

# Seeing a Solicitor for the first time

## Choosing a Solicitor

The type of solicitor you choose depends on the matter you want to address. It is recommended that you find a solicitor who specialises in or has knowledge in the area of the law where you have an issue. This may be family law, conveyancing, criminal law, wills or other areas.

If you don't know any solicitors you can contact the Law Society or the Women's Legal Service for a referral. When contacting a law firm it is a good idea to ask the receptionist about who might be the most appropriate solicitor for your matter.

## 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 many 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. They will help you prioritise any action that needs to be taken, and give you advice as to what they believe is the best course of action in your matter.

## Preparing for your appointment

Before you go to your appointment it is helpful to make notes about the things you think are relevant, such as a list of dates and events. In matters such as a marriage breakdown it is useful to have a basic timeline of when you started living together, when you were married and when you separated.

Also write down a list of questions you may have for the solicitor, covering what you want to know and what you want to achieve from your appointment.

Take the notes and questions with you. Some people can experience 'mental blanks' at appointments with their solicitor and having notes will help you remember what you need. It is also important to be prepared if you are seeing a private solicitor and paying on a time basis.

It is also important to take any paperwork that you think could be helpful, including:

- Court orders;
- Subpoena or summons;
- Bail sheet;
- Bank statements;
- Superannuation, mortgages, loan documents;
- Contracts or agreements;
- Letters, emails, texts and other communications relating to your matter;
- Property details; and
- 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 so you don't forget important information. Generally, your solicitor should send you a letter confirming what was discussed and their advice to you.

## What happens in the appointment?

The aim of the appointment is for you to give your story to the solicitor so that they can provide you with advice. The information that you give to your solicitor is referred to as 'instructions'. A solicitor can only provide advice based upon the information that you give to them, so it is important that you provide the full story.

Remember, your solicitor is there to help you. If you provide your solicitor with false, misleading or incomplete information, the advice they give may not be appropriate, and you risk compromising the outcome of your matter.

Your solicitor may not be able to give you a complete answer or solve your problem right away. Some matters are complicated and require research. If this is the case, you should discuss a realistic timeframe and budget. 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 your decision, then that is your choice. Tell your solicitor that you need time to think and let them know when you will contact them with your decision.

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

It is important that you understand the advice your solicitor gives you, and your options. If you do not understand something then make sure you ask for clarification. Saying it back to the solicitor in your own words is a good way of checking that you understand.

At times your solicitor may ask you to read and sign documents. If you have problems reading or understanding the documents you can ask for help. If you need an interpreter, let your solicitor know. 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 agree. 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 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 talk with your solicitor then consider trying another one. There is nothing wrong with seeking a second

opinion or going to see another solicitor that you feel more comfortable with.

Your solicitor will not always be available to talk when you want. They may be with another client or in court. However, if they never return your calls and fail to meet agreed deadlines, then 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 which may be involved.

Be aware that a private solicitor will charge you for telephone calls and letters. It is not always easy for a solicitor to give you an estimate for the total amount of work required. They should instead update their estimate at various stages through your proceedings, particularly if it is likely to involve a lot of work.

### **Find out more**

**Women's Legal Service Tasmania: 1800 682 468**

*'Seeing a Solicitor for the first time' is intended to give general information. While we have made every effort to ensure the contents of this document 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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*April 2020*