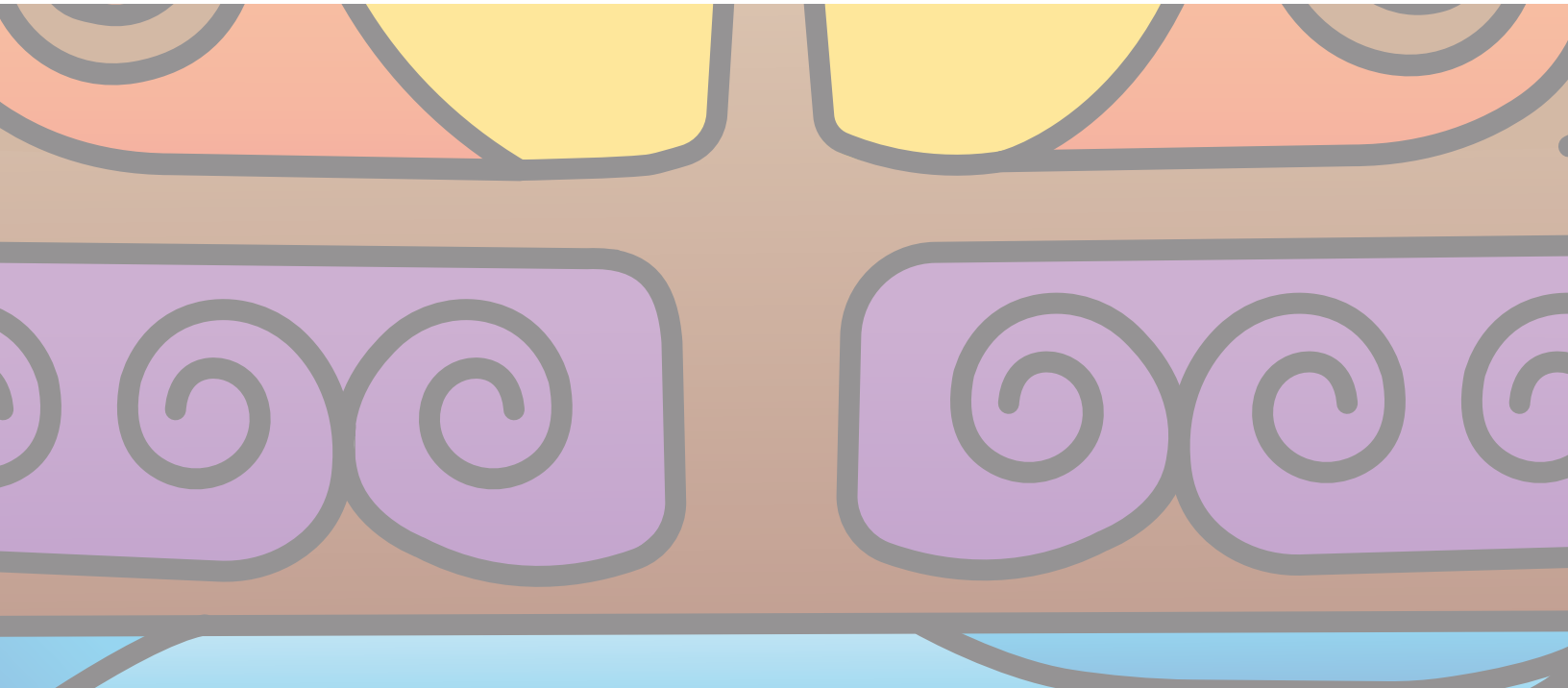
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WHEN AND HOW TO GET LEGAL HELP

Almost everyone will need **legal advice** at some point in their lives. Whether it's navigating a complex legal issue, protecting your rights, or resolving a dispute, understanding when and how to seek the help of a lawyer is crucial.

This document will outline key issues to consider when deciding whether to speak with and get a lawyer, how to get one, and what to do if you cannot afford a lawyer.



What Can a Lawyer Help Me With?

Lawyers are trained in various areas, including criminal, family, business, employment, tax, insurance, personal injury, and others.

A lawyer will give you expert advice on your issue and can answer questions like:

- What does the law say about my situation?
- What are my legal rights and responsibilities?
- What are the legal options and risks available to me?
- What would the legal process in this situation look like?

You do not need to be in conflict with someone else or part of a formal lawsuit to speak to a lawyer.

Lawyers offer valuable services in many situations that do not involve disputes. For instance, a lawyer can:

- Draft a Will;
- Draft a contract for a business; or
- Provide legal advice on buying or selling real estate.



What Are Some Situations in Which I Should Consult a Lawyer?

Formally hiring a lawyer is not always necessary.

Key factors to consider when deciding whether to hire a lawyer include:

- The complexity or length of the issue;
- Whether a formal legal process has started or is likely;
- The significance of the matter or value at stake.

You will likely need a lawyer for more complex, serious issues that are being addressed in a formal court case. You should at least **speak** to a lawyer in the following situations:

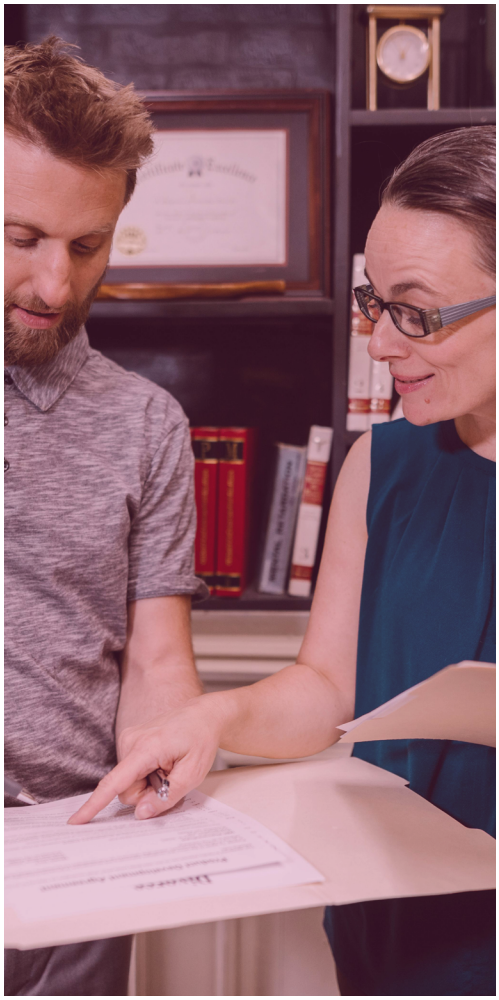
- You being accused or arrested for a crime;
- You are involved in a serious accident, causing personal injury or property damage;
- There is a change in family status (e.g. divorce, adoption, child custody dispute, or death);
- There is a change in financial status (e.g. losing or gaining valuable property, starting a business, or filing for bankruptcy); and
- You have been sued in a formal lawsuit.

If you think you need a lawyer, you should speak to one as soon as possible. This will ensure the lawyer is in the best position to gather all the information and assess your options.



How Do I Find a Lawyer?

- Ask your family, friends, neighbours, or someone else you trust for a recommendation. If you are Indigenous and involved in a criminal law proceeding, you may also want to connect with an **Indigenous Courtworker (ICW)** for a recommendation on a lawyer.
- If you cannot get a recommendation, you can also try searching for local lawyers on the Internet. Look for someone who specializes in the specific area of law you are dealing with. For instance, you would search for a “family lawyer” or “child custody lawyer” if you are dealing with a dispute with a former partner about where your child should live.
- You do not need to hire the first lawyer you speak to. You can talk with different lawyers to see which one you like, based on their cost, experience, responsiveness, and your comfort level with them. You will often need to share a lot of information with your lawyer, so you should **pick someone you can trust.**



What Happens After I Find a Lawyer?

1. Initial Contact

Once you have the contact information of a potential lawyer, you will provide them with a description of your issue and what outcome you are hoping for. You can provide any relevant documents, such as a contract, emails, or receipts. Depending on your situation, you may schedule a phone call or send an email.

Before meeting with the lawyer, **prepare a list of questions for them.** Your questions should help you get a sense of their experience with cases like yours, as well as what their approach to your case would be. Lawyers will not usually be able or willing to give an in-depth legal analysis without reviewing your case more closely and entering into a contract with you.

However, at an initial meeting, the lawyer should be able to tell you:

- The estimated cost and time for resolving your problem;
- How you will be charged for their services;
- Who will be responsible for your case on a day-to-day basis; and
- What the general steps of the legal process will look like.

If the lawyer thinks they can take your case, they will send you a “retainer,” which is a contract for their services. They should also schedule a follow-up meeting to gather more information.

If the lawyer cannot take your case, you can ask them for a recommendation of who else to contact.

2. Signing a Retainer Agreement

A retainer is an agreement between you and the lawyer for their services. It should clearly state what they are helping you with, as well as how the lawyer is going to charge you.

You will usually be responsible for paying for a lawyer’s out-of-pocket fees (also known as “disbursements”) — this can include things like fees for court filings, photocopying, obtaining certificates, expert reports, and travel expenses.



In terms of legal services, lawyers can charge you in a few different ways:

- **Hourly rate:** This is the most common method of payment. Lawyers will track their time spent on your case, such as phone calls, drafting letters and legal documents, meetings with you, and appearing in court. Time is tracked in 6-minute increments, and you will receive a monthly invoice. A lawyer's rate often depends on their years of experience.
- **Flat fee:** For certain routine matters, like drafting a will, filing an uncontested divorce, or incorporating a company, lawyers may choose to charge a fixed fee. This will be the cost of their service, no matter how long the lawyer spends on your file.
- **Contingency fee:** This means the lawyer will get a percentage of the money awarded to you if you win the case. If you lose the case, you do not need to pay the lawyer any service fee. However, you would need to pay for a lawyer's disbursements. Lawyers may use a contingency fee if a client cannot pay the amount up front.

There are special rules in New Brunswick regarding contingency fee arrangements. For example, contingency fees are not permitted for family law, criminal, or quasi-criminal matters. There is also a maximum percentage that lawyers are allowed to charge. For more information, please see the Law Society of New Brunswick's website, "Contingent Fee Arrangements".

Before signing a retainer, you should make sure you understand the agreement. Don't be afraid to ask your lawyer to explain the agreement to you.



3. Providing Legal Services

After signing a retainer, the next steps will depend a lot on the nature of your case. For instance, for commercial transactions, the lawyer may draft or review a contract and file certain documents to make sure the transaction is legally valid. For matters going through court, a lawyer will usually review your case in more detail, then provide a legal opinion of your chances of success. They will also appear in court and talk to the other side for you.

Lawyers will apply the law to the facts of your case, and can present the legal benefits and risks of different options. Often, they will recommend what to do. However, it is ultimately up to **you** to decide what you want to do. You will give the lawyer "instructions" — instructions reflect what you want to achieve and what steps you want the lawyer to take.

What if I Cannot Afford a Lawyer?

Legal Aid Program

You may be eligible for "legal aid" — which is a publicly funded legal service for certain criminal and family law matters, available for people in specific financial situations.

You will need to apply for legal aid. Start by contacting your local legal aid office to see if you would qualify: see here.



Legal Advice and Information

If you do not qualify for legal aid, you may have to represent yourself in court. In this case, you should try to obtain some form of legal advice or information to prepare yourself. Consider the following options:

Duty Counsel

You may be able to get free legal advice about your case from a legal aid lawyer who is called “Duty counsel”. Often, people will consult duty counsel on the day of their court appearance, right at the court house. It is advised to go early to access these services.

- **For Criminal matters,** see here.
- **For Family matters,** see here.

Family Advice Lawyer Consultation

A lawyer specialized in family can explain how court works, the rules of court, and forms you have to file in family law cases. These lawyers can also assist with obtaining or providing information about urgent court orders in situations of family violence. Appointments are usually 1-2 hours, depending on the matter. **To book an appointment:**

- **Moncton**
  Moncton Family Law Information Centre
  PO Box 5001
  145 Assomption Blvd
  Moncton NB E1C 8R3
  Phone: (506) 856-3131
- **Saint John**
  Saint John Family Law Information Centre
  Court Services — Family Law
  10 Peel Plaza, Floor 2B
  PO Box 5001
  Saint John NB E2L 4Y9
  Phone: (506) 658-6361
- **Other Regions of New Brunswick**
  Call Toll-Free: 1-855-266-0266 to find a Family Advice Lawyer in your area.

Survivors of Sexual Violence Consultation

If you have experience sexual harassment or violence, you may be able to receive up to four hours of legal advice from the following organizations:

If you are in Fredericton, Moncton, and Saint John

- **Safer Places NB**
  Phone: (506) 454-0460
  Email: ILA@SVNB.ca
  Link to website

If you live in South East New Brunswick

- **Jade Centre**
  Phone: (506) 295-0151
  Email: info@jadecentre.ca
  Link to website

Community Clinics

Some organizations with volunteer lawyers or law students can provide legal advice on various issues to people with lower incomes.

- **UNB Legal Clinic**
  This clinic is run through the University of New Brunswick Law School. Third year law students, supervised by a lawyer, offer legal services related to housing, provincial and federal benefits (i.e. employment insurance, Canada Pension Plan, Old Age security), employment law, human rights, small claims, minor provincial offences, immigration and refugee assistance, and uncontested divorce.

  Call or email to set up an appointment. Phone and virtual appointments are available. Walk-in intakes are available at specific times that are announced on the Clinic's Facebook, Instagram, and Linkedin.

  Monday to Friday, 8:30am to 4:30pm
  750 Brunswick Street,
  Fredericton, NB E3B 1H9
  Phone: (506) 452-6313
  Email: lawclinic@unb.ca
  Link to website

- **Fredericton Legal Advice Clinic**
  This clinic offers legal advice and information to clients in the Fredericton and surrounding area. During forty-five minute appointments, practicing lawyers volunteer to assist people who are representing themselves.

  Book an appointment online on their website
  Wilmot United Church
  473 King Street,
  Fredericton, NB E3B 1E5

- **The Saint John Legal Clinic for Newcomers**
  This clinic provides legal support and advice for racialized refugees and immigrants. Practicing lawyers and law students volunteer to advise on issues including employment, small claims, housing, social benefits, family, and immigration.

  Book an appointment online, on the phone, or over email.

  75 Prince William Street
  Saint John, NB
  Phone: (506) 642-4242
  Email: doaa.higazy@sjnewcomers.ca



Legal Information

There is a lot of legal information online. Not all of it is accurate. Try to rely on official government websites. For instance, the Public Legal Education and Information Service (PLEIS-NB) has a lot of information about different legal situations: see here.

You may also wish to speak directly with someone who can provide legal information, and point you in the right direction for further legal resources or help.

- **For General Legal Information**
  Reach out to PLEIS-NB's Legal Information Line:

  Phone: (506) 453-5369
  Email: pleisnb@web.ca
  Monday to Friday, 8:30am to 4:15pm
  Link to website

- **For Family Law Information**
  Reach out to PLEIS-NB's Legal Information Line:

  Phone: 1-888-236-2444
  Phone: (506) 453-5369
  Email: info@familylawnb.ca
  Monday to Friday, 8:30am to 4:15pm
  Link to website

> Leave a message if you reach voicemail. Leave your name, general subject or question, phone number (say it twice) and the best time to call back. If you do not want them to leave you a voicemail when they call back, make sure you tell them this in the voicemail.
>
> They will return your call in two business days, unless there was a problem hearing your return call information. If you do not hear from them in two business days, call back.

New Brunswick Law Foundation
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Wolastoqey Tribal Council Inc.