

**THE BAR COUNCIL AND
THE LAW SOCIETY**

JOINT TRIBUNAL STANDING ORDERS

- (1) The purpose of the Joint Tribunal ("the Tribunal") is to resolve disputes between counsel and instructing solicitors relating to a barrister's claim for fees and/or expenses and arising out of a contract between the parties or otherwise. The procedure may be instigated by either party. For the purposes of these Orders, the instigating party is "the Applicant" and the other party "the Respondent".
- (2) Both parties will be required to agree to be bound by the Tribunal's decision. The Applicant shall, within 28 days of being advised of the Respondent's agreement to be bound, issue a Statement of Case with any supporting documents which must include copies of the agreement, the fee notes in question and relevant correspondence. The Statement and accompanying documents must be sent as follows:
 - (a) two copies direct to the Law Society,
 - (b) two copies direct to the General Council of the Bar
 - (c) one copy direct to the Respondent
- (3) The Respondent shall, within 28 days of receipt of the Applicant's Statement of Case, issue a Statement of Response with any supporting documents which must include a copy of the agreement to be bound by the Tribunal and relevant correspondence. The Statement and accompanying documents must be sent as follows:
 - (a) two copies direct to the Law Society,
 - (b) two copies direct to the General Council of the Bar
 - (c) one copy direct to the Applicant
- (4) All documents which are submitted shall be indexed and paginated consecutively.
- (5) If either party relies upon the evidence of another person, a statement of such evidence shall be signed and dated by the witness.

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- (6) The Tribunal should be appointed within 44 days of the receipt by the Law Society and the General Council of the Bar of the Statement of Case. The members of the Tribunal shall be supplied with copies of the Statements and accompanying documents sent by the Applicant and Respondent to the Law Society and the General Council of the Bar. Upon receipt of the Statements by the Tribunal, it shall notify the parties of a date for the determination of the dispute which should not be later than 60 days after the supply of the above documents.
- (7) If, in exceptional circumstances, the Applicant wishes to submit a Statement of Reply, or either party wishes to submit additional material to the Tribunal, they shall submit the Statement or material to the Tribunal, within 14 days of receiving the last Statement or documents from the other party, with a request that is accepted. As in (1) and (2) above, two copies should be sent to the Law Society, two copies to the General Council of the Bar and one copy to the other party in dispute. The Tribunal shall rule upon the admissibility of such documents and its ruling shall be final.
- (8) The Tribunal is an informal body, fixing its own procedure. It shall rule upon any application by either party in respect of the conduct of its consideration of the matter, and shall notify the parties, the Law Society and the Bar Council, of any consequential directions when giving notice of the date for the determination of the dispute.
- (9) Any applications by either party in respect of the conduct of the Tribunal's consideration of the matter shall be included within the Statement of Case/Response. The Tribunal shall determine the dispute on the basis of the written submissions of the parties unless in the opinion of the Tribunal an oral hearing is appropriate.
- (10) If an oral hearing has been requested the Tribunal shall, when fixing the date for the determination of the dispute, inform the parties, the Law Society and the Bar Council, whether or not a hearing is considered to be appropriate, of the date, time and venue for the hearing.
- (11) The Tribunal's task is to look at all the circumstances in dispute. Where matters touching counsel's conduct or competence are significantly in issue, such matters should be considered through the complaints process of the Bar Standards Board.
- (12) In exceptional circumstances, the timescales allowed in these Orders may be varied. However, non compliance with these Orders shall entitle the Tribunal to dismiss any case or response and to determine the dispute as the Tribunal thinks fit.

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- (13) Payment of any sum found to be due shall be made within 14 days of the date of notification of any determination by the Tribunal. The Tribunal shall have power to direct payment of undisputed sums forthwith and payment shall be made within 14 days of notification of any interim determination.
- (14) The Tribunal shall have power in its absolute discretion to award interest upon unpaid fees for such period and at such rate as it deems appropriate in the circumstances.
- (15) In the event of non-payment within the due time of any determination or interim determination, either the General Council of the Bar or the Law Society may refer the non-payment as a matter as a professional conduct to the Solicitors Regulation Authority or the Bar Standards Board as appropriate.

Implemented 30 June 2011