



**BAR ASSOCIATION
OF QUEENSLAND**

BRIEFING BARRISTERS DIRECTLY

A guide for in-house lawyers and other professionals

What is direct briefing?

Direct briefing is when a barrister accepts work ('instructions' or 'a brief') from a person who is not a solicitor. Direct briefs may come from corporations, accounting firms or government departments who do not employ their own in-house solicitors.

Corporate or government lawyers may also wish to brief a barrister directly, without using an external solicitor. Any in-house lawyer with a current practising certificate can brief a barrister. However, a corporate or government lawyer without experience in litigation may be unfamiliar with the process of briefing a barrister.

This information sheet will assist corporate, accounting or government clients who are looking to brief barristers without the cost of an external solicitor, or in-house lawyers who may not be familiar with litigation.

What does the Bar offer in-house lawyers and other professionals?

The Queensland Bar offers an alternative to instructing external solicitors.

The advantages of direct briefing are numerous.

Direct briefing provides cost effective and timely access to specialist expertise and advice in every area of law.

Direct briefing provides greater control over the direction and strategy of litigation.

Strategic, early and direct involvement of a barrister saves time and money. It will provide you with a greater understanding of all possible outcomes, assisting with avoiding litigation or developing the best strategy if litigation is necessary.

What type of work is suitable for direct briefing?

- Legal advice – written or in conference;
- Reviewing contracts and other documents for particular issues, for example:
 - Tax;
 - Human resources and employment;
 - Restraints of trade;
 - Public relations and the media;
 - Regulatory and compliance issues;
- Provide advice on dispute resolution, including strategy and resourcing;

- Negotiate for a client to settle or compromise a case, or represent a client in mediation, arbitration or other form of dispute resolution; and
- Appearing in litigation – direct briefing is particularly suited to urgent applications and less complex matters.

How do you find the right barrister?

Finding the right barrister is easy, even if you are not familiar with litigation or do not have a network of contacts at the Bar.

Barristers tend to work from a set of chambers or 'floors', which typically have between 10 and 40 barristers. Most barristers' chambers have a website, which can provide information on the areas of practice of the chambers and individual barristers. A list of barristers' chambers can be accessed at the Bar Association's website.

Barristers may also work from individual chambers or offices. The Barristers' Directory facility lists all members of the Bar Association, including their experience, areas of practice and qualifications.

Once you have found a barrister, what to do next?

Once you confirm the engagement of your barrister, he or she will send you a fee disclosure or costs agreement.

Prepare a brief for your barrister. The contents of your brief will differ depending on the type of work you need your barrister to do. Your barrister will be happy to discuss what should be included in the brief if assistance is required.

Legal advice

1. Identify the question for the opinion or advice.
2. Set out the relevant background, place your question in a context – why do you need the opinion? No special form of words is necessary, be comprehensive but concise.
3. Copies of all relevant documents, indexed and set out in chronological order. If you are unsure about which documents may be relevant, ask your barrister.
4. Include any other general observations that you have regarding the matter.

ADR

1. Summarise what the dispute is about, and include a chronology of key events to date.
2. Copies of all relevant documents, indexed and set out in chronological order. Again, if you are unsure about the documents to include, ask your barrister.

3. Set out what you are trying to achieve from ADR – what are your commercial objectives in resolving the dispute?

Pre-litigation

1. Set out a list of potential defendants, the outcome you seek, and the factual and legal basis of your claims.
2. Copies of all relevant documents, indexed and set out in chronological order.
3. A chronology of key events.
4. Any general observations.

During litigation

1. Copies of all court documents that have been filed and served in the proceedings.
2. Summarise what the dispute is about, and include a chronology of key events to date.
3. Copies of any underlying documents that relate to the controversy.

Questions?

If you have any questions about briefing a barrister directly, please contact the Bar Association for more information.

Bar Association of Queensland

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