



Finding a Lawyer That Is Right for You

You may be seeking a lawyer—also called an attorney—for a variety of reasons. Not only can lawyers provide legal counsel in criminal or civil matters, they can offer advice about your legal rights in matters such as estate planning, business transactions, drafting wills and trusts, filing bankruptcy, adopting children and more. This guide is intended to familiarize you with different areas of law—and help you evaluate potential candidates to find a lawyer who best suits your needs.

Areas of Law

While lawyers are licensed to practice in any area of law, many specialize in a particular type of law such as litigation, criminal, taxation, labor relations, bankruptcy, business, environmental, immigration, juvenile, personal injury, etc. Following are some other common areas in which a lawyer may specialize:

- **Family Law**—Includes marriage, divorce, separation, annulments, paternity suits, child custody, child support, alimony, property rights, domestic violence, adoption and other family issues.
- **Estate Law**—Includes estate planning (including preparing Wills and Trusts), probate and income tax matters, the Federal Gift and Estate Tax, life insurance, Powers of Attorney, Living Wills, long-term care insurance, etc.
- **Elder Law**—Includes Medicare and Medicaid issues, Powers of Attorney, estate planning, nursing home rights, asset protection, Health Care Directives, etc. *Note*—Elder law attorneys may handle some of the same issues as other lawyers (specifically, Wills, Trusts and estates), however, they specialize in handling these issues for senior citizens.

- **Real Estate Law**—Includes buying, selling or renting property, title searches, easements (claim to another person's land) and encroachments (a structure that extends onto another's property), liens (claim to another's property as security for payment of a debt), etc.
- **Criminal Law**—Includes defending and prosecuting persons accused of a crime.

When you select a specialized lawyer, ask questions to make sure he or she is truly experienced in that particular area of law. For example, when choosing an elder law attorney ask what courses, education and experience he or she has in elder law. If you aren't sure which type of lawyer you need, consult a general practice law firm or the bar association for advice.

Finding a Lawyer

When seeking a lawyer, begin by asking for referrals from friends whose opinions you value. Remember, however, that even when a lawyer comes highly recommended you should do some comparison “shopping” for cost and area of expertise. Begin your search with the following resources:

- **Recommendations**—Ask co-workers or neighbors who have used a lawyer in the past for recommendations.
- **Lawyer Referral Services**—If your employer offers an education and referral service, you may be able to obtain referrals from it. Also check the yellow pages of your telephone directory or contact your local bar association for a list of lawyer referral services in your area. These services typically refer you to a lawyer for an initial consultation (usually 30 minutes) either by telephone or in person. The consultation may be provided free or at reduced cost,



however, if you decide to hire the lawyer, fees and arrangements will be additional. The lawyer should provide you with a written fee statement if representation is needed. *Note*—As with any professional, be sure to ask what the criteria are for lawyers recommended by a referral service. Not all referral services screen the professional credentials of the lawyers on their lists.

- **Law Directories**—Check your local library or the Internet for directories of lawyers and legal advice. Please refer to the “Helpful Resources” section at the end of this guide for a list of law directories that may help.
- **Public Interest Groups**—Nonprofit public interest groups sometimes provide assistance in finding legal representation. For example, the Department of Housing and Urban Development (HUD) housing discrimination agency offers information on housing issues, counseling on landlord-tenant issues and referrals to other agencies. To locate public interest groups, check the yellow pages under “Associations,” “Consumer Protection Organizations,” or “Social Service and Welfare Organizations.”
- **Low-Cost or Free Legal Service Agencies**—Depending on your income and type of legal issue, you may be able to get free or low-cost help in non-criminal matters. Legal aid organizations provide legal assistance, usually under the sponsorship of local bar associations or governmental units. Most states have a legal aid society that provides legal advice and representation for people who otherwise could not afford legal counsel. Depending on your situation and state laws, the court may appoint a lawyer to represent you at no cost. Check your telephone directory for a legal aid society in your area or refer to the “Helpful Resources” section at the end of this guide for information on how to contact organizations that provide free legal services.

Licensing and Qualifications

When choosing a lawyer, keep in mind that an attorney may practice law only in the states in which he or she holds a license. The licensing process varies from state to state, but most states only admit persons who have a degree from a law school accredited by the American Bar Association (ABA) and who have passed a licensing examination called the bar exam. Additionally, committees in each state review the personal and professional histories of bar applicants and some states require them to undergo a character review to make sure they are fit to practice law. Before hiring an attorney, contact the ABA or the state bar association to ask about his or her qualifications, educational background, and professional history. *Note*—All lawyers who are members of the ABA are licensed, however, lawyers are not required to be members of the ABA, so a lawyer may be licensed even if he or she is not listed.

Lawyers must be licensed; anyone who practices law without being licensed is breaking the law. Lawyers are licensed by the state bar. Most also choose to join professional associations like the state bar association or the American Bar Association. To find out if an attorney is licensed and in good standing, contact your state licensing agency for information on how to proceed. See the “Helpful Resources” section at the end of this guide for contact information.

Evaluating and Selecting a Lawyer

Once you have decided what type of lawyer you need, evaluate potential candidates carefully to find a lawyer that best suits your needs. Begin by conducting preliminary telephone interviews, then request an initial consultation with those lawyer(s) you are still interested in. Be aware that you may be charged for the consultation. Your goal when meeting with the lawyer is to determine if he or she can handle your case. Finally, before hiring any lawyer, ask for client references and contact them. To assist you, consider asking questions using the “Lawyer Evaluation Checklist” at the end of this guide.

Under the Rules of Professional Conduct, you are entitled to a lawyer who will remain fair, effective and efficient, and represent your best interest. If you feel you may have been treated unfairly, contact your state bar association or the American Bar Association.

Fees and Expenses

Once you've found an attorney you feel comfortable with, discuss fees, expenses and any other charges during your initial meeting. Clients and lawyers may work out any fee arrangement they wish, so long as the fee the client will pay is "not excessive or unreasonable." Some broad guidelines to determine if a fee is reasonable include such factors as the degree of difficulty of a legal task, the amount of time involved (i.e., research, investigation, case preparation, etc.), the experience and skill of the attorney, how much other lawyers in the area are charging for similar types of work, total of the settlement, and in some cases, the amount of work the attorney may have had to turn down in order to devote time to your case.

Many lawyers may require a deposit or *retainer*—an advance on legal fees—before taking a case. Make sure you and the lawyer both have a clear understanding, preferably in writing, as to what the total fee will be, or the basis on which the lawyer will be charging you a fee before hiring him or her.

There are various types of fee arrangements that a lawyer may choose:

- **Fixed fees**—For straightforward frequently performed services such as drafting a will or assisting with a real estate transaction, lawyers may charge a standard fixed fee.
- **Hourly charge**—Hourly fees are calculated by multiplying a fixed hourly rate by the number of hours the lawyer spends working on your case.
- **Contingent fees**—In certain types of lawsuits, a lawyer may agree to accept a portion of the money recovered—or a contingent fee—as the fee for services. The lawyer and the client must agree on the contingent fee in writing at the beginning of the case.

- **Division of fees**—At times, an attorney may hire another attorney from a different firm to help with the case. You must agree to this outside hiring and, if you do, get the fee agreement in writing so that all parties involved understand how the fees will be divided.
- **Fees set by a judge**—A judge may set the fees that an attorney receives. For example, probate matters that include guardianship can be set by the court or are subject to review by the court.

Note—As mentioned previously, depending on your income and the type of legal issue, you may be eligible for free or low-cost legal help in non-criminal matters. Please refer to the section, "Finding a Lawyer," for more information.

Working With Your Lawyer

To ensure that you get the best possible resolution to your case, it is important to develop a good working relationship with your lawyer. Come prepared with relevant information surrounding the case, (paperwork, legal documents, etc.) and be honest and open about facts surrounding your case. If you have questions at any time during the legal process, ask your lawyer. Effective communication is one of the most important elements of a successful client/attorney relationship.

If, for some reason, you are not satisfied with your lawyer, or the way the case is being handled, talk to your attorney about your concerns. In the rare instance that you cannot resolve your differences, you can file a complaint with the bar association or terminate the relationship and hire another attorney. Remember, however, that you will be responsible for any fees incurred for legal work already performed.

Helpful Resources

American Bar Association (ABA)

321 North Clark Street
Chicago, IL 60610
800-285-2221
www.abanet.org

The American Bar Association offers information on legal assistance and services, educational publications and referrals to state legal resources, as well as a link to a searchable database of attorneys.

The Martindale-Hubbell Law Directory

Martindale-Hubbell
121 Chanlon Road
New Providence, NJ 07974
800-526-4902, ext. 8001
www.martindale.com

Martindale-Hubbell publishes a complete listing of lawyers in the United States and Canada, including biographical information and their areas of specialty. The complete directory is available on the web site or check your local library. The "Lawyer Locator" allows you to access a searchable database of attorneys by name, location, area of practice and organization.

The National Academy of Elder Law Attorneys, Inc.

1577 Spring Hill Road, Suite 220
Vienna, VA 22182
703-942-5711
www.naela.com

This organization is a non-profit association that assists lawyers, bar organizations and others who work with older clients and their families. The web site provides a searchable database of elder law attorneys as well as information, education and assistance for those who deal with elder law issues.

The National Legal Aid and Defender Association (NLADA)

1140 Connecticut Avenue, NW, Suite 900
Washington, DC 20036
202-452-0620
www.nlada.org

This nonprofit organization provides legal assistance in cooperation with civil legal services and defense services throughout the nation.

Lawyer Evaluation Checklist

For your convenience, we have provided this checklist that provides sample questions to ask during telephone or face-to-face interviews with lawyers, or when contacting references. Make copies and use it to evaluate each lawyer you consider. *Note*—This checklist is intended as a guideline only; adapt it to your own needs as you see fit. Remember that you alone are responsible for ensuring that the lawyer you choose meets your needs.

Lawyer's Name: _____

Questions to Ask the Lawyer

1. **Are you licensed by the state to practice law?** No Yes (If the answer is no, do not continue).
2. **What is your area of expertise or the firm's specialty?** _____

3. **How long have you been practicing law?** _____
4. **How long have you been with this firm (if applicable)?** _____
5. **What bar associations are you a member of?** _____
(*Note*—A lawyer is not required to belong to a bar association, however, a lawyer must be licensed to practice. To inquire about the credentials of a lawyer, contact your state bar association or state licensing agency.)
6. **What is your experience handling cases similar to mine?** _____

7. **Who else in the office will be working on my case? Who can I speak to if you are not available or if I need to reach you in an emergency?** _____

8. **How many cases are you currently handling?** _____ **How will your caseload affect your attention to my case?** _____

9. **How available are you for telephone consultations?** _____
10. **How do you stay up-to-date with changes in the law?** _____

11. Do you provide clients with a brochure, press clippings, or materials that detail your education, achievements, experience, professional training, honors, awards, publications, speaking engagements or bar association activities? No Yes

12. Can you provide references from past clients? No Yes
May I contact them? No Yes

1. _____
2. _____
3. _____

13. What are the possible outcomes of my case and what are my alternatives for resolving this matter? _____

14. How will you keep me informed of the progress of my case? _____

15. What kind of approach will you take to resolve my case? Are you more willing to reach a settlement or go to court? _____

16. How will you gather evidence for my case? _____

17. How long do you anticipate it will take to resolve my case? _____

18. What are your fees and how often will you bill me? Do you require fees up front?
Do you have an estimate of what the total bill will be? _____

19. Do you ever work on a contingent fee basis? If so, what percentage do you require as your fee? _____

Questions to Ask Yourself After Speaking With the Lawyer

20. Did the lawyer seem willing to listen to me? No Yes
21. Did the lawyer answer my questions thoroughly and clearly? No Yes
22. Did the lawyer present both sides and outcomes of my case? Are there issues that support my case positively or negatively? _____

23. Did the lawyer know the most recent laws pertaining to my situation?
 No Yes
24. Was the attorney willing to discuss his or her educational background and experience in handling matters such as mine? No Yes
25. Did the lawyer explain that my communication with him or her is confidential?
 No Yes
26. Did he or she give me any advice about discussing my case with others?
 No Yes
27. Did I feel confident in the lawyer? No Yes
28. Did the lawyer give me complete information regarding fees and billing?
 No Yes
29. Did I feel comfortable speaking with the office staff and assistants? No Yes
30. Did I feel comfortable with the lawyer and his or her conduct? No Yes

Questions to Ask Other Clients (References)

31. Were you satisfied with the manner in which your case was resolved? No Yes
Please explain: _____

32. How long did it take the lawyer to resolve your case? _____
33. Did he or she return your calls promptly? No Yes
34. Did the lawyer listen to you and answer your questions and explain your options clearly? No Yes
35. Would you use this lawyer again? No Yes

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