

# 14 Questions to Ask before You Hire an Attorney

## Do you need a lawyer? If so, how do you find the right one?

**H**iring an attorney can be just what you need to set things right. Or it can be your worst move at the worst possible time. Here are 14 questions you should ask yourself before you decide to hire legal counsel.

“Hiring an attorney can be your worst move at the worst possible time.”

more information, peruse the Web sites of the Federal Mediation and Conciliation Service ([fmcs.gov](http://fmcs.gov)) and the Christian Conciliation Service ([christian-conciliation.org](http://christian-conciliation.org)).

Even if none of the above services solves your problem, they may give

### 1. Why Do I Need an Attorney?

Sometimes the need for a lawyer is obvious. You need help preparing non-routine tax forms, defending a tax audit, preparing an estate plan, starting a new business, or conforming your organization's activities to the changing requirements of the law.

At other times, it's less clear-cut, and it may not be a lawyer you need but a different kind of help altogether. The first step is to identify your perceived need for an attorney.

### 2. Is Hiring an Attorney the “Right Thing” to Do?

What appears on the surface as a legal problem, especially if it involves conflict resolution, may have its roots far afield from anything legal. Probing root causes is always a good starting point for conflict resolution. Ask yourself:

- **Are you seeking reconciliation** or vindication?
- **Are your motives** for seeking legal counsel bringing out admirable qualities in you?
- **Are you truly motivated** by a desire for justice and fairness?

When we're driven by the wrong motives, we'll never be satisfied with the results, win or lose. Whether you pursue a legal resolution or not, make sure you're seeking what's truly best (even for your adversary).

### 3. What Should You Do before Seeking Legal Advice?

Before you hire a lawyer, try these steps first:

- **Seek the advice** of trusted advisors.
- **Consider alternative approaches** to answering your questions or solving your problem.
- **Determine what expert assistance is available for free.** Your question may be answered by a call to your state or local government offices or to a private organization such as the local Chamber of Commerce or a consumer protection group.
- **If your legal need is conflict resolution**, your first step may be to contact an alternative dispute resolution service. For

you a better idea about what your problem is and what you want to accomplish. That will save time and money if you do go on to hire a lawyer.

### 4. What Is an Attorney's Proper Role?

Attorneys are most often retained for one of three purposes:

- **Prepare or review** documents.
- **Analyze** transactions (as when buying or selling a business).
- **Resolve** conflicts (such as enforcing contracts or suing for property damage or personal injury).

People tend to rely on lawyers too often for the third purpose (resolving conflicts) and not enough for the first two (preparing documents and analyzing transactions). Don't make those mistakes.

Using attorneys to resolve conflicts can escalate matters and make the situation much worse than it needs to be. And *not* using attorneys when preparing documents and analyzing transactions can be extremely risky. Minimize your legal risks by keeping attorneys in their proper roles.

### 5. What If You Just Need a Little Legal Advice?

Sometimes there's a government agency to which you must report, a form you need to fill out, or new organizational requirements you should consider to avoid unexpected legal problems in the future. These may be simple matters you can handle on your own.

Or you may need an expert's help to set things up as the law requires. If you're unsure of how to proceed and don't know someone who has done it before, you would be wise to seek legal advice.

### 6. What Should You Look for in an Attorney?

Seek a lawyer with a good reputation in your local community and in the nonprofit sector. This should include a reputation for discretion and confidentiality.

Good attorneys are known for integrity, wise counsel, and the ability to see how seemingly minor details can have a significant effect on a situation. Stable relationships at home and on the job indicate a person whose life is in order.

## 7. Do You Need a Specialist?

Law is becoming as specialized as medicine. Just as you wouldn't be a guinea pig for a pediatrician who wants to practice brain surgery, you wouldn't want a real estate attorney or securities law specialist to prepare your tax forms or defend your organization in a personal injury suit. Ask prospective attorneys to define the speciality your matter involves and describe their experience in that specialty.

## 8. How Do You Find This Attorney?

Get referrals from friends, nonprofit leaders you respect, or lawyer referral services in your area. Other good places to check out:

- the American Bar Association, [americanbar.org](http://americanbar.org)
- your state or local bar association
- the Federalist Society, [fed-soc.org](http://fed-soc.org)
- the Christian Legal Society, [clsnet.org](http://clsnet.org).

## 9. Is It Time to Call the Attorney?

Unless you're in an emergency situation, you may be better off not calling until you have at least three prospective attorneys on your list. This will let you compare personalities, experience, availability, and price.

Test the information you receive in your first call when you speak to subsequent attorneys. But don't take the last attorney's word for it; give the attorneys you spoke with earlier a chance to explain themselves.

## 10. What Do You Say in Your Initial Phone Call?

Tell the secretary that you're seeking an attorney for a new legal matter. Generally, you'll be put through to the attorney, or in some cases the secretary may be trained to handle the preliminary intake.

Briefly describe your perceived legal need. Ask for information regarding the attorney's availability, experience with the subject matter, and standard charges.

Seek a half-hour in-person interview with at least two prospective attorneys, if possible. Ask beforehand what this interview will cost. Many attorneys will provide an initial interview at no charge.

## 11. What Should You Discuss in Your First Meeting with a Prospective Attorney?

Discuss projected fees and costs, availability, expertise, and the time table for handling the matter. You should get the

attorney's analysis of the problem, the degree of complexity, a description of what further research will be required, and an idea of the attorney's experience in your area of need. You should leave this meeting with the names and phone numbers of three or four past clients who had similar legal needs and have agreed to serve as references.

Money is an important issue both to you and the attorney. Discuss it fully and forthrightly. When you leave the initial meeting, you should know exactly how you will be charged. You should also have a good idea of what the fees and expenses will be if you proceed.

## 12. What's the Difference between Legal Fees and Expenses?

Most attorneys itemize direct costs such as photocopying, filing fees, and so on, and itemize them separately on the bill. These costs, known as disbursements, are in addition to an attorney's hourly fees, which generally range from \$100 an hour for newer attorneys in smaller localities to over \$1,000 an hour for the most experienced specialist in the larger cities. On a few routine matters, such as preparation of corporate papers, some attorneys may have fixed fees which you will pay to get the job done, regardless of the amount of time the attorney actually expends.

Seek an estimate up front. Ask to receive monthly billings. Establish a "not-to-exceed" figure," which will require the attorney to notify you and get your approval before investing in more time.

## 13. What Is a Contingency Fee?

In cases requiring litigation, an attorney may be willing to work for a contingency fee. This means that the attorney gets paid only if you win the lawsuit or receive a settlement payment. Even in contingency cases, however, the client is usually responsible for all disbursements (defined in the previous answer).

Depending on the complexity of the case and other risk factors, the contingent amount you'll need to pay may be as low as 15% or as high as 50%. Sometimes it will be a sliding scale, such as 25% if settled out of court and 33% if litigated.

## 14. Should You Get All This in Writing?

Absolutely. Many states require attorneys to provide a written agreement setting forth the financial and other details of the attorney-client relationship. It's possible that the attorney may not have prepared a draft retainer agreement at your first meeting. But if you mutually agree to move forward, this should be the first step as you begin your relationship. 

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*This article was prepared by Gammon & Grange (gg-law.com), a law firm serving nonprofit organizations and businesses throughout the United States and abroad.*