

BE AN EFFECTIVE CLIENT

Businesses may find it necessary to call upon an attorney to provide a number of other services. For example, services may be provided with respect to: (1) compliance with federal, state, and local regulations; (2) representation in financial transactions; (3) defense of a breach of contract or negligence action; (4) assisting in filing a mechanic's lien; (5) representation in a dispute resolution proceeding; (6) following limited liability company formalities; and (7) advising a company on a regular basis. In particular, with respect to the review or drafting of contracts, the attorney can assist in a number of ways: (1) advising about particular provisions that should or should not be inserted; (2) reflecting contract to comply with state and local laws; (3) drafting the contract to read clearly and unambiguously; (4) explaining the potential legal ramifications - both positive and negative; and (5) preparing documents that may need to accompany the contract.

Unfortunately, a large number of capable business men and women, who otherwise confidently undertake responsibilities, are unsure of themselves when it comes to hiring and dealing with lawyers. In the process of trying to hire an effective lawyer and then using that lawyer effectively, business people themselves are often ineffective.

To become a more "effective" client, consider the following suggestions:

Selection of a Lawyer. Do not act like so many others before you, and hire a lawyer without careful consideration. Start off by defining your problem, and you can begin to identify the type of lawyer you need. Consult with business acquaintances in your effort to locate the right lawyer. Take time to make those two or three calls which can help you assess a lawyer's reputation. Don't select a lawyer solely due to the size of the firm or taste in decor. Remember that a lawyer's common sense, experience, ability, and discretion are what really matters. Search for the lawyer who is knowledgeable about your specific type problem. A familiarity with your type of business is also a real plus. Quickly determine whether the lawyer you are considering will return your phone calls, explain matters in a way you can understand and keep you informed of developments.

Information. Early on, take the time to prepare an extensive narrative of all facts and issues if your company is involved in a dispute -- and attach all operative documents, letters and notes. A narrative will assist your lawyer, prevent unnecessary requests for information and save you a great deal of money.

Manage the Fee. Lawyers and law firms are concerned with how much revenue a client will generate. Clients are on the other hand concerned with how much the lawyer will cost. Despite these competing concerns, clients and their lawyers typically talk very little about fees and costs.

Ask your prospective lawyer to clearly set out his fee arrangement in advance. Discuss the hourly rates and billing practices of other professionals within the lawyer's office that will be working for you. Get assurances that the hourly rates will not increase without prior discussion and your approval. Talk about alternative billing arrangements, such as a fixed fee or a *success fee* (the business equivalent of a contingency fee). Your goal should be to negotiate an acceptable fee arrangement rather than suggest: *"If it costs that much, can you do less?"*

Request a monthly statement which sets forth in detail the services provided, the identification, hourly rate and time expended for each professional rendering services, and a break-down of all expenses charged to your account, with back-up, if necessary.

Up front, advise that you will carefully review each bill. Follow through and take up with the lawyer your questions and comments. If you don't take the time to voice your comments, you can only blame yourself if you find the fees going up. Finally, do not let your case be a training exercise for inexperienced lawyers or a way to allow lawyers to meet billing quotas. Remember, it's your money, lawyers work for you and you need to make the decisions.

Client-Lawyer Communications. Convey early on what your goals are. If you are involved in a lawsuit, is your objective to settle? Or can the dispute be concluded only through a trial? Investigate with your lawyer whether a potential judgment is collectible. Discuss whether depositions should be taken. Inquire whether alternative dispute resolution, such as mediation or arbitration, may be useful. If you remain in regular communication, your lawyer will be forced to put forth his best efforts.

Remember, lawyers and law firms operate like any other business. An effective client will demand good service, protest excessive costs and keep his lawyer on their toes.