

Duty Barrister Scheme

The Duty Barrister Scheme: A message from the President

by Bret Walker, President

Members need no reminding that there has been a proliferation of pro bono schemes in recent years. The Bar Association has repeatedly stated that such schemes are not intended to relieve governments of their obligation to provide general assistance for unrepresented litigants or for complex or lengthy trials. They are, however, designed to contribute to the orderly administration of justice by assisting disadvantaged litigants to have their cases properly presented to the court.

One of the Bar Association's longest standing pro bono schemes in the Duty Barrister Scheme at the Downing Centre which provides assistance in both the District and Local courts. The duty barrister, either at the request of the court or direct by members of the public, can;

- a) Appear in criminal pleas and mentions;
- b) Provide advice in court; and
- c) Appear in short civil hearings and short defended criminal hearings.

The resemblance to the time honoured dock brief is not coincidental.

The rostered day for the duty barrister is on a no fee basis. If a client wishes to engage the duty barrister privately on the following occasion or in relation to another matter, the barrister is free to do so – although the Bar Association certainly encourages counsel to consider whether the client would be better served by requiring a brief from a solicitor.

The Bar Association greatly appreciates the amount of work which has been performed by barristers in their capacity as duty barristers since the scheme's inception in 1995. Unfortunately, we have recently become aware of problems relating to non-attendance by barristers on their designated day. The non-attendance of some duty barristers has drawn criticism from both the courts and members of the public, some of whom have obviously suffered detriment as a result. A few barristers who were unable to attend on their rostered day did not make arrangements for another barrister to attend in their place.

If this scheme is to succeed, it requires the co-operation of a sufficient number of members of the Bar to ensure that the burden of providing pro bono assistance does not fall heavily on only a few of our members. I encourage members to volunteer their services by completing the attached registration form.



The New South Wales Bar Association

Duty Barrister Registration Form

Name: _____

Chambers: _____

Contact Numbers: (Phone) _____

(Mobile) _____ (Fax) _____

Email: _____

Date of Practice: _____

Tick Preference: Civil _____ Criminal _____

Thank You

Your application will be acknowledged by return e-mail