



Just what is my lawyer supposed to do?

A chart to assist women involved in a family court proceeding

Women who have left an abusive partner and have hired a lawyer to represent them in family court are often not sure just what the lawyer is supposed to do. Lawyers do not always communicate this information in a way that is clear and easy for a woman to understand.

This chart sets out key responsibilities/tasks and identifies who is responsible for them: the lawyer, the woman or her legal advocate.

Task	Who's responsible			Comments
	Lawyer	Legal Advocate	Woman	
Finding a lawyer		✓	✓	<ul style="list-style-type: none"> Your legal advocate can help you by providing a list of names of possible lawyers. You are the one who has to decide which of those lawyers is best suited for what you need.
Setting up the first appointment	✓		✓	<ul style="list-style-type: none"> You will contact your lawyer's office to arrange the first appointment, which will be scheduled for the next date your lawyer has available. You will probably arrange this appointment by talking to the receptionist or law clerk in the lawyer's office.
Explaining the lawyer's role	✓			<ul style="list-style-type: none"> At your first appointment, your lawyer should explain to you what their role includes and does not include. However, it would be helpful for you to make a list of anything in particular you want to know about what the lawyer does. You can take this to your first appointment so you can ask the lawyer about anything they do not mention.

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Explaining the costs	✓			<ul style="list-style-type: none"> • It is up to your lawyer to tell you about the costs of handling your case. <ul style="list-style-type: none"> ○ If your lawyer is being paid by Legal Aid Ontario, they should tell you how many hours of work LAO is paying for and what they think can be done in that amount of time. ○ If you are paying for your lawyer yourself, your lawyer should tell you their hourly rate as well as what some of the additional expenses (called disbursements) are likely to be. • If your lawyer does not bring this up in your first appointment, you should be prepared to ask about it.
Communication	✓	✓	✓	<p>All three of you are responsible for effective communication.</p> <ul style="list-style-type: none"> • You should come to meetings with your lawyer with written questions. <ul style="list-style-type: none"> ○ Your legal advocate can assist you with this. • You should be as clear as possible in telling your lawyer what you want in your case and what you want the lawyer to do. • Either you or your legal advocate should be prepared to take notes during your meetings with your lawyer. • Your lawyer is responsible for explaining things to you in clear, plain language so you can understand, but it is up to you to let your lawyer know when you don't understand something. • It is your lawyer's job to respond promptly to your questions, telephone calls or emails but it is your job to limit the amount of communications with your lawyer between appointments to urgent issues.

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Preparation for meetings	✓	✓	✓	<ul style="list-style-type: none"> • Working with your legal advocate, you should prepare for every meeting you have with your lawyer. <ul style="list-style-type: none"> ○ This includes making sure you have booked enough time to get to and from your appointment so you can be there on time, arranging for child care, putting together a list of the topics you want to cover in the appointment as well as any questions you want the lawyer to answer. • Your lawyer is responsible for having reviewed your file prior to each appointment so they are up to speed with your case and ready to provide you with information, get your instructions and answer your questions.
Explaining legal options/ providing legal advice	✓			<ul style="list-style-type: none"> • Only your lawyer should explain your legal options/give you legal advice. You give your lawyer information about your situation and tell them what outcomes you would like to get from your case, but it is the lawyer who tells you what is legally possible and what they think is the best legal course of action.
Completing documents	✓			<ul style="list-style-type: none"> • It is your lawyer's job to complete all the paperwork required in your case. <ul style="list-style-type: none"> ○ However, it is your job to review those documents and let the lawyer know if there is anything incorrect or that you don't agree with in them.
Serving documents	✓			<ul style="list-style-type: none"> • Your lawyer is the one who serves court documents on your former partner. If your former partner has a lawyer, the documents will be served on the lawyer; if not, they will be served on your former partner directly.
Communicating with your former partner	✓		✓	<ul style="list-style-type: none"> • Your lawyer is responsible for all legal communication with your former partner: to their lawyer, if they have one; to them directly, if they do not. • You, however, may also be in communication with your former partner about ongoing details such as issues relating to the children. You should follow your lawyer's advice about when and how to be in touch with your former partner.
	Who's responsible			

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Keeping track of your case	✓		✓	<ul style="list-style-type: none"> • Of course, your lawyer will have a file of everything related to your case, but it is very important for you to keep all this information too. • You should set up an organized filing system at the beginning of your case and make sure you get copies of everything your lawyer has. <ul style="list-style-type: none"> ○ Your legal advocate may be able to help you with this.
Following up between appointments		✓	✓	<ul style="list-style-type: none"> • Your lawyer will often give you tasks to complete before you come back for another appointment. If you want to keep your legal costs down and keep your case moving along, it is important for you to get these tasks done. • Your legal advocate can help you make a plan that you can follow and may be able to help you with some of this work.
Providing emotional support		✓		<ul style="list-style-type: none"> • Your lawyer’s job is to give you legal advice and follow your instructions about how to handle your case. While many lawyers are very sympathetic to their clients’ emotional needs, it is not the lawyer’s job to provide you with emotional support. • Your legal advocate can do this and can help you find additional counselling support if you need it.
Safety planning		✓	✓	<ul style="list-style-type: none"> • You and your legal advocate can work together to create a safety plan. You can let your lawyer know about it, but it is not your lawyer’s job to create it.