

HOW DO I CHOOSE A FAMILY LAWYER?

This guide was created to help people find a family lawyer who can help them with their family law matter. It covers lawyers who are funded by Legal Aid BC as well as private lawyers.



Where do I begin?

Finding a lawyer can be overwhelming. First, you need to think about whether you are hiring a lawyer privately or choosing a legal aid lawyer.

When would I consider a legal aid lawyer?

Legal Aid BC pays lawyers to represent clients free of charge. To qualify for legal aid, you must meet two criteria:

1. Your issue must be covered by legal aid; and
2. Your household income and assets must be low enough to make you eligible.

To apply for legal aid, call 604-408-2172. They will ask you to provide your last three months of bank statements. They may also need other documents to assess whether you qualify. To learn more about applying to Legal Aid BC, visit legalaid.bc.ca/legal_aid/dolQualifyRepresentation.

When Legal Aid BC pays a lawyer to handle your case, they can provide either a “standard retainer” contract or a “limited retainer” contract. Both kinds of contracts have limits on the number of hours the lawyer will be paid to work, although standard contracts have more hours. It is important to understand that a legal aid lawyer may not have enough hours to complete work on all aspects of your case no matter which kind of contract you have.

Lawyers and legal aid

Legal Aid BC uses a contract-based system. If you qualify for a lawyer, Legal Aid BC will issue a contract to a private lawyer to work on your case. These lawyers are not employed by Legal Aid BC, but Legal Aid BC does keep a list of lawyers who will accept their contracts. If you start working with a lawyer who you do not think is a good fit for you, you can apply to change your lawyer. However, there is no guarantee that Legal Aid BC will approve your request for a different lawyer, and they usually approve only one “change of counsel” request — one lawyer change — per client. We suggest you connect with a family law advocate if you want to change your lawyer. You can find a list of family law advocates in BC here: family.legalaid.bc.ca/bc-legal-system/legal-help/support-and-advocacy/getting-help-advocate.

If you are approved for legal aid, you have two options to find a lawyer:

- You may ask your legal aid intake worker to assign you a lawyer; or
- You may say you want to find your own lawyer and ask for a list of names of lawyers who take legal aid cases.

When you call the lawyers on that list, you will need to tell them whether you have been approved for a standard retainer contract or a limited retainer contract. If you do not know, please contact your legal aid intake worker to confirm what kind of contract they have given you.

When would I choose a privately retained lawyer?

If you do not qualify for legal aid, you may wish to hire a lawyer privately.

You can hire a lawyer to represent you on all parts of your family law case. This is sometimes called “general representation” or “full representation.”

Some lawyers also offer “unbundled” legal services, which means they will work on only some aspects of your case. This can be a way to save money if you only need help with specific tasks. For example, your lawyer may provide you with legal advice but you would be responsible for filling out documents. Or your lawyer may prepare your legal documents but you would appear in court on your own. Each case is different, so you will need to discuss with the lawyer which tasks you are each responsible for.

Whether you hire a lawyer for general representation or only certain services, the lawyer will ask you to sign an agreement, often called a “retainer” for legal services. This agreement will set out information about how you will be charged and how you and the lawyer will communicate. It is important you read this document carefully and understand all the terms. If anything is not clear, make sure to ask questions.

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How do I find a lawyer?

There are a number of places where you can look up the names of lawyers who can help with family law problems. Look-up tools do not guarantee you will find a lawyers who is a perfect fit, but they can be a starting point in your search.

The Law Society of BC has a lawyer look-up database if you want information about a particular lawyer here: lawsociety.bc.ca/lawsbc/apps/lkup/mbr-search.cfm. They also have information about lawyers who have been disciplined or individuals who may be illegally offering legal services. You can find these resources here: lawsociety.bc.ca/lawsbc/apps/lkup/uap-search.cfm.

Access Pro Bono, an independent organization offering free legal services, also has a lawyer referral service where a staff member will provide you with the name and contact information of a lawyer. If the lawyer's schedule allows, the lawyer may provide a free half-hour consultation. You do not need to hire the lawyer after the consultation. If you don't find a suitable lawyer, you can contact Access Pro Bono again to obtain more names. You can access the lawyer referral service here: accessprobono.ca/our-programs/lawyer-referral-service.

You can find a list of family lawyers who provide unbundled services in BC here: unbundling.ca.

When you have the names of three to five lawyers you are interested in working with, you can start by looking at their websites and social media pages. By reviewing their website and profile, you may learn more about the lawyer and have a better understanding of whether they are a good fit for you. Try to avoid lawyer review sites, as reviews will not tell you anything about how well suited a lawyer might be for you personally.

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What should I expect when I make the first call?

It is a good idea to call several lawyers before choosing one. Talk to each of them for about 5 to 10 minutes to see which lawyer is the best fit for you. Most of the time, lawyers do not charge for this first call, but it is important to confirm at the start that the call is a free consultation.

Before you call, write down two to three sentences about your situation and your goals. Try to use plain language and avoid using legal words, because you may find that you and the lawyer are using legal terms differently. Here are some examples of wording to use:

INSTEAD OF...	USE...
Custody, parenting time, access, contact	Time my child spends with me / where my child lives / time my child sees the other party
Restraining order, protection order	I need an order to keep me safe / to keep my child safe / to protect my property
Guardianship, parenting responsibilities	I need to make decisions about my child's health / I need to be able to travel with my child without the other parent's permission / I cannot talk to the other party about disagreements without them becoming angry and intimidating

The goal of your first call is to collect information to allow you to decide who is the best lawyer for you. Your short description of your case allows the lawyer to think about whether this case is a good fit for them.

When you call a lawyer directly, they will need to know:

- Your name;
- The opposing party's name;
- How the lawyer will be paid — for instance, if your case is a private retainer or legal aid case;
- Whether the matter is in court and if so, which court location; and
- If there are any upcoming court dates.

The first call will normally be short, and the lawyer will probably not be able to give you legal advice during this call. For instance, the lawyer will probably not be able to answer questions like “What should I do?” or “Should we go to court?” or “Is my case likely to succeed?”

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How do I know if the lawyer is a good fit for me?

It can be difficult to know if a lawyer understands your personal situation. Before you call, take some time to write down things you might want the lawyer to address besides legal issues. For example, you may ask about their knowledge working with people who have experienced violence, people from different cultures, or people with disabilities.

After your first call with a lawyer, here are some questions you may want to think about as you make your decision:

- **Does the lawyer have time to assist you?**

If they don't seem to have time to help you or answer questions you may have about their experience, then they likely don't have time to work with you.

- **Is the lawyer paying attention to the issues you want to address?**

If you are focused on parenting time but they are talking about child support, then the lawyer may not be addressing the issues that are important to you.

- **Does the lawyer have experience with your issues, and do you trust them to represent you?**

Not all lawyers have experience in all family law issues. Family law is complex, and you should be able to trust your lawyer.

- **Are you comfortable talking to the lawyer?**

You may need to share information that is difficult to talk about.

- **If you have experienced intimate partner violence, are they willing to discuss this with you?**

Family lawyers are required to consider whether violence will have an impact on your case. Your lawyer should listen to any safety concerns you have and talk about how to address them.

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- **What are the differences between a full representation retainer and unbundled legal services in this type of issue?**

Unbundled services may help reduce costs, but you need to fully understand the tasks you would be responsible for.

- **If you are hiring a lawyer privately, are there options for making this process more affordable?**

Legal fees can add up quickly. It is important to have an open conversation with your lawyer about how they will charge you and what services you can afford.

- **If you have a legal aid contract, how can you best use your hours?**

Most lawyers will count the time spent answering emails and phone calls, so sending a lot of messages can use up your legal hours. Discuss with the lawyer how they would like you to communicate with them. For example, do they prefer phone calls or email, and how many times per week is acceptable? Being clear on these matters in advance can save both you and the lawyer time.

- **Are there any court fees or expenses that are expected in a case like this?**

Court fees and some expenses can be covered by a legal aid contract, but there are limits. If you are retaining a lawyer privately, then you are responsible for any court fees and expenses.

Be careful not to spend too much time in your search for a lawyer, as this time can add up. Also, if you find that the lawyer is not a good fit, you can change lawyers. You do not need to stay with a lawyer just because you have invested time in the relationship. But before you change lawyers, try talking to your lawyer about what is not working for you. If they don't adjust to meet your needs, you can always choose a different lawyer.

When you are in a situation that needs a lawyer, it can be very stressful. By reading this guide and thinking about your needs, you are already taking some positive first steps toward finding someone who can help with your legal problem. Try to remember that your legal issue is only one aspect of your life. When you can, take the time you need to care for yourself in this process. 🐦

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Women and Gender Equality Canada



Women and Gender
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Our office is located on unceded
territory of the *Skwxwu7mesh*
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