

A Form of Substance: Using Intake Forms

by Wendy Inge

Recently a lawyer asked me if intake forms are useful. As is often the case, the answer to that is “it depends.”

A basic intake form that is general in content may do little to improve your intake process. But an intake form focused on a particular practice area can streamline and gather useful information from the client.

Develop a unique intake form for each practice area. For example, if you practice in wills and trusts, business formation, and family law, these areas each require different information. A wills and trusts matter requires an accurate list of assets owned by the client, evaluations, and tax implication information; in domestic matters it is important to know how long the parties have been married, number of children, work information, Social Security information; and in a business formation you should know the nature of the business, staff responsibilities, the terms of any agreement between the parties, and proprietary property. Having a well-developed intake form allows you to focus on information needed for your representation. The form should be revised regularly.

An effective intake form helps you identify other legal services the client may need. For example, intellectual property or trademark issues may arise when beginning a business. If your firm can provide these services presently or at a later date, good; otherwise, the client may appreciate an explanation of the additional legal needs and a referral to another lawyer. If you are represent-

ing a client on a new matter, use a fresh intake form.

An intake form documents the information provided by the client. Whether the client fills out the intake form or the lawyer does, it is important to review the information with the client and have him or her sign a statement

The intake form can be used to gather important information, improve efficiency, allow the client to confirm the accuracy of the information, and market additional services.

that the information is accurate. Clients often do not disclose assets relevant to an estate plan, or they misspell names, or provide other incorrect information. Thus, signing or initialing intake information protects the lawyer where incorrect information was provided by the client.

Always check the intake information against other sources to catch errors. There are times when an error has been created by the client.

Finally, regarding intake forms on the firm’s website, I encourage lawyers to limit the amount of information that a prospective client can provide by website or otherwise. Until an engagement agreement is executed, avoid taking actions that could cause the client to believe that you are representing him. While disclaimers on a website can help control this (click-throughs are best), it is still wise to be careful about the

amount of information you are collecting from a prospective client. Virginia Rule of Professional Conduct 1.18 creates certain duties of confidentiality, and a conflict may be created by the information received even if you decide not to represent the prospective client.



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