



Hiring an Attorney

From the Office of Minnesota Attorney General Lori Swanson

The legal system can be complex, and it can be daunting for people without legal training to navigate the legal system on their own. The following information provides tips on how to hire an attorney for people who need legal advice or representation.

Finding an Attorney

The legal field covers many different topics. Attorneys who have experience in one field may have no experience in another field. When possible, it is best to hire an attorney with relevant experience in the area of law in which you need representation. For example, a bankruptcy attorney may not be the best person to represent you in a criminal proceeding, and a divorce attorney may not be the best advocate for you in a personal injury lawsuit.

In some cases, word of mouth may help you find a reputable, skilled attorney. If family, friends, or co-workers have hired a lawyer for a similar reason, you may wish to ask them for recommendations. You may also wish to check with the Minnesota State Bar Association or local bar associations. The Minnesota State Bar Association's Attorney Referral Service is available on the Internet at www.mnfindalawyer.com. To find out whether an attorney is properly licensed in the State of Minnesota or has been disciplined by the lawyer's regulatory board, you may call the Office of Lawyers Professional Responsibility at (800) 657-3601 or check online at <http://lprb.mncourts.gov/LawyerSearch/Pages/default.aspx>.

(Please note that the Minnesota Attorney General's Office cannot provide legal advice to individuals in private legal matters.)

Hiring an Attorney

When you find an attorney you want to hire, be sure that you have a clear understanding of the scope of the attorney's representation. It is important to discuss with the attorney how the attorney plans to do his or her job for you. Depending on the nature of the case, some areas you may wish to discuss with your attorney include what information you are required to provide, your various strategic options, and the total cost (see below for more information on fees). It is important that you be honest and realistic about the facts of your situation and any concerns you may have. If at any point you are unclear on what the attorney is doing, ask for clarification. You should be comfortable with the way your attorney handles your case.

Different Approaches on Fees

There are different ways for you to pay an attorney. For example, attorneys may charge an hourly rate, a flat fee, or a contingency fee. Each type of fee is discussed in greater detail below. Before you hire an attorney, make sure you have reached a clear agreement—in writing—about how the attorney will be paid and the fees and costs to be charged.

Hourly Rates

Many attorneys charge an hourly rate for their services and that of their colleagues in their law firm. Your final cost will depend on how long it takes to complete the work. There is no standard hourly rate; rather, attorneys rates vary according to the particular attorney's expertise, experience, and the particular issues pertaining to your situation. An experienced attorney may charge a higher hourly rate, but may complete the work more quickly. Because the hours worked on your case can quickly add up, you should ask for an estimate of the number of hours necessary to complete your case.

Contingency Fees

In some types of cases, such as personal injury or medical malpractice cases, your attorney may agree to work on a contingency fee. A contingency fee means that your attorney gets a percentage of whatever money you receive as a resolution of your case, but does not get paid if there is no recovery. The contingency fee percentage may be negotiable. Contingency fees, however, are not available for all types of legal matters.

Costs

A cost is incurred when your attorney pays money in connection with your case. Examples of costs include court filing fees, money paid to obtain documents such as medical records or professional evaluations, photocopying charges, or postage. Costs are not the same as fees, and usually are separate from any contingency fee arrangement you may have with your attorney. Many attorneys will agree to costs being paid out of your share of any proceeds from your case. Be aware that most attorneys will require you to pay costs regardless of the outcome of your case. In other words, if you lose the case, you may still owe money to the attorney for costs.

Flat Fees

A flat fee is a set dollar amount that you pay an attorney for a particular service, like writing a will. If your attorney charges a flat fee, be sure to find out exactly what the fee includes.

Retainers

Some attorneys who work on an hourly rate or charge a flat fee may require you to pay an advance retainer fee before they start work. Retainers are particularly common in some areas of law, like criminal defense work. A retainer is a fee paid up front. A lawyer may use the retainer as a down payment on future expenses and fees. The terms of the retainer should be clearly laid out in your written agreement with the attorney.

Legal Aid Services

Legal Aid attorneys work in all regions of the state and provide free legal representation to people with limited income and assets. Legal Aid attorneys are funded by donations and government payments. Not everybody qualifies for free legal work from Legal Aid attorneys;

rather, only people with limited income and assets qualify. To find out if you may qualify for free services from a Legal Aid attorney, you can contact the following groups:

Southern Minnesota Regional Legal Services

St. Paul Central Office
400 Alliance Bank Building, 55 East 5th Street
St. Paul, MN 55101
(651) 222-5863
(888) 575-2954
www.smrls.org

Central Minnesota Legal Services

430 First Avenue North, Suite 359
Minneapolis, MN 55401
(612) 334-5970
www.centralmnlegal.org

Pro Bono Attorneys

In some cases lawyers are willing to provide legal services for free (called “pro bono”). One organization that matches low income clients with lawyers willing to provide free civil (not criminal) legal services is:

Volunteer Lawyers Network

600 Nicollet Mall, Suite 390A
Minneapolis, MN 55402
(612) 752-6677
Fax (612) 752-6656

Public Defenders

If you have been charged with a crime, you may be entitled to the services of a Public Defender, who provides legal representation to indigent defendants in criminal cases. Minnesota Public Defenders are coordinated and funded by the Board of Public Defense. At the state level, each of the nine judicial districts have at least one full-time Public Defender office, which is supervised by a Chief Public Defender for the district. There are also independent public defense offices serving minority communities in Cass Lake, White Earth, Duluth, Minneapolis, and St. Paul. At the federal level, the Federal Defender provides representation to indigent criminal defendants charged with federal crimes. The Federal Defender is authorized and funded

pursuant to the Criminal Justice Act.

Statutes of Limitation

If you think you have a legal claim that you wish to pursue through a lawsuit in court, you should not delay in speaking with an attorney. All civil legal claims have applicable statutes of limitation. A statute of limitation is a deadline for filing a legal claim. The deadlines vary depending on the nature of the claim. If a person does not bring a lawsuit before the statute of limitations expires, the claim may be forever barred. In addition, some types of legal claims may require you to follow certain procedural steps before you are entitled to bring a lawsuit in court. If you have a problem for which you want to file a civil lawsuit, it is in your best interest not to delay in speaking with a qualified attorney. The attorney can advise you on the applicable statutes of limitation within which you must file your claim and any procedural steps you must follow before you file a lawsuit.

Fee Disputes

Despite the best planning, people may sometimes have a dispute with their attorney after-the-fact about the appropriateness of the fees that were billed. District bar associations maintain fee arbitration panels to hear and resolve such fee disputes. For more information about fee arbitration panels in your region of the state, you may contact the Minnesota State Bar Association at (800) 882-6722 or visit its website at www.mnbar.org.

Beware of Scammers Posing as Attorneys

While the rules to practice law vary in each state, generally speaking, a lawyer must graduate from a law school and be licensed to practice law by a state body. Once again, to find out whether an attorney is authorized to practice law in Minnesota, you can contact the Office of Lawyers Professional Responsibility at (800) 657-3601 or check online at <http://lprb.mncourts.gov/LawyerSearch/Pages/default.aspx>. Make sure the lawyer you hire is a real attorney. In this Internet Age, some scammers may hold themselves out as licensed

attorneys who work for low prices, but they do not even have a law degree. Other scammers may pretend to be attorneys but, after the consumer pays an up-front fee, the scammer simply sends the consumer boilerplate forms to use.

Watch Out for Out-of-State Attorney Mills

In other cases, out-of-state lawyers who are not licensed in Minnesota may run high-volume legal mills in which they purport to help people with mortgage modifications, debt assistance, or other matters. The attorneys may charge consumers thousands of dollars in advance fees for help with their mortgage, credit card debt, etc. After the attorneys get the money, however, they may provide little to no help, making a bad financial situation even worse.

If Things Go Wrong

Minnesota-licensed attorneys must adhere to certain ethical standards. The Office of Lawyers Professional Responsibility is the agency with authority to investigate and handle complaints of ethical misconduct by attorneys. If you feel that an attorney's misconduct warrants an investigation, you may contact the Office of Lawyers Professional Responsibility as follows:

Office of Lawyers Professional Responsibility

1500 Landmark Towers

345 St. Peter Street

St. Paul, MN 55102

(651) 296-3952 or (800) 657-3601

If you have a problem with an attorney in another state, the Office of Lawyers Professional Responsibility should be able to refer you to the proper regulatory agency.