

Attorneys: When Do I Need One and How Do I Find One?

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Commentary

As an attorney I field a lot of interesting questions from time to time. Admittedly, most are based on some current news item or some concept trotted out on a popular televised series. Usually the answer to these questions is longer than the questioner is willing to listen to as I am not subject to time format limitations of popular shows. Two questions that are very commonplace and that I feel deal with topics that need clarification, concern the recognition of circumstances that require legal assistance, and once this situation is recognized, how do I go about obtaining professional help with legal matters?

I teach business law classes and I stress in those classes that I am not creating junior attorneys. That is not my intent. My classes are designed to allow individuals to recognize situations where there is potential liability, and when warranted, urge them to seek legal counsel. Certainly, many situations just need an honest assessment, and a willingness to compromise, to reach a resolution. Unfortunately, the application of a "reasonable person" analysis requires that you are dealing with a reasonable person. This is certainly not always the case at hand. We have all been in situations where we can feel the hair on the back of our necks standing out, as potential liability is immediately recognized. These situations certainly deem worthy of legal consultation. I believe that if you are motivated to worry about liability then the potential for harm exists and you should seek legal help. Most attorneys will offer a free initial consultation. Tell the lawyer your situation (leaving nothing out) and see if they feel that action is warranted. They should also be able to give you a rough cost estimate of the potential toll of the road you are wandering upon. Why waste

good REM sleep when you can really make a minimum of effort and eliminate a significant amount of stress.

Now that circumstances warrant obtaining legal counsel, who should you turn to? You want a competent legal representative who will best represent the legal interest of their client (you), but where should you start your search? Perhaps your company has an attorney on retainer and you are assured that you will be protected by them. Well, remember who they work for, they work for the company and it's the company's interests that are closest to their hearts. Same goes for your insurance company. It is frequently desirable to be personally represented in most situations. How are you going to find them in the myriad of choices you have? You could peruse the yellow pages, or search the internet, for someone who looks the part, perhaps they are holding a gavel and are looking stern. A better course of action would be to ask advice from fellow students, co-workers, friends, and see who they suggest you contact. I am a firm believer in word of mouth referrals. Did your advisor find them helpful, communicative, and fair? If they tell you to avoid someone that can be a benefit as well. Eliminate them from consideration, thereby increasing the likelihood that you will be better served. You can also seek referrals from local bar associations as they are generally willing to provide you with some references once you stipulate the type of assistance you require.

Once you have several attorneys to choose from, make an appointment and go and visit them. If you feel an instant rapport then you can choose wisely. If you feel that they lack the expertise, or maybe they will not put the priority on your situation that you feel is warranted, then look elsewhere.