



CDPP

Australia's Federal Prosecution Service

External Junior Counsel Panel

FACTSHEET FOR BAR ASSOCIATIONS



The Commonwealth Director of Public Prosecutions (CDPP) has established a national External Junior Counsel Panel and is inviting counsel from the junior bar to join the Panel.

The CDPP receives briefs of evidence from 39 Commonwealth investigative agencies and 19 state and territory agencies. The CDPP manages its legal matters through its national practice group model and has six National Practice Groups dedicated to prosecuting categories of crime and supporting partner agencies in their investigations.



Working with external counsel

The CDPP often engages counsel to support some of the litigation work conducted by the Office.

An External Junior Counsel Panel was established in 2016 and will be in place until 2020. This approach allows the CDPP to increase the number of junior counsel briefed, improve gender equity in our briefing practices and create a quick and easy application process for members seeking to work with the CDPP. Further, by having a Panel which is reviewed on a four-yearly basis, the CDPP can ensure that the advocates it briefs have up-to-date and relevant experience to undertake prosecution work for the Office.

About the Panel

The Panel is a list of advocates from the junior bar available for briefing by the Office, having been selected through an application process. Successful applicants in 2017 will join the existing 4 year panel and will continue as members until 2020. The Panel does not apply to Senior Counsel and the engagement of Senior Counsel will not be by way of a Panel.

Counsel levels

The Panel operates for a four year period and there are two levels within the Panel.

| | |
|----------------|--|
| LEVEL 1 | Barristers who have been on the Roll for up to 3 years |
| LEVEL 2 | Barristers who have been on the Roll for 3 years or more |

Counsel will not automatically progress from level 1 to level 2 after being on the Roll for 3 years. The CDPP will review counsel's experience and performance to determine whether they will advance to level 2.

The fee range guide for both levels is set out on page five of this document. This is a general guide only, and it is within the CDPP's discretion to set appropriate fees based on experience and performance.

The CDPP will review each counsel's fees two years after the commencement of the Panel.

How to apply

Applications will open on 13 November 2017. To ensure the application process is quick and easy, a simple online form has been created. The application form will be available on the CDPP website (www.cdpp.gov.au) from 13 November 2017 until 13 December 2017 and must be completed online.

There will be one application form for both levels, however applicants must address different selection criteria depending on the level applied for. Applicants will also need to nominate two professional referees (not CDPP staff). Applicants will not be interviewed, rather they will be assessed on their written application and experience.

There will be one application round each year. Applicants who are unsuccessful may apply again in the next round.

Counsel currently on the CDPP Junior Counsel Panel need not apply. However, existing Panel members can update their experience, highlight recent achievements and update any other details by completing the Existing Counsel member update details form.

The selection process

A CDPP selection committee of senior lawyers will be appointed to consider applications and consult referees.

The selection committee may consult other people, internal and/or external to the CDPP, beyond the professional referees listed by the applicant.

Inclusion on the Panel does not guarantee work from the CDPP. In some circumstances, the CDPP may brief counsel who is not a member of the Panel.

Monitoring performance

Performance of Panel members engaged by the CDPP will be reviewed internally by relevant CDPP staff.

For more information

For more information, please email counselpanel@cdpp.gov.au.

Selection Criteria for CDPP External Junior Counsel Panel



Your application relates to the remaining three years of the current four year counsel term, concluding December 2020.

Level 1

1. Level 1 is open to appropriately qualified barristers who have been on the Roll for 0-3 years.

Advocacy experience

2. The ability to conduct advocacy in all Local/Magistrates' Court prosecutions, District/County Court sentences, committals for sentence, and less complicated District/County Court trials. For the purposes of the application form, prior advocacy experience in relation to this level can include court work, pro bono work, mooting, debating or public speaking.
3. Sound understanding of evidential and criminal procedure rules.
4. Sound understanding of substantive Commonwealth criminal law.

Advisory/written work

5. Ability to present clear and succinct written arguments, citing relevant authorities.
6. Ability to undertake advisory work in less complicated Commonwealth matters in a timely manner.
7. Sound knowledge of law and procedure relevant to Commonwealth prosecution work.

Appreciation of the role of a CDPP external advocate

8. Familiarity with the *Prosecution Policy of the Commonwealth*.
9. Sound understanding of the role and ethical standards required of a prosecutor, including, but not limited to, familiarity with the Barristers Rules for the relevant States or Territories in which an application is made.
10. An understanding of the professional relationship between the advocate, CDPP and informant (e.g. Australian Federal Police, Australian Securities and Investments Commission, etc.) and proven capacity to work effectively with other members of a litigation team with each member of that team having a distinct role.
11. Familiarity with the *CDPP Victims of Crime Policy*.

Other relevant knowledge, skills and experience

12. Applicants should outline any prior experience they have working on e-trials or with e-briefs, and their interest and/or ability to work with e-briefs.
13. Applicants should outline any other knowledge, skills or experience regarded by them as relevant to their suitability to be briefed by the CDPP. This could include, among other things:
 - a. Relevant defence work
 - b. Relevant voluntary / pro bono work
 - c. Knowledge and experience gained prior to becoming a barrister.

Professional referees

14. Applicants are requested to nominate two professional referees who can be contacted in relation to their skills and experience, and their suitability to conduct prosecution work. This may be a tutor, head of chambers, or other relevant person who can comment on the applicant's advocacy ability. Applicants may not include a CDPP employee as a referee.

Selection Criteria for CDPP External Junior Counsel Panel



Your application relates to the remaining three years of the current four year counsel term, concluding December 2020.

Level 2

1. Level 2 is open to appropriately qualified barristers who have been on the Roll for at least three years.

Advocacy experience

2. Trial advocacy skills to conduct jury trials (including opening, closing, taking witnesses and legal argument), and appeals.
3. Ability to deal with complicating factors as they arise, such as presenting complex expert evidence, or difficult questions of law and fact.
4. Ability to undertake prosecutions in more complex matters, including trials with multiple defendants, and numerous witnesses.

Advisory/written work

5. Ability to present proficient written submissions to a high standard.
6. Ability to assimilate the relevance of evidence quickly, including when working with voluminous and complex briefs of evidence.
7. Ability to undertake advisory work in more complicated Commonwealth matters in a timely manner.
8. In depth knowledge of law and procedure relevant to Commonwealth prosecution work.

Appreciation of the role of a CDPP external advocate

9. Familiarity with, and understanding of, the *Prosecution Policy of the Commonwealth*.
10. Sound understanding of the role and ethical standards required of a prosecutor, including, but not limited to, familiarity with the Barristers Rules for the relevant States or Territories in which an application is made.
11. Demonstrated understanding of the professional relationship between the advocate, CDPP and informant (e.g. Australian Federal Police, Australian Securities and Investments Commission, etc.) and proven capacity to work effectively with other members of a prosecution team with each member of that team having a distinct role.
12. Understanding of the *CDPP Victims of Crime Policy*, and appreciation of the requirements when speaking with victims and witnesses.

Other relevant knowledge, skills and experience

13. Applicants should outline any prior experience they have working on e-trials or with e-briefs, and their interest and/or ability to work with e-briefs.
14. Applicants should outline any other knowledge, skills or experience that they think is relevant to their suitability to be briefed by the CDPP. This could include, among other things:
 - a. Relevant defence work
 - b. Relevant voluntary / pro bono work
 - c. Knowledge and experience gained prior to becoming a barrister.

Professional referees

15. Applicants are requested to nominate two professional referees who can be contacted in relation to their skills and experience and their suitability to conduct prosecution work. Applicants may not include a CDPP employee as a referee.

Fee Range Guide

| Classification | Indicia of experience | Fee Range Guide (Incl. GST) Maximum daily rate ^[1] |
|----------------|---|---|
| Level 1 | <ul style="list-style-type: none"> > 0 - 3 years on the Roll. > Limited or no experience as an advocate prior to signing the Roll. > Unlikely to have run a jury trial alone as counsel in the District or County Court. > Suitable for more complex summary work, less complicated jury trials or as junior counsel to a leader in a trial or appeal where a second counsel is required for analysis of the law or evidence. | \$800 – \$1,100 |
| Level 2 | <ul style="list-style-type: none"> > 3 years or more on the Roll. [Counsel will not automatically progress from level 1 to level 2 after being on the Roll for 3 years. The CDPP will review counsel's experience and performance to determine whether they will advance to level 2]. > In some circumstances, although counsel may have less than 3 years' experience, s/he may have come to the Bar with prior relevant advocacy experience overseas or as an in-house advocate with CDPP, Legal Aid, defence law firm or State or Territory DPP. > Similarly counsel may lack years on the Roll but possess specialist technical expertise in a non-criminal area which makes them more valuable for a particular class of work – e.g. specialist qualifications in forensic accounting. > The less experienced counsel within this level would normally have run jury trials alone as counsel or may have a growing reputation as a hard-working and effective junior counsel in appeals. They would be able to conduct less complex District or County Court trials or less complex appeals – perhaps more against sentence than conviction. > More experienced counsel within this level would be able to conduct more complex District or County Court trials or more complex appeals. > The most experienced counsel within this level would be capable of appearing as lead counsel in the most complex jury trials and appeals. | \$1,100 – \$2,200 |

Short appearances in the nature of mentions, directions, taking sentence, taking judgment, which typically take an hour or less, will be paid on a flat fee basis of \$250 for junior counsel.

The hourly fee for preparation is calculated as one-seventh of the daily fee, which is capped at the daily appearance fee rate.

[1] Preparation is paid at the applicable daily rate and is determined in advance by the Office.