

# Choosing a lawyer

Get Ready for the

ONCA

\* Ontario's Not-for-Profit Corporations Act



## Summary

If you have decided to pay for a lawyer to help you prepare for *Ontario's Not-for-Profit Corporations Act, 2010 (ONCA)*, these steps can help you find and evaluate potential lawyers.

## How to screen a lawyer

### 1. Confirm the lawyer is licensed to practice law in Ontario

If you are considering working with a lawyer who is not listed in our [directory](#), check that they are listed in the [Law Society Lawyer and Paralegal Directory](#). You can also search for past “illegal practitioners” at the website of the [Law Society of Upper Canada \(LSUC\)](#).

Working with an unlicensed practitioner is risky because they:

- may not be properly trained
- are not bound by professional rules
- do not have professional liability insurance

### 2. Screen for misconduct

Visit the [Law Society of Upper Canada \(LSUC\)](#)'s website to confirm if a lawyer's license has been suspended or revoked due to misconduct. LSUC's website also publishes the reasons for [license suspensions and revocations](#).

LSUC publishes lists of all lawyers who have received a [regulatory notice](#) or who are currently scheduled for a [disciplinary hearing](#). Both lists provide information about the underlying complaints.

If the lawyer's misconduct was of a public nature, LSUC will publish the [outcome of the meeting](#).

### 3. Screen for expertise and suitability

Not every lawyer who practices nonprofit and/or charity law will be the right fit for your organization or budget.

Before you contact a lawyer, be prepared with questions and a description of what you want them to do for you.

Ask the lawyer what you need to prepare before you speak. They may need to see your:

- letters patent and supplementary letters patent
- bylaws
- charitable registration documents (if applicable)

Ask if they charge for an initial consultation in person or by phone. This could be a flat fee or an hourly rate. Ask how long the consultation will be.

We've provided some questions you might ask a lawyer at an initial consultation.

## Questions you might ask a lawyer

### About experience

- How long have you been practicing nonprofit and/or charity law?
- What training or preparation have you had related to the ONCA?
- How many nonprofits or charities have you helped to get ready for the ONCA?
  - How? (e.g., changed bylaws, governance structures?)
  - What size? (i.e., in terms of budget or number of people involved)
  - What sectors? (e.g., health, housing, religious, sports)

### About fees

- Do you charge by the hour or per case?
- How much is your retainer? (the amount you must pay before a lawyer starts work on a case)
- What factors could change the cost of your services?
- We want do X. Can you estimate how much this will cost?
- What can we do to keep costs down?
- Will we have to pay for anything besides your fees?
- How will you bill us and when do we need to pay – monthly? or when you complete your work?

### About timelines and logistics

- How long will X take to complete?
- Do you foresee any complicating factors?
- How will you keep in touch with us? How much time will you need from us?
- Do you prefer to deal with one contact person within our organization?