

Progress Checklist - Judicial Review Cases (for Applicant)

You are required, as an assigned solicitor, to comply with 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 in scope. 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 receipt of assignment)

- Appointment to take instructions from aided person

Part 2 – Court Proceedings (within 3 months from the date of the decision to be reviewed)

- Application for leave to judicial review filed and copy Application with affidavit/affirmation in support provided to DLA
- Leave to seek Judicial Review *granted/dismissed and copy Order provided to DLA
- Affidavit(s)/Affirmation(s) in reply from the opposing party(ies) received
- Merits of Judicial Review reviewed pursuant to Practice Direction - SL3 and copy of Counsel's Advice provided to DLA
- Aided Person advised on progress of case
- Substantive hearing completed and copy Order/Judgment provided to DLA

Part 3 – Conclusion of case

(At the conclusion of the case, approach to the Opposite Party(ies) to agree party and party costs is expected to take place within 4 weeks after the date the final order is given. 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 being given. Where there is no cost order against the Opposite party(ies), you must let DLA have a narrative bill of your costs for assessment within 8 weeks after the final order is made.)

- 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
- DLA has been advised of settlement of party and party costs/outcome of taxation
- Copy Allocatur and Financial Statement of a Concluded Legally Aided Case duly completed and provided to DLA