

## BRIEFING FACT SHEET FOR CORPORATE LAWYERS

The Bar is able to deliver directly to corporate lawyers legal services of the highest quality that is both timely and cost effective.

This fact sheet provides practical tips about when and how barristers should be briefed directly by corporate lawyers and the advantages of doing so.

### What sort of work can a barrister do?

Barristers' work is not restricted to court work. It extends to advisory or opinion work, reviewing and/or drafting contracts or policies, appearing at mediations and arbitrations, acting as a mediator or arbitrator and acting as an expert determiner.

### How to select a barrister?

There is a wide range of barristers of varying seniority and with a diversity of expertise and experience. 12 Wentworth Selborne Chambers has approximately 60 barristers who practice in a broad range of areas including 16 Queens Counsel or Senior Counsel.

Our Clerk of Chambers, Bob Rymer has been a part of the Floor for 40 years. He has an extensive working knowledge of our barristers' skills, experience, and expertise. He can be contacted on (02) 9232 4016 or by email at [brymer@12thfloor.com.au](mailto:brymer@12thfloor.com.au)

The [barristers page](#) of our website also provides details of the qualifications of our barristers, their practice areas, and professional experience, including cases in which they have appeared.

### When to brief a barrister?

There are many advantages to briefing a barrister early.

In an advisory context, a barrister may be able to assist in the development of a risk strategy or complement the expertise of the in-house team in the provision of advice to key stakeholders.

The primary advantage of briefing a barrister in the litigation process or when litigation is imminent is that the barrister can assist in developing a strategy to mitigate litigation risk at an early stage including as assessment as to the deployment of alternate dispute resolution mechanisms. This may assist in narrowing the issues in dispute with a consequent reduction in the time and cost of litigation.

By briefing early, the barrister will also have an opportunity to be involved in drafting or settling pleadings, affidavits, or expert reports. If a barrister is brought in after this process, they might identify gaps or deficiencies that may ultimately require amendments that will incur further costs

and delay. Using junior barristers early in the litigation process to settle and draft pleadings can be particularly cost effective.

### **How to brief a barrister?**

When it comes to providing a barrister with a brief, there are a few things a corporate lawyer should consider including to get the most out of the process. A brief should include:

- All documents relevant to the issues;
- Some observations from the corporate lawyer setting out a summary of the matter and a précis of the issues; and
- A list of questions or issues that the corporate lawyer would like the barrister to consider.

While briefs are generally sent to the barrister in hard copy, in circumstances of urgency or limited resources a brief can be provided electronically. Our Clerk is able to assist if there are issues with the preparation of a brief.

After a brief has been delivered, the barrister or the Clerk will make contact with the client to confirm that it has been received and to organise a preliminary conference.

Shortly after receiving the brief, the barrister will also send a costs agreement and disclosure of costs setting out the rates to be charged, how invoices will be rendered, and where the barrister is able to do so having regard to the nature of the instructions, an estimate of costs for the work they have been retained to provide.

### **Fees**

Barristers charge a range of fees depending on their background, areas of practice, and primarily their seniority.

Barristers' fees can be highly competitive. Most importantly, because barristers are all sole practitioners they work efficiently when briefed in their area of expertise. Junior barristers (that is, barristers of up to seven years standing) can represent particularly good value because their rates are at the lower end of the range for comparable legal services but they may have come to the Bar having also had significant experience in practice as a solicitor. As such, while they are "junior" at the Bar, they are often able to draw on a wealth of legal and other experience that a client would not likely to be able to access elsewhere at this price range.

Our Clerk can provide you with further information about the fees our barristers charge. He can be contacted on (02) 9232 4016 or by email at [brymer@12thfloor.com.au](mailto:brymer@12thfloor.com.au).