

# By the End of the Call

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The Intake Process – Efficacy and Ethics in the Law Office

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- I. Introduction – Why have a dedicated intake person?
  - A. Consistency and efficiency
  - B. Reduce lawyer's time on new business
  - C. Reduce potential conflicts and liability to prospective clients, non-clients
  - D. Providing excellent service
  - E. Setting the initial tone of the client's relationship with the firm
- II. What background makes a good intake person?
  - A. Lawyers
    - 1. Dedicated intake lawyer
    - 2. Lawyer-of-the-day arrangements
  - B. Legal assistants
  - C. Receptionists
  - D. Social service / medical backgrounds
  - E. Public agencies
- III. What is the lawyer hoping to accomplish by designating an intake person?
  - A. Better client qualification. Lawyers are notoriously soft-hearted (no, really), and when they talk to prospective clients they may take inappropriate, difficult or non-rewarding cases. In other words, please protect us from ourselves.
  - B. Better client preparation. The trained intake person is more likely to give a detailed explanation about fees and costs, about limitations in the firm's ability to do some types of things, and about the importance of completing intake questionnaires and providing backup information.
  - C. Time savings. If the lawyer takes her own intake calls, she will often spend as much as 1/4 or more of her time on non-productive (that is, non-billable) intake screening.
  - D. Avoiding giveaways. If the prospective client reaches the lawyer on the first call, he will almost always keep digging for a complete resolution of any legal questions before the appointment. Human

nature being what it is, it is difficult to avoid giving pat answers during those calls. That results in two problems: (1) a lost billing alternative, since the information given away for free in the initial telephone call is difficult to charge for later, and (and more importantly), (2) inaccurate legal advice, since the prospective client almost never provides complete information in the initial call, and the lawyer's snap judgment response will frequently be ill-considered.

- E. Better client satisfaction. Initial interviews are more likely to be properly scheduled (when the appropriate legal assistant is in the office, for example), properly docketed and properly prepared for when a professional staff member is in charge of setting the initial appointment. Though the client may profess to be unhappy that he did not get a chance to talk to the lawyer in the initial call, he will actually be more satisfied if the initial contact is handled more professionally.
- F. Better client focus. If the lawyer wants to focus, say, on Medicaid planning, a dedicated intake person is more likely to turn away the occasional estate planning or guardianship case than the lawyer herself. Over time that means more efficiency (and greater profitability) for the office. In offices with two or more lawyers, that also means it will probably be easier to steer clients to the appropriate lawyer, regardless of who they originally called to talk to.

#### IV. What tools should the intake person use?

- A. Checklists and scripts
- B. Ability to quickly perform initial conflict checks
- C. Specific technology (computerized forms, special phone features, etc.)
- D. Referral lists
- E. Questionnaires
  - 1. Before intake?
  - 2. After intake but before initial client conference?
- F. A timer

#### V. Dealing with difficult situations – a few common themes.

- A. The emotionally overwrought caller
- B. The demanding caller
- C. The caller who already knows the answer

- D. The confused, demented or unfocused caller
- E. The caller who insists on talking with a lawyer
- F. The “fishing” or fear of commitment caller

VI. Orchestrating the intake call

- A. Quickly determine whether the subject matter is appropriate. If not, calmly and professionally – but quickly – get the caller to move on. Refer if appropriate, commiserate (but for a short time), but set a personal goal (5-10 mins? Less?) of getting the call resolved and moving on.
- B. If it appears that the subject matter is appropriate, then the next question is whether the client is appropriate. The lawyer wants to know: is the caller demanding? Reasonable? Able to relate what he wants? If the client is likely to be a considerable drain on resources, it may be appropriate to move on. If you continue to engage, make sure that the lawyer knows what she is getting into and is willing to let you move forward with the client.
- C. If the subject matter and the client are both appropriate, does it appear that there is anything that the lawyer can do? There is nothing as frustrating (to the lawyer) as having a client she likes, with a problem in the legal area she works in, but with no possible solution, or a solution that really requires a psychologist, a doctor or an accountant instead of the lawyer.
- D. Use checklists and scripts if you have them. They will help speed the process and focus the result.
- E. Determine how the potential client got referred to the office.
  - 1. Referral sources should be tracked carefully - if a source is not in your database, obtain more information so they can be added.
  - 2. If the client received the firm’s or attorney’s name from 3 places, all should be tracked.
  - 3. Individual attorneys may have lists of how referrals from a specific source get treated - these lists should always be kept updated for the intake person.

VII. Some practical questions:

- A. How long should a typical (if there is such a thing) intake call take?
- B. Should the office insist that every caller immediately talk to a live person or should they leave a voice mail message for the intake person and wait for a return call?

- C. How often should there be multiple calls before an intake decision?
- D. At what point does the lawyer need to pass judgment on the intake decision? Some possible scenarios:
  1. Intake call -> lawyer review -> scheduled appointment (or referral/refusal)
  2. Intake call -> scheduled appointment -> lawyer's final decision about taking case
  3. Intake call -> lawyer review -> follow-up call -> final lawyer decision -> scheduled appointment (or referral)
  4. Intake call -> preliminary questionnaire -> lawyer review -> scheduled appointment (or referral)

#### VIII. Setting the appointment

- A. Fees: for ethical reasons, the lawyer should be the one quoting fees for representation. The intake person should be able to quote a fixed (and usual) fee for the initial consultation, and can provide the firm's fee schedule for the prospective client's consideration. Is it appropriate for the intake person to estimate likely fees, or fee ranges?
- B. Questionnaires: if the firm uses one, it is important to get the prospective client to understand the importance of providing information at the initial appointment
- C. Professionalism: although the intake person might not be actively involved with the client after the initial determination, it is important to remember that the initial telephone interaction will set the tone for the prospective client's involvement with the office
- D. Providing details: a letter confirming the appointment, together with descriptive information and any fee schedules, should go to the client by mail (or e-mail) promptly

#### IX. Making referrals

- A. Maintaining a referral list. Three or more names for each of a dozen-or-so practice areas?
- B. Remember referral fees (in jurisdictions where they are permissible, and for certain case types)
- C. Communicating referral information to the other lawyer
- D. Lawyer referral agencies
- E. Should you (or the lawyer) worry about negligent referral liability?
- F. How important is it to give a referral? What are the relative

importance of different goals:

1. Screening clients
2. Helping people

X. Unique Issues for Multi-Attorney/Multi-practice Offices

- A. Should different attorneys or different practice areas have different intake procedures?
- B. Develop a method for rotating cases among attorneys.
  1. Does the client always get scheduled with the attorney they request? If not, the fact that they requested a certain attorney should be noted for origination credit.
  2. How are clients who have been referred to the “firm” rather than an individual assigned to an attorney?
- C. Designating a rotating “on call” attorney to handle the tough calls that the intake person is unable to deal with.

XI. What does the lawyer want at the end of the intake process?

- A. Efficiency – mostly measured by the length of time (both number of hours and elapsed time) between initial call and disposition
- B. Better clients – for most elder law / special needs attorneys, complaints about “good” clients seem to be more common than complaints about inadequate numbers of clients
- C. Accurate documentation about referral sources for tracking/marketing purposes
- D. Accurate documentation of calls coming in, appointments booked, appointments cancelled reasons for not booking or for cancelling appointments
- E. Harmony, peace and love