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Selecting an Appropriate Solicitor/ Lawyer

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Choosing an appropriate lawyer is one of the most critical decisions you can make while participating with rehabilitation. When injuries are legitimate, most carriers are forthcoming with accident benefits; however, within an adversarial process, conflicts are destined to happen regarding the entitlement to benefits.

Alterations in automotive legislation occur with each change of government. Within the last ten years, there have been three sets of legislation in Ontario, OMPP, Bill 164, and now the most recent legislation of Bill 69. It is therefore important to choose a lawyer that specializes in personal injury and to ensure they are knowledgeable about your entitlement to benefits based on the legislation that affects you!

There are a variety of sources that may provide advice on appropriate law firms or lawyers. As an example, you can ask your treating health care professionals who they might recommend. You may also ask friends who they would recommend. The Law Society of Upper Canada, who regulates lawyers in Ontario, also has a referral service. You can call them and ask for the names of lawyers in your geographic location that specialize in personal injury. They should provide you a few names. By no means does this mean that the Law Society is endorsing these lawyers.

It is important to have legal representation as soon as possible to ensure that your rights are protected. Keep in mind, that the liability is then assumed by your lawyer. If they provide you with incorrect advice, you in turn, have a right to sue them for negligence. You must be able to prove that they performed an act of negligence such as missing a limitation period verses an error in judgement to be successful; however, if you have legal representation and find they are not adhering to your wishes, you can dismiss them and retain new counsel.

Once you receive these names, how do you decide if they are appropriate? An important indicator is if the lawyer is able to answer your general questions over the phone, prior to your first meeting. You can decide if you can afford their fees, as in some cases they will be able to provide an approximate total cost. Depending on the complexity of your case, lawyers may not be able to quote an exact fee. This is especially the case with personal injury litigation. If the lawyer is experienced with personal injury cases, they will be able to determine which experts should be used, and they will have an understanding on how much each expert will cost. These costs or disbursements are very important. They can mount up! Therefore, ensure that you ask the lawyer for a detailed list.

Lawyers understand the importance of these disbursements, and some will assume their client knows all about them; however, most citizens are ignorant of legal proceedings. In addition to disbursements, ask your lawyer what their hourly rate is. Their hourly rate may also provide you with an indication of their experience. It is important to understand that most lawyers will ask for a retainer. A retainer is money that you will pay them up front before a lawyer will agree to represent your interests. The retainer covers their initial disbursements (costs) and perhaps some of the initial fees.

Remember, lawyers are service providers and are appointed to protect your interests. Although they are responsible to advise you on your rights, they should not be the decision makers. They should provide you with as much information as possible so that you are able to make informed decisions. Do not be afraid to ask the lawyer questions! If you are not satisfied with the answers, elicit a second opinion.

It is important to feel comfortable with your lawyer as you may be dealing with them for an extended period of time.

