

## **Legal Representation that Works for You!**

*By Nigel Gilby and Christopher Dawson*

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**Question: “I have been in a car accident and I have a lawyer representing me; however, I feel like my lawyer is not representing me appropriately. What do I do if I want to change lawyers?”**

It is important for clients to know that they have the right, at any time, to change their lawyer. Lawyers provide a professional service. If you are unhappy with the service you are receiving, you have the right to seek it elsewhere. You can terminate your relationship with your current lawyer by simply informing the lawyer that you no longer wish to be represented by him or her. Often, this can be an uncomfortable thing to do and many newly hired lawyers will just send a letter to the former lawyer confirming that the client has now hired him or her and that the former lawyer needs to send the client’s file to the new lawyer. This alleviates the client from having to deal with the uncomfortable situation.

If you have terminated your lawyer, you should seek out a new lawyer who specializes in motor vehicle accident law. The best way to find good lawyers is through referrals, reputation and online resources. Most lawyers who specialize in motor vehicle accident law will meet with you for an initial consultation and most of these lawyers will do so on a no obligation / no consultation fee basis. If the lawyer will not agree to meet with you for an initial consultation unless you pay a fee, you should find another lawyer.

Be aware, however, that when you terminate your former lawyer, he or she will want his or her fees and expenses covered for the work he or she has already invested into your matter. Therefore, what many good lawyers do is agree to pay your previous lawyer’s legal bill out of any potential future settlement proceeds. Since most cases in the motor vehicle accident context operate on a contingency fee basis (the lawyer gets paid by taking a percentage of the settlement), paying the former lawyer is often not a problem and the new lawyer will assume the account of former lawyer and pay that lawyer out of the settlement money when the lawsuit settles. Nonetheless, it is still important that this issue be addressed and negotiated with the new lawyer at the outset of the relationship in order to avoid problems or any

miscommunications. We can tell you that in our practice, if someone meets with us and we take on their case from another lawyer, we actually reduce our fee to take into account the fee of the former lawyer so that the client does not face a double-dip situation and have to pay two lawyers for work that was already completed.

Motor vehicle accident victims need to be aware that not all lawyers have the same skill sets and areas of expertise. The reality is that many lawyers dabble in various areas of the law while other lawyers devote their entire practice to one specific area of the law. For instance, Lawyer 1 might do 50% real estate work, 40% wills and estate work and 10% motor vehicle accident work, whereas lawyer 2 might do 100% motor vehicle accident work. Accordingly, Lawyer 2 will likely have more expertise in dealing with motor vehicle accident cases. Compare this notion to doctors with specialities in certain areas of medicine - it goes without saying that you would not want a dermatologist performing brain surgery on you and, therefore, why would you entrust a real estate lawyer in handling your motor vehicle accident lawsuit? Indeed, motor vehicle accident law is complex and often changing and there is no substitute for a lawyer specializing in this area.

**Nigel Gilby is a Partner at Leners LLP. He has been recognized by LEXPERT and the Law Society of Upper Canada as a specialist in Civil Litigation. Nigel has been selected by his peers to appear in the "Best Lawyers in Canada" publication since its inception. Nigel can be contacted at 519-672-4510 or by e-mail at [ngilby@leners.ca](mailto:ngilby@leners.ca).**

**Christopher Dawson is an Associate lawyer at Leners LLP. Christopher can be contacted at 519-672-4510 or by email at [cdawson@leners.ca](mailto:cdawson@leners.ca).**

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