



## Should Attorneys Be Rethinking the Free Consultation?

Few things are as deeply rooted in the traditional operations and marketing of law firms as free initial consultations. Conventional wisdom in the legal industry says they are the best way to attract prospective clients and convert them into actual clients.

But is conventional wisdom wrong?

### CLIENTS AND ATTORNEYS BENEFIT FROM FREE CONSULTATIONS

There is little doubt that free initial consultations can be beneficial to clients and attorneys alike.

In a country where, in 2017, [86 percent of the civil legal problems faced by low-income citizens were handled with inadequate or no legal assistance](#), free consultations are one of the few ways that low-income Americans are able to engage face-to-face with private legal counsel.

In addition to providing would-be clients with an understanding of their legal claims, free consultations can direct people in need of legal counsel to free resources that they may be able to use in order to resolve those claims without hiring an attorney.

For attorneys, free consultations are vital tools for vetting clients and their claims. They are particularly helpful in personal injury cases where attorneys must have a sense of the facts and the potential damages in order to determine the value of the claim.

Given how widespread the practice of offering free consultations is, continuing to provide them helps law firms avoid a [possible self-imposed competitive disadvantage](#) brought about by ending that practice.

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## BUT FREE CONSULTATIONS AREN'T WITHOUT THEIR WARTS

As most attorneys at solo and small law firms can attest, [free consultations are not without their problems](#).

The overarching reason why free consultations are problematic is because attorneys are spending their already limited time in a manner that is not profitable in the short term and may not be profitable in the long term either. In that way, however, it's really no different from the sales process in any other industry. There's no guarantee, for example, that a consumer walking in to a car dealership will ultimately buy that car.

The problem though, stems from the fact that until an attorney meets with a prospective client during a free consultation, there is no way for the attorney to know the client's motives. Are they really looking for an attorney? [Or are they looking only for as much free legal advice that can fit within one free consultation's worth of time?](#) Even if it is the former, there is no guarantee that the prospective client will have a case for the attorney to handle or to refer out to another lawyer.

Standing in the shoes of a prospective client, a free consultation may not be particularly fruitful where the attorney is more focused on vetting the client and his or her claims instead of providing actionable guidance. Depending on the length of a free consultation, there might not even be much of an opportunity to cover the potential claims in any depth.

## ARE PAID CONSULTATIONS THE ANSWER?

For certain law firms, paid consultations could fix the failings of free consultations.

When attorneys charge a prospective client a fee for an initial consultation—whether it be a standard hourly rate or a discounted rate—they help weed out people who are not seriously considering retaining an attorney. When a prospective client does sign up for a paid consultation and, presumably, pays the fee upfront, the attorney can be assured that he or she will actually be paid for his or her time. And, the fact that a prospective client is willing and able to pay for a consultation could be an indication that he or she has the means to pay for the attorney's services, if retained.

Clients may find that when they pay for an initial consultation, they get a more substantive conversation with an attorney. That's because the attorney, knowing that his or her time is being compensated, will likely be more willing to provide actionable guidance during the conversation instead of focusing primarily on vetting that prospective client.

And, if an attorney is willing to apply the costs of a consultation toward his or her fee if retained ([as attorneys who charge for consultations are apt to do](#)), a client may perceive a paid consultation as a small upfront investment in resolving his or her legal issues.

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## SHOULD YOUR FIRM CONTINUE OFFERING FREE CONSULTATIONS?

Whether your firm should move to paid initial consultations depends on one key piece of information: would prospective clients be willing to pay for an initial consultation? To answer that question, you may need to ask former and current clients whether they would be willing to do so.

If you are concerned about taking the plunge too suddenly, you could consider testing the idea of paid consultations by offering them in limited circumstances.

Or, if you truly are on the fence, you could [offer both free and paid consultations](#). By doing so, your firm may avoid any competitive disadvantages brought about by eliminating free consultations, while at the same time offering paid consultations as a way for certain prospective clients to signal that they are serious about retaining an attorney.

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