

Accepting the New Client

You want cases to get off to a good start. From the time you receive that first phone call from a prospective client, you want things to go smoothly and in such a way as to inspire confidence on the part of the client. Our firm has developed some procedures for responding to new client contacts that have standardized and simplified the process of opening new files and tracking information on those cases that are declined.



Robert Dawson

Client Screening

In a busy personal injury practice it makes sense to screen clients and cases over the telephone to determine whether an appointment should be made. Usually this can be done by legal assistants who are trained to recognize the relevant liability, causation, and damage issues that commonly arise in personal injury cases. We have had little client resistance to a legal assistant asking questions before the attorney talks with the client. When a caller objects to this procedure, we have the legal assistant say "Mr. Dawson receives a number of calls each day from prospective clients and simply is not available to talk in detail with everybody who calls. I will take the relevant information from you, have Mr. Dawson review it, and either he or I will call you back."

Tracking Client Calls

I believe it is important to keep track of some basic information for each

person who calls your office whether you accept the case or not. We have developed a form that will be the first piece of paper in the client file if the case is accepted. That form will also be the record of our contact with the caller if the case is rejected.

The form has the caller's name, address, phone number, and date of loss. It also contains the source of the referral, relevant facts, and a record of the disposition of the case. We like that form to be readily visible in the file so we copy it onto green paper. If you would like a copy of this form, please give our office a call.

The disposition of the case portion of the form is important. If we decide to set up an appointment with the client, the form reminds the word processor to send a letter confirming the appointment and enclosing a copy of our firm brochure. The disposition section of the form also has a reminder to the attorney to send a thank you note to the person or attorney who made the referral.

If we decline the case, then the disposition section of the form indicates that the case has been declined and the date that decision was made.

Send Written Information to the Prospective Client

This is an information society. People are used to receiving handouts and brochures that describe the product or services they are about to receive. Doctors use them. So should lawyers.

When we set up a meeting with a new client, we mail a letter confirming the appointment and enclose a copy of our firm brochure. This serves several purposes. The brochure tells the client a little bit about our firm, thereby build-

ing confidence. The brochure also describes the steps in a typical personal injury case. The offer to send a brochure is also a convenient way to ask for the caller's address. We usually ask if it is all right to send the caller some written information about our firm and personal injury cases. We explain to clients that if they read this information, then our meeting can be more productive since we will spend more time on the specifics of their case.

First Client Meeting

Everybody has his or her own style for conducting a first meeting with the client. Obviously, the attorney will want to obtain the information necessary to begin the case, as well as signed releases, a fee agreement, and any other necessary information or documents.

There are some other things that I have found helpful to cover in a new client meeting, things that help build confidence on the part of the new client.

It is important for the attorney to take charge of the meeting. Clients are looking for an attorney with the expertise to assist them with their claim. You reassure clients by your knowledge of the process and your experience with similar claims. Do not mean to tell them that everything is okay when it is not, but that you will look into the matter carefully and help them take appropriate action.

During that initial client meeting, you can in a nice way let the caller

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know your qualifications. If all that you handle is personal injury cases, then you should let the client know. If you have handled similar cases, let the client know. Your whole manner in dealing with the client, and discussing the options that the client has, should reassure the client.

It is easy to get into a rut when conducting client interviews and to feel that as the attorney you know what information you will need. This can be shortsighted. A client who understands the process, and knows what must be proven, is better able to tell you the important facts. A question we often ask is "How are we going to prove how much you lost in wages?" Or "How will we prove fault, causation, damages, etc.?" The client who knows what needs to be proven can often come up with some quite wonderful information and witnesses.

Lastly, that first client meeting is a good time to give reasons why the client should hire a lawyer. In most fact situations, hiring a lawyer will help the client obtain a better result, even after payment of attorney fees and costs. A lawyer can help see that the client is not taken advantage of. Also, many people simply don't want to deal with the insurance adjusters and fill out the paperwork that is required to process the claim. Clients are relieved to learn that you will "take care of the paperwork."

Opening the New Client File

During the initial client meeting, you may have given the client forms to take home and fill out such as a fee agreement or client information form. It is important that you make a tickler card to follow up on information that was requested from the client. It is important to set the tone of your dealings with the client right from the start, namely that if you request information you expect it to be returned in a timely manner.

It is also important on a new case to do something right away, both to get the case moving and to show the client that you are taking action. You can almost always do something right away on a case, such as sending for the police report, or medical records, or have a private investigator take photographs or statements from the witnesses.

Conclusion

Many of these procedures for obtaining information from prospective clients can be standardized. Doing so makes it easier to refer to the information in files that you have accepted and helps you get the case off to a good start. It also makes for a better record of the cases that you have turned down.

Robert Dawson is a partner in the Seattle firm of Pence & Dawson; his practice is limited to plaintiff's personal injury cases.