

## When should I see a lawyer?

It is not possible in this pamphlet to set out every circumstance under which you might require the services of a lawyer.

To prevent problems from occurring in the future, the most commonly recommended instances to consult a lawyer are:

- Real estate transactions, such as buying or selling a house;
- Making a will or planning your estate;
- Family matters, such as divorce or adoption; and
- Starting or buying a business.

After problems arise, you should consult a lawyer when:

- You are arrested or accused of a crime;
- A lawsuit is brought against you;
- You are unable to resolve issues with a government agency, such as tax, immigration, social security, workers compensation or veteran's or pension benefits;
- Someone does not satisfactorily perform work or serves or fails to honor guarantees or warranties. These service providers could include professionals such as lawyers, accountants and doctors, as well as others; and
- Someone refuses to pay you funds to which you believe you are entitled, or tries to collect funds you believe you don't owe.

Under appropriate circumstances, reputable bankers, accountants, real estate salespersons, tax firms, investment counselors, the Better Business Bureau, federal, state and local government agencies, and others can provide valuable assistance. The important thing is that you consult a lawyer if a lawyer can be of help.

Most lawyers have a fee for a first office visit that is within the financial means of most people. This visit does not obligate you to hire the lawyer.

## What if I cannot afford a lawyer?

You will not know whether or not you can afford a lawyer until you have called a lawyer's office or visited with a lawyer.

If you have very modest or low income, there is likely a legal aid or legal services office nearby that can help you. These offices provide attorneys at low or no fee to eligible persons with low incomes.

To locate the nearest legal aid office, call directory assistance, your local bar association, or the State Bar of Texas in Austin at 1-800-204-2222 ext. 1855. If you are accused of a crime and cannot afford an attorney, you may ask the judge to appoint a lawyer to represent you.

## How do I find the name of a lawyer?

There are many ways to get the names of some lawyers:

- Ask a friend, especially one who has had a problem like yours, for the name of his or her lawyer;
- Ask a professional person, such as a doctor, minister, social worker, banker, or business person whom you know and trust;
- Call your local bar association lawyer referral service. If there is no lawyer referral service in your area, call toll-free 1-877-9TEXBAR from anywhere in Texas to reach the statewide Lawyer Referral Service;
- Visit your local library. Many libraries have law directories, such as the Texas Legal Directory or Martindale-Hubbell, which give a brief biography of lawyers practicing in your area and elsewhere; and
- Telephone directories contain listings of attorneys in your area. Some attorneys will list the areas of law in which they prefer to practice. Others show themselves as being "board certified" in one or more specific areas of law, which means that the lawyer has met certain criteria established by the Texas Board of Legal Specialization.

## How do I choose a lawyer?

Before you make an appointment to see a lawyer, call the offices of the lawyers on your list. Find out with whom you are speaking, briefly explain your legal problem and ask:

- Does the lawyer have experience with this kind of problem?
- Does the lawyer charge for an initial interview? If so, what is the charge?

- If you believe your problem is routine: Does the lawyer have a standard fee for this kind of problem? What does the fee cover?
- If your problem is more complicated or the lawyer does not have a standard fee: What is the lawyer's hourly fee?
- Does the lawyer provide a written agreement describing fees and services provided for the fees?

Keep a list of the information and think about the answers you receive from the lawyers or their office representatives. Then call back to make an appointment with the lawyer whose answers satisfied you most.

## How do I prepare & what should I take to the first interview?

Plan to go to the first interview with an open mind. You do not have to decide to employ the lawyer with whom you are interviewing until you have had time to think about the interview.

When you go to your initial meeting, it is important to have with you:

- A written summary or detailed notes outlining your problem, and include
- Names, addresses and phone numbers of all persons or companies involved; and
- All documents which are part of your case, including those you may have received from a lawyer or a court, receipts, contracts, medical bills, repair estimates, checks, etc. Some lawyers may ask you to deliver written materials in advance of your first interview in order to have adequate time to review them. You may prefer to provide copies at the initial interview.

Prepare a list of questions for the lawyer, such as:

- Are you specialized and/or experienced in my type of problem?
- Will you or one of your associates be handling my case?
- Will you regularly contact me about my case's status?
- Will I be provided with copies of all important documents, and will there be a charge for those documents?
- Will I be able to make the final decision on my case?

- What is your estimate of time needed to complete my case?

**REMEMBER:** When you hire a lawyer, the lawyer will be working for you. He or she should be genuinely interested in your problem and in giving you the best possible advice. The lawyer may not be able to accomplish everything you wish because of the facts or the laws that apply in your case. Many times the best advice a lawyer can give will be to avoid court action. He or she may suggest other methods to resolve your matter, such as mediation.

## What should I expect of my lawyer and what will he or she expect of me?

Here are a few tips about what to expect from your lawyer:

Your lawyer should

- Give you frank, honest advice;
- Tell you the strong and weak points of your case;
- Keep you informed and follow your instructions, within the bounds of the law;
- Protect and defend you (his or her principal duty!). He or she should not make any agreements or take on any obligation which might jeopardize your rights or interests;
- While representing you, not represent any other client whose interests conflict with yours;
- Provide you, if you ask, with copies of all letters and documents involved in your case; and
- Provide an itemized bill of all work done for you and all expenses incurred on your behalf.

Here are a few tips about what your lawyer will expect of you:

The lawyer will expect you

- To be prompt for court dates and appointments;
- To let him or her know how to keep in touch with you. If you have a change of address or phone number or place of employment, let your lawyer know; and
- To be completely honest – even if it is embarrassing to tell the truth about your problem. Remember, what you tell a lawyer in private will be kept confidential. Even confessions to past crimes or criminal activity are going to be treated as confidential by your lawyer. The only exception to this rule of strict confidentiality are

plans for future crimes and continuing criminal activity.

## How much will the lawyer charge me for his or her services?

The lawyer's fee depends upon many variables, such as amount of time, the difficulty of the work, the skill required, the customary fee in your area for similar work, the experience, reputation, and ability of the lawyer, and whether the fee is a set amount or contingent on the outcome of the case.

Some fee arrangements are:

**Flat fee:** The lawyer may quote you a set amount or standard fee for your type of legal problem. In addition, lawyers usually expect you to pay court costs and to reimburse them for out-of-pocket expenses, such as travel or copying expenses. It is important that you find out what any fixed fee covers.

**Hourly fee:** A lawyer may prefer to bill you by the hour. Such fees may vary widely depending upon the complexity of the legal work, the skill of the lawyer, and whether there are time deadlines. You may wish to try to negotiate with a lawyer on his or her hourly rates. If you agree to an hourly arrangement, you and the lawyer could include a provision in your contract requiring the lawyer not to exceed a specified amount of time or money without obtaining your permission. Insist that you be kept advised every month of the number of hours that the lawyer is spending on your problem. You also have the right to ask for a written explanation of what the lawyer did during the hours he or she worked on your case.

**Retainer:** Some lawyers also require an advance fee called a retainer. Ask the attorney what this covers. Occasionally, the retainer is a flat fee that will cover the lawyer's services regardless of the amount of time the lawyer spends working for you. So, it is important to ask whether there will be a refund if the attorney does not spend as much time on the problem as provided for by the retainer.

Questions about fees that you may want to ask are:

- Can you give me an estimate of how much this legal matter will cost?

- Can we have a written fee agreement that sets forth not only my obligation to pay you, but also exactly what services you will provide?

## How should I make my decision to hire a lawyer?

Based on your first interview, you should consider the following factors before agreeing to hire a lawyer:

- Could you communicate effectively with the lawyer? Was the lawyer clear and easy to understand?
- Are fees reasonable in comparison with other lawyers' charges?
- Did the lawyer give clear explanations of how he or she will let you know about progress in your case?
- If you are not satisfied with this lawyer, do not hire him or her. Look elsewhere for legal help.

Before you finally sign a contract with a lawyer, **READ THE CONTRACT. MAKE SURE YOU UNDERSTAND IT. MAKE SURE THAT EVERYTHING YOU AND THE LAWYER HAVE AGREED TO IS IN WRITING.**

## What if I have a problem with my lawyer?

If you have a problem with your lawyer, you should first discuss it with him or her. Try to work out any problems. If the problems cannot be worked out, it is your right to fire your lawyer and to hire someone else to represent you.

If the situation occurs before your legal problem is settled, you should expect to pay a portion of the fee to the lawyer for time already spent. The lawyer has an obligation to return your file.

If you believe your lawyer has not acted in your best interests and has thereby done something illegal or unethical, you may wish to file a grievance against your lawyer. In such circumstances, contact your local bar association or the State Bar of Texas in Austin at 1-800-932-1900.

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