

PROTOCOL FOR THE INSTRUCTION OF COUNSEL

This protocol shall be referred to as the protocol for instructing counsel in cases covered by Legal Services Commission General Criminal Contract. It will be reviewed on or before 31st December annually.

The object of this protocol is to provide a 'best practice' framework concerning the instruction of counsel to attend Magistrates' Courts on behalf of clients instructed by firms within the Greater London area for work done under the General Criminal Contract. The protocol applies regardless of whether counsel is seconded to a solicitors firm or not.

The London Criminal Courts Solicitors' Association, the Criminal Bar Association and the Young Barristers' Committee of the Bar Council hope that this document will assist in obtaining consistent standards of service and fair levels of remuneration for the young bar.

Counsel shall be the barrister attending a court upon instructions from the solicitor.

- A) The solicitor agrees as follows:
1. Those instructions shall be given (except in the case of an emergency) in writing sent by e-mail, fax, DX or post.
 2. That instructions shall, whenever appropriate, include at least the following:
 - a) Name, address, date of birth and telephone number of the client.
 - b) Copies of charges, TICs, advance information (whether case summary or statements) and exhibits.
 - c) Bail details or reasons for remand into custody, stage of proceedings, object of the hearing in question and bail instructions.
 - d) Unique File Number (UFN) and a copy of the grant of representation order, where available, or instructions to make application for a representation order.
 - e) Proof of evidence of client, including antecedents, previous convictions and comment on prosecution case.
 3. That payment shall be made in the month following receipt of counsel's fee note and report of result of hearing.
 4. Payment to counsel shall be based on the guidance set out in Annex A, attached hereto. The purpose of Annex A is to recommend a minimum basis for payment of counsel's fees that is fair and reasonable.

5. To pay counsel whether or not a representation order exists unless agreed to the contrary.

B) Counsel agrees as follows:

1. On the day of the hearing, or within 24 hours thereof, counsel shall forward a written report on the case to the instructing solicitors.
2. To act as counsel, from the solicitor's approved list of counsel, (save in exceptional circumstances), for the solicitor advising and assisting the client at the relevant hearing.
3. To ensure that the number of cases accepted at any time will not diminish the quality of the service offered to the client of the solicitor.
4. That on the day of the hearing counsel will, by telephone, advise the solicitor of the result of the hearing and any emergency work which is to be carried out.
5. Counsel's chambers will invoice the solicitor collectively, once a month, so that the solicitor may pay the invoice in a single transfer to chambers.
6. If counsel's fees are not paid within 30 days, counsel's clerk will ordinarily require an explanation before a decision is taken to revert to the LSC for payment.

ANNEX A

Minimum fees:

- £50 for first appearances, remands, bail applications, sentences, adjourned trials.
- £75 for half day trials, half day contested committals and where a defendant pleads guilty at trial.
- £150 for full day trials and full day contested committals.

Travel disbursements are to be paid in addition to the above. ,