

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 where the minimum sentence is life imprisonment on conviction, the client faces dangerous offender proceedings, or the trial will be conducted in French, clients may choose a lawyer from outside the community where the case will be heard.

In all other cases, a lawyer is appointed from the community where the case is being heard. 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, or if no local lawyer is available. Where no local lawyer is available, a lawyer from the next closest community and/or most economical location may be appointed.

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 who meets specific criteria (e.g., a lawyer who speaks a specific language or is Aboriginal), LSS will endeavour to find lawyers who match that criteria and provide the client with a choice.

Change of lawyer

A change of lawyer is allowed only in limited circumstances. LSS has discretion to approve or refuse a change of lawyer request. A change of lawyer will not be permitted if the obvious intent is to delay the trial.

Requests to change lawyers must be based on valid reasons (e.g., the client has legitimate concerns about the quality of service or the client/lawyer relationship has broken down and cannot be repaired).

Before approving a change of lawyer, LSS consults with the client and the current lawyer to determine whether there is a valid reason for a change, the stage of the case, 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.