



HOW TO SELECT A LAWYER

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the State Bar of Texas

WHEN SHOULD I CONSULT A LAWYER?

Many circumstances may require a lawyer's services. This pamphlet covers some of the most common reasons to consult a lawyer.

To avoid problems

The most commonly recommended instances to consult a lawyer to prevent problems from occurring are:

- Real estate transactions, such as buying or selling a house;
- Making a will or planning your estate;
- Family matters, such as divorce or adoption; and
- Starting or buying a business.

To resolve problems

After problems arise, you should consult a lawyer if:

- You are arrested or accused of a crime;
- You are served with a lawsuit or are named in a lawsuit personally;
- You are unable to resolve issues with a government agency, such as issues with tax, immigration, social security, workers compensation, or veterans or pension benefits;
- Someone does not satisfactorily perform work or services or fails to honor guarantees or warranties. These service providers could include professionals such as lawyers, accountants, and doctors, as well as others; and
- Someone refuses to pay you funds you believe you are entitled to, or someone tries to collect funds from you that you think you don't owe.

Under appropriate circumstances, reputable bankers; accountants; real estate salespersons; tax firms; investment counselors; the Better Business Bureau; federal, state, and local government agencies; and others can provide valuable assistance. The important thing is that you consult a lawyer to determine if a lawyer can be of help.

It's also important to note that many legal matters have critical time periods in which action must be taken. If you have been served with a lawsuit, a written response must be filed with the court or a default judgment can be entered against you. In many matters, to protect one's rights, you must take the appropriate action with the proper court within the required legal time period.

Most lawyers charge a fee for the first office visit. When making a first appointment with a lawyer, be sure to ask if there is a fee. This visit does not obligate you to hire the lawyer.

WHAT IF I CANNOT AFFORD A LAWYER?

If you are accused of a crime and cannot afford an attorney, you may ask the judge to appoint a lawyer to represent you.

For civil (noncriminal) cases, you will not know whether you can afford a lawyer until you have called a lawyer's office or visited with a lawyer.

If you have a very modest or low income, there are legal aid offices that may be able to help you. These offices provide attorneys for a low fee or no fee to assist eligible people with their civil legal problems.

To locate the nearest legal aid office or legal resources in your area, please refer to the latest State Bar of Texas Legal Services Referral Directory at [texasbar.com/referraldirectory](https://www.texasbar.com/referraldirectory). You may also call the State Bar of Texas Legal Access Division at 800-204-2222, ext. 1855, directory assistance, or your local bar association.

HOW DO I FIND THE NAME OF A LAWYER?

There are many ways to find a lawyer:

- Call your local bar association for the local lawyer referral service telephone number. If there is no lawyer referral service in your area, call toll-free 800-252-9690 from any location in Texas to reach the State Bar of Texas Lawyer Referral & Information Service;
- Visit the State Bar of Texas website—[texasbar.com](https://www.texasbar.com), under the 'Find A Lawyer' tab. The website has a search function that allows you to search for lawyers by location, area of practice, name, and other features;
- Ask a friend, especially one who has had a problem like yours, for the name of his or her lawyer;
- Ask a professional person, such as a doctor, minister, social worker, banker, or a business person whom you know and trust.

HOW DO I CHOOSE A LAWYER?

Once you have a list of attorneys that you may want to consider hiring, do your research.

The State Bar of Texas website— **texasbar.com**—maintains a Find-a-Lawyer directory with profiles for every licensed Texas attorney. The directory lists public disciplinary actions, if any, taken against the attorney.

Many attorneys or law firms have websites where you can read about their practice areas, experience, organizational affiliations, awards, or other certifications.

Some attorneys will list themselves as being “board certified” in one or more specific areas of law. A board-certified lawyer has met criteria established by the Texas Board of Legal Specialization (TBLS) in a particular practice area. You may search for lawyers board certified in different practice areas of the law on the TBLS website—**tbls.org**.

Before you make an appointment to see a lawyer, call the offices of the lawyers on your list. Find out with whom you are speaking, briefly explain your legal problem and ask:

- Does the lawyer have experience with this kind of problem?
- Does the lawyer charge for an initial interview? If so, what is the charge?
- If you believe your problem is routine: Does the lawyer have a standard fee for this kind of problem? What does the fee cover?
- If your problem is more complicated or the lawyer does not have a standard fee: What is the lawyer’s hourly fee?
- Does the lawyer provide a written agreement describing fees and the services provided for the fees?

Keep a list of all the information you have gathered. Think about the answers you received from the lawyers or their representatives. Then call back to make an appointment with the lawyer whose answers satisfied you most.

HOW DO I PREPARE, AND WHAT SHOULD I TAKE TO THE FIRST INTERVIEW?

Plan to go to the first interview with an open mind. You do not have to hire the lawyer with whom you are interviewing.

Before your meeting with the lawyer, ask what he or she would like you to bring or have with you. Some lawyers may ask you to deliver written materials in advance of your first interview in order to have adequate time to review them or to provide copies at the initial interview.

Prepare a list of questions for the lawyer, such as:

- Are you specialized and/or experienced in my type of problem?
- Will you or one of your associates be handling my case?
- Will you regularly contact me about my case's status?
- Will I be provided with copies of all important documents, and will there be a charge for those documents?
- Will I be able to make the final decision on my case?
- What is your estimate of the time needed to complete my case?
- What will be required of you financially to retain the lawyer?

REMEMBER: When you hire a lawyer, the lawyer will be working for you. He or she should be genuinely interested in your problem and giving you the best possible advice. The lawyer may not be able to accomplish everything you wish because of the facts or the laws that apply in your case. Many times the best advice a lawyer can give will be to avoid court action. He or she may suggest other methods to resolve your matter, such as mediation.

WHAT SHOULD I EXPECT OF MY LAWYER, AND WHAT WILL HE OR SHE EXPECT OF ME?

Here are a few tips about what to expect from your lawyer. Your lawyer should:

- Give you frank, honest advice;
- Tell you the strong and weak points of your case;
- Keep you informed and follow your instructions, within the bounds of the law;
- Protect and defend you (this is his or her principal duty!);
- Not make any agreements or take on any obligation that might jeopardize your rights or interests;
- While representing you, not represent any other client whose interests conflict with yours;
- Provide you, if you ask, with copies of all letters and documents involved in your case; and
- Provide an itemized bill of all work done for you and all expenses incurred on your behalf.

Here are a few tips about what your lawyer will expect of you. The lawyer will expect you:

- To be prompt for court dates and appointments;
- To let the lawyer know how to keep in touch with you. If you have a change of address or phone number or place of employment, let your lawyer know; and
- To be completely honest. Even if it is embarrassing, tell the truth about your problem. Remember, what you tell a lawyer in private will be kept confidential. Even confessions to past crimes or criminal activity will be treated as confidential by your lawyer. The only exception to this rule of strict confidentiality are plans for future crimes and continuing criminal activity.

HOW MUCH WILL THE LAWYER CHARGE ME FOR HIS OR HER SERVICES?

The lawyer's fee depends on many variables, such as the amount of time spent on your matter, the difficulty of the work, the skill required, and the customary fee in your area for similar work. The fee may also vary depending upon the lawyer's experience, reputation, and ability. Fee arrangements may also vary and could include a set amount or an amount contingent on the outcome of the case.

Some fee arrangements are:

Flat fee: The lawyer may quote you a set amount or standard fee for your type of legal problem. In addition, lawyers usually expect you to pay court costs and to reimburse them for out-of-pocket expenses, such as travel or copying expenses. It is important that you find out what any fixed fee covers.

Hourly fee: A lawyer may prefer to bill you by the hour. Such fees may vary widely depending upon the complexity of the legal work, the skill of the lawyer, and whether there are time deadlines. You may wish to try to negotiate with a lawyer on his or her hourly rates. If you agree to an hourly arrangement, you and the lawyer could include a provision in your contract requiring the lawyer not to exceed a specified amount of time or money without obtaining your permission. Insist that you be kept advised every month of the number of hours the lawyer is spending on your problem. You also have the right to ask for a written explanation of what the lawyer did during the hours he or she worked on your case.

Retainer: Some lawyers also require an advance fee called a retainer. Ask the attorney what this covers. Occasionally, the retainer is a flat fee that will cover the lawyer's services regardless of the amount of time the lawyer spends working for you. So, it is important to ask whether there will be a refund if the attorney does not spend as much time on the problem as provided for by the retainer.

Questions about fees that you may want to ask:

- Can you give me an estimate of how much this legal matter will cost?
- Can we have a written fee agreement that sets forth not only my obligation to pay you but also exactly what services you will provide?

HOW SHOULD I MAKE MY DECISION TO HIRE A LAWYER?

Based on your first interview, you should consider the following factors before agreeing to hire a lawyer:

- Could you communicate effectively with the lawyer? Was the lawyer clear and easy to understand?
- Are fees reasonable in comparison with other lawyers' charges?
- Did the lawyer give clear explanations of how he or she will keep you informed about progress in your case?
- Am I satisfied with the interview and the information the lawyer provided? If not, do not hire him or her. Keep looking.

Before you finally sign a contract with a lawyer, **READ THE CONTRACT**. Make sure you understand it. Make sure everything you and the lawyer agreed to is in writing.

WHAT IF I HAVE A PROBLEM WITH MY LAWYER?

If you have a problem with your lawyer, you should first discuss it with him or her. Try to work out any issues.

If talking to your lawyer does not resolve the problem, take advantage of the State Bar of Texas Client-Attorney Assistance Program (CAAP). CAAP is a confidential statewide dispute resolution service. Its objective is to facilitate communication and foster productive dialogue between Texas lawyers and their clients in an effort to assist them in resolving minor concerns, disagreements, or misunderstandings that are impacting the attorney-client

relationship. Learn more at [texasbar.com/caap](https://www.texasbar.com/caap) or by calling toll-free 800-932-1900.

If the problems cannot be worked out, it is your right to fire your lawyer and hire someone else to represent you.

If the problem occurs before your legal matter is settled, you should expect to pay a portion of the fee to the lawyer for time already spent. The lawyer has an obligation to return your file.

If you believe your lawyer has not acted in your best interests, neglected your matter, or done something illegal, unethical, or improper, you may wish to file a grievance against your lawyer. Learn about the attorney grievance process at [texasbar.com/grievance](https://www.texasbar.com/grievance) or by calling toll-free 800-932-1900.

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