

HIRING AN ATTORNEY

WHAT YOU NEED TO KNOW

Article provided by Richard C. Rahnema
at the law offices of Wachtel Biehn & Malm.



Most people will go their entire lives without needing an attorney. The idea of "hiring an attorney" usually has a negative connotation; however, that isn't entirely accurate. Most people hire an attorney when there is a problem/crisis, but there are several reasons why hiring an attorney is proactive or prudent. For example, you may want to set up an estate plan including a Will, Trust, and Power of Attorney, or you might be selling your business and want an attorney to review the sales contract. This article will discuss key issues you should discuss and questions to ask before hiring an attorney.

How do I find an attorney?

Attorneys provide professional "services" and just like most other service orientated businesses, you may want to start out asking friends and family for recommendations. An attorney's reputation within the community is a very important factor. You can also look in the phone-book and/or conduct an internet search. Use your favorite search engine to search the web for additional information about the attorney. The following websites may be helpful: Chamber of Commerce (www.havasuchamber.com), Mohave County Bar Association (www.mohavebarassociation.org), Arizona State Bar (www.azbar.org), Martindale.com, Lawyers.com, Yelp.com, and the law firm's website.

What is a consultation?

A consultation is typically a one hour session where you meet the attorney in person and explain why you need his/her services. Call the attorney's office first and speak to a staff member to determine if the attorney can help you. If you are unable to appear in person, ask if you can do the consultation over the telephone. During this hour, you want to ask the attorney several questions (explained below). You may need to set up another consultation if additional questions need to be answered or the situation has changed after the initial consultation.

Should I prepare for the consultation?

Yes. It is a good idea to write out a timeline of events in chronological order before meeting with an attorney. Creating a timeline will help you organize your thoughts and specific information such as dates, names, places, etc. In addition to the timeline, you should attach a copy of any relevant documents. For example, if you were having landlord/tenant problems you would attach the lease, copies of the rental checks, and any correspondence (letters, texts, or emails). If the attorney suggests you handle the case on your own, you will be more prepared to handle the matter. If you do retain the attorney, your efforts will help expedite the matter and keep costs down.

Can I get a free consultation?

Most attorneys charge a fee for a consultation. The cost varies from attorney to attorney. Some attorneys will not charge you if they cannot help you. Personal injury consultations are typically the only "free con-

sultation." However, if you decide to hire the attorney the consultation fee might be included in the legal services.

How do attorney fees work?

There are different types of fee arrangements: flat, hourly retainer, contingency, hourly non-retainer, and/or pro bono. A flat fee is a specific amount of money that the legal services will cost. It will not be any more or less than the designated flat fee for the designated issue. You should ask if the flat rate includes going to trial if needed as well as when the fee is due. Most attorneys require payment before they will start working on your case. An hourly retainer is an amount you pay at the start of the case, which is placed into the attorney's trust account. The attorney then charges their hourly rate (in 6 minute increments) and each month the amount billed is subtracted from the original retainer amount. Example, if the attorney spends 36 minutes you will be billed for .6 hours at their hourly rate of \$200, which will cost \$120. If there is money in the

trust at the end of the case, it will be refunded. Conversely, your case may require you to deposit additional money if the retainer does not cover the entire case. A contingency fee is a percentage (typically 33.33%) of the amount recovered, plus any costs incurred. If your lawyer does not recover any money you will not need to pay any legal fees, but you may be required to pay costs. The State Bar of Arizona limits the types of cases attorneys can take on contingency. Hourly consists of you paying the attorney's hourly rate monthly for the time spent working on your case. A statement will be sent to you monthly and all statements are due and payable upon receipt and are considered past due 30

days after the statement due date. Pro bono is providing services to those who are unable to afford them and the attorney provides the service free of charge to the client.

Should I sign a fee agreement?

Yes. This document could be titled in many different ways, but you should have a written fee agreement with your attorney. This document should outline the terms of the representation (fees, costs, etc.) and will eliminate any questions you have as to what is included in the service. This document will ensure that your rights are protected. Make sure you take the necessary time to read the agreement and understand the terms before signing. You shouldn't feel any pressure to review and sign the document.

What else should I ask the attorney?

Does the attorney think you could handle this case without an attorney? Does the attorney specialize in a specific area of law? Has the attorney handled cases like yours before? How long it will take for the attorney to get started on your case, and what is the approximate time frame to complete the legal services? Who will be working on the file? How and when will you be updated on the status of the file? Are there any tasks or assignments you can help with to keep costs down?

