

- **Fixed Fee.** A specific amount of money for a specific service.
- **Cost Advance.** Periodic advance payment to the lawyer for on-going expenses associated with litigation.
- **Mixed Fee.** Combination of contingency and hourly fees.

Lawyer: Having focused on the number and nature of legal problems, the lawyer should explain the complexity of the problems to the client with the idea of setting forth the degree of legal expense that the client might expect. Lawyer should be forthright and communicate directly and clearly with the client regarding anticipated legal expense. Whether the client is charged on an hourly basis or a contingent fee basis, the reason should be fully explained to the client. If a retainer fee is needed up front, the client should be informed as to the reason. Within parameters, a total fee might be projected to the client so as to avoid misunderstandings later. A written agreement is recommended.

How long will it take to solve my legal problem?

Client: Again, ask the lawyer how long it has taken him/her to bring cases similar to yours to a conclusion in the past. Ask if your case involves issues more complex than his/her previous cases and whether or not that will affect the expected time to bring this case to a conclusion. Ask if there are any legal time limitations which restrict the length of time you have to bring an action. Ask what he/she believes to be the best case as opposed to worst case scenario with regard to the amount of time that he/she expects the case will take. If there is no way to predict how long this matter might take, what are the reasons for that? If there is anything you can do to speed up the process?

Lawyer: The lawyer should assess the legal issues involved and surrounding facts presented by the client. Based upon the lawyer's expertise and experience, he/she should have an idea as to how long it will take to resolve the problems presented. Within certain parameters, if best case as opposed to worst case, the lawyer should give the client full expectations as to how long it will take to bring the matter to a conclusion.

What results can I expect? What do you expect to accomplish?

Client: Ask the lawyer whether or not the facts you presented in that first meeting give him/her enough information to make a prediction with regard to the results of the case. Ask him/her to explain the law as it relates to your case and the effect which existing laws may have on your case. It is extremely important that both the client and lawyer fully understand each other with regard to the results expected. This should play a big part in determining whether or not the cost and the time involved in pursuing

the matter are worth what is expected as a result.

Lawyer: From hearing the facts presented by the client, as well as other needed inquiry, the lawyer should have an idea about the strengths and weaknesses of the client's position. Based upon the client's expectations and goals, the lawyer should advise the client as to the legal likelihood of accomplishing these goals and expectations. For example, if the lawyer actually expects to have a full-blown jury trial on a matter, he/she should avoid leading the client to believe that they will settle the matter with a mere phone call. The lawyer should explain that some cases are not cost-effective if they are being undertaken as "a matter of principal."

The Expectation of the Client and the Lawyer

The lawyer and client should agree on what expectations that each have and how the lawyer will try to obtain those expectations like settlement, mediation or trial. The client has a right to expect a status report of the case and know how frequently the lawyer will provide one.

This pamphlet was prepared by the Communications Committee of the State Bar of Georgia as a public service. It is not intended to be a comprehensive statement of law. Its purpose is to inform, not to advise on any specific legal problem. If you have specific questions regarding any matter contained in this pamphlet, you are encouraged to consult an attorney.



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How to Choose A Lawyer



State Bar
of Georgia
**Consumer
Pamphlet
Series**

There comes a time in nearly everyone's life where the services of a lawyer are required. To help in this process, this pamphlet was prepared by the State Bar of Georgia to aid and assist individuals and businesses in choosing a lawyer.

Identifying a Legal Problem

A good way to determine whether you have a legal problem or need legal assistance is to ask a lawyer. Most lawyers will initially discuss and determine whether you have a legal problem without charging a fee.

Choosing a Lawyer

Once you decide to call a lawyer, the next decision is which one. In order to determine this, the following is a list of suggestions that might help you decide who to call.

- Ask friends, teachers, employer, co-workers, minister, relatives, neighbors or anyone you trust which lawyer(s) they have used and if they did a good job.
- Many online resources are available for selecting a lawyer in your geographic area and in the area of expertise you need.
- The State Bar of Georgia does not refer individual lawyers but some local bars do offer a referral service. Check the telephone directory in your area to see if there is one.
- Go to your local public library and ask for the *Martindale-Hubbell Law Directory*. It lists most lawyers and their area of practice within your community, the state of Georgia and the United States.
- Ask other lawyers.
- Call your local legal aid or public defender's office to see if you qualify for representation.

Fees/Costs and Initial Consultation

Once you have decided which lawyer to call, you should ask the lawyer whether he/she charges a fee for the initial consultation (first visit), and if so, how much. If you decide after the first meeting that you want to hire a lawyer, you should ask for an estimated cost for services. Most lawyers will enter into a written agreement listing the fees, costs, and the nature and extent of the lawyer's representation. You should understand from the first meeting

how much the lawyer will charge to handle your case. Costs are different from fees. The client is ultimately responsible for court costs, filing fees, etc.

The first time you meet with a lawyer, you should be prepared to discuss and ask questions in regards to the facts and any legal problems pertaining to these facts. Do not be shy or intimidated by the lawyer or his/her offices. The questions below are ideas for a potential client to ask the lawyer, followed by suggested direction for the client and lawyer.



Based on my situation, do I have a legal problem?

Client: Make sure you fully explain your situation to your lawyer. Bring any papers or documents you think may help explain the story to the first meeting. Make sure your lawyer covers both practical solutions to the problems as well as all of your options available under the law. Do not try to convince the lawyer of the merits of your position by exaggerating the facts. If you know, make sure you tell the lawyer the position taken by the potential adverse party.

Lawyer: The lawyer should have sufficient discussion with the client to determine that the facts indicate a legal problem. The lawyer should attempt to identify, as best he/she can, all the legal problems represented by the discussion of facts with the client.

Are you the lawyer who can help me? Is this something you routinely handle? If not, can you refer me to someone who does?

Client: It is important to discuss with the lawyer how much experience he/she has in dealing with cases similar to yours. If the lawyer doubts his or her competence to handle the matter then be sure to ask for a referral to other lawyers who are familiar with cases such as yours. Also ask about the outcome of the other cases that the lawyer has handled, as well as whether or not the anticipated fees and costs that you have been quoted by the lawyer is in line with the fees and costs charged in the other cases.

Lawyer: The lawyer should be careful to handle only matters he/she is competent to handle. If the lawyer is in doubt, he/she should refer the matter to a lawyer who concentrates in the area at issue and possibly associate himself/herself with that lawyer as an assistant to handle issues with which he/she is competent to deal with.

How much will this cost me?

Client: Make sure the lawyer fully identifies and explains the legal problems you currently face. The lawyer should give you some idea of the amount of money required in legal fees as well as expenses for the action that he/she is going to take for you. Whether the client is charged on an hourly basis or a contingent fee basis, the reason for the fee should be fully

explained to you. Before actually agreeing for the lawyer to represent you, feel free to get an explanation of the fee in writing from the lawyer and signed by both of you. See the definitions below for fees.

- **Retainer Fee.** Advance payment to the lawyer for a portion of his or her fee.
- **Fee.** An agreed-upon percentage of any monies obtained through settlement, trial or negotiation.
- **Hourly Fee.** The lawyer's hourly rate multiplied by the number of hours (or portion of hours) spent on your case.