

HOW DO YOU CHOOSE A “GOOD” LAWYER?© Veterinary Business Advisors, Inc.

You choose a lawyer the same way you choose a doctor, financial advisor or veterinarian: *word of mouth, word of mouth, word of mouth*—or as fashionable people say: *through networking*. So ask your colleagues, acquaintances, relatives and friends. Don't forget your accountant and, if you're a generalist, talk to the specialists and critical care veterinarians to whom you refer cases.

If you're “networking challenged,” then you will need to fall back on the internet, or even the paper yellow pages. Your state or local bar association can also help.

As with other advisors, your main selection variables when choosing a lawyer are: competence, price, and whether you feel comfortable with that person. But it's also critical to find an attorney with expertise *in the area(s) you need*. Now that the law has wrapped its tentacles around all aspects of human endeavor, there is no true equivalent in the legal profession to the general practitioner or the small animal generalist. Today's lawyers either actively specialize or end up “specialized” by the work they do, even those touting themselves as generalists.

If your lawyer is part of a law firm comprising several practice areas, however, you can benefit from advantages analogous to those generated by a multi-specialty veterinary practice. But like solo veterinarians, sole practitioner lawyers have developed specialist networks they can consult as needed. So the advantages of a (large) law firm are far from overwhelming for a small company client (particularly when fees are taken into account, because hourly rates generally increase with firm size.)

Unless you are being sued for malpractice (in which case you need a litigator in your state) veterinary practices need an attorney who does a lot of commercial and business transactions for small businesses. Your lawyer should therefore have considerable experience and expertise in buying and selling small businesses, setting up partnerships between small business owners, commercial leases, and employment matters. This means that an attorney who does mostly home real estate and wills, or who spends a lot of time in court doing personal injury or criminal work, will *not* be ideal.

In fact, consider hiring an attorney who not only specializes in “small business law,” but also in veterinary practices and their owners and employees. They are not more expensive than most other competent small business lawyers, and at least you won't waste time and money explaining how veterinary practices work. Your lawyer needs to understand your business, particularly when dealing with employment issues or structuring practice buy-ins and shared leases. (And since lawyers charge by the hour, *you* pay for teaching him about your practice). A potential down-side of choosing an attorney specialized in veterinary practice law, is that he or she may not be licensed to practice in your state. In this case, hiring local counsel may be necessary if local law issues require local expertise or research.

How do you find an attorney specialized in veterinary practice business law? Just ask around at your next major CE conference.

Once you have several names of lawyers who practice in the desired area(s), you need to interview each of them in person or by phone.

Since almost all attorneys bill by the hour, your very first question should be whether your prospective attorney is going to charge you for the initial interview! Most lawyers don't, but you need to know when the meter starts running. Many lawyers now have helpful "fee letters" explaining how they bill, about retainers, and so on. But don't sign anything yet!

Your objective during the initial interview should be threefold:

First, you must ensure that the lawyer is truly experienced in small business legal matters (or veterinary practice legal matters if you are searching for a veterinary practice specialist). So ask how many business sales or purchases, business partnerships or buy-ins and employment agreements she has *personally* done over the past year or so. A good answer would be a minimum of three or four sales or purchases; two or three business partnerships and/or buy-ins; and at least four or five employment agreements per year. You should also ask some substantive questions to make sure the candidate truly is knowledgeable. For this you (or your practice manager) will need to dive into the large and growing body of literature written for veterinarians by lawyers specialized in veterinary practice issues. You should learn just enough to verify if your candidate truly has expertise in the areas in which you need help. Admittedly, educating yourself sufficiently to become an informed consumer of legal services is the hardest part of the selection process. But it's a good investment because it will allow you to properly manage the relationship--which is a whole other topic. Besides, since this will probably be your sole opportunity to grill a lawyer, take full advantage of it!

One short cut is to contact a few small business clients of your attorney candidate and ask them for their opinions. But confidentiality restrictions will usually prevent the lawyer from disclosing client names to you (unless the clients in question agrees to waive attorney-client privilege). This is why recommendations from two or more colleagues or friends who are current or former clients your prospective lawyer are so valuable.

Another short cut is if you know and trust a lawyer who practices in another area—say, she handled your will, or advised you when you last bought or sold property. Ask this attorney to recommend some good lawyers who practice small business law.

Your second objective during an initial interview is to find out how much your lawyer will cost. She will tell you her hourly rate of course, but you should also obtain a fee range for the matter you want her to work on. You will also want to know how your attorney charges for travel, communications, and so forth.

When considering fees, please keep three things in mind. First, no transaction is cookie-cutter. Preparing all but the simplest document is expensive, because there is no suitable "one size fits" all form (notwithstanding what the people who sell legal forms say). As anyone who

has remodeled their home knows, custom work costs. Second, because the other party to the deal (and such party's attorney) can be variably diligent, efficient and obstreperous, your lawyer does not fully control the negotiation and implementation process. So while your attorney should give you an accurate estimate of the cost of producing the first draft of an agreement, costs are harder to gauge once the other side becomes involved. Third, the more organized and responsive you are to your lawyer's information requests, the less expensive the process will be.

Last but certainly not least, you must feel comfortable with your attorney. You are going to trust her with important matters, so your rapport must be good. But because a good con artist will have no trouble giving you good vibrations or making you feel warm and fuzzy, you need to remain critical. If your character judging skills are weak, bring a shrewd relative or friend to the meeting or phone call. And trust your instincts. If you don't like a candidate, just don't hire him.

If all this sounds like a lot of work--it sure is. But the worst thing you could do would be to choose the wrong lawyer. The consequences could be just as grave as choosing the wrong doctor or the wrong financial advisor.