

Dealing with your lawyer

Article 3:
Trouble With Your Lawyer
By FABIAN WEINLES
In our last article, we examined some aspects of a normal lawyer-client relationship. In this article we will focus on what you can do if you are dissatisfied with your lawyer.



One complaint clients voice is that the bills they have received from their lawyers are too high. (Sometimes they are shocked when they find out how expensive legal services can be. This is something you should be prepared for.) If you feel you have been charged too much, you can have your bill taxed (that is reviewed) by an officer of the Court. In Toronto, the officer is called the Taxing Master and he or she is located in the Supreme Court building.

Outside Toronto, you can have your bill taxed by the Local Registrar who is located in the local County Court Office. The fee for the taxing is \$15 and you must apply for a taxation within 30 days of receiving your bill. The Taxing Officer goes over the bill in the presence of you and your lawyer and will decide

whether or not the bill is reasonable. If he or she finds the bill is too high, the officer can lower the charge to what he or she feels is reasonable. The Taxing Officer will inform you and your lawyer of the decision in a report. Of course, if you qualify for a Legal Aid Certificate or you are using the services of a Legal Aid Clinic, there is no charge to worry about.

A client may also have the complaint that his or her lawyer is not performing the job properly or that the lawyer is being careless (negligent). As a layperson, it is difficult for you to gauge how well your lawyer is performing but there are certain signals which should alert you to trouble.

In our last article we mentioned that the lawyer

should report to you regularly about the state of your file (your problem). If the lawyer is not doing this, you should find out why. Usually, there is nothing to worry about - the lawyer may just have been too busy to report - but on occasion the failure to communicate is a symptom of something more serious.

Give your lawyer the benefit of the doubt. Write him or her asking for a reporting letter within a week. Keep a copy of the letter you send for your own records. If the lawyer fails to respond or you feel the response is inadequate, promptly send a letter to the Law Society of Upper Canada explaining what is bothering you.

The Law Society is the body which governs the legal profession in Ontario. It will begin

an internal investigation to find out if something is wrong. If it finds that the lawyer is guilty of professional misconduct, there are two methods by which you may be reimbursed. The first is handled by the Law Society when they find, after investigation, that a lawyer has misappropriated a client's money. The Law Society may reimburse the client from a special compensation fund.

The second method is to hire another lawyer and sue the first lawyer. This is difficult and time-consuming, but can be done successfully.

The information in this article is accurate as of November, 1981. For more information on this and other topics contact Ontario Community Legal Education Ontario, 111 Queen St. E., Suite 310, Toronto, Ont. M5C 1S2. For legal advice contact the Halton Hills Community Legal Aid Clinic at 5 Wesleyan St. in Georgetown, 877-3256.

DEATHS

ARNOLD Vivian—On Friday, March 12th, 1982 at the Georgetown and District Memorial Hospital, Vivian, wife of the late E.L. (Jack) Arnold and loving mother of Bill of Sossuga and Mary Jane Morrow of Georgetown. Loving grandmother of David and Dawn Arnold and Paul and John Morrow. Sister of Myrtle Dion of Georgetown. Predeceased by brothers Howard and William Vint. Rested at McClure-Jones Funeral Home, 34 Edith Street, where funeral service was held Tuesday afternoon. Interment Greenwood Cemetery. 123611d

McCLURE Mary Christina—Suddenly at Cambridge, Ontario, on Thursday, March 11, 1982. Mary, wife of Clarence, beloved sister of Eccles, John, Agnes, & Day McClure. Rested at McClure-Jones Funeral Home, 34 Edith Street, Georgetown, where funeral service was held Monday March 15th. Interment Greenwood Cemetery. In memory, contributions to the Halton Lung Association would be appreciated. 123311d

LORRIMAN William—Suddenly on Thursday, March 16, 1982 at his home, 10 Elm St., Glen Wilton. Beloved husband of the late Louise Preston and loving father of Mrs. Arthur Hill of Georgetown. Brother of Arthur of Glen Wilton and Walter of Brownsville. Grandfather of Louise, Mary Susan, William J.H. & Sandra. Great grandfather of seven. Resided at the McClure-Jones Funeral Home, where funeral service was held Friday afternoon. Interment Glen Wilton Cemetery. 119612d

SWEENEY Mary Francis—Suddenly on Friday, March 12th, 1982 at the Georgetown and District Memorial Hospital. Mary, wife of George Sweeney of Georgetown, age 53. Beloved wife of Margot Neumann and loved mother of Martin Peter of Calgary, Alberta. Beloved daughter of William Sweeney of Brantford, formerly of Markdale, and the late Patrick Sweeney. Dear brother of Agnes Cooper of Brantford, Blanche Melin of Brantford, Kathleen, wife of Mitchell and John P. Sweeney of London. Predeceased by his sister Lorraine Duggan and brother Edward. Burial at McClure-Jones Funeral Home, 34 Edith Street, Georgetown. Christian. Funeral service was held on Monday, March 15th from Holy Cross Roman Catholic Church, Interment Greenwood Cemetery. 123211d

Better Business Bureau warning

Making your car last? Guard against rust

Herald Special
As inflation increases the cost of automobiles, more and more people are looking at the purchase of a car as a long term investment. Rather than trading in their vehicles after three years, 54 per cent of new car buyers are arranging four-year financing, according to a 1979 survey.

"The longer they keep a car, however, the more attention they need to pay to rust, the biggest enemy of long automotive life," says Paul Tuz, president of the Better Business Bureau of Metropolitan Toronto.

Many consumers look upon a rusting vehicle from the standpoint of diminished resale or trade-in value, not realizing that rust can present serious safety hazards as well, particularly in areas such as steering linkages and brake lines.

Cars rust because of the persistent contact of iron alloys with water and oxygen, a process hastened by the presence of acids in air pollution, road salt and other chemicals used to fight snow and ice, and salty air and water in coastal areas. Most rust corrosion damage to cars is insidious, attacking from the inside out: headlight areas, behind chrome, inside doors, around windows, inside rocker panels, along door posts, inside the trunk and trunk lid, grille areas, and grille mounts, fenders, springs, the hood crown, and even interior door hardware. Visible rust in the underbody and frame accounts for only about 12 per cent of corrosive damage.

Too many automobile owners, cautions Mr. Tuz, confuse undercoating a car with rustproofing. The undercoating process, originally designed as a sound-deadening measure, employs an asphalt-like coating which tends to lose adhesion as it hardens, forming pockets and cracks that trap moisture. Government studies indicate that such undercoatings may actually accelerate corrosion instead of preventing it.

A recent proliferation of rustproofing techniques give

the car owner a bewildering array of options, including buying a new automobile from a manufacturer offering a no-rust-through warranty, adding rust-proofing to the dealer preparation process before taking delivery of the car, or having a vehicle treated by an independent or franchised rust-proofing company. Significant differences among methods of application, types of sealants used, and importance for the consumer to investigate thoroughly before making a decision. The BBB can provide reliability reports on companies offering rustproofing services.

A good non-corrosion treatment involves drilling inconspicuous access holes into all boxed-in areas of the car and then spraying in a rust-proofing sealant, not only to completely cover the metal with a protective coating but also to penetrate into corrosion-prone seams. If rustproofing is to be added to a car after it leaves the factory, ask the prospective dealer for permission to view the rustproofing area in his service garage while applications are in progress. Note whether or not technicians are careful to avoid spraying exhaust systems, catalytic converters and brakes, and whether they skillfully plug all holes drilled into the body of the vehicle. Above all, Mr. Tuz says to become familiar with the terms of the warranty:

- Does it cover the entire car or only the parts sprayed? What is the extent of any exclusions?
- Does it spell out clearly the responsibilities of both the rust protection dealer and the car owner in any maintenance program? If the car must be brought back for periodic inspections, what happens if an inspection is late or missed?
- Is the warranty valid nationwide or just at the shop where the rustproofing compound was applied?
- If the rust does occur, does the company repair all damages regardless of cost, or just refund the price of the rustproofing application?
- Is the warranty valid for the life of the car, or is it limited to a specified number of years?

Norval severance
Town council will not appeal to the Ontario Municipal Board a four-acre land severance in Norval granted to a developer by the region's Land Division committee. Council's decision rejects concerns raised by town staff that the severance proposal dividing the land into four parcels for residential use "leapfrogs what may be the natural limits of Norval's growth". The development, planned by Aler Developments Ltd. of Georgetown, is located north of the Winston Churchill Boulevard bridge crossing the Credit River above the Guelph Street intersection. Council concurred with Mayor Pete Pomeroy, who said last week that the development would take place in a neighborhood already residentially developed. By not appealing the committee's decision, council will not send town staff to the OMB hearing.

No support at OMB

Halton Hills resident Ben Case won't get council's support in his bid to get a land severance cleared through the Ontario Municipal Board for property he owns near the Eighth Line and Sideroad 22. Although council several weeks ago rejected arguments from town and regional staff opposed to the severance, which has been endorsed by the Land Division Committee, it refused Monday night to send staff to the upcoming OMB hearing on the matter, despite a request to do so by Mr. Case's lawyer, Bert Arnold. Mr. Arnold said the severance to build a house near an existing residential building will actually "reinforce" continued agricultural use of the property. The proposal would not seriously harm surrounding agricultural operations, he added.

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