

MEET YOUR LAWYER

A Lawyer's Qualifications

No one but duly admitted members of the bar may practice law. A lawyer is trained to prepare legal documents for clients, to advise on personal and business matters and to represent clients before courts and government agencies. In order to qualify for admission to the bar in Missouri, an applicant must have completed the equivalent of at least six years of college training, the last three of them in an accredited law school. An applicant must display moral fitness to practice law, as determined by an investigation, and must successfully pass a rigorous examination in many fields of law given by the Missouri Board of Law Examiners, under the general supervision of the Supreme Court of Missouri. A lawyer admitted to practice becomes an officer of the court.

A Lawyer's Duties

A lawyer's first duty is to see that clients are given the benefit of all the legal rights they enjoy in connection with their problems. A lawyer is sworn to conduct cases and matters in an orderly manner and so that they may be decided upon their merits. A lawyer may not make any agreements or incur any obligations that might conflict with a client's interests.

Services Lawyers Render

A lawyer can help whenever you have a problem or perform an act that involves the law. Any business transaction, every instrument you sign or agreement you make, any accident you have, or actions you take involving property, taxes, sales and countless other situations may require the advice of your lawyer. Your lawyer: can give you advice on your legal problems by telling you what to do or not to do; can prepare written instruments, such as contracts and deeds; may be able to settle disputes for you out of court with a saving of trouble and expense; can represent you in the civil courts, where disputes over property, money, damages and family relationships are determined; and can render innumerable other services because of training and experience in the law.

When to Go to a Lawyer

The best time to consult with a lawyer is before, not after, you are in some legal trouble. Just as your doctor can better help you if given a chance to practice preventive medicine, so your lawyer can save you both money and difficulties if you consult your lawyer when any legal change in your position is planned.

Preventive Law

A person too often thinks of his lawyer as a “last resort,” to be consulted only when a dispute seems likely to result in litigation. Many disputes could be avoided, at small cost to the client, by agreements and contracts correctly and properly drawn in the first place. An ounce of prevention is worth a pound of cure in the courts. As a service to the public, The Missouri Bar has undertaken a program designed to point out, through brochures and other means, some of the situations where “preventive” law will help people avoid trouble and loss.

How Lawyers Charge For Services

A lawyer generally makes only a nominal charge, if any, for a first visit. How fees are set sometimes depends on the area of practice or type of case. Some lawyers charge flat fees for document preparation. If a monetary settlement is involved, the charge may be on a percentage basis. Some types of legal work are charged by the hour. Your lawyer charges for actual time spent on such details as assembling facts and looking up the many possible laws affecting the case. When a lawyer charges for “advice,” this does not mean an offhand personal opinion. A lawyer’s advice is a conclusion reached after perhaps hours or days combing through volumes of law to exhaust all the authorities and find all the law affecting your problem. Do not be afraid to discuss how fees are determined with the lawyer. A clear understanding is to everyone’s benefit.

A Lawyer’s Duty to You in Civil Cases

A lawyer’s whole career depends upon unswerving loyalty to clients. A lawyer may, however, see weakness in a particular case and may know that a court fight will be both expensive and probably futile for a client. In such a case, a lawyer may advise the client to bargain or, with the client’s permission, may bargain for the client. It is truly said that a settlement, even though for an amount less than claimed, may be far better than an expensive, lengthy lawsuit, the result of which is uncertain. Litigation can be a luxury. Lawyers recognize this and pursue conciliation and settlement wherever possible and advisable.

A Lawyer's Duty to You in Criminal Cases

It is one of the glories of America that every person is considered innocent until proven guilty. Therefore, every defendant in a criminal case has a right to all the protection which the law gives to an innocent person. It is the duty of an accused person's lawyer to see that a client has the benefit of all rights under the Constitution of the United States and of the state, the laws passed by the duly elected legislative bodies, and the decisions announced by the courts over centuries of human experience. A lawyer must see that the client receives a fair trial and is tried for the alleged crime only on the basis of competent evidence, properly produced. The mere fact that a client's case is an unpopular one — even to the extent of being notorious — should not lessen the vigor with which a lawyer defends the client.

A Lawyer's Knowledge of the Rules of Evidence

Trials are conducted under rules of evidence which have been developed over the centuries to produce fair trials. For example, witnesses often attempt to make statements regarding facts of which they do not have personal knowledge. Such testimony is called hearsay evidence. If it were allowed to become a part of the records of the trial, the result might be injustice. Rules of evidence, therefore, prohibit a witness from telling what someone else, who is not present in court, told him. Similarly, testimony regarding a conversation with a person who is dead at the time of the trial may be ruled out because there is no one who can prove that the testimony is true or false. A lawyer protects the client by seeing, in court, that the rules of evidence are followed and enforced. Likewise, only lawyers can properly advise clients as to their rights and effectively represent them in a host of matters involving business, personal, tax and other problems, because of their knowledge of evidence and its use.

Your Duty to Your Lawyer

You should give your lawyer all of the facts concerning the case or other matter and make a full and fair disclosure of the entire situation. What you may consider unimportant or trivial may have a significant impact on your case. The relationship between lawyer and client is confidential, and any confidential information that a client gives a lawyer, even the confession of a crime, is considered privileged, and the lawyer cannot divulge it without the client's consent. A lawyer, furthermore, cannot represent both sides unless with their full knowledge and consent.

Bar Associations

All persons, including judges, entitled to practice law in Missouri are members of The Missouri Bar. The Missouri Bar was created by rule of the Supreme Court of Missouri to the end that its members “strive at all times to uphold the honor and maintain the dignity of the profession and to improve not only the law but the administration of justice.” In addition, there are local bar associations of lawyers in your city or county. These are voluntary organizations of lawyers and judges and have the same purposes as The Missouri Bar, with comparable activities and committees working on the local level for the improvement of the law and for the public welfare.

Legal Ethics

The legal profession maintains a high standard of professional conduct based on the concept that loyalty to the client is a lawyer’s first duty. Committees of the bar are working quietly but effectively to maintain these public service standards. The Supreme Court of Missouri may disbar, suspend or censure a lawyer for unprofessional conduct or for acts involving moral turpitude. Honesty, fair play and loyalty to clients are emphasized in the law school training of all lawyers.

Unauthorized Practice

Unauthorized practice is the rendering of legal service or advice by a person not admitted by the Supreme Court to the practice of law. Lawyers object to the unauthorized practice of law, not because of self-interest (for frequently they could make higher fees correcting the work done by untrained, unauthorized persons), but because lawyers know that the rendering of legal service or advice by such persons constitutes a real danger to members of the public. While a non-lawyer may have some knowledge about one phase of the law, a non-lawyer may not be aware of other laws that can cause an adverse result. It is far safer for the public to rely on an expert in any field of endeavor, be it law, medicine or any other professional field.

Why People Choose the Legal Profession

Lawyers enter the profession because they are drawn by their temperaments into work which calls for patient study and the ability to reason and analyze. Prospective law students are warned against taking up law to get rich. A lawyer sells time, knowledge and advice. It is an honorable, ancient profession and the chance to be of service to the public is indeed an attraction to young people.

For Legal Advice, See Your Lawyer

The Missouri Bar offers a free Lawyer Search function, located at MissouriLawyersHelp.org. Those seeking representation can use the tool to locate lawyers by practice area, geographic location, and spoken language.

The Missouri Bar or the Office of Chief Disciplinary Counsel cannot provide legal advice or refer you to an attorney. If you would like a referral to an attorney in the in the Springfield or Greene County area, call (417) 831-2783. The Office of Chief Disciplinary Counsel does not screen the attorneys who are affiliated with this lawyer referral service, and OCDC does not have information on their credentials or abilities.

Hiring a legal professional can be costly, but it is important to remember that you are paying for expertise. If you are unable to afford a lawyer, it might be possible to be represented at a lower rate or on a pro bono basis. In these situations, your quality of representation should not decrease, but your out-of-pocket costs will. The Missouri Bar does not match members of the public with pro bono lawyers, but it maintains a list of available discounted services, which is available at MissouriLawyersHelp.org.

Additionally, some matters, such as an uncontested divorce or traffic ticket, may not call for a lawyer at all. The Missouri Bar produces numerous brochures and blog posts – all available at MissouriLawyersHelp.org – that address general legal questions. While they are not a substitute for a hired lawyer, they are helpful for background information on matters and can help you decide if you need to seek representation.

For more information, go to MissouriLawyersHelp.org or call 573-635-4128.