

The Six Worst Mistakes You Can Make Hiring a Defense Attorney



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Just as I refer someone to an attorney who specializes in an area of law I am not comfortable in, most of my clients come through referrals by other attorneys who, in part because of my reputation for excellence in criminal law, recommend that the prospective client contact me.

Other times a client finds me by searching the internet, making an appointment with me, and comparing me to other attorneys who they have also found on the internet.

In the 30 years that I have been an attorney, I have seen firsthand the mistakes that clients routinely make when deciding who they should hire to represent them or their loved ones who are charged with crimes.

The majority of prospective clients have never been in trouble before and don't have a grasp of the criminal justice system. Their nervousness about "being in trouble" leads them to choose an attorney who generally is overworked and unable to focus on their specific case.

Over time, I have seen prospective clients choose the wrong attorney for the wrong reason. Oftentimes, a client will decline to retain me, only to return six months later telling me that exactly what I had originally said is coming to pass. There are general "themes" when the client returns to my office and what follows are the 6 most common "themes" that seem to happen.

1. Hiring a Defense Attorney Who Lacks Specific Experience in Your Case Type

The first thing someone should do when looking to hire a criminal defense attorney is research the crime with which the person is charged. For example if someone federal drug conspiracies. Experience does not simply mean an attorney who has a volume practice where they process the client through the criminal justice system. Experience means someone who has earned the respect of the Government by fighting for their clients by way of going to trial or through filing pretrial motions. Like anything else in life, respect is the greatest asset anyone can have.

2. Not Asking Hard Questions

After researching the crime, make an appointment with 3 or 4 attorneys. Do not be afraid to ask hard questions. You are hiring someone who will literally have your life in their hands.

3. Allowing Disorganization

When you interview an attorney, see what kind of office they have. It is easy to make promises on the telephone or during the first interview. But, if you have to wait to meet with the attorney that is a bad sign. Similarly, if their desk is full of papers it shows that the attorney is not going to be focused on your case.

4. Be Wary of an Attorney Advising You to Plead Guilty Early in Your Relationship

If during the first appointment, the attorney discusses pleading “guilty” that is a warning because the attorney should know very little about your case. Discussing pleading guilty without having any idea of the facts involved or possible defenses shows that the attorney ultimately will be more interested in having you plead “guilty.” It is similar to a brain surgeon diagnosing you with brain cancer during the first appointment without doing any tests.

5. Not Doing Your Due Diligence on Previous Cases

Ask questions about the number of federal criminal trials the attorney has had in the past year or five years. Get the names of the cases so that you can look them up. Get the names of former clients you can call to see whether the attorney will actually fight for you. It is an indication that a lawyer will not fight hard for you if they never go to trial. Similarly, getting an idea of how hard they worked for former clients is indicative of the type of relationship the attorney has with their clients.

6. You Get What You Pay For

The issue of fees is something that goes into hiring an attorney. Unfortunately, the reality of life is that the better the attorney, the more it will cost. Volume attorneys are cheaper than quality attorneys and you need to accept that a good federal criminal attorney will be more expensive. If you are comfortable with a particular attorney, do whatever you possibly can to hire that attorney. Otherwise, you generally will end up with someone who you will never feel is doing a good job for you.

About John D. Stobbs II

I am a lifelong resident of Alton, Illinois, which is located across the Mississippi river from St. Louis, Missouri. My Dad is a legendary Madison County trial lawyer and my brother Steve is a Madison County Judge. I cemented my family legacy as a lawyer in Edwardsville, IL by being elected President of the Madison County Bar Association in 2010.



Because I don't believe in a "volume law practice" I average only 15-20 open files at a time. This allows me to give personal attention to a particular client's case, and to personally see a case through to the end. I don't believe in being hired by a client and then passing the case off to an associate to handle. If a client hires me, I do all of the work.

I have become a leader in the federal defense bars in the Southern District of Illinois and Eastern District of Missouri as witnessed by my being a part of the panels to retain and appoint Magistrates Cohn and Wilkerson respectively. I also have served on the retention committees for Federal Public Defenders Phil Kavanaugh in the Southern District of Illinois and Lee Lawless in the Eastern District of Missouri. In 2011 I was appointed by Chief Judge Catherine Perry to be the Criminal Justice Act Panel Representative for the Eastern District of Missouri. I have been an attorney for nearly 25 years and for over a decade have enjoyed an AV rating which is the highest rating given by Martindale Hubbell. I have worked with some of the best attorneys in St. Louis and elsewhere and am proud that these attorneys hold me in high regard.

I am proud to consider myself a trial lawyer, like my Dad, and average between one and two federal jury trials a year. In the very first jury trial I was appointed to, U.S.A. v. Martinez, 92-CR-40088-JLF I acted as co-counsel and my client was acquitted. I am equally as proud of an acquittal in U.S.A. v. Solares 94-CR-30064-WDS where the Assistant U.S. Attorney prosecuting the case was my former trial advocacy teacher at St. Louis University.

I studied at St. Louis University receiving my Bachelor of Arts Degree in 1986 and Juris Doctoris degree in 1989. I spent several years studying in Madrid, Spain, first at la Universidad Complutense and then at a law program sponsored by William & Mary's law school.

Upon graduating from St. Louis University I returned to Madrid where I worked at Zulueta y Asociados for one and one-half years. When I returned to the United States, I practiced general law with my Dad at Stobbs & Sinclair in Alton.

Because I speak Spanish fluently, I was contacted by the U.S. District Court in the Southern District of Illinois to represent a Mexican Defendant pro bono. After the favorable result I achieved in this pro bono case, other Spanish speaking clients contacted me to represent them and the District Court began appointing me in other cases.

In part due to being a member of the Criminal Justice Act Panels, I have represented in excess of 800 criminal Defendants in federal courts in the Southern District of Illinois and Eastern District of Missouri. In recent years, my practice has evolved from representing clients charged with federal drug or gun crimes to white collar cases.

I have actively sought to improve the federal defense bars in the Southern District of Illinois and Eastern District of Missouri. In 2001 I began organizing yearly seminars which were dedicated solely to issues involving federal criminal practice in the Southern District of Illinois and Eastern District of Missouri. From 2002 through 2011 I hosted an annual dinner honoring the late Dr. Martin Luther King, Jr. The Dinner drew in excess of 150 people including judges, Assistant U.S. Attorneys and members of the criminal defense bar.

Of all my achievements, I am proudest of spearheading the renaming of the Alton Federal Courthouse in honor of Judge William L. Beatty who was a great man that influenced my life and career greatly. I was initially told that it would be impossible for all of the federal entities to act within the one year timetable I set, and due to the efforts of a great many people, the "Beatty Building" was dedicated within one year of Judge Beatty's death.

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