
What to Look For When Hiring an Attorney?

Choosing an attorney to represent you is obviously an important task. The decision certainly should not be made on the basis of advertising alone. The Yellow Pages are filled with ads -all of which say basically the same thing. You should not hire based solely on advertising. Anyone can buy a slick commercial, even if they have never done an estate plan before.

You also cannot rely solely on the recommendations of friends and family. The fact that Attorney Jones did a good job on Uncle Joe's real estate deal or Cousin Sue's divorce does not make him or her a qualified, experienced estate planning attorney.

So, How Do You Choose?

How do you determine which estate planning attorney is the best attorney for you and your family? There are certain questions to ask that will lead you to the best professional legal advice for your family. It will involve some investment of time on your part, but it's time well spent. The world of estate planning is much too specialized for someone who does not regularly handle these matters. I frequently encounter cases that inexperienced attorneys have handled, sometimes with devastating results.

How Do You Find Out Who Is Good In Your Area?

Tip #1 First, where did the attorney go to school? Was it a Tier I school? Naturally, Tier 1 schools are harder to get into and more competitive and they graduate the best and brightest attorneys.

Tip #2 Get a referral from your CPA, financial advisor or insurance professional. They will probably have attorneys they have worked with in the past and who they trust to refer you to.

Tip #3 Beware of internet "directories" promising to get you a qualified lawyer. Our firm is solicited almost daily by companies who offer to place us in their directories for a hefty fee. Most of these "directories of specialists" are a joke and say nothing about the real quality of the attorney.

Tip #4 Is the attorney a published author? This often can be a sign that the attorney is actively engaged in his or her specialized area of law and is an authority on it.

Tip #5 Did they pass the Bar Exam the first time they took it? California has virtually the hardest Bar Exam in the Country. On occasion, pass rates are as low as 35% statewide.

Tip #6 The Yellow Pages. Be careful about the full-page ads. Make sure that the attorney you hire is selective enough with his or her cases that your important case does not become just one more file in the pile.

Tip #7 Does the attorney teach any classes or speak publicly with any frequency? This will often signify that the attorney is an authority in his or her area of the law.

Tip #8 Ask each attorney if they have a book or a web site where you can find out more about his or her qualifications and experience before you meet with them.

Tip #9 Forget fancy slogans and hype. Slogans like "we care for you," "we help you protect your assets," are absolutely meaningless. After all, aren't these the things that you would naturally expect from your estate-planning attorney?

Tip #10 Here are some factors and good points to look for and question your attorney about. Note that not every attorney will meet all of these criteria, but the significant absence of the following should create a big question mark:

1. Clear disclosure of fee range before your appointment. Many estate-planning attorneys won't disclose their fee ranges to you prior to your scheduled appointment time. This may make you uncomfortable. While it is impossible to quote you an exact fee ahead of time without knowing the particulars of your case, they should be willing to give you an estimated fee range. At the other end of the spectrum, be cautious with an attorney who quotes a fixed fee without talking to you about your case. They probably charge everyone the same fee because they pull an identical plan out of the file drawer for each client. This approach is probably not going to meet your family's needs (also known as "trust-mill" law firms).

2. Respect in the community. Does the attorney speak before groups regularly? Do they present at educational events to other wealth planning professionals or attorneys in the community?



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3. The law school the attorney attended. Just like any other school, law schools that are harder to get into have higher standards and only accept the best students. Ask the attorney where he or she went to law school.

4. Membership in professional associations for estate planning attorneys. Membership in an organization such as WealthCounsel or the National Association of Estate Planning Councils indicates that the attorney you meet with is committed to staying current on the latest estate planning developments. These organizations provide members extensive education and networking with peers.

5. Publications. Has the attorney written anything that has been accepted for publication? This is another sign that the legal community has respect for his or her skills and experience.

6. Legal malpractice insurance. Does the attorney hold a legal malpractice insurance policy? This is a sign of accountability. Anyone can make a mistake, but you should not commit the error of hiring an attorney who does not have malpractice insurance. Remember, in many states, an attorney is not required to carry malpractice insurance. Don't get burned by an attorney who does not think enough of his or her clients to carry malpractice insurance. Also note that attorneys that are incorporated (often signified by the letters P.C. or A.P.C. after their firm name) in California must maintain malpractice insurance.

7. Professionalism. Has the attorney been the subject of any disciplinary proceedings by the State Bar? In California, this information is available by contacting the California State Bar Association at www.calbar.org. Every state has a state bar association and you should check there first for any disciplinary actions taken against the attorney you are considering hiring.

About the Author – Brenda Geiger, J.D.

Mrs. Geiger's practice is located in Carlsbad, California. Her firm focuses on Business Planning, Asset Protection, Estate Planning, Trust Administration, and Elder Law. She obtained her law degree from the University of San Diego School of Law where she served as an Editor on the board of the San Diego International Law Journal.

She is also involved in a variety of professional and community organizations. She serves as an editor for the North County San Diego Bar Association Magazine (The North County Lawyer). She is also an active member of the North County Estate Planning Council, WealthCounsel, LLC and ElderCounsel, LLC. Mrs. Geiger is a frequent speaker for many local organizations as well as the North County San Diego Bar Association.

Additionally, she is the author of an estate planning book and an elder law planning book. The book on estate planning is *Safeguarding the Nest, Third Edition* (2013). Her book on elder law planning is *How to Avoid the Catastrophic Costs and Effects of Long Term Care: A California Elder Law Guide* (2013). She also authored the law journal article "Authorization to Kill Terrorist Leaders and Those Who Harbor Them: An International Analysis of Defensive Assassination," *San Diego International Law Journal*, 4 *San Diego Int'l L.J.* 491, Spring 2003, and has published several articles.

Mrs. Geiger is admitted to practice before the United States Federal Court for the Ninth District and California State Courts and is an accredited V.A. Planning Attorney. On a more personal note, Brenda is married to Len, the CEO of a San Diego based company, and has two young children. She loves running, travel and spending time with her family.

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