

Getting Legal Help

How to find and talk to a lawyer

When you have a legal issue, talking to a lawyer can help you understand the issue, the law and the process.

In Alberta, only lawyers are allowed to give legal advice. Lots of other professionals can give you legal information – information about the law and process generally but not advice specific to your situation.

YOU ARE NOT ALONE.

There are support services available to help you. These include counselling services, and support before, during and after the legal process.

To connect with supports in your area:

- Call or text Alberta's One Line for Sexual Violence (1.866.403.8000)
- Call the Canadian Human Trafficking Hotline (1.833.900.1010) or chat live at www.canadianhumantraffickinghotline.ca
- Call or text Alberta 211 (2-1-1) or chat live at www.ab.211.ca
- See a list of sexual assault centres across Alberta at aasas.ca/get-help

Finding Legal Information

Often legal information can help you with your legal issue. Legal information can describe the law and legal processes.

For legal information on sexual violence, see the other tip sheets in this series:

- Sexual Violence and Consent
- Responding to Sexual Violence
- Reporting Sexual Violence to Police
- Sexual Violence in the Workplace
- Civil Law Remedies
- Sexual Violence within a Family
- Sex Trafficking

All of these documents are available free at:

www.cplea.ca/sexual-violence/

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This tip sheet describes legal responses to sexual violence. It does not cover all responses available to those who have experienced sexual violence. Read on for more info on organizations that can provide support. The other tip sheets in this series are available at: www.cplea.ca/sexual-violence/

Finding a Lawyer

There are many programs to help connect you with a lawyer – either free legal help or legal help for a fee.

Free Legal Help

Independent Legal Advice for Survivors of Sexual Assault

The Elizabeth Fry Society runs the Independent Legal Advice for Survivors of Sexual Violence project (ILA). As a survivor, you get up to four hours of free legal advice with a lawyer. ILA is open to adults (18+) of any gender who live in Alberta and experienced sexual violence in Alberta.

Phone: 780.784.2213

Email: legal_advice@efryedmonton.ab.ca

Website: <http://bit.ly/3aEZe5W>

Sexual Harassment Advisory Program

The Workers' Resource Centre (WRC) offers access to free legal help for individuals who have experienced sexual harassment in the workplace.

Phone: 1.844.435.7972

Website: www.helpwrc.org/wshp/

Duty Counsel

On the day of your court appearance, duty counsel are lawyers at the courthouse who provide information, guidance and advice to you. Sometimes they can speak to the court on your behalf. Duty counsel are free and available to all Albertans.

Duty counsel cannot help you before the day of your court appearance or provide ongoing help.

Duty counsel from Legal Aid Alberta are available at some docket courts in Alberta for criminal and family issues.

See Legal Aid Alberta's website for more information: legalaid.ab.ca

Duty counsel from the Queen's Bench Court Assistance Program are available in Edmonton and Calgary for civil issues in the Court of Queen's Bench.

See Pro Bono Law Alberta's website for more information: <http://bit.ly/2MD5FP6>

Legal Clinics

Community legal clinics or student clinics can provide you with limited legal services. At some clinics, you can book an appointment to talk to a volunteer lawyer or law student for 30 minutes about your case. You must meet financial eligibility tests.

Visit <https://www.lawcentralalberta.ca/Clinics> for a list of legal clinics across Alberta.

Legal Help for a Fee

Legal Aid Alberta

Legal Aid Alberta provides representation for many legal issues, but not all. They most often provide legal help for:

- serious criminal charges
- family law issues
- child welfare issues
- guardianship and trusteeship applications
- immigration or refugee claims

If you have experienced violence, you should note this on your application. You must be financially eligible to receive services. Services are not free – you will have to repay fees for services.

Phone: 1.866.845.3425

Website: legalaid.ab.ca

Alberta Legal Coaches & Limited Services

This website lists lawyers in Alberta who will provide legal services on a limited scope retainer. The lawyer will help you with part of the case but not all of it. This keeps your legal fees down since you will only pay for what the lawyer is doing. Limited legal services include:

- giving legal advice (including second opinions)
- preparing court and other legal documents
- going to court for hearings
- providing ongoing advice and coaching

Website: albertalegal.org

Talking to a Lawyer

You must be able to talk openly with your lawyer. Your lawyer must keep confidential the information you tell them. The lawyer can only share this information if you allow them to share it or your lawyer is required by law to share it. What you and your lawyer discuss cannot be evidence before the court. This communication is protected by solicitor-client privilege.

You can ask the lawyer questions to decide if they are a good fit for you. For example, you can ask the lawyer if they have experience working with survivors of sexual violence. You should also ask about how the lawyer will charge you for providing legal services. Before you hire a lawyer, you should be comfortable talking to them and feel that they will fully represent your interests.

There are also things you can do as a client to help your lawyer represent you:

- **Be honest**
Your lawyer cannot represent you effectively if they do not know all the facts.
- **Be prepared**
Bring all documents related to your case to your first meeting with the lawyer. If your lawyer asks for more information, get it to them quickly.
- **Be focused**
Arrive on time for your meetings. Try to arrange for childcare during the meetings. Take notes and ask questions if you do not understand.
- **Manage your expectations**
Your lawyer is also working for many other clients. Your lawyer may not be able to talk to you or return your calls as fast as you would like. Keep in mind that your lawyer may not be able to answer certain questions, such as how long things will take, how much things will cost and what the outcome will be. Every case is different and things come up that can change the speed, cost or outcome of a case.

Lawyer Referral Service

The Law Society of Alberta operates this service. You must tell the operator what kind of lawyer you need:

- a criminal lawyer (if you are being charged)
- a litigation lawyer (if you are starting a lawsuit or filing a human rights complaint)
- a family lawyer (if you experienced sexual violence within a family)

The operator will provide you with the name of three lawyers in your area. Each lawyer should provide you with a free half-hour consultation. You can tell them more about your situation and decide if they would be a good fit for you.

Phone: 1.800.661.1095

Website: <http://bit.ly/3cPI207>

Ask Around

You can also ask your friends and family for recommendations for lawyers. Your local support organization or social worker may also be able to suggest a lawyer who works with survivors of sexual violence. Tell them the type of person you are looking for and what you want help with.

Paying for Legal Help

Lawyers usually charge for their services. Some lawyers may provide pro bono (free) services. Each lawyer has their own policy about providing pro bono services.

Retainers and Retainer Agreements

When you hire a lawyer to help you, you are 'retaining a lawyer'. A retainer agreement is an agreement between you and the lawyer about how the lawyer will represent you and how much you will pay the lawyer. Usually it is in writing. Sometimes a lawyer will ask you for money upfront (a retainer) as a deposit for legal services they will provide in the future. The lawyer holds the retainer in trust and applies this money to fees for services they provide. When the retainer runs out, the lawyer may ask you for more money before they provide more services.

Limited Scope Retainers

Sometimes you can hire a lawyer to help you with some but not all of your legal case. Limited scope retainers set out what work the lawyer will do and how much they will charge you for their work. By you doing some of the work yourself, you can save on legal fees. Not all lawyers will agree to limited scope retainers. See info on Alberta Legal Coaches & Limited Services on page 2 for a list of lawyers who will agree to limited scope retainers.

Contingency Fee Agreements

If you are asking the court for money (damages), some lawyers will agree to take your case on a contingency basis. The lawyer will represent you in exchange for a percentage of the money you get from the defendant. If you do not get any money, you usually do not have to pay legal fees. You will have to pay any out-of-pocket expenses (disbursements) the lawyer incurred, such as court fees. You can negotiate the percentage amount and other terms of the agreement with the lawyer. The relationship between you and the lawyer will be set out in a contingency agreement. Usually, the agreement will say the percentage increases with each step. For example, if you and other parties settle the file early, the lawyer will get less. If the case goes all the way to trial, the lawyer might get 40% or more. The benefit of these agreements is that you do not have to pay legal fees unless you are successful (though you will have to pay other fees).

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You should NOT rely on this publication for legal advice. It provides general information on Alberta law only.

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The other tip sheets in this series are available at:
www.cplea.ca/sexual-violence/

Sexual Assault Centre of Edmonton

SACE supports children, youth, and adults who have experienced sexual abuse or assault, and educates the public about sexual violence.

www.sace.ca

Elizabeth Fry Northern Alberta

EFry supports women and girls who are or may be at risk of becoming criminalized.

www.efrynorthernalberta.com

Centre for Public Legal Education Alberta

CPLA makes the law understandable for Albertans by providing reliable and free legal information.

www.cplea.ca