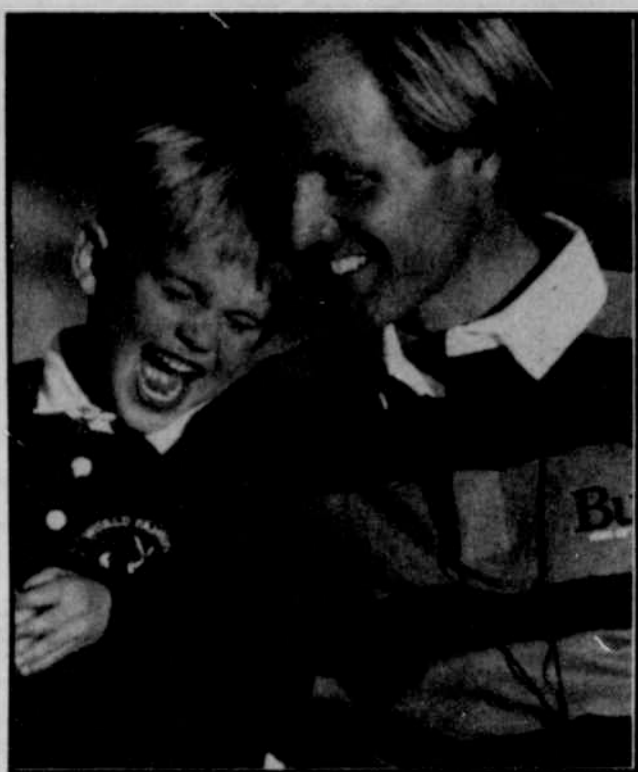




A PORTLAND TRADITION

designed for active-wear and generously cut for comfort, these garments are prewashed and preshrunk for long lasting fit. (they're as comfortable as they look).



796-0725
404 NW 10th
Mon-Sat 10-4

DOWNEY
INSURANCE AGENCY, INC.
SINCE 1912

Bridget I. Downey
P.O. Box 40626
Portland, OR 97240
610 S.W. Broadway, #408
(503) 228-8327

Shopping for an attorney

*Lawyers and their fees; low cost legal services;
small claims alternative*

BY BRADLEY J. WOODWORTH

Note: No two legal situations are exactly the same. This column discusses general legal principles only. For specific advice, consult your attorney.

Past columns have discussed such topics as how to hire a lawyer, and when not to delay in obtaining legal services. This column generally discusses legal fees and costs, low cost legal services for people of low income, and the small claims alternative for small lawsuits.

. Counsel

Legal fees generally. There are three typical ways a lawyer charges for professional services: Contingent fee, flat rate, or hourly.

Contingent fee. In this type of case the attorney's fee is calculated as a percentage of the amount of your recovery. If there is no recovery, the attorney does not earn or receive a fee. If a recovery is made, the attorney's fee is a percentage of the amount recovered. Typical contingent fee amounts are 25 percent to 33 percent if the matter is settled without trial; 33 percent to 40 percent if a trial is necessary to get a recovery; 50 percent if the case is appealed. These fees are most common in personal injury cases, such as car accidents, insurance claims, and malpractice (legal, medical, financial) cases, but may also be available in landlord-tenant matters and other cases where the recovery of attorney fees is provided by statute. The advantage to contingent fees is that you get a lawyer at no initial cost to you. However, even in contingent cases, the client remains responsible for the costs of making the claim, which could include court filing fees, costs of obtaining medical records and reports, expert witness's fees, court reporter's fees, investigation expense and the like. In some cases the attorney will advance these costs on your behalf, and recover them from the settlement.

As an example, if you were the victim in a car accident case, and assuming all the medical bills have been paid by your or the other driver's insurance company, you might obtain a pretrial settlement for your "pain and

suffering" of, let's say, ten thousand dollars. In a typical case the attorney's fee would be one third, or \$3,333. From the remaining \$6,667, you would pay the costs of the claim, such as the court filing fee (\$109), medical records and reports (\$200), deposition transcripts (\$250) and the like. These amounts are deducted from your remaining \$6,667, so the net amount you would receive would be \$6,667 less \$559, for a net to you of \$6,108.

Contingent fees are not available in criminal cases or in domestic relations matters, due to ethics rules imposed on Oregon attorneys.

Flat rates. Many lawyers will charge a flat rate for certain types of routine legal services. Examples include preparation of wills (typically \$50 to \$150), depending on complexity, name changes, expungement of criminal convictions, review of real estate documents, and the like. Some attorneys charge a flat rate for criminal defense work, frequently \$1,000 to \$2,000 for misdemeanor defense; \$2,000 to \$10,000 for felony defense, depending on the nature and complexity of the case, whether trial is anticipated, and numerous other factors.

Hourly rates. Many types of cases are best handled on an hourly basis, i.e., the attorney charges for the actual time spent on your behalf. In the Portland area most attorney's hourly rates range from \$85 to \$125. Attorney time can mount up quickly. In a contested divorce with, let's say, six hours of depositions, a full day in trial, and all the related paper work, investigation and negotiation, an attorney could easily spend 40 to 60 hours over many months of work. If the attorney's hourly rate is, e.g., \$90, your attorney fee bill could range from \$3,600 to \$5,400. Needless to say, attorneys are expensive. Be sure to have a frank discussion with your attorney about the fees. If you cannot afford them, your attorney may lose interest in your case, or even have to resign as your attorney.

Low cost alternatives

People charged with criminal offenses who cannot afford an attorney, will have one appointed for them by the court. However, these lawyers are not "free." If you end up being convicted or pleading guilty to the charge, the court will probably require you to reimburse the state for the attorney fee expense, usually around \$300.

For people who have civil legal problems there are several lower cost alternatives available. For example, the St. Andrew's

Legal Clinic provides a range of legal services to persons of low income. While not all services are free, the rates are substantially reduced, and are usually affordable, even to people with low incomes. Many talented private practice lawyers volunteer at the St. Andrew's Legal Clinic, and you can get very effective legal representation there.

Oregon Legal Services Corporation (more commonly known as "Legal Aid") also provides certain types of legal services at no or small cost. Typical cases involve landlord-tenant matters, consumer law, child support problems and the like.

Various bar associations provide volunteer lawyer programs. A major program in the Portland area is the Senior Law Project, in which low income elderly people can receive free or low cost legal services. A program of particular interest in the Volunteer Lawyer Program at the Cascade AIDS Project, in which eligible HIV positive persons can receive free legal assistance, at a monthly legal clinic at the CAP offices. Again, many talented private practice attorneys volunteer their time, and you can receive very fine representation through that program.

Small claims alternative

For claims of \$2,500 or less, you may not need a lawyer at all. There is a special department in every county court known as the Small Claims Department. As a general rule, attorneys do not appear for either side in a small claims matter. If you have ever watched the People's Court on television, you will have a fairly accurate view of how small claims works. One difference is that none of the small claims judges I have ever seen are as irritable as Judge Wapner is.

You can file a small claim on your own. The forms are available at the Multnomah County Courthouse, and the filing fee is \$36.50, which you are entitled to recover if you win your claim.

For claims of less than \$2,500, where the facts or legal issues are not complicated, and there is no statutory right to recover your attorney fees, small claims court can be a most efficient way to resolve the problem.

A final note. Many attorneys offer a free or low cost initial consultation by phone, or in their office. You should not hesitate to obtain an initial consultation when a legal problem develops. Even in fairly small claims, in some cases attorney fees are recoverable by statute, and the attorney may be willing to take the case on that basis.

Do not let lack of money keep you from asserting or protecting your legal rights. There are options available, including free or low cost initial consultations, and if you have a legal problem, you should take advantage of them.

The author is an attorney in private practice and maintains his office in the Crown Plaza Building, downtown Portland.

BEST Bikes... In Two Cities

90 DAY FINANCING
NO INTEREST

Italian **BIKECITEMENT**

CICLO
SPORT SHOP

EXPERT
SERVICE

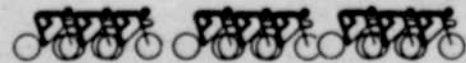
OLD TOWN
PORTLAND
35 N W Third Ave
227-3535

LAKE OSWEGO
VILLAGE CENTER
91 S. State St
636-3521

BEST SERVICE

BEST VALUES

DIAMOND BACK • BIANCHI • PEUGEOT • SPECIALIZED



Lodging -
Where Mountain
Meets Sea

The See View

95590 Highway 101
6.2 Miles South Of
Yachats, Oregon 97498
(503) 547-3227
Reservations Recommended

MT. TABOR FLORIST

Contemporary and Distinctive
Design Created
Specifically for You
and Your Lifestyle

- gift ideas • cut flowers • plants
- silks • balloon creations
- parties • all occasions

Serving all hospitals and funeral homes

256-2920

7819 S.E. Stark

