

## How much does a lawyer cost?

When hiring a lawyer, it is important to know ahead of time how much it will cost you. You have the right to ask lawyers how they charge their fees and what the estimated price will be for their services.

Lawyers charge different kinds of fees depending on the case. Here are some of the fees that lawyers charge:

- **Time Billing:** When the lawyer is paid for the amount of time they spend working on the case. Time billing is sometimes called an hourly rate.
- **Consultation Fees:** When the lawyer charges you for your first meeting to figure out if they can help you.
- **Contingent Fees:** Fees paid to the lawyer out of the money you are awarded when the case is over. Contingent fees are like attorney fees but paid from damages awarded to one party. Be sure to know what percent of the award your attorney will be paid.
- **Flat Rates:** When you and the lawyer agree on the total price of the case before any work is done.
- **Limited Scope:** When you and a lawyer agree that the lawyer will handle only some parts of your case. You will handle other parts on your own. Make sure you know exactly what the lawyer will do for you. Be sure to know what you are supposed to do on your own.
- **Other Costs:** Other expenses like court filing fees and photocopying fees. Most attorneys charge you for these fees. You may be able to have your court filing fees waived by a judge.

## What is a Retainer Agreement?

It is a down-payment that is sometimes required by lawyers for fees and other costs. The lawyer will pay themselves from the retainer for the work they do. Once the case is done, the lawyer will refund you what is left over of your retainer.

## What are Attorney Fees and when do I have to pay them?

Attorney fees are when a judge orders one party to pay for the other party's attorney. The law allows judges to order one party to pay the other party's attorney fees only in certain cases, like some consumer protection or personal injury cases.

## How do I choose a lawyer?

- When choosing a lawyer, take the same careful steps that you would take when picking a doctor or a contractor.
- Be wary of lawyers who make big promises. If it sounds too good to be true then it probably is.
- It is a good idea to talk to at least 3 different lawyers and hire the one that you feel most comfortable working with.

## What should I do when I first talk to a lawyer?

Before you set up your first meeting with an attorney, ask if they charge a consultation fee. During your first meeting, it is a good idea to ask what fees they will charge you. Lawyers may charge you different fees like time billing and other costs. Make sure you understand exactly how much and when an attorney will charge you. For example, lawyers often charge time for phone calls or emails. A lawyer may not be able to tell you exactly how much your case will cost. You

can always ask for an estimate or a range of how much your case might cost.

## What should I ask the lawyer?

- Ask about the lawyer's education and experience. Do they work on cases like your own? Do they represent clients in your particular situation?
- Ask whether the lawyer has malpractice insurance.
- Ask whether the lawyer has ever represented or met with the other party in your case.
- If the lawyer is not able to help you, ask if they can refer you to someone else for free.

## What is limited scope?

Hiring a lawyer for limited scope may cost you less money. Lawyers are required to give you an agreement in writing. The agreement should say what the lawyer will do for you and how much it will cost you.

### Examples of Limited-Scope

- Hiring a lawyer for advice only
- Hiring a lawyer to represent you on certain issues in your case while you do the rest yourself
- Hiring a lawyer to prepare the forms for you while you file them and represent yourself at the hearings

You have the right to know exactly what you are paying for. You have the right to discuss and bargain the proposed fee.

## How do I find a lawyer?

- Lawyer Referral and Information Service: [www.montanabar.org](http://www.montanabar.org), click on “Need Legal Help?” then “Lawyer Referral” (the referral is free but the lawyers are not).
- You can ask trusted friends, family, or coworkers for the name of a good lawyer.
- Look through the phonebook.

## Working with a Lawyer

- Make sure you understand when you can communicate with your lawyer, whether by telephone, email, or personally in the office.
- Keep a log of all contacts with your lawyer’s office, with dates and time spent discussing your case.
- Ask for monthly billing statements for fees and costs. If you do not agree with any charges, discuss them with your lawyer right away.
- Keep dated and signed receipts of all money paid to your lawyer and the purpose of each payment.
- NEVER sign blank documents, receipts or checks.
- NEVER sign a power of attorney, or retainer agreement that authorizes someone to endorse or cash a check made out to you, unless absolutely necessary.
- It is important to tell your lawyer about any new case developments. Your lawyer should talk to you about the progress of your legal matter.
- If your lawyer fails to return your telephone calls, write them a polite letter asking that they contact you.
- Remember that you have a “professional” relationship with your lawyer. You and your lawyer should avoid romantic, personal, and business situations.

## How do I get more help?

Montana Legal Services Association (MLSA) provides free civil legal help to low-income people. Contact us to see if you qualify:

- Apply anytime online at [mtlsa.org](http://mtlsa.org);
- Call our Helpline at 1-800-666-6899 (Helpline hours are limited).

## What help can I find at MLSA?

- Legal advice or representation by either MLSA staff attorneys or pro bono volunteer attorneys;
- Self-help clinics and materials;
- Referrals to other service providers.

MLSA has limited resources and may need to refer you to the private bar; however, MLSA will not refer you to any particular attorney.

## [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org)

Need legal information or forms? Visit [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org).

Can’t find what you want? Use LiveHelp. Click on the LiveHelp picture and get help finding the information you need.

## [www.MTLISA.org](http://www.MTLISA.org)

Find copies of all our brochures online. They are all available for free download!

## Lawyer Referral and Information Service:

[www.montanabar.org](http://www.montanabar.org), click on “Need Legal Help?” then “Lawyer Referral.”

This pamphlet is meant to give basic legal information, not legal advice about your problem. The law changes often and each case is different. We recommend you talk to an attorney about your legal problem.

# Montana Legal Services Association

## Hiring a Lawyer



Providing, protecting, and enhancing access to justice.

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