

Select your lawyer carefully.

By Jerry Osteryoung

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“If you come to a fork in the road, take it.” ~Yogi Berra

Most business owners wind up needing a lawyer at some point. This can be for a whole variety of reasons, but most often, businesses need a labor attorney to defend them against aggressive attorneys who are representing ex-employees.

We were helping a partner in a business who wanted to buy the other partner out. The partners could not come to an agreement on the price, so they ended up going to court.

After months of dealing with the complex legal system, a hearing was finally scheduled. The judge would determine the value of the business and how to divide the assets.

Because of the intricacy of the case, the partner we were helping had to hire a personal lawyer, a corporate attorney and a forensic accountant. Both the personal attorney and the corporate attorney were selected based on recommendations. The personal attorney was suggested by a very good friend, and the corporate attorney was referred by the forensic accountant.

Relying solely on recommendations when selecting attorneys can be dangerous. In this case, the personal attorney turned out to be a criminal defense attorney, and the corporate attorney was a labor attorney. Neither lawyer had in-depth experience in business litigation, nor were they certified in business litigation by The Florida Bar.

Clearly, I am not an attorney, but I have had to deal with them on a continual basis. Over time I have learned that all lawyers are not the same. Just because someone has a law degree and passes the Bar does not mean they are competent in the area that you need assistance. You need to find an attorney that specializes in the issue you are having.

When shopping for an attorney, I suggest you start by asking friends and relatives. Take those recommendations then do some research. Consider how many similar cases the attorney has taken through trial. Narrow your list to several possibilities and meet with each. It is important that you talk to more than one so you have a comparison on which to base your selection.

Another great way to find an attorney is via referral from your local Bar Association. Again, you must select one that specializes in your type of case.

The Florida Bar defines a certification as follows: “Board certification recognizes attorneys’ special knowledge, skills and proficiency in various areas of law and professionalism and ethics in practice. Certification is the highest level of evaluation by The Florida Bar of the competency and experience of attorneys in the areas of law approved for certification by the Supreme Court of Florida.”

The Florida Bar’s website, www.flabar.org, is a helpful resource. The site shows if an attorney has had any problems with The Florida Bar and how their peers have evaluated them. It also lists any certifications the attorney holds, and allows you to search by certification and location.

In addition to the lawyer’s experience and certification, you will also need to consider whether you want to go with a large or a small firm. Large firms charge for any and all individuals that help in the case. These fees can add up in a hurry.

On the other hand, small firms charge lower rates, and you will receive much more attention. However, smaller firms will not have the network of associates that larger firms have to pitch in and help with your case.

Hourly fees are important, but when shopping for a lawyer, there are other factors that could mitigate a higher fee. For example, one attorney might charge more than another, but the individual’s experience level could result in lower total fees.

Finally, you must have a written document that lays out how any retainer (advance) funds will be used and when more funds will be needed.

The bottom line here is that if you need an attorney, you need to put in the time and do your due diligence to determine whether or not the attorney will be an asset in your case. The selection process boils down to one critical factor: whether or not the candidate is experienced with the specific issue that you are having.

You can do this!

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