

When working with a lawyer, who is responsible for what?

Tasks and who is responsible when a woman is working with a lawyer and a legal advocate

Finding a lawyer

Who's responsible: Woman, Legal Advocate

- The woman's legal advocate can help her by providing a list of names of possible lawyers.
- The woman is the one who has to decide which of those lawyers is best suited for what she needs.

Setting up the first appointment

Who's responsible: Woman, Lawyer

- The woman will contact the lawyer's office to arrange the first appointment, which will be scheduled for the next date the lawyer has available.
- She will probably arrange this appointment by talking to the receptionist or law clerk in the lawyer's office.

Explaining the lawyer's role

Who's responsible: Lawyer

- At the first appointment, the lawyer should explain what their role includes and does not include.

Who is responsible for what?

- The woman should make a list of everything she wants to know about the lawyer's responsibilities. She can bring this list to her first appointment, and ask the lawyer about anything they do not mention.

Explaining the costs

Who's responsible: Lawyer

- It is up to the lawyer to tell the woman about the costs of handling her case.
 - If the lawyer is being paid by legal aid, they should tell the woman how many hours of work legal aid is paying for and what they think can be done in that amount of time.
 - If the woman is paying the lawyer's fees herself, her lawyer should tell her their hourly rate as well as what some of the additional expenses (called disbursements) are likely to be.
- If the lawyer does not bring this up in the first appointment, the woman should ask about it.

Communication

Who's responsible: Woman, Legal Advocate, Lawyer

- All three people are responsible for effective communication.
- The woman should bring a list of questions to meetings with the lawyer. The woman's legal advocate can assist with this.
- The woman should be as clear as possible in telling her lawyer what she wants in her case and what she wants the lawyer to do.
- Either the woman or her legal advocate should be prepared to take notes during meetings with the lawyer.
- The lawyer is responsible for explaining things in clear, plain language so the woman can understand, but it is up to her to let the lawyer know when she doesn't understand something.
- It is the lawyer's job to respond promptly to the woman's questions, telephone calls or emails, but it is her job to limit the number of communications with the lawyer between appointments to urgent issues.

Preparation for meetings

Who's responsible: Woman, Legal Advocate, Lawyer

- Working with her legal advocate, a woman should prepare for every meeting she has with her lawyer.
 - This includes making sure she has booked enough time to get to and from the appointment so she can be there on time, arranging for child care, putting together a list of the topics she wants to cover in the appointment as well as any questions she wants the lawyer to answer.
- The lawyer is responsible for having reviewed the woman's file prior to each appointment so they are up to speed with the case and are ready to provide information, take instructions and answer questions.

Explaining legal options/ providing legal advice

Who's responsible: Lawyer

- Only the lawyer should explain the woman's legal options/give her legal advice. The woman gives the lawyer information about her situation and tells them what outcomes she would like to get, but it is the lawyer who tells her what is legally possible and what they think is the best legal course of action.

Completing documents

Who's responsible: Lawyer

- It is the lawyer's job to complete all the paperwork required in the case.
- However, it is the woman's job to review those documents and let the lawyer know if she's found a mistake or if there's something with which she doesn't agree.

Serving documents

Who's responsible: Lawyer

Who is responsible for what?

- The lawyer is the one who serves court documents on the woman's ex-partner. If her ex-partner has a lawyer, the documents will be served on the lawyer; if not, they will be served on her ex-partner directly.

Communicating with the ex-partner

Who's responsible: Lawyer, Woman

- The lawyer is responsible for all legal communication with the woman's ex-partner: to their lawyer, if they have one; to them directly, if they do not.
- The woman, however, may also be in communication with her ex-partner about on-going details such as issues relating to the children. She should follow her lawyer's advice about when and how to be in touch with her ex-partner.

Keeping track of the case

Who's responsible: Lawyer, Woman

- Of course, the lawyer will have a file of everything related to the woman's case, but it is very important for her to keep all this information too.
- She should set up an organized filing system at the beginning of her case and make sure she gets copies of everything her lawyer has.
 - Her legal advocate may be able to help with this.

Following up between appointments

Who's responsible: Lawyer, Woman

- The lawyer will often give the woman tasks to complete before she comes back for another appointment. If she wants to keep her legal costs down and keep her case moving along, it is important for her to get these tasks done.
- Her legal advocate can help her make a plan that she can follow and may be able to help her with some of this work.

Providing emotional support

Who's responsible: Legal Advocate

- The lawyer's job is to give the woman legal advice and follow her instructions about how to handle her case. While many lawyers are very sympathetic to their clients' emotional needs, it is not the lawyer's job to provide emotional support.
- The woman's legal advocate can do this and can help her find additional counselling support if she needs it.

Safety planning

Who's responsible: Legal Advocate, Woman

- The woman and her legal advocate can work together to create a safety plan. The woman can let her lawyer know about it, but it is not her lawyer's job to create it.