



Legal Practitioners

Conduct Board

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FACT SHEET 7

TALK TO YOUR LAWYER **A guide to Better** **Understanding Between** **Lawyers and the Public**

Checklist for your first meeting with your lawyer

- Plan each meeting with your lawyer. Write down your questions and take them with you.
- Ask about the costs. Your lawyer should give you written advice as to the reasonable estimate of the range of costs and disbursements. The lawyer should provide you with advice as to the basis on which the firm intends to charge you.
- Stop your lawyer if you do not understand the conversation or any terms used.
- Explain your points of view and concerns as clearly as possible.
- Be clear about what you expect and want. Your lawyer cannot read your mind and needs you to give clear instructions.
- Listen to your lawyer's advice, even if it is not what you want to hear.
- Take notes of what is said at meetings to aid your understanding
- Discuss the risks and costs of going on with your case and discuss options for settling or finalising your matter.
- Keep track of what is going on in your case. If you have any doubts about what is going on, ask for a written progress report.
- Remember that your lawyer is the expert adviser, but ultimately you give the instructions.

What you should know about your own case

- Be clear about what work you want the lawyer to do for you.
- Understand how the lawyer charges for their time and work in handling your matter.

- Ask how long the matter or case is expected to take to settle; or go to trial; or complete.
- Find out if you qualify for [Legal Aid](#) or help from the [Litigation Assistance Fund](#).
- Ask for the name of who in the firm is working on your matter and, if your lawyer is unavailable, who you should contact.

Contacting your lawyer

- You are entitled to prompt communication but remember that your lawyer has other clients and may not be able to answer your calls, letters or emails immediately.
- Be mindful that you will be charged for all contact with your lawyer whether by telephone, letter, email or in person.
- Look at all letters and documents you receive from your lawyer and read them carefully. If you do not understand the documents, ask your lawyer to explain them so that you do understand.

Legal Costs

Many concerns arise regarding lawyers' costs. To minimise conflict in relation to the issue of legal costs, please keep in mind the following:

- Ask about [Legal Aid](#) at the start of your case, and during the case, if your circumstances change.
- You and your lawyer can negotiate an agreement about costs at the outset, but unless this is done, your lawyer can only charge scale costs. Ask about the scale of fees that applies to your case. Obtain a copy of the scale from your lawyer if you do not have a copy.
- Make sure you know in the beginning, and as the case goes on, how much it is costing you and when you will be required to pay. Ask for important details to be confirmed in writing.
- If your lawyer asks you to sign a costs agreement you must be sure you understand it before you sign.
- Lawyers are entitled to charge reasonable fees for the time, and expertise, they devote to looking after your interests
- Before you give instructions to finalise your case, find out from your lawyer actually how much you will get in your hand, after all expenses have been paid (eg lawyers, doctors, barristers etc)

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Information Sheets on other topics are available from the Board.