

## **“How Can I Afford A Lawyer?”**

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The unthinkable has happened. Now you have to file a lawsuit...or worse, you have been sued. You need to hire an attorney. Can you afford one?

There are many ways to fund a lawsuit. If you have been sued, the first thing we do is look for insurance protection. Business owners typically have an assortment of insurance policies that may respond to lawsuits arising out of their business operations. Individuals may find that their homeowners' and/or umbrella policies provide liability coverage for the suit. We can tender your lawsuit to the appropriate insurance companies and request that they fund your defense. If the tender is accepted, most insurance companies will require that you accept their “panel counsel” as your lawyer. Be assured that insurance panel counsel is usually quite experienced and capable of defending your suit. That said, Rowe | Mullen has been approved by many insurance companies to defend their insureds due to our level of expertise, our commendable track record, and our reasonable fee schedule.

If you have been sued - or need to sue - for breach of contract, the contract itself may provide for an award of attorneys' fees to the prevailing party. Of course, to recover your attorneys' fees, you need to be the “prevailing party.” For this reason, it is very important to accurately assess your contract case at the outset. If your chances of prevailing are low, you may be exposed not only to having to pay damages, but also to having to pay your opponent's attorneys' fees. On the flip side, if your case is strong, your potential entitlement to attorneys' fees can be a powerful tool in negotiating a better - and possibly quicker - resolution to your case.

In the absence of a contractual provision awarding attorneys' fees to the prevailing party, California follows the “American Rule,” which means that each side pays for his own attorney. However, there are some very specific types of cases that may allow for the recovery of statutory attorneys' fees in some circumstances (i.e., certain Labor Code violations, elder abuse, contractor/subcontractor payment disputes, eminent domain, etc.) We will examine your case to determine if any statutory grounds for fee recovery may be present.

If you are a plaintiff and your case has a good chance of a sizeable recovery, we may agree to handle it on a contingency basis. This means that you would not pay attorneys' fees unless, and until, the lawsuit has concluded in your favor.

If none of these means of paying attorneys' fees are available in your case, we can attempt to minimize fees by negotiating a quick settlement. When a case is properly evaluated, and where the parties are reasonable and have been realistically advised, this is often the best approach of all.

Rowe | Mullen wants to help you win your case, and we will explore every avenue of funding on your behalf. Make an appointment for a free consultation so that we can evaluate your case and find the approach that is best for you and/or your business.