Finding a lawyer to review your contract

Whether it's your first time accepting a job offer or you've been practicing for years, considering a new job offer can be both exciting and stressful. It's highly recommended that you hire a physician-focused lawyer to assist you with contract review and negotiation.

If you're at the early stage of residency, we recommend you begin saving money now for this important step in your career. Being financially prepared to hire an attorney to assist in your contract review will reduce financial stress and ensure that you're in the best position to set yourself up for success in your career.

Know which type of lawyer to hire

When you receive an offer or a letter of intent (LOI) hire a lawyer to review the offer or LOI before you sign anything. Because health care is extensively regulated, physician employment agreements frequently have to comply with highly specific legal requirements that don't apply to typical employment contracts. Consequently, a general business lawyer, such as an attorney who handles real estate transactions for your family, may not be the right lawyer to review your contract or LOI. Just as there are physicians who specialize in different aspects of the practice of medicine, there are lawyers who specialize in reviewing physician employment agreements.

There are additional advantages to retaining an attorney experienced in handling physician employment agreements. First, an experienced attorney may know a great deal about the employer's local health care market and your prospective employer. Depending on the size of the employer, the attorney may have previously reviewed and negotiated employment agreements for other physician clients involving the same employer. If so, your attorney may be able to provide insight into what the employer may or may not be willing to negotiate. For example, your attorney might know that the employer does not, as a matter of course, negotiate restrictive covenants, and that it would be a waste of your time and money trying to obtain concessions in that area.

Second, the attorney may be able to give you insight into some of the questions you have regarding the employer and market. For example, your attorney may be able to give you a good sense of the employer's reputation for quality in the community, competence, stability of its leadership, and how it treats its physicians; in so doing, the attorney is able to provide invaluable input regarding whether or
not the prospective employer would be a good fit for you.

Where to find the right lawyer

Finding attorneys that specialize in physician employment contracts isn't difficult. Contacting the state medical association in the state where you will be working is one of the best ways to find lawyers who are qualified to review and negotiate your physician employment contract. Make sure to find an attorney licensed to practice law in the state where you'll be working because state legal requirements, as well as federal laws, may apply.

Legal fees

Legal fees vary across the country. However, there are a few things that impact how much a lawyer will charge, such as the fee arrangement and what you want the lawyer to handle for you.

One way to pay your lawyer is per hour. Another way is to pay a flat fee. You can specify what you want the attorney to do for you. For instance, you can ask a lawyer to review the employment contract in order to identify any traps and suggest a few major points that you may want to address, while you negotiate the offer directly with the prospective employer. Some physicians choose this type of arrangement because they feel comfortable negotiating with the employer directly or want to keep legal costs down. Many physicians though prefer to have an attorney review and negotiate the contract.

This article was written in collaboration with Wes Cleveland, JD, AMA Senior Attorney.

AMA member resources

Learn More About Understanding Employment Contracts

Find resources and model employment agreements for physicians in a solo or group practice.

URL: https://www.ama-assn.org/medical-residents/transition-resident-attending/finding-lawyer-review-your-contract

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