

WORKING WITH YOUR LAWYER

A Toolkit for Survivors of Domestic Abuse

1. EXPECTATIONS

2. COMMUNICATIONS

3. DECISION-MAKING

This brochure series is also available in French, Spanish, Farsi, Tamil, Vietnamese and Mandarin. Individual brochures are available for download in pdf form at: www.schliferclinic.com/legal/toolkit.htm

THE BARBRA SCHLIFER CLINIC | *for women survivors of violence*

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Communications



INTRODUCTION

COMMUNICATING WELL with your lawyer is the key to a healthy and successful working relationship. But this is where many clients, including survivors of domestic abuse, have great difficulty. Failure to overcome communication problems can have serious results that range from feeling dissatisfied with your lawyer to agreements on custody and other settlement arrangements that you never wanted. It is important to take steps to prevent these problems from arising and to address them when they do occur.

What are some of the most common barriers to good communications?

- Not understanding what your lawyer is telling you.
- Feeling like your lawyer does not understand or take seriously the impact of past abuse on you or your children.
- Not being allowed to tell the story about your experiences of abuse the way you want to tell it.
- Being afraid or embarrassed to answer your lawyer's questions, especially those relating to your experiences of abuse.
- Being afraid or embarrassed to ask your lawyer any questions.

What should you know about communicating effectively with your lawyer?

- Remember that you have the right to be in control of this relationship. When you hire a lawyer, you are hiring someone who will use their expertise and knowledge of the law to try to achieve your goals.
- Your lawyer may ask you questions about your history with your partner that are upsetting or embarrassing to talk about. Similarly, your lawyer may want to focus on certain issues or only a part of your story. The reason is that it is part of your lawyer's responsibility to shape your story into something the courts might understand and sympathize with. ►

- Remember it is important for your lawyer to hear about any part of your spousal relationship that you think is relevant. The more information you can share with your lawyer, the better prepared your lawyer will be to represent your interests.
- Use your face-to-face meetings to ask questions and answer your lawyer's questions. Prepare background materials in writing before your meetings. Typically, lawyers do not have a lot of time for meetings, so try to organize your thoughts in an efficient manner.
- You are the expert on what happened to you and what you want in order to secure your future. It is your job to make your goals and concerns known to your lawyer.

How can you make your position known to your lawyer?

Think about what you want to achieve and about what concerns you. If you have not met with your lawyer yet, take the time to write things down. Try making a list that uses "I want ... because ..." statements. For example:

- I want sole custody of our children because I am the more nurturing parent.
- I don't want my ex to know where I live because he said he would kill me if I ever left him.

(Note that your lawyer may ask you to provide more details about why you wish for certain things.)

As your case continues it is important that your lawyer is clear about what you want, especially if your lawyer is negotiating a settlement agreement that sets out access and custody arrangements, support and division of property. Make an effort to put your wishes in writing and give a copy to your lawyer.

Take notes when you meet with your lawyer. This will help you stay organized, and will help refresh your memory. Sometimes, it might be a good idea to take a support person with you to take notes for you while you focus on your conversation with your lawyer. It's a good idea to talk to your lawyer before bringing a support person to understand how having a third person can affect the lawyer-client relationship.

What can you do if you don't understand what your lawyer is telling you?

If English is not your first language and you are on a Legal Aid certificate, Legal Aid Ontario will pay for an interpreter. Also, the courts will pay for an interpreter at hearings. You can ask your lawyer about this. Never suggest that you use your child as an interpreter.

Clients also often complain that they do not understand their lawyer because lawyers

use a lot of legal jargon and discuss laws, rules and precedents that clients do not understand. If you are confused or unclear about your lawyer's advice, you must take steps to address this problem.

Ask your lawyer questions if you don't understand something, and make sure your lawyer has explained everything to your satisfaction.

Educate yourself. The more you understand the issues, the better you can give meaningful instruction to your lawyer and make informed decisions.

There are a number of resources you can access, free of charge or at low-cost, to help educate yourself on family law and legal language. Your local women's shelter is an excellent place to get information and support. Shelters and community legal clinics may also hold seminars, workshops and summary advice clinics to help you understand your rights.

If you live near a law school you can usually access their law library. Local libraries may have guides to family law that you can borrow. Ask the librarian to help you do research, but you may not be allowed to borrow books. Many large bookstores will carry books on family law as well. If you have Internet access you can find legal information online or purchase books from sites like www.amazon.ca.

More resources

Government websites:

- www.e-laws.gov.on.ca
- Ministry of the Attorney General – Family Law Information Centre
www.attorneygeneral.jus.gov.on.ca/english/family/infoctr.asp

Online or mail-order guides to family law and related publications:

- Community Legal Education Ontario (CLEO): www.cleonet.on.ca
- Metropolitan Action Committee on Violence Against Women and Children (METRAC): www.metrac.org
- Education Wife Assault: www.womanabuseprevention.com

Finding a lawyer:

- Legal Aid Ontario: www.legalaid.on.ca or 1-800-668-8258
- Barbra Schlifer Commemorative Clinic: 416-323-9149
- Law Society of Upper Canada, Lawyer Referral Service: www.lsuc.on.ca or 1-900-565-4577

Finding local women's shelters and community services:

- www.211.ca, dial 211 or look in the front pages of the phone book