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Improve your intake: Ten steps to seal the deal

By Jordan Turk

The client intake process is arguably the most critical part of your law firm management. This is how you get clients. This is how you procure retainers and generate cash flow. The initial client consultation sets the tone for the entire case, so make sure you start off on the right foot every time by adhering to these ten simple steps:

1. Streamline your conflict check process so that anyone in your office can do it. Sometimes the receptionist is out or busy, so it behooves you to train your paralegals to do it, too.

2. Collect the consultation fee prior to the initial meeting taking place. If you charge a fee, make it very clear, in writing, that payment of said fee is due prior to the consultation. The easiest way to accomplish this is to email a link to the client that enables them to pay online.

3. Instruct the potential client to fill out their intake paperwork online or to email the completed form back to you prior to the initial consultation. This saves time and works great if you offer virtual meetings. Be cognizant to not have the client email sensitive information (i.e., social security numbers) to you.

4. Beware of waiver of privilege. Many clients want to bring a family member or friend with them to their initial meeting. This is problematic in that it could constitute a waiver of attorney-client privilege. Explain this issue and its potential ramifications to your client at the outset of your meeting before proceeding.

5. Be clear about the cost of the case. The retainer is not the actual cost of the client's case, and that needs to be made abundantly clear so as to manage their expectations (and avoid future headaches).

6. Give the client a roadmap of the process and realistic expectations. Too often, attorneys make promises at initial meetings because the matter seems so simple at first. Be careful about using absolutes and making any promises at the outset of the case (no matter how sure you might be). Curveballs happen in every matter.

7. Have the fee agreement already filled out. The only thing you should need to do is plug in the retainer amount and print it out or email it to the client at the conclusion of your meeting. Having it ready to go at the meeting eliminates friction and prevents awkward pauses during the consultation.

8. Have the client initial by the evergreen clause. Many attorneys utilize retainers, as opposed to flat fees, for their payment. When the retainer dips below a certain amount, the

client will be sent an evergreen letter, which asks the client to replenish their retainer up to the original amount. If you utilize this practice (and you should), make sure to explain this in detail to the client and have them initial by a clause explaining the same in their fee agreement.

9. Seal the deal. Make it very clear to the client that you do not begin working, and you are not retained as their attorney, until you receive (1) their fully executed fee agreement; and (2) their retainer payment.

10. Trust your gut. When it comes to red flags during the intake process, be prepared to decline representation. If you would be the client's fifth attorney on the case, chances are they will cause more headaches than they are worth. Also ask yourself, would this person be a future liability to the firm? No one ever wants to put a phone call into their malpractice carrier, so know when to say no. ■

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