

Dealing with Legal Advocates Effectively

Please pardon the seemingly self-serving topic, but I thought that it may be worth further discussion in the interest of assisting those who may be in urgent need of a legal advocate but are very hesitant to approach one.

For many of us, there would come a point in our lives when we, or a family member, will require the services of a lawyer, paralegal or legal consultant (collectively referred to as “legal advocates”). Justifiably or not, many are apprehensive about working with legal advocates. This article is meant to provide some guidance towards reducing if not eliminating such apprehensions.

As in most everything else, achieving a good and satisfying relationship with a legal advocate involves a two-way process. If you are thinking of consulting with or retaining a legal advocate’s services, here are a few tips that could hopefully make the experience a positive one.

First of all, your choice of a legal advocate should not be driven solely by financial considerations. That is, do not choose a legal advocate only because he or she charges the lowest fees. Conversely, the fact that a legal advocate charges the highest rate does not necessarily translate into the best legal services. As clients, we need to understand that legal advocates’ fees are based on a host of considerations. These include, the legal advocate’s specialization, the complexity of legal issues involved and estimated amount of time it will take to do the work, the volume of cases or transactions already being handled, the location and cost of overhead expenses, the potential risks and amount of work involved, the client’s means and ability to pay, etc.. Depending on your particular situation, one way to determine whether the cost is reasonable is to verify the scope or range of services covered, the approximate cost of disbursements and the flexibility of payment terms.

Although the cost is of course a significant factor to consider, one also needs to weigh other equally important factors such as communication lines, for instance. Are you comfortable with the fact that you can only speak with the legal assistant or receptionist and would only see the lawyer (if at all) when signing or commissioning documents? Does the legal advocate return calls within a reasonable time? Are you able to convey all relevant details to the legal advocate handling your case, in a language with which you are fairly comfortable?

Another important factor is compatibility with your personal values. Does the legal advice involve ethical or moral issues that you feel uncomfortable about or disagree with? You must always remember that a legal advocate can only provide legal advice but cannot force you to

do anything against your will. If the legal advice involves declaring untruths or intentionally misrepresenting facts, then you should be very wary. The same is true for all other types of advice that legal advocates provide. It is your life and legal situation that is at stake. If you feel that the advice is against your moral values or beliefs, then this is one clear sign that the legal advocate is not the right one for you.

It is also important to ensure that the legal advocate is a member in good standing with the relevant regulatory body. This means, for example, membership with the Law Society of Upper Canada (LSUC) for a lawyer or paralegal in Ontario or with the Immigration Consultants of Canada Regulatory Council (ICCRC) for immigration consultants. These regulatory bodies have mechanisms in place to allow wronged clients to file complaints against the legal advocate. While the systems in place are not perfect, they are meant to protect the public against unscrupulous or unethical practices and unprofessional delivery of services.

To ensure that your matter is attended to promptly, you have to provide all the required documentation and ensure that you have disclosed all pertinent information. If you are unsure which information is relevant to your legal matter, never hesitate to ask. It is always better to provide all relevant information earlier rather than disclose them at a much later stage when it could potentially involve more time and money to adjust the legal strategy or remedy being pursued. If you choose to obtain the services of a lawyer, the principle of lawyer-client privilege is an added assurance that client information is treated with utmost confidentiality.

Most importantly, treat your legal advocate and their office staff as well as opposing parties with honesty, civility and respect. Although you are a client and are paying for the legal services provided, this does not give you the license to make unreasonable demands or to use their legal services to unjustifiably make life difficult for others. The law is not meant to be an instrument for revenge or as a shield for wrongdoing. Negative stereotypes about the law and lawyers may say otherwise. It is about time that this bad reputation is changed.

However, it is not only up to the legal advocates themselves to effect this change. We must also do our part in ensuring that unethical practices or any other type of wrongdoing is discouraged if not totally thwarted. After all, upholding truth, equity and justice is everyone's responsibility.

The author is an immigration lawyer in the GTA and may be reached at deanna@santoslaw.ca.