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Practice Management Track – Session 8

Ten Things to Include in Your Client Intake Process

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About the Presenters...

J. David Krekeler founded Krekeler Law, S.C., (formerly known as Krekeler Strother, S.C.) in Madison, Wisconsin. After about eight years as a general practice lawyer, he has devoted his practice to solving financial problems for businesses, individuals, and farms. His largest single referral source group is probably family lawyers. He has represented thousands of people contemplating or going through divorce, and helped them keep businesses, eliminate debt, restructure payments, and facilitate the divorce process. He has authored numerous materials and teaches multiple seminars each year on bankruptcy and family law issues, all other debts issues, ethics and practice management matters. David publishes both a newsletter and blog on these topics as well. New this past year, he tweets (Twitter handle @jdkrek)! He is a past chair of both the BICR Section of the Wisconsin State Bar and of the Western District of Wisconsin Bankruptcy Bar. David is the current chair of the Solo and Small Firm Section. He is one of only five lawyers in the State of Wisconsin certified in Business Bankruptcy. In his personal time, David enjoys traveling with his wife, Mary, exercising, hanging out with his kids and grandkids and cooking for his family each Sunday.

Daniel J. Krause, founder of Krause Estate Planning & Elder Law, has been practicing estate planning law since 1999. A retired Army major and JAG officer, he's is a board-certified estate planning law specialist; certified by The Estate Law Specialist Board, Inc., the sole American Bar Association accredited organization to bestow this distinction. Dan has lectured on estate planning law throughout the years for classes of civilian and military attorneys and CPAs. He has also contributed content and drafting expertise to four major drafting library packages used by attorneys nationally. Dan attended law school on a scholarship at NYU Law, graduating in 1999. He also received an M.A. in Philosophy from NYU that year. He has been a US Army medic and a Peace Corps volunteer (Kenya). Dan lives in Oregon, Wisconsin, with his family.

10 Things to Include in Your Client Intake Process

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Intake is not just answering the phone. Intake encompasses the whole range of activities from the first interaction with the potential client, through the first substantive meeting with the client and your fee agreement and engagement letter. We all spend a lot of focus on case management, but many of us give little thought to intake management.

Yet intake is extremely important. Poor intake practices can result in poor client experiences. Poor intake practices can lead to your firm being inefficient and into frustration and not being able to secure the client base you want. Poor intake leads to poor communication and poor responses and results in wasted time and lost revenue.

The average law firm spends 5% to 10% of annual revenue on business development.¹

That equates to you spending somewhere between 20 and 40 business days out of the year on marketing. That is a large investment to make if you are not going to employ an intake process that turns potential clients into paying clients.

Small firm lawyers report that the biggest problems with their intake procedure following up with potential clients and gathering information about those clients.²

They also report that transferring information into practice management software and drafting engagement agreements and letters are the most consuming portion of intake. Tracking and following up with prospects is in a relatively close third place.³

All of this is happening at a time when 69% of firms find it harder to generate new potential clients than it was five years ago.⁴

THE CLIENT FUNNEL

The funnel is a concept using sales and marketing. It is a visual representation of the various stages that our potential clients go through before becoming actual paying clients.

Awareness. The top of the funnel is its broadest part. This initial interaction is the stage where potential clients first learn about us. This awareness can come from any number of sources.

Interest and Consideration. Once learning of us, potential clients may begin to show interest. Interest can be manifested in any number of ways, including visiting your website, reading your

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1. Themis Solutions, Inc. also known as Clio.
 2. Themis Solutions, Inc. also known as Clio.
 3. Themis Solutions, Inc. also known as Clio.
 4. Money Penny survey 2021.

blog or other content, or following you on social media. Interest can be shown by asking for recommendations or checking out reviews. At this stage the potential client might reach out for more information, but just joining your e-mail list or downloading informative resources on your website. Perhaps most importantly, at this stage is the potential client might make a direct engagement with your firm count whether by telephone, e-mail, or through your website.

Initial contact. This is exactly what it says, the initial contact your potential client has with you. This first interaction is critical. The potential client has already begun evaluating your firm, but the first actual contact is a major step by the potential client.

Information collection. You need to harvest information from the initial contact. If the client hires you, you of course need contact and other information. But if the initial contact does not result in your hire, you still want information in order to engage in your conversion efforts or even to refer the potential client to another layer who is better suited to solving the problem.

Initial client meeting. For some lawyers, primarily those providing free consultations, this is part of the information collection process. For others, who not provide free consultations, this meeting is substantive, designed to provide vice and advance the client relationship.

Retention. The client has paid, and you have an engagement agreement.

YOU CAN'T TEACH SPEED

We have heard this quote before. It is often attributed to former Oakland Raiders owner Al Davis.⁵ He was instrumental in the merger of the NFL and AFL, hired the first Latino coach, the first woman as a team's CEO, and the first African American head coach in decades.

Davis is attributed to saying "You can't teach speed. Everything else in the game can be taught, but speed is a gift from God."

Fortunately for us as lawyers, while speed for athletes may not be teachable, we can learn. And we should.

Study after study shows that lawyers do not respond quickly enough to potential clients. 42% of client voicemails or web generated forms from potential clients take three or more days for reply.⁶

3% of potential client callers hang up before the phone is even answered.⁶

11% of such calls last less than 10 seconds.⁶

Yet nearly 50% of potential client calls are placed to hold for over a minute.⁶

5. Dan Solomon, "Last thoughts on Al Davis," *CultureMap* (October 10, 2011).

6. ABA Benchmark Study on Law Firm Intake Process

34% potential client callers did not receive a call back in 24 hours. ⁷
44% of potential client callers said they would not be encouraged contact that firm again. ⁷
25% of potential client callers said they would not contact that firm again. ⁷

Nearly 50% of clients submitting an online form do not get a response the same day. ⁶
Nearly 30% report not getting a response to their online form in three days, or never. ⁶

80% of clients expect an immediate response to emails.
Clients define “immediate” as within one to two hours.
We lawyers, on the other hand, think 4 to 8 hours is appropriate. ⁸

79% of clients expect a response within 24 hours. ⁹
And these are clients who have already retained us.... not a chance.

TEACHING SPEED

While it may be difficult or even impossible to teach speed to athletes, lawyers can learn how to accelerate their client response processes. How we do this, and what is appropriate, depends on various factors.

Size of firm. Larger law firms have resources which may enable them to respond more quickly. On the other hand, larger entities have more administrative processes, which could actually delay response times. Solo practitioners and small firms can be more agile in responding to potential clients.

On the other hand, being solo or not having people to help can be a hindrance. 70% of solo lawyers do their own client intake. 70% of firms with more than 20 lawyers do not. ⁹

When you do your own responses, delays understandably occur. You could be in court or at a deposition. You may be facing deadlines for transactional work. You may simply be taking a day off on vacation.

The reason does not matter. The potential client does not care. “The number one the prospective clients look for in an attorney is responsiveness.” ⁶
If you do not respond fast enough, the client will move on. The investment you made, whether marketing dollars, paper, networking or content production, is lost.

Practice area. Some types of practice areas require faster responses than others. A potential client thinking about a large merger or business transaction is probably more patient than the potential client facing a foreclosure sale tomorrow. The client sitting in jail probably needs a faster response than a family thinking about whether or not they have a good personal injury suit.

7. Raconteur “Lawyers must deliver better service to tech-savvy clients”.

8. BTI Consulting. “Why attorneys are not responsive enough”.

9. Themis Solutions, Inc. also known as Clio.

Office hours. Most potential clients understand that we cannot work 24 hours a day, although modern technology makes some people think that we should always be available.

Procedures and Systems. Systems enable us to be more efficient. We have a system for handling intake, whether you recognize it or not. You can invest system leverage your abilities, either with staff or technology, or both.

SETTING AN APPOINTMENT

This is usually the goal of the first actual direct interaction between the potential client and your firm. It is critical to make a positive first impression and establish rapport and trust. The potential client already knows about you. Now the client must like you, or at least not dislike you, and must trust you. There are practices and processes that you can employ to improve these outcomes.

Prompt response. If you are not available to respond, you are putting yourself at a severe disadvantage.

"The best ability is availability." - Author Unknown

"You can't make the club in the tub." - Vince Lombardi

Make it easy. We live in a world where everyone wants everything now and without much effort. Potential clients live in that world, too, so make setting an appointment convenient and easy. Offer choices for meetings, if appropriate. We offer meetings over telephone, Zoom and in person. My preference is in person, but my bigger preference is to yield to the preferences of the client.

Information collection. We want to gather as much contact information as possible. Name, address, and phone number are essential, but e-mail addresses are more important than ever. At least some basic understanding of the client's problem is important if you intend to use any type of marketing follow up.

Even if the potential client has set an appointment, you want this information to send reminders and follow-ups.

It is important to find a balance in gathering information. Clients find it inconvenient, and for law firms it can be time-consuming and thus, expensive.

Conflict of interest. Identifying all potential defendants and opposing parties should be determined as early as possible. Do this during the very initial contact if you can.

You must determine if a conflict exists, and doing this early enough can prevent you from losing existing clients.

A prospective client is "a person who discusses with a lawyer the possibility of forming a client-lawyer relationship with respect to a matter." SCR 20:1.18; *see also* [Wisconsin](#)

[Formal Op. EF-10-03](#), Conflicts Arising From Consultations With Prospective Clients; Significantly Harmful Information (Dec. 17, 2010)

You have duties to a prospective client, even if that person never becomes an actual client. If the prospective client provides you with information that, if known by another party, could “significantly harm” the prospective client, you may not later represent someone with interests that are adverse to the prospective client in the same or a substantially related matter unless you obtain informed consent. SCR 20:1.18.

Lots of information that you might obtain from a prospective client may constitute “significantly harmful” information: sensitive personal information; the prospective client’s financial information; the prospective client’s settlement position; the prospective client’s litigation strategies; and anything else that could be detrimental. Wisconsin Formal Op. EF-10-03, *supra* note 32.

You may not think that you have formed an attorney-client relationship, but the prospective client may think otherwise.

“Whether an attorney-client relationship is formed depends upon the intent of the parties and is a question of fact.” ²³ Dean R. Dietrich, *Determining Current and Former Clients*, 73 Wis. Law. 22 (August 2000) (citing *Marten Transport v. Hartford Specialty Co.*, 194 Wis. 2d 1, 533 N.W.2d 452 (1995)). A prospective client may still consider himself or herself a client even if the law firm has not provided any significant services to him or her.

Verify term limits. You may not wish to take on representation when the statute of limitations is imminent. Are you prepared to put in the time necessary to meet that deadline?

In my bankruptcy practice, clients often wait until the very last minute before seeking relief. The foreclosure sale may be tomorrow by the time the client contacts us. We are used to moving on a moment’s notice, but not all firms are prepared or willing to take on that type of task.

It is important that the initial contact ascertain any upcoming deadlines, whether a return date, any answer or response date, a trial, or a foreclosure sale.

Clear Communications. Surprisingly, studies show that only about 50% of potential client feel that the process and next steps were explained clearly. 70% did not have a time and date set for the next step. ⁶

Consider providing the client with an agenda. example information they sometimes use as follows:

- Goals and needs
- Problems we are facing
- Explore solutions

Define a strategy (maybe) if so, describe the process
Estimate costs
Create a To-Do List or next steps

While my agenda is usually for bankruptcy clients or other people facing finance problems, its structure probably applies to many other legal disciplines.

Confirm availability. Try to avoid rescheduling or cancelling appointments as much as possible.

Be flexible. Clients have other obligations, just as we do. Offering flexible time slots is an advantage for you. I have always offered evenings and weekends, and clients have appreciated that.

Send a reminder. You probably get reminders from your physician, your dentist, and many other people you deal with. We lawyers have been very slow about taking advantage of this knowledge.

If possible, send the reminder by text. 87% text messages are seen within the first hour of being sent. ²

THE MEETING

Respect the value of time. Your potential client's time is valuable, as is yours. Start the meeting on time. I try never to have a client sitting in my waiting room.

End the meeting on time, especially if you are providing a free consultation. That is your time being eaten. I generally allow clients as much time as they wish, but nearly all of my initial meetings are paid for in advance.

Use the time well. Be an active listener.
Do not allow interruptions during the meeting.
The potential client should get your full attention.

Confidentiality. For many potential clients, including mine with financial problems, confidentiality is important. Emphasizing that whatever they tell you stays between you builds trust.

Similarly, many clients are worried about the documents they may be leaving with us. Either copy them on the spot or inform the client of how those documents will be returned.

Demonstrate your value. If you haven't already, provide the client with a copy of your biography, and any relevant blog articles or seminar materials you may have relating to their issue. I make sure they leave with a copy of my most recent newsletter, and that they are now subscribed for future editions.

Express confidence. This does not mean promise success. The client is going through something traumatic, and needs to feel that we are capable of handling this problem. If possible, discuss how you have handled these sorts of situations before, or provide the client with something you have written on the topic.

Active listening can also demonstrate competence and confidence. Act as an investigative reporter. Make sure you understand what the client truly means. Ask “why” repeatedly until you do.

Discuss fees and costs. Provide an estimate if at all possible. Explain the process and why the estimate might vary in future. Make sure the client is aware of the benefits and value you will provide. I try never to discuss fees until after I understand the problems and can demonstrate those benefits and value.

Addressing fees is a way of demonstrating confidence. Yes, it is difficult to make those estimates, but we are in a much better position to do so than is the client. Explain how your estimate is being made, and what the unknowns are, and your client will have more confidence in you.

Next step-next date. What will happen next? When will it happen? These questions have to be answered before the meeting ends.

A lawyer’s fee and a harlot’s wages are paid in advance. Indian Proverb

This may be true, but if so, why? The answer may lie in another quote, but I do not know to whom it should be attributed.

“There is nothing less valuable than a service already rendered.”

“FREE” AND “FEE” CONSULTATIONS

Arguments for providing free legal consultations.

Access to justice. Free consultations may help individuals with limited resources to access legal advice.

On the other hand, any lawyer justifying free legal advice on this basis should simply volunteer for pro bono cases. Offering a one-time tort consultation does not really expand access to justice.

Informed decision making. Potential clients may not understand their rights and options for dealing with their problems. A free consultation can help with this.

On the other hand, complex legal issues will require much more than an initial meeting. Where you provide enough free time to truly understand these complex issues?

Building trust with the client. Free consultations can allow the potential client to assess you and your abilities, and whether they're comfortable and trusting their problems with you.

On the other hand, charging for your time, even in a minimal amount, can demonstrate that you are worthy of trust.

Educating the client. Free consultations can provide a potential client with an opportunity to learn about the legal system and process. This contributes to legal literacy in our society.

On the other hand, if this is truly your goal you should be out speaking to schools and civic organizations. You will be able to accomplish more good.

Social responsibility. Free consultations to potential clients maybe a way to something back to our communities.

On the other hand, if this is truly your goal you should be out speaking to schools and civic organizations. You will be able to accomplish more good.

Client screening. A free consultation allows you to assess a client and the merits of a case. This can help you prevent taking on a client you will later regret having.

On the other hand, you can always withdraw.

Arguments for charging for initial consultations

Demonstrating value. Charging for your time and expertise reinforces the value of that time and expertise. You should want clients to value those.

Client screening. Charging a fee deters people with frivolous claims or claims they are not truly serious about. This allows you more time to focus on clients who truly need your help. Charging for your time will likely lead to more clients who are more likely to retain you. Higher quality leads like that foster better attorney- client relationships.

Fairness. You invest time and effort in preparing for and conducting initial consultations. I check CCAP. Pacer and do conflicts checks, all of which take time and resources. Charging for those consultations is a fairway to compensate you. Remember, your free consultation is taking time away from other deserving clients.

Legal ethics. Meeting with a potential client who does not hire you may prevent you from representing another client. Avoid harmful conflicts of interest.

Malpractice. Any advice can be construed as establishing a lawyer- client relationship. That relationship is often in the eye of the potent client. Lawyers have been targeted for malpractice claims simply because a potential client took and used advice provided by the lawyer.

Professionalism. Charging facilitations is a standard practice in most professions. While salespeople in many industries will provide quotes or estimates at no charge, even those are usually restricted to commodities and services there readily identifiable and measurable. For example, and IT company will readily provide a quote for a desktop and the monthly service fee to support it. But if the client wants to know the best CRM for their business, once The IT company to locate vendors and get options, and then manage the selection process, The IT company will charge.

Hybrid

Consider offering a free 15-minute meeting with your intake staff. They, of course, cannot provide legal advice, and you will have this meeting well-scripted. Once your staff determines that the client is a good fit, a meeting with you can be set.

You charge \$225 (or whatever amount you think is best) as a “reservation” fee. Your time is valuable, and this fee must be prepaid.

You then meeting the client but you have at least weeded out those who do not want to pay anything.

Another option could be to apply the reservation fee to the overall charges if you are retained. This provides an incentive to hire you.

In many respects the entire debate revolves around value. If you are not going to provide value, do not charge. You do not want your message to be "Here, let me charge you money for the opportunity to sell you a solution". But if you intend to provide value at your initial consultation, you should receive value in return.

In summary, offering free consultations might help bring people in the door, and it may be a good market tool. There is certainly nothing wrong with it. But it is far more profitable to charge for that same time. Your goal should be to wean yourself from free consultations as soon as your reputation and expertise will allow it.

USE CHECKLISTS

Lawyers are knowledge workers, and we have lots of knowledge and information to deal with. That information may be important, but it might not add value to our work for the client. For example, when I am meeting with a new client, I need to ascertain how that client would like us to communicate, whether by telephone, email, or video conference. This information is important, but it adds no value to my creative analysis of how I will solve the client's financial problems. The same would apply to determining which personnel our firm will employ on each particular matter, or handling administrative tasks like sending clients articles or newsletters that apply to their situation. These questions are all important for one reason or another, but they are not part of the creative practice of law.

I employ a detailed checklist for my initial meetings. The checklist includes many of these sorts of tasks. Some may come up during the course of our conversation, but others will not. I want to be able to focus fully on the client, the problem, and the solution, yet I do not want to omit any of my administrative information. My checklist enables me to direct all my attention to the client during the meeting, and to still make sure, in just a few seconds at the end of the meeting, that I haven't missed collecting any of the information I need.

USE FORMS

Intelligent intake forms can be valuable in saving time, reducing mistakes, and providing you with information. Before I meet with a new client, I already have a sense of their assets and liabilities, pending suits, secured and unsecured debts, and much more. My practice area, bankruptcy, requires a great deal of detailed information in order to make strategy decisions. I want my initial meeting to be a strategy meeting, and I do not want to spend time asking about facts that could easily be provided by the client ahead of time.

My intake forms also verify basic contact information and client preferences. We also identify or verify the referral source.

10 Things to Include in your Client Intake Process

1. The Right Attitude – Sales is Helping People; It’s something we do for them, not to them
2. Smiling Communication
3. Quick Answer and Timely Follow-up
4. Phone Script for Receptionist and Screener/ Intake Specialist
5. Written Avatars – Ideal Clients
6. Conflict Check
7. Declination letter
8. Appointment Confirmation email
9. Shock & Awe Email (preconditioning sale)
10. Appointment Reminder call/ email/ text
11. Tracking Spreadsheet or other method of getting numbers
12. Written price sheet

1. The Right Attitude – Sales is Helping People. We do it for them, not to them.

- a. Many attorneys and staff sabotage the sales process with an unhealthy attitude about sales
 - i. Bad image of sleazy salesperson taking money for inferior product the person does not really want or need
 - ii. Perpetuated by media
- b. The PNC (potential new client) has a pain in their life
 - i. They would not reach out to you if they did not feel the need for help (who calls an attorney’s office for fun?)
 - ii. You might be able to make their life a lot better if they hire you
- c. If your expertise can help them, then you are doing them a disservice if you do not sell your services to them
- d. Get over the cost numbers. Don’t sabotage yourself on price. Have a price sheet and stick to it (see Written Price Sheet below). Your PNC will feel it if you are uncomfortable saying what your services are worth.

2. Smiling Communication

- a. A smile can be heard on the other end of a phone line.
- b. Smiling voice puts others at ease and improves their feeling about the conversation. “At the end of the day, people won’t remember what you said or did, they will remember how you made them feel.” – Maya Angelou
- c. Smiling improves your mood.
- d. Smiling makes it easier to handle stress.

Bottom line: you will make more sales, you will be happier and your clients will be happier if your team is smiling!

3. Quick Answer and Timely Follow-up

- a. People often (one survey says 78%) buy from the first person to get back to them.
- b. A lead gets stale very quickly

- i. PNCs want their calls answered by people, and often hang up if asked by a machine to leave a message.
 - 1. If you are a true solo, maybe a reception service or a friendly outgoing message apologizing for the need to leave a messages and giving the caller a clear timeline for your callback.
- ii. For internet leads, 5 minuts for your system or people to respond should be a maximum. Studies show that people will not wait longer than that before calling someone else.
- iii. If you get back to a prospect within 1 minute of web contact, they are much more likely to buy than if you wait even 5 minutes.

4. Phone script for Receptionist and Screener/ Intake Specialist

- a. Scripts are used throughout the business world in reception, sales, troubleshooting, customer complaints. They are used because they work.
- b. Scripts make the experience with your firm professional and consistent
- c. Scripts allow an owner to delegate phone and screening duties and to test different approaches to find what works best.

EXAMPLES:

OPENING

WHEN ANSWERING AS RECEPTIONIST

Good [Morning/Afternoon]. Thank you for calling [Firm Name]. This is [Your Name], how can I help you today?

(let them talk, LISTEN, take notes, active listening, echoing their words, encourage them to talk about the issue to learn what is their real issue)

RIGHT TYPE OF MATTER

I'm glad you called. I can certainly help you with that.

May I ask who I'm speaking with? (get first and last name)

Thank you and do you spell that _____?

What is the best number to reach you at in case we're disconnected?

I have that as _____, is that correct?

Thank you.

WRONG TYPE OF MATTER

I'm sorry. We don't specialize in that area of law, but f you like, I would be happy to provide you with the name of an attorney that we know and trust

INTAKE SPECIALIST RECEIVING WARM HANDOFF FROM RECEPTIONIST

Hello, is this [Lead Name]?

Great. My name is [Your Name] and I'm the [Title] at Krause Estate Planning & Elder Law Center.

It's a pleasure to meet you.

I understand that you're calling today because you need some help with [reason for call]. Is that correct?

I would be happy to help you with that.

SCREENING

In order to determine the best way to help you, I'll need to gather some basic information. Do you have about 10- minutes talk now or is there a better time for me to call you back?

IF AVAILABLE – continue with screening

IF NOT – schedule and calendar a better time to call the Lead back

RECORD BASIC CONTACT & MARKETING INFORMATION

How did you hear about us?

Is it safe to leave a confidential message for you at the phone number you provided?

Is there an email address we can use in case we need to email you any information?

Thank you.

TYPE OF MATTER:

(Previously verified)

LOCATION

• Is the matter you're calling about today an active matter that has already been filed with the court?

• What county is/will the case be filed in?

• What's the address where you currently reside?

• If we need to send you confidential information, is it safe to mail it to you at this address? (If not, Is there an alternate mailing address where we can send confidential information?)

TYPE OF CLIENT

• [list specific questions to help identify if this is an Ideal Client – this may be specific to the type of matter or practice area]

CONFLICT CHECK

Thank you. Before we get into the specifics of your matter, I will need to run a quick cross-check in our system to

make sure there's no conflict of interest. May I have the names of...

• Opposing/Adverse Party – Would you please verify the spelling of that name for me?

• [other?] – Please verify the spelling

Thank you. May I place you on a brief HOLD while I check our records? Thank you, one moment please.

(Run Conflict Check, then respond based on findings)

DEFINITE CONFLICT OF INTEREST

I'm sorry, as it turns out, we won't be able to assist you with this matter due to a potential conflict of interest, but

if you would like, I would be happy to provide you with the name and contact information of an attorney that we

know and trust that handles [type of matter]. [Stop Intake and offer a referral – See Referral List]

POSSIBLE CONFLICT OF INTEREST

Continue with the Intake and Scheduling, but immediately after the call, forward to the Managing Attorney for

review. You may need to cancel the consultation or obtain a Conflict Waiver before the consult can take place.

NO CONFLICT OF INTEREST

I have great news. It doesn't appear that we have conflict of interest, so let me gather some additional information

about the reason you're calling us today ... (Continue with Intake)

INTAKE

• [list specific questions that the Salesperson needs to know to demonstrate value during the Consultation –

this may be specific to the type of matter or practice area]

IDENTIFY THE PROBLEM

Based on the information the PNC has shared, answer the following questions.

- What solution/opportunity can the Firm provide? (type of matter)*
- What can we help them with the most? (biggest concern; reason for call)*
- How quickly does the PNC need to hire an attorney? (urgency)*

If you don't have this information, ask.

Would you like to be added to our e-mail list so you receive notification of any upcoming webinars, workshops or information that may be of interest to you?

SCHEDULE A CONSULTATION:

Based on the information you've shared, I would like to get you scheduled to come in and meet with [Salesperson

Name], our [Title] for a Goals and Strategy Session.

During your Goals and Strategy Session, [Salesperson Name] will talk to you in more detail about your specific

situation. We want to make sure we have a clear understanding of where you are right now, what you want to

achieve, and what you would like to avoid. After [Name] has a better understanding of your goals, (s)he'll explain

all of the options available to you and let you know the best way our Firm can assist you.

IF FREE

Our Goals and Strategy Session is valued at \$XXX, but since you [reason: were referred by XZY, reached out to us

through ABC, etc.], I can waive the fee and offer you for a complimentary session if you would like to schedule it

now.

IF CHARGING

We do require a \$_____ deposit to reserve your appointment, [but after everyone decides we'd like to work

together, the fee will be applied to your initial retainer]. What type of credit card will you be using?

OK, I can take the number whenever you're ready.

Expiration date

CVV Code from the back

Thank you.

Is there a specific day or time that would work best for you?

OK, let me see check on our next available appointment dates. Would _____ or _____ work better for you?

CONFIRMATION

Alright, I have you scheduled for [30/60-min] with [Name] on [Day], [Date], at [time] [in our office, on Zoom, via telephone call]. Provide any additional details needed.

You won't need to bring anything with you to the consultation.

If they decline – see Handling Objections below

CLOSE THE CALL

Do you know where we're located? Provide directions

After our call, I will send you a follow up email with all of your appointment details, so you're prepared for the [Name of Consultation].

I will also send you a separate email that provides you with a little bit of information about our Firm.

If you have any additional questions before your appointment, please feel free to call back. I'll be happy to assist you.

Is there anything else I can help you with today?

Thank you for calling. We look forward to helping you.

HANDLING OBJECTIONS:

“WHY CAN'T YOU QUOTE ME YOUR RETAINER OVER THE PHONE?”

“I JUST WANT A PRICE.”

I'm glad you asked that. We give every client individual attention and service that is truly tailored to your specific

needs and goals. Until we know more about you, your case, what you hope to achieve, and what you want to

avoid, it would be irresponsible of me to quote you a price.

To be completely honest, I would proceed with caution if any firm is willing to quote you a price over the phone

without knowing about the specifics of your matter, because it says a lot about their level of commitment to client

care and the level of individual service they offer.

“I DON'T THINK I NEED A [CONSULT NAME], I JUST WANT TO TALK TO AN ATTORNEY”

In order to provide you with the best possible outcome, it's important for us to have a clear understanding of who

you are, where you are now, and where you want to be – on a deep level – before charging headlong into your

legal matter. Our Attorneys develop strategies based on all of the unique information that's gathered during the

Consultation.

We work as a team here. By meeting with our Client Relations Manager, we're able to keep our Attorneys focused

on what they do best, which is move cases forward in the most expedient way possible. You'll really appreciate

that if you become a client. If you met with an Attorney now, most of your Consultation time would be spend having the Attorney gather all of this critical information. By having our Client Relations Manager meet with you first, you'll be able to make the most of your time with the Attorney when you do meet with him/her.

“IS A LOT OF MONEY FOR A CONSULTATION”

“Is cost your primary concern? I ask because I want to be sure I understand whether you are concerned about the cost, or about the value you will get from the meeting? We require a deposit because it shows a commitment to yourself and to us that you're going to take this next step and show up for your appointment. We're committed to helping people who are committed to helping themselves.

If you engage our services, the fee will be applied to your retainer/fee.

If money were no object, are you ready to move forward?

“IF CHARGING - OTHER FIRM OFFERS FREE CONSULTATIONS”

Yes, we've seen a number of Attorneys who offer free consultations. We don't believe it's helpful to provide a cookie-cutter “free consultation.” This meeting is specifically about you –

it is an individualized experience because we recognize no two people are alike.

That's why we will do a deeper

dive into your specific situation, where you are now and what you hope to accomplish, so we can educate you on

your options and you can make an informed decision about the solution that will best meet your needs.

“OK, I'M NOT READY TO SCHEDULE YET. I WILL GET BACK WITH YOU”

Do you mind me asking why you don't want to move forward?

Something made you pick up the phone today and take steps to [change your life] [protect ...].

What is holding you back from moving forward?

“I NEED TO THINK ABOUT THINGS A BIT BEFORE I SCHEDULE”

Try to get to the root cause of their hesitation – time, reputation, or money? Deal with the objection based on their

reason for objecting.

I usually find when someone tells me they need to think about scheduling, it's because they have a question I

haven't answered yet. If you tell me exactly what you need to think about, maybe I can help.

“NOT SURE THEY'RE READY TO MOVE FORWARD”

I know it can feel a little overwhelming to take the first step, but the primary purpose of the [Goals Session,

Discovery Meeting] is to explain the process, present you with all of your options and help you think things

through. This session gives you the opportunity to create a plan, empower yourself, and then you can move

forward when the time is right. If nothing else, it can help you gain some peace of mind and allow you to make an informed decision.

5. Written Avatars – Ideal Clients (you may have different avatars for your different services)

Define your A+ clients so you can get more of them. Avatars can help your marketing and intake easily identify the people who are most rewarding for you to work with – financially rewarding or mentally rewarding or psychologically rewarding or spiritually rewarding or rewarding to your reputation or just the type of person or case that brings you joy or fulfillment.

Make a profile of your ideal client and write it down.

- a. Geographical Profile
 - i. Where do they live?
 - ii. Where is their case geographically?
- b. Demographic Profile
 - i. Age?
 - ii. Income?
 - iii. Asset profile?
 - iv. Married or single?
 - v. If married, do both spouses need services?
 - vi. Disabled?
 - vii. LGBTQA+?
 - viii. Racial minority?
- c. Psychographic Profile
 - i. Lonely?
 - ii. Abused?
 - iii. Optimistic?
 - iv. Confused?
 - v. Trustworthy?
 - vi. Worried about the future?
 - vii. Sad?
 - viii. Happy?

6. Referral Partner List

- a. Keep a list of referral partners who practice in areas you do not. Different areas like legal, or geographical, and also those who may practice at a lower or higher price point.
 - i. Be sure you ask these attorneys about the types of cases they want.
 - ii. Whomever screens your PNC calls should have this list at hand.
- b. If a PNC does not fit your practice area(s) or does not fit your avatars, refer them to friendly attorneys who may be better able to help them.
 - i. This helps the person you're talking to.
 - ii. This also helps your attorney friend.
 - iii. This may also help you in that you may get referrals back from the referring attorneys.

- c. You may want to expand your referral list to include all types of services like insurance agents, real estate agents, plumbers, landscapers, moving companies, auctioneers, handymen. This is useful as you are talking to anyone including current and past clients who have an issue and are looking for a recommendation.

7. Conflict Check

- a. This is a very important part of intake that is sometimes forgotten, especially by solo attorneys.
- b. All commercial legal practice platforms like Actionstep, Clio, etc., should have an easy way to check for conflicts.
- c. We will not review the rules that control whether you can practice in a case where you have a conflict.
- d. It is key to get names relevant to the case early in the screening process. Depending on the area of law and the facts, you may need a lot of names or only the names of the potential clients.
- e. Run all names through your conflict checking system (if you don't have one, you need to get one).
- f. If any names match names in your system, an attorney must determine if there is a conflict or potential conflict, and then if it is waivable.
- g. Send Declination Letter if there is a conflict or you are not comfortable with a potential conflict.

8. Declination letter

- a. This is a letter that lets a potential client know you are not representing them.
- b. It makes sure that there is no mistake about the fact that you do not represent them.
- c. Having one in your file helps keep yourself safe from a claim by the potential client later when their legal problem goes bad and they think you might be at fault.

EXAMPLE 1:

RE: Declining Legal Representation

Dear [PNC Name]:

Thank you for speaking with us on [date]. [Upon further consideration // As we discussed at our meeting], we will not be able to represent you with respect to the [_____] matter. We further confirm that we do not currently represent you in any other matter.

Because we are not currently representing you on any matter, we cannot practically monitor any changes in the law or your circumstances as they might affect the matter we discussed. Accordingly, we disclaim any duty to do so. Except for the specific information relating to [_____], we do not believe that we have obtained any information from or about you or that is confidential.

We did no investigation of the facts you described and gave no legal advice with respect to the matter. If you disagree in any respect with these conclusions, please call me immediately so that we may resolve the point.

[Possible additional language]: If you intend to pursue your matter with another lawyer, you may need to act promptly. As we discussed, there may be important deadlines involved in your claim. The first deadline may be as soon as _____. If you fail to file suit or take other appropriate action in a timely manner, you may lose permanently some, if not all, of your rights in this matter.

We have returned to you the materials you delivered to us for review in evaluating this matter. As we agreed, there is no charge for our examining the possibility of representing you.

We appreciate your interest in the firm.

Very truly yours,

[Firm Lawyer]

EXAMPLE 2:

Re: Declining Legal Representation

Dear [Lead/PNC Name]:

Thank you for speaking with us on [date]. It is our understanding that you have chosen to not engage us to represent you with respect to the [_____] matter. We further confirm that we do not currently represent you in any other matter.

Because we are not currently representing you on any matter, we cannot practically monitor any changes in the law or your circumstances as they might affect the matter we discussed. Accordingly, we disclaim any duty to do so.

Except for the specific information relating to [_____], we do not believe that we have obtained any information from or about you or that is confidential. We did no investigation of the facts you described and gave no legal advice with respect to the matter. If you disagree in any respect with these conclusions, please call me immediately so that we may resolve the point.

[Possible additional language]: If you intend to pursue your matter with another lawyer, you may need to act promptly. As we discussed, there may be important deadlines involved in your claim. The first deadline may be as soon as _____. If you fail to file suit or take other appropriate action in a timely manner, you may lose permanently some, if not all, of your rights in this

matter.

We appreciate your interest in the firm and hope that you will keep us in mind should the occasion rise in the future.

Very truly yours,

[Firm Lawyer]

9. Appointment Confirmation email

- a. You look more professional if you have an email go out to the client confirming their appointment.
- b. People are used to this with other businesses, and may think you are not well run if they do not receive something.
- c. This may be automated by your practice management system.

EXAMPLE:

Dear, [PNC Name]:

Thank you for contacting [Firm Name] about [Type of Matter]. It was a pleasure speaking with you today.

I am confirming that you are scheduled for Goals and Strategy Session with [Salesperson Name] on [Date] at [Time].

Our firm is located at [Address]. [Click here for a map & driving directions.](#)

*Once you have parked, please go directly [to the Security Guard in the Lobby for a pass]. If you have any problems finding us, call us for help [555-867-5309].
[Insert picture of the parking lot or building. Insert picture of receptionist.]*

We understand that you are beginning a life-changing experience – not only for you, but also for your family. We look forward to helping you start down by understanding what to expect.

[Signature]

10. Shock & Awe Email (preconditioning sale)

- a. Send this out between the day the appointment is made and the day of the appointment. If you wish, you can send a series of them explaining different aspects of your firm, or different considerations in the area of law they are coming to see you about.
- b. It preconditions the client to buy from you. It allows the client to get used to seeing your name, and gives them a chance to get to know your firm before they

even meet you. It helps them to start thinking of you as their lawyer before your sales meeting.

EXAMPLE:

Dear, [PNC Name]:

Paragraph 1: Intro and Mission/Magic Statement

Even before you come in to meet with us, we thought you might appreciate learning who we are, what motivates to practice this area of law and how we operate as a Firm. At Krause Estate Planning & Elder Law Center, we are on a mission to make sure every family has protection and security in case of death or incapacity.

Paragraph 2: Tell your PNC WHY and HOW you live your Mission/Magic Statement

Our Founding Attorney is passionate about providing custom Estate Plans for families, because she found out the hard way what a lack of pre-planning can do to a family upon the death of a loved one. That's why we take the time to learn about you, your family and your goals, then we explain all of your options, and help you create an Estate Plan that's been designed to fit your needs. With over 50 years of combined experience, you're in good hands with our legal team. We will treat you like a cherished member of our family and will make sure that your Estate Plan serves your family's needs when you need it most. We encourage you to visit our website to learn more about our experienced Estate Planning Attorneys.

Paragraph 3 –

Optional: Insert hyperlinks to Articles or Blogs that cover FAQs or hot topics Based on our experience, we found that many of our clients want to know what would happen to their assets if they pass away without an Estate Plan, so we are including a link to Jane's article, "What Happens to My Stuff If I Die Without an Estate Plan?" You will learn more about this and other important information during your Initial Consultation.

Paragraph 4: Closing Paragraph with hyperlinks to client testimonials

We look forward to meeting with you and delivering a client experience that's second to none. But, don't take our word for it. You should read firsthand what our former clients have to say about their experience with Super Awesome Law.

[links]

Sincerely,

[Signature]

11. Appointment Reminder call/ email/ text

- a. This is different from the appointment confirmation email. It comes a day or two (or an hour or two) before the appointment.
- b. The day of the appointment, it is probably too late for an email, but a call or text is OK.
- c. Your doctor and dentist probably call and text to remind you of your appointments. People are coming to expect it from a professional office.

EXAMPLE CALL SCRIPT:

Good morning, [PNC Name]. This is [Name], the [position] at Krause Estate Planning & Elder Law Center. I'm calling with a courtesy reminder that you are scheduled for a Goals and Strategy Session with [Salesperson Name] today at [time]. Are you able to confirm your appointment at this time?

Yes – Great. As a reminder, we are located at [address and suite]. Do you know where that's located?

Yes – OK, perfect! [If you have your XYZ, please bring that with you.] We look forward to seeing you later today!

No – No problem. I can help you with that.

- Give verbal directions
- Let the PNC know you'll follow up by sending the directions via text or email
- Send off during or immediately after the call

And, if you have any problems finding us, just give us a call back. We'll be happy to help you find your way.

----- OR IF THEY CAN'T COME:

No – Oh, no! What's going on?

- Capture the reason for Cancellation/Reschedule
- Be polite, caring, and empathetic when speaking with the PNC
- Remind the PNC of your Cancellation Policy, if applicable
- Always offer to Reschedule the Initial Consult and inform the PNC you'll pass the information along to the

Salesperson

- Capture the information in the Lead Management System and inform the Salesperson as soon as the call ends

I'm sorry to hear that, but I'll pass that information along to [Salesperson Name]. I know he/she was looking forward to speaking with you today. While I have you on the phone, let me get the appointment rescheduled for you.

12. Tracking Spreadsheet or other method of getting numbers

- a. If you don't track it, you cannot be in control of your business.

- b. Without some way of looking at your marketing, intake and sales results, you are flying blind with regard to how you get your business.
- c. Keep a spreadsheet for whomever answers your phones and responds to web leads.
- d. ALL PNC contacts should be recorded, even if they are calling for an area of law in which you do not practice.
- e. You could use a spreadsheet with the following columns:
 - Date of Call
 - Who took initial call
 - Potential Client Name
 - Phone Number
 - E-mail Address
 - Referral Source (web inquiry, Google, networking group, Referral by a friend, etc.)
 - Referral Name, if a person referred them
 - Type of Matter
 - Qualified Lead?
 - Referral-out Made? (name)
 - Appt Date
 - Salesperson Scheduled
 - Show up for appt? (Yes or No)
 - Did PNC engage? (Yes or No)
 - If PC Did not Engage, Reason
 - Follow-up/ Reschedule Appt Date
 - Date of Follow-up Phone Call #1
 - Date of Follow-up Phone Call #2
 - Date of Follow-up Phone Call #3
 - Engagement Date (if not at 1st consult)
 - Estimated Case Value

13. Written price sheet

- a. This is more sales and less intake, but it can also affect intake.
- b. Don't get in the habit of mood pricing.
- c. Have a set price for your services and make sure you write it down.
- d. The intake person should know what prices are generally, but not share this with the PNC. You should consciously decide what the intake person will say when asked about price. Script it. Maybe give a low and a high range, or refuse to give any number at all.

As written in the script section above, if a PNC asks about a price quote on the first phone contact, maybe say this:

I'm glad you asked that. We give every client individual attention and service that is truly tailored to your specific needs and goals. Until we know more about you, your case, what you hope to achieve, and what you want to avoid, it would be irresponsible of me to quote you a price.

To be completely honest, I would proceed with caution if any firm is willing to quote you a price over the phone without knowing about the specifics of your matter, because it says a lot about their level of commitment to client care and the level of individual service they offer.