

LandThink #31
May 8, 2009

How does a buyer find a real-estate lawyer in an unfamiliar county?

By Curtis Seltzer

Landthink contributor

(This is the 26th in a series of articles about issues that sellers and buyers face when negotiating a purchase-offer contract.)

Finding a real-estate lawyer in an unfamiliar community where you are looking to buy property can be scary.

Most of us seek a personal connection when searching for a new lawyer. We feel word-of-mouth references can be trusted. My experience is that the value of such references depends on the source. If the source is relatively unknown to the buyer, the value of the referral is anybody's guess.

If you don't have a trusted local contact whose experience can screen local lawyers, you might try talking to the clerk who handles deed recordation and more than one local lender. Be wary of a lender or real-estate broker who recommends only one lawyer—it might be the lawyer on the bank's board or the lawyer with whom the broker has some personal tie. Steering of this type can be either a favor done to keep you away from the bad eggs or a self-interested ploy to direct your business away from equally good eggs for reasons that have nothing to do with competence.

Internet sites (like !! [HYPERLINK "http://www.findlaw.com/" ¶ www.findlaw.com¹](http://www.findlaw.com/)), the local Chamber of Commerce, Martindale-Hubbell (!! [HYPERLINK "http://www.martindale.com/" ¶ www.martindale.com¹](http://www.martindale.com/)) and the state bar directory can turn up names. !! [HYPERLINK "http://www.findlaw.com/" ¶ www.findlaw.com¹](http://www.findlaw.com/) depends on lawyers registering on the site, so all lawyers are not included. Martindale includes only those lawyers who pay for this service. In small rural counties, local real-estate lawyers may see no reason to pay for a Martindale listing.

As cumbersome and as outdated as it is, I think the hard-copy yellow-pages phone book is the best first step to finding a local lawyer in a new community. (The online edition requires that you know the lawyer's name to do a search. When I typed in lawyer for Monterey, Virginia, where two lawyers practice [one of whom is my wife], neither came up.)

The hard-copy yellow pages shows what local lawyers say about themselves, locally. Look for "real estate" as one of the lawyer's principal practice areas. If it's listed first, it's the major practice area.

A buyer can go into the courthouse and check through the most recent deed book to see which lawyers are doing the most real-estate work. I would not rely on this search technique alone.

An out-of-county buyer can also ask his lawyer at home to provide a couple of contacts.

I prefer country lawyers who are sole practitioners or in a very small practice. The bigger firms charge higher rates and, generally, assign deed research to a paralegal. I also prefer working with women. My experience is that they are smarter and more flexible than male country lawyers generally speaking, but I've found exceptions that demonstrate the opposite. I look for someone with at least 10 years of real-estate experience in that county.

As a rule, I want a lawyer who practices in the county where I have targeted a property search. Out-of-county lawyers might have fancier offices and spiffier law degrees, but they're not likely to know as much about local people and conditions as the local practitioner. The best deals I've negotiated as a buyer have involved high-priced out-of-county lawyers who knew nothing at all about what the sellers were selling. These guys weren't dumb; they were just ignorant.

I advise against asking the seller to recommend a lawyer, except perhaps as a way to find out who the seller likes. Brokers and agents representing the seller might be asked to provide names of two or three local lawyers.

A buyer can place more confidence in a referral from a broker or agent representing the buyer, though I would check out that reference too. I think it's probably true that a buyer is likely to get the best referral from an agent who works exclusively for buyers, but I have no way of testing that generalization.

A buyer should schedule an appointment with at least two of the lawyers turned up.

Next week, I'll discuss what a buyer looks for when interviewing a real-estate lawyer.