

FINDING A LAWYER

If you need an attorney specifically for a disability determination through Social Security, please see “Finding a Lawyer for a Social Security Disability Case.” If you are seeking legal advice on a worker’s compensation case, see “Finding a Lawyer for a Worker’s Compensation Case.”

If you are looking for a lawyer to represent you in a case related to your reflex sympathetic dystrophy (RSD)/complex regional pain syndrome (CRPS), first ask your friends, colleagues, family members, fellow support group members, or neighbors for recommendations. Word of mouth is often the best way to find a good attorney, especially if you get the same recommendation from more than one person. Another source of recommendations is through an Internet chatroom or bulletin board support group.

If you cannot find an attorney for your case through personal connections, several organizations have referral services. The American Bar Association (ABA) has a referral service by state on its website at www.abanet.org/legalservices/findlegalhelp/home.cfm. (On the same page, the ABA also provides several helpful publications, such as “Hiring a Lawyer,” “Paying a Lawyer,” “Finding Free Help,” and “Legal Terms.”) Some links let you search for a lawyer by specific specialties (such as medical malpractice, personal injury, and employment law, including workers compensation). In addition, there are many state and local bar association with directories of their members, often listed by specialty; you may contact those associations for suggestions. To find local bar associations in your state, see the ABA’s State and Local Bar Association Directory at www.abanet.org/barserv/stlobar.html, or check your telephone book for their numbers. In addition, the American Association for Justice, formerly the Association of Trial Lawyers of America or ATLA, has a referral service for anyone who is considering suing another party in civil (not criminal) court: www.atla.org/cgi-bin/pubdir.pl. (The Association has a RSD/CRPS litigation group whose members hold seminars to discuss strategies with RSD/CRPS cases and exchange medical information, so someone who is a member of this group may have a better understanding of your situation than someone who is not.)

One commercial website, www.lawyers.com, lets you search for a lawyer by specialty and gives you information about the firm’s size and whether or not the firm offers a free initial (or first) consultation. (Remember that the order in which the lawyers are listed on some web sites may be due to fees the lawyers have paid to the site.) You can also find an attorney through the listings in the business pages of your local phone book under the subject area “lawyers” or “attorneys.” Still, remember that it is often better to find a lawyer—like any other professional you may hire—on the basis of a personal recommendation from someone you trust who knows the attorney’s skills and abilities.

You may end up with more than one attorney, especially if your case is complicated. Sometimes the other lawyer (the co-counsel) is an expert in one part of your case but

is not licensed to practice law in your state and thus works with your attorney who is licensed to practice law in your state.

If you do not have much income, LawHelp at www.lawhelp.org can help you find a free or low-cost legal aid program to help with a variety of issues, including housing, employment, bankruptcy, and disability. You may also find a legal aid clinic in the phone book or through a bar association. Some bar associations may be able to refer you to lawyers who may help you for reduced fees if your income is limited.

However, before you spend any money on legal fees, keep in mind that some government agencies may provide you with the appropriate information and channels to resolve a problem. For example, if you have a concern about your rights at work, you may find the answers to your questions on the Justice Department's Americans with Disabilities Act website (www.ada.gov) or on the website of the Equal Employment Opportunity Commission (www.eeoc.gov). The Job Accommodation Network (JAN), part of the U.S. Department of Labor's Office of Disability Employment Policy, provides information about employment for people with disabilities on its website (<http://janweb.icdi.wvu.edu/>). You can also call JAN at 800-526-7234 to get advice, at no charge, about your employment situation.

If you decide that you definitely need an attorney—whether for a disability case, employment problems, or other issue—it is generally a good idea to speak with a few lawyers before deciding which lawyer to hire or to retain. You may want to have a friend or family member—someone whose opinion you value—come to the meeting with you. Then asking the lawyers questions, such as those below, may help you make a good choice.

- What do you charge, if anything, for the first or initial consultation?
- Do you accept cases on a contingency* basis or only on a fee basis?
- What do you estimate your fees for your services will be?
- What do you estimate your expenses will be?
- How long have you been practicing law?
- How much do you know about RSD/CRPS?
- Have you attended any relevant seminars or courses?
- How many similar cases have you had and how successful have you been?
- What do you think my chances of success are?
- How long do you think it will take to resolve my case?
- What paralegals or other lawyers, if any, will work with you on my case, and who will be my primary contact?

* If a lawyer takes your case on a contingency basis, you generally do not pay the lawyer anything until and unless you win the case. Then, generally, a lawyer will be paid one-third of your award plus expenses. (If you have switched lawyers and then win your case, the lawyer who actually won the case may have made an arrangement with the previous lawyer[s] to give them a portion of what you have been awarded in the case. In some states, a former attorney who took a contingency case can take you to court to get reasonable compensation, i.e., payment, for any time and expenses the lawyer had spent.) However, some lawyers will charge you for their expenses related to your case even if you lose your case. The attorney-client contract should tell you what charges you must pay.

- Do you have malpractice insurance?
- Can I review your attorney-client contract that I would be expected to sign? (It is a good idea to take it home with you to review carefully before signing.)

You may also want to call the Better Business Bureau to see if any complaints have been filed against the attorneys you are considering. The lawyers' associations and some states also keep a record of attorneys against whom complaints have been filed or legal action has been taken, but these lists vary by state. If you still are not sure about your choice of attorneys, ask for a follow-up meeting if that will help. Make sure you feel comfortable with your decision before you agree to hire anyone.

If you become unhappy with your attorney, you do not have to have that person continue to represent you. You may simply inform the lawyer, in writing if you prefer, that you wish to hire other legal counsel. However, you should expect to pay for the services provided up to that point and for the time that it will take for the next attorney to become familiar with your case. Generally, your legal file belongs to you.

Another resource on lawsuits is the RSDSA newsletter article "How to Lose Your Case in 12 Easy Steps" by R. Steven Shisler, Esq. posted on the RSDSA website at http://rds.org/4/resources/lose_your_case.html.