

III. IF YOU DECIDE TO HIRE A LAWYER ...

A. How do I find a lawyer?

There are many resources available to help you find the right lawyer for your case. You can ask your friends, colleagues or a lawyer who represented you in the past for recommendations. Often, lawyers focus their work in a particular area of the law, such as family law, landlord/tenant law or personal injury law, so you need to look for someone with experience handling your type of case. You may be able to meet preliminarily with a lawyer you are considering hiring, though there may be a charge for such a meeting. When you consult with a lawyer about your case, you can expect your conversations to be kept confidential. This is true even if you do not hire the lawyer. With some time and effort on your part, you should be able to find the right lawyer to represent you.

For additional resources, refer to *Appendix A*.

B. How much will it cost to hire a lawyer?

How much you will have to pay to have a lawyer represent you depends on a lot of things, including the type of fee arrangement you make with the lawyer, the complexity of your case and the amount of time a lawyer needs to work on your case. You need to talk about legal fees and costs when you first meet with a lawyer and get specific information about how much your case is likely to cost. It is a good idea to get a fee agreement in writing.

It is important to understand that the total cost of your case may be higher or lower than originally estimated. To avoid being surprised, ask your lawyer for a regular accounting of what fees and costs you have incurred.

ALERT!

- Fees are a matter of agreement between you and the lawyer.
- Discuss fees and costs at the beginning and request a regular accounting.
- Consider getting the fee agreement in writing.

LEARNING THE LANGUAGE

Costs Most cases involve expenses *in addition to* legal fees. These expenses are often referred to as “costs” and include such things as filing fees, service of process, deposition costs, expert witness fees, photocopy expenses, medical records, etc. Be sure to talk to your lawyer about what the costs are likely to be in your case.

Hourly fee Some lawyers charge by the hour and the hourly rate varies from lawyer to lawyer. Every time your lawyer works on your case, including telephone calls, letters, court dates, etc., you will likely be charged.

Contingent fee This type of charge is often used in personal injury cases. It means that you will pay your lawyer a certain percentage of the money you receive if you win the case or if you settle the matter. If you lose, your lawyer doesn’t receive a fee, but you may still be responsible for the payment of costs. In Massachusetts, written fee agreements are required in contingent fee cases.

Flat or fixed fee This type of fee often applies to routine legal matters such as a simple will or uncontested divorce. If you agree to a fixed fee, make sure you find out precisely what is included in the fixed fee and what is not. There may be additional costs.

Retainer A retainer is usually considered a down payment on your total bill for legal services. Since this type of fee arrangement can refer to a number of different things, be sure to have the lawyer explain how he or she defines this particular fee arrangement. Retainers are typically used in hourly fee cases.

Consultation fee Sometimes a lawyer will charge a fee to meet with you to discuss the facts of your case, whether the law supports the facts of your case, and whether going to court with your case is a good idea. This is also an opportunity to meet the lawyer and decide whether you want to hire him or her. The lawyer may or may not decide to represent you. You may or may not decide to hire the lawyer.

C. What if I'd like to hire a lawyer but can't afford one?

If you can't afford to hire a private lawyer, you may be eligible for free or reduced-fee representation. Whether you are eligible will depend on your income and your assets and may depend upon the type of case you have. Each organization sets its own eligibility requirements. To locate providers of free or reduced-fee legal services, refer to *Appendix A*.

In the Probate and Family Court, you may be able to consult with a **family law facilitator**. A family law facilitator is a lawyer who can help you prepare court pleadings and explain court procedure to you. You can ask at the register's office if there is a family law facilitator available to assist you.

LEARNING THE LANGUAGE

Lawyer Referral Service Provides names of lawyers who might be able to represent you whatever your income. Typically, your local or State Bar Association will be a source of information about lawyer referral services.

Reduced-Fee Panel Your local or State Bar Association may be able to provide names of lawyers who might represent you at a lower cost than usual depending on your income and the type of case you have.

Lawyer for the Day Some courts provide a "Lawyer for the Day" service. Through this program, a self-represented litigant may be able to speak with a lawyer at the courthouse and get limited legal advice at no cost.

Legal Services Programs Law offices or programs that provide free legal assistance to income-eligible individuals with certain kinds of cases, such as landlord/tenant, domestic violence, or welfare or social security benefits.

Pro Bono Legal Services Legal services provided to a client free of charge. This term includes the types of services described above but could also include services provided by a private attorney at no charge.

D. Can I hire a lawyer to handle part of my case?

In some circumstances, it may be possible for you to hire a lawyer to handle only part of your case. In a few of the courts, lawyers are permitted to provide "limited assistance representation." Limited assistance representation means that the client and the lawyer have agreed that the lawyer will perform specific tasks on the case, but the client will be responsible for other tasks. For example, the client and the lawyer may agree that the lawyer will provide legal advice on one or more issues, or will prepare or review certain documents - but that the lawyer will not go to court or assist the client in other ways. The client and lawyer also may agree that the lawyer will appear in court for one or more events, but not for the whole case.

In courts where limited assistance representation is permitted, it still may not be suitable in a particular case. If you are considering hiring a lawyer to handle only a portion of your case, you should check with a lawyer to find out whether it is allowed and makes sense in your case.