

Finding the Right Lawyer

By Douglas G. Chalgian, CELA ©2016



The way I see it, people often struggle to find the right lawyer for their cases. Over the years, I have been involved in many cases in which more than one party is represented by an attorney. Not infrequently, I look across the table and wonder how this person ended up with that lawyer. Often what I learn is that the retention has little to do with the particular skills of that attorney.

While there are certainly many exceptional lawyers who have no demonstrable expertise, in my experience, in cases that involve specialized issues, more skilled lawyers almost always get better results for their clients. And the differences in the results are dramatic.

So, how do you go about finding the right lawyer for your case? Following are some thoughts and suggestions:

Clearly identify what type of matter you have.

Law is like medicine. You wouldn't see a podiatrist if you have trouble breathing. Likewise, you shouldn't rely on the lawyer who handled your divorce if you want to sue the company that just fired you. Further, while some lawyers are generalists and can help you understand the overall context of your legal situation, if things get serious, that generalist is probably not the lawyer you should be working with. It's the same as if you see your doctor for a regular checkup. When that doctor says there is something seriously wrong with you, s/he would normally and appropriately refer you to another doctor who specializes in the particular condition that afflicts you.

Lawyers can be out of their league either because the subject matter of a case is beyond their skill level, and/or because they are involved in a case with opposing attorneys who are more experienced and skilled than they. Either situation (or both) can be disastrous to the underrepresented party. I have seen this happen many times. Strong, skilled lawyers will simply bully their way to a favorable result against attorneys who are overmatched and outmaneuvered.

Skilled lawyers carry credibility in the Court.

Judges know who the experts are, and will often have close relationships with those lawyers, or will at least

know of their reputations and will defer to them when there are close calls. Further, judges don't like to be appealed, and they know that the more skilled lawyers are always presenting cases with an eye on appeal. As a result, judges tread more carefully when they think about ruling against a highly skilled attorney. Less skilled lawyers don't look that far ahead.

Cost is an issue. But there is a reason that better lawyers cost more. They have more clients, and more people who want to hire them. Less skilled lawyers tend to be more anxious to land clients and are willing to overstate their credentials in order to bring in the work. If you decide to hire an attorney who charges less, you are often trading off the prospects of a more favorable result. In the world of hiring lawyers, penny wise can indeed be pound foolish.

Preparation. Good lawyers not only cost more, but they spend more time working on a matter than their less skilled, less expensive counterparts. Good lawyers don't threaten legal action or go to court without anticipating every possible direction the case could go, and they have a plan (evidence and witnesses) in place to respond. Less skilled lawyers make threats and demands they can't back up, and go to court hoping that things will go the way they want them to, but without a backup plan if they do not.

Lawyers won't always tell you that they are taking on a matter that is beyond their skill level, or that they are facing attorneys who are more skilled than they are. The best way to find a highly skilled lawyer is to: (1) ask around, and (2) understand credentials.

All lawyers know who the best lawyers are.

Getting them to tell you may not always be easy. To find a highly skilled lawyer in a particular practice area, I often suggest asking an attorney who is an expert in a different area of practice. So, for instance, if you have a ticket for drinking and driving, ask an expert in real estate who the best lawyers are for handling drunk driving cases. A lawyer who handled one type of matter for you who says they are the right person to handle a completely different type of matter should be viewed with suspicion.

Look at credentials. Many lawyers claim expertise, or present themselves as belonging to certain organizations that sound important, but few of these credentials really mean anything. In each practice area there are certain credentials that are difficult to obtain (as opposed to obtained for a cost), and that are awarded to only a small segment of the attorneys who practice in that specialty. Figure out what those credentials are and look for them. Another important source of verifying credibility is involvement in the Bar Association. The State Bar is comprised of many “sections” that focus on specific practice areas. Anyone can belong to a section, but often the best lawyers in a particular practice area have been leaders in their Bar section. As a result, a good place to start is to go to the State Bar website and look at the names of the attorneys who have in the past chaired the section of the Bar that relates to your type of matter. Finally, look at the *Michigan Bar Journal* and see if there are articles about your type of matter, and consider talking to the author of those articles.

Conclusion. Lawyers tend to be nice people. Most highly skilled lawyers are nice people too. I think the problem for many people looking for a lawyer to handle their matter is that the first lawyer they talk to seems nice and they feel uncomfortable not retaining them. And/or

they may have a prior relationship with that lawyer, or may have some other connection—belong to their Rotary Club, went to their church, knew them from some other legal engagement, etc.—that would make the client feel awkward if they do not hire that lawyer. While I can appreciate these sensibilities, when important issues are on the line, I would suggest that the process of finding the right lawyer for a case should be more rigorous. When the case is over and the results are in, the client who failed to find a true expert will often regret not having been more assertive in the process.

ATTORNEY DOUGLAS G. CHALGIAN, *Chalgian & Tripp Law Offices*, is certified in elder law by the National Elder Law Foundation and is a Fellow with the American College of Trust and Estate Counsel. He is also the only attorney in Michigan who has served as chair of both the Probate and Estate Planning and Elder Law and Disability sections of the State Bar. Mr. Chalgian was appointed by the governor to the Commission on Services to the Aging. He was one of about a dozen attorneys on the Michigan Trust Code drafting committee, and has been selected three times as one of the top 100 lawyers in Michigan by Super Lawyers Magazine. Mr. Chalgian writes and speaks regularly on the topics of estate planning, elder law, and probate court litigation.

