

# Working with a Family Law Lawyer

If you are leaving an abusive relationship, a family law lawyer can play a key role in helping you understand your legal options, rights and responsibilities. It is important for you to take the time to find the right lawyer for you—someone you're comfortable communicating with and can trust to guide you through the legal process without pressuring you.

## How to Find a Family Law Lawyer

- **Personal recommendation or word of mouth:** Ask your family and friends for recommendations. Tell them the type of person you are looking for and what you want help with.
- **Lawyer Referral Service 1.800.661.1095:** Operated by the Law Society of Alberta, staff at the Lawyer Referral Service will provide you with the names of three lawyers in your geographic area who practice family law. Each lawyer should provide you with a free half-hour consultation where you can tell them more about your situation and determine whether they would be a good fit for you.
- **Talk to service providers:** Ask your local family violence information centre or domestic violence shelter if they have a list of family law lawyers who specialize in working with people who have experienced domestic violence.

## Questions to Ask a Family Law Lawyer

When you have your initial meeting with a family law lawyer, it is important to ask lots of questions to determine whether the lawyer will be a good fit for you. If you are intimidated by the lawyer or uncomfortable asking questions or sharing personal information, that probably means it isn't a good fit.

Here are some questions to consider asking:

- What is the lawyer's experience in family law? Do they practice exclusively in family law? How many years have they been in practice? Do they have colleagues who are also experienced in family law that could help you if they are not available?

- Does the lawyer have experience working with clients who have experienced domestic violence? Does the lawyer have any special training in domestic violence? Are they familiar with the laws in Alberta surrounding domestic violence?
- Ask about the lawyer’s experience working in any areas of particular importance to you—for example, parenting orders, protection orders, property division, financial support, etc.
- Ask for information about your legal options to resolve your case.
- Ask the lawyer about fees. How does the lawyer charge for their services? Hourly, block fees? How much does the lawyer anticipate the case will cost you?

## Choosing a Family Law Lawyer

It is extremely important that you feel comfortable with your family law lawyer. You will have to disclose private, personal information, so it is important that you feel comfortable sharing this kind of information with your lawyer.

Ask yourself the following questions after your meet with a potential lawyer:

	Yes	No
Does the lawyer have the family law experience and knowledge you’re looking for?	<input type="radio"/>	<input type="radio"/>
Does the lawyer understand issues related to domestic violence?	<input type="radio"/>	<input type="radio"/>
Do you think the lawyer will fully represent your interests and do a good job for you?	<input type="radio"/>	<input type="radio"/>
Did you feel the lawyer was honest with you about their ability to handle your case?	<input type="radio"/>	<input type="radio"/>
Did the lawyer listen to you carefully and respectfully?	<input type="radio"/>	<input type="radio"/>
Did the lawyer ask you exploratory questions and try to identify and prioritize your goals?	<input type="radio"/>	<input type="radio"/>
Did the lawyer ask what is most important to you in resolving your matter?	<input type="radio"/>	<input type="radio"/>
Did the lawyer explain your legal options?	<input type="radio"/>	<input type="radio"/>
Did the lawyer explain your chances of success?	<input type="radio"/>	<input type="radio"/>

	Yes	No
Did the lawyer explain that they cannot control certain outcomes, such as what your partner will agree to or what a judge will decide?	<input type="radio"/>	<input type="radio"/>
Did the lawyer allow you to ask questions?	<input type="radio"/>	<input type="radio"/>
Were you satisfied that your questions were fully and completely answered?	<input type="radio"/>	<input type="radio"/>
Did you find the lawyer easy to understand?	<input type="radio"/>	<input type="radio"/>
Did the lawyer explain things in a way that made sense to you?	<input type="radio"/>	<input type="radio"/>
Did the lawyer explain how long it might take to resolve your matter?	<input type="radio"/>	<input type="radio"/>
Did the lawyer explain how much the process may cost?	<input type="radio"/>	<input type="radio"/>
Did the lawyer explain what services they can and cannot provide?	<input type="radio"/>	<input type="radio"/>

This checklist was adapted with permission from the Barbara Schlifer Commemorative Clinic, Toronto, Ontario (with support from the Ontario Law Foundation) <http://schliferclinic.com>.



**Collaborative Family Law and Domestic Violence:** Collaborative family law is an out-of-court process that enables people to resolve their family law issues using mediators, financial advisors and counselors. This is a good option for some individuals, but if you have experienced any form of family violence (physical, mental, emotional), collaborative law is likely not an appropriate option for you. You should not feel pressured to resolve your matter using this method.

## Your Responsibilities as a Client

There are things that you can do as a client to help your lawyer more effectively represent you and your interests.

### Be honest

Your lawyer cannot represent you effectively if they do not know all of the facts. It is important to tell your lawyer everything about your situation even if it is painful or embarrassing, or if you think it could negatively affect your case. Your lawyer needs to be able to effectively respond anything negative that may come up during legal proceedings.

## Be prepared

Draft an agenda before you meet with your lawyer to make sure you cover all of the topics of concern to you. Bring documents and prepare notes for your lawyer to help them with your case. If your lawyer requests any further information or documents, follow through promptly.

## Be focused

Arrive on time for your meetings and try to arrange for child care during your meetings. This will keep you maintain your focus and ensure the meetings are an effective use of your time and your lawyer's. Take notes during your meetings and ask questions if you need your lawyer to clarify anything.

## Manage your expectations

Your lawyer is also working for many other clients. Be aware that your lawyer may not always be able to talk to you right away or return your calls as quickly as you would like. Your lawyer's receptionist or assistant can often answer basic questions—use them as a resource if your lawyer is not available.

Keep in mind that your lawyer may not be able to give you definitive answers to 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 unexpected things often come up during a case, which can speed things up, slow things down or completely change the expected outcome of the case.

## Paying for Legal Help: Understanding Fees and Retainers

### What is a retainer and retainer agreement?

Most lawyers will ask you for a **retainer** and ask you to sign a **retainer agreement**. A retainer is money you pay to a lawyer to secure their services and to cover legal fees and other expenses. The retainer amount will vary from lawyer to lawyer and is often dependent on their level of experience.

A retainer agreement is a written contract between you and your lawyer. It forms the basis for your lawyer/client relationship and it explains your lawyer's billing practices. Make sure the agreement indicates how your lawyer will charge you—some lawyers charge by the hour while some will charge you by the service provided. If your lawyer charges by the hour, make sure the retainer agreement identifies the hourly rate, any other fees and what services your lawyer will be providing. If you are paying for a service, make sure the agreement details the service to be provided, the associated cost and any other costs the lawyer may charge you for (for example, filing fees, travel, etc.).

## What is a limited scope retainer?

If you are unable to afford a lawyer to help you with your case from start to finish, you may be able to enter into a limited scope retainer. Under a limited scope retainer, your lawyer agrees to help with very specific tasks while leaving the rest of your legal proceedings in your hands. For example, you might ask your lawyer to draft and file a Claim for Divorce, but you will represent yourself in court. You should be very clear about the risks and limitations of proceeding this way and about the legal issues that fall outside the limited scope retainer.



**Alberta Legal Coaches & Limited Services** provides more information on limited scope retainers. Their website also lists Alberta lawyers providing legal coaching and limited scope services. Visit [albertalegal.org](http://albertalegal.org) for more info.

## Options if You Can't Afford a Lawyer

### Legal Aid Alberta

If you meet financial eligibility criteria and your case falls under Legal Aid Alberta's service umbrella, you may be eligible for legal representation. Legal Aid Alberta currently helps with most family matters including parenting orders, financial support, child welfare, separation and divorce, and protection orders. To find out if you're eligible, call 1.866.845.3425.

### Family Court Duty Counsel

Funded by Legal Aid Alberta, duty counsel are lawyers located at courthouses throughout Alberta who are available to assist you with your first court appearance. Their services are very limited and they cannot provide you with full representation. However, they can give brief legal advice and tell you about the court process. Call Legal Aid Alberta at 1.866.845.3425 to verify availability of duty counsel in your local courthouse.

### Government of Alberta's Resolution and Court Administration Services

Resolution and Court Administration Services may be able to help you with your family law matters by connecting you with appropriate assessment services. For more information about the services available, call 1.855.738.4747 or visit [alberta.ca/rcas.aspx](http://alberta.ca/rcas.aspx)

## Legal Clinics

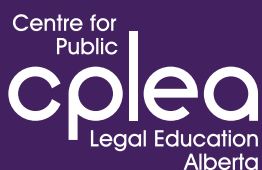
Alberta's community and student legal clinics may be able to provide you with limited legal services. If you meet financial eligibility criteria, you may be able to meet with a volunteer lawyer or law student for 30 minutes to receive legal advice about your case. Some legal clinics are also able to provide legal representation in limited circumstances.

For a list of legal clinics in Alberta, visit <https://lawcentralalberta.ca/clinics>

## Reliable Online Sources of Information

There are many excellent online legal information sources if you need further help understanding your legal situation:

- **Families & the Law series of booklets** (produced by the Centre for Public Legal Education Alberta and Edmonton Community Legal Centre): [www.cplea.ca/publications](http://www.cplea.ca/publications)
- **WillowNet: Abuse and the Law in Alberta** (a website of the Centre for Public Legal Education Alberta): [www.willownet.ca](http://www.willownet.ca)
- **Government of Alberta - Resolution & Court Administration Services**: call 1.855.738.4747 or visit [alberta.ca/rcas.aspx](http://alberta.ca/rcas.aspx)
- **Government of Canada - Department of Justice - Family Law in Canada**: [www.justice.gc.ca/eng/fl-df/index.html](http://www.justice.gc.ca/eng/fl-df/index.html)



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