

# Essential Questions to Ask Real Estate Attorneys

Before You Hire: Know What You Need

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*As a FSBO seller, your attorney is your most important partner. They protect you from legal problems, review contracts, and handle the closing. But not all real estate attorneys are the same. Use these questions to interview attorneys and pick the right one for your situation. Don't hire based on price alone. The cheapest attorney can cost you thousands if they miss something important.*

## Experience and Background

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**How many real estate transactions do you handle per year?**

**Look for:** 50+ transactions annually. You want someone who does this regularly, not occasionally.

**What percentage of your practice is residential real estate?**

**Look for:** 70% + residential. Avoid general practice attorneys who dabble in real estate.

**Have you represented FSBO sellers before?**

**Look for:** Yes, with specific examples. FSBO transactions have unique challenges.

**Are you familiar with transactions in [Your County]?**

**Look for:** Yes, extensive local experience. Local knowledge matters for title issues and closing customs.

**Do you handle both the buyer and seller side?**

**Look for:** Yes. Understanding both sides makes them more effective.

## Scope of Work

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**What exactly is included in your flat fee / hourly rate?**

**Look for:** Clear breakdown of what's included vs. additional charges.

**Will you review my purchase contract before I sign?**

**Look for:** Yes, absolutely. This is critical. Never sign without attorney review.

**Can you help negotiate if issues come up during due diligence?**

**Look for:** Yes. You need an attorney who will actively advocate, not just shuffle papers.

**Do you attend the closing?**

**Look for:** Yes, or a senior associate. Someone experienced must be present.

**What happens if the deal falls apart? Do I still pay the full fee?**

**Look for:** Partial refund or reduced fee if the deal doesn't close.

**Do you provide guidance on pricing and market conditions?**

**Look for:** They can provide legal perspective but shouldn't be your only source for pricing.

## Contract and Negotiation

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**Will you draft the purchase contract or just review it?**

**Look for:** They'll draft one if needed. You may need this before receiving offers.

**How do you handle contract negotiations?**

**Look for:** They advise you, explain implications, but you make final decisions.

**What's your response time for reviewing documents?**

**Look for:** 24-48 hours max. Deals move fast and you can't wait a week for responses.

**Can you explain legal terms in plain English?**

**Look for:** Yes! If they talk over your head in the interview, they'll do it throughout.

## Problem Solving

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**What's the most common problem you see with FSBO sales?**

**Look for:** Specific examples like pricing issues, inspection disputes, title problems. Shows they know the risks.

**Have you handled transactions that didn't close? What happened?**

**Look for:** Honest answer about common failure points and what causes deals to fall apart.

**What happens if there's a title defect?**

**Look for:** Clear process for resolving title issues before closing.

**How do you handle disagreements between buyer and seller?**

**Look for:** They mediate, explain options, but ultimately advocate for your position.

## Communication and Availability

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### How do I reach you if I have urgent questions?

**Look for:** Direct phone/email, reasonable availability. Avoid attorneys who only communicate through assistants.

### Who will I primarily work with, you or a paralegal?

**Look for:** You should have direct access to the attorney, not just support staff.

### What documents will you need from me?

**Look for:** Clear list including deed, mortgage info, property survey, disclosure forms, etc.

### How far in advance of closing should I engage you?

**Look for:** Ideally when you list, minimum when you have an offer. Never wait until last minute.

## Fees and Payment

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### **What is your fee structure?**

**Look for:** Flat fee \$800-2000 typical for simple residential. Hourly if complicated. Get it in writing.

### **What additional costs should I expect?**

**Look for:** Title search, recording fees, courier fees. Get estimates.

### **Do you charge for phone calls and emails?**

**Look for:** No for reasonable communication. Yes for hourly attorneys.

### **What's your payment schedule?**

**Look for:** Retainer upfront, remainder at closing. Avoid 100% upfront payment.

### **Do you offer a free initial consultation?**

**Look for:** Many do. This is your chance to interview them risk-free.

## Red Flags: Walk Away If...

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- They don't have time to meet before you hire them
- They're vague about fees or won't provide a written fee agreement
- They've never handled a FSBO transaction
- They don't return calls/emails within 48 hours during the interview process
- They say "I don't need to see the contract until closing"
- They seem disinterested or dismissive of your questions
- They pressure you to accept a bad deal just to close it
- Their online reviews mention missed deadlines or poor communication
- They practice in multiple states but aren't licensed in yours
- They can't explain why you need an attorney (they should sell the value)

## What to Bring to Your First Meeting

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- Your property deed
- Current mortgage statement (if applicable)
- Property survey (if you have it)
- Any offers you've received (if applicable)
- Your desired timeline for sale
- List of any known issues with the property
- Questions you've written down in advance
- Budget for legal fees

## Final Advice

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**Interview at least 3 attorneys before deciding. Ask these questions to all of them and compare responses. The right attorney will make you feel confident and protected, explain things clearly, and have specific experience with your type of transaction. Trust your gut. If something feels off, keep looking. Your attorney is your safety net in a FSBO sale, so choose carefully.**

**Need a recommendation? I work with several real estate attorneys in the area and can point you in the right direction.**

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