

How to Hire a Lawyer

The Yellow Pages Is Not the Place to Begin a Search

By MICHAEL KATZ, Esq.

At some point in life, everyone needs to consult with an attorney, but there are many things that should be considered when trying to find the right one.

Knowing *how* to approach the task of choosing a lawyer is perhaps the first step in the process.

Where to begin?

The best references are from trusted associates. These can include accountants, friends, insurance agents, clergy, bankers, stockbrokers, etc. Consider people with whom you serve on civic boards or church organizations. Is there an attorney on the board whose manner of handling matters demonstrates leadership and intelligence?

If you do not have access to people who know an attorney, you can consider contacting your local bar association to request a recommendation. There are also professional organizations and publications that you can consult for recommendations, including *Boston Magazine's* "Super Lawyers" issue, *BusinessWest* magazine, and Martindale-Hubbell, (martindale.com.) This well-established organization rates attorneys and law firms on both legal ability and professional ethics, and it is widely used throughout the legal and business communities. The highest quality lawyers will be rated AV.

Making Your Initial Contact:

Once you have identified potential attorneys with whom you would like to speak, it is recommended that you contact them by phone and explain the type of problem you have, to see if they

are interested in handling that type of matter. You should ask if they offer a free initial consultation, or whether you will be charged for the first meeting.

Ask their experience level within your particular area of the law. Several of the basic legal areas include family, business, estate planning, personal injury,

employment, litigation, real estate, immigration, tax, and banking. Even general practitioners tend to specialize in a few of them. Ask how many similar cases they have handled, the number of years that they have been in practice, and the size of their firm and support system.

Next, check the background of the attorney and his or her law firm. A good way to do that is to review the firm's Web site. See what awards the attorney has won, undergraduate and law schools attended, and whether he or she has published articles that correspond with your practice area. All of these are indicators that will help you to further gauge the attorney's level of expertise within your required field. You may also want to check with the state licensing authority to see if there have been any ethics violations brought against the attorney. In Massachusetts, that information can be obtained from the Mass. Board of Bar Overseers, located in Boston.

Discuss Fees and Billing Procedures:

Ask how the attorney sets legal fees. There are a few fee options, including hourly, flat, and contingency. An attorney provides knowledge in return for a fee, which normally includes charging

above fee distinctions; for instance, a reduced hourly fee may be agreed upon in combination with a contingency fee.

In regard to attorney bills, you should ask how they are determined and how often they will be sent. Will you be required to pay a retainer? If so, will you be billed monthly, quarterly, annually; and what does the fee you are paying include? In addition to legal fees, will you be responsible for filing fees and additional expenses if a lawsuit is filed?

Come Prepared for the Meeting

To best prepare yourself for that initial meeting with your attorney, you should be organized. This will ensure that you present all of your important facts to the attorney, and this will better allow him or her to address your issues. It is a good idea to provide a written narrative of the facts as you understand them, and bring copies of all of your documents so that the attorney can retain a set for further review and discussion.

It is important that you disclose all of the facts to the attorney, both good and bad, and that you do not hide any information. Full disclosure is the only way that an attorney can give you honest advice and a fair assessment of the viability of your case. Generally, all of the facts eventually come to light, and it is both embarrassing and disheartening to realize that had you disclosed all of the facts at an earlier stage, your attorney may have been able to dramatically improve your case.

Finally, remember that the attorney wants to succeed on your

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you for phone call consultations as well as office visits, so you should clarify how fees are calculated.

- Hourly fees are most often used by an attorney in non-personal-injury cases, whereby the attorney will charge an agreed-upon fee for the amount of time spent on your behalf;

- Flat fees are most common in certain types of consumer cases, including real estate closings, simple wills, simple bankruptcies, and other matters that can usually be estimated to take a certain amount of time. This should be discussed and agreed upon before the work is done;

- In personal injury cases, and sometimes in other instances, an attorney will agree to handle a matter on a percentage basis, called a contingent fee. In those cases the attorney is paid a percentage of the money that is recovered on your behalf;

- In some cases, an attorney will consider a combination of the

behalf and needs to know that you are as committed to your case as he or she will be. You should have a clear expectation of your prospects for successfully obtaining your goals after the attorney has presented his or her analysis of the potential outcome. If you do not get a positive feeling from your discussion with the attorney, or you sense a lack of enthusiasm

for your case, you are probably better off to consult with another attorney to see if you can make a better connection.

Most attorneys are educated, compassionate, and caring people, who genuinely want to do well for their clients. Working together as a team with your lawyer will substantially improve your chances for success, whether

purchasing your first house, obtaining immigration status for your aunt, forming your new business, or obtaining damages from the contractor who failed to properly finish your kitchen.

Hopefully, you will have a successful outcome and will have made a new friend for life.❖

Michael B. Katz, Esq. is a senior partner with the law firm of Bacon & Wilson, P.C. A frequent author and lecturer on business and health care matters, he specializes in business, insolvency and health care legal matters in the firm's Springfield, Westfield and Northampton offices; (413) 781-0560; mkatz@bacon-wilson.com.