

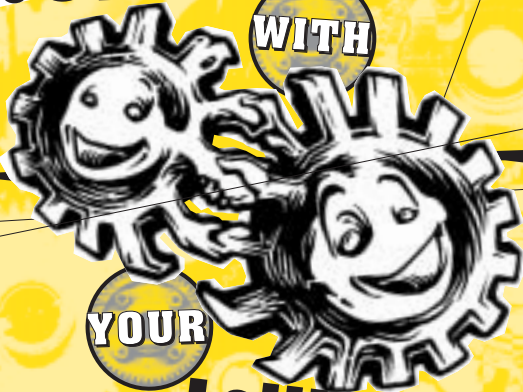


WORKING

WITH

YOUR


LAWYER



Your lawyer works for you

When you hire a lawyer, the lawyer works for you. This is true no matter who pays. Even if your parent, guardian, or Legal Aid is paying, you are the client.


You are the client.



Your lawyer's job is to get the best legal result for you. It is not to do what your parents or other adults may want.

This means that you and your lawyer make the decisions about your case. Not your parents, your social worker, your youth worker, or anyone else.

Your lawyer must keep what you say private



Your lawyer needs to know all the facts in order to defend you. This means that you have to be able to talk to your lawyer freely without worrying that they will tell others what you have said. For this reason, there is a rule that says lawyers aren't allowed to tell other people what their clients tell them. Not even the court, the police, your social worker, or your parents can make your lawyer tell them what you have said. The only time this isn't true is if you tell your lawyer about a crime you plan to commit in the future.

WHAT YOUR LAWYER IS PAID TO DO

Your lawyer helps you deal with the police

#1
OF SIX

You should hire a lawyer as soon as you know that the police consider you a suspect and want to question you. That way, your lawyer can protect your rights during the investigation. Your lawyer might suggest that you not talk to the police at all. **If you decide it would be a good idea to talk to the police, your lawyer can be there with you when you do.** They can help you to avoid saying anything that might hurt your case. This is why it is important to hire a lawyer before you talk to the police about any crime you are suspected of.



Before you tell the police anything, you should talk to a lawyer.

You have the right to do this, even if the police haven't yet told you. Just politely tell them you want a lawyer, then don't say anything more.

Even if you are innocent you should talk to a lawyer before you talk to the police.

Innocent people often get themselves into trouble by saying things to the police that they think are harmless, but that can be used against them in court.



#2

OF SIX

what your lawyer is paid to do

Your lawyer explains things to you

Your lawyer can explain the charges to you, and what could happen to you because of them. The outcome of your case will depend on many things, not just on what you are accused of, or on your age.

There is always a range of sentences that can be given for any particular crime.



Your lawyer can help you get the best result, but if you are found guilty, your sentence might not be the same as the sentence someone else got for committing a similar crime. Your punishment might even be different than one given to your co-accused. If you have been found guilty of another crime in the past, you should not expect to get the same treatment this time as you got last time.





Your lawyer can also tell you what to expect and what is expected of you at each stage of your case.

This can help you not to make a bad situation worse. Often youth who are charged with an offence get into more trouble because they don't do what the court tells them to do. Your lawyer can explain what you have to do and what will happen if you don't do it.



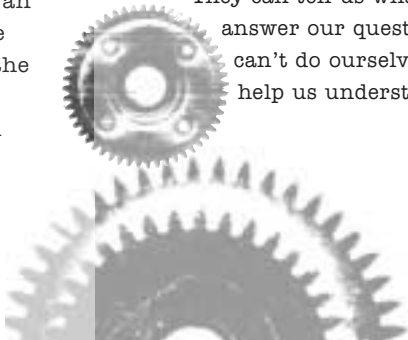
Your lawyer can help you understand what is happening.

Be sure to ask about anything you don't understand or are unsure of.

Don't be embarrassed to ask. Your lawyer is paid to know all the stuff about the law and the courts that the rest of us don't know.

That's why people hire lawyers.

They can tell us what we need to know, answer our questions, and do what we can't do ourselves. Part of their job is to help us understand.



#

3

what your lawyer is paid to do

Your lawyer gives you legal advice

OF SIX

Your lawyer should give you an **honest** and **realistic** idea of how strong the case against you is. They should tell you whether you have a legal defence and what your best defence might be. If you don't have a realistic chance of being found not guilty, your lawyer should tell you. They can also help by telling you what you should say and do so that you can get the **best possible result**.



Your lawyer needs to know all the facts so that they can give you the best advice. For this reason it is important that you tell them what you know and **answer all questions fully and honestly**. If you are unsure whether or not something is important for your lawyer to know, tell them and let them decide.

You don't have to follow your lawyer's advice. But remember that their advice is based on specialized knowledge and experience that the rest of us don't have. **Talk to your lawyer about what they are suggesting. Make sure you understand it and why they are suggesting it.** If you disagree with any part of it, tell them why. Try to come to an agreement about what action to take.



#

4

what your lawyer is paid to do

Your lawyer prepares your defence

OF SIX

If you and your lawyer decide that you are going to **plead not guilty** and go to trial, **your lawyer will put your case together for you**. They will gather your witnesses, prepare questions to ask both your witnesses and the witnesses who are going to testify against you, and put together a legal argument telling the court why you should be found not guilty. Your lawyer will do this in a way that puts your version of what happened in the best possible light.



what your lawyer is paid to do

Your lawyer represents you in court

If you have a trial, your lawyer will present your case to the judge. You might decide to testify in court, but it is your lawyer who will question the witnesses and talk to the judge. **Your lawyer will also make sure all the rules are followed so that your trial is fair.**

It is important to have a trained professional person to present your case for you. There are all kinds of rules that the court follows. **Your lawyer knows these rules and can point it out to the judge when the Crown attorney doesn't follow them.**

Your lawyer also knows how to question witnesses and how to **tell your side of the story** in a well organized way that makes it easy for the judge to understand how it all fits together. **They know how to talk to the judge and the other lawyers.** They know the law and how the facts of your case fit into it. All these things help your lawyer to put your case to the court in the best possible way.

Even if your case doesn't go to trial, there will be a number of times you have to go to court. Your lawyer can speak for you at these court appearances and help you know what to do in court. **There may even be some times when your lawyer can go to court instead of you.**



(definition)

The Crown attorney is a lawyer who works for the government. It is their job to present the case against you in court.

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#6

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what your lawyer is paid to do

Your lawyer helps you get the best result if you plead guilty

If you decide to plead guilty, there are still a number of important things your lawyer can do to help you. If the charge against you isn't too serious, **they can often arrange for you to get into an alternative program instead of going to court.**

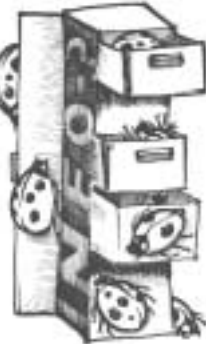
That way, you won't get a court record. Your lawyer might get the Crown attorney to charge you with a less serious offence or to ask the judge for a less harsh penalty.



If the Crown refuses to co-operate with you about the sentence, your lawyer might be able to convince the judge to give you a **lighter sentence in exchange for your guilty plea.**



What YOU HAVE to do for YOUR LAWYER




Your lawyer has to know as much as possible about the facts to be able to help you. Be open with your lawyer. Answer their questions. Give your lawyer all the information you have and let them decide whether it is useful or not.

Remember that
what you tell your lawyer

 **stays private.**

Your lawyer will be giving you legal advice. In order to know whether to accept it or not, you have to fully understand what they are telling you.



Your lawyer will also have helpful suggestions about what to do and how to behave in court and with the police. In order to follow these suggestions successfully, you have to really understand what your lawyer means. Make sure you do. **Ask questions.** If you don't understand, tell them so.

Don't go against your lawyer's advice lightly or without good reason. Remember that they know lots of things that you might not be aware of. But if you really think that your lawyer is giving you advice that is wrong for you, don't just ignore their advice. Change lawyers.



This pamphlet is part of a series produced by Community Legal Education Ontario (CLEO). CLEO has publications on other areas of law as well. Most are free. For an order form call **416-408-4420** or visit our Web site at **<www.cleo.on.ca>**.

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For help in finding a lawyer, you could call:

Duty counsel hotline

(if you are being held in custody or at the police station): **1-800-265-0451**
toll-free from anywhere in Ontario

Lawyer referral service

(free for anyone under the age of 18)
416-947-3330 in the Greater Toronto Area
1-800-268-8326 from elsewhere in Ontario
9 a.m. to 5 p.m. on weekdays

Legal Aid Ontario

Look in your local white pages under "Legal Aid Ontario".

Justice for Children and Youth **416-920-1633**

in the Greater Toronto Area
1-866-999-5329
from elsewhere in Ontario

