

How to Hire a Lawyer

Shortly into the term of the next president of the United States, I will reach a tipping point: More than half my life will have been spent as a lawyer.

Longevity has innumerable benefits, including experience, maturity and, hopefully, wisdom. But there is a detriment to having practiced law for decades: Often I forget what it's like *not* to be a lawyer.

Over time, I have heard frequently that lawyers — while able to communicate effectively with other lawyers and judges — take for granted that laypersons understand them. And I've been told about a general reluctance even to consult a lawyer, out of concern that the lawyer will be too busy, too complicated or (you guessed it) too expensive.

So what follows are modest suggestions for contacting and, if appropriate, hiring a lawyer. And doing it right.

► **Understand the roles.** When you initially contact a lawyer, whether for the first and only time or as an experienced



Expert Advice Vincent O. Chadick

VChadick@QGTLaw.com.

consumer of legal services, remember this: You are conducting the interview and will decide whether the lawyer will work for you. The lawyer, of course, can choose not to “take your case.” But the lawyer doesn't decide if you make the job offer; that decision is yours. Don't forget that.

► **Realize the protections.** Most folks are vaguely familiar with the concept of “attorney-client privilege.” With very limited exceptions, this privilege means that what you tell

your lawyer can't be disclosed to others without your consent. The confidentiality rules encourage clients to speak to their lawyers with candor.

The rules of confidentiality apply likewise to communications between lawyers and *prospective* clients. So you can speak frankly while interviewing a lawyer and not worry that, because the lawyer “knows your secrets,” you must hire that lawyer in order to protect those secrets. If, after telling your secrets to a lawyer you're interviewing, you decide not to hire the lawyer, the secrets are as safe as they would be if you had hired the lawyer. If any lawyers dispute you on this, tell them to read Rule 1.18. They'll know where to find it.

► **Discuss the deliverables.** When interviewing a lawyer, describe with particularity your objective. Discuss the scope of the work and the time it could take to complete the work. And, maybe most important, find out how often you should expect reports

about progress on the work.

Of course, all matters are different, and scope and timing of completion can be difficult to predict with precision. But you can discuss with the lawyer, during the interview process, what work will be involved to complete the case and when reports on the case will be made.

Now, you might think the lawyer's plans for periodic reporting are insufficient or estimates on scope of work and completion times are vague. Politely ask the lawyer to be more specific — or explain why more specificity is not possible. If you're still not satisfied, don't hire that lawyer. Move on to the next interview.

► **Talk price.** Ask the lawyer directly, “Based upon the work I'm asking to be performed, how much will you cost me?”

Again, some projects lend themselves to precise cost predictions, even flat fees. Other matters just aren't the type that allow for reliable cost projections. In these latter situations, talk to the lawyer about the fee structure — estimates of costs if certain contingencies arise, maximum costs or

minimum costs — and make sure you understand it.

If you're not comfortable with the answer or with *how* it is answered, move on to the next interview.

► **Consider fit.** You want to be comfortable with the lawyer you hire. Observe how the lawyer responds to you in the interview. Before hiring the lawyer, make certain this is a person you want working with you, and for you.

► **Remember who controls the hire.** You do. The lawyer doesn't. And keep this in mind: Unless and until you tell a lawyer *I want to hire you*, and the lawyer says back *I want to be hired by you*, you should not be charged a fee. If you decide not to hire, thank the lawyer and move on. If you decide to hire a lawyer, ask the lawyer to put in writing the terms of the engagement and formally retain the lawyer only after you both agree to the written terms. ■

Vincent O. Chadick is of counsel in the northwest Arkansas office of Quattlebaum Grooms & Tull PLLC. Email him at VChadick@QGTLaw.com.