



No Nonsense
Questions
to Ask Before
Hiring a
Business Lawyer



HANNA HASL-KELCHNER, ESQ.

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For more information contact Business M.O., LLC by e-mail at vipservice@businessmo.com .

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Do you like them?

It's important to meet with a lawyer before you hire them, either in person, or over the phone. They need to pass the "yuck" test.

It's more fun to work with someone that you like, than someone you don't like. Besides, if you don't like them at the beginning of your working relationship, it unlikely it will get any better, especially when you have tough legal issues to deal with or need to have sensitive discussions. You need a lawyer you can like and trust.

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Do you understand them?

Can the lawyer you're interviewing explain the law in plain English, or do they start spouting case names and courts? If so, they may be brilliant lawyers, but will have a tough time communicating with you, and that lack of clarity can be expensive and frustrating. (See further Question #1 above: Do you like them?)

What's worse is the way all that legal jabber makes you feel. You may be reluctant to ask an important question because you're afraid of looking silly. That would be a tragedy because without totally open and honest communications you'll be accidentally holding back important questions or information and that can have a negative impact the legal advice you receive and your lawyer's ability to provide effective representation.

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Do they create a safe space to share and discuss your confidential business information?

You deserve all of the legal protection you're entitled to. That means it's critical for you to be able to share information that is often sensitive and confidential and you need a safe space to share it. If the lawyer you're interviewing makes you uncomfortable or demonstrates zero empathy it will be tough to connect with them and trust them enough to share your secrets and other confidential business information. Withholding information can compromise the advice you receive and the protection that's available to you.

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Are they confident, or cocky?

There's a difference between confidence and overconfidence. A swaggering blowhard can be impressive. But blowhards tend to take a scorched earth approach and are often very difficult to work with. What that means for you is that their legal bills can mount up very quickly. Maybe that's exactly what you want and need. But what happens, when they get cocky with you? Those are some practical things that you need to keep in mind and considerations that are often swept under the rug when you're anxious about a pressing legal matter and in a hurry to hire someone.

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How do they like to communicate with clients?

What's your preferred mode of communication? When something happens in your case, do you want a phone call, a text, an email, or a 10-page memo? Sorting out how frequently and by what means you'll communicate, saves headaches down the road. Make sure you discuss how you like to communicate. Look for compatible communication styles.

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Are they comfortable sharing disappointing news with you?

It's a fact that the majority of the legal malpractice claims result from a lawyer not giving their client bad news in a timely fashion. Make sure your lawyer can handle those difficult conversations. Find out how they've handled delivering bad news to clients in the past. And if you have a preferred way of receiving bad news (say in person instead of over the phone or in an e-mail), have those discussions early in your attorney-client relationship. (See further Question #5 above: How do they like to communicate with clients?)

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What legal experience do they have?

Diplomas are nice, but what's more important is how they've applied their education. Ask and check them out on the Web!

Find out if they've done the kind of projects you need help with. A trial lawyer, for example, might not be the best choice for crafting an acquisition agreement. Similarly, a lawyer who handled your speeding ticket might not be the best person to ask about a sexual harassment claim or negotiate your office lease.

Lawyers specialize the same way doctors do, but state bar rules can often prohibit them from openly advertising their experience. Lawyers are either litigators and trial lawyers or transactional attorneys and within each group they often focus on certain areas of law, for example insurance litigation, employment law, contracts, etc. Don't be afraid to ask questions. It's your legal matter and your money.



What law firms have they worked for, or are currently working for?

Firms offer great training and it's a plus, but firms are also a collection of lawyers that are specialists. You may not always need a specialist. You may need something more like a primary care physician, a generalist, instead of a heart surgeon. Specialists have their place, but so do generalists, and a generalist can help you spot issues sooner rather than later. A generalist can spot the problem early and refer you to a specialist if necessary. So, maybe the lawyer that you really need and that's most beneficial for your business is someone that can be an issue spotter, someone who can identify problems before they blow up, while the problems are small and less expensive to handle.



What government experience do they have?

Depending on your industry and the type of project you're looking to retain counsel for, government experience may be very useful. There is a real benefit to having inside knowledge of how the bureaucracy works and what issues are most important to government agencies, especially if your business is in a regulated industry.



What in-house experience do they have?

Lawyers with in-house experience tend to have a better handle on business hot buttons, and are in a better position to anticipate problems by connecting the dots between the law and your business because they've worked closely with decision makers like you.

Another benefit to a lawyer with in-house experience is that they are acutely aware of your budget limitations and often more willing to work within those confines than law firm lawyers. At a firm, a lawyer's billable hours are a "profit centers." For you, the client, those billable hours represent a huge expense. An experienced in-house counsel is more likely to be sensitive to your need for cost control.

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What types of clients do they work with?

Ask if they have industry experience that matches yours, and whether they appreciate the challenges of a business your size from a cultural perspective. The larger your business is, the more internal stakeholders may be involved with the situation you're seeking legal advice about. As a result, it may require more coordinated communications.

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How do they staff cases?

How many people will be assigned to your file and who will handle the lion's share of the work, is an important thing to find out. Will the senior partner, the one with all the experience be doing the heavy lifting? At their high partner billing rate? Or will a junior, less experienced attorney, but nonetheless capable of handling certain aspects of your file be utilized in a cost-effective manner? After all, some things don't require 10 or 15 years of experience to be done well.

And what will be the turnover of lawyers working on your files? Keep in mind, that whenever someone new comes aboard the team, there will be a learning curve, and the cost of that learning curve is often passed onto you, unless you speak up and negotiate it up front.

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What budget and project management skills do they have?

Find out how frequently their cases are over budget and why. Better yet, ask if they even create budgets for their cases. You use budgets in your business to manage and run your organization, and so should they.

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Do they entertain alternatives fee arrangements?

Hourly fees may be the gold standard, but more firms are receptive to various alternate fee arrangements, everything from flat fees for certain types of projects, to project caps and other shared incentives. Exploring alternate fee arrangements helps you save money in the long run and encourages more efficient utilization of legal resources, everything from matching the right expertise and billing rate to different aspects of the project to scheduling to avoid unnecessary overtime charges for support staff.

Find out what their experience has been in this area. Whether it's been positive, or negative, and if it's been negative, find out why. It could give you valuable insight to how well they manage their cases.

The goal of an alternate fee arrangement is to ensure that you are receiving real value and return on investment for the time and resources spent on your case.

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How much do they explore your business goals and objectives?

The law is a business tool. If they don't ask about your business goals, and what's most important in a transaction, or what winning looks like to you in a lawsuit or a transaction, you could be working at cross-purposes. The failure to clearly identify the objective you're trying to achieve can be very expensive. Don't assume anything. The sooner you talk about it, the sooner your legal strategy can be aligned with your business goals and objectives.

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Do they understand your business?

Do they ask questions about your business? Do they appreciate your marketing challenges? Your employment risks? Can they speak the language of business, or only legalese?

The internet is a great source of information and if your prospective lawyer knows they're meeting with you they've hopefully done some homework about your business and industry that can lead to insightful questions on their part to learn more about what you do and the markets you serve.

The more they understand your business and your strategic goals the better they will be able to help you manage your company's legal risk, both for the specific project at hand and for the life of your business.

CONCLUSION

Every business needs a good accountant, banker, and lawyer. Having the right professionals on your team can make a profound difference in the growth and success of your business.

There are many ways to *find* a good lawyer. The Internet is a rich source of information as are legal directories and your local, state, and county bar

associations. Personal referrals, however, are probably the still one of the best ways for you to connect with a local attorney.

Regardless of which path you choose, you'll ultimately need to *choose* a lawyer.

Don't be afraid to ask questions. You want to make sure that whomever you choose is a good fit for you and for your business.

About the Author



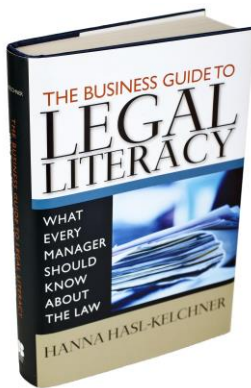
Hanna Hasl-Kelchner, Esq., helps smart business leaders like you save time and money by controlling legal expenses and reducing liability exposure with Legal Leverage® executive education and leadership development because smarter business decisions lets you build more wealth and prosperity by using your resources to grow your business instead of your lawyer's.

Hanna's passion for leadership development and executive education is a direct result of being a trusted advisor for more than 35 years and watching smart, seasoned business professionals underestimate the legal consequences of their business decisions simply because they didn't know what they didn't know.

That's why [Business M.O.](#) is committed to help you improve your leadership mode of operation, or M.O., by embedding more legal literacy into your organization's DNA.

Hanna is an accomplished consultant, speaker, educator, and author and has been called "a lawyer you can love" by a *Chicken Soup for the Soul* co-author because she makes the connection between law and business easy to understand, simple, and fun.

An ivy-league trained business expert, entrepreneur, and No Nonsense Lawyer, she seamlessly bridges the gap between business and law and has assisted influential decision makers ranging from start-ups, to Big Tobacco, and the White House.

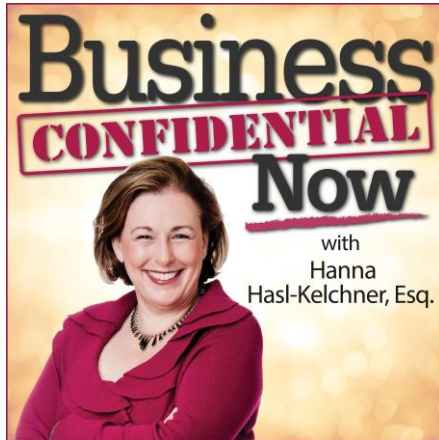


She is a sought-after speaker, a Dun & Bradstreet Top SMB Influencer, has taught in the MBA programs at both Duke University and the University of Virginia, and is the best-selling author of *The Business Guide to Legal Literacy: What Every Manager Should Know About the Law*.

Hanna expertise has been featured in print publications, radio and TV, including MSNBC and FoxNews. She also appeared on *America's Premier Experts* (aired on ABC, NBC CBS and Fox affiliates nationwide) filmed by three-time Emmy Award Winning Director and Producer, Nic Nanton.

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Hanna Hasl-Kelchner, Esq.
Founder and President

Business M.O., LLC
65 TW Alexander Drive #12492
e-mail: vipservice@businessmo.com
phone: 919-636-9677



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