



Legal Practitioners

Conduct Board

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TALK TO YOUR LAWYER – A GUIDE TO BETTER UNDERSTANDING BETWEEN LAWYERS AND THE PUBLIC

Information Sheet No. 7 for a person who has contacted the Board for assistance

CHECK LIST FOR THE FIRST MEETING WITH YOUR LAWYER

- Ask whether there is a charge for the first interview
- Ask for an estimate of the total cost of the work and ask to be told when and why the estimate varies
- Ask how long the process will take and ask for unexpected delays to be explained to you, if they occur
- Tell your lawyer how often you would like to get a progress report
- Take all relevant documents and a list of questions with you
- Ask about options and risks (eg if you lose)
- Discuss the legal processes involved in the work your lawyer will do
- Find out who will be doing the work and how to contact them
- Ask whom you can speak to if it is urgent and your lawyer is unavailable
- Ask about Legal Aid and the Litigation Assistance Fund
- [see also the section in this information sheet on “Legal Costs”]

HOW YOU CAN HELP YOUR LAWYER TO HELP YOU

During Interviews

- Stop your lawyer if you do not understand the conversation
- Explain your points of view and concerns as clearly as possible

- Be clear about what you expect and want. Your lawyer cannot read your mind and needs you to give clear instructions
- Plan before each meeting with your lawyer. Write down questions and take them with you
- Take notes at meetings to aid your understanding
- Listen to your lawyer's advice, even if it is not what you want to hear
- Discuss the risks and costs of going on with your case
- Keep track of what is going on in your case. If you have any doubts about what is going on, ask for a written statement of progress
- Remember that your lawyer is the expert adviser, but ultimately you give the instructions

Telephone calls and letters

- You have the right to prompt communication but remember that your lawyer has other clients and may not be able to answer your calls immediately
- Be mindful that you will be charged for all contact with your lawyer, whether by telephone, letter or in person
- Look at all letters and all the documents you get from your lawyer and read them, even the fine print. If you do not understand them ask your lawyer to explain, and keep asking until you do understand

LEGAL COSTS

Many concerns arise regarding lawyers costs. To minimise conflict in relation to the issue of legal costs, please keep in mind the following:

- Ask about Legal Aid at the start of your case and during the case if your circumstances change
- You and your lawyer can negotiate an agreement about costs at the outset, but unless this is done, your lawyer can only charge "scale" costs. Ask about the scale which applies to your case

- Make sure you know in the beginning, and as the case goes on, how much it is costing you and when you will be required to pay. Ask for important details to be confirmed in writing
- If your lawyer asks you to sign a costs agreement you must be sure you understand it before you sign. It may bind you.
- Legal practitioners are entitled to charge reasonable fees for the time and expertise they devote to looking after your interests
- Before you give instructions to finalise your case find out how much you will get in your hand, after all expenses have been paid (eg lawyers, doctors, barristers etc)

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Information Sheets on other topics are available from the Board.