

# What to Tell Clients and Potential Clients When on Vacation for a Few Weeks

*A June 2011 discussion on SoloSez, the email listserv for general practice, solo and small firm lawyers*

I am getting married in early July. My soon-to-be wife is also my partner at our firm. We have no associates and will be out of the office for a few weeks. Since we practice consumer bankruptcy law we have a certain volume of clients that call each day. Having not taken a lengthy vacation since opening our doors over two years ago, what should we tell potential clients that call to schedule an appointment during the time we are unavailable? Would you just tell them the attorneys are not available until the last week of July? That we are on vacation? It's not like we have five clients that we can put on notice. There are a bunch of active clients plus the potentials that are calling. How would you handle it?

I have little advice for you on this one, but I'm eager to see what others say.

I definitely understand the dilemma. My practice is the same in terms of clients (high volume, new folks calling each day, they want to talk to an attorney \*yesterday\*).

I haven't disconnected from my practice for more than a day since I started it. I'm paranoid about losing substantial business. I don't know how to avoid that.

For existing clients, I suggest notifying them in advance. I'd tell them exactly what's going on. They'll understand. Of course also give them an update on their case, let them know everything is covered, your staff will be able to reach you for a true emergency, etc.

Andrew

Andrew Flusche, Virginia

I say I'm in trial and unavailable until \_\_\_\_\_. Anything else and bad people who are your clients or who know your clients might choose to check out your house while you are away.

David Rubin, Missouri

I would hire a temp to answer calls and calendar appointments for when you get back. Have temp email you with other messages and check your email once a day while on vacation.

D.A. "Duke" Drouillard, Nebraska

I think they may have non-lawyer staff already. Whether it's a staff member or a temp, I'm not sure this fixes things.

The problem (as I perceive it) for consumer practices is that people call down their list of attorneys until they find one who's available that they like. It's hard to convince people to wait even a day or two to talk to an attorney. If they come across someone they feel is the right fit first, it's a lost client. I'm not sure how to convince someone to wait a week or especially a couple weeks.

Heck, I've lost potential clients because it took me 30 minutes to return their call. Daily practice works out good enough if you can return calls within a day. That's why I haven't disconnected for more than a day.

Andrew

Andrew Flusche

I have everything phonewise going to a blackberry that is with me. I also say that I'm in trial, and have recorded my message saying I will be returning the messages upon my return on such-and-such a date. For trips greater than 2 week-i have another solo standing by and handling only the items I couldn't empty my calendar of beforehand. I also send OC letters of unavailability (Tenderloin in Cali) that block OC from motions, ex parte anything, etc. Hope this helps. Good luck,

Carol L. Gurel, California

Andrew, you hit the nail on the head. We are lucky to have capable staff that will answer phones and calendar appointments, among other things. I guess with PCs, it's two questions. First, it's a question of what you disclose to them when they can't get an appointment for three weeks. Does the staff say that we are on vacation and that it can be scheduled before or after? Does the staff just tell the PCs that we are "unavailable"? It's amazing how many people think a vacation is inappropriate and that we should available 24/7. Second, what can we tell the staff -- if anything -- for training purposes to try to improve clients setting and keeping an appointment outside of our vacation window? Most bankruptcy clients call with a sense of urgency, so we will certainly lose some of those, but I want to mitigate this loss to the extent possible.

Jeff Curl

You may be right; it doesn't change all that much. Taking three weeks off will hurt any practice and would seem to be a necessary added expense of the vacation. I would not have waited until 30 days before taking off to make a plan. In addition to the lost business, it could spawn a bar complaint if any client suffers because of the unavailability of the attorney they retained.

As for those occasions when I am unavailable, I don't provide a reason; I just say I am unavailable. I also don't take three weeks off at one time. As for those who suggest lying to the clients and potential clients by saying they are in trial, I think that is unethical. I would never refer anyone to a lawyer who lies to their clients, regardless of the convenience or motive behind the lie. Trust is an essential element of attorney-client relations.

D.A. "Duke" Drouillard

Thank you for pointing out the most important thing to remember all the time - honesty, availability, being there. It's fine not to be available when necessary. It's never fine to make up a reason, not even for a family emergency.

Thanks,

Reta McKannan, Alabama

Congratulations. On my honeymoon, I ...has all my calls forwarded to my cellphone, and returned calls once a day, and when I reached my clients, or their voicemails, I simply said I was out of the office until July 21st, and will speak to them then, or set up appts for when I returned. On the other hand, you can hire an answering service that can schedule appointments for you, something like [www.callruby.com](http://www.callruby.com), and hopefully they can call you direct if there is any emergency. Good luck!

Michael A. Blake, Connecticut

My secretary checks my calls every day and checks the mail and sends me a summary by e-mail each day. If necessary, I will call a client back from my cell phone. Otherwise, I ask the secretary to handle and puts things on hold or relays my advice. Seems to work.

David Rubin

Last summer when I was gone for a week, I sent my staff an Edible Arrangement. It seemed to work well as a gentle reward/reminder/virtual presence. They enjoyed it all week - and lots got done. I also asked my IT guy to drop by once or twice as his office is only a couple of blocks from mine.

Deb Deborah G. Matthews, Virginia

I always tell my clients and I never have had one object but I never tell opposing counsel. Clients are generally very respectful of an attorney's private time. Counsel will serve some massive discovery request or MSJ the day after you leave if they know your schedule. While the responsive material is not due till after one returns, the response time can be extremely limited.

John Daly, Wyoming

"I always tell my clients and I never have had one object but I never tell opposing counsel. Clients are generally very respectful of an attorney's private time. Counsel will serve some massive discovery request or MSJ the day after you leave if they know your schedule. While the responsive material is not due till after one returns, the response time can be extremely limited."

Could this be one reason people don't have a warm feeling about lawyers?

David Rubin

As nice as a three-week vacation would be, quite frankly, I don't think you have the luxury of taking that much time off -- not with a business that's just two weeks old and not where the only two lawyers won't be there to make sure that things happen. You won't just be losing money now -- you'll be losing it six months from now, because the work won't be there to bill. Do you have the funds in reserve to cover the costs down the road?

Will you at least be taking the laptop with you so you can do some work remotely? Do you have counsel lined up to cover emergencies? Are your staff sufficiently familiar with the cases and nature of your practice that they can triage?

Sasha Golden, Massachusetts

Take the three weeks off and try the best you can to get the phones answered by somebody while you are away. Do not work while on vacation, what's the point?

True, you might lose a potential client or two because they called somebody else while you were gone, but what's the point of being in solo practice if you can't take time off whenever you want?

If you never take time off because you are worried about the call that might come in while you're gone, well, then...you'll never take time off.

Who wants to live like that? It's worse than working for someone else.

Michael Costanzo

Sasha - it's two \*years\* old: "Having not taken a lengthy vacation since opening our doors over two years ago..."

Three weeks may still be a stretch for any small practice, but I think that's reason for the thread.

Andrew

Andrew Flusche

I send a newsletter to my clients letting them know in advance when I will be less available and during that time, when they can expect communication with me.

Note that I said less available. As a two person firm, I'm never completely unavailable.

Jeena R. Belil, New York

I don't have a volume consumer practice; however I'm wondering if you could have a contract lawyer handle the intake short term. He'd explain that you are away and hes filling in

I have "babysat" for my colleagues' practices while they've been out of the country on vacation - clients wanted to talk to a lawyer and were glad to speak to me. In urgent situations, I emailed the lawyer

Carolyn Elefant, District of Columbia

Even though you want to completely get away for the full time, some contact is probably vital to the life of your business (and reputation for future referrals).

While I don't practice BK, I know several BK attorneys with a trained, specialized paralegal who handles quite a lot for the attorney. Perhaps like Carolyn suggested, a contract BK attorney could follow up by returning calls to each new client (or existing client with a pressing question that just can't wait). Between your staff and the contract attorney, they should be able to provide you and the Mrs. with a sufficient summary of facts & questions

to allow you to make one follow-up phone call per new client to reassure them of the next steps, confirm the follow-up appointment already scheduled with your staff, etc.

It could make the PC feel that they are valued, rather than dismissed if they are able to (1) get the info they need and know someone will be starting on their case, (2) have their initial questions answered by an attorney (who will let them know that you will be handling their case personally as soon as your schedule permits) and (3) \*also\* get communication from the very busy but caring partner who took the time to follow up personally even though they had been told you would not be available until x-date.

We would all do well to have such an attorney ready to field new client calls or a basic intake when the need arises. A great assistant can keep the wheels on to a certain extent, but also having a designated attorney willing to 'appear' (by phone or in a consult) would provide more reassurance to potential and current clients.

Toni Warder, Texas

First of all, congratulations on the upcoming nuptials. :) Lots of good advice has already been given, but I'm going to throw my 2 cents in too. A similar situation has come up in a couple of firms I've worked in. In one, one of the partners had a premature baby and basically worked from her home for the child's first year. Letters were sent to her clients advising of the pregnancy and maternity leave, and then after it was determined that she'd be working from home for the rest of the baby's first year, she was always available by email or phone. In that firm, the clients rarely, if ever, met with an attorney, so there were no client expectations. There were also associates who could handle anything "lawyerly" that needed to be taken care of. In another firm where I worked, there were 2 only two attorneys and both became pregnant within a couple months of each other. We sent out letters to their respective clients explaining the maternity leave issues and that in each case, the other attorney would be available to see clients if necessary. Unfortunately, the first attorney out on maternity was a planned C-section, and the 2nd attorney went into labor (in the office) before the first was back. We were attorney-less for about a week when the first one came back and worked half days. In this situation, I would send a letter to the clients stating that you will be out of the office until such and such date. However, I also agree with checking email and messages daily and taking action only on those things that are bleeding, burning, broken, or exploding. Just my two cents though.

Morag Polaski Just A Paralegal Virtual Services LLC



I take vacations where I am mostly unavailable for a period of five-seven work days. These vacations take some planning. Issues that arise are not only client-driven, but cash-flow driven. Then there is the inevitable crisis that happens with my disabled stepson whenever we leave for a few days.

We've learned that we need to have some way of accessing the internet every few days. Clients don't mind missing a day or two of contact, and out-of-office messages do work to adjust expectations.

We also have a phone number for emergencies, with a message on our phone system that tells people to email us the details, because we tend to have better email access than phone access when we leave the country.

We tell our clients our plans, and we do not schedule vacations when we have court appearances.

If a true emergency happened, I would contact one of my favorite fellow solos to handle it, but since I'm usually gone less than 10 days, it's not generally a problem.

I find that at the beginning of the vacation, I am really stressed by not being in contact with my office. Towards the end, I am not really stressed by much of anything. Which tells me a lot about needing regular time away from the office.

Jennifer Moore, Minnesota

I take a week-long family vacation once a year. I don't have a high volume practice. But my vacation is usually a working vacation. I work one hour each day returning calls to prospective clients and scheduling meetings when I return. If something needs to be filed or drafted, then I ask my assistant to do it. So, my advice is to hire and train a legal assistant for new client intake and drafting. Check in with her/him once a day. Delegate anything that can't wait three weeks. Hire an attorney for emergency back up.

Sharmil McKee, Pennsylvania

This sounds radical compared to the other responses you've gotten. But I would have your assistant tell people you are both on your honeymoon. Most people who have half a heart will get the fact that a honeymoon and wedding are (or are supposed to be!) once in a lifetime events. They will realize it's more than just a vacation. I could see clients reacting to a 3 week vacation with "well goodie for you; I don't get a vacation" but reacting to a honeymoon with "wow, good for them! I wish them well!". Yes, it is revealing a personal detail, but we are, after all, human not law machines.

I think the suggestion to find someone to work on a contract basis to assist with intake and put out fires would be helpful. And be sure you let your OCs and courts know of your unavailability. The AH's will be so whether you told them you'd be gone or not, and that's where your back up comes in.

Whether you work an hour a day or leave it to the systems you have put in place is up to you and your personality. I tend to mostly leave it to the systems in place, with them knowing what constitutes a reason to call me (and take the calls when I am called!), have someone else reading my e-mail, and leave it at that for a week long absence. For 3 weeks, I would build in a 2-3 hour block once a week to check in on things.

Best of luck to you both in your upcoming nuptials!

Dineen Pashoukos Wasylik, Florida

I generally agree with everything said. I do find it interesting the number of people who advised against letting OC know you were going to be out b/c "OC Counsel will serve some massive discovery request or MSJ the day after you leave if they know your schedule."

I have been lucky so far to practice where I have not seen that happen. In my own case, I have been out a lot for the last nine months b/c of serious health issues with my husband. I have never had an instance of OC creating a problem or serving any massive requests. Fellow attorneys, whether opposing counsel on a matter or not, have been of great support and worked to facilitate time schedules that accomodated my needs. The same can be said of the Judges I practice in front of. The only problems I have encountered are with attorneys who have simply been told I was "unavailable." Although they have not created major issues, I have learned that it is best to be up front about issues/problems. Being a person who does not talk about personal issues, the biggest problems have been because of

my not sharing with others the issues involved. Luckily, the few who I did share with, saw that others were informed when I was "closed mouthed." I will be forever grateful to my colleagues and, will, in the future, be up front about issues.

Good luck to all.

Patricia Dennis, Illinois

I would say where I practice that if I informed oc of a vacation and documented it (of course the court is also generally notified) the judge will not be happy and will gladly grant lots and lots of extra time and then lecture the of about being respectful. But we get lectures if we just simply set something or file something without first contacting oc for dates or to try to informally solve the issue.

Erin Schmidt