

**Guidelines for the Setting Up & Conducting
The Preliminary “Short Phone Consult”
&
Hopefully For Setting The Follow-Up "In-depth" “Face-to-Face”
or “Big Phone” consult”**

by John Orcutt

What the “Short Phone Consult” is NOT:

This “Short Phone Consult” is NOT a substitute for an “in-depth”, “Face-to-Face” or “Big Phone” consult. As such, it is NOT meant to provide a full and complete analysis of the caller’s situation or to give legal advice or to provide final recommendations.

Besides, the truth is that the full, “in-depth” interview can only be done after we get the caller to fill out, as best possible, our thorough "online" **Initial Interview Questionnaire**.

That said, there will be times when an Interviewer will see fit and have the time to continue from the Short Phone Consult directly into a Big Phone consult.

What the "Short Phone Consult" is:

It is meant to:

- Catch the caller when the caller is most interested in getting answers and information..

NOTE: The Caller will never be more interested than the moment the caller contacts our office by phone or the internet.

- Provide the caller with IMMEDIATE attention and answers.

NOTE: We are set up to immediately turn the caller over to one of our experienced Interviewers, at least during normal business hours, plus during some "off hours".

- Provide immediate comfort and reassurance to the caller who is not yet ready or committed enough to set up an "in-depth" consultation for any one of many reasons, including the following:
 - The caller wants enough information to make sure it is worth their time to proceed with an “in-depth” interview or anything else..
 - The caller misbelieves that the caller will have to come to our office and wants enough information to see if it is worthwhile to take off time from work and to travel all the way to our office.

- The caller misunderstands the process or how bankruptcy really works.
 - The caller is intimidated or just scared.
 - The caller doesn't want to risk feeling pressured or intimidated.
 - The caller thinks we are going to sit in judgment. .
- Give us a chance to build trust and rapport with the caller, so that the caller will feel comfortable enough to move forward with setting up and actually "showing up" for a more "in-depth" interview;

TAKE THE TIME TO LISTEN: Taking the time to really listen to the caller is critical. It may be the most important part of the Short Phone Consult. Think about it. Don't we all feel more of a connection to someone who takes the time to listen to us. In terms of the Short Phone Consult, you may be the first person to do so in a very long time. And especially when the caller is describing his or her biggest problems, problems the caller is embarrassed by, problems they may well have trouble talking about. If you are like me (not by any means the greatest listener), you may want to use this approach. I call the "**Tell me more**" approach. It's simple and works like this: You start by asking the caller something like "What can I help you with?". Then, shut up and listen. The answer is the whole reason they finally called a bankruptcy attorney. Assuming it is a debt-related problem, when the caller then describes his or her problem or problems, write it down and keep digging deeper and deeper by responding with "**Tell me more**" ,over and over, writing it all down, until there is nothing more to tell. Using this approach, there is no way the caller will not feel "listened to" and therefore more comfortable with you and our law firm and more likely to make and "show" up for a more "in-depth" consultation, and, as important, more willing to take the time to fill out our fairly extensive **Initial Intake Questionnaire**. Using this "Tell me more" approach, the caller will describe things in their own words, words that have meaning for them, words you can feed off of, words you can repeat back to them when it looks like we can or might be able fix the problem or problems with a possible bankruptcy filing.

REMEMBER: At its core, bankruptcy gets rid of debt. How can any caller NOT be better off with less debt? And, it puts creditors under control. How can that be anything but good for the caller?

- Get enough information to see if it makes sense for the caller to move forward with a more "in-depth" interview;
- Find out the caller's biggest problems;
- Show the caller how filing bankruptcy can solve those problems (subject to an "in-depth" interview);
- Where appropriate, instill a sense of urgency, perhaps by focusing on the seriousness of the problem(s) and what will likely happen if the caller act now.

Examples you all know: Vehicle repossession (behind on vehicle loan) / Loss of home to foreclosure (behind on mortgage payments) / Getting sued (“Have you been sued yet”) / Getting dragged to court / Wage Garnishments (Re: taxes and student loans) / More sleepless nights / No end to stress and worry / Less money to take care of the caller’s kids (food on the table, etc.).

- Flush out and address the caller's major fears, concerns, myths, and other objections concerning bankruptcy;
- Build curiosity and excitement about how bankruptcy can change the caller's life for the better.

Example: “If you don’t do something, where will you be in 2 years?” Answer is usually something like “No better off” or “In the same place”. Your response: “Want to change that?”.

- Where the caller is willing to proceed with an "in-depth" interview:

- (1) Set up an IC appointment in TimeMatters (usually a “Big Phone” consult)

CONFIRMATION EMAIL: Doing so will automatically trigger the sending of a confirmation email to the caller which confirms the appointment and explains what all is involved, and SMS text message reminders.

- (2) However, critically important, make sure TimeMatters includes the caller's correct:

- full name,
- email address and
- cell phone number.

- (3) Before picking a date and time for the appointment, please stop, state and emphasize the need to pick a date and time “you know you can make”, using words to this effect:

“We are real busy and only have a limited number of appointments. So, we need to pick a date and time you know you can make. Also, I need to let you know that this is a ‘one-time only’ FREE consultation. All the more reason we need to pick a date and time you know you can make?”

REASON: Lots of callers don’t show. We think it is mostly because, since it is FREE, the caller places no value on a free appointment. The same as we might if there was no penalty for not showing up to your doctor’s appointment. As in “Free has no value”. This language is designed to add value to the appointment.

ANSWER TO THIS QUESTION: Be prepared. The caller may say: “**What if I**

can't make it?" Here is your answer: **"If you can't make it, that's OK. You can always re-schedule, but then, you would have to pay the 'normal consultation fee of \$150' "**. When you say this, the caller may respond by saying something to this effect: **"I'll have to check and get back to you"**. Think about what this means: The caller is either not serious and just wants to get off the phone (better than wasting one of our few appointment slots) or the caller really does need to check his or her calendar or with a spouse (which means they really weren't focused on picking a date and time they know they can make, and thereby avoiding another wasted appointment slot).

(4) With the appointment set, tell the caller this:

"Within an hour or so, you will receive a confirmation email from 'ORCUTT LAW' that explains what all is involved".

"This email also explains about filling out our INTAKE FORM".

Then, and importantly, make the caller "promise" to check for an email later today, and if need be to check their SPAM, TRASH and ALL mail email folders.

(5) Lastly:

"One more thing: I need for you to get our 'online' INTAKE FORM filled out within the next 48 hours. We need this filled out in order to get started on your FREE consultation. Can you get this done right away, maybe even today?"

NOTE: Present it like you would if someone presented you with a job application or forms to fill out at a doctor's office, where 'of course' it needs to be filled out first.

If need be, you can add in things like this:

- **"Just do your best and we will do the rest."**
- **"Filling it out is easy."**
- **"You don't need to look anything up. Just put down answers you know off the top of your head".**
- **"It's fairly long, but just know that all of the information is important".**
- **."We need this information to understand your entire situation, so that we can fully and properly answer your questions, and so that we don't miss something important when we talk with you."**

Answering questions:

“What if I can’t get it done within 48 hours?”

Answer: “Unfortunately, we are so slammed with people trying to get in to see us, your appointment would be cancelled”.

“You would cancel my appointment?”

Answer: “Unfortunately, yes, to make room for someone who has already filled out the INTAKE FORM.”

“If you cancel my appointment, can I make another?”

Answer: “Yes, but you will need to have filled out our INTAKE FORM”.

- Motivate the caller to fill out our "online" Initial Intake Questionnaire by explaining that, although the form is fairly long, everything on the form is important, that the caller is only expected to fill out the form as best he or she can, that nothing more is expected, and that we will take it from there.
- Where we can't get the caller to proceed with a more “in-depth” interview at this time, to make the caller feel comfortable enough with us, to call us, instead of another attorney, when the caller is ready to get help.

NOTE: In the meantime, if it looks like it makes sense for the caller to move forward at some point, we are set up to immediately and automatically start sending the caller an extensive series of short emails that provide a vast amount of additional information about bankruptcy (Called our "No Hire" email drip campaign).

- Weed out callers who are clearly not good candidates for filing bankruptcy;

Note: For example:

- (1) Where the caller does NOT live in North Carolina, or
- (2) Where some fact comes to light that rules out a bankruptcy filing, or
- (3) Where the caller is calling about someone else’s debt problem.
- (4) Where the caller needs some other type of attorney, or needs us to represent the caller as a creditor.

Mandatory Notices and Info About Our Non-Lawyer Professionals forms:

In addition to weeding out obviously bad candidates for bankruptcy and making callers feel more comfortable with us, there is a legal requirement we must satisfy before we can proceed with an “in-depth” consultation. Under the law, before we can provide the caller with counsel or advice, which is the purpose of the “in-depth” interview, we must provide to the caller a packet which

includes 4 notices (we call them the “**Mandatory Notices**”).

In addition, since most of our initial interviews are conducted by paralegals, we need to get the caller to also read and acknowledge our “**Info About Our Non-Lawyer Professionals**” form.

When a caller comes into our office for a “face-to-face” interview, we give the caller a copy of these documents, at which time, we get them to sign acknowledging receipt of these documents. However, there does not appear to be any legal requirement that the caller actually sign anything. It is probably enough to provide the caller with a copy. Therefore, if the caller wishes to proceed with an “in-depth” “over-the-phone” interview, it is probably sufficient to simply email a copy of these documents to the caller, telling the caller in our email that, unless we hear back from the caller, we will assume that the caller has received, read and understands the documents.

NOTE: These documents can also be emailed to the caller using our Eversign esign program. If you don’t know how to do this, please contact Kelli Stanley in our Garner office.

THE INTERVIEWER'S ROLE:

- (1) Generally, no specific answers, **except expressly ‘subject to an "in-depth" interview’** OR specific advice is to be given. You can say things like "We help people like you all the time" or "This is exactly the type of problem we solve all the time", or however you feel comfortable saying it. However, mostly, we just want to get enough information so we can show the caller that bankruptcy may be the answer and to peak the caller's curiosity about what can be done, and to get the caller to come to the conclusion that it would make sense for the caller to move forward with an "in-depth" interview.. Think about it. We really can’t give our any specific information or advice without knowing everything about their situation, and not doing so avoids our paralegals from being accused of giving out legal advice, which would be unethical. In addition, if you provide specific answers, without knowing the caller's entire situation, the caller may not feel the need for our help and, in turn, less inclined to actually to make or show up for an appointment.. Even worse, a little information can be a dangerous thing. That is, the person will tend to take our answers out of context, and could well end up worse off in their situation.
- (2) Work under assumption that the caller needs our help.
- (3) Try to instill a sense of urgency in the caller’s situation. This is not hard. Most callers are already trying to pay out more money than they have coming in. Many times they are already getting behind on the car, truck or house. And, usually, the client is already feeling fairly desperate, stressed out and worried.

Making Notes:

Making notes in TimeMatters of ALL important points from our Short Phone Consult is critical.

There are several reasons for this:

- (1) To give the Interviewer who does the follow up Big Phone or Face-to-Face interview a “heads up” about this potential client.

There are 2 approaches to putting notes in TimeMatters:

- (1) Filling out and scanning in our **Short Phone Consult Results Form, OR**
- (2) Typing your notes into our TimeMatters “**SHORT PHONE Notes**” phone form.

NOTE: Either way, it may make the most sense for you to have “on hand” at all times several copies of the Short Phone Consult Results Form to write on.

(1) The Short Phone Consult Results Form:

This form is available in our HotDocs library in **THE SHORT PHONE CONSULT** folder. If need be, you can search for “Short Phone Consult” which will bring up 2 versions of this form. There is both a scripted version and a non-scripted version to choose from, depending upon your level of experience.

During the “Short Phone Consult”, make notes on this form.

After the Short Phone Consult, **complete the tasks required as indicated on this form.**

(2) Our TimeMatters “SHORT PHONE Notes” phone form.

You have 2 choices in this regard:

- (i) You can make notes on a **Short Phone Consult Results Form**, and then type your notes made on this form into our SHORT PHONE Notes form,

NOTE: I would prefer you do this rather than writing notes on a blank piece of paper or trying to just remember what was said. Think about it. The **Short Phone Consult Results Form** gives you a standard format to follow and also serves as a checklist of important information to gather and important points to cover.

OR

- (ii) During the call, you can type your notes directly into one of these **SHORT PHONE Notes** forms.

How to access the SHORT PHONE Notes form:

With the caller’s Short Phone Consult Event form open in TimeMatters, click on the “Phone” tab, and then the green “+” sign. Then, near the top of the screen, click on the “sunshine” button and from the list that appears, click on the “SHORT PHONE Notes” choice to create a new phone notes record on which you can type in your notes.

Basic questions for veteran Interviewer to ask the caller during the Short Phone Consult.

The following sets forth some basic questions for the caller, and the reason for these questions. There is nothing sacrosanct about these questions or this approach. Other approaches may work better. What I listed is what I could think of. You, as the Interviewer, will have your own style. Either way, the goal is the same. Screen the person to see if this is a person we want to come in for an "in-depth" interview, AND get them to want to show up for that appointment, AND committed to filling out our "online" Initial Interview Questionnaire as best possible.

Make sure you introduce yourself to the caller, the same as you would if the caller was sitting in front of you

Suggested Questions:

- (1) "Can I have your first name?"

Note: Don't press for the full-name at this point, in case the caller is skiddish. If they give you the last name fine, but don't press the point. By getting the first name, you can start using it over and over, in talking to them. Everybody feels more comfortable being addressed by their name.

- (2) "O.K., before we get started. The way we use this over-the-phone interview is to try to get enough information from you to see if it would be worth your time (or make sense) to move forward with a "full-blown", "in-depth" interview."

- (3) Optional: "O.K, now, I want you to know that everything you tell me is confidential?"

- (4) "Can I ask you some questions?"

- (5) **THE EMOTIONAL TRIGGER: Write it down and keep referring back to it, especially later if it appears that filing bankruptcy is advisable.**

"What is your biggest concern?" OR "Where is the pressure coming from?" OR "What prompted you to call us? Did something happen? Or something else that gets the client talking. Then, proceed with "**Tell Me More**" until there is nothing more to tell.

Note: The person would normally not be calling us if there was no pressure, and it only makes sense for us to focus in on the caller's specific pressure, or pressures. Probe for the real reasons the person called us. What is the problem or concern that got the person to finally call a bankruptcy attorney? Knowing this is critical. This is the person's current emotional "trigger". Assuming that filing bankruptcy would be of help, we need to show the person in front of you how we can use bankruptcy to fix the problem or relief the pressure. If we do this, the person will be much more likely to hire us. If we don't find a way to fix the problem or relief the pressure, we haven't addressed the thing that got the person to call us.

Note: **Listening and expressions of concern are critical at this point.** Using the "**Tell Me More**" approach (explained above) will help to pull out everything you need to know about the biggest concerns. It will also make sure the caller feels "listened to" and therefore, comfortable with us and with moving forward to get the help that only filing bankruptcy can provide.

Note: Almost no matter what the problem is, try to respond by throwing in something

comforting like: “**Tell me more**”, perhaps interspersed with things like: “I am sorry to hear that.” or “We see a lot of that?” or “Yeah, there are a lot of people with that problem.” Or “That is exactly the type of problem we help clients with”. Followed by “**Tell me more**” until there is nothing more to tell.

(6) “O.K., approximately how much unsecured debt do you have?”

Note: Trying to find out how much unsecured debt there is.

If need be, clarify that ‘unsecured’ debt is debt not secured by something like a car or home. If need be, as where the client seems to fumble over this question....prompt with something along these lines: “What are we talking about....\$10,000, \$20,000, \$40,000, \$80,000. I just mean ‘approximately’? It doesn’t have to be correct to the penny. I just want to get a feel for how much unsecured debt you have.”

Note: The idea behind this question and the next is to get at least 2 pieces of financial information. This serves a number of purposes: First, hopefully, it will give the caller the impression that we care and that we are involved in this conversation. Second, it will avoid the over-the-phone interview being so short as to seem meaningless to the caller. Third, we can credibly use this information to help instill a sense of urgency. Fourth, as you know, we are almost always able to get rid of all unsecured debt (aside from student loans, certain taxes, etc.). Fifth, by knowing a number, whatever it is, we can later plug that number into our response, to show the caller how much debt filing bankruptcy can get rid of and to give the caller perhaps the caller’s first inkling of just how beneficial filing can be. The actual number does NOT need to be accurate. A rough estimate is fine. It does not even matter if it is wrong, as long as the number comes out of the caller’s mouth. It really makes no difference whether it is \$10,000 or \$100,000, if the caller can’t pay it. Remember...No matter what the amount is, the caller would not normally be calling us unless the debts the caller has are causing distress.

Note: Now obviously, if the caller tells you that there is no unsecured debt or so little as to make a bankruptcy filing unadvisable, you may want to probe further into why the caller is calling. For instance, if the caller owes nothing but \$1,000 in unsecured debt, the caller would not be a good candidate for filing, unless there are other concerns such as threatened repossession or foreclosure.

(7) “Let me ask you this. How much are you paying each month on these debt?”

Note: You can clarify, if need be, by saying something like this. “How much are you paying each month on your credit cards?” AND “How much are you supposed to pay?” If need be, prompt with “Just approximately...are we talking about \$100 per month, \$300 per month, \$500 per month, \$1,000 per month?”

Note: If really does not matter what the exact number is. For purposes of this interview, I just want you to get the caller to come up with a number. We know from experience that the number if many times \$300 to \$1,500 per month, all told. We just need a large number to use and refer to...one that came right out of the caller’s own mouth. As you know, in most cases, this number will be the amount we can get rid of if the caller files bankruptcy. And, this does not even include savings on other debts we can eliminate, like taxes or by getting rid of a car or house, etc., etc.

(8) “If you did not have to pay this out each month, would that help?”

Note: Bankruptcy gets rid of some debts for good, finally and forever. People don't know this. Get them to imagine life, not having to pay out this money.

- (9) "Do you have a car or truck?" If so, "Is this something you want to keep?" If yes, "Do you owe any money on it?" If so, "are you behind on your payments?" If so.... "How far behind?"

Note: The caller may already have mentioned this, but the fact is that if the caller is behind on a car, truck or home, there will automatically be a heightened sense of distress and urgency if this is the case, and the farther behind, the more urgency there will (or should) be.

- (10) "What about your home? Do you own it?" If so, "Is this something you want to keep?" If yes, "How much is your mortgage payment? Are you behind on your payments?" If so.... "How far behind?" If behind, have them started a foreclosure yet?" If so, "What's the status of that?"

- (11) "If you don't mind, let me ask you this. What is your source of income? How much do you receive each month?" If there is income, "Do you have another other sources of income" and get the details.

Note: You need to know what you have to work with. Make sure you include the income from others like a spouse. You may also want to find out if there has been or is going to be an interruption in income. Make sure you don't overlook a source of income. Make sure you find out about any new income about to start.

- (12) If you have time, ask: "What have you heard about bankruptcy?" to quickly break through some of the myths, fears, concerns, and misconceptions.

Once you have this information, you can respond with something like this:

"Wow. I see. From what you are telling me, it looks like we may be able to get rid of that \$ _____ in debt, and save you at least \$ _____ per month.

and save [your car / your truck / your house / etc.] (if behind on any of these items)"

"How does that sound to you?"

or

"Would that help?"

"We need to you set up for a 'in-depth' interview", also "over-the-phone".

If caller is ok with it, set the appointment or get the Call Center to do so.

How to handle the callers questions and objections:

- (1) "Can I ask you a couple of questions?"

Answer:

“Yeah, sure.” (Let the caller ask. By listening, they will know we care and aren’t trying to cut them off.) Then, respond with something like: “That’s a good question, but I can’t say for sure without knowing everything about your situation, so we don’t give you the wrong answer. What I can tell you is this. We answer questions like that all the time. That’s what the full-blown interview is for.”

- (2) “Can I tell you more about my situation?”

Answer:

“Yes, you can. That’s why we offer a more full-blown face-to-face interview.”

- (3) “If I file bankruptcy, will I lose anything?”

Answer:

“Most of our clients don’t lose anything. But, that’s not something we can answer on the phone for you. That’s why we do a more “in-depth” interview...so we can find out everything about your situation....so we can answer that question.”

overphone.wpt (9/23/24)