Chapter 4

The New Client Interview Room's Psychology & Practicality

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Note: This chapter includes specific tips on handling the new client intake process for defective motor vehicle cases as well as general tips for all new client intake processes. It can be adapted for other types of practices by specific application of the needs of each type of practice.

Just as a Jury largely makes up its mind on the credibility of a witness before they ever hear the witness testify at trial (or so the studies say), a prospective New Client can make up his/her mind on your own credibility before they ever hear you speak. They do it first by judging your surroundings — the room where they are meeting with you, your conference room or office.

While many aspects of the first conference may be beyond your control, the setting most certainly is completely within your control. You should maximize it to your greatest benefit.

First, if at all possible, never let a client meet with you in your private office space. Your office should be your private dedicated work space. That way you don't have to pick up after yourself and you'll never have to straighten up the mess just because a new client is coming in and you haven't finished going thru the stack of files on your desk. It's much easier to keep one room neat and clean and ready at all times.

Just as you put a lot of thought into how you are going to convince a Jury that your side of the case should win, you should put a lot of thought into how you are going to convince the prospective client that you are the attorney who can help them win in the first place. If the client doesn't hire you, you won't be the attorney who takes their case to court. Appearance counts.

The room where the New Client Conference takes place should be carefully laid out and free of distractions. The more precisely things are located, the easier the interview will go, and the more structured the presentation will naturally flow. That is important for purposes of efficiency and making economical use your client's time (as well as your own). The appearance, and the reality, of being neat, organized, and orderly, is not lost on the New Client.

Ideally, it should take place in a Conference Room devoted to that purpose or to the purpose of meeting with clients in general. This keeps stray materials and other client files out of the way and provides a very neat and presentable appearance of the room to the New Client.

The table should have four to six chairs around it with the attorney sitting in the chair nearest the entry door, for "control" purposes. There is an unspoken sort of psychology that says that the person sitting nearest the door is "in charge" in a room and you want that to be you.

The room should be situated so that the New Client sits directly opposite the attorney, on the other side of the table, with an easy-to-read clock on the wall directly behind and above the New Client. That way you can monitor the time during the conference without noticeable loss of eye contact.

Ideally, a complete computer terminal, with printer, is placed in the room, with the screen or monitor positioned such that the New Client can see it easily. If you have a web site, the screen should display it. For the client who doesn't know you have a web site, it tells them. For the client who does know it, it reaffirms it. Either way it adds professionalism to the surroundings.

The computer is intended so that you (together with the New Client's participation) can run instant internet searches on any relevant question or issue. In a "car case" this could include such things as a VIN title search (such as Carfax, etc.) or a NHTSA vehicle defect search. Being able to do those immediately can greatly impress a New Client with your efficiency and experience. In other fields of law there are specific web sites that you often need to have at hand for ready reference.

Also, nothing is more convincing to the car case New Client that they really do have a defective vehicle than looking at the NHTSA website printout, which will often list more defects and complaints than they ever dreamed existed. It not only confirms the New Client's "citrus" suspicions, it also can alert them to other problems that they have yet to experience but now can watch out for. Besides, if you charge for the initial conference, it gives the New Client something to walk away with and remember you by.

Be sure to bookmark the web site in your web browser so that you can go to it very quickly when you need to. You don't want the New Client to see you "bumbling" around on the web, searching for something that "ought to be right here". In no more than one or two clicks, you want to be able to go right to the page where the answer to the question at hand can be found. Internet fluency is something that even middle aged clients (to say nothing of younger ones) fully expect of a professional in these times.

The Conference Room should be clear of clutter, clean, neat and orderly. You want nothing to take away from your presentation to the New Client. Some "inoffensive" but interesting artwork should be on the wall, but no more than two or three prices in the entire room. Your taste in art should not be obvious, interesting, or a topic of discussion.

A bookcase can add to the atmosphere. If you use one, do not just fill it with books. Choose the volumes carefully. After all, people have a natural curiosity about books and look at them while waiting for you to enter the room. Collector law books or first edition law books are useful for this purpose, but make them relevant to your practice.

Also, don't just put books up on the shelf. Add something interesting or fun. For instance, I have an item I picked up from a "Successories" store years ago which is prominently displayed: a baseball embedded in a rock that says "Sometimes You Just Have to Play Hard Ball."

Instead of artwork, on one wall you can create a "brag wall" containing a framed newspaper article, a jury verdict in a high profile or a high award case, even a few "thank you" letters from clients, etc. No more than five of these items artfully placed should be used (in order to a avoid an appearance of "clutter"). A tasteful item of choice is more impressive than a wall of flattering debris.

There should NOT be an ashtray in the room. If you smoke, wait. If the New Client smokes, do not encourage it during the conference. It can be distracting, annoying, or both, and you want the focus of this conference on the New Client, the problem and you. "Smoke gets in your eyes" is a nice "oldie-goldie" song, but it has no place in the Client Conference room of a law office.

A word about utensils. The obligatory working devices are necessary, but should be carefully selected. Remember, you are not just interviewing the New Client — the New Client is also "interviewing" you. They do that the same way you do whenever you go into a home or office where you have never been before: by what you see, smell, hear and sense. Please the prospective client's senses and you relax them; when you relax them, you open their mind to listen to your advice.

Your receptionist should seat the prospective client in the chair of choice (not your's, which should be closest to the door) by pulling it out (or motioning to it) and offering to get them a cup of coffee or glass of water, etc.

A legal pad should be on the table and in front of your chair before the New Client walks in the room (it also clearly marks your spot). Do not just use any legal pad, though. Choose one with top quality premium paper. It is thicker, sturdier, and sends a subliminal message if you make a note on it and give it to the New Client.

I am not suggesting you use this more-expensive type of legal pad everyday. But I am suggesting you should use it in all "non-private" activity (client conference, court meetings, depositions, etc).

A micro cassette tape recorder should be on the table, so that you can make any impromptu recordings necessary. Digital can be nice, but a cumbersome process to download and risky to store on hard drives that may fail tomorrow. Be sure to obtain the consent of the New Client before recording any part of the meeting, though.

If you record anything, the very first words you say should be something like "today is July 14, 2011, it's 4:00 p.m. and I am here in my office meeting with John Doe. John, you know I am tape recording this conference, right? (Wait for answer) And that's okay with you, right? (Wait for answer)." You can make it seem less formal by remarking that taping the conference makes your note-taking so much easier, etc.

Then, at the end of the taping, and before you shut it off, again say something like "the time now is 4:48 p.m. and we're at the end of our meeting now. John, you know that I have been tape recording this conference, right? (Wait for answer) And that's okay with you, right? (Wait for answer)."

When the conference is over, remember to immediately remove the tape, put it in an envelope, mark the envelope for its contents (i.e., New Client Conference, John Doe, 7-14-11) and then staple the envelope to the conference sheet notes (so it does not get lost).

Your ink pen matters (don't use a Bic). There should be three ink pens in the conference room at all times: blue, black, and red ink. Also, an ordinary number two pencil, a (clear plastic) six inch ruler, and, of course, a stapler, tape and paper clips (medium size, not small). However, you should avoid using any of them.

Instead, you should carry your ink pen into the Conference Room in your hand and it should be a "fine writing instrument" quality pen. This pen is your pen. And when I say a "fine writing instrument", I am not talking about a $29 gold-colored ink pen.

Remember, you are sending a message to the New Client with this ink pen, just as you would be sending a message to an attorney during a deposition by using this pen to make your notes. In a not-too-obvious way, you are telling your New Client that you can afford very good ink pens — an item many people think of as trivial — and in a deposition you are telling the opposing attorney that you expect them to pay for the refills, too. If the effect is desired, you may wish to use even more expensive pens in meetings with other attorneys.

The New Client interview process has three fundamental goals to be accomplished.

First, for you to find out about the New Client, and the New Client to find out about you. Second, to determine if they have a case (to identify the legal claims that may exist), and for you to explain them to the New Client. Finally, for the New Client to hire you. However, the setting in which the Conference occurs can speak volumes before any words are ever spoken by the New Client or you.

If the New Client does not think you are successful (not just knowledgeable), then the New Client may have doubts about using you as their attorney. While you and I may measure success by winning a case, and certainly the New Client may measure it that way at the conclusion of the matter, that is not the way the New Client will measure it at the outset (before they even talk with you). They are measuring their perception of your abilities to accomplish what they want done in the time they want it done and at the cost they are willing to pay.

As trial attorneys we all know that a lot of scientific studies have been done and they all come out the same way: a jury often makes up it mind about whether or not to believe a witness before it ever hears that person speak. It does it based on the mannerisms and appearance of that witness. The same thing is true about the New Client's perception of the credibility (and ability) of the attorney.

That is not to say that you cannot change the mind of the jury any more than you can change the mind of the perspective New Client. It just means that it can be much harder, so why make it more difficult when you do not have too?

Presenting the New Client with the right atmosphere for the conference to take place, can go a very long way to instill confidence in the New Client's belief in your ability, integrity, and legal skills. One of the amazing byproducts of gaining the New Client's confidence in you, is that you often gain more confidence in yourself.

The conference room setting is the "smallest" step in the process, but it is also the first one.