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# Choosing the Right Lawyer

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How to Find the Best Lawyer to Handle Your Criminal Case



Written by Mike Howard, 2017

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# About Mike Howard

I practice 100% criminal defense in and around the Dallas/Fort Worth Metroplex. I was born and raised in Dallas, Texas, went to college at Texas Tech University and law school at Southern Methodist University Dedman School of Law. During law school I became first the President of the Dallas Chapter of the American Civil Liberties Union and later became a board member of the the ACLU of Texas. I began my legal career at Legal Aid of NorthWest Texas fighting against consumer abuse, unfair housing practices, and abuse of the homeless. I then turned my focus to criminal law, working at the Dallas County Public Defender's Office. I handled thousands of cases in misdemeanor and felony courts ranging from Class B misdemeanors like possession of marijuana or petty theft all the way up to capital murder cases in which the prosecution sought the death penalty. In 2009 I left the Public Defender's Office for private practice where I've continued representing citizens accused of criminal charges running from misdemeanors up to the most serious felony charges. I have earned a reputation as someone who will take the prosecution to trial and fight hard for my clients. I am also an Adjunct Professor at the University of North Texas Dallas College of Law where I teach a range of criminal law and trial advocacy classes. I am also often asked to consult with my alma mater SMU's Criminal Defense Clinic, teaching up and coming law students trial skills.



I handle criminal cases ranging from Class B Misdemeanors like DWI, Assault, Family Violence, and Possession of Marijuana, all the way up to 1st Degree Felonies like Murder, Aggravated Robbery, and Sex Crimes. I believe my clients deserve honest, compassionate representation by someone who isn't afraid to fight to get them the best possible result when the highest stakes are on the line.

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# Legal Disclaimer

This ebook is intended for informational purposes to help you find the right criminal defense lawyer. This eBook should not be considered a substitute for legal advice. The information provided here is general and not tailored to the specifics of your case. Nothing in this eBook should be considered legal advice as legal advice can only be provided after consideration of the specifics of your particular situation. Reading this eBook doesn't create an lawyer/client relationship with me or my office. In order to establish a lawyer/client relationship, you must meet with me, sign an engagement letter laying out the terms of the representation, and pay my legal fees. I provide this information in the hopes that it helps you in some way. If you would like to discuss me representing you, call my office at:

**214-296-2221**

## Chapter 1

# What Kind of Lawyer Do I Need?

Just like doctors, the vast majority of lawyers focus in a particular specialty. Cardiologists handle issues with the heart. Surgeons perform surgery. Ear/nose/throat doctors handle, well, issues of the ear nose and throat. Lawyers break down along similar specialized areas of focus. There are divorce lawyers, probate and estate lawyers, real estate lawyers, personal injury lawyers, criminal lawyers, and so on. Just as you probably wouldn't go to an ear/nose/throat doctor if you had stomach cancer, you probably ought not go to a real estate lawyer if you're facing a criminal charge. Your real estate lawyer is a lawyer and should (theoretically) be able to figure out how to defend you, but they certainly won't know as much about defending against a criminal accusation as a seasoned criminal lawyer would.

## General Practice vs. Focused Criminal Defense Lawyer

Some lawyers are what you'd call "general practice" lawyers. They handle a little bit of everything. This was common in the old days, when small towns might only have one lawyer who'd have to handle a will one day and handle a divorce the next. This is still common in small towns and to some degree in cities. A general practice lawyer is a lawyer - they know how to conduct legal research and they should have learned some of the skills necessary to take a case to trial. They will not, however, know the intricacies of a particular area of the law the way a lawyer who only focuses on that area will. They won't know the unique rules (both official and unwritten), or the hidden consequences to a plea bargain (some cases require the accused to forfeit firearms, result in a suspended driver's license, have serious immigration consequences, or have permanent effects on your long term record). And even if they did learn trial advocacy skills, they may be rusty if they don't regularly spend time in a courtroom.

A lawyer who focuses on criminal defense, on the other hand, spends 100% of their professional time handling problems like yours for people like you. Their legal knowledge isn't spread across many types of law; they know criminal law and they (should) know it well. Knowing criminal law inside and out means they should know all the hidden

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consequences and local practices that can make or break a case. They also (should) have up-to-date trial experience that they're ready to put to work for you (more on that in Chapter 4).

## Local vs. Out-of-Towner

Local lawyers will know all the players involved in your case (the prosecutor, the judge, the probation officer... even the bailiffs and the court clerks). Knowing all these players can have major benefits for their clients. They know what kinds of cases prosecutors and judges take extra seriously and which they aren't that concerned with. They know what arguments to make, what buttons to push. They know who bluffs but won't really take a case to trial and who you'd better watch out for. And of course, if they're well-known and well-liked, that certainly can't hurt.

On the other hand, sometimes local lawyers can be a little too connected. Call it the good ole boy network, call it being too cozy with the prosecutor or the judge. Maybe they're all good buddies. Maybe the lawyer is afraid of rocking the boat because he/she has to practice there every day. If this is the case, you may want an out-of-town lawyer who doesn't have the same ties or worries. An out-of-town lawyer has no ties to the jurisdiction, so theoretically they should only care about your interests. At the same time, especially when "big city" lawyers show up in small town, sometimes they get treated with disdain and don't get the "local discount." It's a lot to think about.

## Chapter 2

# Looking for a Lawyer

## Personal Recommendations

You should probably start your search by turning to your family and friends. Do they recommend a good criminal defense lawyer? People you know and trust are, well, people you know and trust. If you trust them, their opinion probably means a lot to you. With that said, you still have to make sure their lawyer is a good fit for you, so keep reading.

## Lawyer Referral Services

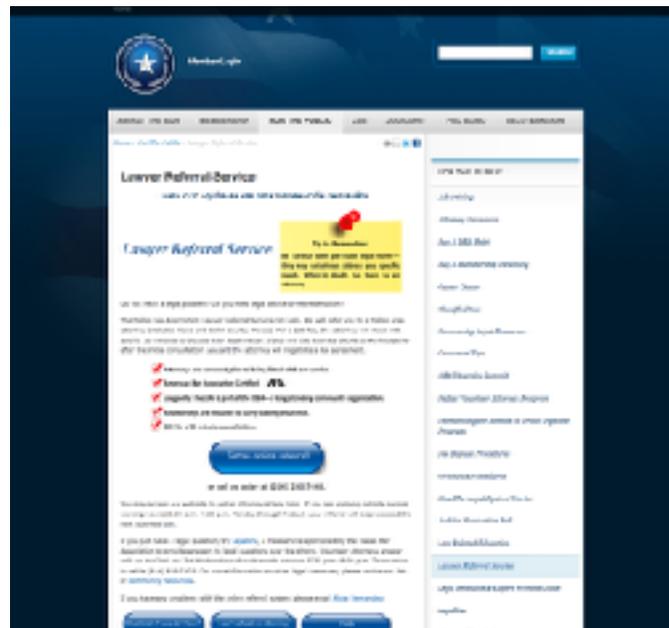
Local bar associations and private companies run lawyer referral services that you can consult. These have their pluses and minuses, of course. They are certainly better than picking lawyers randomly out of the phone book or from the internet.

Local bar associations' referral services should give you neutral referrals to lawyers who practice the area of law you need in your area. They screen out lawyers with ethical violations or a history of malpractice. They don't generally recommend one lawyer or another; they simply give you the names of some lawyers you can contact. The problem with lawyer referral services, however, is anyone who doesn't have a sustained grievance or malpractice claim against them can join them for a fee - that's not a particularly high bar of excellence. What you'll get from a local bar association's lawyer referral service is some good lawyers, some not so good lawyers. Use your discretion and carefully screen them.

Private companies also run lawyer referral services, but they often don't screen them for ethics, grievances, or malpractice. It's pay to play.

## Do Your Research

Whether you start with a personal recommendation, go to a lawyer referral service, or just start looking on the internet, it's vitally important to do your research. In today's internet



society, there's more information than ever on lawyers available to you. Use this information to make the best decision possible.

Internet searches on Google or Bing are a good place to start. Search for "criminal lawyer in [your location]" and go from there. Maybe then search for a particular subset of criminal lawyers (if you're accused of drug possession, maybe search for "drug lawyers in [your location]"). Visit these lawyers websites and see what you think. Do they address your particular legal situation or sound like they could handle it? What about awards from publications you've heard of? Don't forget to see if they have social medial profiles like Facebook, Twitter, Google+, and so on. Don't forget to look for reviews on Google or legal review sites.

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## Chapter 3

# Interacting with Lawyers and Their Offices

### Initial Communication

After you've done your initial research, reach out to a lawyer's office. Call or text them. Email them. Submit a contact form on their website. See what kind of response you get. First impressions aren't fool proof, but pay attention to them and trust your gut. What kind of response do you get? Is it professional? Do they sound knowledgeable? Caring? Attentive? Interested in your legal situation? Do they take time with you and actually talk with you about your case?



At many law offices, a receptionist will answer the phone. Sometimes the lawyer him/herself may answer the phone. Remember, if you speak to a receptionist, their job is to answer the phone and either guide your call to the right person in the office or take a message so someone can call you back. Receptionists often don't know any particulars about your case. Some offices (the Law Office of Mike Howard) is one, also employ paralegals who are more knowledgeable about the law, the process, and the particulars of your case. They are often the first person you talk to about the substance of your case. Their job is to take down the important information about your case to give to the lawyer and, if appropriate, schedule a consultation.

### Consultations Are Key

As stated above, first impressions matter and a phone conversation (much less email or text) only gives you so much of an impression. To get a full impression of a lawyer and his/

#### Key considerations for first impression:

- professionalism
- knowledge
- care/  
attentiveness

her team, you absolutely must meet with them face-to-face. Would you trust your life to a doctor you just spoke to on the phone? Not if you didn't absolutely have to. Ask for a consultation and give yourself a real chance to evaluate the lawyer and his/her team.

Meeting with more than one lawyer is also very important. If you only meet with one lawyer you have nothing to compare him or her to. Maybe they seemed really knowledgeable... that could be accurate but it could only be because that's all you know. Meet with several different lawyers to get a feel for what's out there. After you've met with several lawyers you'll immediately notice differences in style, experience, presentation but also how you personally get along with them (more on all this in Chapter 4).



## Chapter 4

# Evaluating Lawyers

## Experience

As we discussed in chapter 1, you want a lawyer with experience in criminal law rather than a divorce or personal injury lawyer who dabbles in criminal law. When it's your life, future, and reputation on the line, you need someone with relevant experience. Experience isn't just years of practice. Boiling it down to just picking a lawyer with grey hair is silly. For one you don't know if they've been practicing for all those years or if the law is a second career for them. Moreover, years of practice isn't all there is to experience. Do they regularly handle your type of case? When you're facing a serious felony charge, someone who has handled nothing but low level misdemeanors for the last 30+ years has decades of experience and likely some grey hair, but doesn't have near the experience of someone who's been doing high-level felonies for the last 5 years. As discussed in chapter 1, you also want someone who regularly practices in the jurisdiction in which you're facing charges so they know the players and the rules of the game. Someone who regularly handles your type of case in your jurisdiction has at least had the opportunity to develop relationships with prosecutors, judges, and court staff that they can bring to the table for your benefit.

### *Trial Experience*

A lawyer who regularly tries cases has a much different type of experience and skill set than someone only pleads cases out and never goes to trial. First and foremost, a lawyer with trial experience knows how to try a case. If you need to fight your case all the way to trial, you need someone who's been there and done that, who knows how to prepare for trial and defend you in court. Of course trial experience isn't just the number of cases a lawyer has taken to trial. When you're facing a murder charge, a lawyer who's tried hundreds of DWIs but who's never tried a murder doesn't have the type of experience that really matters to you. As with everything in life, it's quality over quantity.



### *Win/Loss Ratio*

A word about win/loss ratios: they don't matter as much as you'd might think. It's really pretty common sense. Win/loss is a statistic, and statistics often lie because they can be padded or manipulated. Some lawyers only try easy cases that they know they'll win. Good facts, sympathetic defendants, easy cases. Their "I've never lost a case in over 300 trials" might sound good, unless your case isn't easy. Whereas a lawyer who fights hard in tough cases isn't going to win all the time. If you judge those lawyers solely on win/loss ratio, you're going to get a really distorted picture of who's the better trial lawyer. To make matters worse, often times the cases that are really good trials for the accused don't go to trial. Smart prosecutors dismiss charges or offer plea bargain deals defendants can't pass up rather than risk going to trial. That further skews the win/loss ratio for lawyers who don't cherry-pick their cases. The cherry-picking lawyer might get some cases dismissed, but he/she'll still get some cases to trial and he/she'll probably win most or all of them. The lawyer who fights for his/her client no matter what doesn't have that luxury.

## Most Important: You've Got to Feel Comfortable

Whether you feel comfortable with a lawyer is more important than legal knowledge, experience, or who they know. At the end of the day, you are putting your life, future, and reputation in the lawyer's hands. They stand between you and the full force of the government. They stand with you when no one else can. You turn to them for advice and counsel. You give them the power to stand and speak for you in court, to argue on your behalf. Your life is in their hands. You have to be able to trust them and feel comfortable for the lawyer/client relationship to work.

You'll obviously know in your gut whether you feel comfortable with a lawyer, but a few things can help you make the decision. Do they take time to make you feel comfortable? Do they answer your questions? Do they help you understand the accusation, the evidence, your rights, the process, your legal options, and the pros and cons of each option? Do they care seem to care about you? Do they promptly return your calls/emails/texts?

One of the starkest differences in lawyers you'll find is the lawyer who hard sells you on how great they are during the initial consultation versus the lawyer who focuses on answering your questions and giving you information about your situation. Many lawyers carefully guard their legal knowledge and experience like it's their secret sauce. A consultation with this type

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of lawyer tends to focus on them: how great they are, their experience, what they can do for you. Does that make you feel comfortable? Do you really know what this lawyer knows if all they've told you is about their greatness?

## Chapter 5

# Fees

You probably didn't plan on getting charged with a criminal offense, so you may not have the funds necessary to hire the right lawyer immediately available. Of course you can afford what you can afford, but consider this: when you or your loved one is facing jail or prison time and thousands of dollars in fines and fees, not to mention a possibly permanent mark on your record, the loss of your job, social stigma, and the often unforeseen consequences that come with a criminal charge, you can't cut corners when looking for the right lawyer. The right lawyer isn't the cheapest lawyer.

The bargain basement fee lawyer usually means bargain basement quality. As they say, you get what you pay for. That's not to say that simply throwing money at the justice system will get you the result you want. You don't need to necessarily spend a fortune to find the right lawyer because the right lawyer isn't necessarily the most expensive either. When you've done your research and met with

lawyers face-to-face though, you've narrowed down your search to the lawyer you know is right for you. Unless you truly can't afford their fee, that lawyer is worth the price. You may need to cash out your savings or your retirement, go to family or friends for financial help, or sell a car or even your house. After all, it's your life on the line.



# Conclusion

Finding the right lawyer is the most important decision of your life when you're facing a criminal charge that could change the course of your life. If you do thorough research by asking trusted friends and family, doing internet and social media search, calling lawyers offices, and then meeting with a number of lawyers in person, you will narrow your search down to the lawyer who is right for you.

## What Next?

Call the Law Office of Mike Howard to speak to our knowledgeable staff about your case and schedule a consultation with Mr. Howard.

**214-296-2221**