



## The Direct Access Scheme: is it for you?

Solicitors will often consult barristers for specialist legal opinions or instruct them to represent their clients in Court. With the Direct Access Scheme, you can bypass the solicitor and deal with a barrister direct.

This will almost certainly save you money, but there are some things a solicitor would normally carry out for you that you will have to do yourself. These are initially to do with managing paperwork and money but also include organising the case documents, writing letters and carrying out tasks that a solicitor would normally do for you.

This being so, it is important that you have the time, resources and ability to send and manage correspondence, lodge Court papers on-time, commission expert witnesses and update your barrister on case developments.

We will, of course, take care of the technical aspects, including drafting letters and documents, but we will advise you to involve a solicitor in cases that are, or become, complicated and involve the issuing of proceedings and the conduct of litigation.

Please note that barristers are unlikely to accept low value personal injury cases on a direct access basis and they are not allowed to take on Legal Aid cases under the Direct Access Scheme.

### Why and when should you choose Direct Access?

As already discussed, by going direct you will likely save money, as there are no solicitor's fees to pay. It also means that you will be dealing directly with the person who is advising on your case and potentially representing you in Court.

Many of our Direct Access clients feel this gives them greater control over their case and they prefer to have a single point of contact, rather than having a solicitor in between.

The Direct Access Scheme is more suitable for straightforward cases, unless you have gained specific experience of your issue, maybe through study or at work. We will advise you on the best course when we speak.

### Do you have a case?

You are very welcome to contact our specialist practice managers to discuss this, but if possible, please fill in and submit our online enquiry form.

This is a structured questionnaire that will cover the key points we need in order to make an initial appraisal of your case, including:

- Whether it is suitable for Direct Access or you would be better to involve a solicitor;
- Whether, on first reading, you have a reasonable case or a realistic prospect of winning any dispute;
- Which of our barristers would be best able to help you.

Once we have the basic information about the case, the next step is to arrange a brief telephone call so that we can establish whether your case is suitable for Direct Access.

From this we will be able to give you an initial, informal view on your case, propose the best approach to take and estimate the likely costs in writing. This is all without charge or obligation.

One final point: if you have already been advised by a barrister that you do not have a case, it is likely that we would conclude the same.

## **What happens when you appoint us?**

If your case is suitable for Direct Access and you would like us to act for you, we will ask you to instruct us in writing. We will provide a formal engagement letter that specifies who will handle your case, what we will do for you and what we will charge.

### *Drafting your documents*

If you want us to draft a document, such as a letter, Court document or contract, your barrister will work with you to gain a detailed understanding of your situation and what you want to achieve, before producing a draft for your approval.

She or he will, of course, advise you on the legal ramifications and technical aspects.

### *Representing you*

Our barristers will work with you to build your case and achieve the optimum outcome, whether through pre-action negotiations, at mediation, arbitration or in Court hearings. They will prepare documentation for you to submit as required.

## **What will it cost?**

We understand that you are coming to us because you want cost effective, specialist advice; so wherever possible, we offer fixed fee pricing for direct access clients.

A fixed fee means you will not have to worry about paying extra for emails and phone calls to your barrister. Everything relating to your agreed-to service is included.

The fee quotation is specific to you and to the services required for the matter at hand. We base our fees on a number of variable criteria; for example the type of issue, the complexity involved, the value of the case and the time we would expect to spend on it.

Quotations are thoroughly itemised and split into stages where appropriate. We are happy to answer any questions before we begin and will not undertake any chargeable work until you tell us to proceed.

Occasionally there are matters unsuitable for a fixed fee agreement. In these cases, we will try to fix at least part of your service for greater certainty. The rest we will charge at an agreed hourly rate. Occasionally a barrister may need to recharge you a direct cost, for example if they have to travel to attend a court outside London, but that would be specified in their fee quotation.

*Additional costs: you will need to budget for costs you will incur directly, such as court fees and any services from expert witnesses. These would normally be administered and billed to you by your solicitor.*