

What we do

The Legal Assistance Referral Scheme (LARS) tries to match your request for legal assistance with a barrister or mediator who may be able to give advice, appear for you or settle your legal issue.

How does it work?

We consider your application carefully before deciding whether or not we can give you any legal assistance. There are three steps in the process.

Please take the time to read this brochure carefully.

Step 1: We find out what your matter is about

First, you must complete our application form and give us as much information as possible.

You must tell us if you have already tried taking your matter to court. If you have, we need to know where the matter is up to. We will need to know the names of any lawyers who were involved. You must provide us with copies of all documents filed in court.

If you have applied for help from **another legal assistance scheme**, we will need to know whether your application was successful.

We will need proof of your income, such as a copy of your most recent tax return, to show us if you are eligible for assistance and if you can afford to make a financial contribution.

You must cooperate with LARS at all times. Some of the information we seek may be private and confidential, but we need it to do our job.

You should be prepared to find a **solicitor** if we think it is necessary.

When we can't help you

There are many factors that LARS has to consider. We cannot help you if you are eligible for legal aid – our scheme is not a substitute for legal aid. We cannot help you if the Legal Aid Commission of New South Wales or **another legal assistance scheme** has already declined your request. We will need to know why your application was declined.

If it was because your matter has no reasonable prospects of success, we can't help you.

Nor can we help you if your matter relates to, or arises from, certain types of cases, such as personal injury, medical negligence, a neighbourhood dispute or an apprehended violence matter (AVO).

We can't provide legal assistance on a no-fee basis if your application is likely to result in a trial or hearing set down for more than five days.

Sometimes we will advise you that your matter could be resolved with the help of a community justice centre or any other alternative scheme.

We will not assist you if your total household income, before tax, is more than \$1,000 per week.

Finally, we will not assist you if your behaviour interferes with our processing of your application, nor if we have assisted you previously.

Step 2: We consider your application

After completing Stage 1, we may refer your request to the Bar Council, the board of the New South Wales Bar Association. It has the final say in the way LARS operates.

Step 3: Bar Council decides

If the Bar Council decides to grant legal assistance, we will look for a barrister who can provide advice on the prospects of success or legal merit of your matter.

If a matter would suit **mediation**, we will attempt to find a mediator.

What happens next?

If the barrister believes that your matter has little prospects of success, the barrister and LARS have no obligation to be further involved. The identity of the barrister will not be disclosed. All paperwork will be returned to you.

If the barrister is willing to assist you, then LARS, the Bar Association and the Bar Council will have nothing more to do with the matter. We will give you the contact details for the barrister, so you can deal directly with him or her.

Bar Council has discretion in all matters relating to the operation of LARS.

Mediation

Where the parties to a dispute have agreed upon **mediation** or a court or tribunal has ordered the dispute to **mediation**, LARS may find a barrister to represent you or to be an independent mediator who can help to resolve your dispute.

If the matter is referred to a barrister as an independent mediator, that barrister will be a mediator accredited by the Bar Association under the National Standards for the Accreditation of Mediators. The barrister will mediate for up to four hours at no cost to the parties. Any further assistance will be by agreement with the parties.

What about the barrister's fees?

If your matter goes ahead, you and the barrister will need to sign what's called a 'retainer and fee disclosure agreement'. The fee agreement may include one or more of the following arrangements:

- ⌚ Fees may be charged by the barrister at their usual fee rate, but payable only if the court decides in your favour or you can recover your costs
- ⌚ Fees paid by instalments
- ⌚ Reduced fees
- ⌚ No fees

The barrister may choose to stop acting on your behalf if the proceedings are transferred out of New South Wales.

Words with special meanings

'another legal assistance scheme' means a legal assistance scheme offered by a court, the Law Society of New South Wales, the Public Interest Law Clearing House (PILCH) or firms of solicitors.

'mediation' is like a round table conference, where you and the other people in the dispute, with the help of a mediator, discuss what each person needs to settle the dispute.

'solicitor' means another lawyer who may have to prepare legal documents or assist the barrister with your case.



The New South Wales Bar Association

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