

Chapter 1

Client Intake

1. **New-Client Screening Script.** If the firm has the luxury of a competent assistant, delegate new-client screening to a nonlawyer. This may prevent the firm from being “conflicted out” of a case by contact between the prospective client and the lawyer. Prepare a script for your staff to follow.
2. **New-Client Telephone Screening Form.** The new-client screener should take basic information down over the phone. A first objective is to make sure the case is the type your firm handles, followed by a “conflict check.” Our form includes other information that is important to us, but the initial phone screening should be limited to prevent conflict created by excessive detail.
3. **New-Client Intake Questionnaire.** It is important to get essential information at the very beginning of the relationship. Essential information includes the basic information you need to contact the client, and the basic information necessary to prepare pertinent pleadings and background information your firm likes to have. Our firm directs potential new clients to a link to fill out this information in advance of the appointment. When the client arrives, this information is supplemented with information the attorney would like to have to assess the case. The questionnaire also has a list of standard warnings and information that we want to make sure every client gets, whether they need it or not.
4. **Attorney-Client Contract: Initial Consultation.** We have the client sign a contract for the initial consultation. We charge a fixed amount and collect that up front.
5. **Attorney-Client Contract: Hourly Fee.** We always use written contracts. Some states do not require written contracts but others do. Whether required or not, written contracts are suggested. Our hourly fee contract contains a recital of the facts, a statement of the scope of representation, and detailed statements of how we charge. We have also incorporated a provision from the code of professional conduct as to what a reasonable fee is.
6. **Attorney-Client Contract: Flat Fee.** It is very important when charging a fixed fee to specify the nature, length, and scope of work.
7. **Attorney-Client Contract: Staged Fee.** This contract charges certain fees for certain acts. This allows the client to pay only for certain actions and allows the attorney to collect for additional work.
8. **Attorney-Client Contract: Staged Fee.** Another example of work quoted in stages.
9. **Billing Memo.** The attorneys should provide the bookkeeping personnel with written instructions on how clients are to be charged and how money is to be

treated. This is particularly important in ensuring that money intended for trust is not deposited in that attorney's funds.

10. **Credit Card Authorization.** Our firm uses Lawpay for the payment of fees. If your firm does not use such a service, use the form. This may assist in avoiding reversals of charges by clients after receiving the service.
11. **Instructions to Attorneys for Initial Client Interviews and Marital Assessments.** This is a script for attorneys to follow in initial interviews.
12. **Referral Thank You Letter.** Make sure you find out who referred business to you, then thank them. Create a system where your office staff automatically generates a thank you letter for you to sign.
13. **Policy for Interviewing Clients Who Are Unsatisfied with Current Counsel.** A fair percentage of new clients will be people who are represented by, and unhappy with, another lawyer. Great care should be taken in these interviews. First, people who are unhappy with their current lawyers may be difficult clients. Second, if a person is unhappy with a good lawyer, it may be the result of a simple misunderstanding that can be rectified. It is not usually in someone's best interest to change lawyers unless there is a good reason.
14. **Nonrepresentation Letter.** It is important to clearly establish the beginning and the end of representation. If the client elects not to retain you, close the relationship with a letter.

Contracts are provided solely as possible examples. Attorneys must check the rules in their jurisdiction regarding contracts, credit card use, retainers, and types of fees.

1. New-Client Screening Script

Congratulations on your decision to contact our law firm. We know this is a very difficult time in your life. You are making the right choice to seek legal advice if you have found yourself thinking you need to call a lawyer. Many people wait until it is too late.

May I obtain some information from you? We must obtain this information to make sure that there is no conflict. Please be assured your call with our firm is confidential.

What is your full legal name? _____

What is the full name of your spouse? _____

What type of case do you have? Divorce? Modification? Contempt? Child custody and support? _____

What is your address? _____

What is your cell phone number? _____

What is your e-mail address? _____

Do you have children? _____

Where do you work? _____

What do you make? _____

What does your spouse do? _____

What does your spouse make? _____

Would you like to schedule an appointment with one of our attorneys? We would like you to know beforehand that our charge for an assessment of your case is \$500. In the assessment, we will provide you with the law pertaining to your case and the legal and personal alternatives available to you. Give us an idea of what time slots are best for you. Once we have that information, we will send you an e-mail containing a link to provide us with additional information and to pay our fee.

2. New-Client Telephone Screening Form

Date: _____

Name: _____

Secure telephone: _____

Who referred you to us? _____

How can we help you? _____

Is there another attorney involved? _____

Court action pending? _____

Spouse or ex-spouse's name: _____

How long were you married? _____

Children: _____

What do you do for a living? _____

Annual income: _____

What does your spouse do for a living? _____

Annual income: _____

3. New-Client Intake Questionnaire

DATE: _____ FILE NO: _____

CLIENT NAME: _____

ADDRESS (indicate preferred mailing address, being sensitive to privacy concerns):

Mailing: _____

Marital Home: _____

COMMUNICATIONS (indicate preferred number):

Office: _____ Home: _____

Cell: _____ E-mail: _____

ADVERSE PARTY (info for Service of Process of Opposing Party):

Name of Opposing Party: _____

Address: _____

Office: _____ Home: _____

Cell: _____ E-mail: _____

OPPOSING COUNSEL: _____

STYLE OF CASE AND COUNTY OF FILING _____

REFERRAL SOURCE(S) (It is critical to obtain accurate and detailed referral source information and helpful to staff to obtain addresses and phone numbers at intake.):

INTERNET: Which site? _____

What search terms did they type in? _____

REFERRAL SOURCE:

Name: _____

Address: _____

Office: _____ Home: _____

Cell: _____ E-mail: _____

Is referral source an attorney, counselor, past client, or other? _____

CRITICAL DATES:

For example: Is an answer due, or answers to requests for admissions, or is there an appeal time running or a statute of limitations?

COMPLAINT AND AGREEMENT PREPARATION INFORMATION

Date of Marriage: _____

County and State of Marriage: _____

Date of Separation: _____

County and State of Separation: _____

CHILDREN:

Name: _____ DOB: _____ SSN: _____
 Name: _____ DOB: _____ SSN: _____
 Name: _____ DOB: _____ SSN: _____
 Name: _____ DOB: _____ SSN: _____
 Name: _____ DOB: _____ SSN: _____

Identify and list in detail the places where the children have lived, with whom, and during what dates during the last five years starting with the most current.

Current Residence: _____ to present With Whom _____

Date of Previous Residence: _____ to With Whom _____

Date of Previous Residence: _____ to With Whom _____

Has custody of the children ever been an issue in any court of law? If so, state the court and the style of the action and when it took place: _____

Is there anyone other than the parents who could claim a right to custody of or visitation with children? If so, identify: _____

Is wife currently pregnant? _____

CLIENT INFORMATION:

Social Security Number: _____

Date of Birth: _____ Gender: _____

Employer: _____

Compensation: _____

Highest Education Level: _____

SPOUSE INFORMATION:

Social Security Number: _____

Date of Birth: _____ Gender: _____

Employer: _____

Compensation: _____

Highest Education Level: _____

HEALTH INSURANCE:

Company: _____

Employer: _____

Maintained: _____

Cost: _____

Paid By: _____

BASIC FACTS:

_____ **Year of Marriage**

_____ **Children, Ages:** _____

Children's School _____

CASE SUMMARY: _____

Assets:

Home: _____ **Owe:** _____

Pensions: _____

Savings: _____

Checking: _____

Other: _____

Land: _____

Cars: _____

Any key facts regarding marital status of any asset: _____

MISSION STATEMENT:

(The file opening attorney is to generate a short, concise statement, with the client, of what is to be achieved) _____

ACTION PLAN:

- 1 _____ Deadline: _____
- 2 _____ Deadline: _____
- 3 _____ Deadline: _____
- 4 _____ Deadline: _____
- 5 _____ Deadline: _____

The intake attorney should issue the following warnings:

- _____ **Dating:** A client is not to date until the divorce is final.
- _____ **Abuse:** If a client is worried about abuse, advise:
 - Call police and alert them of potential problems well in advance.
 - If confrontation occurs, withdraw to safety.
 - If danger persists, call the police.
 - If danger merits calling the police, follow through with charges.
- _____ **Counseling:** Each of our clients is encouraged to engage in personal therapy. This is different from marriage counseling. The name of the client’s therapist or recommended therapist should be set forth here: _____
- _____ **Condonation:** All clients who have grounds should be warned that “resuming the marriage relationship” or sleeping with their spouse or forgiving their spouse can wipe out their grounds for divorce.
- _____ **Social Networking:** Facebook, Twitter, Match.com, etc. **Change passwords!**
- _____ **Banking/Financial:** All websites or ways to access these. **Change passwords!**
- _____ **Cell Phones:** Check for tracking/GPS/location-based apps. **Change passwords!**
- _____ **STD/HIV:** All clients should be advised to obtain testing for sexual transmitted diseases and infections, regardless of whether they think their spouse is guilty of adultery.
- _____ **Medical Exam:** All clients should be counseled to obtain at least a basic medical examination. We would not want to settle a case unaware of a serious medical problem or disability.
- _____ **Temporary Protective Actions:** Clients should be warned to guard against dissipation of jointly held assets and “raiding” of jointly held credit cards.

It may be appropriate to advise clients to get jointly held assets, or to write letters to bankers and stockbrokers and credit card companies in an effort to protect assets and credit.

- _____ **Tax Returns:** Clients should take care in filing tax returns when there is trouble in a marriage. Joint tax returns mistakenly or fraudulently filed can result in liability to the client for something they didn't do. Spouses may also file early and take all deductions that may have been available to the client. Clients should consult with a CPA about tax returns.
- _____ Inform client as to how we charge and emphasize that we try to create a "custom" price for each client.
- _____ Introduce the "team concept" and the "team." The client should be advised that people other than the principle attorney will be working on the case.
- _____ Explain financial statement procedure, that is, documentation/appraisals.
- _____ Warn client of potential surveillance and conversation recording, for example, a tap on the phone, a private investigator following, and so on.
- _____ Advise client to take possession of spouse's computer or contents of the hard drive and other removable storage drives and warn client of danger of spouse taking client's computer.
- _____ Warn clients not to admit fault either verbally or written.
- _____ Warn clients not to talk to anyone about this meeting. They could waive their privilege.
- _____ Warn clients not to lie to us.

DOCUMENTS NEEDED FROM CLIENT:

- _____ Social Security request. This should be completed with a return address to the firm (signed by client and in file).
- _____ 8.05 form to client to complete and return
- _____ Executed Contract
- _____ Check for retainer, or credit card information
- _____ Employment history

4. Attorney-Client Contract: Initial Consultation

1. **Inception.** Attorney agrees to accept the representation of client beginning on the _____ day of _____, 20__.

2. **Nature of Representation.** Attorney will represent client with regard to the following legal matter, which shall consist of the following services, if necessary and called for in the opinion of the attorney:

Nature of Matter: Divorce/Family Law

3. **Scope of Representation.** The term of this engagement is for one consultation on the _____ day of _____, 20__. Services will include the following:

- One-time consultation with the client.
- Review of pertinent pleadings available for inspection.
- Analysis and assessment of the situation and development of a plan or course of proceeding based upon information available. The scope of representation does *not* include communications with client and others after the date of the contract, settlement, and drafting documents for divorce; or representation in any legal proceeding. The terms of this contract expire upon conclusion of the conference.

The Attorney has not been retained on any other matter and has no responsibility to client on any other matter unless specifically agreed to in writing. The scope of our representation is limited to the consultation and assessment set forth above.

4. **Flat Fee.** The fee for the marital assessment shall be a flat fee of \$_____ payable on the date of the inception of this contract. All amounts paid are nonrefundable. Client agrees that the experience, reputation, and ability of [FIRM NAME] merits payment of the foregoing fees. Client has sought out the representation of [FIRM NAME] with the understanding and intent that the highest level of fees is required. This fee is to compensate [FIRM NAME] for acceptance of employment and foregoing other employments, such as by the spouse of the client. Such fee shall be deemed earned upon the date of inception of this contract and may be immediately deposited in the operating funds of [FIRM NAME]. Said fund is not subject to return or refund to client for any reason, subject, however, to the following policy:

[FIRM NAME] FEE AND SERVICE DISPUTE RESOLUTION POLICY

[FIRM NAME] is dedicated to delivering the finest legal service at values that comport with the Code of Ethical Conduct for Lawyers in [STATE]. [FIRM NAME] is committed to openly soliciting and receiving client feedback on service and fees. We are further committed to resolving all matters regarding service and fees in an ethical and client-oriented fashion.

No matter what the method of charging for legal services, the final fee charged is governed as to "reasonableness" by standards set by the _____ Bar Association. These standards necessarily dictate that the reasonableness of a fee cannot be finally and accurately determined until the conclusion of representation. Therefore, it is the policy of [FIRM NAME] to participate with any interested client in a review of