

YOU NEED TO HIRE A LAWYER *TODAY*

by Susan Boyd, J.D.

You own your business, you're stretching every dollar, and the last thing you want is to pay legal fees. Besides, you haven't gotten sued; so why should you be thinking about lawyers? The reason is that **the best time to choose an attorney is when you don't need one**. Most people wait until they have a problem big enough that they can't handle on their own before thinking of contacting an attorney. But, if you wait until:

--your best customer files bankruptcy while owing you a lot of money, or
--a customer falls in your store and gets carried out on a stretcher, or
--your landlord cancels your lease, you will be operating under the worst possible conditions in choosing an attorney. You will be in a panic and in a rush. **When choosing the person you may have to rely on to save your business, you don't want to be in a panic or in a rush!** So, right now, while things are going smoothly, you need to choose the attorney to work with you and your business in the future.

O.K., you're convinced. Now, how do you find the right attorney? Listed below are some of the usual places people look:

- telephone book
- attorney advertisements on television, radio, etc.
- local bar association attorney referral system

What you may not realize is that these are **all** forms of attorney advertising. Obviously, attorneys pay for special sections in the phone book and for ads on TV. The attorneys who list themselves with the local bar association referral service provide the information about their areas of specialization, which is rarely verified, with the hope of increasing business. None of these are bad places to start; they just don't provide enough information.

Instead, or in addition to the ideas above, try these:

--Identify a local business (or two or three), as similar to yours as possible, which is run in an excellent manner. Usually people who do a great job running their businesses expect only the best from the people they hire. Ask whose legal services they use, and if they've been satisfied. Since their businesses are similar to yours, their attorney should be a pretty good fit for your company. If they demand the best and they're happy with their attorney, you've got the first name on your list of attorneys to interview.

--Contact the law school nearest you and/or your state's bar association to determine if they have continuing legal education departments. Attorneys have to

take a certain number of credit hours each year, under continuing legal education (CLE) programs, to maintain their licenses to practice law. Law schools and bar associations frequently sponsor CLE seminars, which means that they hire attorneys who are experts in their areas of specialty as speakers. A seminar usually involves five or six attorneys who speak about various aspects of a particular legal topic, like "Employment Law", "Business Law for the Entrepreneur", "Legal Issues for the Family-Owned Business", etc. The attorneys who speak at CLE seminars are usually outstanding; after all, they've been hired to teach other attorneys! Some law school and bar association CLE departments have web-sites; others can be contacted by phone (ask for the director, who can probably give you information about speakers on previous seminar topics, as well as their upcoming agenda). When you find a seminar on a topic closely related to your business needs, get the names of those speakers; you've got some attorneys to interview.

--Go to court! Actually, go to the courthouse. The clerks at the courthouse know the inside scoop on lots of attorneys, because they deal with them every day. Although officially they're not supposed to, many clerks will name names if you ask! Try the desk for civil litigation, and ask who has a good reputation for representing businesses. You're only going to get one side of the attorney's picture from the court clerks; but you'll find out who is respected around the courthouse. That's another name to add to your list to interview.

Now that you have the names of a few attorneys, you need to narrow your list to about three attorneys to interview. Yes, interview!! Just as you would interview a prospective employee, you need to interview a prospective attorney.

In choosing the final three attorneys with whom to meet, you need to gather more information on them. Here's how:

1. One place to look is the Martindale-Hubbell Law Directory (M-H). This resource can be found in the law libraries of most courthouses and law schools. Many public libraries have it, too. Attorneys can list their areas of specialty, and their major clients. Since M-H rates attorneys, using confidential surveys of attorneys and judges who have worked with them, you can find out how the attorneys on your list are viewed by their peers.

The ratings work like this:

- AV--Legal ability is very high to preeminent; very high general recommendation
- BV--Legal ability is high to very high; very high general recommendation
- CV--Legal ability is fair to high; very high general recommendation

If a lawyer on your list isn't rated, don't view that negatively. It could mean that he/she just hasn't been rated yet. The ratings are only one factor in helping you choose an attorney; but, if you've gotten a good recommendation from another entrepreneur, or CLE director, or court clerk, and now find that the attorney has an AV or BV rating, you can feel confident in his/her abilities. These ratings should help you narrow your list.

2. Next, check out their web-sites. Many attorneys have sites providing an abundance of information. You can find out where they're located, how many attorneys are in the firm, different attorneys' backgrounds and areas of practice, etc. If you are going to want to access your attorney through e-mail, the fact that he/she has a web-site is a positive sign that the firm is comfortable with technologically up-to-date methods of communication.

3. Call for an appointment. Explain that you are seeking an attorney with whom you want to establish a business relationship. Ask for a 15-minute free get-acquainted visit. If he/she won't see you for a few minutes without charge, cross him/her off your list. He's too expensive for you. If he/she can't fit you into his/her schedule within 2--3 days, unless he's in the middle of a trial, cross him/her off your list. He's too busy for you.

Once you have appointments with several attorneys, you need to know what questions to ask. In the next issue of *Heritage*, look for "Interviewing a Prospective Attorney: What to Ask"

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