

HIRING A LAWYER



For the best result, consult a lawyer who is experienced in your specific area of concern. There are lawyers who have experience in criminal and civil matters, and some who focus on issues of **elder law**, such as powers of attorney, estates and wills. The organizations listed in the *How to Get Legal Information and Advice* fact sheet can give you information on a lawyer's area of specialty. The fact sheet is available on the Nova Scotia Seniors' Secretariat website (www.gov.ns.ca/scs/elderabuse.asp) or by calling 1-800-670-0065 or 424-0065).

You can also ask friends, family, and people you work with to refer you to a lawyer they know and/or use. You can also look through the yellow pages, call some law firms to ask for a brochure or go to various law firm websites to do some research.

If possible, meet a number of lawyers before hiring one. Interview them to determine whether they are appropriate for your case. You should hire a lawyer who makes you feel comfortable, who understands your particular legal issue and who understands seniors' issues. Some lawyers concentrate their practice on one or two areas of law while others offer a general practice. While you may need to talk to more than one lawyer to find one that suit your needs, remember that doing too much research can sometimes be confusing and overwhelming. Try to balance out your search.

Here are some questions you can ask:

Questions to ask about the lawyer's expertise

1. How long have you been practicing law?
2. What is your experience in this area of the law?
3. Have you handled any cases like mine? What was the outcome?

Questions to ask about your case

1. What are the possible outcomes of my case, and what are the chances of success?
2. What are the procedures involved in my case, and what is a rough time schedule for the case?
3. What complications could arise in my case, and could they result in additional fees? How much?

When you see a lawyer for the first time you should:

- Bring any papers or documents that have anything to do with your case.
- Be prepared for many questions that help the lawyer to know the details of your case.
- Be completely honest.
- Know what you want to achieve so that the lawyer knows exactly how to direct her/his work.
- Ask any questions you may have about cost, timelines and likelihood of success.
- Write down the answers to questions you have asked.
- Discuss the next steps if you have decided to hire this lawyer.

What should you expect from your lawyer?

You should expect:

- Understanding and knowledge of your legal issue
- Respect and patience
- To be told what your rights are
- To be told what you can expect from her or him and the process you are involved in
- An outline of the steps involved
- An estimate of anticipated costs and timeframes
- Confidentiality
- Regular reporting on the progress of your case
- Legal advice

It is impossible for a lawyer to predict exactly what will happen in the future but based on his or her experience, the lawyer should be able to provide you an idea of how the matter should progress.

What should your lawyer expect from you?

Your lawyer should expect:

- Your cooperation
- Your complete honesty
- Your healthy boundaries: that is, your understanding that she or he is there to assist only with your legal case, not other important issues in your life.

Managing Legal Costs

Lawyers bill in different ways, but usually your bill will consist of time and expenses. Often people hire a lawyer and do not actively take part in their case. They think that just because they have a lawyer, they do not have to do anything. They leave all the major decisions to the lawyer. Because the lawyer ends up doing everything, the costs are higher. It is essential that you be fully informed about your ongoing case. You can be the major decision-maker on all major points in your case.

Here are a few tips to help you keep costs down:

- **Be organized** so you do not waste the lawyer's time. Make sure you have all the relevant documents as well as a written record of all the facts of your case, including names, addresses and phone numbers of the people involved.
- **Be realistic.** Do not spend \$2,500 on lawyer's fees to recover \$500. You have to decide if it is worthwhile to resolve a legal problem, keeping in mind all the costs involved.
- **Keep your communication with the lawyer to the point.** Do not discuss unrelated matters. Limit the phone calls and meetings to the business of the case.
- **Keep copies of all the original documents** and papers you gave to the lawyer for your own records. Do not depend on your lawyer's filing system for these records and documents.
- **Request that your lawyer bill you on a regular basis,** once a month or once every two months depending on your case. Keep track of the bills and how much the case is costing you, so that you are not taken by surprise at the end of the case.

For more information on hiring a lawyer and knowing what to expect, visit the Nova Scotia Barristers' Society website at <http://www.nsbs.ns.ca/why.html>

Education and awareness are your most useful tools to prevent financial exploitation. See the Seniors' Secretariat website to learn more about programs and services in your area: <http://www.gov.ns.ca/scs/elderabuse.asp> or call the Secretariat for more print material at: (902) 424-0065 or 1-800-670-0065 (toll free in Nova Scotia)

This information sheet was produced as a supplement to the Seniors' Secretariat website information on Financial Exploitation of Older Adults.