

How to Choose the Right Legal Representative

For this month, I would like to take a break from the usual immigration law updates that I had been writing about in previous articles. Instead, please allow me to provide some practical tips in finding the right legal representative and help ease the work relationship on both sides.

As in most everything else, achieving a good and satisfying relationship involves a two-way process. The same applies in choosing and eventually working with a lawyer or other legal representative. If you are thinking of consulting with or retaining a lawyer's services, I hope that the suggestions and guidelines below will help make the experience a positive and productive one. Since I obviously cannot speak for all lawyers or legal representatives, the suggestions below are mainly based on my own limited experience.

First of all, your choice of a legal representative should not be driven solely by financial considerations. That is, do not choose a lawyer or other legal representative solely because he or she charges the lowest fees. Conversely, the fact that a lawyer or other representative charges the highest rate does not necessarily translate into the best services. As clients, we need to understand that legal or professional fees are driven by various considerations. These include, the legal representative's training and specialization, the complexity of legal issues involved, the estimated amount of time that the case/file will take, the volume of cases or transactions already being handled, the location and cost of overhead expenses, the potential risks and amount of work involved, the client's means and ability to pay, etc.. One possible way to assess whether the cost is reasonable is to determine the representative's knowledge and direct experience in the issue/s at hand as well as to verify the range of services covered, the approximate cost of disbursements, and terms of payment.

Although the cost is of course a significant factor to consider, one also needs to weigh other equally important factors such as communication lines, for instance. That is, are you comfortable with the fact that you can only speak with the legal assistant and receptionist and only see the lawyer (if at all) when signing or commissioning documents? Does the lawyer or legal representative return calls within a reasonable time? Are you able to convey all relevant details to the lawyer or representative handling your case, in a language with which you are fairly comfortable?

Another very important factor to consider is compatibility with your personal values. For instance, does the legal advice involve ethical or moral issues that you feel uncomfortable about or disagree with? You must always remember that a lawyer can only provide legal advice but cannot force you to do anything against your will. For instance, if the legal advice involves telling untruths or intentionally misrepresenting facts, then you should be very wary. The same is true for all other types of advice that legal representatives provide. It is your life and legal situation that is at stake. If you feel that the advice is against your personal values or beliefs, then this is one clear sign that the lawyer or any other legal representative is not the right one for you.

It is also important for you to ensure that the lawyer or other legal representative is a member in good standing with the relevant regulatory body. This means, for example, membership in good standing with the Law Society of Ontario (LSO) or with the current regulatory body for immigration consultants. These regulatory bodies have mechanisms in place to allow wronged clients to file complaints against the lawyer or legal representative. Although the systems in place are not perfect, they are meant to protect the public against unscrupulous practices and unprofessional services. While this may entail some research or investigation on your part, it is well worth the effort and will prove invaluable in the long run.

To ensure that all relevant matters are considered and attended to promptly, you have to provide all the required documentation and ensure that you have disclosed all pertinent information. If you are unsure which information is relevant to your legal matter, feel free to ask. It is always better to provide all relevant information earlier rather than disclose them at a much later stage when potentially more time and money will be needed to adjust the legal strategy or remedy being pursued. Moreover, if you will retain the services of a lawyer, the principle of lawyer-client privilege is an added assurance that all client information are treated with utmost confidentiality.

As in everything else, treat your lawyer or legal representative and their office staff with honesty, respect and candor. Although you are a client and are paying for the legal services provided, this does not give you the license to make unreasonable demands or to use their services to unjustifiably make life difficult for others. The law is not meant to be an instrument for revenge or as a shield for wrongdoing. Negative stereotypes about the law and lawyers may say otherwise but it's about time that this bad reputation (whether justified or not) is changed.

However, it is not only up to the lawyers and legal representatives themselves to effect this change. If clients will refuse to work with those who encourage unethical practices or any other type of wrongdoing, then hopefully, these unscrupulous practices will cease. In the process, we are also ensuring that the law is being used as it should be: to uphold truth and justice instead of otherwise.

After all, upholding truth and justice is not just the lawyers' but everyone else's responsibility.

The author is a Filipino-Canadian immigration lawyer and may be reached at deanna@santoslaw.ca or tel. no. 416-901-8497.