

Steps involved in hiring a lawyer

Encountered with legal difficulties? We know you will want the right lawyer for you. In this article, we will explore how you can find the one in Hong Kong and what you need to consider before hiring the person to be your lawyer.

How to find lawyers in Hong Kong?

Personal referrals

Before you start an extensive search, it is always a good idea to ask recommendations from your friends, neighbors and colleagues. Personal referrals are good in that your acquaintances can recount firsthand experience with the lawyer on his or her practice area, ways of dealing with the case and fee arrangements. However, this word-of-mouth referral can have a number of limitations. For example, your legal problem may be of a different nature and the lawyer you are referred to might not be the best fit for your case. Therefore, you may consider conducting online search on different platforms including [LegalClarus](#) to find lawyers more suitable for you.

Online search

There are different ways to approach the online search.

- First, you may Google keywords relevant to your case. For example, you can search “divorce lawyer in Hong Kong”.
- Second, you can take a look at the [directory](#) of Hong Kong law firms posted by the Law Society of Hong Kong (“LawSo”) and search by practice areas offered or the name of the law firms.

However, in the first way, you will encounter a vast list of contacts (or advertisements) which will likely leave you not knowing what to do next. In the second way, you can only search firms by their practice areas. LawSo’s website does not specify individual lawyers’ practice areas. You may need to contact them by calling their work phone, which is usually picked up by their secretaries, clerks or receptionist of the firm, and wait until they call back to you. Some of them do not usually provide service to unknown clients and may not respond. These all mean that you will have to take additional steps in deciding which lawyer to contact, especially when you have an urgent matter that requires immediate assistance.

Alternatively, you can use platforms like LegalClarus where you can find qualified solicitors in Hong Kong, especially those that voluntarily publishes more details about himself/herself in respect of practice area(s), working experience, key case list/deal list on LegalClarus, which would help you make an informed choice. You can easily start your search with the practice area and it will show profiles of solicitors practicing in the field, along with reviews by peer solicitors and people who previously engaged or consulted them.

Ask questions before you hire the lawyer

Practice area and experience

Many lawyers specialize in particular areas of the law. Be sure your lawyer has relevant experience in the field in which you are seeking advice. In your first meeting, ask about the lawyer's experience in the practice area. Especially, ask questions regarding your particular matter – how many similar cases has the lawyer handled and what were the outcomes? How long has he or she been practicing? Does he or she have any other special training or expertise in the practice area? These questions will help you in deciding whether he or she is the right lawyer for you.

Fee arrangements

There are different types of fee arrangement and lawyers will ask for a specific type depending on the nature of the case at hand. It is important to understand how your lawyer bills for services before you make the choice.

- **Initial consultation:** Some lawyers will charge you a fixed or hourly fee for initial consultation, while others will do it for free though they are not obliged to do so. Check if you will be charged for this before meeting the lawyer and starting discussion on whether he or she can assist you.

The followings are the common ways lawyers charge you:

- **Hourly fee:** The lawyer will charge you for each hour (or portion of an hour) that he or she spends on your case. This is the most common type of fee arrangement. Be sure to ask your lawyer for an estimate of total hours, because this can vary greatly depending on the nature and complexities of the case. Law firms would usually include a break-down of hourly rates for fee earners working on the same matter if lawyers with different seniority and/or paralegals are involved.
- **Flat fee:** The lawyer will charge you a specific amount of total fee. This has been most common for relatively simple or routine cases such as drafting of a Will, uncontested divorce and simple business transactions like incorporation of a limited company. However, more and more clients are demanding flat fixed fees, instead of hourly fees, in different cases to have a more accurate budget for legal costs though assumptions and qualifications may apply, such as the amendment and negotiation of transaction documents would not take more than three rounds and there won't be substantial change of the transaction structure. If going for flat fees, make sure to check with your lawyer exactly which services and expenses are included in the fees.
- Either by way of hourly rate or flat fee, **costs on account** are likely to be required to enable the lawyer to be comfortable to kickstart the matter especially when the law firm needs to pay for third-party fees to get things done, such as registration fees charged by the government for

trademark registration. Costs on account is an advance payment – you will deposit a specified amount of money into the client account of the law firm. Such fees would be offset when the law firm issues a bill to you for the service rendered in a specified period of time, this is also when all or partial of the deposit previously made by you would be transferred from the client account to the law firm's office account.

- **Disbursement:** Disbursement fees include printing fees, registration fees, travelling and meal expenses or any miscellaneous fees actually incurred in relation to carrying out the work within the scope of the retainer. Unless the lawyer specifies that his capped fees include the professional costs plus all disbursements to be incurred, usually disbursement is separately charged on actual-expenses basis. Check with your lawyer on how this will be arranged, because disbursement fees can build up quickly. You are also entitled to ask for a breakdown of disbursement incurred for your case, especially if you doubt the accuracy of the disbursement amount.
- **Contingency fee not allowed for litigation matters:** Contingency fee is an arrangement in which the lawyer's fee will be based on a percentage of the amount awarded in the case. If you lose the case, the lawyer does not get a fee (this is why it is sometimes called "no win, no fee"), but you will still have to pay for expenses. However, contingency fee is banned in Hong Kong and therefore lawyers in Hong Kong cannot charge you this way.

The illegal contingency fee arrangement happens sometimes, most often for personal injury matters. An agent may approach the injured person and offer to get him connected to a lawyer who is able to assist immediately and get the compensation for the victim. In return, the agent would retain a portion of the compensation awarded.

Compare, Compare and Compare

Before you make the final choice on whom to hire, don't forget to compare. Compare the initial advice you got from the lawyers you contacted, whether the lawyer's advice is solid, tailor-made to your situation and practical.

Consider the cost-efficiency of a lawyer. Remember charging a lower price does not necessarily mean he/she is inferior to the one who charges a higher fee. A higher hourly rate may be an indication of a handling solicitor's seniority, yet to what extent he would devote his time to your case is another matter.

Compare their reviews, especially those that are published on LegalClarus. Reviews are not definitive and inevitably involve the reviewers' subjectiveness. However, a lot of positive reviews do carry some weight while a lot of negative reviews might be a red flag for you.

Finally, bear in mind that:

- it is important to get a lawyer who will really listen to you and put your needs before his or her ego;
- the lawyer's fame should not be the sole determining factor for your choice;

- lawyers from smaller size firms are not necessarily inferior to lawyers from bigger size firms; and
- you should ask yourself whether you are willing to trust the lawyer of your choice.

This article was prepared by HKU student Lianne Kim (Kim Mul Kyeol) in collaboration with LegalClarus.

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