



# Finding An Attorney for Your Case Requires Asking the Right Questions

AREC | SEPTEMBER 2019 | FS-1097

By Paul Goeringer, Extension Legal Specialist, Department of Agricultural and Resource Economics, College of Agriculture and Natural Resources, University of Maryland



UNIVERSITY OF MARYLAND  
AGRICULTURE LAW  
EDUCATION INITIATIVE

UNIVERSITY OF  
MARYLAND  
EXTENSION



COLLEGE OF  
AGRICULTURE &  
NATURAL RESOURCES

DEPARTMENT OF AGRICULTURAL AND  
RESOURCE ECONOMICS



Selecting an attorney to represent you is not always an easy prospect especially if it is your first time needing legal help. You may not know how to go about finding the right attorney or what questions to ask. Does the attorney have experience handling cases like yours? Do you understand how the attorney will bill you? Are you paying a flat fee or being billed hourly? Selecting the right attorney and understanding expectations on both sides will hopefully lead to a successful attorney-client relationship.

### **To Find a Good Attorney, Start With the State Bar**

Open your local phone book to “attorneys” or search online for attorneys in your area and you will probably get a long list. But how do you know which attorney is best for your issue? All attorneys have been to law school, passed the bar, and should be able to handle any case presented, right? As you can probably guess, not all attorneys are the same, and you will have to do some initial research to narrow the list down.

One good place to start is with the state bar association in your state. Depending on a state’s rules, these associations maintain a list of attorneys licensed to practice law in your state, giving you a good starting point for developing a list of potential attorneys. State bar listings may also allow you to

restrict your search to attorneys who practice in specific areas of law. For example, if you need an attorney who handles farm estate plans near Hagerstown, MD, you can narrow your results to Washington County and those attorneys who practice in the areas of agricultural law and trusts/estates/wills. Following these steps yields an initial list of attorneys experienced in handling farm estate plans. See the Maryland State Bar Association’s directory at [msba.org/directory/index.aspx](https://msba.org/directory/index.aspx).

Another way to find attorneys specializing in the area of law you need is through other legal professional organizations. For example, the American Agricultural Law Association is a national professional organization with attorneys who practice in the field of agricultural law. Ask friends, neighbors, and those you work with about attorneys they have used in the past and how the experience was. If they know any of the attorneys on your list, ask them who they would use.

In Maryland, you can also reach out to the University of Maryland Strategic Partnership MPowering the State – Agriculture Law Education Initiative’s specialists for assistance in locating attorneys. The specialist can provide you with names to help you start the process but will not be able to make recommendations.

**STATE BAR ASSOCIATIONS MAINTAIN A LIST OF ATTORNEYS LICENSED TO PRACTICE LAW IN YOUR STATE, GIVING YOU A GOOD STARTING POINT FOR DEVELOPING A LIST OF POTENTIAL ATTORNEYS.**

## Narrow the List Down With Targeted Interviews

Once you have developed a list of possible attorneys, you will begin interviewing them. Interviewing your potential attorney can help in selecting the right attorney for you and potentially avoid future surprises. You can discuss up front, for example, how you can expect your case to be handled, how you will get updates, and how you will be billed, and discuss payment plans. If you have never hired an attorney before, you may have some initial fears. Interviewing the attorney and getting a feel for how the process works will ease many of those concerns.

Finally, there are questions you **always** need to ask and questions you can **consider** asking during these interviews. Add any other questions you have to the following lists of recommended questions during these interviews.

**IF YOU HAVE NEVER HIRED AN ATTORNEY BEFORE, YOU MAY HAVE SOME INITIAL FEARS. INTERVIEWING THE ATTORNEY AND GETTING A FEEL FOR HOW THE PROCESS WORKS WILL EASE MANY OF THOSE CONCERNS.**

## Always Ask These Questions...

### 1. What are your attorney fees and other costs? How will I be billed?

Depending on your issue, the attorney will bill you in different ways. For simple matters like estate planning issues or title opinions, the attorney may bill you a flat fee. For more complex matters, you could be paying a retainer with the attorney billing you an hourly rate, which could change if the case goes to trial.

It's important to understand what you will be charged by the attorney early on to eliminate surprises when you get the first bill. This question will also let you know if you can afford the attorney. You should also ask what services are included in the fee and whether paralegals or legal assistants will be doing any of the work; if so, you may be able to negotiate a discount.

For example, Amy meets with Charlie to discuss developing her estate plan. Charlie will do it for a flat fee. Amy should ask whether the fee includes just the initial estate plan or the initial plans and annual reviews as well. Asking these questions early on can help you understand how all fees will be paid.

Another important question to ask regarding payment is whether the attorney has payment options. Going to court can be an expensive proposition; depending on the attorney, the one you hire may be willing to work with you on a payment plan to help you afford the cost of legal services.



It's important to understand what you will be charged by the attorney early on to eliminate surprises when you get the first bill.

## **2. How will you let me know what is happening in my case?**

We all communicate differently. Some prefer phone calls, others text messages, and still others prefer short emails. Someone may prefer to only receive one to two sentence emails, rather than phone calls or text messages. The attorney you hire will have a preferred communication style. Ask questions early on to understand how they will communicate with you, and how often you will receive updates.

It's important to point out that when your attorney contacts you with updates on your case, you may also be asked for additional information. If you are asked to respond to questions from the opposing side or produce certain documents, it is important to work with your attorney to produce those documents promptly.

## **3. What is the likely outcome of my case?**

Attorneys cannot see into the future, and you should never expect one to tell you exactly how your case will turn out. What you are looking for is, based on the attorney's experience, how do they think your case will play out? This will help you prepare for what to expect as the case moves through the process. If your case involves a complicated environmental contamination suit, for example, then understanding expectations will help you know potential costs to expect, such as expert witnesses.



## **...And Consider Asking These Questions**

### **1. How long have you practiced law?**

Are you comfortable with a new attorney? Would you prefer one with more experience? The answer may depend on the complexity of the issue you are presenting and the support network around that attorney. For example, with farm succession plans, the attorney may have a network of financial advisors, accountants, appraisers, etc., who regularly assist in developing the succession plan with the family.

This should not be interpreted to discourage you from hiring an attorney with little experience; we all started with no experience at some point. Many cases may be handled competently by a new attorney with little experience. In the end, it comes down to how comfortable you are working with a specific attorney.

### **2. What type of law do you practice?**

You may think that all attorneys can handle any legal problem you present to them, but that is not the case. Many attorneys focus on a specific area of law, such as environmental, tax, succession planning, or bankruptcy. Asking this question will assist you in determining if the attorney regularly handles issues related to yours.

### **3. Do you typically handle cases similar to mine?**

This is a follow-up to the previous question. An attorney who regularly practices in this field of law should have discussed this. Ask for the attorney's track record in similar cases (wins, losses, and settlement record). While this should not be a determining factor, it can help you understand the types of cases and clients the attorney normally handles..

### **4. Are you a member of any professional legal organizations?**

Specializing in an area of law requires the attorney to keep up with the latest developments in that field. Professional organizations, such as sections within the American Bar Association, state bar association, or associations in the field, can be one way the attorney keeps up on the latest developments. Being a member of a professional organization can be one way to determine if the attorney is keeping up with changes in that area of expertise.

## 5. Who is your typical client?

This is an important question many people forget to ask. As with specializing in a field of law, attorneys may also only represent one kind of client, such as corporations or large businesses, and may not have experience working with smaller family-owned businesses. By asking this question, you get a sense of the kind of client the attorney typically handles.

## 6. How would you handle my case?

An attorney who regularly practices in the same area of law as your issue should have no problem discussing generically how to handle your claim. For example, if your claim involves environmental contamination, then the attorney may want to discuss the experts they regularly use to establish a defense. The attorney may also generically discuss the steps in how the case will proceed.

## Selecting an Attorney is Not An Easy Task and Will Require Research

Selecting an attorney is not always an easy prospect and will require you to do some background research to find the best attorney for your situation. This publication lists some questions to consider asking, but you may have specific questions you need to ask for your individual situation. Do not be afraid to ask questions during this process. The more questions you ask, the more comfortable you will be with the attorney you eventually hire.



An attorney who regularly practices in the same area of law as your issue should have no problem discussing generically how to handle your claim.