



How to Find a Lawyer
And Be an Effective Client

Presenters



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Road Map

1. Why is it so hard to find a lawyer?
2. Different types of lawyers and fee arrangements
3. Common legal areas
4. Considerations for narrowing your search
5. Tips for meeting with a lawyer
6. Lawyer duties
7. How to be a good client
8. How to avoid being a red flag client
9. Alternatives to hiring a lawyer





1. Why is it so hard to find a lawyer?

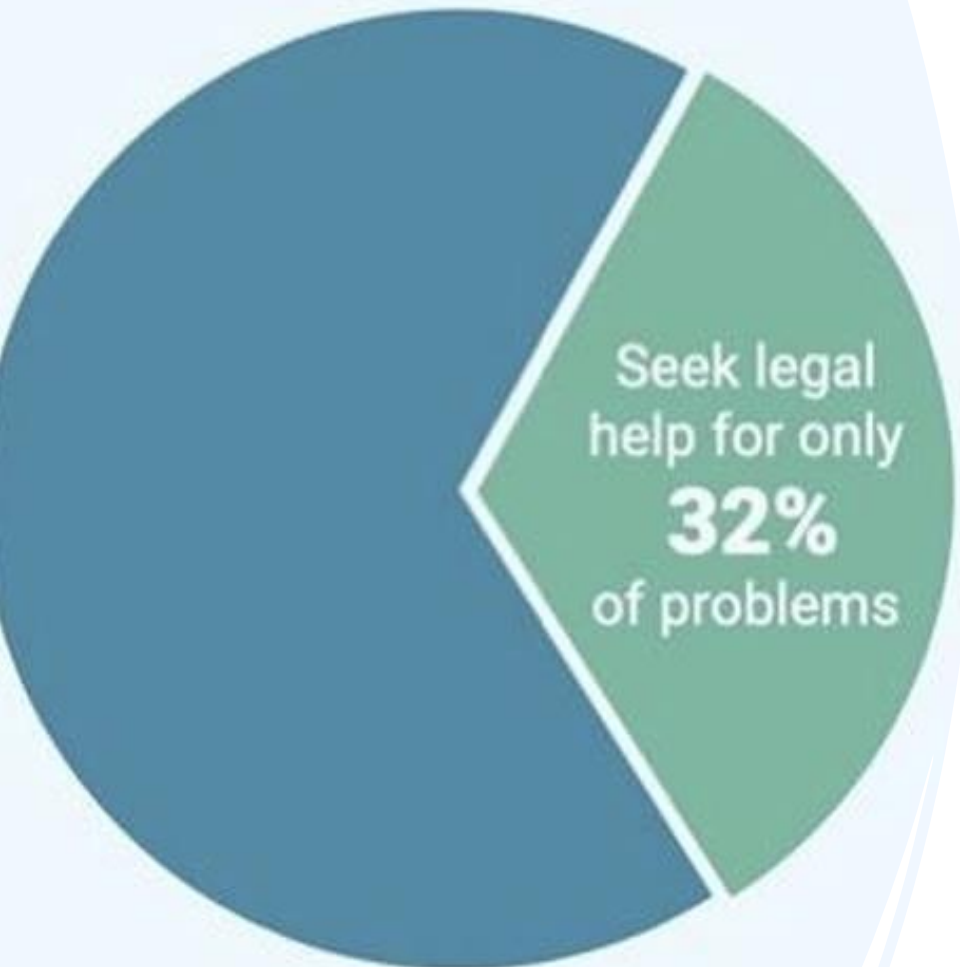


California Justice Gap Study (2020)

The study found that the California Justice Gap is widespread, pervasive, and multifaceted. It has two dimensions:

- **The Knowledge Gap**: Many Californians do not seek or receive legal help because they do not know their problems have a legal remedy, and they are uncertain how to access legal help.
- **The Service Gap**: The current legal services delivery system is unable to meet the legal needs of Californians.

CALIFORNIANS WHO EXPERIENCE A LEGAL PROBLEM



Top Reasons for Not Seeking Legal Help:

- Unsure if their problem is a legal issue
- Decided to deal with the problem without help
- Worried about cost
- Did not know where to look
- Afraid to pursue legal action

But that's not all...

Confusion about lawyers in the marketplace: most people don't know what kind of lawyer they need.

Hard to predict how much they'll cost – most don't have set fees


There are not enough lawyers who do work in *certain* areas of great need. (e.g., eviction)

Most lawyers are specialized – each area of law has its own vocabulary and culture.

While lawyers are licensed to practice almost any kind of law, beware of hiring someone who is not familiar with the area in which you need!

Increased specialization

Today, most lawyers *specialize*. Don't assume the lawyer who wrote your will can represent you in your eviction case... or the person on the billboard can give you advice on your custody battle!

A 3D rendering of a complex, multi-tiered mechanical contraption. It features several horizontal beams of varying lengths, supported by rings and spheres. The spheres are of different sizes and are arranged in a way that suggests a delicate balance or a sequence of events. The background is a dark, gradient grey, and the lighting creates soft shadows and highlights on the metallic surfaces.

2. Different Kinds of Lawyers and Fee Arrangements

Different types of lawyers

Some rarely (if ever) go to court

- drafting documents
- negotiations
- consulting/strategy only
- demand letters

Others go to court, but may go to only certain kinds of court

- criminal – only government can bring charges
- general civil (state or federal) – “litigation” - individual parties sue other parties
- specialty courts (dependency, eviction, immigration, family law, bankruptcy, etc.)
- administrative proceedings (DMV, social security, special ed, workers comp, etc.)

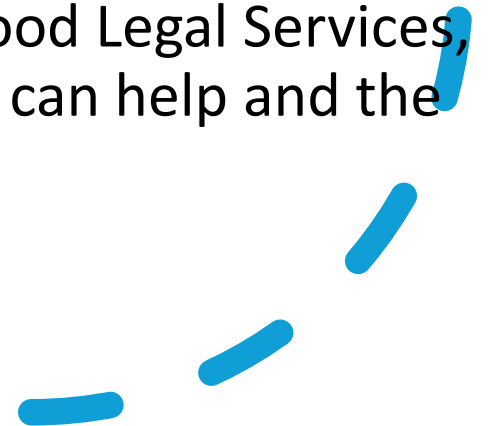
NOTE: OF THE LAWYERS WHO GO TO COURT REGULARLY, NOT ALL “DO TRIALS.”

- Trials are extremely costly, so most cases end up settling before the trial.

Other categories of lawyers:

- Private lawyers (solos, small firms, mid-size firms, large firms or “big law”)
- Government lawyers (public defenders, prosecutors, city attorneys, and more)
- In-house counsel (work for one client / employer to represent its interests)
- Nonprofit lawyers (legal aid, etc.)

Note: Legal services organizations (like Legal Aid Foundation, Public Counsel, Neighborhood Legal Services, etc.) have strict limitations on who they can help and the type of work they are allowed to do.



Types of Fee Arrangements: Negotiable!



- Hourly (fees can range anywhere from \$200 – thousands/hour)
- Flat fee
- Limited scope (just part of a case)
- Sliding scale
- Pro Bono

- Contingency Fee (lawyers gets % if you settle or win)
- NOTE: Be aware of “fees” vs. “costs”



A note about Contingency Fees

- If you and your attorney part ways before the case ends, the attorney may take a “lien” on any recovery you receive later, so be sure to understand if that’s the case!
- **Sample clause to look for:**

“In the event of Attorney’s discharge, or withdrawal with justifiable cause, as provided in Paragraph 13, Client agrees that, upon payment of the settlement, arbitration award or judgment in Client’s favor in this matter, Attorney will be entitled to be paid by Client a reasonable fee for the legal services provided. Such fee will be determined by considering the following factors. . .”

NOTE: “BONUS” CONTINGENCY FEE SECTION IS INCLUDED AT END OF SLIDESHOW

Fee agreements

COMMON TO
ALL FEE
AGREEMENTS

Conditions

Scope of Services

Client's Duties

Deposit

Legal Fees

Costs

Due date for payment

Disclaimer of guarantee



Fee Agreements... one last thing...

PROFESSIONAL LIABILITY INSURANCE DISCLOSURE

Pursuant to California Rule of Professional Conduct 1.4.2(a), I am informing you in writing that I ___ have ___ do not have [CHECK APPROPRIATE ENTRY] professional liability insurance.

Sample practice areas – all complex!

Landlord-tenant

Family law

Immigration

Employment/labor

Probate / Wills /
Estate planning

Conservatorships /
Guardianships

Bankruptcy

Clean slate remedies

Personal injury

Special Ed law

Veteran's Law &
Advocacy

Intellectual property
& small business
formation for
"creatives"

CA State Bar's Lawyer Referral Services List


- <https://www.calbar.ca.gov/Public/Need-Legal-Help/Certified-Lawyer-Referral-Services-Directory/Los-Angeles-Area>

Find a Los Angeles Lawyer Referral Service



The State Bar certifies lawyer referral services to ensure that you get the best legal help you can, wherever you live in the Los Angeles area. Find a lawyer that can assist with your legal issue.

Need a lawyer outside of the Los Angeles area? Find the right lawyer referral service in California [by region](#).



Legal referral
services

LA County Bar
Association's
smartlaw.org

Please pick the category that best meets your legal issue.

- Administrative
- Bankruptcy
- Business
- Civil Appellate
- Consumer Law and Credit
- Criminal
- Entertainment
- Environmental
- Family
- Immigration
- Insurance
- Intellectual Property
- International
- Juvenile
- Labor and Employment
- Landlord Tenant
- Real Property
- Social Security
- Taxation
- Tort
- Workers' Compensation
- Wills, Trusts, Estates
- Other / Unsure? Let us help you.



3. Common Legal Areas

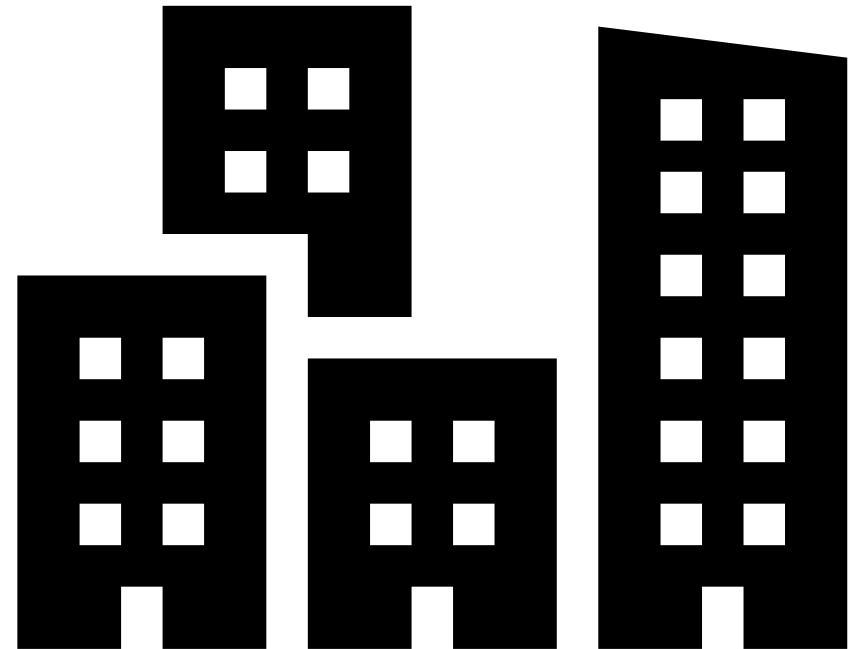
- **LANDLORD-TENANT LAW**

- **1. *Tenant vs. Landlord***

- safe & habitable dwelling
- quiet enjoyment of their premises
- return of security deposit
- And more

- **2. *Landlord vs. Tenant***

- Eviction
- Suing for back rent or damages



Legal Assistance for Landlord-Tenant Law

- Legal Aid (pro bono for eligible tenants)
- Eviction lawyers for tenants (sliding scale, hourly or flat fee)
- Eviction lawyers for landlords (usually hourly)
- Lawsuits against landlords by tenants (hourly or contingency fee)
- Defense against suit by tenant (hourly or insurance co.)
- Limited scope (e.g., demand letter) (flat fee, hourly or contingency)

- Stayhousedla.org



FAMILY LAW

- Divorce
- Child custody
- Alimony
- Child support payments
- Domestic violence restraining orders
- Mediation

FAMILY LAW

- “Self-help” options at courthouses (Mosk, Compton, Long Beach)
- Harriett Buhai Center for Family Law
- Leavitt & Quinn (sliding scale)
- LACBA’s Smartlaw.org “flat fee” for uncontested divorce
- Limited scope attorneys
- Full scope attorneys (hourly - \$300/hour and up!)



• IMMIGRATION

- Naturalization – citizenship
- Deportation/removal defense
- Visas
- Legal permanent resident
- Work permits
- DACA
- Asylum, victims of abuse, witnesses of crimes

IMMIGRATION

- Market rate attorneys (usually upfront retainer required plus hourly fee)
- Esperanza
- Immigrant Defenders
- Los Angeles Center for Law & Justice
- LA County Bar Association clinic
- Regular legal fairs



EMPLOYMENT LAW

(for workers, employers, unions)

- Wages owed
- Misclassification as independent contractors
- Overtime due
- Sex harassment
- Discrimination based on race, sex, age, religion, nationality, etc.
- Wrongful termination
- Whistleblower
- Denial of benefits
- Unemployment (EDD) appeals

EMPLOYMENT LAW

Wage claims:

- Bet Tzedek; Neighborhood Legal Services (pro bono)
- CA Labor Commissioner (free gov't agency)
- Contingency-fee lawyers (statutory fees)

Workers suing employers

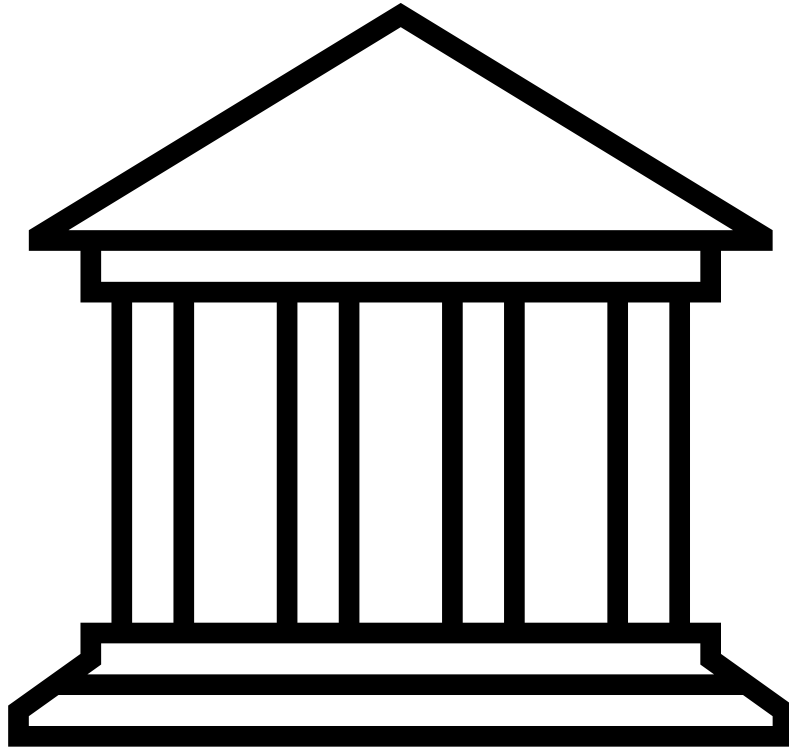
- Free government agency assistance:
 - California Civil Rights Department or EEOC (discrim/harassment)
- Contingency-fee lawyers (sometimes hourly)

Employers defending lawsuits

- Insurance
- Hourly

Demand letters/severance review/other smaller scope

- Hourly or flat fee or contingency



PROBATE / ESTATE PLANNING

- Estate Planning: wills/trusts
- Probate: someone dies without a will
 - Problems: family may be restricting from accessing bank accounts; may lose house for taxes; end of life decisions; etc.

Private lawyers: flat rate or hourly rate for will, living trust, etc.

Probate lawyers get paid from the estate (after)

CONSERVATORSHIPS



Person (adult) lacks capacity to take care of their own affairs and another person takes legal responsibility

- Bet Tzedek Conservatorship Clinic at LA Law Library; Elder Law and Disability Rights Center

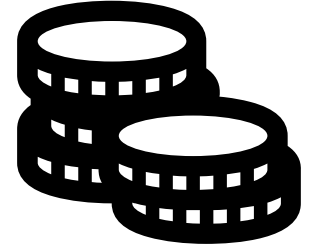


GUARDIANSHIPS

Parents of minor (under 18) is unable to take care of minor and someone else takes over legal responsibility

- Alliance for Children's Rights; Public Counsel "Self Help" clinics

BANKRUPTCY



- Chapter 7 – for people with modest or low income; no house; few assets; and high debt;
- Chapter 13 – for people who have higher income and/or house
 - Public Counsel Bankruptcy Clinic
 - Private lawyers (small sum up front)

CLEAN SLATE REMEDIES

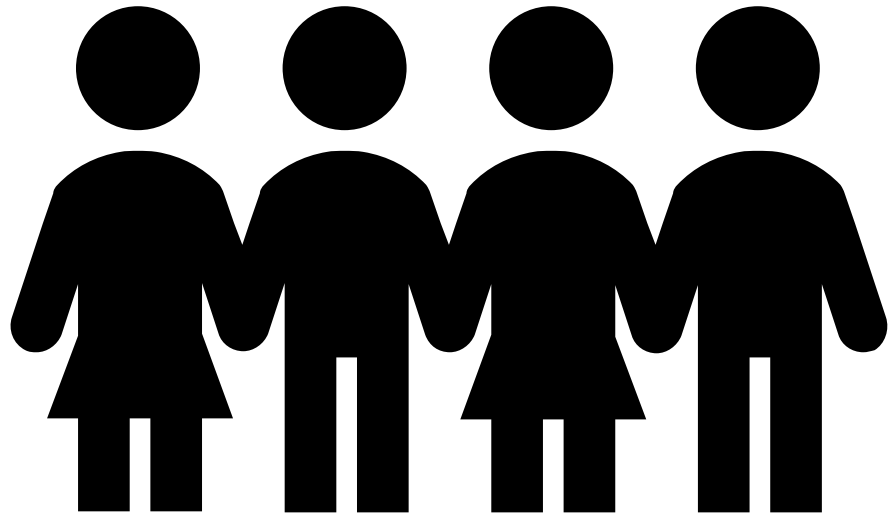
- Expungements
 - Traffic ticket debt relief
 - Reclassifying convictions to lesser charges
-
- Legal Aid Foundation of LA
 - Youth Justice Coalition



PERSONAL INJURY

- Auto or other accidents
- Slip and fall
- Dog bites

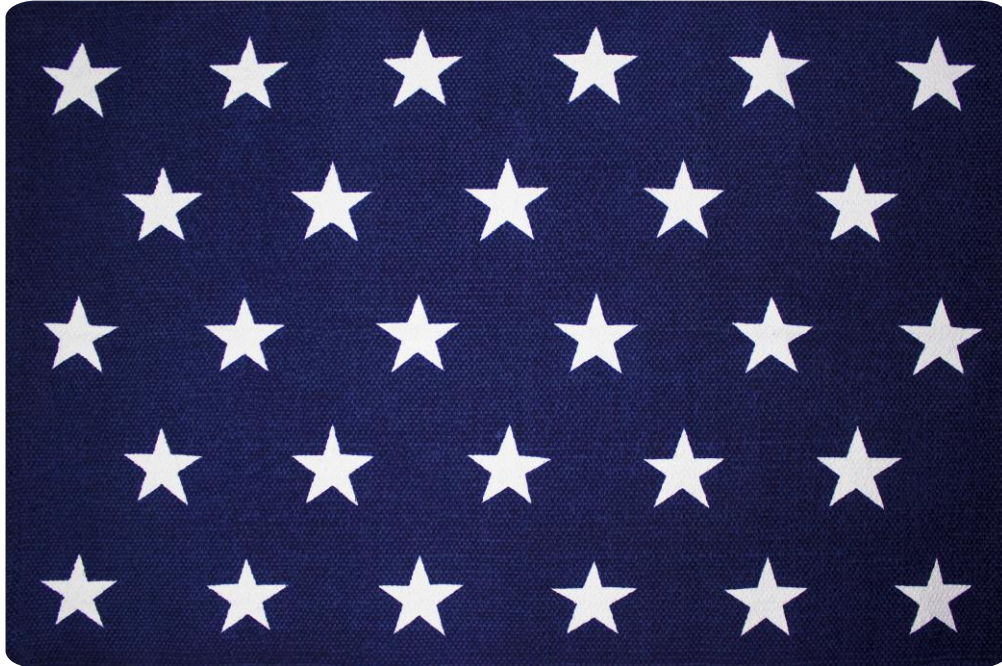
- Contingency fee
- Beware of unscrupulous lawyers!



SPECIAL EDUCATION & JUVENILE DELINQUENCY

- Special education (IEPs)
- Juvenile detention & special ed placement
- Usually no money upfront; lawyer is paid by district after settlement)
- Alliance for Children's Rights

VETERAN'S LAW AND ADVOCACY



- Veteran's Court as diversion program that is alternative to criminal process
- Government benefits assistance
- LA County Bar Association Veteran's Assistance Program
- Veteran's Legal Institute (Orange County)

ASSISTANCE FOR SMALL BUSINESSES AND “CREATIVES”

- Business formation
- Trademark protection for intellectual property
- Contract drafting, review

- California Lawyers for the Arts
- Private lawyers (flat fee or hourly)



And the list goes on...

- Contract review and disputes
- HOA / Neighbor vs. Neighbor
- Lemon Law / Consumer Law / Warranties
- Government benefits assistance & appeals
- Worker's Compensation
- Criminal defense / probation
- Solar panel/ home improvement contracts
- Identity theft
- Civil harassment restraining orders
- Elder abuse (financial & physical)
- IRS problems
- Police abuse / misconduct



And... some special challenges...




Civil Rights
Law



Defense of
civil lawsuits



Medical
Malpractice



4. Considerations for narrowing your search





What kind of legal help do you need?

Narrowing your search for a lawyer.

**Narrowing
down the
scope of
work.**

What exactly do you
need the lawyer to do?

Can you do some or all
of it yourself?

Timing: can you take
one step at a time?

Financial considerations



What can you afford?



Are their flexible payment options?



Is the lawyer fronting the hard costs (like filing fees, depositions, etc.)? If so, will you owe that back to them if you lose your case?



Think about limited scope and other alternatives, like mediation



5. Tips for meeting with a lawyer

Tips on Preparing for Meeting with a Lawyer

1

Make a timeline of important events in your case for the attorney.

2

Write down the key points beforehand, so you won't forget and get side-tracked during your meeting.

3

Organize and bring key documents.

First meeting

- You want to tell your story, but it's important to *be responsive and listen* to the lawyer. Don't use up your hour without the lawyer finding out what they need to know to evaluate your case.
- Don't take it personally if a lawyer focuses on things that you may not feel are most important. The lawyer is looking for very specific details about whether the case is appropriate for court.
- A lawsuit requires evidence that proves elements of a certain legal claim. Not everything that hurts us makes a good legal claim.... And even if it is a good legal claim, the cost to litigate may be higher than the damages!





6. Lawyer duties



Intake / In-Depth Consultation



CONFIDENTIAL?
YES!




ATTORNEY-CLIENT RELATIONSHIP?
NOT ALWAYS!

ENGAGEMENT

DECLINE

PROVISIONALLY DECLINE

ENGAGE



A lawyer has a duty to keep client informed of major updates in their case.

- Attorneys have a duty to keep clients apprised of **major updates** (not 24/7)
 - If you are paying by the hour, they will probably talk as long as you want... but if you're not, they may cut you off at some point or ask to be paid hourly for phone calls. Most lawyers are not trained as therapists, so it's probably more cost-effective to talk to someone else about daily ups and downs.
 - Attorneys have a duty of loyalty and candor to you.
-

If you have a dispute with your lawyer over the fees....

Mandatory Fee Arbitration

- Approved Programs
- Forms & Resources**
- Arbitration Advisories
- Training Course

Mandatory Fee Arbitration Forms & Resources

Select Language |    

When clients have a dispute with their attorneys, lawyers are required to give their clients a notice indicating that they have an option to go to arbitration. Listed below are fee arbitration forms and resources for attorneys.

Members of the public can visit our [Fee Disputes](#) webpage for consumer-oriented Mandatory Fee Arbitration forms and information.

Fee arbitration forms for attorneys

[Request for arbitration of a fee dispute](#) (This form is for the State Bar program only.)



7. How to Be a Good Client



How to be a good client



Be respectful of attorney's boundaries and business hours



Be honest, even about your "bad facts."



Be prepared



Be organized



Be responsive to your lawyer's questions



Don't be afraid to ask questions when you don't understand the strategy or the process

8. How to avoid being a red flag client

Malpractice
insurers warn
attorneys not to
take “red flag
clients”

Sued prior lawyers

Hired/fired multiple lawyers

Doesn't listen to question attorney asks

Won't supply full information


Unrealistic expectations about outcome

Boundary issues

Micromanagement

Dishonesty

9. Alternatives to hiring a lawyer



Representing Yourself in “pro per”

- Unlimited Jurisdiction Court – over \$35,000
- Also for personal injury and other claims where damages are not easily calculated

- Limited Jurisdiction Court – \$35,000 maximum
- Expedited; less complex procedures

- Small Claims Court - \$12,500 maximum
- Lawyers don't appear in court
- Court websites have guidance

Alternatives to lawyers

Get help from community organizations and advocates that are non-lawyers

- e.g., ACCE / SAJE/LA Tenants Union for tenants; CAA for landlords

Government agencies

- California Department of Civil Rights
- City of Los Angeles Housing Authority
- Labor Commissioner

Mediation

- LA County Dept. of Business & Consumer Affairs

Questions



Bonus section (if time!)
A word about contingency
fees...

Name _____

Signature _____

Date _____

Contingency Fee Agreement – Sample Provision

Attorney's fee will be calculated as follows:

- If the matter is resolved before filing a lawsuit or formal initiation of proceedings, then Attorney's fee will be _____percent (____%) of the _____[net or gross] recovery;
- If the matter is resolved prior to ____ days before the initial trial or arbitration date, then Attorney's fee will be _____ [PROVIDE RATE] percent (____%) of the net recovery; and
- If the matter is resolved after the times set forth in (i) and (ii), above, then Attorney's fee will be _____ [PROVIDE RATE] percent (____%) of the net recovery.

Imagine your case settles for \$100,000 **five months before trial** after 3 depositions (-\$10,000) and retaining an expert (-\$6,000)....

Attorneys Fee Agreement:

- If the matter is resolved before filing a lawsuit or formal initiation of proceedings, then Attorney's fee will be 35 percent (35%) of the net recovery;
 - If the matter is resolved prior to 60 days before the initial trial or arbitration date, then Attorney's fee will be 40 percent (40%) of the **net recovery**; and
 - If the matter is resolved after the times set forth in (i) and (ii), above, then Attorney's fee will be 45 percent (45%) of the net recovery.
1. Agreement says "net recovery," so first subtract the costs (\$10,000+\$6,000=\$16,000) from the \$100,000 total, leaving \$84,000.
 2. From the \$84,000, the lawyer is paid 40%, or \$33,600.
 3. That leaves \$50,400 of the \$100,000 for the client.
 4. It may be taxable, too, which may mean your net is even less.
 5. But you are paid within 60 days

Now imagine your case goes to trial. You prevail and are awarded \$150,000. Costs are now \$94,000.

3 depos (-\$10,000), trial costs (\$24,000), expert testimony (-\$60,000)

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3. That leaves \$50,400 of the \$100,000 for the client.
4. It may be taxable, too, which may mean your net is even less.

Now, let's calculate if you settle – and attorney's fees comes from “gross” recovery

(case settles for \$100,000 **five months before trial** after 3 depositions (-\$10,000) and retaining an expert (-\$6,000)....

Attorneys Fee Agreement:

- If the matter is resolved prior to 60 days before the initial trial or arbitration date, then Attorney's fee will be 40 percent (40%) of the **gross recovery**; and
1. Agreement says “gross recovery,” so attorney first gets 40%, (\$40,000), leaving \$60,000.
 2. Then subtract the costs (\$10,000+\$6,000=\$16,000) from the \$60,000 total, leaving \$44,000.
 3. That leaves \$44,000 (vs. \$50,400) of the \$100,000 for the client.
 4. It may be taxable, too, which may mean your net is even less.

One more thing before we leave the topic of fees...

- Generally, in a lawsuit, each party pays their own attorney's fees.
- Exception: *fee-shifting statutes* allow the judge to award the “prevailing party” their attorney's fees, paid for by the losing party.
- BUT:
 - This requires going ALL the way through trial or arbitration instead of settling
 - The **cost** increases the closer you get to trial
 - The **risk** that you'll be prevailing party increases
 - The **risk** that the judge will award only some (or none) of your fees



Now imagine it from the attorney's perspective....

- If you don't settle or win, the attorney gets nothing.
- Usually, the attorney is paying out of pocket for necessary expenses like experts, court reporters, depositions, trial binders, etc.
- The "contingency" fee is meant to balance the risk that the attorney gets out of it.

Questions

