

Choosing the Right Immigration Attorney

Last week we discussed the importance of consulting and retaining a skilled immigration attorney when seeking immigration benefits from the U.S. government. There are simply too many unnecessary risks involved when handling any immigration case yourself, or putting your trust in the hands of an unqualified immigration “consultant” or “notario.” The law is constantly changing. You may not be aware of the options available, or the best way to achieve your goals.

A qualified immigration lawyer will give you an accurate and comprehensive assessment of your immigration matter. The available options and risks involved should be explained to you in detail. Also, your attorney should work with you to prepare your case and, if necessary, represent you before the proper government agency, tribunal or court handling your legal matter.

But how can you decide on which attorney to hire? While there are many attorneys out there who claim to practice immigration law, not all of them are qualified to handle your particular immigration matter. So I have provided you with a short list of factors below to consider when searching for the right attorney:

American Immigration Lawyers Association (AILA) - Is the attorney an active member of AILA? AILA is probably the best way for an immigration attorney to remain current on the constantly changing laws and regulations concerning U.S. immigration. Though being an active AILA member does not mean the attorney is absolutely qualified to represent you, it does show a vested intent and attempt to remain current on the immigration laws.

Publications – Attorneys who consistently write about immigration issues clearly keep updated on the changing laws and regulations important to your case. Indeed, having their legal written work published indicates the lawyer’s expertise is respected within the legal community.

Personality Compatibility – Find a lawyer who really cares about helping you, and that will be dedicated to your case from beginning to end. Stay away from attorneys who sound more like “salesman” trying to get your business. Yes, attorneys are business people. But you will be able to see through those who only view you as a paycheck. Look for an attorney that practices immigration law because of the desire to help others while, of course, providing for their own family. There is a distinct difference between these two types of attorneys, and the quality of service they will provide.

Fees – How does the law firm set its fees? Most immigration firms work on a flat fee basis. But legal services performed on an hourly or contingency basis is also possible. If an attorney quotes you prices too high or too low, you should be concerned. Prices that are too high may indicate a law firm or an attorney is simply trying to take advantage of its clients due to preconceived – but unwarranted – beliefs that the firm or lawyer can provide results others cannot. These firms or lawyers often prey upon a

potential client's hopes that they can produce some sort of "magic" to get them results. But they are simply "gauging" their clients. Also beware of attorneys who demand a large "referral" fee for referring you to a qualified immigration attorney. Such a referral fee is more properly collected by the "referring" attorney from the "referred" attorney, without raising the client's fees.

When the fees of a firm or lawyer appear too low, it may mean that they do not understand the amount of legal work involved, or delegate a great deal of the work to be done to a subordinate associate attorney, paralegal or legal assistant. Worse yet, these prices may be very low because the lawyer is desperate for your work, but unqualified to handle your case. Of course, there are excellent attorneys that charge more, because they are simply better than other attorneys. Also, there are attorneys who can charge less, because they work efficiently and have streamlined their law practices. Look for an attorney that takes the time to carefully explain the specific work he will perform for you, what government costs and fees are involved, and quotes a competitive legal fee.

Reputation – Has the lawyer established a good reputation in the Filipino community? Ask others who have actually consulted or retained that attorney or law firm. Word of mouth is important. But be sure to get your information directly from those who have worked with that specific attorney.

Promising too much – Be suspicious of attorneys who promise success. Contrary to such an attorney's boast, there are no guarantees in the practice of immigration law. An ethical attorney will present you with an honest assessment of your risks and chances of success. Also, an attorney should not degrade other competing attorneys or firms. Your attorney should be able convince you of his ability without slandering specific attorneys or firms. Further, do not trust attorneys who claim to have insiders within the government agencies possessing influence upon applications, petitions, etc. Such a claim is only a sign of future trouble with the government.

Ethics – Any attorney that tells you it is acceptable to blatantly lie on an application, petition, or during a court proceeding cannot be trusted. These acts may result in criminal penalties and being barred from the U.S. A skilled attorney will help you find a creative solution to your legal matter, without resorting to dishonest or illegal acts.

Malpractice or Disciplinary Action – Has the attorney ever been disciplined by any state board of professional responsibility? You can check with your local state bar association, which can also confirm whether the attorney is licensed and in "good-standing."

I hope this "laundry list" of concerns helps you make an informed decision when seeking legal representation. Shop around for the best attorney, not the cheapest or the most expensive. You should feel confident that your attorney is qualified to handle your case, and will work hard to succeed.

Attorney Rio M. Guerrero is the founding and managing partner of The Guerrero Law Firm. He is also an Adjunct Professor at The CUNY School of Professional Studies at The Graduate Center in Manhattan, where he teaches complex U.S. immigration law to other attorneys, paralegals and community leaders. He has also served as an immigration legal expert witness in the New Jersey State court system. During his many years of legal practice, Atty. Guerrero has successfully represented thousands of clients in a wide range of immigration and nationality matters. You may contact Atty. Guerrero directly at (212) 481-2744 or e-mail him at rio@guerrerolawfirm.com. The above information is not, nor intended to be, legal advice. Nothing within this publication creates an attorney-client relationship with the reader. Applicability of the legal principles discussed above differs upon individual facts and circumstances.