

A lawyer tells the whole truth about hiring counsel and containing costs.

Attorney Shopping Guide

by Gregory P. Hawkins and Claude T. Hawkins

Like it or not, as a pastor, you probably need lawyers. You may not trust them or want them, but the services of a lawyer are becoming increasingly important for churches—or at least unavoidable. Churches today engage attorneys for ventures as diverse as hiring (and firing) personnel to drawing up contracts to defending nonprofit status.

Here is how you can use the resources of a lawyer to your best advantage.

■ Lawyer-Client Relationships

In traditional lawyer-client relations, the client passes the ball to the lawyer and then gets out of the way. Today, however, large corporations are demanding a stricter accounting from lawyers. They're shopping for better rates and services; insisting on up-front, detailed budgets; monitoring progress; and requiring itemized bills.

Churches, too, can ensure an attorney's responsiveness by observing a few principles:

□ **Separate your emotions from the problem.** You can best gather and order the facts pertaining to your situation if you can avoid the resentment typical of many caught in the legal process—particularly litigation.

Important: Keep your communication on a "just the facts, Ma'am" level. Displays of anger and frustration waste time and cost money.

□ **Take time to organize.** Working with an organized client has a curious motivating effect on most lawyers. Be methodical and organize your data in chronological order, attaching pertinent documents.

Important: To serve you best, your lawyer needs the complete picture, so be honest with yourself. In adversarial situations, you naturally want the facts to support your position and nullify your opponent's, but distorting the truth lessens your chances for victory.

□ **Shop around.** Armed with the facts, you are ready to begin talking with prospective lawyers. The time you invest in consultations can pay big dividends, and many attorneys do not charge for the initial consultation. **Suggestion:** Make your search as thorough as if you were looking for a key employee—which, in effect, is what your lawyer will become for a time.

■ Questions to Ask Lawyers

Posing relevant questions to a prospective lawyer can reveal how the lawyer thinks, practices law, and communicates. **Important:** Your questions will serve as a subtle form of management: in answering them, a lawyer commits to a course of action.

□ **What experience do you have with matters like mine?** A lawyer not only should be familiar with the area of law you require but also experienced in it. **Caution:** Lawyers who accept cases outside their area of concentration cause you to foot the bill for their education on the matter.

□ **What were the results?** Because court records (with few exceptions) are open to the public, lawyers should be willing to discuss both their successful and not-so-successful cases. **Advice:** Ask for references (names and phone numbers) of current or former clients and talk with them.

□ **Who will be involved with the case?** This is a critical question. Learn specifically who will be doing what. It is unfair for a lawyer to leave most of your case to less experienced associates, paralegals, or secretaries without reflecting that arrangement in the contract.

□ **What steps will you take to resolve my case?** Be satisfied with this answer before hiring a lawyer. For simple matters, the lawyer may be able to enumerate the steps on his fingers. For more complicated situations, a formal report may be needed.

Note: When a formal reply is required, expect to be charged for the time it takes to compile the report.

□ **How long do you think my matter will take?** If the case involves litigation, this question is practically impossible to answer decisively. Still, the attorney should be able to make an intelligent estimate.

□ **What do you calculate as the total cost?** A fairly accurate estimate should be possible. Discuss fees in detail at this point. To be sure you know what the fee arrangement

Every communication will cost you money.



covers, ask these questions:

- Will there be an engagement fee or a retainer fee? Find out the policy on refunds.
- Are there different fees for associates, law clerks, paralegals, secretaries, and so on?
- What cost will there be in addition to lawyer's fees? (In one of my cases, there was over \$60,000 in additional costs.)
- If there are large numbers of copies to be made, will they be made commercially or billed at the firm's usual rate?
- Is billing handled monthly or at the conclusion of the work?

Ending the Search

You may decide to interview a dozen lawyers or only one. After you have retained a lawyer, you should remain involved, though perhaps at a less intense level. Two important ways to stay in touch are by asking for:

Periodic updates. Strike a balance between hounding your lawyer's every move and being cut out of the information loop. At the least, you want your lawyer to inform you of unexpected developments and expenses that go beyond projected limits.

Note: Every communication will cost you money. Many lawyers bill a minimum increment of time per occurrence, such as 3/10 of an hour, even for telephone calls lasting less time.

Detailed bills. A bill should include the dates services were performed, the actual time each service took, who did the work, and a clear specification of nonlawyer costs.

Not satisfactory: A statement saying, "Professional Services, May 1993, \$3,000.00."


When in doubt about a matter, ask simple, direct questions and expect clear, concise answers. Keep asking questions until you are satisfied or find a lawyer who will satisfy you. **L**

Gregory P. Hawkins, J.D., is an attorney in Salt Lake City, and Claude T. Hawkins is a writer in Tucson.



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