



Choice of lawyer

Clients' choice of lawyer

LSS normally refers clients to the lawyer of their choice if the lawyer practices within 80 kilometres of the court in which the matter will be heard, and is willing to take the case.

In criminal cases, clients may choose a lawyer from outside the community where the case will be heard if: the sentence will be life imprisonment on conviction; the client faces dangerous offender proceedings; the trial is to be conducted in French; or no local counsel is available.

In family cases, counsel is appointed from the community where the case is being heard. If no local counsel is available, a lawyer from a different community may be appointed.

In all other situations, clients may be referred to a lawyer of their choice from outside the community where the case will be heard only if that lawyer agrees to waive travel fees and expenses.

Assistance with choosing a lawyer

Clients who do not request a specific lawyer are referred to the next available lawyer from the LSS roster. If a client wants a lawyer meeting specific criteria (e.g., a lawyer who speaks a specific language or an Aboriginal lawyer), LSS will endeavour to find lawyers who match that criteria and provide the client with a choice.

Change of lawyer

Client- or lawyer-initiated changes of counsel are allowed only in limited circumstances. Changes are only allowed during the first 45 days of a family referral or the first 90 days of a non-family referral. A change of counsel will not be permitted if the obvious intent is to delay the trial.

Requests to change counsel must be based on valid reasons and must be reasonable (e.g., the client has legitimate concerns about the quality of service or the client/lawyer relationship has broken down).

Before approving a change of counsel, LSS consults with the client and the current lawyer to determine whether the request is reasonable and whether assigning a new lawyer is likely to help resolve the client's legal issues.

A client's eligibility for legal aid is reassessed when he or she requests a change of lawyer.