



NEW SOUTH WALES  
BAR ASSOCIATION

## The Legal Assistance Referral Scheme

### What we do

The Legal Assistance Referral Scheme (LARS) refers eligible requests for legal assistance to a barrister who may be able to provide advice, mediation or representation on a pro bono (free) or reduced fee basis.

### Step 1: How does it work?

LARS' clients are referred by community legal centres, solicitors and from NSW Courts and Tribunals. Referring legal professionals must complete an application form and provide information about the legal issues and documents as appropriate.

Matters with a limitation date will receive priority over other applications.

We may ask for information that is personal, however this is necessary for us to assess eligibility for legal assistance. The applicant's privacy will be protected throughout this process (see our Privacy Policy on the Association's Website).

### When we are unable to assist

We cannot assist if an applicant is eligible for a grant of Legal Aid. If Legal Aid has declined an application, please provide us with a copy of the "refusal" letter.

Please also provide us with information about any other legal assistance providers that the applicant has approached, including; LawAccess, Justice Connect, the Aboriginal Legal Service, The Law Society of New South Wales or a Community Legal Centre. In some cases, we may determine that one of these options is more appropriate for the matter and we will recommend a referral to that service.

We generally do not assist with matters that involve personal injury, medical negligence defended apprehended violence orders or neighbourhood disputes. We encourage applicants to seek a legal practitioner who will assist on a "no win, no fee" or low fee basis for these types of matters.

We will not assist an applicant if their total household income, before tax, is more than \$1,800 per week or \$93,500 per annum.

Applicants who deliberately mislead or become aggressive towards our staff will not be assisted.

We cannot refer an applicant through LARS on more than one occasion.

## **Step 2: Assessment**

Once we have received all of the application materials, LARS will assess whether the matter is suitable for referral. Please note that we are not able to assist everyone that applies. In some cases, we may refer the request to the Bar Council, the Board of the New South Wales Bar Association for further consideration. Bar Council has the final say in LARS' decisions.

## **Step 3: Referral**

If the matter is eligible for referral, we will attempt to find a barrister to provide advice on the prospects of success or the legal merit of the matter, representation, or mediation.

Please note that barristers' participation in LARS is voluntary and therefore it is not always possible to find a barrister to assist.

## **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 an applicant or to be an independent mediator who can help to resolve the 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 in regards to costs.

## **What about the barrister's fees?**

Once the matter is accepted by a barrister, LARS has no further involvement. The client and barrister will need to enter into a retainer and fee disclosure agreement. This may include one or more of the following arrangements:

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

The barrister may choose to stop acting on your behalf and terminate the agreement if the proceedings are transferred out of New South Wales, if you withdraw your instructions or if the terms of your agreement are breached.

## **Referrals made in accordance with the Uniform Civil Procedure Rules (NSW)**

LARS assists the NSW Court of Appeal, the NSW Supreme Court and the NSW District Court to facilitate orders for pro bono legal assistance that are made by Judges. Such referrals are not to be a substitute for Legal Aid.

These guidelines do not apply to these Court ordered referrals for legal assistance, which are dealt with under Part 7, Division 9 of the *Uniform Civil Procedure Rules 2005* (UCPR).

Barristers should satisfy themselves that a formal order has been made by the Court pursuant to rr 7.36(1) of the UCPR and will be mindful in accepting such a referral of their assessment of prospects of success in accordance with their professional responsibilities contemplated by r 7.39.

In circumstances where a barrister wishes to withdraw, prior to completion of the legal assistance, from a court referral matter, the barrister is required to advise the Court directly in writing in accordance with rr 7.39(2).

In circumstances where an order for costs is made in favour of a litigant who is assisted, the barrister who has provided the legal assistance pursuant to rr 7.36(1) is entitled to recover the amount of costs that another person is required to pay under the order as outlined in rr 7.41(2).

Barristers who accept referrals made by the Court are bound by the rules and procedures set out in the UCPR and not by these Guidelines. Barristers, instructing solicitors and litigants are encouraged to read Part 7, Division 9 in its entirety.

### **Further Information**

Please visit our website to access our online application form:

<https://nswbar.asn.au/using-barristers/get-legal-assistance/legal-assistance-referral-scheme>

If you have any further questions or require special assistance, you may contact us directly by email: [legalassist@nswbar.asn.au](mailto:legalassist@nswbar.asn.au) or by telephone: (02) 9232 4055.