

Working with a Lawyer

You might be leaving an abusive relationship, asking for parenting time with your children, seeking payment of money owed to you, or looking for help with any other kind of legal issue.

When you have a legal issue, talking to a lawyer can help you understand the issue, the law and the processes that you must follow.

In Alberta, only lawyers can give legal advice. Lots of other professionals can give you legal information about the law and process generally but not specific advice.

Finding Legal Information

Often legal information can help you with your legal issue. Legal information can describe the law and legal processes.

The **Centre for Public Legal Education Alberta (CPLA)** makes the law understandable through videos, info sheets, FAQs, webinars, websites and more. Find free information about different areas of the law at www.cplea.ca.

See **BearPaw Media and Education** for resources about the law for Indigenous People, made by Indigenous People, in Alberta: bearpawlegalresources.ca

Finding a Lawyer

There are many programs to help connect you with a lawyer – either free legal help or legal help for a fee.

Law societies regulate lawyers in the province(s) where they work. If you have a serious problem with a lawyer, you can file a complaint with the law society they belong to.

Free Legal Help

Duty Counsel

Duty counsel are lawyers at the courthouse who can provide information, guidance and advice to you on the day of your court appearance. Sometimes they can speak to the court on your behalf. Duty counsel are free and available to all Albertans.

Duty counsel cannot help you before the day of your court appearance. They also cannot provide ongoing help after your court appearance.

Duty counsel from **Legal Aid Alberta** are available at some docket courts in Alberta for criminal and family issues. See Legal Aid Alberta's website for more information: legalaid.ab.ca

Duty counsel from the **King's Bench Court Assistance Program** are available in Edmonton and Calgary for civil issues in the Court of King's Bench. See Pro Bono Law Alberta's website for more information: bit.ly/2MD5FP6

Legal Clinics

Community legal clinics or student clinics can provide you with limited legal services. At some clinics, you can book an appointment to talk to a volunteer lawyer or law student for 30 minutes. You must meet financial eligibility tests.

Other clinics offer services for specific issues, such as employment, sexual violence, Emergency Protection Orders and more.

Visit www.lawcentralalberta.ca/Clinics for a list of legal clinics across Alberta.

Legal Help for a Fee

Legal Aid Alberta

Legal Aid Alberta provides representation for many legal issues, but not all. They most often provide legal help for:

- serious criminal charges
- family law issues
- child welfare issues
- guardianship and trusteeship applications
- immigration or refugee claims

You must be financially eligible to receive services. Services are not free – you must repay fees for services.

Phone: 1.866.845.3425

Website: legalaid.ab.ca

TIP If you have experienced violence, you should note this on your application to Legal Aid.

Alberta Legal Coaches & Limited Services

This website lists lawyers in Alberta who will provide legal services on a limited scope retainer. The lawyer will help you with part of the case but not all of it. This keeps your legal fees down since you will only pay for what the lawyer is doing. Limited legal services can include:

- giving legal advice (including second opinions)
- preparing court and other legal documents
- going to court for hearings
- providing ongoing advice and coaching

Website: albertalegal.org

Lawyer Referral Service

The Law Society of Alberta runs this service. You must tell the operator what kind of lawyer you need, such as:

- a criminal lawyer (if you are being charged)
- a litigation lawyer (if you are starting or responding to a lawsuit or filing a human rights complaint)
- a family lawyer (for any type of family legal issue, including sexual violence within a family)
- a wills and estates lawyer (if you are dealing with a person's estate or ability to make decisions)

The operator will provide you with the names of three lawyers in the area of your legal issue. Each lawyer should provide you with a free half-hour consultation. You can tell them more about your situation and decide if they would be a good fit for you.

Phone: 1.800.661.1095

Website: bit.ly/3cPI207

Ask Around

You can also ask your friends and family for recommendations for lawyers. Your local support organization or a social worker may be able to suggest a lawyer who can help with your issue. Tell them the type of person you are looking for and what you want help with.

Talking to a Lawyer

You must be able to talk openly with your lawyer. Your lawyer must keep the information you tell them confidential. The lawyer can only share this information if you allow them to share it or the law requires your lawyer to share it. What you and your lawyer discuss cannot be evidence before the court. Solicitor-client privilege protects this communication.

You can ask the lawyer questions to decide if they are a good fit for you. For example, you can ask the lawyer if they have experience resolving the type of issue you have. You should ask about how the lawyer will charge you for providing legal services. Before you hire a lawyer, you should be comfortable talking to them and feel that they will fully represent your interests.

There are things you can do as a client to help your lawyer represent you:

Be honest

Your lawyer cannot represent you effectively if they do not know all the facts.

Be prepared

Organize all the documents related to your case and bring them to your first meeting with the lawyer. If your lawyer asks for more information, get it to them quickly.

Be focused

Arrive on time for your meetings. Try to arrange for childcare for the times of the meetings. Take notes and ask questions if you do not understand. If you have questions between meetings, write them down so you remember them.

Manage your expectations

Your lawyer is working for many other clients. Your lawyer may not be able to talk to you or return your calls as fast as you would like. Keep in mind that your lawyer may not be able to answer certain questions, such as how long things will take, how much things will cost and what the outcome will be. Every case is different, and things come up that can change the speed, cost or outcome of a case.

Paying for Legal Help

Lawyers usually charge for their services. Some lawyers may provide *pro bono* (free) services. Each lawyer has their own policy about providing *pro bono* services.

Retainers and Retainer Agreements

When you hire a lawyer to help you, you are 'retaining a lawyer'. A retainer agreement is an agreement between you and the lawyer about how the lawyer will represent you and how much you will pay the lawyer. Usually it is in writing. Sometimes a lawyer will ask you for money up front (a retainer) as a deposit for legal services they will provide in the future. The retainer is deposited into the lawyer's trust account at their bank and used later to pay the lawyer's invoices to you for fees for services they provide. When the retainer runs out, the lawyer may ask you for more money before they provide more services.

Limited Scope Retainers

Sometimes you can hire a lawyer to help you with some but not all of your legal case. Limited scope retainers set out what work the lawyer will do and how much they will charge you for their work. By you doing some of the work yourself, you can save on legal fees. Not all lawyers will agree to limited scope retainers. See info on Alberta Legal Coaches & Limited

Services on page 2 for a list of lawyers who will agree to limited scope retainers.

Contingency Fee Agreements

If you are asking the court for money (damages), some lawyers will agree to take your case on a contingency fee basis. The lawyer will represent you in exchange for a percentage of the money you get from the defendant. If you do not get any money, you usually do not have to pay fees for the lawyer's time. You will still have to pay any out-of-pocket expenses (disbursements) the lawyer incurred, such as court fees. You can negotiate the percentage amount and other terms of the agreement with the lawyer. The relationship between you and the lawyer will be set out in a contingency fee agreement. Usually, the agreement will say the percentage increases with each step. For example, if you and other parties settle the file early, the lawyer will get less. If the case goes all the way to trial, the lawyer might get 40% or more. The benefit of these agreements is that you do not have to pay fees for the lawyer's time unless you are successful.

Resources

CPLEA

Information booklets, FAQs and videos on many areas of the law and court process in Alberta.

cplea.ca/resources

LawCentral Alberta (a CPLEA website)

List of legal clinics and organizations in Alberta providing free or low-cost legal services.

lawcentralalberta.ca/clinics

List of more resources for preparing for court.

lawcentralalberta.ca/preparing-court

Alberta Courts

Information about the courts in Alberta, including forms and court processes.

www.albertacourts.ca

Court and Justice Services (CJS)

Government service providing resolution and court support for Albertans.

alberta.ca/court-and-justice-services.aspx

Alberta Law Libraries

Access to legal information and resources.

lawlibrary.ab.ca