



LEGAL CONSUMER GUIDE

from **Texans Against Lawsuit Abuse**

Use Good Judgment. You Can Help Stop Lawsuit Abuse.

Texans Against Lawsuit Abuse (TALA) recognizes that there are times when you will need to consult with a lawyer, if only to find out where you stand. Finding a lawyer is often like finding a doctor – usually you only look for one when you are in need of help. While selecting a lawyer isn't easy, there are things you should know before hiring one and deciding whether to go forward with a lawsuit.

The civil justice system is designed to provide compensation for real injuries, and the more the system is abused, the less it's able to help those who need it the most.

Our courts should not be used as a way to seek revenge or try to "hit the lawsuit lottery." Conflicts are inevitable in our society, but a lawsuit should be the last resort, not the first choice. Many disputes can be resolved informally, through phone calls, letters, or personal meetings. Make sure you have exhausted all other means before bringing a costly and disruptive lawsuit.

TALA has compiled the following tips to help you understand your rights, ask the right questions, and warn you of some potential pitfalls. After all, being a smart legal consumer can be the best weapon against lawsuit abuse.



A PUBLICATION OF
**Texans Against
Lawsuit Abuse**

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Consumer Tip

1

Don't Believe Everything You See in an Attorney's Advertisement

Advertising is often designed to entice you to purchase products or services you don't really need. This includes lawyer advertising. If it sounds too good to be true, it probably is. Many reputable lawyers don't advertise. Don't assume that the size of a yellow page ad means that a lawyer is better qualified than one who does not advertise.

Consumer Tip

2

Don't Hire a Lawyer Who Calls You on the Phone or Visits You in Person Before You Contact Them

Be wary if a lawyer, or someone acting on behalf of a lawyer, solicits you without your permission in connection with an accident. This may qualify as "ambulance chasing" and could be a violation of the Disciplinary Rules of Professional Conduct. If a lawyer breaks these rules to get your business, he's probably not the kind of lawyer you want representing you.

Consumer Tip

3

Make Sure You Understand What You're Paying for and What You Aren't

No two contingency fee arrangements are alike. Find out if your lawyer will take his fee "off the top" or only after all the expenses are tallied. Insist on getting this information in writing and in clear, direct language. Typical expenses include court costs (fees for filing a lawsuit), court reporter fees, copies of transcripts, expert witness and private investigator fees, postage, courier service, photocopying, legal research, out-of-town air or car transportation, hotel and meal expenses.

Consumer Tip

4

Know How You Can Fire a Lawyer

Some contracts specify that even if you fire a lawyer, he still gets a large percentage of any future award or settlement you may receive on the case. Make sure you know how to fire your lawyer before you hire him.

Consumer Tip

5

Check Your Lawyer's Record

Ask your State Bar Association if your lawyer is licensed to practice. If possible, do some of your own homework. Look into your lawyer's past conduct and ethics. Knowing if your lawyer has a pattern of questionable conduct could alert you to potential problems and save you time, money and aggravation.

Consumer Tip

6

Make Sure Your Lawyer Gives You All Options and Advises You on the Potential Disadvantages of Bringing a Lawsuit

Lawyers don't just sue. In fact, suing can be one of the more expensive ways for you to get compensated. Make sure your lawyer has an open mind about alternative means to resolve your problem, such as mediation or arbitration.

Litigation is time consuming. Depositions and court appearances can interfere with your employment or family activities. Weigh the potential disadvantages before you bring a lawsuit.

Consumer Tip

7

Talk to More Than One Lawyer

Interview three lawyers before selecting one. Lawyers have different ways of working with clients. It is important that you find someone who has the skills you need. Focus on what you want to know – ask for references, recent cases they've handled, whether or not they have tried cases in court, if they will have a less experienced lawyer working on your case instead of handling it themselves, or if they will refer you to a different lawyer if it looks like you will be going to court.

Never sign anything until you have time to review it and consider other offers. Do not sign anything you do not fully understand.

Consumer Tip

8

Be Aware of Referral Fee Arrangements

Make sure you specifically ask who will be handling your case. If the lawyer you initially contact passes your case along to another lawyer, the first lawyer may be getting a "referral fee." Rules require disclosure to the client of any referral fee arrangements and require the initial lawyer to maintain a certain level of involvement in and responsibility for a case.