

## **Section 1 Pre-Interview**

### **The Telephone Call and Scheduling the Interview**

Municipal Court/Traffic Court is a great place for new practitioners to get some trial experience and meet more experienced attorneys. With commitment and preparation, you can obtain excellent results and satisfy clients. Too often, lawyers throw up their hands when a client presents a ticket involving DWI or drug offenses. While defense of serious motor vehicle charges may become an involved process requiring commitment and persistence, there are a number of viable defenses and arguments that can achieve a successful result. Rather than simply suggesting that a client plead guilty and avoid trial, an attorney should accept the challenge and apply his or her best legal talents to protect the client's rights if the client can pay the fees.

You should never provide legal advice over the telephone. (Most callers will not hire you.) We do, however, often advise potential clients of some of the mandatory penalties and jail terms that the court could impose. This makes people realize the seriousness of the charge. Our office then schedules a consultation and directs the caller to bring in a copy of the complaint, all their papers in connection with their case, accident report, and any documents they received from the Motor Vehicle Commission. Vercommen, Criminal Law Forms (ABA).

#### **Script and Suggestions for Law Office Staff When Answering the Phone To Determine If Current or Potential Client**

1. Answer the phone (phones should be answered by the second ring): "Welcome to \_\_\_\_\_'s Law Office, how can I help you?"

2. Ask caller:

"What file is this regarding?" Who is our client?

"How can we help you?"

All calls should be written down, even if the person does not want to schedule an appointment.

If they do not want to discuss what the matter was in reference to, and there is another lawyer available, have him or her talk with the caller. Otherwise, take a message and advise the caller that "someone" will call him or her back. Never, ever, say "the MANAGING ATTORNEY is busy" or "on the line." Instead say, "He is in court at \_\_\_\_\_" or "He is working on a brief that must be filed in the Superior Court today."

If the caller is a potential new client, ask:

1. Who referred them to your office: (*e.g.*, a former client, another attorney, Google, Criterion newspaper advertisement, Elks Club, etc.). If they give you a person's name, ask them if this person is a former client or attorney. Be sure to send a Thank You for Referral letter.
2. The type of matter and/or name of the case they are calling about, *e.g.*, criminal, traffic, car accident, probate, personal injury, etc.

Staff – Fill out Criminal/Traffic intake form. Form \_\_\_\_\_ below.

Try to schedule an appointment. If they are not in your area and it is a traffic ticket that does not require a court appearance, you can obtain their email and mailing addresses, interview the client over the phone, and quote them the fee.

- Note the date and time of call.

- In criminal and traffic court matters, make sure to obtain court date (whether it is from a ticket or a court notice), court location, and the charges that the tickets were issued for.

**PRACTICE TIP:** If an address or phone number has changed, then revise the client label by hand and also write the new address or phone number below the old label on the right side. If you have been retained, use a pen and change the label on the outside to indicate the new town, new offense, etc. Write "re-open" on current interview sheet.

If the managing attorney is out of the office:

Say, "Mr./Mrs./Ms. \_\_\_\_\_ is in Name of Court \_\_\_\_\_ now" and let the caller know what court (or trial, etc.). "I will be glad to take a message." Take a DETAILED message following the instructions above. Advise the caller that the managing attorney always calls in for messages and the message left will be relayed to the managing attorney. Advise them that an attorney will call today, although it may be after 6 p.m.

It is critical to NEVER ABANDON the caller or have the caller think they must wait indefinitely for a return call. Be pleasant to everyone who calls.

If the person says they are returning the managing attorney's call, ask which file the call is regarding and ask when did the managing attorney call. Ask if the managing attorney called personally or if it was someone else in the office. Ask if they know why the managing attorney called, or if they have any information to relay to your office.

## **Scheduling an Appointment for Criminal/Traffic Ticket/Municipal Court with Potential Client Callers**

If it is a Criminal/Municipal Court related appointment, use the Municipal Court/Traffic Ticket/Criminal Intake Callers Form and do not write up a separate telephone message. Try to get them into the office the same day. Rather than ask “When is it convenient?,” instead tell them, “We have an available appointment today at \_\_\_\_\_. If not, how about tomorrow at \_\_\_\_\_.” Try to schedule an appointment the same day. Try to sell the office and how you can help them if they come in, etc. Clients should also be instructed to bring all paperwork and information connected to their matter to the office at the time of their appointment. In addition, the complete addresses to the office should be given since sometimes online sites have bad, old, or incorrect addresses. If the client has email access, also include a link to directions in the email.

### **Municipal Court/Traffic Ticket/Criminal Intake Callers Form – Form 1**

Obtain Information 1-11, schedule an appointment, and write it in the office calendar book and set up unopened file. Use this form even if an appointment is not scheduled for traffic/criminal.

1) Person's Name: \_\_\_\_\_

2) Municipal Court: \_\_\_\_\_

3) Major Charges: \_\_\_\_\_

If it is a nearby traffic ticket, get their email, then email the form if they don't want to come in. For nearby traffic tickets, you can quote fees over the phone.

4) Court Date: \_\_\_\_\_

Is the Court date on the ticket or mailed computer notice from court? You must Circle. [If speeding, what is speed, e.g., 81/55, 42/25?]

5) Date of Call: \_\_\_\_\_ Time: \_\_\_\_\_

6) Cell Phone Number: \_\_\_\_\_

7) Appointment Date & Time: \_\_\_\_\_