

# 10 Questions before Hiring an Attorney





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The Following  
10 Questions  
and their  
Answers Should  
be Taken into  
Consideration  
when you want  
to Hire an  
Attorney in  
Lebanon.

1. Why do I need an attorney?
2. How much does an attorney cost?
3. Where can I find an attorney?
4. Should I hire the guy with the big "yellow pages" ad?
5. Are there special types of lawyers for different types of cases?
6. If I meet with an attorney, do I have to hire him?
7. What should I ask an attorney before I hire him?
8. What if I hire an attorney, and I don't like the work he does?
9. If I get involved in another legal case, or if I want to appeal my case, does my attorney have to represent me?
10. What if a dispute arises?

1. Why do I need an attorney?

The courts of our nation have become very complex, and it can be very difficult for people to find their way through the system without special training. Even when judges are understanding, trying to represent yourself can cause undue delay in the resolution of your case, and even small procedural errors can be very damaging to the outcome of a case. In most cases, the best way to protect your rights is to hire an attorney.

2. How much does an attorney cost?

The cost of an attorney can vary substantially. Some types of cases are more costly to litigate than others. For example, hiring a lawyer to fight a traffic ticket will cost a lot less than hiring a lawyer to fight a felony criminal charge. Also, different lawyers charge different rates. It is not always true that the best lawyer costs the most, but the best lawyers usually do not charge the lowest rates. However, in Lebanon for business the minimum cost to hire a lawyer that represents them is 5000\$ a month according to the Bar Association.

## Meet With The Attorney

The only way to determine how much your attorney will cost is to ask. Most attorneys will not quote a price before scheduling a consultation, where they can learn the facts of your case. The most important thing is that you feel comfortable with the attorney, and ideally with the fee. Please remember that a "retainer" is not the total fee. Some lawyers quote a retainer that reflects what they believe the case will cost. Other attorneys quote a very low retainer in order to get the client to hire them, and then bill the client for additional work.

## Negotiate

Don't be afraid to a lower hourly rate - although please be aware that good attorneys tend to have the opportunity to take more work than they can handle, and thus may not be willing to reduce their fees. You can also challenge how you will be billed -- if the lawyer bills in 15 minute increments, you can ask to be billed in 5 minute increments.

At times, you may wish to negotiate a "flat fee." The purpose of a flat fee is not to save money -- most "flat fee" arrangements will end up costing you more than an hourly agreement. The purpose is to provide peace of mind.

If appropriate, you may ask the attorney to quote a maximum fee for the case that is being billed by the hour. This can be a good way to test the reasonableness of an attorney's retainer -- unless the attorney is working with you because you are unable to pay more, if an attorney quotes you a \$500 retainer but refuses to quote a maximum fee, you probably should go elsewhere. While a case may have complexities which render it impossible to quote a maximum fee, such complexities should also be reflected in the retainer

## Contingent Fees

Many attorneys take certain types of civil suits, particularly personal injury cases, on a "contingent fee" (or "contingency fee") basis, where they do not charge an attorney fee unless they recover money for you. Please note that there are legal costs involved in litigation, and that ordinarily you will be required to repay those costs even if you lose. If your case is potentially worth a lot of money, you may be able to negotiate a reduction of the attorney's contingent fee -- however, the best personal injury attorneys are sometimes able to recover substantially more money for their clients than attorneys with lesser skills, resulting in a greater award to you regardless of the percentage taken by the attorney.

## Pro Bono

Most attorneys periodically take cases on a "pro bono" or "no fee" basis. This is usually done where the case is of particular interest to the attorney, and the issue involved in the case is significant to the public interest. Please note that attorneys receive many requests for pro bono work, and can at best take only a few of those cases.

### 3. Where Can I Find An Attorney?

You can find the names of attorneys from a variety of sources. You may seek advice from friends, or from your doctor, accountant, or another professional. You may look in the Yellow Pages. You may look in an on-line legal directory. There are many ways to seek a lawyer, but there are no magic answers to finding a good lawyer.

#### Go To An Attorney You Trust, And Seek A Referral

One of the best ways to find an attorney is to consult an attorney you trust. If you do not know any attorneys, ask your friends for names of attorneys they trust. It is not important that the attorney can handle your case -- what is important is that the attorney is likely to comprehend the issues of your case, and is well-positioned to know which attorneys in your community have the skills to handle your case. Even if the attorney cannot personally take your case, he will often be able to refer you to an attorney who can.

#### On-Line Directories

A number of commercial on-line directories claim to screen their attorneys, or claim to list only highly qualified attorneys. Most are not being completely honest. Regardless of their promises, most on-line directories will list any attorney who pays the required fee, and there is absolutely no guarantee that the listed attorneys are qualified to handle your case.

There are two large, free directories of lawyers, which are very comprehensive. The West Group Legal Directory and Martindale-Hubbell's on-line directory list most licensed attorneys and have extensive overseas listings. The West Group directory allows attorneys to list a lot more information than Martindale-Hubbell without charge, so it is easier to search by specialty area in the West Group directory. However, just because an attorney lists a practice area does not necessarily mean that the attorney is skilled in that area. Martindale-Hubbell describes some attorneys by rating, "AV," "BV," and occasionally "CV." These are peer ratings of lawyers and

firms. The "AV" rating is highly coveted, and usually means that the firm has a very good reputation in the legal community. ("A", "B", and "C" are letter grades, while a "V" rating means that the firm is ethical. Unfortunately, few firms are rated.)

4. Are there special types of lawyers for different types of cases?

Yes. There are many specialties within the law, just as there are in medicine. There are general practitioners, who handle a wide variety of cases. There are specialists, who have developed particular skills in handling a narrow category of cases. There are also a number of attorneys who specialize in several areas. Specialties include bankruptcy, real estate, business and contracts, criminal defense, personal injury, appeals, workers' compensation, wills and estates, and family law.

5. If I meet with an attorney, do I have to hire him?

No. Before your meeting, you should ask if there is a fee for an initial consultation. You will be obligated to pay that fee even if you do not hire the attorney. However, even if the consultation is free, you have every right to take some time to think before you hire the attorney, and you have every right to decide not to hire the attorney. Hiring an attorney is a big step, and there is nothing wrong with shopping around.

6. What should I ask the attorney before I hire him?

The questions you should ask will vary with your case. Consider the following list to be a starting point:

1. What are your areas of specialization?
2. What is the cost of the initial consultation?
3. Have you handled cases like mine before? How many? What was the outcome?
4. Will you be the only attorney who works on the case? If not, who else will work on it?
5. How long will it take for this case to be resolved?
6. How much will my case cost? Can you take my case on a contingent fee basis?
7. Can I do some of the work on the case to keep the cost down?
8. Are there things I should do to improve my case, or to help you?

9. How will you keep me informed about the progress of my case?
10. If I contact your office with questions, how long will you take to return my call?
11. If you are unavailable or on vacation, who can I speak to about my case?
12. Can I reach you after hours, if I have an emergency?
13. How often do you go to trial?
14. If I am not happy with a settlement offer, and you want to settle, will you go to court anyway?
15. If I am happy with the offer, but you think we can win more at trial, will you follow my wishes?
16. Have you ever been disciplined by an ethics committee, or been suspended from the practice of law? If so, why?

Please note that, as desirable as references may be, it is not always possible for attorneys to give references from past clients due to attorney-client confidentiality. However, you may wish to ask for references from other attorneys.

7. Should I ask for a written retainer agreement?

Yes. A written retainer agreement is the best way to ensure that your rights are protected. Don't feel that you have to sign the agreement on the spot -- take the time to read it first, and ask questions about it. If you are looking at paying thousands of dollars in fees, you may even wish to have the agreement reviewed by another attorney before signing it. The retainer agreement should accurately describe the legal issues for which the attorney will represent you, the amount that you will pay the attorney, and any other terms you discuss.

8. What if I hire an attorney, and I don't like the work he does?

The attorney works for you. You have the right to terminate your relationship with an attorney. Please note, however, that you must still pay the attorney for the services he has performed for you. If the attorney was representing you on a "contingent fee" basis, the attorney may be entitled to a portion of the proceeds of your case once it has been resolved.

Usually, before you fire your attorney, you will want to first talk to a different attorney. Sometimes the new attorney will tell you to try to work out your problems with your attorney. If you choose to hire the new attorney, the new attorney should be willing to work out the details relating to any fees you may owe to your prior attorney.

9. If I get involved in another legal case, or if I want to appeal my case, does my attorney have to represent me?

Generally not, your attorney will ordinarily only have to represent you on the matters specified in your retainer agreement, and has every right to charge an additional fee if new cases arise. Once a final judgment has been entered, your attorney ordinarily has no further responsibility to represent you or to appeal your case. However, there are lawyers who take different cases for the same client. It depends on the lawyer himself.

10. What if a dispute arises?

In the event that a dispute arises between you and your attorney, most state bars offer dispute resolution services. These services can be of particular benefit in the event of fee disputes.