

Hiring An Attorney - The Five Questions You Should Always Ask

It is difficult enough to hire an attorney when you are familiar with the legal issue and the lawyers you deal with. When an individual has been injured and needs a workers' compensation or personal injury attorney for the first time, it is almost impossible to know if you are selecting the right attorney. Ironically, in most cases, whether you have selected a good attorney will only be determined when the case is over. The five questions below will not insure that your attorney is competent or the best lawyer for your case. It will give you some insight into the type of attorney you are hiring.

1. How many years of experience do you have? This seems to be an obvious question but it is amazing how infrequently it gets asked. Experience is the key to the practice of law. The old adage is that, with a lawyer, you pay for the grey hair. The more experience an attorney has, the more likely that he or she has had a case similar to yours. However, every professional must start somewhere. If your case is assigned to a young associate, make sure that someone with experience supervises the case.

2. What percentage of your practice is in this area of the law? The practice of law is becoming more and more specialized. It stands to reason that an attorney who chooses to concentrate his or her practice in a single area know that area better than one who tries to do a little of everything. It is very difficult in this day and time to be a "jack of all trades." Also, relationships between opposing attorneys does play a part in the successful resolution of a case. The more specialized an attorney is, the more likely he or she is to know the opponent if the case goes to litigation.

3. Do you have malpractice insurance? This question is almost never asked but should be. However, if you have work done on your house, one of the first questions you would probably ask is "Do you have insurance?" If the worst happens and your attorney commits malpractice, you do not want to try to collect from an uninsured individual. Also, if he or she has no insurance, there may be a reason such as previous successful malpractice claims.

4. When I call your office, will I talk to your or one of your staff? While paralegals and secretaries are important to any successful practice, they are not lawyers and are not a fair substitute for speaking directly with your attorney regarding important issues in your case. This is not to say that you should always expect to talk to your lawyer when you call. However, some firms rely solely on paralegals after the case begins. The client sees the lawyer when the firm is retained and maybe when the case settles. You entrusted the attorney with your case, not his or her staff.

5. Will you try my case yourself? Often, high volume lawyers never see the inside of a courtroom. If the case needs to be tried, they will either withdraw from your case or refer it to someone else. In a "volume" practice, it takes too much time to try a case as opposed to settling it. What they sacrifice as far as the recovery on a single case, they make up in sheer numbers. These practices are referred to as "mills", grinding out settlement after settlement. However, when your opponent knows that your lawyer is not willing to take your case to court, the chances of you receiving maximum value for your case is far less.

The decision that you make in hiring an attorney will have more to do with the eventual result than any other decision you make on the claim. Most people make this decision on the type of ad someone has in the phone book or what commercial they see or hear on television or radio. Just because an attorney appears in these mediums is no reason to either hire or reject them. Hire someone you feel comfortable with and confident in. Hopefully, the above suggestions will be helpful.

About the Author

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