

How to Get the Most from an Attorney/Client Relationship

Q.: How is an attorney/client relationship created?

A.: Individuals generally may consult with and be represented by an attorney whenever they choose. The relationship is created by an agreement that the individual (client) will pay a fee in exchange for certain services to be provided by the attorney. The legal consumer is usually responsible for the fees associated with the service. When an individual hires or retains a particular attorney, and the attorney agrees to represent that individual, an attorney/client relationship is created.

Q.: How do I go about hiring an attorney?

A.: If you need an attorney and you do not know one you would like to hire, ask for a recommendation from friends, neighbors, or others whose opinions you respect. You may also contact one of the lawyer referral services operated by county and city bar associations across the state. You also may wish to use a law directory (such as the *Martindale-Hubbell Law Directory*); such directories are available at most public and law libraries. Finally, you might consult your local yellow pages. In selecting an attorney, you should take the same careful steps you would take when selecting another professional, such as a doctor or dentist.

Q.: How can I check an attorney's qualifications?

A.: Before hiring an attorney, you have the right to know that person's training and experience in dealing with cases similar to yours. Clients should ask the attorney questions about his or her education, experience and qualifications. Clients should also obtain references from other clients and lawyers.

Q.: How can I be sure that the attorney I plan to hire is legally licensed to practice law in Ohio, and has not had any client complaints?

A.: You can find out if an attorney is licensed to practice law in Ohio by contacting the Supreme Court of Ohio's Attorney Registration Office at the Ohio Judicial Center, 65 Front St., Columbus, Ohio 43215; phone: (614) 387-9320. This information is also available online at www.sconet.state.oh.us. The

Attorney Registration Office also can tell you whether the attorney has been reprimanded, suspended or disbarred. Client complaints against attorneys are confidential during the investigation process and cannot be disclosed. If an investigation results in a disciplinary agency filing a complaint against the attorney which is then accepted by the Board of Commissioners on Grievances and Discipline (BOC), the complaint becomes a public matter and can be disclosed. Ultimately, the BOC makes recommendations to the Supreme Court of Ohio on whether to restrict or prohibit an attorney's right to practice law in Ohio, and the Supreme Court makes the final decision on such matters. To find out whether a matter has been filed with the BOC, you may contact the BOC office at the Ohio Judicial Center, 65 S. Front St., Columbus, Ohio 43215; phone: (614) 387-9370.

Q.: What is a "consultation?"

A.: The first meeting with an attorney is frequently called a "consultation." The attorney uses this initial consultation to evaluate the client's case, to assess whether the attorney is qualified to handle the particular case, and to determine whether the attorney can represent the client or whether some factor exists (such as a conflict of interest) which would prevent the attorney from taking the client's case. The client should use the initial consultation as an opportunity to get acquainted with the attorney; to discuss the attorney's background and training, how the attorney is to be paid, what expenses may be involved in the case, how and when the client can communicate with the attorney (e.g., personally in the office, by phone, or in writing); and to find out the names of all those persons who will be working on the case (e.g., paralegals, associates, etc.).

Q.: What is a fee agreement?

A.: A fee agreement is basically the payment contract between the attorney and the client. Fee agreements should be signed by the client and the lawyer at the time the lawyer is hired, and should always be in writing. At a minimum, the fee agreement should set forth the specific legal services to be provided by the attorney and the amount of legal fees to be paid by the client for those services. The fee agreement should also set forth how other expenses, such as court filing fees, photocopying, telephone calls, investigators, etc., are to be paid. Before signing a fee agreement, the client should read it carefully and ask questions about any provision the client doesn't understand. The client also should ask for an estimate of the total charges that will be billed, and ask for monthly billing statements and written receipts for all amounts paid to the

attorney.

Q.: What are the attorney's responsibilities in an attorney/client relationship?

A.: The attorney's primary task is to protect the client's legal rights and to serve as an objective legal advisor. Attorneys must use their best efforts on behalf of their clients, but they cannot guarantee particular results in cases. An attorney's conduct must comply with the rules set forth in the Ohio Code of Professional Responsibility and/or the Rules of Professional conduct (effective February 2007).

The attorney should keep his or her client informed of the status of the client's legal problem, and should provide copies of all correspondence and documents prepared on the client's behalf or received from another party. An attorney may not settle the client's case without the prior approval of the client.

Q.: What are the client's responsibilities in an attorney/client relationship?

A.: In order for the attorney/client relationship to work effectively, the client must be truthful in all discussions with his or her attorney. The client must give the attorney both the favorable and unfavorable facts pertaining to the legal matter, and must provide copies of all relevant information and documents to the attorney. The attorney must be informed of any changes in the client's situation, and the client should be informed of the progress in the legal matter. Clients must pay all legal fees earned by the attorney, as well as any other expenses or items agreed to in the retainer or fee agreement.

Q.: How is the attorney/client relationship terminated?

A.: In most cases, the attorney/client relationship is ended when the legal matter is concluded. However, either the client or the attorney may terminate the attorney/client relationship at any time. This should be done in writing, and in accordance with any provisions contained in the retainer or fee agreement and, for the attorney, with the Code of Professional Responsibility. The attorney is entitled to be paid for the work completed before termination. The client is entitled to a refund of any unused or unearned fees paid in advance.

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the Ohio State Bar Association. This article was prepared by Janet Green Marbley, administrator of the Clients' Security Fund of Ohio.

Articles appearing in this column are intended to provide broad, general information about the law. Before applying this information to a specific legal problem, readers are urged to seek advice from an attorney.

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