

The information in this pamphlet is general legal information only. You should get legal advice about your own situation.



Metropolitan Action Committee on Violence Against Women and Children

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The Law Foundation of Ontario
Building a better foundation for justice in Ontario

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Please note: many lawyers do not accept Legal Aid certificates.

What should I look for?

Your lawyer should have:

- Experience in the area of law you need.
- Knowledge of other areas of law that could affect your current legal problem, such as immigration and family law.
- Willingness to accept collect calls from prison and meet you in prison.
- Openness to discuss how factors like your sexual

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orientation, age, race, immigration status, or Aboriginal heritage may affect your case.

- Openness to discuss different ways to resolve your problem rather than assuming s/he is the only one who knows what you should do.
- Experience dealing with abuse survivors.
- An open, clear, and complete billing plan, so you fully understand what you are being billed for, when you will be billed for it, and when you need to pay.

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- Willingness to really listen, explain things carefully, and answer your questions.
- Willingness to treat you as their boss.
- Willingness to let you bring a support person or interpreter with you.
- The ability to meet you in a location other than his or her office, if you want to.
- Willingness to take the time you need and respond to your calls without delay.

Most importantly, make sure that you feel comfortable

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with your lawyer. Always remember that you are the boss.

What are my responsibilities?

Be prepared and organized for meetings with your lawyer. Write down questions for your lawyer in advance and arrive on time for your appointments. Take notes during your meetings or have a support person come with you and take notes.

Read the documents your lawyer sends you. Have reasonable expectations -

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be prepared for delays and disappointments. Keep all documents together, and be honest, open, and complete with your lawyer. Everything you share is confidential, unless it is about the abuse of a child.

What should I find out during my first meeting or phone call?

- Ask about the lawyer's area(s) of expertise.
- Ask about the lawyer's fees and billing arrangements.
- Ask about the lawyer's office hours, location, and accessibility.

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- Decide whether the lawyer's office is located in a safe area.
- Decide whether the lawyer treats you as an equal.

Here are other questions you can ask your lawyer:

- How does the law affect my situation?
- How long will my case take to process?
- What will you do next and when will I hear from you next? How will you keep in touch with me?
- What should I do next? Is there anything I should not do?

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- Are my expectations about my case realistic?
- Have you ever worked with people like me before (e.g. Aboriginal people, LGBT people, survivors of abuse)?
- What is your hourly rate and how much will your services cost? Will I have to pay for anything else and could anything else cause the cost to increase?
- How much is your retainer?
- Can I pay with a credit card? Can I do monthly payments?

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- Can someone else in your office give me information about my case if you are not available to speak with me?

What if I have problems?

Talk to your lawyer about any problems and bring another person along if it is helpful for you. It may simply be a misunderstanding. Explain how things could be improved in the future. You can also get a second opinion from another lawyer.

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If the problem is serious, you can complain to **The Law Society of Upper Canada:**

- 1-800-268-7568 (toll free)
- 416-947-3310 (Toronto)

If you use Legal Aid, you can apply to change lawyers. If you do not use Legal Aid, you can change lawyers at any time.

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Notes

Working with a lawyer

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In some cases, you may be able to fix a legal problem without help, but in other cases, you may need to reach out to family, friends, or community clinics to help you find a lawyer. Criminal charges can affect many areas of your life, including employment, custody, and immigration issues. It is important to find a good lawyer who knows how your criminal problems might impact other areas of your life.

If you are put in jail, you have a right to have a lawyer to

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help you with your criminal problems. If you are dealing with family and immigration problems, you may need to find lawyers who specialize in these areas. If you are a youth, you need to find a criminal lawyer who deals with cases under the *Youth Criminal Justice Act*.

If you are racialized, marginalized, Aboriginal, young, unemployed or underemployed, a recent immigrant, or LGBT, choosing a lawyer will raise other issues. It is important to find a lawyer who

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understands your background and is aware of how your background may affect your legal problems. Remember, you need to find a lawyer you feel comfortable with.

Do I need a lawyer?

There are some things that can be handled without a lawyer, such as minor traffic charges. For more serious family law, criminal law, or immigration matters, a lawyer is probably necessary. Younger women and women who do not speak, read, or write English or French should seriously consider

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getting legal assistance even for less serious legal matters. The following questions will help you decide if you need a lawyer.

- How important is winning the legal matter? Do you risk losing your children, being deported, or going to jail?
- Is a lawyer representing the other side?
- Are you comfortable going to court and speaking in front of people?
- Do you fear facing bias (e.g. transphobia and racism) in the court if

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you were to represent yourself?

- Can you afford to hire a lawyer?
- Do you qualify for legal assistance from Legal Aid or a community legal clinic?

How can I find a lawyer?

You can ask a community agency, such as a centre for new immigrants, to recommend a lawyer. You can also ask family, friends, or social workers to recommend a lawyer, or you can call the **Lawyer Referral Service:**

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- 1-800-268-8326 (toll free)
 - 416-947-3330 (Toronto)
- You can ask for the name of a lawyer who will provide you with a free half-hour consultation in the area of law you need help with. If you are incarcerated, ask if the lawyer will accept collect calls from prison.

How can I pay for my lawyer?

You must first find out how your lawyer will bill you and what methods of payment your lawyer will accept. Most lawyers charge on an hourly basis. Your bill will depend

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on the amount of time they spend on your case. Some lawyers charge a flat fee, meaning they will charge you a certain amount no matter how much time they spend on your case. This method is more common with criminal lawyers, but very rare with family lawyers.

Most lawyers charge a “retainer”, which is a deposit that is put towards your final bill. You pay the retainer in advance. Usually, lawyers will not begin working on your case until you’ve paid the retainer.

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Some lawyers may bill clients on a “sliding scale”, which means that they will charge you according to your income. You can ask local community legal clinics or a community organization to recommend such a lawyer. Some lawyers may also allow you to pay your bill in monthly instalments.

Before you hire a lawyer, always ask him or her to estimate how much your case will cost, including fees and expenses.

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Can I apply for Legal Aid? Legal Aid Ontario offers certificates for lawyers to represent people who cannot afford to pay for a lawyer themselves. You may be able to get Legal Aid if your legal problem is one of those covered by Legal Aid certificates and if you have little or no money left after paying for basic necessities like food and housing.

What does Legal Aid cover? It can cover:

- criminal offences that could lead to jail time;

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- offences that may result in job loss or deportation or may have other serious implications;
- child custody and access matters;
- child and spousal support matters;
- domestic violence issues; and
- sponsorship and deportation matters.

This is not a complete list of legal issues that Legal Aid covers. Talk to your local Legal Aid office about your specific case.

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How do you apply for a Legal Aid certificate? Contact **Legal Aid Ontario:**

- 1-800-668-8258 (toll free)
- 416-979-1446 (Toronto)

You can also go to a local Legal Aid office:

- you will fill in an application form, and
- have to show proof of your financial eligibility (e.g. pay stubs, monthly bills, medical bills).

If you are accepted for a Legal Aid certificate and already have a lawyer who accepts

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certificates, let the Legal Aid office know and they will mail the certificate to your lawyer. If you are accepted for a Legal Aid certificate and you do not have a lawyer, Legal Aid will provide you with a list of lawyers who accept Legal Aid certificates. You can meet with one of them, and if you do not like them at the first meeting, you can try another lawyer. Legal Aid will send the certificate to the lawyer you choose. If you decide later that you want to change your lawyer, you can apply to do so through Legal Aid, but this is a difficult process.

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