



ACCESS TO JUSTICE

LEGAL ISSUES FOR THE INJURED AND PEOPLE WITH DISABILITIES

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CHOOSING A LAWYER

THE QUALITIES OF A GOOD LAWYER

If you're injured or disabled and need a lawyer to help you collect compensation or disability benefits, you want the best. But who would that be? How do you find that person?

First, it helps to know what to look for. Here are some qualities good lawyers should have:

1. *Special knowledge* - A good lawyer is very knowledgeable about the particular area of law in which they practice. While the legal profession doesn't train "specialists", many lawyers (particularly in the urban areas) do specialize in particular fields. Thus, a good personal injury lawyer may not handle family matters, estates, real estate, tax, or corporate law -- they do personal injury work. They will have developed expertise in assessing various injuries. Similarly, in disability law, they will have expertise explaining your disabilities in terms of work limitations. This allows them to work efficiently and to stay on top of developments in the field.

2. *Thoroughness* - Good lawyers are willing to spend the time required to really know their clients. All cases are different and our tort system allows each claim to be tailored to fit the individual person's losses. But identifying all of the losses and putting together a strong case involves a lot of work. The lawyer must be able to listen with an open mind to the client, as well as the client's family and friends, to understand the nature and extent of the changes in the client after the accident. In a disability claim, the

lawyer will look for what has motivated the client throughout their career, and what barriers the client now faces. It is this attention to detail that helps make a convincing case for court.

3. *Good judgement* - Because the practice of law involves real people interacting with often complex legal principles, good lawyers must exercise good judgment. This involves being able to see the big picture. A good lawyer will ask whether all of the pieces really fit together to make a single cohesive whole. Chasing after weak claims can sometimes weaken a strong claim. So a good lawyer must decide what claims are credible and what claims are not. Then they must work with the client to build a case which can stand up to serious scrutiny.

4. *Trial skill* - A good lawyer must be willing to take a case all the way through a trial and have a good track record in court. Although few cases may actually go to trial, the quality of a settlement often depends on the defence team's assessment of how well the lawyer might do in court. The defence team might offer a modest amount against a lawyer they know rarely takes a case through to trial (or does but performs poorly when there). It might sound good until you realize the claim is worth twice as much and a better lawyer could recover that amount.



The more severe the injuries and the greater their impact on the person, the more important it is to have a lawyer who is experienced and capable of putting together a complex or difficult case.

How was their experience?

4. *Your local library* - Check out who has won significant personal injury claims in court. Your librarian or a lawyer friend can help you check the reported cases in the *B.C. Civil Digest* or *B.C. Law Reports*. If the lawyer has proved him/herself in court in the recent past, chances are that he/she will also do well with your claim.

5. *Other sources* - Internet searches, news reports, conversations, or articles you've read that mention a lawyer's name. Consider the context and, if appropriate, add the name to your list.



INTERVIEWING THE LAWYER

Even with a strong recommendation, there's nothing like a face-to-face meeting to determine if you and the lawyer are a good match. You'll see quickly whether the lawyer knows how to listen, gets to the heart of issues, answers your questions honestly and clearly, and understands your personal needs. Here are some questions to ask:

- How long have you been practicing law? (The more severe the injuries and the greater their impact on the person, the more important it is to have a lawyer who is experienced and capable of putting together a complex or difficult case.)
- Do you have any areas of specialty? What are they?
- How many of your cases have you settled or taken to court in the last 3 years? What was the result?
- Can you provide me with the names of 2-3 clients whose cases you have handled in the last few years so that I can speak with them?
- What fees will you charge for my case? (Hourly basis? Contingency fee? If the latter, what percentage, and does it change depending on whether we settle before discovery or before trial? In all children's claims, and those for people under mental disability, the lawyer's fees must be approved by the Public Trustee's office and/or a judge.)
- Do you normally have any involvement in your clients' rehabilitation? If so, what?
- What contact do you normally have with your clients over the course of a lawsuit?
- How will you report to me on the progress of my case?

Ultimately, if you have prequalified the lawyers you interview, your choice may rest with your instinct about which lawyer you can best work with, and which will work best for you.



GETTING THE NAMES

The next step is getting the names of at least two or three lawyers who have the right stuff. It's not always easy or straightforward, but here are some ideas:

1. *Support agencies* - Support groups and agencies for people with disabilities will likely have had opportunities to assess the results of lawyers who have acted for their members. Try to get two or three names.

2. *Other lawyers* - A lawyer may be understandably reluctant to refer away work, but if he/she doesn't handle your particular type of case, they may know a skilled colleague who does.

3. *Friends or family* - Has someone you know worked with a lawyer? Or been a client of one?