

SEEING A LAWYER

The law affects nearly everything we do but it can be complex and expert advice is often needed. A lawyer has the training, experience and knowledge to help you. If your lawyer can't help you with a particular matter, he or she will refer you to another specialist. Seeing a lawyer before a problem gets too big can help save you time, money and worry.

Some legal work can be done only by lawyers, while other work of a legal nature may be done by lawyers or non-lawyers. Lawyers must have a practising certificate issued by the New Zealand Law Society. You can call the Society on (04) 472 7837 or email registry@lawsociety.org.nz to see if the person you plan to consult holds a current practising certificate. From the end of November 2008, you will be able to check this by going to www.lawsociety.org.nz and looking up the register.

Your own lawyer will always give you independent advice. You do not have to use the same lawyer as your partner or anyone else involved in the same legal matter. In fact, sometimes you must each get independent legal advice.

To the best of the New Zealand Law Society's knowledge, the information in this brochure is accurate as at the date below. However, rules and procedures can change at any time and the most up-to-date information is available on the website at www.lawsociety.org.nz

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SEEING A LAWYER WHAT CAN YOU EXPECT?



What can I expect from my lawyer?

Lawyers must follow certain standards of professional behaviour as set out in the *Rules of Conduct and Client Care for Lawyers*. When you instruct a lawyer, he or she must provide you with information about:

- The basis on which fees will be charged, including when and how they are to be paid.
- Information about the lawyer's professional indemnity insurance (if any), the Lawyers' Fidelity Fund and the process for dealing with any complaints from clients.
- The name and position within the firm of the person responsible for your work.
- Any limits on the extent of the lawyer's obligations or liability.

The lawyer must also provide you with a copy of the client care and service information required under the rules. Your lawyer must:

- Act competently, in a timely way and in accordance with your instructions and any arrangements made.
- Protect and promote your interests and act for you without any compromising influences or loyalties.
- Discuss your objectives with you and how they may best be achieved.
- Provide you with written information about the work to be done, who will do it and the way the services will be provided.
- Charge you a fee that is fair and reasonable, tell you the basis on which fees will be charged, and tell you how and when you will be billed.
- Give you clear information and advice.
- Protect your privacy and ensure appropriate confidentiality.
- Treat you fairly, respectfully and without discrimination.
- Keep you informed about the work being done and advise you when it is completed.
- Let you know how to make a complaint and deal with any complaint promptly and fairly.

Usually you can change your lawyer at any time. You will have to pay for work done up to that point. A lawyer has a duty to complete work for you unless you agree otherwise, or there is good cause not to and the lawyer has given you reasonable notice.

Lawyers acting for other people must also treat you with integrity, respect and courtesy.

How much will it cost?

Your lawyer must inform you up front of the basis for charging and the process for payment. The fee will take into account the time taken and the lawyer's skill, specialised knowledge and experience. It may also depend on the importance and complexity of the matter, the nature of the work and how urgent it is, results achieved and the costs of running a practice, and any quote or estimate given or fee agreement made at the outset.

Various arrangements can be made for fees, including:

- Paying instalments as the work is being done.
- Paying at the end of the work.
- Paying a fee in advance (this must be held in trust and charges can be deducted only with your authority).
- A conditional fee (based on success).

Whatever arrangement is made, the fee should be fair and reasonable to both you and your lawyer and, as mentioned above, you must be given information in advance about the basis of charging and how and when payment is to be made.

As well as the fee, the lawyer may have to pay other charges (usually called disbursements) on your behalf and these will be passed on to you. These can include such things as court fees, registration charges and toll calls. Your lawyer can tell you what these are likely to be.

Sometimes a lawyer will, with your permission, instruct another lawyer to act on your behalf. In this case, your lawyer may bill you for the other lawyer's fees.

A lawyer is required to tell you if you might be entitled to legal aid.

How can I control the legal costs?

You can help keep the cost of legal services down by giving your lawyer a clear outline of what you need or what the problem is. This will assist when he or she estimates the likely cost.

In legal work, many factors can be hard to measure and may affect the final cost. Delays by another party can also increase costs and be outside your lawyer's control. If what is involved changes or looks as though it will change, discuss it with your lawyer promptly.

You are free to tell your lawyer that you don't want to spend more than a certain amount in legal fees and ask her or him to check with you before going over this amount.

Check that you and the lawyer understand and agree about what work is to be covered, what the fees and any other charges are likely to be, how you can pay them, and the process for the lawyer to report progress and any changes to you.

How can I get best value from my lawyer?

Get advice promptly: It will usually save you anxiety and money in the long run.

See a lawyer before you sign any important document: If you don't, you could find out – to your cost – that the words don't mean what you thought they did.

Don't leave it until the last minute: If a lawyer has to drop other work to help you at short notice, it may mean you pay more. It is best to give your lawyer as much notice as possible.

Give your lawyer all the documents: Always supply any relevant legal documents, letters, accounts, receipts and other papers to your lawyer. Put the documents in a logical order.

Be well prepared: Among other things, your lawyer's charges will reflect the amount of time spent looking after your affairs. If you take up the lawyer's time unnecessarily, you are wasting your money. Before you visit your lawyer, sort out everything you want to discuss.

Keep contact to the essential: Although you need to keep your lawyer fully informed, do remember that your lawyer may charge for his or her time, including time spent on the phone or emailing.

Money handling

If you have any doubts about how a lawyer is handling funds held on your behalf, phone **0800 261 801** to discuss your concern with a New Zealand Law Society Complaints and Standards Officer.

What if I am not happy with my lawyer?

If you are not satisfied with the way your lawyer is doing the work for you or you feel the cost is too high, or you are unhappy about a lawyer's conduct, you should first raise your concern with the lawyer or law firm and use their complaints procedures to try to sort it out.

If this is not appropriate, or you are still unhappy after doing so, you can take the matter to the Lawyers Complaints Service run by the New Zealand Law Society. See the brochure ***How to complain about a lawyer*** for information about this service or phone **0800 261 801** or see the website www.lawsociety.org.nz