

notify clients and return all files and property or obtain client permission to provide files and property to another lawyer approved by the client. If a lawyer dies or leaves a practice abruptly before notifying the clients, and there are ongoing legal matters needing immediate attention, a client should quickly find another lawyer to get the necessary information and take appropriate action.

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## How Can I Locate An Attorney?

Call the Pennsylvania Bar Association Lawyer Referral Service toll free at 800-692-7375. Many counties have this same service at the local level. Look in your Yellow Pages under "attorneys" for more details.

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# How A Lawyer Can Help You

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## Consumer Legal Information Pamphlets

*by the*

**PENNSYLVANIA BAR ASSOCIATION**



## Who Needs a Lawyer?

Sooner or later, almost everyone needs a lawyer. Many people only think of seeing a lawyer after they develop a legal problem, but the best time to consult a lawyer is before, not after, you have a legal problem.

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## When Do You Need a Lawyer?

Early consultation with a lawyer can prevent serious problems later on. Common situations when you should have a lawyer include:

- Before signing a contract to buy or sell a home, other real estate or a business.
- Making a will and planning your estate.
- Before signing written contracts with major financial provisions or consequences.
- When domestic/marital problems arise.
- When organizing a business. Legal services do not end with the formulation of a business. There are ongoing concerns about intellectual property rights, employment law, workplace safety, etc.
- When tax problems arise.
- When accidents occur involving personal injury or property damage.
- When you are sued or want to sue someone.

As soon as you are asked questions by police or other law enforcement officials concerning your conduct, or if you are arrested. If you are arrested or charged with a crime, or you are questioned about your possible involvement in a crime, you should see a lawyer at the earliest possible moment and make no statement of any kind until you have received legal advice. If you cannot afford a lawyer, you have the right to have a lawyer provided for you free-of-charge.

*Special Note: This pamphlet has been issued to inform and not to advise. It is based on Pennsylvania law. The statements are general, and individual facts in a given case may alter their application or involve other laws not referred to here.*

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## How Should You Choose a Lawyer?

Follow the same steps you would in choosing a doctor or dentist. If you do not know a lawyer, ask for a recommendation from someone in whom you have confidence. You also can utilize a lawyer referral service. Many local bar associations have lawyer referral programs. Contact the Pennsylvania Bar Association Lawyer Referral Service at 1-800-692-7375 for more information. Remember that when you have a legal problem, you should go to a lawyer. Be wary of advice and opinions from people who are not lawyers. They do not have the expertise and training to help you with your matter.

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## Why Shouldn't You Try to Handle Your Own Legal Affairs?

Entrustment of a legal matter may well involve the confidences, reputation, property, finances, freedom or even the life of a client. Therefore, it is important for people to use the services of a lawyer when appropriate. Lawyers are trained to safeguard the rights of the general public and are bound by the Code of Professional Responsibility adopted by the Supreme Court of Pennsylvania. They are regulated by the Supreme Court and are subject to the rules of the legal profession, the discipline system of the Supreme Court and continuing legal education requirements. A number of do-it-yourself "kits" are offered for sale from time to time. Kits are available for getting a divorce, writing a will, declaring bankruptcy or forming a business. It is not illegal for you to use these for your own affairs; however, you risk paying the consequences should a problem arise with these documents.

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## How Can You Work Best With Your Lawyer?

All lawyers take an oath upon admission to practice in this state to uphold the U.S. and Pennsylvania Constitutions and the law and to be faithful to their clients. Just as your communications with your clergyman or doctor are confidential, so are your private communications with your lawyer. Ethics rules prohibit your

lawyer from disclosing any information about your matter without permission from you. Your lawyer's principal duty is to see that you receive the benefit of all your legal rights. In working with your lawyer:

Write down the names, addresses and telephone numbers of all persons involved in your matter and all pertinent facts. By doing this at home, you will reduce the time your lawyer will need to spend gathering the information.

Take all papers relating to the matter to the first meeting with your lawyer.

Be honest and tell your lawyer all of the facts — good and bad. Your lawyer must keep them in the strictest of confidences and must know everything about your matter in order to represent you to the best of his/her ability. Also, discuss your expectations for the matter with your lawyer.

Have your lawyer analyze your matter and give you the pluses and minuses. Do not expect simple solutions to complex problems. Ask your lawyer to explain the various steps involved in handling your matter and ask for an estimate of how long it will take. Be sure to ask your lawyer to keep you informed about the progress of your matter.

Contact your lawyer when any new developments arise that might affect your matter.

Discuss billing arrangements with your lawyer at the first meeting. Ask your lawyer to explain the firm's billing practices. The Pennsylvania Rules of Professional Conduct require lawyers to generate a fee arrangement when a client agrees to retain counsel.

See a lawyer before signing documents or taking legal action. Be sure you understand all of the ramifications of what you are signing or doing, and then follow the advice of your lawyer.

**Remember:** No lawyer can guarantee the outcome of any matter.

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## What Is the Basis for Legal Fees & How Are They Computed?

Abraham Lincoln once emphasized the value of a lawyer's services when he said, "A lawyer's time and advice are his stock and trade."

The key elements in any fee charged by a lawyer are the amount of time spent and the overall value of the service rendered on a particular matter. A lawyer's professional services differ from

those of a doctor or dentist in one important way — much of the work is done when the client is not present. The work often involves the time of other people in the lawyer's office such as legal assistants, the lawyer's associates and/or legal secretaries. Remember, when you engage the services of a lawyer, you hire an entire law office to work for you.

There are several methods used in computing legal fees — any combination of which may be used:

A lawyer frequently will base a fee upon an hourly rate. This rate will depend on the circumstances of the matter and the experience and expertise of the lawyer.

For some types of legal matters, a lawyer may charge a fixed, or flat, fee. When you and your lawyer discuss a fixed fee, be sure to talk about what circumstances or situations may arise that would result in the charging of additional fees.

In some cases, the result itself may determine the fee. This is called a contingency arrangement, which is often used in personal injury cases. The lawyer receives no fee unless money is recovered for the client. If money is recovered, then the lawyer is paid an agreed upon percentage of the recovery. However, even if there is no recovery, the client is responsible by law for all court costs (such as filing fees), and the client must reimburse the lawyer for any actual expenses paid out of the office funds for items such as long-distance telephone calls, hiring an investigator, medical reports, deposition, etc.

You should discuss the cost of the legal services at your first interview with a lawyer. The lawyer may not be able to determine the exact amount of time and effort required to handle your matter, but should be able to give you an estimate based upon past experience. You always should discuss fees with a lawyer before you have any work done. You should never hesitate to discuss fees at any time during the handling of your matter, including asking your lawyer for an itemized explanation of fees and expenses charged. If you receive a statement and have questions about charges, talk them over with your lawyer.

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## What Happens When a Lawyer's Practice Closes?

If a lawyer leaves a law firm, other firm members generally are authorized to review client files, determine what needs to be done and, if the clients agree, may continue to represent the departing lawyer's clients. A lawyer who leaves a solo practice will