

## **Chapter 10**

### **Guidelines for Lawyers Removed from Panel Applying to Re-join the Legal Aid Panel**

#### **1. Background**

- 1.1 Counsel or solicitors on the Legal Aid Panel may be removed from the Panel in the following circumstances:
- (a) They request to be removed from the panel; or
  - (b) They cease to hold a current practising certificate; or
  - (c) Their unsatisfactory performance is of a serious nature that they are removed from the Panel by the decision of the Departmental Committee on Monitoring Assignments to Counsel and Solicitors (DMC).
- 1.2 Lawyers under 1.1(a) and (b) may apply to re-join the Panel if they hold a current practising certificate.

#### **2. Guidelines**

- 2.1 This guideline set out the procedures for a lawyer previously removed from the Panel under 1.1(c) to apply re-joining the Panel and the criteria for the Department to approve the application.
- 2.2 Lawyers who have been removed from the Panel by the decision of DMC can only apply to re-join the Panel at least 3 years since the date of their removal from the Panel.
- 2.3 When applying to re-join the Panel, the lawyer is required to submit the following :
- (a) the Panel Entry Form (Form LAP3 for counsel and Form LAP1 for solicitor at Appendices C & A);
  - (b) all relevant information in support that he/she is suitable for readmission to the Panel and handling legal aid cases; and

- (c) two references from two senior members of the profession, one of whom must be from a different firm or chamber from that of the lawyer, confirming that the lawyer is a fit and proper person to handle legal aid cases.

2.4 “Senior members of the profession” refer to those lawyers who have had at least 20 years post qualification experience.

2.5 In considering the application for re-joining the panel, the DMC will take into account the information provided by the lawyer and consider on a case by case basis whether the lawyer is a “fit and proper person” to handle legal aid cases. Factors to be considered include the lawyer’s experience, knowledge of legal aid requirements, history of performance in handling legal aid cases, reasons for removal from the Panel, the lawyer’s performance in handling cases since removal and any other relevant matters such as whether professional disciplinary or criminal proceedings have been found substantiated against that lawyer.

2.6 If the application is rejected, the lawyer will be given an opportunity to make representations which will be evaluated by the DMC. The decision made by DMC after evaluating the representations is final. Counsel and solicitor applying to re-join the panel will be informed of the decision of the DMC in writing.