

Meeting a lawyer – Your first appointment

This fact sheet provides information about how to prepare for, and what to expect from your first meeting with a lawyer.

INFORMATION FOR CONSUMERS

How do I choose a lawyer?

There are many ways that you might choose a lawyer. You can choose a lawyer based on:

- A suggestion from someone you know
- A listing in the phone book
- A search over the internet, or
- A local firm in your area.

The Law Institute of Victoria also provides a free legal referral service. You can call the Law Institute on Tel: 03 9607 9311 or visit their website at <http://www.liv.asn.au/Referral> to obtain a list of lawyers in your local area that deal with different areas of law. You can sometimes download a referral letter for a free half-hour first appointment when you select a lawyer from this service.

When you first contact a lawyer, you should ask if the lawyer has experience in dealing with your type of legal matter. You should also clarify if any of the appointment will be free, and what costs there will be.

You can talk to several different lawyers to ask about their fees and experience before you decide on which one to book an appointment with. However, if you are getting legal advice, you should expect to pay for it.

I'm feeling worried and nervous

Lawyers understand that clients may feel anxious about discussing their matter with them. To help you feel comfortable you can ask a trusted friend or family member to accompany you to your appointment. It is helpful to let your lawyer know before your appointment that you intend to bring someone with you for support.

Please remember that the lawyer may ask your support person to leave for part of the interview if their presence seems unhelpful in communicating with you, or they need to discuss confidential information with you.

Will my first appointment be free?

Not necessarily. Not all lawyers or law firms provide the first appointment free of charge. It is important to ask your lawyer *before* the first appointment what they will charge, and how long the appointment is expected to last.

If you have downloaded a referral letter from the Law Institute of Victoria's legal referral service, that letter entitles you to a free first half hour appointment. However, be aware that time beyond the first half hour may be charged. You should speak to the lawyer about this.

How can I prepare for my first appointment?

There are several things you can do to prepare for your first appointment:

- Gather together all relevant documents (letters of demand, contracts, loan agreements etc) and put them in order
- Write down a brief timeline of events
- List the issues you are concerned about because of your legal problem, and
- Think about what you would like the result to be as this will help the lawyer to know whether your expectations are achievable.

This will assist your lawyer to give you accurate and relevant advice.

What can I expect from my first appointment?

It is likely that you will receive a lot of information at your first appointment so it is a good idea to take notes. Your lawyer should explain to you the amount and type of work likely to be involved in your legal matter. Depending on how complex your matter is further appointments may be required.

What will I be charged for?

Lawyers charge *fees* for the time they spend working for you. This may involve work such as meetings, communicating with you and others (by phone, letter, email etc), undertaking research, writing letters, lodging documents and representing you in court.

You can also be charged *disbursements* which are costs on top of legal fees. These may be per-unit costs for things like printing or photocopying, or they may be fees payable to third parties such as barrister's fees, title searches, or court application costs.

If your legal fees (not including any disbursements) are expected to cost more than \$750 (+GST), the lawyer must give you a formal document called a *cost disclosure statement* as soon as practicable after being engaged. This document explains the type of work to be carried out, provides an estimate of the total legal costs and explains the basis on which the costs will be calculated. The statement must also contain information about how you can dispute your legal costs by making a complaint with the Legal Services Commissioner. It is important that you read and understand this document. Keep it in a safe place as you may need to refer to it again in the future.

The lawyer may also give you a *costs agreement* and ask you to sign it. You should note that if you continue to instruct the lawyer even if you don't sign the agreement, you are generally taken as having agreed with the terms of the agreement, and are therefore liable for the costs of the legal work.

If after the first appointment you decide not to instruct the lawyer, you should tell them as soon as possible. If the lawyer performs follow-up work for you from the initial appointment and you have not told them to stop work, you may be liable to pay the lawyer's costs for this work.

How will my fees be calculated?

There are different ways a lawyer can charge you for their work. You can be charged at a set amount or at an hourly rate. You should discuss this with your lawyer at your first appointment. You should also make sure you understand when you are going to be billed and what your payment options are.

What can I do to save money?

If you are worried about money, you should ask your lawyer what you can do to help keep costs down.

Remember that lawyers usually charge fees for the time spent on your case. This means they will charge you every time you call, email or write to them.

When looking to save costs, consider:

- Photocopying your own documents at your local library or newsagency
- If you cannot reach your lawyer, leaving a clear and detailed message may remove the need for them to call you back, and
- Be honest and tell your lawyer everything about your legal matter, no matter how trivial it may seem to you. This will allow the lawyer to manage your matter efficiently from the start.

My lawyer said 'No win – No fee'. Does this mean it's free?

Generally, no. No win – No fee agreements are offered by some law firms for certain types of legal matters, however they are not without some cost to the client.

No win – No fee agreements usually mean that if you lose your case under most circumstances you will not have to pay the fees for *your* lawyer. However you usually do have to pay the costs of the successful party.

In addition, if you do not follow your lawyer's legal advice and lose your case, or if you stop instructing them before the matter is finished you may forfeit the agreement and have to pay your lawyer's fees.

A No win – No fee agreement must be signed by you in order to be effective. It must also define what a *successful outcome* is, as this will trigger your liability to pay costs. Check with your lawyer if you are unclear what this means.

However, win or lose, you usually still have to pay disbursements.

See our fact sheet explaining No win – No fee agreements for further information.

What if I don't understand what my lawyer has told me?

You have the right to be fully informed and to understand what work is being done on your behalf. If you do not understand something your lawyer has said or the legal terms they have used, you can ask for an explanation in terms you can understand. You can ask for an interpreter if you need one, however you will be liable for the costs associated.

Does my lawyer have to do everything I ask?

No. Your lawyer has a duty to give you honest and accurate legal advice. They do not have to do all you ask them to do if it contradicts their advice, or especially if it goes against their overriding duty to the courts. If you disagree with the advice you have been given, you can change lawyers.

However, your lawyer is entitled to charge you for the time they have worked for you, and you may be asked to pay the bill when you finish up with them, rather than waiting until the end of your legal matter. Your lawyer is entitled to keep your file until their bill is paid.

What if I am not happy with my lawyer?

If you believe your lawyer has done something wrong, or has provided you with a poor level of service, you should raise this first with your lawyer if you can. You can also contact the Victorian Legal Services Commissioner to discuss your concerns.

Further information:

Contact the Victorian Legal Services Commissioner

Tel: 1300 796 344 (cost of a local call)

Email: admin@lsbc.vic.gov.au