

## How to Find a Lawyer

### Do the Words "lawyer" and "attorney" Mean the Same?



#### Legal Information &

**Referral:** 206-621-7691

**Toll-Free:** 1-866-259-7720

**TTY:** 206-521-4317

**Web:** [www.legalvoice.org](http://www.legalvoice.org)

In common usage, "lawyer" and "attorney" mean the same: a person trained in law, admitted to the bar, and currently licensed to practice in a specific state or federal court. However the word "attorney" does not always mean "lawyer". For instance, a "power of attorney" may be granted to someone who is not a lawyer to act for you in a very specific circumstance. A husband may give his wife a power of attorney to act for him if he is unable to make his own decisions in a health crisis. Or you may give your real estate agent a power of attorney to close a real estate transaction if you will be out of the area. A person with a Power of Attorney cannot give legal advice, represent the other person, or take any actions except those listed in the Power of Attorney document.

### What do the words "pro se" and "pro bono" mean?

*Pro se* (pro say) is a Latin legal term used to describe a person who does not have a lawyer and who represents herself in a legal action. You have a right to represent yourself in any kind of legal matter unless a court finds that you are incompetent to do so.

*Pro bono* refers to legal services provided by lawyers at no charge to the client. Most volunteer lawyers are referred through county bar associations. Pro bono lawyers usually ask you to pay the costs of the case (like the filing fee, copying costs, and expert witness fees) even though they are not charging you for their fees.

### Do I Have a Right to be Represented by a Lawyer?

Yes, but you do **not** usually have a right to a **free** lawyer. Most people know that you have a right to a free lawyer if you cannot afford one when you have been charged with a crime. There are also a few kinds of civil cases in which you may have a right to a lawyer.

### What If I Could Go To Jail?

You have a right to have a lawyer represent you in a court if you could lose your freedom. You have this right when you are charged with a crime or contempt of court and could go to jail. You also have this right when you are in an evaluation and treatment facility for mental health reasons. These lawyers are called public defenders. If you cannot afford to pay a lawyer, one should be provided for you.

Sometimes, courts do not automatically appoint a public defender. If this happens to you, you can ask the court to appoint a lawyer. Civil infractions, like traffic tickets, can only be punished by fines and you do **not** get a free attorney to dispute them.

### **Are There Other Situations when I Have a Right to Have an Attorney Appointed?**

There are a few specific types of civil cases in which you have a right to have a free lawyer if you cannot afford one. Those types of cases include

- **Dependency Actions:** Low-income parents can get a public defender when the state seeks to terminate their parental rights. Children involved in dependency actions may also ask the court to appoint a lawyer for them; they usually do this through the Guardian ad Litem who has been appointed for them.
- **Minors:** Children, that is, people under 18 years old, can have a public defender appointed when they are involved in juvenile offender hearings.
- **Guardianship:** When a court is deciding whether a guardianship should be established over a person, usually due to incapacity, that person gets a lawyer.
- **Absent Due to Military Service:** If you cannot defend yourself in a civil action because you are absent due to military service or you are a dependent of a service member in military service, a court must appoint a lawyer for you before entering a judgment against you.

### **Are There Other Ways To Get an Attorney?**

- **Contingency Fees.** Attorneys usually take personal injury cases “on contingency” – that means they take their fees out of the money awarded through a settlement or a trial. Sometimes employment discrimination cases are handled on contingency. The “damages” must be large enough for the attorney to be paid for her or his time by taking a percentage of the amount awarded. See the Legal Voice publications “Working with a Lawyer” and “Damages and Contingency Fees”
- **Statutory Fees.** If you have been denied Social Security/SSI/SSDI benefits, statutes (laws) allow attorneys to collect fees out of the amount that you receive if they appeal your case and win. This is also true for workers compensation attorneys.
- **Bankruptcy.** Bankruptcy attorneys become a creditor in the bankruptcy. If you have assets that can be sold to pay some of your debts, you may be able to find a bankruptcy attorney to represent you.

If you have one of these types of cases, call a lawyer referral service (see below) for a referral to an attorney.

## **What if I Don't Have a Right to a Free Attorney?**

Even if you do not have a right to a lawyer, you may qualify for free legal assistance. To learn whether you qualify for free assistance from Northwest Justice Project, another legal service organization, or a volunteer legal services program in your community call:

- If you are age 60 and over, regardless of income or county, you may call CLEAR\*Sr at 1-888-387-7111 weekdays 9:15 a.m. – 12:15 p.m.
- In King County: If you are low-income and have a civil legal problem, call 211.
- Outside King County: If you are low-income and have a civil legal problem outside King County, call CLEAR at 1-888-201-1014 weekdays from 9:15 a.m. until 12:15 p.m.

## **Will the Court Order the Other Side to Pay My Attorney Fees?**

The court may award reasonable attorney fees in wage actions and foreclosure actions, for example. The court may be required to award attorney fees according to contract provisions. Where fees are based on equitable grounds (fairness), the court will base this on whether the losing party engaged in any bad faith or unethical conduct.

Washington courts are required by law to award reasonable attorney's fees to a party who wins a lawsuit because their medical records were released by health care providers without their consent.

In family law cases, there are no Plaintiffs and Defendants, no winners or losers. A lawyer may be willing to file a motion asking the court for an award of fees; that is, asking the court to order the other party to pay her fees, if the other party is financially able to do so. This is hardly an automatic award and even if fees are awarded, you will still be responsible for the fees if the other party doesn't pay.

## **What if I Don't Qualify for Legal Assistance?**

You can hire an attorney or you can represent yourself.

If you have had a successful working relationship with a lawyer who practices in the area of law you are dealing with, it is a good idea to contact that lawyer and consider retaining her or him to handle the new matter.

Otherwise, you can call a lawyer referral service:

- Legal Voice 206-621-7691; Toll-free 1-866-259-7720; TTY (206) 521-4317

Legal Voice provides free legal information and referral services. It has a current list of lawyers in many areas of practice and in many counties in Washington. Legal Voice can give you a general idea of the lawyer's fees, but each client will need to negotiate specific fees with her lawyer.

- County Bar Association Lawyer Referral Services

These services will help you determine whether you have a legal problem and need a lawyer, and if so, will give you the name of one who has asked for referrals of your type of case. If you decide to be referred, you pay the Bar Association \$30-40 for the first one-half hour meeting with the lawyer. If you want to retain (hire) the lawyer, you should negotiate fees at that time.

Clark/Cowlitz County Lawyer Referral	(360) 695-0599
King County Bar Association Lawyer Referral	(206) 267-7010
Kitsap County Lawyer Referral	(360) 373-2426
Lewis County Bar Association Lawyer Referral	(360) 748-0430
Pierce County Lawyer Referral	(253) 383-3432
Snohomish County Lawyer Referral	(425) 388-3018

### **What if I can't Find an Attorney to Represent Me?**

If you are not able to find an attorney to represent you, you may call the Legal Voice Information and Referral Line for information on other types of assistance available for people representing themselves: (206) 621-7691; toll-free 1-866-259-7720; TTY (206) 521-4317.

Also see the Washington Law Help website, [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org) for self help materials and a list of legal services.

The King County Office of Public Defense provides screening for a public defender in King County 206-296-7662. For other counties, see the list at <http://www.defensenet.org/resources/public-defender-offices>

Related Legal Voice publications are at [www.LegalVoice.org](http://www.LegalVoice.org) or order through our I&R line:

*Working with a Lawyer* for information on fees, interviewing attorneys, and special tips for domestic violence survivors when hiring an attorney

*Damages and Contingency Fees* to understand how an attorney decides whether to take your case on a contingency fee basis.

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