



Choosing a lawyer

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

You are likely to need a lawyer to ensure you comply with legal requirements when:

- buying or selling a business
- negotiating and developing business contracts
- 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

Top tips

- Be prepared for your first meeting. Give the lawyer a clear picture of your situation by preparing a summary, and specify what you hope to achieve. Take all the relevant documents 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 to gain the most benefit.
- Communication with your lawyer should be clear and easily digestible - ask them to use everyday language. Your lawyer should be able to explain your legal position in a way that is easy for you understand.

- Seek referrals from other small business owners in your industry. Ask them about lawyers they have used and how satisfied they were with their experience.
- Ask your lawyer to confirm their advice in writing. Keep a copy 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 for a referral to a lawyer who practices in the legal area you are seeking advice. lawsocietywa.asn.au
- If you are in financial distress, pro-bono and low cost services are available. Contact Law Access (details on the Law Society website), Subiaco Community Legal Service (subiaco.legal) or the John Curtin Law Clinic to find out how they can assist. The John Curtin Law Clinic offers eligible small businesses free professional legal advice and assistance. Advice is prepared by 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, is there someone in their firm who does or do they have an expert they can work with?

How you can reduce time and costs?

Look for potential ways to reduce your 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 each step in the process. This is similar to requesting a quote: what will the lawyer do, how long will it take and how much will it cost? 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. Ask if there will be any other additional costs. You can negotiate a rate or ask about the rates of the lawyer and any other person who will be involved in providing you a service. Often a junior or an associate may do the work, which is then signed off by a partner.

How do they charge?

Some lawyers bill in six minute blocks or by the hour. Ensure you're clear on how they charge and when they expect payment. Ask to be notified of any substantial changes to the estimated costs.

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 will be the one assigned to you. Although larger practices may be better placed to provide specialised services, your case may be handled by more junior staff members, who will be supervised.

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. Find a lawyer who is available to answer questions in a way that suits you. Request progress reports in writing.

For more information visit smallbusiness.wa.gov.au

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