

Unresponsive Clients

We charge flat fees for almost all we do, and our engagement agreements do provide that we can bill hourly or close the file if the client goes radio silent on us. We've been surprised by the number of clients that sit on first drafts we've delivered and ignore our follow-up communications or just kick the can down the road. For example, a guy retained us (and paid in full) for a nonprofit formation in **January* *but has yet to get me the information I need to complete even the first step.

We realize that billing them for follow ups will probably discourage radio silence, but short of that, has anyone found an effective way to get clients to be more responsive?

Have you tried remote control shock collars? Other than getting cell phone, personal email, and alternate contact information on family member or associates during your intake; not much you can do to change client nature of avoiding you when their plans change.

Duke Drouillard, Nebraska

If you can figure that out, write a book. I've had a retainer on file for estate planning for three years from one guy. Tried to send him a refund check a while ago: he refused to cash it. Yeah, I guess I could just get a bank check and send it off with a termination letter, but one always rather hopes the client will wake up and move forward.

Michael Koenecke, Texas

This is why I changed the way I bill estate planning clients (which is the bulk of my flat-fee drafting work at this point): Pay the fee into retainer, half will be billed on presentation of first draft; remainder will be billed upon approval of final draft, execution, or 30 days after first drafts are sent, whichever is sooner.

At least then, I have the option of sending a reminder note that says, "Since you've already paid for it in full, shall we schedule completion?"

Until recently, my record for sitting on unsigned documents was just under a year, and the client was ... a lawyer. That's just been surpassed by a couple who told me they needed time to decide on their bequests, etc. I sent them drafts with that portion blank, at which point they advised me that he would be going on a six-month sabbatical shortly, and they'd get in touch when they got back. They got in touch, to tell me they had some other documents they wanted me to look at, and would mail them along shortly. And that they'd get on the EP stuff "soon."

Despite the reminders, <crickets>.

I have confirmed they haven't yet died intestate...

Richard J. Rutledge, Jr., North Carolina

Generally, you have to wait until clients get a round tuit. Round tuit is an endangered species, and rare in some circles.

Building momentum from initial conversation until conclusion is one strategy. Getting the client committed to measurable goals is another.

Other posters have talked about estate planning. My current record on estate planning was about ten years. Client had real difficulty with the concept of his future death. He would get up and walk out of planning sessions. It took a long time to work past this issue.

For almost all work, I don't send drafts. If paperwork is ready, I schedule them in to sign. I go over documents and get them signed with appropriate notarizations, witnesses or whatever. My closure rate improved when I started this approach.

If asked, and if paid in full in advance, I will send out drafts. Generally, I find it unproductive.

Darrell G. Stewart, Texas

"A round tuit." I did laugh out loud at that one.

Thanks, everyone. I'm reworking my engagement agreement to make it crystal clear I will bill my hourly rate and bill down that retainer if you go radio silent on me. I have spent most of today just sending follow up emails and it's getting really old.

To the extent anyone else is engaging in the same exercise, I share my current version of the language:

COOPERATION AND COMMUNICATION. We cannot provide effective representation without your full cooperation, which includes providing us with all documents in a timely manner; being open and honest with us about all the facts of your situation, even unflattering facts; and keeping us informed of any changes that arise during the representation. Our ability to deliver quality service depends heavily on your responsiveness to requests for information. If you do not respond within a reasonable time, we may begin billing hourly for follow-up communications; or bill you a

\$250 administrative fee, close the file, and refund the remaining balance on account. After your file is closed, any additional or related services you request will be considered a new Matter, requiring a new fee agreement and corresponding fees.

Gina Bongiovi, Nevada

I like this. Using it!

Dan X. Nguyen, California

Thanks Gina - I love it! Definitely stealing the concept.

Jan Matthew Tamanini, Pennsylvania

My uncle, who was a lawyer and also a bit of a "card", had a batch of round white plastic disks (about the size of a dollar coin) printed with the word "TUIT". When people told him that they would do something when they "got around to it", he would give them one of the disks and say "now you've got it, so do it."

I assume it wasn't original with him, but I've never seen anyone else actually use them!

Also, I like Gina's engagement letter language about cooperation.

Caroline A. Edwards, Pennsylvania

My uncle sold those! My uncle was a pharmacist in Boston who hated his job and his nephew. Miserable man, really. So, he quit being a pharmacist and moved to Rutland, VT. I had no idea what he did for a living for years. I didn't really care. We would go visit once a year and he would give me these cheap toys. Turns out, he drove around the country selling things like the round "TUIT." I still have one or 100 in storage!

Jonathan Stein, California

That's funny. The very first financial planner I ever met with, way back in my early 20s when I didn't have a clue what to do with a "financial planner," gave us all a ROUND TUIT thing after a presentation. It was indeed ROUND and was sort of a small, flat mousepad type of thing. But this was way before mouse pads were even the norm (like mid-late 80s?).

Remarkable that I can even remember that...

JB Hilliard, Georgia
