

Working with your lawyer



Client-lawyer relationships

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

Hiring a lawyer

When you hire a lawyer to act for you and he or she agrees to do so it is important that you are clear about the terms and conditions of the services the lawyer will provide for you.

Before your first meeting

It is important to be prepared before your first meeting with a lawyer to discuss your issues and needs. Before an appointment you should do the following:

- Check the lawyer has experience or specialises in the area of your legal matter. You can do this by contacting the Law Society of Tasmania and asking for a referral.
- Check the cost of the initial consultation, if any, and how long it will take.
- Write down details of your legal problem including what happened, when it happened, who was involved and what outcome you wish to achieve.
- Make copies of any documents you think might be relevant to your legal matter.
- Write down the questions you want to ask the lawyer.
- If you think it will help, organise for a friend, relative or support person to go with you to the first meeting. Arrange an interpreter if needed.

At the first meeting with your lawyer

The first meeting with your lawyer is very important as it will set the direction and help your lawyer to understand your legal matter. The following may help guide you through the first meeting.

- Confirm whether there is a charge for the first meeting.
- Give the lawyer a copy of the notes you have prepared and any relevant documents you have copied.
- Respond clearly to the questions your lawyer asks you.
- Explain clearly what outcome(s) you want to achieve.
- Tell your lawyer if you have any concerns for your personal safety.
- Ask about costs (or legal aid if you need financial assistance); the total cost of the work and whether you can recover any costs from another party.
- Ask about options and risks involved in dealing with your legal matter (e.g. what happens if you lose).
- Ask your lawyer questions if you don't understand something or want to know what you need to do.
- Ask your lawyer to explain any particular terms or processes you do not understand.
- Take notes of what is said to you.

Ask your lawyer what happens next and how long it may take to deal with your legal matter.

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Helping your lawyer help you

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

- Always stop your lawyer during a conversation if you do not understand something and ask what he or she means.
- Listen carefully to your lawyer's advice even if it is not what you want to hear.
- Tell your lawyer if any of your personal details change.
- Keep your lawyer updated if your personal circumstances change as this may affect your legal matter.
- Keep any notes you take and any documents or correspondence your lawyer sends to you together in one folder or file.

What you can expect

You have the right to, and can expect, prompt communication from your lawyer but keep in mind that your lawyer 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 lawyer, whether by telephone, letter or in person. This is why it is a good idea to write down any questions you may have before a meeting with your lawyer.

It is important to read carefully all letters that you receive from your lawyer, even the fine print, and if you don't understand something ask your lawyer to explain what they mean.

Important things to remember

Your lawyer is the expert advisor and is required to exercise an independent analysis of your legal matter, but ultimately you give the instructions. This means that your lawyer needs clear instructions, they cannot read your mind.

Your lawyer 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 lawyer

- Raise your concerns calmly and clearly with your lawyer as soon as possible. They may not be aware that you are unhappy.
- Contact your lawyer's managing partner at the firm.
- Change lawyers (please note however, this will incur more costs for the new lawyer to familiarise themselves with your file and the previous lawyer can retain your file until his/her legal costs are paid).
- If you are unable to resolve the matter, contact the Legal Profession Board of Tasmania to discuss your concerns.

The information contained in this fact sheet does not constitute legal advice.

The information contained in this fact sheet has been adapted with permission from the Victorian Legal Services Board and Commissioner, 'Working with your lawyer' Fact Sheet.

Further information

If you have any questions or require further information, please contact the Legal Profession Board of Tasmania.

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