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SHOP AROUND WHEN LOOKING FOR LAWYER

RICK BRUNDRETT, Staff Writer

Your beloved Aunt Gertrude suddenly dies, and to your surprise, her estate is worth more than the gross earnings from "Saving Private Ryan."

Trouble is, Aunt Gert had no will or immediate survivors. It's just you and four distant cousins who also claim that they were the aunt's favorite. Whom do you call? A lawyer, of course.

But where do you look for a lawyer? And how do you know which lawyer is best for you?

"No. 1, I caution people about just going to the yellow pages and making a selection, because you don't know what your getting," said John McDougall, president of the South Carolina Bar and a family law lawyer in Columbia and Sumter.

"Probably the best way to select a lawyer is to ask your friends," McDougall said. "If you go to the yellow pages, . . . go in and see that lawyer, but see two or three more."

When hiring a lawyer, clients should find someone they can "really trust, relate to and confide in," McDougall said.

Mike Kelly, a civil trial lawyer in Columbia, said it's also important to ask lawyers about their professional experience and education and find out the lawyer's reputation in the community.

"If you don't like one particular lawyer, you can choose another," Kelly said.

There are about 2,500 lawyers in the Columbia area and about 8,500 practicing lawyers statewide.

The South Carolina Bar offers several services by telephone to help people with legal questions, Bar spokeswoman Wendy Jones said. A Lawyer Referral Service provides phone numbers of lawyers who specialize in the areas the callers request.

The service's members have agreed to charge no more than \$25 for an initial 30-minute consultation.

The Bar also offers LawLine, a service providing pre-recorded phone messages on a variety of legal topics. Jones said the Bar in the fall also plans to offer a phone "hot line" staffed by volunteer attorneys who will refer callers to other attorneys, legal service agencies or social

service agencies.

Lawyers have a number of duties, as set forth in the state's code of professional conduct.

Attorneys are supposed to return phone calls promptly and keep their clients informed about the status of their cases .

"Probably the No. 1 complaint is a lack of communication and neglect," said Barbara Hinson, an administrative assistant at the state's Commission on Lawyer Conduct, which investigates misconduct allegations and makes recommendations to the state Supreme Court about lawyer misconduct.

The court last year disbarred 11 lawyers, mostly for failing to communicate with clients or mishandling trust fund money.

But clients also have certain responsibilities, such as returning calls and letters, keeping attorneys informed of any new developments and paying.

"It's kind of difficult sometimes to collect the fee," said **Jack Swerling**, a criminal defense attorney in Columbia. "I was told by some of the old lawyers when I started that collecting the fee is an art."

Criminal attorneys typically charge flat rates and may ask for a portion, known as a retainer, upfront.

The rate for defending a simple assault or possession of marijuana charge in Magistrate's Court, for example, generally ranges from \$750 to \$1,250, while a drunken driving fee might average \$2,500, **Swerling** said.

"There is no one set price. You have to look what's going into a case," he said.

Fees for civil attorneys generally fall into two categories: hourly and contingency.

Hourly rates typically range from \$75 to \$350, McDougall said, though individual rates vary widely, depending upon the area of law and the attorney's level of expertise. Hourly rates are used most often in insurance matters and corporate law.

In a contingency fee arrangement, commonly used in personal injury cases, lawyers don't get paid unless their client wins. The standard fee for the lawyer is 25 percent to 33 percent of the recovered amount, plus court costs and other expenses.

"The contingency fee, in my opinion, is the saving grace to make the justice system fair," Kelly said. "It has many detractors, because they say it makes lawyers rich, but I think lawyers are justly compensated for their time and education."

Kelly said many people don't realize how much it costs to prepare a civil case. He said his office has spent "up to \$1 million in advance" on a group of cases.

Swerling said he also spends a lot of money on big criminal cases. A homicide case can run from \$25,000 to \$150,000.

"I can think of a number of cases where I've had a total time (on a case) of over 500 hours," **Swerling** said. "When I represented (Donald) 'Pee Wee' Gaskins, I had over 1,000 hours, but that was six weeks of trial."

Gaskins was executed in 1991 for killing a Death Row inmate in 1982 by blowing him up with a radio packed with explosives. Gaskins had been serving 10 life sentences, nine of them for murder.

For criminal defendants who can't afford a lawyer, there is the public defender.

The Richland County Public Defender's Office serves about 6,000 defendants a year with a staff of 18 lawyers.

Jeff Bloom, who heads the Richland office, said defendants must qualify for financial help before a lawyer is appointed.

The screening guidelines include a person's income, assets and the estimated cost of defending the case.

"The court is going to look at a person who is charged with murder differently than a person who is charged with driving without a license," Bloom said.

Bloom said his office is becoming more strict about who qualifies for help. Two years ago, the office handled 84 percent of the county's criminal cases, but that rate has dropped to 53 percent.

When a public defender is appointed, the defendant, if out on bond, is required to pay a \$25 application fee and another fee, ranging from \$100 to \$1,000, to reimburse Bloom's office.

Those who can't afford lawyers in civil cases can turn to one of five nonprofit legal service agencies throughout the state or the state Bar's program for free legal help.

Palmetto Legal Services handles more than 4,000 cases a year in 12 counties in the Midlands, said Kelly, Palmetto's board chairman.

The agency usually handles cases of divorce, child custody and support, domestic violence, bankruptcy, landlord-tenant disputes, health issues, unemployment and Social Security.

"This is the meat and potatoes of law," Kelly said. "With increased government regulations and the status of the health care system in this country . . . the indigent population is going to need more from Palmetto Legal Services."

To qualify for help, applicants must meet income eligibility guidelines based on federal poverty guidelines. A family of four can have an annual income no more than \$20,563.

People the agencies cannot help are referred to the state Bar's pro bono program, which has about 3,000 volunteer lawyers statewide, said Donna Stobbe, program director. About 100 cases a month are referred by the program to participating lawyers.

"There are (lawyers) who do it because they should, and people who do it because it looks

good," Stobbe said. "But I don't care why they do it."

GETTING LEGAL HELP

In the Midlands, there are many places to get legal assistance and help finding a lawyer. Some are listed below:

- * South Carolina Bar, Columbia, (803)799-6653; Web site: www.scbar.org.
- * Bar LawLine, (803) 771-0011 in Richland and Lexington counties; 800-521-9788 statewide.
- * Bar Lawyer Referral Service, (803) 799-7100 in Richland and Lexington counties; 800-868-2284 statewide.
- * Commission on Lawyer Conduct, Columbia, (803)-734-2038.
- * Palmetto Legal Services: Columbia, (803) 799-9668, Lexington, (803) 359-4154, Orangeburg, (803) 533-0116, Sumter, (803)773-1471.

Rick Brundrett covers the state judicial system. He can be reached by phone at (803) 771-8484 or by fax at (803) 771-8430.

1. (cover) Shop around when looking for a lawyer. YALONDA M. JAMES/THE STATE

2. Public defender Paulette Edwards, left, discusses a case with Assistant Solicitor J. Todd Rutherford at the Richland County Courthouse recently. The Richland County Public Defender's Office provides free legal help to criminal defendants. Potential clients must meet strict guidelines to qualify for free legal assistance. There also are some organizations that provide reduced attorney fees in certain instances. PHOTOGRAPHS BY YALONDA M. JAMES/THE STATE

3. Public defender Karla McLawhorn talks with her client outside a courtroom at the Richland County Courthouse.



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