



## Enhancing client intake

FOCUS ON DETAILED INTERVIEWS AND QUESTIONNAIRES WITH INTEGRATED TECHNOLOGY TO STREAMLINE THE INTAKE AND BETTER EVALUATE THE CASE

In the fast-paced world of plaintiff-side employment law, everything begins with the client-intake process. It's your first opportunity to assess the case, evaluate the client, and establish an effective legal strategy. This initial step should give you a clear picture of the challenges ahead and, just as importantly, the person you'll be working with. Implemented correctly, the intake process lays the groundwork for evaluating the case's potential, ensuring that any obstacles can be identified and addressed early on.

Client intake is more than simply collecting data or checking boxes. It requires careful observation, picking up on nuances, and trusting your instincts. It's where legal expertise meets instinct, allowing you to see beyond the surface and uncover details that might otherwise go unnoticed. In this discussion, we'll explore the details of refining your intake

process, from using advanced technology to sharpening your ability to assess clients. By the end, you'll know how to streamline your process and appreciate the crucial role intake plays in setting your case up for success. Here is where the actual work starts.

The importance of a well-executed intake process cannot be overstated. It sets the tone for the entire attorney-client relationship, helps you evaluate potential case value early, and allows you to allocate your resources effectively. A thorough intake process can also help you avoid potential ethical pitfalls and malpractice risks by ensuring you have all the necessary information before deciding to take on a case.

### Initial contact with the potential client

When potential clients reach out – whether by phone, website, social media, or other channels – they should be guided

through a streamlined intake process. This process should start by gathering information that helps assess potential causes of action, the merits of the case, and its value. Ideally, this happens before an attorney schedules an interview, allowing you to efficiently filter out cases that aren't a good fit. By doing this, you can decline representation early, avoiding unnecessary use of your or the potential client's time, while focusing your efforts on cases that reflect your firm's practice priorities and areas of expertise.

### Intake questionnaires: Your first line of defense

Intake questionnaires play a crucial role in assessing the merits of employment litigation cases. They provide key information that helps you determine whether a case is worth pursuing. In addition to case evaluation,

these forms serve as records for conflict checks and keep important details organized for future reference. Given that potential clients may reach out multiple times before committing, having their information readily available can help turn inquiries into engagements.

A well-structured intake process streamlines interactions, improves case selection, and strengthens attorney-client relationships. In employment litigation, an effective intake form helps identify viable cases early on, allowing you to focus your time and resources on those with the highest potential.

The following list outlines the most important data to collect:

- **Employment details:** Current or former employer, job title, dates of employment, and compensation information.
- **Nature of the complaint:** Specific type of employment issue (e.g., discrimination, harassment, wrongful termination, wage disputes).
- **Timeline of events:** Dates of key incidents, formal complaints filed, and relevant communications with the employer.
- **Adverse actions:** Details of any negative employment actions taken against the client (e.g., demotion, pay cut, termination).
- **Protected class information:** If applicable, the client's membership in a protected class (e.g., race, gender, age, disability status).
- **Witnesses:** Names and contact information of potential witnesses to the alleged misconduct.
- **Documentation:** List of relevant documents the client possesses (e.g., employment contracts, performance evaluations, emails).
- **Prior legal action:** Information about any previous complaints filed with HR, EEOC, or other agencies.
- **Medical information:** If relevant to the case, details about any medical conditions or treatments related to the employment issue.
- **Client background:** Brief employment history and any prior litigation experience.

- **Goals and expectations:** The client's desired outcome and any time-sensitive concerns.
- **Statute of limitations:** Information to determine if any applicable statutes of limitations are approaching.
- **Conflict checks:** Details necessary to conduct a thorough conflict check.
- **Social-media presence:** Information about the client's social media accounts and any relevant posts.
- **Current employment status:** Whether the client is still employed or has been terminated.

By gathering this information upfront, attorneys can assess the potential strength of the case, identify any red flags or areas requiring further investigation, and prepare for a more focused initial consultation.

### Leveraging technology in client intake

The legal profession may be rooted in tradition, but it is constantly evolving – and so should how we handle client intake. If you're still relying solely on paper forms and manual processes, you're missing out on one of the most significant advancements in modern legal practice: digital client management.

Utilizing technology in the client intake process isn't just about staying current with industry standards; it's about boosting efficiency and accuracy and preserving your sanity. Imagine having an automated system that sends customized intake forms, captures critical information, and integrates directly with your case management system. This eliminates redundant data entry, minimizes human error, and enhances efficiency.

### Technological tools to enhance client intake

- **Cloud-based client-management software:** Platforms like Clio Grow, MyCase, and Lawmatics allow you to integrate customizable intake forms directly onto your website. When completed by clients, these forms automatically feed data into your case management system, streamlining data entry, reducing errors, and saving time. For instance, Clio Grow can automate the

creation of client profiles and trigger follow-up tasks, enhancing overall workflow efficiency.

- **AI-powered document review tools:** Tools such as Kira and LawGeex utilize AI to scrutinize documents quickly, identifying crucial clauses and relevant details that could impact your case strategy from the outset. This technology speeds up the review process, enabling you to make informed decisions faster. For example, Kira can analyze employment contracts to pinpoint critical elements like non-compete clauses or arbitration agreements, offering insights into the case's strengths and potential challenges.
- **Chatbots for initial client screening:** Implementing chatbots from companies like LawDroid or Virtual Legal Assistant (VLA) on your website or social media platforms can automate initial client interactions. These bots handle preliminary inquiries, gather essential information, and can even pre-screen cases according to your criteria. This functionality ensures your client intake process is active 24/7, optimizing lead generation and pre-qualification without additional staffing.

### Integration and management

Integrating these technologies into your practice is straightforward, thanks to user-friendly platforms designed for legal professionals. Most client management systems offer easy setup, with templates for intake forms, guided workflows, and comprehensive training to help your team adapt quickly. They are scalable to suit any size of practice, from solo practitioners to large firms.

Once implemented, these systems allow for the automation of routine follow-ups, efficient organization of client data, and generation of insightful reports. This data can reveal intake process efficiencies and highlight areas needing improvement. For instance, tracking the progression of potential clients through various intake stages helps identify any bottlenecks.

### Interviewing potential clients

After reviewing the intake form and

determining that a potential client fits your criteria, the next step is the initial interview. This face-to-face meeting is where you can deepen your understanding of the client's situation. It's your chance to move beyond paperwork and connect with your prospective client. Think of the initial interview as moving from chatting online to going on a first date and meeting in person. Both of you are trying to make a good impression on each other, but a lot more is happening below the surface.

During this interview, you'll have the opportunity to delve deeper into the case details and clarify any ambiguities from the intake form, focusing on assessing the case's viability. It's your opportunity to gather information and evaluate the client's credibility, emotional stability, and potential as a witness – factors that can significantly shape the outcome of an employment law case.

Create a safe and non-judgmental environment for this stage of the intake process. Establish rapport and trust from the outset, and clearly communicate the confidentiality and attorney-client privilege that protects your conversation. This will encourage the client to be more open and honest, giving you a clearer picture of their situation.

To build rapport with a potential client, consider the following techniques:

- **Active listening:** Give the client your full attention, maintain eye contact, and use verbal and non-verbal cues to show you're engaged.
- **Empathy:** Acknowledge the client's feelings without judgment. Phrases like, "That must have been difficult" can help the client feel understood.
- **Open-ended questions:** Use questions that encourage the client to elaborate rather than those that can be answered with a simple yes or no.

### **First impressions: Assessing likeability and cooperativeness**

Evaluating a potential client's likeability and cooperativeness at the outset is vital to understanding how effectively you can work together.

Likeability isn't just about charm; it's about a client's ability to connect and be authentic. This quality is advantageous not only in the courtroom, where it can subtly sway a jury, but it also creates the foundation for a healthy working relationship.

Pay attention to how the individual interacts with your support staff. Their behavior towards receptionists, assistants, and other team members can provide insight into their overall personality and respect for others. A client who is polite and respectful to everyone in the office will likely be cooperative and easier to work with. Conversely, dismissive or rude behavior will pose challenges, complicating the attorney-client relationship and making it difficult to achieve a successful outcome. This type of client may be more of a headache than their potential case is worth.

As you conduct the interview, pay close attention to body language, tone of voice, and overall demeanor. Watch for inconsistencies between written and verbal responses, and note any reluctance to provide details. These observations can offer insights into their reliability and openness. Also, evaluate their responsiveness to questions and willingness to engage in meaningful discussion. A client who is evasive or overly defensive may have difficulty providing clear and consistent testimony, which could be problematic. Assess how they handle pressure during the conversation, as this can influence your decision on whether to proceed with their case.

Cooperativeness indicates a client's willingness to engage with the legal process and follow professional advice. During the initial interview, observe how they handle probing questions and their openness to discuss various strategies. Their responses are telling, offering insights into how they might cope with the pressures and complexities of the case.

By focusing on these qualities early on, you're not merely ticking boxes, but laying a strategic foundation for a

productive attorney-client relationship that can effectively address the challenges ahead.

### **Filling in the gaps: Probing for a fuller picture**

To gain a more complete understanding of the potential client's story, focus on pulling out the details that weren't covered in the intake form. Ask the client to walk you through key incidents, encouraging them to provide specifics about conversations, actions, and any relevant context. Inquire about witnesses or documentation they may have overlooked.

It's also helpful to explore how the client responded to the situation – whether they raised concerns internally and how those efforts were received. Look for patterns of behavior that suggest the problem is more systemic. By digging into these areas, you can uncover valuable context and insight that strengthen the case beyond the initial facts, creating a more compelling narrative.

### **Assessing expectations and goals**

Understanding the client's expectations and goals is key to determining whether you can represent them effectively. It's important to gauge whether the client is genuinely seeking a fair resolution or is driven by unrealistic expectations or personal vendettas. A client focused solely on revenge or a big payday may have difficulty accepting practical legal outcomes, such as reasonable settlements. This mindset can complicate your strategy, making it harder to reach a resolution that benefits both the client and the case.

Clients who expect the process to be swift or flawless may struggle when faced with the realities of litigation, from depositions to court delays. They may resist coaching or become emotionally volatile when things don't go their way, complicating communication and cooperation. This can create roadblocks when preparing for key stages, like testimony or mediation, where flexibility and trust in your guidance are essential.

It's also worth assessing how open they are to hearing the risks and challenges of their case. A client who is unwilling to hear hard truths, or who dismisses advice, may be difficult to manage throughout the legal process. Understanding their motivations early helps you anticipate potential friction and determine whether their goals align with what is legally achievable.

### Evaluating mental health

Assess the client's cognitive function, memory, and emotional stability as part of your evaluation. Consider how well they can handle stress and whether there are any potential barriers to their effective participation in legal proceedings. This assessment is crucial for developing an appropriate legal strategy and ensuring the client receives the support they need.

Key signals to watch for include:

1. Inconsistent or disorganized thought patterns
2. Extreme emotional responses
3. Paranoid ideation
4. Difficulty with basic tasks
5. Physical manifestations of anxiety
6. Substance-abuse indicators
7. Social withdrawal
8. Obsessive behaviors or thoughts

While observing these signals, it's important to approach the situation with sensitivity and professionalism. Frame follow-up questions regarding how these issues might affect the client's work performance or their ability to participate in the legal process. For example, instead of asking directly about mental health, you might say, "How do you think these experiences at work have affected your ability to perform your job duties?"

Remember, the goal is not to diagnose mental-health conditions, but to identify potential issues that could impact the case. If significant concerns arise, consider suggesting a professional evaluation, framing it to strengthen the case and ensure the client receives appropriate support throughout the legal process.

### Conducting efficient background checks

Thorough background checks are a crucial component of the client intake process. They help identify potential issues early on and inform your decision to take on a case. These checks are particularly important in employment law, where credibility can make or break a case.

Recommended background checks include:

**Litigation history:** Look for patterns of multiple lawsuits, especially in employment disputes. While a single lawsuit may not be disqualifying, a history of frequent litigation could suggest an attempt to misuse the legal system. Pay attention to the nature of these lawsuits, their outcomes, and any emerging patterns.

When interpreting litigation history, consider the context. A client with multiple employment-related lawsuits might be a serial litigant, or they might have legitimately faced repeated discrimination. Look for consistency in their claims and the credibility of their past cases. A pattern of frivolous lawsuits or cases dismissed for lack of evidence could be a red flag.

**Criminal records:** Uncovering past criminal convictions that a client has hidden is crucial. Such omissions can severely damage the credibility of both the client and the case if discovered later. Be sure to check records in all jurisdictions where the client has lived or worked.

When evaluating criminal records, consider the nature of the offense, how long ago it occurred, and its relevance to the current case. For example, a recent conviction for fraud could significantly impact a client's credibility in an employment dispute. On the other hand, a minor offense from many years ago might be less relevant.

**Employment Development Department (EDD) records:** Another essential step is checking whether the client has received unemployment

benefits during periods of employment. If the client has been collecting unemployment while working, this constitutes fraud, a serious issue that directly undermines their credibility. Representing someone who engaged in fraudulent activity with a government agency can bring significant complications, making this an immediate red flag for rejecting the case. Also, look for any history of wage and hour complaints or other labor disputes.

A history of labor disputes could indicate that the client is well-informed about their rights or suggest a pattern of contentious relationships with employers. Look for the outcomes of these disputes and any patterns in the types of complaints filed.

**Employment history:** Verify the client's employment history, including dates of employment, positions held, and reasons for leaving. Discrepancies here could signal potential issues with the client's credibility or the strength of their case.

Pay close attention to any gaps in employment or frequent job changes. While these aren't necessarily disqualifying, they could impact the calculation of damages in an employment case. Additionally, inconsistencies between the client's employment history and what you uncover could be a red flag.

**Social-media presence:** While this should be approached with caution and ethical considerations, a client's public social media presence can sometimes reveal information relevant to their case or credibility.

When reviewing social media, look for posts that might contradict the client's claims or damage their credibility. For example, if a client claims they were unable to work due to discrimination, but their social media shows them engaged in activities inconsistent with this claim, it could be problematic. However, be cautious about drawing conclusions from social media, as context is often lacking.

Consider using specialized background-check services or databases designed for



legal professionals to conduct these checks efficiently. These tools can provide comprehensive reports quickly, allowing you to make informed decisions about potential clients. Some popular options include TransUnion's TLOxp, LexisNexis Public Records, and People Map on Westlaw.

It is important to be aware of legal and ethical considerations when conducting background checks. If you use consumer reporting agencies, be sure to comply with all relevant laws, including the Fair Credit Reporting Act. Always obtain the client's consent before conducting checks and be transparent about what you're doing and why.

These checks aim not to automatically disqualify clients, but to identify potential risks and challenges early in the process. This information allows you to make informed decisions about representation and develop appropriate strategies for managing any identified issues. For example, if you discover a client has a history of litigation, you might decide to proceed with caution, perhaps initially offering a limited-scope representation.

Conducting background checks helps protect your practice and positions you to offer more informed, thorough, representation. While it requires an investment of time and resources upfront, it can help you avoid more costly complications later on.

### Drafting effective retainer agreements

Once you and the potential client have decided to move forward, the next step is to formalize the relationship by executing the attorney-client agreement. This agreement is the foundation of your working relationship, setting clear expectations and responsibilities for both parties. In employment law cases, where complexities can arise at any stage, a well-drafted retainer agreement is critical to ensuring smooth collaboration and minimizing misunderstandings. A well-constructed retainer agreement

should address several essential components:

- **Honesty clause:** Make it clear that honesty is a non-negotiable aspect of the attorney-client relationship. Employment law cases rely heavily on accurate facts; any misinformation or omission from the client could compromise the entire case. Specify that dishonesty will lead to termination of representation.
- **Adherence to legal advice:** It's important to stress that following legal advice is crucial to achieving the best possible outcome. Make it clear that disregarding your guidance could negatively affect the case and may be grounds for terminating representation.
- **Scope of representation:** Clearly outline the extent of your legal services, such as whether you will handle pre-litigation, mediation, trial, or appeals. Defining these boundaries upfront helps prevent misunderstandings about what is covered under your agreement.
- **Fee structure and costs:** Provide a clear explanation of your fee arrangement, especially if you're working on a contingency basis. Make sure to detail how your fee will be calculated and what expenses the client might be responsible for during the legal process, including court costs and expert fees.
- **Termination of representation:** Include specific terms under which representation can be terminated. Examples include client dishonesty, failure to cooperate, or major disagreements about case strategy. Setting these terms protects both you and the client if the relationship becomes untenable.
- **Client responsibilities:** Clearly define the client's obligations during the legal process. This may include providing necessary documents in a timely manner, attending meetings and depositions, and maintaining consistent communication.
- **Conflict resolution and dispute handling:** Consider including a dispute resolution clause that specifies how

disagreements between you and the client will be handled, such as through mediation or arbitration. This can help avoid unnecessary escalation.


- **Legal and ethical compliance:** Ensure the agreement adheres to all relevant legal and ethical standards, including guidelines set by your state bar. This section should confirm that both attorney and client understand their responsibilities and that the agreement complies with applicable regulations.

By addressing these key components, your retainer agreement establishes a clear framework that reduces potential disputes and builds trust with your client. A carefully structured retainer agreement acts as a safeguard, aligning your practice and client with clear expectations, making it easier to manage the case from start to finish.

### Conclusion

The client-intake process plays a critical role in an employment law practice. By using technology, refining how cases are assessed, and ensuring proper documentation, attorneys can streamline intake and make it a competitive advantage.

Intake goes beyond the basics – it's where you build strong client relationships and lay the foundation for successful cases. As the legal landscape evolves, refining your intake process is vital to staying efficient and competitive. Focusing on clarity and organization sets the stage for better case outcomes and a smoother workflow.

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