



Seven Questions You Should Not Be Afraid to Ask Your Lawyer

by David Goodman

1. What can't I ask?

This is a trick question. There is no question related to the legal services your lawyer has been hired to provide that is out of bounds. And when you ask a question, you should get a prompt and direct answer to it from your lawyer. Of course, the answer may not always be what you want to hear. Depending on your question, the answer may identify other questions that require consideration or additional information before they can be resolved. Just as transparency, full disclosure and honesty are hallmarks of good interpersonal relationships, they are also necessities in a successful attorney-client relationship. It is time to re-evaluate your relationship with your lawyer if there are questions you feel you cannot ask or cannot get answered.

2. How much is this going to cost?

It's always fair game to ask about how much the legal services are going to cost, and to request and receive a budget. A budget should describe the nature of the services that the lawyer expects to provide, the anticipated timetable for the project, factors that may impact the projected timetable or budget and the likelihood of (and reasons for) variance. Budgets change for many reasons, including factors that may be beyond counsel's control. But while an engagement may present novel issues that require flexibility, your lawyer should approach your matter with a plan tailored to the details of your matter. That means it is reasonable for you to expect your lawyer to be able to lay out that plan. Don't hesitate to request a budget that puts the anticipated cost for resolving your issues in context.

3. Can I have an update on the status of the matter?

Surprises are no fun, except when they involve giving or receiving gifts, right? Regular communication and timely updates from your lawyer help to avoid surprises. You should expect to receive regular reporting, but you should never hesitate to seek updates about the developments (or lack thereof) in your matter.

4. Do we need to change course?

“If at first you don’t succeed, try, try, again” is laudable advice in life but not always in legal matters. One description of insanity is banging your head against a brick wall over and over and expecting something other than a headache. That’s why as your matter unfolds it makes sense to ask your lawyer to re-evaluate options and make adjustments to the plan based on new information and changing circumstances. In a healthy attorney-client relationship, this conversation does not need to involve finger-pointing or making excuses. You and your attorney should be on the same team, making course corrections and adjustments together.

5. Do I have another option besides hourly billing?

Slow and steady wins the race, but that approach sounds so unappealing when you are paying for it on an hourly basis. Believe it or not, hourly billing for legal services is a relatively recent innovation, and it may or may not be well suited to your legal needs. The legal services you purchase should be tailored to your needs, and the fee arrangement should be structured to the circumstances as well. You should not be afraid to explore alternative ways of meeting your financial obligation, or to ask for information that assures you the fees are commensurate with the legal services your attorney is providing.

6. Will you be the one working on my matter day to day?

You know who you engaged to represent you, but do you know who is going to be working on your matter? You hired counsel because of the firm’s reputation or the lawyer’s experience, but will she or he be the one actually working on it? If not, who will, and what is that lawyer’s experience on cases like these? It’s important to understand how your case is going to be staffed, and the roles and responsibilities of each member of the team.

7. Is it okay if I ask some more questions?

This is another trick question because you should never be afraid to ask follow-up questions over the course of your case. Circumstances change, and a sound strategy is one that adapts to change to maintain a focus on your objective. Remember, a “win” is not always measured by a favorable judgment at trial because, given the opportunity, most businesspeople would prefer to make their own decisions rather than have those decisions made for them by a judge or jury. Litigation is not an end in itself but a tool to achieve an end, and your lawyer must understand your objective in order to continue a successful collaboration. Ask as many questions as you need to so that both you and your lawyer can keep your eyes on your goal and do what it takes to achieve it.

This [article](#) originally appeared on LinkedIn on October 10, 2019.



David Goodman

David Goodman is the founder of Goodman Law Group | Chicago. He draws on his thirty years of legal experience, many of them spent as a first chair trial lawyer, to help businesses manage their risks, harvest their benefits and protect their assets. Learn more at www.glgchicago.com



CHICAGO