

## How do you handle the predators?

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Lately I have started to feel like I don't want anyone to know what I do, because they will eventually prey on me for free advice. Here are a couple of examples.

Scenario 1: My son and dog are playing the the driveway. I hear the dog going nuts. I look out and see that the dog had cornered someone who has pulled into my driveway. I walked outside and find it is a plumber that we hired a couple of years ago who felt it was ok to drop by and have one of us (hubby also a lawyer) review a document someone wanted him to sign. Frankly, I was ready to let the dog attack. I didn't recognize this guy and was a bit unnerved that this strange guy showed up at my house (rural area) at 6:30 at night.

Scenario 2: My cell phone rings at work. This is the mother of a child my son recently began playing with. She knew I did tax work and wanted me to answer a "quick tax question" for her so she could finish her return. I was incredulous that she would think this was ok. I told her if she wanted to make an appointment i would be happy to help. She said, "well, it sounds like it's too much trouble for you to answer my simple question." I let it go at that. Son said she hasn't been very nice to him. He is 10 and has no idea the woman called me.

Scenario 3: I developed a blood clot in my leg after a cross-country plane flight. I had to have daily ultrasounds on my calf to ensure the clot didn't move. Ultrasound guy found out I was a lawyer and wanted advice on how to evict his tenant during the ultrasound.

These are only three examples of people who feel that it is okay to intrude into my life to pick my brain for free. There are plenty more. If these were friends or even people I knew very well, I wouldn't hesitate. I barely know these people.

I am thinking of coming up with a cover story when people ask what I do for a living.

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You have two choices; be nice or be smart. They know less about the practice of law than you know about how much slope in a waste pipe or how to use an ultrasound machine. Teaching is one of the first roles a lawyer should learn. Explain to them how you work and why it is usually more complicated than they might think. Help them understand why you would be doing them a disservice to give them a casual off the top of your head answer. Show appreciation for the fact that they thought of you when they needed a lawyer. They may never have any business worth a damn to you, but

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the odds are better that they know someone who would be a great client for you. Teach these people how to go out and sell your service to others.

As for the smart option; just tell them you are a lawyer, but thinking of changing careers because you haven't won a case in years. They are sure to leave you alone after that.

D.A. "Duke" Drouillard, Nebraska

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If I give you advice, you become my client. My malpractice insurance requires a written contract for all clients.  
John Page, Florida

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I sympathize. My pat answer for these situations is usually, "It's outside of what I do." I'm thinking of adding, "But call me when you're getting divorced" if for no other reason than to enjoy the silence.

Deborah Zaccaro Hoffman, Ohio

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I second Duke. This happens to me A. LOT. I usually try to be polite and, if I know even a little about the area I'm being asked about, I first give a little disclaimer like "I can't really give you much advice, since you've not signed a contract with our firm and our malpractice carrier requires that I get a signed contract before I give advice" and then I might say, if the answer is really more than a simple yes or no, "What you've asked requires more than just a simple answer. If you want, you can call me at my office and set up a time to come in and discuss. We don't do free consultations, though, so my hourly rate is \_\_\_\_". That usually ends the conversation and I don't feel like a dick.

If it is a close friend or family member, I would do my best to give "advice" in five minutes or less and only if I am very familiar with the area of law. I actually recently got a FACEBOOK message from a girl that lived down the street from me back when I was in high school. She was like, "Hey, I know you're a lawyer and thought you could answer a quick question for me. Is it legal for someone to record a phone conversation with me and then use it against me?" First of all, her "friend" status aside, she was never my actual friend...just a girl who lived down the street from me when I was growing up. I knew her name, but that was about it. Second, I had no idea where she lived, so even if I'd given her the answer I knew to be true, I had no idea if it would be applicable where she lived. Trying to be polite, I asked her where she lived and learned that it was out of my state. I basically told her that I can't advise her because I'm not a lawyer in her state, but in my state, I knew the answer so I told her. I then stressed to her to speak with a local lawyer for an actual answer to her question.

Another example: my cousin, in Philly, was getting divorced. She, and my aunt, regularly called me to see if the divorce lawyer they'd hired was doing a good job or if the settlement they were negotiating was fair. Like I have any idea how things work in PA. Which I had to regularly tell them. But they would keep asking, so I would say "Here in Georgia, this is how we do things. I don't know if PA does it the same way, so either trust your lawyer or get a new one if you don't." That answer, of course, did not stop the phone calls. Of which there were many. But it was my cousin, so I didn't want to not try to help.

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I don't want to turn away potential business, but I really think most people who are not lawyers or in the law field have NO IDEA how little we actually know. Not to say that most of us don't know a lot about certain areas of law, but even in the general practice work that I do, I still have to research the answers to some "basic" questions because I encounter new scenarios all the time. Not to mention that most people don't know how much law school debt I'm in...I would never ask a doctor to do a free checkup, or a hair dresser to do a free cut. I think because so much of what we do is "brain based" and without any tangible product (pleadings aside), people just assume that all we need to do is think a minute and come up with the answer. Sometimes that is all we need to do, but more often than not, an answer requires a thoughtful analysis and that just isn't something I can afford to do for free.

Best Regards,

Lauren A. Bryant, Georgia

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Oh my gosh! This is terrible! It was so convenient to tell people that I work for Legal Aid, and I can't do outside practice of law. Now I need a new strategy...

Sincerely,  
Gabrielle D.R. Smith, Texas

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Look, it depends on what they're asking.

If in fact it's something that I do, I will give them a quick answer; not enough to fully answer their question, more along the lines of, "well, it's complicated, depending on the facts it could be A or it could be B.... here's a card, give me a call during office hours and we'll set you an appointment and you can bring the paperwork for me to look at" Depending on the nature of the inquiry I might say "I'm not going to charge for the consult" or " I'll charge you \$xx for up to 30 minutes". OR, "tell you what, I address that on my website, here's my card (or a pen) with my website, go there and jump to my blog.

If it's something that I don't do, then I tell them that.

Ronald A. Jones, Florida

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You need a tried and true answer, that you can easily repeat. "My apologies, but I only give advice to clients who have hired me. Rarely will I do that outside my office. Thank you for your inquiry, but you should call and schedule an appointment."

Redirecting in some form to call and schedule an appointment is key. For the clueless, sometimes you look them in the eye and say "I don't do business that way."

Personally, I will sometimes answer a question if it is a simple matter and a friend. However, it is easy to redirect with practice. No one expects to get a colonoscopy from a doctor in the grocery store.

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Every profession deals with this issue. Lawyers are no different.

One can also practice providing a very top level summary of an issue, followed by the request to schedule an interview. Tactfully addressing it may lead to future business whether the original inquiry turns into an appointment or not.

Darrell G. Stewart, Texas

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These are all selling moments. Give them the speech about "You may have a quick question, but I do not give quick answers. It took me 7 years of college, and X years of experience to learn to understand these questions. I also might need to do research to give you the proper answer. All this comes at a cost. Finally, my malpractice insurer (and in some cases state bar) does not allow me to do any work without a fee agreement in place. If I give you the wrong answer and it costs you money or time, who are you going to look to make you whole?"

As to the intrusions into personal time. Curtly tell them to make an appointment. And briefly explain how inappropriate it is to bring a problem to you home without forewarning.

Don't hide, it may cost you business. But demonstrate your backbone and play on your terms.

Roger Traversa, Pennsylvania

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There is a range of situations there. The plumber showing up at night with a contract is definitely invading your privacy. I'd say that he was out of line even if he showed up with a check. You just don't do that to people.

But, the other two aren't so bad in my opinion. I have heard lawyers get upset at these types of situations, and I just can't bring myself to share the anger. For example, if you were waiting in line at the grocery store and overheard someone say they were an ultrasound tech, you might ask them whether an ultrasound can figure out why your feet hurt. And, so on.

We talk to people about their work all the time. "What do you do for a living?" is a standard question, right up there with "What do you think about this weather we're having?" It's just a natural thing to talk about.

And, people have different perceptions of what lawyers do. I'd say most people think that you aren't really "lawyering" unless you are wearing a suit and standing in front of a judge. The standard lawyer refrain that "how do they think I make a living?" is odd to me. Honestly, I don't know how most people make a living. Most people on this list probably think that

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waitresses make a living taking food orders and bringing the food to the table. They probably don't realize that there's a good hour or two built into every shift for "side work" - e.g. degreasing chairs, folding napkins, filling salt and pepper shakers, etc. We don't see that part of the job, and so we don't know about it.

The notion that someone would charge a social friend for answering a question is just weird. "Say, Bob, I'm trying to get downtown. Do you know how I can avoid the traffic on Juniper?" ... "Sure, Jack, but that'll be \$8." Really? I think we need to be a bit more forgiving when people screw that up. They just don't know any better. My theory is that attorneys get upset precisely BECAUSE it's strange to charge for an answer to a simple question. We recognize that, by asking a question, the person has put us in a position of being the a-hole who says "no." We don't like to be that person, and so we get mad.

In any event, we need a good response that addresses all of these factors and still preserves our dignity and professional integrity. Might I suggest:

"I have a policy that I don't give legal advice to friends - not for free and not if they pay me. There's just too much chance that something goes wrong and ruins the friendship. And, I wouldn't want to do that. So, tell me what's going on, and I'll give you the name of a lawyer in town who works on that kind of thing."

Then, if they ask a brain-dead easy question, say "shoot, Bob, I didn't realize your question was THAT simple. Yes, it is illegal to give cocaine to a toddler."

Cheers,

David Allen Hiersekorn, California

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A few of my responses: "I would love to help but I generally don't practice in this area of law. I can try to refer you out to a friend though." Or, "I would love to help you but I need to ask a few questions. Let me check my calendar to get you in the office for a consultation." Another method I use is just to talk around the issue without saying much until the person gets frustrated and back-off. For that, I use "it depends" a great deal. I have recently used this one and it worked: "I will have to check my procedure manual at the office." this is for the person who insisted on asking questions at a social event. I have also been telling people that I don't answer legal questions outside of my office -- this one I learned it here on solosez.

Rod Alcidonis, Pennsylvania

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"Yes, it is illegal to give cocaine to a toddler."

Really? Doesn't it depend on which State you are in?

Arthur B. Macomber, Idaho

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If someone accosts me outside the office, I say with either a grin or very campy seriousness, "Sure, I can answer a quick question. I need to advise you that I charge double outside the office, triple outside of office hours. [then I drop the drama and in my regular voice:] But the just the regular rate applies if you come into the office."

CJ Stevens, Montana

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As I just explained to a caller. yes your matter is interesting but why should I care? I'm a mercenary. Fighting injustice is nice but it doesn't pay the bills. Or me.

John Davidson, Pennsylvania

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This happens to me all the time too! One girl called me because her boyfriend was arrested on an open warrant related to a driving infraction and apparently has to go to trial for beating her up as well. She wanted to know what she should do to get him out of jail. Huh??? My answer was simply that I am not a criminal attorney and it sound like he was already given a public defender. She persisted with the whole "I don't want him to go to jail" thing so my answer was simply "well in the future do not involve the police". Sorry but I am no domestic violence counselor.

Fareeda Brewington

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You need to keep it simple. Memorize these lines and use them.

"You talkin' to me? You talkin' to me? You talkin' to me? Then who the hell else are you talking... you talking to me? Well I'm the only one here. Who the f\*\*k do you think you're talking to?"

Kurt Valentine, Missouri

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It can sometimes be annoying when someone asks for free advice or services, but I think the best approach is to take things on a case-by-case basis and try to be nice about the situation. If the person has a genuinely quick question, I may give a genuinely quick answer. I used to get a fair amount of calls from people who wanted to start photography businesses where they took photos of events such as high school football games and posted photos of the players on their websites for sale. I always gave the truthful answer, which was that one of the issues involved right-of-publicity, the laws among states varied and were often unclear, and that I could not give a definitive answer without doing some research. I told them that I couldn't do the research without being paid but if they wanted some sort of (uninformed, half-ass) answer, they could do the research on the Internet. Arguably, it was a waste of my time but it took only a minute or two and I didn't offend a potential future client. Also, I think a few of them ended up buying my book on photography law.

On the other hand, I have had some calls from photographers who had been harassed, or even detained, for taking photographs in public and I have always been willing to explain their options because I am an advocate of better education for photographers. I don't think any of them ever became paying clients, but I did get a few referrals, including some very good ones.

I recommend avoiding pat responses because they typically come across as rude and sometimes you can make a mistake about the person's intentions. I had a client recently who had come across as ranting and almost deranged in his e-mails asking about my services. I figured the person was probably a nut, but I agreed to meet with him anyway. My thought the morning of the meeting was that I would listen for a little while and then steer him towards the door with a "I can't help you." It turned out that the person was a genuine gentleman, had a legitimate issue that he could not communicate well via e-mail, and someone who willingly paid the requested retainer. He ended up thanking me for a result that pleased him, his wife complimented me for being a good listener, and the judge actually told me in chambers that she thought I was a good man for taking the case.

Anyway, keep in mind that if people don't know what you do, they won't know who to go when they or an acquaintance needs legal work for which they are willing to pay. Besides, if you tell people that you pump out septic tanks for a living, who are they likely to call when things get really messy?

Bert Krages, Oregon

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Please tell me you don't do this to your daughter's dates. Yes, I know it's a long shot, but I'm asking anyway.

CJ Stevens

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I get these sorts of inquiries all the time. If I know the answer off the top of my head, I will gladly give it. If I don't, I will let the person know that I need to research the issue and would be glad to make an appointment with them to discuss it further. If I know the person cannot afford to hire me, I refer them to Legal Aid.

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We work hard to earn our reputations and get our names out there. I would be wary about treating potential clients (and potential referral sources) with anything less than respect.

Deborah Hardin

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There was an observation about how little lawyers actually know.

Most people do not know or appreciate what lawyers do. That we are best at knowing which book to look in for an answer. (Book? that is dated)

I think most people acquire knowledge as to what businesses do from TV. At least the TV show, House, centers on the doctors doing research as well as racking their brains.

I do not know of any TV shows featuring lawyers where the lawyers do any research. The lawyers seem to have the knowledge and answers and announce the same

TV does not lend itself to showing a lawyer carrying on his or her trade.

I do not think public service announcements would help.

Respectfully yours,

Richard P. Schmitt, Maryland

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I agree with Deborah Hardin. If I know the answer, I'll let them know. If not, what I do depends on the person asking and the amount of research needed. If it's a friend, and I can research the issue quickly, I do it. I know my friends would do it for me. If it's not a friend, and it will take me some time to look into it, e.g. your plumber example, I would tell them to schedule a meeting/sign a services agreement/etc. There are potential clients everywhere, so I treat everyone as if he/she is a potential client.

Other professionals are asked for free advice, too. People randomly ask doctors medical questions, people ask realtors what a house is worth, and people ask accountants tax questions. We are not the only ones who hold information that people want.

Tracia Y. Lee, Texas

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