

Checklist questions you should ask your lawyer

Did you know?

Most problems between legal practitioners and clients stem from a lack of communication. If problems come up, talk to your legal practitioner or write them down.

Main topics:

- When should I contact a lawyer?
- Preparing for the first meeting
- Questions you should ask when choosing a lawyer

When should I contact a lawyer?

It may be appropriate to consult a lawyer when:	
starting a business to help you	<ul style="list-style-type: none"> ■ choose the most appropriate structure for your business ■ write a partnership agreement, disclosure documents and disclaimers ■ check legal contracts between suppliers and distributors ■ maintain an independent view of your business situation ■ with legal obligations such as licensing
resolving disputes between	<ul style="list-style-type: none"> ■ one business and another ■ a business and a supplier ■ a business owner and a landlord ■ an employer and employee ■ partners within a business
dealing with employment issues such as	<ul style="list-style-type: none"> ■ drawing up employment contracts ■ terminating an employee
protecting intellectual property	<ul style="list-style-type: none"> ■ to assist in securing trade mark and domain name protection ■ if there is a violation

Preparing for the first meeting

It is important to give your lawyer a clear picture of what your problem is and what you hope to achieve. Assemble as many facts and documents related to your case as you can, organise them and bring them with you. This could include:

- writing out a detailed account of everything you can remember or know about the situation, including dates if relevant
- listing the expenses you have incurred and attaching documents supporting this record

Checklist questions you should ask your lawyer

Questions you should ask when choosing a lawyer		
Checklist questions	Tips to get you prepared	Tick (✓)
What are your qualifications?	Lawyers should hold accredited qualifications and be registered to practice law in Victoria.	
Do you have experience with my kind of problem?	Do they have experience in your business' special needs?	
What kind of clients do you see most often?	Do they have clients in your sector?	
Can you begin work immediately?	If not, why not?	
What steps are involved in solving this problem?	Make sure you understand the specific details of each process	
Can you give me an estimate of the overall time likely to be involved? And how much time is each step likely to take?	A reasonable time-frame.	
Please give me a frank assessment of my chances of success.	Would it be better to try to negotiate a settlement?	
Is there anything I can do to cut down the time you have to spend on the case?	Look for potential avenues to reduce your costs.	
Who will look after my business most of the time? How many partners are there?	Consider choosing a practice comparable in size to your business. Sometimes smaller practices suit smaller businesses.	
What sort of access will I have to the data you hold about my business	Access to information you might need e.g. (Notes of meetings and documentation prepared in relation to your business)	
How do you do your research? May I look at some of the services you use?	Subscribes to research journals and services. Even if you have never heard of them, flick through them and see if they compare.	

Remember: You will probably be making a big investment, both in time and money, in resolving your legal problem. Don't be afraid to ask lots of questions. Carefully choose a legal practitioner who is best for you.

Before retaining a lawyer:

- make it clear you want to be kept informed of all developments in the case
- if you think you may be entitled to legal aid, mention this to the lawyer. Not all lawyers take legal aid work
- If your matter involves family law proceedings, the lawyer must also give you a costs brochure prepared by the Family Court
- make sure you get information about all legal costs including estimates of the total legal costs, method of costing the legal service and billing arrangements. This information must be provided before the lawyer is retained or as soon as practicable after being retained.

For more information:

- call Business Victoria on 13 22 15
- visit the Business Victoria website at www.business.vic.gov.au
- visit a Victorian Business Centre (VBC). For a list of VBC locations, go to www.business.vic.gov.au/vbc
- to find an adviser in your area, go to www.business.vic.gov.au/findanadviser

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