responding to unsolicited (potential) client emails. I *never* get into legal advice via email. As you have noted, there is no such thing as brief advice. Everything requires careful explanation.

Tom Crane, Texas

They're not worth it. Not putting the effort to come in is a reflection of their commitment.

Hieu Vu, California

Whether giving such answers by email or on the phone, you're creating an attorney-client relationship. Sort of like Nancy Reagan said, Just don't do it. I follow Michele R's protocol, even as a solo answering my own phone. I tell the caller that I can't and don't give any kinds of answers except to my clients. I do ask what kind of question, e.g., criminal, family law, real estate, so that I can tell them if I handle such or not. But I stop them from blurting, even if I have to raise my voice over theirs, to tell them not to give me any details and I offer a real consultation after we establish that it's something in my area of practice and can make sure there's no conflict. But I still won't give answers to questions.

Miriam N. Jacobson, Pennsylvania

Restrict response. Convert it to a paid or unpaid consultation after qualification. Practice constantly with email and phone contacts, or your conversion rate will remain at zero. Don't focus on the legal question posed by the inquirer, but rather focus on qualifying the individual to determine if they will make a good client. I only look up something if it is another attorney asking me a question, as I know many and try to maintain those contacts.

As a service, I assist with certain legal referral groups approved by the State Bar. One for example provides a very low fee for a 30 minute consultation, with the logic being it is enough time to ascertain need and employment. Frequently I get a phone inquiry where the person wants to talk to me on the phone (for an extended time typically) before they will drive over for a 30 minute consultation at the low fee. While I will sometimes "donate" added time for someone that will come in, I will not spend time on the phone with them prior to the low fee consultation. My reason is that I have done it before and it appears to be a total waste of time.

On the other hand, I have colleagues who refer me friends on matters outside of their practice areas. I value the colleagues, and will generally meet with the potential client without charge due to my consideration of the colleague. Some hire me, some do not, but all get some time. There again any phone or email contact is a prelude to getting them in to visit in person if they are a viable potential client.

Generally speaking, I have mostly returning clients. Almost all former clients can come back to see me briefly about whether a new matter is something I can do. Generally this is not abused, so I don't mind. There again a phone call or email is a prelude to an in-person consultation.

I have formed over sixty nonprofits, some related to religious organizations and others are not. Church offices or principals in nonprofits will sometimes refer me individuals. I try to meet with each, and will sometimes represent someone that I normally would not because of the referral source.

My practice approach does not have anything to do with the path you choose. I relate it only so you can see some variables in how you address the individual inquiries.

Darrell G. Stewart, Texas

SoloSez Popular Threads, September 2013

I think that is a good distinction. I am much more willing to talk to someone who has a personal referral. However, given my practice area, the initial contact is always "let's talk and I'll see if I can help you."

Also given my practice area, the only real clients are those who are in need of dispute resolution representation, so I don't have a lot of problem handing out generalities about government contracts.

Jon van Horne, District of Columbia

I am currently holding an investigative consultation over text and email with a person who has a medical disability which makes it difficult for her to speak clearly. She is much more comfortable using email and text. This was a personal referral from a long time client, so I really had no issue.

Jeena R. Belil, New York
