**Working effectively with your lawyer**

*(Transcript from http://www.lawhelpontario.org/videos/webcast.132633-Working\_Effectively\_With\_Your\_Lawyer)*

Working with a lawyer to help you with a legal problem can be confusing or even intimidating at times, especially if the matter is very personal or stressful for you. Knowing how to work well with your lawyer can make the legal process satisfying and successful for you. This video will help you understand what to expect when working with a lawyer, how to communicate well with your lawyer, and the final section will talk about how to make decisions with your lawyer’s help.

**Expectations**

**What is your lawyer’s job?**

When you hire a lawyer, you are hiring someone to represent your interests in preparing legal forms, in court, or in negotiations with someone. Your lawyer must:

* Act with responsibility and integrity;
* Understand the area of law they are practising;
* Find out what goals you want to achieve;
* Advise you on your legal options;
* Take instructions from you;
* Provide effective representation to you in your case;
* Communicate developments in your case in a timely and efficient manner.

**What else can you expect from your lawyer?**

* Given the nature of rules and laws in Ontario, it’s possible that you might not achieve all of your goals. One of the things your lawyer should do is help you form realistic expectations of what legal remedies are available and help you prioritize your goals.
* When your lawyer is advising you on your legal options, they should be telling you what your chances of success are and the possible strategies you can use or steps you can take to achieve your goals.
* Your lawyer should tell you what could happen if you lose your case or if you don’t achieve all of your goals.
* Your lawyer should also give you an idea of how long the process might take, how much it might cost and how they will bill you (or Legal Aid). Even if you are using a Legal Aid certificate, you should still get all interim and final statements of accounts. You should review the accounts of work done on your behalf to ensure they’re accurate.

**What you should not expect from your lawyer?**

Some things that you should not expect from your lawyer:

* Do not expect your lawyer to provide counselling or emotional support. This is not what they are trained to do, or why you hired them. If you need support, seek outside help. Doctors’ offices, local social service groups, support hotlines or www.211.ca can help you find the support you may need.
* Do not expect your lawyer to return all of your messages immediately or to always spend as much time with you as you may want. Your lawyer has many other clients to manage.
* Do not expect your lawyer to act illegally or unethically on your behalf.

**What should you ask when you meet with your lawyer for the first time?**

* Are they working on your case alone or are they working with other associates in their firm? (This may mean that you have more contact with associates or support staff who are helping your lawyer prepare your case.)
* How will they communicate with you (face-to-face meetings, telephone, email) and do they have a policy for how long it takes to return your messages?
* How will they report to you, confirm your instructions and update you on the progress of your case?
* How often will they bill you (or Legal Aid) and send you copies of their statements?

**Are there any red flags or warning signs you should watch out for at your first meeting?**

* Trust your instincts. If you are not comfortable with this lawyer, then see if you can find another one.
* Look out for lawyers who don’t let you ask questions or don’t give you an opportunity to tell them information about your needs, concerns and goals.
* Look out for lawyers who promise to get you everything you want. Judges, not lawyers, are the people who make the decisions.
* Look out for lawyers who say they will help you get revenge. Revenge is not what the law is about.

**Communication**

Communicating well with your lawyer is the key to a healthy and successful working relationship, but this is where many people often have great difficulty. Not communicating well with your lawyer can have serious results like feeling dissatisfied with your lawyer or agreeing to things that you never wanted. It is important to take steps to prevent these problems from happening.

**What are some of the reasons for bad communications?**

* Not understanding what your lawyer is telling you.
* Talking too fast so that your lawyer has difficulty understanding you.
* Not being straightforward and not answering your lawyer’s questions directly.
* When telling your story to your lawyer, not being specific enough and speaking in generalities.

**What should you know about communicating better with your lawyer?**

* Whether you are receiving free legal advice or paying for a lawyer, your time with the lawyer will be limited. You don’t want to waste time remembering information or searching through documents when you should be focusing on the legal aspects of your matter. Therefore, get prepared before the meeting by writing down 3 important sets of information:
	1. The first page of information you should write down is a chronological list of points about your story or situation. Write down all the facts you think are important along with the dates these things happened. Keep your points short and to the point to help you focus on the most important issues.
	2. The second page should be a list of any documents that you have; and
	3. The third should be a list of your goals and what you want to achieve through hiring a lawyer. This page could also include a list of questions that you have to ask the lawyer.
* If you do not understand what your lawyer is telling you, ask questions; do not go away from your meeting with unanswered questions.
* When you are telling your story to your lawyer, speak slowly and allow your lawyer to ask questions to clarify the information.
* Be straightforward with your lawyer: You need to give the lawyer both the good information and the bad information, even if you did something wrong. If you don’t tell your lawyer everything, it will most likely be brought to their attention later by an opposing lawyer.
* Provide specific information, not generalities and refer to your chronological list of events to be as specific and factual as possible in your retelling.

**How can you make your position known to your lawyer?**

* Think about what you want to achieve and about what concerns you. As your case continues, it is important that your lawyer is clear about what you want, especially if your lawyer is negotiating something like a family law agreement. You could even give your lawyer a copy of your written goals.
* Take notes when you meet with your lawyer. This will help you stay organized, and will help refresh your memory. Sometimes, it might be a good idea to take a support person or friend with you to your meeting with your lawyer. That person can take notes for you while you focus on your conversation with your lawyer.

**What can you do if you don’t understand what your lawyer is telling you?**

* If English is not your first language and you are on a Legal Aid certificate, Legal Aid Ontario will pay for an interpreter. Also, the courts will pay for an interpreter at hearings. You can ask your lawyer about this. Never use a young child as an interpreter.
* People also often complain that they do not understand their lawyer because lawyers use a lot of legal words and discuss laws and rules that clients do not understand. If you are confused or unclear about your lawyer’s advice, you should take steps to address this problem. Ask your lawyer questions if you don’t understand something, and make sure your lawyer has explained everything to your satisfaction.
* Educate yourself. The more you understand the issues, the better you can give meaningful instruction to your lawyer and make informed decisions. There are a number of resources you can access, free of charge or at low-cost, to help educate yourself on the law and legal language such as the Internet, local public library, a law library at your local law school, or books available in your local book store.

**Decision Making**

Working with your lawyer to make decisions that affect your life can be an empowering experience. However, some people may be tempted to let lawyers make important decisions for them about complex legal issues. The problem with this approach is that it can lead to outcomes that you never wanted. As you enter into a lawyer-client relationship it is important for you to understand your role and responsibilities in order to make good decisions about your future.

**What is decision-making?**

Decision-making means telling your lawyer what legal action they can or can’t take on your behalf. Examples might be filing for divorce, agreeing to a settlement offer or appealing a court’s ruling. The lawyer-client relationship is organized around the goals that you set together. Throughout the process, your lawyer should keep you informed about all developments and give you legal advice about the chances of getting what you want, your legal options and the possible strategies you can use to achieve your goals.

**What does instructing counsel mean?**

Instructing counsel means telling your lawyer what you want them to do, or giving them permission to take an action. By law, your lawyer must take your instructions. The best way to instruct your lawyer is in writing. When that is not possible, you should ask your lawyer to confirm your instructions in a letter to you. Whenever you make a decision about your case you are binding yourself to an action or long-term outcome that can be difficult to undo if you change your mind at a later time. It is therefore in your best interest to pay close attention to your lawyer’s advice and to take the time to make the most informed decision you can. Before you make a decision, you should ask yourself the following questions:

* Do I understand the legal advice my lawyer has given me?
* Do I understand the legal language and all of the legal issues involved?
* Do I understand all the options my lawyer has given me?
* Do I understand the implications of taking or not taking my lawyer’s advice?
* Does this advice allow me to achieve my major goals?
* If I have to compromise on some of my goals, are those compromises acceptable to me?
* Do I have to make this decision right away, or can I take a day or two to think about it?
* Do I need to speak to friends or family before I make a decision?

**What should you do if your lawyer isn’t following your instructions?**

According to the Rules of Professional Conduct and Ontario law, your lawyer must take instruction from you, and there can be serious consequences for lawyers who do not take instruction from their clients. The only reasons that a lawyer can refuse to take your instructions are if: You ask your lawyer to do something illegal; you ask your lawyer to do something unethical; or your lawyer determines that there is a breakdown in the solicitor-client relationship (for example, if you ignore their advice, refuse to communicate with them or threaten them). It is also important to recognize that many lawyers are unwilling to do something they think is not in their clients’ best interests. This can be the case if you ask your lawyer to pursue a goal that you cannot reasonably expect to achieve, especially if it comes at the expense of achieving your other goals.

If your lawyer is not following your instructions, you need to have a meeting with them and ask why. You should take notes at this meeting. Ask your lawyer to explain: If, in their opinion, your instructions require them to do something illegal or unethical; the advantages or disadvantages to you if your lawyer does something contrary to their best judgment; if there is an alternative solution that will make you and your lawyer feel comfortable. Most often an open discussion like this will resolve many of the problems you and your lawyer have. If it does not, you should consider getting a second opinion and/or finding another lawyer. If you are on a Legal Aid certificate it can be very difficult to change your lawyer, so it is in your best interests to make all efforts within reason to resolve any conflicts with your lawyer. However if your differences are so great, you will need to apply to Legal Aid for a change of solicitor and explain why that change is necessary.