



Five Pump Court Chambers

A GUIDE TO DIRECT ACCESS

Thank you for instructing 5 Pump Court. We look forward to working with you. This guide sets out some of the most frequently asked questions about direct access work.

Who will carry out your work?

We will agree which of our barristers will carry out the work for you. The barrister chosen will have suitable expertise and experience to undertake the work and will have undertaken direct access training. If for any reason they cannot carry out all the work you require, or if they want to suggest that another barrister carries out the work for you, we may propose this and the reasons for it. However, another barrister will not carry out work for you unless and until you have agreed to this.

There may be times when professional commitments clash. If your barrister identifies a possible clash of commitments which means that they are unable to work on your case then they will do their best to:

- Warn you as soon as possible and ask you how you would prefer to continue.
- Suggest the name of another barrister within Chambers (of a suitable level of seniority and expertise), who is willing to accept your case under the same terms as this agreement. You would then need to decide whether you want to instruct that barrister.
- Help you find a barrister from other Chambers if there is not a suitable barrister within Chambers, or if you do not want this Chambers to continue working on your case.
- Discuss with you the costs of using another barrister.

Please note that our barristers are all self-employed, and not employed by Chambers.

What work will be carried out?

The work to be carried out will be agreed in advance and set out to you in a letter.

If subsequent work is needed in your case (including further court appearances), there will need to be another agreement set out in another letter. We cannot guarantee that the same barrister will be available for all court hearings, but will try our best to ensure that they are.

The range of work which barristers can do

Barristers advise on the law, draft documents for clients to use and appear on behalf of their client before courts or other tribunals. Barristers do not handle client money or undertake the organisation or management of a case proceeding through a court.

Here are some examples of work which a barrister can and cannot carry out for you:

- A barrister can draft letters on your behalf but cannot send these from Chambers - letters will normally have to be sent from you directly;

- A barrister can appear on your behalf to argue your case at a court or tribunal;
- A barrister can help you to draft a witness statement if one is required in your case, based on information which you give to them. They may also be able to help finalise a witness statement from another person based on the information that person has provided.
- A barrister can advise you on the need for expert evidence and on the choice of a suitable expert – but cannot instruct an expert on your behalf.
- A barrister can draft formal court documents for you, but cannot serve court documents on other parties (send them to other parties) or file them at court on your behalf. You will need to take responsibility for serving formal court documents on other parties and filing them at court.
- A barrister can represent you in a court hearing, but cannot go on the court record or provide their address to the court as the ‘address for service’ of documents (the address which you are required to provide to the court for other parties or the court to send documents to you). You will be listed on the court record as a litigant in person. You will need to provide your own address as the ‘address for service’ of documents sent to you by the court and other parties.

If you are instructing one of our barristers without a solicitor, you must be sure that:

- You are able to do whatever is necessary for those matters that we cannot deal with; or
- You have made an arrangement with another person of suitable competence and experience to provide these services for you.

Circumstances when we may not be able to act for you

All barristers must follow the Code of Conduct in the BSB Handbook which is available here:

<https://www.barstandardsboard.org.uk/the-bsb-handbook.html> The Code of Conduct requires barristers to consider whether a solicitor needs to be instructed in the interests of each client. If there comes a point at which a direct access barrister considers you need a solicitor, they will no longer be able to act for you without the involvement of a solicitor. We will give you as much notice as possible if this is the situation and may be able to help you to find a solicitor with suitable expertise.

Legal Aid

It is possible that you may be eligible for legal aid. However, barristers cannot do legal aid work unless they have been instructed by a solicitor. If you want to talk to someone in more detail about getting legal aid, you should contact a solicitor who does legal aid work. They will be able to advise you about the availability of legal aid for your case. You can find out more information at <https://www.gov.uk/legal-aid> If you want to find out whether you are likely to be eligible for legal aid, you can check at <https://www.gov.uk/check-legal-aid>

If you do not qualify for legal aid, you might like to consider whether you have any insurance policies that might cover your legal fees, or if the fees may be paid by someone else, for example a trade union.

If you are eligible for legal aid, our barristers can still advise and represent you if:

- You make an informed decision not to seek legal aid;
- You make an application for legal aid but it is rejected;
- You decide not to take up an offer of legal aid (perhaps because you consider that the level of contribution you will be required to make is too much).

We will ask you to sign to confirm that you have decided not to seek or accept legal aid if it appears that you would be eligible for it.

Availability

Our barristers are frequently in court, and that can sometimes mean that they are unavailable to other clients for a day or several days in a row. If you are not able to contact your barrister directly, you are welcome to leave a message with their Practice Manager, and the barrister will respond as soon as possible.

Fees

We usually agree a fixed fee for the work that is to be carried out. Occasionally, we will charge on the basis of an hourly rate, and will give an estimate on the number of hours work required. The fees or hourly rate charged will depend on a number of factors including the amount of work required; the level of experience of the barrister you re instructing; and the complexity and urgency of the work. The fee agreed is only for the work which has been agreed – if further work is required, then a further fee will also have to be paid.

If you are instructing a barrister to represent you at a trial which will last for more than one day, then we will agree a brief fee for the first day which will include all preparation, and a refresher fee for subsequent days. Payment of both brief fees and refreshers is required before Counsel undertakes significant preparation work for the hearing.

We require payment in advance. Payment can be made by bank transfer or credit card (we do not accept American Express). If payment is not made, and fees remain outstanding 30 days after we send you a fee note, then interest will be payable at 2% above the Barclays Bank base rate.

Transparency rules

We are obliged to provide further information regarding fees for certain types of cases provided by direct access barristers. The table below sets out the range of hourly rates for various types of cases and some of the other potential costs which you may have to pay. All rates given exclude VAT. In order to get a more accurate quotation or to agree a fixed fee for the work required, please contact our Practice Managers on 020 7353 2532 or by email at clerks@5pumpcourt.com

Type of work	Range of hourly rates	Other potential costs
All work listed below – to be done by a QC	£500 - £600 plus VAT	
Employment Tribunal cases (advice and representation for employers and employees)	£100 - £250 plus VAT	Employment Tribunal fees Expert reports
Financial disputes arising out of divorce (where joint assets amount to less than £300,000)	£150 - £275 plus VAT	Court fees Expert reports
Immigration appeals (First-tier Tribunal)	£200 - £250 plus VAT	Court fees
Inheritance Act advices	£200 - £350 plus VAT	Fees to obtain copy of Grant of Probate/Will

Licensing applications in relation to business premises	£80 - £300 plus VAT	Expert reports
Personal injury claims (where claim is worth less than £25,000)	£80 – £350 plus VAT	Court fees Expert reports Fees to obtain medical records
Summary only motoring offences (advice and representation for defendants)	£85 – £350 plus VAT	
Winding-up petitions	£80 - £350	Court fees Official Receiver's costs

Cancellation

You have the right to cancel. You will lose the right to cancel this contract if the services have been fully performed at your express request within the cancellation period.

Documents

Please do not send us original documents. If original documents are provided, they will be copied and returned to you. We may make a reasonable charge to you for producing photocopies. Our barristers keep copies of any documents provided for their professional records in accordance with our Privacy Notice.

General obligations

The information which you give to your barrister will be received in professional confidence. This means it will be kept confidential unless you agree that it can be shared. The only exception is that statutory and other legal requirements may mean that your barrister has to disclose your information to governmental or other regulatory authorities, without your consent and without telling you that this has been done.

Complaints

We hope that you will be pleased with the service provided. However, if there is any problem please let us know as soon as possible so that we can put things right. If this does not solve the problem, you should follow our Complaints Procedure (details are available on request and can be found on our website at <https://www.5pumpcourt.com/media/ul3p214y/complaints-procedure.pdf>).