Why do you need a lawyer?

Do you need a lawyer to help plan your estate and write a will, or do you need a lawyer to represent you in court on a driving-under-the-influence charge? Knowing what type of legal work you need will make the process of finding a lawyer easier.

Finding a lawyer with the background and experience your legal matter requires is critical. The "right lawyer" is the person who has experience handling matters similar to yours, and who is prepared to take action at once. An experienced lawyer knows how to act immediately, effectively and efficiently. Hiring a lawyer based on price alone may result in wasted expense and time.

What kind of lawyer do you need?

Do you need ongoing, regular legal advice from someone who has experience advising people in your line of work? Or do you need a lawyer to appear in court with you one time on a relatively simple matter? Lawyers have different focuses in their practice. Some, for example, have more experience drafting contracts or wills, representing estates, or handling personal injury cases, such as car accidents. Many lawyers practice law for a lifetime and never set foot in a courtroom because their work is primarily giving advice. Other lawyers focus on trial work and therefore are comfortable appearing before juries.

How do I find a lawyer?

Finding the right lawyer will require research. But be aware that your legal issue might call for prompt action. Some legal claims have a statute of limitations — the time within which a lawsuit must be filed — or other deadlines that may be critical. In these cases, you may only have a limited time to take legal action, so don’t delay.

You might start by consulting the Internet; talking to friends, neighbors and coworkers who may have used a lawyer for a legal matter similar to yours; or contacting a lawyer referral service. If you already know a lawyer, you can ask that lawyer to refer you to another lawyer who has the background and experience you need.

Remember that websites are a form of advertising, and even though there are restrictions on the claims and statements lawyers can make in their ads, advertising in general involves hype and self-promotion. Helpful websites will tell you what types of services the lawyer provides and where the lawyer is located.

Of course, a Web search can turn up too many choices and lead to more confusion. Narrow your search to lawyers licensed in your state. In most cases, you will want to choose a lawyer who is familiar with the courts and legal community in your geographic area.

A lawyer referral service can be helpful. The Virginia Lawyer Referral Service — operated by the Virginia State Bar — can be reached at 1-800-552-7977 toll-free, or (804) 775-0808 in Richmond. A referral specialist will give you the names and numbers of one or more lawyers in your geographical area who have reported that they perform the type of services that you are seeking. A consultation costs $35 for up to one half hour. If you need more time and want to continue with that lawyer, you then would negotiate further fees. Lawyers who participate in the Virginia Lawyer Referral Service are licensed and in good standing with the bar, and they carry malpractice insurance.

How to choose the right lawyer

Once you’ve made a list of lawyers who may be suitable for your legal issue, contact the Virginia State Bar Clerk’s Office at (804) 775-0539 or the Virginia State Bar website at http://www.vsb.org, to check each lawyer’s disciplinary record. If you call the clerk’s office, ask if the lawyer has ever had any public discipline action taken, when and why. Also, ask if the lawyer has reported that he or she has malpractice insurance. A search on the bar’s website will provide the same information.

Select from your list one lawyer with whom you want to meet. Call the lawyer’s office and ask for an initial consultation. Find out if there is a fee involved. Some lawyers offer a free initial consultation of fifteen or thirty minutes. If your initial consultation does not meet your needs, you can schedule another meeting with a different lawyer.

Prepare for the meeting

Prepare for your first meeting with the lawyer. If a lawyer asks to see the papers involved in your case before meeting with you, send or fax the papers as quickly as possible so the lawyer has time to review them before your meeting. Write a short summary of your case, including facts and dates and a list of questions you want answered. During the consultation, ask if the lawyer has handled matters similar to yours before. Is he or she willing to take your case, what services will be provided, and what will the fee and other costs be? Will the lawyer personally handle your case or will other members of the firm be involved? A lawyer should be able to explain the strengths and weaknesses of your case, but be wary of any lawyer who guarantees results. If you don’t understand everything the lawyer tells you, ask for an explanation in simpler terms. Find out how long the lawyer expects your case to take and what may be involved (for example is there trial preparation?). Lastly, do you feel comfortable working with this lawyer?

Fees

Lawyers consider several factors in setting their fees. Lawyers who are well-known in a particular area of law might charge more than ones who are not. A higher fee might be preferable if you feel the lawyer’s special skills and experience will yield better and faster results. Lawyers also consider how complicated a case is and the amount of time it will take. A trial may only take a half day, but background research, interviewing witnesses and other trial preparation can take many hours. Sometimes unexpected things occur that complicate the case further and end up resulting in higher legal fees.

There are several different kinds of legal fees:

* **Hourly fee** — The lawyer charges a rate for each hour worked. Many lawyers charge for every fifteen minutes worked, meaning a five-minute phone call might be billed as fifteen minutes of work. Hourly fees may vary drastically from lawyer to lawyer, and are not always indicative of the experience a lawyer has in an area of law. A lawyer with more experience who charges a higher fee might save you money in the long run, because the lawyer can produce the same result in a shorter amount of time.

* **Fixed or Flat fee** — This is usually charged for routine, common legal matters such as wills and trusts or uncontested divorces. If you agree to a fixed-fee service, make sure you find out if there are extra costs for additional services such as clerical assistance or copying.

* **Contingency fee** — This is commonly charged in personal injury, medical malpractice, workers’ compensation and other cases involving a lawsuit for money damages. A contingent fee means that you will pay the lawyer a certain percentage of the money you receive if you win the case or if you settle out of court. If you lose, the lawyer does not receive a contingency fee. However, win or lose, you likely will be required to pay costs of preparing and trying the case, which can be quite high. Sometimes the lawyer may pay those additional costs out of your portion of any settlement or award. Therefore, you need to get an estimate of what the lawyer thinks the court costs and other expenses may be and establish whether the lawyer’s share is paid before or after the other expenses are deducted. Make sure all these obligations are set out in a written fee agreement.

Fee Agreements

Regardless of the type of fee charged, the fee agreement, or “employment agreement,” is a contract between you and the
Selecting and Working with a Lawyer

Best Strategy

Choose a lawyer you are comfortable with, and make sure you agree on goals, since you will be working closely together throughout your case.

Establish approximately how long your case will take and how often the lawyer intends to contact you with updates on your case.

Provide in a timely fashion all the information and documents the lawyer needs or requests.

Have a written agreement that sets out the fees you will pay, the anticipated costs and a schedule for payment, as well as what services the lawyer will provide.

Contact your lawyer promptly with questions about your legal matter or any change in circumstances that occurs during the case.

Be sure that your lawyer communicates with you, keeps you reasonably informed about the status of your matter and responds to your questions.

For assistance in finding a lawyer, contact the VIRGINIA LAWYER REFERRAL SERVICE
1 (800) 552-7977 (Statewide)
or (804) 775-0808 (Richmond, VA)
Voice/Telecommunications Device for the Deaf: (804) 775-0502