

Client Discount Expectations

I'm finding that more and more people who request my services expect a hefty discount because they know me or know a friend of mine or because we "travel in the same social circles." Astonishes me as I have never expected a merchant or supplier of services of any sort to give me a hefty discount because they know me, etc.

Recently, I've had an increase in people who know me, who have also been quoted a rate for an estate plan, show up for both the initial consult and for the execution of documents only to comment that they've "left their check book and credit cards at home, but they'll get the payment to me soon." And you can imagine when soon is. This has included ladies with purses in hand, who've grabbed their estate plan binders, prepared to walk out the door with them. It hardly seems courteous to grab the book and say, "you get it when you pay," so I'm often perplexed what to do and still be polite.

How do others respond to these sorts of issues?

At the initial consult, you simply tell them you cannot begin to create the documents until you have payment in hand, and do not budge.

If you do, do not even bring the documents out to execute them until they have brought in cash, money order or cashier's check or credit card (if you take). At that point no checks. To pay by check, please make sure the check is in my office at least 7-10 days prior to the date you wish to execute documents.

And add into your free agreement that NO work outside the initial x consultation (and that cost or if you give it for free) begins until money has been paid.

Erin Schmidt, Ohio

"I'm often perplexed what to do and still be polite."

"Politely" grab the binder and tell them that they can have it when you get paid.

Michael Wright

SoloSez Popular Threads, May 2013

After the plans are signed, I need to scan them into my system.

That way, they can't be the last person touching the binder.

Ellen Victor, New York

I can't ever remember being stiffed once documents are executed; but it's rare for them not to pay me at time of execution. But I do tell them, when setting up the appointment, listen, I'm going to need you, be sure to bring your drivers license, my notary is going to need to see it, and bring your checkbook too so you can pay me, Very rare for them to forget.

Ronald Jones, Florida

Adjust your practice just a tad. Employ the professional version of "no cookie until you finish your peas." Move the final accounting to precede the signing. Final payment triggers the heavy formal paper, the pretty binder, the gold sticker from Staples, and the signing ceremony. After the signing ceremony, you present the signed doc in the pretty binding to be hidden in the safe deposit box, the client's copy, and the final accounting showing a zero balance.

CJ Stevens , Montana

Maybe you can collect up front or charge half up front to begin prep. and another half for delivery of the draft with a large bold watermark thereon.

Craig McLaughlin

I usually ask for half up front with the balance due upon execution. I then take the executed papers to scan while they get their check ready. Haven't had a problem with people not paying. I think the psychological impact of writing smaller checks makes people more willing to pay. That's just my two cents. Don't know if it is actually true but so far so good.

Ling Chu

SoloSez Popular Threads, May 2013

Actually, we scan them, too, then like an idiot, I hand them the binder. I think I'll start saying that the receptionist will have your binder at the front and when you make financial arrangements with her, she'll get the binder to you!

Vicki Levy Eskin, Florida

1. Raise the price 25% and give them a 25% discount
2. Keep them sitting on your left and keep the binder on your right until you have the check in hand.

David Rubin, Missouri

Yes - when in pain - take it out on the clients! The receptionist idea is a good one - looks professional to let the "staff" deal with financial matters. In England the Barrister wears a robe with a pocket in the back. The Solicitor advises the client that when the Barrister turns his back you slip his fee into his pocket.

<http://tvnz.co.nz/david-bain-news/david-bain-trial-legal-fashion-2665306>

David Rubin

Say in the fee agreement that payment of the retainer/deposit/fee is a condition precedent of your representation.

Even if circumstances then lead you to start or even complete the work before you get the money, if the client asks for the work or tries to take the work before paying, you can tell them you "can't be responsible" for a legal matter without formally being formally retained as "the lawyer." That includes fulfillment of the conditions precedent.

Think what your insurance carrier would say?! Before you've been formally retained, there's no scope of work, there's no qualification of your obligation, there's no imposition of any duty(ies) on the client.

I have a lot of prospective clients who are quasi-acquaintances. They do impose by raising their legal issues informally. It's hard to preclude it entirely. You don't want to be so stingy. But at some point, usually pretty early, I formalize it. A lot of times, even when the prospect expressly agrees that they want to sign up, we send the retainer agreement and retainer request, and we never hear from them.

Friends are no kinder than strangers when it comes to wasting your time.

Edward E. Sharkey, Maryland

SoloSez Popular Threads, May 2013

My cousin never paid me for docs I had prepared. She was one of my very first clients. I learned. Now all my wills, POAs and estate plans, guardian ships r all flat fees. I get the payment when I get the signed retainer. I don't start one doc till check has cleared my bank. It has been 6 yrs now and I get paid always and no one has a problem. I do wait forint usually for probate but sometimes I get something up front on those too especially if I suspect money may not b there in the end but so far I hv been paid on everything since my cousin . She taught me a good lesson and I am glad I learned it early.

Joyce Ann Williams

Adjust your dialogue and practices. Explaining your fee is part of the initial job.

If scheduling someone to conclude, you or your assistant can easily remind them to bring their checkbook or other form of payment. "How will you be taking care of your bill today?" is one approach.

Making clear conversation about fee and timing of payment is part of the dialogue. Train yourself and your staff not to be bashful about getting paid.

Darrell G. Stewart, Texas

I would not start the work until the fees are paid if it is a flat fee. If it is not a flat fee, they should pay the basic rate to get the work started. Then when they come in to sign, your receptionist (or you) can start off with, "Will you be paying with cash or by check?" (after any pleasantries).

I charge for consultations and I have told people who forgot their checkbook, "There is an ATM at . . . I'll wait." Every once in a while, one of them doesn't return. And I have learned that probably a third of the checkbook-forgetters, while never pay.

Re acquaintances/semi-friends, what really irks me is they will do things like call me at home to ask some legal question and then when they need to hire an attorney, go elsewhere. I think I will go back to telling them, "You can call my office and schedule a consultation." My husband convinced me that doing the latter was not friendly and people would go elsewhere, but I have also come to realize out that he is big on asking people for free advice.

Veronica M. Schnidrig, Oregon
