

CHOOSING A LAWYER¹

Choosing a consumer service is often more difficult than selection of a television, a fur coat, or a bicycle. With services, it is difficult to gain adequate knowledge about something which is intangible and judged on qualities. Shopping for a professional service adds further complications because a professional is expected to be highly regarded, trustworthy, competent, and ethical.

One type of consumer service which needs careful consideration is the choice of a lawyer. Several difficulties occur in choosing a lawyer. Many people who may need a lawyer do not consult one because of the uncertainty faced in finding someone who is competent. No device has been developed that will measure a lawyer's competence. Often the consumer believes that a lawyer is knowledgeable in all areas of law and can deal with any problem.

When Do You Need a Lawyer

An individual needs to know when to utilize a lawyer. Perhaps the best time to consult an attorney is before a problem arises, not after trouble arises. Preventive advice is an important service that a lawyer can provide. You should consider consulting an attorney about a number of common situations, including the following:

- Buying or selling a home or other real estate
- Organizing a business or making a major purchase
- Changing your family status (e.g., by divorce or adoption)
- Making a will
- Planning an estate
- Signing a large or important contract
- Handling accidents involving personal injury or property damage
- Defending a criminal charge or bringing a civil suit
- Wrongful death cases
- Industrial accidents

How to Find a Lawyer

To begin the selection process, a list of likely candidates should be compiled, narrowed to a few possibilities, and an interview conducted with these. Several sources of candidates can be consulted. One source is someone in an area related to your case--marriage counselors for a divorce, a physician

¹Prepared by Glen Mitchell, Extension Specialist, Consumer Education, and Phyllis Zalenski, Graduate Assistant, College of Human Resources, Virginia Tech.

for a personal injury case, or a local consumer group for a consumer problem. Another source is a lawyer-referral service sponsored by a county or city bar association. In Virginia, we have available the statewide Lawyer Referral Service with a toll free phone, 1-800-552-7977. A small fee will be charged for the lawyer interview. If utilizing a referral service (over 275 in the U.S.), ask if the service refers lawyers by rotation rather than by background or nature of the legal problem. It is important to determine the type of screening and selection process used.

Recommendations may also be obtained from teachers of law at a law school. A friend who has had a similar legal problem may also be consulted to give you ideas about fees and a personal opinion of the lawyer's performance. Caution is necessary because of the possibility that the friend may not be skilled in evaluating services properly or have overlooked a better candidate.

Another decision which must be made is the type of lawyer wanted. Individual or family matters are often handled by an individual lawyer or a small firm. Larger firms may be best for business matters. They employ staff specialists for complex cases.

Interviewing the Lawyers

Many lawyers will offer a free initial consultation. When visiting for the first time, be sure the lawyer understands the purpose of the visit. Observe the attitude and mannerisms of the lawyer and staff. Consider also the impression given by the office setup. During this session, don't expect specific advice.

When interviewing a lawyer, several areas of consideration should be included. One is the lawyer's handling of similar cases, amount of time spent on those cases, and the results. You should also ask about use of paralegals and standardized forms, which would reduce fees. Office procedures should be outlined and include times for meetings, night and weekend hours, amount of personal attention given, and sources consulted by the lawyer for complications that may occur. The lawyer's special background or expertise that may apply to your problem is also important. Inquire about outside activities (teaching, bar association committee membership, etc.), publication of books and articles, and postgraduate experience.

Costs Involved

Consumers should be frank about their financial expectations when meeting with a lawyer. It might be wise to compare fees, especially because fees may vary according to the legal service needed. In a criminal case, for instance, the lawyer will probably ask for a nonrefundable retainer, or fee paid in advance. For a divorce or estate planning, most lawyers will charge an hourly rate. In a personal injury case or house closing, lawyers will usually ask for a percentage of the dollar amount involved. With lawyers, you usually get what you pay for.

Regarding the handling of fees, a lawyer should be willing to discuss fees at the initial consultation. A written estimate of charges is desirable, with services and extra fees included. An itemized bill at the end of the case with a listing of out-of-pocket costs is helpful.

For some legal problems you will want a lawyer with a lot of experience and expertise who will be willing to devote considerable time and energy to your case; other problems may be more routine and less demanding of the lawyer. Let the nature of your legal problem help you decide how much to spend on legal fees.

Ask for the names of three satisfied customers and be certain to call them.

The following checklist offers suggestions on considerations when choosing a lawyer.

CHOOSING A LAWYER--CHECKLIST

Lawyers

A	B	C	D

Personal Qualifications

Ability

Experience

Reputation

Manner, attitude, and responsiveness

Expertise

Amount of time in continuing legal education

Suitability for case

Percentage of time spent on similar cases

Participation in outside activities
(teaching law, taking law courses,
government offices held, involvement
in community affairs)

Memberships in organizations

Handling of Fees

Methods of payment

Use of written estimates

Retainer requirements

Use of contingency fees

Lawyers

	A	B	C	D

Procedures

Initial consultation process

Time spent on cases

Handling of correspondence and documents

Information given on new development in case

Amount of personal attention

Use of paralegals

Use of standardized forms

Use of estimated time table

Use of staff specialists

Office setup

Available night or weekend hours

Consultants used for complicated cases
availability for appointments

CODE: VS=Very satisfactory
S=Satisfactory
U=Unsatisfactory

