

## Barristers Direct Access - Frequently asked questions

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### What is Direct Access?

In 2004 there was a key change in the law with the introduction of the 'Direct Public Access' ("DPA") scheme. This scheme allows members of the public and professional clients to obtain legal advice and representation directly from a Barrister, without the need to first engage the services of a solicitor.

### Is my case suitable for Direct Access?

Most areas of law are now suitable for Direct Access. We offer Direct Access in the areas of Family law and Chancery, Commercial & Property.

You will be advised by us in the early stages whether your case is suitable for Direct Access.

### Which barrister is right for my case?

A number of factors will decide upon which barrister is right for your particular case. Our experienced clerking team will help you to ensure that the right barrister is selected to help you. The following factors will help with this decision - experience, reputation and qualification and cost.

**Experience:** In order to undertake Direct Access work a barrister must have been in practice for at least three years and have completed a recognised Direct Access training course. The barristers within chambers specialise in many different areas of the law. A barrister is bound by a code of conduct to only accept instructions/cases in which he or she has such experience and is competent to act.

**Reputation:** Zenith Chambers is one of the leading sets of barristers on the North Eastern Circuit. In 2011 we were awarded BarMark, a quality accreditation scheme designed specifically for barristers chambers. We are one of only a small number of Chambers nationally who have this award.

**Qualification:** In order to practise as a barrister you must have obtained a qualifying law degree or its equivalent, pass the Bar Vocational Course, be called to the Bar by one of the four Inn of Court. You must then successfully complete a one-year training period known as a 'pupillage'. Once completed, pupils are then invited to join a set of chambers as a tenant. Only once having completed three years and having completed the required accredited course are barristers' allowed to undertake Direct Access work. A practising barrister has higher rights of audience entitling him or her to appear on behalf of a client in all courts, tribunals within the jurisdiction of England and Wales.

We understand that costs are a large part of the decision making process. We aim to minimise your legal costs whilst providing you with a first class barrister and clerking team. As you instruct a barrister direct there is a saving since you are only paying one lawyer instead of two.

## What will I get for my money?

You receive a personal and easily accessible, professional service where you will be provided with support and guidance in addition to specialist advice. The barrister will represent you in the various courts, tribunals and any other hearings where you are allowed to be represented by someone else. We have specially trained clerks who are allowed to deal with all of Chambers Direct Access work.

## What work is a barrister prohibited from doing under Direct Access?

The rules on Direct Access mean that you will be required to carry out some steps relating to your case. You will, of course, be guided by your barrister in relation to all those steps, but below is a specific list of those things that a barrister is not allowed to do:

- i. engage in correspondence on a client's behalf. The barrister will help you with the content of letters but they must 'come from' you.
- ii. to take responsibility for the general management of a client's case.
- iii. hold his client's money. This means he cannot make or arrange payment of court fees, expert's fees or witnesses' expenses.
- iv. issue proceedings, file documents at court or serve documents on other parties.
- v. investigate a case or collect evidence.

Your barrister is under a professional obligation to tell you if he or she thinks that your interests will be best served by instructing a solicitor.

## What are the advantages of instructing a barrister directly rather than a solicitor?

The short answer is it is likely to save you money. Previously clients were not allowed to engage the services of a barrister without first instructing a solicitor. If your case needed a barrister you would have to engage a solicitor thereby paying for two lawyers rather than just one. The Direct Access scheme now permits you to go direct to a barrister.

You will be informed of the fee prior to any work being undertaken for each individual piece of work. Please be aware that all of the charges are subject to vat.

## Can anyone instruct a barrister under the Direct Access scheme?

Yes! Please note however that the 'cab rank' rule does not apply to Direct Access work and a barrister is not therefore obliged to accept the instruction.

## What information does my barrister need from me?

You will need to write a detailed letter to your barrister and send with this a 'Bundle of Documents'.

### Letter

The letter of instruction has two purposes. It sets out the background and it tells your barrister what it is you want him to do. You may include whatever you want to in your letter of instruction, however the following are generally required in every case:

- Who you are.
- Who your dispute or potential dispute is with and the nature of it (eg 'claim for unfair dismissal against your previous employer' or 'dispute over rights of access').
- A brief background. It is ideal if you set these out in chronological order. It is not necessary to go into significant detail if the documents that you are enclosing contain many of the facts. Please do include anything that will not be apparent from the documentation. This might include conversations you have had with other people or things you have witnessed.
- Any relevant deadlines (eg a hearing date, a time limit for serving evidence or accepting an offer).
- What you want the barrister to do (eg 'to represent me at the trial listed for . . .' or 'to advise on the following points . . .').

All letters should be addressed to the name of your barrister (if this has been agreed with a Clerk) or simply marked 'For the attention of the Direct Access Clerks'.

### Bundle of documents

Your barrister will need to see relevant documents, be it correspondence, emails, statements, photographs, plans, videos, etc. The following points however are important and apply in every case.

- The documents must be accompanied by a typed List of Documents on which the name or description of each document is set out. The List of Documents may form part of your Letter of Instruction or it may be a separate schedule. For your protection your barrister is obliged to keep a copy of this list for seven years.
- All the documents you send must be copies. Barristers do not have the same facilities for storing files and the Bar Council's rules on Direct Access do not oblige a barrister to retain documents. For your protection you should keep all originals and only send copies to your barrister. In an exceptional case where it is not possible to provide a copy please contact our clerks who will assist with making arrangements for safe delivery and return.

You do not incur any liability for fees simply by sending a letter of instruction. The clerks will pass your case to a Direct Access barrister who specialises in the relevant area. He will review the papers to ensure the case is suitable for a Direct Access instruction. The clerks will contact you to agree a fee for the work you want your barrister to do. You will only incur liability for any fees when you have approved, signed and returned our standard client care letter.

Due to money laundering legislation we are required to perform checks to verify your identity. Our clerks will let you know what they need in order to do this.