

RANT-Prospective Freeloaders Trying to Use All Tricks to Get Free Legal Advice

To all solos:

The more deeply I get entrenched in solo law practice, It never ceases to amaze me to find all kinds of tricks that prospective freeloaders use in trying to get free legal advice. One person emails me saying that he works for company down the street but wants me to explain the whole process of getting a certain kind of work visa via email response. It seems like certain people use email asking you to explain the whole process of getting a visa without ever contacting me.

I have learned to discern the freeloaders from real prospective clients, but one of these days, I want to come up with a voice automation with a not so friendly response. I am getting a bit jaded today! Time wasted is money wasted. Any thoughts?

I have had people email me claiming that they have a bet with a friend or office mate regarding a legal question and ask whether I can answer the question (for free) to settle the bet. I don't respond to these kinds of emails. I once had someone call me who I think was pretending to be a journalist seeking "background" on a legal issue. However, I have also had legitimate journalists contact me and have even gotten some time on radio and television. In fact, I was once interviewed by Santita Jackson when she had her show on WVON.

I recommend against not-so-friendly responses. You run the risk of inadvertently offending someone who is not playing games and could become a paying client. I had a matter a few years where I was contacted by someone via email who appeared to be a completely irrational lunatic.

He pleaded for an appointment and I finally agreed to meet with him thinking that nothing would come of it. He not only turned out to be very rational, he had a serious matter that he did not communicate very well by email. It turned out that I was able to help a deserving client who happily paid for my services.

Bert Krages, Oregon

Try Yoga.

Duke Drouillard, Nebraska

Paid consultation fee applied towards matter if retained.

Dan X. Nguyen, California

If a prospective client wants me to respond with an email that takes me more than about 2 minutes to write, I ask that he call me to discuss. On the phone I will tell him if what he is asking requires a retainer or not, depending on the question(s) he wants answered.

Michael A. Blake, Connecticut

Well, that may be what you want a blog/website for, to answer these sorts of questions. Point them to the relevant post.

Sure, some people are looking for free legal advice; some of them may be able to be convinced to hire you. Not every contact will result in a sale; but that's sales. A salesman on a car lot knows this; a very few people come onto the lot ready, willing, able, and intending to buy a car; those are the easy sales; some people can be convinced to buy a car; that's where the sales comes in; and some people are just window shopping or killing time; the key is to figure them out and cut them loose.

As far as not every contact ending in a sale; I had odd phone call last week, about 8:30 I answer the phone and the woman sort of mumbles something about "do you do will deeds or trust deeds and what do you charge?" which sort of didn't make sense, there's no "will deed" and a 'trust deed' is very specific. But clients don't always use the right terminology. So I said, uhm, exactly what are you looking to do? very politely, mild tone of voice; she snarled "Eff You, I don't like your attitude" and hung up. Oh well. I didn't make that sale.

Ronald Jones, Florida

Sorry Ronald, I had a bad morning last week.

Michael A. Blake

In business a free sample is often used as a sales tool. If you can mention a pitfall people fall into without creating a lawyer-client relationship that might help. Or you can suggest they read an understandable book like those published by nolo press that might help. Or refer them to a public service pro bono group that might help.

Invite them to retain you if these sources don't suffice.

Jordan Rosenberg, California

If I get an unsolicited email from someone I don't know asking for advice, I never respond with substantive advice. I take one of two approaches. If it is not my area of practice, I say that, and provide the phone number for the county bar association lawyer referral service. If it is my area of practice, I tell them that I cannot provide advice to anyone who is not a client, which requires a signed representation agreement and a retainer, and ask if they want me to send my representation agreement. Basically, short, sweet and polite emails that give no satisfaction.

I don't usually hear anything back, but if I do get another plea for advice, I send the same email again and after that ignore. I think there are people out there who legitimately think they have a simple question and that a lawyer knows the answer to it right away and why can't the lawyer just take a minute of their time to answer. I don't take the time to set them straight on that, but I do not see the sense in being mean in a response.

From the time perspective - take a few minutes to develop a standard response of your own. Then you can just use the standard response, and not waste your time coming up with a response for each inquiry.

Also - from a marketing perspective - if you get a lot of these emails or calls with the same type of question - prepare an FAQ on that topic and put it on your website. It might get people over the hurdle of deciding it is worthwhile to hire you.

Caroline A. Edwards, Pennsylvania

I think that people are becoming more brazen. In my industry, it used to be that a prospective company would email with a brief "point me in the right direction" request, and at some point thereafter, would invariably make the hire. In the past year, companies have scheduled calls - one had its entire board on the line for what I thought was an informational meeting - and they began peppering me with questions. I basically told them that I couldn't respond without reviewing their plans in detail. They actually had the gall to call me again and I just told them to speak to someone at biglaw which would give them gratis advice. I find European companies to be much, MUCH more respectful of my time.

Carolyn Elefant, District of Columbia

Thank you all for the valuable feedback. Today, I feel less jaded than I was yesterday. Bert made one especially important point in that one of these prospective freeloaders can be a big client. In my experience, a little less than 10% of these crazy sounding prospective clients can and/or have resulted in signing good retainer agreements, so I can't take that for granted. I just want to do a better job of discerning that client base.

It's just that I have been getting a quite bit of these other 90% percent recently, but that's the nature of the beast sometimes. Thank you all!!

John Kang, Nevada

Yeah, it kind of is the nature of the beast but you need to try to be able to sort out decent prospects from tire kicker/free legal advice types. Don't know much about

your practice area but back when I was doing Ch. 7 bankruptcies, I'd run into the same problem; people looking to DIY but wanting to get hints from a lawyer. And the nature of Ch. 7 bankruptcies is, or at least was, in my area, that all the lawyers offered free consults. Which of course led to problems with time wasters. At least I figured out, if I was going to offer free consults, I would make the client pay for them. Make the client put time, if not their money, into it.

I'd take client's name and address and send them a bankruptcy packet consisting of about a 12-page handout that I cribbed from NCLC bankruptcy manual, that I tweaked for Florida exemptions, and this 30 or so page bankruptcy questionnaire. I'd send it to them and tell them to review the information, fill out the paperwork, THEN call to set an appointment. About half of the them never got back to me, but that was OK, I spent 5 minutes on the phone and sending out the packet; if they didn't get back to me I was out 5 minutes. If they got back to me then I'd set appointment. No one ever completely, thoroughly, filled out the form but 'serious' clients at least made an attempt; if someone came in with it blank or close to blank I'd just say I couldn't meet with them until they completed it and waved bye-bye. They generally didn't come back. The ones who did make honest attempts to fill it out, it showed they were serious enough to spend time on it; it reduced my information gathering costs as at least I had some info, and it allowed me to control the interview; going over the sheet and double checking and filling in ambiguous or blank stuff; it kept the focus on my information gathering and not answering a bunch of quick fire questions. It really reduced the amount of time I spent on the 'freebie info' types.

Ronald Jones

You mean YOGA in as You Oughta Go Away?

James P. Moriarty, Iowa

I live in a fairly close-knit community. They don't even try playing games when seeking free advice, they just come right out and say it: "You would charge a community member!?!?!?" or "I didn't think you charged people in the community!!"

I bike a lot. It helps. Sort of.

Shlomo Himmel

