



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 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 you are eligible for assistance. Please read this document carefully before submitting an application.

Step 1: We find out what your matter is about

You should provide us with as much information as possible when you apply.

If your matter is already in Court, please tell us where the matter is up to and whether you have previously received legal advice or representation. Please provide us with copies of any documents that have been filed.

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

If you have been referred to us by a Court or Tribunal, you will still need to complete an application form.

We will need to see proof of your income, such as a copy of your most recent tax return, as we cannot provide assistance to people who are able to afford private representation.

We may ask for information that is personal, however this is necessary for us to assess your application. Your privacy will be protected throughout this process.

Some matters will require the involvement of a solicitor *and* a barrister. We may inform you that we cannot assist unless you are able to obtain the services of an instructing solicitor.

When we are unable to assist

There are many factors for us to consider. We cannot help you if you are eligible for assistance from the Legal Aid Commission of New South Wales. If Legal Aid has declined your application, please provide us with a copy of the letter to confirm that you are not eligible.

Please also provide us with information about any other legal assistance providers that you have 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 your matter and we will provide you with a referral to that service.

We do not assist with matters that involve personal injury, medical negligence or neighbourhood disputes. We are also unable to assist with defended apprehended violence orders. We encourage you to seek a practitioner who will assist on a “no win, no fee” or low fee basis for these types of matters. Sometimes we will advise you that your matter could be resolved with the help of a community justice centre.

We cannot refer you on a no-fee basis if your application is likely to result in a trial or hearing set down for more than five days.

We will not assist you if your total household income, before tax, is more than \$1,600 per week or \$85,000.00 per annum.

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

Finally, as we wish to provide assistance to the community as equitably as possible, we cannot refer an individual through LARS on more than one occasion.

Step 2: We consider your application

Once we have received all of your application materials, the LARS manager will assess whether your matter is suitable for referral. Please note that we are not able to assist everyone that applies. In some cases, we may refer your 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 your matter is eligible for referral, we will look for a barrister who can provide you with advice on the prospects of success or the legal merit of your matter. If your matter is suitable for mediation, we will attempt to refer you to a mediator.

What happens next?

If the barrister believes that your matter has little prospects of success, you will be informed in writing that we will conclude our involvement. The barrister’s identity will not be disclosed to you. If the barrister is prepared to further assist, we will introduce you so that you may deal with them directly.

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 you are eligible for assistance and a barrister can be found to assess the prospects of success of your matter, this is usually provided free of charge.

If your matter goes ahead, you and the barrister will need to enter into an agreement that is commonly called a 'retainer and fee disclosure agreement'. This 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 that you may 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, if you withdraw your instructions or if the terms of your agreement are breached.

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 or by telephone: (02) 9232 4055.