

# *Where Do I Go for Legal Help?*

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CITIZENS  
LEGAL GUIDE

**HALT** 

**AN ORGANIZATION OF  
AMERICANS FOR LEGAL REFORM**

# Where Do I Go for Legal Help?

**F**ew of us will go through our entire lives without having some contact with “the law.” When a legal problem arises, will you know what to do? This brochure explains what some of your options are for dealing with legal problems; it also suggests other resources you can consult, and refers you to HALT’s Web site, [www.halt.org](http://www.halt.org), for additional information.

Many people mistakenly believe that the legal system only affects those who are involved in a lawsuit. Actually, people become involved with the legal system in many areas of their everyday lives. Legal matters may arise involving your job, your money, your family, your car, your house, your neighbors—the range of possibilities is as wide as the range of your daily activities.

Just as every medical problem you may face does not require a doctor, every legal matter does not require a lawyer. While a broken arm would certainly require treatment by a physician, you could be treated by a physical therapist for a muscle sprain, and you could treat a small cut on your arm by yourself. Similarly, while some complex legal problems are best served by lawyers, others may be “treatable” by some other professional, or you may be able to handle some legal problems yourself. There is a range of options available to those needing legal help. The first part of this brochure will explain those options, including ways to handle legal matters yourself, with low-cost alternatives to traditional legal representation or with a lawyer. The second part of the brochure will give some more specific information about how to handle legal disputes between you and another person or business.

Just as every medical problem you may face does not require a doctor, every legal matter does not require a lawyer.

One other thing: This brochure is designed to help people with non-criminal matters. If you are being charged with a crime, most of the information in this brochure will not help you. (One part that may be useful for criminal cases, though, is the section titled “Using a Lawyer.”)

## Doing It Yourself

**Y**ou can easily handle some legal matters by filling out forms available through books, software, Web sites and other resources. (Most of the legal matters that you can deal with in this way are matters that deal with a transaction of some sort, not matters that involve a dispute between you and another person or business.)

There is a wide variety of resources available to help people with situations involving the law. For example, you can find products (books, kits and computer programs) that will help you develop an estate plan—complete with will, trust and durable power of attorney—draft simple contracts, file for bankruptcy and handle consumer problems like debt collection and credit disputes. Most “do-it-yourself” books and software cost under \$100 and contain dozens of legal forms and the instructions you need to complete each one. Software packages are usually interactive, asking you questions and producing a completed form based on your responses. HALT’s *Citizens Legal Guide, Do-It-Yourself Law* evaluates self-help products and can help you pick which one is best for your needs. A lot of excellent self-help materials are produced by Nolo and are available through their Web site, [www.nolo.com](http://www.nolo.com).

Some legal matters involve a dispute with someone else. If you are litigating a case in small claims court or representing yourself in another court, you may benefit from resources on *pro se* representation. (*Pro se* is a Latin term meaning “representing yourself.”) Consult HALT’s “Guide to *Pro Se* Litigation” or, for small claims matters, HALT’s *Citizens Legal Manual, Small Claims Court: Making Your Way Through the System*. There is more information near the end of this brochure on how to represent yourself in court.

## Low-Cost Alternatives

### Independent Paralegals and Legal Document Assistants

**D**oing it yourself isn’t for everyone. You may find that you don’t feel comfortable tackling legal issues by yourself. Or maybe you’d just rather pay someone than do things on your own. That’s where an independent paralegal can help you.

A “paralegal” is a professional who works in a lawyer’s office or law firm doing legal research, drafting legal documents and helping out in other substantive ways, under the supervision of a lawyer.

“Independent paralegals” (sometimes called “legal document assistants”) provide legal services directly to the public, without lawyer supervision. They don’t have a law degree or a license to practice law, but many of them have experience working in law firms and some have attended paralegal school. In California, Arizona and Washington, independent paralegals are certified by the state.

Independent paralegals may specialize in one area, such as bankruptcy, divorce or social security, or they may offer a variety of routine legal services, such as

basic will preparation, name changes and the areas mentioned above. They charge far less than lawyers for the same service and often develop a high level of competence in those services simply because they have prepared the same forms so often.

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Should you hire an independent paralegal? It depends. If you’re looking for

complex legal advice or for a lot of personal guidance throughout your transaction, an independent paralegal may not be the best choice for you. Independent paralegals are usually not permitted to provide legal advice. For example, they may not tell you what type of will is best for you or advise you on how to complete a will form or even explain the laws that govern wills. Some independent paralegals stay within these guidelines, but others go further and give advice on how the forms should be filled out. (This is particularly true of those who have a lot of experience in will preparation.) If a paralegal gives too much advice to you on how forms should be filled out, the paralegal may get in trouble with the state bar association. It does not, however, mean that any forms you complete under their advice are invalid, if their advice was accurate.

Independent paralegals are often forced to dodge state bar associations that seek to limit the performance of legal services to lawyers only, so they have not been

able to organize and thrive in many locations. Most independent paralegals are located in the states where they are state-certified and regulated, but there are a growing number of independent paralegals in other states as well. Because the independent paralegal community is so scattered, there is often no good source to go to when you are looking for a good, qualified paralegal to help you handle your basic legal affairs. The best way to find independent paralegals remains by word of mouth, searching newspaper advertisements and looking under “paralegals” or “typing services” in your Yellow Pages and, of course, checking online by doing a search with the words “independent paralegal.”

When hiring an independent paralegal or legal document assistant, it is important to check their qualifications. Some important things to ask about are:

- What sort of training does the paralegal have?
- How much experience does the paralegal have?
- Is the paralegal accredited by any paralegal associations or state boards?
- Is the paralegal licensed or registered (if required by the state)?
- Is the paralegal bonded, to protect you in case of any problems with the work performed for you?
- What does the paralegal do if there are legal issues involved with your document that he or she cannot answer?

## Prepaid Legal Plans

Another option you have for addressing your legal needs is to join a prepaid legal service plan. This can be a particularly smart option if you have an ongoing need for legal help. Prepaid legal plans offer limited services for a yearly membership fee. Many of these plans are group plans, provided through a professional or trade association, a union or a private employer. These plans are not open to the general public. In group

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plans, the sponsor (the association, employer or union) may pay all or part of the membership fee. If you are not eligible for a group plan, however, you may enroll in a private plan. These are sold directly to individuals through the mail, telemarketing and door-to-door sales. Anyone can join. They are considered “prepaid” because they involve payment of an annual or monthly fee in advance.

The type, size, coverage and cost of these plans vary widely. Some, but not all, also offer litigation services. Most offer the following:

- Unlimited telephone counseling
- Help selecting a lawyer
- Follow-up by telephone and letter
- Document drafting and review
- Reduced rates for any legal representation not included in the membership fee

You probably don’t need to join a plan at all if you rarely need legal advice or if you already have a lawyer you trust, who is usually available and who charges reasonable fees. You also may not want to join a plan if what you need is immediate legal attention. Your time and resources would be better spent finding the right lawyer for the job.

Not all plans are created equal. If you decide you would benefit from joining a prepaid legal plan, you need to evaluate your needs before choosing one. Decide what types of services you are likely to use, then select the plan that best provides those services at a price with which you are comfortable. For more information on legal service plans, you can consult HALT’s pamphlet “Joining a Legal Service Plan: What You Should Know.”

## Free Legal Help

You may be able to find free legal help, particularly if you are a senior citizen or you fall below certain income levels. Many localities have free legal programs to assist the poor and elderly. Law schools often run free clinics to help people who cannot otherwise afford legal help. Finally, there are many advocacy organizations that can provide legal information to people in

the particular area of the law in which the organization works. HALT's Legal Information Clearinghouse can help you find resources that are appropriate to your legal needs. If you write, fax or e-mail your request for information to HALT, we will search the Clearinghouse to find an organization that may be able to assist you. Also, HALT's *Citizens Legal Manual*, **The Legal Resource Directory: Your Guide to Help, Hotlines & Hot Websites** contains listings of many helpful free resources.

## Using a Lawyer

**W**hen the legal issues that you face are more complex, or when you just feel more comfortable with full-service legal help, you may want to hire a lawyer to assist you. While finding and hiring a lawyer may seem intimidating, there is no reason to treat it much differently than hiring any other service provider. That means that you, as an informed consumer, should do your homework and know your rights when hiring and working with a lawyer. HALT has proposed—and a few states have adopted into law—a Legal Consumers Bill of Rights. It outlines ways in which consumers have the right to control their legal affairs and to have their lawyers held accountable to them. Don't forget that you're in the driver's seat as the employer, and that the lawyer is working for you—not vice-versa.

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### Shopping for a Lawyer

You should consider several factors when searching for a lawyer, just like you would if searching for someone

to remodel your kitchen or fix your car. Price is one concern; you don't want to pay more than you have to. However, you should also compare the types of services different lawyers can provide and the amount of experience they have. You wouldn't want to allow a mechanic who has been working on Fords for a couple of years to get under the hood of your Porsche. Similarly, you probably don't want an attorney who specializes in real estate handling your employment discrimination case—or the reverse.

There are several places you can start when searching for a lawyer:

*Word of Mouth.* The best way to find a lawyer who can help you is to get a recommendation from someone you trust. Your friends, family members and coworkers all may have used an attorney at some time, and may be able to recommend someone for you to use. Again, though, you want to keep in mind that an attorney who mostly writes wills may not be the best choice for your divorce case.

*Lawyer Referral Services.* State and local bar associations often provide lawyer referral services, which can provide callers with a selection of lawyers in many areas of practice. Voluntary bar associations, such as a women's bar association or a legal aid bar association, may also provide lawyer referral services. Some nonprofit organizations also provide lawyer referral services for lawyers who have an expertise in the particular organization's area of concern. In addition, each state bar association has a lawyer referral service. If you write to HALT, our Legal Information Clearinghouse can provide you with the contact information for a lawyer referral service near you.

*Yellow Pages.* To find an attorney through the *Yellow Pages*, look under Attorneys, Lawyers, Clinics and Legal Clinics. Please note that the *Yellow Pages* provides the least information about a lawyer, so you will need to be sure to get additional information about the lawyer's background and qualifications.

Regardless of where you search for a lawyer, you must shop wisely. Here are a few simple tips to consider when looking for a lawyer:

- Make sure a prospective lawyer is willing to sign a written attorney-client fee agreement (sometimes called a retainer). The most common consumer complaints about lawyers are related to fees, so this is a very important precaution.
- Get more than one estimate on the fees and costs involved for your matter.
- If your matter involves a dispute with another party, ask about the chances of success.
- Learn about the different types of fee arrangements with lawyers and the advantages and disadvantages of each (i.e., contingency fees, flat fees).
- Ask the lawyer if he or she handles your type of legal issues, what his or her experience is in similar situations, and what his or her track record is in similar matters.

## Working with Your Lawyer

The most important thing to remember in working with a lawyer is that you are the boss. You are the one who hired the lawyer and you are the one who has to make the most important decisions about your legal problem.

The most important thing to remember in working with a lawyer is that you are the boss.

You can't simply hand over your problem to a lawyer and sit back waiting for results—unless you don't care about the results or the cost. Regardless of the degree of involvement you choose, you have responsibilities. Certain decisions can be made by no one but you. Also, you must give your lawyer all the information you have available that

is relevant to your legal matter—and keep him or her informed of any new information—so that your lawyer will not be blindsided by unexpected developments.

In addition to your responsibilities, there are a couple of things you can do to make your relationship with your lawyer run more smoothly and efficiently.

*Use your lawyer's (and your) time efficiently.* You should come prepared to any meeting with your lawyer. Collect all relevant documents and create a list of questions or issues you need to discuss. This will save you time (and money) and will make sure that your questions get answered.

*Get it in writing.* You should keep notes of everything you discuss with your lawyer. In addition, you should make sure that important discussions with your lawyer are summarized in a letter or other document. If you and your lawyer discuss an important matter at a meeting, you should follow up with a brief letter confirming your understanding of the discussion. Keep copies of this and all other correspondence in a file with any other documents related to your legal matter.

If you have problems with your lawyer, you should consult HALT's *Citizens Legal Guide, I Have a Problem with My Lawyer ... What Can I Do Now?* for more information.

## Mediation and Litigation

**L**egal problems often arise out of disputes with another person or a business. While many of these problems can be resolved by discussion between the two parties, sometimes these disputes can only be settled with the help of a third party. But that third party doesn't always have to be a lawyer. It could be a mediator.

### Mediation

Mediation is a process where two or more people sit down with a neutral third person to negotiate an agreement that meets the needs of both sides. It is a less formal process than appearing in court. While lawyers may be allowed, most parties appear in mediation without one.

A hearing starts with each person telling his or her side of the story. If the two cannot agree on what the

main issues are, the mediator is free to meet with each separately. Once problems and issues are identified, the mediator tries to get the parties to settle with each other. The mediator can ask questions, discuss areas of compromise, even make suggestions, but the mediator cannot impose a decision, as a judge might. The final decision is made by the parties themselves, not the mediator. (There is another process, called arbitration, where the neutral party makes a decision that is binding on both participants.)

When the parties reach an agreement, they put it into writing and each sign it. Like any contract, the agreement is considered legally binding and enforceable in court. If you do not like a proposed agreement, you cannot be forced to sign it. If you are unsure about the meaning or validity of a signed agreement, ask a legal professional to review it with you.

Not all kinds of disputes are appropriate for mediation. It works best for people whose relationship will continue after a settlement is reached—for example, neighbors, feuding family members, landlords and their tenants, and community and consumer disputes are all likely candidates for mediation.

Because each mediation program is run differently, you need to shop around and ask:

- How much does mediation cost?
- Do you use volunteer mediators?
- How are your mediators trained?
- How long do problems like mine take to resolve?

## Small Claims Court

If other means of resolving your dispute are unsuccessful, you may have to go to court to resolve your problem. This does not always mean that you have to hire a lawyer. Small claims courts are courts designed for average people to represent themselves without a lawyer. In small claims court, each side in a dispute gets to tell its story, and the judge may ask questions of them before handing down a decision. It's a lot like *Judge Judy* or *The People's Court*.

The amount of money for which you can bring a small

claims case varies from state to state, with maximum amounts ranging from \$1,500 to \$25,000. Each state also has different rules and procedures regarding small claims courts. Most small claims courts, for instance, are only allowed to issue a decision that someone owes money to another person, but cannot order someone to do something or refrain from doing it. Therefore (in most states), if your neighbor is playing his stereo too loudly in the middle of the night, you could not sue in small claims court to make him stop, although in some states you could sue for money to compensate you for your lost sleep. Cases like this are often better resolved through mediation or arbitration.

Small claims courts are courts designed for average people to represent themselves without an lawyer.

Before you sue someone in small claims court, you should consider whether you can prove your case. For instance, if you paid someone \$5,000 to remodel your kitchen, you must show the court that you paid the person \$5,000, that you had an agreement to do the work, and that the work was not done. If you cannot prove that you paid the \$5,000, the judge will not be able to rule in your favor. You should also consider whether you will be able to collect the money if you win. A judge ruling that someone owes you \$5,000 does not help you if the person who owes you the money is broke. However, judgments by a court are usually good for about ten years, so even if someone is broke now, that person will have to pay you eventually. There are also methods one can use to speed the collection process, such as placing liens on property and garnishing wages.

For an in-depth description of how to pursue a small claims court case, you should consult HALT's *Citizens Legal Manual*, **Small Claims Court: Making Your Way Through the System**.

## Representing Yourself in Other Courts

There are other courts where you may be able to represent yourself. In most states, landlord-tenant courts, which deal with issues relating to rental housing, are designed for people to represent themselves. Some states also have family courts that are friendly to *pro se* litigants. In most states, however, the general jurisdiction court (the court that handles cases other than small claims and other specialty courts) is designed for lawyers to use. While you are legally allowed to represent yourself in any court in the country, doing so in a general jurisdiction court is extremely difficult. However, if you must do so, HALT's "Guide to *Pro Se* Litigation" can help you through the process.

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As you can see, there is a wide range of options available for dealing with the legal system—from hiring a lawyer to representing yourself, with many options in between. We hope this pamphlet has helped you understand more about those options and the many resources available to help you solve your legal problems.

## Join Our Fight for Reform

Since 1978, HALT has provided a powerful voice—working on your behalf in Washington and across the nation—to help Americans navigate the legal system with or without a lawyer. And we need your help. Join HALT to help us allow more people to settle their legal affairs simply and affordably. Contact us at the address below or join online at [www.halt.org](http://www.halt.org).

## Where to Find More Information

More information about how to use the legal system is available on HALT's Web site, [www.halt.org](http://www.halt.org), in HALT's *Everyday Law Series* and in HALT publications **Using a Lawyer**, **The Legal Resource Directory** and **Small Claims Court**.



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