

## How To Select an Attorney to Represent Your Association

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I happen to have the unique situation of wearing two hats. I am president of a management company, as well as an attorney. In my legal experience, I have tried a significant number of cases to verdict and have knowledge of what it takes to prove a case in court. In addition, I have been the president of Villa Management since its inception in 1975. Although I do not as a general matter participate in legal representation of our clients, nevertheless, I think it is important for association boards to understand what to look for when selecting an attorney or law firm to represent them.

It has been my observation, that most association legal firms concentrate in transactional legal affairs, as opposed to truly trial affairs. By that, I mean they do not handle on a regular basis jury trial work. They mainly concentrate in collection matters, real estate tax problems, and issuing opinions interpreting the condominium declaration, by-laws and rules. As a result, several of the firms are not very familiar with contentious litigation that requires experienced trial work. Therefore, if you are a board of directors seeking a law firm that is familiar with contentious litigation, you need to ask the question, how many trials have you conducted to verdict and what is your record of success? You must also ask firms to provide you with examples of the types of cases they have tried and the results of those trials.

In respect to advertising and/or publicity, do not be misled by firms that spend a tremendous amount of effort in those areas. The fact that a law firm advertises, or is connected with a newspaper or other media outlet publishing articles or opinions does not necessarily mean it is the right fit for your legal matter. You need to explore the specific facts of your case with law firms. You then will make a decision on which law firm is best suited to represent you with that specific legal problem. It has nothing to do with writing articles or advertising. For example, if your association has been

wrongfully

assessed for real estate taxes, you need a lawyer that is quite familiar with real estate tax objections and preparation of certificates of error. However, if your association sustains damages when a homeowner discharges pollution onto the premises, you need the services of a law firm that is familiar with pollution litigation issues.

As a practical matter, the attorneys who are most skilled in civil litigation are those that practice negligent law, products liability law, medical malpractice law, and are in court almost on a daily basis before juries. The old cliché that "practice makes perfect" could not ring truer when it comes to trying cases. These firms are the spear carriers of the legal profession. They are the warriors who pursue and defend cases month in and month out. They are familiar with the procedures, jury instructions, and the judges who hear the cases. In other words, they are not a fish out of water. Nevertheless, even with such firms, always ask who will be handling the case. Will it be the newest associate or an experienced partner?

In conclusion, the last thing that a board of directors needs to do is retain the services of a law firm that is unfamiliar with trial work when trial work is necessary. The thousands of dollars that may be expended in a losing cause is significant to most, if not all, community associations. Therefore, the selection of an attorney to represent you in a particular matter is not a casual decision. It must be thought out and determined based upon the investigation by the board of directors as to the qualification of the law firm selected for the specific task in question.