

What are people saying?

'The principle is simple – by directly briefing a barrister you get timely, cost-effective, expert advice that can be used by the organisation to understand a litigation risk, develop a strategy or fill an expertise gap in the in-house team's advice.'

Trish Hyde

CEO, Australian Corporate Lawyers Association
'Direct Action', *Lawyers Weekly*, 10 October 2012

'Quality is really important to us and we think we can get that for about half price by going directly to the Bar.'

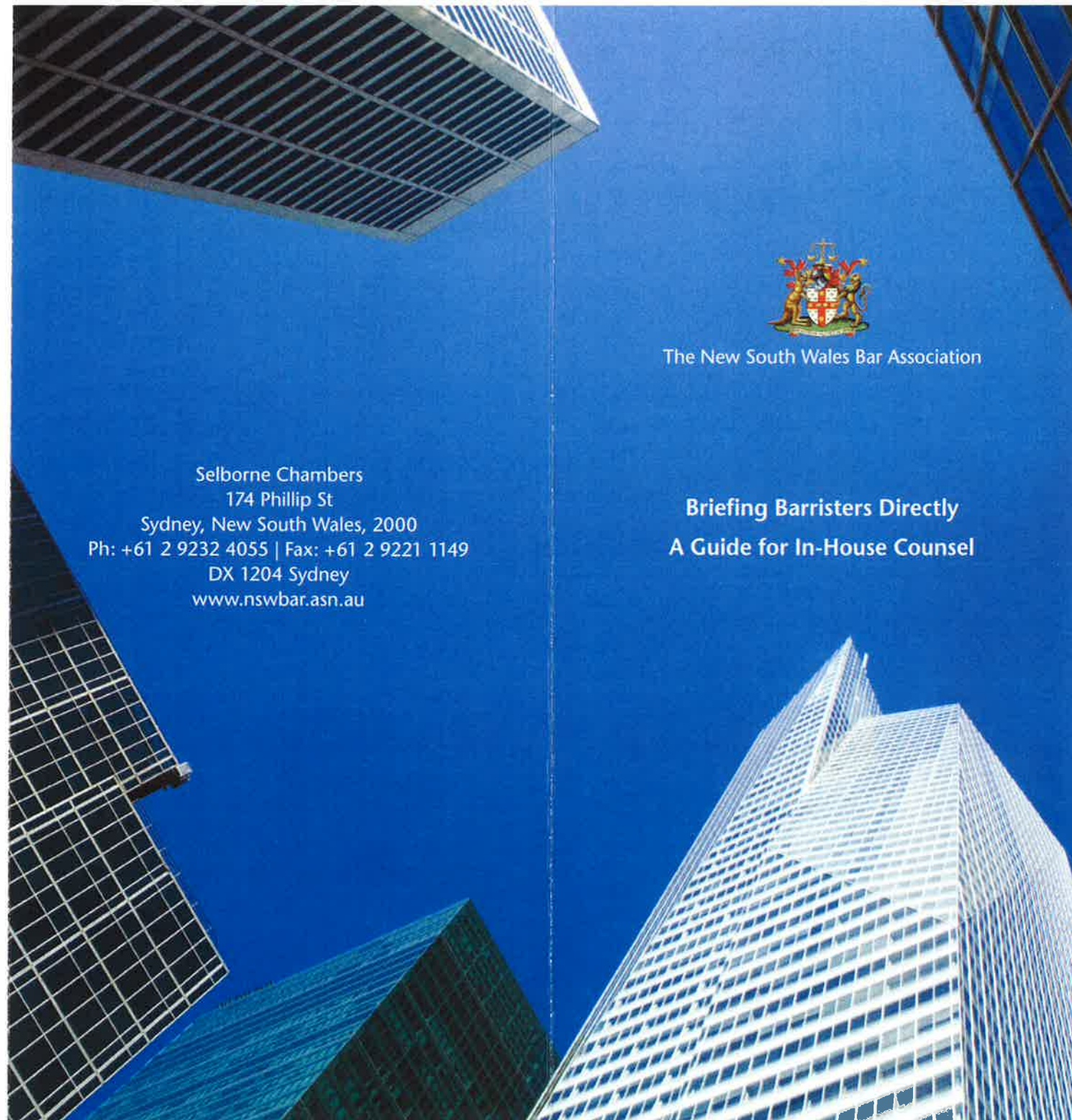
Janine Webster

Chief Legal Counsel

Fair Work Ombudsmen Office, Sydney

Quoted in: 'Bar helps agency slash its costs by half'

The Australian, 22 July 2011



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Briefing Barristers Directly
A Guide for In-House Counsel

What is direct briefing?

Direct briefing occurs where a corporate or government lawyer briefs a barrister directly, without using an external solicitor.

Any in-house lawyer with a current practising certificate can directly brief a barrister.

What is direct access?

In some circumstances, barristers can also accept instructions from a person who is not a lawyer. This type of work is generally known as 'direct access'. Sometimes direct access work comes to a barrister from corporations, accounting firms or government departments who do not employ their own in-house solicitors.

More information on direct access can be obtained from the Bar Association's website.

What does the bar offer in-house lawyers?

The New South Wales Bar offers an alternative.

The advantages of direct briefing are numerous.

Direct briefing provides access to specialist expertise in every area of the law.

Strategic, early and direct involvement of a barrister saves time and money.

What type of work is suitable for direct briefing?

- Legal advice – written or in conference
- Reviewing contracts and other documents for particular issues, for example: tax, human resources/employment, restraint of trade, public relations/media, regulatory/compliance issues
- Advice on dispute resolution, including strategy and resourcing
- Appearing in litigation - direct briefing is particularly suited to urgent applications and less complex matters

How do you find the right barrister?

Barristers tend to work from sets of chambers or 'floors', which typically have between 10 and 40 barristers.

Each set of chambers has a clerk (or practice manager) who is the general point of contact for barristers in the chambers.

Most barristers' chambers have a website, which generally provides information on the areas of practice of the chambers and individual barristers.

A list of barristers' chambers can be accessed at the New South Wales Bar Association's website.

The Find a Barrister facility on the Bar Association's website lists details of many members of the New South Wales Bar Association.

The role of the barristers' clerk

The clerk can answer questions about areas of practice and can recommend a barrister suitable for particular work.

The clerk can also answer questions about a barrister's experience, rates and availability.

Many barristers are also happy to field such enquiries directly.

Once you have found a barrister, what to do next?

Once you confirm the engagement of the barrister, the barrister will send you a fee disclosure or costs agreement.

Prepare a brief to the barrister. The barrister will be happy to discuss what should be included in the brief if assistance is required.

Generally the brief should contain:

- some brief observations of the facts relating to the work the barrister is asked to perform;
- the specific questions (if any) upon which advice is sought; and
- the documents relevant to the issues.

Traditionally briefs are hardcopy folders, but many barristers now accept electronic briefs, particularly in urgent matters. Discuss this with the barrister or the barrister's clerk.