

## **Seven Steps to Controlling the Cost of Legal Services**

**By: Kathleen A. Penland, Penland & Hartwell, LLC**

An association can help its attorney provide timely and cost effective legal services by following these steps:

1. **Select An Attorney Who Is Experienced In Association Law Before.** *The Association Needs Legal Advice.* An attorney who is not experienced in interpreting the Illinois Condominium Property Act may need to “reinvent the wheel” at a substantial cost to the association. With a copy of your declaration and rules and knowledge of the current state of the law, an association lawyer is ready to answer questions, help the board of directors prevent or resolve disputes and keep the board advised of the current state of the law. Many association attorneys periodically send out newsletters concerning recent developments. By reading this information, management and the board may prevent a problem and the legal fees associated with its resolution.
2. **Get Organized.** Management and the board should keep a “paper trail” of the developments in a matter (e.g. notes regarding telephone conversations), copies of all documents and names, and addresses and telephone numbers of the parties who are involved in the transaction or dispute. This information should be promptly sent to the association’s attorney. Telephone calls from the attorney requesting information cause delays and result in additional legal fees.
3. **Prevent Problems.** Enforce rules consistently. A short call to your attorney may be the preventative medicine that is needed to avoid problems of epidemic proportion. If a problem cannot be prevented, your attorney may be able to recommend alternative methods to resolving the dispute (e.g. mediation or arbitration).
4. **Authorize Only One Person To Correspond with the Attorney.** Duplicate phone calls create additional costs and confusion. Set up a conference call if several people must speak with the attorney.
5. **Request Monthly Status Reports.** Expect the association’s attorney to advise the board on the status of all matters as developments occur. If several matters are pending, ask for a status report to be prepared prior to each meeting of the board of directors. The report saves telephone calls, confusion and helps the board evaluate legal services.
6. **Ask Questions.** The answers will prevent costly misunderstandings.
7. **Take Your Attorney’s Advice.** Even if the board disagrees with the attorney’s opinion, it must follow his or her advice or risk personal liability. If the board questions the accuracy of the attorney’s opinion it should obtain the opinion of a second attorney.

Conclusion. An attorney whose practice concentrates in condominium and homeowner association law understands that a board of directors needs accurate and timely advice at a reasonable price. After evaluating a particular situation, the attorney can determine whether it demands further legal work and, if appropriate, suggest alternate methods of resolving a pending dispute (e.g. mediation or arbitration). An association attorney gains satisfaction – and additional clients – when the associations he or she represents operate smoothly and meet their objectives.