

SUMMARY CRIMINAL LAW PANEL

Information for Applicants

This document provides information for the following lawyers who wish to apply for appointment to the Summary Criminal Law Panel (formerly the General Criminal Law Panel) (the panel) to act for legally aided clients:

- those who have been appointed to the panel and whose current appointments are due to expire and wish to reapply for appointment; and
- new applicants.

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.

Approximately 1100 to 1200 panel offers are made each year. This figure includes situations where offers expire and where multiple offers are made on a single file.

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.

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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.

SUMMARY CRIMINAL LAW PANEL

The panel applies to the following matters:

- **Summary Matters**, which cover:
 - Local Court Summary (Duty, Bails, Hearings and Sentences)
 - District Court Appeals

With the changes arising from the Early Appropriate Guilty Plea (EAGP) reform, **effective from 30 April 2018**, non-complex indictable criminal matters previously assigned to members of the former General Criminal Law Panel will be assigned to solicitors appointed to the new [Indictable Criminal Law Panel](#).

Matters falling within the definition of a complex criminal matter will continue to be assigned to panel solicitors appointed to the [Complex Criminal Law Solicitor Panel](#) (formerly the Serious Criminal Law Panel)¹.

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This panel is for the direct legal representation of legally aided clients.

Barristers may be appointed to the panel to directly represent legally assisted clients in matters covered by the panel. For direct representation matters, barristers must ensure compliance with the [Legal Profession Uniform Conduct \(Barristers\) Rules](#), in particular Rule 22.

Where a barrister appointed to the panel receives an offer of an assignment on a direct access basis from Legal Aid NSW, the barrister may decline to accept the assignment if it is inappropriate to do the work without the involvement of an instructing solicitor.

DUTY WORK

Applicants appointed to the panel may be eligible to undertake duty work at Local Courts not serviced by salaried Legal Aid NSW solicitors.

Duty work at Local Courts serviced by salaried Legal Aid NSW solicitors can only be undertaken by lawyers appointed to the Legal Aid NSW Back Up Duty Scheme. This is a separate selection process to the panel and is managed by the Legal Aid NSW Criminal Law Division. Information about the Back Up Duty Scheme can be viewed on the Legal Aid NSW [web site](#).

Lawyers who are appointed to the panel and rostered to perform duty work must comply with the [Local Court Solicitor Duty Scheme Guidelines](#) (as amended).

Panel lawyers who are appointed to the Back Up Duty Scheme for Courts Serviced by a Legal Aid NSW Office must comply with the [Back Up Duty Scheme for Courts Serviced by a Legal Aid NSW Office Guidelines](#).

FEE RATES

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

¹ Matters defined as complex 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*;
- 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.

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.

There are separate online application forms for lawyers seeking reappointment to the panel and lawyers who have not previously been appointed to the panel.

Lawyers seeking reappointment to the panel must:

- Address the Selection Criteria For Current Panel Members; and
- Complete the Additional Information And Disclosures.

SELECTION CRITERIA FOR CURRENT PANEL MEMBERS

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. Do you have current Specialist Accreditation in Criminal Law from the Law Society of NSW?

4. Demonstrated capacity to comply with the Legal Aid NSW Summary Criminal Law Practice Standards.

Provide examples to demonstrate your capacity to comply with the practice standards particularly in relation to the panel practitioner's responsibilities to legally aided clients and to Legal Aid NSW.

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

5. Demonstrated capacity to comply with Legal Aid NSW reporting and administrative requirements.

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

New applicants seeking appointment to the panel must:

- Address the Selection Criteria for New Applicants; and
- Complete the Additional Information And Disclosures.

SELECTION CRITERIA FOR NEW APPLICANTS

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 or barrister?

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

If you have more than 12 months post admission experience in criminal law matters, go to Q6.

5. If you have less than 12 months post admission experience in criminal law matters, are you willing to provide an undertaking by a senior solicitor or barrister with extensive criminal law experience that he/she will supervise you for a period of 12 months following appointment to the panel and will you agree to supervision by that solicitor or barrister?

[If you have less than 12 months post admission experience in criminal law matters and you are appointed to the panel, your appointment will be conditional upon satisfactory completion of the supervision period and provision of the required report from your supervisor to Legal Aid NSW.]

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

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

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7. **What is the percentage of your practice in criminal law in the last 12 months?**
8. **Have you undertaken any of the following types of criminal law matters in the past 12 months?**

Please tick the box next to each of the types of matters listed

- Local Court Summary (Duty)
- Local Court Summary (Bails)
- Local Court Summary (Hearings)
- Local Court Summary (Sentences)
- Supreme Court Bails
- Local Court Committals
- District Court Appeals
- District Court Sentences
- District Court Trials

9. **Demonstrated experience in the conduct or preparation of summary criminal law matters (500 word limit):**

Describe the extent of your experience in summary criminal matters including:

- appearing as a duty lawyer
- appearances at bail hearings, section 32 hearings, defended hearings and sentences
- appearances at District Court appeals

Give examples that show your experience and knowledge in any of the above areas.

10. **Ability to identify and address legal issues, understand and effectively communicate with people (750 word limit):**

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 Summary Criminal Law Practice Standards.

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

A copy of the Summary 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. Capacity and willingness to comply with the Legal Aid NSW Local Court Duty Solicitor Scheme Guidelines.

Indicate that you are aware of and will comply with the Legal Aid NSW Local Court Duty Solicitor Scheme Guidelines if you participate in a duty roster under the Local Court Duty Solicitor Scheme.

A copy of the guidelines is available at the [Panel information packages web page](#).

NOTE: There is a separate selection process for the Back Up Duty Scheme for Courts Serviced by a Legal Aid NSW Office which is managed by the Legal Aid NSW Criminal Law Division. Information about the Back Up Duty Scheme can be viewed on the Legal Aid NSW [web site](#).

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:

- you being cautioned
- you being reprimanded
- conditions being imposed on your practising certificate, or

- **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.

- 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.

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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
- 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

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.

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All applications received will be acknowledged by email. Applications will be considered by the Selection Committee at suitable intervals as published on the 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 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.

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](#).

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