

What You Can Expect from Your Lawyer

Information for People with Family Law Problems

Introduction:

If you are dealing with a family law matter, either in or out of court, it can be very helpful to seek assistance from a lawyer along the way. Many people who are dealing with a family law problem have never spoken with a lawyer before and may not know what to expect. If you feel intimidated or nervous about speaking to a lawyer, you are not alone, but it is important to remember that you have hired your lawyer to help you. You are in charge.

Tri-City Transitions Society can help you find answers:

This information sheet provides answers to common questions about the lawyer-client relationship, your rights when dealing with a lawyer, and how to make the most of your time together. It also introduces the Community Outreach program at Tri-City Transitions, which may be available to support you as you navigate the family court system.

Some of the answers included in this sheet contain general legal information. They are not intended to be used as legal advice for your specific legal problem. This sheet also provides a short list of other resources that might be useful to you. Please call us at Tri-City Transitions with questions: 604-941-7111.

1. Why should I seek help from a lawyer?

If you have separated or are thinking of separating from your partner, or from the parent of your child, it is a good idea to speak to a lawyer. The legal system can be confusing and overwhelming. A lawyer has special training and credentials in the law and is regulated by the provincial law society to make sure that they perform legal services competently and ethically. A lawyer can help you to understand your rights and responsibilities, explain the law, and identify what options you have available to you in your situation. Legal advice can help you whether you are trying to solve your problems by agreement or you are going to court. A lawyer can help you with your whole legal problem or just a part of it. Only a lawyer can provide legal advice.

2. What is the difference between legal information, advice, and representation?

If you do your own research about your legal problem, in addition to or instead of getting advice from a lawyer, you may find it helpful to access legal information materials on the internet or through community organizations. Legal information is general information about the law only. If someone tells you they can provide you with legal information but not legal advice, that means they can tell you about the law, but they cannot tell you what the best option is for you or what outcome is most likely in your situation. When you receive an opinion about how the law applies to the facts in your situation, it is called legal advice. For your protection, only a lawyer is allowed to provide you with legal advice. When a lawyer speaks on your behalf, this is called legal representation.

3. How can I find a lawyer to help me?

If you can afford to hire a lawyer, you may be able to find one by asking people who you trust in your community to recommend the name of a good family law lawyer. Remember that not all lawyers practice in family law. If you are uncomfortable asking for recommendations – for example if you are worried about your partner finding out that you are contacting a lawyer – another option is the Canadian Bar Association’s Lawyer Referral Service (604-687-3221). The Lawyer Referral Service can put you in touch with a lawyer practicing in the correct area of law and allows you to have a consultation with a lawyer for up to 30 minutes for a fee of \$25. You and the lawyer may then decide whether or not to continue your lawyer-client relationship at their regular rate.

If you cannot afford a lawyer, you may qualify for some free legal services. These may include legal aid, pro bono clinics, student clinics, or duty counsel. Legal aid offers legal advice and representation to low-income people with serious family law issues. For more information about who qualifies for legal aid, as well as how and where to apply, check the website at legalaid.bc.ca, visit your local legal aid office, or phone the call centre (604-408-2172). The Tri-City Transitions Outreach program can help connect you with a pro bono family law clinic or you can contact Access Pro Bono directly (604-878-7400). Duty counsel are available at court houses on a drop-in basis for people with matters in court on that day, or by appointment. Tri-City Transitions can help connect you with legal resources.

4. What is my lawyer’s role and what are my rights?

Lawyers are regulated by the Law Society of British Columbia. Lawyers have professional obligations to practice law ethically and competently. If you have hired a lawyer to represent you, they should:

- Give you an honest and competent legal opinion.
- Explain your legal options and the pros and cons of different approaches.
- Provide an estimate of how much things will cost.
- Keep you informed of developments in your case and explain any delays.
- Respond to communications in a timely manner.
- Keep your information confidential, with very limited exceptions.
- Refrain from acting against your interests or in a conflict of interest.
- Follow your instructions on what to do, or else explain to you why they are unable to do so.
- Keep any of your funds that are held in trust safe and use them only as authorized by you.
- If the lawyer withdraws from representing you, they should explain why and should notify you in time for you to find a replacement.

If you have serious concerns about your lawyer’s conduct or competence, it is possible to make a complaint to the Law Society. It is also possible for you to fire your lawyer.

5. What can I do to get the most out of my time with a lawyer?

Remember that a lawyer is a person who knows a lot about the law and you have hired them to advise you about your legal problem. You are in charge and they are there to advise you. Generally speaking, your lawyer must follow your instructions. (There are some exceptions to this rule. For example, a lawyer must not do anything against the law.)

Preparing for your meeting with a lawyer in advance is important. Preparation can help you narrow down the questions you want the lawyer to answer for you and organise the information the lawyer will need to know in order to give you a good answer. Preparation will also help you to use your time with a lawyer wisely, which will make your money or your legal aid hours go further.

Here are some tips to help you prepare to meet your lawyer.

- Write down the history of your family law dispute in chronological order and bring it to your first meeting with your lawyer. This can help you organise your thoughts and remember important details, such as specific dates.
- Gather any documentation that is relevant to your story, such as any existing court documents, financial records, medical records, notes that you have taken, or contact information for witnesses. It can be helpful to keep a list of all the documents you have. Arrange them in chronological order, so it is easy to access the most recent documents.
- Make a written list of your questions and concerns before you meet or call your lawyer. Consider what you want to accomplish and prioritize urgent concerns, such as safety.
- Tell your story honestly and straightforwardly, even if something has happened that you think might reflect badly on you. Keep it brief, but be prepared to answer questions.
- Take notes when you meet with your lawyer so you can refer back to them.
- Keep copies all correspondence from your lawyer, and from your partner and your partner's lawyer. Keep copies of any agreements or court orders.
- Maximize your time with your support worker or counselor so that your time with a lawyer deals with legal issues only and minimal emotional support.
- Only contact your lawyer when necessary. Every call or visit costs money or uses up your legal aid hours.
- Remember that you are in charge. The lawyer is there as a tool to help you understand your options and decide your next steps. Ultimately, you decide.

6. How can Tri-City Transitions help me?

The Community Outreach Program helps clients navigate the Family Court Justice System. It also helps provide longer-term supports after clients have left the Shelter or Victim Services such as housing, income assistance and advocacy with government ministries and/or Family Court. Outreach workers meet clients at the Tri-City Transition office or in a safe place in the community and provide practical and emotional support, safety planning, goal setting, and information and referrals to community resources.

Within this program, the Outreach Family Court support worker is available to support clients who require assistance with Provincial Court Family law matters.

The program supports clients as they integrate into the community and continue along their journey toward a life free of family violence and abuse. The program fosters client-directed positive life changes by empowering and encouraging self-sufficiency as women explore strategies that help build resilience, independence, confidence and autonomy.

Other Resources:

- [Lawyer Referral Service](#)
<http://www.cbabc.org/For-the-Public/Lawyer-Referral-Service>
604-687-3221 or 1-800-663-1919
 - The Canadian Bar Association's Lawyer Referral Service provides the opportunity to have a consultation with a lawyer for up to 30 minutes for a fee of \$25. This service can put you in touch with a lawyer in the correct area of law. You and the lawyer may then decide whether or not to continue at their regular rate.
- [Legal Services Society](#)
<http://www.legalaid.bc.ca/>
604-408-2172 or 1-866-577-2525
 - The Legal Services Society is the organization that provides legal aid in British Columbia. You can learn more about legal aid and the application requirements on their website.
 - This website also has the locations and contact information for family law duty counsel.
- [Family Law in British Columbia](#)
<http://www.familylaw.lss.bc.ca/>
 - The Legal Services Society, which also organises duty counsel and legal aid resources, has created a website that provides legal information about many family law problems.