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How does a buyer scope a real-estate lawyer?

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(This is the 27th in a series of articles about issues that sellers and buyers face when negotiating a purchase-offer contract.)

Let's assume a buyer has turned up two or three names of local lawyers in an unfamiliar county in which he's searching for country property, broadly defined. How should a buyer go about interviewing a local real-estate lawyer?

1. Get yourself organized. Good real-estate lawyers prefer clients who have organized their own objectives and needs before they come for an interview. Think through the following: type of property you want; size range; features (open, woods, crops, etc.); with or without an existing residence; price range; need for borrowing; your capacity for doing repairs; your financial and personal objectives for the property; whether the property will be a transition platform to full-time residence in the county; what your needs are in a county's service infrastructure and so on.

Talk about your need for legal services and for general advice.

2. Understand what a lawyer is not. Lawyers are not mind-readers; they can't help you if you don't have at least a general idea of what you want. Lawyers are not therapists; don't expect a real-estate lawyer to fix your emotional and psychological issues.

Lawyers vary in their familiarity with the federal tax implications of farms operated as profit-making businesses, hobby farms, rental properties, timberland, conservation properties and the like. I advise getting a tax-savvy local CPA involved at the start for this type of advice, though some lawyers may be as knowledgeable.

If you sense that you are asking for information beyond what the lawyer knows, don't push it. If you feel that the lawyer doesn't want to share information with you, go to the next candidate.

3. Look for minimum chemistry. Lawyers are like everyone else: You will get along with some, and not others. If you do not feel personally comfortable with the lawyer you're interviewing, move on. It will only get worse.

If I get a sense that the lawyer does not like me, or my kind (whatever that is), I walk.

I look for verbal intelligence, local knowledge and flexibility. I want someone who will work with me, not just someone who will work for me.

I rule out pompous, insufferable know-it-alls (who usually don't). I also rule out lawyers who make grammatical mistakes in their writing. I have found sloppy writers are sloppy lawyers.

4. Local knowledge. The out-of-county buyer should be seeking a range of local information from his lawyer beyond legal expertise. Ask about different neighborhoods,

personalities, crime (particularly break-ins and vandalism of second homes if that's what you're proposing to do), zoning, local politics, plans to develop particular areas, places to avoid and vendors (excavators, contractors, surveyors, consulting foresters, lenders, brokers, inspectors, etc.) to use/avoid.

5. Local real-estate experience. I use an arbitrary 10-year-minimum rule. I may exclude a great young lawyer, but it's a trade that usually works out for the best. I also avoid really old lawyers who won't type and avoid computers and the Internet.

I'm looking for someone who has worked on a range of local real-estate issues beyond researching titles. I test for problem-solving and negotiating abilities.

By 10 years, a local real-estate lawyer will know many of the problem properties in a county—those with access issues, bad dirt, quarrelsome neighbors, hinky titles and so on.

6. Skills. I can't judge in an interview whether a lawyer is a good brief writer, a shrewd litigator or a skilled advocate. But I can get a sense of his intellectual traits. So I look for organized, methodical, analytical intelligence; a sense of humor; a sense of perspective about the foibles of life; the kinds of questions he asks; what he says he doesn't know when I ask; and how good a fit he seems to be with the kind of work I will need.

7. Props. I look for individuality, even a quirky streak, in office props. I look for clues as to how the lawyer likes to distinguish himself. I want to know what this lawyer takes pride in.

8. Degrees. I admit it: Law degrees from tougher law schools mean something to me. It doesn't mean that a lawyer from a "lesser" school is dumber. It means that the holder of the harder degree has been tested in a competitive environment, not an easier one.

Graduates of lower-ranked schools may have made those choices for reasons of money or family, not for lack of intelligence and a willingness to swim with toothed fish.

I don't rule out lawyers from lower-ranked law schools by any means. I'm always willing to throw out my own bias. I have found, however, that I work better with smarter lawyers than with dumber ones, though degrees don't determine smartness or dumbness.

9. Connection. I look for some common life experience, such as same age, political outlook, organizational memberships, lifestyle, and so on.

10. Money. When I interview lawyers, I say at the top that the billing clock should start. I am using their time and gaining knowledge from the discussion. That's worth a lot. I am not looking for free legal advice. I'm looking for fair value, fair billing and frankness.

Hourly rates are often misleading. The cheaper lawyer on an hourly basis may simply pad in more hours for the same work to even things out—from his point of view. I try to get a sense of the market hourly rate for similarly situated lawyers in a community. I make a point of saying that I want to authorize work before a lawyer does it.

11. Sex. (Or should I say gender?) The biggest idiot lawyers I've run into were men--stupid, lazy, deceitful, incompetent and unpleasant. I've also worked with and been

represented by smart, capable male lawyers who I would use again. On real estate, I prefer working with female lawyers, notwithstanding that I've married two.

Paying for a few hours of general discussion time with several local lawyers is money well spent. Use this time wisely. Have questions written out in advance. If you don't like what you hear, say your thank-yous, pay at the desk and look for someone else.