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# Introduction

[Adapted from “A Handout Strategy for the General Practitioner,” *The Practical Lawyer*, Vol. 43, No. 4, June 1997.]

It is well recognized by practitioners that an ounce of legal prevention is worth far more than a pound of cure. The avoidance of legal problems through education and publicity can go a long way toward reducing the time and expense of such problems for the client and prevent worrying about a car being repossessed, a credit problem, or a custody dispute. If a problem can be avoided or detected early, the time spent will be far less than if it is brought to the lawyer when it is really too late—the car has been towed away by the finance company, the credit rating is shot, or the child has just been snatched.

Lawyers prefer preventive law; it keeps the client caseload at a manageable level and reduces the incidence of schedule-crippling emergencies. Because of the substantial savings in time, money, and anxiety, preventive law and client education are favorites with the client as well. This being the case, why is it that the concepts of client education and preventive law are still vastly underused by lawyers? Why is it so difficult to create and sustain a client education program? The reason is that the program’s best advocates are also its worst enemies.

The attorney who benefits tremendously from preventive law simply does not have the “down time” to devote to preparing speeches or writing pamphlets. Too often, lawyers get caught on a hopeless treadmill; they have to run so hard to catch up with today’s problems, both emergency and routine, that they have no time to plan and prepare for prevention and education tomorrow. It is ironic that if someone *did* have the time to do substantial work in preventive law, it would very likely return an equivalent or greater net savings in time at the lawyer’s office. Although empirical measurement is impossible, “time saved” should more than make up for “time spent” in a good preventive law and education program.

Once these handicaps are identified, it is easier to deal with them as obstacles to a preventive law and client education program. With persistence and organization, they can be overcome. This article covers the promise, problems, and practicalities of a sound preventive law and client education program for the general practitioner.

## *The Facts of Life*

The general practitioner quickly learns “three facts of life” regarding clients’ cases. These are common to all offices, regardless of location.

First, a high percentage of the office workload is composed of a half dozen or so key subjects. The best examples are:

1. Housing and real estate (evictions, security deposits, housing codes, leases, and home purchases);
2. Consumer protection (used cars and car repairs, freezer meat sales, interstate land contracts, door-to-door sales, mail-order offers, time-sharing agreements, and so-called “free gifts”);
3. Criminal and traffic offenses (trespass, assault, speeding, driving while impaired, lack of proper registration or inspection); and
4. Family law (divorce, separation agreements, property division, custody and visitation, alimony, child support, adoption and paternity disputes).

Thorough knowledge of these key problem areas will inevitably expedite the intake and interview processes, as well as improve the ability of the attorney to render meaningful and effective aid to the client.

Second, there are certain key questions that continue to be asked in each subject area, such as:

1. “How do I get a divorce?”
2. “What do I have to pay when selling my house?”
3. “How can I get my child support on time?”
4. “What can I do to get back my rental security deposit?”
5. “What kind of insurance points will this ticket cost me?”

Third, the creation and avoidance of legal problems often depends on factors that can be taught as *basic skills* (e.g., how to read a contract, compare costs, or exercise sales resistance) that can be identified and publicized in advance and that are generic in nature, rather than specific to a certain client or location. A client who knows how to read a contract will usually avoid problems with separation agreements as well as with leases and credit applications. A client who can budget, plan ahead, and avoid impulse buying will usually avoid problems with repossessions and foreclosures as well as complaints regarding child support.

### **Key Questions and the Handout Strategy**

So long as certain key questions continue to be asked by our clients, it will remain the responsibility of the general practitioner to devise ways to answer them. This can be done in the time-honored one-by-one method: “Gee, Mr. Smith, you’ll have to make an appointment to find out how you can get your car repaired/divorce finalized/security deposit back. I’ve got an opening two weeks from tomorrow—is that okay?” Or, it can be handled on a broad but efficient basis with the use of client assistance fact sheets, handouts, and pamphlets. These can be made available at a rack in the waiting room of the lawyer’s office, or the attorney can give each new client a list of the pamphlets that are available. The writer’s list of pamphlets is too large for an office rack, so each new client is given a list titled, “Yours for the Asking . . .,” and is encouraged to request as many handouts as are needed.

Handouts are real “rainmakers” for the firm. They can be given or sent to potential clients who call or contact the attorney about a problem but have not yet been interviewed at the office and accepted as clients. They can also be used as interview tools so that the client is “introduced” to the answers through the pamphlet before meeting with the attorney; then the attorney can fill in the details in the client’s case and prepare specific advice on the client’s problem.

Handouts and info-letters are superior to larger printed manuals on state law for the client because they tend to be picked up, read, and used, rather than handed out, skimmed, and stored for future use. In addition, they are usually cheaper to reproduce and easier to amend as the law changes. Finally, they can speed up the interview process by providing concise and realistic answers to the most common questions in certain key legal areas.