

How to Find a Good Lawyer When You Need One

By Michelle May O'Neil, Dallas Texas Divorce Specialist

Most people do not have a clue how to find a good lawyer when they need one. In fact, statistics show that 68% of consumers spend two hours or fewer gathering information before selecting a lawyer. The vast majority of consumers report feeling they “can trust” their lawyer is the most important factor in the selection process.

The first step is to determine what type of lawyer you need. In most states, a licensed attorney may practice in any field of law, but most concentrate on very specific areas. Most states also have a process of specialization for attorneys. “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,” says Michelle May O’Neil, a board-certified Dallas divorce lawyer.

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.

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.

There are also referral lists maintained by most local and state 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.

The internet is an extremely beneficial source of locating a lawyer. Many websites maintain directories of lawyers nationwide. 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. “My firm’s website is a key tool in educating clients on what distinguishes my family law firm from another firm in Dallas,” says Dallas Divorce Lawyer Michelle May O’Neil. “I find that most potential new clients read all or part of an attorney’s website before meeting in person.”

The next step is to conduct an in-person meeting with the attorney. 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 yours 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.

The next step, once you have decided on an attorney, is to establish reasonable expectations. 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.

Likewise, 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.

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. If your dispute involves a breach of ethical conduct by the attorney, you may be able to file a complaint with the state bar association

A very important aspect of hiring an attorney involves payment of the attorney's fees. 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 fully 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. If criminal law is involved, you may be entitled to have the judge over your case appoint a lawyer to represent you.

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