

5 Easy Steps

For Choosing the Right Lawyer

By Parker Layrisson

Louisiana Auto Accident Attorney

www.HowToChooseTheRightLawyer.com

**PARKER
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5 Easy Steps For Choosing the Right Lawyer

If you need legal services, the single most important decision you can make is choosing the right lawyer. In some situations, such as an arrest or a car accident, the clock begins to tick on important deadlines right away, so you must decide in a hurry. *Time is of the essence.*

Nevertheless, you can make an informed decision quickly if you use common sense and follow a few straightforward guidelines:

- Recognize the importance of hiring an effective lawyer.
- Research attorneys online and, if possible, by word of mouth.
- Request written information from the lawyers.
- Schedule consultation appointments with your top choice attorneys.
- Interview the lawyers and question them thoroughly.

Begin by considering the importance of hiring the lawyer.

For example, in a family law dispute, you may risk losing your children. Auto accident injury cases put your health and wealth at risk. Finally, real estate transactions risk your success in achieving the “American Dream” of home ownership. In short, when dealing with the law, you have much at stake. You deserve legal protection by a qualified, experienced lawyer you can trust.

Legal services are not a commodity you should shop purely on price.

Rarely is the cheapest lawyer the best attorney available. Hiring a lawyer based solely on fee rates is almost as foolish as representing yourself. Instead of bargain shopping for the least expensive lawyer possible, you should carefully compare available attorneys in an effort to hire the best, most highly-qualified lawyer you can afford.

To put the matter in perspective, imagine that you need an important medical procedure, such as neck surgery. Would you rush to hire the cheapest available physician without checking the doctor's credentials as a practicing spine surgeon? Of course not!

With your health on the line, you would research your options carefully to ensure that you hired a respected professional with solid qualifications who focuses on that specific field of practice—a doctor with excellent spine surgery training, related experience, and a proven record of success. In short, you would hire the best doctor you could afford, the surgeon who would give you the best chance of success.

Like neck surgery, your legal issue probably deals in high stakes. Therefore, you should be as careful selecting the most qualified attorney available as you would in choosing a surgeon. Any short-run savings derived from hiring the least expensive attorney available (or worse, representing yourself) could be dwarfed by the larger long-term costs of inadequate representation. Hire the most qualified lawyer you can afford – the attorney who will give you prepared, precise, and effective legal services. You will not regret it.

How to Begin Your Search For an Attorney

Once you appreciate the significance of hiring a lawyer, it is time to start the search for the right attorney. The quickest and easiest place to start is the internet.

The upside of an internet search is that it allows access to a tremendous amount of information about the law and lawyers. However, there is such a thing as internet information overload, a fact you may observe when your search turns up an abundance of self-serving hype by lawyers who are more interested in their bottom line than your legal needs.

The best way to balance these potential negative effects is to supplement your internet queries through word of mouth investigation, written information requests, and attorney-client consultations.

The most important considerations in selecting the right lawyer are:

- **Experience**
- **Qualifications**
- **Reputation**

Many sources (including online publications, advertisements, friends and other attorneys) can provide you with this information. However, while each of those sources can be helpful and informative, none is as effective as speaking to the attorneys directly.

Most attorneys will consult with you on the telephone or in person at no charge to answer basic questions before formal legal representation begins. This process is important because it allows you to determine whether you like and trust the lawyers, and it permits the attorneys to decide whether they want to handle your case.

The best, most highly-qualified lawyers will welcome your questions, and they will take it as a sign that you have done your homework.

Remember that when you are interviewing an attorney, that same attorney is also interviewing you to see if he or she wants to take your case. A good lawyer would rather represent a truly prepared client -- that is, a client who is committed to getting the best legal representation available.

Consulting with Your Prospective Attorney

If you dedicate yourself to a thorough attorney-client interview focusing on the lawyer's experience, qualifications, and professional reputation, your chances of choosing the right lawyer for your case will increase tremendously.

Do not be afraid to formally interview the lawyers regarding these topics. This will show the attorneys that you take your case (and their job) very seriously. Ask thoughtful, direct questions. Demand straight answers. Consider the information you obtain, and go with your instincts. It is important to be both comfortable with and confident in your attorney.

The Attorney's Experience

When you are seeking information about an attorney's experience, you may find it helpful to refer to the following questions:

- How long have you been a practicing attorney?
- How long have you been practicing in [insert practice area of your need, such as divorce, auto accident, or real estate]?
- How many cases of this type have you handled?
- How successful have you been at trial?

- How successful have you been at negotiations?
- What percentage of your caseload is focused on [insert practice area of your need]?

Do not simply ask how many years the attorneys have practiced law; question them about what they have been doing all those years. With regard to experience, quality is as important as quantity.

For example, if you need an injury lawyer, ask the attorneys how many similar injury cases they have handled, how many of those cases went to trial, what results they achieved in those cases, etc. Depending on the type of case, you should also ask whether they have worked as a prosecutor, with other law enforcement agencies, or for the judiciary and, if so, how that experience could help in your case.

Experience matters. Not all lawyers “paid their dues” obtaining quality experience. Do not assume all lawyers have the experience you need to handle your case.

The Attorney's Qualifications

Although some of your questions will naturally be answered only when you meet with your prospective attorney face-to-face, many can be settled long before the initial consultation. You may wish to ask yourself:

- Have you researched the attorneys on-line?
- Do the attorneys have professional websites that describes their qualifications?
- Have the attorneys been selected by well-respected organizations to lecture on [insert practice area of your need]?
- Have the attorneys written any books, articles or other publications?
- Do the attorney have experienced, knowledgeable, informative, and courteous team working with them on every case?
- Do you feel comfortable with the attorneys and their staff?
- Do the attorneys work out of professional looking offices?

Information regarding the attorney's education, training, and work history also falls under this heading. Some relevant questions include:

- Where did the lawyers go to school?
- What were their grades?
- Have they continued their education in the areas of law applicable to your case?
- Have they clerked for a judge or other government officials?
- Did the lawyers' past work in the public sector or other law firms result in specialized expertise?
- Are they active with any law journals, bar associations, or professional groups?

The Attorney's Reputation

This topic can be awkward to address and difficult to evaluate, but remains extremely important nonetheless. If you have access to judges or other lawyers, bluntly ask them what they think of the attorneys in question. If not, begin by asking the lawyers if they have ever been disciplined by the bar. Also, ask the attorneys to provide you with their Martindale-Hubbell client and peer review ratings (available at Martindale.com) and Avvo.com ratings.

Ideally, you would like to hire a highly-rated lawyer—someone recognized by judges, other lawyers, and former clients alike as having achieved the height of professional excellence in legal ability and ethical standards. To that end, consider the following questions:

- Do the attorneys have reputations for success in the city and parish where you need help?
- Do the attorneys have statewide reputations?
- Do the attorneys have national reputations?
- Do the attorneys receive referrals from other Louisiana attorneys? Who?
- Do the attorneys receive referrals from prior clients?
- Do the attorneys receive referrals from other professionals such as doctors, engineers, CPA's etc.?

Your Financial Investment in an Experienced Attorney

There is no denying the fact that legal services are costly. Effective representation typically comes at a steep, but reasonable, price.

Like buying a home or hiring a surgeon, retaining an effective attorney is expensive, important, and ultimately valuable if you make the right choice. However, lawyers should always inform you up-front, in writing, as to how they will bill you for their services.

In general, attorneys usually charge clients via one of the following standard payment arrangements:

- (1) hourly rate fee;
- (2) flat fee; or
- (3) contingent fee.

The hourly rate fee is the most common payment method. Under this arrangement, the attorney charges an agreed-upon hourly rate for all time spent working on a client's case until it is resolved.

Hourly rates vary based on attorneys' experience, expertise, prestige, operating expenses, and the local market. Nationally, lawyers' hourly rates range from as little as \$100 to as much as \$1,000. Here in Louisiana, most attorneys charge anywhere from \$150 to \$300 at the time of this writing. Paralegals' services are also billed under this

method, usually at a rate of anywhere from \$40 to \$90 per hour in Louisiana.

Hourly rate fee agreements typically require the client to pay the attorney an advance payment called an advanced deposit or retainer. Usually, the lawyer deposits that payment into a special bank account, called the IOLTA client trust account, and deducts from that account the cost of services as they accrue. For example, a local divorce lawyer may charge \$195 per hour while requiring at least \$2,500 to be paid up-front.

Less common than the hourly rate fee is the flat fee arrangement, which is usually reserved for relatively simple, predictable, and well-defined matters such as wills, contracts, uncontested divorces, basic bankruptcies, and some criminal defense matters. Under this arrangement, the attorney and client agree upon a fixed amount of payment.

For example, the flat fee for a basic will might be \$200-\$500, and a DWI defense flat fee could be \$2,000-\$5,000, regardless of the time the lawyer ultimately takes to complete the matters.

In certain types of cases, lawyers work on a contingent fee basis. Under this arrangement, attorneys' fees are only paid if a favorable result is achieved (*i.e.*, "no win, no fee"). This means that the lawyer requires no up-front money from the client, but instead the attorney gets a percentage of the eventual recovery, typically 33-40% of any settlement or judgment collected.

Contingent fee arrangements are typical for plaintiffs in auto accident claims, medical malpractice cases, and other personal injury matters, as well as debt collection and some

commercial cases. However, contingent fees are legally prohibited in criminal and family law matters.

The contingent fee arrangement provides access to the courts for those who cannot otherwise afford to pay attorneys' fees. Contingent fees also provide a powerful motivation to the attorney to work diligently on the client's case with a results-oriented emphasis.

Under the hourly rate fee, flat fee, and contingent fee models, in addition to payment of attorneys' fees, lawyers require reimbursement for any out-of-pocket case-related expenses (such as court costs, filing fees, postage, court reporters, copies, etc.) regardless of the fee model utilized. Clients are not, however, billed for attorneys' general overhead expenses.

In general, when you consider the importance of your legal needs and the costs and risks undertaken by practicing lawyers, the high price of attorneys' fees is reasonable. In addition to basic overhead costs all businesses pay--payroll, rent/mortgage, insurance, taxes, etc. --lawyers invest a considerable amount of their time and money to become attorneys in the first place. For example, according to the Tulane and LSU law websites, the current sticker price for seven years of college and law school this author received is over \$350,000. Many lawyers have paid much more. Clients must also consider that this figure represents only the investment needed to become eligible to practice law, not the cost required to begin and maintain a productive career. The bottom line is that the legal industry's expensive and time-consuming barrier to entry results in relatively steep prices for hiring private practice attorneys. In most situations, that is unavoidable.

Given that attorneys' fees are typically high but reasonable, use your understanding of the various arrangements for payment to negotiate a written fee agreement that best suits your needs.

When you consider all that you have on the line in a legal matter, the importance of hiring the right lawyer is obvious. Making matters worse, the clock is ticking and strict deadlines may apply. Therefore, you should invest considerable time and energy in a proven process for choosing the right lawyer.

We provide the blueprint in this report. It is up to you to do the "homework" necessary to succeed in finding the right lawyer for your case.

Before Your Consultation: What to Expect From Any Lawyer

As mentioned previously, many attorneys will talk to you over the phone about the legal issue you are facing, and may offer you a free consultation. However, there is research you can do at home before you even set up your first visit to their office. A little investigating could save you time and energy meeting with any attorney who isn't right for you.

Before you set up a consultation with an attorney for any reason, ask the attorney or firm to send you information through the mail or email. Request the following:

- Written outline or explanation of the steps usually involved in the type of lawsuit you are inquiring about
- Professional biography that states how long the lawyer has been handling cases like yours and describes the attorney's qualifications and experience.
- Sample fee agreement that outlines the type of fee structure the lawyer will charge you.
- A written explanation of the usual additional costs associated with a case like yours, and a breakdown on how the percentage payment will be calculated

- Written assurance that the firm carries professional responsibility insurance of at least one million dollars

If any lawyers refuse or fail to produce these materials before you meet with them, watch out!

Checklist of Questions to Ask Attorneys You Interview

Questions Specifically About Your Case:

- What are the strengths and weaknesses in my case, and how you plan to handle them?
- How confident are you that you can effectively handle my case based on the facts?
- What are ALL the possible outcomes of my case?
- How long do you expect to take in resolving my case?
- What kind approach will you take in my case- unyielding or will you work to reach a reasonable settlement?
- Can you guarantee you will win my case? (Trick Question: NO LAWYER can guarantee success. If any lawyer promises you'll win, run in the other direction! They are being unethical.)

Attorney Experience:

- How long have you been a practicing attorney?
- How long have you practiced in the exact area that applies to my case? (e.g.: divorce, auto accident, real estate, etc.)
- How successful have you been at trial?
- How successful have you been in negotiations or settlement discussions?

Attorney/Client Relationship Management:

- Will you handle my matter personally or will it be delegated to another attorney or paralegal in the office?
- Who will be the person I contact to voice questions or concerns about my case, and what is their position in the law firm?
- Will the person I am speaking to be familiar with the details of my case, and be able to answer my question should my attorney be unavailable?
- What is the best way to communicate with my contact person, and should I not be able to reach them how long until I can expect to be contacted in return?

- How often will I be informed of the proceedings and progress of my case?
- Will I receive copies of important documents, such as correspondence and pleadings throughout the duration of my case?

Attorney Qualifications:

Questions to ask yourself:

- Have you researched the attorneys online?
- Do the attorneys have professional websites that describes their qualifications?
- Have the attorneys been selected by well-respected organizations to lecture on a case subject matter?
- Have the attorneys written and published any books, articles, or other publications on the case subject matter?
- Do the attorneys have experienced, knowledgeable, informative, and courteous team working with them on every case?
- Do you feel comfortable with the attorneys and their teams?
- Do the attorneys work out of offices that look professional and well organized?

Questions to ask the attorney:

- Where did you go to school?
- What was your GPA?
- Have you continued your education in the practice areas applicable to my case?
- Have you ever clerked for a judge or other government officials?
- Did your past work in the public sector or other law firms result in helpful expertise?
- Are you active with any law journals, bar associations, or professional groups?
- Have you published any relevant books, articles, or columns, etc?

Attorney Reputations:

- Do you have a reputation for success in the city and parish where you work? (Check word of mouth.)
- Do you have a statewide reputation in your practice field? (Check Martindale.com and Avvo.com)
- Do you have a national reputation in your practice field? (Check Martindale.com and Avvo.com)
- Do you receive referrals from other Louisiana attorneys? From whom?
- Do you receive referrals from other professionals such as doctors, CPA's, and engineers? From whom?
- Do you receive referrals from former clients?

Attorney Agreements:

- Do you have a fee agreement that I can read beforehand?
- May I take it home before signing?
- Is the agreement written in way that I can understand?
- Will you explicitly explain every aspect of the written agreement to me?

- Do you clearly define how you will charge me for your services? (Including explanations of fees and costs.)

Attorney-Client Privilege & Confidentiality

One question that crosses the mind of nearly every client or potential client we meet: *"Can I trust my lawyer to keep our conversations confidential?"* The answer, in a word, is "yes." While clients often value attorneys for qualities such as aggressiveness, intelligence, and creativity, loyalty is our profession's most essential attribute. Through the concept of attorney-client privilege, lawyers are required to keep client communications confidential and protected from being forced to reveal client secrets.

Attorney-client privilege, which goes back to the days of Elizabethan England, is one of the oldest recognized privileges for confidential communications. It encourages clients to speak openly and honestly to their lawyers, who are then better able to provide effective legal representation. The privilege is indispensable to attorneys' function as advocates because lawyers can only properly prepare cases with the benefit of full and frank client disclosure.

To invoke attorney-client privilege, you only need to communicate with your attorney for the purpose of securing legal advice. There are, of course, exceptions to the privilege. The most common are (1) communications made in the presence of non-clients, (2) communications made in furtherance of a crime, and (3) waiver by client's public disclosure of communications.

Attorney-client privilege applies even after a lawyer no longer represents you. Attorneys who breach the privilege

can be reprimanded or even disbarred. Airing clients' dirty laundry is considered breach of fiduciary duty.

Feel free to trust your lawyer to keep your conversations confidential. The attorney-client privilege will protect your privacy.

Length of Claim and Lawsuit

Predicting the length of litigation is difficult. Each case is unique. A host of factors outside your control could expedite or delay the process. Some cases settle quickly while others last years awaiting trial and appeals.

For example, in our law practice we have handled matters decided by trials within a week of the initial disputes. On the other hand, we have tried cases so old other lawyers filed them before this author even began law school in 1999! However, most auto accident claims and lawsuits fall somewhere between those stark extremes.

Below is a brief summary of the explanation we give our accident injury clients when they ask us how long their case will last:

Usually your attorney will spend months attempting to settle your case before filing a lawsuit. Once litigation is filed, lawyers will conduct pre-trial discovery, an investigatory process that could take months to years to complete. It begins with formal written requests for information and evidence, followed by depositions where attorneys question witnesses under oath before court reporters. Another common pre-trial activity is mediation, a meeting between the parties and a neutral mediator designed to facilitate a final settlement. Once trial is set, it can last anywhere from a few hours to a few weeks depending on the complexity of the case, the size of the court's docket, and whether a jury is involved.

Of course, trial is not necessarily the end of litigation. Parties have the right to appeal the trial verdict. Appeals can take even longer than trial court proceedings.

Considering the delays inherent to trial and appellate litigation, estimating your case length is tough. As general rules, you can expect cases with minor injuries and clear fault to resolve quicker than severe injury suits with contested liability. Considering the uncertainty of trials and appeals alongside the fact that settlements always produce prompter results, as a party to litigation you should ask yourself whether “a bird in the hand is worth two in the bush.”

About the Author

Parker Layrisson is an experienced attorney and published author with law offices located in Baton Rouge, New Orleans, and Ponchatoula, Louisiana.

Mr. Layrisson is a former city prosecutor, state assistant attorney general, and federal judicial law clerk who served as Editor-in-Chief of the Louisiana Law Review. He has received Martindale-Hubbell's highest peer review rating for professional excellence in legal abilities and ethical standards (AV Preeminent) and Avvo's highest available rating (10.0 Superb). He also earned the Lexis Nexis Lawyers.com Client Distinction Award and the Avvo Client Choice Award. He has been named to New Orleans Magazine's list of "Top Lawyers" in 2009 and Louisiana Super Lawyers' "Rising Stars" list since 2012.

Mr. Layrisson graduated with honors from Tulane University and LSU Law Center. He is a former No. 1 ranked law student and a member of the prestigious Order of the Coif (top 10% graduate). He has taught law, professionalism, and ethics to attorneys and judges in various continuing education courses.

Mr. Layrisson is Past President of the 21st Judicial District Young Lawyers Association, Port Manchac, and the Ponchatoula Rotary Club. He has also served as a member the LSU Law Chancellor's Council, Vice President of the Southeast Spouse Abuse Program, and legal counsel to city, parish, and state governments.

Mr. Layrisson is the author or co-author of numerous law books, reports, columns, and a blog.

Why We're Different

The Parker Layrisson Law Firm is not a general law practice open to accepting all types of cases. We do not handle every area of law. We don't claim to, don't want to, and don't need to. Instead of spreading our resources among a wide variety of practice areas, we focus our attention on only a few types of cases. Auto accident injury is our firm's primary practice. We limit our auto accident caseload to serious injury and wrongful death matters, and that is good for you.

The Parker Layrisson Law Firm differs from other auto accident firms in that we do not rely on a high volume bulk practice. We do not advertise on TV, radio, or in the Yellow Pages. We are not a "chop-shop" or "mill" that turns over hundreds of injury cases every year. In general, we decline more cases than we accept. We value quality over quantity in our caseload, and we look for clients who do the same when choosing attorneys.

By handling fewer cases and focusing on only a few select practice areas, we can allocate more resources to your case. If the Parker Layrisson Law Firm accepts your case, an experienced team of auto accident injury lawyers will handle your matter from start to finish. We will not pawn you off to inexperienced assistants. We will dedicate extensive resources to your case, and it will show. Our team delivers excellent client care by aggressively representing injury victims and keeping them informed with prompt, thorough communications. At all times, our law firm maintains the highest standards of professional excellence and ethics. We maintain offices in Baton Rouge, New Orleans, and Ponchatoula, Louisiana. Our team includes experienced auto accident attorneys and

professional support staff. We use state-of-the-art case management software, premier online legal research services, and advanced communications systems to provide the best client service available.

Instead of badgering potential clients with high pressure sales techniques and “your pain is my gain” advertising, we offer accident victims free information you can review in the privacy of your home at your own pace by providing free consumer guides, newsletters, articles, and other resources via mail and the internet. We prefer clients who are as careful in their selection process as we are.

Most importantly, we focus on the “relationship” part of the attorney-client relationship. That means we don’t drop clients when their case ends and ignore them forever after. Rather, we stay in touch, and we continue to offer them value through our free VIP program which provides monthly legal tips, quarterly newsletters packed with helpful, interesting information, and much more. Relationships require hard work, commitment, and patience. Our clients deserve nothing less.

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