

# Hiring a Lawyer

*The material in this handout represents general legal principles. The law is continually changing; although the information in the handout was current as of the date it was drafted, some provisions in this pamphlet may have changed. It is always best to consult an attorney about your legal rights and responsibilities regarding your case.*



You can also find an attorney using the following methods:

- <http://legalmatch.com> & [www.licensedlawyer.org](http://www.licensedlawyer.org) – Attorney/Client service that matches the consumer's case with the appropriate attorney(s) based on various factors. This service allows you to review the experience, track record, availability, and fee structure for the attorney(s). Both websites

are a free service and there is no obligation to hire an attorney.

## When you need a lawyer

Air Force Legal Assistance attorneys are limited in the advice they can provide to certain clients based upon the subject matter of the question. For example, Air Force Judge Advocates cannot assist you with criminal or commercial matters. If you are advised to hire a civilian lawyer there are several factors, you should consider in selecting one to represent your interests-

### Q. When should I see a lawyer?

In many instances, the best time to see a lawyer is not when you are in legal trouble but before that trouble occurs. Never think of a lawyer as a "last resort." Preventive law is one of the most valuable services a lawyer can perform for you. Like preventive medicine, preventive law seeks to eliminate potential problems. Preventive law can also help you save money. Having an attorney draw up important papers for you can spare you from unwelcome problems later on. You can also visit your local legal assistance office for advice on whether hiring a civilian attorney would be prudent in a particular situation.

### Q. How should I choose a lawyer?

Selecting a lawyer is a personal matter. You may want to ask a friend, relative, or employer to recommend someone that they know and trust.

- *The Utah State Bar Association* operates a Lawyer Referral Service. Call (801) 531-9075 in Salt Lake City area or 800-662-9054 for statewide service. This referral service charges a fee.

- *Utah Legal Services*, telephone (801) 328-8891 in Salt Lake City or (801) 394-9431 in Ogden, provides legal services for persons with a limited income (call to see if you qualify) in non-criminal matters.

- *Tuesday Night Bar* is a free legal advice program sponsored by the Utah State Bar and Young Lawyers Division. These volunteer lawyers will meet briefly with individuals on a one-on-one basis. Availability and locations vary, for more information call (801) 531-9077.

- *Public Defender's Office* may be able to defend you in a civilian criminal matter provided you have limited income. Contact the one in your area. If it is a military criminal matter, contact the ADC's Office at DSN 777-2940.

- Pro Bono (free/no cost) attorney representation may be an option but is not a guarantee. This service option is for active-duty military members and their dependents only. A legal assistance attorney can refer the case to

the ABA Military Pro Bono Project, who may have resources to assist. Representation is not a guarantee.

*Please note- some of these referral services may charge a fee for their service.*

### **Q. Can I handle my own legal matters?**

Yes. You can handle many matters without the assistance of an attorney. For instance, you can file your own landlord-tenant disputes or uncontested divorce actions or go to small claims court. These venues have been created for citizens to utilize the justice system without hiring an attorney. See Utah Online Court Assistance Program at [www.utcourts.gov](http://www.utcourts.gov).

Information on filing in small claims, judgment collections, alternative dispute resolution and other legal resources are provided online at [www.utcourts.gov](http://www.utcourts.gov). Disputes and uncontested divorce documents can be downloaded from this same site. Additional research can be done at the Law Library, 2380 Washington Blvd., Ogden, UT 84401. Another source of free assistance is provided by the Utah State Bar Association at the Utah Law and Justice Center, 645 S. 200 E., Salt Lake City, UT, telephone (801) 531-9077.

Remember anytime you decide to go ahead in a legal matter, without utilizing an attorney, the path may be fraught with pitfalls. Be cautious; educate yourself. It is not worth the money you saved in not hiring an attorney if you must hire an attorney afterwards to help unravel the problem you created by not hiring one in the first place. If it looks like it is complicated or if there is a significant amount of money at stake, seek counsel. If you feel you are in over your head, you probably are, seek counsel.

### **How lawyers set their fees**

If you have a problem and feel that you need the advice of an attorney, don't hesitate to see one because you are uncertain about the cost. Instead, when you first see an attorney, ask about the fee. The lawyer will want you to be satisfied with both the service and the charge.

The attorney knows that if good service is given, and the charge is fair, you will return and will also refer other clients to him or her. That is the way a lawyer builds a practice.

### **What will it cost?**

Legal matters differ widely. No two situations are alike. A lawyer's fee will depend upon a variety of factors which include the following:

- Time and Effort. Most lawyers keep accurate records of the time they and other lawyers and the office staff spends on your case. Different attorneys value their time at different rates because of variations in experience, special knowledge, and skill. There is, however, a degree of uniformity based on what other lawyers in the community charge.
- Ability, Experience, Reputation. The ability, experience, and reputation of the attorney you choose will have something to do with the fee you can expect to pay. An attorney specializing in particular area of law may charge more than someone with less experience.
- Results. The results obtained are a factor in setting a fair fee. Since no lawyer can guarantee results in a contested matter, an attorney will expect to be paid whether you win or lose, unless the case is taken on a contingent fee basis. A contingent fee is generally done in cases involving personal injury or damages. Under this arrangement, the lawyer is paid nothing for the work done. Of course, if a lawyer can be sure of being paid for the work done, the charge to the client could be less than if the case is taken on a "contingent" basis.
- Regular clients. Your lawyer will likely take into consideration whether you are a regular client. Just as many businesspeople do, your lawyer may set a somewhat lower fee if you are a regular client. This is another of the many good reasons why it pays to have a "family" lawyer.
- Other Considerations. Like any other businessperson, an attorney must consider office overhead. This will include office staff, legal secretaries, clerks, and investigators, plus a substantial investment in office equipment,

law library, and office space. All of these must be considered in any fee you are charged.

Charges for legal fees often cannot be set in advance because the time and effort, amount involved, difficulty of solving the problems, and other factors all must be taken into consideration.

## Advice and Counsel

When a lawyer charges for “advice” it does not mean an offhand personal opinion. A lawyer’s advice is a conclusion, based on training and experience, reached only after gathering and analyzing the facts and after research and study of the law. Such advice and counsel is usually charged on an hourly basis.

## Retainers

In some situations, a lawyer may ask a client to pay a certain amount of the fee in advance. These are called “retainer” fees. Clients in need of regular legal services often pay monthly or annual retainers to assure themselves of the continuing services of a particular lawyer.

## Clients’ Rights

Before you, the prospective client, enter into a fee agreement with a lawyer, you should understand your rights as a client. The following rights are usually not a part of the actual contract between you and your lawyer, but as a prospective client you should be aware of them:

- To discuss and bargain about the proposed fee and the rate of percentage of fees;
- To request that contingent fees be in writing and to request written confirmation of hourly fees;
- To know about the lawyer’s education, training and experience before retaining him or her;
- To request, at the beginning, estimated costs and legal fees;

- To be told by the lawyer about possible adverse consequences if the case is lost;
- To be given a statement listing all the financial details for the case before paying the bill;
- To ask the lawyer about the progress of the case at reasonable intervals;
- To make final decisions on settlement of the case;
- To contact the Utah State Bar if you believe the fees charged are not appropriate or if there has not been proper representation;
- To know about the lawyer’s previous professional representation to adverse parties; and
- To receive all copies of documents prepared on your behalf.

**Get a fee agreement AND important terms in WRITING!**

## How you can hold down your legal fees

- Write down names, addresses and telephone numbers of all persons involved and all facts you can recall which pertain to the case. Doing this will cut down the time the lawyer will have to spend gathering information.
- Take any papers relating to the case to the first interview.
- Be as brief as possible in all interviews with the lawyer.
- Do not allow emotion to color the facts given; be as accurate as you can be.
- Make full and honest disclosure to the lawyer of all facts – good or bad; they are essential to making a determination of the case. The lawyer will keep them in strictest confidence.
- Avoid unnecessary telephone calls to the lawyer. However, be sure to call when necessary to provide the lawyer with new

significant information, which he or she may not have.

- Pro Bono (free/no cost) attorney representation may be an option but is not a guarantee. This service option is for active military members and their dependents ONLY; call (801) 297-7049 in Salt Lake City, UT.
- Get legal advice before signing documents or taking legal action; then follow the advice of the lawyer.
- Consider the financial advantages or disadvantages of a proposed legal action by discussing it with a lawyer. For example, would the court costs and legal fees be more than you would recover?
- Get professional advice early on. It is less difficult and less expensive to prevent a problem than it is to fix it.
- See your legal assistance officer if you have questions about your own personal situation.

## Conclusion

If you are unsure whether you need to hire a civilian attorney, contact the Hill Air Force Base Legal Assistance office at 801-777-6626 and make an appointment with an attorney. We are in building 1278. A legal assistance attorney will be able to advise you on whether hiring an attorney in your circumstances would be beneficial to you. While the legal office attorney can offer legal advice, they do not provide any representation or drawing up of documents. The legal office is not permitted to refer attorneys by name.

*The information provided in this document is meant for the sole use of Active-Duty service members, retirees, their families, and other personnel eligible for legal assistance from the Hill AFB Legal Office. The information is general in nature and meant only to provide a brief overview of various legal matters. Rights and responsibility 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 on the general restatements of background information presented here without discussing your specific situation with a legal professional.*

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