

WORKING WITH LAWYERS

DO I NEED A LAWYER?

Only you can make the decision whether to proceed with or without a lawyer. Sometimes it is clear that you must hire a lawyer. Other times, it is clear you can handle the matter on your own. If you are unsure, it may be worthwhile to talk to a lawyer about whether you need legal assistance. If you are nervous or confused about the paperwork you have received, or an upcoming court date, you may want to consult an attorney. What happens in court can have serious consequences for you and your family and having good legal advice and/or representation can make a big difference in the outcome.

WHAT ROLES DO LAWYERS PLAY?

A lawyer may help you in one or more ways:

- **Consultation:** You may meet with a lawyer to talk about your situation and get an explanation of your options, including whether the lawyer can assist you in some way.
- **Preparation:** You may want to save money by doing as much as possible yourself. A lawyer can give you advice on how to represent yourself either in court or some other legal matter.
- **Drawing up papers:** A lawyer can prepare papers for you, such as wills, papers for filing in court, or agreements.
- **Negotiation:** A lawyer can represent you in resolving a dispute out of court; the lawyer may attend meetings, write letters, or write or review agreements.
- **Going to court with you:** A lawyer can represent you in court.
- **Mediation:** When lawyers serve as mediators, they do not represent either party. The mediator helps the parties resolve their dispute but does not give any legal advice. If the mediation results in a settlement agreement, it is recommended that you have your own attorney review the agreement to make sure it is in your interests.

CAN A LAWYER REPRESENT BOTH SIDES?

Lawyers may NOT represent opposing parties in a dispute. A lawyer can only represent one side of a conflict. Although the opposing party's lawyer may seem very friendly, it is important to remember that he/she has been hired to obtain the best results for the opposing party. It is not wise to accept advice from an attorney representing your opponent.

HOW DO I FIND A LAWYER?

There are a number of options for finding a lawyer:

- Ask people you trust for referrals, including lawyers who may have helped you with a different kind of legal problem.
- Contact your local or state bar association. The Pennsylvania Bar Association's Lawyer Referral Service can be reached at 1.800.692.7375 or www.pabar.org, and can help you find your county bar association.
- Search on the Internet or look in a phone book.

WHAT SHOULD I LOOK FOR IN A LAWYER?

Does the lawyer have the necessary experience to help you?

- How long has the lawyer been practicing in this area, and how many of your type of cases has the lawyer handled?
- Does the lawyer appear regularly at the court where your matter will be handled?
- Does the lawyer typically represent people on your side of the case (e.g. mothers, employees, plaintiffs, etc.)?
- Has the lawyer been successful in obtaining the result his or her clients are looking for? Are the clients satisfied?
- Do you feel comfortable talking to the lawyer?

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Can you afford the lawyer?

- What does the lawyer charge for his or her services? What work do these fees cover?
- Does the lawyer ever charge less for people who do not have much money?
- Does the lawyer require any money paid up front? How much? What does it cover?
- When will the lawyer expect to be paid? Will the lawyer require you to pay in full before going to court with you or after the case is over?
- Are there other expenses which you may have to pay? What are they and how much will they be?
- Are there ways that you can assist the lawyer to keep down costs?

HOW DO LAWYERS GET PAID?

Lawyers are paid in one of the following ways:

- **Flat Fee:** Sometimes lawyers charge a set amount, called a flat fee. This happens in cases in which it is easy to predict the amount of work involved.
- **Contingency Fee:** This fee arrangement is often used in lawsuits where the goal of the lawsuit is to win money, such as for injuries in a car accident. If you win, you pay the lawyer a percentage of what you win. Lawyers are NEVER allowed to charge a contingency fee for handling a divorce.
- **Hourly Rate:** In many types of cases, lawyers charge an hourly rate for their time. The rate charged depends on the lawyer's experience and other factors.
- **Opposing Party Pays:** Sometimes, one party will be ordered to pay the other's legal fees. This happens in some civil rights cases, usually after the trial is over. You may ask for it in a protection from abuse petition and in some child support actions. Sometimes (for example, in some divorces) the parties may reach an agreement that one party pay the other's legal fees.

- **Costs:** In any of these arrangements, you may also have to pay the court fees and other costs.

DO I NEED A FEE AGREEMENT?

YES. It is recommended that you get a clear written agreement from the lawyer before agreeing to any representation. Such agreements typically include the following information:

- how much the lawyer charges;
 - what work you are charged for;
 - when you must pay;
 - whether you must pay in advance and, if so, how much and whether it is refundable if not used by the lawyer;
 - how a disagreement between you and the lawyer would be settled.
- Your lawyer will ask you to sign the fee agreement. Read it carefully, make sure you understand it, and ask any questions and seek any changes you want before signing it.
 - Regular statements from the lawyer will help you keep track of what is being spent.

WHAT IF I CAN'T AFFORD A LAWYER?

If you cannot afford to hire your own lawyer you may be eligible for free legal advice and/or representation. In addition, many unions have legal service plans for their members. Also, there are some non-profit agencies and law school clinics which provide free services. Contact your local bar association for a list of these organizations.

HOW CAN I WORK MOST EFFECTIVELY WITH MY LAWYER?

- Answer all of your lawyer's questions. Tell your lawyer everything, even things that you think might "hurt your case." This will allow the lawyer to prepare and take possible steps to deal with the facts as they really are.
- Keep a list of all important events and information to share with your lawyer. Include dates, times, who was present, and what happened. This will help you remember.

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- Provide your lawyer with any documents, photos or recordings that have to do with the issue in your case.
- Ask your lawyer to explain anything that you do not understand.
- Unless it is an emergency, it is best not to contact your lawyer every time you have a question. Your lawyer is busy and every time you call it costs you. Try to write down questions for your lawyer as you think of them and contact your lawyer when you have several questions. Sometimes email communication is effective and saves money.
- Be patient. Sometimes legal matters move more slowly than you expect. If you are concerned, ask your lawyer how long it should take and when you can expect to hear something on your case.
- If you believe your lawyer has committed malpractice (e.g. was either negligent or incompetent and caused injury to you), you may file a malpractice lawsuit against your lawyer. You will need to hire a new lawyer to bring such a lawsuit.

This brochure is meant to give general information and NOT legal advice.

WHAT IF I AM UNHAPPY WITH MY LAWYER?

You may not be satisfied with your lawyer. Talking to your lawyer may resolve the problem you are experiencing. You may also want to consult a second lawyer about your case. Make sure you read the agreement you signed with the first lawyer, address any fee issues, and get documents from your first lawyer that you need to give to the new lawyer.

If your lawyer has done something you think violates your agreement or is unethical, you can seek help in the following ways:

- If you believe your lawyer has charged you unfairly or not followed the fee agreement, you may file a complaint with the Fee Disputes Committee of your county's Bar Association.
- If you think your lawyer has violated the Rules of Professional Conduct, you may file a complaint with the Disciplinary Board of the Pennsylvania Supreme Court. Go to www.padisciplinaryboard.org to download a complaint form and read the Rules of Professional Conduct.