

# 10 Tips for Finding the Right Legal Counsel

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Mention the word attorney in a crowd of people and you are likely to get a wide range of reactions. Let's face it most of us associate attorneys with law suits, trouble with the law and court dates. All things that can cost us money! However, there are many situations in which an attorney can be proactive in preventing legal problems. There are times when everyone can benefit from legal expertise whether you are a large corporation, a self employed business owner or an individual. If you are buying property, starting a business, or even entering into an employment contract having legal counsel can ensure that your rights are protected and that you do not make missteps that can cause you problems in the future. For corporations that have in-house counsel, there are many reasons why outside counsel is retained including the need for representation in a particular jurisdiction or the need for specialized legal knowledge.

Whether you are an Association, a global corporation or a small business owner, there are general tips which will assist you in choosing the right legal counsel for your unique needs. Choosing legal counsel is not unlike choosing any other professional service organization. It is important to first clearly understand your needs and then to carefully screen the professionals that meet your pre-defined qualifications to find the right fit.

1. Determine the area of legal expertise that you need. Are you in need of general legal counsel that will advise you in your business? Do you need an attorney to manage your fundraising campaign? There are law firms that specialize in representing certain types of businesses, in example one firm may represent several homeowner associations and have an expertise in this area, another may represent technology firms and understand this niche business. In addition to the practice specialty (i.e. intellectual property, real estate, trust) you may also require a firm that has experience with similar clients.
  - a. Can you use a mediator? Structured payments, apology, retraction, letters of recommendation, confidentiality agreements, barter and agreements for future business are some of the workable options in mediation that may not be available in litigation. Mediation is less expensive and takes less time than litigation.
2. Identify potential candidates. You can ask colleagues, friends, and others for referrals. State bar associations have legal referral services or you can visit the American Bar Association's website, [www.abanet.org](http://www.abanet.org) for a list of attorneys in your area. A reference like Martindale Hubbel or West's law directory online can be useful in identifying lawyers with the expertise you need and the type of clients they represent.
3. Screen the potential candidates. Contact the potential candidates and ask them to send you basic information on their firm and the services they provide. You may also screen by phone. Have they handled clients/cases similar to yours? How recently? What were the results? Are they willing to provide references?
4. Meet face to face. Narrow down your list from the preliminary screening and meet face to face with the top three or four candidates. Ensure that you will not be charged for the initial consultation. For corporations engaging counsel the face to face will be a briefing of your needs. 5. Request a proposal from each of the candidates that you have met face to face. The proposal should outline services, fees and a preliminary timeline.
6. Check references. Verify credentials with the State Bar Association. Call the references provided. Would they use the firm again? Were they satisfied with the results? Were there problems, and if so were they satisfactorily resolved?
7. Determine if there is chemistry. In addition to legal expertise and a track record in your area of need, you will need to form a good working relationship with your counsel. While you should certainly not select an attorney based on the color of their suit or style of dress, you do need to select someone with whom you can have a collaborative working relationship. The attorney client relationship is one of mutual trust and collaboration.
8. Define the relationship. Once you have selected counsel and notified the other firms of your choice and reasons for that choice (this is a common courtesy) it's time to get to work with counsel. The relationship should be clearly defined in a contract. The contract should very specifically address services, fees, schedule, personnel, location, and process for termination. Make sure your attorney agrees to abide by the American Bar Association's Model Rules of Professional Conduct, portions of which govern attorney fees. What services will be provided and by whom? Will paralegals, investigators or junior counsel do some of the work on your case? Where will the services be provided – onsite or offsite? What are the fees and how often will you be billed? What other expenses will you have to pay, i.e. document copy services, transportation? Who will make contractual decisions? Who will be responsible for billing (in an hourly arrangement is there a designated timekeeper)? What is the process for termination? How often will you communicate and how? Specify that all work product belongs to you, the client. This is especially important if you find it necessary to terminate the attorney. This is the time to clearly work through your expectations of counsel as well as their expectations of you. Make no assumptions. If you do not understand something, seek clarification.
9. Provide counsel with the information they need. Your counsel is your advisor, your advocate. In order to adequately represent your interests they will need all pertinent information. Do not withhold information. It is akin to going to a physician for a problem but failing to provide him or her with a medical history.

10. Communicate. All good relationships require open communication. If you have questions or concerns, bring them to counsel's attention. Remember you are the client and counsel does want to meet your needs.