

Working With a Bankruptcy Attorney

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Questions to Ask Before You Hire an Attorney

Before you hire an attorney, you should take the opportunity to learn about them and determine whether they are the right person to handle your legal needs. If meeting with an attorney in person, allow the attorney to guide the conversation, so that he or she can assess your needs. However, you should come prepared with questions to evaluate the attorney's qualifications and gain a better understanding of what to expect.

Some questions to ask before hiring a bankruptcy attorney:

- **Do you specialize in bankruptcy law?** Bankruptcy laws are detailed and complicated, and it is difficult for lawyers who do not specialize to be effective in matters related to bankruptcy.
- **How much experience do you have representing people in my situation?** Some bankruptcy attorneys specialize in consumer bankruptcies, while others work primarily with business and industry. It is a good idea to make sure that your attorney not only specializes in bankruptcy but also has experience with cases similar to yours.
- **Who is going to be handling my case?** Attorneys may delegate work to other attorneys in their firm and/or to paralegals. This strategy may be entirely appropriate and help keep the costs low. However, it is important that you are aware of, and comfortable with, the people who will be handling the various components of your case. If you're not comfortable with the division of responsibilities, you should consider looking elsewhere.
- **How will you keep me informed of developments in my case?** One of the most common complaints clients make about their attorneys is that the attorneys fail to keep them informed. So, it is helpful to establish clear expectations about how, and how often, your attorney will communicate with you.
- **How will you charge me for the services you provide, and how often will you bill me?** Attorneys may want to charge an hourly rate or a flat fee. It is important you understand how, and how much, you will be billed.

Documents to Bring to the First Meeting

Some attorneys may provide you with a list of documents to bring with you to the first meeting. If so, pay careful attention to the list and try to be as organized as you can in collecting and sharing the documents. If not, it is still a good idea to collect, organize and bring with you the documents you believe are likely to be relevant. Being thorough in collecting and organizing this information will likely save you time and money and may improve the quality of the services you receive.

In the end, the representation your attorney is able to provide is only as good as the information and guidance you are able and willing to furnish.

It is important to be honest and forthcoming about the information you give to the attorney. The attorney is required by attorney-client privilege to keep your information confidential and generally is protected from being forced to disclose the information by a court. Your attorney's job is to provide you with competent advice. His or her ability to do so depends upon the extent to which they understand your particular circumstances. In the end, the representation your attorney is able to provide is only as good as the information and guidance you are able and willing to furnish.

Legal Fees

You should not agree to be represented by an attorney until you have a clear understanding of how you will be billed for his or her services. For bankruptcy work, attorneys are likely to charge for their services in one of two ways:

- **On an hourly basis.** The amount your attorney charges per hour will be determined by a number of factors, including the extent of his or her experience and the generally accepted hourly charges for legal services in your community. In many instances, an attorney will request that you pay a retainer fee up front, against which the attorney will bill his or her time. When you are being charged an hourly rate, you should periodically ask for a complete itemized bill so that you can understand all of the services rendered and expenses incurred on your behalf.
- **On a fixed-fee-per-service basis.** Some attorneys will charge a fixed fee for standard and routine matters.

When your attorney agrees to represent you, he or she should give you a written letter or statement outlining the fee structure or ask you to sign an agreement regarding the services to be provided and the charges for those services. Carefully read this document and understand it fully before you sign it. The document should cover not only the attorney's hourly rate but also any extra costs that are to be passed on to you, such as copy costs, conference room charges, delivery charges, etc. You may be able to negotiate fees with your attorney, but if you are going to do so, you should do so at the beginning of your representation. Also, you should ensure that the outcome of this negotiation is reflected in the letter or agreement you receive.

Selecting an Attorney

You should compare the services offered and costs involved when selecting an attorney for your legal needs. The attorney you select should have a law degree, have passed the bar exam, and be licensed to practice law in your state. Preference should be given to those attorneys who have experience in bankruptcy laws.

You can find attorneys through listings in the phone book or through advertisements online, on TV or the radio, or on a billboard. While these listings and advertisements may give you some idea of who claims expertise in bankruptcy, they will not tell you much about the character and experience of the attorney. Asking trusted family and friends, other farmers, your accountant or banker for recommendations may be a way to learn more. If you have business, farm or property interests, talking to other business or farm owners may provide you with useful information.

In addition, bar associations in Tennessee provide a lawyer referral service. The service puts you in touch with a prescreened lawyer with whom you may schedule a half-hour appointment for a small fee (instead of the lawyer's normal hourly fee). If you choose to use this service, be prepared for your appointment and plan to use the 30-minute consultation wisely. To find out more about the

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referral service and how to find an attorney, you can go to the Tennessee Bar Association's website (tba.org/info/find-an-attorney) or call the referral service in your area: East Tennessee 865-522-7501; Middle Tennessee 615-242-6546; or Southeast Tennessee 423-756-3222.

Another place to look for a bankruptcy attorney is the National Association of Consumer Bankruptcy Attorneys (NACBA). NACBA is a trade association for bankruptcy attorneys and its website (nacba.org) features a "Find an Attorney" tool that allows you to search for attorneys who practice bankruptcy law in your area. The advantage of using the NACBA website is that you are more likely to find an attorney who specializes in bankruptcy law.

Finally, you can also search from among the ever-growing list of online legal referral services, such as Nolo, Lawyers.com, Avvo.com, Legal Match and Legal Zoom. These sites will provide a randomized list of attorneys who practice in your area. The referral services are typically free, as attorneys pay to be listed on the site. Some of these websites also offer articles on legal topics, including bankruptcy.

Once you hire an attorney, the quality, usefulness and cost of his or her services may depend to some extent on how effective a client you are. In general, the more clearly and succinctly you are able to communicate your circumstances and needs, the more likely you are to get the assistance you need. Similarly, the better you understand the process and the attorney's roles and responsibilities in guiding you through this process, the more likely you are to be satisfied with the assistance you do receive.



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