

PRO BONO

Five tips to optimise your first consultation with an attorney

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Consulting with an attorney for the first time can be a nerve-racking experience for most individuals – there may be a lot of fear and uncertainty in respect of how the legal process will unfold, the possible outcome and the costs involved. Therefore, in this article we set out five tips that will optimise your first consultation and ensure that the journey towards resolving your legal matter kicks off in the best way possible.

The first consultation is an essential step in establishing a conducive relationship between you, the prospective client, and the attorney, as it is during this consultation, where the attorney will have an opportunity to assess your legal needs and obtain the necessary information and background on your matter.

Once an attorney has sufficient information about your matter, they will be able to (i) evaluate whether they have the necessary resources, knowledge and experience to adequately handle your matter, and (ii) advise on possible outcomes. During the first consultation, the attorney should also discuss important aspects that may affect the potential attorney-client relationship such as the legal fees that will be involved, expected timelines and potential conflicts of interest.

Regardless of the nature of your legal matter, the following five tips may help you to prepare ahead of time and make the most of your first consultation with an attorney.

BRING ALONG THE NECESSARY DOCUMENTS

In terms of section 21 of the Financial Intelligence Centre Act 38 of 2001, before an attorney may establish a business relationship or conclude a single transaction with a client, they have the duty to:

1. establish and verify a prospective client's identity and
2. ascertain the source of the funds which the prospective client expects to use to pay the legal fees.

In view of the abovementioned duty, it is essential that you bring along the necessary documents to:

1. prove your identity,
2. confirm your residential address, and
3. verify your source of income.

These documents include, amongst other things, your identity document or passport (if you are a foreign national), your proof of residence (for example, your utility account), your most recent bank statements for the immediately preceding three-month period, and any other documents that you deem relevant to your matter.

If you are uncertain as to which documents the attorney will require, it is advisable to contact their office prior to the consultation to ensure that you are able to provide the attorney with all the necessary information during the first consultation to avoid delays.

BE ABLE TO ARTICULATE THE ASSISTANCE THAT YOU REQUIRE

As you prepare for your first consultation, it is important to make sure that you are able to articulate the nature of the assistance you require and the desired outcome for your case.

Clients can have a broad spectrum of needs in respect of their matters, such as legal representation, a second opinion or once-off legal advice.

Therefore, it is essential to have a fundamental understanding of your legal needs or preferred outcome and to clearly communicate this to the attorney.

This will assist in ensuring that you are both clear on the scope of the instruction. It is also important for you to provide the attorney with detailed information, and copies of all relevant documents and correspondence, to enable the attorney to better understand your matter.

DO YOUR HOMEWORK AND PREPARE A LIST OF QUESTIONS

Similar to a job interview, it is important that you prepare a list of carefully considered questions that you would like to ask the attorney during the consultation.

This will not only help clarify your concerns, but it will also speed up the attorney's determination of your legal needs, potentially reducing the consultation fees and maximising your money's worth.

FIND OUT ABOUT FEES

It is a common practice for attorneys to charge for first consultations – even if they do not accept your mandate. Therefore, it is important to ascertain whether a consultation fee will be payable and, if so, what the attorney's fee structure is.

An attorney may charge an hourly rate, offer a free first consultation or charge you a fee in the event that the first consultation exceeds a certain period of time.

During your first consultation, it is also essential that you ask whether a deposit will be payable and clarify what the attorney's fee structure or hourly rate is, in the event that you engage the attorney.

If you are consulting with an attorney who offers *pro bono* legal services, you will not be expected to pay a consultation fee or make any payment for legal services. You may, however, be subjected to a means test in order to determine whether you qualify for this service, which is strictly reserved for indigent people who cannot afford to pay legal fees.

HONESTY AND TRANSPARENCY

As a prospective client, you must be completely honest and transparent with your attorney about all aspects of your matter, even if you believe that certain information may work against you in your case.

Withholding details may hinder the quality and accuracy of the attorney's advice and will ultimately have a negative effect on the outcome of your case.

Following your first consultation, you may choose to appoint the attorney, or you may decline the attorney's representation and search for another attorney.

In certain instances, the attorney may refer you to another attorney whose knowledge and experience would be more appropriate for your situation or may decline the instruction due to a conflict of interest.

Remember, your first consultation with an attorney can be overwhelming but it does not have to be. Being adequately prepared and asking carefully thought-out questions will ensure that your legal matter commences in the best way possible.

The five tips set out above will go a long way in ensuring that you have a productive first consultation with an attorney.



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