



Villamanta Disability
Rights Legal Service Inc.

Villamanta Disability Rights Legal Service Inc.

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Choosing a Lawyer

What is the role of a lawyer?

A lawyer provides you with advice about the legal aspects of your problem, and then receives instructions from you on what to do.

What practical things should I find out before deciding to use a particular lawyer?

There are a few things that you might like to ask about when you first contact any legal firm.

These include:

- Checking whether an initial consultation is free;
- Checking that the firm does not act for any party with which you are in conflict in your legal matter;
- Checking whether at an initial consultation you will be seeing a qualified lawyer, rather than a law clerk or secretary;
- Checking what cost arrangements they have. Does the firm operate on a "no win no fee" basis? What about costs related to disbursements (fees paid for doctor's reports, court filing costs etc.)? Can you negotiate how and when costs will be paid?

How do I know if I am choosing the best lawyer for my particular problem?

You can ask if the lawyer has had experience in working with problems similar to the one that you are experiencing. If the lawyer has a good track record on similar problems, then it is more likely that they will be successful in providing you with accurate advice, and acting in your interests in a competent way. The Law Institute of Victoria has a list of lawyers with specialist qualifications and accreditation in particular areas of laws, and also provides an over-the-phone Legal Referral Service.

What information should I gather before seeing the lawyer?

Try to collect and document as much information about your matter as possible. This saves time and helps both yourself and your lawyer to be clear about what options are open to you.

The things that you should try to gather before seeing a lawyer will include:

- information about the party who you are considering taking action against - such as reports, publicity material, relevant letters, financial statements and photographs, where these might be relevant to your matter;
- copies of any Court documents, letters, forms or other documentation you have been served with;
- documentation about your side of the problem, such as any papers that give details of what happened, when it happened, who did it, how it was done, what the effects on you have been;

IMPORTANT NOTE!

Remember - this Information Sheet has been produced only for use in **Victoria, Australia**. Some of the laws mentioned in this Information Sheet will be different in other places.

- a list of other people who might have information about your matter and who might be able to help your case, such as witnesses who have seen something happen, or experts who may be able to confirm any damage that has been done to you, or any wrongdoing done by the other party; and
- a chronology of events that have happened in relation to the matter - the things that you have done, and when they occurred.

If you are creating a chronology or a statement which you intend to take with you to the lawyer, it may be a good idea to make a note somewhere on the document that you have prepared this for “the sole purpose of getting legal advice”.

What should I be aiming to achieve?

You should think from the outset about what you want the outcome of any litigation to be. This can include such things as:

- compensation for any damage or loss that has happened to you;
- an apology;
- stopping something from happening;
- forcing something to happen; or
- defending a claim brought against you as efficiently and cost effectively as possible.

Different sorts of outcomes are available under different areas of law. The lawyer should be able to advise you what outcomes are possible for you, and which ones are most likely to achieve what you are wanting.

What can I expect of my lawyer?

You are entitled to expect your lawyer to:

- do everything reasonable to listen to you, to provide you with the best advice possible, and to act according to your instructions;
- take time to explain things in a way that you are able to understand; and
- not do anything that you have asked her or him not to do.

Can a lawyer share information about me to anyone else?

Lawyers are bound by the rules of confidentiality. This means that any information you pass onto the lawyer cannot be given to anyone else without your permission, unless it is already a matter that is on the public record. A lawyer may consult with other professionals in order to be able to provide a better service to you, but this should not involve disclosing confidential information without your consent.

What can I do if I am not happy with my lawyer?

If you want to complain about your lawyer you can contact:

- the Legal Services Commissioner on (03) 9679 8001; or
- 1300 796 344 (local call Australia-wide); or
- the Law Institute of Victoria on (03) 9607 9311.