



How To Find An Attorney

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- [Background](#)
- [Methods of Finding an Attorney](#)
- [Questions to Ask Before Retaining a Lawyer](#)
- [Additional Resources](#)
- [Organizations](#)

Background

When the United States handed down its decision in *Bates v. State Bar of Arizona* which struck down state laws prohibiting lawyers from advertising as an unconstitutional interference with free speech, it was widely thought that it would then be easier to find an attorney. This belief was based on the premise that since lawyers were allowed to compete in the same way as other businesses do, it would be easier to meet one's needs for legal representation and that the costs would go down.

It is true that lawyer advertising has made it easier to find an attorney. However, there is still a problem in finding the right attorney for one's particular needs. If the selected lawyer is inexperienced, incompetent, or lacks the willingness or ability to communicate effectively with a client, the client will not be satisfied with the lawyer's service. Furthermore, the consequences for the client could be catastrophic, such as losing a business or being unable to recover for injuries the client sustained at the hands of a liable third party. In order to find the best attorney, one needs more than a list of names, even if these are specialists in the relevant legal area. Clients are best served by asking questions before they decide on an attorney to retain.

Consumer dissatisfaction with lawyers has become a major problem. A survey taken in 1995 by Consumer's Union revealed that out of 30,000 respondents, one-third were not well satisfied with the quality of their attorneys' services. The reasons for this dissatisfaction varied, ranging from attorneys failing to keep their clients informed on the progress of their cases, failing to protect clients' interests, failing to resolve cases in a timely manner, and continually charge unreasonable fees. The reason for this widespread dissatisfaction is linked to the lack of knowledge by consumers on how to find attorneys experienced with the kinds of problems they are facing as well as knowing what questions to ask a lawyer they are considering retaining. The results of a one thousand person survey reported in the *Florida Bar Journal* revealed that the average time spent in finding a lawyer was two hours or less. Nearly one half of those surveyed said it was hard to find a good lawyer, and over a quarter of them said they did not know how to find a lawyer. It is remarkable that 80 per cent of respondents said they wished there was a source for information on lawyers' credentials.

Why It Is Difficult to Find an Attorney?

One difficulty in finding the appropriate attorney is the ever expanding number of specialties practiced by lawyers. Specialization makes selection more complicated. Law has become more specialized because changes in technology have necessitated the development of new areas, such as Cyberlaw and Internet law. New areas of law have also been created by recently enacted laws and regulations from such federal administrative bodies as the Environmental Protection Agency. This could impact and complicate the problems of a person acquiring a business and trying to determine whether the seller or the buyer is liable for

Encyclopedia of Everyday Law: How To Find An Attorney

cleaning up a toxic waste site. The increasing number of laws and regulations have forced lawyers to become more specialized in order to keep up with new developments. Furthermore, many general areas of the law in which an attorney could become proficient, have now been split up into specialties. In business law, there are specialists for mergers and acquisitions because of the complexity involved in these transactions. Even criminal law is not immune to this trend since some lawyers now specialize in white collar crime.

When Do I Need A Lawyer?

Potential clients should retain a lawyer for any of the following reasons:

- If they have been charged with a felony
- If they have been served with papers naming them as defendants in a lawsuit
- If their insurance coverage is less than the amount a third party is claiming due to their negligence
- If they are making a will or changing it
- If they wish to adopt a child
- If someone with whom they are involved in a business setting breaches his or her contract with the client
- If they are resulting in substantial harm, or if the person suing them has a lawyer.

If a person is a [DEFENDANT](#) in a civil lawsuit and fails to appear in court, a [DEFAULT JUDGMENT](#) will be entered by the court against them, and for all practical purposes, they will be unable to overturn it.

Avoiding the Dishonest or Unethical Lawyers

This situation is easy to fall into because with the exception of Oregon, at least some part of the disciplinary process is kept private. This means that potential clients have no way of knowing whether a complaint has been made against a lawyer if no action has been taken. Although some complaints against lawyers are frivolous, the consumer has no way of knowing whether the decision by the state bar not to take any action was made in [GOOD FAITH](#). Furthermore, the action taken may only amount to a private reprimand in the form of a letter sent to the attorney. According to a recent investigation by the Washington Times, lawyers guilty of serious ethical violations and felonies are at the most only suspended for a limited period of time and made to make [RESTITUTION](#) to the client. Even the most severe punishment, disbarment, is not permanent since in most states the attorney can apply for reinstatement in five years.

Not only are the actions taken against lawyers found guilty of ethical violations not published in many states, this information is unavailable even in publications and databases relied upon by consumers to avoid this problem. There are attorneys listed in the well-respected Martindale-Hubbell Lawyers Directory who may be under suspension, disbarred, or imprisoned. The database set up by the American **BAR ASSOCIATION** (ABA) to allow consumers to find out whether a lawyer has been sanctioned is a great deal less than helpful since no details are given as to the offense charged or the punishment given.

Out of all the complaints made against lawyers, only one half of one per cent result in disbarment, and a total of only one and one half percent result in any [SANCTION](#) at all including private reprimands.

Methods of Finding an Attorney

By Advertisement

In an advertisement, consumers cannot obtain the information you need in order to make a wise decision. There is nothing upon which to judge the legal skills of the attorney, whether his style would be conducive to achieving specific goals as to how to resolve specific problem, or whether there have been any complaints against the attorney resulting in a reprimand, suspension or disbarment. It also cannot determine from an advertisement whether the attorney will be accessible enough so that they can communicate effectively with their clients and willing to take the time necessary so that they understand the possible outcomes of handling the client's case in a given manner.

By Personal Referral

Friends and business acquaintances whose judgment is trusted is a good source in finding an attorney, if they have used the attorney for the same kind of problem that a consumer is facing or at least practices in a specialty pertaining to the consumer's situation. An even better source is a friend or acquaintance who actually is an active or recently retired lawyer or judge. Such persons can inform potential clients as to attorneys' reputation in the legal community.

By Published Directories

Martindale Hubbell Law Directory

This annually published directory is the oldest and best known of those available today. It includes lawyers practicing in the United States as well as 159 other countries. This coverage of foreign countries will continue to become more important as laws in the United States are affected by foreign and international law.

Each individual lawyer entry will contain the date of birth, the year first admitted to a state bar, numeric codes indicating where all listed educational degrees were earned Specialized areas of law in which they practice, and a listing of representative clients, the firm where the lawyer practices, and contact information. If the entry has the bar registry designation (BR), it means that they are also listed in the Martindale Hubbell Directory for Pre-Eminent Lawyers.

Despite its enormous size, not all practicing attorneys are listed. In order for an attorney or firm to be included in this directory, they must send the appropriate information to the publisher.

Many, but not all of the attorneys and firms listed, are rated according to their degree of legal skill and whether they follow the highest ethical standards. The rating "AV" is the highest rating given. A "BV" rating is still above average in terms of legal skills and an indication the attorney subscribes to the same high ethical standards as those given the "AV" rating. The "CV" rating denotes an average rating in terms of legal skills and an indication the lawyer also follows the highest ethical standards. No attorney is given a rating without their consent. The ratings are based on confidential written evaluations by practitioners and judges in the position to know the given lawyer. There is no rating to indicate that a lawyer is below average in legal ability or that he does not follow the highest ethical standards.

Martindale Hubbell Bar Register of Pre-Eminent Lawyers

Listings are restricted to those individual attorneys and firms that have earned the "AV" rating and who practice in the United States and Canada. Instead of being grouped by state and within each state by the locality in which the lawyer practices, the lawyers are first grouped according to the specialty in which they practice. Sixty specialties are included.

Encyclopedia of Everyday Law: How To Find An Attorney

The primary value of these directories in your search for an attorney is that they tell you how long that lawyer has been in practice, whether he specializes in an area relevant to the problem you are facing, and whether there may be a [CONFLICT OF INTEREST](#) if you retain that attorney based on the clients they represent.

The Best Lawyers in America 1999–2000

Now in its eighth edition, the information is based on the polling of 11,000 lawyers who were asked which attorneys in practice for a minimum of ten years they consider to be the best in their specialty. In the 1995–1996 edition only one and one half percent of all lawyers practicing in the United States were listed.

Lawyer's Register International by Specialties and Fields of Law. 16th ed. 1999

This directory gives a worldwide listing of attorneys who represent themselves as being certified or designated as practicing in one or more of 390 legal specialties. The designation as a specialist is given for one of three reasons. First, the attorney has successfully completed a certification program given for that specialty in the state in which they practice. Second, the state in which the lawyer practices has designated them on a defacto basis that they have sufficient experience to be qualified in a given specialty. Third, they have been certified by the National Board of Trial Advocacy. There is a separate designation given for each of these three reasons why a lawyer is designated as certified in a given specialty.

The directory is arranged alphabetically by specialty, and within each specialty alphabetically by where they practice. In order to assist the consumer, a separate table lists all states that have established certification programs in particular specialties. By using this table, you are able to more easily select attorneys that have been certified by a state program in a given specialty.

Chambers Global The World's Leading Lawyers

Published in London, England, by Chambers and Partners, this source is designed for those trying to find an attorney practicing in one of over sixty specialized areas of business and [CORPORATE](#) law.

Evaluations are from leading practitioners in each specialty obtained through telephone interviews averaging thirty minutes. During these interviews, the person interviewed is asked who they consider to be the best attorney in their specialty and why they hold such a high opinion of them. This procedure, unlike the written questionnaires upon which other lawyer directories rely, allows for a more thorough investigation of the legal abilities of a given attorney. This is because a interview by telephone avoids the [BIAS](#)

that is inherent in written questionnaires since the ones returned in such surveys are much more likely to be favorable. Conversely, attorneys who do not respect the abilities of another practitioner are less likely to send in their written responses.

By the Internet

- America Online (AOL) Anywhere Lawyer Directory URL: <http://aol.lawyers.com> – Besides acting as an online aid to finding an attorney, this site also contains a link to answer questions that need to be asked by those seeking legal representation.
- Martindale Hubbell Lawyer Locator URL: www.martindale.com – This is the most frequently used lawyer directory on the internet.
- [Lawyers.com](http://www.lawyers.com) URL: www.lawyers.com – This site also belongs to Martindale–Hubbell, but it differs from the preceding web site because it targets individuals and small business people. This site allows searches to be narrowed to those attorneys practicing a particular specialty in a given locality. It also has links to help a consumer determine whether they need a lawyer, how attorneys bill their clients

Encyclopedia of Everyday Law: How To Find An Attorney

and how much they charge as well as a list of questions to ask an attorney before you decide to retain them.

- Chambers and Partners URL: <http://www.chambersandpartners.com> – This organization's home page has links that enable you to find evaluations of lawyers and law firms as to their legal skill in various areas of business and corporate law.

By Lawyer Referral Services of State Bar Associations

These sources are useful only to the extent they can give consumers the names of lawyers in a given locality who practice law in a given specialty and who have agreed to have their name put on the list maintained by the Bar Association. For a small fee, usually \$25 – \$30, each attorney on the list agrees to give a fifteen to thirty minute consultation. This can be helpful because consumers can get an opinion from a lawyer as to whether they have a case and whether it is worth pursuing. This can save consumers a great deal of time and effort as opposed to attempting to research the matter on their own. During the consultation, the lawyer should be able to inform the potential client whether the [STATUTE OF LIMITATIONS](#) for filing their particular claim has expired or not. Although consumers could do research on their own, just reading the [STATUTE](#) may be insufficient to determine whether the statute of limitations has run out; they may have to read the [CASE LAW](#) on this matter. Regardless of what the attorney tells the consumer regarding their case, they are under no obligation to retain the lawyer's services.

The following are a short list of directory services available:

- ABA Directory of Lawyer Referral Services – This directory lists state wide and local bar association referral services. The local referral services specify which counties they serve. Each referral service will indicate whether they give referrals for all specialties or exclude certain ones. Information is also given as to whether low fee or [PRO BONO](#) (no fee) programs are provided for low income clients.
- Law and Legal Information Directory by Steven & Jacqueline O'Brien Wasserman – This source has an alphabetical listing by state of referral services located in that [JURISDICTION](#). Included are entries for services provided by the state bar as well as local bar associations. Street and web site addresses, regular and toll-free telephone numbers Are provided. If you qualify by income, a listing of legal aid offices arranged alphabetically by state and cities within will include the same information the lawyer referral section provides.
- Web Services – If you do not have access to either of the above titles, you may obtain information on the legal referral services offered by your state bar by logging on to www.findlaw.com. From this cite you will be led to links for each state which in turn will include links to that state's bar association and the lawyer referral service it provides.

Questions to Ask Before Retaining a Lawyer

There are four purposes to this process. First, it allows consumers to determine whether the attorney has sufficient experience not just in the specialty pertaining to their problem, but also whether the lawyer has had previously solved a similar problem for another client. Second, they can learn whether his style is suited to their goals in resolving the dispute they have with the other side. For example, if a potential client is hoping for a [SETTLEMENT](#), a hardball Rambo like style may backfire. Third, they will discover how well they and the attorney communicate with one another. Fourth, they can ask the attorney if they are able to devote sufficient time and resources, such as a support staff, to their case.

Consumer Reports suggests that the following questions be asked during an interview with any attorney a consumer is considering retaining:

Encyclopedia of Everyday Law: How To Find An Attorney

- How many years of experience do you have in this specialty and how have you handled similar disputes in the past?
- What are the possible results from pursuing this matter?
- How long will you expect it to take to resolve this matter?
- How will you keep me informed of what is happening as the case proceeds?
- Will anyone else, such as one of your associates or paralegals, be working on my case?
- Do you charge a flat or an hourly rate and how much?
- What other expenses will there be besides your fee and how are they calculated?
- What's a reasonable approximate figure for a total bill?
- Can you give me a written estimate?
- Can some of the work be handled by members of your staff at a lower rate?
- Will unforeseen events increase the amount you charge me?
- If you charge on a contingency basis, what proportion of the amount I recover will be paid to you as your fee and can this figure be calculated after the expenses are deducted?
- How often will I be billed, and how are billing disputes resolved? If we cannot settle this, will you agree to mandatory arbitration?
- Do you need any further information from me?
- Can I do some of the work in exchange for a lower bill?
- Do you recommend that this matter be submitted to an arbitrator or mediator, and do you know anyone qualified to do this?

Additional Resources

Choosing a Matrimonial Lawyer: 10 Criteria for Finding the Right One for You. David M. Wildstein, Wilentz, Goldman, & Spitzer, 1996.

Consumer's Guide to Getting Legal Help. ABA, 2001.

Do I Really Need a Lawyer? Kahon, Stewart & Robert M. Cavello, Chilton Book Co., 1979.

Finding the Right Lawyer. Jay Foonberg, ABA Section of Law Practice and Management, 1995.

Guide to Consumer Services: Consumer Union's Advice on Credit, Income Tax, Choosing a Doctor or Dentist, Finding a Lawyer, Closing Costs, Auto Repair and Much More. Consumer's Union, 1979.

How to Find the Best Lawyers: And Save over 50% in Legal Fees. John Roesler, Message Co., 1996.

Lawyer Referral and Information Service Handbook. ABA, 1980 - Published biannually.

Let's Talk Law: Selecting a Lawyer. Crest Video Marketing.

Profile 2000: Characteristics of Lawyer Referral and Information Service. ABA Committee on Lawyer Referral and Information Service, 1999.

Using a Lawyer and What to Do if Things Go Wrong. HALT.

Organizations

American Divorce Association of Men International

1519 S. Arlington Heights Rd.
Arlington Heights, IL 60005
USA Phone: (847) 364-1555

American Society for Divorced and Separated Men

575 Keep St.
Elgin, IL 60120 USA
Phone: (847) 665-2200

Atlanta Lawyers for the Arts

152 Nassau St.
Atlanta, GA 30303 USA
Phone: (404) 585-6110

Chicago Divorce Association

One Pierce Center
Itasca, IL 60143 USA
Phone: (630) 860-2100

Christian Legal Society

4208 Evergreen Lane, Suite 222
Annandale, VA 22003 USA
Phone: (703) 642-1070

Families for Private Adoption

P.O. Box 6375
Washington, DC 20015 USA
Phone: (202) 722-0338

Find the Children

3030 Nebraska Ave., Suite 207
Santa Monica, CA 90404-4111 USA
Phone: (310) 998-8444

Help Abolish Legal Tyranny (HALT)

1612 K St., N.W. Suite 510
Washington, DC 20006 USA
Phone: (202) 887-8255
Phone: (888) FOR-HALT
URL: www.halt.org

Military Law Task Force

1168 Union, #200
San Diego, CA 92101 USA
Phone: (619) 233-1701

National Counsel of Black Lawyers

Encyclopedia of Everyday Law: How To Find An Attorney

116 W. 111th St., 3rd Floor
New York, NY 10026 USA

National Health Law Program

2639 S. LaCienega Blvd.
Los Angeles, CA 90034 USA
Phone: (310) 204-0891

National Lawyers Guild

126 University Place, 5th floor
New York, NY 10003-4538 USA

National Whistleblower Center

3238 P St., N.W.
Washington, DC 20007 USA
Phone: (202) 342-1902

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