



CHOOSING A LAWYER

Lawyers are not all alike

Like other professions, law is a diverse field and no one lawyer can be knowledgeable in all areas of the law. Much like physicians, lawyers can be general practitioners who cover a variety of the more common areas of law such as civil litigation, real estate and general commercial matters. Other lawyers will specialize in one area of the law such as matrimonial law or criminal law, or in a field of law such as business law.

Lawyers within the same area of practice will have different experience levels, depending on how long they have been in practice.

What kind of lawyer do you need?

The first consideration in choosing a lawyer is deciding what type of lawyer you need. Expert lawyers may charge more than a general practitioner. More senior lawyers often charge more than junior lawyers. It is important to find the right lawyer for the level of the legal issue.

If you are purchasing a regular house you don't need an "expert in real estate law" to do the closing for you. While such a lawyer is capable of carrying out the transaction for you, you may be paying a premium for expertise which you don't need. On the other hand, if you are selling an apartment building you may well need a lawyer who specializes in real estate. If you are selling a series of shopping centers you may well need a senior real estate attorney.

Litigation can pose a special challenge in choosing the appropriate legal representation. As a client you may not know if the legal issues are simple or complex. How do you decide what is appropriate in the circumstances? How do you find a lawyer?

Finding a Lawyer

Finding lawyer is always a challenge. You may know one or more lawyers socially. If you feel confident about them based on your past interactions, meet with them. If you don't know a lawyer socially, or if you do but feel it inappropriate to become professionally involved with that attorney, then look to other sources.

The best source of names is referrals from someone whose judgment you trust. This can be another professional advisor such as an accountant or bank manager, or a friend who has had similar legal issues in the past.

Advertising, including yellow pages insertions, is now permitted by lawyers in most jurisdictions and provides another source of names. Advertising will also often give you an indication of areas of practice of the lawyer.

The internet is becoming an increasingly important source of resources including names of lawyers. An internet web site allows you to obtain information about the law firm which helps you make an informed decision about the nature of the firm and the types of services provided.

Choosing the Lawyer

If you know the type of lawyer that you want then the process is fairly simple. For example if you are going through an uncontested divorce with no children and no property or support issues, you need a lawyer with some experience in family law. The lawyer doesn't have to be senior or an expert. Meet with a lawyer who meets the criteria and discuss the situation. If you feel comfortable with the person, ask for a time and fee estimate. Consider meeting with a second lawyer for a second fee estimate. Once you have found someone with whom you are comfortable who will charge you a price you think is appropriate, you have found your lawyer.



If the matter is more complex and you don't know the type of experience your lawyer should have, it is essential to interview a number of lawyers. Discuss the situation and ask for their assessment of the situation and of the type of lawyer and seniority that are required. Try to assess the opinions which you receive to determine the type of help which you need. In these circumstances after interviewing a number of lawyers common points of advice should emerge. You can then form a profile of the experience your lawyer needs to have.

Having determined the legal issues and type of attorney that you need, you can go back to any of the lawyers who you previously met with who meet the criteria and with whom you feel comfortable. If necessary you can look for additional lawyers who meet your needs, and find someone to retain based on your interview.

You should be provided with a written retainer letter which sets out the scope of services to be rendered and the fees to be charged.

What will it cost?

Lawyers charge for their services in different ways. Most matters will be charged on an hourly rate or by a flat fee.

Hourly rates are usually higher for more experienced lawyers. However a lower hourly rate doesn't necessarily mean a lower bill. An experienced lawyer may not have to "reinvent the wheel" and may be able to charge less by being more efficient. Senior lawyers may also make use of junior lawyers or paralegals within the law firm to help keep your costs down in appropriate cases.

Flat fees are common for standard items such as an incorporation, real estate mortgage or purchase or sale, uncontested divorce or basic contract.

On some complex civil litigation lawyers may charge a percentage of the recovery.

In addition to time charges lawyers charge for all disbursements incurred on your behalf. Where required, taxes are then charged on all fees and disbursements.

In most cases you can be expected to be asked for a cash retainer before the work commences. This retainer will be put in the lawyer's trust account unless you give written directions to the contrary. You will typically be asked to replenish the retainer as bills are issued and money is