

## DIRECT ACCESS

The traditional legal model is that litigants hire a solicitor to conduct the litigation on their behalf. The solicitor will then take advice from a barrister (counsel) and instruct counsel to settle court pleadings on their behalf. They will also instruct counsel to appear at court on the litigant's behalf.

We still strongly support this model in the majority of cases. However, there are cases where litigants can, with some guidance from a barrister, handle issuing court documents, drafting their witness statements and writing letters to the other side themselves. There is a double cost saving in such cases, because —

- Litigants do not pay for work they can do themselves. Solicitors will charge for every letter that is read or sent on a client's behalf, so this can be a big saving.
- Because barristers are consultant lawyers and do not have the administrative overheads of solicitors' firms (such as employing secretaries and paralegals), our hourly rates are usually lower than solicitor with similar experience.

It can still be useful to instruct a barrister (just like a solicitor would) to carry out specific tasks, such as:

- **Appearing at court or tribunal hearings on your behalf.** This means that you will benefit from an expert in advocacy cross-examining witnesses and making submissions/speeches on your behalf.
- **Advising you on law and procedure.** This take place in a face-to-face consultation or in writing. Many of our clients prefer a mixture of the two.
- **Negotiate on your behalf.** It can often be hard to approach the other side to negotiate in your own case. It can be intimidating to negotiate with a professional lawyer where you are unused to the law and court system. It also takes a level of detachment from the case to be able to think through the possible options for settlement, and the other side might be cautious about offering concessions to a litigant in person. A direct access barrister can be instructed to engage in settlement negotiations on your behalf.
- **Drafting skeleton arguments.** These are documents which are sent to court before hearings to summarise your legal arguments and the factual basis of your case. They ensure that the judge understands the strengths of your case before they even walk into court, and can be very persuasive. Even if you cannot afford counsel to attend a hearing, a skeleton argument can ensure your legal position is properly explained to the judge.
- **Helping to draft witness statements.** These are your and your witnesses' factual accounts of what has happened. Although you will need to tell the story in your own words, counsel can advise you on what needs to be included, and can edit your statement to ensure that it is set out in as effective a way as possible. We can also ensure that you do not inadvertently include things which may harm your case.

- **Drafting pleadings/statements of case.** Pleadings are formal legal documents such as the particulars of claim and defenses that have to go to the court and the other party at the very start of the proceedings. They are of crucial importance, and many claims are struck out or unsuccessful simply because of poorly drafted pleadings. It is often a false economy to attempt these documents yourself. We can also give you the correct court form to ensure that your application or claim proceeds smoothly.
- **Drafting offer letters and other key correspondence.** Offer letters are an important tactical tool in litigation. A well-pitched and comprehensive offer can allow the parties to reach agreement before their costs spiral, or can allow the successful party to claim back some of their legal costs at the end of the case. Open offers will also be highly influential on the judge's approach to the case: a sensible well-argued offer can often mean you have the court's sympathy from the start.

Although barristers can now offer you most of the same services as a firm of solicitors can, it is not usually advantageous to use a barrister as a solicitor. If we feel it is in your interests, or would be more cost-effective, to instruct a solicitor as well as us, we will advise you accordingly. We can help you to find an appropriate solicitor if you ask us to.

The members of chambers willing to accept instructions on a direct access basis are listed below. You can use the filter to identify a barrister with an appropriate specialism. The year in brackets after the barrister's name is the year in which they were called to the bar.

If you want more help with choosing the right barrister for you, please speak to our **clerks on 020 7842 7070** or complete our **online enquiry form**. Chambers prides itself on having a friendly and professional clerksroom.