

MENTAL HEALTH & LAW SERIES



Help! I Need A Lawyer! Part 1: Finding a Lawyer in Your Community

Over the next several weeks and months, Community and Legal Aid Services Programme (CLASP), a student legal aid clinic at Osgoode Hall Law School, and MDAO will provide you with a series of articles describing the different types of legal services available in your communities. This first installment is a general overview of services. Look for follow-up articles with information specific to family and criminal law and, later, information about how to pick the right lawyer for you!

Let's face it. You don't usually need a lawyer unless something is going wrong. And when something's going wrong, it is often overwhelming to start the search for the right person or agency to help you. If you haven't had contact with lawyers before, knowing where to begin can be the most difficult part of the task.

But finding a lawyer need not be so difficult. It is much like any other project – once you know how the system works, it is much easier to navigate.

The first major consideration is whether or not you qualify for free or subsidized legal services through the Ontario Legal Aid Program. Legal Aid has a number of different services that can assist you if you qualify financially: community-based legal clinics, the certificate program, and duty counsel. If you do not qualify for legal aid, you can access a private lawyer. So, you are probably now wondering “when and how do I use these three services and where do I start?”

COMMUNITY-BASED LEGAL AID CLINICS

The best way to begin your search for legal assistance is by contacting a community legal aid clinic, where a clinic worker can help you define and categorize the particular issue that you are facing. If you are in a larger community with more than one clinic, each will serve a specific geographical area and, depending on where you live, you will be directed to the correct clinic. If the clinic cannot help you with your specific problem, they will most likely be able to refer you to the appropriate agency or a local lawyer. To find your local legal clinic go to <http://www.legalaid.on.ca/en/getting/clinic.asp> or call toll free 1-800-668-8258.

Most legal clinics provide assistance with housing, social assistance, immigration and employment issues and other matters that are commonly experienced by low-income persons and families. There are also a number of clinics that specialize in particular areas of law. Although most are located in Toronto, they will provide service throughout the province. Your local clinic can advise you if a specialty clinic is appropriate. If you are in a city with a law school, you will likely also have access to a student-based legal clinic, like CLASP at Osgoode Hall in Toronto. Student legal aid societies typically deal with slightly different areas of law like criminal and education issues. All legal clinics are free.

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LEGAL AID CERTIFICATE PROGRAM

Community legal aid clinics only assist low or no income individuals with specific types of legal problems. The legal aid certificate program provides individuals with assistance in other, specific legal matters such as criminal charges, family law, mental health, immigration and refugee and some civil issues. To qualify for legal aid certificate an individual has to apply at a legal aid office, often located in your local courthouse. If you qualify for a certificate, you will be able to receive legal advice and representation from legal aid staff lawyers or a private lawyer of your choice.

You may not qualify for free services but may still receive a subsidy from legal aid. You may be asked to sign a lien against a home that you own for the cost of services. The lien will be paid to legal aid when you sell your house. You may also be asked to pay back some of the fees with a payment plan. If you have any questions about the payment arrangements, ask legal aid or the lawyer helping you.

The legal aid office will also be able to provide you with a list of lawyers in the community that provide services in the specific area of law you require. You can choose any lawyer who is willing to provide services on a certificate.

DUTY COUNSEL IN THE COURTROOM

Finally, if you find yourself in a courtroom without any legal representation and have questions about process or need advice on what your options are you can access the services of a duty counsel. To access this service you may have to provide the duty counsel with some information to verify that you cannot afford to pay for a lawyer. Duty counsel is available in criminal, family and landlord tenant courts. The courtroom is often very busy and duty counsel may only be able to provide you with brief services.

PRIVATE COUNSEL

If you don't qualify for legal aid, you can hire private counsel to assist you. Lawyers sometimes will only practice certain types of law so it is important to find the right lawyer for you. To find a private lawyer, you may ask your local legal aid service. They will have a list of lawyers that provide a number of services in your community. The Law Society of Upper Canada, a lawyer organization, also provides a telephone service to locate counsel. There is a \$6.00 fee which is added to your phone bill but you will also receive up to 30 minutes free consultation. To access the service, call 1-900-565-4LRS (4577). Remember that you are paying for your lawyer so don't be afraid to meet with more than one until you find someone with whom you feel confident.

Typically, you will meet with them to go through the facts of your situation in an initial interview. The interview may be free, however, you should ask in advance. There are a number of different ways you can pay for private services. Often, lawyers will ask for a "retainer" or a deposit of money that will be applied to your bill. The retainer will vary in amount depending on your type of matter. You may also arrange a payment plan or contingency fee with your lawyer, particularly if you have difficulty paying a retainer.

OUR FINAL TIP!

Don't be intimidated and don't be afraid to ask questions. If you are involved in a legal issue, you should get help as soon as possible to give you and your lawyer time to solve your problem.