

HIRING A CIVILIAN LAWYER



JOINT BASE ANDREWS LAW CENTER

Current as of May 2016

Air Force legal assistance attorneys may not be able to help you in every situation because of state laws, military regulations, or available manpower. Many legal assistance attorneys are licensed to practice in a state other than where they are assigned and therefore are not permitted to appear in other state courts. Sometimes a regulation will prohibit advice or representation, as in cases involving a conflict of interest (e.g. both parties to the same dispute), income-producing property of a client, civilian employment, and most criminal matters. Your legal assistance attorney will let you know if your case requires referral to a private civilian attorney.

HOW TO SELECT A LAWYER

Once you decide you need a lawyer, how can you go about finding one who is suited to your needs? Here are some suggestions:

- Begin by asking friends, neighbors, or co-workers about lawyers they have used. Pay special attention to what you hear from people who have had problems like yours that were resolved in a satisfactory way.
- Contact your state, city, or county bar association and ask for the names and phone numbers of lawyers who handle cases within your area of concern. (Lawyer referral contact numbers are on the reverse; there are fees for consultation).
- Check the Yellow Pages for areas of specialty, hours, and locations. You may also obtain information by looking for advertisements in newspapers and on the radio and television.

WHAT IF I CANNOT AFFORD A LAWYER?

Legal Aid services assist clients who qualify based on financial need. Legal Aid can assist with all matters except criminal cases. (Phone numbers are listed on reverse side of handout). Please consult our Legal Assistance Referral List handout for phone numbers of other local agencies.

Additionally, other options are available, such as small claims court, do-it-yourself forms and books, or mediation services provided by the Better Business Bureau.

BEFORE HIRING A LAWYER

Questions you should ask an attorney before hiring him or her include the following:

- *Do you offer a free consultation?* Before going to your first meeting, write down the questions you want to ask. Also, write down a detailed summary of the facts. Bring along any relevant documents, so that you can leave copies (not the originals) if you decide to hire the lawyer.
- *What percentage of your practice is devoted to cases like mine?* Ask the lawyer you are interviewing about the results of some recent cases similar to yours, including time spent and fees charged.
- *Will you personally work on my case, or will you delegate it to an associate or paralegal assistant? Will I be billed separately for their work?*
- *Will you keep me notified about the progress of my case?* A lawyer should keep you up-to-date on what is happening with your case, especially if there is a chance the initial estimated fee will increase.
- *How long should it take you to complete my case, and what are my estimated costs?*

NEGOTIATING FEES

Most fees are agreed upon through discussions between clients and lawyers. If you cannot afford what the lawyer asks, say so. Fees are negotiable. Shop around until you find a lawyer who is willing to work within your budget. If necessary, you may want to discuss working out a payment plan if you do not think you can afford a lump fee.

Here are some questions to ask about fees:

- *What services do you provide for a flat fee?* Lawyers may use a flat fee in handling certain civil and criminal cases where the work involved is usually straightforward, predictable, and routine. Thus, many lawyers use a flat rate or set a fee in uncontested divorces, simple wills, traffic tickets and misdemeanors, adoptions, and name changes. Court costs (i.e. filing fees, witness fees, and sheriff's costs) are usually not included in the flat fee. A flat fee is one which is paid in advance (ordinarily) and does not vary depending on the

amount of time or work involved. No refund is due if the work takes less time than expected and no additional charge is made if the case is longer or more complex than usual.

- *What are your hourly rates?* Depending upon the experience and reputation of the lawyer, you could pay a lawyer from \$100 to \$450 per hour. If your case is not a fairly simple one for which you can negotiate a single flat fee, the hourly rate you agree to pay the lawyer should be understood at the outset. Ask your lawyer to put a top limit on the fee you will be charged.
- *Do you require a retainer for your services?* A retainer is similar to a down payment for services to be performed. Be certain you know exactly what services are and are not covered by the retainer. Ask that the retainer be applied to the balance owed. Also, you may want to ask the lawyer to agree ahead of time to a refund if the retainer seems to have exceeded the cost of time actually spent on the case.
- *Do you accept contingency fee arrangements?* A contingency fee (or contingent fee or percentage) is one which is paid by the client only if the lawyer is successful. It is paid out of the sum of money that is collected by the lawyer and thus is available only in civil lawsuits which involve suing for a sum of money, such as auto accident cases and malpractice claims. A typical fee charged by a lawyer might be one figure (25-33%) if the case is settled without trial and another (33-40%) if it is necessary to go to court. On the other hand, some lawyers charge a single percentage regardless of whether trial is necessary or not. Since the lawyer collects no fee if the case is lost, you will usually need to have a case with clear liability and damages before a lawyer will agree to a contingency fee in handling the case. If you do not win the case, the lawyer does not receive a fee. Since you may have to pay court costs, which are different from lawyers' fees, be wary of statements that there will be "no charge" if you do not win. Ask whether the lawyer computes the contingency fee before or after the expenses for handling the case are disbursed. You may collect more money if expenses, such as court costs or witness fees, are deducted before the contingency fee is computed.

GET YOUR AGREEMENT IN WRITING

The best way to protect yourself and avoid misunderstandings is to have the agreement you make with your lawyer put into writing and signed by both parties. This should be done at the first meeting between you and your lawyer—before your lawyer begins any work on your case.

Many lawyers have simple one-page contracts for this purpose. Ask that all fee arrangements and agreed-upon services be included in your contract. In addition, include in your contract a provision for settling any unforeseen disputes between you and your lawyer (such as fee disagreements or delays in handling your case). If the lawyer will not put this information in writing, you may want to consider looking for another lawyer.

Among the most important documents required in all dealings is the written estimate. The lawyer should provide one that includes an estimate not only of the fees, but also of filing and court costs, letters, copying, time on the phone, and other expenses that may be connected with your case.

Finally, ask that all billings be itemized and sent to you on a regular basis. If you wish, you may include limitations or a ceiling on costs that cannot be exceeded without your written permission.

LAWYER REFERRAL SERVICE

(301) 952-1440 (Prince George's)
(301) 279-9100 (Montgomery)
(703) 228-3390 (Arlington)
(703) 548-1105 (Alexandria)
(202) 296-7845 (D.C.)

LEGAL AID SERVICES

(301) 560-2100 (Prince George's)
(240) 314-0373 (Montgomery)
(703) 504-9141 (Fairfax)
(703) 532-3733 (Arlington)
(703) 684-5566 (Alexandria)
(202) 628-1161 (D.C.)