**Excerpts from *Looking for a Family Law Lawyer from a Woman’s Perspective*** presentation by Tamar Witelson and Lisa Cirillo, February 23, 2012. http://yourlegalrights.on.ca/sites/all/files/webinar\_files/Family%20Law%20Lawyer%20Presentation%20Slides%20edit%20%5BCompatibility%20Mode%5D.pdf.

**Where to find legal help and information:**

1. Family Law Information Program (FLIP)

* online
* a voice reads the information
* Information on:
	+ domestic violence
	+ separation and divorce
	+ child issues: parenting, custody/access, child support
	+ financial issues: spousal support, property rights
	+ the Ontario court system
* does not cover: Children’s Aid Society, child abduction, immigration, property on First Nations reserves

<http://legalaid.on.ca/data/hidden/FLIP_en/player.html>

2. Family Law Information Centres (FLICs)

* in person, at Family Courts
* advice lawyers – at specific times
* free general information
* summary legal advice - free to low income people (financial eligibility requirement)
* some Information and Referral Coordinators
* have info about community services including mediation

<http://www.legalaid.on.ca/en/getting/type_family.asp>

3. Legal Aid Ontario - Certificates

* must meet financial eligibility requirement
* Legal Aid Certificates only for complex family law cases
	+ serious disputes over custody, access, support, some property disputes
	+ complex claims to change orders for custody, access, support
* Legal Aid Certificates in cases of domestic violence
	+ more flexible financial eligibility test
	+ for all disputed issues
	+ for changes to existing family court orders
* Family Violence Authorization Program (Legal Aid Ontario)
	+ Free 2-hour emergency meeting with a lawyer
	+ Offered through Interval House and VWAP
* Legal Aid Certificates in Children’s Aid Society cases
* Legal Aid has a list of lawyers who may be willing to accept Legal Aid Certificates for their services

1-800-668-8258

[www.legalaid.on.ca](http://www.legalaid.on.ca)

4. Legal Aid Duty Counsel

* if you go to court without a lawyer
* must meet financial eligibility requirement
* if you are scheduled for court that day, duty counsel are available for immediate, free legal assistance
* help with documents for court
* explain court process
* help negotiate a settlement
* represent you in court for child protection, and simple custody, access, support matters

5. Justice Net

* a not-for-profit service
* a resource for low income people who don’t qualify for Legal Aid
* a source to find lawyers who work for a reduced fee

1-866-919-3219

<http://www.justicenet.ca/directory/search/>

6. Family Law Lawyers in Private Practice

* Recommended by a friend or support agency
* Law Society of Upper Canada (LSUC) Directory
	+ Certified Family Law Specialists
	+ http://www1.lsuc.on.ca/specialist/jsp/namelist1.jsp?code=FAM&region
* Law Society of Upper Canada (LSUC) Referral Service
	+ provides a lawyer in your area
	+ 30 minutes free to discuss legal options
	+ no requirement to hire lawyer
	+ only one referral for each issue

1-800-268-8326

www.lsuc.on.ca

**How to pay for a lawyer:**

Legal Aid Certificates

* for people who qualify, will pay for up to a certain number of hours for the lawyer’s time
* in some cases, financial coverage may be extended
* Legal Aid pays the lawyer directly
* not all lawyers will accept a Legal Aid Certificate for their work

Lawyers in Private Practice

* fees: the cost of a lawyer’s time
* disbursements: other costs of working on a file, such as photocopying, postage, fees to obtain documents, fees for filing documents in court
* ask for a letter with the rough estimate of expected fees and disbursements
* ask your lawyer to tell you if the estimate is going to change
* billing: usually by time, such as every hour
* retainer: a deposit of money to your lawyer before your lawyer does any work
* if the retainer is used up before the file is complete, additional money may be needed for the lawyer to continue

**What to Look for in a Lawyer**

Someone who:

* has experience in family law
* has experience with domestic violence, if you have been abused
* listens closely
* explains things so you can understand
* answers your questions
* gives advice but also considers your wishes and instructions about your family problem
* will accommodate your disability
* might meet you outside of the law office, if you ask
* helps you find an interpreter, if you need one
* is comfortable if you bring a person with you for support
* lets you bring your kids to the office, if necessary
* doesn’t make you feel rushed
* answers your calls within a few days
* is clear about billing
* will accept a Legal Aid Certificate, if you have one
* the location of the lawyer’s office is also important
	+ easy to get to
	+ in a safe area

**Tips for the first meeting:**

* discuss and arrange in advance, an interpreter, or accommodation if you need it
* consider bringing someone with you
* be prepared
* tell your story from beginning
* think of questions you have
* think of what solutions you would like
* bring any documents that might help
* bring your Legal Aid Certificate, if you have one

Ask the lawyer:

* has she/he had cases like yours before?
* any other community services you can contact for information?
* her/his business hours
* for an estimate of what her/his services will cost
* how you will be billed
* is there anything that could cause the cost to increase?

Consider:

* what you want the lawyer to do
* can you do anything without a lawyer
* do you feel comfortable with the lawyer, and in the office
* does it feel like the lawyer will work with you, or just tell you what to do

**Checklist of questions:**

1. How does the law affect my situation?

2. What choices do I have?

3. How long will my case take?

4. What will you do next?

5. When will I hear from you next?

6. How will you keep in touch with me?

7. What should I do next?

8. Is there anything I should NOT do?

9. How can I keep costs down?

**What to do if you have problems with your lawyer:**

* Talk to your lawyer
* Consider getting a second opinion
* You can change lawyers – a serious decision
	+ ask for a copy of your file
	+ you will have to pay photocopying charges
	+ you will probably have to pay your bill in full first
* Complain to Law Society of Upper Canada (LSUC)
	+ Regulates lawyers who work in Ontario
	+ Complaints about:
		- Failing to return calls
		- Failing to report on work
		- Failing to report on handling of money
		- Misleading, rude, discriminatory behavior
	+ Complete complaint form
	+ LSUC will talk to the lawyer; occasionally a lawyer will be investigated, called to a hearing, and/or disciplined
	+ http://www.lsuc.on.ca/faq.aspx?id=1144
	+ Toll-free: 1-800-268-7568
	+ Not satisfied with LSUC decision? Contact: Complaints Resolution Commissioner
* Discrimination and Harassment Counsel
	+ Independent from the Law Society (LSUC)
	+ Complaints based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, same sex partnership status, age, marital status, family status and disability
	+ <http://www.dhcounsel.on.ca/welcome.html>

**What to do if you’re concerned about your bill:**

* Get a copy of your bill
* Ask the lawyer to explain it
* Complain to Court within 30 days; costs $75.
* After a hearing, the Court may order a reduced lawyer’s bill
* For questions about Superior Court of Justice Assessment Office: http://www.lsuc.on.ca/with.aspx?id=644