

DIRECT ACCESS GUIDELINES

The letter of instruction to an advocate should contain certain information:

1. The name of the advocate to be instructed
2. The name and nature of the case or an identifying description of the matter to which the letter relates. This description should be followed consistently in succeeding instructions in relation to the same matter so that case records may be correctly integrated.
3. Where appropriate, the party for whom the advocate is instructed to appear or whom the advocate is instructed to advise or represent.
4. If there are opposing parties involved the names of all such opposing parties should, if known, be given in order to avoid subsequent problems arising due to any conflict of interests.
5. Any reference which the instructing Member wishes Faculty Services Limited to quote on the fee notes rendered by the advocate.
6. The Faculty Services Limited case reference once this has been intimated to the instructing Member. This information will be made when the first fee note is rendered.
7. A numbered list of all documents accompanying the letter of instruction. Copies, not originals, of relevant documents should be sent. If the advocate has previously been instructed in connection with the same matter, copies of any previous instructions and Opinions should be included.
8. Details of the services required from the advocate.
9. Details of any time limits applicable or indicating any other urgency relating to the matter instructed. Such details should be stated prominently.
10. The instructing Member should set out in a concise form the nature of the problem upon which an opinion or advice is sought. This should include a clear and concise narrative of the relevant facts and circumstances cross referenced to the relevant accompanying documents.
11. If the instructing Member attaches special importance to an event or document, this should be stated in the instructions together with the reasons for this view.
12. Any law thought to be relevant should be mentioned with a full reference to any Act, regulation or case quoted.
13. The instructing Member should indicate his or her conclusions and end with a specific list of questions for the advocate on particular points raised.
14. If the instructions are for a hearing, details of the nature and date(s) of the hearing should be given together with, if possible, the identity of the arbiter, reporter etc. concerned. The instructing Member should also set out concisely, first, his or her client's case as the instructing Member sees it and, second, the opposing party's case as it is likely to be put. If appropriate, the instructing Member should also give details of the evidence likely to be available of both fact and opinion.
15. Where fees are to be paid otherwise than at the conclusion of each item of work for which the advocate is instructed, a note of the agreement reached in advance between the instructing Member and the advocate's clerk as to the amount of the fee and the basis of charging should be given in the initial letter of instruction.
16. If a written acknowledgement is required, the instructions must be sent to the advocate's clerk with a request for such acknowledgement.