

**“How to find the right Solicitor for you and
what questions to ask when you do...”**

Special Report prepared by



Contents

Introduction	3
When should you use a business lawyer?.....	4
Finding the right lawyer	6
# Tip 1 Where to look?.....	6
# Tip 2 What to consider?	7
Questions to ask.....	8
# Tip 3 Preparation for the first meeting	8
# Tip 4 Expertise and Experience - Honesty and straight-forwardness	9
# Tip 5 Costs.....	10
# Tip 6 Agree a timescale.....	12
# Tip 7 Communication.....	12
# Tip 8 Technology	13
# Tip 9 Risk and analysis.....	14
# Tip 10 People.....	15
# Tip 11 Lawyer's or Law firm's style and personality	16
# Tip 12 Scope of work, assistance and advice	16
# Tip 13 Confidentiality, legal privilege and conflicts of interest.....	17
# Tip 14 Complaints and client satisfaction	18
# Tip 15 Balance, perspective, perfection and the bigger picture	18
Finally.....	20

-o0o-

Please do not copy this report

The information in this report are the culmination of many years of experience. Please respect the work the work that goes into compiling such a report. Thanks for your cooperation and understanding.

Copyright 2005-2009 by Truelegal Solicitors. All rights reserved worldwide.

-o0o-

You may give this report to whom you like

Although we ask you not to copy this report you may forward it to anyone you think may find it useful.

The easiest way is to forward by email attachment but you may also print it out for your use or give to others.

-o0o-

Introduction

Hello. My name is Martin Truman, and I'm a practising solicitor and head of commercial law firm, Truelegal Solicitors, a member of the Law Society of England and Wales and regulated by Solicitors Regulation Authority.



Truelegal also runs the Legal Advice Centre to provide businesses and their owners access to legal and business information through articles, reports (like this) and free guidance from qualified solicitors.

In my 15 years in commercial legal practice I have worked with all sizes of both client (from multi-nationals to individual entrepreneurs) and law firms (an international law firm with several hundred lawyers, a mid-sized firm and a boutique niche practice). I have also worked opposite scores of other lawyers from firms of all sizes and backgrounds.

In my time as a lawyer, I've often been amazed at the naivety of many business clients when dealing with lawyers. There's a common misconception that all lawyers are greedy and don't have time to really understand their clients' needs and objectives. It's not surprising, then, that many clients don't expect anything different. But it doesn't have to be that way.

A good lawyer will work in close partnership with your business and actually save you money. But the responsibility for finding the right lawyer in the first place lies with you - and that's usually where the problem lies. Many businesses simply don't know how to go about finding the right lawyer or what questions to ask. And why should they? It's difficult to find any practical and meaningful guidance on the subject and, let's face it, one law firm's website or brochure is often pretty much the same as the next.

And that's why I decided to write this special report. It seemed to me that there was a need for a comprehensive, no-nonsense guide to assist businesses in choosing the right commercial lawyer - I hope you find it useful.

A handwritten signature in black ink that reads "Martin Truman". The signature is fluid and cursive.

Martin Truman, February 2009

PS If you have any questions or would like guidance on a business legal matter from a qualified solicitor please don't hesitate to call: 01392 872437 or email us at ask@truelegal.co.uk.

PPS You will find more legal information at www.truelegal.co.uk and www.legal-advice-centre.co.uk

When should you use a business lawyer?

If you own a business you will, at some point, need a lawyer. Contrary to popular belief, **lawyers do more than solve problems and get you out of sticky situations**. An experienced small-business lawyer can help you start your business, look over proposed leases and negotiate and prepare contracts. In short, they can create the most suitable operating structure for your business and put in place the right paperwork for your business to maximise its potential within a compliant framework.

Lawyers can also help you understand and comply with the myriad of regulations that govern everything from finance and credit, to incorporation and planning. It's money well spent, as to be in breach of such regulations would cost you rather more than your lawyer's time.

In fact, there's a whole range of business issues where a lawyer can be well worth his, or her, weight in gold, saving you time, money and unnecessary headaches. Here are some **common examples of areas where small businesses should seek the help of a commercial lawyer**:

- **Business start-ups or expansions:** a lawyer can give advice on the right structure for your company. For example, should you trade under your own name or through a corporate name? Should you trade as a sole trader, limited company, limited partnership or partnership? It could make a big difference to your personal liability should anything go wrong. Do you need an agreement between the shareholders or partners?
- **Sales:** if you are selling goods and services, how can you minimise your liability? What should you do if you want to use a third party to sell or distribute goods on your behalf? How would a framework agreement benefit you?
- **Online:** avoid the pitfalls of doing business on the web. For example, what do the Distance selling Regulations mean? If you don't know what they are and you sell on the web you should get legal advice.
- **Intellectual property:** how can you protect your idea, brand or invention? What should you do if you want to sell or licence your intellectual property rights? How can you maximise the protection of your goodwill, branding or confidential information?
- **Property leases:** if leasing a property for your business, what are the implications of the terms of the lease? What restrictions are there on running your business from home?

- **Employees:** what are your obligations to your employees? What can you do if someone is not doing their job properly?
- **Licensing:** do you need a licence to trade? If so, how do you get one?
- **Finance:** what sources are available to finance your business? Do you need assistance in preparing a business plan for the bank?
- **Insurance:** what type of insurance should you apply for? What are your obligations if your workers are injured on the job? What happens if your workers or products injure other people? Do you need professional indemnity insurance? If something should happen to incapacitate you, what will happen to your business? Will your spouse or home be protected?
- **Tax:** what is the best way to plan and structure your business to minimise tax? What kind of allowances can a business claim?
- **Disputes:** if you have a falling out with a partner or shareholders, how can you preserve your interests? How do I chase a bad debt?

Whatever your business needs, specialist legal expertise does exist and could save you a lot of money in the long-run.

But there is **strong competition for your business** and if you end up choosing the wrong lawyer and having a bad experience, you really have no one to blame but yourself.

So how do you know whether a lawyer is the right one for you, or even competent?

-oOo-

Finding the right lawyer

In the UK, the lawyer you go to first is a solicitor. Usually he/she may be able to handle your entire matter without going to court. (However, when the case is difficult or unusual, you may be advised to seek the advice of a barrister, who is an expert in a particular area and who specialises in courtroom appearances. You cannot approach a barrister directly but, rather, need to go through a solicitor.) For stuff that does not need to go anywhere near a court the solicitor will be the only person you need to speak to.

To be certain of hiring a lawyer who is honest, competent and, just as important, right for you, then, it's most important that you ask plenty of the right questions.

Here are my **Insider Tips** on what to do, ask (both the lawyer and yourself) and consider when deciding who is the right lawyer for you:

Tip 1 Where to look?

With so many lawyers running around these days, you'd think it would be easy to find a great one for your business. Unfortunately, a surplus of trained legal professionals does not mean they all have the expertise you need. You are going to have to search to find just the right legal expert.

- **Start with referrals from accountants, bankers, successful business owners and trusted friends.** The Law Society offer referral services as well, but they don't tell you much about the lawyer - just that they are a member of The Law Society.
- **Try the web.** Of course, not everyone is going to make a final decision based on a Web site recommendation or search, but the brave do and are often well rewarded. Don't be afraid to call the number on the website – particularly if the site makes it clear that you should call for advice.
- **Law directories, local legal or bar associations, business or government agencies** are other places where there is information on getting names of lawyers in your area specialising in your particular problem.
- **And networking clubs** such as www.ecademy.com are a great place to find out more about the individual rather than the firm as a whole.

Tip 2 What to consider?

Choosing the right lawyer to work with should be like choosing a business partner. You need to do the research to find the one that can best address your needs and with whom you feel comfortable. I advise you to **have a shortlist of lawyers that you will want to interview individually.**

Warning: the cheapest lawyer may not be the best for you. But nor is the most expensive a guarantee of good advice either.

Apart from price **you should consider:**

- whether speaking to someone your own age/gender will make you feel more at ease
- looking for a solicitor who specialises in a particular area of law related to your problem
- choosing a firm that is close to where you live/work - but only if a face to face meeting is essential
- looking for a firm that is willing to take your case on a 'no win, no fee' (conditional fee) basis – but this suits some types of work better than others
- the difference between office lawyers and litigators. If your lawyer is an office lawyer who has never ventured into court, be wary of going to court with him or her on a maiden voyage. Similarly, don't ask an insurance defence lawyer (a "litigator") to give you tax advice. Of course there are some lawyers who are fluent in "office" and "court" work as well, just as there are people who are fluent in more than one language. But the languages of litigation and office work are very different and there is not a lot of spill-over between the two.

-oOo-

Questions to ask

Before the first meeting

Tip 3

Preparation for the first meeting

Being prepared will instil you with confidence and, more importantly, **save you money**.

Before going to your first meeting with your lawyer, you need to:

- be clear what your problem/ issue is and what you hope to gain from legal action or advice. What are the risks you need to address?
- prepare and organise all the information that relates to your case or query and bring it with you. This includes any facts, documents, photographs or diagrams, as well as a list of expenses you might have incurred. Collecting information on your case as completely as possible will help your lawyer to advise you properly and quickly.

A significant proportion of the time a lawyer spends on some cases is glorified sorting, filing, collecting and presenting of factual information in a form that is useful. **Given that most lawyers still charge by the hour, you'll save yourself some money by providing a thorough and well-organised information pack.**

At the first meeting

Many lawyers are willing to meet with you briefly without charge so the two of you can get acquainted. During (or soon after) this first meeting, you can decide whether you want to use that lawyer. Many people feel nervous or intimidated when meeting lawyers, but remember that you are the one doing the hiring, and what's most important is that you are satisfied with what you're getting for your money.

Tip 4 Expertise and Experience - Honesty and straight-forwardness

- **How long have you been practising law? What is your overall experience and your experience with cases like mine?** It's important to know how long a lawyer has practiced and whether he or she has handled similar cases. Don't be baffled by the letters PQE – they mean Post Qualifying Experience. Look for at least 5 years' experience.
- **Are most of your clients individuals or businesses? What kind of businesses?** Again, you need to be sure that the lawyer is experienced in dealing with your particular issues. Look for experience with similar businesses or sectors. Every small business is different. A home-based Web designer will not encounter the same legal problems as a restaurant owner. You need a lawyer who understands your business. You can find someone who is honest and competent and whose style appeals to you — but that doesn't mean you've found the right lawyer.

You also need to determine that they're experts in the area of law most applicable to you or your business. During your initial consultation, ask the lawyer to outline some of the cases he has handled that are similar to your situation. And don't hesitate to ask for the names of other clients and for their contact information. Any lawyer who refuses to let you talk with past clients has just raised a red flag. Look elsewhere.

- **Do you have a firm brochure or website with your biography?** Although many brochures and websites are little more than glossy bits of advertising, they may give you a feel for the size of the firm and the credentials of its lawyers. Most will give you some background information about individual lawyers and their areas of expertise.
- **Whom do you regard as your competition and why should I use you?** This is a good way of finding out which other firms you might want to consider to do your legal work and what their unique selling points are.
- **What are you good and bad at? What is your experience in this practice area? What else do you do?** Your lawyer should be straight with you about his or her areas of expertise, and should be willing and able to rank (roughly) his/her experience and expertise in other areas. A lawyer should be happy to tell you what he or she does often or well, or doesn't really like to do. If he/she claims that he/she is an expert in all areas, beware: a lawyer should be able to admit there are matters he/she can't or shouldn't handle, and should be willing to refer you to somebody else on such matters.

So, look for some degree of specialisation. One of the reasons there is such a wide range of cost for legal advice on buying a business, for example, is that lawyers who don't do that type of work often naturally take more time to get the job done. If you are paying by the hour, and

that is the common way to charge for legal services at this time, then more time obviously means more money. However, just because the lawyer advises on business purchases efficiently, does not mean that he/she is competent to advise on other areas of business law, for example, living trusts.

- **Will you personally do all of my work?** Senior lawyers will often enlist the help of trainees or junior lawyers on their cases. Sometimes, this may be to your advantage as, the more inexperienced the lawyer, the cheaper the rates. But, conversely, it may take an inexperienced lawyer twice as long to complete more complicated work. You need to feel confident with the level of expertise being offered. Ask to be told if your case is referred to another lawyer in the firm. And beware paying for two or three lawyers when one is all you need.
- **Do you have references?** Ask for references from people or businesses similar to you. Call each reference, and ask them to convince you that the lawyer will do a good job for your company. If you're not convinced, keep looking.

Tip 5 Costs

You've heard all the lawyer jokes (How do you make a lawyer smile for a wedding photograph – ask them to say “Feeeeeeeeees”) and read the bad press (“Compensation wiped out by legal fees”), BUT a good lawyer can help save you money, and money carefully spent on his or her legal fees is well spent.

- **Is my first appointment free?** Some lawyers provide the first appointment or initial consultation for free. Ask about this when you make an appointment. You certainly shouldn't have to pay for an initial consultation, although some lawyers will try charging a fraction of their hourly billing rate. Don't even consider a lawyer who wants to charge you his or her full rate for an initial consultation.
- **Understand the law firm's fee system before you hire a lawyer.** Understanding what and how you are to be charged is obviously important. Billing procedures and rates are a common point of disagreement between lawyers and clients. The more you know ahead of time, the better off you'll be. Again, this is another one of those questions designed to eliminate disagreements later on. Too often clients find themselves on the hook for hidden costs they knew nothing about.

Ask about the account management process – i.e. how often will you get to speak to the lawyer about how your matter is progressing and be given an update and breakdown of costs? If you have a tight budget, let

them know and see if they will agree to a fixed price for the work – if it's a straightforward piece of work, this shouldn't be out of the question.

- **Check for hidden extras.** Ask what additional charges there are likely to be (often referred to by the lawyer as “disbursements”) such as searches, stamp duty, bank charges etc. Although it should have been made very clear, make sure whether the figure you have been quoted includes or excludes VAT.
- **What do you estimate as the total cost to me?** Don't be concerned if the lawyer resists answering this question. So much of the cost of a case depends on the degree of conflict between you and the other party, and you know that better than the lawyer. You may learn a lot from the lawyer's answer, however, so it's helpful to ask. If your fee arrangement is to be hourly, you should also ask your lawyer to notify you when he or she realizes that the estimate is likely to be exceeded.
- **What can I do to reduce the charges?** Ask if there are any tasks you can do yourself to cut down on the amount you will be charged.
- **Conditional Fees (No Win, No Fee).** This means that if you lose your case, you don't have to pay your lawyer, but you may have to pay the legal fees of the winning party. However, if you win, you might have to pay a higher fee. This type of arrangement is most often seen in cases relating to accident/personal injury, human rights cases and insolvency. Increasingly, forward thinking commercial lawyers are prepared to share the risk of other types of commercial transaction with the client. Expect the fee to be higher for a win than it would have been had it been a fixed fee, as long as you pay less or nothing for a “loss” or aborted transaction.
- **Please confirm this in writing.** In most cases your lawyer must advise you in writing how much the work will cost or, if that is not possible, how costs will be calculated. Don't sign any agreement about fees unless you understand it and are happy with it and don't even consider a lawyer who won't give cost details.
- **When do I have to pay?** In most cases your lawyer must advise you in advance and in writing how and when you will have to pay. You are entitled to receive a detailed bill before you pay. Some lawyers will agree to wait until the matter ends before you pay them. Remember how and when you pay can always be negotiated.
- **Negotiate!** Fee and billing schedules aren't set in stone, and the market place is competitive. So if you think the price is too high, or that you'll need more time to pay the bill, try negotiating with the lawyer. ..preferably up front. **Shop around but also remember cost should not be the only factor in choosing your lawyer.**

Tip 6 Agree a timescale

Time and attention. If your lawyer seems rushed or preoccupied during your initial meeting, forget it. He or she may not give you the attention you need later. Ask the following questions about how your work will be dealt with:

- **Approximately how long will the matter take to resolve/complete?** Helps you set your expectations. Legal matters frequently take far longer than the average layperson realizes. If an expert believes this matter will take longer than you think it will, you want to know it ahead of time. Lawsuits or business transactions can last anywhere from several months to several years.
- **What are the steps?** Make sure your lawyer understands what you want to achieve. Ask your lawyer how the work will be done and to explain the steps involved. With the lawyer's assistance, you should plot the course of the legal work being done, and not simply be along for a potentially expensive ride. Get an understanding of how much of your time will be required and when – you want to make sure that you're available when key decisions need to be made. Also ask your lawyer about how you will be informed of the progress of your case.
- **Where does delay often occur in your experience?** Your lawyer should have sufficient experience to know where problems or delays are likely to occur. Ask how these problems are usually resolved and whether there's anything you can do which may help speed things up.

Tip 7 Communication

Every modern day lawyer worth their salt should be able - and willing - to explain even the most complex legal situation in terms you can understand, using plain English. Make sure you're happy with the way the lawyer speaks to you at your initial consultation. Reject any lawyer you can't see eye-to-eye with or who makes you feel awkward. Arrogance or disinterest should be punished!

- **How, and how often, will you keep me informed of progress?** This comes back to good account management. Any good lawyer will make sure they fit in regular time with you to discuss progress of your case and update you on costs. It's also a time for you to let them know of any issues or concerns you have with the way your matter is being dealt with. The lawyer-client relationship should be stated explicitly and in writing and if a lawyer doesn't agree that you should be in the driver's seat, look for someone else.

- **What information will be supplied to me?** Lawyers like to have most communications set out formally in writing, but if you'd rather have a phone call or email instead of, or as well as, communication by post, let them know. For some clients I find a short SMS text update is welcomed and takes them by surprise!
- **Will you send me copies of any of the documents that have to do with my case?** It's important that you keep your own business file for the matter and have copies of all relevant documentation. But beware that this may add to the cost, and you may prefer only to see only the most important documents in hard copy. If so, tell your lawyer.
- **Will you return my phone calls the same day?** The most common complaint about lawyers is that they don't return phone calls promptly. Ask if they have a customer services policy detailing client response rates. Ask if they document all phone calls. Consider the impact on the cost of dealing with the matter.
- **Can I have your direct dial?** There's nothing worse than wanting to speak to your lawyer but being met by a barrage of secretaries and junior staff. Does your lawyer have a mobile number you can use? Make sure you can at least have an emergency telephone number and agree you will only use it for just that. Agree the name of someone else in the office you can speak to should the lawyer be genuinely unavailable.
- **Will your firm send me a newsletter offering practical guidance?** Some law firms mail out free newsletters which not only keep you up-to-date with what they're up to, but offer free tips and guidance on particular areas of the law that relate to your business.

Tip 8 Technology

When you enter the lawyer's office, look for technology. If you see a computer on the lawyer's desk (and if it's turned on), it indicates the lawyer is using technology, although this is becoming less and less of a distinguishing factor. Using technology properly should enable the him/her to spend less time (and less of your money) producing the documents needed for your case. Harsh, but true and fair.

- Do you type all your own correspondence? Are you a touch typer or a two finger stabber? How do you use your secretary?
- Does your firm operate a case-flow or case management system? In plain English this means that the process is heavily automated and should lead to cost savings (which may or may not be passed on to you the client).

- How does the firm use email? What proportions of your outgoing correspondence are (a) letters (b) faxes (c) emails. If you feel comfortable with email, use lawyers whose email proportion is in the high 90%.
- Do you scan all incoming correspondence? Do you aspire to a paperless office?
- Does your lawyer know what a “pdf” format document is and how to use it? It still surprises me to see how few lawyers do?
- Can your lawyer provide you and the other side with an electronic mark up of a contract with your comments? This speeds up a transaction massively and should lead to cost savings.

Tip 9 Risk and analysis

- What are your objectives in using a lawyer? How can your lawyer meet these within the budget/timescale/parameters?
- What are your options? What are the alternatives in resolving this matter? After you have explained your problem, ask your lawyer to outline your options and how your problem can be solved. If you don't understand something ask the lawyer to explain.
- In dispute resolution are there **any cost (fee) implications of making or not making an early settlement offer?**
- **What complications can arise** in your case, and can they result in additional fees?
- Will the lawyer most likely settle your case out of court or is it likely that the case will go to trial? **What are the chances of settling the case** before trial? The stronger your case, the less likely the other side will want to go to trial.
- **What are your chances?** What are the potential results of your case? How can you mitigate the risks of a contractual dispute at the outset by drafting a good contract?
- Ask your lawyer about your chances of success. Discuss what you consider to be a successful result. Take time to think things over. What do you want? What is achievable? It's important to **set your expectations** appropriately as early in the process as possible and then **manage your expectations**. If there is a chance you could lose your

case, you should be aware of that possibility. You want as few surprises as possible. **Be wary of any lawyer who guarantees victory or risk-free contracts** or who talks only of the successful outcomes.

- What is your attitude toward **alternative dispute resolution** (mediation or arbitration)? Lawyers all have biases about what type of alternative dispute resolution techniques are most effective, but one who doesn't believe in them at all is suspect. Do you recommend mediation/arbitration/small claims?
- Based on what you know about my case, **how would you predict a judge would rule on it?** What facts would make the ruling more in my favour? If the other party were sitting here with you asking the same questions, how would you answer them?
- What is your **potential liability if the other side wins?** You want to know, for example, whether you'll be liable for the other side's fees if you lose.
- **Do you have any other means/options to resolve this matter or protect your business?** Understanding all your options is important. The best lawyers will recommend other options where those options are best for you, including those that don't involve hiring a lawyer. For example, if a simple do-it-yourself remedy exists, such as for collecting an overdue debt or pursuing a simple claim through the small claims court, a good lawyer should recommend that option to you. The worst lawyers (in my opinion) care only for generating fees and will generally present their services as the only option.

Tip 10 People

- **The lawyer you meet may not necessarily be the one who works on your case.** In larger firms, senior lawyers tend to pass on work to junior ones, while in smaller firms, lawyers may work in teams. If this concerns you, make sure to discuss this issue at your first meeting and if possible, meet with all the people who will be involved in your case.
- **Could I have less experienced staff handle some of my case to lower my costs?** Can junior lawyers, trainees, paralegals or clerks in the office handle some of the administrative work at a lower rate? The best lawyers don't need to be asked this question because they should be trying to keep costs down wherever possible. You should still ask this question, however, at least to let your lawyer know that you're aware that he or she can reduce costs by using lower-cost staff.

- **Who will be consulted if the lawyer is unsure about some aspects of your work?** Will the lawyer recommend another lawyer or firm if this one is unable to handle any part of your work? On what basis do they make their recommendations?

Tip 11

Lawyer's or Law firm's style and personality

- **Are you able to schedule an appointment with the lawyer easily?** If the lawyer can't see you to talk about new business, it may be even harder to get his or her attention to talk about your case once it's been underway for a while.
- **What kind of approach will you take to resolve the matter - aggressive and unyielding? Or more inclined to reach a reasonable settlement?** Pick a lawyer you feel comfortable with. It seems obvious, but many clients forego the ability to communicate for perceived (rightly or wrongly) competence, or a feeling that the lawyer will be aggressive. Whilst you don't want a wilting wallflower, overly aggressive lawyers often take twice as long to complete the task in hand as they lose the trust and respect of the people they are dealing with.

When it comes to disputes, generally it's better to find a lawyer who wants to discourage you from filing a court claim, and who regards litigation only as last resort after mediation and arbitration have failed to resolve a dispute. Litigation in the courts is costly and time-consuming.

- **Is the lawyer a personality you can work with?** You should like your lawyer. Would you feel comfortable calling this person for advice? Do you trust this person with your business? Go with your gut instinct.
- **A willingness to teach?** Find a lawyer who is happy to help you learn about legal issues and pass on knowledge and know-how so that you may be more self-sufficient in the future.

Tip 12

Scope of work, assistance and advice

This area offers possibly the best scope for saving on your legal fees. When I am acting for a client I make sure that we both know where the boundaries lie and when the client can help him or herself.

- **Carefully define what you want your lawyer to do.** For example, if you ask your lawyer to review one of those forty page, fine-print leases, remember that the lawyer is going to have to spend a lot of time reading

the lease at standard hourly rates. Don't just say "I just want to know if it's all okay", say "I understand paragraphs 1, 5, 8, 12, 13, 15, 16, and 17, but I have specific questions I'd like to ask you about the other paragraphs when you have reviewed them." Every document will contain a certain amount of factual material which you can understand as well, if not better than, your lawyer. In this example, you've seen the premises and have a better idea whether they are accurately depicted in the section of the lease describing them. Having the lawyer review what you already know is a waste of money.

- **How can you help in preparing your own case, agreement etc?** It is often in your interest to participate actively in your case or drafting a framework for an agreement. When you hire a lawyer, you are paying for legal advice. Your lawyer should make no major decision about whether and how to go on with the case without your permission. Equally you are often better placed to outline the commercial issues which you believe need to be addressed in a contract.

Tip 13

Confidentiality, legal privilege and conflicts of interest

The better your lawyer can understand the background and circumstances of your legal matter, the better they will be able to advise you and act on your behalf.

- **Are all our conversations completely confidential?** Lawyers are duty-bound to keep conversations with their clients confidential. This can still be an important question, however, because there are issues around when the lawyer-client relationship begins. You should discuss with the lawyer if there are any situations when the confidentiality doesn't apply. For example, if you meet with a lawyer, but don't retain his or her services, were the conversations confidential?
- **How much information should I give my lawyer about my case?** Once you have instructed a lawyer, by law, anything you tell them is called 'privileged information' and cannot be repeated outside the solicitor's office without your permission. Any documents you hand over are also included as privileged information. Therefore, it is preferable to give your lawyer too much information than too little.
- **Clients often do not appreciate the question of conflict of interest.** For example: the shareholders of a new company may ask a lawyer to draft an agreement setting out their respective rights and responsibilities. They quite often want to come into the office as a group, and have the lawyer listen to them and "write-up" the shareholders agreement. Doing so involves a built-in conflict of interest, and is dangerous for the lawyer, because each of the parties sitting in that room is likely to think the lawyer is looking out after his or her individual interest. Don't put your

lawyer in this position even though you may think you will save money by doing so. There are other ways to accomplish the same purpose at comparable or less cost. If there is ever a dispute between the parties, the lawyer can't represent any of them, and each and every one of them is likely to think, at one time or another, that the lawyer was in cahoots with the others.

Tip 14 Complaints and client satisfaction

It is important that you trust the lawyer you hire, believing that he or she will do the best job possible in protecting your legal rights. However, lawyers cannot (always!) work magic. No lawyer can be expected to win every case or succeed with every business venture, and the best legal advice may turn out to be not exactly what you wanted to hear.

- **What if we disagree?** Your first meeting is the best time to ask about resolving potential problems and each firm should have their own written complaints procedure.

Deal with differences promptly. If you don't have to have continuing involvement with another person, differences can often be swept under the rug. If you do have a continuing involvement with anybody, including your lawyer, the differences should be dealt with before each side has the opportunity to heap upon the other all the frustrations clients have ever had with lawyers, or lawyers have ever had with clients.

- **Do you track the satisfaction rate of your clients?** How? What is your satisfaction rate? Don't expect a positive answer to this question. Most lawyers can tell you only the vaguest generalities about the rate at which their clients are satisfied with their work. If you find one who actually measures satisfaction (and acts upon the results?!), you've found a gem.
- **Have you ever had to make a claim on your indemnity insurance? Have you had any clients or former clients file grievances against you with The Law Society?** If so, please tell me about them, subject to confidentiality. One might be acceptable, but if there are several grievance files, alarm bells should be ringing.

Tip 15 Balance, perspective, perfection and the bigger picture

I have saved the best tip for last. I guess it is closest to my heart. Your lawyer if you use him or her to the full potential can be so much more than just someone who drafts a contract, negotiates a settlement or goes to court

because you can't. Learn how to get the most out of your lawyer. Some lawyers need it coaxing out of them.

- **Don't expect miracles.** The only person who won all of his cases was Perry Mason. The rest of us have to live with a set of facts which was created before the client ever came into the office, and those facts are sometimes good and sometimes bad. Some lawyers can make more out of bad facts than others, but **a poor lawyer with very good facts should defeat a good lawyer with very bad facts.**
- Remember that your lawyer is supposed to (by training) come as close to perfection as possible in representing you. **This chase for perfection takes time, and time is money.** Law schools don't say money is no object, they just don't talk about it. Lawyers are left to themselves to figure out how to balance taking the time needed to assure the best result with the need to earn money to pay overhead and earn a living. It is immutable fact that money is always an object, and that perfection is impossible. You and your lawyer must work out, between yourselves, an **acceptable balance between cost and perfection.** You simply can't expect 100% certainty at any cost, and you should recognize that there is a **point of diminishing returns in the cost versus certainty equation.**
- **Ask your lawyer to give you three examples where he/she added huge value to the client** by, for example, negotiating a hefty price cut for a buyer of a business, a premium on a sale or a lucrative settlement in a dispute. **Ask how they could imagine doing the same for you. Go on put them on the spot!**

In my experience of giving legal advice there is huge scope when advising businesses for **looking at the bigger picture** and providing my clients with **referrals and introductions to other legal or non-legal specialists** to grow or protect their business. So, flipping it around:

- **Use the magic words "Who do you know who"** would be useful to me? Your lawyer will have a wealth of contacts – ask him or her to open the "black book" and make a proactive referral. Is your lawyer a member of an online networking forum such as ecademy.com or an offline club such as BNI?
- **What else can the lawyer (or the firm) help you with** and how much will they charge you to do the tasks? You can often strike a good bargain if you package advice together.
- **Financial services and insurance mediation.** Your lawyer should be well placed to recommend you to a good Independent Financial Adviser. Some lawyers will be regulated directly by the Financial Services Authority.

-oOo-

Finally...

There you have it. A few pointers which should ensure that you find the perfect solicitor for your business needs and save money in the process.

If you have any questions or would like guidance on a business legal matter from a qualified solicitor please don't hesitate to:

Call: 01392 872437

Email: ask@truelegal.co.uk

Look for more Information: www.truelegal.co.uk or www.legal-advice-centre.co.uk

We will listen to your requirements and try to help. Clearly, it wouldn't be appropriate or possible for us to comment on individual lawyers or law firms, but we may be able to provide you with that missing link or tip.

My own practice, Truelegal Solicitors, which I head, provides no-nonsense advice to business owners around the country.

Why not go ahead and ask us personally some of the questions in this report and see if we meet your criteria?!

-oOo-