

Alternatives to hiring an attorney and going to court.

Prevention of legal problems is the best alternative and can save you time, money and needless worry, and often an attorney can help you with this. If you do have problems that appear to need legal solutions, there are alternatives to hiring an attorney and going to court. Here are some of your options:

- **Representing yourself and using self-help instructions and forms.** It is legal for you to represent yourself in court and handle your own legal matters, but judges and court personnel are not allowed to give you any legal advice. If you represent yourself, you must be aware of all court procedures and rules, filing requirements and deadlines as you will be held to the same standards as an attorney. If you do not follow the court procedures and rules that apply to your case, the court may not allow you to get what you want, you could be fined, or you could be ordered to pay the costs or attorney fees of the other side. Court employees are not allowed to give you legal advice. You can ask the court clerk about forms, fees and court rules. Libraries have copies of state and local laws, including court procedures. The Colorado Judicial website has a variety of forms and instructions. You may wish to review the instructions to determine if this is something you can handle on your own or if consulting an attorney is best for you. In addition, many bookstores or office supply stores have self-help packets e.g. filing for divorce, available to purchase.
- **Small Claims Court.** You can go to Small Claims Court for a civil matter that's under \$7,500. A small claims action starts with filing of a short statement of the facts and payment of a filing fee and the cost of service on the other party. Once the action is filed, the clerk will set a date and location for a court trial. There is no right to a jury in Small Claims Court, and you will not be able to gather information from the other side prior to the court trial. Attorneys are not allowed unless the attorney is a party or is a full-time officer or employee of a company that is a party. You are limited to filing two claims per month and 18 claims per calendar year. Small Claims Court does not hear cases involving libel or slander, eviction, class actions, traffic disputes, and certain other types of cases. Visit the Judicial Branch website for additional information, forms and instructions.
- **Mediation services.** Mediation is a process which

helps people in conflict work out a mutually acceptable agreement to disputed issues, with the aid of a trained professional mediator. A mediator helps settle cases, and will not enter any order or judgment binding on either side. Find a mediator through the Court Clerk, the phone book Yellow Pages and Blue Pages, or by asking an attorney for a referral.

- **Arbitration services.** In arbitration, the parties agree to let an impartial arbitrator or panel of arbitrators hear the evidence and decide the outcome of their dispute. Look in the phone book or ask an attorney for names or arbitrators.
- **Neighborhood Justice Center.** This is a program available in Colorado Springs for resolving disputes among neighbors outside the court system. The number for the center is (719) 520-6016. If you live somewhere else ask the court or other professionals if a similar program exists in your location.

If you represent yourself in any of the Colorado courts, keep these points in mind:

- All information filed with the court must be complete and legible.
- The court staff cannot fill out forms for you.
- You must be aware of all court procedures and rules, filing requirements and deadlines as you will be held to the same standards as an attorney.
- Direct contact with the judge or magistrate is not allowed.
- Your case number must be on all documents filed with the court. If you call the clerk to check on the status of your case, you will need to have the case number.
- You must give all parties to the case copies of anything you file with the court.
- You must complete the "Certificate of Service" at the end of the document filed identifying how and when you provided the copies to all parties to the case.
- You will need to cooperate with all parties to the case to set hearings, trial dates and other events.
- Be prepared and organized when presenting your case. This will make you much more effective.
- Dress appropriately and be polite in court. Wait until it is your turn to speak, and stand when speaking if you are able to do so. Address the judge as "your honor." Stand

when the judge or magistrate comes into or leaves the room.

Before you decide to represent yourself, consider whether you can get your story across to the judge or jury without help. Ask yourself if the cost of hiring an attorney is worth the added effectiveness the attorney might bring to arguing your case. Consider the value of your time, and the time that will likely be saved if you hire an attorney.

Filing a complaint against an attorney.

If you have concerns that your attorney is not addressing your issues or problems, please talk directly with your attorney. Sometimes a disagreement stems from a simple misunderstanding that can easily be resolved by communicating with your attorney. After all communication efforts and if you still believe your attorney has acted improperly or unethically, you do have options.

- In Colorado, the Supreme Court Office of Attorney Regulation handles attorney discipline. You can call them at (303) 928-7800 or write them at 1300 Broadway Suite 510, Denver, CO 80203 and complete a form that they will send you, asking that your complaint be investigated. This can lead to an admonishment, private or public censure, suspension, or even disbarment from the practice of law. If you file a request for investigation, this would put you in an adversary position with your attorney and that attorney would not be able to represent you further.
- If you disagree with your attorney about fees, you can write or call the Colorado Bar Association and ask for help from the Legal Fee Arbitration Committee. If you and your attorney both agree to do this, you can go before a committee who will hear your case and make a binding judgment. The committee is composed of attorneys and non-attorneys. Call (303) 860-1115 or (800) 332-6736 and ask for Legal Fee Arbitration.

(Updated January 2012) This pamphlet is published as a public service by the Colorado Bar Association. Its purpose is to inform citizens of their legal rights and obligations and to provide information regarding the legal profession and how it may best serve the community. Changes may have occurred in the law since the time of publication. Before relying on this information, consult an attorney about your individual case. For further information visit www.colorado.state.co.us or coloradolegalservices.org/information, consult an attorney about your individual case.

How To Choose and Use a Lawyer



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COLORADO BAR ASSOCIATION
Established in 1897

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HOW TO CHOOSE AND USE AN ATTORNEY

Knowing when you actually need an attorney and how to choose the right one can be a daunting task. This brochure is designed to help you with the following:

- When you should consult with or hire an attorney.
- How to choose an attorney.
- Factors to consider when choosing an attorney.
- Legal fees and costs and details about paying for attorney services.
- Your rights and communication with your attorney
- Expectations of your attorney and your responsibilities.
- Changing attorneys.
- Alternatives to hiring an attorney and going to court.
- Filing a complaint against an attorney.

When you should consult with or hire an attorney.

If any of the following statements are true and apply to your situation, you should consider consulting with or hiring an attorney:

- I tried to resolve this matter by speaking directly with “the other side” and it didn’t work.
- I am being threatened with legal action by a person or company, or I am involved in a situation where I might get sued.
- I need someone to champion my cause or speak for me.
- I have been served with papers (summons, complaint, warrant, subpoena, etc.).
- The “other side” has an attorney.
- There are significant financial or other serious implications and the potential outcome is worth the cost of hiring an attorney.
- It is an important matter with serious legal consequences and obligations, such as signing a contract, starting a business, writing a will, or purchasing or selling a home.

How to choose an attorney.

Ask friends, relatives, and co-workers who have used an attorney or know an attorney for their recommendations. If that attorney cannot handle your kind of case, they may be able to provide a recommendation for someone who can. Other sources for attorneys are identified below:

- Use an Attorney Referral Service listed in the telephone book or call Metropolitan Attorney Referral Service at (303) 831-8000 for Denver and Boulder or (970) 226-2455 for Ft. Collins. They will try to give you a referral to an attorney in

your community who does the kind of work you need.

- Search the Colorado Bar Association website (www.cobar.org). Select “Find an Attorney,” then select “practice areas and cities,” and the directory will provide names and phone numbers of attorneys who practice in the city you live in and handle cases like yours.
- Consult the Yellow Pages, search on-line, or go to the local library and consult a legal directory.
- If you might qualify for legal assistance based on your income, call the Colorado Legal Services Office nearest you (listed in the phone book). If you can’t find the number, call the Colorado Bar Association at (303) 860-1115 or (800) 332-6736.

Factors to consider when choosing an attorney:

Experience

- Does he or she normally handle cases like yours?
- Does the attorney seem familiar with the area of law involved in your case?
- How many cases like this has the attorney handled and how successful has he or she been, if you can find out?
- How long has the attorney been in practice?

Community Activities

- Is the attorney involved in the community?
- Is the attorney involved with the Bar Association and active in his or her professional community?

Reputation

- Has the attorney had complaints about past performance?
- Consider contacting the Colorado Supreme Court Office of Attorney Regulation at 303-928-7800 for more information concerning the attorney.

Legal Fees and costs and details about paying for attorney services.

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- **Hourly Rates:** The fee is based on the amount of time the attorney spends working on your case.
- **Fixed Fee:** This is a flat fee charged for a routine service such as an uncontested divorce, a simple bankruptcy, or a will.
- **Contingent Fee:** The attorney receives a percentage of any amounts recovered on behalf of the client, plus expenses.

Note: A fee agreement may combine any of the above fee arrangements.

Costs to process a case may include the following:

- Filing Fees, including e-filing fees
- Photocopying
- Deposition transcription fees
- Phone Calls
- Messengers
- Serving Papers
- Witness Fees
- Computer-Related Costs
- Travel Expenses

Details about paying for attorney fees.

When you meet with an attorney, below are some questions you might ask them about their fees:

- Is there a charge for the initial consultation?
- How do you charge for a case like mine?
- If it is a fixed fee case, what is the fixed fee?
- If it is an hourly fee, how much is the hourly rate? In addition, ask for the hourly rates for all personnel that may be involved in your case, e.g. paralegals, investigators, etc.
- If it is a contingency fee case how will that work and what will the percentages be?
- What charges are included in the fee?
- What charges are not included in the fee?
- What is this likely to cost me?
- Is there a retainer? If so how much?

Your rights and communication with your attorney

- Your attorney should respond to your questions promptly and clearly.
- Your attorney should keep you informed about the progress in your case.
- Your attorney should discuss your expectations for the case with you.
- Your attorney should return your calls and emails within a reasonable amount of time.
- Your attorney should discuss with you how long he or she expects the case to last.
- Your attorney should discuss alternatives with you as the case goes along.
- Your attorney should discuss possible outcomes of the case with you.

Expectations of your attorney and your responsibilities

What you can expect when you hire an attorney?

- Enthusiastic and competent representation of your case.
- Copies of all important documents.
- A written fee agreement and detailed monthly billing statements.
- The whole truth, even if it hurts.
- To be kept fully informed.
- To be treated with respect.
- A negotiated settlement if both sides reach a fair agreement.
- Agreement with your goals and an understanding of your objective.
- No conflict of interest with the opposing side.
- Timely return of phone calls and/or emails.

Your Responsibilities.

- Provide the attorney with any information or documentation you have about the case and be completely honest about all facts in your case, whether the information is favorable to you or not.
- Follow agreed-upon advice.
- Ask questions when you don’t understand and speak up when you disagree.
- Be on time for appointments or notify your attorney if you need to cancel or reschedule an appointment.
- Notify your attorney about changes in your case; take responsibility for keeping your attorney informed.
- Pay your attorney a reasonable fee promptly for the work performed.

TIP: You can save time and attorney fees by providing your attorney with as much information as possible. Organize all documents that are related to your case, write things down that might be important to your case and bring them with you when you meet with your attorney.

Changing attorneys.

You can change attorneys by simply telling the attorney of your wishes. Giving notice is a matter of courtesy and may be necessary so that if a lawsuit has been filed, the attorney may have to ask the Court for permission to withdraw. You will be obligated to pay for any services that have been already performed on your behalf, and costs that have been incurred. You are entitled to the return of your files, provided your attorney does not have a valid attorney’s lien.