

Hiring an Attorney

Hiring an Attorney vs Doing it on Your Own

Since an attorney can cost thousands upon thousands of dollars, one may wonder whether an attorney is really necessary. I cannot deny that plenty of people handle their immigration cases without an attorney – called ‘pro se’ applicants – and are successful. Even so, you really should use an attorney. I liken it to the need for a doctor when a woman has a baby. Women have been having babies without doctors for thousands of years, and it is entirely possible for a woman in the US today to have a healthy childbirth without medical intervention. But if you or your wife were having a baby, would you skip the doctor to save a few thousand dollars?

I’m not afraid to admit that I think a lot of our clients could have gotten their approvals without assistance from our firm. But we also have a lot of clients who could not have had a positive outcome without us. And that’s the truth. An interesting thing about that is that I am not always able to tell at the outset of the representation which clients are going to end up *really needing us*.

Even if you spend months researching the law and feel like you really know it, an attorney has spent years learning what he/she knows. And many of the things the attorney knows are based on experience gained from filing similar cases in the past. You won’t have the luxury of that experience when you file your application pro se. The attorney’s knowledge and experience enable him/her to immediately recognize when the government is making an error, especially an error in procedure. This is possibly the area where the attorney can make the greatest difference as pro se applicants have a tendency to simply believe everything the government official says and fail to recognize when they can/should fight a decision. The attorney’s experience comes into play not only in knowing the law, but also in knowing how to present a convincing case. Furthermore, your lack of emotional distance from the case may cloud your ability to view the case objectively. And lastly, there are avenues of communication with the government that are available to attorneys and not to the general public. That doesn’t mean that any attorney can pick up the phone and talk to the official handling your case, but on occasion it does mean that the attorney can solve a problem faster than a pro se applicant because he/she knows which government official needs to get the phone call or email.

Your family’s future is on the line. Nothing could be more important. Now is not the time to cut corners and hope you don’t run into any unexpected problems. You need to do everything you can to maximize your chances of success. Hiring a competent attorney is the best way to do that.

Hiring an Attorney vs Hiring a Notario

Some people think they can obtain the value of an attorney’s experience at bargain prices by hiring a notario. You need to understand that while in some countries a notario is a person with legal training, in the United States, a Notary Public does not have any legal training and is authorized to verify signatures only. A notario who is practicing law without a license is committing a crime. Do you really want to trust your family’s future to a criminal? Whereas attorneys are closely monitored by the State Bar and must adhere to a strict set of rules of ethical conduct, notarios are operating outside of that regulating body. Unfortunately, the problem of

notarios is rampant and government officials have their work cut out for them in attempting to prosecute these criminals. At our firm, we have plenty of clients come to us after notarios have soundly damaged their cases by never filing things they took money to file, filing fraudulent applications without the alien's knowledge, or applying for benefits that the alien is not entitled to. 'Cleaning up' a mess created by a notario is often more expensive than if the client had just hired a licensed attorney in the first place. Worse still, we are not always able to correct problems created by notarios. Always contact the State Bar in your state to make sure that the person you're hiring is a licensed attorney.

Legal Fees

Whereas in many areas of law, attorneys charge an hourly rate, it is far more common in immigration law for attorneys to charge flat fees. The range of legal fees you may encounter is broad. For the same waiver case, you may get quotes from different attorneys ranging from \$2000 to \$12,000. That's a big difference. But if the \$2000 attorney is fresh out of law school and has never filed a waiver before, whereas the \$12,000 has filed hundreds and has a high approval rate, then maybe it's worth the extra money. On the other hand, some attorneys who charge high rates simply aren't any better than attorneys who charge less. And there are no easy rules for me to give people to determine whether the experienced, competent attorney who charges \$8000 is really better than the experienced, competent attorney who charges \$6000. Between two equally competent attorneys, you may consider paying a little more for an attorney who is a better fit for you.

In determining the legal fee, the attorney takes many factors into consideration. The expected number of attorney hours is only one factor. Also considered: the difficulty of the work (just as an hour of running makes you more tired than an hour of walking, some legal work is more draining than other legal work), the attorney's expertise on the type of case, the rarity of the attorney's expertise, the attorney's reputation, how often attorneys are sued for their work on this type of case, whether a likely denial for the case will damage the attorney's published approval rates, whether the appearance of fraud in the case has the potential to damage the attorney's reputation with the government official(s) who will adjudicate it, and whether it appears that the potential client will be 'difficult' for the attorney to work with.

There is normally very little room for negotiation after an attorney provides the potential client with a flat fee quote. When fees are posted on the attorney's website – as they are for our firm – it is usually a sign that fees are generally not negotiable. For attorneys who are willing to negotiate fees, how willing they are to negotiate may depend on the time of year. Even an in-demand attorney has slow periods. For many immigration lawyers, the first half of April, tax time, is slow as people focused on filing their tax returns don't want to also be trying to file immigration paperwork. For immigration lawyers who handle many Middle Eastern clients, the Muslim month of Ramadan is slow as Muslims usually donate to the poor during Ramadan and don't have extra money to start an immigration case. Summertime and December are usually very busy at Scott and Associates, though not all attorneys have reported the same experience. You are also better able to negotiate a small discount if you are able to pay your fees upfront, as attorneys prefer to be paid in advance, but know that most clients can't manage that. Even so, such discounts may not be available at the attorney's busiest times.

