



PROTECTING YOUR RIGHTS AS A CRIME VICTIM IN A CRIMINAL CASE: Finding and Interviewing an Attorney

You have legal rights in a criminal case, and whether you choose to represent yourself, retain an attorney to represent your interests, or rely on the prosecuting attorney to assist you is a personal decision. If you decide to retain an attorney, be prepared to interview prospective attorneys to ensure that you'll find a professional who is a good fit for you—someone with whom you feel comfortable, someone who respects your views, and someone who will be a strong advocate for you. Below are some tips on finding and interviewing an attorney.

How do I find an attorney?

1. *Ask around.* Ask friends or family for a referral. NCVLI keeps a list of attorneys who specialize in victims' rights.
2. *Ask the prosecutor or prosecution-based victim advocate.* Prosecutors and prosecution-based victim advocates regularly work with attorneys who represent victims. They may be able to refer you to a victims' rights attorney.
3. *Ask your local bar association.* Attorneys are licensed by the bar association in each state in which they practice. You can contact the local bar association for a referral to an attorney who specializes in victims' rights. You can also ask the bar association if there have been any complaints filed against that attorney.

What do I do after I find a potential attorney?

You may want to find two or three potential attorneys for an initial consultation and interview. Once you have a list, call each attorney's office and set up an appointment. Some attorneys charge for consultations; others do not. Ask whether you will be charged for the initial consultation before you schedule the appointment.

The rules that govern attorneys may require the attorney to keep confidential any information you give them during the initial consultation. Ask whether the information you give will be kept confidential.

What should I ask an attorney during the interview?

The decision to enter into an attorney-client relationship is made by both you and the attorney. During your initial consultation, the attorney will have questions for you, and you should also have questions for him/her. Below are the top 10 questions you should ask an attorney before you retain him/her to represent your rights as a crime victim in a criminal case. Refer to NCVLI's detailed list for additional questions; it can be found at www.ncvli.org. You may also have further questions that are tailored to the particular situation in your case.

Experience.

1. Have you received any specialized training on crime victims' rights law?
2. Have you ever represented a crime victim in a criminal case?
 - a. If yes, how many times? Have you ever helped a victim secure restitution from the convicted defendant?
 - b. If no, are you willing to seek and accept help (such as sample briefs, articles, and consultations) from crime victims' rights organizations or other experienced crime victims' rights attorneys?

Billing.

1. How do you charge for your services? By the hour or flat fee for the entire case?
 - a. Can you estimate how much I should expect to pay for this case?
2. If I recover money in restitution, does that impact your fee?
3. Do you charge a higher rate for certain services, such as appearing in court?
4. What other case-related expenses should I expect to pay?
 - a. These expenses may include fees for filing court documents, costs of obtaining copies of your medical or other personal records, postage, and travel expenses. Some attorneys will charge a fee/rate that may include these expenses while others expect reimbursement from the client.
 - b. Can you give me an idea of how much I should expect to pay for these expenses?

Communication.

1. How will we stay in touch while the criminal case is pending?
 - a. What is the best way to reach you (letter, phone, or email)?
 - b. Is there someone else in your office I can speak to if you are unavailable or out of the office?
2. Should I expect to receive anything from or be contacted directly by the prosecutor, defense attorney, an investigator or anyone else?
 - a. What should I do if one of them contacts me?

Next steps.

1. If I decide to hire you, what is our next step?