

WHAT IS AN ATTORNEY?

An attorney is a person educated to provide legal advice to people and businesses and to represent them before courts and government agencies and in private negotiations. “Lawyer” is just another word for “attorney.”

WHY ARE ATTORNEYS NECESSARY?

The law is an extremely complex network of statutes, regulations, and court decisions. Without law, our society would be chaotic, and it would be difficult for an individual to engage in many of the activities that we ordinarily take for granted.

It would be virtually impossible for an individual to know the meaning of all phases of the law and to keep up with the frequent changes without devoting full attention to studying and working with the law. It is essential, therefore, to have attorneys who are skilled in interpreting the law to advise others about legal matters.

WHAT ARE AN ATTORNEY'S QUALIFICATIONS?

To become an attorney in Ohio, a person must earn a bachelor's degree and then graduate from an accredited law school. Law school courses cover contracts, real property, criminal and civil procedure, business organizations, domestic relations and many other legal topics.

After graduation from law school, the candidate for admission to the “Bar” (the collective term for all practicing attorneys) must produce evidence of good moral character, must successfully complete the bar examination (a two-and-a-half day comprehensive test administered by the Supreme Court of Ohio) and must take an oath of office.

To retain a license, every attorney admitted to practice in Ohio must complete 24 hours of accredited continuing legal education coursework every two years, including 2.5 hours in professionalism and ethics.

DO I HAVE TO GET AN ATTORNEY?

You can represent yourself “pro se” in a legal proceeding if you do not want to hire an attorney, but you cannot represent another person or a corporation unless you are an attorney. Keep in mind, if you are representing yourself, you are held to the same standard as trained attorneys.

WHEN SHOULD I GO TO AN ATTORNEY?

The best time to go to an attorney is before you are in legal difficulty or need to make an important decision about a legal matter. It is best to consult your attorney before you sign papers or take other action that might seriously alter your legal position.

For example, you should consult an attorney when:

- you are planning to enter into a verbal or written contract that has major financial consequences;
- you are involved in an accident involving injury to persons or damage to property;
- you are seeking to collect a debt from another person, or someone is taking action to collect a debt from you;
- you need an opinion about the title to real estate;
- you want to plan your estate, make a will or create a trust;
- you are organizing or dissolving a business;
- you are involved in a family situation such as adoption, divorce, settling an estate, etc.;
- you believe your rights as a consumer or employee have been abused;
- you believe your civil rights may have been violated;
- you have been named in a lawsuit.



HOW SHOULD I GO ABOUT CHOOSING AN ATTORNEY?

Follow the same steps as you would in choosing a physician. If you do not know an attorney, ask for a recommendation from your friends, neighbors, employer, or anyone in whom you have confidence. In Ohio, there are also lawyer referral services in each metropolitan area, operated by the local bar association. (For a listing of lawyer referral services in Ohio, go to the “public” area of the OSBA website: www.ohiobar.org.) You will also find advertisements for specific lawyers on TV or in other media, but be certain to get an unbiased opinion about their qualifications.

Remember that when you have a legal problem, you should go to a lawyer. Be wary of advice from persons who are not lawyers. To consult someone who is not an attorney about a legal problem is risky and often costly in the end. Generally speaking, no two legal problems are exactly alike.

WHAT IS MY ATTORNEY'S DUTY TO ME?

Upon admission to practice, all attorneys take an oath to uphold the constitutions and the law and to be faithful to their clients.

Just as your communications with your minister and physician are confidential, so are your private communications with your lawyer. Legal ethics rules prohibit your attorney from disclosing, without your permission, any information you provide during the attorney-client relationship. However, your attorney may disclose your intention to commit a crime and the information necessary to prevent the crime.

Your attorney's principal duty is to see that you receive the benefit of all your legal rights. An attorney is sworn to conduct cases in an orderly and efficient manner. Your attorney may not, without prior approval, make any agreement or incur any obligations that might substantially prejudice your interests.

HOW IS AN ATTORNEY'S FEE SET?

In determining the fee, an attorney must consider the difficulties involved in the problem you bring, the amount of time it requires and the value of the results obtained for you. You should keep in mind that, to serve clients efficiently, an attorney must bear certain necessary expenses. From the fees, the attorney must pay for office staff, rent, technological equipment, furnishings and legal research tools.

You should discuss your lawyer's fee at your first consultation. Your attorney may not be able to tell you the exact fee in advance, but usually can give at least an estimate of the charge or an explanation of how it will be determined. Sometimes a lawyer's fee is controlled by a statute or fixed by court rules. In some cases involving the recovery of money, the charge may be a percentage of the amount recovered. You should ask the lawyer to put into writing fee and billing agreements to avoid any misunderstanding.

WHAT IS MY DUTY TO MY ATTORNEY?

You should be cooperative with and responsive to your attorney. Be truthful, giving your attorney all the facts concerning your case and make a full and fair disclosure of the entire situation. To serve you well, your lawyer must know not only the favorable facts but also those that may be unfavorable. Also, you should be available to your attorney and attend all legal proceedings, as requested. Finally, you should pay your legal bills on time



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