

Questions to ask your solicitor

For many people, using a solicitor's services for a legal issue is unfamiliar territory. Some may be unsure about the legal process, concerned about the emotional toll of detailing a particular problem or apprehensive about costs.

Put simply – solicitors are here to help people. You should feel confident that in engaging one, you are taking an important step in protecting your rights and interests. The below recommendations guide you on how to select your solicitor and what questions you should ask.

Before your first appointment

Choosing legal advice

To ensure your needs will be met, conduct some research before engaging a solicitor.

- Identify the area of practice that most closely relates to your issue (eg family, wills and estates or property law)
- Locate potential solicitors – qis.com.au is a great resource for finding a solicitor. It also helps you to identify the relevant area of practice. You could also ask friends, family, work associates or other solicitors for a referral.

Meet a potential solicitor in person to see if you feel comfortable with their services and fees.

Check a solicitor's credentials and background online. Confirm how long they have been practising or whether they are specialised in the particular area of practice you need.

Accredited specialists

You can narrow your selection to a legal practitioner whose sole interest is the area of law in which you require assistance.

Alternatively, Queensland Law Society can refer you to an accredited specialist solicitor who has successfully completed an advanced, peer-reviewed assessment program in a specific area of law. Accredited specialists are highly skilled in their area of law.

Is my first appointment free?

Some legal firms offer a free-of-charge initial consultation so you can explain your case and your solicitor can scope the amount of work required and the fee structure. You should ask about the cost of the initial appointment prior to attending.

The first meeting

The first appointment is essential to see if you feel comfortable with the solicitor and their fees. You are under no obligation to hire a solicitor after the first consultation. If the solicitor has not offered a free consultation you may be required to pay any agreed charges for the consultation.

In your first consultation, you should discuss your legal issues and your expectations with your solicitor. It is important that you disclose anything that may be important to help the solicitor fully understand your case.

You should be aware that all lawyers must provide a costs agreement when they agree to act for you, if the professional fees will exceed the statutory threshold (\$1500 at November 2018).

The costs agreement should outline an estimate or the basis on which work will be charged.

Most lawyers will want an initial meeting with a client to scope the work prior to engagement and sending you the costs agreement.

Can I change my solicitor?

You are entitled to seek a second opinion. If you decide to change solicitors, you need to advise your original solicitor that you would like to bring the work to an end, and once you have paid for the work already completed, you can engage another solicitor. The costs agreement between you and your solicitor may specify how fees are paid if you change solicitors.

What to ask your solicitor

What documentation do I need to bring to the first meeting?

Your solicitor may need evidence or legal documentation for your case, so you should ask what to bring with you to your first appointment. Some documentation may be sufficient in copy, but your solicitor may need to see originals.

Have you handled similar situations/cases?

You should do some research before you meet with your solicitor. You can also ask your solicitor questions such as:

- How long have you been practising?
- Have you managed similar situations?
- What was the outcome?

Who is handling my issue?

You may choose an accredited specialist who is experienced in dealing with a particular area of practice. The requirements of your case will determine if an associate or someone more senior manages your work. It is important that you understand who will be carrying out the work (i.e. if the solicitor you are meeting will do the work).

How long will my matter take?

Your solicitor should be able to estimate the time needed to complete the work. The amount of time depends on many factors such as the nature and type of work required to be carried out, the size of the firm and its current workload. It is also important to clarify if, in adversarial circumstances, you will be involved in dispute resolution such as mediation, arbitration or court proceedings. Solicitors have an ethical obligation to deliver legal services competently, diligently and as promptly as reasonably possible.

If I'm taking action against someone, what are my prospects of success?

The success rate depends on various factors related to the details of the case. Your solicitor will be able to give you advice on this point. However, it may not be possible to determine your prospects of success at the first meeting. The solicitor may require some further information to be able to provide you with more certainty about your matter. .

It is a good opportunity to enquire about what happens if you lose the case (e.g. having to pay the other side's costs).

Each legal matter is different. It is important to remember that you may not experience the same outcome as your friends or relatives who have had similar cases.

Can I ask for a progress report?

Yes. Your solicitor can provide a written progress report on your case and you should be regularly updated on developments. Please note that you may be charged for this service. Your solicitor cannot, however, charge for simply updating you on accrued legal costs if you ask for them. Your solicitor is required to provide ongoing disclosure about your costs.

What do I pay for?

There are two components to your invoice

- Professional fees:
 - are charged for the solicitor's time and expertise (e.g. drafting correspondence, preparing legal documentation, liaising with other parties)
 - can be fixed hourly fees (or agreed retainers) or conditional cost agreements (e.g. based on the successful outcome of a case).
- Disbursements include other fees spent on your behalf (e.g. filing fees, witness fees or search fees).

What costs should I expect?

Most solicitors charge on an hourly basis. Some solicitors, however, offer retainers (fixed fees) for specific legal services. Costs depend on a number of factors:

- The type of work.
- The level of experience of your solicitor
- The time spent on a matter
- The size of the firm
- The geographic location

Other factors include the use of legal aid services, conditional costs agreements (no win, no fee) and litigation loans. It is advisable to enquire about charges and payment before you retain a solicitor. A solicitor is required to provide you with an estimate of the professional fees and disbursements (eg filing fees).

What if I'm unhappy with the costs?

The *Legal Profession Act 2007* requires that a law firm advise their clients of their rights to dispute a bill. You can request an itemised bill that lists each item of work and the amount charged. There are time limits to challenge a legal bill, so it is essential to speak to your solicitor as soon as possible, if you have an issue.

If you cannot resolve the dispute directly, you can contact a dispute resolution centre including through the Department of Justice and Attorney-General qld.gov.au/law/legal-mediation-and-justice-of-the-peace/settling-disputes-out-of-court/dispute-resolution-centres.

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The information in this brochure is merely a guide. It is not meant to be a detailed explanation of the law and it does not constitute legal advice. Queensland Law Society recommends you see your solicitor about particular legal concerns.