

## Client Nibbling

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

August Group,

Client to whom I've already given too many good deals on work (fee reductions)

writes: "Can you give us a pro bono 1 hour to discuss filing the [new invention]?"

My thought is to just say "I can't afford to," but offer a small discount for the one hour. It's a fairly good client, but I wouldn't lose any sleep if he went elsewhere.

Thoughts?

It really amazes me how often (and boldly) people ask for pro bono help from lawyers.

Where does this come from? It's actually kind of insulting. As if the work you do is really worthless anyway and can't you just give it to me for it's real value - nothing.

No one for a minute would think to request free car repairs from their mechanic or free food from the grocery store.

Just a pet peeve.

- Michael Costanzo

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You could just say that pro bono work is for the \*public\* good, not just free legal help for a private entity:

[http://en.wikipedia.org/wiki/Pro\\_bono](http://en.wikipedia.org/wiki/Pro_bono)

:)

Or do as you suggested. Tell the client that you have a steady workload and you can't afford to give away free time. But you're happy to discount the hour by x% (I think 10-25% is more than generous).

You could also charge your regular rate for the first hour with the agreement that you'll chop an hour off their first bill if they hire you for the new patent. That way you're rewarding loyalty but not just giving away free advice.

Andrew

Andrew Flusche, Virginia

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I like that term!

Tell 'em no. I have been nibbled to death recently and am struggling to keep it from happenng. I am SICK AND TIRED of DAYS going by without a billable hour. Today I actually had someone who has never given me a dime j"ust have a quick 10 minute question." I had already spoken with her before for her one and only free 15 minute conslut. I am firing deadbeats as fast as I can. At a CLE on friday there was a speaker who talked about grading clients, A, B, C, D and F. I'm firing my D and F clients.

Sorry, got a bit off topic--If this client has given you 10% or more of your gross income over the last year, I would do the hour talk with a discount. I do feel it's a bit of slippery slope, however.

Shawn French, South Carolina

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Pro bono? That's not really pro bono.

When I get new "inventors" in, I make sure to run them my standard shpiel about how patents and capitalizing on them works. Otherwise, you get the same client calling you 3-4 times a week wondering whether he can patent, well, just about everything.

--It doesn't always stop them. But you at least it gives you a foundation to go back to the, "So, do you ever hope to make money from your invention? Who is your target market? Then why would your invest your time and money on it when you have so many other good ideas?"

Brandon D. Ross

As I tell my potential clients that practicing law is my livelihood not my hobby. Until I can get Giant to give me some pro bono groceries, Or the landlord gives me credit the answer is no. I do my pro bono for the Orphans Court.

John Davidson, Pennsylvania

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Off topic. Two PCs asked my legal assistant if i would accept a post dated check to retain my services. Really? I accepted a post dated check 5 years ago (to be deposited two weeks later) and i lost the check.

On topic. Offer a discount on the one hour consult. I offered Kmart blue light special telephone consultations last month on certain days at a 50% discount.

LaTonia Denise Wright

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So he was pro bono services on something that could potentially make him a lot of money?

Robert M. Louque, Jr., Louisiana

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The callers I have come to despise are the ones whose calls go something like this:

Caller says he has a "quick" question and starts detailing a very complicated fact situation. I interrupt to say it's not really a simple issue and ask if they want to make an appointment to discuss it. Caller says, "I've already talked to a **LAWYER**". I just wondered if you had an opinion."

The second-favorite are those who, when I say it's not really a simple question, respond: "Well, MAKE it simple."

And the third-favorite are those who call up and want a form for a lease, will, deed, etc. When i tell them we don't sell forms because every document needs to be adjusted for that person's situation, I get a rant about evil lawyers who just want a monopoly.

That's the unfortunate downside of being a local lawyer in a small town. Many just don't have much respect for us. And, too, part of it is the fault of some well-publicized lawyers, for pushing the idea that all a lawyer does is fill in forms, and that we charge a fortune for it. I'm astounded at the fees places like LegalZoom charge for substandard service, and the wildly inflated fees they claim other lawyers charge.

Anita Fuoss

Earl Nightengale did a piece entitled "I Won't Pay That Price!". The gist of the article was that he was not willing to pay the bargain basement price. He told the vendor he would pay 110% or 125% of the asking price provided the vendor would provide the service as though he were providing it for his own children. This never got a bargain basement price but it always got premiere service. Zig Ziglar says that the disappointment of poor quality lasts long after the satisfaction of a low price has faded away

John Martin Miles, Georgia

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Such a frustrating situation. I think if the client really is a good one, it's worth a freebie. I usually tell my clients something along the lines of: "I usually charge a consultation fee for potential new clients that is a discount from my hourly rate. I'd be happy to charge you this rate for a consult on a new issue."

Related tale- I just got a call from a former client looking to see 'whether we were a fit for this new issue' - which he proceeded to describe, which of course was super complicated, and of course he wanted an answer over the phone. I said: "Wow that's such an interesting set of issues I'm almost tempted to start working for you for free right this minute. But my answer would be off the cuff and about as valuable as the charge. Let's set up a meeting to make sure you are getting actual value from me." He laughed, and we have a meeting.

Cheers,

Manuella W. Hancock

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My favorite is "Hello, I'm looking for a lawyer that still needs to fulfill his pro bono requirements."  
Keep looking buddy, keep looking.

Steve O'Donnell, Pennsylvania

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"I gave at the food bank."

I simply point out that I do all of my pro bono work through (or to) non-profit organizations, in addition to the work I do with the Pro Bono Committee of the Bar Association; I do not offer direct pro bono services. It's just easier that way, because someone else has already qualified the clients.

-Rick

Richard J. Rutledge, Jr., North Carolina

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I would like to express my heartfelt appreciation to all who responded to my query. The issue obviously hit a nerve and the collective wisdom of the Firm has again proven to be priceless. I will post updates as they become available.  
Thanks again, Bill Richards

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Watch the following <http://www.youtube.com/watch?v=R2a8TRSgzZY>

Client Vendor Relationship

Diane

Diane L. Ebersole, Michigan

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This is great! I am going to bookmark this. Maybe we should all show this to potential clients when they ask for a discount.

Nanci Bockelie, Urah

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I have found that the potential clients that ask for a discount are the most difficult to work with during the transaction. Perhaps they have a general lack of trust or lack of respect for professionals. Invariably they are the ones that take up 2 or 3X as much time as a normal client, and won't follow the guidance they are given.

Jim Miner, New Jersey

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I will attest to that very thing too. I had a client that I negotiated a pretty good deal with and saved about 75% of her total credit card debt. She declined their offer because she wanted another \$100 off. I don't have time for that.

Cicccone Law Office, LLC  
Carlo A. Cicccone. Ohio

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I agree with Jim's comments, too. I once did a few fractions of hours for this client and that was all for the month. I elected to not charge, and when I showed him the statement with the discount to zero and nothing due, he brushed it aside and said he wasn't interested in seeing invoices he didn't have to pay. I felt minimized and like my work wasn't valued.  
William Richards

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Then, by all means, accommodate the man. Bill. You aren't a gumball machine where occasionally a second freebie piece of gum escapes with the first. If he squawks, tell him you realized he was right, that you were undervaluing your time and work, and you feel much better now that you've taken his advice.

I don't know where the 'rule' comes from, but every interruption takes about 10-15 minutes to get your mind back on track. Reach for the ringing phone while you're involved in something, do it four times and you've lost an hour just getting back on track.

C.J. Stevens, Montana