

## Making appropriate and effective referrals

Your client needs help quickly – and you have limited time – so your referral needs to be effective. To do this, you need to provide enough information to the legal service that they can quickly judge how they can help your client or refer them elsewhere.

If you are referring a client to a legal service, we recommend you provide information about:

- your client's name (including past names) and date of birth;
- the name (including past names) and date of birth of any other party; and,
- The type of legal issue your client is having.

Make sure that when providing names you have checked the correct spelling. This will enable the legal service to quickly assess the referral and decide if they can help your client.

Lastly, to make a referral effective, you need to make sure your client understands what will happen with the referral and what the legal service can provide them.



## Referring to Community Legal Centres

Community Legal Centres:

- must do a conflict check first if giving specific advice;
- may have guidelines about whether they will do advice only or ongoing casework for different types of cases/legal matters;
- may only decide on how much assistance they can give your client after speaking with them in detail;
- in most cases, will negotiate for your client but cannot represent them if the case goes to Court; and,
- in family violence cases, can represent your client in Court.



## Referring to Victoria Legal Aid

Victoria Legal Aid:

- must do a conflict check first if giving specific advice;
- have specific guidelines about how they can give ongoing representation to – these may be related to: in criminal law - risk of imprisonment, or in family law – contact with a biological child; and,
- may ask for a contribution from your client for legal costs if your client has income and assets above a certain amount.

## Referring to Government Agencies or Ombudsmans

Be aware of the following issues:

- no conflict check needed as they are not lawyers;
- they will try to remain 'impartial' or 'neutral' and will not be able to tell your client they are on their side, or act directly on their behalf, so they may appear cold or indifferent to your client;
- if they are a dispute resolution service, or an ombudsman, their processes will be about helping your client and the other party (ie a business) to negotiate – they might not have power to make a final decision; and,
- if they are a government agency that regulates an industry, like Consumer Affairs Victoria, they might take information about a complaint but only act on it if they receive many complaints against the same business.

## Referring to Courts or Tribunals

When referring to Courts or Tribunals, be aware of the following:

- no conflict check needed as they are not lawyers;
- cannot give specific legal advice – only general information about their processes;
- the Court staff may have power to make certain decisions – like whether or not to accept an application – so the way that your client explains their situation to the Court staff is very important; and,
- if your client is unable to advocate for themselves very well, consider if they should speak to a lawyer or support worker first.

## Referring to Private Lawyers

Private lawyers:

- must do a conflict check first;
- may offer a free first appointment;
- must provide a Disclosure of Costs to your client before engaging in any legal work;
- may do some legal work paid for by Victoria Legal Aid under a Grant of Aid; and,
- your client can complain to the Legal Services Board and Commission if there is a dispute about the costs or services provided by a private lawyer.

## Referring to Criminal Lawyers

Be aware of the following points when referring clients to criminal lawyers:

- as above for private lawyers;
- ALSO – keep your referral very simple – name and date of birth and the offence they are charged with;
- DO NOT include in the referral specific information about what your client has told you happened - the lawyer needs to interview the client about this directly and not have defences or legal options closed off before the interview; and,
- DO NOT provide too much information in the referral especially where there is a co-accused – as the lawyer you are referring to may already be representing a co-accused, and if you provide too much information prior to the private lawyer completing a conflict check, you may inadvertently provide information which could help a co-accused.

