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Appendix

Attorney Suggestions & Resource Guide

Vital Information for your Estate Planning Needs
providing Insight and Perspective

With
Downloadable
Forms



Paul M. Paquette



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Appendix

Attorney Suggestions & Resource Guide

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Paul M. Paquette



FIRST EDITION

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Attorney Suggestions & Resource Guide

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Step 01: Attorney Selection

- Ask a friend, Family, and associates for recommendations regarding Attorneys in the local area.
- Utilize an Attorney referral service; their contact information is usually in a phone directory under "Attorney Referral Service" or "Attorneys." This service is generally provided by the Bar Association (check their website), with the sole purpose of matching clients with a licensed Attorney (hopefully in good standing) to their particular legal needs. A referral service will not guarantee the quality of work, experience, or the Attorney's abilities.
- If the Attorney is worth their salt, their contact information will be in the local phone directory. Look at the display advertisement to indicate an Attorney's area of practice or expertise.
- Ask another Attorney for a recommended referral (provide the Attorney does not specialize in that particular area of the law), especially if that Attorney has had past dealings.

Step 02: Attorney Evaluation

- Select between three to five Attorneys who are worthy of further consideration. Call each Attorney's office and ask the following questions: (01) Does the Attorney practice or handle cases regarding the legal issue? (02) How much will it cost for the legal expense? How soon can an Attorney appointment be available?
- If the answers to the previous question were favorable, request to speak to the Attorney (via phone or by appointment) and ask the Attorney the following questions: How much will the legal expense be (a written estimate is preferred), and what methods of payment? How long has the Attorney been practicing law? Does the Attorney have experience with this type of legal issue? How long will it take before the Client sees any results?
- If the answers to the previous question were favorable, then internally ask the following: (01) as a potential client, is the Attorney personable? (02) Is the Attorney friendly and understanding? (03) Does the Attorney exhibit confident behavior? (04) Is the Attorney straightforward and able to communicate and explain things? If the answers to the previous question were favorable, the Attorney is probably a good fit overall.

Step 03: Working with an Attorney

- Ask questions, especially if the Client wants to know something or does not understand something. Do not feel embarrassed by asking questions relevant to the legal case. Remember, an Attorney is not a mind reader. If the Attorney is not willing to take the time to explain the processes involved or answer legal questions within a week, then it may be time to look for a new Attorney.
- Provide complete information on the case or legal issue. Conversations with the Attorney are confidential. If an Attorney discloses information without the Client's consent, the Attorney can lose their license to practice law. The Attorney will tell the Client what is realistic and offer pragmatic options to achieve one legal goal(s). Listen attentively to what the Attorney has to say, and accept how the law and the legal system operate. The Attorney has no control over the following: (01) how the legal system works; or (02) the wording of laws. However, an Attorney can be creative in finding solutions to a client's legal problem; thus, it is advantageous to keep an open mind to alternative suggestions.
- Be patient; do not be in such a hurry. Unless the Client is paying an Attorney a significant chunk of money, do not expect the Attorney to be at one's immediate disposal. Most Attorneys are extremely busy and overworked while maintaining a large caseload; thus, be patient and understanding.
- Utilize the Attorney's Secretary. The Attorney's Secretary (paralegal) is an invaluable resource a client can utilize. It behooves the Client to be friendly and get to know the Secretary. The Secretary will often answer the Client's questions both freely and quickly.
- Keep the legal case moving - make the case squeak. As the saying goes, "the loudest squeak gets the most oil" is also true for an Attorney's services. Procrastination of legal work is commonplace until the deadline is near, an emergency develops, or a client calls; this tends to be an occupational hazard in the law profession. Attorneys, in general, take on more cases than reasonably recommended with the desire to earn a more significant income. The Client's goal is to make a loud squeak, but not too much that the Attorney would rather avoid the Client. When talking to the Attorney, asks the following questions: (01) What is the next step in the process? (02) What is the projected timeframe for completion? (03) When should one schedule a follow-up call or appointment? (04) If the Client does not hear from their Attorney at a designated time, call the next day and be cordial and understanding.

Attorney Suggestions & Resource Guide

Step 04: How to Save Money when using an Attorney

- Think relative and proportional. Do not hire an Attorney for \$500 an hour when a \$100 an hour Attorney will do; thus, buy the skill, not the name. Sometimes a shrewd negotiator or a logical, methodical Attorney is better.
- Negotiate for a Flat Fee or an alternative billing model, and make sure it is in writing.
- Think ahead concerning the question for the Attorney, and keep phone calls to a minimum; when paying hourly, it is best to keep the conversation short, brief, and concise. Email is always a better option if the Client can wait.
- Use the Secretary whenever possible; generally, the Secretary knows the law, status, and case information and can give a more proactive status update, which is usually free. If the Secretary does not know the question's answer, the Attorney will respond as time allows.
- Review the invoice/bill carefully, scrutinize it, and ask for clarification whenever necessary. The bill should be clear and concise, explaining the litigation work; watch out for hidden expenses.
- The more knowledgeable the Client is concerning the legal topic, the more useful the Client is to the Attorney, and the more intelligent the question will be; thus, education is essential. If an unscrupulous Attorney considers the Client naïve or ignorant, the odds of being hoodwinked increase; thus, knowledge is the great equalizer. Consider visiting the following website: www.Lawers.com, www.Avvo.com, www.Expertlaw.com, www.scholar.google.com, www.Nolo.com, www.Justia.com, and www.FindLaw.com.
- Be prepared for appointments. As the Client, make it a priority to have all paperwork in order and available. Plan when consulting with the Attorney, get straight to the point; no need for chitchat, outline the discussion topics and ask questions in advance.
- If legal document preparation services are required, consider services providers such as www.LegalZoom.com, www.RocketLawyer.com, and www.LawDepot.com; these websites will help prepare basic legal documents for a minimal cost and allow general legal questions to answer free of charge. However, the Legal document is usually oversimplified and not tailored to the unique needs and situations in life or business.
- Consider using Small Claims Court, it usually is cheaper, and the need for legal representation is optional.
- Be proactive and do some of the legwork. As the Client asks the Attorney what the Client can do to minimize the legal expense, some example includes pickup and delivery of paperwork.
- Consider using Mediation or Arbitration. Mediation is preferable when the parties (neighbors, family members, or clients/small businesses) have a stake in staying on good future terms. Arbitration is more decisive and less expensive than a lawsuit. However, arbitration is usually binding, thus not appealable, and requires hiring an Attorney and paying legal fees.
- Try bargaining or services swapping. Small legal firms and solo practitioners are more likely to consider this type of arrangement, especially if the Client offers a service that the Attorney finds of value. Like any business, there are expenses, and if the Client can decrease those expenses or increase revenue, then the Attorney is more applicable to such a service trade arrangement. Consider visiting the following website: www.barterquest.com, www.swapright.com, www.u-exchange.com, and even www.craigslist.com. Remember, for a service trade arrangement to work, it should be the following: preferably, in written format, details are clear and concise, and with equal consideration exchanging for the services. **Please Note:** If legal expenses exceed the service's value, suggest seeing tax advice from an accountant (CPA) or tax professional when bartering in advance.

Step 05: Paying the Attorney

- Money Talks - If the Client pays their legal fees on time or before it is due, rest assured that the Attorney will give prompt attention and services.
- Ask for an itemized bill, showing what the Attorney did and how much time it took.
- The Attorney may ask for a retainer in advance; if this occurs, make sure that the terms are in writing with a timeline for the goals/objectives.

Step 06: Discharging the Attorney

- If the Client can no longer trust or work with the Attorney, it is time to end the Client/Attorney relationship.
- Make sure to send a letter to the Attorney stating that their services are not required, thus discharging the Attorney from the case or services.
- Remember to stop by the Attorney's office in the forthcoming future to pick up the Client's files (copies of papers already prepared and billed for and any documents the Client has provided). If the Attorney refuses to give the Client their file, contact the Bar Association and file a complaint or grievance.
- Settle any remaining Attorney's fees owed.

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Key Details:

- Names only one Agent
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- Built-In Safety Features

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Key Details:

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Durable Protecting Power of Attorney

is a legal document that allows you, the Principal, to appoint a person you trust, the Agent, with the power to act in an administrative capacity, intervene when the subservient Agent violates their fiduciary duties, and ensure transparency. Thus, the Agent serves as a "Protector" of the Principal's interest and property.

Key Details: Optional:

- Names multiple Agent with successor's Agent
- Variable Effective Date
- Variable Expiration Date
- Built-In Safety Features
- Sprinkling Powers
- Durability Provisions
- Springing Powers
- Agent Co-Power Sharing
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Special Power of Attorney for Taxes

is a legal document that allows you, the Principal, to appoint a person you trust, the Agent, with the power and abilities to handle Taxation Matters.

Key Details: Optional:

- Names only one Agent
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is a legal document that allows you, the Principal, to appoint a person you trust, the Agent, to handle the Principal's last wishes and preferences regarding Final Disposition (Funeral & Burial).

Key Details:

- Names multiple Agent with successor's Agent
- Variable Effective Date
- Variable Expiration Date
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- Sprinkling Powers
- Durability Provisions

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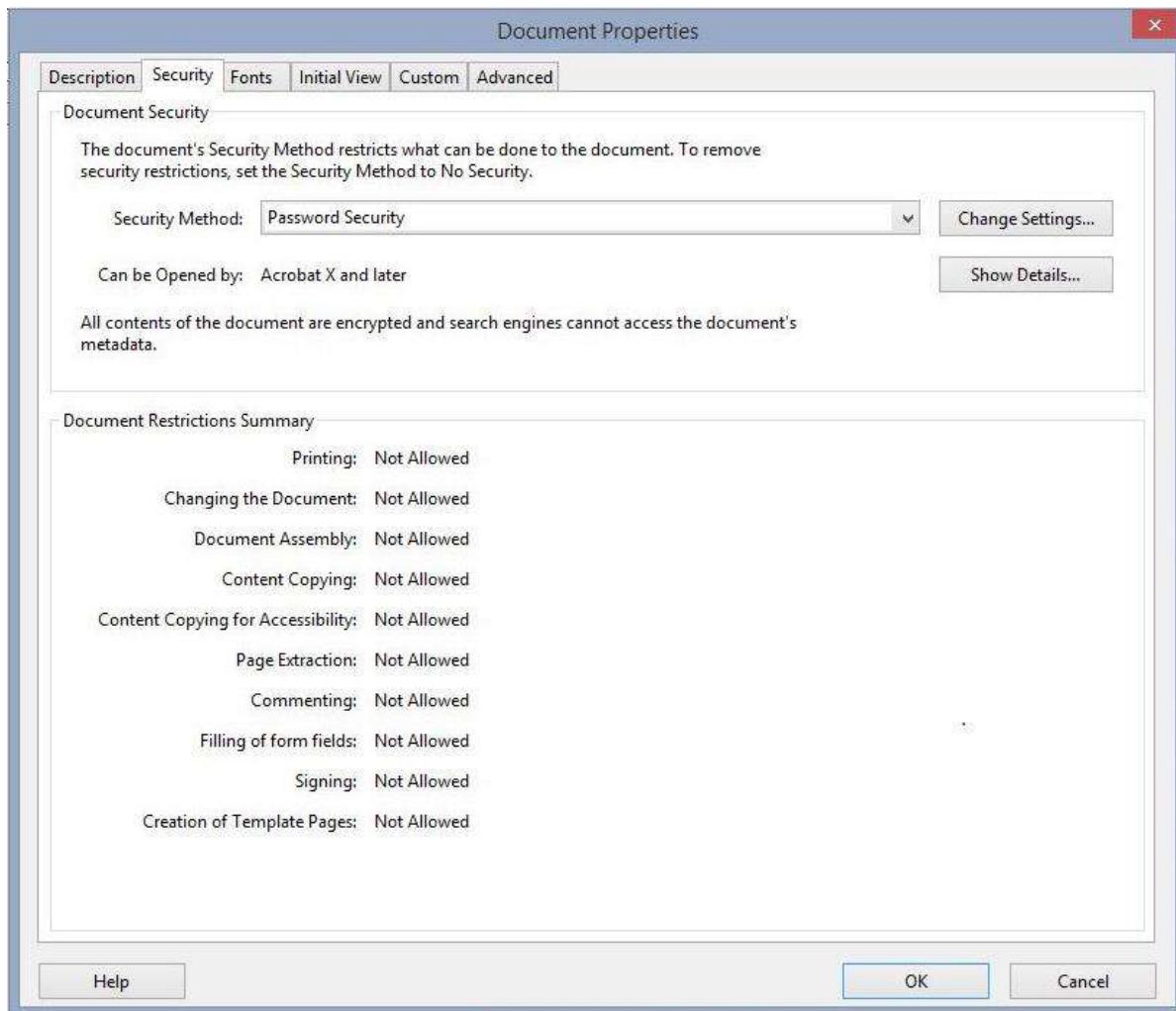
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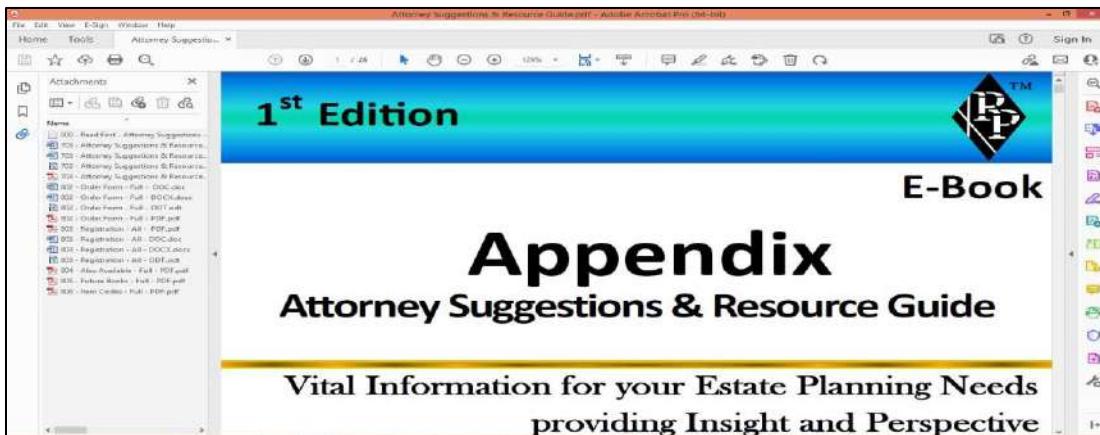
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