



Choosing a lawyer

A lawyer can help you to review and negotiate leases, contracts and other documentation; ensure your business is legally compliant; and assist you in protecting your long term business interests.

You are likely to need a lawyer when:

- buying or selling a business
- negotiating and developing business contracts, and to ensure they comply with legal requirements
- reviewing and negotiating a lease for business premises
- filing a patent for an innovative idea or product
- determining your business structure
- developing a succession plan
- dealing with disputes or disagreements

Top tips

- Be prepared for your first meeting. Give the lawyer a clear picture of what your situation is and what you hope to achieve. Take all the documents related to your issue and write a list of questions to ask. A lawyer's services are expensive, so use the time productively. Speak to one of our business advisers first, so that they can help you prepare for your appointment and gain the most benefit.
- Communication with your lawyer should be clear and comprehensible, ask them to use everyday language. They should be able to explain even the most complex legal situation in a way you understand.

- Seek references from other small business owners. Ask them about lawyers they have used and how satisfied they were with the results.
- Ask your lawyer for answers to your questions to be confirmed in writing and keep a copy in case for future reference.
- Make sure you're comfortable with the lawyer's style; they will be acting as your advocate. Do you trust them with your business?
- Contact the Law Society of WA's referral service for a list of lawyers with experience in the legal area in which you are seeking advice.

lawsocietywa.asn.au

- Through the John Curtin Law Clinic, part of Curtin University's Law School, eligible small businesses can access free professional legal advice and assistance. It is prepared by final-year law students and reviewed by qualified and experienced legal practitioners. For more information visit curtin.edu/lawclinic

Questions to ask

What are their qualifications?

Lawyers should hold accredited qualifications and be registered to practice law in Western Australia. To verify they are certified to practice search the Legal Practice Board of Western Australia.

lpbwa.org.au

Do they have experience with your type of business and industry?

To gain the best outcome, it is important they know what is most relevant to your industry. If they don't have much experience in this area, do they express a willingness and interest in learning more?

How you can reduce time and costs for a case?

Look for potential ways to reduce the lawyer's time and costs, for example you can gather documents and write a summary of events yourself.

Can they provide an estimate of the time likely to be involved?

Request a breakdown of how long each step in the process is likely to take. Also, check if they can start work on your case immediately.

What are their fees and how are they calculated?

Ask upfront how much they charge and if they have set fees for certain tasks. Be aware that flat fees do not always include the lawyer's out of pocket expenses, such as filing costs.

How do they charge?

Some lawyers bill in six minute blocks or by the hour. Be clear on how they charge and when they expect payment.

Who will be working on your case and who should you contact if you have questions?

It's important to ask if the lawyer you're meeting with will be the one assigned to you. If you're considering engaging a smaller practice, it will probably be the same person. However in larger practices, although they may be better placed to provide specialised services, your case could be handled by more junior staff members.

How do they keep clients informed of progress?

Each lawyer has their preferred style; some may keep in touch via email or phone while others don't communicate beyond scheduled office meetings. Seek to engage a lawyer who is available to answer questions in a way that suits you.

For more information visit smallbusiness.wa.gov.au or call 13 12 49.

Note: This information is not a substitute for legal advice.