

LAWYER

AMBERT



# 9

Stopping vicarious liability

## FOOLPROOF STEPS FOR MASTERING THE INTAKE PROCESS

Intake is more important than marketing. If you haven't mastered intake, you are losing clients RIGHT NOW. Your marketing dollars won't generate \$ unless you've mastered intake.

The first step is documenting your intake process. Namely, what is supposed to happen when a new client contacts your law firm and who is supposed to do it. Delegate as much of the process as possible.

You need to make sure your team members are aware of the intake process and following it. If not, your team will do what they think is best (and you might not like the results).

### STEP #1: INTAKE SPECIALIST

Ideally, your law firm will have at least one intake specialist, i.e., a team member whose sole job is to handle intake phone calls, triage them for merit and determine whether to decline or further evaluate the new lead.

The overriding theme of every intake call should be KINDNESS, COMPASSION AND GRATITUDE. Specifically, you are grateful for the new opportunity and you are very sorry for the loss suffered by your client. Your intake specialist should be trained by the master of intake, Chris Mullins (the "Phone Success Doctor").

Every new client should be treated like they are your only client. We give our cell phone numbers to new clients and ask them to call us whenever they want. No other law firms are doing this, and our goal is to provide a stellar client experience. The goal is not to be perfect, but just a little better than every other law firm.

### STEP #2: LEAD INTAKE SOFTWARE

You need a centralized database for every intake that comes to your law firm. The database should be customized to respond to the nature of the inquiry, e.g., premises liability, car wreck, dog bite, etc. *Lead Docket* ([www.LeadDocket.com](http://www.LeadDocket.com)) is a fantastic intake case software that you can customize to your practice areas.

Once the intake call is received, you should prioritize the lead

based upon the merit of liability and damages (1 Star—No Liability or Damages; 5 stars—Great Liability and Substantial Damages). Your intake specialist should screen the claim for merit and if the claim pre-qualifies as having good liability and substantial damages, the intake should be transferred immediately to a lawyer.

Only a lawyer should handle leads that have been pre-qualified for merit. No one can establish the relationship with a new client better than a lawyer.

### STEP #3: CRITERIA FOR CASE SELECTION

Define the criteria for case selection, namely, what makes a case that you will accept? Our firm only handles catastrophic injury cases, so a new case will not qualify as having merit unless it involves either death, brain damage, paralysis, loss of limb or blindness.

If you do not define the criteria for case selection, your intake specialist won't have the guidance that they need. Empower your intake specialist to make decisions, whether to accept or decline, without consulting with you. You don't want your intake specialist to turn to you for advice with every intake.

### STEP #4: SHOCK & AWE FOR CLIENTS

Every new client should receive an introductory email and a series of educational emails with video that explain your process for evaluating the claim. You can send an introductory "Shock & Awe" package, in digital form, that explains exactly what your new client can expect. The follow up with new clients is automated by a customer relationship management ("CRM") software, such as Keap (formerly Infusionsoft).

Your new client will be overwhelmed by the educational resources that you provide. When you educate and inform your clients about their rights, you don't have to answer the same questions for every new client.

This is a sample of our firm's introductory emails/video for new clients:

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Email #1: How We Evaluate Your Case (e.g., step-by-step process with an infographic)

Email #2: What You Can Do to Help Prove Your Case (e.g., file complaint with the Department of Health)

Email #3: Digital copy of Shock & Awe package, “*Everything You Should Know about Your Lawsuit*”

Email #4: Your Deadlines to Sue in New York

Email #5: Digital copy of my book, “*The 7 Deadly Mistakes of Malpractice Victims*”

Email #6: Our Unique Value Proposition

Email #7: Why We Practice Law (our “Why”)

Email #8: Our Core Values

Email #9: My Cell # (your lifeline if you need anything)

How many other law firms are doing this? Almost none. Educating your clients about their rights—with every new intake—will instantly separate your law firm from the competition. Additionally, you are educating your clients about the uniqueness of your law firm, e.g., “We never agree to confidential settlements”, and this will resonate with many of your clients.



## STEP #5: DECLINING CASES

You should have a system for declining new cases.

**#1: Call Your Client:** When your intake specialist has previously spoken with a new client, they should call the client to inform them of our decision to decline their case. Why? A rejection letter is impersonal and cold. A phone call from your intake specialist adds a personal touch to the relationship and shows your gratitude for the opportunity.

**#2: Mail & Preserve Rejection Letters:** When cases are declined, you should have a centralized database for preserving a scanned, color copy of the rejection letter. If the rejection is not formalized with a letter, there is no proof that your firm declined the case (and you are setting yourself up for a legal malpractice claim). You should preserve rejection letters in your case management software, e.g., *SmartAdvocate*.

**#3: Notify Referral Partners:** Your referral partners should always receive a copy of the rejection letter. It is important to make sure that your referral partner is aware of your decision.



## STEP #6: REQUEST GOOGLE REVIEWS

Every contact with a new client is an opportunity for a Google review. Whenever you or your intake specialist has a good conversation with a new client, ask for a Google review. You won't receive a Google review unless you ask.

Thank you for taking time to speak with me.

If you have any additional questions, please don't hesitate to call my cell, 518-265-9131.

When you have a spare moment, would you mind posting a review on our firm's Google profile? (you don't have to leave a comment if you'd rather not). If so, go to [www.ReviewFisher.com](http://www.ReviewFisher.com), click the blue button “Write a review” and post the review. Will be much appreciated. No worries if you'd rather not.

Thank you for the opportunity to serve you.

Consistently asking for at least 1 Google review/day is the secret formula for getting Google reviews. If you ask for at least 1 Google review a day, you will increase the number of your firm's Google reviews by at least 365 in 12 months. This simple practice has increased our firm's Google reviews from 124 to 508 in 12 months (+384 Google reviews in 1 year!).

## STEP #7: LAWYER REFERRALS

**#1: Acknowledge the Referral:** When a case has been referred by a lawyer, you should send an email to them to acknowledge the referral and what you will do next.

Thank you for your kind referral of Jimi Hendrix.

Today, I spoke with Mr. Hendrix and we will make arrangements to retrieve his medical records and have them reviewed by our expert/surgeon. We will keep you informed as we make progress.

Thank you for the opportunity to serve your client.

You want your referral partner to know that their rights will be protected and they you've made contact with their client. For new referral partners, you should serve your “Rules of Engagement for Referrals”, that sets forth what your referral partner can expect from you. No other law firms are doing this.

**#2: Updates about the Progress of Your Case Evaluation:** Whenever you make progress in the case evaluation, you should send an update to your referral partner. There is no such thing as over communicating with your referral partners.

Just want to give you a quick update.

We've retrieved Mr. Hendrix's medical records and they are being reviewed by our expert/surgeon. We expect to speak with our expert about his opinions soon. We will keep you informed.

**#3: Your Decision and Expert's Opinions:** Your referral partner should receive a detailed email setting forth the work that you did, and why you cannot accept the case. Highly detailed updates to your referral partners builds the referral

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relationship and virtually guarantees that you will get their next referral.

### STEP #8: LIST OF REFERRAL SOURCES

You should not refer low quality leads. However, if a lead has good liability, but moderate damages, this might be a case that another lawyer will accept. You should have a list of your referral partners that is divided by practice area and state.

### STEP #9: LISTEN TO THE RECORDING OF INTAKE CALLS

With [www.CallRail.com](http://www.CallRail.com), you can record and listen to all of your intake calls (and you might be shocked at what you hear). If your intake specialist is rude and condescending, you'll know by listening to the audio recordings of their intake calls.

You should listen to at least one intake recording per week and meet with your intake specialist to provide feedback. This will only take 20 minutes.

***“You Don’t Know,  
What You Don’t Know”***

You may think your intake process is good, you are not losing new cases, and your intake specialist is handling the calls just as you would. But as my friend, Harlan Schillinger, is known for saying, when it comes to intake, “You don’t know, what you don’t know.” Don’t kid yourself—every intake process can be improved.



Where do you start? Contact Chris Mullins ([phonesuccessdoctor@gmail.com](mailto:phonesuccessdoctor@gmail.com)), the “Phone Success Doctor”, and ask her to critique your intake process. Chris will listen to recordings of your intakes and provide advice for improving the process. Chris has made a big difference for our firm and I know she can help you.

## OUR 10 RULES FOR SPEAKING WITH NEW CLIENTS DURING THE INTAKE PHONE CALL



**Rule #1: Ask Permission:** Ask permission to ask questions, e.g., “May I ask what prompted you to call us?”

**Rule #2: Express Sympathy:** There is no such thing as too much empathy.

Have the courage to be vulnerable. Don’t forget to humanize the situation. “You are in the relationship, healing and hope business.” Chris Mullins, the Phone Success Doctor

- “I’m so sorry about what happened to you.”
- “I heard what you said and that sounds horrible.”
- “I can’t imagine how difficult this must be for you.”

**Rule #3: Tone of Voice:** Change the tone and inflection of your voice. Ask the questions as if this is the first time you’ve ever gotten this type of call.

Do not use the flat, dry tone of voice that is typical of most law firms/businesses, e.g., “license and registration, please”.

**Rule #4: Use their Name:** Say the name of your client throughout the conversation, e.g., “Thank you, Tina, for taking the time to call us.” Everyone loves the sound of their name.

**Rule #5: Recognize, Acknowledge and Compliment:** Compliment your client for calling, e.g., “You are doing a great job. Your family is very fortunate to have you as an advocate for them.”

**Rule #6: Mirroring:** Acknowledge what they said and repeat it back—you should do this periodically during the conversation. Mirroring shows that you’re listening to your client, e.g., “I heard you when you said that you ‘can’t handle it anymore.’”

After you mirror the last thing that your client said, you can redirect the conversation where you want to go (the “compassionate interrupt”, credit: Chris Mullins, the Phone Success Doctor). The compassionate interrupt is an effective way to take back control of the conversation, especially when your client is providing more information than you need.

**Rule #7: Repeat the Contact Information:** Always repeat the contact information to make sure you have it correct.

**Rule #8: Sell Yourself and Your Firm:** You want our client to know that they’ve called the right law firm. You are in the sales business.

- “I am so glad you’ve called. We’ve handled many cases just like this. You are in the right place.”
- “Let me tell you a little about our firm.”
- “I want to tell you why I love working here.”

**Rule #9: Explain the Next Step:** “Here’s what we can do to help you.” For example, you might explain that you will review the medical records with your surgeon and call them once you consult with your surgeon.

**Rule #10: Declining the Case:** Don’t say a negative word like “unfortunately”. Rather than explaining what you can’t do for our client, tell them what you can do to help, e.g., send a link to file a complaint with the NYS Department of Health.

**End the Call:** Wrap up the conversation with a big red bow. Take their hand and walk them to the door. Deliver an exceptional experience for your client.

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(above) Grateful for the friendship and support of our friends,  
Rip and Edith Parks.

## HON. LISA M. FISHER APPOINTED TO THE APPELLATE DIVISION BY GOVERNOR KATHY HOCHUL

ALBANY, NEW YORK: Governor Kathy Hochul announced the appointment of Hon. Lisa M. Fisher as a Justice of the State's Appellate Division, Third Department.

Only those candidates deemed "highly qualified" by the Judicial Screening Committee for the Appellate Division were submitted to the Governor for her consideration.

Justice Fisher's appointment is the first Supreme Court Justice from Greene County to be appointed to the Appellate Division in over a century. There have been two previous Supreme Court Justices from Greene County appointed to the Appellate Division, including Justice Emory A. Chase in 1901 and Justice Aaron V.S. Cochrane in 1906.

Justice Fisher will preside over appeals within the Third Department, which covers twenty-eight counties in Upstate New York, ranging from the mid-Hudson Valley to the Canadian border and as far west as Schuyler and Chemung counties in the Southern Tier.

Justice Fisher was elected to the Supreme Court, Third Judicial District, which encompasses Albany, Greene, Columbia, Rensselaer, Schoharie, Sullivan and Ulster counties, in 2014. Justice Fisher resides in New Baltimore, New York with her three children and husband.

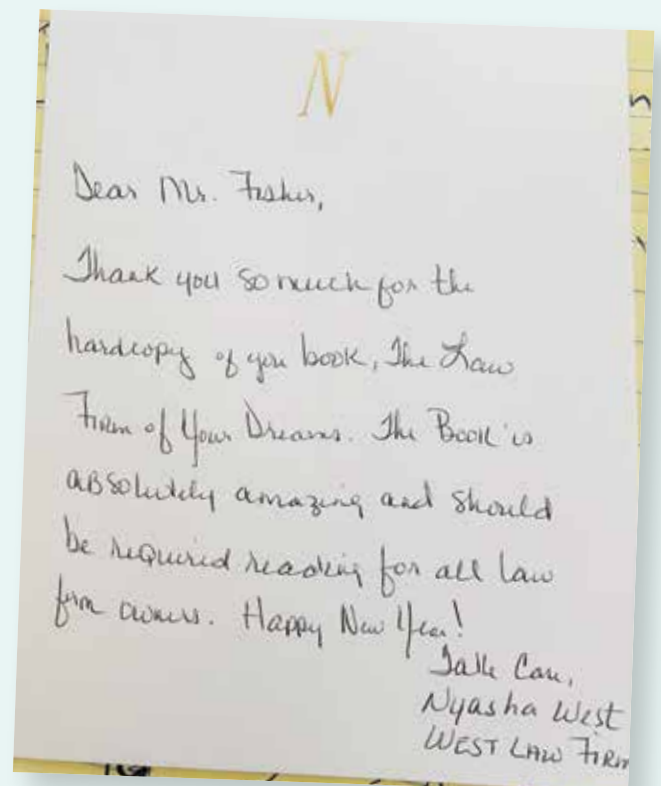
Governor Hochul's appointment of Justice Fisher is effective immediately, as of January 3, 2022.

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Happy Year from Patch McDoddles!



Grateful for such kind words!