

Consumer Legal Guide



Your Guide to Hiring a Lawyer



ILLINOIS STATE
BAR ASSOCIATION

ASK A LAWYER

HOW DO YOU FIND A LAWYER?

Finding the right lawyer for you and your case is an important and personal decision. People looking for a lawyer often ask family members, friends, coworkers, or others for recommendations. Additionally, business people or professionals such as bankers, ministers, doctors, social workers, and teachers might be able to provide a lawyer's name. Some lawyers advertise in the newspaper, on the radio, or on the television. In addition, you may want to use the Internet to search local attorneys or check the local telephone directory under "Attorney" or "Lawyer." These ads will usually list lawyers by area of concentration, such as: divorce, bankruptcy, family law, personal injury, worker's compensation, etc.

As a community service, the Illinois State Bar Association (ISBA) provides a lawyer referral service. The service does not provide free legal advice and the lawyers to whom the ISBA refers you to do not provide free services. Instead, this referral service is for those who can afford a lawyer.

Lawyers listed on the ISBA referral service must meet certain eligibility requirements. For example, they must be a member in good standing before the Bar of Illinois and must not be the subject of a pending formal complaint before the Illinois Supreme Court's Attorney Registration and Disciplinary Commission. The lawyers must also carry malpractice insurance. Visit ***www.IllinoisLawyerFinder.com*** or call 217-525-5297 or 1-800-922-8757 to contact this service.

If you cannot afford a lawyer, there are legal aid agencies throughout the state that offer free or low cost legal assistance for eligible individuals. Eligibility is usually based on income and the type of legal problem. In

general, these agencies do not provide advice or representation in criminal cases or in matters where contingent fee arrangements may be made (discussed later in this publication). For more information about legal aid, visit www.IllinoisLegalAid.org. You may also look in your telephone directory or use the Internet to search for Legal Assistance Foundation of Metropolitan Chicago (serving Chicago), Land of Lincoln Legal Assistance Foundation (serving southern and parts of central Illinois), or Prairie State Legal Services (serving northern and parts of central Illinois).

Public Defender Offices represent people who cannot afford an attorney in criminal cases. If you are accused of a crime but cannot afford legal representation, a judge will either appoint a private lawyer to represent you free of charge or a public defender will handle your case.

WHO CAN PRACTICE LAW?

Only those who are licensed to practice law in Illinois may do so. Licensed lawyers must graduate from an accredited law school, pass the Illinois Bar Examination (a rigid test of knowledge in all fields of law), submit to an examination of personal character and fitness to practice law, and be sworn in by the Illinois Supreme Court.

In Illinois, as in most other states, the unauthorized practice of law is a crime. Individuals, websites, and businesses that offer to represent clients or draft legal documents on their behalf without being duly licensed and admitted to practice law may be committing the unauthorized practice of law.

In some countries, notary publics may undertake some types of legal work, but that is not the case in Illinois. Notary publics may not practice law.

WHEN DO YOU NEED A LAWYER?

If you are being sued or accused of a crime, you should seek the help of a lawyer. However, legal assistance is often needed in other situations that have nothing to do with crime or a court action. For example, you may need a lawyer:

- when you make or revise a will;
- when you buy or sell real estate;
- when you enter into any contract;
- when you are involved in an accident;
- or
- whenever your rights are threatened or jeopardized.

WHAT SHOULD YOU DO WHEN CHOOSING YOUR LAWYER?

Before you choose a lawyer, you may want to interview a number of different ones. You could make a list of several lawyers and contact each one on your list to obtain information that will help you make a decision. Some lawyers or their legal assistants may give you information over the phone. Other lawyers, however, may want to meet briefly with you for a consultation. You should ask what, if any, charge there will be for this initial or consultation meeting. Often, the lawyer may ask for some preliminary information to identify any potential conflicts of interest that might prevent the lawyer from representing you.

Good preparation for meetings and discussions with your lawyer will help keep your costs down and ensure that your lawyer can provide you with the best representation. You should prepare for your meeting with a lawyer. Organize discussion topics prior to meeting and bring with you any relevant paperwork. Your lawyer may need some

of the documents you bring with you so be prepared and retain copies for your own records. It might also be helpful to write down dates and times of events, the name and addresses of any witnesses, and any other important facts.

You should keep in mind that lawyers have professional and ethical commitments to all of their other clients, so you should expect a first meeting to last about 30 minutes on average. Write down everything you learn from each lawyer. Take some time to think things over and then make an appointment with the lawyer who seems best for you.

During your sessions, you should ask each lawyer questions such as:

- How much experience do you have with cases like mine?
- How long will it take to resolve my legal issue?
- What is the likely outcome in my case?
- How much will your services cost me?

HOW ARE A LAWYER'S FEES DETERMINED?

Honest and open discussions about fees will avoid misunderstandings. The rules of ethical conduct for lawyers state that all fees must be “reasonable.” Different lawyers value their time at different rates because of variations in experience, training, skills, and law office expenses. Lawyers usually bill for meetings, document preparation, copies and correspondence, research of legal issues, representations in court, and for other work that directly relates to the case. You may also have to pay for the lawyer’s “out-of-pocket” expenses such as travel and court filing fees. You should carefully review all bills received from your lawyer.

There are several ways for a lawyer to bill for his or her service:

- **Hourly Rate:** This will vary depending on the lawyer's experience and the complexity of the case. For example, an uncontested divorce can be expected to cost less than a divorce that involves disputes over property and child custody.
- **Flat Rate:** This will be the total cost of all services, a common fee arrangement for uncomplicated legal tasks such as simple wills or bankruptcy.
- **Contingent Fee:** This means that the lawyer will only receive compensation if you win your lawsuit and are awarded money. The lawyer should tell you exactly how much of your award, usually as a percentage, he or she will expect for the fee. These types of fees are typically charged in personal injury cases.
- **Percentage Fee:** This means that you will pay the lawyer a specific percentage of the disputed property, regardless of whether you win or lose the case.
- **Fees Set by a Judge:** In some cases, the lawyer's fee can be determined by the court. An example of a fee set by the court is for the handling of an estate. In addition, certain types of cases allow a lawyer to request a judge to order an opposing party to pay for your legal fees.
- **Retainer Fee:** This is money that you will have to pay in advance before the lawyer will begin work on your case. There are different types of retainer fees but typically a lawyer will deposit your funds in a special account and withdraw the funds from the retainer fee as he or she performs work on your case. The lawyer will typically ask for additional funds as the case progresses.

Certain types of retainer fees and all contingent fee agreements must be in writing. However, other fee agreements such as hourly rates do not need to be in writing. Nevertheless, you should request and obtain a written fee agreement from your law-

yer that describes the services the lawyer will perform for you, and the type and amount of fees you will be expected to pay. The agreement should also note how the other various costs and expenses of your case will be calculated. The lawyer's billing practices and procedures should be explained, and whether interest or other charges will be added to any unpaid amounts. You may want itemized bills that show how the lawyer spent time on your case. As with any other contract, the agreement should be carefully read and understood before being signed, and all parties should keep a copy of it.

WHAT ARE YOUR RESPONSIBILITIES AS A CLIENT?

Upon hiring a lawyer, the lawyer will expect you to:

- Cooperate fully. Inform him or her about all the facts of your case as accurately and honestly as you can, and report any new developments right away.
- Reveal all the information, even if it may not be in your favor. Remember, this information must be kept in confidence by your lawyer. Be organized. Gather all the necessary information and documents that you can obtain before meeting with your lawyer.
- Understand that your lawyer has many other clients and they are equally deserving of the lawyer's time and efforts.
- Understand that no lawyer can guarantee the results you may want in a contested case.
- Be patient and understand that most legal matters are rarely "open and shut" cases. They require time and research.
- Pay the lawyer's fee promptly. If any fee or billings are in question, you should immediately inform the lawyer and discuss the problem.

- Listen to your lawyer, who has been trained to help you with your legal problem.
- Ask questions if you don't understand something the lawyer has told you or that has happened in your case.

WHAT ARE YOUR LAWYER'S RESPONSIBILITIES?

Ask your lawyer to tell you the various steps involved in handling your case. You may wish to ask the lawyer to send you copies of any letters or documents prepared for your case. You also may want to know about how long your case will take and how often, and when, the lawyer will report to you. You are entitled to a lawyer who:

- Will represent your interests diligently and ethically in and out of court. (Every licensed Illinois lawyer is bound by the Illinois Supreme Court Rules of Professional Conduct. These rules are available for review at www.iardc.org on the Internet).
- Will be capable of handling your case.
- Will be honest about your legal problem, your prospects for success, the time it will take, the expenses involved, and the advisability of accepting any settlement offer.
- Will charge you a reasonable fee and tell you in advance the basis of the fee.
- Will keep statements and information confidential, which you reveal in the course of your relationship.
- Will show you courtesy and respect and will respect your time by being on time for appointments.
- Will exercise independent judgment on your behalf, free from compromising influences and conflicts of interest.
- Will discuss courses of action, alternatives or consequences, and give you the opportunity to make the ultimate deci-

sions on the legitimate objectives to be pursued in your case, including whether or not to settle your case.

- Will inform you, if applicable, who else will be working on the case and how that time will be billed.

WHAT DO YOU DO IF YOU HAVE A PROBLEM WITH YOUR LAWYER?

If you believe your lawyer has acted improperly, you may contact the Attorney Registration and Disciplinary Commission (ARDC). The ARDC is a branch of the Illinois Supreme Court and has the sole authority to investigate lawyer misconduct. The address of the ARDC is One Prudential Plaza, 130 East Randolph, Suite 1500, Chicago, Illinois 60601 and their website is www.iardc.org.

WHAT IS THE ILLINOIS STATE BAR ASSOCIATION?

Founded in 1877, most practicing lawyers in Illinois are members of the Illinois State Bar Association. The Association is a private, not-for-profit entity that lawyers join on a voluntary basis. Its purpose is to promote the integrity of the legal profession, facilitate the administration of justice, and provide professional services to its members, and educational and other services to the public.

I HAVE NOTICED THAT SOME LAWYERS USE AN ISBA SYMBOL ON THEIR ADVERTISING. WHAT DOES IT MEAN?

The Illinois State Bar Association has created a member mark for use by its 35,000

lawyer members to help them convey to the public the value of ISBA membership.

The ISBA member mark is a way for consumers to choose with greater confidence a lawyer who can help them with their legal needs. As an ISBA member, the lawyer has access to a number of member services that help him/her stay abreast of new developments in the law. These include free electronic access to legal research, quality continuing legal education courses, and the option to belong to any of 40 substantive law sections.

When seeking a lawyer's services, look for this mark:



DISCLAIMER: ISBA makes no guarantee or endorsement of the services its lawyer-members who use this mark provide to their clients. No special conditions, testing, or certification, other than membership in the association, are required for members to use the member mark. ISBA does not establish practice standards.

INFORMATION: ISBA is not the licensing or disciplinary agency for lawyers in Illinois. If you have a complaint about your lawyer, you should contact the Illinois Attorney Registration and Disciplinary Commission at 800.826.8625.

If you're looking for an
Illinois lawyer, look to
IllinoisLawyerFinder.com



IllinoisLawyerFinder.com is the Illinois State Bar Association's statewide lawyer directory on the Web. Search for lawyers by practice area, name, county or town.

Find a lawyer near you 24/7 on the Web at **IllinoisLawyerFinder.com** or call us from around the state at **800-922-8757** Monday through Friday from 9:00 a.m. to 4:00 p.m.



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This pamphlet is prepared and published by the Illinois State Bar Association as a public service. Every effort has been made to provide accurate information at the time of publication.

For the most current information, please consult your lawyer. If you need a lawyer and do not have one, call Illinois Lawyer Finder at (800) 922-8757 or online **www.IllinoisLawyerFinder.com**

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For more information on legal issues or to obtain single copies of each of the pamphlets listed above (free to individuals), please visit

www.ISBAlawyers.com

ILLINOIS BAR CENTER
424 S. Second Street
Springfield, IL 62701-1779
www.isba.org