

## **How and When to Hire an Attorney**

*Learn the best way to hire an attorney to ensure you get the right expertise — at the right price*

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Carefully choosing an attorney *before* you need one can save you time, money and potential litigation in the long run. Review the following to ensure you know when to hire an attorney, how to find a good one, and what to ask a potential attorney before you begin working with him or her.

### **I. When to Hire an Attorney:**

The main reasons you may need an attorney are:

- Litigation: criminal or civil case
- Personal matters: divorce, accidents and injuries, wills, estate planning, tax treatment
- Business transactions or regulatory issues: FTC investigations, acquisitions, governmental investigations, etc.
- Preventive/planning/compliance: The impact or interpretation of federal and state laws and business regulations

But the time to hire a business lawyer is *before you run into trouble*. Ask yourself:

- Is my business regulated?
- Do I have the right policies and procedures in place?
- To what extent have my employees been delegated the responsibility for compliance? Do they understand their responsibilities?
- Do I have a record retention plan in place?
- Have my employees been trained in workplace discrimination issues? In antitrust compliance and what not to do at trade association meetings?
- What legal entity should I form? (LLC, Subchapter S, Limited Partnership, etc.?)
- How do I do business with customers and am I protected?
- Am I anticipating a new acquisition, merger or transaction?

### **II. How to Find an Attorney:**

There are many ways to find an attorney, but not all of them are great. In my opinion, the best way to find an attorney who knows your industry and is a good fit for you include:

- Recommendations and referrals: Professional colleagues, other attorneys you trust, friends, other professionals (bankers, advisers, etc.)
- Comparison shopping – Talk with several attorneys before you commit to anyone
- State certified lawyer referral services (State & County Bar Associations)

Other ways to find attorneys are through pre-paid legal service plans, or from advertisements—neither of which is very effective. These are riskier ways to find attorneys and I do not recommend

you start there. You may also want to reconsider large firms if you will not get the attention you deserve. After all, you hire a lawyer, not a firm. Good lawyers are practicing by themselves, just as much as in large and mid-sized firms. It is the lawyer, not the firm, per se, you want. As for the Internet, you can review Martindale-Hubbell's On-line Directory at [www.martindalehubble.com](http://www.martindalehubble.com) or the West Group Legal Directory at <http://lawyers.findlaw.com/>.

### III. Questions to Ask

When meeting with attorneys, ask the following questions:

- o What experience does he/she have? Has he/she handled similar cases? With what result?
- o What are your options?
- o What do they charge and is it structured as hourly, fixed fee, or by retainer?
- o Are they willing to discuss alternative fee arrangements?
- o Will the fee arrangement be written down?
- o What is the cost (if any) of the initial consultation?
- o What is the budget for my matter/case? Can that be reduced?
- o What are the elements of that budget and how long will each part take?
- o What about expenses?
- o How will they keep you informed on status, upcoming events, and deadlines?
- o How does he/she communicate (phone, email, letter, etc.)? How long will it take for them to respond to questions you leave on their voice mail?
- o Are they certified as a trial attorney?
- o Does the State Bar Association have certifying specialties (i.e., estates; civil trial advocacy; criminal trials; creditors' rights law; elder law; medical malpractice, etc.)?
- o Will you be comfortable working with this attorney?
- o Do you understand the lawyer's explanation of your case or matter?
- o Are you comfortable with his demeanor?
- o What are his/her areas of specialization?
- o What "Continuing Legal Education" courses have they attended in the past few years?
- o Have they ever been disciplined by an ethics committee or suspended?

### IV. Rules to Live By...

In short, if you do nothing else, remember this:

- The attorney needs to comprehend the issues of the case/matter. Law expertise is not transferable; find an attorney with a specialty in the area with which you need help.
- Do not be afraid to negotiate the fee arrangement.
- Do not be intimidated.
- ***Golden Rule: Try to identify the right lawyer or lawyers before you need one!***

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NOTE: This article should not be interpreted as offering legal advice in any jurisdiction where such practice is not authorized. When legal issues arise, competent counsel familiar with your jurisdiction should be engaged, as your situation may vary depending on the facts and local statutes.