

New Solo Advice (Not-so-new Solos Should Heed, Too!)

I know we have a few newbies on the list, so I offer you two reminders from my work life this week.

1 - The money isn't yours until you've earned it.

2 - Be firm on your boundaries, because clients (and potential clients and opposing counsel) will push them.

As to #1, you know your area of law and state bar rules as to when you have actually earned your fees. Pretend those funds in your trust account aren't even there until you've earned them.

As to #2, some clients will pressure you using guilt, threats, tears, etc. to get what they want. That could be a faster appointment time, a cheaper fee, or a different result. Set boundaries and keep to them.

Corrine Bielejeski, California

Picking up on Number 2: At the initial conference a client will show you who he or she is. If they want a lower retainer, they will quibble about every statement you ever send them from now until Armageddon. If you make an exception and grant an early or out of hours appointment, they will expect it EVERY time. If you promise anything other than to do your best on their case, they will only remember that you promised a result and you did not fulfill your promise (and therefore, you did not earn your fee and they are not paying)

The practice of law is a full contact sport.

John Martin Miles, Georgia

In the same vein, the best advice I ever received as a new solo was, "The cases you don't take matter just as much as the ones that you do."

Trust your gut. At this point in your life you're probably pretty good at automatically detecting sketchy people and situations. In the early days you will be staring at the phone waiting for it to ring when you're not networking. I had several potential clients that immediately set off "danger, danger, Will Robinson" in my head and I declined the representation when I sure could have used the money.

Years later, I am now very happy with that call. I'm sure I've have dealt with some horrible, protracted litigation and a bar complaint or malpractice suit or two if I'd taken some of those cases.

Bryce Davis, Florida

" If they want a lower retainer, they will quibble about every statement you ever send them from now until Armageddon."

I should (and do) know better. I'm dealing with this very same situation now. This one's on me.

Ryan Young, Virginia

In keeping with this theme, I can say that the pareto principle applies well to your clients-- that is, 20% of your clients will cause 80% of your headaches. If your practice is one involving repeat customers (as opposed to one-offs like PI cases), consider a yearly evaluation and firing the clients who are your biggest headaches. And regardless of your practice, the better you get at screening out the headaches before they become clients, the happier you will be.

Kevin Grierson, Virginia

Yes yes YES all these things YES!

Fire your biggest PITA client, even if they're the most lucrative. You will make room for other, equally lucrative yet far more appreciative clients.

The boundary thing is a daily struggle for me personally, but I've made great strides this year. We have always charged an expedite fee for these insistent clients. As soon as they find out their service will cost 50% more, suddenly they're not in such a rush. I liken it to the FastPass at Disney. If you want to jump to the head of the line, we have an option, but you have to pay for it.

Gina Bongiovi, Nevada

#3 - Get the money up front. You are not a banker. It's better for the client to owe a bank or family member than to owe you.

#4 - Document everything. Everything. CYA.

Marilou Auer, retired legal clerk/secretary, Virginia

Corrine, it sounds like you have had a WEEK. :) I hope all is well.

I agree with all of the above. Regarding the gut feeling, I just had to let a client go who had a really good case and theoretically would have made me a lot of money. I knew he would be a nightmare after he returned a heavily redlined retainer agreement with alternative paragraphs including a requirement that I obtain "informed consent from client in advance" of incurring any costs to be billed to the client. OMG. A stamp would have required "informed consent" and "justification" according to his proposed terms. Don't ever be lured into taking those. It's not worth it because if the trust isn't there from day 1, it won't be there on day 653.

Listen to your gut, be prepared, don't count the cash until it is in your bank account, and as my old boss would say "know with whom you are having the pleasure" before you take a case.

Deena L. Buchanan, New Mexico

May 1st is Law Day. The day we set aside to celebrate the Rule of Law. What a Client Facing Perspective.

I have had as a tradition for ~my Law Day~ to make it a Lawyer Facing Perspective.

The law is how I feed my family so I inventory my client list and pick one (CT is a No Fault State) to FIRE.

It feels very good.

Michael Sweeney

Two pieces of advice for newly solo

1) hook yourself up with a PI lawyer, someone who pays attorney fees, unless you are doing PI work. This is assuming your jdx allows referral fees.

You may not get rich at this but it can be a significant, if sporadic source of income; you've got clients, they remember you, from time to time they may call asking if you do PI work; or you might have people cold contacting you (it can be a former client says to someone "Oh call Mr. Jones, he was so helpful on probate, maybe he does accidents").

Three quick examples:

Had long time client in my office he came in for a deed. I ask, of course, "how you doing?" and he says "Oh, I'm alright, I'm just getting over the accident I had last year". In a nutshell he was crossing the street as a pedestrian, and was run down, and life-flighted to local trauma center, spent 10 days in ICU. I asked if he had talked to a lawyer, and he said he

called local attorney who asked if he had any broken bones and he hadn't. Fine. I send him to my-PI-Buddy-Down-the-Road and I wound up with low 5 figure referral fee.

Second example, got phone call from some guy in Pensacola (300 miles from me); his mother had been in auto accident and needed PI lawyer locally; this gentleman had seen my blog post

<http://flawyer.us/ProbateThoughts/http://flawyer.us/ProbateThoughts/personal-injury-in-florida>

Which, if you read it doesn't even SAY that I do PI work; because I don't (at least not much of it) and gave me a call. Sent him to my buddy down the road; signed him up, another low 5 figure referral fee.

Third, I was at a CLE in June doing presentation on probate to other probate lawyers, and I mentioned off hand, "ya'll do have relationships with PI lawyers right? Because you can make some \$ off of referral fees". At break one of the lawyers came up to me and said her probate firm had made \$235,000 off of a PI (probably wrongful death) referral fee. YIKES!

So, point is, you will get inquiries from time to time; cultivate a referral relationship with a PI type.

2) This is contingent upon your geographic area and how long you've been in practice, but please, please, at least consider either building or buying your own dang office. Now, there are parts of the country where it really makes more sense to lease than buy, either because RE prices are insanely high OR because they are economically depressed and you can rent relatively cheaply; and I do get that buying is a heck of a commitment and takes some stability; nonetheless, I know many lawyers who in retrospect kick themselves for renting. Renting is cheap, it's easy, it's convenient but one lawyer I met when I first opened up, at a probate CLE, had been in business for 25 years and he said he liked probate, etc. but his one regret is that he paid rent for 25 years and didn't buy. Likewise, I know a local lawyer, he recently had his landlord double his rent and he had to find cheaper place, but he said he'd been renting for 23 years. And I like the guy but I also thought "geeze, why didn't you buy or build?" That rental money is gone, gone, gone. You buy, sure, there are some headaches, taxes, insurance, upkeep, etc. but you're spending \$ on yourself. I do understand it's tough to do so starting out but I started in '97 and built my own office and moved in 2004. Best move I ever made. At some point you need to think about this. Don't just kind of put it off every year.

Ronald Jones, Florida

I'm skimming, apologies for not stitching this to the original post.

I have yet to see any single volume resource that compares with Foonberg's how-to book:

<https://foonberglaw.com/>

After Foonberg, the Rutter guide for one's practice area is invaluable, leastways for California. Robert Thomas Hayes Link, California

Everyone provided great advice.

I appreciate you all taking the time to provide us newbies with your insight. Some information we know and follow but it is always good to be reminded.

Other information we know but at times it seems difficult to follow or you go against your gut. It is a learning process being on your own. I agree that you should have places in place and you have to follow your own policy.

Having said that I sometimes struggle with initial contact. I am answering the phone myself. People tend to directly ask me questions about their case. I personally am contemplating whether I should actually charge for an initial consultation and if so how do I go about it when I answer the phone and a potential client asks for legal advice.

It was so much easier being a paralegal but now as an attorney the same situation is totally different to me. If I charge for an initial consultation, I am already weeding out the people who are just looking for free advice and have no desire to hire an attorney anyways. People who are willing to pay for a consultation seem to be serious about their issue and are looking for assistance. If they retain me, I am offering to credit the initial consultation fee towards the agreed upon fee to represent them if it is a flat fee agreement. I think this is fair but I only used this method for two potential clients now. One was ok with this arrangement and the other did not follow through with scheduling an appointment.

How do you all handle these situations?

If you are answering your phone are you providing free legal advice?

If you charge for the initial consultation how do you go about it if a potential client is calling you?

Any advice on this is greatly appreciated.

Alexandra Kleinfeldt, Florida

No, no, no: just because you answer your own phone, never, never give advice to a caller. They never give you all the facts, so you are not in a position to give advice. You can give general information that is not legal advice and you can offer to schedule an appointment, to which you will

instruct them to bring documents and whatever information is relevant and

you can interview them to tease out the information that you need. You may charge or not charge at your option for that initial interview. At that meeting you can decide whether this is a person you can work with or not.

It is so important to get a sense of the potential client to decide whether you want to spend your precious time over the next months or years working with this person.

Once you have given advice, you have formed an attorney-client relationship, setting you up for a malpractice claim. This is the last thing you want to do just on the basis of a telephone call.

Miriam Jacobson, Pennsylvania

Thank you, Miriam.

When I am on the phone, I am trying to keep everything general and explain to the person that I would need to see all the documents in order to provide advice related to this specific case but in general XYZ might happen. Some people still try to get more information and when I ask them to schedule an appointment, they either just hang up or start arguing that they just need this tiny bit of information. Even if I continue to explain that I cannot provide any advice without further information they continue arguing and I do not want to be rude to just hang up like they do but trying to be nice about getting rid of them.

But even if you keep everything general PCs might just think that you represent them even though you have explained to them several times that you don't.

Alexandra Kleinfeldt

This more goes back to the original more general thread, but my friend Dave wrote a great article about the things he learned from a colleague of ours who recently retired, and this discussion reminded me of it. The link is here: <https://consumerlawsc.com/seven-things-i-learned-from-gene-trotter/> but below is the text of the article:

Seven Things I Learned from Gene Trotter November 19, 2012 Richbar News Articles

Unless you just started practicing in the post-Lady Gaga era, you likely know my partner, Gene Trotter. I still remember the day that Gene interviewed me. It was 1995 and the highlight of my resume was "graduated in top 65% of class." But he hired me anyway. Besides being lucky enough to have great parents and finding the right girl to marry, getting hired by Gene was the biggest break I've ever caught.

In the last 17 years, I've learned more from Gene about being a lawyer — and life in general — than I could possibly put into words. Nevertheless, in an effort to honor Gene (and save you new, post-Gaga baby lawyers a few hard knocks) allow me to present...

Seven Things I Learned from Gene:

Being a Lawyer is Easy. As Gene told me my first day, "You only have to do three things: meet the client, solve the problem, and get the money." See? Easy.

How to "solve the problem." That's easy too. Legal problems are resolved by "talking people into doing stuff **." Juries, opposing counsel, judges. Sometimes our own client. A single skill from which all else follows. ** Ed. note: He didn't actually use the word "stuff."

How to get clients. Get really good at 2, above. Eventually the word gets out.

How to select cases. Which cases do you take? Wrong question. As Gene taught me, it's really about which ones you DON'T take. The best case-selection heuristic of all time is contained in the Gene commandment: "The Juice Must be Worth the Squeeze."

How to Act. TV lawyers are pensive. They struggle for control over their firms while wearing dark suits. They don't remove their jackets unless sleeping, which they never actually do because they are always working. That's what I expected as a 26-year-old lawyer anyway, and for the first month of my employment I rotated the only two suits I owned. Then deer season started. Gene showed up in Carhartts and Mossy Oak camouflage. I didn't expect a lawyer to do that. And later, just when I thought I had him pegged as the typical S.C. lawyer/hunter, I find a Flo Rida CD in his truck. Go figure. So, how to act? Like yourself.

How Not to Act. Growing up in suburban Atlanta, I had little sense of the connections between people. Gene seemed to know everyone in Columbia and they all loved him. He reminded me early on that "we live in a small state, in a small town." In other words, don't be a jerk to opposing counsel, because you are going to meet him again (plus you might discover he's your cousin).

Take your client's problems seriously, but don't take yourself too seriously. Another lawyer once told me a story once about a case where Gene represented an individual plaintiff against multiple corporate defendants. Each defendant was represented by big firm lawyers from big cities. Gene cared deeply about doing a good job for his client, but it was a difficult case. On the day of trial, Gene walked into the courtroom to find eight or ten lawyers staring across the aisle at him. Gene paused, looked them up and down and said, "You must have me figured for a dangerous man."

Gene was (and is) a dangerous man because he's an exceptional lawyer. But he's been much more than that to me, a teacher, a mentor, a peer and most of all a friend.

As some of you know (or will if you read the firm announcements section of this newsletter), Gene and I are parting company after 17 great years together. One of the best

things about working with Gene was that, as a young lawyer, he allowed me the freedom to develop my own practice in consumer law. That practice grew into something I became very passionate about, and ultimately compelled to focus on exclusively.

While our practices have grown apart, we have not. We're eating lunch together later this week, which I hope we'll continue to do for 17 more years. As for the last 17 years, the juice has definitely been worth the squeeze.

Michael J. Polk, South Carolina

Miriam is spot-on. We've all been there; it's a difficult needle to thread. I'm going to be in the car for the next two or three hours. You're welcome to call (ofc number should ring thru to my cell) if you'd like to chat.

Amy A. Breyer, California

If you can squeeze a name and address out of them, sometimes by offering to send them a general brochure on the topic they're calling about, you can also send them a non-engagement letter, telling them that you have not provided legal advice and have not entered into an attorney-client relationship until you have a written agreement and a retainer payment!

Miriam N. Jacobson

Some lawyers refuse to do telephone consults out of fear of "the client thinking they have a lawyer" no matter the conversation. Others require an address/email at the front of any call so they can send nonrepresentation letter/email (not a bad idea).

Conducting a telephone consultation to evaluate a client or matter is a skill. You get better over time. Being friendly enough to go over the information needed to determine whether a consultation is in order while making it clear that until an agreement is signed and money changed hands, they don't have a lawyer is easier to do the more you practice.

If you get an unreasonable prospect, they are more likely to claim (without basis) that you are their lawyer. Generally, you get a call back later if that is the misconception, so follow up efforts to disabuse them of the notice can be pursued. The faster you can identify the unreasonable (or unbalanced) prospect the shorter the interaction.

Darrell G. Stewart, Texas

Amy,

Thank you so much for taking the time out of your busy day to talk to me. I very much appreciate your advice, thoughts and suggestions. It was a great conversation and I have learned a lot.

As I have said, I will set my own policy and will be trying to really follow it.

Thank you again and have a great afternoon/ evening!

And safe drive ;)

Alexandra Kleinfeldt

Sometimes it is difficult to get a name and contact information out of a person.

If I get requests via e-mail, I am responding with two or three available dates and times for an appointment, let them know about my fees, and that I am not representing them unless we have a signed agreement and a retainer or a flat fee has been paid.

Alexandra Kleinfeldt

I am sure that this process will get easier over time. Having said that, it will certainly become easier if I will have someone else answer the calls. I need to think about this possibility. It has its pros and cons, as usual.

I need to be firmer but still professional in conducting the calls once a PC asks for advice. This leads us back to the policy issue.

I got so many useful information and advice.

Thank you to all who responded and provided their insight into this issue!

Alexandra Kleinfeldt

You're very welcome and pls keep us posted!

Amy A. Breyer

I will. I am already contemplating about my own policy. I will certainly work on one. And I will work on following that policy....

Alexandra Kleinfeldt

Alexandra: Several thoughts on this intake/consultation thing.

First, the lawyer NEEDS to control the interview; I know, sometimes this can be tough but the lawyer needs to be clear in their own mind why they are talking to the client, it's not to solve client's problem but to see if you can sign client up and get money.

Second, initial contact, usually by phone is first, screening; and if they pass the screening, MAYBE a bit of intake.

On the screening; first thing is, is this an area of law you practice in or are interested in; that sounds obvious but sometimes clients will ramble on and lawyers will let them; usually clients are straightforward (do you practice child custody/child support/ do divorces/bankruptcies/real estate whatever, but sometimes they start off with a long story; I try to stop them and ask exactly what they need or what they want; and sometimes they don't understand areas of law; they'll say "you're a probate lawyer" and then ask about their boyfriend who is in jail; that's PROBATION and you need a CRIMINAL lawyer, not a PROBATE lawyer.

Then, IF you are interested in it, can you make \$? Do you do Evictions? Some. Are you landlord or tenant? Landlord, fine, I'll listen a bit; tenant; I ask why are you being evicted; if it's nonpayment of rent I'll say sorry, and send them to legal aid. Once in a while it's "my landlord hates me and cut off my power/changed my locks" which is tortious under Florida law and gives rise to statutory damages and generous attorney fees; I can make money off of that.

If this is not area of law that I handle I try to point them in right direction; call legal aid, here's their phone number, call family/criminal type, call this gentleman who does bankruptcy, occasionally something else (had gentleman who had bought car from dealer, there was pretty strong evidence that the odometer had been rolled back, told him to call both Florida Dept of Consumer affairs and local State attorney and ask for Intake attorney; gave him number for both.

The point is, you are screening. You can spend less than 5 minutes on most of these calls.

THEN, you do a bit of intake; Do you do Probate? Yes, I do, who died? When did they die? Is there a will? Where did they die? and based on answers you either ask more questions, set an interview or say sorry, I don't do that (i.e., mom died in Mississippi; did she own any property in Florida? If yes, then I'll continue the interview; if no, then I'll tell them to call a Mississippi probate attorney)

It's almost a flow chart or decision tree; is this a case I'm potentially interested in; and if so, can I make \$? if the answer is "No" at any point, end the interview. Politely, but firmly, end it, maybe make a referral, or not, as appropriate.

You have to do screening; there's no way around it; it's just cost of doing business. But the key is, to try to screen efficiently; doing it well; spending no more time than necessary on it. Having 'staff' do screening does not mean that you aren't spending time on it; it simply means you are having someone who is paid less than you do it. That may or may not be a good idea. I've told story before of client who had been run down, airlifted to Shands, spent ten days in ICU; he had called the "For the People" People and whoever was screening asked if had any broken bones; he said no, they said they weren't interested; I don't know if they have newbie lawyers doing screening or non-attorneys but they blew that screening.

Third; to charge for initial consult or not. Yes, by charging for initial consult you are going to wind up with more 'serious' clients. And yes, a "lawyers time is his stock in trade". I get that. But someone, maybe Jeff Cooper, said "you miss 100% of the shots you don't take" (actually, googling that phrase it appears as though it was some fellow named Wayne Gretzky, whoever that is. Anyhow)

Well, guess what? You don't sign up 100% of the potential clients you don't meet with. You make zero money off of them. The key is, I would rather meet with a potential client, one who has at least had a preliminary screening, and try to sell them my services if needed. Sometimes they don't need my services or won't hire me; in most cases this is apparent right off the bat; at which point I end the interview and wave bye-bye or I might, depending on the facts, offer them some advice if appropriate.

Some of this is practice dependent; some areas of law you need to offer free consults; Personal Injury, for instance. Some areas you almost certainly want to charge; Family law comes to mind, because 1) it helps reduce conflicts; free consults are fine but if they don't hire you then you're conflicted out; and 2) I would imagine that family law consults take a bit of time. But there's areas of law where it depends.

I do a LOT of probate. The fact is, I have about a 98, 99 percent closure rate for clients that actually NEED a probate; if they need a probate, they're hiring me. If they don't need a probate, then, well, that's fine. But you don't know unless you at least screen and then meet. I hear from potential clients all the time; they tell me they've called other probate attorneys and the attorney's want initial consult fee, ranging from mid-two to low three figures; just to meet with them. Many, maybe most, potential probate clients are very confused; they're usually grieving, at least if person died recently; they're scared, they don't know what comes next, they definitely do NOT understand the process. I'm willing to meet with anyone to at least see if they need a probate; sometimes they don't; if they don't I give them advice (usually, surviving spouse where they are JTROS/TBE or POD/TOD on real property and accounts and vehicles and such) usually record death certificate, take DC to motor vehicles, take DC to bank and whoever. And I wave bye-bye. If it turns out that they DO need a probate (there's one account that wasn't TOD/JTROS or whatever) they come

back and hire me. IF they DO need a probate then I evaluate the options and give them estimated quote. Decedent dead more than 2 years? Summary admin, this is filing fee, we don't have to advertise, my fee is this, I'll need this information and a check for \$XXXX. Decedent on Medicaid, less than 2 years dead? OK, we're probably doing full admin to transfer the exempt house, this is the costs and this is my anticipated fee. Whatever. In nearly ALL cases they hire me. But if I was charging a consult fee, I would NOT meet with a bunch of them. I would not be spending time on people who don't need a probate but I would also not be picking up potential clients who are willing and able to hire me. Look, the initial consult is NOT designed to solve or answer all their legal problems; it's a sales meeting; for me to sell my services to them. Evaluating the case is part of, big part of, the meeting but the whole point is for me to get a check.

I get the point behind initial consult fees; it is very effective at screening out 'bad' clients but it also screens out potential good clients. I suppose it depends in part on how busy you are; if you're booked solid for next three weeks you can be a lot more selective. Just recognize that not everyone who isn't willing to pay consult is necessarily a 'bad' client. They just may not understand what they need; I would rather sell them on it.

And, as an aside, someone mentioned Foonberg; yes, I know Jay seems a bit dated in some respects but I still think his "how to get and keep good clients" is the best single volume on marketing and selling to clients. Well worth a read, particularly if you can pick up a copy in a law library. E book is \$79, hardcover is \$99, I'm not saying you should buy them but if you get ONE good tip out of it that gets you ONE client, holy heck, it's \$79. There's a lot of other people that charge a LOT more for "how to get clients".

Ronald Jones

Ronald,

First of all, thank you very much for taking so much time and effort into providing your advice, thoughts, insights, and feedback!

I was pondering about answering the phone last night and already made the decision that I will continue to answer my own phone. One reason is the language.

But, based on all responses and your feedback, I need to implement a policy/ manual in how to better take calls and screen potential clients.

My biggest fear is to come across as arrogant or that people have a feeling that I think that I am better than they are. In one respect I am better because I know the law whereas they need assistance. Otherwise they would not contact an attorney.

Once I have set my rules for intakes, I need to work on myself. I have to be firm but polite. Time is money. And while I feel sympathetic to clients' stories, I still need to get to the point much faster and see what they are really calling about. Once I have done that, I will need to remind myself to offer to meet with them in person to discuss their matter.

Whether or not charging a consultation fee I still need to think about. I see your point, Ronald. But on the other hand, I offer to credit that amount if they retain me. Additionally, I often do research upfront before meeting with them to get a better idea about their case if there is a case pending in court. Or I check on their specific issue to ensure everything is up to date.

Maybe, offering a 15-minute consult for free might be an option like other Sezzers mentioned. However, if potential clients already back out once you start mentioning to schedule an appointment to meet in person discussing the case you know that they are just looking for free advice. Also, I have to pay for the conference room. If I meet with a potential client and PC does not retain me, I am actually already behind in money. Yes, it is a business expense but it adds up if I am not getting retained.

While I am clear on some of the steps I need to take, I am still thinking about others. All of you offered valuable advice and information, which will certainly influence and help me with working out my own policy in how to handle calls best. I am aware that each one of us has his/ her own style and no one should try anything they are not comfortable with. And, whatever works for A might not work for Z. Like you mentioned, Ronald, it also depends on the areas of law one practices.

There is much more thinking needed in regard to initial consultation fees...

Thank you everyone!

Alexandra Kleinfeldt

Thank you again, Ronald.

So far I never had complaints about coming across as arrogant but the fear still exists. I want to better the image of attorneys and not confirm the conception.

I agree that clients in probate cases need a different approach. Most of them are still trying to comprehend what had happened.

Once I do these intakes more often, I will get used to the routine I am looking for now. And yes, we all get these clients who just cannot get to the point. Trying to navigate them into the right direction while still coming across being polite is sometimes difficult.

Checking out official records or property appraiser's website, I do that as well during the call if they provide me with all information. While I am aware that I do need to do more

research on certain assignments compared to a more experienced attorney I won't charge for the extra time. I always see this as an opportunity to learn and further my education.

Alexandra Kleinfeldt

Ronald Jones is absolutely fantastic. He's probably one of the most prolific posters on this listserv and has helped me out of more than one legal quagmire in return for nothing more than a thank you. It's a very rare sort of lawyer-to-lawyer *noblesse oblige* you don't see too much these days; I don't think you'll go wrong listening to what he says.

I've been in solo practice roughly 5 years, so I'm a little closer to your situation. I'll just throw out some thoughts on what has worked for me:

***Consult Fees:** Ron is right in that you'll definitely miss out on clients if you charge a consult fee. However, you'll also be blissfully free of a lot of tire kickers this way. In the early days of my practice I never charged a consult fee and I spent a ton of unpaid time answering questions and doing research and drafting non-retention letters to people. I think this was actually a really valuable learning tool and I'm glad I did it.

Unless you're just absolutely slammed with work, I'd take just about every consult you can get your hands on right now (remember, you certainly don't have to work with them if you don't want to or detect red flags). It's really helpful to learn how to effectively interview people and issue spot.

These days I can afford to be a little more selective and I take a kind of a middle of the road approach with consult fees. I'll charge something like

\$50 - \$100 depending on the area of law and state that it will be credited towards their fee in the event they hire me. I think this has a nice psychological "buy in" effect and I have yet to feel like I've missed out on many potential clients due to it.

Tangentially related, but another thing I love to do is have people fill out intake paperwork. Once I get someone to fill out my estate planning intake paperwork I am virtually always retained in that area.

***Initial Consult:** I can remember my first few consults as a real lawyer. I was incredibly nervous before them, almost as nervous as the first time I appeared in open court as a 3L CLI. Would I advise these people wrong?

Would I get sued for malpractice and lose my law license? I think it's these types of thoughts where a lot of "arrogance" comes from and puts off clients. We probably feel a bit too overzealous to wow potential clients with legal knowledge, particularly if we are younger or inexperienced. Don't feel like you need to impress them; they are already impressed enough by virtue of the fact they are sitting in your office and asking you for help with their legal problem. I almost always adopt a very conversational, laid back, casual tone with

people (the only exception is when I can tell the client is super formal and deathly serious, which is easy to spot because they show up to your office in a suit or formal looking dress and don't really smile) and they seem to like it. I mean, yes, at some point you will need to drop your legal knowledge on them, but it doesn't need to be with the formality of a Supreme Court oral argument.

If you're solo, you're the boss. This stuff is pretty fun.

*Phone Calls: *I probably have a slightly different approach to this than most, but I really, really despise talking to potential clients on the phone. The connection drops out, it's hard to understand what they're saying sometimes, you often need to consult documents they typically don't have on hand...it's just a nightmare. So I'll screen my calls almost every time if there's no one at the front desk. I have a pleasant, but to-the-point voicemail message. Leave your name, number, and a brief description of your legal problem and I'll call you back as soon as I can.

99% of the time I can tell from the voicemail whether this is someone I want to get in for a consult or someone I'm referring out. As far as I am concerned the phone is entirely a vehicle for deciding if someone is worth having a consult with, and I will not go beyond that binary decision of "refer out" or "schedule consult." Once you get into conducting the actual consult over the phone or providing legal advice it just becomes difficult to manage. This is the one area where I will be kind of a jerk and really focus people onto what their legal problem is. Probably the best possible phrase for this is, *"So what do you want to happen?"* This phrase is solid gold (Gold, Jerry! Gold!), because it has an uncanny ability to enable a non-lawyer to exactly specify their legal issue (e.g., "I want my mom's house in my name", "I want this guy to pay me \$X").

And yeah, if your practice is something like PI or criminal defense, this probably won't work for you (they're just going to call the next lawyer in the phonebook or whatever). But for the areas of law I practice if somebody is calling me it's likely because they already know who I am, they're interested in talking to me specifically, and they're going to wait a few hours or until tomorrow for that callback.

Good luck! Feel free to contact me off-list if you have any specific questions.

p.s. You definitely want to get the Foonberg books.

Bryce Davis

What Bryce said. Especially the part about how awesome Ron Jones is. I only wish our offices were geographically closer together so I could buy him lunch more often. :-)

Andrew C. McDannold, Florida

]

Intake paperwork can be very useful; particularly in things like Bankruptcy and family law (back when I did those). Intake paperwork does three things; 1) it gets the client to 'buy in', even if they're not paying you for consult it takes them some time; it will tend to weed out a lot of tire kickers 2) it helps you gather information, obviously; 3) it also helps you control the interview; even if it is incompletely filled out you focus your questions on what isn't filled out, rather than have the client ramble on and on. It helps you control the interview.

Now, having said that, I haven't used either probate or EP intake forms in decades, I did both when I started out but I quickly developed my own style; I know what questions to ask and keep the interview focused; it helps that I was welfare caseworker for 4 years prior to law school and I did, literally, THOUSANDS of intake interviews regarding family relationships, living circumstances and financial situations; by and large those skills transferred fairly seamlessly to doing law intake interviews; but not everyone has that experience.

And Bryce is right about initial consult fees; they will weed out tire kickers and the ones who do pay it are usually committed to hiring you; nonetheless, you will miss a certain percentage of people who need your services and can be SOLD your services if you pitch them right; and if you are not that busy, you need the experience of doing interviews; That's the only way to gain experience is by doing the stuff. You will get more efficient with practice. I, me, myself, personally, rarely charge consult fees but I also tend to be pretty efficient and ruthless when it comes to the screenings; if it's apparent they don't need me or are unlikely to pay me, then bye-bye, here's the number for legal aid, or whatever, thank you for contacting me.

Ronald Jones

Thank you for all your input! Special thanks to Ronald!

I will be answering separately once this week is over but it has become very busy (which is good, I am not complaining) but also put me behind on certain things. So please accept my apologies for the delay in responding to all I have not had a chance to get back to yet!

But I still appreciate everyone's insight and advice!

Thank you!

Alexandra Kleinfeldt

You've got a lot of good advice here. If you go back and review the archives, you'll find that "free consultations" have been hotly debated since the beginning. At the end of the day, you

just have to find what works for you. It could be dependent on the case or the caller. Many of us are always looking for improvement. I can't say that I have all the answers. But, I do know that I would much rather just knock off early than waste another moment with someone who is just calling offices looking to get as many free consults as possible. I had two people this week alone tell me that was their objective. I appreciate the honesty, but I politely declined. Whatever you decide, I think you should also consider your values and the quality of life you want to have. Good luck!

Ryan Young, Virginia

Here's my advice:

1. KEEP YOUR MONTHLY EXPENSES AT A MINIMUM!
2. See #1
3. Invest in a robust office PC (about \$800 - I still run Win 7 Pro), a decent B&W laser printer (about \$250) and an excellent scanner (I use an Epson DS-510), plus contact management, time & billing, and doc management software (I use ACT!, Timeslips, and Paperport). 65Mb/sec has worked for me for Internet access, with a wireless router.
4. Fuggedabout WestLaw/Lexis. If you **absolutely** need an in-office research tool, there are many alternatives. (I use TheLaw.Net - about \$550/year). The local law library has the added benefit of networking possibilities.
5. Other than, maybe, local /state Rules, do not buy any books.
6. Get secondhand furniture. Habitat for Humanity probably has a ReStore near you.
7. Get VOIP phone service - MagicJack is fine (about \$40/year).
8. Spend a little extra time and \$ on stationery and cards - buy from a local printer and get engraved if possible.
9. There are open source versions of most MS Office programs that are more than sufficient for most purposes.
10. When in doubt, see #1.

YMMV

Good luck.

Russ Carmichael, Pennsylvania

Generally, I agree with Russ' comments -- it doesn't take a lot of money to get started -- but my view is that some books are VERY beneficial.

Here in Florida, at least, our state bar puts out some very good practice manuals that are invaluable for a new solo. In particular, I've found the Florida practice manuals on Probate, Guardianship, Probate Litigation, and Civil Practice (both before and during trial) to be immensely helpful.

Also, I have a copy of Trawick's Practice and Procedure Forms that has come in very handy on several occasions. I bought them all used, and am periodically updating them as the budget allows. Also, the Florida rules are freely downloadable in PDF format, so every year or so I just hit the website and download the new versions.

Andrew C. McDannold

Good advice. Virginia also has a two-volume, multidisciplinary guide on pretty much all aspects of practice here in the state that I found very helpful early on in my practice.

This might have been mentioned before, but I suggest Google Voice for your separate line for work. You can program it to ring any phone you want. I have used it for 10 years now and for the most part just have business calls ring my cell phone.

Kevin Grierson, Virginia

Yes, he is. I am very thankful for his advice as well as everyone else's on this list.

Thank you for your offer. I might take you up on that.

Going back to consult fees... This will still be up for internal discussion with myself. Just an example:

This past Friday I had scheduled a 30-minute free consultation. I rented the conference room. PC did not show up.

And situations like these happen very often in my area. You schedule an appointment and PC does not show up. If you have your own office, I assume it is not as bad even though you get frustrated. If you always have to pay for the conference room and PC does not show up it adds up in business expenses. Therefore, my reasoning was to offer PC to credit this amount to their fees should they decide to retain me. Which I still think is fair.

Yes, I tried the intake paperwork. No one ever fills it out and brings it to the appointment. This also becomes very frustrating at one point. But I will try and continue.

I assume that most of us newbies are thinking about these questions. Wrong advice; malpractice. If you would not care I think something is wrong with you. No one who starts practicing law knows everything. Ronald mentioned it to me that we all learn from experience. I can only talk for myself, but guess this is true for most of us, it does not happen fast enough.

During my consultations or meetings with clients I am always approachable and also remember things from their personal life and ask them about it to create a more relaxed environment. I understand that it is stressful for PCs and clients alike to meet with a lawyer. I am trying to talk in a less lawyer fashion to them to not scare them off. So far, I think I did a good job but I always feel like I could do more. If I am meeting with an elderly woman and she wants to hug me I am ok with that. Most of the time they do not have a lot of social contact anymore and I understand that they are glad to be able to talk to someone. I love talking to them and hope that I can bring a little bit of sunshine into their lives despite what is going on. Yes, some phone calls might drop or the reception is bad. Some people talk with a very low voice and it is tough to understand what they are saying. At times there is no other way because the client lives across the Atlantic so the phone is the only means of having a live conversation. I have my voicemail set up similar to yours. I also feel that if someone does not leave a message than I cannot help them.

Thank you again,

Alexandra Kleinfeldt

Yes, I agree that intake paperwork is very helpful. Unfortunately, the people around here do not agree. They just do not fill out the intakes I send to them. Only on very rare occasions I receive a filled in intake. So, I rather ask questions during the appointment and ask them to think about anything they might not have thought about during the meeting. Once I get more experience in this I will hopefully have gathered all information during the first consultation.

And yes, I see the pattern: experience...

Alexandra Kleinfeldt

Yes, I had been told about the archives. Thank you for pointing me into this direction as well.

I agree with you that each one of us has to make the decision of whether charging for the initial consult or not. It is a tough decision and reading about each one's experience helps. But yes, I have to find out what works down here for me. I will try and see how people react to the consultation fee. I might miss out on potential clients but it might also save me some

headaches. And I also appreciate the honesty of people actually mentioning that they are just looking for free advice. Makes it easier and probably quicker.

Alexandra Kleinfeldt

I like your approach.

I am actually trying to keep my expenses as low as possible.

Right now, I am still using my law school laptop but I will be looking into an office PC within the next months. As of now, I am still lucky to have free Westlaw access until the end of this year. After that, I do not know but I am shying away of investing into Westlaw or Lexis. The law library has Westlaw access and I believe we have some good deals through the Florida Bar for Fastcase. I will look into this when it is time.

Thank you for your advice!

I will always go with no. 1.

Alexandra Kleinfeldt

So far, I was always looking to Westlaw for research on certain topics but I might need to invest into some books soon.

But I also love that the Florida Rules are always updates and easily accessible.

Thank you for the insight, Andrew.

Alexandra Kleinfeldt

What would happen if these same people showed up to a doctor's appointment without completing whatever initial paperwork is required? More than likely, they would be asked to sit in the waiting room until they've completed the forms. Why should their experience with the attorney be any different?

If you insist that your clients fill out an intake form, then they will either do so or they won't get to see the attorney. If they call someone else instead, will he or she make them complete intake forms? Probably - and with good reason. I completely understand that you don't want to lose a client when you're just starting out, but you should also consider what's best for your practice long-term.

Andrew C. McDannold

Thank you, Kevin.

Unfortunately, when I wanted to get a google voice number for my area there was none available.

After looking into several options for phone provider I ended up with Ultra Mobile because of its international calling feature. Most of the European countries I do business with are included in the fees. My phone has dual sim card slots so I have my personal and my business number in one phone. I use different ring tones but once I receive a call the sim card who is being called will show up in the display.

Alexandra Kleinfeldt

Funny that you mention a doctor's office, Andrew.

I am thinking of comparing going to a lawyer with going to a doctor. The doctor will charge you (or your insurance carrier but you might have to pay co-pay or deductible) for the consultation. You receive (or not receive but that is a different topic) a diagnosis. When you leave the attorney's office you should know what to do in your matter.

So besides experience it also come to being polite but firm...

Alexandra Kleinfeld

Re Intake Paperwork

We did a fair amount of divorces. One thing Virginia requires upon entry of a divorce decree is a Vital Statistics form that the clerk collects and forwards to the state capital for records purposes, called a VS-4 Form. No VS-4, no final decree. It includes blanks for things that were not on our intake form, like highest grade completed, birthplace, number of marriages for each party, dates of birth for both parties, etc. So I made a separate form just for divorces that exactly paralleled the VS-4 Form. Some of it was redundant with our main form, but it saved me a lot of time preparing the VS-4, and I didn't have to waste time calling the client to ask more questions.

If the new client didn't know all the answers at the time of the appointment, he or she left my office with a checklist to be completed.

Worked like a charm.

Marilou Auer (retired legal clerk/secretary), Virginia

"If you always have to pay for the conference room and PC does not show up it adds up in business expenses."

Yeah, definitely don't go out of pocket on someone you've never met.

If you don't have any free conference room resources or an office space yet, perhaps try meeting informally at first with someone in a local coffee shop. Especially if you're finding that potential clients don't want to fill out forms, maybe just meet for half an hour so they can get to know you. And being in a public place should help curtail them from talking about anything too personal. After 25 minutes say you need to leave for another meeting. Spend 5 minutes explaining that if they'd like to proceed, they'll need to fill out certain forms and pay a consult fee (which gets wrapped into the rest of the fee, etc.). If they're interested, hand them the forms. (Beforehand you will have figured out a system that works for you where they can pdf email/dropbox/etc. the forms back to you AND online pre-pay a consult fee.) Make sure your forms say that BOTH the form and fee need to be returned BEFORE an appt time will be set up. That fee can either include enough to cover the cost of a conference room rental if you want to meet again in person, or, since you've already eyeballed each other, can just be a phone or video chat meeting. And then take a deep breath and actually leave at the 30-minute mark. Some people will try to continue to engage you in conversation, but ultimately everyone will respect you for being in control of your time.

Amy A. Breyer