

What Is A Barrister and How Could One Help with My Case?

If you are involved in a legal matter which involves tricky legal issues at Court or a Tribunal, your solicitor might suggest engaging a barrister to help with the case.

Barristers are independent advocates, who mostly specialise in court work.

Barristers are also referred to as 'counsel.'

Barristers spend most of their time representing people in Courts or Tribunals so they are usually familiar with Court and Tribunal processes and speaking on behalf of clients.

When a barrister is assisting in a Court or Tribunal matter, they will usually work directly with your solicitor, rather than directly with you.

Barristers can help with:

- Preparing official documents and pleadings
- Giving legal advice, especially in complex cases
- Help to negotiate and resolve a case before it goes to hearing
- Help you navigate and comply with Court or Tribunal processes
- Present your case to the decision maker in Court or a Tribunal

Their expertise as advocates means that they may advise in relation to the best strategies for progressing your case.

Some barristers will give pro bono help. 'Pro bono' means 'for the public good', a barrister working pro bono works for free or for a reduced fee.

What is the Difference between Barristers and Solicitors?

Solicitors and barristers are both trained lawyers, but with different roles. A solicitor is often the first point for advice, and if a barrister becomes involved, they will prepare documents

for you and be the lawyer most available to speak with you in your legal matter.

A lawyer becomes a barrister after doing extra training, which qualifies them to appear in Courts and Tribunals as specialist advocates.

Both solicitor and barristers can assist in court. But because a barrister is specialist advocate, in some cases it is better to have a barrister involved to work together with your solicitor on your case.

When Might Canberra Community Law (CCL) Request Assistance from a Pro Bono Barrister?

Once you have instructed a CCL solicitor to help you with your legal matter, your solicitor may talk to you about engaging a barrister to represent your interests at Court or in the Tribunal.

CCL may do this if we consider that a barrister's specialist skills or advocacy experience would be helpful in your case, and a pro-bono barrister is available.

Your solicitor will ask you for information and documents supporting your case and prepare your case for hearing. Your pro-bono barrister may provide additional advice and represent you in the Court or Tribunal, working closely with your solicitor.

Why Engage a Barrister?

A barrister may be retained at any stage of a legal proceeding, depending on the needs of your case and how you wish to be represented.

Solicitors often engage barristers for their advocacy expertise, and Court room experience. Their assistance can be very helpful for negotiating resolutions and smoothly progressing a matter through a Court hearing.

When the other party to a proceeding has retained a barrister, it can be helpful to have a barrister representing your interests as well, as the barristers are able to communicate with each other outside of the Courtroom.

Barristers can also bring an independent and fresh perspective to your case, which might help generate other legal pathways to help resolve your matter.

Interacting with a Pro-Bono Barrister

As barristers act on instructions from your solicitor, your discussions with the barrister representing you are likely to be limited. Your solicitor will give your instructions and documents to your barrister and ask questions on your behalf. Your solicitor will also pass on any advice or information from your barrister, to you.

If you have a hearing coming up, you might meet with your barrister so they can advise you about what to expect and to prepare you to give evidence. Otherwise you should expect to have limited contact with the barrister working on your case.

Your solicitor will remain in contact with your barrister while your case is ongoing and will discuss matters relating to your case with you as the case progresses.

If you have information that you consider your barrister needs to know, you should ask your solicitor to pass it on to your barrister.

Pro-Bono Fees

As Canberra Community Law is a Community Legal Centre and a Not-for-profit organisation, if a barrister is needed to work on your case, we will only approach barristers prepared to take cases on a pro bono basis.

This means you would not incur a fee for the barrister's work on your case, unless this was agreed to by you in writing and arranged before the barrister becomes involved.

Disclaimer

This Fact Sheet contains general information available at the time of printing. It does not constitute legal advice. If you have a specific legal problem, please contact Canberra Community Law on 6218 7900.

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For more information about the role and requirements of barristers in the ACT, please see: [ACT Bar Association Legal Profession \(Barristers\) Rules](#)

Useful Contacts and Information:

Canberra Community Law

You can speak to a solicitor by calling (02) 6218 7900

If you need an interpreter please call the Translating and Interpreting Service on 131 450 and ask them to ring us.

If you are deaf or have a hearing or speech impairment, contact us through the National Relay Service. For more information visit relayservice.gov.au

If you prefer to email, please contact us at info@canberracommunitylaw.org.au

Further information: www.canberracommunitylaw.org.au

Women's Legal Centre ACT

Phone: (02) 6257 4377 or 1800 634 669

Further information: womenslegalact.org

Legal Aid ACT

Phone: 1300 654 314

Email: legalaids@legalaidsact.org.au

Further information: www.legalaidsact.org.au

Australian Human Rights Commission

Phone: 1300 656 419

Email: infor@humanrights.gov.au

Further information: www.humanrights.gov.au