



## WORKING WITH LAWYERS

### What do lawyers do?

In NSW, lawyers are usually referred to as either *solicitors* or *barristers*. Both have law degrees and must be formally registered to practice law in NSW, but they usually specialise in different types of legal work.

For example, a **solicitor** is the first person you see for everyday legal issues. They can provide legal advice and assistance, draft letters and legal documents, communicate with you, negotiate on your behalf and/or represent you in court matters.

If your matter is complex, or needs to go to court, your solicitor might recommend that you also employ a **barrister**, who is usually a specialist in court work. Generally, where a barrister is engaged, your solicitor will communicate with the barrister directly and do all the preparation work, while your barrister will provide expert guidance and appear in court on your behalf.

Solicitors and barristers often specialise in certain types of law. When looking for a lawyer, you should be sure that they have the expertise required to assist with your matter type. Just because you know a commercial lawyer, does not mean they can assist with your family law dispute!

### What can lawyers help with?

Lawyers can help with a range of legal matters – for example, divorce, negotiating parenting and property division post separation, buying or selling a home, employment law issues, business and contract issues, credit and debt issues etc. Sometimes, all you'll need is advice about your legal rights, responsibilities and options; other times, you might need a lawyer to represent you (this could include negotiating with other parties on your behalf, commencing or defending court action etc.). Once you've found a lawyer you trust, make sure you understand your options and that you're clear about what your lawyer will and won't do for you. This agreement should then be written up, by your lawyer, in the form of a 'client agreement' or retainer.

### Where do I get legal help?

There are various forms of **free** legal information, advice and assistance, depending on the type of problem you have and your financial circumstances. Alternatively, you can always pay for private legal advice and assistance.

## **Free Legal Assistance**

LawAccess NSW, Community Legal Centres (CLCs) and Legal Aid NSW will generally provide free legal advice to all people, regardless of income. In some circumstances, they may be able to provide minor practical assistance (for example, making a telephone call or writing a letter), and other times they may be able to represent. You should contact each service, for detailed information about what free services are available.

### **LawAccess NSW**

[www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au)

Free legal helpline, and online legal resources. There are particularly good resources available for people who are self-representing, and information is available in a variety of community languages (Tel: 1300 888 529).

### **Legal Aid NSW**

[www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au)

Legal Aid NSW provides free information, advice and representation services. Availability of legal representation depends on matter type, your income/assets, the merit of your case and the availability of Legal Aid resources at any point in time.

### **Community Legal Centres**

<https://www.clcnsw.org.au/resource/community-legal-centres-nsw-directory-2018>

CLCs provide free legal information and advice to community members, but representation services are targeted at disadvantaged clients. CLCs only provide services to people living in their catchment area, and representation might be limited by matter type, merit and available resources. Go to the CLCNSW Directory, to find your nearest CLC.

### **Legal Information Access Centre (LIAC)**

<https://legalanswers.sl.nsw.gov.au>

Run by the State Library of NSW, LIAC offers access to various legal resources to help self-representing people with their legal matters (available online, and as hard copies at most NSW libraries). Contact LIAC, or your local library, for more information.

### **Law Society of NSW – Pro Bono Scheme**

[www.lawsociety.com.au](http://www.lawsociety.com.au)

The NSW Pro Bono Scheme offers pro bono (free and low-fee) legal assistance from panel solicitors in NSW. Panel solicitors can only help with certain matter types and criteria for assistance usually includes being ineligible for Legal Aid, good merit, and low income/assets. You can apply online or call for further information (Tel: (02) 9926 0364 or (02) 9926 0355).

## **Private solicitors**

Private solicitors operate all over NSW. You can start with solicitors in your local suburb, a Google search, or by checking the Yellow Pages. Alternatively, the NSW Law Society can refer you to solicitors in your area, who can help with your particular matter type.

### **Law Society of NSW – Solicitor Referral Service**

[www.lawsociety.com.au](http://www.lawsociety.com.au)

Request referrals to private solicitors across NSW

Email: [ereferral@lawsociety.com.au](mailto:ereferral@lawsociety.com.au)

Tel: (02) 9926 0300

## **Preparing for your first appointment**

Before you book your first appointment, you should check whether there will be a fee for the first appointment, or whether it will be free of charge. When you go to your first appointment, you should bring all relevant documents and prepare a list of questions to ask the solicitor. If you're unsure about what to bring along, ask when booking.

## **Before you choose a lawyer**

Solicitors are just service providers and, as a customer, you have the right to shop-around. Different firms will have different ways of operating, and different fee structures. If you don't like the first solicitor you come across, or you think their fees are excessive, try someone else. Just be sure NOT to sign any client/costs agreements until you're happy with the person you've chosen. If you do sign up, and they complete work for you, you will need to pay for the work already done. If you do change your mind, advise your solicitor as soon as possible and ask for a bill of costs, to date. Solicitors have the right to hold your file (called a lien), until you've paid any outstanding bills.

## **Legal fees and costs**

Legal fees vary depending on the firm, area of law and/or level of expertise of a given lawyer. Solicitors often have different methods of charging - for example, they might charge a 'fixed fee' for all the work to be done (common in conveyance matters etc.) or they might charge you per piece of work, or per hour. Whatever their fee charging method, you should be provided with a 'costs agreement' at your first interview, which clearly outlines the method of fee charging and an upfront cost estimate (which may change, if your circumstance change). You may also be charged additional disbursements (such as court filing fees, copying fees, etc). You can always negotiate fees, if you wish.

Overall, your fees should be reasonable, and you should only be charged for the work you want your solicitor to do for you. If you don't understand the costs agreement, ask the lawyer to explain it or get independent advice. If you're unhappy with fees, talk to your lawyer and ask for a full account of work done. If this does not resolve the issue, you have

the right to dispute costs (contact the NSW Law Society (02) 9926 0333, or the NSW Office of the Legal Services Commissioner (02) 9377 1800, for further information about cost dispute options). If you have unpaid legal fees, your solicitor is entitled to commence legal action against you, to recover these costs. They must, however, give you at least 30 days to pay (from the invoice date) and/or wait until any formal cost dispute process is finalised.

### **If you're unhappy with your lawyer**

If you're unhappy with your lawyer, talk to your lawyer first – sometimes they might just be too busy to give you the time you think you need. If this does not solve the matter, and/or you believe your solicitor has acted unprofessionally, you can make a complaint to the NSW Office of the Legal Services Commissioner (<http://www.olsc.nsw.gov.au/>).

### **Working with a lawyer**

There are different ways of working with a lawyer. Sometimes, all you'll need is legal advice and/or guidance about how to manage a matter yourself. Sometimes you might want a lawyer to help you draft legal documents, but not to be 'on the record' as your representative ('unbundled services'). Other times, you may want/need a lawyer to represent you in negotiations or court/tribunal matters. When talking to your lawyer at your first interview, and **before** completing a client/cost agreement, be sure that both you and your lawyer are clear about what work you do and don't want them to do.

### **Free legal advice**

If you have any questions about working with a lawyer, feel free to contact Macarthur Legal Centre, on **(02) 4628 2042**, for free legal advice. Our phone lines are open 9:00am – 4:30pm on Monday, Tuesday, Thursday and Fridays.