

## WHEN HIRING AN ATTORNEY



Make sure your attorney is licensed to practice in California. Ask for their State Bar number and contact the State Bar or use our online attorney search: [www.calbar.ca.gov/attorneysearch](http://www.calbar.ca.gov/attorneysearch)



Discuss your expectations of what the attorney will do for you, or for the senior in your care, and what it will cost, especially for contingency cases. If costs will be more than \$1,000, the attorney is required by law to provide a written fee agreement.



If you pay advanced or upfront fees, ask the attorney for a receipt. You can request detailed billing on a monthly basis.



Be honest with the attorney and provide complete information about legal issues, including any documents that may be relevant. Keep copies of all paperwork.



Ask your attorney to keep you or your caregiver updated on your legal work and to send you or your caregiver copies of any documents filed in court.



Keep a record of all contact with the attorney including phone calls, emails, or text messages.

## RED FLAGS FOR LEGAL FRAUD



Unsolicited offers (by phone, mail or in person) to provide legal services.



Asking clients to take a legal action immediately without time to review options and risks.



Recommending that clients move funds or assets to a single institution or advisor.



Asking clients to pay in cash.



Resisting requests for copies of documents or court filings.



Discouraging clients from getting second opinions about legal issues.

Follow the State Bar:



[www.calbar.ca.gov](http://www.calbar.ca.gov)  
866-44-CA-LAW



Looking for information about legal services in your native language?  
**Call the State Bar at 866-44-CA-LAW.**

This pamphlet is also available in:

Spanish Español • Vietnamese Tiếng Việt  
Korean 한국어 • Chinese 中文  
• Russian Русский • Tagalog

Information in this pamphlet is valid as of January 2020.

## What Seniors and Their Caregivers Should Consider When Working with an Attorney



The State Bar  
of California

# WHAT SENIORS AND THEIR CAREGIVERS CAN EXPECT FROM AN ATTORNEY



**Professional Conduct.** Attorneys are expected to work on behalf of clients to advocate for their best interests. Attorneys licensed in California must uphold the State Bar's Rules of Professional Conduct, which you can find on the State Bar website.\*



**Fiduciary Duty.** Attorneys are expected to manage client assets and property in accordance with the law and their client's wishes. All attorney recommendations and actions on behalf of clients should be made clear to the client and should be performed for their benefit.



**Reasonable Fees.** Attorneys are required to ensure that clients understand in advance all fees they may have to pay for legal services. Attorneys are prohibited from charging unreasonable fees.

## Financial Arrangements

If you use an attorney to set up a reverse mortgage, annuity, or other financial agreement, be sure you understand what the attorney is proposing and what your options are. If an attorney tells you that your assets are not safe unless you move them to a certain investment or institution, or that you need to act immediately, be on the alert; these are red flags for fraud.

Before signing any financial agreement with an attorney or transferring funds, make sure you understand the agreement and consider getting a second opinion.

## Contracts

If an attorney assists you or a senior under your care with a contract, such as with a landlord, roofing company, or any other party, the attorney should be acting in your best interest. Make sure you understand the contract's terms and get a second opinion if you are unsure.

If the terms of a contract are not fulfilled, and you go to court (as the plaintiff or the defendant), your attorney should continue to act in your best interest and keep you informed about the progress of your case.

## Wills, Trusts, and Probate

Before finalizing a will or trust, ask the attorney to review it with you carefully. If you have any doubts or concerns about it, consider getting a second opinion. If an attorney is involved in probate proceedings that affect you, they should provide detailed statements tracking any expenditure or transaction that may affect the assets in probate.

## LEGAL INFORMATION AND ASSISTANCE FOR SENIORS AND CAREGIVERS

### Lawyer Referral Services

The State Bar can suggest a certified lawyer referral service in your area.  
[www.calbar.ca.gov/lrs](http://www.calbar.ca.gov/lrs)  
866-44-CA-LAW (866-442-2529), Outside California: 415-538-2250

### Complaints: Attorney Misconduct, Unauthorized Practice of Law

If you suspect attorney misconduct, please file a complaint with the State Bar.  
<http://www.calbar.ca.gov/Public/Complaints-Claims/How-to-File-A-Complaint>  
800-843-9053, Outside California: 213-765-1200

### Client Security Fund

Reimburses people who have lost money or property because of the dishonest conduct of an attorney.  
[www.calbar.ca.gov/Client-Security-Fund](http://www.calbar.ca.gov/Client-Security-Fund)  
213-765-1140

### California Office of the Attorney General

The state's top lawyer and law enforcement official provides information online about a wide range of issues, including legal issues and resources for seniors.  
<https://oag.ca.gov/consumers/general/seniors>

### Consumer Financial Protection Bureau

A U.S. government agency that makes sure banks, lenders, and other financial companies treat consumers fairly. Provides information about how to avoid consumer fraud.  
[www.consumerfinance.gov/consumer-tools/fraud/](http://www.consumerfinance.gov/consumer-tools/fraud/)

### National Council on Aging

Nonprofit helping seniors manage the challenges of aging. Provides information on frauds and scams.  
[www.ncoa.org](http://www.ncoa.org) (search for "fraud")  
571-527-3900

### American Association of Retired Persons

Nonprofit whose mission is to empower people to choose how they live as they age. Provides information on frauds and scams.  
[www.aarp.org](http://www.aarp.org) (search for "fraud")  
AARP Fraud Hotline: 877-908-3360