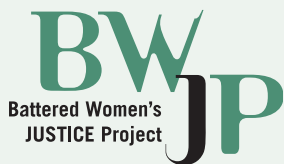


How to Select an Attorney to Achieve Safety and Justice



Do I Need an Attorney?



If you are afraid of your spouse or partner – or you or your children have been threatened with violence, hit, controlled and not allowed to make decisions – you may want to talk to an attorney about what

can be done legally to protect you or help make you safe.

Ask yourself:

- ◆ Do I feel safe in my home?
- ◆ Am I afraid of my partner?

An attorney can help determine:

- ◆ How the law can help you;
- ◆ What your options are;
- ◆ What, how, when and where court orders can protect you; and,
- ◆ Whether your partner's behavior violates the law in any way.

You may need the assistance of an attorney if:

- ◆ You have been served with legal papers;
- ◆ An agency has threatened to take your children; or
- ◆ You think you might lose your job because of violence at home.

Most legal problems will not be solved without action on your part. Ignoring the problem may compromise your safety and that of your children. Failing to respond to a legal action can also cost you money. Consider the possible unwanted consequences, if you ignore the problem.

When deciding whether to go to court without an attorney, consider whether:

- ◆ You will be able to get the judge to understand your situation (what your partner has done, why you are afraid, and what you need to be safe);
- ◆ The tactics your partner used during the relationship to get his way will be used again to intimidate you in court;
- ◆ It will be worse if he has an attorney and you do not.

Even if you think that you can handle the court hearing, discussing the case and strategy with an attorney may help you make the best decision about whether to hire an attorney or represent yourself.

If you decide that you need the assistance of an attorney, seek help immediately.

You may need an attorney if:

- ◆ **Dealing with your abusive partner is unsafe;**
- ◆ **Legal papers have been served on you;**
- ◆ **Legal issues are confusing;**
- ◆ **Losing would drastically change your life; and,**
- ◆ **You are involved in a relationship where there is unequal power.**

Can I Find a Free Attorney?

If you have little or no income, you may be able to find an attorney through the free legal services programs in your community. Often you can find out over the telephone if the legal help you need is available and if you qualify for that help. You should ask each program how quickly an attorney would be available for you.

Education or advice clinics may also be available in your community. The domestic violence program, legal services office, or local law school may have information about clinics that provide information about family law and protection orders. Sometimes clinics provide free attorneys to persons who are abused or controlled by partners or spouses. Other clinics offer an attorney review of your legal case. Clinics vary in their income requirements and fees.

Volunteer attorney services are offered in many communities. Other programs offer reduced fees. Contact your local bar association, domestic violence program or legal services organization for complete information.



Can I Afford an Attorney?

If you find that you are not eligible for free legal assistance and decide to hire an attorney, figuring out how to pay the fees and costs may be hard. Make sure that you understand the hourly fee structure of the attorney and other staff in the office. Ask how much you will be charged for telephone calls, copying, office visits and court hearings. Find out the filing fees, costs of service and charges for court reporters. Determine if it will be cheaper to work mostly with a paralegal instead of the attorney. Ask if there is anything you can do on your case to help reduce the fees. Talk to the attorney about a payment plan. Don't sign any fee agreement that you do not understand.



An attorney may require a “retainer” (an advance payment from you) from which the fees and costs of your case will be deducted. The retainer may or may not cover all expected fees and costs. Most attorneys will not start your case until you pay the retainer.

You can seek legal assistance and advice through:

- ◆ Free legal services;
- ◆ Domestic violence legal clinics;
- ◆ Volunteer or reduced fee attorneys; and,
- ◆ Private attorneys with reduced fee agreements.

How Do I Find a Good Attorney?

Word of mouth is the way most people find attorneys. Ask friends if they have ever hired an attorney who listened carefully to them and worked hard to get the legal help they needed. You want to find an attorney who will think with you about the best ways to keep you and your children safe. Your attorney should also discuss your financial needs and the need for your abusive partner to pay for any losses you have suffered because of the abuse.

The local domestic violence program may be able to refer you to an attorney who understands the issues faced by domestic violence victims. The Yellow Pages and other advertising services often do not include information about which attorneys are experts in domestic violence; however, the referral service of your local bar association may.

Attorneys who have assisted you with other matters may be able to offer a referral to an attorney who has experience in family and protective order matters.

Note: Family law attorneys may not have expertise in tax, real estate, bankruptcy, etc. You may also need an attorney who specializes in those areas of law.

You can find a good attorney through:

- ◆ Friends;
- ◆ Attorney referral numbers;
- ◆ Local domestic violence programs; and
- ◆ An attorney you may have used for another matter.

How Do I Choose the Right Attorney for me?

You may want to interview several attorneys before you make a decision about hiring one. You should ask if the attorney offers a “free consult.”

Questions to ask include:

- ◆ What is the attorney’s legal experience with domestic violence?
- ◆ Is the attorney willing to work with the local domestic violence program?
- ◆ What concerns does the attorney have when working with a victim of abuse?
- ◆ Can the attorney achieve the results necessary for your safety and well being?

Decide:

- ◆ Who will make tough decisions in your case: the lawyer, you or both?
- ◆ Does the attorney listen well and communicate in a way that you can understand?
- ◆ Do you feel comfortable and safe discussing your concerns with this person?
- ◆ Can you afford the legal fees and retainer?

You can choose a good attorney through:

- ◆ Interviewing;
- ◆ Asking questions;
- ◆ Being clear about your needs;
- ◆ Understanding the expectations of your attorney-client relationship; and
- ◆ Talking with a domestic violence advocate.

For help locating other services for abused adults, call:

National Domestic Violence Hotline
1-800-799-SAFE (7233)

To contact your local domestic violence program or your local bar association or legal services/aid office, look in the emergency or human services pages of your phone book.

How to Select an Attorney to Achieve Safety and Justice was prepared by the Battered Women’s Justice Project (BWJP) of the Pennsylvania Coalition Against Domestic Violence.

For more information please contact BWJP at:
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