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Taming the Beast: Managing Client Expectations in a 24/7 World

By Patricia A. Yevics

Everywhere you turn, you read articles detailing how technology, which was supposed to relieve us of burdens, has intensified them instead. The world is getting smaller and we are working constantly. We no longer get relief from the pressures of work and clients, who can reach us wherever we are. The belief is that before all these high-tech gadgets made us continually accessible and overwhelmed us with information, the world (and the legal profession) moved at a leisurely pace.

I find that idea to be ridiculous. Simply because people could not produce as much in the past does not mean that they were not working as furiously as they could given the tools and machines of the day. Each generation thinks it is working harder and faster than the generation before.

The idea that technology is the source of all our work-related anxiety has always perplexed me. I don't know about all of you, but I've been really busy since 1968—long before cell phones, PDAs, or even computers.

Technology is not the problem. *We* are the problem. Technology is just a tool. How we use—or abuse—these tools determines how we work and live.

Annie Attorney Says:

You have to teach your clients that faster is not always better.

Unfortunately, new technology usually comes at a faster pace than our ability to create “rules” to use it. Remember, the automobile was invented before the traffic light. Instead of whining about how demanding clients are and how we have to work at a faster and faster pace just to please them, let's come up with ways to use new technology to be more efficient. More important, let's create rules by which we can teach our clients how we can help them even more.

Creating New Rules

It's important to establish realistic standards so that clients know what you are promising to deliver. I know that the practice of law is based on relationships, and all these rules will not apply to all clients or at all times, but it's critical to start setting some limits. Once you have drafted a set of rules for your practice, share them with new clients from the start of the engagement. You might also consider sending the rules to current clients (although you may not

be able to do that with all existing clients). And make sure your staff knows them and follows them.

Speed of communication. Simply because you can be accessible 24/7 does not necessarily mean that you should. I don't believe most clients had even considered that they needed this 24/7 service until some overly anxious practitioner offered it. For the vast majority of clients, there is no need to answer phone calls or e-mail instantly. In fact, I would be concerned if my attorney responded to me instantly—perhaps my attorney was not very busy or did not give the answer sufficient thought. As with coffee, instant is not always best.

When explaining to clients what they can expect from you regarding communication, let them know that you or someone from your office will return all phone calls within 24 hours (or whatever your standard is). Also explain that you may have to call after five o'clock p.m. Ask if you can contact the client after normal business hours or at home or on weekends. Ask if the client can be contacted via cell phone. This shows respect for the client's time. And ask if the client wants to communicate via e-mail—some don't. These questions should be made part of your new-client form.

When clients can't reach you directly and have to leave a message, suggest that it be as detailed as possible; that way, you can be prepared with information when you do get back to them. When I attempt to return a call and get the client's voice mail, my policy is to leave a message that I am going to send a detailed fax or e-mail. This alerts the person to the fact that I am sending an important—but not urgent—message.

E-mail. If you are going to communicate with clients via e-mail, you need to establish some guidelines. First, decide how you are going to bill for an e-mail response and share that information with the client. Some people believe that just because e-mail is so quick, any e-mail correspondences will not be billed. If you are going to send a lengthy reply, it should be treated the same way you would treat a response by regular mail. In many cases, after the initial meeting, the bulk of the communication with a client will be done via e-mail. It should be billed accordingly.

Another concern with e-mail is security. The more information we send into cyberspace, the more we are coming to realize that much of it is not secure and confidential. Forwarding client e-mails outside the law firm should not be allowed for many reasons—most notably because you do not know in whose mailbox it will land.

As with telephone communications, tell clients you will respond to their e-mails within 24 hours. You need to stress that a "response" is not always an answer to their question. Inform them that some questions take more time than others. To answer too hastily would not be in their best interest. If the answers to an e-mail question are detailed, you might also want to call the client to discuss them personally. This is a good way to solidify your relationship—something for which e-mail isn't always well suited.

Emergencies. I recommend telling clients not to send any e-mail message that requires immediate attention. Any emergency or urgent matter should be communicated via the phone.

A particular client or case may sometimes need your immediate e-mail attention. Consider setting up one or even two separate e-mail addresses you can use for those unusual circumstances—and give the address only in special situations. This also makes the client feel important, which can be a marketing tool. Although we do not usually think of fax machines as high tech, this emergency rule should also apply to fax machines.

If you are going to tell clients not to send emergency or urgent messages via e-mail, then you must define emergency and urgent. What is an emergency to your client may be a simple matter to you.

Many years ago I heard a lawyer who practiced criminal defense and family law—two practice areas fraught with potential emergencies—say that he told clients that they could call him at home if there was an emergency. He would not charge for these calls because of the nature of the work. However, if they called him at home and it was NOT an emergency, he would add an additional amount to the fee. In order to make certain that his clients knew the difference between an emergency and a non-emergency, he made a list that he gave to all clients.

Although I do not recommend that you threaten to tack on an extra fee for an errant phone call, I do suggest that you think about what circumstances constitute an emergency as it relates to your practice area.

Almost everyone has a cell phone and more and more attorneys, especially solos, have some type of mobile computing power, whether a laptop or PDA or BlackBerry. If you give your cell phone number to clients and they contact you when you are at your daughter's track meet or your son's recital, there is no hard and fast rule about whether you should take the call or let it go to voice mail. There may be times when you do need to talk with a client about a pending issue. There are also times when you can allow the call to go to voice mail and return it at a later time. Every call does not need to be answered every time. If your relationship with your clients is so tenuous that you need to be available at any moment, you are doing something wrong, and all the technology in the world will not help.

Sample Rules from My Practice

Below are some rules we actually use at my law firm. They reflect the concerns addressed above. As always, there are exceptions and caveats. If you have already allowed some clients to access your private space at any time, day or night, it may be difficult, if not impossible, to break the habit. In some rare cases, it might even be critical to allow them this type of access, but not for all clients in all situations.

E-Mail

The following rules not only help protect my quality of life, they also help safeguard lawyer-client confidentiality.

- **E-mail basics.** The Yevics Law Firm uses e-mail to correspond with clients who use e-mail. Someone from the firm will respond to all e-mails within 24 hours. However, we may not be

able to answer your question within those 24 hours, especially if it requires some research. All e-mails will be billed the same as phone calls.

- **Client preferences.** Please inform us if you wish to be contacted by e-mail and how often you check and respond to your e-mail.

- **Confidential information.** The Yevics Law Firm will *not* send any confidential information via e-mail. We suggest that clients not send any questions that may be sensitive or confidential via e-mail.

- **Urgent communications.** The Yevics Law Firm will never use e-mail for urgent communication, and we ask that you do not use e-mail for any urgent communications. If you need to contact us or get important information to us immediately, contact us by phone.

- **Forwarding e-mail.** It is not the policy of the Yevics Law Firm to forward client e-mails outside of the firm. If we believe that we need to forward information you have sent us in an e-mail, we will obtain permission.

- **Security.** The Yevics Law Firm takes computer security very seriously. We use and update our virus protection software regularly. If we do find it necessary to send a document to you, we will send it in PDF format only.

Phones

In my practice, we use cell phones for business but do not give out our cell phone numbers except for emergencies. If you use your cell phone interchangeably as your office phone, then some of these rules may not apply. If you have a separate office phone number, then I think you should *not* list your cell phone on your business card or give it out to all clients. If your cell phone is your office phone, then you might want to consider a separate personal phone.

- **Phones messages.** We check our voice mail regularly and will make certain that our voice mail gives detailed information about our schedule on a daily basis.

- **Timeliness.** When leaving a message, please let us know if we may call you at home after regular business hours. We will make every effort to have someone contact you at a time that is convenient for you. If your case or situation is such that you need to reach us in an emergency, we will provide you with an emergency number.

- **Emergencies.** Your case or matter is very important to you and it is very important to our firm as well. There may be times when you have an emergency and need to contact us. If this applies to your case, we will give you our home/cell phone numbers. The following can be considered emergencies that would require you to call our home/cell phone.

Restoring the Balance

I think technology is fantastic. I would not want to live without my cell phone or Treo. The latest gadgets have actually allowed me more freedom to do the activities I want while working hard for my clients, the solo and small firm practitioners of Maryland. However, I know where to draw the line. If you do a good job for your clients, they respect that.

E-Mail Addiction?

There is some discussion as to whether or not all this communication is actually making us more productive or just more manic. AOL conducted a survey on “e-mail addiction” in early 2005 and reported the results in a press release dated May 26, 2005. Some 4,012 people over the age of 18 from the largest 20 cities in the country responded. According to the survey:

- The average e-mail user checks for messages five times a day.
- 77 percent of all e-mail users have more than one account.
- 41 percent check e-mail when they wake up in the morning.
- 40 percent cannot make it through the night without checking e-mail.
- 26 percent have not gone for more than two or three days without checking e-mail.
- 61 percent of those who work outside the home check their personal e-mail from the office as often as three times a day.

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