
PART 1

Preparation for Wills/Estate Planning Interviews

Handling Telephone Calls

Since so many of the client relationships we have begun with a phone call, we make certain that all our staff members know the importance of following proper procedures with respect to phone calls.

Attorneys should not provide free advice over the telephone. Callers will not hire you. Instead, they will use your advice to try to handle their case or prepare their own documents. The goal is to get them as clients. Sometimes callers want a “cheapie will” or seek an attorney to proofread some document they have prepared themselves. This is not your market. The goal is to provide quality service for reasonable prices. If someone wants a \$60 will, he or she should keep shopping. Your staff can give a range of fees to get rid of tire kickers who want the lowest price.

You want to bring quality clients into the office. People call with questions. As attorneys, we answer questions and solve problems. However, we charge fees for valuable advice. We have expenses to meet.

In probate matters callers sometimes ask if there is a free consult. Unless the caller is the executor of the estate, you should charge a consulting fee. In contested probate where the beneficiary is not happy with the contents of the will or unhappy with the way the executor is handling the case, charge a minimum \$200 consulting fee. If the caller is unable or unwilling to pay a \$200 fee, he or she will balk at a \$5,000-plus retainer. The late motivational speaker Zig Ziglar wrote, “Good things ain’t cheap, cheap things ain’t good.”

Initial Responses to Calls

Phones should be answered by the second ring, with a polite greeting such as:

“Welcome to _____’s Law Office. How can I help you?”

Subsequent inquiries should be designed to determine if the caller is a current client, potential client, or a crazy person. Notes should be taken as appropriate during the conversation.

If the caller does not want to discuss the nature of the call, and an office attorney is available, have that attorney speak with the caller. Otherwise, the staff member should take a detailed message and advise the caller that he or she can expect a return call soon. The staff member should never say something like, “The managing attorney is too busy to talk or schedule appointment.” Instead, the proper response to requests to speak with an attorney should be, “He is in court at _____” or “He is working on a brief that must be filed in the Superior Court today.”

An appointment should be scheduled within the week the call was made. An appointment letter (Exhibit 1-1, 1-2, or 1-3), new client questionnaire (Exhibit 1-4) and any other appropriate forms should be sent to the caller immediately, preferably via email if possible.

Calls from New Clients

If a call is not regarding a pending file, but a new case, an appointment should be scheduled with the caller. A record should be kept of the date, time, and other pertinent information regarding the appointment. The record should include the information shown in the Call Response Checklist.

Call Response Checklist

1. Date and time of call.
2. Name, address, and phone number of caller.
3. Services sought by caller (e.g., will, estate planning, car accident, probate, guardianship, etc.)

4. Brief synopsis of the phone conversation.
5. If the matter has to do with probate or litigation, what county is involved?

6. Referral information.

For all new and/or potential clients, a referral source is required. Ask the caller how he or she heard about your office, determining if it was through an Internet search (via Google, YouTube, or some other provider); a newspaper advertisement; a service organization, such as a senior center; or a recommendation from another attorney or current or former client. If the referral was from a current or former client, write down the name of the client (John Doe, prior client) and make a note to ensure that person is sent a “thank you for the referral” letter.

7. Appointment date and time.

Schedule an appointment by referring to the appointment calendar to determine when the appropriate attorney has some free time. Add the date to the office calendar and set up an unopened file for the client.

8. Get an email address.

If the caller does not have an email address, he or she probably does not have the money to hire an attorney—or they don’t want to cooperate. Even my 75+ year-old parents have email.

9. Provide proper forms.

Send an appointment letter (Exhibit 1-1 or Exhibit 1-3) and other pertinent forms to the potential new client via email, if an address has been provided, or by mail or fax. Depending on the service requested, one of more of the following forms should be sent:

- Will Questionnaire (Exhibit 1-5)
- Estate Planning Interview Form (Exhibit 1-6)
- Power of Attorney Questionnaire (Exhibit 1-7)
- Probate/Inheritance Form (Exhibit 4-2)
- Guardianship Questionnaire (Exhibit 5-1)

- Short Form—Client Info (use this if case does not fit into one of the other categories)

Clients should be advised to bring all paperwork and information connected to their matter to the office at the time of their appointment.

10. Note identity of staff member who took the call.

If it is perceived that the call could lead to a potentially very productive case for the office, the caller should be quickly referred to an attorney, either during the initial call or through an immediate call back.

Subject Matter of Calls

If the matter is related to having a will, power of attorney, living will, or a codicil for a will previously done, schedule an appointment for the same week. Follow the procedures regarding appointments as specified in the Call Response Checklist.

When a caller inquires about probate, estate administration, or deceased persons, first ask where the deceased person resided. Advise the caller that the office can only handle such cases in the state in which the office is located.

Reminder Calls

The potential client should be contacted before the scheduled appointments to ensure that he or she has received the necessary forms and to remind him or her to fill out the forms in their entirety and bring them along to the appointment.

Telephone Consultations

For callers who are unable or unwilling to visit the office regarding probate matters, offer to provide consultation by telephone for a fee of \$150 to \$200. Do not schedule a phone consultation unless the caller provides a home address or an email address, if available. Send the caller the necessary forms with instructions to complete them and return them to your office.

All telephone consultation appointment must be marked in the office appointment calendar—first and last name of client or potential client, initials of the staff member scheduling the appointment, and the subject matter to be covered in the appointment.

Rejected Cases

If, as a result of a review of the caller's information or following the initial appointment, it is decided that the firm cannot or will not handle the case, the caller should be quickly informed regarding the rejection, ideally with a recommendation regarding the matter or referral to another attorney.

Referrals

If your office is unable to handle a case but you can recommend another attorney who might be suited to the matter, give the caller the name and phone number of the attorney, and then immediately contact that attorney's office to provide pertinent information regarding the referral.

Estate Planning Considerations

Callers seeking services for wills are generally offered some basic information about estate planning. Estates may be subject to state taxation regulations. In New Jersey, estates with assets that exceed \$675,000 are subject to estate taxation. Prospective clients are advised that standard wills do not address estate tax issues, and we recommend taking advantage of our estate planning services. We explain that we can assist with estate planning, which can reduce or eliminate estate taxes, and the creation of trusts, which can offer spouses valuable financial protection.

We advise the potential client that we do not handle federal tax planning or Medicaid nursing home planning, but can provide referrals for such services if needed.

Fees

Fees should not be discussed over the phone, but here are some sample fees as a guide for staff:

- Wills: minimum of \$200 each.
- Power of attorney: \$75 per person.
- Living will: \$75 per person.
- Stand-alone trusts: \$2,500 minimum each.

More detailed fee information is included in Exhibit 1-8, Will Estate Planning Consult Bill, and Exhibit 1-9, Agreement to Provide Estate Planning Legal Services.

Exhibit 1-1
Will Appointment Cover Letter

KENNETH VERCAMMEN & ASSOCIATES, PC
ATTORNEY AT LAW
2053 Woodbridge Ave.
Edison, NJ 08817
(Phone) 732-572-0500
(Fax) 732-572-0030

Date: _____

Dear _____:

Thank you for contacting our law office in connection with a Will and Estate Planning. To help provide better service and answer your questions, please fill out the accompanying Will Questionnaire.

Your appointment is for _____.

Directions to our office are available on our website, www.njlaws.com.

You should bring to the appointment:

1. The completed Will Questionnaire
2. A written list of any questions you may have.
3. All papers you have in connection with your Will.

The scope of the services we anticipate performing for you are as follows:

1. Will review and update, if appropriate.
2. Living Will review and update, if appropriate.
3. General Durable Power of Attorney review and update, if appropriate.

At our initial meeting, we will discuss the matter, and provide a written retainer statement. I will quote you a fixed fee for the projected legal work. This way you will know at the beginning what your costs will be. You can pay fees by check, Visa, MasterCard, American Express, Discover, cash, or money order. Once retained, we will draft requested documents.

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We have many requests for appointments and our schedule is very full. Therefore, we ask that you make every effort to keep your appointment. If, for some reason, you are unable to do so, please notify us at least 48 hours in advance.

Very truly yours,

Kenneth Vercammen

KAV/ _____ Encl. Will Questionnaire

Exhibit 1-2

Estate Planning Appointment Cover Letter

KENNETH VERCAMMEN & ASSOCIATES, PC

ATTORNEY AT LAW

2053 Woodbridge Ave.

Edison, NJ 08817

(Phone) 732-572-0500

(Fax) 732-572-0030

Date: _____

Re: Estate Planning Appointment Date and Time

Thank you for contacting our law office in connection with a Will and Estate Planning. To help provide better service and answer your questions, please fill out the accompanying Will Questionnaire.

Your appointment is for _____

Directions to our office are available on our website www.njlaws.com.

You should bring to the appointment:

1. The completed Will Questionnaire
2. Written list of questions you may have.
3. All papers you have in connection with your Will.
4. A list of your assets, along with:
 - copy of real estate tax bills;
 - health insurance policy, nursing home contract (if any), life insurance policies (paperwork indicating the face value, death benefit, and cash value with respect to the policy);
 - copies of all current bank statements;
 - copies of all Series E or EE bonds;
 - current statements from stock brokers, mutual funds, IRAs, qualified retirement accounts, annuities, notes, or mortgages receivable by you.

The scope of the services we anticipate performing for you are as follows:

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1. Will review and update, if appropriate.
2. Living Will review and update, if appropriate.
3. General Durable Power of Attorney review and update, if appropriate.

At our initial meeting, we will discuss the matter and provide a written retainer statement. I will quote you a fixed fee for the projected legal work. This way you will know at the beginning what your costs will be. You can pay fees by check, Visa, MasterCard, American Express, Discover, cash or money order. Once retained, we will represent your interest vigorously.

We have many requests for appointments and our schedule is very full. Therefore, we ask that you make every effort to keep your appointment. If, for some reason, you are unable to do so, please notify us at least 48 hours in advance.

Very truly yours,

Kenneth Verammen

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