

Guide to Finding the Best Defence Lawyer

WHITEPAPER





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Lawyers are quick to remind the public that practising law is nothing like television dramas. It's far heavier on bureaucratic processes, writing and research than the latest courtroom series. But perhaps one small parallel to the life of a small-screen lawyer rings true: people generally look for a good defence lawyer when they've wound up in a bit of trouble.

That trouble could range from traffic offences to being caught stealing, or in rare cases even more violent crimes. According to the Australia Bureau of Statistics, **the majority of criminal charges** in 2019-20 were for traffic offences, followed by acts intended to cause injury and illegal drugs charges. This was true at the national level and in Queensland.

From the moment they are hired, all defence lawyers are **bound by a code of laws** known as the Legal Profession Act and Australian Solicitor Conduct Rules. These professional requirements and codified ethics require defence lawyers to act in their client's best interest whenever they represent their client. Confidentiality between lawyer and client is also expressly delineated, along with many other responsibilities.



The best defence lawyers will take these responsibilities seriously and also create a solid foundation for a helpful relationship with their client. When clients reach out to lawyers, they are likely coping with a lot of stress. A defence lawyer will often enter the situation early on, contacted by clients who've just been questioned, arrested or fined.

A good defence lawyer calms their client by explaining what's happening and how the situation is likely to unfold. They'll help their client navigate the legal system. Communication between lawyers and their clients is essential and leads to a trusting relationship. Great lawyers are experts not only in law and the workflows of the legal systems, but also professional relationships.



Who should hire a defence lawyer?

As soon as you have been asked questions by a police officer, or if you have already been arrested, charged or fined, it is wise to hire a defence lawyer. There is a life-altering value of hiring a lawyer as soon as possible, because we can advise you on the rules.

Do you have to go with the police to their station anytime you are asked? What happens if you stay silent while questioned? What if you refuse a breath test when pulled over by the police?

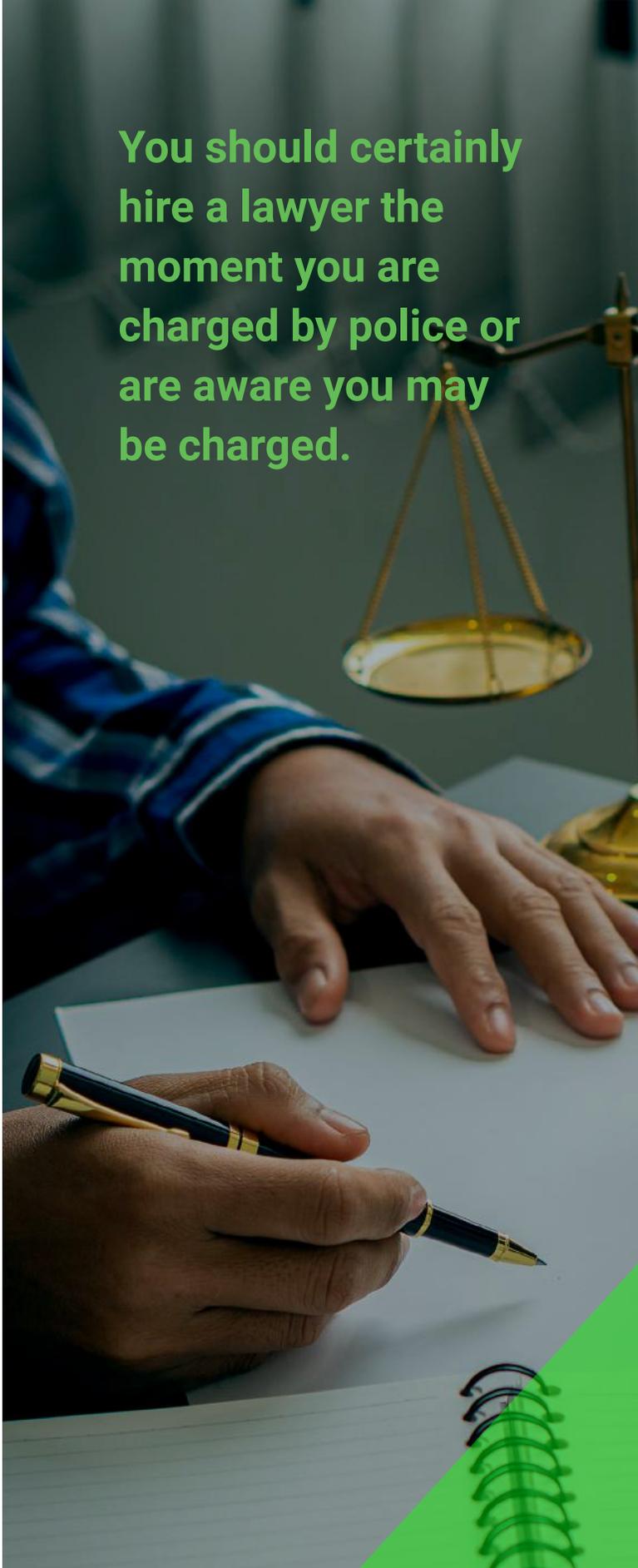
The knowledge a defence lawyer can provide will help you stay calm. You'll go into a police station, watch-house or courtroom knowing what to expect. We know the laws and how the legal system works. We will employ that knowledge to help you understand all your options and coach you toward the most beneficial path. This can happen in ways big and small, from helping non-native English speakers request a translator at a police interview to deciding whether to plead guilty to dangerous driving.

We'll let you know what kind of information you're always required to share with authorities. For example, you must provide your name and address in all dealings with police. When you are arrested and charged with a crime, you may be asked to provide biometric data at the police station or watch-house.

Beyond these required procedural obligations, you'll want to make sure you know why the police are talking to you. Do they believe you have knowledge of a crime – but aren't the perpetrator? Or are you a suspect of a crime? If you've committed a traffic violation, police have extensive authority to ask you questions.

We can help you understand the best way to answer those questions. Many people are nervous about police interviews, and we help make sure those jitters are under control by helping you think through your answers. We can also attend a police interview with you, although we cannot interfere with the questioning. We can, though, make sure you are treated in accordance with regulations regarding how long you can be questioned. We can advise you of your rights before the interview. Thanks to lawyer-client privilege, you can discuss your case honestly with us – and we cannot tell anyone what you share.

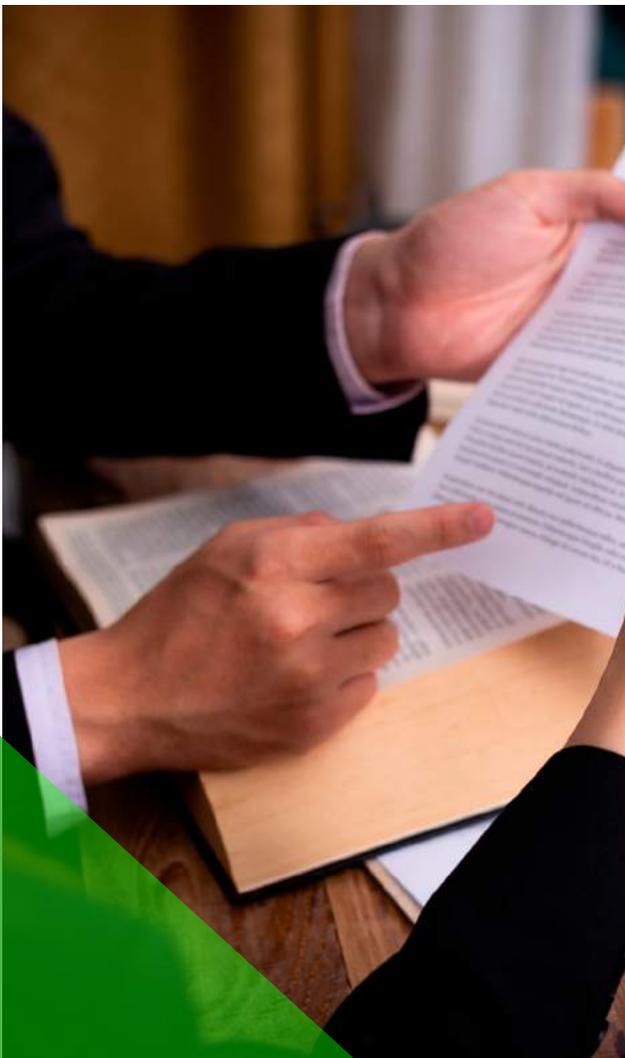
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Police can arrest you without a warrant. They can make an arrest any time they suspect someone has broken the law or is about to break the law. Resisting arrest will lead to further charges as it is an offence. Still – you always have the right to stay silent.

Police may record anything you say – so it's essential to stay calm and consult with a lawyer who can help you understand the situation and all its implications.



How to find a lawyer

Finding a great lawyer is not unlike trying to connect with any other service provider, be they a dentist, tutor or tailor. You'll want to ask friends and family for referrals. Have they worked with lawyers they liked? Or perhaps they know someone in their circle who has and can connect you.

You'll want to look close to home – or the territory in which you were charged, which may be the case for traffic-related offences. Location matters. Different states have different laws, so it's essential to hire someone with an in-depth understanding of the state under whose laws you will be prosecuted.

A basic understanding of the different actors in the legal space will be useful for your search. For example:

LAWYER - Someone who is a law graduate certified to practice law. This is an umbrella term that can also include barristers, solicitors, judges and corporate counsel.

SOLICITOR - A person who has completed their law degree and holds a practising

certificate. This certificate is acquired after undergoing Practical Legal Training and being admitted to legal practice. Solicitors are also required to complete additional months of supervised practice before they receive a practising certificate.

BARRISTER - These are experts who provide specialist legal advice in defined areas of law. A barrister is an expert advocate. Barristers represent individuals and businesses in court. A solicitor becomes a barrister after passing exams and requirements in their state's Bar authority.

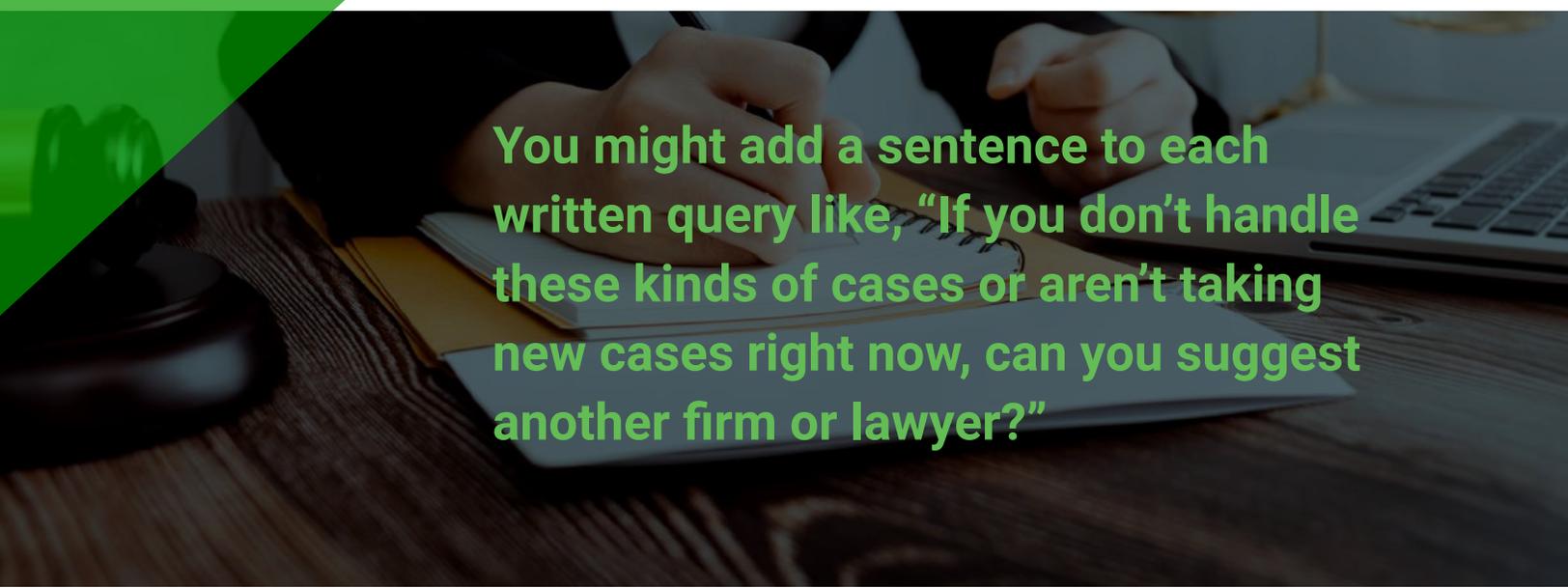
MAGISTRATE - This judiciary official sits on the Magistrates Court and typically presides over many cases on any given day.

JUDGE - Working at the District Court level, these judiciary officials can preside over jury trials and decide penalties that apply to those found or pleading guilty to criminal offences.

JUSTICE - Judicial officials who have been appointed to the Supreme Court or High Court.

Many of these individuals will belong to professional legal associations or law societies, like the [Queensland Law Society](#). You may contact these organisations for referrals. Don't forget to ask for referrals from each lawyer you're querying. You might add a sentence to each written query like, "If you don't handle these kinds of cases or aren't taking new cases right now, can you suggest another firm or lawyer?"

You can also check online reviews and social media websites for reviews of firms in your area.



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What kind of questions should you ask prospective defence lawyers?

Many lawyers will be happy to do a free meeting with you in which you may ask as many questions as time allows. This is your chance to interview your prospective lawyer, to see if you have a good rapport with them and gain information about how they work.

Possible questions you could ask are:

- ▲ Do you specialise in any particular kind of law or cases? Examples: traffic matters, drug charges.
- ▲ Do you have any special accreditations?
- ▲ How does your law firms bill clients?
- ▲ Do you have assistants and what is their role?

When you attend your initial consultation, bring any key documents relevant to your case with you to the meeting with your lawyer. This will help the lawyer more quickly familiarise themselves with the specifics of your situation.



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