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When You Need A Lawyer

When should I consult with a lawyer?

Meeting with an attorney first can prevent legal problems later on. Consider talking to a lawyer for the following situations:

- Before signing a contract to buy or sell a home
- Making a will
- Before signing contracts involving large amounts of money
- When planning your estate
- When planning for a major life change, like a marriage or managing a serious or chronic medical condition
- When you have a serious dispute
- When you are sued or want to sue someone
- When accidents happen in which you are injured or your stuff is damaged
- When you have problems getting government benefits

Be aware that some legal claims have deadlines (a statute of limitations requires that a lawsuit be filed within a certain amount of time or the claim no longer exists). If you think you need legal help, do not delay.

How do I find a lawyer?

If you do not have a family lawyer, ask your family or friends for recommendations. You can also ask your local Area on Aging office, the Tennessee Bar Association, or the AARP. If you cannot afford an attorney, call your local Legal Aid to ask for free legal help. West Tennessee Legal Services serves Madison, Crockett, Gibson, Carroll,

Henry, Benton, Decatur, Weakley, Obion, Lake, Dyer, Hardin, Hardeman, Haywood, McNairy, Chester, and Henderson Counties, and can be reached at (800) 372-8346.

How do I pick a lawyer?

Picking the “right” lawyer, or one who has experience with the issue you have is most important. Lawyers usually have different focuses. For example, some lawyers only handle contracts, wills, and estates. Other lawyers may only handle criminal issues. Once you pick your lawyer, call and ask for an initial consultation and find out if the lawyer charges a fee for this first meeting. Some lawyers offer a free initial consultation, and others do not.

How do I prepare for the initial consultation with the lawyer?

- If the lawyer asks to see the papers involved with your case before meeting with you, fax or e-mail the papers to the lawyer as soon as possible so the lawyer has time to review them before your meeting.
 - Write a short summary of your case, including facts and important dates, and a list of questions you want answered.
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What questions should I ask during the initial consultation with the lawyer?

During the consultation, ask the lawyer:

- If he or she has handled cases similar to yours
- What services the lawyer will provide and the cost of other services
- If the lawyer will personally handle your case or will other lawyers in the firm handle it
- To explain the legal concerns with your case, if you even have a case, and the strengths and weaknesses of your case
- To explain anything you do not understand

- How much time the lawyer expects your case to last
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How do lawyers decide how much to charge for services?

Lawyers consider several factors when setting fees. A more experienced lawyer may charge a higher fee. Lawyers may also charge a higher fee for a complex case that will take more time.

What kind of fee arrangements do lawyers use?

The following are the different types of fee arrangements:

- Hourly fees – the lawyer charges a dollar amount for each hour worked. Hourly fees may vary from lawyer to lawyer. A more experienced lawyer may charge a higher hourly fee, but would likely take less time to resolve your case because of his or her experience.
 - Fixed or flat fees – the lawyer charges a single fee for the service. This is usually used for routine legal issues, like real estate closings or wills. Always ask if there are extra charges for other services, like clerical work or typing.
 - Contingency fees – the lawyer will take a percentage of the money you receive if you win your case or settle out of court. This is usually used for personal injury, worker's compensation, medical malpractice, and other cases involving lawsuits for money damages. If you lose, the lawyer does not get a fee. However, usually you must pay the costs of preparing and trying your case. You should make sure your agreement is in writing.
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Should I get the fee arrangement in writing?

Yes. Usually, the lawyer will give you a written “engagement letter” or “retainer agreement” outlining the fees to be charged and services to be provided by the lawyer. The engagement letter or retainer agreement is an employment agreement between you and the lawyer. The letter may also tell you your duties as a client. For example, you may be required to be truthful and pay your bills on time. The

agreement should also tell you how the fees to the lawyer will be paid. Most clients chose to be billed monthly.

Your lawyer may ask you to pay some money up front to begin working your case. This is called a “retainer.” The lawyer will hold your money in his or her trust account. This money is your money until the lawyer works on your case. The lawyer should send you monthly bills showing the time spent on your case and the money taken from the retainer for the bill.

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