Selecting an Attorney

Legal work associated with supportive housing development is typically focused on real estate transactions (the acquisition of property), project financing (perhaps including housing tax credits), and organizational issues (creating a new corporation to serve as the owner entity). Fees for these services will vary widely depending on the location of the project. The fee should be capped, however, since the legal costs could easily exceed the projected cost if unforeseen legal issues are encountered. In addition to the legal services directly contracted for, there may be required legal fees to pay for some of the project's lenders. Local lenders will generally identify maximum legal fees, and should be consulted when verifying costs.

Choosing a Lawyer:

1. You may already work with a lawyer with whom you want to continue to work. However, you may need to seek a different lawyer if affordable housing development and finance is outside your existing lawyer's areas of expertise. For example, it is common for different lawyers to handle corporate operations issues, personnel matters and evictions.

2. Determine what is most important to you in a lawyer.
    a. Expertise in the relevant areas of law?
    b. Experience with the same or similar problems?
    c. Experience with you or your organization?
    d. Experience with organizations like your organization?
    e. Accessibility and responsiveness?
    f. Clarity and plain English?
    g. The fee arrangement?

3. Obtain referrals from colleagues in your field (or from your existing lawyer, if appropriate under the circumstances). Getting feedback from local peers regarding who has served them well legally will be invaluable!

Working Effectively with Your Chosen Lawyer:

1. Determine what you want your lawyer to do, and then tell your lawyer.
    a. Do you want an explanation of risks, or help in reducing or shifting risks, in a planned course of action?
    b. Do you want a description of possible courses of action given a particular problem situation?
    c. Do you want to know whether you lawfully can take certain steps?

    d. Do you want help negotiating or documenting a particular arrangement or relationship?
    e. Do you want help communicating with a government agency with jurisdiction over your issues?

2. Understand and manage the costs of your lawyer's participation in a particular issue.

a. The main costs are:
    i. Indirect costs of delay while you involve your lawyer, and
    ii. Direct costs associated with paying your lawyer.
b. Tell your lawyer your budget and deadline for each request or activity. If your lawyer cannot accommodate the requested budget and deadline, then do at least one of the following:
    i. Reduce the request to what you need (as opposed to what you want), which may allow your lawyer to accommodate the budget and deadline. Make a conscious choice about how carefully you want documents edited or legal issues researched, for example.
    ii. Increase your budget and/or extend your deadline.
    iii. Find an alternate lawyer who can both:
        1. provide what is most important to you in a lawyer, and
        2. accommodate your budget and deadline.
    iv. Accept the risks associated with the reduced scope of services that can be provided within your original budget and deadline.
c. Understand the extent to which increased legal costs translate into lower total costs. Optimally, you will pay your lawyer as much as necessary to lower your total costs (including lawyer costs) to the greatest degree. Unfortunately, it is not always easy to do the calculation.

3. Involve your lawyer earlier rather than later: an ounce of prevention is worth a pound of cure.

4. Share information with your lawyer: a legal analysis is only as good as the facts being analyzed.

5. Understand what your lawyer tells you. If you don't understand, ask for a better explanation until you understand.

6. Provide constructive feedback when your lawyer does things that you particularly like or don't like.