

## Can I Fire My ICBC Claims Lawyer?

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If you hired a lawyer to advance your ICBC tort claim on a contingency basis and are unsatisfied with the representation you are receiving, can you fire your lawyer? The short answer is yes.

You are the client, you are in charge. If you don't like how your lawyer is handling your case you can send him/her packing. HOWEVER, it will probably cost you money to do so.

I can't count the number of people who have approached me indicating they wish to fire their current lawyer. My advice is almost always the same so I thought I would share it on this blog post. Try to work things out with your lawyer. Hiring a new lawyer means paying a new lawyer. You want to avoid getting stuck with 2 legal bills for 1 ICBC claim if you can avoid it. Sometimes the lack of communication is a two way street. Sit down with your lawyer, communicate your concerns and see if you can work out a solution. If you can't work things out then you can of course move on. You need confidence in your lawyer to work towards a fair settlement of your ICBC claim.

If you want to fire your lawyer the first thing you should do is check your fee agreement. A well written fee agreement will deal with how you can end your relationship with your lawyer and the consequences. Often times a contingency fee lawyer will finance disbursements (expenses) involved in advancing an ICBC claim. If you get a new lawyer you (or your new lawyer) will need to pay these expenses in order to get the file.

Arrangements will also have to be made to secure your former lawyer's fees. Often times the fee agreement will permit the lawyer to charge you an hourly rate for the work done prior to termination. Other times the lawyer will be able to look at the final settlement amount and charge a fee based on how much his/her efforts contributed to the final settlement. Typically a fired lawyer in these circumstances is prepared to wait until the case is settled to collect their fees but the disbursements usually need to be paid right away.

If you don't think the lawyer is charging a fair fee for services you can have the lawyer's account reviewed by a registrar of the Supreme Court.

If you don't like your lawyer the Bottom Line is this - Try to work things out, if you can't, review your fee agreement and determine what your financial obligations to your lawyer will be. From there get a lawyer that you trust and respect, if you don't have confidence in your lawyer you will have a tough time working towards a fair settlement of your ICBC injury claim.