



SAMPLE: TAME THE TELEPHONE

Telephone Policies & the Definition of an Emergency

Back in law school, they didn't teach us much about how to run a law firm. Sure, our professors thundered on & on about black letter law. And how to apply it to a given fact pattern. But there was hardly a whisper about how to actually deliver these services to our clients in a professional and profitable manner. One thing I do remember hearing some whispers about was the absolute importance of returning client telephone calls. They called it the "Sun Down Rule."

A well meaning professor may have given you the same bad advice I received on this subject. Or maybe it was your first managing partner who learned about the proper, professional and profitable management of a law firm from. . .? (rhetorical question)

Bad Advice You May Have Heard

The bad advice was this: "If you want to make your clients happy, be sure to return their telephone calls before the sun goes down." Other lawyers have adapted this bad advice and made it even worse. They brag about their policy of returning calls, "within 24 hours."

Think about what either of these bad policies does to your clients, your staff and consequently to your ability to manage a professional and profitable law firm:

Your client calls at 10:00 am & is told that the attorney will "return your call 'before the sun goes down.'" At 11:00 your client's spouse asks if s/he would like to join them for lunch. Of course, the answer is "no." "Because I am waiting for my lawyer to call me back, 'before the sun goes down.'" At 1:00 after eating at home alone, your client's son or daughter asks for a ride but is turned down because the client is waiting for their lawyer to call, you guessed it, 'before the sun goes down.' At this point, the client is beginning to wonder whether the lawyer is really going to call or not so they call your office to make sure you got the message. With this being only the second call of the day the client is still relatively relaxed and polite, but they won't be when they make their next call in a couple of hours after being glued to their cell phone all day.

Better Advice

Instead, implement a policy of scheduling telephone appointments. Install a telephone procedure and instruct your receptionist how to schedule telephone appointments between you and your clients. Ask your twenty-dollar-an-hour receptionist to make detailed notes regarding not only the subject, but also as many details as possible pertaining to the scheduled call so you don't have to. This way you can be better prepared when you return the call to the client at the pre-arranged time.



This practice of scheduling telephone appointments has been responsible for dramatic improvements in the morale of dozens of law firms I have suggested it to. Clients, staff and finally the attorneys all report being very happy when they finally pull the shade on the "Sun Down Rule."

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Telephone Procedures For Staff

1. Familiarize yourself with the Firm's policies on telephone access by clients to attorneys. And it would probably be a good idea to read the article included in this section about why it's so important for attorneys to protect themselves from random client telephone calls. That way you and your attorneys can all be on the same page.
2. Use the attached sample script as a guide. There are no "magic" words so don't worry about saying it exactly in this way. You are not a robot. Just be sure to hit the main points.
3. Be sure and find out from the client what they are going to want to discuss with the attorney and see if it's actually something that can be addressed by anyone in the office other than the attorney. Such as wanting to know when a hearing is scheduled for example. Having this information ahead of time also helps the attorney to be better prepared for the telephone appointment.
4. Schedule the telephone appointment on the attorney's calendar as you would any other appointment.
5. Optional (recommended): Send the client an email to confirm the date & time and subject matter of the telephone appointment as well as to confirm if the attorney is to call the client or if the client is to call the attorney at that time (we always prefer if the client calls us). Remember to confirm telephone numbers, extensions and time zones too.



Sample Script For Staff

Staff: “Hello Law Office of RJon Robins how may I help you?”

Client: “This is John Doe. May I speak with Mr. Robins?” **Staff:** “Mr. Robins is not available at the moment. He generally prefers to schedule telephone appointments for non-emergency calls from clients. Is this an emergency?”

Client: “No. But I really want to speak with Mr. Robins now. It’s important.”

Staff: “I hear what you’re saying. Getting the two of you scheduled for a telephone appointment is the best way to be sure that when you speak Mr. Robins can give you his full and undivided attention. How does 3pm today look for you for about a 15 minute telephone appointment or else I can be sure you both speak the day after tomorrow at 11am?”

Client: “The day after tomorrow works better for me.”

Staff: “OK, great, let me just ask you two very quick questions to help Mr. Robins be prepared for the call. Would that be ok?”

Client: “Yes.”

Staff: “OK, first of all Mr. Robins generally prefers if the client calls him for the telephone appointment. I’ll send you a confirmation email with the date & time and so you can print it and keep it with you with the number to call.

- a. What will be the best email address to send that confirmation to?
- b. What can I tell Mr. Robins to be prepared to discuss with you during the call?

OK, that’s it. If you could, please be sure and have a pad and a pen handy to take notes during the call and please be sure and have your file with you in case you and Mr. Robins have to discuss any documents we have sent to you recently.

Client: “OK” **Staff:** “Alright thank you for calling. Good bye.”

NOTE TO STAFF: Always be polite. And report abusive client to the attorney.



Checklist for Staff

1. Calendar the telephone appointment for 15 minutes.
2. Be sure the appointment is on the attorney's calendar and mobile phone.
3. Send email confirmation to client repeating back to them the nature of what it is they want to discuss with the attorney, the date, time and telephone number they are to call. Assure them in the email that the attorney will be made aware of the appointment.
4. bcc (not cc) the attorney too so they know what to expect on the call.

Note: Try and be pro-active if you can about identifying client questions you or someone else in the office can address short of the client having to actually speak with the attorney. And if/when you do send a confirmation email to the client and cc (this time not bcc) the attorney so as to further reinforce to the client that there is a system in place and that the attorney has such competent and helpful staff.



Quick Calculation

Assumptions:

1. The average lawyer has about 100 active cases or matters going at any given time.
2. On any given day you will receive two unscheduled non-emergency calls from clients. Most of the time these calls are made by the client so they feel more involved in their case or matter.
3. To earn \$1,000,000 in 45 weeks you must value your time at around \$750/hour. That works out to \$12.50 per minute.
4. If you are anything like me and the rest of us, it takes a good five minutes to regain your focus after being interrupted by an unscheduled call.

So here's how it works. . .

Two calls a day = 10 minutes of not-fun time spent trying to regain your focus.

That's an hour a week down the toilet. Regardless if you bill by the hour or simply value your time, that's \$750/week slipping through the cracks.

What's worse, it's not "fun" time. It's not "productive" time. It's just wasted time that clients not only do not in reality appreciate. But what's ironically even worse is that they would actually appreciate your time more if you demonstrated respect for it yourself by protecting it with scheduled telephone appointments.

As an added bonus, by scheduling telephone appointments this way you can truly give the client your undivided attention and be prepared for the call so you look better too.

OR. . .think of it this way: That's an hour a week you could take off early to take your kids to the park. Because I'm sorry if I am the first one who has to tell you this but a hundred years from now no-one whose opinion matters will be around to care that you suffered in your office twice a day trying to recapture your concentration from telephone interruptions.

But your kids and your kids' kids will remember that Grandpa or Grandma was the one who taught them how to toss a Frisbee.



TELEPHONE CALL POLICY

As a client, you are entitled to make reasonable requests for information from my office concerning the status of your case. In order to ensure that your important non-emergency questions and concerns get the attention they deserve, we offer two kinds of appointments: In-Office and By Telephone.

The firm's capable and excellent secretary keeps the office calendar and makes appointments. When you have a non-emergency question or issue to discuss, please provide a detailed description to the secretary when you schedule the appointment to speak with your attorney. This way your attorney can be prepared for the appointment.

When you call the office, please identify yourself and the matter that you are calling about. If it is a routine question that does not require legal advice, please ask a legal assistant or secretary for help. "Routine" might include, for example, asking when your hearing is, whether you must be present, or the meaning of a term on a form you are filling out.

If you are calling in regards to an **emergency**, please use that word and our staff has been instructed to take every step possible to reach your attorney including calling his or her cell phone, home telephone number and even the cell phone of your attorney's family members on your behalf. Because of the nature of our work, these private telephone numbers cannot be disclosed, but will be called for you.

An **emergency** is something that is an immediate threat to your life, liberty or property. In most cases, if you have an emergency, before calling your attorney you should call 911.

Telephone appointments will be charged at the same rate as time spent discussing your case in the office. You should use your common sense and good judgment in deciding whether your question is urgent enough to warrant the extra expense or if it can wait until your next scheduled office appointment or monthly status report for which there is no charge. If your attorney has previously given you the information you need to answer your question, but you have misplaced it, you will not be charged for sending you an extra copy if that is the only reason for your call.

Please do not ask the staff for legal advice. They are not attorneys licensed to practice law and cannot give legal advice. Finally, if your phone number changes, please advise this office as soon as possible.