



flew Family Law
Education for Women
Women's Right to Know

fodf Femmes ontariennes et
droit de la famille
Le droit de la femme à savoir

Looking for a Family Law Lawyer from a Woman's Perspective

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www.onefamilylaw.ca

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 The Law Foundation of Ontario
Building a better foundation for justice in Ontario

METRAC

METRAC, the **Metropolitan Action Committee on Violence Against Women and Children**

- works to end violence against women, youth and children
- a not-for-profit, community-based organization

www.metrac.org

METRAC's **Community Justice Program**

- provides accessible legal information and education for women and service providers
- focuses on law that affects women, from diverse backgrounds, especially those experiencing violence or abuse

FLEW, **Family Law Education for Women** in Ontario

- provides information on women's rights and options under Ontario family law
- in 14 languages, accessible formats, online and in print

www.onefamilylaw.ca

Presenters

Tamar Witelson

Legal Director, METRAC



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Introduction

- Family law issues are common:
 - About 25% of children under 10 years old live with one parent
 - Women head 83% of single-parent families
 - At least 50% of Canadian women have experienced an incident of physical or sexual violence
- Start with basic legal information
 - Legal rights, responsibilities, options
- Decide:
 - Do I have a family law *legal* problem?
 - Do I want to look for a lawyer?

Topics to be Covered

1. Starting with Legal Information
2. Domestic Violence and Abuse
3. Deciding When You Need a Lawyer
4. Where to Look for a Lawyer
5. How to Pay for a Lawyer
6. What to Look for in a Lawyer
7. Tips for the First Meeting with a Lawyer
8. Working with a Lawyer
9. What to do if You Have Problems with Your Lawyer

Accurate as of February 23, 2012



Starting with Legal Information

Starting with Legal Information

Legal Aid Information Services

- free of charge

1. Family Law Information Program (FLIP)

- online
- a voice reads the information
- Information on:
 - domestic violence
 - separation and divorce
 - child issues: parenting, custody/access, child support
 - financial issues: spousal support, property rights
 - the Ontario court system
 - does not cover: Children's Aid Society, child abduction, immigration, property on First Nations reserves

http://legalaid.on.ca/data/hidden/FLIP_en/player.html

Starting with Legal Information

2. Family Law Information Centres (FLICs)

- in person, at Family Courts
- across Ontario; 3 in Toronto
- advice lawyers – at specific times
 - free general information
 - summary legal advice - free to low income people (financial eligibility requirement)
- some Information and Referral Coordinators
 - not at all courts
 - have info about community services including mediation

http://www.legalaid.on.ca/en/getting/type_family.asp

Starting with Legal Information

3. Family Law Service Centres (FLSC)

- 6 in Ontario: Toronto, North York, Brampton, Newmarket, Sarnia, Chatham
 - if meet financial eligibility requirement:
 - referrals to legal aid lawyers for advice
 - referrals to private lawyers who do legal aid work
 - referrals to other social service agencies
 - help with documents
 - mediation and settlement conferences
 - full representation in family law cases by a legal aid lawyer

<http://www.legalaid.on.ca/en/contact/contact.asp?type=flsc>

Starting with Legal Information

4. Summary Legal Advice

- if meet financial eligibility requirement
- 20 minutes on telephone with a lawyer
- services available in 120 languages
- prepare questions and have documents available in advance
- 1-800-668-8258

http://www.legalaid.on.ca/en/getting/summarylegaladvice_family.asp

5. Community Legal Clinics

- 77 community legal clinics in Ontario
- 17 specialty clinics, serving specific communities (may provide family law services)
- 6 student legal clinics (may provide family law services or referrals)

<http://www.legalaid.on.ca/en/contact/contact.asp?type=cl>

Starting with Legal Information

Many other online legal information resources:

- Family Law Education for Women (FLEW)
<http://www.onefamilylaw.ca/en/resources>
- Community Legal Education Ontario (CLEO)
<http://www.cleo.on.ca/english/index.htm>
<http://yourlegalrights.on.ca/>
- Ontario Ministry of the Attorney General
http://www.attorneygeneral.jus.gov.on.ca/english/justiceont/family_law.asp

Domestic Violence and Abuse

- Abuse can be:
 - physical violence
 - threats of harm
 - treatment that causes emotional or psychological suffering

- **For emergency call police at 911**

- For legal information if your partner is violent or abusive:
 1. **Assaulted Women's Helpline**
 - Services in multiple languages
 - 24 hours/ 7 days
 - Toll-free: 1-866-863-0511
 - TTY: 1-866-863-7868 (for the deaf)
 - <http://www.awhl.org/>

Domestic Violence and Abuse

For legal information if your partner is violent or abusive:

2. Legal Aid Ontario

- Legal Aid Ontario has special services to help people experiencing domestic violence
- Available to every immigration status
- Free telephone interpretation services for languages other than English and French
- 1-800-668-8258
- http://www.legalaid.on.ca/en/getting/type_domesticviolence.asp

Family Violence Authorization Program (Legal Aid Ontario)

- Free 2-hour emergency meeting with a lawyer
- Offered through some shelters and community legal clinics
- 1-800-668-8258

3. FLEW (Family Law Education for Women)

- <http://www.onefamilylaw.ca/en/resources/>



Deciding When You Need a Lawyer

Deciding When You Need a Lawyer

- How important is the issue?
- Could you reach a fair solution with your partner?
- Is it safe to discuss things with your partner?
- Can someone other than a lawyer help you?
- Do you want to go to court?
- Does your partner have a lawyer?
- Is it financially possible to hire a lawyer?
- Do you qualify for Legal Aid?
- Can you do some things without and other things with a lawyer?



Where To Look for a Lawyer

Where to Look for a Lawyer

1. Legal Aid Ontario - Certificates

- Must meet financial eligibility requirement
- Legal Aid Certificates only for complex family law cases
 - serious disputes over custody, access, support, some property disputes
 - complex claims to change orders for custody, access, support
- Legal Aid Certificates in cases of domestic violence
 - more flexible financial eligibility test
 - for all disputed issues
 - for changes to existing family court orders
 - **1-800-668-8258**
- Legal Aid Certificates in Children's Aid Society cases
- Legal Aid has a list of lawyers who may be willing to accept Legal Aid Certificates for their services
- www.legalaid.on.ca

Where to Look for a Lawyer

2. Community Legal Clinics

- may have information – most do not offer family law services
- may have access to list of family law lawyers
- <http://www.legalaid.on.ca/en/contact/contact.asp?type=cl>
- specialty clinics
<http://www.legalaid.on.ca/en/contact/contact.asp?type=scl>

3. Justice Net

- a not-for-profit service
- a resource for low income people who don't qualify for Legal Aid
- a source to find lawyers who work for a reduced fee
- 1-866-919-3219
- <http://www.justicenet.ca/directory/search/>

Where to Look for a Lawyer

4. Family Law Lawyers in Private Practice

- Recommended by a friend or support agency

- Law Society of Upper Canada (LSUC) Directory
 - Certified Family Law Specialists
<http://www1.lsuc.on.ca/specialist/jsp/namelist1.jsp?code=FAM®ion>
 - www.lsuc.on.ca

- Law Society of Upper Canada (LSUC) Referral Service
 - provides a lawyer in your area
 - 30 minutes free to discuss legal options
 - no requirement to hire lawyer
 - only one referral for each issue
 - Toll Free: 1-800-268-8326
 - <http://www.lsuc.on.ca/faq.aspx?id=2147486372>

Where to Look for a Lawyer

5. Legal Aid Duty Counsel

- if you go to court without a lawyer
- must meet financial eligibility requirement
- in most courthouses
- if you are scheduled for court that day, duty counsel are available for immediate, free legal assistance
- help with documents for court
- explain court process
- help negotiate a settlement
- represent you in court for child protection, and simple custody, access, support matters

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How to Pay for a Lawyer

How to Pay for a Lawyer

1. Legal Aid Certificates

- for people who qualify, will pay for up to a certain number of hours for the lawyer's time
- in some cases, financial coverage may be extended
- Legal Aid pays the lawyer directly
- not all lawyers will accept a Legal Aid Certificate for their work

How to Pay for a Lawyer

2. Lawyers in Private Practice

- fees: the cost of a lawyer's time
- disbursements: other costs of working on a file
 - photocopying, postage, fees to obtain documents, fees for filing documents in court
- ask for a letter with the rough estimate of expected fees and disbursements
- ask your lawyer to tell you if the estimate is going to change
- billing: usually by time, such as every hour
- retainer: a deposit of money to your lawyer
 - before your lawyer does any work
 - if the retainer is used up before the file is complete, additional money will be needed for the lawyer to continue



What to Look for in a Lawyer

What to Look for in a Lawyer

Someone who:

- has experience in family law
- has experience with domestic violence, if you have been abused
- listens closely
- explains things so you can understand
- answers your questions
- gives advice but also considers your wishes and instructions about your family problem

What to Look for in a Lawyer (continued)

Someone who:

- will accommodate your disability
- might meet you outside of the law office, if you ask
- helps you find an interpreter, if you need one
- is comfortable if you bring a person with you for support
- lets you bring your kids to the office, if necessary
- doesn't make you feel rushed
- answers your calls within a few days

What to Look for in a Lawyer (continued)

Someone who:

- is clear about billing
- will accept a Legal Aid Certificate, if you have one

- the location of the lawyer's office is also important
 - easy to get to
 - in a safe area



Tips for the First Meeting with a Lawyer

Tips for First Meeting

- discuss and arrange in advance, an interpreter, or accommodation if you need it
- consider bringing someone with you
- be prepared
 - tell your story from beginning
 - think of questions you have
 - think of what solutions you would like
 - bring any documents that might help
 - bring your Legal Aid Certificate, if you have one

Tips for First Meeting

(continued)

- **Ask the lawyer:**

- has she/he had cases like yours before?
- any other community services you can contact for information?
- her/his business hours
- for an estimate of what her/his services will cost
- how you will be billed
- is there anything that could cause the cost to increase?

Tips for First Meeting

(continued)

- **Consider:**

- what you want the lawyer to do
- can you do anything without a lawyer
- do you feel comfortable with the lawyer, and in the office
- does it feel like the lawyer will work with you, or just tell you what to do

Checklist of Questions

1. How does the law affect my situation?
2. What choices do I have?
3. How long will my case take?
4. What will you do next?
5. When will I hear from you next?
6. How will you keep in touch with me?
7. What should I do next?
8. Is there anything I should NOT do?
9. How can I keep costs down?



Working with a Lawyer

Working with a Lawyer

- Be honest
 - things you tell your lawyer are confidential
- Ask questions
- Make sure you understand
- You might want to take notes
- Read, then keep the letters the lawyer sends you in a safe place
- If you are going to be late, or have to cancel an appointment, tell the lawyer's office as soon as possible

Working with a Lawyer

(continued)

- Expect the lawyer to answer your phone call in 2-3 days, but understand she/he can't always call back immediately
- Ask if someone else in the lawyer's office can ever answer your questions
- Continue to consider the things you may be able to do without a lawyer
- Continue to ask about how the lawyer is billing you, and when you will have to pay



What to Do if You Have Problems with Your Lawyer

Problems with your Lawyer?

- Talk to your lawyer
- Consider getting a second opinion
- You can change lawyers – a serious decision
 - ask for a copy of your file
 - you will have to pay photocopying charges
 - you will probably have to pay your bill in full first

Problems with your Lawyer?

1. **Complain to Law Society of Upper Canada (LSUC)**

- Regulates lawyers who work in Ontario
- Complaints about:
 - Failing to return calls
 - Failing to report on work
 - Failing to report on handling of money
 - Misleading, rude, discriminatory behavior
- Complete complaint form
- LSUC will talk to lawyer; occasionally lawyer will be investigated, called to a hearing, disciplined
- <http://www.lsuc.on.ca/faq.aspx?id=1144>
- Toll-free: 1-800-268-7568

- Not satisfied with LSUC decision? Contact: Complaints Resolution Commissioner

Problems with your Lawyer?

2. Discrimination and Harassment Counsel

- Independent from the Law Society (LSUC)
- Complaints based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, same-sex partnership status, age, marital status, family status and disability
- <http://www.dhcounsel.on.ca/welcome.html>

3. Concerns About Your Bill

- Get a copy of your bill
- Ask the lawyer to explain it
- Complain to Court within **30 days**; costs \$75.
- After a hearing, the Court may order a reduced lawyer's bill
- For questions about Superior Court of Justice Assessment Office: <http://www.lsuc.on.ca/with.aspx?id=644>



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QUESTIONS???

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Date

Webinar

43

Presenters

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Resources

FLEW (Family Law Education for Women) <http://www.onefamilylaw.ca/en/resources/>

Assaulted Women's Helpline www.awhl.org

- Toll-free: 1-866-863-0511; TTY: 1.866.863.7868
- Toronto: 416-863-0511

Ontario Women's Justice Network (OWJN)- www.owjn.org

Legal Aid Ontario <http://www.legalaid.on.ca/en/getting/default.asp>

- Toll-free: 1-800-668-8258; TTY: 1-866-641-8867
- Toronto: 416-979-1446 (accepts collect calls)

Family Law Information Centres (FLICs)

http://www.legalaid.on.ca/en/getting/type_family.asp

Family Law Services Centres (FLSCs)

<http://www.legalaid.on.ca/en/contact/contact.asp?type=flsc>

Find a community legal clinic near you

<http://www.legalaid.on.ca/en/contact/contact.asp?type=cl>

Resources (continued)

Law Society of Upper Canada Lawyer Referral Service

<http://www.lsuc.on.ca/with.aspx?id=697>

- Toll-free: 1-800-268-8326
- Toronto: 416-947-3330
- TTY: 416-644-4886

Lawyer Complaints: The Law Society of Upper Canada

- Toll-free: 1-800-268-7568
- General line: 416-947-3310
- TTY: 416-644-4886

Ministry of the Attorney General

<http://www.attorneygeneral.jus.gov.on.ca/english/>

- Telephone toll free: 1-800-518-7901
- Toll free TTY: 1-877-425-0575

Resources (continued)

Arch Disability Law Centre www.archdisabilitylaw.ca

- TTY: 416-482-1254; TTY Toll-free: 1-866-482-2728
- Toronto: 416-482-8255; Toll Free: 1-866-482-2724

Centre for Independent Living in Toronto (CILT) www.cilt.ca

- Information and referral services pertaining to disability issues. Also has services for women in abusive relationships.
- TTY: 416-599-5077; Tel: 416-599-2458
- Toll-free 1-800-354-9950

Association of Visual Language Interpreters of Canada www.avlic.ca

- Website has a directory of interpreters in Ontario.

Canadian Hearing Society www.chs.ca

- Offers Ontario Interpreting Services and other accessibility services.
- TTY: 1 877 216 7310; Tel: 1 877 347 3427

Silent Voice www.silentvoice.ca

- Services and community referrals for Deaf children, youth, adults and families.
- TTY: 416-463-3933

Resources (continued)

Toolkit for a good Client-Lawyer Relationship

- Barbra Schlifer Commemorative Clinic
- <http://schliferclinic.com/vars/legal/pblo/toolkit.htm>