

Lawyers: A Shark Tale

Sharks come in all shapes and sizes.....excuse me, lawyers, lawyers come in all shapes and sizes and picking the one that is right for you is not an easy task. Much like the animal kingdom, lawyers vary in function, type and personality and if you are thinking of getting up close and personal with one, finding your perfect match requires a little research and a lot of patience (and a large dose of understanding, because this species can be misunderstood).

In England, lawyers are divided into two categories: solicitors and barristers. Usually when problems of a legal nature crop up, it is the solicitor who is your first port of call. It is his duty to take your instructions from you (what it is you need help with) and if the problem needs to go before a judge, the solicitor may then contact a barrister. Traditionally, barristers have had exclusive rights of audience, which meant that they were the only lawyers who could go before a judge and present the client's case to the judge in court. Today, more and more solicitors are being granted rights of audience, which now means that solicitors can address the judge on your behalf. This can be a way of cutting down costs by removing the need for a barrister, but if your solicitor is not very confident on his feet, this may work against you in court.

Most lawyers tend to specialise in one or two areas of law, with some practicing generally in a particular field, but in order to find the right one for you, you may need to think about the following:

What type of problem do I have?

If your problem is related to a business dilemma for example, you will need a lawyer who practices commercial law and if for example the issue relates to a work contract, you will need a lawyer who is familiar with contract law. If you are unsure about what kind of problem you have, the Law Society is there to guide you and will point you in the right direction.

What kind of lawyer do I need?

Once you know what kind of problem you have and you have located the right type of lawyer, the next consideration is budget. If your problem is a complicated one or it needs specialist attention, this will likely cost more than a relatively straightforward legal dispute. If you are unsure about the level of complexity of the problem, then going to the best lawyer you can afford initially, is usually a good first step. If the problem needs less attention, the lawyer should offer you the option of going to someone more junior who will be able to handle the case or if it needs more attention, to someone more senior. As you are paying for a service, you are entitled to ask about the nature of the problem and the most practical ways of solving it. A great site for finding lawyers is Legal 500 as it gives indications of which lawyers are considered best at every level and within most budgets.

Does it bite?

Lawyers, like sharks, can be aggressive as well as mild mannered. Which temperament you go for is ultimately your choice, but it tends to be the case that judges usually get aggravated if the lawyers play dirty or if they approach your case in a way reminiscent of the bull shark's tendencies. Although the playing field in the legal arena is not a level one, picking a calm and polite lawyer is the considered choice, but if you have a feisty lawyer in mind who has been recommended and you like them, then the most important thing is that you can communicate

with the lawyer in a way that is comfortable and natural for you. Choosing a lawyer then, is not just about budget and ability but also about compatibility: you will be talking at length to this person about intimate details and getting on with them is crucial. From time to time, your lawyer might bite, but it will not be personal and probably more likely due to the fact that it's late and he hasn't had his lunch. If you want to avoid being on the menu, being understanding works a treat; although there is never any excuse for professionals lashing out at clients, it does happen but if you can see the bigger picture, they will hopefully appreciate your patience with them.

How do I know which lawyer to choose?

There are various ways of finding lawyers but not all of them are as effective as each other. If you know someone who for example has been through a divorce and used a divorce lawyer, they may recommend that lawyer to you if they liked them. This is the best way of finding a solicitor to suit your needs; word of mouth is by far the best recommendation. However, the rest is down to personal chemistry between you and the lawyer. In the end, if the solicitor does not see eye to eye with you, then despite the friendly recommendation, it may be better to look elsewhere. It is worth noting that recommendations at their best, need to be specific. If a friend or acquaintance recommends a firm of lawyers whom they used for a commercial case but where the firm also has a family law department and you need someone for a matrimonial dispute, the recommendation is not as solid as one where the person suggests specific lawyers who work in the field that you need help in and who they have used themselves.

Can I trust my lawyer?

The overwhelming feeling the general public has towards lawyers is not a good one and parallels with Man's most feared predator don't help. Nevertheless, lawyers, like sharks, are sometimes misunderstood. Setting aside the less than fastidious and the morally bankrupt (who of course exist in all walks of life), the majority of lawyers want to resolve your case in a way that suits you. It is their job to do so and if their clients leave dissatisfied, it reflects poorly on their professional kudos. However, like most professionals in the legal system, many suffer with conflicts of interest, be it trying to extract as large a fee as possible or promising to get you the result you want only to tell you, when you don't, that it was never in their hands anyway. These sorts of problems are common amongst the legal community, but these can be avoided by personally managing your case.

Lawyers tend to charge for their time in increments, so do ask them what those increments are. If your solicitor charges a flat rate for every six minutes and you talk for seven, he will charge you for twelve. To avoid this, all that is required, is a watch: Casio or Rolex, as long as it keeps time you're in business and in control. Look to see how long you talk for and if you are able to, time the sessions with your lawyer on the phone or in conference, so that you avoid being charged unnecessarily. If you have concerns, it is always best to voice them, but if you can keep the discussions shorter rather than longer, you will be saving yourself money and time.

As a general rule, no lawyer can guarantee you success; the legal system is made up of many more wild cards in the form of myriad judges and their differing points of view, opposing sides' lawyers and varied forms of paperwork, which in quality and quantity will all have an effect on the outcome of your case. Beware the lawyer that promises you the moon and the stars; a modest and honest lawyer is worth his weight in gold.

Law Society: <http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law>

Legal 500: <http://www.legal500.com/books/1500>

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