



## What to Expect when Accompanying a Loved One to a Meeting with their Lawyer

When you bring a loved one to meet with their lawyer, you likely may have helpful information that you can share, or you may have the ability to explain a situation in a way your loved one cannot, or you may simply feel strongly about making sure your loved one receives the legal assistance they need. However, there will come a point in the meeting when the lawyer moves you to the waiting room so they may privately meet with your loved one. Why?



**1**

### To make clear that your loved one is the client.

The lawyer must impress upon your loved one that it is to them and only them that the lawyer's professional duties of diligence, competence, loyalty, and confidentiality are owed.

For example, sometimes, when a family member pays a bill for a loved one, a mistaken belief may develop that the family member is privy to their loved one's confidential conversations with the lawyer, which can limit the lawyer's effectiveness and cause anxiety or conflict. Other times, the accompanying family member may have articulated and advocated for a specific action plan, but the

lawyer needs to make sure that this is the action plan that the loved one has freely and voluntarily chosen. To clearly explain the professional relationship, the lawyer must meet with their client one-on-one.

**2**

### To guard against conflicts of interest.

The lawyer needs to have a private conversation with your loved one to explain what conflicts of interest are in the legal context and to assess and protect against potential conflicts that may arise.

For example, you may accompany your loved one to the lawyer's office because they would like to change their will. If this will provides for a gift to you, and you were present when your loved one expressed their wishes to the lawyer, others not present at the meeting might later question whether you influenced your loved one, either explicitly or simply by remaining present in the room. It is best not to invite those suspicions. Rather, if the lawyer meets with your loved one one-on-one, they (and others) can feel confident that the loved one's choices have been free and voluntary.



### **3** To confirm what, if any, otherwise confidential information the loved one wishes for the lawyer to share.

The lawyer needs to have a private conversation with your loved one to explain what confidentiality is and to determine what, if any, information they wish the lawyer to share with family members.

Sometimes, loved ones wish for family members to remain fully informed during the course of a legal case or transaction; other times, loved ones wish for the lawyer to limit the information they share or to keep the information confidential. In any event, the lawyer needs to determine the loved one's wishes one-on-one.



### **4** To confirm the client is competent to proceed.

The lawyer needs to assess your loved one's ability to understand their situation and communicate their wishes.

Sometimes, family members may accompany loved ones who have trouble communicating what has happened or how they wish to proceed, whether because of physical limitations, memory issues, or simply because they are not their own best advocate. However, if the loved one cannot speak for themselves, the lawyer cannot form a confident belief that they know what is happening and what they want. Lawyers can and often do rely on family members to assist loved ones through various legal processes, but they must first satisfy themselves that the loved one has the requisite competence to proceed.

