



## CONSIDERATIONS FOR SELECTING AN ATTORNEY

September 11 victims should seek legal advice and representation when deciding whether to file a lawsuit or pursue a claim with the federal compensation program. In fact, many victims could benefit from getting the advice of at least two different attorneys. When selecting lawyers, please keep the following considerations in mind:

Thousands of attorneys have volunteered to represent victims in claims to the federal compensation fund without charging any fee. (Contact Trial Lawyers Care at 1-888-780-8637.)

Victims may also want to consult with private attorneys who could represent them in a lawsuit on a *contingency fee basis* (see below). Victims wishing to pursue a lawsuit might be best served by consulting with an attorney who is an experienced *personal injury litigator*. Within this general category, attorneys who are *aviation lawyers* might have the most appropriate experience.

A productive *attorney-client relationship* is based upon the ability of both sides to communicate fully and effectively with each other. Although relating sensitive details can be difficult for victims, they should feel as comfortable as possible in fully disclosing all details and information to their attorneys. Attorneys should be able to effectively explain all aspects of legal proceedings to victims and they should be responsive to victims needs and requests.

Victims should be clear about what they wish their attorneys to do, and attorneys should be clear about what services they are providing.

Victims should cooperate as fully as possible with their attorneys. By the same token, victims have the right to expect their attorneys to be understanding, respectful, and responsive to their needs. Attorneys have the right to expect their clients to be honest and willing to participate in building their own cases.

Usually, attorneys bill on a *contingency fee* basis for the types of civil cases brought by crime victims. This means the attorney is only paid a fee if the victim is awarded a judgment or there is a monetary settlement. Attorneys will be paid a predetermined percentage of the total award. A victim might also be responsible for paying various costs, such as filing fees, deposition fees, and service of process fees. Some attorneys require that plaintiffs pay a *retainer fee*. A retainer is money paid to an attorney, but kept in a special account from which the above-mentioned costs can be paid. Money not used in the retainer may be returned to the client at the conclusion of the suit.

Victims should understand the details of any *retainer agreement* (contract to hire the attorney) prior to signing it. If victims have questions, they should feel comfortable

discussing them with their attorneys. If questions persist, local bar associations may be able to explain laws and common practices pertaining to retainer agreements.