

How to Pick a Lawyer.....

By A. Michelle May

In a recent survey, Martindale Hubble, publisher of a legal directory, found some interesting facts about how consumers select a lawyer:

- 68% of consumers spend two hours or fewer gathering information before selecting a lawyer.
- 75% of consumers report that they would rely on friends and family as their first source when searching for a lawyer. The Yellow Pages came in second at a solid 50%.
- 46% stated they do not know how to find a good lawyer. Women are more likely than men to doubt their ability to find a good lawyer.
- 79% of female consumers and 68% of male consumers report feeling they “can trust” their lawyer is the most important factor in the selection process.

Most people have very little contact with lawyers and would have trouble distinguishing between a good lawyer and a not-so-good lawyer. Here are some tips for when you find yourself in the difficult position of needing a lawyer:

What kind of lawyer do I need?

First, determine what kind of lawyer you need. Once an attorney is licensed by the Texas Supreme Court, he or she is authorized to practice law in any state court in Texas and in any practice area. However, most lawyers focus their practice on very specific areas. In days gone by, most lawyers were general practitioners, meaning that they handled cases in a wide variety of practice areas. As the number of lawyers grew, the law became more complicated, and our society spread out, it has become necessary for lawyers to concentrate their efforts.

There are almost as many different practice areas as there are lawyers. For example, a lawyer who practices admiralty law might not be the best attorney to assist a person needing a divorce. Or, a construction lawyer might not be best suited for a real estate dispute.

Texas has a voluntary certification that lawyers can obtain in several practice areas, sponsored by the Texas Board of Legal Specialization. Lawyers who have been licensed for more than 5 years and who have shown experience and competence in their practice area are administered an examination and if passed, the attorney can call herself a “specialist” in that practice area. The areas of law in which an attorney may become specialized include:

Administrative Law
Consumer Bankruptcy Law

Business Bankruptcy Law
Civil Appellate Law

Civil Trial Law
Consumer and Commercial Law
Criminal Law
Estate Planning and Probate Law
Family Law
Immigration and Nationality Law
Juvenile Law

Labor and Employment Law
Oil, Gas and Mineral Law
Personal Injury Trial Law
Residential Real Estate Law
Commercial Real Estate Law
Farm and Ranch Real Estate Law
Tax Law

Although an un-certified attorney may be qualified to handle the matter in question, the certification procedure gives the consumer some minimum amount of information about the lawyer than would otherwise be initially known.

How do I find a lawyer that practices in the area I need?

Ask another lawyer. One of the best resources to find a lawyer that does the kind of law you need is through other lawyers. Everyone should know at least one lawyer they could call and ask for a referral. Even if the lawyer you know practices criminal law and you need someone to prepare a will, the criminal lawyer will be able to give you some referrals in the practice area you need.

Ask a friend or family member. If you have a friend who is a lawyer or works with lawyers frequently, ask him or her to help you find someone. Or, if friends or family have used a lawyer recently with whom they were pleased, ask for the name and phone number.

Bar Referral sources. There are also referral lists maintained by the State Bar of Texas and many local bar associations. The downfall of using these services is that there is usually no screening on the qualifications of the particular lawyer with the individual need. It is then up to the consumer to inquire sufficiently into the lawyer's experience compared to the need of the consumer.

Dallas Bar Association Lawyer Referral Service	(214) 220-7444
North Dallas Bar Association Lawyer Referral Service	(972) 980-0472
Tarrant County Bar Association	(817) 336-4101
Plano Bar Association	(972) 424-6113
State Bar of Texas Lawyer Referral Information Service	(800) 252-9690
	or (877) 9TEXBAR

Internet. The internet is an extremely beneficial source of locating a lawyer. Many websites maintain directories of lawyers nationwide. The two main national directories are

www.martindale.com
www.lawyers.com

Most law firms these days maintain websites and usually you can find those through any search engine. Often lawyers are active in professional or community organizations which may be featured on a website.

What do I look for in the initial interview?

The initial interview with an attorney that you are considering hiring is extremely important. Take with you to the interview all of the documents and other information that relates to your problem. Also take with you the names and addresses of the important people that have something to do with your case.

Don't be afraid to ask your lawyer about his or her credentials. Ask how many cases similar to your's that she has handled. Prepare a list of questions to ask when you get there – what is the law related to your case? What are the realistic outcomes? What is the lawyer's philosophy for handling your case? Does she recommend an aggressive approach or one geared more toward settlement?

Consider your comfort level with the attorney and the personal compatibility. Did you get a feeling of trust from the attorney? Did the attorney seem to know what she was talking about? Did the lawyer seem confident about your case? I never recommend that a person hire the first attorney they meet with – always interview at least two attorneys before making a hiring decision.

What should I expect from my lawyer?

Many people have never dealt with a lawyer before, so they don't know what to expect. First and foremost, you should expect frank, honest advice. Your lawyer should point out for you the strong and weak points of your case and give you a realistic expectation of the potential outcomes. She should keep you informed and send you copies of documents pertaining to your case. If a lawyer gives you a guaranteed result, *run the other way!!!* Lawyers are prohibited from guaranteeing any particular outcome, so be very leery if this happens. Don't expect your lawyer to act as a psychologist, financial advisor, tax planner, or to give any other advice outside of her expertise. If you need advice in other areas, consult a professional in that area.

What should my lawyer expect from me?

You should be completely honest and upfront with your lawyer. The best way for your lawyer to protect you is through complete information. Be prompt for appointments and hearings. Some people are not used to having major consequences for tardiness. I have seen more than one judge who doesn't hesitate to dismiss a case or fine a person for being late to court.

Keep your lawyer advised of your address and phone number. Although this seems simplistic, you can't imagine how often I have had clients move and fail to tell me. Also tell your lawyer if there are any developments or changes that affect your case.

What if I have a problem with my lawyer?

If a problem arises between you and your lawyer, be open and discuss it. Give your lawyer the opportunity to correct the problem. If the problem can't be resolved, you have the right to hire

another lawyer to help you. Be aware, however, that you shouldn't make these kinds of decisions too close to a court hearing, as you might not be given additional time to find a new attorney.

If you have a dispute with your attorney over fees charged, many local bar associations have fee dispute committees that will mediate the problem. Although the bar association cannot set maximum or minimum fees for particular services, it can provide an outlet to resolve the dispute. Both parties must agree to use this service. The Dallas and Tarrant county bar associations maintain such committees:

Dallas Bar Association (214) 220-7400

Tarrant County Bar Association Fee Dispute Committee (817) 335-1615

If your dispute involves a breach of ethical conduct by the attorney, you may be able to file a complaint with the Chief Disciplinary Counsel's Office of the State Bar of Texas. You may reach their Grievance Hotline by dialing (800) 932-1900 or you may access that information on the State Bar of Texas website at www.texasbar.com. You will be given information about how to file a written complaint. An investigator will review the written complaint to assess whether it alleges a violation of the Texas Disciplinary Rule of Professional Conduct.

Who pays attorney's fees and how?

Most attorneys require an initial consultation fee. In other words, you'll have to pay for the attorney's time during your first meeting. This fee is usually not more than one hour of the attorney's time at her usual hourly rate.

During the initial meeting, the attorney should explain the fee arrangement for your case. Most cases are handled on a retainer basis. The client pays a retainer to cover a certain amount of time spent on the case (usually between one and two months of work) and is billed hourly. Most attorneys require that the retainer be replenished when it has been used up. If your case is a simple matter, it may be handled on a flat rate. Most simple wills are done on flat rates. Personal injury cases, like automobile accidents, are based on a contingency fee. The attorney takes a percentage of any collected award – usually between 33% and 40% – and the client doesn't pay a fee if there is no award.

You should always have a written agreement with the attorney about the fees. Further, make sure you understand what you are going to be charged for – like copies and phone calls.

Many people want to know if the attorney can get the fees from the opposing party. The answer is relatively simple – probably not! There are very few instances where the opposing party will be required to pay your attorneys fees. In the rare case where it happens, it will come as a reimbursement at the end of the case for what you have already paid.

If you are a person of very modest or low income, you may contact the nearest legal aid office to see whether you qualify for free legal services. The Dallas office of Legal Services of North Texas telephone number is (214) 748-1234. If you live outside of the Dallas area, you may

call the State Bar of Texas at (800) 204-2222 ext. 2155 for a referral to another legal aid office. If criminal law is involved, you may be entitled to have the judge over your case appoint a lawyer to represent you.