



## 16 Things Your Lawyer Won't Tell You

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While most lawyers are honest professionals, the legal industry does have its share of rotten apples. From overbilling to downright incompetence, our recent interviews with legal experts revealed 16 dirty secrets bad attorneys don't want you to know.

### **1. I use forms but charge you as if I did it from scratch.**

Many documents lawyers prepare for clients are slightly edited versions of old templates, according to Steve Brodsky, Esq., of the [Brodsky Law Firm](#).

“Instead of charging for the minor edits, most lawyers charge for a completely new document as if it were created from scratch,” said Brodsky. “There’s nothing wrong with providing edited forms; what’s wrong is the way they are priced.”

### **2. I hand off work to peons but charge you a lawyer’s rate.**

“Much of lawyers’ work is actually done by paralegals, secretaries, and interns,” warned Brodsky. “The lawyer has his paralegal do the work, and charges his regular fee. There is no problem with having well-trained clerks preparing forms—but lawyers should be more honest and not charge \$300 per hour for \$50-per-hour work.”

### **3. My Ivy League education doesn’t make me a better lawyer.**

“Having an Ivy League degree means their grades were good enough to get into such a school, or their parents were rich enough to pay the tuition,” said Tony Wilson, Esq., associate counsel at [Boughton Law Firm](#) and columnist for Toronto’s [Globe and Mail](#). “Don’t get hung up on the schools they went to or the brand of their shoes. Some really mediocre lawyers I know went to the best schools.”

### **4. I hope you don’t look too closely at the expense report.**

Due to their size, large law firms can often get great rates for things like copying services, long distance calls, and legal database subscriptions. But instead of passing on the savings to you, some firms charge you a higher rate and pocket the difference.

One good example is shipping charges, according to Alison Anthoine, Esq., principal at consulting firm [Quantum Media](#). “A firm negotiates a discounted rate, which is reflected at the end of the monthly bill, leaving a higher rate on the statement for the specific shipment, which is the documentation given to the client,” said Anthoine. “So, for example, a \$50 waybill [charged to the client] may after discount cost only \$45 [for the firm].”

### **5. You don’t really need me.**

“Many basic legal tasks, such as simple contracts, basic wills, uncontested divorce, and standard real estate transactions can often be done on your own, or with the help of paralegals and other non-attorney legal professionals,” said Aaron Street, Esq., publisher of [Lawyerist](#), a leading law practice blog. “Sites like [Findlaw](#), [NOLO](#), and [LegalZoom](#) can be great places to start for cheap and free solutions to many common, basic legal issues.”

### **6. My fee is negotiable.**

“All attorneys should be open to negotiating their hourly rate, especially if you have a big project or will pay a cash retainer up front,” said Street. “Better yet, ask them to quote you a flat rate for your project. Most attorneys are still learning how to think about flat- or project-rate billing, so they may need your help in setting the fee, but you will then have complete control over the cost of your representation.”

### **7. You’re always on the clock.**

Your lawyer can bill you for every minute he spends thinking or talking about your case. If you run into your lawyer at the golf course and ask about your case, that conversation is billable. Therefore, every communication you have with an attorney should begin with the question: “Are you billing me for this?”

### **8. I don’t know much about the law.**

The legal system is so complicated that most attorneys are only experts within a very specific niche. Just as you wouldn’t ask a podiatrist to perform open heart surgery, don’t expect your personal injury lawyer to give you sound trademark advice. Your best bet is to find out how long the attorney has practiced in the specific area in which you need help, and what percentage of his practice is in that area, suggested Bradley R. Gammell, Esq., of [Gammell & Associates](#).

“You want someone who knows most things without having to look it up,” said Gammell. “This is important not only for the cost, but also to ensure you hire someone with enough experience to identify the legal issues involved. If possible, select an attorney who has focused on the specific area for at least 5 years, with at least 50% of his or her practice in that area for that time. If it is a case with a lot at stake, consider a board certified attorney. He or she will cost more, but the quality of the representation will almost always be as good or better.”

#### **9. I don't refer you to the best lawyers.**

Because most attorneys are only experts in specialized niches, they often have to refer clients to other attorneys who are more qualified in the client's area of need. In many jurisdictions lawyers are allowed to pay each other referral fees as long as the fee is properly disclosed to the client. While technically legal, this practice creates a bad incentive for lawyers to focus more on the size of the kickback than on the welfare of their clients.

#### **10. Your bill is only a guesstimate.**

Attorneys bill clients in six-minute intervals. But don't let this level of precision fool you—not all lawyers are fanatically staring at their stopwatches to ensure you are not getting overbilled.

“Clients should look out for projects that always last the same amount of time,” warned Tim Davis, Esq., of [Grasch & Gudalis](#). “For instance, telephone conferences that always last four tenths of an hour—every time—or attorney conferences that always take an hour. That would seem like the bill is more of an estimation than a true reflection of the work performed.”

#### **11. I don't have to tell you how I screwed up in the past.**

“As far as I know, lawyers don't have to disclose to their clients a history of sanctions or other disciplinary actions,” said Philip Segal, Esq., head of [Charles Griffin Intelligence](#), a litigation consulting firm. “Some disciplinary history is a matter of public record, but you have to go to the relevant state authority that licenses lawyers to do your search. Sometimes there will be a record of disciplinary action, but the authorities won't specify what the action was for. Other times, you can find out why the lawyer was disciplined or perhaps just reprimanded.”

#### **12. I put on a tough act but that won't actually help your case.**

If TV legal dramas have taught us anything, it's that litigation is won by testosterone-filled lawyers who shout down their opponents and break down witnesses into puddles of tears.

“Much of the grandstanding and posturing is only an act to impress their client,” said Laurie Giles, Esq., of [LaurieGiles.com](http://LaurieGiles.com). “Judges and other attorneys are not taking them seriously.”

In fact, the most aggressive lawyers will end up costing you the most money, warned Belinda Rachman, Esq., who specializes in [peaceful divorce mediations](#). “Do not go looking for the nastiest shark or you will pay dearly,” said Rachman. “You don't need or want a shark in most cases.”

### **13. Mediation might be the better choice.**

“Litigation is a sinkhole,” declared Alison Anthoine. “Mediation gets the principals in a room together with a facilitator, the principals get to speak for themselves (rather than paying lawyers to posture for them). Most importantly, the facilitator gives the principals the neutral listener that they hope to get from their ‘day in court.’ They are empowered to reach their own resolution without any legal mumbo jumbo. If all cases were mediated, there would be no work for litigators, and there is an inherent disincentive for lawyers to encourage mediation.”

### **14. I can't easily fire you as a client.**

“Many lawyers threaten their clients, indicating that if they don't pay or sign documents that they will not represent them any longer,” said Alexis A. Moore, a second-year law student and president of [Survivors In Action](#), an advocacy group for crime victims. “Albeit it is possible for a lawyer to discontinue to represent a client for a variety of reasons, there are rules regulating when a lawyer may do so and they are important for clients to know. All clients should read the rules of professional conduct regulating lawyers in their state by visiting their state bar web site, so that the client may have a better idea of what is permissible behavior by a lawyer.”

### **15. I'm training junior attorneys on your dime.**

Very often the lawyer you hired is not the one you will work with. While the seasoned attorneys are used to lure in clients, your matter might be delegated to young attorneys fresh out of law school.

“This is fine if your matter can be done more efficiently by another person with a lower billing rate,” said Kirk J. Halpin, Esq., from [Law Offices of Kirk Halpin](#). “However, law firms sometimes involve many more people than necessary on a matter to help ensure that all of the people in the firm stay busy.

“A junior lawyer that is handling your matter may spend 10 hours doing something that a more experienced attorney could do in 1 hour. Make sure that you are not being charged for the same time when multiple people within a firm are handling a matter unless this is made explicitly clear at the time of the initial engagement. If a senior partner delegates your matter to a junior partner, you shouldn’t be charged for both the senior partner’s time in explaining the matter to the junior partner and the junior partner’s time in meeting with the senior partner.”

#### **16. I’m a dime a dozen.**

While 45,000 law students graduate from law school each year, fewer than 30,000 attorney positions are available for these graduates, reported Mark Greenbaum of the [Los Angeles Times](#). To make matters worse, one-third of graduating law students owe about \$120,000 in student loans.

This oversupply of debt-laden lawyers puts you in the driver’s seat. Next time you catch your lawyer’s hand in the cookie jar, report him to the state bar and hire one of the many great attorneys waiting in the unemployment line.

***Do you trust your attorney? Please share your thoughts and legal horror stories in the comments.***