

Consumer Pamphlet: How To Find A Lawyer In Florida

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WHEN SHOULD I SEE A LAWYER?

You've been hurt in a car accident. It's time to draw up a will. The buyer of your home is suggesting some creative financing. A family member has been arrested.

You need a lawyer. The question is: How do you find the right lawyer for your needs? And, once you do, how can you figure out what it might cost?

This pamphlet is not intended to address every situation or legal question that may arise, but rather to give you some guidance in getting the right legal help when you need it.

Often we turn to lawyers as a last resort after the contract has been signed or the spouse has walked out or a creditor is threatening.

The adage 'an ounce of prevention is worth a pound of cure' is as true with legal matters as it is with regular medical checkups.

Good legal advice is one of the greatest preventative measures a lawyer can provide. It can not only save you money in the long run, but also save you from unpleasant difficulties later.

Situations in which you should consider consulting a lawyer include:

- Before buying or selling real estate.
- Before signing a contract with major financial provisions.
- Before making a will or planning your estate.
- Before organizing a business.
- Whenever you are arrested or charged with a crime.
- When you are involved in an accident in which there is significant damage to persons or property.
- When there are changes in your family status, such as marriage, adoption, divorce.
- When you have tax problems or questions.
- When a lawsuit is brought against you, or you want to bring a lawsuit against someone.

HOW DO I FIND A LAWYER?

Florida has more than 85,000 licensed lawyers practicing in the state. How do you know which one is right for you?

First, make sure the person you are considering hiring is an attorney. You can do this by going to The Florida Bar website at www.floridabar.org, and clicking on the “Find a Lawyer” button in on the blue bar at the top of the page. A web page will appear giving you spaces to fill in for the last and first name of the attorney. Once you hit “Search,” the attorney’s profile page will appear, listing address, Bar number and even areas of legal practice. If the person is not listed, make sure you are spelling the name correctly. If you have questions, call membership records at The Florida Bar at (850) 561-5832. If you believe the person is not an attorney but is claiming to be one, call The Florida Bar Unlicensed Practice of Law Department at (850) 561-5840.

Make a careful search for your lawyer; it’s an important decision. Your goal should be to find a lawyer you are comfortable with as a person and as a professional. Many legal matters involve personal considerations, and your lawyer often will need to know confidential information about you, your family and your finances to be truly effective in serving you.

In your preliminary research, you should focus on compiling a list of the names of lawyers who may be qualified to handle your case. Your 'follow-up' research will include making phone calls to those lawyers' offices then visiting one or a few to find the attorney you want to handle your case.

To begin, consider a lawyer's reputation. Have you heard people speak highly of a particular attorney's talents or work? Think about your acquaintances who are, or may know, lawyers. Ask those who work with attorneys in their profession, or someone whose opinion you respect — an employer, lawyer at your workplace, banker, teacher, minister, doctor or other professional, relative, neighbor or friend.

The best recommendations often come from people who hired a lawyer to successfully resolve a problem similar to yours.

Another check you can do is to see if the attorney has a discipline history — meaning the person has received a professional discipline for violating the Rules Regulating The Florida Bar. You can find out this information by going to the attorney's profile page on The Florida Bar website. Once the attorney's page appears, scroll down until you see the words: '10-Year Discipline History.' If there is no discipline, the word 'None' will appear to the right of the name. If there is a history, the word 'Yes' will appear, with a link to documents regarding the discipline. You can use that information to ask the attorney about this episode. You also may call (866) 352-0707 and follow the prompts to check a lawyer's discipline history.

A new and growing development in Florida and other states is the prepaid legal services plan. Through a prepaid legal program, an individual or group pays a premium, something like health insurance, to receive such services as free consultations and advice, with prescribed fees for follow-up services. Before hiring an attorney or before you even think you might need one, you should check to see if your employer, union or other organization of which you are a member offers a prepaid legal service plan as a benefit.

Many local bar associations in Florida sponsor lawyer referral services, listed under 'attorney' or 'lawyer referral services' in the telephone book or online. These services can set up an initial appointment for you with a lawyer for a nominal fee (local Bar-sponsored programs charge between \$25 and \$50).

If there is no lawyer referral service in your city, **The Florida Bar's statewide service** can locate a lawyer for you. You can call this service toll-free at (800) 342-8011. The statewide service, which operates only in cities where there is no local program, will refer you to an attorney for an initial half-hour consultation for \$25.

Relatively new methods for helping people find attorneys are commercial lawyer referral services, which usually pool lawyers' marketing resources to advertise a central toll-free number. When potential clients call, they are referred to an attorney who has signed up for the service.

Most areas in Florida also have legal aid and public defender offices, which provide legal help without cost or at a nominal fee to people who cannot afford to pay a lawyer. Legal aid offices provide advice in some non-criminal cases such as those relating to small money claims for wages; disputes between borrowers and lenders; landlord-tenant problems; and domestic relations matters. Public defender offices handle criminal cases for indigent people.

A potential client also can use regional, state or national directories of lawyers and law firms, some containing detailed biographical information and client listings. These volumes –some specially produced for consumer education, and others used by lawyers to identify attorneys in other localities — often can be found in public libraries.

Lists of recommended attorneys are also circulated within special interest groups. If you are a member of such a group, ask if it has such a roster.

Aside from this information, some lawyers are now using consumer advertising on radio, television, newspapers, magazines, in other media and on the web to inform the public of their services and charges for certain routine legal matters.

TYPES OF LAWYERS

All attorneys who practice law in Florida have undergone extensive character and fitness checks as well as a rigorous examination and are required to meet certain requirements for continuing legal education. Effective Jan. 1, 2017, each member shall complete a minimum of 33 credit hours of approved continuing legal education activity every three years. Five of the hours must be in the area of legal ethics or professionalism, including approved substance abuse and mental illness awareness programs.

Some lawyers operate their law business by themselves, while others are in law firms with various numbers of attorneys. They may have a general practice, handling a variety of legal problems, or concentrate their knowledge and skills in one or more specific areas of the law, such as personal injury, real estate, commercial or tax law.

Some lawyers operate legal clinics, many of which are conveniently located in shopping areas or within national chain stores where you can get help with relatively simple matters such as an uncontested divorce or a routine will. They often can charge less by working on a volume basis, using simple forms and focusing on routine but important services.

BOARD CERTIFIED LAWYERS

While many qualified lawyers are not board certified, board certification is one way to decide if a lawyer is right for you.

In 1982, the Florida Supreme Court adopted a certification program through which Florida lawyers can qualify by examination in many different fields. A lawyer certified in one of these fields is a recognized practitioner, considered to have advanced knowledge and skills in that particular field of law.

To become a certified specialist, a lawyer must: be an active member in good standing of The Florida Bar; have practiced law for a minimum of five years; pass a written examination in the specialty area; be favorably evaluated as to ability and experience in the specialty field by judges and other lawyers; and exhibit outstanding character, ethics and a reputation for professionalism.

An attorney's certification remains valid for five years. To renew certification, the attorney must generally meet the same requirements as for initial certification.

For more information about certified lawyers, visit www.floridabar.org/certification .

I HAVE ATTORNEYS' NAMES; NOW WHAT?

Once you have a list of one or more lawyers, call their offices. Briefly explain your situation and ask:

- If the lawyer has experience with your kind of problem.

- If the lawyer charges for an initial interview and, if so, how much?
- If your problem is routine, does the attorney have a standard fee? What does it cover?
- If your problem appears more complicated, what are the hourly fees?
- Does the lawyer have a written agreement describing fees and services provided for the fees?
- Write down the information and compare the answers you receive. Then, call back for an appointment to interview the attorney or attorneys whose answers satisfied you the most. Most of these 'initial consultations' are free or provided at a nominal cost.

Go to the first interview with an open mind. You don't have to decide to employ the lawyer you are interviewing until you have had time to think about it.

Be organized when you first meet with the lawyer. It is important to have with you a written summary or detailed notes outlining your problem; the names, addresses and phone numbers of all parties and witnesses and their lawyers and insurance companies if you know them; and all documents that may relate to your case, such as receipts, contracts, medical bills, repair estimates, checks, etc. Some lawyers may ask you to deliver copies of written materials in advance of your first interview so the lawyer can review them.

Ask questions. Write them down before you visit the lawyer's office. Here are a few that may be helpful:

- Have you had experience with this type of problem before? How recently? How often? What was involved?
- What percentage of your practice is devoted to this kind of problem?
- Will you actually be working on my case? In what way? Will any other persons be doing work on my case? What will they do? How will it affect my fee or relations with you?
- Will you talk to me in plain English when I do not understand 'legalese'?
- Will you provide me copies of all documents and letters received or written in my case? Will you treat this as an out-of-pocket expense or will you want me to pay for it in advance? Will you allow me access to my case file at your office?

- Will you keep me informed about all developments in my case? For important things, will you allow me to make the final decision?
- Will you send monthly billing statements?
- Are you willing to submit any fee disputes to binding arbitration?
- One way to judge competence is by the amount of time the lawyer devotes to keeping up with changes in the law through continuing legal education. Ask questions to see if the lawyer you're thinking of hiring keeps up with changing laws.

Remember: When you hire a lawyer, the lawyer will be working for you. The lawyer should be genuinely interested in your problem and in giving you the best possible advice. The lawyer may not be able to accomplish everything you wish because of the facts or the law that apply in your case. Many times, a good lawyer will advise you to avoid court action. A lawyer should be able to explain, in terms you can understand, what the lawyer hopes to accomplish for you and how the lawyer plans to do it.

Think about how the lawyer responded to your questions, the lawyer's experience and whether you will be able to work with the lawyer.

If you are satisfied with the interview so far, tell the lawyer everything about your problem, including facts that may be unfavorable or embarrassing to you. Unless you are completely candid, the lawyer will be unable to advise you properly.

Strict rules prohibit the lawyer from repeating to anyone what you say, unless you admit any ongoing or planned criminal activity.

Next, you may want to ask the lawyer questions such as:

- What are the strengths and weaknesses of my case?
- What would you advise me to do about my situation?
- Can a timetable be set for my case?
- If I hire you, what will you be doing for me, and when and how will we get back in touch with each other?
- Is there a statute of limitations, or legal deadline in my case that we must be careful not to miss?

WHAT ABOUT THE FEE?

Discuss fees frankly with the lawyer, preferably at your first meeting.

Often, a lawyer cannot tell you exactly what the charge will be, because it is difficult to estimate how much work is going to be involved. But lawyers usually can estimate the minimum and maximum limits of the fee for that particular work, or give you some idea of the problems involved and the time that will be required.

The timetable for paying legal fees depends on arrangements between the lawyer and client. Usually, lawyers require an advance payment, often called a retainer, to cover the initial work and court costs to be paid on your behalf. In other matters, you will be billed at the end of the month, or at the completion of the service, for services and disbursements. Be sure to discuss your plans for payment with the attorney when you discuss the fee.

A lawyer usually makes only a nominal charge, if any, for your first office visit. Only when actual time is spent working on a matter do lawyers charge a fee. Then charges are usually influenced by the time and work involved, the difficulty of the problem, the dollar amount involved, the result, and the lawyer's experience.

In some cases, your lawyer may take the case on a contingent fee basis. This means that, if your suit is successful, the lawyer receives a percentage of the amount recovered for you, plus out-of-pocket expenses for filing fees, reports and the like. If it is not successful, he or she receives only these expenses.

As with any other business relationship, fees and costs are important matters that can breed future problems if there are misunderstandings. Provisions for binding arbitration may be included in your Fee Agreement. A WRITTEN FEE AGREEMENT IS ALWAYS ADVISABLE.

WHAT IF I AM NOT PLEASED WITH MY LAWYER?

If you aren't happy with the way the attorney you've hired is handling your case, you have the right to dismiss the attorney and find another. You will probably be responsible for paying for time and costs associated with your case to that point, so it's not a step to be taken lightly. That's also why it's important to read and understand any contract for services you may have signed with an attorney to understand what your financial responsibilities are if you decide to take your case elsewhere.

Once your case has progressed to the point where the attorney has appeared on your behalf, a judge usually must approve a decision to take an attorney off a case.

Many times, a client's problem with an attorney is a communications problem. If this is so, you should certainly let your attorney know of your displeasure and see if a solution can be reached before firing the attorney or making any formal complaint.

If you feel an attorney has not acted properly or ethically in your case, you have the right to file a complaint against that attorney with The Florida Bar. The Bar, under the direction of the Florida Supreme Court, is charged with prosecuting unethical attorneys.

If you feel that an attorney has billed you improperly for services performed or has failed to refund an unearned portion of an advance payment, you may request that the dispute be submitted to arbitration. The Florida Bar maintains a statewide Fee Arbitration Program to assist in resolving fee disputes without the necessity of litigation.

For more information about the complaint process, call the Bar's Attorney Consumer Assistance Program at (866) 352-0707 or (850) 561-5673.

The material in this pamphlet represents general legal advice. Because the law is continually changing, some provisions in this pamphlet may be out of date. It is always best to consult an attorney about your legal rights and responsibilities regarding your particular case.

This pamphlet is produced as a public service for consumers by The Florida Bar.

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