

Progress Checklist - Contractual Claims (for Plaintiff)

You are required, as assigned solicitor, to comply with the Director of Legal Aid's (DLA) requests for information regarding the progress of proceedings to which the certificate relates. This checklist is intended to serve as a reference and to provide a timeframe on the progress of proceedings. As a reference, the checklist is not intended to be an exhaustive list of all the steps in such cases. The checklist is not intended to replace written reporting to DLA.

Each part is based upon a time frame during which certain steps are expected to be taken or events are expected to have taken place. If it is not possible for you to complete the steps listed in each part within the time specified or expected events have not occurred, you should provide a written explanation to DLA.

You should report to DLA the completion of the steps or the occurrence of events referred to in the checklist within the time period specified below.

The scope of legal aid certificates may be limited. Prior to undertaking any work outside the terms of the certificate, you must apply to DLA for extension of the certificate by giving all necessary information to justify the extension. The appropriate form (Form X47) can be downloaded from the Department's website www.lad.gov.hk.

Part 1 – Pre-Action (within 21 days from the date of receipt of assignment)

- Appointment to take instructions from aided person
- Aided person has been advised of DLA's 1st charge, if applicable*

Part 2 – Court Proceedings (within 3 months after the date of receipt of assignment)

- Writ of Summons /Statement of Claim issued and served with copy provided to DLA

(Within 6 months from the date of service of the Writ)

- Acknowledgement of Service received
- Defence and/or Counterclaim received and copy provided to DLA
- Reply and/or Defence to Counterclaim filed and copy provided to DLA
- Reply to Defence to Counterclaim received and copy provided to DLA
- Interlocutory Judgment entered and copy provided to DLA

(Within 6 months from the close of pleadings)

- Mediation conducted and report on the outcome of the mediation together with copy of the mediator's final report provided to DLA

(Within 12 months from the close of pleadings)

- Aided Person advised on progress of case and costs position*
- Time tabling Questionnaire filed
- Consent summons containing the agreed directions or timetable/case management summons (if there is no agreement as to directions or the case involves litigants in person) filed and copy provided to DLA
- Court's directions on case management and timetable for the proceedings obtained and copy provided to DLA

- [] Discovery of documents completed
- [] Witness Statements exchanged
- [] Counsel's advice obtained and copy provided to DLA, if appropriate
- [] Copy of Court's Order made at case management conference provided to DLA
- [] Pre-trial Review heard and copy Order provided to DLA
- [] All pre-trial directions complied with
- [] Case set down for trial

Part 3 - Conclusion of case

(At the conclusion of the case where damages are recovered, the aided person must be advised of DLA's 1st charge and the estimated amount of such charge. You must also promptly advise DLA your estimate on costs so as to facilitate DLA to release interim payment (if any) to the aided person. You should also keep both DLA and the aided person informed of the progress of your recovery process of Party & Party costs with the Opposite Party(ies). Approach to the Opposite Party(ies) to agree party and party costs is expected to take place within 4 weeks after the date of the final order. You must report to DLA on reasons why costs cannot be agreed and what steps have been taken to fix a date for taxation within 2 months after the date of the final order. Where there is no order for costs against the Opposite Party(ies), you must let DLA have a narrative bill of your costs for assessment. This must be done within 8 weeks after the final order is made.)

- [] Copy final order provided to DLA
- [] Copy acknowledgment by aided person that he/she has been advised of the operation of DLA's 1st charge provided to DLA
- [] Damages (if any) remitted to DLA
- [] DLA's approval to engage a law costs draftsman to prepare a bill for taxation obtained
- [] Bill of costs for assessment or taxation provided to DLA
- [] Estimate of 1st Charge provided to DLA together with a breakdown of:-
 - (a) Party & Party costs
 - (b) Common fund costs
 - (c) Costs against Aided Person
- [] Copy Allocatur/Certificate of Costs and Financial Statement of a Concluded Legally Aided Case duly completed and provided to DLA
- [] DLA has been advised of settlement of party and party costs/outcome of taxation

* *The aided person should be regularly advised and reminded of the operation of DLA's 1st charge and costs position.*