



A HANDBOOK FOR CHOOSING AN ATTORNEY

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The information displayed in this handout is meant for the sole use of Active duty service members, retirees, their families and other personnel eligible for legal assistance from the Goodfellow AFB Legal Office. The information is general in nature and presented to assist those eligible persons prepare for a legal assistance appointment with a professional in the legal office. Rights and responsibilities vary widely according to the particular set of circumstances in each case. Laws can vary across states, services, and civilian jurisdictions and laws are changed from time to time. Do not rely upon the general restatements of background information presented here without discussing your specific situation with a legal professional.

HOW TO CHOOSE AN ATTORNEY

Your attorney will help you with some of your most intimate problems. You need to choose one with whom you feel comfortable and can trust.

The Base Legal Office is not allowed to make recommendations and our attorneys cannot represent you in court.

The best way to find one is to check with friends, neighbors, or co-workers who have consulted an attorney recently. You can find where to go and where to avoid.

Another good source is the Texas Bar Referral Service in Austin. They can be reached at (800) 252-9690 or (877) 9TEXBAR (toll free). It is a free public service of the Texas State Bar Association. All lawyers listed are members in good standing of the Texas Bar. The Service will help refer you to lawyers in the San Angelo area who are able to handle your type of case. For on-line information check the Texas State Bar's website at: <http://www.texasbar.com>.

A third method is to use the yellow pages listing under "Attorney." Because of San Angelo's size, it would not take you long to contact each attorney. Do the following when talking to an attorney you are considering:

1. Explain how you were referred to the attorney.
2. Briefly explain your problem (e.g., "My landlord is suing me for back rent"; "I want a divorce"; "I was injured in an accident"). Remember, the initial interview should be free; do not expect any free legal advice from this interview. If at any time during the interview you inform the attorney that you would like him to take your case, you should expect to be charged for the interview.
3. Ask how much experience and success he has in this type of work. Ask for names and numbers of clients who have given permission to be called as references.
4. Ask how much the attorney expects the entire action to cost. If your case is complex, the attorney may not be able to give an estimate.
5. Ask how long the attorney expects the legal action to take.
6. Be prepared to work with the attorney at the interview. You may decide to hire the attorney right then. See the section "Working With Your Attorney" below.

Remember, the attorney is there to help you. Try to make your attorney's job as easy as possible. It will save you money and improve your chances of success.

FEES

Generally, attorneys will have set fees. Either they will charge an hourly fee, a flat fee for certain routine tasks, or a "contingent fee." The attorney may be willing to negotiate any of these fees if you cannot get help otherwise. Also, the attorney may agree to a payment plan rather than a lump sum payment.

Fees may vary by experience, skill, and reputation of the attorney as well as the complexity of the case. If the attorney charges by the hour, ask whether the attorney charges by the quarter-hour or by the tenth-hour. For example, if the attorney charges \$80.00 per hour and uses a quarter-hour system, a five minute phone call will cost you \$20.00. However, if the attorney charges by the tenth-hour system, that same five minute phone call will cost \$8.00. Typical initial flat fees for simple, uncontested divorces average around \$500 plus court costs. Some attorneys have flat fees for other types of actions, so be sure to ask. Be aware that your attorney may charge more than the flat fee if your case becomes complex.

A "contingent fee" is an agreement where you agree to pay your attorney a percentage of any award you win as a result of the dispute. In other words, you do not owe the attorney a fee unless you recover some money. The percentages generally range from 15% to 33%. The actual percentage will depend on the difficulty of the case, the skill and experience of the attorney, the possible size of the award, and other factors. You will have to negotiate the amount with your attorney. Be aware that you will probably have to pay "costs." These may include court filing fees and other expenses. Make sure those items are explained in the fee agreement.

Ask whether the attorney computes the contingent fee before or after expenses are paid. You may collect more money if expenses, such as court costs and witness fees, are deducted from the award before the contingent fee is computed.

Ask what costs you can expect to pay: filing fees, witness fees, long distance telephone calls, etc. Also, ask if there will be additional charges for you to get copies of all correspondence and pleadings (court documents) in your case.

Finally, ask if the attorney requires a "retainer." A retainer is simply a down payment for legal services. Some lawyers will not represent a client unless the client pays the upfront fee work begins. Ask that the retainer be applied to the balance owed. When the attorney works on the client's case, the lawyer subtracts from the retainer the hourly billing rate until the retainer is used up. Also, ask if the attorney will refund part of the retainer if it is larger than the time actually spent on the case.

WHY A FEE AGREEMENT?

A fee agreement helps keep you and your attorney on good terms and protects each of you if a problem arises. Ask your attorney for a fee agreement before you leave your first meeting. Read it while you are in the office and ask questions if you do not understand something.

BUT I CAN'T AFFORD AN ATTORNEY!

If you have shopped around and still cannot afford legal help, there is hope. The Legal Aid of NorthWest Texas offers help in landlord-tenant disputes, emergency divorces, public assistance programs, and other areas. To qualify for their help, you must meet certain low-income requirements. Contact them at 17 S. Chadbourne, Suite 403, San Angelo, TX 76903, phone: 653-6982 or (800) 284-5180. Applicants do not need to make an appointment.

The Texas State Bar Association runs a similar program that concentrates on emergency domestic relations, debt defense, guardianship, and other matters for 60+ senior citizens, Medicaid, eligible persons and indigent victims of crime any age. You can contact the Legal Hotline for Texans at (800) 622-2520. If they cannot take your type of case, they will refer you to a private attorney or to helpful agencies. Visit <https://www.tlsc.org> for more information.

WORKING WITH YOUR ATTORNEY

Unless your case is very routine, the first thing your attorney will do is interview you to determine the relevant facts and issues. Then the attorney or an assistant will research the law. The attorney may need to interview you again and to do additional research. Next, the attorney will write the documents needed. If necessary, the attorney will schedule a court date and arrange to represent you.

All of this work will take time. Try to make your attorney's job easier and your legal bill smaller. You can do that by cooperating with your attorney. The following tips will help:

1. Write a summary of the facts. It will take some of your time, but less of your attorney's. Remember, your attorney's time is YOUR money.
2. Do not bring your children to your appointment. Get a babysitter.
3. Arrive on time for your appointment.
4. Call ahead if you are unable to keep your appointment.
5. Bring all papers with you that will help the attorney with your case.
6. Tell the attorney all the information concerning your case even if you are not sure it is helpful.
7. Tell your attorney information that might be harmful to your case. It is better for your attorney to be prepared to deal with it than to be surprised in court. Remember, your attorney must maintain attorney-client confidentiality for you so things you tell your attorney will not be used against you.

8. Be completely honest with your attorney. Your attorney can only help you if you tell the truth. Also, if your attorney finds out you have lied, he or she may be able to “fire” you as a client!
9. Tell the attorney the result you want to achieve (i.e., “As part of the divorce, I want custody of my children, but I want my husband to be able to have them for one month in the summer”). Be specific.
10. Ask questions when you do not understand something the attorney has said. If you become concerned about the way your attorney is handling your case, discuss it with him or her promptly.
11. Notify your attorney if you have new information, if you move, or if you change your phone number.
12. DO NOT CALL YOUR ATTORNEY EVERY DAY. Your attorney is very busy and generally you will be charged every time he or she speaks to you.
13. Follow the attorney's advice. If you do not like the advice, discuss it. But after discussing it, follow it! You are paying for the advice--do not waste your money by ignoring it. Do not tell your attorney you agree to something and then later change your mind. Your attorney can not handle your case in this manner and will have the right to quit.

A CLOSING WORD

The Base Legal Office is here to help you. Please see us first if you think we can be of any assistance. We may be able to save you money if you run into legal problems in the future. **However, if you hire an attorney we cannot discuss that case with you, unless we receive written documentation from the attorney giving us permission to do so.** We can help you with any future problems that are not related to the issue for which you hired the attorney. If you have any questions, please call 325-654-3203 or DSN 477-3203 to make an appointment.

Reference: <https://texaslawhelp.org/>