

# **CWEALF Publications: How To Choose An Attorney**

## **Introduction**

Most of us, at one time or another, need to seek legal advice. This booklet is intended to provide general information to help you answer some basic questions about the process of choosing and working with an attorney. It also includes a section on how to deal with disputes with attorneys over fees or the handling of your case. This publication is not equivalent to legal advice, and should not be relied upon as such. Any specific questions concerning your legal rights should be presented to an attorney.

## **Do I Need an Attorney?**

There are many reasons for getting an attorney's opinion on how to handle a particular problem (legal advice) and/or hiring an attorney to act on your behalf (representation). Buying or selling real estate, divorce, unfair treatment in employment matters, personal injury suits and criminal proceedings are some examples of events which may require you to request the services of an attorney.

Here are some examples of legal problems you may want to handle on your own:

- If you have an uncomplicated or uncontested divorce, you can do it *pro se* (do it yourself). For more information about *pro se* divorce, call CWEALF's Information and Referral Service toll free at 1-800-479-2949 or in the Greater Hartford area at (860) 524-0601.
- If you are bringing an action claiming less than \$1,500 in damages (for example, small consumer actions, contracts, damage to property), you may bring your claim on your own to small claims courts.
- Some problems may only require legal information that is available free-of-charge from public interest groups like CWEALF.

If you are in doubt about whether you need an attorney, you should call one (or several) for a consultation or call CWEALF's Information and Referral Service for attorney referrals. (See *Resources*.)

## **How Do I Find an Attorney?**

Many community organizations, such as women's centers or public interest groups like CWEALF, can refer you to attorneys. The bar associations in many counties in Connecticut also have lawyer referral services that list lawyers by their areas of legal expertise. Friends and relatives may be able to give you the names of attorneys who have treated them well. When looking for an attorney, be specific about the type of case you have so that you can be referred to an attorney who has experience with problems similar to yours. An attorney who primarily handles real estate closings or criminal cases may not have the experience and expertise to handle a complicated child custody dispute.

## **What Questions Should I Ask Before Hiring an Attorney?**

After you have a list of attorneys, you should interview them to decide which one you would like to handle your case. This interview takes place at an initial consultation. A consultation is not necessarily the time when your legal problems are solved, but the time to assess your legal problems and to determine if this is the attorney you would like to have advise or represent you. Some attorneys provide a free initial consultation while others charge their regular fee or a reduced hourly fee. Find out what the charge will be when you call to make the appointment. You have no obligation to hire an attorney you consult with, so

use the consultation time to decide if you can communicate with her/him. It is okay to talk to a few attorneys before hiring one to represent you. You should look for someone who you feel will give you good, effective representation.

Some administrative questions you may want to ask the attorney at your initial consultation are:

- “Is legal action necessary in this kind of case?”
- “Do you often handle cases like mine?” (The more complex your case, the more likely you will need an attorney who has expertise in that area of law.)
- “Will you be handling my case personally? If not, what kind of work will you be doing and who in your office will be doing the rest (i.e., paralegals, associates, etc.)?”
- “How available are you for meetings and phone calls?” You want to find out if you can meet or talk on the phone with your attorney or the person handling your case at convenient times.
- “Will you use a paralegal and standardized forms in my kind of case, and if so, will that mean lower fees for me?”
- “How do you handle fees?” Ask about fees and **get a written estimate** including:
  - the charges
  - the services that are included
  - how extra fees will be assessed
  - how you will be billed

At this initial consultation, the attorney needs to learn enough information about your situation to determine whether he or she can help you, or refer you to someone with more expertise. Since the initial consult may only be one-half hour long, you want to give the attorney the most important details about your problem so he or she can help prioritize your legal needs.

*DO* write down your story for yourself in your own words before your meeting to organize your thoughts;

*DO* bring copies of documents, receipts, letters, etc., that may affect your case;

*DO* feel comfortable discussing your story;

*DO* give your attorney names and dates so the attorney has an idea of who is involved and when your legal problems started;

*DO* give clear answers to the attorney’s questions; the attorney knows which questions to ask to narrow your legal issues and help you;

*DO* tell the truth even if you think some details may hurt your case.

*DON’T* exaggerate the facts or details;

*DON’T* become too emotional - it’s okay to let the attorney know how upset, confused or angry you are, but use this meeting to give the attorney the facts of your case so you can start getting the help you need;

*DON’T* hesitate to call other attorneys for consultation until you find one you feel comfortable with.

## How Are Attorney’s Fees Determined?

All fee arrangements should be in writing and settled at the beginning of your client/attorney relationship. The actual expenses charged to you can be divided into two parts:

**Attorney Fees** — You are paying for the attorney's time and expertise. This fee will vary according to the attorney's experience (number of years practicing law, number of cases handled, reputation in the community, etc.).

**Costs** — The client is responsible for costs such as court filing fees, sheriff's bills for serving papers, transcripts of court proceedings, discovery expenses and expert witnesses.

You should ask for an estimate of both the attorney fees and the costs with an understanding that often these cannot be precisely determined in advance.

There are a number of ways for attorney fees to be determined depending upon the type of case and the agreement:

**Hourly Rate** — Many attorneys charge clients a basic hourly rate which can run from \$75 to \$250 or more per hour. Your attorney should charge a reduced fee per hour for work performed by a paralegal or legal assistant.

**Contingency Fees** — In some cases (e.g., personal injury and other cases seeking monetary damages), the attorney receives a share of the settlement, usually one-third of the money awarded. If an attorney works on a contingency fee basis, you should not be required to pay for the hours she/he works. However, you will be asked to pay costs, which may be substantial. A contingency fee should not be charged in a domestic relations (i.e., divorce) case. **Note:** The Connecticut Code of Professional Responsibility, Section 1.5 (c), requires that contingent fee arrangements be written up in a contract.

**Flat Fee** — For many simple cases and services such as wills, some divorces, and real estate closings, attorneys will charge a fixed amount. You should get a written statement detailing exactly what services and costs are covered by the flat fee. You should also obtain a written statement that says that you will be notified **in advance** if unexpected complications develop that will result in greater expense. Then you can decide with your attorney how you want to proceed.

**Sliding Fee Scale** — Some attorneys are willing to charge according to their client's income. For people with low incomes, some attorneys will charge less than their regular fees.

## When Do I Have To Pay My Attorney?

Decide in advance with your attorney how the fees and costs are to be paid. If you are paying an hourly rate, your attorney may ask for an advance payment called a retainer\*. You should have a letter of agreement signed by your attorney stating that the retainer represents such an advance payment and that you will receive a refund if the attorney does not work the estimated number of hours covered by the retainer. It should also state how you will be charged if additional hours of work are required. You should also decide in advance, if costs are to be paid in advance or as they arise, if you will be billed for the total costs and fees at the end of the case, or if you can make other arrangements such as paying monthly installments.

*\* Sometimes "retainer" is used to mean a fee paid to assure an attorney's availability. When it is used this way, it does not have to be returned if not enough hours are worked. If you are asked for a retainer, make sure you understand what you are paying for.*

## Are There Alternatives To A Private Attorney?

In some instances, a public interest law firm may represent you without charging you an attorney's fee (you may still have to pay costs). Public interest law firms generally screen cases to find ones that will have the most impact on case law (i.e., cases that will change existing law).

Public interest law firms include the Connecticut Civil Liberties Union (CCLU) which represents clients whose civil liberties have been violated, the Connecticut Fund for the Environment which represents clients in environment cases and Greater Hartford Legal Assistance which provides legal assistance for low income families.

The State Office of Protection and Advocacy for Persons with Disabilities handles cases involving disability discrimination as well as cases involving educational needs of children with disabilities. A law school in your area may offer limited free legal services in both civil and criminal cases. Call a public interest law firm in your area for more information. (See *Resources*.)

If you receive welfare assistance or have a low income, you may qualify for free representation by a legal service organization in Connecticut. The Public Defender's office, which has branch offices throughout the state, and some law school clinics will represent low-income clients in criminal cases. You should call ahead to see if you fall within their income guidelines. (See *Resources*.)

## How Long Will My Case Take?

Legal matters take longer than you might expect. Ask your attorney for an estimate of how long your case will take. Make arrangements to be kept informed of any changes or delays.

## How Can I Ensure an Effective Client/Attorney Relationship?

The most important factor in choosing an attorney is finding one with whom you can have an effective and comfortable client/attorney relationship. It is important to discuss with the attorney in advance the kind of working relationship you both would like to have.

Be clear that you expect to be involved in your case and that you want to know if she/he is open to answering your questions and explaining legal matters in a way that you can understand. Most cases eventually settle; very few cases go to trial. You, not your attorney, are responsible for deciding whether to accept a settlement or reject it, although you should want your attorney's advice about this. You and your attorney should agree that you will be informed of all settlement offers.

You need to feel that you can be open with all the facts that are relevant to your case. Your attorney is ethically bound to protect the confidentiality of all communications between you and her/him unless you authorize her/him to reveal these communications.

Remember, your attorney is working for you, but by making your working arrangements clear in the beginning, you can help ensure an effective working relationship.

## What Should I Do After I've Chosen an Attorney?

Have your attorney outline the agreement in writing. Ask that two copies of the agreement are made up—one for each of you. You and the attorney should sign **both** contracts.

## What Can I Do If I Am Dissatisfied With My Attorney?

There are a number of common reasons why you may become dissatisfied with your attorney. You may feel that she/he does not give you enough information about your case or answer your questions in a way that you can understand; you may feel that she/he takes actions in your case without consulting you or does not carry out your wishes; or, you may have a dispute about the attorney's fees. You should try to resolve these problems so that you do not waste the time and money that you have already spent working with your attorney.

Write a letter to your attorney in which you explain, specifically, what you are unhappy or dissatisfied with, and request that your attorney reply by a specific date. Avoid accusations and stick to the facts. Give your attorney the benefit of the doubt—she/he may be able to explain or justify her/his actions to your satisfaction in her/his reply. Letters often allow people to be clearer, and they allow both parties to create a record of their wishes and actions. Keep a copy of your letter and any reply that you receive.

If you have a disagreement with your attorney about the fee, you should write a letter requesting an itemized bill. If you have a written contract, the bill should conform to the terms that you agreed upon in the beginning of your relationship. (Note: the Connecticut Code of Professional Responsibility requires that contingent fee arrangements be put into writing). If you have no written agreement, then you must judge the accuracy and reasonableness of the charges. However, if the bill accurately reflects the work done by the attorney, and you have no written fee agreement, you may have little ground for challenging the fee unless it is totally unreasonable (compared to the fees of other attorneys in similar cases). If you wish to dispute the fee after receiving the itemized bill, do so in writing to the attorney. If you cannot resolve the dispute, you may file a complaint with the Arbitration of Legal Fee Disputes Committee of the Connecticut Bar Association, or hire another attorney to represent you in the dispute.

## Can I Change Attorneys If I am Dissatisfied?

If you feel that your attorney is not acting in your best interest, you have the right to change attorneys at any time. If you become dissatisfied with your attorney, you should follow these steps.

Discuss your dissatisfaction with your present attorney (Attorney A) and try to resolve the problem. If you can't reach a mutually satisfactory agreement, inform Attorney A that you plan to seek new legal counsel (Attorney B). Do not dismiss Attorney A until you have found a new one.

Consult Attorney B as soon as possible to avoid delay in your case. The Professional Rules of Conduct, which set ethical standards for attorney behavior and governs attorney/client relations, **prohibit** Attorney B from giving legal advice to a client when she/he knows the client is represented by another attorney. Attorney B can only discuss the possibility of having a working relationship with you if Attorney A is aware of the consultation. However, you must tell Attorney B that you are still represented by Attorney A and tell Attorney A that you are seeking the advice of Attorney B.

You are responsible for paying Attorney A for services already provided.

Write to Attorney A telling her/him you no longer want her/him to represent you. Ask her/him to send you (or Attorney B) your files immediately. Send Attorney B a copy of the letter. Attorney A must turn over all your files even if all your fees are not paid.

If you were referred to Attorney A by the attorney referral service of an organization, and you feel that the attorney has treated you badly, you should let the referral organization know of the problem.

## What If I Want To File a Formal Complaint About My Attorney's Fees?

If you want to file a formal complaint about the fee charged by your attorney, you may do so through the Arbitration of Legal Fee Disputes Committee of the Connecticut Bar Association (CBA). Contact the CBA to obtain a copy of the Rules for Arbitration and the necessary forms. (See *Resources*). You also have the right to file a civil lawsuit against your attorney concerning your legal fees, just as you do in any other dispute between parties involving services and fees. If you do not pay your attorney's fees because you dispute them, your attorney can also sue you for the fees in court. If she/he wins, the court can garnish your wages, put a lien on your property or otherwise try to force you to pay the amount ordered by the court.

## What If I Think My Attorney's Conduct Is Unethical and I Want To File a Formal Complaint?

If you want to file a formal complaint about unprofessional or unethical conduct by your attorney, you may do so by filing a grievance with the Statewide Grievance Committee. The Grievance Committee notifies your attorney of the grievance and then refers the complaint to a grievance panel. Each judicial district has one or more grievance panels. These grievance committees investigate complaints that attorneys have acted unethically as defined by the Code of Professional Responsibility, which is printed in the *Connecticut Practice Book*. You can find this book in any law library. The grievance committee will not investigate a complaint about the strategy used in your case, nor will it provide legal advice to you if you are dissatisfied with your attorney; they will only consider charges of misconduct. Some examples of misconduct:

- your attorney lied to you or intentionally misled you;
- your attorney gave out information that you told her/him in confidence;
- your attorney made inappropriate personal or sexual comments to you.

To file a complaint, go to the Clerk's Office of the Superior Court in the judicial district in which you live or in which your case is filed, and ask for the Attorney Complaint Forms, a copy of the instructions, and the booklet *Attorney Grievance Procedures in Connecticut*. Fill out the form, sign it and mail it to the Statewide Bar Council. As mentioned before, your complaint will then be referred to a grievance panel in your judicial district. (See *Resources*).

This grievance panel will investigate the complaint **within 120 days** from the date of referral. The panel will decide if there is reason to believe the attorney is guilty of misconduct. This determination of probable cause will be sent to you, the attorney, and the Statewide Grievance Committee. The Committee will then review the complaint. If they find reason to believe the attorney might be guilty, they must conduct a public hearing. The Committee may decide to dismiss the complaint, reprimand the attorney or direct that the attorney be turned over to Superior Court for reprimand, suspension or disbarment. The grievance procedure is outlined in detail in the booklet: *Attorney Grievance Procedures in Connecticut*.

## If the Attorney is Reprimanded, Suspended or Disbarred, Will I Be Reimbursed For the Money I Lost Because of Her/Him?

This is a disciplinary proceeding only. You should not expect to receive any money damages or reimbursement for any loss. If you believe that you might have a case against the attorney for lost money, you may file a lawsuit.

It is also possible to bring a malpractice case against an attorney who has handled your case incompetently **to your detriment**. Such cases are very tough to win and should only be brought if the facts clearly show

malpractice. For example, if an attorney using her/his judgement chooses a particular strategy in your case, and this strategy doesn't work out the way you would like it to, this is probably not malpractice. However, negligence in handling your case such as missing an important date **to your detriment**, may be malpractice.

Remember that in filing a complaint with the Statewide Grievance Committee, or in filing a malpractice suit, you are asking attorneys to sit in judgement of another attorney. It is far better to resolve problems as soon as they arise, or better yet, to avoid problems in the beginning of your case by "shopping" for an attorney and trusting your judgment as to whether you will be able to work together.

## Resources

Connecticut Women's Education and Legal Fund  
(CWEALF)  
135 Broad Street  
Hartford, CT 06105  
Voice: (860) 247-6090  
Fax: (860) 524-0804  
Email: [cwealf@cwealf.org](mailto:cwealf@cwealf.org)  
[www.cwealf.org](http://www.cwealf.org)

For free legal information and attorney referrals call:  
Information and Referral Service:  
Monday – Friday  
Toll Free (800) 479-2949  
Greater Hartford (860) 524-0601

## Bar Association Attorney Referral Services

When you call a bar association referral service, they will ask you what type of legal problem you have and what town you live in. They will then find an attorney in your area who specializes in the type of law you are looking for. They will set up a half-hour appointment for you. You may use this half-hour consultation to discuss your problem and the attorney's fees. The bar associations charge a fee of between \$15 and \$25 for this service. You pay this fee to the attorney who will forward it to the association.

Hartford	(860) 525-6052
Fairfield	(203) 335-4116
Litchfield	(860) 525-6052
New London	(860) 889-9384 Open: M, W, F
New Haven	(203) 562-5750
Middlesex	(860) 525-6052
Tolland	(860) 525-6052
Waterbury	(860) 525-6052
Windham	(860) 525-6052

## Where to File Complaints Against Attorneys

### **For Fee Disputes:**

Connecticut Bar Association Committee  
30 Bank Street  
New Britain, CT 06050-0305  
860-223-4400

### **For Grievances:**

Statewide Grievance  
287 Main Street, 2nd Floor  
East Hartford, CT 06118  
860-568-5157

Complaint forms are also available at all Court Clerks offices.

## Public Interest Law Firms

### **Connecticut Civil Liberties Union (CCLU)**

32 Grand Street  
Hartford, CT 06106  
(860) 247-9823

### **Connecticut Fund for the Environment**

1032 Chapel Street  
New Haven, CT 06510  
(203) 787-0646

### **Greater Hartford Legal Assistance**

80 Jefferson Street  
Hartford, CT 06106  
(860) 541-5000

### **Office of Protection and Advocacy for Persons with Disabilities**

60 Weston Street  
Hartford, CT 06120  
(860) 297-4300  
(800) 842-7303

## Law School Clinics

The three law schools listed below have legal clinics which handle specific kinds of cases. They also may have other criteria (e.g., income level) which affect which cases they take.

### **University of Connecticut School of Law**

Has a criminal defense clinic, a clinic for those involuntarily committed to a mental institution and a civil clinic (focusing on disability discrimination and housing discrimination).

55 Elizabeth Street  
Hartford, CT 06105  
(860) 570-5165

**Quinnipiac College School of Law**

Has a general civil clinic (divorce, housing, social security, welfare, torts) and a tax clinic which handles audits or court cases involving the IRS.

275 Mt. Carmel Avenue  
Hamden, CT 06518  
(203) 582-3238

**Yale University Law School**

Has a clinic for those being involuntarily committed to a mental institution and a prisoner's legal clinic. They handle special education cases and represent children in custody and visitation rights.

127 Wall Street  
New Haven, CT 06520  
(203) 432-4992

## Public Defenders

**Chief Public Defender's Office**

Represents indigent defendants when there are state criminal charges.

30 Trinity Street, 4th Floor  
Hartford, CT 06106  
(860) 509-6400  
(call for branch office nearest you)

**Federal Public Defenders**

Represents indigent defendants when there are federal criminal charges.

241 Main Street  
Hartford, CT 06106  
(860) 493-6260

**Statewide Legal Services of Connecticut**

For eligible clients, Statewide Legal Services provides immediate information and legal advice, helps clients solve legal problems themselves and makes referrals to other legal services programs or attorneys for free legal representation.

If you are low-income and have a legal problem with: housing, family matters, welfare, Medicare, Medicaid or other government benefits and need help with non-criminal legal problems call:

Statewide Legal Services at 1-800-453-3320  
Middletown calling area (860) 344-0380  
between 9:00 a.m. and 3:00 p.m., M-F  
and 5:30 - 7:30 p.m. Thursdays

## Senior Citizens

**Legal Assistance to Medicare Patients (LAMP)**

872 Main Street, P.O. Box 258  
Willimantic, CT 06226-0258  
(860) 456-1761

toll free (800) 413-7796

**Connecticut Lawyer's Legal Aid to the Elderly Program**

Francesca Mainville

(860) 273-4303

*For low-income Hartford area residents*

**Clerks Office, Connecticut Superior Courts  
(by judicial district)**

**Ansonia-Milford Judicial District**

14 West River Street, Milford

203-877-4293

**Danbury Judicial District**

146 White Street, Danbury

203-207-8600

**Fairfield Judicial District**

1061 Main Street, Bridgeport

203-579-6527

**Hartford-New Britain Judicial District**

Hartford:

95 Washington Street, Hartford

860-548-2700

New Britain:

20 Franklin Street, New Britain

860-515-5180

**Litchfield Judicial District**

15 West Street, Litchfield

860-567-0885

**Middlesex Judicial District**

1 Court Street, Middletown

860-343-6400

**New Haven Judicial District**

New Haven:

235 Church Street, New Haven

203-503-6800

Meriden:

Stoddard Municipal Building

54 West Main Street, Meriden

203-238-6666

**New London Judicial District**

New London:

70 Huntington Street, New London

860-443-5363

**Norwich:**

1 Courthouse Square, Norwich  
860-887-3515

**Stamford-Norwalk Judicial District**

123 Hoyt Street, Stamford  
203-965-5296

**Tolland Judicial District**

69 Brooklyn Street, Rockville  
860-875-6294

**Waterbury Judicial District**

300 Grand Street, Waterbury  
203-596-4023

**Windham Judicial District**

Putnam:  
155 Church Street, Putnam  
860-928-7749

**Willimantic:**

108 Valley Street, Willimantic  
860-423-8491