

RANT – “I Have Just a Quick Legal Question”

What do you tell people who call and say this? I tell them that attorneys get paid to represent people, not just answer questions over the phone, and it's difficult to answer their question over the phone without reviewing their case. This guy just called me with a question about an appeal, as if appeals aren't complex. I told him if he has an appeal he should absolutely have an attorney. He said he does not and went back to try getting me to answer his "general question."

Where did people get the impression that private law offices are just hotlines for free legal advice?

From the same source they get the idea they can ask paralegals the same questions ... yes, including legal advice. <le sigh>

Pamela (the Paralegal) J. Starr

I'm going to start sending such folks to Jason Komninos.

Nick A. Ortiz, Florida

Only if I can send my bill to Nick Ortiz :)

Jason Komninos, New Jersey

It depends on the nature of your practice and the question.

Appellate work, yeah, I can see where that would be complicated and you certainly wouldn't want to answer it.

On the other hand, I'm at least willing to listen to the question; and say: either

1) answer the question; Very, very simple questions; i.e., my tenant has not paid rent in two months, can I turn off his power and change his locks (No, that will get you sued and you will owe him lots and lots of money)

2) I don't handle that type of law, I'm sorry call (I'll make a referral if I can, either private attorney or legal aid)

3) I can't answer that, do you want to make an appointment and we will discuss it (and depending on the nature of the question, I may say free consult or I may say I'll meet with you for up to X minutes for \$Y dollars); or I may combine 1 and 3; no, you can't turn off the power, you'll get sued, but come on in and bring the lease and I'll tell you what I can do for you in an eviction. Or I'm sorry about your dad dying, why'nt you come on in with death certificate, will, bank statements and tax bill to house and I'll be happy to meet with you at no charge.

The point is, you need to evaluate the question with an eye to making a sale. There's a lot of dross; but some of them lead to paying cases.

Ronald Jones, Florida

Usually the so called quick question takes the person like five minutes to even get to because they have their story they have to tell (usually ignoring any attempt I make to cut them short) and when I tell them I can't answer it and setting up a consultation would allow me to devote time to it, they will proceed to try to get the answer they want to hear over the phone. It comes from people that do not value time.

Lesley Hoenig, Michigan

I have started to interrupt people who say this. I just say, I don't give free legal advice over the phone.

"But it's just a quick question!" Nope, it's not something I do. "But, but!" No. If you want legal advice that will cost you no more than \$25 for a half hour with a lawyer, contact the Vermont Bar Association Lawyer Referral Service. I have that number if you want it.

Because I answer questions on Avvo, I get calls from all over the country. I can usually tell right away because they say things like, "Is this the lawyer?" And I say, yes, but it looks like you're calling from [California, Michigan, Florida, South Carolina]. And I'm in Vermont. "Oh, that's all right, I just have a quick question. I want to sue the Post Office." And I say, I don't give free legal advice over the phone.

You want someone near you. I'm three thousand miles away from you. Not me. Good luck.

L. Maxwell Taylor, Vermont

You cut the story short by saying "what's your question". sometimes they'll get to it, at least enough for me to know whether I'm interested; My dad died without a will and I want to know whether his new wife gets everything. If they don't get to it then I'll just say bye.

Ronald Jones

Me: Great! I offer free consultations. Where do you live?

Them: Why do you need to know that?

Me: I'm licensed to practice in CA and in our local federal courts, so where do you live?

Then they typically hang up.

I have gotten a few potential clients from these "quick questions" especially if they pertain to getting sued or collections. I agree, though, the greater your online presence, the more likely you are to get contacted by people outside of your practice area or geographical location.

Corrine Bielejeski, California

Sometimes the quick question is really just the person trying to figure out if their problem is even a problem or something a lawyer can help them with.

But a lot of the times the answer to the quick question is, you need to hire an attorney I have an appointment at this time on this date open.

Erin M. Schmidt, Ohio

My usual response is "Wonderful, what's your name and credit card number".

The number of prompt hang-ups narrows down the field a bit. Then I generally proceed like Ronald.

Duke Drouillard, Nebraska

If it's a really, really easy question where probably isn't much nuance, such as "I forgot to pay my ticket and now there's a warrant out for my arrest, what do I do?" I don't have a problem giving them some tips. I'll tell them they can post bail and get a court date and hire me to represent them in court for the ticket. My hope is that they do so. But most of the time the situation would call for a review of paperwork or an investigation into exactly what happened. Neither easily done on a quick phone call.

Jason Komninos

Do you have staff/screeners? Honestly, these questions never get to me as they don't get past the screeners.

Otherwise, we offer to schedule a consultation for \$450 paid up front and advise that it will be a \$4500 retainer, and the conversation usually ends there.

Nick A. Ortiz

I'm a "true solo." I had an answering service for a short time but they turned out to be awful.

Jason Komninos

Once again, this is very practice area sensitive. I LOVE out of state clients; my website/blog are geared to gaining them; specifically, out of state heirs with dead relatives in The Villages, or other parts of Florida.

So, yeah, I get "Illinois calling" or "California calling" or whatever, I'll talk to them. After the bit about can I ask a quick question, my father just died, what do I do now? I ask where dad died. Obviously, if it's out of state I'm going to qualify and ask if what connection they had to Florida; maybe they owned property here but if it's my dad was GA resident and only owned property in GA then I'm going to gently say "you need a GA attorney, I'm sorry". But if they died in/owned property in Florida and they're flying in for the funeral, heck yes, I'll make an appointment. It's 10, 15 minutes of my time to meet with them and the odds of them hiring me are about 50%. Not all of the meets result in a sale but enough of them do.

Or, the guy from Pensacola who called me last year; I'm not in Pensacola, that's hundreds of miles away. But his mom, local resident, had car accident; took info, talked to her, referred it out to local PI attorney, and he got a a check for 1/4 of his fee.

I get it; dealing with the tire kickers and the one quick question types can be a pain in the butt; and for some practice areas, appellate work, or Carolyn Elefants' area, heavy regulatory type stuff, I can see why you wouldn't want to even talk to them. But if you're doing consumer law, then you can set a consult fee; that will definitely sift thru the potential clients and get the 'serious' ones. But you're also going to miss those that can be convinced to hire you; the ones who do in fact need a lawyer and are willing to pay if they can be shown why they need a lawyer.

Ronald Jones

I do consumer law and have to tell a lot of people that I can't help them, but I feel like it is at least good karma to spend 5-10 minutes on the phone to point someone in

the right direction if I can't help them. Plus, sometimes people call and want to talk about one problem, but I figure out they actually have a better claim they didn't know about. It's worth it to me to sift through the tire kickers for an occasional good case.

Ryan Ballard, Idaho

"Unfortunately, I don't necessarily have a quick legal answer. I'd be happy to schedule a consultation in person, on the phone, or via skype, but I cannot answer any legal question without sufficient context. That's called malpractice, and I try to avoid it."

From my website, <http://www.rickrutledgelaw.com/lhtml/en/do-it-yourself.php> :

"I don't need a lawyer; I just have a quick question."

If you don't need a lawyer, why did you call a lawyer with your quick question? Perhaps you could have posed your question to a grocery clerk, or your dry cleaner. In the law, there are millions of quick questions. There are very few quick answers.

Nearly every attorney has heard this disclaimer, or some variation on it. Maybe the caller will call several attorneys, hoping to eventually construct a legal argument on their own, from a string of questions. Often, the questions are based on the answer the last lawyer gave. Or, maybe they'll just try to keep the lawyer on the phone long enough to get whatever advice or recommendation they're looking for without paying. However you look at it, it's what we call self-help. Sometimes it works. Sometimes, it's disastrous.

You've heard it before: You get what you pay for. Attorneys are in the business of giving legal advice and providing legal support. Would you go to your butcher, choose just one pork chop, and hope to leave without paying, because you just needed a snack?

Many attorneys will give an initial consultation at no charge or for a very modest fee, and will almost always screen clients even before the initial consultation to see if there's even a legal matter at issue. Let's face it: I don't want to charge a client only to discover there's nothing I can do for her, so I'll ask questions and explore your answers until we know whether you actually have a problem the law can solve, or at least whether it looks like there's a chance. Then, if it looks like I can help you, we'll talk about what it might cost, and then you can decide whether it's worth it. I will do all I can to solve your problem cost-effectively; if I don't, you're not likely to come

back. I don't want a client I can't help, or a case I can't possibly win, any more than you want an attorney who doesn't really seem to care about you.

When you try to squeeze free legal advice out of an attorney, then act on your own, you assume the risk and consequences of what you do. Unless you're absolutely certain you shared enough information to ensure that the answer you received was correct, you could find out the hard way that some detail you failed to share made a big difference. Most attorneys have malpractice insurance, and they do not want to have to use it. Therefore, they will be thorough enough to be certain that the actions taken or the advice given won't lead to bigger problems down the road.

When you actually pay for legal advice and assistance, you get not only the answer (short or long) to your "quick question," you also get research, follow-up, malpractice insurance, years of training, and a detached, objective third-person who can act on your behalf and in your interest, but who can maintain enough distance that emotion won't get in the way of getting the best possible outcome. That's why most lawyers hire other lawyers to handle their legal problems.

Remember, too, that lawyers are people like you, with families, mortgages, and student loans. Our time, knowledge, and experience are the products we sell to make a living.

Richard J. Rutledge, Jr., North Carolina

When you give that tip, do you think to ask what their immigration status is? It is arguably malpractice - especially today - to advise someone on a criminal charge without knowing their immigration status, even something as trivial as a moving violation or a misdemeanor possession charge. A "routine" plea deal, for a non-citizen (legal or not), could lead to deportation and the disruption of a family, etc.

You can't take any inquiry casually.

Richard J. Rutledge, Jr.

I usually lead with "I only practice criminal law" followed quickly with "Do you have an attorney? Unless the question is really, really quick, I offer to schedule them an appointment at a time that will not be too disruptive if they don't follow through."

Eric C. Davis, Alabama

A doctor and a lawyer are sitting in church. The doctor says "too many people stop me at parties, asking for free advice. Doctor, it hurts when I do this. Doctor, can you look at that." The lawyer says, why don't you do what I do? Tell them you are going to bill them for your advice and then do it. The doctor says "Thanks so much - that's great advice." On Monday, the doctor finds a bill from the lawyer.

David A. Rubin, Missouri

Yes, and I will handle all bill payments for Jason. Please send any and all checks to my office for "processing".

Eugene Lee, California

Our ethical rules do not allow me to give legal advice without an engagement letter.

Done.

That said, I do give a lot of free advice, but I have found that over the years, people remember my generosity and call me when they really need to hire a lawyer.

Andrea Goldman, Massachusetts

I believe Mr. Engval is known for the statement : "You can't fix stupid."

I talk to clients on the phone all the time. I would rather vet claims over the phone than have them all come in for an appointment. I can usually tell pretty quickly if they have a claim.

Sometimes I give them assignments before they hire me.

It can be time consuming, sometimes they really want to vent or get their story out, but that is just a cost of doing business as a true solo, in my opinion.

Sharon K. Campbell, Texas

What makes something a “quick question”?

I am a slow responder.

Roger M. Rosen, California

People call me wanting help.

So long as they are willing to let me "drive" the conversation, then I talk to them. Helping people is what I do, right? It's much more efficient to screen folks over the phone than it is to screen them in the office.

Erik Hammarlund, Massachusetts

That is my position. I don't have time to meet with everyone that calls me. I would rather vet them over the phone before setting up an appointment.

Time management is a constant struggle

Sharon K. Campbell
