

ACQUIRE AN HONEST ATTORNEY



How To Recruit An Honest Attorney
And Protect All Of Your Intellectual
& Financial Property!

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Intellectual and Financial
Property

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Introduction

Finding the right lawyer can be a painful experience. A lot of people go into the lawyer searching process with a bad attitude about the profession and end up hiring someone who is not even qualified for the job. This just won't do for your business.

Businesses have to have good legal representation. And no, when you're being sued is not a great time to go and look for a lawyer. This book will show you how to find an attorney before you run into legal affairs so that your company will obtain accurate and appropriate counseling year-round.

In fact, with a competent attorney you can make effective choices for your business and protect yourself at the same time.

Let's dig right in. In the first chapter, you'll discover just why it is you need a lawyer for your company.

Chapter 1 – Why A Lawyer?

So you have a thriving business and you know what you're doing when it comes to ensuring your company is legally sound, right? Without the advice of a professional, you can't possibly know for sure if your business is operating within the law and to the best of its ability. A lawyer can help you modify your business so that even the smallest details maximize your profits and increase your credibility.

Why Does My Business Need A Lawyer?

Businesses deal with legally binding contracts all the time. Because of this, lawyers are virtually a necessity in order to ensure each of your business deals are credible and legitimate. Not to mention, who wants to go to court because they think their contract holds up only to find out it wasn't properly drafted.

Your business needs a lawyer. It's as simple as that. But in order to convince you of this, I've compiled several benefits of hiring an attorney for your company.

They Know the Drill

Even though you may be completely competent at running your business, lawyers are trained specifically in the law and know how to deal with all of the unique situations you may face. Whether you have a small business or are looking to incorporate, a lawyer can tell you what you need to know, when you need to know it and follow through with their own advice. You won't have to go struggling around to find answers to your law-related

questions; rather, you'll have someone on hand ready to answer your questions and take action.

They Are Professionals

Even though you may think you know a thing or two about law, don't ever think you know more than someone who went to law school and has trained in it as their career. Sure, it can even be helpful to the lawyer that you hire that you know a thing or two about what you need and why. However, relying on the sound advice of a pro is the best way to do business.

They Take Care of the Paper Work

You may find throughout your career of running a business that it takes a lot of paperwork to keep the company afloat. Regardless of what industry you're in, paperwork always plays a role. Now you can always use a template for your contracts and important documents but that is certainly not recommended. You should have contracts drafted by a lawyer so that they can be customized for your business. A good lawyer can write and rewrite contracts and other documents so that each of your clients, or what have you, receive paperwork that is legally binding and accurate.

They Keep Good Records

If you find you have a hard time keeping track of everything related to your business, hiring a lawyer might just be the right choice. While they are not meant to be your personal organization system, a lawyer can certainly keep track of all your legal documents and have them ready for easy reference should the need arise.

They Can Help You Avoid Trouble

So many people think only about their needs in the moment rather than in the future as well. While it is important to concentrate on the task at hand, it is beneficial for you and your company to think about what could happen potentially. Legal troubles are always a possibility with a business and that is why hiring a lawyer *before* you run into problems is the smart thing to do. They can advise you so that you avoid making decisions that could get you into legal hot water later on.

They Can Help You Hire Others

As a business you have to think about the people you are going to hire as employees. For instance, you'll want to make sure that your employment contract is legal and non-offensive. The last thing you'd want to do is be discriminatory in the paperwork your employees have to sign! Lawyers can help you dodge this legal landmine before it goes off!

They Are Available for Consultation

This may seem like a small thing, but there's nothing more comforting than knowing you have reliable legal counsel on hand whenever you need it. If you want to make a big decision about your company, your lawyer can guide you in the right direction. Plus, since they've been working with you a long time, they can provide you with the best advice on the spot.

They're Up On Financial Matters, Too

Lawyers can help you make great financial decisions for your business as well. This does not mean that they will replace your accountant or other financial advisors, but a lawyer can give you the legal advice you need. Another great benefit of a lawyer is that they can help you sort out everything you need to do in order to put your business up for sale and make the necessary financial arrangements.

So now that you know a few of the ways lawyers are a fantastic addition to your business, we can move onto more important things like deciding on the type of lawyer you need.

Chapter 2 – What Type Of Lawyer Do I Need?

A lot of people don't know this, but there are many types of lawyers out there that you can hire. Some lawyers have a special area of knowledge and are experts in that field alone. Others have a broader expertise and can help you with more general issues. However, before you go hiring the first lawyer you come across let's discuss the types you can choose from.

Note: All business lawyers have some experience with and training in other areas of the law—environmental, intellectual property and labor—however, there may be times when you need a specialist to handle your unique situation.

Business Lawyers

This might seem self-explanatory, but yes, one type of lawyer is a business lawyer. These attorneys generally work for companies whether small or large, sole-proprietorship or corporation. However, there are two different types of business lawyers that you can choose from. While some may offer both types of services, it is imperative to know who you're hiring beforehand.

Business Litigators

These lawyers are the ones you hire if you find yourself in a tight spot. For instance, if you are being sued, a business litigator is the attorney for you. You won't need this type of lawyer all of the time (hopefully!) but they are certainly worth their fee when you do need them.

Transactional Lawyers

If all you want is someone who can draft a contract and keep your corporation afloat, a transactional lawyer is the right lawyer for you. They take care of things that are normally considered “business” related and keep your documents and records in order. Plus, if you are looking to incorporate, these are the guys for you.

Go For a Firm

Oftentimes, law firms offer both business litigation and transactional law out of the same offices. By going with a firm, you have all of your business needs taken care of and on file whenever you need them.

Environmental Lawyers

Perhaps your company deals with technological products that can potentially produce a lot of waste. As your business grows, you may find environmental activists coming after you to shape up your waste problem. An environmental lawyer can help you and your company to be nice to nature before people start noticing your less than environmentally friendly ways. By implementing recycling programs and waste management programs, your environmental lawyer will help your business save face and potentially a lot of money in damages claims.

Intellectual Property Lawyers

Whenever you have to get a trademark, copyright or patent, an intellectual property lawyer is the one to call. These legal processes all deal with ownership and the subsequent rights involved with ownership. Intellectual property has become a whole lot more complicated in recent years due to the rise of the internet and digital information. Don't rely on your own limited knowledge. Hire an intellectual property lawyer to sidestep potential landmines.

Labor and Employment Lawyers

Getting sued because of discrimination is no fun. That's why an employment attorney is a viable asset to your business should you have employees. They will consult you on how to ensure all of your documents are legal and not offensive. They will also tell you how you must treat your employees and how to set up things such as pension plans, retirement funds and discrimination awareness meetings. A labor lawyer is a bit different, but they are useful too if you have a large company. They do things like set up unions and act as the middleman during bargaining between the employer and the employee.

Now, you may never need all of these types of lawyers. In fact, you most assuredly will not. However, it's always a good idea to know what it is you have to choose from before you find yourself in a sticky situation.

Chapter 3 – Where to Look For an Attorney

Lawyers are everywhere, and you can find one just about anywhere. That is, if you have no discriminating taste. Finding a *good* lawyer is far more difficult. This e-book is designed to help you find the right lawyer for your business so you don't have to go to all of the wrong sources first.

Go To Those You Know

Family, friends and business acquaintances are all excellent places to start your lawyer search. Why is this, you may ask? Quite simply, the word of a close friend or relative means a lot more than a stranger's, and let's face it: it can be downright difficult to rely on reviews of products let alone an individual's services. That's why getting suggestions from others on who to hire can be so helpful. Maybe they use this lawyer and swear by them, or maybe they have a friend that swears by them. Regardless of the connection, a recommendation from a trusted source is worth it.

Hit The Web

As everyone knows by now, the internet is an excellent resource for finding out just about anything. So why shouldn't your quest for the perfect lawyer venture to the web? There are many legal directories online with up to date information on lawyers in your area. You can search by location, specialty and more. What's really great about this format is that the attorneys have much more of an interaction with you initially before you even hire them. The firm or lawyer descriptions in the directory tend to be much more personable and provide detailed information on their

practice. You can make an informed decision on the right lawyer for you just from these choice words placed online.

Each listing has in depth contact information as well, making it super easy to drop them an e-mail or call them up with your questions. Since the internet makes everything easier, it's no surprise it has made getting a lawyer a snap as well. Here are a few places to start your search:

- www.attorneypages.com
- www.martindale.com
- www.lawyers.findlaw.com
- www.lawyers.com

You can also search for lawyers by typing in "lawyer" + "your state" or "type of practice" This should bring up directories for your state only, further narrowing your search.

Contact Your State Bar Association

Each state has a bar association that can help you connect with a lawyer that is right for you. All you need to do is call them up, tell them why you need a lawyer, and they'll connect you with one that performs the types of services you need. However, be aware that you will usually be charged a fee for this referral service. It can be worth it though especially if you're unsure what type of lawyer you'd need for your situation.

Visit: <http://www.abanet.org/barserv/stlobar.html> to find the contact information of your state bar association so you can get started.

Legal Assistance Services

If your business is just getting off the ground and you are currently falling into the “low-income” bracket on your taxes, you may qualify for legal aid. Legal aid offers very low-cost or no-cost legal services. However, be warned that legal aid typically deals with individual issues such as those that involve transactions between tenants and landlords or family disputes. You can call your state bar association (find the number by using the link above) or even your local county court.

Good Old-Fashioned Print Directories

A printed directory may seem like an out of date tool, but many people, whether individuals or businesses, still find their lawyers by means of print ads in the phone book. Pull out your *Yellow Pages* and start looking. However, it is important to note that the phone book does not exactly have the most detailed listings and you may end up with a lawyer that does not have the skill set necessary to handle your business. For a more thoroughly detailed directory, try the Martindale-Hubbell Law Directory. This big, fat book is not one you should purchase. Just go to your local library and flip through their copy. You should be able to find plenty of information on attorneys in your area.

Really, finding a lawyer in your area with the qualifications you need is fairly easy. The hard part comes up next when you learn how to find the *right* lawyer out of the pack.

Chapter 4 – What to Look for In an Attorney

Once you've created a good list of potential lawyers, you can start narrowing down the list into those that have the most potential. A good way to find the best lawyer for you is to follow these guidelines. Most are questions you can ask yourself to ensure the lawyer you choose is the right fit.

Are You Comfortable?

When you call the lawyer on the phone, are they courteous, yet honest? Do they take the time to listen to you and your questions and give sufficient answers? Are their fees reasonable? Do they readily provide quotes for services or are they sketchy about prices?

It all comes down to your comfort level with this attorney. If they are consistently upfront with you—even when they don't know the answer to a question—they might just be the right one for you. Anyone that curbs a subject or provides less than comprehensive answers may not be a good fit.

Are Your Opinions Respected?

Of course an attorney will know more about law than you. But that doesn't mean they have to treat you like you're stupid, either. It is important that you can voice your opinions in a successful client-lawyer relationship. If you feel embarrassed or unsure of yourself around this attorney, they definitely are not right.

Plus, if you are uncomfortable with a certain move they wish to make regarding your business, and they are persistent and ignore your feelings, it may be time to move on.

Do They Know What You Need?

Many times, you may not know specifically what services you need. You're not a lawyer so that's why you want to hire one, right? However, if you find yourself having to research for hours just so you can explain to your potential lawyer what you need, they are definitely not a right match for your company. Of course, even a good lawyer is not a mind reader, but that doesn't mean you need to do their work for them.

Are They Flexible?

Now, lawyers are professional people with lives they must tend to like everyone else. However, are they flexible enough to meet your schedule when need be? Or, are they too rigid that you must meet their appointments at all times? If this is the case, I'd suggest you move on. You need a lawyer that is willing to put in a little extra for you, not the other way around.

Have You Looked Around Enough?

In some case, one of the first lawyers you come across may appear to be the perfect one for your business. However, just because you feel a good relationship could be made, do not stop searching. This is a big decision you're making and it is worth every moment you invest in the search.

Even though this lawyer may seem great at first you'd never know if there was someone better out there unless you keep on searching.

Do You Know What They Will Be Doing?

Don't just take their word for it. It can be easy to take everything a lawyer says to you at face value. While their opinions should be trusted, it is vital that you have at least a rudimentary understanding of the services they will be performing for your business. If you are completely clueless about the law or about what a business lawyer does, it may be beneficial to do a bit of outside research. You can always ask your potential attorney but they will, of course, try to convince you that you need every service they mention. By doing your own research you gain a better understanding of the services you know you need.

Are They Open With Information?

Let's say you are being sued for one reason or another. You call a potential lawyer up on the phone and they are brief and to the point with you. "We'll win this case, easy," they may say. Or, "It's open and shut; you don't have to worry about a thing." While hearing things like this may put your mind at ease but it doesn't necessarily mean anything. A lawyer wants your business, plain and simple. No case is an "open and shut" case and if they really are so confident in winning, ask them their strategy. You deserve to know how you will be defended. Any lawyer that is not compliant to your requests is not worth your time or money.

Do They Get Back To You Quickly?

Effective communication with your lawyer is essential to a good working relationship. However, if your lawyer-to-be takes weeks to return a phone call or is “too busy” for you too often, move on. If they can’t answer simple questions before you are a client, imagine what it would be like if you become one? That’s an unpleasant experience just waiting to happen, don’t you think?

Are Their Fees Reasonable?

Now, I know what you’re thinking. All lawyers cost a lot of money. While this may be true, in the hands of the wrong lawyer, a simple problem can turn into a huge problem that costs you several thousand dollars. Avoid this by doing some research of your own on average attorney fees and costs. Then, compare this potential lawyer’s fees to the averages. Do they measure up? Are their services worth the asking price? If you can honestly answer “yes” to these questions, they might be a right match. If not, move on. You’re going to be spending a lot of money on a lawyer—it might as well be for the right one!

Have you gotten all that? Good!

Now it’s time to move onto what sorts of things you can ask lawyers on your “maybe” list to help you decide who to hire.

Chapter 5 – Interviewing Potential Attorneys

Now that you've asked yourself some important questions about your initial impressions of the attorneys on your list, it's time to discuss what you can ask them during an interview to pick out the best lawyer from the bunch.

The first step you can take in choosing a lawyer is to call them up. If they have a moment, tell them you are interested in their services and what your general needs are. After this, ask them if:

- They perform the services you need.
- They can provide their general fees.
- They'd be willing to meet with you.

Of course, if the answers to the first two questions are not satisfactory, you can get rid of that last one. Why meet them if they are not what you're looking for at this stage?

Before you head off to meet with a potential lawyer, make sure you know one thing up front: will this meeting be free of charge or will you be required to pay? This way, you can avoid any nasty surprise bills later down the road.

Questions to Ask When You Meet

When you meet with an attorney for the first time, make sure you have a list of questions prepared so you don't forget anything. Your list might look something like the following:

Do You Have Any References?

This one is so important, it had to come first. Lawyers talk for a living, so they can surely convince you their services are needed, but hearing first hand from someone else how great they are and what they did for their business is a sure selling point. Don't ever hire a lawyer without a reference or two.

How Long Have You Been Practicing?

While a young, enthusiastic lawyer can be great, it is usually your best bet to go where the experience lies. You want someone that has been in practice several years, has been an attorney for other businesses and understands the unique needs of your company. Don't settle for anything less.

What Are Your Areas of Specialization?

Some lawyers operate a general practice, while others specialize in one or two particular areas of law. You will most likely want a business lawyer that either deals with transactional matters or litigation matters. You can sometimes find business attorneys that deal with both types of business law. This may even be better for you as you'll have someone to take care of your everyday needs and litigation issues should they ever arise.

Do You Have Specific Experience Related To What I Need?

Now this does not mean that the lawyer has to have represented a business exactly like yours before. Think generally in regards to business type (corporate, retail, sole-proprietor, etc) but specific when it comes to services. Did he or she draft contracts? Did they represent a business in court? Regardless of your needs, make sure this lawyer has done it before.

Have You Ever Found Yourself Subject to Disciplinary Action?

Just because a lawyer has made a mistake in the past does not necessarily mean they are unworthy of hiring. However, it is important you ask this question and receive an honest response. As a potential client, you have every right to know why they were brought up on any malpractice/ethics/disciplinary charges and the result of these claims. An ambiguous response may be a sign to move onto the next lawyer on your list.

How Long Will This Case Take?

Now this question only applies if you are seeking out a business attorney due to some legal problem you may be having. However, it is important to know how long you will be tied up in litigation. This will give you a good idea of your budget and of how you'll need to appropriate your time in the upcoming period of your life.

What Sorts of Fees Will I Incur?

You need to know before you hire a lawyer what sorts of fees you will be expected to pay should you decide this is the attorney for you. While a definite fee is sometimes hard to determine ahead of time, it should always be possible to determine a range of potential fees. Get quotes for each of the services you will require and the expenses you will be expected to pay.

How Often Will I Be Billed?

Just another thing you need to know prior to hiring a lawyer. The billing dates and frequency is just a necessity for your budget. You should also find out if a payment schedule can be figured out. If the lawyer is not willing to work with you, keep looking.

Will I Be Charged For Phone Calls?

You may think calling your lawyer up with the occasional question should be a free service or one that is already factored into your payments. If your lawyer thinks otherwise, or charges for phone calls by the minute, make sure you know ahead of time. If they don't seem happy to disclose this information, they are, once again, not right for you.

How Often Will You Keep In Touch?

Once you hire a lawyer for your business, it is vital that you know what's going on with the legal aspects of your company. If the lawyer you're interviewing does not like to contact their clients frequently or charge for updates, you may be in trouble. Also, make sure you know how they will be contacting you—phone, e-mail, letter or fax?

In the end, it all comes down to how you feel about the lawyer in question. If you feel at all uncomfortable or as though they won't give your company the attention it deserves, find someone else. Hesitation is usually a good sign that they're not right for you. If the answers to your questions are satisfactory and you feel right about them, hire them.

Avoiding Bad Lawyers

Even though you may have a well-developed sense of intuition, sometimes unsavory characters can slip through. Here are a few tips to avoid bad lawyers:

- If the lawyer is abrupt or rude to you, treats you as though you're stupid or talks down to you, find someone else. They are not worth your time.
- Stay away from lawyers that don't specialize in the areas you need services for. While they may be perfectly competent lawyers, your business is worth someone that knows exactly what they're doing.
- If the lawyer is too busy for you or at least seems too busy for you, move on. You deserve someone that can devote the time on your business that it (and you) deserves.
- If they take an unnecessarily long time to get back to you, find someone else. If you have a legal emergency, you need to have

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someone available to tend to your legal needs and you should not have to hunt them down.

- If you feel uncomfortable or unsure when you are around the lawyer, find another attorney. You do not need to deal with these feelings while trying to get important legal matters taken care of.

With interviewing skills behind you, let's move onto how to make the relationship with the lawyer you hire work.

Chapter 6 – Developing a Working Relationship

As with any professional relationship, it is important to be able to communicate effectively and feel comfortable doing so. However, first thing's first: you need to be able to evaluate your lawyer's work ethic and performance.

So now that you've hired a lawyer and you're beginning to work together on your legal matters for your business, it's a good time to step back to see just how effective their work has been. You will not see overnight results and should not expect to see improvements in every facet of your business; however, you should expect an improvement in organization and financial matters.

During the time the lawyer has been hired by you, what have the results been? Have you benefited by having properly drafted contracts to send out to clients? Have you been able to better keep track of your intellectual property and ensure that your company never infringes on the rights of others? Or, have you been able to draft an employee handbook with an up to date discrimination policy section? Essentially, what you want to see is that your lawyer has done what you needed. They have taken your needs and fulfilled them.

Anything less than satisfaction is grounds for searching for another lawyer.

So far, I've made it sound like all of the responsibility lies with the lawyer in order to make a successful working relationship. However, you play a major role in how their work turns out as well.

You can do your part in ensuring positive results by:

Being an Effective Communicator

While you may be expecting great communication and honesty from your lawyer, you really need to give the same service to him or her. Be honest about your current situation. Provide detailed documents of your finances and business status upfront, before you even hire them.

Be Courteous

You don't have to accept each and everything your lawyer tells you as the be all and end all of law, but don't constantly second guess their decisions or judgments, either. Ultimately, a good client-lawyer relationship, as with any relationship, is based on trust. Failing to trust your lawyer can result in less than desirable outcomes. If you find yourself needing to question something your lawyer does, be polite about it. Don't become accusatory the moment they do something you question.

Be Prompt

Being prompt is probably one of the most important aspects of a good lawyer-client relationship. Once you're working together, be sure you get all documents to your lawyer in a timely manner. You can't blame the attorney if they are behind on getting a report to you if you were behind on getting the source documents to them! Be especially mindful of when your lawyer requests documents. Try to fax them over to their office immediately.

Be Specific

Even though your lawyer should be more knowledgeable about your legal needs than you, they are not mind readers. You need to provide them with the specific details for your business or case in order to expect top-notch results. For instance, telling your lawyer you'd like to obtain a copyright for your website content, but failing to mention that some of the pages are public domain copy could be seriously detrimental. Always include the details when conversing with your lawyer—they matter!

Evaluating the Work You Are Buying

This can be difficult. You know next to nothing about law. That's why you've hired a competent lawyer to care for all of your legal needs, right? However, if you are utterly clueless, how can you be an accurate judge of their performance?

No need for advanced law degrees here. All you need is a bit of common sense and the ability to pay close attention. You can assess your attorney's job performance by:

Their Willingness to Talk to You

You shouldn't feel like you have to drag every little bit of information out of your lawyer. They should come forth with important information readily and willingly. You've hired them to complete documents or try a case for you, so you deserve to know everything they know about your business.

Presentation of Work Completed

Again, since you are paying for a lawyer to complete certain work, whether it be contracts or copyright paperwork, you should periodically ask to see these documents. You have every right to see them and it will be a good way to gauge your lawyer's work. Also check to make sure all documents that were supposed to be filed have been. If they have not been filed, find out why.

Request Copies of All Paperwork

Along with asking to see all documents that are written and filed, make sure you receive a hard copy of each. You need to have a set of your own records just so you can keep track of your lawyer's progress. Plus, if you have to undergo some sort of litigation, you should have your own paperwork so that you can keep track of your business on your own. This also is useful just in case you ever decide to hire a different lawyer. You'll have all of the paperwork necessary to bring the new lawyer up to speed.

Their Ability to Follow Through

You shouldn't have to hold your lawyer's hand, but it is important to check up on them every once in awhile to ensure they're doing the job you're paying them to do. If they say they're going to call you back, take note how long it takes them to do so. If they say they're going to file a document, check to make sure they actually did. Your reputation is on the line here, so make sure they are representing you well.

How They Notify You of the Timeline

You should always have an idea of how long each and every project will take. Whether it is the drafting of a contract or a trial, you should always

have a good idea of the projected timeline. This way, you can hold your attorney to this timeline, roughly, and gain a better idea of their competency. An attorney that repeatedly fails to meet their timeline may not be the best choice for your business.

How They Notify You of Your Options

You *always* have options when it comes to legal matters and your lawyer should make you aware of all of yours. If he doesn't, ask. If he isn't forthright with information, seek it out. If you have to do your own digging each and every time you need to know something from your lawyer, it might be time to start looking for a replacement.

How They Bill You

Lawyers cost a lot of money. There's just no getting around that fact, and securing a good one for your business is crucial. Don't let the fact that attorneys cost a lot make it so you fail to read their bills closely. How much are they charging you and for what? Do the fees agree with the service agreements you signed?

One way to resolve any billing issues is to set a date by which you will be billed each month, if applicable, and to request itemized billing. This way, you know exactly when you have to pay and specifically what you have to pay for.

What to Do When It Doesn't Work Out

No one likes having to fire someone, but sometimes it is in the best interest of your company and reputation to do so. If, after a given period

of time, you do not see the results you had expected to see from your attorney's work, it's time to let them go.

First of all, however, make sure this is what you want to do. Hiring an attorney is a long and complicated process. Firing your current lawyer and going through this whole process again will cost you a lot of time and effort. Be prepared to make this sacrifice should you choose to let them go.

Secondly, make sure that you have upheld your end of the bargain. Have you communicated effectively? Have you stated your displeasure with their work repeatedly? All attorneys work differently, so make sure your judgment of their work as poor is not a misconception on your part.

Thirdly, read (and reread) any service agreements or fee agreements you signed with this lawyer. What is their policy when it comes to dismissing them? Is there a penalty fee? Are you required to pay a certain amount on work that was to be completed? Make sure you are absolutely clear as to what the financial costs are of cutting them from your team. Financial surprises that cost you are never good surprises.

Fourthly, if you are in the process of any litigation at the time you decide you are dissatisfied with your lawyer's services, you will need to request approval from the judge that's trying your case to fire your lawyer and get a new one. This typically only applies if your current lawyer has appeared in court for you.

Fifthly, before you file a formal complaint against your attorney, it is advisable that you think long and hard about it and perhaps even seek advice about it. You should only submit a formal complaint if you feel as though your attorney has acted improperly or unethically. This usually also only applies if you are in litigation. You can file a complaint with your state bar association.

Sixthly, if you feel as though you have been cheated monetarily in any way by your lawyer, you have a right to complain. This sort of thing can typically be solved with arbitration and will very rarely need to go to court. Just remember to review all service agreements before acting.

Seventhly, prepare a written statement that explains in detail why you would like to fire your lawyer. What have they done that is objectionable to you? What is it about their processes or the results of their work that you are not satisfied with?

When you are serious about firing your lawyer, make sure you have a new one all lined up before you make it final. Not doing so can delay legal processes and make keeping the legal aspects of your business organized very difficult.

Lastly, request that your lawyer turn over your file. Of course, he or she has every right to hang onto it until you pay all dues owed. Once everything is settled financially and you have your file in your hands, all ties are pretty much severed between you and your, at one-time, lawyer.

Even though hiring a lawyer is a difficult process, it is one that you have complete control over. Why should it be any different when it comes to firing a lawyer?

Chapter 7 – It's Time to See a Specialist

Let's say you decided to hire a law firm to take care of your legal matters. It's always a good idea to have all of your bases covered, after all. However, what if you come up against something that is a bit outside the norm for business law? What if you need to ensure your company is adhering to environmental regulations? It might be time to call in a specialist attorney that has a better handle on that specific area of the law.

When Do I Need A Specialist For My Business?

A specialist can really be called in the game at any point. The true deciding factor is whether or not you feel your general business lawyer is qualified and prepared to handle any unique matters that may arise.

While all lawyers have a general understanding of all areas of the law, it is impossible to be an expert in everything. That's where the specialists come in. They can perform in any area of the law, but they are experts in one particular thing. So let's make use of that environmental regulation issue mentioned earlier. While your current lawyer may be able to help you maintain environmental policy to a degree, a business lawyer that specializes in environmental law can be a major advantage.

A specialist knows all the loopholes and all the traps. They know how to maneuver through this specific area of the legal system unlike anyone else. That's why they are so necessary.

Here's a good rule of thumb: when you find yourself facing an area of the law that's entirely unfamiliar to your lawyer, or they seem uncomfortable discussing it, you may need a specialist.

You can find a specialist much like you find any other type of lawyer. Just make sure they focus on the area of the law you need assistance with and perform the other processes laid out in the hiring a lawyer section.

Why Are Specialists Beneficial?

Besides their obvious expertise, a specialist lawyer is beneficial for many reasons including:

They Understand Your Situation

The world seems to be teeming with specialists these days. Just look at the medical profession! However, a specialist lawyer can pinpoint your areas of concern and focus on only what you need.

What many people don't seem to realize is the fact that each area of the law requires a depth and breadth of knowledge. This includes both state and federal laws and policies! That's a lot of information to digest and utilize properly, making specialization a necessity. That is, if any sort of quality work is to be produced.

They Have Focus

This may seem a bit redundant, but when a specialist is so close to one area of the law, they can focus on you, your business, and your case much more effectively. The generalist lawyer is quickly becoming a thing of the past. However, it is recommended to have your business lawyer

function as a sort of generalist and then seek out a specialist when necessary.

Besides a focus on one particular area of the law, a specialist can better focus on your business. You will end up with a much more comprehensive treatment of this specific area of concern than you would with any generalist.

They Have Knowledge

Another great benefit of hiring a specialist attorney is their depth of knowledge of the particular area of law you need assistance with. This information is always readily available at the specialist's fingertips to be used whenever necessary for the benefit of your business. With a dedicated education and practice in one area of the law, your case or transactional matters can be handled with the utmost proficiency and to a depth that a generalist lawyer wouldn't be able to touch.

Have you gotten all of that? Good. Now that you have a better understanding of why specialist lawyers are so important for successful legal maneuvers regarding your business, we can move onto how you can do your own legal footwork.

Chapter 8 – Doing Your Own Footwork

Now I know what you must be thinking: “I hired a lawyer so I *don't* have to do any legal work.” But you can still get high-quality work and save a ton of money by spending a bit of time on your legal matters rather than sending everything over to your attorney.

Before we dive right in, let's take a quick look at some of the benefits of doing your own legal work.

Benefits of Getting Involved

While you hire a lawyer to take care of the legal matters you don't know how to handle, you are not completely useless when it comes to the law. In fact, you can play a big role in the legal aspects of your company with great benefit to you.

One-On-One Legal Training

While you may not think so, having a lawyer is like having your very own personal law trainer. Now this doesn't mean that you can bug them every single day with every single question you may have. It does mean that you can utilize their knowledge for your benefit. If you actively attempt to learn what they do for your company, you'll reap the rewards.

Gain a Better Understanding of Your Business

All good business decisions are founded in good legal decisions. If you are able to understand why your lawyer advises a certain legal move, you'll

understand how to better run your company, and who doesn't want to be a better businessperson?

Save Money

If you have your lawyer complete every little legal thing for your business, you'll run up a serious tab. Not to mention, that money could be spent in other areas such as marketing or product development that, in the long run, would be more beneficial to the growth of your company. By stepping out and doing some of the legal work on your own, you save some significant cash.

How You Can Become Involved

Doing some of your own legal footwork is not all that hard if you know what do to and how you can become an active participant of your lawyer-client relationship. Here are some ways you can do some work on your own:

Write Your Own Contracts

I know what you're thinking. "Why did I hire a lawyer if I'm just going to write contracts myself?" The answer is simple. The lawyer in these cases should act as a person to run your contract by to ensure it is accurate and legally binding. You can easily find sample contracts online in legal speak and all. Once you're done drafting the contract, send it over to your lawyer with a note about what it is for. They'll look it over and you'll save

a lot of money. All they're doing is proofreading, which means a lot less billable hours.

Research Your Legal Decisions.

While your lawyer may be a well of information, you may be charged for each discussion you have, and spending hours having something explained to you is really not worth it if the information is available elsewhere. A good rule of thumb is if the clarifications are general and can be found easily, such as on the internet, don't use your lawyer. Spend some time at home or at the office researching these legal issues so you have a greater understanding of the situation and so you can save money.

Maintain Control

This is your business we're talking about here. Even though the lawyer is the legal expert, what you say ultimately goes. That's why taking control of some legal aspects or at the least assisting, is vital. You should have a clear understanding of what is going on with all parts of your company. By digging in your heels and exerting your authority when necessary, you keep control of *your* business and allow your lawyer the opportunity to fully understand your goals. Essentially, you need to think of your lawyer as an advisor. Only you can make the big decisions.

When to Back Off

As with everything in life, there are exceptions to the rule. Most of the time, you can benefit greatly from pitching in your own time and effort into your legal affairs. However, sometimes it's better if you leave it to the professionals.

You should take a step back and stay out of the fire when:

- You are being convicted of a serious crime.
- The lawyer vehemently believes your opinion is a bad choice for your company.
- You have specifically sought out a lawyer's advice on a matter.
- You don't understand the law.

These are just a few of the instances in which doing legal work on your own is a bad idea, but enough with the negativity. Let's learn how to save money on your legal fees!

Chapter 9 – Saving Money on an Attorney

It's hard to bargain hunt, per se as the word "bargain" is not something that normally goes along with the legal system. However, even though lawyers are expensive, they are worth their fees. A lawyer protects you and helps you get the most out of your business in every way. Even so, that doesn't mean there aren't ways to trim the fat off your legal budget.

Before we get to the real money saving tips, let's discuss briefly how an attorney will typically calculate his or her fees.

Determining Attorney's Fees

Rates determined by your lawyer are factored on several different things. However, during your process of hiring a lawyer, you no doubt took into consideration how much each lawyer charged for certain services. For some businesses, price is *the* determining factor of it all.

When you were searching for a lawyer, you more than likely took price into heavy consideration. You also probably wanted to find a price that was "fair" meaning affordable to you and justifiable for the work to be completed. Some good ways to determine a "fair" price is to consider:

- The average rate for similar work
- Level of skill required
- The amount of work you can complete
- Your budget.

Taking into consideration these four factors usually provides a good determiner for the best lawyer for you. However, let's just assume that you already have a lawyer for the rest of this chapter.

Types of Attorney Fees

There are several different types of fee systems that lawyers use in determining their pricing and payment plans. It may all look the same to you on paper, but it is really important to have a solid understanding of the pricing system your attorney uses. This way, you won't encounter any nasty surprises when you receive your bill.

The Hourly Rate

An attorney's hourly fee is pretty much like that of any other professional except theirs is probably much higher. A good attorney will estimate how many hours it will take them to complete a project, thus giving you an estimated total cost. The hourly rate may change depending on the type of work that is being completed. If your attorney is completing records work or transactional fair, the price will most likely be lower than the rate for case work or time spent in the courtroom.

Be sure to note that an hourly rate typically does *not* include any expenses or costs. These will be billed separately and should appear as such on your itemized bill.

The Flat Fee

Some lawyers have their billing system set up so that they charge you a flat rate for each item completed. A drafted contract would cost X amount while research for a case would cost Y. Many lawyers only go for the flat

fee if your case or required duties are relatively simple and are pretty much guaranteed to take a certain amount of time. Just be sure to note if the flat fee includes expenses. If not, expect to see itemized expenses listed on your bill on top of the flat rate.

The Contingency Fee

This only relates to those businesses having to go to court for a case. If you win the case, the attorney will receive a set percentage of the award. If you lose, they get nothing. However, you will still be responsible for paying their expenses. It is important to inquire as to how the fee is calculated. What is the percentage rate of your award that will be paid to the lawyer? Is the fee determined included expenses or without? This can make all the difference in how much you actually receive. The percentage is typically based on how long the case is expected to run, the difficulty of the case and other factors.

Referrals

Now let's say that you have a general business attorney and you come across a problem or issue that requires the expertise of a specialist. Your current lawyer very well may have someone in mind for the job. If this is the case and you are referred successfully you may be asked to pay a portion of your fees to the original attorney. If your attorney presents this to you as a part of the fee structure, be sure to call your state bar association to find out if this is legal. In some states it is not.

So now that you know the basics of attorney fee structures, let's get to talking about the heart of this chapter: saving money.

How Can I Save Money?

While attorneys are the authorities on the law, that doesn't mean you have to accept everything they say at face value. In fact, you have a right to question what they do and how they do it. With this in mind, here are some great ways to save money on your legal fees.

Don't Be Afraid To Negotiate

Just like any businessperson, your lawyer is not going to announce that their fees may be negotiable. You have to be assertive and present your business' financial situation upfront. Doing anything less than that is a great disservice to your company. You may find that newer lawyers, small firms, or firms that have just relocated are most primed for negotiation. Or, if your case or transactional issues are unique, the lawyer may be more willing to negotiate to have the experience of working with you.

Find an Expert

We've already discussed the importance of locating an expert for your specific business concerns, but we've yet to discuss explicitly the financial aspects of this move. A specialist has unique training in the field you need help in. This means that they are more adept in this one area and will most likely need to research less. Less research means less time. Less time means a lower cost. See how that works? The time you spend in seeking out a specialist will be sufficiently paid back to you in the amount you save.

Take On Some of the Work

The previous chapter goes into detail as to how you can take on some of the lawyer's work. However, in doing so, you will most definitely save money because you cut down the amount of hours your lawyer will be working. Regardless of the fee structure, less actual hours means a lower estimated length of time spent on your case of transactional affairs. This really is one of the best ways to get the best of both worlds: the authority of an attorney without the cost of an attorney.

Hire Them as a Coach

This is somewhat like the previous suggestion of doing some of the work yourself. However, the intent here is to ultimately phase out the lawyer. In the beginning, your attorney will go over all documents with you and explain how things work. You'll be paying for first hand advice from a qualified professional. However, as time goes by and you become more comfortable with the law as it pertains to your business, you can begin to take on more responsibility and will need to see your lawyer or contact him or her less often. While it is always a good idea to have a lawyer on hand, you will not need to make constant payments or ring up hefty bills with them because you'll be able to take care of the daily stuff on your own.

Be Completely Honest

Withholding information when it comes to anything involving the law is never a good idea. That is why it is so vital that you disclose all information about your company to the lawyer upfront. Keeping information to yourself and then springing it on the attorney after time as passed and they are already working on the document or case is not only frustrating to them, but to you as well. Adding new information to the story at the last minute makes the lawyer have to spend more time on

whatever they're working on, which means more money going to business expenses. For the sake of your business and your reputation, be an open book and stay an open book while in a relationship with your lawyer.

Make Use of Your Time

Going to a meeting with your lawyer unprepared wastes time. The more time spent in the meeting means the more money that's coming out of your pocket. Prepare all documents ahead of time. Organize *everything* in a logical order and prepare a list of the questions you have before the meeting date. Doing so will save a great amount of time and, believe it or not, your lawyer will appreciate it. His time is valuable and moving quickly through information with you is beneficial to you both.

Keep In Contact

Let's say that you're having your lawyer draft up some standard contracts to use for your various clients. When you notified your lawyer of this, you provided all the standard information to be included, along with a notice that the client will not be responsible for "office expenses." After you've thought about it some more, you decide that you'd like to add a clause that states clients *will* be responsible for certain expenses such as copies, paper, ink, etc. As soon as you make this sort of decision, notify your lawyer. Don't sit on this information and wait to tell them. Don't wait until you're next meeting to tell them. Save you and lawyer some time by calling them up and telling them of the change. It's quick and easy and is sure to save you money in the long run.

Play Close Attention to Your Bill

Each time you get a bill from your lawyer, don't just immediately send it to accounting or start writing out a check yourself. Read it over first. Is the bill itemized or does it just state the amount due? If it is not itemized, request one from your lawyer. Upon receiving this, review it. Is the amount correct to what you agreed upon? Are you familiar with the expenses charged? If not, do they seem like reasonable expenses? If you feel uneasy about anything you see on your bill, bring it to the attention of your lawyer. You have a right to know *exactly* what it is you're paying for. And if your lawyer gives you an attitude or seems dodgy about the whole thing, you may need to bring in outside help. In the end, taking this sort of precaution can save you a lot of money. It's much easier to hold onto your money than to get it back once it has left your hands.

We're nearing the end of this e-book, but the ride isn't over yet!

Chapter 10 – Information Resources

In order to find a lawyer, you need to have access to accurate and functional attorney information resources that put you in touch with the right people. Where can you find these resources and why are they so important?

What Are Attorney Information Resources?

Lawyer information resources are basically guides to lawyers and the services they provide. They consist of websites, books and even the Yellow Pages. You can search for lawyers by:

- Location
- Expertise
- Services

You can even find information on legal matters in these guides, helping you navigate unfamiliar legal territory until you can get a professional on board.

Why Should I Use These Resources?

To be brief, using lawyer information resources is your best option for finding the best lawyer for you. Flipping through the Yellow Pages and just picking a lawyer randomly because they're located close to your place of business is no way to do business. As we've already established, you need to do your research to find the best attorney.

You can save serious money by planning ahead. You'll want a lawyer that is experienced, fairly priced and has the sort of expertise you need. It is only with the help of a reliable resource that you'll be able to determine the good lawyers from the bad; the lawyer you want to hire and the one you want to avoid.

Where Do I Find Attorney Resources?

There are two major places wherein you ought to search for attorneys: the internet and books.

Yes, I know this is vague, but hopefully that will be remedied in just a second. You see, you can type in "attorney information resource" on your favorite search engine and come up with a whole host of results. However, many of these will more often than not be ad-driven pages with less than informative content that is no real help to you.

A more guided search online though can garner the results you want and need. Here are a few websites that offer comprehensive searching options as well as fantastic articles to develop your legal knowledge:

FindLaw Lawyer Directory
<http://lawyers.findlaw.com/>

LawInfo
<http://www.lawinfo.com/>

AllLaw
<http://www.alllaw.com/>

Lawyers.com
<http://www.lawyers.com/>

Martindale

<http://www.martindale.com/>

Attorney Find

<http://www.attorneyfind.com/>

Attorney Locate

<http://www.attorneylocate.com/>

LawCore

<http://www.lawcore.com/>

American Association for Justice Membership Directory

<http://www.atla.org/MemberServices/Tier3/directory.aspx>

LegalMatch

<http://www.legalmatch.com/>

Small Business Lawyers at FindLaw

<http://smallbusiness.findlaw.com/>

Attorney Pages

<http://attorneypages.com/>

LawyerFinder

<http://www.lawyerfinder.com/>

USLaw

<http://www.uslaw.com/>

LegalZoom Attorney Locator

<http://legalzoom.lawinfo.com/>

AttorneyHunter

<http://attorneyhunter.com/>

State Lawyers

<http://www.statelawyers.com/>

Law Firm Directory

<http://www.lawfirmdirectory.org/>

State and Local Bar Associations

<http://www.romingerlegal.com/natbar.htm>

While you more than likely won't use each of these websites, you will probably visit between two to five.

Another place for lawyer information resources is your local library. There are many books out there that detail all different types of lawyers and are organized by location. However, there is really only one book you need to know about:

The be all and end all of lawyer reference books is *The Law Directory*. This book consists of 26 volumes that detail the lawyers in all 50 U.S. states and even in other countries as well. Published by Martindale-Hubbell, *The Law Directory* even has information on various laws for easy look-up.

Most libraries have a copy of this comprehensive resource. Just pay a visit, search by location and area of expertise and voila—you'll have a listing of competent lawyers right at your fingertips.

Visit:

http://www.martindale.com/xp/Martindale/Products/Law_Directories/Print/ld_print.xml for more information on the directory itself.

Acquire An Honest Attorney

Using the above resources is very easy. In fact, you can save a lot of time just by performing a direct search. No more shuffling through the phone book for a lawyer. No more randomly calling attorneys only to find out they aren't a good fit. Instead, you get to select the right lawyer for your company based on their experience, location, expertise, pricing and more.

Acquire An Honest Attorney

There you have it! All of the information you'll need to know in order to find the perfect lawyer for your business. Whether you run a small company or a large corporation, these searching tactics will bring you face to face with the attorney that's best prepared to handle your legal affairs.

Good luck and Happy Searching!

Acquire An Honest Attorney
