

INDICTABLE CRIMINAL LAW PANEL

Information for Applicants

This document provides information for solicitors who wish to apply for appointment to the Indictable Criminal Law Panel (the panel) for the representation of defendants in non-complex indictable criminal matters throughout NSW.

GRANTS OF LEGAL AID IN CRIMINAL LAW MATTERS

Appointment to a panel does not confer an entitlement to work. Grants are assigned in accordance with the Legal Aid NSW [Grants Allocation Guidelines](#).

Only a very limited number of offers are made via Grants Online for the assignment of legal aid matters to panel lawyers. This is because most matters are allocated either to the Legal Aid NSW Criminal Law Division or a panel lawyer who has submitted the legal aid application.

Offers that are made via Grants Online are usually matters that are not able to be conducted by the Criminal Law Division and where the initial application was not submitted online by a panel lawyer.

OUR CLIENTS

The majority of people appearing in the Criminal Justice System are people who are disadvantaged in the legal system. Many are from disadvantaged backgrounds. It is important that lawyers representing people in criminal courts are able to communicate effectively. Lawyers must also have an understanding of cross-cultural issues and issues facing socially and economically disadvantaged people, people with mental illness, people with a disability and Aboriginal and Torres Strait Islander people.

Legal Aid NSW acknowledges that people with a disability comprise a significant proportion of the population in New South Wales and are particularly disadvantaged in the justice system. It is therefore important that we acknowledge their rights and interests and deliver services that are inclusive and accessible.

Legal Aid NSW aims to improve access to justice to the people of NSW by providing a range of innovative, high quality legal and other services. In partnership with lawyers and professionals from Community Legal Centres, private practices and other agencies, Legal Aid NSW works towards equitable access to justice for our clients.

In particular, private lawyers are asked to identify their skills, competencies and experience that address the needs of all people across NSW, including those with disabilities and from multicultural communities.

Further details in relation to our client base are available at www.legalaid.nsw.gov.au. Please refer to the Legal Aid NSW [Annual Report](#).

GENERAL INFORMATION

This panel is established under [section 50\(1\)](#) of the [Legal Aid Commission Act 1979 \(NSW\)](#).

Lawyers appointed to the panel are:

- Appointed for a period of 5 years. Appointments to the panel apply to individual lawyers and not to firms.
- Required, as a condition of appointment, to enter into a service provision agreement with Legal Aid NSW.

Lawyers who are not in private practice or are employed by a Community Legal Centre or the Aboriginal Legal Service cannot apply for appointment to the panel.

INDICTABLE CRIMINAL LAW PANEL

The panel will generally only be open to solicitors with a minimum 2 years post admission experience appearing in criminal law matters. The panel applies to indictable matters which cover:

- Local Court Committals
- District Court Sentences
- District Court Trials

Indictable matters categorised as complex will only be assigned to solicitors appointed to the Serious Criminal Law Panel.

Indictable matters categorised as complex and not covered by the Indictable panel include:

- All Supreme Court trials and pleas;
- Manslaughter trials and pleas;
- Matters where the trial is complex because of the nature of the charge or the defence or where significant case management is required. For example: sex slavery, fraud or money laundering charges where there are more than 30 counts and/or the total value is more than \$500,000.00.
- Those trials involving a number of expert witnesses and identified by the trial judge as requiring significant case management pursuant to s.141 *Criminal Procedure Act 1986*;

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- Where the trial length is estimated at 20 days or more;
- Where the brief of evidence is more than 5,000 pages;
- All terrorism matters;
- Matters where there are multiple complainants and/or multiple defendants in sexual assault trials.

A barrister may be briefed by a panel solicitor in appropriate matters subject to Legal Aid NSW policies and prior approval.

Requests by solicitors to appear in District Court trials as Solicitor Advocate will be considered on a case-by-case basis by the Senior Grants Criminal Law Solicitor. In those circumstances, they will be required to address individual circumstances including their prior trial experience.

FEE RATES

Panel lawyers are paid at [legal aid rates](#) as notified from time to time and in accordance with Legal Aid NSW policy.

SELECTION CRITERIA

Applicants who wish to be considered for appointment to the panel are invited to submit an application. The application must address the selection criteria and provide details and information to demonstrate that all the criteria are met. Do not assume that the selection committee knows of your expertise in a particular area or what you have achieved in the past.

Applicants may not consult with other people in relation to the selection criteria. All answers must be original work. Copying or duplicating the work of another applicant may result in your application for inclusion on the panel being declined.

1. Do you have a current practising certificate?

(Applicants are not required to provide a copy of their current practising certificate)

2. Is your certificate subject to any conditions or undertakings?

If yes, please provide details.

3. What was your date of admission and how many of years have you practised as a solicitor?

4. How many years post admission experience do you have in criminal law matters?

5. Do you hold Specialist Accreditation in Criminal Law from the Law Society of NSW?

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If Yes, you only need to complete questions 10, 11, 12, 13 and the section headed “Additional Information and Disclosures”.

6. Are you currently appointed to the Serious Criminal Law Panel?

If Yes, you only need to complete questions 10, 11, 12, 13 and the section headed “Additional Information and Disclosures”.

7. Excellent written and oral communication skills including the ability to prepare court documents, correspondence, submissions and other written materials. (400 word limit)

8. Demonstrated ability to conduct successful negotiations with prosecuting authorities in indictable matters. (750 word limit)

Please give details of three committal matters that you were involved in within the last three years where you were required to negotiate with the prosecution.

When describing each example include details of:

- a) The charges
- b) The negotiation process and what you steps you undertook to negotiate.
- c) The outcome

9. Demonstrated knowledge of criminal law, procedure and evidence and experience appearing and instructing in indictable matters in the Local, District and Supreme Courts. (750 word limit)

Give details of three indictable matters in the last three years where you acted or were involved at the committal proceedings and/or instructed Counsel at the subsequent trial/sentence.

Explain in each example how you demonstrated your knowledge and experience and what you did to prepare the defence case.

When describing each matter, summarise:

- the charges on the indictment
- the Crown case
- the Defendant’s case
- the length of the trial if applicable
- the outcome
- the name of the parties and the name of the legal representatives.

Please note that one of your required referees will be required to comment on one of the examples provided.

- 10. Ability to identify and address legal issues, understand and effectively communicate with people (word limit 750):**
- a) with mental illness, disabilities and/or who have been the victim of domestic violence;**
 - b) who are socially or economically disadvantaged;**
 - c) from wide ranging culturally diverse backgrounds.**

Address each issue separately. Give examples that show that you have the ability to address legal issues and briefly describe how you would communicate with a client where these issues arise. Also give examples that show that you have the ability to identify these issues and briefly describe how you would represent a client where these issues arise.

- 11. Capacity and willingness to comply with the Legal Aid NSW Indictable Criminal Law Practice Standards.**

Indicate that you are aware of the Legal Aid NSW Indictable Criminal Law Practice Standards and will comply with those practice standards.

A copy of the Indictable Criminal Law Practice Standards is available at the [Practice standards in legally aided matters webpage](#).

- 12. Capacity and willingness to comply with Legal Aid NSW reporting and administrative requirements.**

Indicate your capacity to comply with Legal Aid NSW reporting and administrative requirements including compliance with the [Terms and Conditions of Use of Grants Online](#).

- 13. Provide satisfactory references from two suitable referees**

Provide the names and email addresses of two suitable referees at least one of which is a barrister you have briefed in the last 3 years.

The referees should be able to attest to your demonstrated relevant experience to undertake Local Court committal matters and District Court trials.

Please note that one of the referees nominated should be able to comment on one of the matters you have referred to in criteria 9. Please nominate which referee this is and the matter they are able to comment upon.

Your referees must be legal practitioners with current practising certificates.

Your referees should be independent. They should not be employed by or have a commercial interest in the firm where you are currently employed.

Judicial officers should not be given as referees.

Please ensure that your referees are aware that they have been nominated and that Legal Aid NSW will contact them seeking a reference. An information document for referees is available in the information package. This document should be given to your referees.

The referees will be asked to provide information about their direct knowledge of your skills and experience and their opinion on whether or not you are a suitable person for appointment to the panel and the reasons for their opinion. They will also be asked to give their opinion about the extent to which you meet the selection criteria.

Substitute referees will not be accepted.

ADDITIONAL INFORMATION AND DISCLOSURES

Applicants must also disclose the following matters in their application:

- 1. Sustained complaints under the *Legal Profession Act 1987 and/ or 2004 and/or Legal Profession Uniform Law (NSW)***

Have you been the subject of any complaint to the Office of the Legal Services Commissioner, the Law Society of NSW or the NSW Bar Association (or an equivalent body in another state) which has resulted in:

- 1. you being cautioned**
- 2. you being reprimanded**
- 3. conditions being imposed on your practising certificate, and/or**
- 4. proceedings being commenced against you for unsatisfactory professional conduct or professional misconduct.**

If you have been the subject of any complaint resulting in any of the above please provide details of the complaint and the outcome, whether or not listed publicly on the disciplinary register.

- 2. Do you have any convictions or pending charges for any of the Disqualifying Offences set out in Schedule 2 of the [Child Protection \(Working with Children\) Act 2012 \(NSW\)](#)?**

If yes, please provide details.

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3. **Do you have any criminal convictions or pending criminal charges for any other offence (except in relation to minor traffic offences)?**

If yes, please provide details.

4. **Have bankruptcy proceedings been commenced against you?**

If yes, please provide details.

5. **Do you have an actual or perceived conflict of interest in relation to your selection onto the panel or your inclusion on the panel generally?**

If yes, please provide details.

6. **Have you ever been referred to the Legal Aid NSW Monitoring Committee?**

The Monitoring Committee considers matters that involve the possible breach by panel lawyers of panel service agreements.

If yes, please provide details.

7. **Have you ever been removed from any Legal Aid NSW panels for failing or refusing to cooperate with an audit?**

Legal Aid NSW carries out audits of work assigned to lawyers, including claims for payment of work, pursuant to s52B of the *Legal Aid Commission Act 1979* (NSW).

If yes, please provide details.

8. **Are you fluent in any languages besides English?**

If yes, please provide details.

9. **Do you consent to the publication by Legal Aid NSW of your name, business address and telephone number in a list of members of the Panel?**

This information will appear on the Legal Aid NSW website and in any other form that Legal Aid NSW considers necessary to assist in the administration of services provided by Legal Aid NSW.

CERTIFICATION

By checking "I agree" you acknowledge and certify the following:

- All information disclosed in this application is true and accurate at the time of submission
- The application is your own work

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- You understand that Legal Aid NSW may check internal and/or publicly available records to verify the accuracy of information provided in the application or requested as part of the application process
 - You understand that Legal Aid NSW may request written referee reports
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FURTHER INFORMATION

Applicants can obtain more information about panels from the [Panels, audit and practice standards website](#).

All enquiries should be directed to Professional Practices Branch on (02) 9219 5662 or by email at panels@legalaid.nsw.gov.au.

HOW TO APPLY

Applications must be lodged via the [Panels Application website](#).

Applications may be submitted at any time. However, consideration of such applications may be deferred subject to the [Selection Committee meeting schedule](#) (as amended).

SELECTION PROCESS

The selection process involves consideration of applications by a Selection Committee comprising a nominee of the Legal Aid NSW Director Criminal Law, a nominee of the Director Grants, a nominee of the Law Society of New South Wales, a nominee of The New South Wales Bar Association and a nominee of the Public Defenders.

Applications will be considered by the Selection Committee at suitable intervals as published on the Legal Aid NSW Website and Panels Application Website.

Where an application is made by a lawyer as a result of another lawyer (currently on the panel) leaving their firm or there is a service delivery need in the region where their firm is located, the applicant lawyer may request that consideration of their application be expedited subject to the availability of the Selection Committee.

The Selection Committee makes recommendations on the suitability of applicants for appointment to the panel to the Chief Executive Officer of Legal Aid NSW who determines the composition of the panel. In the event that it is proposed to refuse an applicant appointment to the panel, the applicant will receive written notification of the proposed determination with reasons. The applicant will then be given a reasonable opportunity to provide further submissions addressing the proposed decision before the final determination is made.

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During the evaluation of applications, the Committee may seek further information from an applicant in relation to their application and may request that the applicant nominate referees who may be contacted to provide references. The Selection Committee will consider such information in evaluating the application. The comments and opinions of referees will be taken into account in the assessment of the application.

In addition to information provided by applicants in response to the selection criteria and references and recommendations of the Selection Committee, Legal Aid NSW may take additional matters into account in determining the suitability of applicants for appointment to the panel.

All applications will be treated in confidence.

PRIVACY

The information provided in applications will be used to determine eligibility for selection to a panel, and may be used in considering a lawyer's continued inclusion on a panel.

The applications will be provided to the Selection Committee, which will include representatives of the Law Society of New South Wales and the New South Wales Bar Association. Information provided in an application may be disclosed to the Monitoring Committee, which includes representatives of the Law Society of New South Wales and the New South Wales Bar Association, and to the Office of the Legal Services Commissioner. It is not intended to disclose any personal information contained in applications to any other persons.

You can access and amend your personal information through Grants Online. The Legal Aid NSW Service Desk, telephone (02) 9219 5999, is available to provide assistance to lawyers in how to update details in [Grants Online](#).