

Andrew Rinker, Public Access Barrister in London, UK, 33 St. James's Square SW1Y 4JS

The Direct Public Access Scheme with Right to Conduct Litigation

Members of the public may retain and instruct a barrister directly through the Bar's Public Access Scheme without having to involve an instructing solicitor. Previously, clients were required to use a solicitor or other professional adviser in order to instruct a barrister. Under the Bar's Public Access Scheme, the barrister's role remains basically the same, except members of the public, businesses and other organisations may directly instruct a barrister and, if qualified to do so, the barrister has the right to conduct litigation.

Benefits of Direct Public Access

- Barristers are trained specialist legal advisers and advocates. You gain direct access to these trained advisers and advocates at a time of your choice, not after a problem gets to court.
- You will have to consult and pay only one legal adviser rather than two, which may result in more control over your own case and considerable cost savings.
- You will normally know in advance the basis on which you will be charged, often on a fixed fee basis, and an estimate of the anticipated costs.

Our Services

Our goal is to provide you with a personal, professional, highly competent and efficient specialist advisory, drafting, litigation and advocacy service. We can represent you in courts, tribunals, arbitrations, mediations and at any hearings where you need representation.

The following examples illustrate the type of work a public access barrister may undertake on your behalf:

- Give you expert legal advice.
- Appear on your behalf at court, before tribunals and in arbitration, mediation and other hearings and advise on the merits of a claim or defence or procedural matter.
- Draft documents for you, such as wills, trusts, powers of attorney, partnership agreements, company and limited liability company documents, shareholders' agreements, business documents and contracts and agreements of every variety, with special consideration given to attempting to reduce or avoid disputes in the future.

- Advise you on the formal steps which need to be taken in proceedings before a court, tribunal or other organisation and draft formal documents for use in those proceedings.
- Draft and send correspondence for you.
- Prepare your witness statement from what you tell the barrister; and help you to prepare witness statements from another person based on the information which that person has provided.
- Where a case requires an expert witness (such as an accountant), advise you on the choice of a suitable expert and may draft a letter of instruction which you can send to the expert as a letter from you.
- Provide a second opinion where you have already retained a solicitor.

A public access barrister with litigation rights cannot:

- Take certain formal steps in connection with the litigation. You might have to send the certain documents to the court and pay the filing and service fees directly, although the barrister could help prepare all the documents and instructions for you.
- Instruct an expert witness on your behalf.
- Hold client monies on account.

Public access representation is suitable for all types of the work of barristers, except for work funded through public aid and cases involving children. But not every matter is appropriate for public access work because there are some things that barristers are not allowed to do. Under the direct public access route, you will have to do some work on your own case. This will result in a cost saving for you. Your barrister, however, can provide you with advice on each step of the way. Public access works particularly well for companies, public bodies and individuals who have administrative support.

If the barrister believes your case would benefit from the involvement of a solicitor, the barrister will advise you to retain a solicitor to assist in your case. A barrister has the right to choose whether or not the barrister will accept a public access case.

Instructing Us

Contact Andrew Rinker by phone on 020 7112 8655 or e-mail at Andrew@Rinker-Law.com and inform us that you wish to instruct a barrister directly. Mr. Rinker will outline your next steps. You should provide us with a short summary of your case, including such details as:

- The nature of your claim/dispute or advisory or drafting requirement.
- Whether the case urgent and, if so, the nature of the urgency.
- Whether you have any court/tribunal hearing dates.
- Whether you previously been advised in this case. If so, you should specify by whom.

- The existence of any useful supportive and relevant documentation, such as a contract, lease, trust, will, letters, e-mails, company document or pleading. If such documents exist, you should list the documents and briefly describe each document.

Once completed, please forward the summary and relevant documents to Andrew Rinker at the e-mail or postal address above. We may believe it is necessary to discuss the matter further. In such event we will set up a telephone or face-to-face appointment. We will be pleased to help you understand the process and assess whether barrister direct public access is the right route for you.

The Next Stage

After we have reviewed your case summary and relevant documents (and conferred with you), we will determine whether your case is suitable for the public access scheme. If your case is appropriate for public access, we are required to obtain proof of your identity and ask that you submit to us the original or copies certified by a professional person of each of the following:

- Photographic proof of name and date of birth, such as passport/drivers licence/ID card, and
- Proof of address through a utility bill or bank statement, dated within the last sixty days.

Thereafter, we will agree a written contract with you for the legal services you require. The contract will describe the basis on which the work will be done and a quotation for the work. When you receive the contract from us, you should read it carefully and ascertain that it says what you understand is agreed with us. If the contract does not reflect your understanding, you must contact us to discuss it.

The contract will contain the terms and conditions described in the attached Client Care Letter. The letter also contains more detailed information on fees and costs than is contained below. In instructing Andrew Rinker, you expressly agree to the terms and conditions contained in this Client Care Letter.

Fees and costs

We offer competitive rates which are charged on an hourly rate and vary depending on the nature and complexity of the case and the seniority of counsel. We typically charge between £750-£900 per hour, depending on the nature of the case, plus VAT. Fixed fees are determined based on estimated time at these rates.

In many cases you will be given a fixed price fee in advance for advisory and drafting work. Where you are given a fixed price, we will not exceed the amount we have quoted without your prior authority.

We usually charge fixed-rate fees for advocacy work. We will negotiate those fees with you before appearing on your behalf.

Prior to the commencement of work, an estimate of cost will be provided to you. Subject to agreement, if we have provided you with a fixed price, the fees will need to be paid in advance of the commencement of any work.

Where additional work is required by the barrister beyond what was previously agreed, a new quote and a new contract will be agreed. We will not undertake any new work until all outstanding fees have been paid.

For additional information we encourage you to consult the Bar Council's website for more detailed and complete information about the Public Access Guidance for Lay Clients, which can be found at:

http://www.barcouncil.org.uk/media/119600/public_access_guidance_for_lay_clients_-_mar_2010_-_as_at_25_oct_2011__1_.pdf