



What is Public Access?

Public Access (which may sometimes be known as Direct Access) is the term used to describe members of the public going directly to a barrister, rather than through a solicitor. Not all barristers are prepared to accept instructions directly or are authorised by the Bar Council to do so. Services commonly provided are advocacy at court hearings, advice in writing or in conference, and drafting court documents.

If you are using a Public Access Barrister, you will need to do things usually done by a solicitor yourself. Barristers at Fenners Chambers are not permitted to conduct litigation and some examples of things that you will need to do yourself are filing documents at court and serving documents on other parties. Your barrister may assist you with drawing up court bundles and with the wording of letters to other parties, but you will usually be required to send these to other parties and receive the response. You should expect to phone the court from time to time in relation to the listing of your case.

Please note that your public access barrister will not be able to manage the strategy of your case on a day-to-day basis. If you require urgent responses to ad-hoc queries, then it is likely that we will recommend the support of a solicitor. Clerks are not legally qualified and cannot advise you on any aspect of your case.

Fees

Barristers will only be able to commit to act for you directly for clearly foreseeable stages, and the clerks will only be able to quote a fee for these stages, although they may be able to give a more general indication of costs going forward. If you instruct a barrister directly you will be saving the costs of instructing a solicitor for that element of the case, but it is possible that your barrister will require that a solicitor instructs them in the future.

Fees are payable in full before any work is commenced, usually two weeks in the case of hearings and one week for drafting and advisory work. Payment dates will be clearly identified within an engagement letter (known as a Client Care Letter). Any fee that you pay will be fully incurred and barristers are not permitted to hold any funds on your behalf. You will not be charged any fee that has not been agreed in advance.

We will provide you with a quote as soon as possible. We always aim to set out quotes clearly, but if you receive your quote and there is something you do not understand, please contact us.

Hourly rates are charged for written work and conferences, which will usually be agreed in advance of the work being undertaken. We are happy to consider proposals for capped fees for this work.

If additional work is required or further paperwork needs to be considered, additional fees may be charged at the hourly rate agreed.

Each Barrister has an hourly rate, which is in line with their expertise and experience ranging from £125 plus Vat to £500 plus VAT. Our knowledgeable clerks are available to discuss fees, and to identify the most appropriate barrister for each client's needs.



However, these fees may vary to take into account the complexity and value of each case. Direct access work involves the additional element of client care requirements and the rates for this work can therefore be slightly higher.

Hearing fees are calculated based on likely time to be spent in preparation and at court. A travel element may also be included in the fee.

Fees for trials are set out as brief fee and refresher fee. A brief fee covers day one of the trial, including preparation for that hearing. Refresher fees are the agreed rate applicable to each subsequent day of the trial. These fees will be agreed in advance with guidance on the date that they will become due. In many circumstances it may be necessary to deem fees due in advance of the hearing, in stages, to allow the Barrister to prepare.

VAT will be charged on top of fees for Barristers who are VAT registered.

Barristers cannot accept instructions directly in legally aided cases and if you are entitled to legal aid, you will usually benefit from instructing a solicitor. Only a solicitor can confirm if you are entitled.

How your case is dealt with

1. We will email you an initial application form to give us your contact details and some background that will allow us to assess your case. A mobile number and email address are considered essential.
2. You should complete the form in detail and return this to us by email, attaching a copy of the most recent court order in your case, if any, but no other documents unless requested to do so.
3. You should always send documentation by email. Hard copies may be acceptable by arrangement, but you should never send originals.

NB. Documents should always be attached as .PDF or. WORD format and complete, e.g. in a format available from mobile phone scanning applications. Individual pages cannot be accepted by email.

4. Unless you have requested a specific Barrister, we will approach up to three barristers on your behalf on receipt of the initial application form, but you will not be able to speak to any barrister before they are formally instructed.
5. We aim to let you know if a barrister has agreed to take your case in principle, or what further documentation is required from you first, within two working days.
6. We aim to let you know if we cannot take your case, but will not explain any reasoning, within two working days.

NB. All email and telephone contact must be through the clerks, who retain records of communications, unless in direct response to your barrister.

7. We will email you our proposal to take things forward immediately a barrister has seen all requested documents. This will include detail of the work to be done, the timeframe and the proposed fee.



8. You will email your confirmation as to whether you wish to proceed or not, or any queries.
9. We will email you a Client Care Letter confirming terms of engagement and clearly set out instructions for payment and proof of identity, usually a copy passport or driving licence and a recent utility bill for the home address. Originals may be required in certain circumstances.

NB. Proof of identity of the beneficial client AND any third party who pays fees is required for compliance purposes including under Money Laundering regulations.

10. You will sign and return the Client Care Letter signature page by email together with your identification documents.
11. You will ensure that payment is made by the deadline set out in the Client Care Letter by bank transfer or card.
12. We will only authorise the commencement of work by the barrister on receipt of payment and all specified documentation.

NB. The Clerks endeavour to keep barristers available until the Client Care Letter is signed and the fee paid. If this is not possible, they will try to offer an appropriate replacement on the same terms.

13. We expect that advice or documentation will be drafted by your barrister within 21 days of authorisation unless an alternative timeframe is agreed at point of instruction.
14. We will always aim to keep you updated. We will respond to emails promptly subject to information from barristers who may be uncontactable immediately due to professional commitments.
15. You must promptly notify us of any developments that will materially affect outstanding instructions from you or the management of your case, including hearing dates and settlement offers.

NB. Barristers are often unavailable in court or in conference. As working time will be limited, it is best to avoid multiple emails, or calls and always provide information promptly, succinctly and in full, rather than in piecemeal fashion. Responses will be at the first opportunity.

Further information

Further information on public access can be found in the Bar Standards Board document 'Public Access Guidance for Lay Clients':

<https://fennerschambers.com/wp-content/uploads/2021/09/Public-Access-Guidance-for-Lay-Clients.pdf>

Please contact us for any further queries:

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