

ASK THE EXPERTS

CRIMINAL LAW

EXPERT Milner Finn Price, Attorneys at Law

How can I find the right criminal law attorney for me, and what charges can I expect?

The best way to find a good lawyer is by reputation. Ask other lawyers: "Who is the best in the area?" Other lawyers usually have a good answer to that question and may even be able to provide you with several names. Police officers, judges, other defense lawyers, and court staff are also familiar, usually from first-hand observation, with the best lawyers. Ask them who would they want to retain if arrested or charged with a crime.

Above all else you should attempt to retain an attorney who devotes the vast majority of his or her practice to the defense of criminal cases. No attorney can give you a guarantee on the outcome of your case. However, retaining a firm that specializes in criminal defense can maximize the chances of a successful conclusion. If you do not have a sense of comfort and confidence after meeting with an attorney about your case, you should look further.

Attorney fees vary, of course, usually depending on the reputation and experience of the lawyer or the law firm and the geographic location in which the lawyer practices. As with most professions, the more well known and skilled the attorney, the higher the fee. Lawyers or law firms who limit their practice to defending criminal cases will normally charge higher fees than lawyers with a more general practice. Each lawyer has something to offer. For some, it's a low fee or an easy payment plan. For others, it's an exceptional reputation and skills to match. It is rare that you will find both in the same lawyer.

Experienced criminal defense lawyers typically charge an up-front flat fee retainer that will cover all fees up to a certain point, at which time additional fees may be required. Some lawyers require additional fees to litigate pretrial motions. Others require additional fees only in the event of a trial. Beware of lawyers who charge a comparatively low flat fee. A guilty plea is often the result. Costs for an investigator, service of subpoenas, expert witness fees, preparation of photographs, transcripts, and other exhibits, are usually extra.

You should be clear about what the attorney is going to charge and what work he is going to perform for your particular case, and *the fee agreement should be in writing.*

Do I benefit by hiring a former prosecutor?

There are valid arguments which go both ways on this question. Many defense lawyers began their careers as prosecutors. The truth is, you need to hire a lawyer who has an excellent reputation as a defense lawyer. Whether he or she was ever a prosecutor is not a major point of concern in the hiring process. You will not benefit by hiring a former prosecutor who is not competent to defend a case. There are great defense lawyers who used to prosecute, and there are great ones who

never prosecuted. Base your hiring decision upon the specific attorney's present ability to properly represent you.

How long will it take to resolve a criminal case?

There is no way to give a general answer to this question. The amount of time is going to vary considerably depending upon the type of case, whether it is in state or federal court, the particular judge, sometimes the particular prosecutor, whether the accused person is in jail or released on bond, the number of people involved, whether the media is placing attention on the case, and the complexity of the case. Each of these factors may affect the amount of time it will take to resolve a criminal case.

Also important, a criminal case frequently "begins" long before the case is actually filed in a court. A law enforcement agency may work on an investigation for a long period of time before the case is filed with the prosecuting authority. If you are alerted to a law enforcement investigation of you or a family member, it is important to seek legal counsel immediately. This is particularly true in situations involving federal investigations.

Furthermore, this isn't a race. Generally, you are not rewarded for quickly resolving a criminal accusation. The goal is to achieve the best result, not a fast result. The outcome of a criminal case is going to be with you for the rest of your life. And, generally, you're only going to get one chance to handle it right. Some criminal cases take a tremendous amount of time to do it right. Each case varies, but even some relatively small cases take time to properly prepare and win.

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Milner Finn Price is a Dallas-based criminal defense firm comprised of some of the area's best and brightest trial lawyers. Half of the attorneys at Milner Finn Price are board certified in criminal law by the Texas Board of Legal Specialization. Three of the firm's attorneys have appeared as trial commentators on national television. Several partners are well sought lecturers on various trial tactic subjects. One is a member of the board of directors of the Texas Criminal Defense Lawyers Association, and four are rated by Martindale-Hubbell as Preeminent and A-V. That is their highest rating. Moreover though, these are the attorneys who are sought for legal counsel and representation by other attorneys.