

What's included in the attorney fees I'm paying?

What are you paying for when you hire an attorney? You are paying for the attorney's time, expertise and for service to start with. Almost all of my cases are handled on a flat fee basis. That means that I let my clients know upfront what the total cost will be and what services will be provided. The client pays the fee, I provide the service. Some cases I put in more hours than on others but overall the flat fees are less than the hourly billing. It also lets my clients know upfront what their costs will be so there aren't any surprise bills at the end. It also lets me focus on research, service and going to court instead of worrying about tracking hours to bill as much as possible later on. To do a flat fee case I need to come up with a realistic estimate for what amount of time I'm going to put into the case and how complex it is going to be. The fee needs to be something you can afford but if it is too low then I might be spending hours in court or in trial and not be getting paid for it.

The other option to the flat billing is usually the per hour billing. To come up with the per hour rate you again look at the complexity of the matter, the experience of the attorney and the service you give. Hourly rates may vary with the type of case. I will charge more for a criminal defense case than I charge for a bankruptcy. Why the difference? I've spent years in court handling all types of criminal cases and all stages of the case from investigation to negotiation and trials. There is a wider range of cases when dealing with criminal matters. It could be a traffic case, DUI, drugs, theft, assault, robbery, domestic violence, rape, murder, or white collar crime. The case could be in City, County, State or Federal Court. The charge might be a serious felony or a less serious (to everyone except the person charged) misdemeanor case. The facts might still be unknown or we might already know it is going to be a complicated case. Not only is a person's financial future at risk but so might their reputation, freedom and in a rare situation maybe their life. We might also know upfront if the goal is negotiating a fair resolution, taking a case through trial no matter what or if it is investigate, advise and see what needs to be done as the facts become more clear.

A bankruptcy case also has varying degrees of difficulty but I only work with individuals (not businesses) and I only handle chapter 7 and chapter 13 cases. I know that I don't have the time to dedicate to a medium or large business, farm or city so I refer the business cases, Chapter 11 and Chapter 9 cases to other attorneys that can give my clients the attention and expertise needed. I also am able to get disclosure of the individual's financial situation in advance along with credit reports, court history, pay stubs and tax returns so I know how many hours I'm going to be doing paperwork, how many trips to court and an estimate of the amount of time I'll be on the phone with creditors.

Expertise, remember the attorney probably spent 7 or more years in school to begin with. Since then they've got experience handling real cases and dealing with real problems. The amount of experience your attorney has isn't just the amount of years spent working. The real experience is the number of cases, complexity of cases and resolutions. I was lucky enough that my first job out of law school was as a prosecutor. This allowed me to get lots of experience, training and guidance right away. I spent every day in the court room and handled my first jury trial within a week of being sworn in to the bar. At the end of the first year out of school I had more courtroom and trial experience than most of the rest of my

graduating class put together. My friends though were getting experience in other areas. Some were learning contracts, business cases, appeals or how to run a firm. So instead of looking at the number of years they have been an attorney, ask what kind of cases they've had, how many, what kind of results have they achieved. You want an attorney that has experience with cases like yours and has good results.

Then next part of the fees would be service. Does your attorney make time to talk to you or are you dealing with an assistant? Is the attorney preparing your documents and case or is a paralegal? Is your attorney available for emergency help? What hours do they answer the phone? Do they have times available for appointments during the evening or on weekends? Is it worth a bit more money to know your attorney is familiar with the case? Do you want the attorney to be the most familiar with your case or do you want to rely on the paralegal to catch any issues.

It may seem like a lot when you think that an experienced attorney might be charging you \$450 an hour for work on your case when a new attorney might be \$250 or maybe only \$100 for a paralegal. You should be getting what you pay for. A more experienced attorney should be able to handle a case in less time so if the task takes the senior attorney 1 hour and a new attorney 3 hours it is less expensive to pay for the experience to begin with. You might also get a better result. In a bankruptcy case how much is it worth to have the case done right? Do have the exemptions correctly applied so you keep as much of your property as possible? To plan in advance around tax, bank account and payroll issues to save you maybe thousands of dollars? Or in a criminal case for your attorney to be able to spot a technical issue and get your charges dismissed or lowered instead of pleading to a higher charge and maybe spending unnecessary time in jail?

There are no guarantees but these are a few issues you should consider while looking for an attorney. If possible I would try to work with an attorney that I've had time to speak with or that my family and friends had used with good results. Many attorneys offer free consultations. These consultations let you meet the attorney, decide if your personalities are going to work together, help decide if you are going to be able to trust your important issues with this person. It also lets the attorney decide if your case is something they can handle, do they have the experience to provide the service to you and is this relationship going to help both of you. Even if there isn't a free consultation it may be worth paying for 30 minutes or an hour of time to find the appropriate attorney.