

## Factors to take into account in assessing appointment to duty lawyer roster

Criteria	Factors for the panel to take into account	Source of information
<b>Reliability – a good record of attendance and being available when on duty</b>	<ul style="list-style-type: none"> <li>• Attends regularly when rostered</li> <li>• Attends on time</li> <li>• Finds (suitable) replacements if unable to attend</li> <li>• Commits to duty – ensures availability during busy period; manages private work outside duty lawyer commitments; before leaving checks with supervisor/ team no outstanding work</li> </ul>	<ul style="list-style-type: none"> <li>• Legal Aid records on attendance</li> <li>• Feedback from panel members or referees</li> </ul>
<b>Legal skills/ practice - sound legal service provided to defendants and to the court</b>	<ul style="list-style-type: none"> <li>• Sound grasp of criminal law concepts and principles (eg, burden/onus of proof)</li> <li>• Working knowledge of common offences, eg, Crimes Act 1961, Summary Offences Act, Land Transport Act 1998</li> <li>• Familiar with legislation frequently relevant to criminal proceedings, eg, Bail Act 2000, Sentencing Act 2002</li> <li>• Understands the Court's procedures from plea through to resolution</li> <li>• Advises defendant appropriately and explains possible outcomes</li> <li>• Completes instruction sheets effectively – logical, relevant and sets out effective argument/submissions, including reference to other material such as the SoF</li> <li>• Works efficiently at a pace that supports the team effort – ie, does a fair share of the work and pace is adequate. (If a less experienced duty lawyer, consider potential for improvement). Completes own tasks rather than leaving actions for other duty lawyers to pick up</li> <li>• Knows when to seek advice from a more experienced lawyer</li> </ul>	<ul style="list-style-type: none"> <li>• Feedback from panel members or referees</li> </ul>
<b>Interpersonal skills and working relationships</b>	<ul style="list-style-type: none"> <li>• Communicates clearly</li> <li>• Presents an effective, concise argument</li> </ul> <p><i>With Defendants</i></p> <ul style="list-style-type: none"> <li>• Knowledge, skills and attitudes to respond appropriately to defendants from a diverse range of cultures and backgrounds</li> <li>• Establishes rapport with defendant, uses appropriate language, elicits necessary information</li> <li>• Explains the procedure for the appearance that day and beyond</li> </ul> <p><i>At the court</i></p> <ul style="list-style-type: none"> <li>• Behaves appropriately in courtroom and its environs</li> <li>• Has effective working relationships with court staff, police prosecutions, community probation</li> </ul>	<ul style="list-style-type: none"> <li>• Feedback from panel or referees</li> </ul>

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	<p>and other agencies at the court, and with other criminal lawyers</p> <ul style="list-style-type: none"> <li>• Knows where to locate and make appropriate use of services such as Probation, Forensic Psychiatric Service, Salvation Army etc and follows through on referral if required</li> <li>• Responds appropriately to the Bench</li> </ul>	
<b>Other matters,</b>	<ul style="list-style-type: none"> <li>• Justified Legal Aid concerns or complaints</li> </ul>	<ul style="list-style-type: none"> <li>• Legal Aid records</li> </ul>

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