

MAURICE G KRISS

Barrister at Law

Suite 611, 22 Charles Street
Parramatta NSW 2150
TEL: (02) 9635 8603
FAX: (02) 9687 9185
Mobile: 0408 298 523

PO Box 50
Parramatta NSW 2124
DX 8295 PARRAMATTA
ABN 41 992 430 375
law@mauricekriss.com.au

<date of acceptance>

Put your own name and address here

Dear **your name**,

Re: Direct Access Brief to represent you at a Senate Inquiry

I am required pursuant to Section 381 of the *Legal Profession Act 1987* and Rule 80 of the New South Wales Barristers Rules to inform you in writing of a number of important matters that you should be aware of when seeking representation by a barrister without the use of an instructing solicitor.

Here follows Rules 74, 75 and 80 of the New South Wales Barristers Rules. You will note that Rule 74 defines the work I must confine myself to as a barrister and Rule 75 defines the work in which I am not permitted to engage.

Barristers' Work

74. A barrister must confine the barrister's professional work to:

- (a) appearing as an advocate;
- (b) preparing to appear as an advocate;
- (c) negotiating for the client with the opponent to compromise the case;
- (d) representing the client in a mediation;
- (e) giving legal advice;

- (f) advising on documents to be used in the client's affairs;
- (g) acting as a referee, arbitrator or mediator; and
- (h) carrying out work properly incidental to the kinds of work referred to in (a) – (g).

75. A barrister must not, in the barrister's professional work:-

- (a) commence proceedings or file process in any court on behalf of the client in the barrister's name;
- (b) serve any process of any court;
- (c) make any demand, by letter or otherwise, on behalf of the client in the barrister's name, except for the purposes of work under Rule 74(c) and (d); and
- (d) conduct correspondence on behalf of the client in the barrister's name or deal on behalf of the client with any other person, unless:
 - (i) the correspondence is to seek information from a potential witness; or
 - (ii) the dealing is a conference with a potential witness; or
 - (iii) it is for the purposes of work under Rule 74.

Disclosure to Direct Access Client

80. A barrister who proposes to accept instructions directly from a person who is not a solicitor or a professional acting as such must inform the prospective client in writing of:-

- (a) the effect of Rules 74 and 75;
- (b) the fact that circumstances may require the client to retain an instructing solicitor at short notice, and possibly during the case;
- (c) any other disadvantage which the barrister believes on reasonable

grounds may, as a real possibility, be suffered by the client if the client does not retain an instructing solicitor; and

- (d) the relative capacity of the barrister in performing barristers' work to supply the requested facilities or services to the client compared to the capacity of the barrister together with an instructing solicitor to supply them; and
- (e) a fair description of the advocacy experience of the barrister.

Should it be necessary during the conduct of your matter to engage a solicitor to perform work as set out in Rule 75, then you agree to instruct a solicitor to perform such work as and when required.

I will inform you of matters listed in Rules 80(b) to (e) when I have had the opportunity to read and evaluate your case.

I am further obliged, pursuant to Sections 176 and 177(2) of the *Legal Profession Act 1987*, to disclose the basis upon which I will charge fees. My fees disclosure agreement follows. Also, please note that all fees are to be paid in advance by either cash or bank cheque: in the case of court appearances, they should be paid three (3) working days prior to the hearing date.

Appearances in Court on defended matters

I confirm that in accordance with the requirements of Sections 176 and 177(2) of the *Legal Profession Act 1987*, I disclose hereunder the basis upon which I will charge fees for work performed pursuant to my retainer:

- A. Reading and Preparation, Conferences, Court mentions and travelling time

This will be charged at a rate of \$300.00 per hour.

B. Appearance in Court at Hearings

\$.2,500.00 per day plus Including conference.

An additional charge of 10% is payable for GST on all fees.

Normally these would be my fees for acting for you, However I will act and appear for you in this matter,

PRO-BONO

WITHOUT CHARGE

I have enclosed a further copy of this letter which I would be obliged if you would sign and return to me.

Yours sincerely,



MAURICE G KRISS

I have read the above conditions and fees disclosure agreement and agree to be bound by the above considerations.

(Signed)XXX.....

Print your name here

.....

(Date)