



This English fact sheet is also available in Cree-Roman, Cree-Syllabics, Oji-Cree-Roman, Oji-Cree-Syllabics, Northwestern Ojibway and French.

Are you a First Nation, Métis or Inuit person? Do you have questions about hiring and working with a lawyer or paralegal?

The Law Society of Upper Canada will try to answer some of your questions.

Helpful words to know before starting

- **Client** is the person who has hired a lawyer or paralegal on a legal matter or for legal advice.
- **Retained** is another word for *hired*.
- **Retainer Agreement** is the agreement; the contract between the client and the lawyer or the paralegal that describes the legal services that a client will receive for a certain legal matter.
- **Statement of Account** is another word for the *bill* that a lawyer or paralegal sends to a client detailing the legal services provided and the amounts charged for the service.
- **Disbursements** are *out-of-pocket expenses* paid by a lawyer or paralegal that a client is billed for that are in addition to the legal fees billed for time spent on the client's file. Examples of disbursements include: long-distance charges, postage costs, photocopying costs, the cost of filing documents with the Court and the cost of medical reports.

Choosing a lawyer or paralegal

How do I go about finding a lawyer or paralegal?

Depending on your legal problem, you may want to ask friends and family or someone you trust if they know of a lawyer or a paralegal who has the experience and works in the same area of law as you need. You can also use the Law Society Referral Service¹.

How do I know the person I want to hire is a licensed lawyer or a paralegal?

If you have the name of a person you might want to hire, we encourage you to check with the Law Society to make sure that this individual is a licensed lawyer or a licensed paralegal, online, at: www.lawyerandparalegal.directory or call the Law Society, at: 416-947-3315 or toll free, at: 1-800-668-7380 ext. 3315.

¹ The Law Society Referral Service is an online service for referrals to lawyers or paralegals who will provide a free, up to 30-minute consultation. A crisis line is available Monday to Friday, 9:00 a.m. to 5:00 p.m. The crisis line is intended for people who are unable to use the online service, such as those in custody, in a shelter, or in a remote community without access to the Internet. You can ask to be referred to a lawyer or paralegal who speaks languages other than English or French, or a lawyer who accepts legal aid certificates. **Requests:** www.lawsocietyreferralservice.ca
Toll-Free Crisis Line: 1-855-947-5255 | **Crisis Line:** 416-947-5255



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Can I meet the lawyer or paralegal before I actually hire (retain) them for my legal case?

Yes, you can, but make sure you ask some important questions before agreeing to hire them. For example, ask the lawyer or paralegal:

1. Are you open to meeting with me before being hired?
2. Will I be charged for this meeting? If so, how much?
3. Do you provide legal services in the area of law I need help with? For example, family, compensation claims, criminal, wills, etc.?
4. How much experience do you have in my type of case?
5. Are you available to handle my case? — This question is especially important if your legal problem requires a quick response.
6. If the person is a lawyer and you intend to use legal aid: Do you accept legal aid clients?

Have a list of questions and a copy of your case documents ready to bring to the meeting. Do not be afraid to confirm any details with the lawyer or the paralegal at any time.

Hiring the lawyer or paralegal

How do I actually hire the lawyer or paralegal?

Once you have picked a lawyer or paralegal to work with, you will enter into a “retainer agreement”. This agreement should set out the services you will receive, the fees you will be charged and details of payment.

You can ask the lawyer or paralegal to go over this agreement with you to make sure that you understand it before you actually agree to it and sign it.

Ask the lawyer or paralegal to give you a copy of the agreement.

Knowing what legal services to expect

What can I expect from my lawyer or paralegal?

The lawyer’s or paralegal’s role is to give you legal advice about your case.

Your lawyer’s or paralegal’s job is to tell you what your options are, what decisions you need to make and to advise you about those decisions. Your job is to instruct your lawyer or paralegal about how you want your case handled with the legal advice in mind.

If your lawyer or paralegal cannot follow your instructions, they will explain to you why they cannot. It is possible that your case cannot be resolved as you hope or expect.

How often should I expect to hear from my lawyer or paralegal?

As the client, your lawyer or paralegal should:

- Keep you informed of the status of and major milestones in your legal case.



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- Reply to your telephone calls, emails and letters in a timely manner (keep in mind that you may be billed for all types of communication).

Protecting your identity & confidentiality of information

I was asked for photo identification (ID) and a copy of my ID was made – Is this normal?

Yes. Lawyers and paralegals are often required to verify your identity. They will ask for photo ID, which they may photocopy to keep a copy for their records. However, there is no need for them to keep your original photo ID.

They may ask you for the following photo ID:

- Driver's licence
- Passport
- Status card
- Other picture ID, usually government-issued.

Is the information and documents I give to my lawyer or paralegal confidential?

Yes. Your lawyer or paralegal cannot share your information or documents with other parties without your permission; that includes people such as members of your family, friends, Elders or doctors.

Can I get a copy of my file from my lawyer or paralegal?

Yes, you can always get a copy of your file. However, if your legal case is ongoing you will likely have to pay for copying costs. If your case is finished, the client file belongs to you at no additional cost.

The only time a lawyer might hold your file (this is called a "solicitor's lien") is if you:

- are changing lawyers, or
- have an unpaid bill.

If you are changing *paralegals*, your paralegal cannot hold on to your client file.

Paying for a legal case—understanding legal fees

If I have a legal aid certificate, should I mention this to the lawyer up front?

Absolutely. Make sure you tell the lawyer up front because some lawyers do not accept legal aid work.

What can a legal aid certificate be used for?

A legal aid certificate covers the cost of lawyer representation. The certificate will specify the area of law in which it can be used — for example, you cannot use a family law certificate for a criminal law matter.

What does a legal aid certificate pay a lawyer for?

A legal aid certificate pays a lawyer for the work he or she does on the case, such as research, document drafting, attending Court and very limited communications with the client.



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The certificate will indicate the maximum number of hours that legal aid will pay a lawyer for working on your case.

If you have questions about legal aid or your legal aid certificate, please contact Legal Aid Ontario, at:

416-979-1446 | Toll Free: 1-800-668-8258 | www.legalaid.on.ca

Should I talk to the lawyer or paralegal about how I will be charged and the cost of my legal case?

Yes. It is important that you understand how you will be charged for your case. Be sure to ask the lawyer or the paralegal about the rate you will be charged, e.g., flat fee, contingency fee or hourly and ask what the rate will be.

Should I ask for an estimate?

Yes, it is important to know ahead of time what your case *could* cost you. At times, it can be hard for a lawyer or a paralegal to know what a case will cost you until further along in the case. However, many lawyers and paralegals may be able to give you a rough estimate.

Should I ask the lawyer or paralegal if I will be charged anything in addition to his or her fees?

Yes, additional charges are called “disbursements”. These charges may be difficult for a lawyer or paralegal to estimate.

Can I ask the lawyer or paralegal about how I will be billed?

Yes, ask about how you will be billed up front. Most lawyers or paralegals bill monthly or at the end of the case. You may be asked for a cash deposit up front, which would be applied to the charges for legal fees and disbursements. This fee or deposit is called a “retainer fee”.

Can I ask the lawyer or paralegal to set up a payment plan?

Yes, but be sure to ask about this at the beginning before hiring the lawyer or paralegal; it may be possible to work out a payment plan.

What if I do not understand the Statement of Account (“the bill”) I get from my lawyer or paralegal?

Talk about it with the lawyer or paralegal and ask them to explain anything you do not understand. You are entitled to an explanation about the Statement of Account.

What if I do not agree with the Statement of Account or if I think the bill is too high?

If you have spoken to the lawyer or paralegal about the bill and cannot agree about what you should pay, there are two different processes to follow. While you do not need a lawyer or a paralegal for either of these processes, you may want to speak to one of them for advice or help with the process².

² You can find information about the Small Claims Court nearest you and other Court Services by contacting the Ministry of the Attorney General:
Online: www.attorneygeneral.jus.gov.on.ca/english/courts/default.asp | **Toll Free:** 1-800-518-7901



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- To dispute a lawyer’s bill, you will need an “Assessment”. Go to the Assessment Office at the Court House and ask for an appointment to have the lawyer’s bill assessed (“taxed”).
- To dispute a paralegal’s bill, you would have to go to the Small Claims Court Office at the Court House and the Court staff will be able to tell you what form you need to fill out.

Problems with the lawyer or paralegal

What can I do if I have concerns about my lawyer or paralegal?

You might want to try to talk to the lawyer or paralegal about it and see if it can be resolved between the two of you or with the help of a more senior person in the law office. Or you might want to contact the Law Society about your concerns.

What responsibility does the Law Society have for lawyers and paralegals?

All lawyers and paralegals who provide legal services in Ontario must be licensed by The Law Society of Upper Canada. The Law Society is responsible to ensure that these licensed lawyers and paralegals meet standards of professional conduct. One of our important duties is responding to complaints.

How can the Law Society be contacted?

If you want to contact the Law Society about your concerns, there are different ways to do that:

1. **Online:** Download, complete and submit a Complaint Form (PDF) found on our website: www.lsuc.on.ca
2. **By letter:** Write a letter to the Law Society and send it to:
The Law Society of Upper Canada
Osgoode Hall, 130 Queen Street West
Toronto, Ontario, M5H 2N6
Attention: Complaints Services
3. **In person:** Drop by in person with a completed and signed Complaint Form.
4. **By phone:** First Nation, Métis and Inuit people may call our toll-free number:
1-800-668-7380 ext. 3363 or 416-947-3363

What can I do if I find it is difficult to make a complaint to the Law Society?

We understand that it may be difficult and challenging to communicate with us and to submit a complaint.

We have set up a Team to receive and respond to complaints received from First Nation, Métis and Inuit people. A Team member may be able to help you.

You can talk to a Team member about how you would like to submit your complaint. This person will listen and do her or his best to support the diverse ways you may wish to submit your complaint.

For example, if you have difficulty with making the complaint in writing, call us. We will listen to you, capture your comments in writing for you and tell you about what we may do in response.



lsuc.on.ca/indigenous-initiatives

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As well, if you wish to have a third person, such as a family member or trusted friend, prepare and send your complaint on your behalf, this can be done as long as it is with your permission.

I want to change lawyers/I want to change paralegals – Can I do this?

Yes you may. But if you are on a legal aid certificate, we suggest that you contact Legal Aid Ontario to see if there are rules about changing lawyers that you need to comply with.³

Please note - Disclaimer: The content of this pamphlet contains legal information that is current to the date it was printed. Legal information is not legal advice. You should seek legal advice about your specific legal situation.

³ Legal Aid Ontario can be contacted at: 416-979-1446 | **Toll Free:** 1-800-668-8258 | www.legalaid.on.ca