

# Seeing a Solicitor for the first time

## **So you are seeing a solicitor for the first time?**

It is not unusual to feel uneasy or nervous about going to see a solicitor for the first time. Don't be. They are there to try and help you.

## **Choosing a solicitor**

Think about why you are going to see a solicitor. What sort of matter is it in general terms?

Family Law? Conveyancing? Criminal Law? A Will?

It is highly recommended that you select a solicitor who specialises in or has a greater knowledge in the area of the law applicable to your problem. This is one way towards obtaining accurate advice at the time of your appointment.

You can find a solicitor through a number of places. You may have heard about a solicitor from a friend or colleague or you can contact a service such as the Law Society or the Women's Legal Service for a referral. If you contact a law firm ask the receptionist who the appropriate solicitor is to see at that firm.

## **Why are you going to see a solicitor?**

Many people know that they need to see a solicitor but may not know what their exact problem is. Some matters involve numerous issues. For example, a marriage breakdown may involve children's issues, division of property, a new will or a divorce application.

Your solicitor will help identify the issues in your matter and help you prioritise any action required and give you advice as to what she/he believes is the appropriate course of action in your matter.

## **Preparing for your appointment**

Before you go to your appointment, spend some time thinking about your problem. Write lists and notes about things that you think are relevant. Don't be afraid to include things that you may think are not relevant. Your solicitor will soon distinguish between what is and what is not relevant.

A list of dates and events can also be very helpful. In matters such as a marriage breakdown a basic chronology that lists when you started living together, when you were married and when you separated can be extremely useful.

Write down a list of questions you might have about your matter. Think about what you want to know and what you want to achieve from your appointment. Take your list of notes and questions with you. Many people experience "mental blanks" at appointments with their solicitor and notes are an excellent form of reference should this happen.

Remember, you are paying your solicitor on a time basis. If you are not prepared your solicitor will have to spend extra time with you that you will be charged for.

## **What should you take to the appointment?**

Take your notes, list of dates and events and list of questions you have prepared.

Depending on your problem you may have additional paperwork. Generally you should take anything which you think might be relevant to your problem, this could include:

- court orders;
- subpoena or summons;
- bail sheet;
- bank statements;
- superannuation, mortgages, loan documents;
- contracts or agreements;
- correspondence relating to your matter;
- property details;
- marriage and birth certificates;

You might like to take a writing pad and pen with you to take notes. These will help you to remember what was discussed and help curb “information overload”. Generally your solicitor should send you a letter confirming what was discussed and their advice to you

## **What happens at the appointment?**

The aim of the appointment is for you to give your story to the solicitor so that they can provide you with relevant advice. A solicitor can only provide advice based upon the information that you provide them with. The information that you provide to your solicitor is referred to as “instructions”. You need to give your solicitor the whole story. Remember, your solicitor is there to help you.

If you provide your solicitor with false, misleading or incomplete information, their advice will be contaminated and you risk compromising the outcome of your matter.

Your solicitor may not be able to give you a complete answer or remedy to your problem right away. Some matters are complicated and require research. If this is the case discuss a realistic time period and a cost limit for the research to occur within.

Your solicitor will usually indicate which course of action they believe is most appropriate however it is your decision which way to proceed. Your solicitor will not act on your behalf until they have instructions from you.

If you need time to think or want a second opinion before making a decision that is your choice. Tell your solicitor that you need time to think and set a time frame in which you will contact them with your decision.

## **If you are not sure then ask**

If you do not understand something your solicitor tells make sure you ask for clarification. You should leave your solicitor’s office having a better understanding of the situation, not be more confused.

At times your solicitor may ask you to read and sign documents. If you have problems reading or understanding such documents say so! DO NOT sign anything you cannot read or understand.

## **Confidentiality**

What you tell your solicitor is confidential. Your solicitor cannot tell anyone else what you have told them unless you consent to it. This allows you to be completely open and truthful with your solicitor.

You should be aware that from time to time other members of your solicitor's firm will have contact with your file. Other solicitors within that firm are "deemed" to know about your file, even if they have not seen it. They and their secretarial staff are bound by confidentiality rules and laws.

### **Communicating with your solicitor**

It is important that you are comfortable with your solicitor.

If you are not comfortable or find it hard to communicate with your solicitor then consider trying another one. There is nothing wrong with seeking a second opinion or going to see another solicitor to see if you are more comfortable with them.

A degree of reality is necessary. Your solicitor will not always be available to talk when you want. They may be with another client or in court. If however they never return your calls and fail to meet agreed deadlines, you may need to review your relationship with them.

### **Costs**

Your solicitor is obliged by law to provide you information such as how much they think your proceedings will cost. They also have to tell you what their hourly rate is and any other costs or disbursements which may be involved. Be aware that telephone calls and letters are charged for.

It is not always easy for a solicitor to give you a firm estimate. They should instead update their estimate at various stages through your proceedings, particularly if it is a contentious issue.

### **Contacts**

The Women's Legal Service can be contacted on **1800 682 468**.

"Seeing a Solicitor for the First Time" is intended to give general information to people seeking legal advice on how to choose a lawyer and prepare for their appointment. Whilst we have made every effort to ensure the contents of this publication are accurate at the time of publication the law and services do change. Legal and service exactness is not possible in a publication of this nature. This publication should not be used as a substitute for legal advice.

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