

12 Old Square Chambers

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Direct Public Access (DPA) Clients

Public Funding

When taking on Direct Access Clients, we as Clerks ensure that we find out from the client what their case entails often sending them a DPA form to fill out by email or if they come into our chambers by hand to fill in. The DPA form asks questions such as the client's name, address, type of case and a description of their case.

Based on the enquiries that the DPA client has made and the DPA form they have filled out, we will then allocate them to a barrister we feel is competent to handle their case. We also ensure the necessary Identifications are checked and a copy taken (mainly government ID with photo showing residential address & Date of Birth and Document showing client's address such as Utility Bill or Phone Bill) when they decide to instruct our DPA Counsel.

When a conference is organised we as clerks **kindly remind** each DPA barrister attending the conference to advise the client if they are potentially eligible for Legal Aid funding to inform them of doing so.

The barristers however know of this and have at all times discussed legal aid funding with clients whom they feel are likely to be entitled to legal aid funding on their case during the consultation/conference. At times clients have made an informed decision to still continue with the DPA counsel despite being informed by Counsel that they are likely to be entitled to legal aid funding and at other times Client's have taken up the offer of going to a Solicitor with legal aid funding.

Where the client has opted to still continue instructing DPA counsel on their matter, Counsel does ensure the client understands the position regarding legal aid, have made an informed decision and that proceeding on a public access basis will be in their interest. This will also be set out in the **client care letter** offered to the client to sign by the DPA Counsel which will explain that the Barrister cannot be instructed directly on a legally aided basis; also it will explain how the client can find out if they are eligible for legal aid funding; and it will also explain the basis in which the barrister can advise and represent them.

If the client however decides to take up the advice by the Counsel and opts for a solicitor with legal aid franchise he/she is informed that he/she could still request the solicitors to instruct the barrister on their case. We as clerks will assist the client with a list of solicitors in the clients' area or close to the client's area that takes on similar cases to theirs on a legally aided basis.

Interest of Client and Interest of Justice

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Some barristers when looking at the DPA form filled out by the client will be able to determine instantly if it is in the clients' best interest to instruct a solicitor or other professional client.

The barrister will also be able to determine after a consultation with the client if it is in the client's best interest to instruct a solicitor or other professional client. Most of the times it may be due to the complexity of the case which at times may involve a lot of the Counsel's time to which he/she may not have (especially if they have a lot of other commitments)

Other reasons the Barrister may decide it is in the interest of the client and interest of justice for them not to take on the case will be because:-

1. The level of the case and likely work involved is within the client's capability and therefore they feel there is no need for them to take on the case nor a solicitor. They believe the client will be paying for a service that they could have undertaken themselves.

Or

2. The case is one that is so complex that it is not in the client interest or the interests of justice for them to instruct the barrister without a solicitor or other professional client on board. The barrister will then recommend them a solicitor to instruct and in turn the solicitor will instruct the barrister to act for the client.

In conclusion barristers at 12 Old Square Chambers ensure that the clients are aware from the outset that there may be circumstances where they will have to refer the clients to a solicitor (or other professional client) based on the above (apart from point 1) and also if necessary withdraw from the case if the client's fail to take on Counsel's advice.