



OFFICE OF THE STAFF JUDGE ADVOCATE

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HIRING A CIVILIAN ATTORNEY

WHY A CIVILIAN LAWYER?

Air Force Legal Assistance attorneys are limited in the advice they can provide to certain clients based upon the subject matter of the question. For example, Air Force Judge Advocates cannot assist you with criminal or commercial matters. Often, it may be necessary for you to hire a civilian lawyer after receiving advice from a military attorney. If you are advised to hire a civilian lawyer there are several factors you should consider in selecting one to represent your interests.

You should select a lawyer the same way you choose other professional help. You must trust and have confidence in your lawyer. Recommendations from friends and family, co-workers and others you know who have used a certain lawyer may also help you choose. Advertisements can sometimes be helpful, but are no assurance of experience or competence. There are several places to look for civilian lawyers:

A State Bar Referral Service can help you find a lawyer in a geographical area who specializes in certain types of cases. The referral service is usually free.

- Website for the South Dakota Bar: www.sdbar.org
- Phone number for the South Dakota Bar: (800) 952-2333
- **Access 2 Justice:** 855-287-3510; <http://www.statebarofsouthdakota.com/page/access-to-justice> (A2J finds local attorneys who can assist pro bono or at a reduced fee).
- **Dakota Plains Legal Services:** 605-342-7171 (provide quality legal assistance to low income clients in the community).

If you need to locate an attorney in another state, you may try the following website:
<http://www.abanet.org/legalservices/findlegalhelp/home.cfm>

- **Legal Services Organizations** provide legal services for persons with limited incomes
- **The Telephone Book** lists lawyers alphabetically by specialty, if any.
- **The Martindale-Hubbell Law Directory**, <http://www.martindalehubble.com>, lists virtually every lawyer in the United States by state, complete with practice profiles and professional biographies.

WHAT TO DO BEFORE MEETING WITH A CIVILIAN LAWYER

Once you have made a "short list" of potential civilian lawyers, you need to prepare for your initial consultation. Prepare a thorough summary of the facts. This may require a substantial amount of time on your part, but less of the lawyer's. Many lawyers charge by the hour and if you are unprepared, the lawyer may have to do more of the groundwork before he or she can properly advise you. Remember that time is money. Also, it is very important for you to bring all relevant documents (contracts, bills, letters, etc.) to the initial consultation.

WHAT QUESTIONS SHOULD I ASK THE LAWYER?

Before asking the lawyer some tough questions, it is important to cooperate fully with the lawyer and tell him or her everything. Anything you tell your lawyer is privileged and may not be

disclosed without your consent. This applies even during the initial consultation phase, before the lawyer has been "hired." During the initial consultation there are several questions you should ask any lawyer before trusting him or her with your legal affairs. They include but are not limited to:

1. Do you handle cases like mine? How many similar cases have you done in the past year?
2. If the attorney is listed as specializing in a particular area, how long have they been practicing in that area?
3. If your case requires specialized legal knowledge of military issues, ask if the civilian lawyer is familiar with such issues.
4. What are the chances for success? Do I have a good case?
5. If I hire you and your firm, who will actually do the work? You, another attorney, a paralegal or a law clerk?

As part of the hiring process, you need to feel comfortable with your attorney. Is he or she personable and courteous? Can she or he explain things in a way you can understand? Do they seem like a person you can trust to act on your behalf?

One of the potential problem areas in hiring a civilian lawyer can be the subject of the lawyer's fee. A fee arrangement should be worked out before committing your case to a specific lawyer. Again, there are questions that you should ask to prevent future problems. These include:

1. Do you charge for the initial consultation? If so, how much?
2. How do you charge your clients? Flat fee? Hourly rate? Contingency fee (a percentage of any compensation or damages that you win in court)?
3. If a contingency fee, what is your percentage? Do your expenses come out of your percentage or out of the client's?
4. What out-of-pocket expenses do you estimate in my case (filing fees, transcripts, expert witness fees, private investigation costs)?
5. How long will my case take to complete?
6. Do you require a retainer (up-front money)?
7. Will I receive itemized bills on a periodic basis? If so, how often or after what specific events? Are there any procedures in place to spread out the payments?
8. May I have additional copies of all documents pertaining to my case? If so, will it cost additional money? If so, how much?
9. If your staff (paralegal, clerks, etc.) performs any of the work will my bill be less?
10. GET A FEE AGREEMENT AND ANY IMPORTANT TERMS IN WRITING!

CONCLUSION

Sometimes, there's just no way to avoid hiring a civilian attorney. As unpleasant and expensive as it can be, you can make the best of it by shopping around. If you take the time, you can find a competent attorney who will zealously advocate on your behalf and keep you in the loop.

If you have a matter you would like to discuss, please call our office at 385-2329 for information on our legal assistance hours.

NOTICE: This brochure is based in South Dakota law and is designed to inform, not to advise. No person should ever apply or interpret any law without the aid of an attorney who knows the facts and may be aware of any changes in the law.