

FACT SHEET 2

WORKING WITH YOUR PRACTITIONER

This fact sheet provides you with some practical tips on working with your practitioner in an effort to ensure the best outcomes for you, the client, and your practitioner.

Hiring a legal practitioner

When you hire a legal practitioner to act for you and he or she agrees to do so, this agreement is much like any other business agreement. It should be clear about the terms and conditions of the services the legal practitioner will provide for you.

Preparing for the first meeting with your practitioner

It is important to be prepared before you first meet with a practitioner to discuss your issues and needs. Before making an appointment ensure you do the following:

- ✓ Be sure that the practitioner has experience or specialises in the area of your legal matter. If necessary you can do this by contacting the Law Society of Tasmania and requesting they help you in selecting an appropriate practitioner or firm.
- ✓ Write down the details of your legal matter with particular attention to what happened, when it happened and what outcome you wish to achieve. Copy any documents that you think might be relevant to your matter.
- ✓ Write down all the questions you want to ask.
- ✓ If you feel it would be helpful, organise for a friend, relative or support person to go with you to the first appointment. Also organise an interpreter if you need one.
- ✓ When you make the appointment, check if you will be charged for the initial consultation and how long it will take.

At the first meeting

The first meeting with your practitioner is very important as it will set the direction your matter will take and provide your practitioner with the information he or she needs to commence working for you. This meeting should also provide you with information on how much you will be charged (ask if not already informed), what happens next and how long your matter may take to be resolved. Use the checklist below to help you at the first meeting with your practitioner:

- Confirm whether there is a charge for the first interview.
- Explain clearly to your practitioner the nature of your matter and what outcome(s) you want to achieve. Be sure to inform your practitioner if you have concerns about your personal safety in connection with the matter.
- Give the practitioner a copy of the notes you have prepared about your matter and any relevant documents you have copied.
- Ask about costs and charges (or legal aid if you need financial assistance); the total cost of the work; and the extent to which costs can be recovered from another party.
- Ask to be kept informed if the cost of the work varies and why.
- Ask about the options and risks involved with progressing your matter (e.g. what happens if you lose) and how likely it is you will succeed.
- Ask about the legal processes involved in the work your practitioner will do and ask questions if you don't understand a particular term or process.
- Ask who specifically will be doing the work and how to contact them. Also ask who you can contact if it is urgent and your practitioner is unavailable.
- Take notes of what is said to you at the interview.
- Ask how long it is likely to take to complete your matter.
- Ensure that you leave the first meeting knowing what will happen next and what you have to do.

Helping your practitioner help you

During all future meetings with your practitioner you can help achieve a positive outcome by following a few simple steps, such as:

- ✓ Always stop your practitioner during a conversation if you do not understand and ask what he or she means.
- ✓ Listen carefully to your practitioner's advice even if it is not what you want to hear.
- ✓ Be clear what you want and expect to achieve and tell your practitioner what outcome(s) you want. Your practitioner needs to be given clear instructions and cannot read your mind.
- ✓ Keep track of what is happening with your case and keep all documents that your practitioner gives you together in one folder or file. If you are unsure of the progress of your matter ask your practitioner for an update or progress report.
- ✓ Always tell your practitioner if your personal circumstances change as this may affect your legal matter.
- ✓ Plan before each meeting with your practitioner and write down questions to take with you.

Telephone calls and letters

You have the right to and can expect prompt communication from your practitioner but keep in mind that your practitioner has other clients and may not be able to answer your calls immediately.

Be mindful that you may be charged for all contact with your practitioner, whether by telephone, letter or in person.

Read carefully all letters that you receive from your practitioner, even the fine print, and if you don't understand them ask your practitioner what they mean.

Final things to remember

Your practitioner is the expert advisor who is working for you, but ultimately you give the instructions.

Your practitioner is entitled to charge reasonable fees for the time and expertise he or she devotes to looking after your interests.

If you have a problem with your practitioner

Sometimes you may feel as if your practitioner has not done the right thing or has acted wrongly. Perhaps you may feel that your practitioner's conduct has been too slow or otherwise inappropriate. If you feel this way, consider the options below:

- ✓ Raise your concerns calmly and clearly with your practitioner as soon as possible.
- ✓ Speak to a more senior person at the firm.
- ✓ Contact the Legal Profession Board of Tasmania for advice.

Where can I go to get more information?

If you have any questions regarding this information or wish to enquire about any aspect of making a complaint about the conduct of a practitioner, please contact the Legal Profession Board of Tasmania on:

(03) 6226 3000

The Legal Profession Board is located at:

Level 3, 147 Macquarie Street Hobart

GPO Box 2335, Hobart 7000