

HANDLING A LEGAL MATTER

By Claude T. Hawkins
and Gregory P. Hawkins

The July 1991 issue of *The Economist* quoted Charles Sifton, a federal judge in New York: "Lawyers are like doctors. They have people by the throats. Sometimes they save you. Sometimes they choke you."

Your challenge, as the owner or manager of a greenhouse, is to make sure you are saved more often than you are choked.

To do this, you must find the best person or firm to champion your legal interests, and you must manage that person or persons for the best results with the least financial impact.

Most attorneys would prefer that you get out of the way and let them run with the ball. This is the traditional lawyer/client relationship. Today, however, such a relationship may not

better rates and services, insisting on a detailed budget, monitoring the progress and requiring an itemized bill.

Large businesses, with their complex legal problems and corresponding big budgets, have the clout to compel satisfaction. Can you do the same? In one sense, the answer is no — you may not have the power to compel.

If you are willing to implement the suggestions that follow, however, you can get many of the same results as the large businesses.

How to find, hire and manage an attorney

be in your best interest.

Increasingly, large corporations have begun to demand stricter accounting from their lawyers — shopping for

1. Shop around. Armed with the facts and a list of questions, begin your search for a lawyer. Many lawyers do not charge for the initial consulta-



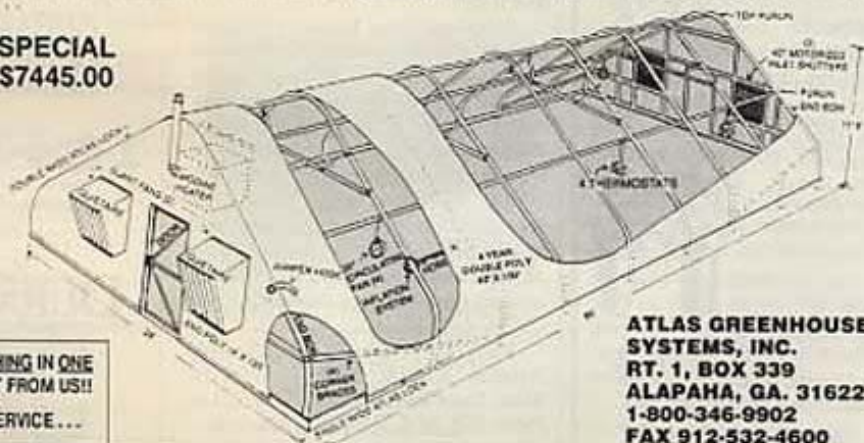
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Common Sense Pest Control:
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by William Olkowski,
Sheila Daar and Helga Olkowski

Pests are a fact of life for gardeners, home owners, woodworkers and even whole communities. With environmental issues making news, people are shunning pesticides and turning instead to practical and sensible integrated pest management, which uses "least-toxic" methods to deal with pests.

This comprehensive book helps readers analyze pest problems, explore alternatives to chemical pesticides and find the best solutions. Readers come to understand the pests that trouble them so they can come to informed decisions. There's thorough discussion of natural controls and beneficial organisms, as well as "new frontier" tools such as pheromones and insect growth regulators. And the book's numerous drawings and helpful charts detail thousands of insect, animal and plant pests. It's sure to become a classic handbook as interest grows in the subject of a healthy environment.

The authors give least-toxic solutions for dealing with:

- weeds
- parasites
- bats
- spiders
- termites
- rodents
- snakes
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- mites
- ants
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- silverfish
- cockroaches
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tion. The time you invest at this point can pay big dividends. Your search should be as thorough as if you were looking for a key employee, which, at least for a time, is what your lawyer will become.

2. Ask some key questions. Each of the following questions are simple and direct, yet they are an effective way to get inside the lawyer's mind. Plus, you gain valuable insight into a process that may have seemed unintelligible — and frightening — before.

- What experience do you have with matters like mine?
- What were the results?
- Who will be involved in the case?
- What steps will you take to resolve my case?
- How long do you think my matter will take?
- What do you estimate as the total cost?
- Will there be an engagement fee or a retainer?
- What expenses will there be besides lawyer fees?

3. Ask for references. Some lawyers may raise the attorney/client privilege as an excuse not to discuss previous matters. Although this privilege does limit what the attorney may discuss, it is the client's privilege — not the lawyer's. It is common practice for lawyers to have a public list of clients they have represented.

4. End the search. You may decide to interview a dozen lawyers, asking each one the same questions — or you may interview only one. Once you decide to entrust your legal matter to a particular lawyer, you have cleared a big hurdle, but you should remain involved, perhaps at a less intense level.

5. Separate your emotions from the problem. Lawyers prefer to keep clients at arm's length for many reasons, not the least of which is that emotional involvement can cloud the facts. Still, you are the best person to gather and order the facts that pertain to your particular dilemma. If you can step away from the anger and frustration of many people caught in the legal process — especially litigation.

Be methodical and organize the data in chronological order, attaching pertinent documents. Working with an organized client has a curious motivating effect on most lawyers.

Be honest. In an adversarial situa-

tion, you want the facts to support your cause and nullify your opponent's case, but distorting the truth greatly lessens your chances for victory.

6. Request periodic updates. Keep in mind that every communication costs you money. Strike a balance between hounding your lawyer's every step and being cut from the information loop. At the least, you want your lawyer to inform you of unexpected developments and expenses that go beyond projected limits.

7. Ask for a detailed bill. A simple billing statement saying "Professional Services, June 1993, \$3,000" is not sufficient. Request a detailed billing, including the dates on which each service was performed, the actual time each service took, the person who did the work and a clear specification of nonlawyer costs.

Lawyers usually bill in tenths-of-an-hour increments. Many lawyers bill for a minimum amount of time per contact or visit, such as three-tenths of an hour, even for shorter telephone calls.

8. Stick to the facts. Although you may have an emotional investment in your legal dilemma, your lawyer does not. Displays of anger, frustration and other forms of "weeping, wailing and gnashing of teeth" put you at a distinct disadvantage. Keep your communication on a "Just-the-facts-ma'am" level.

If you need to vent your emotions, choose another type of professional counselor. This advice is not given in jest. Legal troubles can be as emotionally debilitating as any of life's major calamities.

9. Keep asking until you're satisfied. Be assured that with all the legal arrows filling the air in today's business environment, someday one will probably find a chink in your armor. The techniques mentioned above can help, but they are only a few among many.

You should modify them to your own needs and remember: When in doubt, ask simple, direct questions and expect clear, concise answers. Keep asking until you are satisfied or find a lawyer who will satisfy you.

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