

9 Key Steps to Take Before Hiring a Lawyer

Step 1: Figure out what type of attorney you need. If you need a business lawyer, it would probably not be best to hire a personal injury lawyer or a divorce lawyer. Does your problem touch on tax, estate planning, or business matters? If so, it would be best to hire a lawyer that concentrates his or her practice in one or all of those areas of the law.

Step 2: Obtain a “Short-List” of Lawyers that practice in that area of the law.

Potential lawyers that concentrate in your practice area may be obtained from the [Louisiana State Bar Association](#). Additionally, names of lawyers that practice in your practice area may be obtained from the yellow pages under their specialty area listing. Note that it may be a bad idea to ask family and friends and business associates for a referral, since most attorneys specialize in certain areas. For example, if you need estate planning services, it would be best to retain a person specializing or concentrating in that area. The same is true if you need a probate, tax or business attorney.

Step 3: Contact about three of the lawyers on your list and request a free initial

consultation. Some attorneys do not provide a free initial consultation. Be sure to ask. If a free consultation can be provided, schedule an appointment with the attorney at his or her offices.

Step 4: At some point during the initial consultation, ask the following pointed questions about the lawyer’s expertise:

1. *What percentage of your work is in the (tax/estate planning/business law) area?*
2. If you need *estate planning assistance* ask:
 - a. *Are you a Certified Estate Planning and Administration Specialist certified by the Louisiana Board of Legal Specialization?*
 - b. *“How many trusts have you drafted? What types of trusts were they?”* Note that some attorneys that draft Last Wills and Testaments on a regular basis rarely if ever draft even simple trusts.
 - c. *“Would you generally recommend a living trust in Louisiana? Under what conditions would you recommend a Living Trust?”* See my article “Shocking (And Costly!) Misconceptions about Living Trusts for

Louisiana Residents” [hyperlinked] for insight on why a living trust is generally not a “cookie-cutter” solution for Louisiana residents. If the attorney answers “yes” the attorney may be attempting to sell you a “product.”

- d. *How many “complex” estate plans of over \$1 million have you been involved in?* Again, many attorneys that draft Last Wills and Testaments do not have the experience to deal with complex estate matters.

3. If you need tax assistance ask:

- a. *Are you a Certified Tax Law Specialist certified by the Louisiana Board of Legal Specialization?*
- b. *How many years of experience do you have in the tax field?*
- c. *Do you have other advanced degrees or licenses indicating tax expertise, such as having a Master of Laws (LL.M.) degree in Taxation from an ABA accredited law school, or are you a Certified Public Accountant?*

Note that many top estate planning attorneys are also top tax attorneys because complex estates often involve a myriad of tax issues and problems. The two areas are very much intertwined.

4. If you need a business lawyer ask:

- a. *Would you recommend that my new business be established as a LLC taxed as a partnership or an S corporation, and why?* You can determine the level of sophistication of the lawyer by listening to this answer carefully. If the lawyer gives you a knee-jerk answer such as “LLC is the way to go,” than he may not be considering all important facts. This is because an S corporation is often a better option than an LLC as a means of reducing your self-employment and medicare tax liabilities.
- b. *How can I best structure my business to protect my assets?*

- c. *How many business transactional documents have you drafted, such as complex operating agreements, employment and non-competition agreements, buy-sell agreements, etc.?*

Step 5: Ask if the attorney will be doing your work himself. If your attorney gives your work to his assistant or paralegal, then why hire the attorney?

Step 6: If you are satisfied with the above answers, ask about the attorney's fee schedule, and determine if the fee schedule fits within your budget. Keep in mind that a good attorney will regularly request an up-front retainer from new clients before starting work. Additionally, you should choose an attorney who charges fair fees. If the fee is too low, the attorney may be leaving important work out. If the fee is too high, the lawyer may be overcharging you.

Step 7: Ask if the lawyer guarantees that you will be satisfied with the documents he or she drafts on your behalf. Any attorney worth his wages will stand behind his work by offering 100% a money-back guarantee. The Vicknair Law Firm offers this guarantee to all of its clients. See Our Guarantee. [hyperlinked]

Step 8: Ask your questions about your specific legal situation. Be sure that the lawyer has answered all of your questions. You will not make good decisions if your questions go unanswered.

Step 9: Ask yourself these additional questions before finally choosing the lawyer:

- a. Does the attorney recommend a solution such that it appears he or she is selling a "product", or is the attorney ready and able to tailor his work to your specific legal needs?
- b. Do you think the attorney will provide excellent service? An attorney that shows some unwillingness to answer all of your questions may not provide the level of service you deserve, or may not be willing to return your phone calls within 24 hours.
- c. Consider the intangibles. Do you think that the attorney is honest? Is it an attorney that you think you can get along and "click" with? Don't try to force a square peg into a round hole. The ability of you and the attorney to maintain a good relationship is paramount.