Attorney-Client Interview Techniques

When potential clients first enter the law office where you work, their initial impressions of the firm are influenced by a number of factors, including how they are treated by the front-desk people, how long they wait in the lobby, how they are greeted by the attorney who will handle their case, how politely and skillfully they are interviewed by the attorney, and (if this is part of the package) how well their case is delegated to the paralegal in charge.

What these items have in common relates to a service management concept called the “Moment of Truth” (MOT). By definition, a moment of truth occurs any time a client comes into contact with you or any part of your organization and makes a judgement about the service he or she receives. There are literally thousands of MOTs taking place each time someone does business with a law firm.

With typical service businesses, MOTs are either negative (no towels in the hotel, rude phone clerks, etc.) or positive (a salesperson who calls to tell you about a sale, a free car wash at the car dealership, etc.). You can and should manage these moments to reflect service quality in your office.

Customer satisfaction surveys tell us that if a person receives good service from an organization, he or she will likely tell five to seven people about it. But unfortunately, if a person receives poor service, he or she will likely tell nine to 11 people. Think about your own dealings with service firms like banks, insurance companies, hotels, auto repair shops, etc. If you were served in an efficient, timely, and gracious manner, you enjoyed the encounter and probably would mention it to friends and family. However, if you were mistreated at any of these places, such as by rude frontline employees, long delays, or poor workmanship, you probably would go out of your way to tell friends and family never to do business with that firm.

You work in a service industry, for there is no law firm without clients, and the principles of providing good service are the same as with any typical customer service business. In your own mind (but only in your mind, not in face-to-face contacts), get used to calling clients “customers”; their existence justifies your existence.

The MOT concept is a powerful one. Remember that people have many choices about where to go for legal services. Unless you work for the only attorney in your town, chances are the legal field is crowded with members offering an enormous variety of services for potential clients.

Just as word of mouth is a critical factor with service businesses, i.e., good service begets
good word of mouth and bad begets bad, so it goes with law firms.

Marketing studies for attorneys tell us that most people pick an attorney from an ad in the phone book, from a television commercial, or on the recommendations of friends, relatives, or business colleagues. While this may seem a bit haphazard, it should point out that the margin for service errors is slim. If your firm can't or won't offer shining service to its clients, then those clients will go where they can get it.

While you can't control each of the many MOTs that relate to clients, you can monitor the ones that relate specifically to you. In many cases involving such matters as personal injury, worker's compensation, and family law, you'll handle the majority of client conversations that don't come into the scope of the attorney handling the case.

**Client Interviews**

Let us consider as an example a personal injury or criminal defense case. Many attorneys will handle the initial client interview and then turn the case over to you to begin the standard office procedures that will take it from start to finish. Often if you are to become at all involved, the attorney may call you into the office during this first meeting. While some attorneys will do this for the ceremony of introducing you to the client and the client to a member of the firm's legal staff, others will call you to the meeting so you can become personally familiar with the client and his or her case.

This meeting process can go a long way toward improving your grasp of the specifics of the case and your overall understanding of the many cases that come into the office. If you aren't now a part of the initial or follow-up client interviews and you feel you don't have enough information to process the files effectively, take the initiative to suggest to your attorneys that you attend these meetings.

Using a "Client Profile" sheet, you can fill in all the necessary data-names, addresses, telephone numbers, dates, times, insurance, defendant's name and insurance information, property damage, or arrest date, nature of the arrest, etc.-right on the spot. This can save you time, energy, and wasted phone calls because you can get the data while the client is available with the information you need.

If, on the other hand, you aren't privy to the initial client meetings, you'll obviously need to schedule your own appointment-in person at your office or by telephone-with the client. Because deadlines are nearly always looming no matter what the type of case, make sure you arrange this meeting quickly. Time has a way of spoiling even the best memories. Important documents can get lost, evidence disappears, and the longer you wait, the faster the other side can move ahead.

And bear in mind that in nearly every legal matter there is the other side. Whether it happens to be an insurance company, a State Board, a prosecutor, a business conglomerate, a real estate buyer or seller, or another law firm, this other side is working on many of the same issues as your firm, even if it's in other directions.

Once the client has left the office, it's also a wise idea to stand by and ask for a "marching plan" from the attorney handling the case. This can be as simple as asking if this is a routine case to be handled in a similar fashion as others in the office or if there are extenuating circumstances or special factors relating to time, money, or information you may need to know. This post-client meeting can serve to pinpoint some of the issues that may become important later. You may need to make a number of immediate and important phone calls to verify information; you may need to do some legal research to see if the firm will want to take the case; or you may want to set any number of other people-legal experts, investigators, data searchers, etc.-in motion to help your position.

If you have been responsible for conducting in-depth interviews with clients, then you probably have developed an information-gathering system that works for you. If so, stick to it and make adjustments in the kinds of questions and in the way you gather the information as necessary. If you don't have much experience in client, witness, or defendant interviewing techniques, then review the following section with your own caseload in mind. Some of the questions of course won't apply exactly to the cases in your office, and some won't relate to the type of law practiced by your attorneys. Still, you'll notice from the flow of the questions
How it is possible to gather most of the information you'll need in just a short period of time.

What follows is a primer on interviewing techniques. As always, take what works for you and create your own standard client or witness questionnaires to match your needs. Even if you ask the same questions time after time and even if you feel you know them by heart, consider devising some type of standard questionnaire to help you remember to ask everything the first time. If you don't already use a written list, simply create one to fit the type of case you're handling.

Interviewing a client is usually a smooth process. In most cases, clients are receptive to your questions because they usually recognize the importance of cooperation for the success of the case. However, keep in mind that even though most clients want to help you, they may feel uncomfortable about being in an attorney's office.

People usually deal with attorneys only when something is wrong or up in the air—an injury, a lawsuit, a bankruptcy, a divorce, a criminal charge, probate, a lease deal, etc. They may feel particularly intimidated when they first arrive at an attorney's office, especially if it's filled with expensive art, furniture, or law books, like law offices they've seen in the movies or on TV.

Remember to make the client feel welcome and comfortable.

Going to an attorney is a matter of choice. If it's not you, it could be someone else. Always remember that clients are really customers and deserve special treatment.

Once the client is with you, be aware of typical conversation barriers, like a large desk, that can inhibit the flow of communication. Sit face to face if you can, without a big desk in front of you. If both of you sit across a small table, you can still take notes, but it doesn't feel so daunting.

**Sample Client Interview Questions**

Using a common personal injury car-accident client as an example, consider the following list of questions for your next client interview:

1. What was the date and time of the accident?
2. Where did the accident happen? Freeway? Surface streets?
3. In what direction was the client going?
4. In what direction was the other driver going?
5. Was weather or darkness a factor in the accident?
6. Is there a police report?
7. If so, by what agency? Local police? Sheriff? State Highway Patrol?
8. If not, why not?
9. What did the officer say to the client?
10. What did the officer say to the other driver?
11. How many cars were involved in the accident?
12. How many people were involved in the accident?
13. Any pedestrians? Small children? Motorcycle or bike riders?
14. What kind of car was the client driving?
15. Who owns the car?
16. Who insures the car? (Company, policy number, agent, etc.)

17. How did the accident happen? Rear-end? Broadsided on the driver or passenger side? Head-on collision? Side-swipe?

18. How much damage was done to the car?

19. Does the client have a damage estimate yet?

20. Has the client notified his or her insurance company? The Department of Motor Vehicles?

21. What kind of car was the defendant driving?

22. Who owns the defendant’s car?

23. Who insures the defendant’s car? (Company, policy number, agent, etc.)

24. How much damage was done to the defendant’s car?

25. Did the defendant make any statements or admit fault?

26. Were there any witnesses?

27. Does the client have any witness names and telephone numbers?

28. Does the client have any photos of the accident scene or either vehicle?

29. Can the client make a brief diagram of the scene?

30. How was the client injured in the accident?

31. Did the client seek treatment after the accident?

32. Does the client have medical payment coverage?

33. Does the client have a family doctor?

34. Has the client lost time from work because of the accident?

35. Has the client been in any other accidents?

While this isn’t the most complete questionnaire on the subject, it does cover most of the critical information you’ll need to begin working on the case.

You’ll notice that some of the questions lead into others and others get answered during the discussions. If you find this list helpful and aren’t already using a preprinted version of it, consider creating a similar questionnaire to handle the personal injury auto-accident cases that come to your office.

You can modify this questionnaire to cover most slip-and-fall accidents, worker’s compensation accidents, or other injury- or insurance-related incidents. Continuing with our client interview questions, let’s assume now that the client you need to interview was arrested on a criminal charge. Here are some questions you may want to ask:

1. What was the date and time of arrest?

2. What are the charges?

3. Which law enforcement agency made the arrest? Local police? Sheriff? State Highway Patrol?

4. Does the client have a copy of the police report yet?
5. What chemical tests (if any) did the client submit to? Breath? Blood? Urine?

6. What are the results of those tests?

7. Did the police impound any evidence, like the client's car?

8. Was the client injured in the arrest process?

9. If so, was the client treated at a local hospital?

10. Was the client booked into jail or released with a citation?

11. If so, when is the court date?

12. Did the client make bail?

13. Were any of the client's friends at the scene?

14. Are there any independent witnesses to the crime or arrest?

15. What were the circumstances of the arrest?

16. What probable cause did the officer(s) use, i.e., the reason for the original stop and contact?

17. Was the client arraigned?

18. If so, under what charges?

19. Does the client have a prior criminal history?

20. Is the client on parole or probation?

The questions should give you a good place to start during the criminal defense client interview process. Other questions will surely come to mind as you talk to the client.

After taking careful notes of the client's answers and remarks, you should thank him or her for coming in and promise to get in touch again very soon. You can imagine how apprehensive a client can feel after a car accident, an arrest, or a worker's compensation accident, or with a large business, real estate, or family law matter on the line.

After some time in your profession, one case begins to look like any other. While it may feel like that to you and to the other attorneys and paralegals in the office, the case is unique and is definitely of significance to the client. His or her physical or mental health, freedom, business future, or family life may be riding on the outcome of the case.

Keep the importance of each case in the back of your mind at all times. What seems routine and standard to you can be mind-boggling and frightening to the client. Most people unfamiliar with our legal system can find the process of working with a lawyer to be highly intimidating.

Most people come to a law office in a high degree of emotion. They may be suffering from the ill effects of a highly stressful family problem, personal injury, business catastrophe, recent death of a loved one, immigration problem, or criminal matter. Try to provide some small amount of comfort, at least by offering your sympathy when it seems necessary, and the promise of support from you and your firm.

This is not to say you should live and die with every case, pouring your emotions into every "shaggy-dog" story that comes into the office, but rather, that you keep a balanced perspective concerning the importance of the case to all the participants—clients, defendants, witnesses, etc.

Some people merely want to hear you say, "Our firm understands your case very well. We've handled a number of similar cases and we've had good results. Your attorney has a strong
background in these types of cases and will know what to do for you.” A few statements of encouragement from you (along with the attorney) can go a long way toward improving the client's peace of mind. This can create good feelings all around, meaning better communication between the client and the firm, an easier path to settling the case, and with luck, a helpful referral to other potential clients in the future.

After your first interview meeting with the client, try to schedule a short meeting with the attorney handling the case. This is a good time to bring up any questions or concerns you might have, and it offers an opportunity to ask for some directions. The attorney may want you to tackle certain problems surrounding the case, make special phone calls, start researching critical issues, or just handle the case in a manner similar to the way you handled others in the past.

These initial attorney-paralegal meetings can last from one minute to one hour, depending on the complexity of the case and other time pressures. Make sure you feel comfortable with your role in the case before you leave.

Back at your desk, you should already be planning your next moves: start a new client file, organize your notes from the client interview, make a list of the phone calls you'll need to make, draft various letters, make calendar notations, etc.

Before you plunge ahead on any case handed to you, stop and get a feel for it. If it's a new case, review your notes and organize a plan of attack. If it's an ongoing case, read the file, read the reports and other significant documentation, and review the memos, briefs, and correspondence before you do anything else. Look things over carefully to avoid future embarrassments, mistakes, or repetitions.

**See the following articles for more information:**

- [21 Major Interview Mistakes to Avoid at All Costs](#)
- [The Best Way to Prepare for a Job Search and Interviews](#)
- [How to Talk About Other Interviews in Your Interviews](#)
- [How to Answer the Tell Me About Yourself Interview Question](#)
- [How to Answer the Do You Have Any Questions for Me Interview Question](#)