

What to Know before hiring an Attorney.

Legal fees are sometimes the cost of doing business or just plain necessary. While the internet has made it easy to do some of the very mundane work on your own (say, filing for incorporation or preparing a bare-bones operating contract), do-it-yourself sometimes has huge limitations. The trick is finding and hiring the best, most trustworthy professional help for your money.

The 4 ways that you can proceed:

1. Do it yourself. There are not a lot of people that can do it themselves. You have to be capable of getting the forms or drafting the documents yourself and following the rules of law and procedures of the court. That said, few can do it and get the case completed but some people do have the ability to pay attention to detail. Check with the local Clerk of Court (and online) for the forms if you are choosing this route as a divorce or custody packet may be available. Also, Google Florida Civil Rules of Procedure if the case is in Florida and the case is civil and not criminal. The online version will have everything that the book "Florida Rules of Civil Procedure" has in it.

2. Free Legal Aid also known as Pro Bono. Here are the names and addresses

Miami-Dade County:

FIU College of Law Educational Advocacy Clinic - Miami, (305) 348-7541

Florida Immigrant Advocacy Center - Miami, (305) 573-1106

Florida Justice Institute - Miami, (305) 358-2081

Guardianship Program for Dade County, Inc. - Miami, (305) 592-7642

Legal Aid Society of Dade County Bar Association - Miami, (305) 579-5733

Legal Aid Society of Dade County Bar Association - Florida City, (305) 247-3353

Legal Services of Greater Miami, Inc. - Miami, (305) 232-9680

Legal Services of Greater Miami, Inc. - Florida City, (305) 576-0080

3. Hire a Paralegal.

First, in the Yellow Pages look under Paralegals. Paralegals usually work with attorneys and know which Attorneys are easy to work with. You may hire a paralegal to handle your case and hire an Attorney only if needed. Paralegals are less expensive. Paralegals cannot represent you in Court. However, many people are representing themselves as they do not have the funds to pay an Attorney.

If you do get a referral for an Attorney from a Paralegal, the Attorney might have to answer to both you and the Paralegal. Often, the paralegal will draft all the necessary documents for the attorney to file. Getting updates is easier from a paralegal who is working with your attorney.

4: Hire an Attorney.

If you feel that your situation demands an Attorney and you do not go the paralegal route for a referral, another place to start is with your friends, neighbors and colleagues. This initial search may not turn up any attorneys with the specific practice experience you need, but don't worry. Most lawyers can refer you to the right lawyer.

Letters to legal opponents from big firms tend to carry more weight in case you are trying to settle something with a demand letter. A demand letter from a well known firm, given the other side is fair and

knows that you will sue, might work but the cost will probably be high even for one demand letter.

At your first meeting, be ready to ask a lot of questions regarding both your particular matter and the lawyer's practice. Some good ones: Which lawyer in the firm will be working on your case? How will you be kept informed about the progress of the case? How quickly do you respond to phone calls and e-mails?

Some lawyers charge for the initial consultation and some do not. Many potential clients use these get-to-know-you sessions to get free legal advice. (If you owned a grocery store, you wouldn't let someone try a brand of paper towels to see how they work and then, maybe, pay for them.) If the attorney does charge, simply ask if the amount will be credited to the bill later on.

Regarding fees, you must understand precisely how you will be charged--this will save you problems later on and big potential expensive problems.

Lawyers generally charge one of three ways:

1. By the hour.

Hourly rates can range from \$100 to \$500. (Generally speaking, you get what you pay for.) Bear in mind, too, that an attorney who charges \$200 per hour may take twice as long to do the same thing as an attorney who charges \$300 per hour.

There are additional questions you should ask, depending on the type of fee structure. Example: If the engagement is on an hourly fee basis, you will want to know (1) the hourly rate, (2) the minimum billing increments, (3) whether there is a charge for every phone call, letter and e-mail, (4) an estimate of the number of hours the case will take, (5) what expenses might be required.

The Attorney will probably want to draft the agreement. This is your working contract between you and your attorney, so read it carefully. The agreement should describe the nature of your legal matter, as well as all of the terms and conditions of the relationship, including the hourly rate, the minimum billable increment (you should always insist on being billed in six-minute increments, not 15), the expenses you will be responsible for, the amount of the retainer and any other matters you agreed to. You should not sign this until you have had plenty of time to review it and make necessary changes.

2. Fixed Flat Fee: This fee arrangement is used most often by legal clinics and some law firms or lawyers for routine legal matters, like drawing up a simple will or handling an uncontested divorce. When you agree to a fixed fee, be sure that you know what it does and does not include. A flat fee, or maximum fee, in writing, is the best way for you to proceed. That way you eliminate any surprises. The surprise in this case would be very large legal fees. You also should find out if any other miscellaneous charges might be added later on. The only other charges that I would allow in a fixed fee agreement are Court Reporter if needed, Court Filing Fee if needed, cost to serve the other party if needed and cost of mediation if needed. Most attorneys do not like to make a flat fee arrangement. A one man attorney, or a very small attorney office, should be more open to a flat fee arrangement than a very large firm.

3. Contingency Fee: This kind of fee agreement is commonly used in personal injury, medical malpractice, and other cases involving a lawsuit for money due. It means that you will pay the lawyer a certain percentage of the money you receive. If you receive no money, the lawyer does not receive a fee. However, sometimes you might still have to pay any court costs and other expenses that are involved. Depending on the circumstances, these costs can be quite high. In some cases, the lawyer may use the money you receive from the case to pay some of these additional costs for you when they are due. Be sure your contingency agreement spells out the percentage the lawyer will get. Also, get an estimate of the court costs and other expenses.

Your fee agreement should set out the services the lawyer will perform for you, as well the amount of fees you will be expected to pay. The agreement should also spell out your obligations as a client (e.g., you

may agree to be truthful and cooperative, to abide by the agreement, and pay your bills on time), as well as how the court fees and miscellaneous expenses of your case will be handled, explain the lawyer's billing practices, and state whether the lawyer is going to add interest or other charges to unpaid amounts.

Ask your lawyer to provide you with copies of everything that goes out and is received relating to your case. Receiving too much information is better than not receiving enough. Get copies emailed.

Have some sort of exit strategy in the fee agreement. Attorneys are human and have personal issues that affect their work at times. If you become so fed up with your Attorney, fire him or her. After all, you are the employer in the relationship. You could include a paragraph where you pay him so much a month and either of you can terminate the agreement at any time. You have to hope for the best but prepare for the worst. There is no other way to look at it realistically.

If you are accused of committing a crime, charged with drunk driving (DUI), or party to a law suit, you definitely need a lawyer. You should contact a lawyer right away, especially if there are witnesses to interview and/or evidence to gather. A lawyer can also help you avoid legal problems, as well. For example, you can file for a divorce or file for bankruptcy by yourself, but a lawyer can help you avoid legal issues that may arise due to changes in laws or if any other legal complications arise. A lawyer's advice can also be invaluable if you need to sign an employment or contractor agreement, or if you need to sign a contract or agreement to buy a house, a car or make any other major purchase. Legally binding contracts and agreements have a lot of jargon you may not understand. Hiring a lawyer to help you through these contracts could save you a lot of money and prevent legal complications that could arise later on. These are a few of the advantages that an Attorney can bring to the table.

Hiring a lawyer will prove to be a valuable investment if you plan on starting a business with a partner, forming a limited liability company (LLC), or forming a corporation. There are a lot of legal issues involved with starting a business, particularly when partners or stockholders are involved. Having a lawyer may save you a lot of time and legal hardships, not to mention the fact that the lawyer will be able to better determine what business formation is best suited to your needs. These are just a few examples of how lawyers can help you understand your rights and solve legal problems, many times before they become problems. A properly drafted partnership agreement can save a lot of headaches down the road.

Which is the best lawyer for my legal situation?

Finding the best lawyer for your legal situation is similar to making any other major financial decision; you need to do some comparison shopping. Make a list of several that appeal to you. Then, call each lawyer on your list and ask him or her questions to help you make a decision. Some lawyers may prefer to meet in person rather than discuss your situation over the phone. If this is the case, find out if there is a consultation fee. Many times, lawyers will not charge for the initial consultation (first meeting).

How should I prepare for my meeting with the lawyer?

Before the meeting, make notes about your legal situation so you can easily go over the important points with the lawyer. Bring the names, addresses and telephone numbers of everyone connected with your case (including witnesses), as well as all papers involved in your case.

What other things should I consider before hiring the lawyer?

Among the things you should do is to ask the lawyer whether he/she will work on your case personally or have another member of the law firm handle all or part of it. If a second lawyer and/or other member of the firm are involved, you should talk with them, as well. However, a lawyer will be able to determine the strengths and weaknesses of your case better than you can. Good questions to ask are:

1. What is the strongest aspect of this case.

2. What is the weakest aspect of this case. What worries you most about this case?

If you do not understand everything the lawyer tells you, ask for an explanation in simpler terms.

Find out about how long the lawyer expects your case might take, what steps will be involved in preparing it and taking it to trial (if needed), what may be expected from you in further preparing the case.

These are some sample questions you may want to ask yourself before making the final decision:
Are you comfortable enough with the lawyer's working style to work closely with him/her?

Do you believe the lawyer has the experience and skill to handle your case?
Does the lawyer's explanation of what your case involves seem clear and logical to you?

Does the fee seem reasonable and justified?
Is the fee agreement in writing, and does it outline what is covered and what isn't?

If your answers to these questions are all "yes," chances are you should hire this lawyer. If not, you should continue looking for another lawyer.

The lawyer may be able to provide a timetable that tells what still needs to be done, what will be done and when it will be done, but this isn't always possible. How long your case will take may partly depend on how busy the courts are. This is especially true for family law cases, law suits and other civil law matters. Normally, but not always, a case takes longer than expected.

If you have any questions as your case moves along, call the lawyer. Just remember that you may be charged for the time the lawyer spends talking to you, depending on the fee arrangement.

How does a Lawyer set the fees I'm charged?

Lawyers consider several factors when setting their fees. For example, some lawyers who are well-reputed in a particular law area may charge more than ones who are not. You may not mind paying a higher fee if you feel the lawyer's special knowledge and skill will yield better and faster results. Lawyers also factor in how complicated your case is and the amount of time it will take. Even though the trial itself may only take half-a-day, researching the law, finding and interviewing witnesses, as well as preparing documents and arguments for the trial can take days, weeks or even longer. Sometimes unexpected developments take place that make your case even more complicated, which could result in higher fees if you a hourly fee agreement.

Tell your lawyer everything you know about your case. In the case of a law suit, be sure to let the lawyer know if the person you are suing is also suing you (counter suit). A counter suit can affect the type and amount of the fee your lawyer should charge because they make your case more complicated.

What additional costs may be involved?

The following are typical costs you may have to pay in addition to the lawyer's fees, even if you don't win your case or settle it out of court:

Court Reporter charges for taking down testimony at depositions and trials and for providing written transcripts of that testimony.

Expert and/or consultant fees for any time spent in evaluating the case and testifying in court.

Court filing fees, and other Court costs.

Investigators fees for helping to gather facts. Investigators usually charge an hourly fee and also may charge for expenses such as mileage, meals and lodging. These fees can get out of hand also so only

allow what is in a written contract with the Investigator.

Courier costs.

Service of process fees charged by people who locate witnesses and other parties involved in the case and deliver legal papers to them.

Travel expenses for the lawyer while traveling on your behalf.

Your lawyer may charge for other costs, as well. Be sure you understand all the different expenses for which you will be responsible. Find out if you will be responsible for paying extra costs directly or if you will have to reimburse the lawyer for costs that he or she may pay on your behalf.

How often will I be billed by my lawyer?

Unless you have a contingency fee agreement, you will probably be billed monthly. You have a right to get itemized bills that show how the lawyer has spent time on your case.

What if there's a problem with the bill or I can't afford to pay?

What is the best strategy for working with my lawyer?

Be sure that you and your lawyer have the same goals, and that your expectations remain realistic.

Be sure you understand and are comfortable with the lawyer's working style. You will be working with him or her very closely until your case concludes.

Be sure that you have a clear picture of approximately how long your case will take, when you can expect significant developments, as well as when and how often the lawyer intends to contact you with updates.

Be sure that you provide the lawyer with all the information and documents necessary to understand and properly prepare your case.

Be sure you provide information about any new developments that take place on your case, even if you think it could be harmful or you think it's unimportant. It could be important to your lawyer. Be sure to contact your lawyer promptly if you have questions or concerns about your legal matter, listen to the responses, and if necessary act upon them. It will help your lawyer better prepare your case and possibly yield better and faster results.

There is also a fine line with sharing too much information with your Attorney. Your Attorney cannot allow you to lie if he, or she, knows that you are lying. That is a clear ethics violation that can be sanctioned.

Why do I need an attorney?

The courts of our nation have become very complex, and it can be very difficult for people to find their way through the system without special training. Even when judges are understanding, trying to represent yourself can cause undue delay in the resolution of your case, and even small procedural errors can be very damaging to the outcome of a case. In most cases, the best way to protect your rights is to hire an expert or thoroughly learn it yourself.

How much does an attorney cost?

The cost of an attorney can vary substantially. Some types of cases are more costly to litigate than others. For example, hiring a lawyer to fight a traffic ticket will cost a lot less than hiring a lawyer to fight a felony criminal charge. Also, different lawyers charge different rates. It is not always true that the best lawyer costs the most, but the best lawyers usually do not charge the lowest rates.

Are there special types of lawyers for different types of cases?

Yes. There are many areas of practice, just as there are in medicine. There are general particular skills in handling a narrow category of cases. There are also a number of attorneys who focus in several areas. Specialties include bankruptcy, real estate, business and contracts, criminal defense, personal injury, appeals, workers' compensation, wills and estates, and family law practitioners, who handle a wide variety of family law type cases.

If I meet with an attorney, do I have to hire him?

No! Before your meeting, you should ask if there is a fee for an initial consultation. You will be obligated to pay that fee even if you do not hire the attorney. However, even if the consultation is free, you have every right to decide not to hire the attorney. Hiring an attorney is a big step.

What if I hire an attorney, and I don't like the work he does?

The attorney works for you. You have the right to terminate your relationship with an attorney. Please note, however, that you must still pay the attorney for the services he has performed for you. If the attorney was representing you on a "contingent fee" basis, the attorney may be entitled to a portion of the proceeds of your case once it has been resolved.

Usually, before you fire your attorney, you will want to first talk to a different attorney. Sometimes the new attorney will tell you to try to work out your problems with your attorney. If you choose to hire the new attorney, the new attorney should be willing to work out the details relating to any fees you may owe to your prior attorney. Also, get everything in writing.

If I get involved in another legal case, or if I want to appeal my case, does my attorney have to represent me?

Generally not, unless your written agreement requires your attorney to take on the additional matter. Your attorney will ordinarily only have to represent you on the matters specified in your retainer agreement, and has every right to charge an additional fee if new cases arise. Once a final judgment has been entered, your attorney ordinarily has no further responsibility to represent you or to appeal your case.

What if a dispute arises?

In the event that a dispute arises between you and your attorney, most state bars offer dispute resolution services. These services can be of particular benefit in the event of fee disputes.