

Six Things to Ask about Your Attorney

If you currently have an attorney, consider this a user's guide of helpful questions to pose. If your attorney does not measure up to your desired answers to these questions, perhaps you should reconsider. If you do not yet have an attorney, consider these questions as part of a list of questions you should ask in deciding who you should retain to represent you.

1. How long has he or she been practicing law and is she involved with the profession or the community? There is a perception that age is an absolute predictor of quality of result. In virtually every community there is a set of more seasoned attorneys who have practiced for many years and have gained a certain amount of "local legend". However, experience is just one of many factors to be considered in choosing an attorney. An attorney who has practiced for 20 years but is detached from the local and legal community may not be a good candidate to handle a case which could result in a jury trial. Your attorney should continuously devote herself to staying abreast of changes and developments in the law, teaching other attorneys, staying involved in the community, or some combination of these things. Sometimes younger lawyers have substantial connections, community involvement, and an energy that makes them worthy of consideration to be your attorney.

2. What is his or her specialty? With the many areas of law that exist, the day and age of the true general practitioner has largely gone. Most attorneys focus their practice of law in certain areas which allows them to better understand the law and provide effective service to their respective clients. This specialization makes sense and is consistent with the old adage "jack of trades, master of none." In order for an attorney to advertise as a "certified specialist" he or she must take a special exam provided by the North Carolina State Bar which is the organization that regulates and licenses attorneys. Only certain legal areas (ex: bankruptcy, criminal law, social security disability) have special exams but the mere fact that an attorney has not taken the exam does not mean he is not qualified to handle your case. The specialty exams are not required and many attorneys who have not taken a specialty exam have a considerable amount of experience and are uniquely qualified in their area of practice. If your attorney has a website or other information about their past cases, review it to get a sense of how many cases they may have handled that were similar to your case. To recap, most attorneys specialize but all attorneys need not become certified specialists. Most importantly, be sure to ask your attorney about the number of years and cases the attorney has in a certain area of law.

3. Does he or she return phone calls? I sure hope so. Realize, however, that most attorneys have many cases and between hearings, depositions, trials, and other case-related events, their time can be stretched pretty thin. So the attorney may not be able to speak with you as soon as you call. Further, if the attorney is tied up in a trial, it may be a few days before you can speak with him or her. When you call your attorney's office, you are usually in search of information and/or an update on your case. Paralegals, legal assistants, and secretaries are valuable members of a legal team but they do not replace your attorney. Often the information you need can be provided by another member of the legal team but when you hired XYZ Law Firm you probably contemplated speaking to the attorney. There is something valuable about being to speak to your attorney at various times throughout your case. If your attorney seems to avoid speaking to you on several occasions regarding important issues in your case, this is a red flag.

4. Does he or she explain things? The legal system often involves lengthy proceedings, complicated documents, confusing procedures, and arcane concepts. Your attorney should take the time to answer your questions and break down concepts, theories, arguments, or other significant parts of your case so that you understand them and make well-informed decisions about your case. I have spoken to many clients who were confused about something that their attorney told them. Often the confusion involves money. Whether it is the calculation or basis for attorneys' fees, the reimbursement of liens in a case with limited settlement funds, or how your primary doctor's opinions affect your case, your attorney should be ready, willing, and able to discuss the topic with you in terms that you can understand.

5. Is he or she honest? Do they provide you with an honest statement of their experience and ability to handle your case? Do they provide you with an honest assessment of the strengths and weaknesses of your case? "Honest" is not necessarily what you want to hear but, instead, what you need to hear. The worst thing your attorney can do is to paint a rosy picture for the prospects of your case while knowing you have some serious challenges to overcome. You rely upon your attorney to tell you the strengths and weaknesses of your case so that you can make a fully informed decision as to whether and how to proceed.

6. Is there a right fit? You will entrust your attorney with your important legal, financial, and often personal matters. All attorneys go to law school but the legal education does little to teach personality and communication skills. Attorneys are not kings and clients are not peons so there is no reason that a client should tolerate being talked to in a condescending or inferior manner. When talking about doctors, we use the term “bedside manner” to describe the relative ability (or lack thereof) of the doctor to communicate with the patient. Your conferences and meetings with your attorney should feel like professional conversations in which you are comfortable asking questions or making statements that can be answered by your attorney and held in strict confidence. It is important that you feel comfortable talking with your attorney and able to trust her judgment. An attorney who effectively communicates with her client can breed confidence and often help minimize the sting of what would otherwise be a very difficult loss. No attorney can guarantee a result in your case but your attorney should be able to guarantee that he will use his best efforts to advance your interests and win your case.

--Attorney John O'Neal of the O'Neal Law Office has practiced law since 1996. He has handled a wide variety of civil cases and traffic matters in counties across North Carolina. If you would like to learn more about the O'Neal Law Office and arrange a free consultation about your case visit www.oneallawoffice.com.