



INSTRUCTING SPECIALIST COUNSEL — The Public Access Scheme

● Direct or Public access has been established for a number of years and available in various forms since it's introduction under the BarDirect scheme in 1999 and renamed Licensed Access in 2004. It is currently having a dramatic impact, creating opportunities for chambers' to forge new initiatives and collaborate with other professional groups, businesses and individuals. Indeed it appears for many as a "growing area" So why the growing demand? Well it may be considered that public knowledge of such schemes has been very limited, where barristers have often been regarded and have portrayed themselves as the referral profession, similar to that of a GP who refers patients to a specialist consultant, barristers would typically have work referred from solicitors. Whilst it is important to acknowledge that solicitors do and will always offer different strengths and skills to that of barristers', there are a whole range of businesses that could benefit from instructing specialist counsel directly and chambers are now placing themselves at the forefront and making themselves available. The scheme allows clients to come to the barrister first and receive specialist advice from the outset at an early stage. Not every case will be suitable for Direct Access. In some cases, funding restrictions may make it necessary to instruct a Solicitor, but experience tells us that many cases can be resolved more quickly and cost-effectively without having to employ an additional legal team. Reducing costs in the present difficult climate is also a key driver.

Chambers have lower overhead and by reducing legal costs whilst providing top quality advice coupled with a first class service positively adds value to the whole experience. Furthermore, many chambers are securing repeat work from those instructing them as they seek value for money and ensures they have greater control of their cases and subsequently the costs. Presently barristers need to have been qualified for a minimum of three years and have completed a recognised training course, however, there is currently a consultation process seeking views as to it's wider application which will inevitably provide greater opportunity for those geared to providing direct services. Acquisition International speaks to the experts.

Ludwik Allerhand is sole practitioner at the Chambers of Mr Ludwik Allerhand

Micaïla Williams is a fully qualified self-employed Barrister who practises from East Anglian Chambers. They have 4 bases across East Anglia (Chelmsford, Colchester, Ipswich and Norwich).

Miss Bansî Soni is a Barrister specialising in family law from Garden Court Chambers.

Meyrick Williams Meyrick Williams is a fully qualified and self-employed Barrister who practices from Argent Chambers, London. He began professional practice over 20 years ago. He is also qualified in other jurisdictions.

Jonathan Maskew is Chambers Director with Lincoln House Chambers, Manchester and developer/presenter of the "Managing Public Access" course, College of Law.

WHAT IS YOUR MAJOR PRACTICE AREA?

Ludwik Allerhand: "A specialist practice within three intermeshing areas of law."

(i) "International trade in commodities.

Typically English law rules regarding FOB, CFR and CIF form contracts and International Chamber of Commerce 'Incoterms' rules. I also do work on updating clients' own standard form contract to take into account changes in law affecting the international trade in commodities."

(ii) "Law and Regulation of Derivatives. A feature of the international trade in commodities is that pricing is by reference to the price of a benchmark investment contract quoted on a recognised stock exchange; e.g. the benchmark for pricing raw sugar in international trade is the ICE Sugar Futures No 11 contract. Such benchmark contracts are an investment product and in the UK investment products are regulated under the Financial Services and Markets Act 2000 regime. I advise on how that regime affects international commodities trade contracts governed by English law and how commodities traders can utilise the exceptions to that regime so as to transact business in investment products without having to be regulated under the Financial Services and Markets Act 2000 regime."

(iii) "OTC Transactions in Investment Products. Commodities traders use derivatives to manage risk;

and because a typical commodities contract is long term that risk is principally price risk. That risk is managed by transactions in derivatives done by way of 'Over the Counter' ("OTC") party to party transactions instead of through a regulated market. I advise on the legal and regulatory regime applicable to such OTC transactions where they are governed by English law. The EU's Markets in Financial Instruments II Directive ("MiFID II") and European Market Infrastructure Regulation ("EMIR") will together radically affect the OTC transactions related to the international trade in international commodities and I advise on the likely effect that MiFID II and EMIR will have on that business."

Micaïla Williams: "I specialise in all forms of Criminal Law including serious violence, Robbery, Fraud and Sexual Offences including Rape. I also have a specialist knowledge of all Road Traffic Offences and currently hold the title of Litigation Consultant for a National motoring law firm."

Miss Bansî Soni: "I practice from Garden Court Chambers in London, one of the country's leading multi-disciplinary chambers and specialise within the field of Family Law and deal with both domestic and international Child Law. I deal with private law cases that fall under the Children Act 1989. There are many and varied applications to be made in this area of child law and I am instructed in residence and contact disputes and advise on surrounding issues such as paternity, the whereabouts of a child, schooling issues, changes of surname, contact between the child and extended family members etc. Many of these cases prove to be particularly difficult and intractable, for instance when the parent with care is absolutely opposed to contact to the absent parent.

The number of children who have significant links with more than one jurisdiction increases constantly as parents move country for business reasons and meet in the course of international travel. I advise on issues of international child abduction and in the complex field of leave to remove from the jurisdiction, representing a parent who wishes to relocate with their child to a different country and also the parent wanting the child to stay in the UK."

Meyrick Williams: "I am a self-employed practising member of the Bar of England & Wales. I am a member of a set of Barristers Chambers (Argent Chambers) based in central London. My major practice area is crime: fraud, financial and the proceeds of crime and conspiracies. However it is best to describe these areas as contentious and my practice centres around contentious matters, either in court or before another tribunal or with respect to advisory work connected or in anticipation of such proceedings. My overall experience to date has covered shipping, cartels and bankruptcy and in the criminal field the Serious Fraud Office, Serious and Organised Crime Agency and Customs and Excise. A lot of my advisory work/appellate work relates to financial criminal matters. Those criminal matters may run side by side with civil proceedings. It may also have an international element. It is not transactional."

WHAT IS THE DIFFERENCE BETWEEN BARRISTERS AND SOLICITORS?

Miss Bansî Soni: "Barristers give expert advice, draft documents and act as advocates (represent you at hearings). Most barristers are specialists in one or more areas of law, such as personal injury or employment law. Some solicitors will provide some of these services too. Solicitors generally take responsibility for handling a client's affairs, clients' money and for the general management of a client's

legal case (the conduct of litigation). Barristers tend to charge a fixed fee for a piece of work or for a hearing. Solicitors tend to charge by the hour, including travel time and waiting. Solicitors normally refer your case on to a barrister, in which case you pay both the solicitor and the barrister."

CAN YOU PLEASE HIGHLIGHT YOUR EXPERIENCE HANDLING ROAD TRAFFIC OFFENSES?

Micaïla Williams: "A significant number of my public access clients come to me with Road Traffic Offences because their driving license is so important to them and because they are usually precluded from obtaining Legal Aid. As such I have been able to build upon the detailed knowledge secured over the last 7 years. My role as a Litigation Consultant at a National Motoring Law firm has also compounded this expertise. Not only do I understand the criteria for each offence and sentencing policies, but I also understand the competing interests of the clients charged with these offences.

I have a high success rate when it comes to arguing Exceptional Hardship and Special Reasons cases which in effect allow the client to keep hold of their license in circumstances where they would ordinarily lose it. I also have in-depth working knowledge of the Lasercam LTI 20.20 speed detection device, having been involved in a high profile case which involved experts from all over the world testing the reliability of the device. My work as a Litigation Consultant has allowed me to further my knowledge in drink driving cases where, if convicted or a guilty plea is entered, a driving ban is mandatory. As such I now have specialist knowledge of the technical defences advanced and the best routes to obtain the desired outcome."

WHEN DID YOU FIRST BEGIN TO TAKE ON PUBLIC ACCESS CASES?

Ludwik Allerhand: "In 2010 when I set up as a sole practitioner."

Micaïla Williams: "I completed the course in January 2011 and began work immediately thereafter."

Miss Bansî Soni: "Prior to March 2010 members of the public could only use the services of a barrister if they had a solicitor acting for them and that solicitor arranged for a barrister to represent them at court or draft written documents or provide written or verbal advice. Access Scheme came into force in March 2010 and since then members of the public can choose to go to a barrister direct. Members of the public no longer need to use a solicitor or any other recognised third party to obtain the services of a barrister. Not every barrister can take on Public Access work. I have been registered with the Bar Council since April 2010 to provide Public Access. There are few specialist family law barristers registered to provide Public Access and even fewer who actively practice in this area."

Meyrick Williams: "I first began "public access" work under the Bar's scheme in 2010. I had practiced as a solicitor before being offered partnership in a Legal 500 firm practising in fraud and commercial matters but transferred to the Bar instead to concentrate on contentious matters and advocacy before the courts."

IS ANY BARRISTER ABLE TO TAKE ON PUBLIC ACCESS WORK? WHAT TRAINING/ EXPERIENCE IS NECESSARY?

Ludwik Allerhand: "No. To be successful under public access barristers need to have better client and case management skills than is currently generally the case; before becoming a barrister I was a solicitor and

so am able to make the comparison. Moreover, under public access certain regimes, such as anti-money laundering, management systems and procedures have to be in place. In a set of chambers not exclusively doing public access work, implementing such systems and procedures is not practicable."

Micaïla Williams: "You need to have been practising for at least 3 years and then you must attend a specifically designed course before you are able to undertake this specialised form of legal service."

Meyrick Williams: "Any Barrister may take on public access work in theory so long as they have been in practice for at least 3 years after pupillage (i.e. around 4+ years in total). Compulsory training before a Barrister may take on such work is also required and these courses are run by various service providers including the College of Law. Although gaining such a qualification is not particularly onerous it may not suit all members of the Bar. Some members of the Bar are quite happy to keep their public/lay clients at a distance or they feel no need to "diversify" within their practice. Public access can be quite burdensome eg increased client contact. It also requires some obvious record keeping. Perhaps, most of all, it does require something of a change of mindset in a profession which is essentially referral based to working direct with the initial source of its instructions. However direct contact is often the case in practice and a member of the Bar who engages in public access should be perhaps be seen as moving one or more steps closer to the source of his instructions and not that he is embarking on an entirely new career or practice. My background as a former solicitor has given me something of an advantage in public access as I am well used to dealing direct with clients from the very outset and their concerns and how to address them. When dealing with fees and initial letters of instruction this is run through an aspect of Chambers ("Argent Direct") which we use when taking on Direct Access matters in Chambers." ("Argent Direct")

CAN YOU HIGHLIGHT THE KEY FEATURES AND BENEFITS OF THE PUBLIC ACCESS SCHEME AND HIGHLIGHT HOW POTENTIAL CLIENTS CAN USE IT IN ORDER TO INSTRUCT YOUR SERVICES?

Ludwik Allerhand: "The principal one is that barristers under public access charge lower fees than do solicitors. In my practice my fees are a fraction of what a solicitor doing similar work in one of the London law firms will charge. The other principal feature is that the public access client has direct access to the expertise required rather than having to go through an 'intermediary'."

Micaïla Williams: "There are many advantages to using a Public Access Barrister. One of these is in relation to cost. First and foremost, you can make significant savings in instructing us directly without the need for a Solicitor. It is almost a case of cutting out the middle man because instead of paying a Solicitor to do some of the administrative work, the client undertakes to complete this themselves, saving them money in the process.

The client is also protected from what sometimes is seen as double accounting when both the Solicitor and the Barrister do the same or similar work to prepare your case. Another benefit when looking at the issue of fees is that although we have to be paid up front for the work we do, it is at an agreed fixed fee rate so you will know your financial obligations before you commit to using us so you are better able to budget and weigh up the cost of obtaining legal representation."

Miss Bansî Soni: "You only pay one legal advisor rather than two, and since you are paying the one with

lower overheads this will usually be more economical than retaining a solicitor alone and certainly cost less



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Case Study: Bansî Soni, Garden Court Chambers
Bansî Soni is a family law barrister practicing from Garden Court Chambers, recognized in The Legal 500 and Chambers and Partners as one of the UK's top ranked chambers. As one of only a few family law barristers offering Public Access services, she specialises in both domestic and international childcare law and can provide advice, advocacy and drafting in all areas of childcare law including but not limited to;

- Residence and contact disputes
- International relocation of the child
- Issues such as paternity
- The whereabouts of a child
- Schooling matters
- Changes of surname
- International child abduction
- Injunctions / domestic violence

Bansî is more than happy to discuss a case and any possible ways forward either by phone or during a conference at her chambers in London.



SECTOR SPOTLIGHT:

Instructing Specialist Counsel

than instructing both. Instructing a barrister directly means that you get access to specialist legal advisors and advocates from the outset, not just when the matter reaches court. A solicitor works on an hourly basis but I normally work on a fixed fee basis so that you know the cost of the work from the outset.

I do a significant amount of Public Access work and there is a lot of demand for it. The only problem is that many individuals who have legal problems are not aware of the scheme and its benefits. It's a matter of education and making people aware of their options, so they can make an informed decision. Public Access is not always suitable, for example if the individual is eligible for legal aid. It is most suitable for reasonably straightforward cases and what I normally do is meet the client for an initial conference. This gives the client a chance to meet me, ask some initial questions and some idea about costs. It is often the case that the individual with the family law issue is dealing with the case themselves and they just want a guiding hand or an opinion on their prospects of success, or someone just to help them with issuing an application in the first place.

What is advantageous about the Public Access scheme is that the client has the advantage of a barrister's advice from the outset and many times that makes all the difference."

Meyrick Williams: "Costs savings and being in direct access/contact to the individual who will probably guide you or is in the best position to advise upon your case seem to me to be the best features of the scheme. I would agree it gives the client more control over their case and is particularly suited to companies with strong in-house resources such as administrative staff who can dedicate the time and assistance required to build the case and assist the counsel."

WHAT TYPE OF CASE IS SUITABLE FOR THE PUBLIC ACCESS SCHEME?

Ludwik Allerhand: "Where the client does not require the client and case management skills and experience that a solicitor has. In my area of practice I deal with highly skilled and experienced managers in the area of business where I am asked to advise. These managers understand the various problems on which I am asked to advise and are experienced enough to understand the implications of my advice and, perhaps more importantly, know how to implement the advice received."

Micaïla Williams: "The current position is that anyone is entitled to use the public access scheme UNLESS they are entitled to Legal Aid. This is currently under review as our view is that everyone should have a choice to use this scheme if they wish to. With the current cut-backs in Legal Aid, less and less people are entitled to it and as such the restrictions are constantly reducing. This scheme is perfect for those charged with minor motoring offences not covered by legal aid but which could cost significant sums if they were to instruct Solicitors privately to represent them."

Meyrick Williams: "The following can be done: advisory work in all areas of law, drafting of legal documents, letters, contracts etc, the sending and receiving of certain correspondence, Second Opinions where solicitors have already been instructed, advice and representation before Courts and Tribunals, negotiations with other parties in the case."

HAVE YOU NOTICED AN INCREASE IN THE NUMBER OF PEOPLE UTILISING THE PUBLIC ACCESS SCHEME TO KEEP COSTS DOWN?

Ludwik Allerhand: "Not personally but I have read reports of the increase in the number of people utilising

the scheme. The principal reason being costs."

Micaïla Williams: "Yes, given the Legal Aid cut-backs and the current financial climate, people are being more and more careful with their money so are willing to look into other options."

Meyrick Williams: "I am not sure if I am fully qualified to answer this question. Certainly my experience is yes. But it has also been down to a strong desire or need to speak direct with the person with the relevant expertise without an intervening agency not least where one of the issues has been the adequacy or not of past advice.

It also seems to me to be rather natural for a client to wish to have early and direct contact with the person who may, in effect, end up running their case or simply be the person who actually provides the advice etc. But where the client is himself capable of running the matter (eg in-house legal team) the likelihood of costs-savings may well be the greatest impetus."

DO CLIENTS THAT ARE NOT FROM A LEGAL BACKGROUND STRUGGLE TO RUN THEIR CASE? DOES IT TAKE A CERTAIN TYPE OF INDIVIDUAL TO HANDLE THEIR OWN CASE?

Ludwik Allerhand: "It depends on the case and the client. As mentioned above, in my area of practice I deal with some very able and experienced people in the area of business on which my practice is based. But generally, the more experienced, educated and sophisticated the client the better able they will be to manage their own case."

Micaïla Williams: "It does depend entirely on the case but even the most simple legal cases can be daunting to the uninitiated. The procedure, the legal-ease language and sometimes the pressure of defending yourself can make even the most intelligent and confident people feel uncomfortable."

"If you can afford to have representation it is worth it as you will have someone else to fight your corner; to give you independent, realistic advice based on years of experience and specialist knowledge. With public access you go straight to the experts and this can be a great comfort."

Meyrick Williams: "Again I am not sure if I am fully qualified to answer this question. I do not deal with the everyday. My experience of clients to date, for which I am grateful, is they are educated, able, professional and want to get on and have been keen to progress and provide all assistance. In any event you would expect Counsel to provide guidance and advice on what should be done and when. It does not seem to me to be simply a case of the lay client stepping into the shoes of the solicitor. That is something he or she could hardly be expected to do.

Counsel may need to adjust his or her sights and try and explain things more fully and with a greater emphasis on a written record of advice given and when. But Counsel would not wish to become swamped in dealing with his client's issues rather than the case at hand. In such cases it may be best to recommend a solicitor becomes involved. Again direct access does seem well suited to companies with strong in-house resources such as administrative staff who can dedicate the time and assistance required to build the case and assist the counsel."

WHY SHOULD OUR READERS APPROACH YOU RATHER THAN A DIFFERENT BARRISTER WITH THE SAME PRACTICE AREA – HOW DO YOU STAND APART FROM YOUR COMPETITION?

Ludwik Allerhand: "As far as I am aware I am the only barrister with the specialist practice that I have. I consider my competitors to be some of the

London firms of solicitors who have a practice in the international trade in commodities rather than other barristers."

Micaïla Williams: "If you are looking for someone who is professional but approachable, personable but experienced then I might just be the Barrister for you. I am known for my ability to relate to my clients and my tribunal with ease and to ensure the best possible representation. I am down to earth and as such provide realistic competitive quotes, understanding the needs and financial commitments of my clients."

Meyrick Williams: "Because of my background, qualification as a solicitor in 1991, I have been dealing with direct access from clients for some time and well before the Bar began this scheme. My Chambers can also run aspects of direct access such as initial instruction and fees (through the above "Argent Direct") which can smooth things over or reduce conflicts or issues there. The above two points should not be underestimated when dealing direct with clients. As to my practice area having a history of dealing with complicated matters and advisory and appellate work, and a career that has covered shipping pre-qualification and cartels (large conspiracies), bankruptcy, the SFO, Customs and Excise, the Serious and Organised Crime Agency I would recommend me! But here I would emphasise my history of direct client experience from an early stage and my experience of both the roles of solicitor and barrister."

DO YOU THINK THE SCHEME POSES A THREAT TO SOLICITORS AT ALL?

Ludwik Allerhand: Solicitors are much better trained and have much more experience in attorney client relations than do barristers. Until barristers in general are better trained and more experienced in client relations then

solicitors do not have much to worry about. Moreover, barristers are currently prohibited from conducting litigation, which is ideal for a public access scheme, and so long as barristers are so prohibited solicitors generally will not be 'threatened'."

Micaïla Williams: "It provides another option to clients which creates competition. Competition is healthy and encourages all involved in the legal system to strive to provide better services in terms of affordability and quality. In my opinion, this can only be a good thing for everyone."

Meyrick Williams: "My personal view is no. In individual cases solicitors may lose some work. But if it is an issue of a client not proceeding due to a lack of funds that work may not otherwise exist anyway. It would also be the case that if Counsel thought solicitors should be involved then they should be. In cases where there is advisory work needed etc then the actual need for solicitors may be minimal and it may only be the case of their losing a specific fee.

I cannot advise how many members of the Bar currently accept Direct Access work or do it regularly but both sides of the profession do have work which is effectively their own and given the disparity in numbers between them I do not think it could be realistically argued that Direct Access threatens the solicitors profession as a whole. If an in-house legal team were to instruct counsel directly that should be no reason per se not to continue to instruct solicitors in other matters (or even related matters)."

SECTOR SPOTLIGHT:

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If litigation is to be pursued then the services of a solicitor may be required to lodge court papers (drafted by me) although I work with a number of solicitors who provide that service cost effectively. Clients can also this for themselves, should they so wish.

The other main limitation is in relation to very complex cases where a team of lawyers is required covering a number of specialist areas. In both cases, however, public access enables the client to keep a much tighter rein on costs and it also increases the opportunity for direct communication between the client and the barrister."

Case Study: 39 Essex Street Chambers

Martin Edwards is a specialist planning barrister practising from 39 Essex Street chambers, one of the country's leading barristers chambers. "My main practice areas are all aspects of planning law, environmental law, compulsory purchase and judicial review.

I am licensed to undertake public access instructions. In addition I am an acknowledged writer and speaker on legal topics in these areas and I have written a monthly column on planning for the Estates Gazette for over 20 years.

"Whilst I was called to the Bar in 1995, I first

qualified as a solicitor in 1981 and practised as such. I was a partner in a city law firm prior to being called to the Bar. As a result of my years of experience as a solicitor I became a member of the Bar's public access scheme at its inception.

Public access gives the barrister much more freedom to offer clients a more flexible and comprehensive service. However barristers have to be licensed to undertake public access work because public access requires skills that are not normally part of a traditional barrister's training. Most types of case are suitable for public access. However there are one or two limitations.

Case Study: 39 Essex Street Chambers

Christaan Zwart is a specialist barrister at 39 Essex Street chambers, a leading barristers' chambers.

"My main specialist areas are all aspects of planning, environmental and Green tax law, infrastructure and compulsory purchase, related property law, indirect tax, and judicial review. I am licensed to undertake Public Access instructions. My industry experience helps me to appreciate client commercial pressures and to apply the law to assist in achieving their purpose.

"Whilst I became a barrister in 1997, I had qualified as an architect in 1995 after working for 8 years on residential, office, retail and leisure

schemes (including in historic environments), and in Barcelona on the 1992 Olympic Games. As a result of my experience I became a member of the Bar's Public Access scheme from its inception. Public Access enables the barrister to offer clients a flexible and comprehensive service from the start, and the client to contact and liaise directly with their barrister from the outset. But barristers have to be licensed as this work requires both wider people skills and skills outside of a traditional barrister's training.

"Most matters where a lawyer would be instructed are suitable for Public Access. But not all. For example, if a matter is to be litigated, then a solicitor's services may be required to lodge court papers (drafted by

me). Whilst clients can do this themselves, I can also recommend various solicitors who provide that service cost effectively, and also recommend other professionals.

Further, complex matters can require lawyer teams covering different areas.

Importantly, Public Access – whether by an in-house lawyer, non-lawyer, company or an officer - enables the client to: maintain a tight rein on overall costs; reduce commercial risk by improving team performance through increased opportunity for direct communication; potentially avoid litigation by alternative means; and solve legal problems practically."

Case Study: Diego Soto-Miranda

Diego has a wide-ranging practice in international and domestic commercial law, as well as other areas of civil practice, including defamation, professional negligence, personal injury and chancery, litigating in both domestic courts and tribunals. He has been instructed in a wide variety of commercial disputes including insurance and cross border credit transfers (particularly in respect of breach of contract, misrepresentation and POCA 2002 confiscation), sale of goods, general common law and other duties instructed by solicitors and the Direct Public Access rules. His practice includes both advisory work and litigation and he has appeared in cases in the Commercial Court, Queen's Bench Division and Chancery Division. In addition, he has appeared before both the Immigration Appeals Tribunal and Employment Tribunals. His litigation experience extends beyond domestic cases and he is accustomed to working with foreign lawyers, particularly Latin American attorneys and legal attachés of the Latin American Embassies in London. He is instructed both, directly and also in conjunction with the legal attachés.

QUALIFICATIONS

- LL.B (Hons) 1999, London School of Economics and Political Science
- Pg. Dip. Law (BVC) 2001, Inns of Court School of Law
- Rep. in Mediation 2002, CEDR
- LL.M (International Business Law) 2008, London School of Economics and Political Science

MEMBERSHIPS:

- Administrative Law Bar Association (ALBA)
- Public Access Bar Association (PABA)
- Chartered Institute of Arbitrators
- General Council of the Bar, Equality & Diversity Committee
- General Council of the Bar, Disability Sub Committee
- RCJG DDA Compliance Group

AREAS OF PRACTICE:

- Commercial Law
- Cross Border Credit Transfer
- POCA 2002 Confiscation
- Conflict of Laws
- Sale of Goods

- International Trade & Business Law
- Carriage of Goods & Shipping
- Insurance & Reinsurance
- Defamation
- Professional Negligence
- Sports Law
- Personal Injury
- Administrative & Public Law
- Employment Law
- Immigration Law
- Human Rights Law

TEACHING & LECTURING

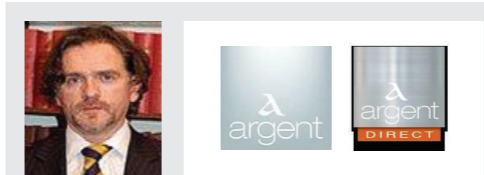
Pathways to Law Tutor 2008 to present, London School of Economics and Political Science.

Child Studies MA (occasional lecturing) 1999 to present, King's College London.

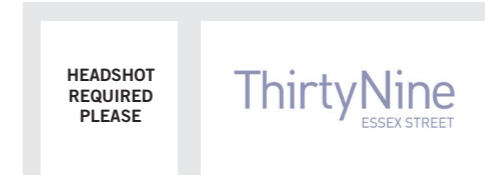
PUBLICATIONS

Diego's Story (Vermilion, Random House) 1997, ISBN 0-09-178554-5.

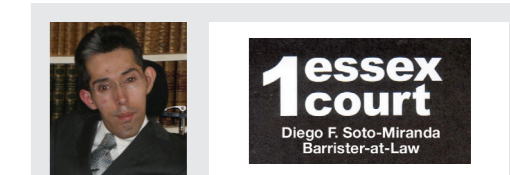
Various articles on the English Legal System for various Colombian publications including CROMOS.



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SECTOR SPOTLIGHT:
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Case Study:

Following on from the introduction *Jonathan Maskew*, elaborates:

“There have been some fundamental changes affecting the legal profession in recent years, including the ability to access barristers directly: a new way in which you and your business can obtain legal advice and services. Until recently, it was generally the case that a barrister could only be instructed via a solicitor. With the ability to come directly to a barrister, choice is greater and, because we carry much lower overheads than solicitors, the cost is very competitive.

“You can now pick up the phone or email chambers and the barristers’ practice manager who will guide you as to who might be best suited to assist you with your problem, arrange an appointment to see a barrister or a QC and provide clear information as to charging rates.

“This means that you can come directly to someone with huge experience of advice and litigation at the sharp end.

“Lincoln House Chambers has an established and well recognised reputation in direct access instructions. Our experience is invaluable when it comes to advising business about important issues such as the duties of directors, corporate governance, compliance and regulatory issues.

“One of our leading barrister’s Alistair Webster QC, specialises in financial regulation, fraud and asset restraint, and will typically be instructed in cases involving significant amounts of money and complex issues.

Such cases are ideal for Direct Access and include; Companies Act investigations; suspected fraud or bribery within an organization – including their investigation; remedies for the victims of fraud; FSA and SFO investigations. In all of these situations,

early advice from a very experienced specialist can prove invaluable and will be highly cost effective.

“Lincoln House Chambers is positively involved in promoting ways in which businesses are able to overcome traditional barriers and accessing specialist legal services directly.”

For further information then please visit our website at www.lincolnhousechamber.com or see our Business Card below.

Case Study:

For almost 60 years barristers from the Chambers of Orlando Pownall QC at 2 Hare Court have provided individual and corporate clients with advice and representation in cases involving: serious, organised and corporate crime; fraud and financial crime and related investigations; financial services regulation; health and safety; professional discipline; licensing; environmental crime; and other forms of business regulation.

In addition to working on the instructions of a client’s solicitors, since 2004 we have also provided our services through the Bar’s public access scheme, which allows barristers who have passed a Bar Council-approved training course to take instructions directly from members of the public, or from directors and officers of companies.

We have always been able to take instructions directly from in-house legal teams. Not every barrister in England and Wales has undertaken this training, but all those at 2 Hare Court are so qualified.

Some of the key benefits of instructing a barrister directly:

- Direct contact with the client’s specialist of choice;
- Dealing with a barrister directly avoids duplication of work and cost;
- With lower overheads than solicitors, clients can benefit from lower hourly rates and obtain greater value for money.

For clients requiring advice in one of our specialist areas, or a point of law of a sort which solicitors are likely to refer to specialised counsel in any event, instructing a barrister directly can be an extremely cost-effective solution. Many cases are suitable for the public access scheme, although there are some restrictions which have been laid down by the various regulators of the legal profession.

“We are always happy to discuss the details of a case without charge, and advise on whether it is suitable or not.”

More details can be found on the Direct Access pages of our website: www.2harecourt.com

When instructing a barrister without first going through a solicitor, it should be remembered that clients will need to take on various tasks themselves.

However, in our experience corporate clients and business professionals are usually very well placed to contribute to the management of their cases, as they are the people most familiar with any issues in dispute. In a straitened economic climate, an increasing number of corporate clients are finding that, by instructing a barrister directly, they can receive the highest quality of advice and representation, at an extremely competitive price which offers significant value for money.

At 2 Hare Court all our members and administrative staff are trained in public access work, so we are very well placed to offer clients a shortlist of barristers, at all levels of seniority, with appropriate experience. We can also compile teams of public access barristers if necessary.

Very few other sets can offer this level of client choice on a public access basis. We don’t feel the scheme threatens solicitors. We continue to work closely with our solicitor colleagues on many cases, but the scheme offers clients an alternative choice.



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