



## Before my hearing or trial

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Once you've hired a solicitor to represent you they will work with you to prepare your case for your hearing or trial.

Depending on the nature of your case this could take days, weeks or months and could involve:

- meetings, telephone calls, emails and letters between you and your solicitor
- communicating with the court or tribunal that is dealing with your case
- communicating with other people involved in your case, such as witnesses and the other side.

## What you can expect from your solicitor

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### Clear communication

Your solicitor needs to provide information in a way you can understand whether it's in writing or in person. This means they need to:

- use clear language
- avoid technical terms when they can
- keep you up to date with developments in your case
- respond appropriately to your concerns.

It's also good practice for your solicitor to:

- check if you understand information
- explain technical terms when they need to use them
- offer to repeat information, provide it in a different format if you're finding it hard to understand
- pay attention to how you react to your questions and the information they share with you.

Find out [what to do](https://higher-rights.sra.org.uk/consumers/problems/) if you think your solicitor hasn't communicated clearly.

### Meeting your needs

Your solicitor needs to:

- Take reasonable steps to identify and meet your needs.
- Make reasonable adjustments if you're disabled. Find out about the [duty to make reasonable adjustments](https://www.citizensadvice.org.uk/law-and-courts/discrimination/what-are-the-different-types-of-discrimination/duty-to-make-reasonable-adjustments-for-disabled-people/#:~:text=The%20Equality%20Act%20says%20there%27s,more%20than%20minor%20or%20trivial.) [\[https://www.citizensadvice.org.uk/law-and-courts/discrimination/what-are-the-different-types-of-discrimination/duty-to-make-reasonable-adjustments-for-disabled-people/#:~:text=The%20Equality%20Act%20says%20there%27s,more%20than%20minor%20or%20trivial.\]](https://www.citizensadvice.org.uk/law-and-courts/discrimination/what-are-the-different-types-of-discrimination/duty-to-make-reasonable-adjustments-for-disabled-people/#:~:text=The%20Equality%20Act%20says%20there%27s,more%20than%20minor%20or%20trivial.).

You might have specific needs, for one or more of the following reasons:

- You have a disability or condition, such as a physical condition which means you find it hard to travel to meetings or feel tired at certain times.
- Your religious commitments mean you can't meet with your solicitor on particular days or at certain times.
- You find it hard to understand spoken English.
- You're emotional, stressed or upset because of the nature of your case.



There are many steps your solicitor could take to help you use their services. Examples include:

- being flexible with appointment times or visiting you at home
- arranging for an interpreter to attend meetings or having written information translated into another language.
- sharing difficult news about your case with someone else present if that would make it easier for you.

Your solicitor needs to help you take part in your hearing or trial. Things they might do to meet this requirement include:

- taking time to explain what will happen in your hearing or trial and what you will be expected to do.
- taking you on a visit to the court or tribunal so that you know where to go and what to expect.
- explaining what will happen if your hearing is by video call or phone call, what you need to do and making sure you can access the right equipment to take part.
- working with the court or tribunal and other parties involved in your case to agree any adjustments you need to help you take part.

Examples of steps courts and tribunals can take to help people appearing at a hearing or trial:

- Provide equipment or make changes to the layout of the court or tribunal building if someone has a physical disability or condition.
- Provide equipment and access to a quiet space so that people can take part in a video or telephone hearing.
- Arrange breaks if someone needs them.
- Use special equipment to help someone communicate.
- Arrange for an interpreter.
- Use screens so that someone can't see another person.
- Arrange for someone to give evidence in private.
- Question someone through another person, called an intermediary.

Find out [what to do](https://higher-rights.sra.org.uk/consumers/problems/) [https://higher-rights.sra.org.uk/consumers/problems/] if you think your solicitor hasn't met your needs.

## **Helping you make decisions about your case**

When they prepare for your hearing or trial your solicitor needs to:

- use their legal knowledge and skills to study the information they have about your case.
- identify gaps in the information they have about your case.
- try to fill those gaps by completing legal research and collecting more information.

They then need to identify your options. These will depend on the facts of your case but can be about things like:

- whether you should say you're guilty or not guilty in a criminal case.
- how you want to split your belongings in a divorce case.
- how much money you want if you win your claim against another person or a company.

Once they have identified your options, they need to give you advice about them. Your solicitor might explain:

- the strengths and weaknesses of your case and of each of your options
- the possible outcomes of each option
- how long they think each option might take
- which option(s) are best for you and which option(s) you should avoid.



Find out [what to do](https://higher-rights.sra.org.uk/consumers/problems/1) [https://higher-rights.sra.org.uk/consumers/problems/1] if you have concerns about the options or advice your solicitor has given you.

## **Taking your instructions**

Once you understand your options you should be able to make informed decisions about how to take your case forward. These are called your instructions and can be about:

- what order or decision you want from the court or tribunal
- whether to say you are guilty or not guilty if you're a defendant in a criminal case
- the amount of money you're prepared to accept if you win your claim.

Your instructions can also change. For example, if you learn something new about your case or change your mind about something.

Your solicitor must follow your instructions and can't ignore them or decide them for you. They can only refuse to follow your instructions if doing so would force them to break the law or overlook their ethical duties.

Find out [what to do](https://higher-rights.sra.org.uk/consumers/problems/1) [https://higher-rights.sra.org.uk/consumers/problems/1] if you have concerns about how your solicitor has taken your instructions.

## **Preparing their legal advocacy**

Your solicitor will need to prepare what they are going to say in your hearing or trial. When they do this, they might talk to you about how they plan to:

- follow your instructions
- focus on the strengths of your case
- deal with any weaknesses of your case
- question any witnesses
- argue against the other side's case.

Your solicitor might also need to create documents for your hearing or trial. Examples include the following:

- A summary of your case called a skeleton argument. Your solicitor might need to send this to the court or tribunal before your hearing or trial.
- A trial or court bundle which includes important documents such as witness statements.

When your solicitor prepares what they're going to say in your hearing or trial, as well as any documents, they need to show they understand:

- your case, including its strengths and weaknesses
- your instructions
- the law that applies to your case
- the case of the other side, including its strengths and weaknesses.

Find out [what to do](https://higher-rights.sra.org.uk/consumers/problems/1) [https://higher-rights.sra.org.uk/consumers/problems/1] if you have concerns about how your solicitor has prepared.

## **Questions to ask if you are concerned about your solicitor**

Questions to help you decide if your solicitor meets the standards we expect when they prepare for your hearing or trial.

1. Have I been kept up to date on my case?
2. Has my solicitor responded to my concerns in an appropriate way?
3. Has my solicitor shown that they understand my case including what I want, my circumstances and my needs?



4. Has my solicitor explained my options in a way that I understand?
5. Have I received clear advice from my solicitor about my options?
6. Has my solicitor asked if I have any specific needs in terms of how they communicate with me and how they provide me with their services?
7. Has my solicitor taken reasonable steps to meet any specific needs that I have?
8. Has my solicitor taken reasonable steps to arrange adjustments to help me take part in my hearing or trial if I need them?
9. Has my solicitor sent any documents to the court or tribunal on time and do those documents show that they understand my case?
10. Has my solicitor helped me prepare for my hearing or trial, for example, by explaining what will happen and what I need to do? Specific steps might be needed for a hearing by video or telephone call.

Some of these questions might not be relevant to your case. You might have other questions.

You can also find out what to expect when you first meet with your solicitor on the [Legal Choices](https://www.legalchoices.org.uk/at-work/got-a-legal-issue/what-to-expect-from-your-legal-adviser) [https://www.legalchoices.org.uk/at-work/got-a-legal-issue/what-to-expect-from-your-legal-adviser] and [Advicenow](https://www.advicenow.org.uk/know-hows/how-prepare-seeing-solicitor-or-adviser) [https://www.advicenow.org.uk/know-hows/how-prepare-seeing-solicitor-or-adviser] websites.