

When to Hire a Real Estate Lawyer: A Practical Guide for Buyers and Sellers

Understanding the Role of a Real Estate Lawyer

Buying or selling a home is one of the largest financial decisions most people will ever make. The process involves contracts, inspections, financing, and a mountain of paperwork. Many people assume they can handle it with just a real estate agent and a handshake. But the truth is, a real estate lawyer brings a layer of protection that can save you from costly mistakes.

A real estate lawyer reviews contracts, ensures title is clear, handles closing documents, and resolves disputes that arise during a transaction. They do not replace your agent. Instead, they work alongside them to catch legal issues that might otherwise slip through. I have seen deals fall apart because someone assumed a standard contract was fine, only to discover a hidden easement or a title defect later. That is the kind of problem a lawyer can spot early.

Why You Might Need One

Some states require a [real estate lawyer](#) to be involved in any property transfer. In others, it is optional but still wise. Even if your state does not mandate it, there are situations where hiring one is a smart move.

Consider a first-time homebuyer who finds a fixer-upper. The contract might include a clause that holds them liable for unknown structural issues discovered after closing. A real estate lawyer can negotiate that clause or advise them to walk away. Or take a seller who is moving into a retirement community. The sale agreement might have a contingency that lets the buyer back out for almost any reason, leaving the seller stuck. A lawyer can tighten those terms.

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I once worked with a couple who sold their house to a developer. The contract seemed straightforward. But the developer added a due diligence period that allowed them to cancel at any time, for any reason, with no penalty. The couple thought it was standard. It was not. Their real estate lawyer caught it and insisted on a non-refundable deposit after the first week. The deal closed smoothly, and the couple avoided a potential disaster.

What a Real Estate Lawyer Actually Does

The scope of work varies, but here are the main tasks you can expect.

- Review and draft purchase agreements. They make sure the contract reflects your interests, not just the other side's.

- Perform title searches and resolve title issues. They check for liens, easements, or claims against the property.
- Handle the closing process. They prepare the deed and other documents, and ensure everything is signed and recorded correctly.
- Advise on financing documents. They can explain the fine print in your mortgage agreement and point out unfavorable terms.
- Resolve disputes. If a problem arises, like a boundary disagreement or a breach of contract, they represent you.

The Cost Versus the Risk

People often hesitate because of the fee. A real estate lawyer typically charges a flat fee or an hourly rate. In most markets, that runs between \$500 and \$1,500 for a standard residential transaction. That might seem like a lot on top of closing costs. But compare it to the risk of a bad deal. A single missed easement can reduce your property value by thousands. A contract error can leave you paying for repairs you thought the seller would cover. In that light, the lawyer's fee looks like cheap insurance.

I know a family who bought a house without a lawyer. The seller had not disclosed a drainage problem that caused water to pool against the foundation every spring. The buyer found out after closing and had to spend \$8,000 on a French drain. The contract had no clause requiring disclosure of past water issues because the buyer's agent used a standard form without scrutiny. A lawyer might have caught the omission during the due diligence period or pushed for an inspection contingency that covered drainage. The family ended up wishing they had spent the extra money upfront.

When You Can Probably Skip a Lawyer

Not every transaction needs a legal eye. If you are buying a new construction home from a reputable builder in a state where the builder's contract is heavily regulated, you might be fine with just an agent. Similarly, a cash purchase of a straightforward property with a clear title and no contingencies might not require a lawyer. But even then, I have seen people get burned by assuming simplicity.

The safest approach is to consult a real estate lawyer for at least a contract review, even if you do not hire them for the full closing. Many lawyers offer a one-hour consultation for a flat fee. That hour can reveal issues you never considered. It is a small price for peace of mind.

How to Find a Good One

Start by asking your real estate agent for recommendations. Agents work with lawyers regularly and know who is responsive and who is not. You can also check state bar association directories. Look for someone who focuses primarily on real estate law, not a general practitioner who handles it occasionally. Experience matters in this field. A lawyer who has handled hundreds of closings will know the local customs and common pitfalls.

When you interview a candidate, ask about their typical fee, how they communicate, and whether they will be available on closing day. Some lawyers delegate most of the work to paralegals. That can be fine, but you want to know who will actually answer your questions. You should also ask how they handle disputes. If a problem comes up, do they try to negotiate first, or are they quick to file a lawsuit? Their style should match your comfort level.

Common Mistakes People Make

One of the most common errors is waiting too long to hire a lawyer. People often call after they have already signed a contract. By then, the key terms are set, and the lawyer's ability to help is limited. It is much better to involve a lawyer before you sign anything, even if it is just a brief review of the offer.

Another mistake is relying solely on the agent's broker or the title company's attorney. Those lawyers represent the company, not you. They have an interest in closing the deal quickly, not in protecting your specific interests. A real estate lawyer you hire directly owes you a duty of loyalty. That distinction matters when something goes wrong.

I recall a case where a buyer used the title company's attorney for the closing. The attorney missed a lien filed by a contractor who had worked on the house six months earlier. The lien was small, only a few hundred dollars, but it prevented the buyer from getting clear title. The title company eventually resolved it, but it delayed the closing by three weeks and caused the buyer to lose a rate lock. Had the buyer hired their own lawyer, that lien would have been caught weeks earlier during the title review.

The Bottom Line

Buying or selling property is not just a transaction. It is a legal process with permanent consequences. A real estate lawyer helps you navigate that process with your eyes open. They are not there to complicate things. They are there to simplify them by removing uncertainty.

If you are on the fence, ask yourself one question: would I rather pay a lawyer now or risk paying a lot more later? Most people who have been through a bad real estate deal will tell you the answer is obvious.

For more information or to discuss your specific situation, you can reach Jeremy Eveland at 17 N State St, Lindon, UT 84042, (801) 613-1472.