



AGRICULTURAL LAW AND TAXATION BRIEFS

DEPARTMENT OF AGRICULTURAL AND CONSUMER ECONOMICS, UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN

HOW TO FIND AN ATTORNEY

By A. Bryan Endres, Stephanie B. Johnson & Donald L. Uchtman*

Abstract: This article discusses how to find an attorney in Illinois. It describes several resources including suggestions from family and friends, information from bar associations, national directories and internet lists, and a new project funded by the Illinois Bar Foundation. This new project, the "Illinois Family Farm Law Project", provides a lawyer referral service as well as free legal assistance to qualified low-income family farmers. The article also describes different attorney fee arrangements and how to verify that an Illinois attorney is in good standing. This article is part of a law-related educational program for Illinois family farmers made possible by a gift from the Illinois Bar Foundation. The assistance of the Agricultural Law Section Council of the Illinois State Bar Association in reviewing the article also is appreciated.

Introduction

Finding the right attorney to handle your particular situation can be a difficult and frustrating task, but knowing where and how to search for your future counsel can ease the process considerably. Many attorneys now advertise—some quite extensively. Selecting an attorney based on the size of the advertisement in the yellow pages is not the best criteria to use. Some very good attorneys advertise. Many very good attorneys do not. Alternative ways to locate an attorney include word of mouth, local bar associations, and online national directories.

This article outlines some recommendations on how to find an attorney. The authors' goal is to educate readers about resources for locating attorneys. It is not the mission of the University of Illinois or the authors to provide a direct lawyer referral service.

The article also describes different arrangements regarding attorney's fees and a new project that provides free legal assistance to qualified low-income family farmers in Illinois.

Finding an Attorney through Word of Mouth

Seeking recommendations from friends, neighbors, and business associates is one very practical strategy. It is the traditional approach and perhaps the best way to find an attorney.

Word of mouth recommendations can provide more information about an attorney's abilities, trustworthiness and ability to communicate easily than printed advertisements or television commercials.

However, friends and acquaintances may not have a full picture of a particular attorney's reputation within the legal community. Thus, discussing the recommendations (especially if your needs fall within a specialized practice area) with another attorney may be very helpful.

There are many specialized areas of law, and a general practice attorney may be willing to provide a reference for legal specialists outside his or her particular expertise. However, the recommending attorney is not a guarantor of the competence of the attorney he or she recommends. Please also keep in mind that an attorney may be unwilling to spend a significant amount of otherwise billable time with an individual for the sole purpose of referring him or her to another attorney.

Using Info from State Bar Associations

Bar associations may be another excellent resource for finding an attorney. Bar associations are voluntary, professional associations of attorneys that serve a particular geographic community, such as a state or county. Bar associations often maintain records



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of their members' practice areas (specialties) and contact information as part of a lawyer referral service to individuals seeking counsel.

The Illinois State Bar Association (ISBA) and the American Bar Association (ABA) both maintain searchable databases of attorneys. These data bases are accessible via the internet. ISBA's online database is available at www.illinoislawyerfinder.com/.

The ISBA was founded in 1877 and is headquartered in Springfield. It has more than 30,000 members. ISBA has 37 substantive law sections, which members may join based on their professional interests and practice areas. The sections cover a broad spectrum of legal topics, ranging from agricultural law to criminal law to international law.

Each section has a governing body called a "section council" made up of leading lawyers in that area of law from around the state. The sections are listed on the ISBA website at www.isba.org/sections/. On each section's webpage is a link to a list of the section council members.

When searching for an attorney in a specific practice area, contacting a section council member is a good way to start because these individuals may be well-connected in their particular field and many know other lawyers practicing in your particular locality.

Using ISBA's "Illinois Lawyer Finder"

ISBA maintains an online attorney database called the Illinois Lawyer Finder, located at www.illinoislawyerfinder.com/. The attorneys listed in the Illinois Lawyer Finder are ISBA members who carry legal malpractice insurance. Note that some attorneys choose to be self-insured and do not carry legal malpractice insurance.

Users can search the online attorney database by selecting a field of practice and a county. The search returns a list of attorneys and their

location, with links to each attorney's detailed profile containing the attorney's name, address, phone number, fax number, e-mail address, website, law school, areas of practice, professional associations, and locations served.

The areas of practice listed for an attorney on the Illinois Lawyer Finder website are "self designated". The ISBA makes no independent certification that the attorney has special skills in a particular area of the law. Attorneys in general practice often list a greater number of practice areas than attorneys with more specialized practices. However, some general practitioners also have developed special skills in one or two of the areas listed.

The Illinois Lawyer Finder does not allow potential clients to search for an attorney by name or for a particular firm, but it is a useful tool for finding individual attorneys who serve particular geographic areas.

For those without internet access or who prefer that someone else search the attorney database, ISBA also provides the Illinois Lawyer Finder phone service, which can be reached via a toll free number at (800) 922-8757 or locally at (217) 525-5297. The telephone clerk refers the caller to an attorney whom the caller then contacts for an appointment.

Clients referred through the phone service pay a special fee for the initial half-hour consultation, a fee not to exceed \$25. More information on the phone service can be found at www.illinoislawyerfinder.com/phonereferral.html.

Using County Bar Association Information

On the local level, county bar associations are excellent sources for lawyer referrals, particularly for rural counties with only a few scattered law firms. ISBA has a comprehensive listing of local and county bar associations in Illinois available at

www.isba.org/bluebook/localbars.html.

Although the list on the ISBA website does not



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provide any contact information for those bar associations, an internet search for a particular county bar association, such as the Marion County Bar Association, may return a website with a listing of members. The ABA website also has a listing of Illinois' larger local bar associations at www.abanet.org/barserv/map/il.html.

Contact information for county bar associations also may be available in a local telephone book or through the Illinois Bar Center, the Springfield headquarters of the ISBA, which can be contacted at (217) 525-1760.

National and Internet Directories Available from ABA, Martindale-Hubble, and FindLaw

National directories are available online through a variety of sources, including the ABA and commercial directories. Most national directories allow potential clients to search for attorneys by name or by law firm as well as by practice area and location. Although national directories tend to focus on large law firms, potential clients can also find smaller firms as well as legal aid and *pro bono* (free or reduced fee) programs through national directories.

The ABA is a national, voluntary professional association of attorneys with over 400,000 members. Headquartered in Chicago, the ABA has served the legal community since 1878, although many rural attorneys rely primarily on their state bar associations for "member services" and may not be members of the ABA.

ABA provides several online resources for obtaining legal assistance, including searchable attorney databases. Additionally, the ABA has a listing of legal aid and pro bono programs in Illinois organized by county at www.abanet.org/legalservices/findlegalhelp/pb.cfm?id=IL.

The ABA's online lawyer locator is provided by Martindale-Hubble, a legal network with a database of over one million lawyers and law firms in over 160 countries. Attorneys pay a fee

to be listed in the Martindale directory, so Martindale does not list every practicing lawyer or law firm. Martindale has two directories. The first, available through the ABA at www.abanet.org/lawyerlocator/searchlawyer.html or at www.martindale.com/, is more comprehensive.

The second Martindale-Hubble directory is less comprehensive and geared towards non-lawyers. It is available at www.lawyers.com/.

Both Martindale directories allow potential clients to search for a particular lawyer by name, for a particular law firm, and by practice area in a specific locality.

The Martindale search enables individuals to cast a wide net when searching to find all listed attorneys and law firms practicing a particular type of law within a state. Martindale also allows potential clients to narrow their search by city, county, languages spoken, and more. Furthermore, it contains peer reviewed ratings of some attorneys that potential clients can view by registering with the website.

FindLaw (see lawyers.findlaw.com/) is another online database of attorneys, which is maintained by the West Group. FindLaw may be more useful for finding small law firms and solo practitioners than Martindale, but a drawback of the FindLaw directory is the requirement that a surname be used when searching for an attorney by name.

Like Martindale, FindLaw allows potential clients to locate attorneys by practice area and locality as well as by name, but FindLaw, at least in the authors' opinion, may be somewhat more difficult to search and less user-friendly.

In addition to the national directories, running a Google search at www.google.com/ of an attorney's name might return information about an attorney, such as any publications the attorney has written on a specific area of law or any articles written about that attorney.



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Illinois Family Farm Law Project Funded by the Illinois Bar Foundation: Lawyer Referral Service and Potentially Free Legal Assistance

The Illinois Family Farm Law Project provides free legal assistance to qualified low-income family farmers. The project also includes a lawyer referral service to assist applicants who do not qualify for free assistance or have a type of case that does not qualify for free assistance. While the lawyers on the referral panel do not provide free legal assistance, they are willing to accept referrals of farm-related cases.

Types of legal problems the project handles include federal farm program issues, disaster assistance, diversification, loan restructuring, agricultural credit, farmer/lender mediation, and more.

You can apply for assistance by calling the Farmer's Legal Action Group (FLAG) toll-free at (877) 860-4349, by email at lawyers@flaginc.org (please include in the subject line that you are an Illinois family farmer), or by completing the Farmer Intake Form which is available online at www.illinoisfamilyfarmlawproject.org/RTF1.cfm?pagename=Contact%20Us.

The Illinois Family Farm Law Project serves all Illinois counties except Cook and is a collaboration of Land of Lincoln Legal Assistance Foundation, Inc., Prairie State Legal Services, Farmers' Legal Action Group, Inc., and University of Illinois Extension. The project is funded by the Illinois Bar Foundation.

Verifying that the Attorney Is in Good Standing

Before hiring any Illinois lawyer, the ABA recommends contacting the Illinois Attorney Registration & Disciplinary Commission (IARDC) to confirm that the attorney is in good standing as a member of the Illinois bar. IARDC is an agency of the Illinois Supreme Court responsible for maintaining current

information regarding lawyers licensed to practice in Illinois.

The "Lawyer Search" function on IARDC (see www.iardc.org/lawyersearch.asp) allows one to search for an attorney by name. The search returns a detailed profile of the attorney, including any public record of discipline and pending proceedings. IARDC will only make a complaint against an attorney a matter of public record after the Hearing Board has made a finding of misconduct.

However, just being the subject of a complaint does not necessarily make the attorney incompetent or untrustworthy. What is more important is the outcome of the complaint – the type of disciplinary sanction issued against the attorney by the Illinois Supreme Court. Interestingly, about 7% of Illinois attorneys become the subject of a disciplinary grievance each year. See *Avoiding ARDC Anxiety: A Disciplinary Primer* available at www.iardc.org/article_avoidanxiety.html.

An attorney's practice area may also make him or her especially vulnerable to a complaint. One-third of all grievances filed against attorneys involve divorce and personal injury, and another 11% involve criminal cases. See *Avoiding ARDC Anxiety: A Disciplinary Primer*. See www.iardc.org/article_avoidanxiety.html.

In summary, to verify that an attorney is in good standing, one can examine the website of the Illinois Attorney Registration & Disciplinary Commission. If the attorney profile reveals that the attorney has been subject to discipline, one must look into the nature of the complaint, the type of sanction issued against the attorney, and the attorney's practice area before passing judgment on the attorney. Over the course of a career and in certain practice areas, complaints are often inevitable. If you want more information about a disciplinary proceeding against an attorney, contact the IARDC at (800) 826-8625.



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Fee Arrangements

In addition to the attorney's reputation, skills, and standing with the ARDC, one of the most important issues to consider before hiring an attorney is compensation. Attorney's fees can be structured a number of ways, including hourly fees, contingent fees, flat fees, and upfront fees called retainers. Different fee structures are used for different types of cases. For example, drafting a will may be billed at a flat rate, while a personal injury lawsuit may be billed on a contingent fee basis.

In an hourly fee system, an attorney will charge for the amount of time that he or she works on your case. Before agreeing to an hourly rate system, ask about services not included in the hourly rate, such as copying costs and work done by secretaries and law clerks. Law firms typically bill direct costs and out-of-pocket expenses to the client on top of the hourly fee. Thus, in an hourly fee system, a client may be billed for twenty hours of work at the hourly rate, plus costs.

Under a contingent fee arrangement, the attorney's fee is a percentage of the damages you are awarded in the case. The attorney and client will agree on a contingency fee percentage. It is important to discuss whether direct costs will be deducted from the damages award before or after the attorney's fees. If you lose your case in court or cannot reach a settlement in your favor, you may, depending on the agreement you reached with the attorney, still have to pay direct costs, such as copying charges and court filing fees.

Flat fee systems are typical in transactional work, such as a real estate closing or drafting a will, but usually are not used in cases that may go to court. Under a flat fee system, an attorney will simply tell you what his or her rate is for a particular project.

A retainer is an upfront lump sum payment to an attorney under which an attorney agrees to do a specified amount of work. When the amount of

work under the retainer agreement has been performed, the attorney and client renegotiate the retainer fee for any subsequent work, typically at an hourly rate.

Having a candid, detailed discussion of fees with an attorney up front will help you make an educated decision. If possible, discuss fees with several attorneys to determine the standard range of rates and fee structuring for a particular type of legal work in your locality. In addition to determining what you can afford to pay, also consider that the price of legal services may reflect on the attorney's quality and experience as the best lawyers have more than enough work and set their fees to reflect the demand for their specialized services.

Summary

If you already have an ongoing relationship with an attorney whom you trust, you may want to discuss your current legal need with that attorney. If the attorney does not have the specialized knowledge to assist you in the particular matter, the attorney can refer you to someone who does have the necessary skills.

If you do not have an ongoing relationship with an attorney, or if you want to explore other possibilities, you may search for an attorney using the techniques described in this article.

After identifying a few attorneys to contact about taking on your particular case or transaction and verifying that they are in good standing, the next step generally is meeting with the attorney for a consultation. At this meeting you may want to explore the ISBA sections in which the attorney is a member, other indicators of special interest in the area of law related to your legal problem, and, of course, the expected legal fees if you select this attorney to be your attorney. Attorney's fees can be structured a number of ways, including hourly fees, contingent fees, flat fees, and upfront fees called retainers. Some attorneys do not charge for the first half hour; however, most do. Whether the



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initial meeting is “free” should not be the sole criteria for selecting an attorney.

An Illinois farmer may qualify for free legal assistance under the “Illinois Family Farm Law Project”. In some situations this project provides free legal assistance to qualified low-income family farmers, thanks to support from the Illinois Bar Foundation.

Keep in mind that the most important part of finding an attorney is making sure that the attorney you select is trustworthy, competent in the specific area of your need, and able to communicate easily with you. Consulting with others for second opinions can be useful in finding an attorney with whom one feels comfortable and has a strong rapport. This process certainly can take time, but finding the right attorney to assist you is worth the effort.

**Endres is an Assistant Professor and Uchtmann is a Professor Emeritus in the Agricultural Law Group of the Department of Agricultural and Consumer Economics, University of Illinois at Urbana-Champaign. Johnson is a University of Illinois Law Student and researcher in the Agricultural Law Group. AGRICULTURAL LAW AND TAXATION BRIEFS are available at www.farmdoc.uiuc.edu/legal/.*