

Guidelines to Finding the Right Attorney for You

By Attorney James P. Hentz

Hiring an attorney is an art form that requires a set of skills that many people do not have. Everybody has heard of the attorney that does not return phone calls, gets paid money without you getting anything in return, etc. The right attorney should get paid for his/her time and experience; both of which are equally valuable.

I am going to outline several steps for you to know so that you will have confidence when selecting your next attorney. Usually when a person is looking for an attorney he or she is in a tough spot and needs help fairly quickly. Knowing these steps that I am about to give you will make the process easier for you.

1. Before you do any research about hiring a lawyer you must ask yourself this question, "How much am I willing to spend on an attorney to take care of my legal problem?" Attorneys get paid in three ways
 - a. **A Retainer with an Hourly Rate.** Those cases are usually Divorce, Criminal Matters, and Civil Litigation, e.g. Breach of contract. A retainer is placed in a trust account that is regulated by the state. Once the Attorney has worked on your case, he will transfer the money to his business account. He should send an itemized bill to you twice a month
 - b. **Contingency Fee.** This means the attorney will not get paid until the case is won. Personal Injury cases like Auto Accidents, Slips and fall and Medical Malpractice cases fall into this category. The attorney will put up the money and pay for the expenses upfront for the case to proceed (e.g. *Collecting Medical Fees, Police Reports, and Depositions Fees.*) Collections cases could fall into this category with a variation on the retainer
 - c. **Flat Rate Fees.** These are commonly found in the Wills and Trust area of the law. A person will give the Attorney a one time fee of what ever the attorney rates are and that's it. I use a flat rate fee for my Immigration cases, but not all attorneys may do this.

Remember any attorney worth "his salt" will want his fees up front. It is important to have an idea of how much you are willing to spend. In cases involving a retainer, such as, Divorce, Criminal Matters and Civil Litigation, it is difficult to almost impossible to determine the final cost of all the legal fees of the case.

2. Most people will ask a trusted advisor about an attorney's reputation as their starting point. Usually that trusted advisor is a parent, brother, sister or a close friend which is a great place to start. The trusted advisor will give a good review or a bad review on the attorney. If it is a bad review then that attorney is out of the running for your business. If it is a good review that

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does not end your investigation into hiring an attorney, it is the starting point! If it is a bad review, pay close attention to Step 3

3. In the Commonwealth of Massachusetts there is an organization that regulates attorneys. That organization is the Board of Bar Overseers and their function is to discipline attorneys that have been found guilty of misconduct.

To research an attorney, go to the BBO web site and locate the discipline section and type in the name of the attorney and the city. The web site will display any attorney that has ever been disciplined. All states have some Bar Overseers; it is a question of how advanced the State system is.

If the Attorney has no discipline action against him or her, then at a bare minimum she/he is competent, but that does not mean she/he has excellent customer service or that she/he has reasonable rates.

If the attorney has had some discipline action taken on him/her, it is up to you whether you want to hire her/him or not depending on your case. At least now you have extra information to make an informed decision.

4. Any reputable law firm at this point in the 21 century should have a web site. The two most important pages on any web site should be the testimonial page and the verdict page.

The Testimonial Page should display former clients that tell of their positive experience with that law firm or attorney. Not every former client will send in a testimonial survey back to the attorney because it takes time and effort. However, use this to your advantage- the more testimonials, The Better!

The Verdicts Page provides information regarding an attorney's cases tried and whether they were successful or completed a task. A task for me is getting my client's green card or petition approved by USCIS. I put all my trials up on the web site for all to see and that lets my audience know I have been successful with trying a criminal case

The web site should have the attorney's cell telephone number on it; this indicates that she/he is accessible at least 12 hours a day. Every client wants to call his attorney and be able to get through. If the client has to go through an assistant and leave a message consistently, that is a sign of poor customer service.

Does the web site have information that is relevant to your legal issues? The web site should be user friendly. This is good solid customer service. I would recommend looking at three different firms before calling one to set up an appointment.

5. The law firm should be on Lawyers.com and Martindale Hubble, the best search engines for attorneys. Lawyers.com is primarily used by the client looking for legal representation. Martindale Hubble is used by Attorneys looking for other attorneys. These two search engines have set the standard and any law firm worth their salt should be in both search engines

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6. **REMEMBER!** So far you have completed your research on the attorney. Next step is to call to make an appointment. You should have some idea on how much you are willing to spend ahead of time.

When you call the attorney either he/she will answer the phone or the assistant will answer the phone. Should the assistant answer the telephone, she/he has a real good idea of the dynamics of the business and the expectations. Give her/him a brief description of what your legal issue is and then ask if that attorney help. If you feel comfortable with the answer, Make The Appointment.

Should the attorney you called answer the phone rather than the assistant (like I do); describe the legal issue to her/ him. She/ He should ask you several questions to get to the heart of the matter. At some point ask the attorney if he or she can help you. If you are comfortable with the answer, Make The Appointment. When a prospective client calls, I schedule the client as soon as possible because it makes for good practice.

Before getting off the phone with either the assistant or the attorney you should ask is there a consultation fee involved and how much it is. Every attorney has different ways of doing business. Sometimes, I will charge an hour fee up to two hundred dollars if I think the client just wants to just pick my brain and has no intention of hiring me.

Other times, I will "wave" the consultation fee if the client signs the contract and gives me a retainer. Then there are times, I do not charge any consultation fee at all based on the case (*case by case basis*.)

Unfortunately there is no clear cut answer but just be aware there may be a fee you will have to pay.

7. Once you have scheduled an appointment with the attorney that you plan on hiring, when you walk into the office for the appointment, the staff should greet you and be cordial and friendly. Did the staff say "Hi" with a smile? Did the staff make eye contact? Did the staff shake your hand? If the employees are happy and look content to be working at that law office, that is an indication that the attorney or attorneys are good to their people. Which translates into the attorney will do well by you and do good work for you.
8. When the staff directs you into the conference room, take note of how long it takes for the attorney to arrive. Was the attorney on time? If the attorney was on time that means she/he respects your time and will respect you.
9. At the first meeting, a potential client tends to want to say everything about his case in one breath.

REFRAIN FROM DOING THIS! Let the attorney ask a few preliminary questions about whom you are and where you come from. Hopefully, he will not ask about your legal issue right away. After the initial pleasantries are over, the attorney will start asking questions about your case.

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When you are finished with explaining your legal issue then it is time for the attorney to state what kind of case you have.

10. If you have a criminal case, you probably want to know the chances of going to jail. The lawyer should never guarantee a particular outcome of a case. In a criminal matter there are three avenues in handling this type of legal issues:
 - a. There is the motion to suppress part of a case whereby the attorney sees a potential to suppress evidence because the police did not follow the law
 - b. The attorney's opinion that based on the evidence and political environment, trying a case is the best way to go
 - c. There is no chance of winning at trial or a motion to suppress and pleading out your case is the best strategy.

The lawyer should explain every avenue of the case and give a cost benefit analysis of proceeding with one way or the other. In other words, the chances of winning and losing and the money it will cost for any direction of a case.

Take for example, if a client was arrested and was not given his/her "**Miranda Rights**" ("*You have the right to remain silent*" declaration by law enforcement) and taken into custody. Then this client provides incrimination statements (*because he did not stay silent and his statements were heard by others*).

Because of these statements, this will require additional work- to get those statements suppressed- as oppose to the client simply adhering to his right to remain silent. Either way, the attorney must be upfront about whether or not the client has a good chance of winning at trial and how much she/he estimates it will cost.

You have to be able to listen to what the attorney says to you and feel comfortable that he is telling you the truth to the best of his/her ability.

You can ask the attorney if she/he has ever handled a case like yours before (*be aware that in most cases, the answer is, "every case is different."*) However, she/he should have cases that are somewhat similar to yours and that will make you feel comfortable that she/he can handle the job.

The attorney should apply the law to the facts of your case to make you feel that she/he is competent. The attorney should be engaging and have a sense of humor, be friendly and be respectful.

11. **NOTE:** You do not have an attorney until you pay her/him a retainer for his services. The retainer will vary from attorney to attorney based on degree of complexity of the case. The retainer will be deposited into a Trust account and will be withdrawn when work has been performed on your case. Any expenses that have been spent will be documented on the invoice that you receive.

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Expenses will include postage, coping, sheriff's fees, and court fees. I try to receive a retainer that will pay for the entire case but that can be difficult to do because either the client does not have the entire amount to cover the cost or I do not know exactly how much the cost will be.

When you give your money to the attorney you should get a receipt and sign a contract that states exactly what the hourly rate and the retainer amount will be. Also, learn what the expenses are going to be because every attorney can conduct business a bit differently.

12. Post Hire Relationship With Your Attorney Is Important! You have to be involved.

Request a copy from the attorney of anything he sends out on your behalf. The pace of legal activity varies from case to case but it should proceed at a moderate pace. Frequent contact with the attorney is important and I would "check in" once a month at a minimum. When the case is underway, there will be more contact with the attorney. Have faith that you hired the right attorney for your legal problem.

13. Listen to the Little Voice in Your Head. Like your mom always told you, ALWAYS listen to your conscience. If it feels right, it is. Go with your gut instinct. If, after all I've suggested, you still don't feel that, "Warm Fuzzy" with your Attorney, move on to the next Attorney. It has to feel right.

If you have read this document in its entirety in detail and followed every one of my steps, I am confident that the attorney you select will be the right attorney for you. Best wishes in all that you do and never forget, "You are the master of you, so be wise and make the right decisions that will benefit you and yours"

Best wishes in all that you do,
Jim

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