

Mandatory Case Conferencing

Frequently Asked Questions

LEGAL AID NSW – September 2018

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1 General

1) My client is *not* legally aided. Can I book and attend a mandatory case conference at Legal Aid?

Yes. Legal Aid provides case conferencing services to legal representatives, whether or not their client is legally aided. You can request to book a case conference at a Legal Aid office, and attend it with your client and the prosecution lawyer. Pursuant to s.71 of the *Criminal Procedure Act 1986* (NSW), your client can attend in person or via AVL. There is no cost to participants using Legal Aid’s case conferencing facilities.

Please note that there is no change to current practices for Non-EAGP video and phone conferences: if your client is *not* legally aided, and your AVL request is *not* for a mandatory case conference under the Early Appropriate Guilty Plea proceedings, you **cannot** book or attend an AVL at Legal Aid.

2) How can I organise an AVL (not a case conference) for a non-legally aided client?

If your client is not legally aided and you need an AVL to obtain instructions from the client, there are two options, depending on your location:

- a) If you are in Central Sydney, you can book and attend AVLs at Corrective Services NSW (phone: 8688 0010, email: vcenquiries@justice.nsw.gov.au).
- b) For any other location, you can contact a Local Court Registrar to request to book and use their AVL facilities (subject to existence and availability).

3) Where can I attend a case conference?

All Legal Aid offices across New South Wales will be providing case conferencing services. In order to check your preferred location’s hours of operation, please contact that Legal Aid office directly.

Please contact the Case Conferencing Hub Team to book a case conference in Central Sydney.

4) I am a private lawyer in a regional area with no Legal Aid office. How can I book and participate in a case conference?

Please contact the Registrar of the Local Court in your area to enquire about booking a case conference at the Court's meeting rooms. Depending on your location, the meeting room might have AVL facilities. If your client is in custody, you would have to contact the Correctional or Juvenile Justice Centre directly (subject to your Local Court's specific procedures).

5) I need to speak with my client prior to the case conference to take instructions (in person or by AVL). Can I arrive earlier on the day of my case conference and use Legal Aid's case conferencing facilities for this purpose?

No, Legal Aid's case conferencing facilities are restricted to pre-booked mandatory case conferences.

Legal Aid staff will adhere to the pre-booked time, and you will not have access to the case conferencing facilities prior to the time indicated in your booking notification.

You may use the first 10 minutes of your scheduled case conference to answer your client's questions about the process and to confirm instructions. Other conferences will have to be arranged separately.

6) My client is a young person. Are there a different case conference procedures?

In most cases, the young person will attend in the same way as an adult person. Juvenile Justice Centres' operating hours are usually longer than those of Correctional Centres, so there may be more availability to book a case conference with a young person.

7) Do I need a Visitor Identification Number (VIN)?

Yes. You need a VIN prior to booking and attending a case conference with a client in custody. It is recommended that you obtain a VIN even if your current client is not in custody. We will then record it the JUST Connect booking system for your future case conferences (which might involve a client in custody).

8) How do I obtain a VIN?

Please complete the '[VIN application form](#)'. When you have been assigned a VIN, please email us the number so we can update your details.

2 Booking a case conference

1) How do I book a case conference with my client in custody?

To book a case conference with a client in custody, please complete the electronic form [‘Mandatory case conference booking form – Client in Custody’](#).

The ‘E-mail form’ button at the bottom of the form will forward the request to the Legal Aid office from which you (the ‘solicitor for the defence’) will be attending (as indicated on the form).

2) How do I book a case conference if my client is not in custody but wants to attend from a different location?

To book a case conference with a client attending from a different location, please complete the electronic form [‘Mandatory case conference booking form – Client NOT in Custody’](#).

Please note that prior to completing the booking form, you must contact the other location and confirm that they can accommodate your client at the proposed time.

The ‘E-mail form’ button at the bottom of the form will forward the request to the Legal Aid office from which you (the ‘solicitor for the defence’) will be attending (as indicated on the form).

If your client will attend from a location other than a Legal Aid office, please provide the location’s contact details in the form’s comments box.

3) My client is legally aided. Can I use the same form to book an AVL (not a case conference) at Legal Aid?

A separate electronic form for AVLs will be distributed shortly. The forms are slightly different in terms of the required information (for example, the AVL form will have the Legal Aid reference number as a mandatory field, and will not require the prosecution lawyer’s details).

4) What are Corrective Services’ case conference operational hours?

Corrective Services advise that their operating hours are likely to be similar to their current AVL hours: 9:00am to 3:00pm (with minor exceptions for specific centres). We will update this information in accordance with Corrective Services’ instructions.

5) What are the Juvenile Justice Centres’ case conference operational hours?

Corrective Services advise that Juvenile Justice Centres’ operating hours are likely to be similar to their current AVL hours (which vary among centres). We will update this information in accordance with Corrective Services’ instructions.

6) What are Legal Aid’s case conference operational hours?

- a) In Central Sydney, the Case Conferencing Hub operates between 9:00am and 5:00pm.
- b) In other Legal Aid offices, the same AVL facilities are used for both case conferencing and AVLs. Please contact your preferred Legal Aid location to enquire about operating hours.

7) What is the duration of a case conference?

On the booking form, you are required to indicate the start and finish time for your conference. We expect most case conferences to take up to one hour. However, you can book it for a duration of 30 minutes and up to two hours. In consideration of other users, please do not extend your request beyond two hours. Prior to the day of your case conference, please notify us if you need to adjust the duration of your booking.

8) Why do I need to provide an alternative time for my case conference?

It is advisable to provide an alternative time in case one of the locations (a Correctional Centre, a Juvenile Justice Centre or a Legal Aid office) is unable to accommodate your preferred time.

9) What is the cut-off time for case conference bookings?

The cut-off time for next day bookings involving a Correctional or Juvenile Justice Centre is 3:00pm (after which the booking will not be accepted, and will remain 'pending' until it is manually approved by Corrective Services or Juvenile Justice staff).

Case conferences are booked up to six weeks in advance [in accordance with s9.2 (a) of the Local Court of NSW, *Practice Note COMM 2 – Procedures to be adopted for committal proceedings in the Local Court pursuant to the Early Appropriate Guilty Plea Scheme*, 14 March 2018].

However, the cut-off time for next day bookings might be relevant when a last-minute change to the booking (change of location or time) is required.

10) My client needs an interpreter, can Legal Aid book one for me?

No. Legal Aid Case Conferencing staff do not book interpreters for case conferences. However, please indicate on the booking form whether an interpreter will be present.

Once your booking is confirmed you will need to make your own arrangements to book an interpreter.

According to current JUST Connect business procedures, the interpreter cannot be added as a participant and/or receive notifications. Therefore, we do not require a name or VIN for interpreters.

11) Can I use a phone interpreter for a video case conference?

Yes. You can call a TIS interpreter (preferably pre-booked) from the case conference room. Please refer to the instructions, located in the case conference room, on how to add a phone call to a video conference. Remember, you are responsible for booking the interpreter.

12) My client is in custody. Do I need to contact the Correctional Centre or Juvenile Justice Centre further to organise the case conference?

No. Once you have contacted Legal Aid to book a case conference for a client in custody, we book it directly with the centre in which the client is located.

13) My client is on bail but wants to appear from a different location. What should I do?

Using AVL, we can accommodate more than one location for each conference. Please note:

- a) You must use the electronic '[Mandatory case conference booking form- Client NOT in custody](#)'.
- b) By pressing the 'Email Form' button, you will be submitting your request only to the Legal Aid office which you indicated as the location of the 'solicitor for the defence'.
- c) **If your client is attending from a different Legal Aid office:** Before submitting the booking form, you must contact the Legal Aid office your client wants to attend, to confirm their availability to host the client on your preferred date.
- d) **If your client is attending from a non-Legal Aid location:** Before submitting the booking form, you must contact the other location, and book their AVL facilities on your preferred date. In your form's comments box, please provide us with the other location's contact details (contact person, phone number and the AVL's ISDN, URL or IP).

14) Do I need to indicate my client's location on the booking form?

- a) If your **client is in custody**, the JUST Connect booking system will specify your client's current location. However, to assist with handling your bookings, please indicate your client's known location on the form.
- b) If your **client is not in custody**, you must first contact the Legal Aid office (or another location) where your client will attend, to confirm their availability to host the client on your preferred date. Only then can you submit the form. Since the form is emailed to the solicitor's indicated location, not the client's, it is important that you also specify your client's location on the form.

15) My client is a co-accused. Can I book one case conference for both co-accused?

According to s.73 of the *Criminal Procedure Act 1986* (NSW), a joint case conference may be held for two or more co-accused with the consent of the prosecution lawyer and each of the co-accused. Otherwise, separate case conferences should be held.

Subject to the above, if you are seeking a joint case conference, please note the following:

- a) Our case conferencing rooms can accommodate between four and six participants per conference.
- b) You can book a case conference **only with one inmate at one Correctional Centre or a Juvenile Justice Centre**. Therefore, if more than one co-accused is in custody, you must hold a separate case conference for each person.
- c) If **one co-accused is in custody but the other co-accused is on bail**: only with the consent of the prosecutor and each of the co-accused, you can request Legal Aid to book two concurrent case conferences: for you and your client, and for the other client and their legal representative. The concurrent conferences will be booked at the same time into separate rooms.
- d) If **more than one co-accused is attending the same Legal Aid office**, please list all the participating co-accused on the same booking request form.

16) Can in-house solicitors make their own case conference bookings?

This depends on the in-house solicitor's location:

- a) **In Central Sydney**, in-house solicitors wanting to use the Case Conferencing Hub facilities must send a booking request to the Case Conferencing Hub.
- b) **In other locations**, the in-house solicitor should check the procedures at their preferred location.

3 Notifications

1) How do I know that the case conference has been booked?

After receiving your booking request by email, we will book your case conference. Immediately after the case conference is scheduled, you will receive a JUST Connect notification by email and/or phone (depending on your preference), confirming that the booking has been made. The morning of your case conference, you will receive a system reminder with the contact details for that day's case conference(s).

If we cannot complete your booking (for example, if participants' details do not match, the other location is unavailable etc.), we will contact you as soon as possible to clarify and, based on your updated information, proceed with the booking.

2) Will Legal Aid provide an additional confirmation of my booking?

No. Legal Aid will not send booking confirmations. The JUST Connect booking system generates email and/or phone notifications, which will be the only confirmation of your booking.

You can choose your preferred notification method (email and/or phone) when you first register to JUST Connect, or at a later stage, by contacting JUST Connect directly JUSTConnect@justice.nsw.gov.au or 8759 0010.

The JUST Connect notifications are as follows:

- a) **New booking:** After a new booking has been made, you should receive a 'JUST Connect Appointment' notification. Please review it and let us know in advance if any of the details should be amended.
- b) **Updating an existing booking:** After requesting to update your existing booking, you should receive an 'Appointment Updated' notification. Please review it and let us know in advance if any of the details should be amended.
- c) **Cancellation of a booking:** Whether you request to cancel a booking, or a Correctional or Juvenile Justice Centre cancels it (due to client movement, lockdown etc.), you should receive an 'Appointment Cancelled' notification. If this is the case, please email Legal Aid for further details or to re-book another case conference.

4 Changes and cancellations

1) What should I do if I get an 'Appointment Cancelled' notification?

The system notification will usually state the reason for the cancellation. The reason will dictate whether or not we can simply rebook your case conference.

If you did not initiate the cancellation, please contact Legal Aid to let us know if you want to rebook the case conference, and provide us with an alternative booking time.

2) What happens if my client gets transferred before the case conference date?

The JUST Connect booking system interacts with OIMS (Offender Integrated Management System) on a daily basis, to check the location of clients in custody. If OIMS indicates that your client is no longer held at the booked location, JUST connect will automatically cancel the booking and you will receive an 'Appointment Cancelled' notification. Note that this notification might direct you to contact Sentence Administration rather than explain that the client is in transit.

When such a cancellation occurs, we get a similar notification and immediately try to rebook it (subject to the new Correctional or Juvenile Justice Centre's availability). If we are successful in rebooking the case conference for the same time, you will receive a new 'JUST Connect Appointment' notification. If, however, we are unable to 'mirror' the original booking, we will notify you by email, and ask you for an alternative booking time.

Sometimes a conference might get cancelled the morning of your booking, as a result of the client being transferred overnight. If the system already shows the client's new location, we will endeavour to contact that Correctional or Juvenile Justice Centre and ask them to accommodate the case conference (as a matter of courtesy). This is subject to the new centre's willingness and availability.

3) Do I need to tell you if I no longer need the booking?

Yes. Out of consideration for your client, other users, and the AVL staff at Legal Aid, Corrective Services and Juvenile Justice, please notify Legal Aid of any changes, updates and cancellations as soon as you become aware of them. We will notify Corrective Services, Juvenile Justice and other Legal Aid offices.

4) Can I update my existing booking?

Yes. If you need to update the time, participants, location or any other detail, please send an email to the Legal Aid office with which you have made the original booking, indicating the original booking details and what needs to be changed.

5) Do I need to notify you about change of case conference participants?

Yes. The case conference booking should accurately reflect who will be attending the case conference. You should notify Legal Aid of any change to your booking, including addition or change of legal representatives.

Remember, if your case conference involves a client in custody, all participants must have a VIN.

5 Attending a case conference

1) What happens on the day of my case conference appointment?

The morning of your case conference, you will receive a JUST Connect email and/or phone reminder indicating the time, location and contact information for your appointment.

You will then attend the Legal Aid office that you have nominated for the case conference. In consideration of others and to make the most of your time, please arrive a few minutes before the scheduled start time.

2) What happens when I arrive for a case conference at a Legal Aid office?

Please advise the Reception area that you have arrived for a mandatory case conference. If your client is attending with you in person, please wait for your client to arrive first. You will then be taken through to the Case Conferencing Hub (in Central Sydney) or to a case conference room (in other offices).

3) Do I need to contact the other location before the case conference starts to check if my client is ready?

Yes. After arriving at a Legal Aid office, you will have to contact the other location, make sure your client is ready and find out which AVL/case conference studio you need to dial into. You might also have to contact the other location during the conference (see below). Please refer to the contact lists located in each case conference room (for all Correctional Centres, Juvenile Justice Centres and Legal Aid offices).

4) Do I have to use the AVL system to make the call by myself?

Yes. The AVL/case conferencing staff will show you once how to use the system, after which you can refer to the user guide located in each case conference room. Staff will be available on site to assist with any technical issues.

5) I need to speak with my client prior to the case conference to take instructions (in person or by AVL). Can I arrive earlier on the day of my case conference and use Legal Aid's case conferencing facilities for this purpose?

No. Legal Aid staff will adhere to the pre-booked time, and you will not have access to the case conferencing facilities prior to the time indicated in your booking notification. You may use the first 10 minutes of your case conference to answer your client's questions about the process and to confirm instructions. Please explain to your client that his or her presence will not be required for the entire duration of the conference, but that they should remain in their location's AVL area in case you need to obtain further instructions.

If you require more than 10 minutes with your client, please contact the prosecution lawyer to advise of the delay.

6) How do I contact the prosecution lawyer during the case conference?

Before contacting the prosecution lawyer, you should ask your client to wait out of the case conference room (if attending in person) or disconnect the AVL (if attending from a different location).

Once your client is no longer present, you can contact the prosecution lawyer via AVL and/or phone. To contact prosecution lawyers who are using their own device, you must have their extension number and/or email address. To contact prosecution lawyers who are using case conference rooms, you must have the name and/or number of that room.

7) As part of the case conference I will be in discussions with the prosecution lawyer. What happens with my client during this time?

You will have to ask your client to leave the conference room before you contact the prosecution lawyer:

- a) If your **client is in custody**, you will have to disconnect the AVL with the client, and liaise with the AVL staff to make sure they escort the client into the designated waiting area and keep him or her there, until you are ready to call the client back into the case conference (multiple times if required).
- b) If your client is **on bail and both of you attend the case conference at the same location**, you should escort your client into the adjacent breakout room (in Central Sydney) or the waiting area (in other Legal Aid offices) where he or she can wait until called back into the case conference room.
- c) If your client is **on bail but attends the case conference from a different location**, you will have to liaise with the other location to make sure they escort your client to their waiting area, where he or she can wait until called back into the case conference room.

8) I need to take further instructions from my client during the case conference. What do I do?

Before contacting your client, you should advise the prosecution lawyer that further instructions are required, and provide an estimated duration. The prosecution lawyer will then disconnect the call (if by AVL), or exit the case conference room (if attending in person).

You will then see your client in the adjacent breakout room (in Central Sydney) or the case conference room (in other Legal Aid offices), or contact the client's location (if different than yours) to request that the AVL with the client be resumed.

After obtaining instructions, you will disconnect the call with your client (if by AVL), return from the breakout room or escort your client back to the waiting area. Then you may contact the prosecution lawyer to resume your case conference.

9) My client is attending from a different location. How do I notify the other location that I am ready to invite my client back into the conference?

You will have to call the other location by phone, and ask them to bring your client back into the case conference room.

10) Will I have time to speak with my client after the case conference?

Legal Aid staff will adhere to the pre-booked time of your conference. You should conclude your case conference early enough within your scheduled time, in order to have sufficient time to discuss the outcome of the conference with your client.

11) What do I have to do when my conference is finished?

When you complete the case conference, please end the call on the AVL system, and leave both the case conference room and the breakout room the way you found them. Please take any rubbish and personal belongings with you.

12) On the day of my case conference, can I bring along other people to participate in the conference and/or attend the Legal Aid office?

As a general rule, only the people listed in your booking confirmation can attend the case conference and the case conferencing area. You cannot add participants on the day if you have not already listed them in your booking request or any subsequent updates. Please review your booking confirmation notification and, if you are expecting others to attend, let us know prior to the day of your conference.

Family members and support people accompanying your client can wait at the Reception area

13) Can I bring along a colleague who doesn't have a VIN?

As a general rule, you cannot bring along additional participants.

A legal representative would need to obtain a VIN prior to attending a case conference with a client in custody. Even if your current case conference does not involve a client in custody, it is recommended to obtain a VIN so we can record it in the JUST Connect booking system for future case conferences.

An interpreter does not require a VIN.