

Selecting a Lawyer for Your Business

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In spite of all the lawyer jokes you may have heard, sooner or later every businessperson needs competent legal advice. Even people trained as lawyers themselves sometimes need a lawyer, lest they suffer the fate where “lawyers who represent themselves have a fool for a client.” One of the most important functions of seeking legal advice is to receive competent, objective, disinterested counsel.

Among the most important services a lawyer can provide is “preventive law.” By consulting with a lawyer early in your business development, you may be able to avoid much more serious problems later. Consider the expenditure of funds to receive capable legal advice early, as a combination of a good investment and an insurance policy. A lawyer should be viewed as a key member of your Board of Advisors. Along with your accountant and marketing advisor, your lawyer is a critical part of your resource team. Essentially, you, as the client, are the quarterback of this team, but you can function in a much more informed and knowledgeable way when you know your legal options and can make a conscious choice about those options.

When do you need a lawyer?

In a society and business environment as complex as ours is today, there are many times when functioning as a business requires sound legal advice. Among the common situations where legal counsel is well advised are the following:

- ✓ Business formation and choice of structure for your business (whether you should be a sole proprietor, partnership, S Corporation, LLC, etc.) These decisions frequently require collaborative input from both a lawyer and your accountant. It is often desirable to have a joint meeting with your lawyer and your accountant to be sure your advice is coordinated and consistent.
- ✓ Before signing a contract or a lease
- ✓ Issues related to tax consequences of business decisions (again in concert with your accountant)
- ✓ Planning for your estate
- ✓ Undertaking joint ventures
- ✓ Protecting your intellectual property (products of your creative efforts such as copyright, trademarks, patents, etc.)

How Do I Find a Lawyer?

There are many ways to find a lawyer, but some are definitely better than others. It is usually helpful to get a referral, perhaps from a friend or colleague. If someone who is pleased with the legal advice they have received is similarly situated to you, it may increase your chances of finding someone able to handle your legal needs. In today’s world, it is virtually impossible for a lawyer to know every area of the law; so most attorneys specialize to one degree or another. If you are seeking general business advice, find a lawyer or law firm who practices in that area.

You might consider calling an Attorney Referral Service, such as those established by your state or county bar association. Typically, you will be referred to an attorney located near you who practices in the area you requested. Remember, this is your choice, so if you do not feel compatible with the lawyer you were referred to, keep looking!

There are other resources including various directories or Yellow Pages advertising. Most often, these advertisements specify the areas of practice that lawyers emphasize, so find a lawyer that focuses on the area you’re seeking advice.

For more comprehensive information, there are two excellent online sources that provide biographical data about lawyers.

- ✓ West’s Legal Directory (www.findlaw.com)
- ✓ Martindale-Hubbell (www.martindale-hubbell.com). This set of bound volumes is also available at most libraries as a print directory offering peer ratings, educational background, publications authored by the lawyer, and representative clients. Ask your local reference librarian at a law library or your public library for help.

Some states have specialization certification, where lawyers have demonstrated to a certification board that they have deeper knowledge and experience in a particular area of law. Depending on your legal needs, such as trademark advice, for example, this information can help you in your decision.

Choosing The Right Lawyer For You

Meeting with your prospective lawyer may be an intimidating experience. Remember, in the attorney-client relationship, the client is “the boss.” You are seeking the advice of a lawyer and their expertise in legal matters, but *you are the decision-maker*.

There are several questions you should ask during this meeting.

- ✓ Does the lawyer have experience in the area your seeking legal counsel?
- ✓ What fee arrangements apply in your matter?
- ✓ Does the lawyer have a written “engagement agreement” that describes how services are provided and fees are charged?
- ✓ Is the lawyer amenable to working with your other advisors, such as your accountant, etc?
- ✓ Can the lawyer give you an estimate of the total cost of your project or legal matter?

As you consider what directions your business will take, make a list of questions in advance of meeting with your lawyer. This process will help you to stay organized in what can be a very complex, but not insurmountable, area of your business. Even lawyers find many matters complicated, so don't feel inadequate if you don't understand something. Be sure to ask questions. In this arena, especially because attorney-client matters are subject to confidentiality protection, there are no dumb questions.

After meeting with your prospective lawyer, reflect on how the meeting went.

- ✓ Do you feel comfortable with this lawyer?
- ✓ Does it seem as though you can get along with this lawyer?
- ✓ Are you comfortable with the experience level this lawyer has for your type of legal matter?

- ✓ Are you able to understand and talk with your lawyer?
- ✓ Can you afford this lawyer or law firm?

If you feel satisfied that the foregoing questions are answered in an acceptable way, there is a strong likelihood that you have found a lawyer who can help you manage your business affairs.

What if something goes wrong in my relationship with my lawyer?

Before a lawyer is admitted to practice law, there are many steps that must be taken. In most states, a lawyer must attend a law school (typically for three years after college), and pass a Bar Examination. This admission process to the Bar also includes an inquiry into the candidates “character and fitness” to practice law. When lawyers are admitted to practice law, they agree to be bound by certain codes of ethics (rules to which they must comply). Additionally, there are requirements in most states on continuing legal education that must be satisfied.

If something arises in your relationship with your lawyer that is a problem for you, discuss it with your lawyer. Remember that you are the employer here! In many cases, these items can be resolved by doing this. If there is a problem where you believe you have been treated unfairly, every state has a procedure for lawyer discipline (a mechanism if lawyers violate the legal Code of Ethics). Your local Bar Association or Lawyer's Professional Responsibility Board can provide you with more information.

Conclusion

In most attorney-client relationships in business matters, lawyers and clients realize the importance of the role that a lawyer plays in helping to facilitate business growth and development. Clear communication is essential, as with other relationships, to assure that this relationship works smoothly. Many lawyers became lawyers because they wanted to serve clients. Allow yourself to be well served by your lawyer.