

If this approach fails, and you 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) 866-6400 or write them at 1560 Broadway, Suite 1800, Denver, CO 80202 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.

What are my 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 materials—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, filing requirements and deadlines—you will be held to the same standards as an attorney. If you do not follow the 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. No court employee is 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. You can buy self-help packets (for instance, on divorce) at many bookstores.

- 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 your opponent. Once the action is filed, the clerk will set a date and location for a 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 a small claims 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.
- 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.
- Direct contact with the judge or magistrate is not allowed.
- Your case number must be on anything you file 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 the other side copies of anything you file with the court and note at the end of anything filed how and when you provided those copies.
- You will need to cooperate with the other side 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 which might be saved if you hire an attorney.

How To Choose and Use a Lawyer



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.

CBA
COLORADO BAR ASSOCIATION
Established in 1897

Sponsored by the Colorado Bar Association

HOW TO CHOOSE & 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 understand:

- When you should consult with an attorney
- How to choose an attorney
- Details about paying for an attorney’s services
- Expectations of you and your attorney
- Alternatives to hiring an attorney and going to court
- How to file a complaint against an attorney

When should I consider consulting with or hiring 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’m 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 do I find the right attorney for my needs?

- 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.
- 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 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:

- **Fees**—what and how you pay the attorney
How do attorneys charge for their work?
Legal fees depend on several factors that include the amount of time spent on your case, the attorney’s expertise, and experience, the novelty and difficulty of the case, the results obtained, and costs involved. An attorney may require a retainer, or a “down payment” and future costs are deducted from that amount.
The primary types of fee arrangements are:
 - » **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.

Here are questions you might ask the attorney regarding fees:

- » Is there a charge for the initial consultation?
- » How do you charge for a case like mine? (See above for examples of how attorneys charge)
- » If it is a fixed fee case, what is the fixed fee?
- » If it is an hourly fee, how much is the hourly rate?
- » 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?

Costs in addition to the attorney’s time may include:

- » Filing Fees
- » Photocopying
- » Deposition transcription fees
- » Phone Calls
- » Messengers
- » Serving Papers
- » Witness Fees
- » Computer-Related Costs
- » Travel Expenses

• **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?

Client’s Rights: Communication and Other Issues

- 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 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.

What should I expect when I hire an attorney?

- Enthusiastic and competent representation of your case.
- Copies of all important documents.
- A written fee agreement and detailed 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.

Your Responsibilities as a Client:

- Provide the attorney with any information 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.

Can I change attorneys?

Yes—you can do this simply by 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 normally 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.

What if I have problems with my attorney?

Are there problems with your case that your attorney isn’t addressing? Sometimes a disagreement stems from a simple misunderstanding. The best way to handle this is to talk directly with your attorney.