

Why Fire Your Attorney

As a client, you have the right to hire or fire attorneys at will.* But before you fire your attorney, you should give careful thought to your reasons for doing so, other possible solution and the possible ramifications.

Before taking any action, ask yourself these questions:

1.) Am I upset with my attorney because of something he has specifically done, or will the same problem exist with another attorney?

For example, if you're upset because of a court ruling, you need to careful consider whether another attorney reasonably could have gotten a different result. If you're asking your attorney to do something that is clearly illegal and your attorney has refused, you will encounter the same situation with a new attorney.

2.) Will changing lawyers be detrimental to my case or legal issue?

The courts don't look kindly on people who change lawyers repeatedly. Changing lawyers once in a case is disruptive, but understandable. However if you're lawyer hopping (sometimes call lawyer shopping), it can be seen as an attempt to game the system.

3.) Why am I unhappy with my lawyer's performance?

Some legitimate reasons to consider firing your attorney include that the attorney isn't professional; the attorney doesn't understand your case; you and the attorney disagree about how the case should be handled; you feel as if the attorney is detrimental to the case; or your attorney doesn't show dedication toward your case or compassion toward you as a client.

If, upon reflection, you think you have a valid beef with your attorney, first talk to him about the problem. Lawyers depend on their legal fees to earn a living, so most attorneys are motivated to do a good job and make their clients happy. It can cost you time and money to replace your attorney, so before doing so, explain why you're dissatisfied, and what the attorney would have to do to make you happy as a customer. If you're still dissatisfied after having that conversation, then consider changing attorneys.

* *The possible exception would be in cases where a legal guardian has been appointed to represent a person's best interests because the person is unable to do so himself. In that case, the individual cannot necessarily fire an attorney without the cooperation of the guardian.*

Steps to Take when Firing a Lawyer

Once you've definitely decided to change attorneys, there are still a few things you should do before notifying him of the change:

- 1.) Review the written agreement or contract you might have with the attorney.

Does it address the steps to be taken to terminate the relationship? You'll want to understand the parameters of that contract as you go about changing lawyers. Your new attorney may also want to see a copy of that agreement.

- 2.) Also, hire a new attorney.

This minimizes the delay in switching attorneys, and also ensures that you're able to find good legal representation before firing your existing lawyer.

Ask your new attorney whether he will take responsibility for getting your files from your old attorney, or if you should handle that. If you are a party to litigation, confirm that your new lawyer will notify the court as to your change in representation.

- 3.) When you're ready to sever the relationship with your old lawyer, send a certified or registered letter that clearly states you are terminating the relationship, and that the lawyer is to cease working on any pending matters.

Don't get into details about why you're firing him - it's not relevant. In the letter, you request all of your files (or if your new attorney is handling the transfer of files, ask him to cooperate with your new lawyer in this respect). Set a deadline for handing over the files, and detail how you want to receive them. Will you pick them up? Should the attorney send them to you?

- 4.) If any fees were paid in advance and the work hasn't been done, ask for a refund of the fees.

Also, ask for an itemized bill listing all pending fees and expenses. If yours is a contingency case, your new attorney will pay your old attorney from any money that you recover.

The process of changing attorneys can be stressful, but if you maintain a professional demeanor while dealing with your old attorney, it should make things go much more smoothly.