

How do I select from the names I have?

Ask people you trust about your prospective attorney's knowledge of domestic violence and reputation for responding and being on time.

Set up an appointment so you can interview the attorney. The attorney may or may not charge for this consultation.

What should I do in the interview?

Before you go, make a list of things you want to talk about.

- Be clear about your goals. What do you want the attorney to do for you?
- What are your biggest concerns?

At the interview, try to be calm and direct. Don't start by asking about fees, but instead discuss the circumstances of your case, your concerns, and your goals.

In the interview, pay attention to:

- Is the attorney listening to what you are saying?
- Do you feel comfortable with him or her?
- Does he or she ask a lot of questions of you to understand what the issues are?
- Is he or she respectful?
- Does he or she have experience working with cases involving domestic abuse?
- Does he or she have experience working with domestic abuse advocates?
- Is he or she willing to work with your advocate?

When you hire the attorney, *don't leave the interview without* a clear understanding of the following:

- What amount of money the attorney expects you to pay and when. You can ask about a payment plan.
- Whether you must pay any money before the attorney will begin working on your case.
- When the attorney will provide you with a *written* agreement ("retainer") that clearly spells out the work to be done and the amounts you are to be charged. Any agreement with the attorney should be in *writing*.
- When you will next hear from your attorney.
- What your attorney expects you to do and when it needs to be done.



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**THIS BROCHURE IS A PUBLICATION OF
THE DOMESTIC ABUSE COMMITTEE OF
THE FAMILY LAW SECTION OF
THE MINNESOTA STATE BAR ASSOCIATION**

A DOMESTIC VIOLENCE VICTIM'S GUIDE TO GETTING A GOOD ATTORNEY



If you are an attorney who is interested in receiving training on representing domestic violence victims, please contact the Domestic Abuse Committee via the MSBA office.

A Domestic Violence Victim's Guide to Getting a Good Attorney

Should I get an attorney?

Choosing an attorney is perhaps the most important decision you will make. Going through any court process alone without an attorney can be very difficult. The law and the rules of court can be very complicated. You are likely dealing with upsetting facts that may make handling a legal process even harder.

Many times the advice and/or representation of an experienced attorney may make the difference between a good and bad outcome. Decisions made by a court can be permanent or very hard to change.

Even though hiring an attorney now might seem like more than you can afford, failing to get legal advice may mean you do not get the financial support you need and deserve.

Note that even if you have a domestic abuse advocate, you should still consult an attorney, because attorneys and advocates serve very different roles. It is also a very good idea to have a domestic abuse advocate working with you and your lawyer.

Some people may be able to go ahead without an attorney in cases like Orders for Protection. But even if you think that you can handle the court hearing by yourself, discussing your case with an attorney may help you decide whether to hire an attorney. It may also help you in representing yourself.

There are circumstances under which you may *especially* need a lawyer:

- Legal papers have been served on you
- An agency has taken (or has threatened to take) your children
- Confronting the abuser in the courtroom or otherwise is unsafe or intimidating
- The other side has a lawyer
- You or the abuser are immigrants or may have immigration-related problems or complications
- You may face eviction or lose your job because of the actions of the abuser
- You and the abuser live in separate states or one of you is on a reservation or in the military
- Your case involves property, financial issues, or child custody
- The legal issues involved are confusing
- You operate a business out of your home
- The legal matter is only one of the difficult issues you have to deal with at this point in time and you need somebody to take it over
- Losing would drastically change your life

How do I find attorneys experienced and knowledgeable in domestic violence cases?

Best sources of information:

- Your local domestic violence program may be able to refer you to attorneys who understand the issues faced by abuse victims and who have a history of doing a good job with other victims.
- You may contact the Minnesota Coalition for Battered Women (1-800-289-6177) to find your local domestic violence program.
- You may also call the Battered Women's Legal Advocacy Project (1-800-313-2666) or Chrysalis' Safety Project (612-871-0118, for the metro area only).

Remember:

- Domestic violence is a very complex area of the law.
- Lawyers who are good at one kind of law are not necessarily good at domestic abuse cases.
- Most sources of attorney names are not pre-screened for experience in representing victims of domestic violence.
- The Yellow Pages, most internet sites, and other advertising services often don't include information about which attorneys are knowledgeable in domestic violence.