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## Hiring an Attorney

### How do I prepare for my initial consultation with an attorney?

You may be nervous or anxious about dealing with an attorney, particularly if it is your first experience with the legal profession. It may help you to make a list of points that you think are important and include important questions to ask your attorney candidates.

Some of your questions may simply be repetitions of the questions you asked before you made the appointment, such as those about their experience in the legal field and with cases such as yours. But it doesn't hurt to ask again. An attorney's willingness to answer these questions may be an important indicator of the attorney's personality and ability to interact with you in a manner that you find comfortable.



If you have been served with any legal papers, make certain to bring them to the consultation. If there is any important correspondence or there is other kind of important documents involved, bring the originals or copies. Don't leave the documents with any attorney, however, until you have decided to retain the attorney, and only if you retain your own copies.

### How should I evaluate my consultation?

After the consultation is over, ask yourself these questions:

- Did the attorney listen to what you had to say?
- Did the attorney express knowledge of the important legal principles affecting your case?
- Did you feel that the attorney gave you an honest evaluation of your legal situation?
- Did the attorney answer your questions concerning education and experience fully and completely, without being offended that you asked?
- Was the attorney willing to give you complete information regarding fees and billing practices?

### How will I be charged?

Attorneys charge for their services in many different ways. Two common methods are by the hour and flat fee for service.

Flat fees may be suggested where your legal matter is simple and well defined. Wills and uncontested divorces are common subjects of flat fee agreements. A simple bankruptcy filing is another kind of matter where a flat fee may be quoted. If an attorney suggests a flat fee, or if a flat fee is advertised, it is important to make sure that you understand exactly what that fee will cover. The flat fee may only cover the attorney fees, with other expenses such as filing fee being additional to the attorney fee.

An attorney's hourly rate for particular kinds of matters is usually an indication of the attorney's experience, operating expenses and competence. Cheaper is not necessarily better when it comes to your legal protection. It may be that resolving a case satisfactorily will require less time from a more expensive lawyer who has a lot of experience in the area of law specific to your case than with a less experienced lawyer who charges lower hourly fees, but takes longer. Also, an attorney experienced with cases like yours will be better able to assess a time frame for the case and give you an estimate of how many hours it will take.

## **What about expenses and court costs?**

Be prepared to scrutinize miscellaneous fees charged for court costs, billing fees, secretarial time, and delivery charges. Be very cautious and discuss those details up front so that you can estimate the costs before they become an issue.

## **How can I control the legal fees that I will be charged?**

There are a number of steps that you should take to keep track of legal fees that you will be charged:

- First and most importantly, get a fee agreement in writing. If an attorney is unwilling to put a fee agreement in writing, cross that attorney off your list. In some states, written fee agreements are required in most cases.
- Request that the fee agreement include a provision that requires periodic itemized billing. An itemized bill will list and detail every charge, so that you can review it and compare it to your fee agreement.

*Source: Putnick, J., Esq. (2004, January). Hiring and attorney. CPA Group.*

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