

Finding the "Right Lawyer"

When you have a personal injury case regardless of whether it is, medical malpractice, boating accident, automobile accident, truck accident, motorcycle accident, construction site accident, nursing home abuse and neglect, unsafe product, property damage, wrongful death, surgeons liability, tourists injury, dental malpractice, podiatric malpractice, obstetric, gynecology, orthopedic malpractice, legal malpractice or even a wrongful death case, it is imperative that you find the right lawyer for you.

Finding the "right lawyer" is a great challenge. When you have a medical problem, a doctor will help decide whether you need specialized care and assist in providing immediate and necessary care. On the other hand, when you are in need of legal assistance, you are on your own. Outside of the Yellow Pages there is little readily available information to help in the selection of an experienced lawyer.

Often, people begin looking for a lawyer to represent them when they are confronted with a crisis. They may be dealing with a family death, serious injury, divorce, or criminal charge. Many times it is easiest to choose a lawyer who is friendly and supportive, without conducting research into his or her background and experience. Choosing a lawyer simply because he or she is understanding may lead to later dissatisfaction.

Lawyers should be selected for their expertise and experience in specific categories of cases. The "right lawyer" is the person who has substantial experience handling a case very similar to yours, who can and will take action at once. The "right lawyer" knows what to do immediately, acts effectively and with little wasted effort or wasted expenditures of your money.

Your search for the "right lawyer" will yield important rewards. Begin as soon as possible because there may be statutes of limitations or other deadlines that may be critical. In some cases you have only a limited window of opportunity to take legal action.

Think carefully about the legal services you require. You may need on-going, regular legal advice from someone who has experience advising individuals or businesses in your line of work. Other attorneys have particular experience in drafting contracts or wills, representing estates or working through land development or zoning-related issues. Many lawyers practice law for a lifetime and never set foot in a courtroom because their work is primarily consultative and

oriented toward planning. Other attorneys focus on providing remedies that require litigation, and are experienced in appearing before juries and trying complex civil and criminal cases. The bottom line is that there are many, many lawyers. You just need one, the "right" one.

Lawyers find the "right lawyer" by networking with the members of their profession who have experience in related areas. After making multiple calls they develop a "short list" of attorneys with special expertise. There are many ways that you can achieve the same goal.

Check out the home page of John Harris' Law Firm. Look for a lawyer with the same dedication, commitment, experience and record of success in the types of case that you have that is shown there.

Every community has lawyers who are experts in specific areas of the law. Finding a specialist requires more than asking friends and relatives for their recommendations. Unless they have extensive experience with the legal community, their advice has to be considered in the context of their background in retaining lawyers. To rely merely upon advice from friends and relatives may greatly limit your prospects unless they are involved in a line of work that is related to your problem. Artists and decorators know who does the best job of picture framing in town. For example, if your brother or sister has been served with divorce papers and in looking for a lawyer you learn of two family law specialists and a "brilliant trial lawyer." Remember, the key is networking. Call the "brilliant trial lawyer" and ask him or her who they would hire if they were sued for divorce.

If you have a family or business attorney upon whom you rely, your work is all the easier, but watch out. If your lawyer refers you to someone in his/her firm, this person may not be your best choice. Consider that person as someone to be added to your short list but nonetheless follow the guideline and suggestions you will find here before you make a final decision.

Everyone starts with the Yellow Pages. Understand what you can learn there. The Yellow Pages are paid advertising. The bigger the ad, the larger the volume of common cases handled by that lawyer. This may be what you need for a common or garden variety case, but no major corporation picks its lawyers out of the Yellow Pages. Ignore the hype and look for facts confirming experience you can call upon.

Libraries contain a national listing of attorneys published by Martindale-Hubbell, one of the best all-around sources of information. The Martindale-Hubbell Law Directory lists lawyers in practice by state and city. You'll be able to learn about attorneys' particular backgrounds, areas of practice, bar activities, honors, articles, and other aspects of their practices. But, more importantly, Martindale-Hubbell rates lawyers for their legal skills, ethics, and professionalism. While the rating system is not perfect, Martindale-Hubbell conducts confidential surveys of local judges and lawyers. Few very good lawyers are unrated. Martindale-Hubbell's highest rating is AV. John Harris is AV rated. www.martindale.com Libraries also contain an annual publication, THE BEST LAWYERS IN AMERICA. John Harris has been listed in THE BEST LAWYERS IN AMERICA for personal injury litigation every year since 1999. www.bestlawyers.com

Nothing beats experience, and you can find expert trial attorneys in the Association of Trial Lawyers of America's Membership Directory. It contains a special section called "Life and Sustaining Members." This list is an outstanding resource of the top trial lawyers in the United States. ATLA awards Sustaining Membership to attorneys who have made significant contributions to further the goals of the association and who are recognized for their expertise in the practice of trial law. Sustaining members must have practiced for ten years or more, have experience trying ten or more jury cases, and have been an ATLA member for at least five years. Reach ATLA, located in Washington, D.C., by calling 202-965-3500 if the library does not carry their directory. John Harris is a Sustaining Member of ATLA. He is also recognized as an ATLA Stalwart. www.atla.org

For more information on experienced trial attorneys, consult the membership directory of the National Board of Trial Advocacy, founded in 1980 and located in Boston. It is the only board of trial specialists approved by the American Bar Association, and the only national organization certifying civil trial lawyers, based upon substantial competency as a trial advocate. It is highly respected because everyone certified by the NBTA must meet objective criteria and no one was "grandfathered" into membership as a founder. Certification requirements include experience in at least 15 trials, evaluation by judges and opponents, peer review, and written examination. If your library does not have a copy of the NBTA directory, you can reach this organization for a list of NBTA members in your state by calling 508-384-6565. John Harris is certified in Civil Trial Advocacy by the National Board of Trial Advocacy. www.nbtanet.org

For many people "cold calling" is not easy, but you may gain valuable information if you contact some of the local legal community's leaders. The local bar directory contains the names of current and former bar presidents, the heads of bar association committees, and editors of legal publications. It will also give the names of the directors of continuing legal education programs or CLE as it is commonly known. Attorneys must attend a specific number of hours of continuing legal education each year to keep current their license to practice under the rules of many state supreme courts or state bar associations. Those lawyers who organize these educational programs are excellent contacts who can refer you to attorneys who have expertise in your line of work. The best lawyers in fields unrelated to your problem know who they would hire. Birds of a feather not only flock together, but they read legal decisions, legal newspapers, know the current scuttlebutt, and chat with their colleagues. When they need help, they know who to call.

As you are developing a "short list," do not hesitate to call either a current or former county or city bar president and to ask whether you would be making an error selecting any one of your nominees to represent you in a particular kind of case. It would be rare for you to receive a recommendation for any one particular individual, but you may learn whether an attorney has retired, suffered a major illness or limited her or his practice. John Harris is a former president of the Fredericksburg Area Bar Association.

There is no substitute for a face to face meeting when you are trying to select an attorney. You will not only learn whether a lawyer has the necessary expertise, but also whether you could form a comfortable working relationship with him or her. Call each attorney on your "short list" to see who would be available to be interviewed about taking on your case, and what the fee schedule would be for this meeting. Some law firms provide clients with a curriculum vitae, which details a lawyer's education, achievements, and experience. Ask for any information available on the lawyer or your subject matter, and review it carefully. This is the time for comparison shopping. Read for substance and compare the background and work experience of one lawyer with another before you call for an appointment. You can see John Harris' curriculum vitae at his home page.

At your meeting you should give a clear summary of your situation and the services you are seeking. It is helpful to bring a one page summary of all the relevant information, including dates, times, names and addresses and which provides basic "who, what, where, when, why and how" information. Come

prepared with documents that help tell your story, such as correspondence, photographs, accident reports, police reports and medical records. By examining this information the lawyer can quickly determine if he or she has a conflict of interest, in which he or she represents someone whose legal interests are in opposition to your own.

When talking with a lawyer pretend you are talking with your auto mechanic and ask the same questions:

How bad is it?

How soon do I have to do something?

Have you done this before?

Are there any options?

What are the odds of getting it fixed?

At what price?

When will it be done?

Who is going to do the work?

When can you get started?

If you or a family member have been injured, you may discover that your case requires prompt action. There are critical deadlines, called "statutes of limitations," that restrict the time you have to file a claim against the party responsible for your injury. In most states the rules adopted by the legislature requires all claims for personal, property or business injury be filed within two years. A few states, such as Virginia, require all such cases be filed with the court within two years of the injury and if a governmental entity is a potentially responsible party, an administrative claim must first be served on a designated city or county official within six (6) months of the incident and you must file a claim before you can file suit. These rules vary from state to state and worse yet, how and when they come into play also varies. It can be unnecessarily complicated and has been made that way as a result of the influence of big business in passing

legislation and in selecting cases to appeal. In most states if you file one day late, you lose. So, always move quickly to preserve your rights.

Acting quickly also serves to preserve important evidence that may otherwise disappear. Every major insurance company and corporate defendant begins investigating potential claims immediately. So should you. Evidence should be preserved *instanter* [an old but wonderful legal word that best explains how important this advice is. Discuss what kind of investigation would be appropriate and whom the lawyer recommends.

Find out who will be working on your case on a day-to-day basis. Ask to meet the legal staff, if they have not been introduced to you. Remember that when you are in a hospital you see the doctor usually once a day, but it is the nursing staff that provides hourly care. The same is true in the law office. Lawyers perform direct services, but they also give instructions and orders to others. Find out who those people are and what they do.

You should ask what course of action the lawyer suggests in your case, and be wary of an answer that contains lots of assurances but lacks concrete steps and a range of time the tasks would require. Determine what procedures will be followed to make sure all time deadlines will be met in your case. Many cases require the testimony of an expert, who is a specialist in a given field, many times a university professor, medical doctor, economist, accountant, or scientist. You should ask whether your case would be assisted by an expert, what kind of expert should be considered, which experts your attorney recommends, and when they should be retained.

Keep in mind that if you are going to litigate, your attorney will have to tell your story to a judge and a jury. You should try to imagine what kind of impression the attorney would make on them, and how convincingly he or she would present the facts of your case.

No interview would be complete without finding out what your own responsibilities would be. Ask if there are any tasks you would be involved in, and what your role in decision making would be. Most clients make the mistake of expecting the lawyer to initiate communication with them and most lawyers intend to do so and desire having a well informed client. But without a formal structure, it will not happen.

Understand that initiating communication is your responsibility and do not expect to be able to accomplish it by telephone. Many lawyers are frequently out of the office, appearing in court or taking depositions. Busy lawyers do not remain in their offices all day. Court appearances, arguing motions, interviewing witnesses, taking depositions into the dinner hour, traveling to meetings outside the office, attending continuing education programs and bar meetings are common. They will routinely not be there to accept a random call and may not be able to call you back when you will be available. Telephone tag does not accomplish your goal of being informed.

Be sure that you talk about the best ways to keep each other updated. Telephones do not work nearly as well as regular face-to-face meetings or scheduled telephone conferences. Plan on follow-up meetings with your lawyer at agreed upon times, as needed. If you do not understand what documents filed in court mean, be sure to ask. You must stay informed, but you do not want to abuse your welcome, even though you may be very anxious about your case.

Consider your lawyer in the same manner as you do your doctor. After you see a physician it is common for him or her to order tests, prescribe medication or to take some other action, but always you are asked to come back in a certain period of time. The doctor does not make the appointment. You do. Follow the same practice with your lawyer and arrange for follow-up meetings. One of the best ways to do this is by scheduling telephone conferences. Ask the lawyer, legal secretary or other person responsible for scheduling to set a meeting by phone when the lawyer expects to be in the office. This will help you avoid telephone tag and increases the probability of a successful exchange of information.

If you think you have found the "right lawyer," you will want a written fee agreement. Unless you sign a written fee agreement at the outset, the probability of your having an amicable conclusion to your relationship is zero. Ask for a copy of the attorney's fee agreement. As with all documents, make sure that you understand it fully before you sign it. No reputable attorney will pressure you to accept a fee agreement on the spot.

After your interview, take time to consider whether you would be comfortable in working with this person as your lawyer. Ask yourself whether or not she or he gave you clear and direct information. Will they be available in an emergency? Consider if the attorney spoke knowledgeably and with a minimum of legal terms. Think about whether this lawyer understood and shared your goals. As a client will you be a co-participant or will the lawyer be making all the decisions?

The importance of creating a comfortable working relationship with your lawyer cannot be underestimated. The road to obtaining the legal services you are seeking may be long, and it will take a considerable amount of teamwork to get there. If you make the commitment to find an experienced lawyer with whom you can work jointly, you will be well on your way to the best possible result.