

1.3: PART II- CHOOSING AN ATTORNEY

HOW DO YOU FIND AN ATTORNEY?

One way is by word-of-mouth, or professional reputation. You may ask and talk to friends and/or family members about an attorney who they have liked or disliked, for a particular legal matter like a speeding ticket or divorce. Or, you may talk to a business associate of attorneys who will recommend an attorney for a particular legal matter. For example, you may be in the process of selling or buying a house and your real estate agent recommends an attorney for a real estate closing.

Secondly, there is attorney advertising. Attorney advertising, like all professional advertising, is the exercise of the constitutionally protected right to freedom of speech (*Bates v State Bar of Arizona*, (1977) 433 US 350). You will find attorneys advertising on billboards, television, the radio, and the internet. These ads may help you find an attorney to fit your particular legal needs. However, as is true with all advertising, you should do your own due diligence and research to determine if these attorneys and/or firms are the right fit for you. While many of these ads will indicate an attorney's or firm's expertise, or area of concentration in a particular area of law, NYS does not have any specialized certifications of attorneys. All attorneys are qualified to practice in any area of law. However, many do limit themselves to certain areas of law like criminal or personal injury. An attorney's experience in a particular area of law may be a major factor in helping you choose an attorney.

Another method is through various attorney referral services. In NYS, each county has its own local Bar Association under the umbrella of the NYS Bar Association located in Albany, NY. Each of these local bar associations has some sort of attorney referral program. There are also non-profit legal services available like Legal Aid. For criminal matters, based on your income or wealth, you may be entitled to legal representation by the Public Defender's office.

I THINK I FOUND AN ATTORNEY. NOW WHAT?

A friend or family member has recommended an attorney and from what they are telling you, she/he seems perfect for your particular legal needs. Now what? You will need to make an appointment and have your first attorney-client in-person meeting. This meeting is really a two-way interview to determine whether the proposed personal/professional relationship will be taken further. It is the time for both parties to decide whether this will be a good fit. This initial consultation is as much for the attorney's information gathering as it is for the client to make a basic assessment of the attorney's appearance, office set-up, competence, availability, time, and cost. Some attorneys charge a fee for this initial consultation, some do not.

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