



Lipman & Katz *Today's Law*

ATTORNEYS AT LAW

Chris Wright Elected Vice President of the Kennebec Bar Association



We're pleased to announce that Christopher Wright was recently elected to a one-year term as vice president of the Kennebec County Bar Association.

The election of officers was held on Jan. 8 at the annual meeting of the association, which is a group of Kennebec County attorneys and judges.

Wright joined the firm in 2013, returning to his home state after working in the financial industry in New York City. For more on Wright's background and experience, visit www.lipmankatz.com/meet-our-attorneys/christopher-wright.

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How to Hire a Lawyer

by Stephen C. Smith, Esq.

Over 16 years of practice, I have been hired by thousands of clients and fired by a few. In the course of conversations with potential new clients and with soon-to-be-former clients, I have learned many lessons on how to hire a lawyer.

Educate yourself.

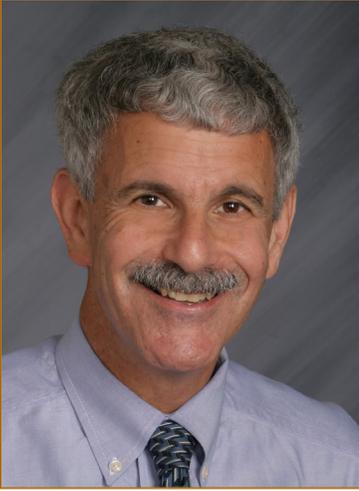
As you look for a lawyer, look around. Talk to people you trust. You may have had a friend or relative go through a divorce who had a good or bad experience with their own attorney, or even had been favorably impressed by the opposing lawyer.

If no such recommendation is readily available to you, look in the paper. Look for articles about lawyers who are in the news and what they have accomplished. If you know another lawyer who does not practice in the fields in which you need expertise, ask the lawyer for a recommendation.

If you are forced to resort to the phone book, don't simply hire the first name you come to. Nowadays, Google can be a good place to start. But, it is only a start. If you need a family law attorney, look for a lawyer whose credentials indicate expertise in that field. Likewise, if you have been injured in a car accident, look for a lawyer who advertises that specialty. Too many potential clients simply stop at this step and do not further screen one of the most important professionals they may ever hire.



Roger Katz Continues to Work for our Clients and the People of Maine



The first regular session of Maine's 127th Legislature is underway and we wish them a productive session. While Roger Katz is working for the people of Maine in the Senate, he continues to represent our firm's clients. Roger's practice includes plaintiff's personal injury, divorce and family law, and criminal defense.

If you'd like to hear about the latest happenings at the statehouse, you can listen to Roger every Monday morning at 7 a.m. on 92 Moose as he discusses current activities in the Legislature. You can also watch Roger on Time Warner Cable as he and former House Speaker Hannah Pingree host "Pingree & Katz – The Maine Event" seen Tuesdays at 8:30 a.m., 4:30 p.m. and 7 p.m.

To learn more about Roger, visit www.lipmankatz.com/meet-our-attorneys/roger-j-katz, or call our office at 207-622-3711 to set up an appointment.

Interview the lawyer.

Do not be afraid to consider a few different lawyers. While "looking around" is not necessarily common or even appreciated by a lawyer or the client, there may be circumstances in which the client does not know if the lawyer has the necessary expertise.

When you first call the lawyer's office, do not be put off if the lawyer or his staff tells you there is a consultation fee. While it is not common to charge a consultation fee in the medical malpractice or personal injury fields, it is quite common for consultation fees to be charged for family, criminal, or civil law situations.

A consultation fee weeds out people who are not serious. No lawyer worth his salt is going to give free, quality legal advice over the phone to a person he has never met.

Whenever you hire a lawyer you should expect quality, actionable, or reliable legal advice. These things are a lawyer's stock-in-trade. You should expect the lawyer to charge for his advice.

Do not be penny wise and pound foolish.

When I was a young judge advocate general, I was tasked with going to a military retiree day. This is an opportunity for military retirees to come to a giant fair to access health care, job opportunities, and, in my case, legal expertise. My role at these fairs was to give out free wills. I was provided with some basic forms and some brief on-the-job training.

One day, a retired Colonel and his wife came to see me. They wanted their free will. After asking a few questions, I learned that their total estate was worth more than \$4 million. I strongly advised the couple to immediately seek high-level help from an experienced estate planning attorney since their situation was well outside my expertise.

The moral of this story is to not be penny wise and pound foolish. Find a lawyer with expertise and experience commensurate with the level of the problem you face.

Find the right personality for you.

While you and your potential lawyer need not be best friends, you should at least make sure there is some basic level of compatibility. Many situations require a client to pour out their innermost soul to the lawyer and say things they would not say to anyone else. If you and your potential lawyer are incompatible from the beginning, this process will be extremely difficult and an impediment to the lawyer/client relationship.

In evaluating the lawyer's personality against your own, be sure to listen. When faced with a difficult legal situation, it is very common for the potential client to come into my office very excited and upset. A good lawyer will gently attempt to get the potential client into a calm and more rational state. Do not mistake such efforts as meaning the lawyer "isn't aggressive enough."

Many clients want a lawyer who "believes in their case." They think that if the lawyer doesn't, they can't possibly represent the client as they seek justice in their righteous anger. A good lawyer is not necessarily going to adopt your world view. First, you may be wrong. Second, you may be right, but for the wrong reasons. Third, the situation may be more nuanced and complex than you realized. Don't be put off if the conversation takes an unexpected turn.

Find somebody who can "do business."

Many (but not all) litigation or legal problems boil down to a business problem involving money. Do not let yourself be talked into expensive and time-consuming

litigation without a clear goal in mind. Have a frank discussion with the lawyer as to whether the goal is achievable and how much it will cost. Respect the lawyer who makes sure you understand the risks and expenses of litigation. Your case may cost a lot more than it's really worth. Sometimes the best advice a lawyer can give is simply to walk away.

Ensure mutual expectations.

After you and the lawyer have settled into a calm discussion of your problem, you should listen to the lawyer as to his proposed course of action and the goals he thinks are reasonably achievable. Make sure you discuss your own proposed course of action and goals. Really listen to the lawyer. Perhaps he is wrong and needs to be corrected. It is at least as likely, however, that you are wrong and need to reconsider what you thought you knew coming into the office. At the end of the meeting, you and your lawyer should have at least a rough understanding as to the methods and goals pertaining to your case. It would be foolish to hire a lawyer with whom you do not agree when it comes to methods and goals.

Focus on the right numbers.

Focusing on the lawyer's hourly rate is focusing on the wrong number. It is better to ask your lawyer for their understanding of the overall litigation budget. What might take an experienced lawyer five hours at \$225 an hour, might take an inexperienced lawyer 20 hours at \$125 an hour to achieve the same, or potentially less satisfactory, results. Understanding the total litigation budget is the only way to balance the risks and rewards inherent in the case. It makes no sense to pay a lawyer \$5,000 to pursue a dispute over a \$500 bill at your mechanic's shop. On the other hand, it would be foolish to pay a lawyer only \$5,000 to defend you in a serious criminal case where 10 or 20 years of your life are at stake.

If the lawyer cannot be precise in estimating the legal fees, he should at least be able to give you a ballpark understanding of the potential expense, including discussion of any potential contingencies that may decrease or increase the fee. For example, in certain family law cases, if I hear that the other spouse has hired a particular lawyer, I may suggest that given the tactics commonly employed by the other lawyer, the retainer will need to increase. It is critical, however, to have an understanding of the overall litigation budget so that you can properly balance the potential risks and rewards.

Don't ask the wrong question.

It drives me crazy whenever a potential client comes into my office and grills me as to my win/loss ratio. If any lawyer ever tells you that they have never lost a case, run. Either the lawyer has never tried a case, has only tried the easy cases, or is lying. There are always at least two sides to every court case, and one of them has to lose. In the hundreds of trials I have litigated in my career, I am sure that statistically I have lost my fair share. Also, what is a win or loss is often unclear.

Manage the lawyer.

After you have hired a lawyer, you should have certain expectations. Make sure you talk to the lawyer at least once a month. Even if you think nothing is happening or the court dates are several months away, make sure either you or the lawyer call each other simply to touch base. Review any pending court dates or any paperwork requirements of the court.

Expect the lawyer to send you copies of everything that either comes in or goes out of the lawyer's office that pertains to your case. You should expect copies of every letter or pleading that has been generated in your case. If the lawyer sends you paperwork, read it. Often, these communications contain important court dates or requests for information. Maintain the paperwork in an organized fashion and have it in front of you whenever you speak with the lawyer.

Conclusion.

Hiring a lawyer is really a common sense process. Hire somebody you find compatible. Understand how much it is going to cost you. Understand what the goals may be. Understand the risk and reward by balancing the cost with the goal. While not every legal problem you may face will be successful, if you follow these simple steps, you will maximize your chance for success while minimizing your legal expense.

To read about Stephen's background and experience, please visit www.lipmankatz.com/meet-our-attorneys/stephen-c-smith.

Peter Bickerman Receives Prestigious Ballou Award

On Jan. 22, the Board of Governors of the Maine State Bar Association honored Lipman & Katz Attorney Peter Bickerman with the John W. Ballou Award at the Samoset Resort in Rockport. The Ballou Award is the most prestigious recognition presented by the association.

Bestowed to a Maine resident who exemplifies the ideals of the Maine State Bar Association, the award is named for Bangor attorney and founding father of the Board of Overseers of the Bar, John W. Ballou.

As a member of the Maine Bar for 38 years, Bickerman has had a distinguished legal career in the public and private sectors. He served as an attorney for Lipman & Katz from 1987 to 1995, and returned again in 2013 where he now focuses on family law, employment law, professional malpractice litigation, and personal injury litigation.

“We are extremely proud to have Peter as part of our Lipman & Katz team and congratulate him on receiving this well-deserved honor,” said Karen Boston, Lipman & Katz Managing Partner.

Bickerman’s career has included service as a Maine Assistant Attorney General and Special Assistant in the Office of Counsel to the Governor. He served on the Maine Board of Bar Examiners and as a director of Pine Tree Legal Assistance and the Maine Bar Foundation, and was a member of the VLP Advisory Committee and the Advisory Committee on the Maine Rules of Civil Procedure. He also has volunteered his services as a lawyer to low-income clients and as a board member of other nonprofit community organizations.

Bickerman has been listed in The Best Lawyers in America under appellate law and administrative/regulatory law for more than five years. He has briefed and argued more than 60 appeals in the Maine Supreme Judicial Court and the U.S. Court of Appeals for the First Circuit.

The attorney’s award nomination forms praised Bickerman for his ethics, appellate work, and volunteer efforts for the bar. A resident of Readfield, Bickerman is a graduate of Union College and New York University School of Law.

To read about Peter’s background and experience, please visit www.lipmankatz.com/meet-our-attorneys/peter-bickerman.



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