

WESTERN AUSTRALIA
LEGAL PROFESSION COMPLAINTS COMMITTEE

FACT SHEET
A GUIDE TO BETTER COMMUNICATIONS WITH YOUR LEGAL PRACTITIONER

When you instruct a legal practitioner to act for you (known as a “*retainer*”) the terms and conditions of the retainer should be clearly understood by you.

Good communications are vital to a successful working relationship between you and your legal practitioner.

The following is a checklist to assist in communications with your practitioner:

Before your first meeting

- Check the charge for the first appointment.
- If the appointment is free, ask whether there is a time limit for the free appointment. Some practitioners advertise a first free appointment. However, first free appointments may be limited to twenty or thirty minutes and if your appointment goes for longer you will be charged for the extra time.

If a practitioner has not advertised, or otherwise advised, that the appointment is free, then you will be charged for the appointment.

- Check that the practitioner has experience or specialises in the area of your legal matter.
- Write down the details of the matter :-
 - What happened
 - When it happened and who was there, and
 - Make a copy for the practitioner.
- Copy all relevant documents to give to the practitioner.

- Prepare a list of questions you want to ask the practitioner.
- If you feel you would like some support, arrange for a friend or relative to attend with you.

At the first meeting

- Discuss fully the legal costs of the practitioner acting for you (see our legal costs brochures).
- Ask what options are available to deal with the matter.
- Ask about chances of success and the ramifications (including paying the other parties legal costs) if you lose.
- Ask how long the case is likely to take.
- Ask who will be doing the work and how to contact them.
- Ask when you can expect to receive progress reports on your matter.
- Ask to be informed of any unexpected delays and the reasons for this.
- Give the practitioner a copy of your notes and documents.
- Take notes of what is said to you.
- Ask the practitioner questions if you do not understand something.

During the Course of the Matter

- Read carefully all the letters and documents you receive from your practitioner. If you do not understand them, ask your practitioner to explain them.
- Plan before each meeting with your practitioner by writing down, and taking to the meeting, questions you wish to ask.

- During interviews tell the practitioner if you do not understand something that he or she is telling you, or you do not understand what has happened or will happen.
- Take notes of what your practitioner tells you.
- Keep the notes, and all letters and documents you receive from your practitioner, in a file.
- If you are unclear as to the progress of your case, ask for a written statement of progress.
- Tell the practitioner if any of your personal details, eg: address, change.
- Ask to be advised promptly in writing if costs are likely to increase since the first estimate.
- Bear in mind that you will be charged for all contact with your practitioner, whether by telephone, letter or in person.

When a problem arises

- Raise your concerns with the practitioner's managing partner.
- You can change practitioners (note however, that the practitioner can keep your file until his/her costs are paid, unless an alternative arrangement can be reached).
- If you feel that your practitioner has acted / is acting unethically, contact the Legal Profession Complaints Committee.

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LPCCWA

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