

EXTRACTS

The Legal Assistant/Paralegal Course One Course 2 Certificates

(You Can Print This Extract Out)

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Welcome to

The Legal Assistant / Paralegal Course

combining

The Academic with The Practical

The Academic

Students can select 1 out of 10 possible Units of Law.
The extract below is taken from Unit 9 - Conveyancing.

CONVEYANCING

LESSON 1.

AN OUTLINE OF PROPERTY LAW.

Conveyancing is the 'legal side' of transferring the ownership in real property from one person to another. We shall see that 'real' property essentially means land and anything that is built on it (i.e. houses, bungalows, flats, factories, maisonettes, office blocks, etc.). In order, however, to understand Conveyancing (which is a procedural skill) it is necessary to understand something about the law behind it - i.e. 'the law of property'.

This syllabus covers the law in outline to give you a basic understanding of property law. It is one of the most fascinating of substantive laws and yet it is one of the most difficult. Property law and Conveyancing procedure in England and Wales is complex. This is primarily because it has changed only slightly since the Norman Conquest in 1066 when William the Conqueror set up the 'feudal system' which meant that all the land in the country was owned by the king who gave it out to others in return for services rendered, who in turn gave smaller tracts to others, again in return for services, and so on....All land was, therefore, held from someone else (their 'land lord') in return for services. Our land law is, very much, therefore based on the common law. Other countries (including Scotland) have completely different laws and procedures.

PROPERTY, OWNERSHIP AND POSSESSION

PROPERTY

The *legal* meaning of this word differs from its meaning in every day usage. In law, it is used to denote the relationship between a person and a 'thing' and implies an appropriation of some part of the world's resources to a person.

In law, property is not restricted to objects, for it also relates to rights of ownership and possession over material objects (e.g. land), and non-material objects (e.g. copyright). But, before the term "property" is described, it is essential to have an understanding of the separate meanings of ownership and possession and how one differs from the other. A simple illustration, for example, which indicates the difference between the

two is - I lend my car to a neighbour so that he can visit a sick relative in hospital. During this visit, he is in possession of my car, but I remain the legal owner.

OWNERSHIP

This may be described as the power of use and disposal of property allowed by law. The range of available rights are:

1. Enjoyment)
2. Destruction) subject to the rights of others.
3. Disposition)

So, with my car, I can drive it sensibly, drive it over the side of a cliff (hopefully, without me inside!), or sell it to another. But there are certain limits to these rights. I am not permitted by law to drive my car negligently, or whilst under the influence of too much alcohol. Nor am I permitted to destroy the car in such a way that I physically injure other people, or in an attempt to defraud my insurers. By doing any of these things, I would be committing a crime and certainly, if I physically injured others by my negligence, I would also face an action in the civil courts in Tort.

Examples of ownership may arise by:

1. *Creation*. If I paint a picture then it is mine (unless I have painted it for someone else)
2. *Occupation* e.g. where abandoned property is occupied.
3. *Progeny* e.g. where a farmer becomes the owner of animals born of his current stock.
4. *Purchase, gift, or acquisition by law*.
5. *Succession* e.g. under the terms of a will or as a result of the laws of intestacy - see Unit 5

Today, the rights of owners are becoming more and more restricted, particularly with regard to land and its use; e.g. by reason of the Town and Country Planning Acts where the local planning authority lay down what can and what cannot be done with or on land.

POSSESSION

There are two elements to possession, both of which are derived from Roman Law. These are:

Corpus Possessionis: This means the continuous control over a thing by a person. Control may be direct, or indirect through another person such as an agent or servant.

Animus Possidendi: This means the intent to have exclusive control over the thing, thereby excluding others from using it.

Although these elements provide some assistance as regards the understanding of the term possession they do not, I am afraid, provide a full answer. For, English law has never worked out a completely logical and exhaustive definition.....

..... law). The remainder of this lesson, therefore, is devoted to **land** - or to use the terms described above "**Real Property**" and "**Chattels-Real (Leaseholds)**". It is simpler to use the term land for both of these and so that is what I shall do!

LAND

The legal description of land goes much further than its usual grammatical meaning. In law, land includes:

- (a) The soil.
- (b) Certain mines and minerals below the surface
- (c) Trees, crops and anything else growing on the land.
- (d) Buildings and other structures erected on the land
- (e) Rights relating to the air above the piece of land.

It is often said that the owner of real property owns the land to the centre of the earth and the sky above.

For freeholds, this ownership is virtually absolute - but there are certain limitations imposed upon the owner by law which include:

Civil Aviation Act, 1949 - which allows for aircraft to fly over the owner's land without being liable in trespass.

Town and Country Planning Acts (already mentioned) which provide, with exceptions, that most types of alteration relating to structure or use of the land can only be carried out after obtaining specific permission from the local planning officers.

Coal Nationalisation Act, 1947 - which provides that the majority of minerals (especially coal) lying under the owner's land belong to the state, to which the state has a right of access.

ORIGINS OF LAND LAW

The origins of land law date back to the conquering of England by William I in the eleventh century after which he became the sole owner of all the land in the country. If you have studied the General Principles of Law Module to this qualification you will recollect that this was dealt with in more detail when looking, in Unit 1, at the historical development of English Law. In order to secure his power, the King made grants of land to groups of people, including his followers and certain English barons. These land owners became known as tenants in chief. For services rendered to them they made sub-grants to a group who were called the Mesne Lords and the same happened between this group and lesser knights. The tenants in chief, Mesne Lords and lesser knights acquired what was called a free tenure (later to be known as freehold) of the land. It was called "free" tenure because once they had performed the services required by the mesne lords, they were free to do with the land what they wished. The third group, the lesser knights, were able to sub-grant to people called villeins. These acquired what was called unfree tenure or copyhold. They were not able to do with the land what they pleased but could only stay on the land by working the land for their Lord. Where the sub-grant related to a freehold estate passed on to two or more parties, the process was known as sub infeudation. This process was abolished in 1290.

We see here, that land was held on basically two conditions:.....

..... **TENURE:**

As described above, grants of land were given to tenants based on the type of service they offered. This resulted in specific types of tenure being granted and a simple classification would be free tenure and unfree tenure.

- **Free Tenure:** Historically, the various types of free tenure were:

1. *Military Tenure (Knights Service)*. This related to the supply of a given number of men to fight for the king for a given number of days in each year. In fact, this type of tenure was converted into freehold socage (see below) by the Statute of Tenures 1660.

2. *Spiritual Tenure (Frankalmoign)*. This related to land held by the church in return for spiritual services. This could be the saying of prayers, or mass, for the land Lord.

3. *Socage Tenure*. In the main, this related to the supply of men to work on the farms.

4. *Serjeanty*. This related to personal services given to the king or a lord.

• **Unfree Tenure:**

This was known as *Villein Tenure* and consisted of land held by the serfs or villeins (a class of labourers or servants) who were attached to the land and who were sold with it when the Lord of the Manor transferred it. Originally, serfs and villeins had no security of tenure, but, by Tudor times, they could not be ejected if they satisfactorily performed their services. Furthermore, they were entitled to a copy of a document which evidenced their holding, and thus, the tenure became known as ‘copyhold’ land. This type of tenure remained until the Law of Property Act, 1925, turned it into freehold.....

..... **ESTATES IN LAND**

This denotes the duration of an interest in land and answers the question "For how long is the land held?" It contrasts with tenure described above which denotes the nature of quality of land ownership and answers the question "From whom is the land held and upon what conditions?".....

..... **FREEHOLD:**

Legally, this is called the "fee simple absolute in possession". This is a technical term but it is still relevant.

“Fee” - denotes that the estate is an estate of inheritance. It can be devised by will or inherited under the laws of intestacy.

“Simple” - denotes that the estate is not a complicated one in that, on death, it is capable of passing to the owners *general* heirs (unlike, for example a “fee tail”, which now can exist only in equity, and which provides that only *certain* heirs can inherit - such as the male lineal descendants).

“Absolute” - signifies that the estate is not subject to a condition which will bring it to an end, but will continue “for ever”. Thus it is distinguished from a ‘conditional fee’ which may come to an end on the happening of an event (e.g. a grant to ‘A’ until she marries).

This type of conditional grant can now only exist behind a trust, in equity).

“In possession” - signifies that the grantee must be entitled to immediate possession of

..... **CREATION OF LEGAL AND EQUITABLE ESTATES**

Grants of land by deed may take many forms. Some of these will give a legal estate while others will give an equitable estate. The type given can be established from the title or interest granted to the transferee as the following examples illustrate.

LEGAL ESTATES:

These must be created by way of Deed (a legal estate can only be created or pass by way of a Deed) in any of the following ways:

1. "To A". By virtue of s.60 Law of Property Act, 1925, the necessity for words of limitation (i.e. specific words) to create a fee simple estate was abolished for Conveyances executed after 1925. Thus, if X is a fee simple owner who conveys his land to B, B acquires the fee simple estate unless words to the contrary appear. There is a similar interpretation relating to gifts inter vivos ("inter vivos" means during the lifetime of) forming part of a will - but this dates back to the Wills Act, 1837

2. "To A in fee simple". In such a case, a fee simple absolute in possession is created. If no date for the creation is stated, it is deemed to take immediate effect.

3. "To A and His Heirs". Again, a fee simple absolute in possession is created in favour of A - the words "and his heirs" have no immediate effect.

EQUITABLE ESTATES

1. "To A In Tail" (or "to A and the Heirs of His Body"). This would create a 'Fee Tail' - an estate less than a fee simple. However, the tenant has full rights of possession and enjoyment and these pass on to his heirs upon his death. The heirs would be deemed to be of his body or his descendants but could be restricted to a tail male (descending through males only) or to tail female (descending through females only).....

.....

EASEMENTS

An easement may be defined as **the right to use, or to restrict the use of, the land of another person in some way**. The most important easements are *rights of way, rights of light, rights to abstract water and rights to the support of buildings*.

The main features of an easement are as follows:

(i) There must be a **dominant** and a **servient** tenement. The land in favour of which the easement exists is known as the *dominant* tenement - that in respect of which the right is exercised is called the *servient* tenement.

Let me give you an illustration. Say that X gives Y permission to cross his land, Y will have no easement. It is a merely a personal permission only and, at most, may be a license so that Y does not become a trespasser. If, on the other hand X, the owner of Blackacre, grants a right to Z the owner of neighbouring Whiteacre a right to cross his land in order, for example, for Z to have easier access to one of his own fields, then this would amount to an easement. In this example Whiteacre is the dominant tenement (because it benefits from the easement) and Blackacre is the servient tenement (because it consists of the land over which the easement is exercised). The easement must contribute in some way to the better enjoyment of the dominant tenement, e.g. by facilitating access to house or land, and not merely benefit the owner personally in a way unconnected with the enjoyment of the dominant tenement.

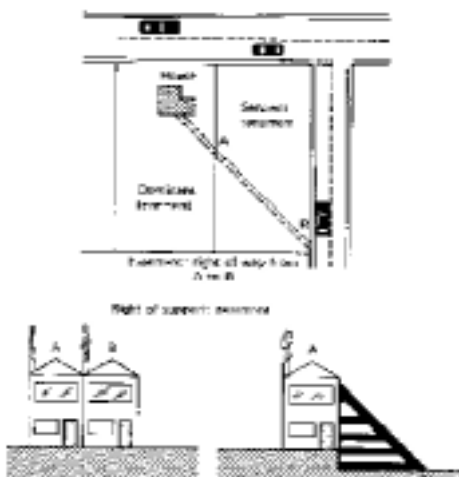
We can see this in the following illustration:

We also have, in the illustration, an example of a 'right of support', which can also constitute an easement. In the first illustration we have a pair of semi-detached houses. Each one has a right of support from the other (and each one is, therefore, both dominant and a servient tenement). Say the owner of the house on the right decided to demolish it. If he did, the house on the right would collapse and this would be in breach of the right to have the property supported by the other. The owner of the right hand house would, therefore, have to ensure that the other house was safe from collapse by shoring it up, as illustrated

.....a Test to see

LAND LAW

Before you begin, be certain that through, reviewed *and understood* of what you understand not what back to your lessons as you answer uncertain about any question.



how you are doing.

you have carefully read Lesson No.1. This is a test you can memorise. Refer this Test if you are

Answer each of the twenty questions set out below. Tick the correct answer to the question given. There is only **one** correct answer to each question. When you have finished the test, **transfer your answers to the Achievement Test Answer Sheet that follows**. Complete that sheet by adding your name and address and then post it to us. Your Answer Sheet will be graded promptly and returned to you. You must achieve a score of 80% (i.e. 16 correct answers out of the 20 questions) in order to pass this Test.

Candidates must tick only ONE answer to each question.

1. Real property is
 - _____ (a) Property that you can actually see and feel
 - _____ (b) Land held under the terms of a lease
 - _____ (c) Freehold land and buildings
 - _____ (d) All of the above

2. What was the system of land ownership called that was introduced after the Norman Conquest:
 - _____ (a) the common land system
 - _____ (b) the feudal system

_____ (c) the agricultural system

_____ (d) none of the above

End of Extracts from Unit 9 – The Academic

The Practical (includes extracts from Parts 1, 3, and 6)

A SAS Law in Practice Course

...using extracts from past cases as examples
this part of the programme is entirely practical...

- Part 1** **Assisting Counsel In Civil Trials...** in addition you will learn court procedures and the duties, skills and principles needed in carrying out solicitor's instructions.
- Part 2** **Assisting Counsel In Criminal Trials...** in addition you will learn to take notes the same way barristers are taught and to take statements.
- Part 3** **District Judge's Applications...** in addition you will learn how to analyse a case file, extract relevant information and how to prepare and present a court application to a District Judge sitting in Chambers.
- Part 4** **District Judge's Applications cont...** further examples on how to analyse a case file, extract relevant information and consider options.
- Part 5** **Immigration Hearings/Interviews...** in addition you will learn to attend an immigration interview and ensure your client's reasons and claims are fully presented & recorded.
- Part 6** **Police Station Attendances...** in addition you will learn to attend a police arrest and protect your client's interests during a police interview. (Non indictable offences only).

How To Benefit From This Part Of The Course

There are a number aspects to this part of the course that will enable you to extract the maximum benefit from it.

- 1/ It is important that you appreciate that this is a practical module and not an academic one. It does not require that you must have already studied law, though beneficial.
- 2/ It is work orientated; for example over the 12 years since this course was started 1000's of individuals have used the training to help them get their first job working within the legal world; many never having studied law before. Unlike places such as the USA legal assistants can, in the UK, appear before Judges in the lower courts and advocate/defend certain types of court cases.
- 3/ This part of the course is divided into 6 parts, each part can open up different work opportunities within the legal field, and sometimes in non legal fields.
- 4/ Print out and keep the Tutor's Notes and the Course Material separate. It is important that you carefully read the opening paragraphs of your Tutor's Notes. It contains valuable information and instructions on how to work your way through the Course Material.
- 5/ As you finish each part send back your answers, by either e-mail or post.
- 6/ On successfully completing this part of the course you will be awarded a certificate in association with The National Association of Paralegals. You will also be granted 1 year free Affiliate membership of the Association.
- 7/ Should you ever embark on one of our degree programmes the certificate will allow you to reduce your dissertation word requirement by 2,500 from 20,000 to 17,500.

The SAS Law In Practice Course

TUTOR'S NOTES

Basic Level (Part 1)

WELCOME

- 1 Welcome onto the practical part of this course.
- 2 The purpose of this part of the programme is twofold. First; it is to provide persons interested in working in the legal field, such as for lawyers as a legal assistant or paralegal, with practical training and insight into the nature of work a person could be called on to carry out during their first weeks and months of work.
- 3 Second; through the training, to give persons confidence to be able to take the skills gained and apply them to other areas, in and out of the work place. For example if a person can confidently interact with lawyers, judges, immigration officers and police officers and not feel intimidated then he or she should be able to deal with almost any situation.

INITIAL EXPLANATIONS

- 4 Before you get into the course material we would like to explain how the course works and some of its features.
- 5 The Tutor's Notes (TN) are to be read in conjunction with the Course Materials (CM), which in the first instance is the Basic Level Part 1 course material, (CM-BL1)
- 6 This course was designed primarily for students attending a training centre. It has had built into it numerous opportunities for role playing and spontaneous interaction between students and tutor.

7 To compensate for the absence of this in the correspondence course, we have tried to make the tutor's notes as conversational as possible.

8 Within the tutor's notes you will notice a series of boxes. You should pay close attention to the information contained in them.

PAY CLOSE ATTENTION TO WHAT IS WRITTEN IN THE BOXES

9 Boxes headed ACTION, tell you what action should be taken with regard to information contained inside the box. Complete the action before moving on.

10 Boxes headed MEANINGS, tell you the meanings of legal jargon and phraseology.

Changes In Terminology Since April 1999

As a result of a major report by Lord Woolf a large section of County Court and High Court procedures have undergone substantial changes. Some of these changes include a change in terminology. Please see below for some changes in terminology referred to in our training programme:-

Old	New	Comments
Affidavit	Statement of Truth	In some cases affidavits will still be used. However, statements of truth do not need to be sworn, just signed. A solicitor can, with the clients permission, and on the clients understanding of the consequences for knowingly stating an untruth, sign the statement of truth on behalf of the client.
Ex-parte	Without Notice	Ex-parte still used in the High Court for certain cases such as family hearings.

Changes In Terminology – continued:

Old	New	Comments
In Chambers	In Private	Pre Lord Woolf most hearings held in Chambers were closed to the public. Only the participants could enter. Now it is not where the hearing is held but its designation that determines who can attend.
Plaintiff	Claimant	The same claim form is now used in both the County Court and the High Court. Also, until further notice the term plaintiff will still be used in certain cases.
Pleadings	Statements of Case	None

11 Boxes headed QUESTIONS, tell you to answer questions and write them on the assessment sheets provided.

12 Boxes headed SUMMARIZE, tell you to summarize the paragraphs highlighted onto pages in your Basic Level 1 course material (CM-BL1). Although the points to be summarized are already in the tutor's notes repeating the main points in your own words will help you remember them and confirm to yourself that you really understand the key thoughts. Remember to send us copies of the pages you summarize on to together with your answer sheets.

13 On completing each course level make sure that you have answered every question before moving on to the next part. When you have completed the whole programme send your answers to our London office, or e-mail your answers to us.

14 The Basic Level Part 1 course material, (CM-BL1), contains the framework, which together with some of the information from the Tutor's Notes (TN), will provide a good practical grounding in working as a paralegal/legal clerk for legal agencies that require paralegals with litigation (court) skills.....

ON THE WAY TO COURT

29 You are now ready to set off to complete your assignment. Between the lawyers office and the court house there are a couple of things you need to make sure that you accomplish. The first thing is, you must 'make sure that you know what is required of you'. The journey to the court is not the time to be doing the crossword, planning your holiday or day dreaming. Your assignment should be clear in your head, because sometimes the minute you step through the court house doors things will happen in a rush and it will be easy to make mistakes.

ACTION

Read page 2 of your CM-BL1 and highlight the words 'make sure you know what is required of you'.

30 This is one of the important principles of good clerking and you should have it firmly imbedded in your mind. The reason being that when a lawyer sends you off on an assignment he or she wants to feel confident that he/she can entrust their clients' welfare into your hands. A particular assignment may seem inconsequential yet in fact may carry a heavy penalty if not carried out properly and in accordance with the lawyer's instructions. We will look at a set of instructions in a little while.

31 After making sure of your instructions, summarize and detail them onto your Paralegal/Clerk Day Sheet. We will look at one later.

32 The second thing you should accomplish before arriving at the court, is make sure you know what the case is all about. To do this you will need to read the following documents from the client's case file:- a/ Brief To Counsel, b/ Client's Affidavit/Statement of Truth, c/ Witness Statements.

MEANINGS

Counsel: Another word for a Barrister.

Brief to Counsel: Lawyers instructions to Counsel, detailing the case explaining what needs to be accomplished at court on the day of the hearing.

Affidavit/Statement of Truth: A sworn statement.

SUMMARIZE

Paragraphs 29 - 32 onto page 2 of your CM-BL1.

33 You may be wondering why Counsel would want to ask you questions about the case. One reason is that sometimes the Counsel in attendance may have just been given the case the previous day and therefore may know very little about the background and lead-up to the hearing. In such a situation, Counsel would be looking to the clerk to provide additional information to what was provided in Counsel's brief.

QUESTIONS

14 How will you know which side to sit? Will you a/ try to work out which side is for the claimant and which side is for the defendant. Or b/ wait for Counsel to decide which side he or she is going to sit then sit behind them.

Write your answer on the Assessment Sheet.

70 Consider, if you were not sure where you should be sitting, what about your client? So let your client know that they will be sitting next to you in court. (Also when convenient explain other aspects that may worry them e.g. will they be called on to give evidence? If yes how should they conduct themselves. This is called client care and you should be conscious of displaying it whenever possible.) However, in District Judge's chambers all the parties sit around the table. Sometimes though, seating may be restricted in which case your client will sit next to Counsel and you may find yourself seated away from the table.

71 Another question often on the mind of the client is whether he or she will have to speak in court. Before the hearing check with Counsel on the likelihood of this and let your client know.

SUMMARIZE

Paragraphs 70 and 71 onto page 10 of your CM-BL1.

NOTE TAKING AT CIVIL TRIALS

72 Finally your case is called, you and your client follow Counsel into the courtroom and your client sits down beside you. Again you wonder to yourself 'as it's my first time in court, what things should I include in my notes?'

73 The first thing you must always remember to do is to note down the actual time the hearing starts.

74 With regard to note taking generally, we will be devoting more time to that in part 2 of your Basil Level Course Material, (CM-BM2).

75 However, the following points should be made. When note taking, pay particular attention to when the Judge speaks, whether it be in the form of a question or statement. Particular attention should be paid when the Judge is summing up or giving directions at the end of the hearing/trial.

MEANINGS

Summing up: A review by the Judge, at the end of the hearing/trial, of the evidence and points of law.

Directions: The Judge explains how matters pertaining to a case should be looked at or proceeded with.

ACTION

At the very top of page 23 write the words 'The lawyer's sheet', and then read through.

86 The Court Attendance Sheet is a very useful document. At a glance, it tells the lawyer the things he most wants to know; such as, 'what did the Judge order and what needs to be done before the next hearing. All the information to fill in this sheet should be in your notes. Simply go over your trial notes and extract the needed information.

ACTION

Re-read the sections marked Judge's order and Any Comments/ Things to do before next hearing on page 23 of your CM-BL1.

87 In addition, the Court Attendance Sheet provides the lawyer with information needed for costing purposes. Information such as: time when the hearing started; time spent in conference with the client (Counsel with client before/after hearing); time spent waiting; they all carry different rates chargeable to the client or the Legal Aid board.

ACTION

Look over the time notations, e.g. 'Start of Hearing' etc., on page 23 of your CM-BL1.

88 At a glance the Court Attendance Sheet gives the lawyer all the information he really wants to know. It saves him having to plough through pages and pages of notes.

SUMMARIZE

Paragraphs 85-89 onto page 22 of your CM-BL1.

CONCLUSION

ACTION

Review your Tutor's Notes & your CM-BL1. Make sure that you have summarized the allotted pages onto your CM-BL1, then note down 5 things worth remembering onto page 24 of your CM-BL1.

90 Before starting the next part, review all that you have done so far.

END OF TN-BL1

The SAS Law In Practice Course

Part 1

COURSE MATERIAL

Basic Level

**Assisting Counsel
in
Civil Cases**

AT THE LAWYERS

Situation

You have collected the file and received your instructions.

ON THE WAY TO COURT

Situation

The first thing you must always do is make sure you know what is required of you.

Then detail your instructions and requirements onto your Outdoor Clerk Day Sheet.

INSTRUCTIONS

TO: JOHN CARTER

FROM: LOUISE

**RE: LINA JANOS - 912242 - WILLESDEN COUNTY COURT
EX PARTE APPLICATION - 1ST DECEMBER 1992 –**

COUNSEL: LORNA TAGLIAVINI

DATE: 30TH NOVEMBER 1992

Your cheque for Stewart and Martin is stapled in an envelope inside Ms Janos' file. Many thanks for that and apologies for the delay on Stewart payment.

The Janos case is a very complex one. I am sending you down to clerk Lorna Tagliavini usually on a District Judge's appointment because of the complexity of the case and the number of things that need to be done.

Could you please attend to the following:-

1. In the blue ring binder file under the Legal Aid section you will find behind the yellow marker labelled 912242 defend 36303 a blue offer of Legal Aid Ms Janos must accept this offer of Legal Aid. If she does not her Legal Aid certificate numbered 1 91 36303B will be revoked and all her Legal Aid will be put in jeopardy. There is already a long history of Legal Aid Board problems on this file and I am absolutely certain that if she does not sign the offer of Legal Aid immediately we will not be able to do anything further for her because we will not be able to get Legal Aid to do so. Please ask Ms Janos' interpreter to explain that she needs to sign the offer of Legal Aid and give it to you. I will send it to the Legal Aid Board. She will then get from Legal Aid Board an instalment payment book and she will need to then start the monthly instalments of £49.50 in the first month followed by 11 instalments of £48.50.

2. Please issue the application. You will find two copies of the notice of application on the top of the file. Counsel already has a copy as do Latima Thobani who act for the Claimant. You may find they charge you a fee and there will be a cheque in the file.

3.....

A LAWYER'S COVERING LETTER

The Chief Clerk
Uxbridge County Court

19 December 1992
Our ref. 12/er/922222

Dear Sir

Trout -v- Trout Case No 922222

We enclose the following:-

1. Notice of Issue of Legal Aid together with Legal Aid certificate no. LA4596859.
2. Application for Injunction, Form N16A, plus copy for service.
3. Affidavit/Statement of Truth in support together with one Exhibit, plus a copy of both for service.

At present, the Respondent is protected by bail conditions which prohibit the Petitioner from living at the former matrimonial home or having contact with the Respondent.

The bail conditions will cease upon the criminal trial, which was due to take place on 4th December 1992. However, the matter will now be heard on 10th February 1993.

It is vital for the Respondent's protection that an Injunction is obtained and served upon the Petitioner before his bail conditions expire on 10th February 1993.

We would therefore ask that our client's application for an Injunction be listed for hearing on a date in the first week of February 1993, between 1st & 5th February inclusive.

The application will be on notice, and we will be arranging for the Petitioner to be personally served with the papers. We expect that the application may well be contested and would give a time estimate of half a day.

Yours faithfully

LEGAL CLERK DAY SHEET

Date: _____ Firm: _____

Time: _____ Lawyer: _____

Counsel: _____ Court: _____

General Instructions Re:

1. Assisting Counsel. []
2. Statement taking. []
3. Filing documents. []
4. Conference in chambers. []
5. Other. []

Main objectives:	Things to do or remember:

REMINDERS

Things worth remembering when clerking...

1/

2/

3/

4/

5/

AT THE COURT HOUSE

Situation

You have arrived at the Court House. The first thing you always do is.

Mr Aravella v Mrs Samal Fatigatora
Central London County Court
Counsel: Linda Peters
Judge: QC White

Court 1

Arrived Court 10.15 am

Hearing started 11.15 am

J Invited CD to open Application

CD App for Adj - Def not here - in Italy-

J Briefly explain situ to me

CD Case a landlord tenant dispute over rent arrears -

claimant seeking possession-

Def has H/benefit problems -

def in Italy due to mother's illness -

def misunderstood directions in previous hearing-

def thought case adj till 22/Feb.-

Housing benefit are holding monies as there appears

some confusion over claim's validity -

It is understood that this money is being held in a frozen account pending outcome of trial or possible court order money held back covers majority of rent owed.

J Why is def not able to attend?

CD Attempts made to contact def. Instructing lawyers have sworn affidavit/statement of truth explaining what has been done to ensure that def present for today's hearing – Here is copy of Lucinda Rowe's sworn statement

J Your observations

CP Sir rent continues to accrue at £520 monthly -

next payment due tomorrow 12/1/93, then again on Feb 14 - housing ben ceased Sept. 92 - last payment from claimant July - when def rec hse/ben there was short fall £66.00, short fall not paid by def - no payments since July -

Balance never paid -

Bal outstanding £3000+? -

flat occupied by friend -

heating elec, water, all paid by landlord -

Def filed 2 weeks late - no disclosure as yet

J In the defence, is defence claiming that entitled to relief? -

CP The claim is that central heating turned off -

J So counterclaim exists? -

COURT ATTENDANCE SHEET

Date: 11.Jan.93 **Firm of Lawyers:** Dane & Harris

Name of assigning lawyer: Lucinda Roe

Name of client: Mrs Samal Fatigatora

Name of other side: Mr Aravella

Additional notes taken? No/Yes (see attached)

Court: Central London County **Court No:** 1 **Case No:** 154961

Judge: David White QC **Counsel (D)::** Linda Peters

Arrived at Court at: 10.15 **Left Court at:** 12.35

Conference with client before Hearing: 0 **hrs/min** After: 0 **hrs/min**

Time start of Hearing: 11.15 **Time end of Hearing:** 12.25

Total travel time: 50 mins

Judge's Orders:

- 1 Adjourned till 22 Feb on condition defendant pays £40.00 a week commencing Friday week.
- 2 Disclosure by lists 10 Feb; inspection 3 days later.
- 3 Costs reserved.
- 4 Certificate for Counsel + Legal Aid & Taxation.

Things to do before next hearing/Or comments:

- 1 May need to subpoena Housing Benefit.
- 2 Re possible harassment, see what further evidence exists.

REMINDERS

Things worth remembering when clerking...

1/

2/

3/

4/

5/

END OF CM-BL1

ANSWER SHEETS

When using the answer sheets please keep the following in mind:-

- 1/ Fill in your details below.
- 2/ Write out your name as you would like it to appear on your certificate.
- 3/ Always state which question number you are answering, e.g. BL1 Q8.
- 4/ Keep your answers brief and to the point.

Name:

Address:

Tel no:

E-mail address:

Other:

A SAS Law in Practice Course

Part 3 of 6

(Extracts Only)

The SAS Law In Practice Course

Part 3

TUTOR'S NOTES

Advanced Level 1/1

1. Once again, we would like to welcome you to Advanced Level One Part 1 (AL1/1) of our SAS programme. After completing the Basic Level, you should now feel confident and able to assist Counsel at Court in both civil and criminal hearings. You should, in addition, have an understanding and knowledge of what other duties you may be expected to carry out, such as the issuing of applications, conferences, attending prison visits and also be able to take simple statements from witnesses.
2. The purpose of Advanced Level One is to equip you with the necessary skills which will enable you to represent a lawyer in hearings at court, unassisted by counsel. Such cases will be of a fairly simple type; ones that are straight forward, requiring more a knowledge of the facts rather than a knowledge of law. These hearings will be before 'District Judges' in the lower courts, such as a County Court.
3. If sent to attend before a District Judge, the responsibility of putting the case across will be yours. 'You', in effect, will become counsel.
4. As a legal clerk going on a hearing before a District Judge, you will be expected to be familiar enough with the case, that you are able to prepare a short presentation of the facts of it and a simple line of reasoning as to why your application should be granted.
5. Whether the case is won or lost usually depends on :-
 - a) how well prepared the lawyers instructing you are in drafting their case, and

b) how well you, as the clerk, present their case in court.

6. As already mentioned, in most cases, whether an application before a District Judge is successful or not is dependent on how well prepared the lawyer's instructing you are in drafting their case. However, it is true to say that, in reality, when lawyers ask a clerk to cover a District Judge's application, they invariably know that the outcome will be one of the following; the Judge will either grant their request; refuse it; grant it but amend it in some way. The role of a clerk is to put across the lawyer's case to the Judge in the best way possible.

7. After collecting your file from the lawyer's office, make sure you know what is required of you. Read your instructions at the office and ask the lawyer instructing you to clarify anything you do not understand. When leaving the office, and before arriving at the courthouse, always make sure you know what the background to the case is. But more importantly, what is being sought after and what directions you should ask the Judge for if he is not minded to grant your initial request. If there is anything you are not sure of while at court, do not hesitate to give your lawyer (or the instructing lawyer) a phone call.

8. Throughout Advance Level One part 1 we will be looking at some typical applications that you, as a clerk, may be called upon to attend to. The course material will take a look at a charging order application, a pre-trial review and a property re-possession. So let us start with a Charging Order.

CHARGING ORDER ABSOLUTE

9. Let us now take a look at our first type of application: Charging Order Absolute.

10. Before we do this we will define what a Charging Order Absolute is and under what circumstances this type of application would arise.

11. Imagine that your client is a bank who has loaned money to Mr X. The money was loaned unsecured. Mr X has been repaying the loan over the past ten months. Mr X finds that he can no longer keep up with the repayments and has fallen three months in arrears.

MEANINGS

Unsecured loan: A loan given without asking for security or a guarantor.

17. You are now ready to look through your case paperwork, (the file) for the charging order application. The file in this case is made up of pages 2 to 16 of your CM-AL1/1 course material. To help you, page 1 of your CM-AL1/1 contains a brief description of each page in your case file.

ACTION

Read through page 1 of your CM-AL1/1.

18. The description of page 2 refers to an agent lawyer and a instructing lawyer. These terms are often used by lawyers and you will need to understand their usage.

MEANINGS

Instructing lawyer: The lawyer who has taken on a client's case.

Agent lawyer: A lawyer who has been asked to attend a hearing on behalf of the instructing lawyer and to carry out the instructing lawyer's instructions.

ACTION

Read through page 2 of CM-AL1/1

19. Page 2 of your AL1/1 is a simple instruction letter to the agent lawyer; it states the date of the hearing, the time of the hearing, the court, who the parties are and what is sought.

MEANINGS

Instruction letter: Instructions sent by an Instructing lawyer to an agent lawyer as to what has to be accomplished at the hearing.

ACTION

Read through page 11 of your AL1/1.

QUESTIONS

Regarding the Charging Order Nisi that you have just read:

- 13) If it was granted on 1 Sept 92 what took place on 12 April 91? Was it:
 - a/ The day the Charging order Nisi was first applied for?
 - b/ The day the claimant got a county court judgement against the defendant?
- 14) Is this Charging Order Nisi also an application? Explain.

Write your answers on the Assessment sheet.

26. The Charging Order Nisi mentioned the affidavit/statement of truth of Mr S Kershaw. At first you may have wondered what role does it play. The next page should answer the question.

ACTION

Read through pages 12-16 of your AL1/1.

QUESTIONS

Having read through the Affidavit/Statement of Truth of Mr S Kershaw:

- 15) Is it an affidavit/statement of truth in support? Explain.
- 16) What makes up the exhibit SK1.
- 17) What does Mr Kershaw say the exhibit shows?

Write your answers on the Assessment sheet.

27. You have now gone through every page in your case file. You should now understand each page and its relationship to each other page. Your next question should be what happens next?

CHARGING ORDER SCRIPT

29. Pages 18 and 19 of your AL1/1 contain a fairly typical script representing the conversation that could take place between you and a District Judge in such a hearing.

ACTION

Read over the script on pages 18 and 19 of your AL1/1. Then, with the help of two friends, assume the role of 'you' and have your friends assume the roles of 'the Judge' and 'the defendant' Mr Rogan, respectively.

QUESTIONS

- 20) Do you think this type of hearing would be beyond your capabilities?
- 21) What were your general observations on the role playing.

Write your answers on the Assessment sheet.

PRE-TRIAL REVIEW/DIRECTION HEARING

30. We will now consider a second type of District Judge's application. That of a pre-trial review. But before you read through your paperwork we will define what is meant by a pre-trial review.

31. A pre-trial review - now more often known as a directions hearing - allows a Judge to give directions as to how the preparation for a hearing/trial should be conducted together with time limits for various stages in the preparation.

32. Since April 1999 new procedures have replaced the old system and consequently Judges now automatically direct and manage cases. Judges will allocate a case to a Fast Track if it is a straight forward matter, a Slow Track if it is a complex matter, or a Multi Track if aspects of the case fall into the above two categories.

ACTION

Read through AL1/1 pages 20 - 22.

35. Due to the fact that she stopped paying her monthly bill, the claimant/client decided to take her to court. Anticipating that the defendant might come up with

QUESTIONS

Having read over your instruction letter on pages 21 and 22:-

- 23) What will you be asking the Judge for if the defendant does not turn up?
- 24) If the defendant is present at court, what will you ask the Judge for?
- 25) Under what circumstances would you request that the Judge grant the directions as listed on page 21?

Write your answers on the Assessment sheet.

36. Having read over the script, you will notice that the defendant was not in court and consequently, the Judge gave Judgement in the client's favour. You will also notice that, just as in the Charging Order script, the case before the Judge lasted just a couple of minutes. This is pretty standard when the defendant fails to attend.

REPOSSESSIONS

37. The last type of District Judge's application that we are going to look at is the repossession of a property.

ACTION

Read through AL1/1 pages 26 - 28.

38. Having read through your instruction letter, you will notice that it is full of figures and directions. This is an example of a more complicated instruction letter and you will therefore need to spend more time understanding what is required of you.

CONCLUSION

43. Before sending off your Assessment Sheets, review all that you have done so far.

END OF TN-AL1/1

The SAS Law In Practice

Part 3

COURSE MATERIAL

Advanced Level 1/1

**District Judge's Applications
in
Chambers**

CHARGING ORDER ABSOLUTE

Situation

**You have received the paperwork for your case.
First thing you always do is read it through
and make sure you know what is required of you.**

Let us take a look at an example.

Page

2. Instruction letter to Agent (lawyer) appointed to represent instructing lawyer's client.
3. Instructing lawyer's letter showing what has been lodged at court.
- 4,5. Affidavit/Statement of Truth from authorised representative of the instructing lawyer. Detailing under oath the actions taken that are relevant to the application/case.
- 6-10 Copy letters sent by instructing lawyer to persons who have a legal entitlement to know about the application/case.
11. A copy of the Charging Order Nisi.
- 12-14. A copy of the affidavit/statement of truth sworn by a duly authorised member of the Bank detailing why an application for a Charging Order Nisi should be granted.
- 15,16. Office copy of Land Registry Property Register showing details of a property, such as who owns it and who has a monetary interest in it.

AGENCY INSTRUCTION SHEET/LETTER

From

Haley Handforth LLB (Hons) LAWYER
46 Peterloo Street, Manchester M1 4LX
Tel 061 211 7123 Fax 061 211 8945

Court: Kingston-Upon-Thames

Case No: 1010495

Date of Hearing: 26 October 92

Time of Hearing: 12.00

Parties: Barclays Bank PLC v Mr Thomas Rogan

Our Client: Barclays Bank

Client attending?: No

Type of Hearing: Charging Order Absolute

Enclosures?: See file

Specific Instructions: Obtain Charging Order; Obtain Costs £134

IN THE KINGSTON UPON THAMES COUNTY COURT

Case Number 1010495

BETWEEN

BARCLAYS BANK PLC

PLAINTIFF

AND

MR THOMAS ROGAN

DEFENDANT

This is the Exhibit marked 'VR 1' referred to in the Affidavit/Statement of Truth of Vivienne Richardson sworn before me this day of
1992.

BEFORE ME:

Officer of the court appointed by the Judge to take Affidavit/Statement of Truths.

Haley Handforth LLB (Hons) LAWYER

46 Peterloo Street, Manchester M1 4LX
Tel 061 2211 7123 Fax 061 2211 8945

Mr T Rogan
567 St Peter's Avenue
Worcester Park
Surrey
KT4

Our reference 207/CO/SW/7002535

Your reference

24 September 1992

Dear Sir

BARCLAYS BANK PLC V YOURSELF
COUNTY COURT KINGSTON UPON THAMES
CASE NUMBER 1010495

We enclose by way of service upon you documents relating to our clients' application for a Charging Order Absolute in respect of the property addressed as above, which has been listed for a Hearing in the Kingston Upon Thames County Court on 26 October 1992 at 12.00 noon.

Yours faithfully

H Handforth
(Lawyer)

Enclosure

CHARGING ORDER NISI

Claimant

County Court

Barclays Bank plc.

Kingston upon Thames

To the defendant

Case Number

Mr T Rogan
999a St Phillips Avenue,
Surrey, KT1

1010495

On the application of the Claimant

and on reading the affidavit/statement of truth of Mr S Kershaw

it appears that by a judgement (or order) made on the 12th day of April 1991

in this court the defendant Mr T Rogan was ordered to pay to the claimant the sum of £4049.20 of which £4049.20 remains due and unpaid, and that the defendant has a beneficial interest in the asset specified in the schedule below

It is ordered that unless sufficient reasons to the contrary are shown before the District Judge at the Kingston upon Thames County Court on the 26th day of October 1992 at 12 o'clock, when this matter will be further considered, the defendant's beneficial interest in the asset shall and it is ordered that in the meantime it do, stand charged with the payment of £4049.20 including any interest due on the judgement together with the costs of this application

Dated 1st September 1992

Take Notice: To the defendant

If you do not attend at the time and place shown above the court will make an order that it thinks fit

Schedule:

999a St. Phillips Avenue, Surrey, KT1

IN THE KINGSTON UPON THAMES COUNTY COURT

Case Number 1010495

BETWEEN

BARCLAYS BANK PLC

PLAINTIFF

AND

MR THOMAS ROGAN

DEFENDANT

I Mr S Kershaw
Deputy Manager of Barclays Bank Recovery Unit
P O Box 543, Manchester, M15

make oath and say as follows;-

1. That I am duly authorised by the claimant company to make this affidavit/statement of truth on their behalf, and do so from facts within my own knowledge or from studying the claimant company's files.
2. That on the 12th day of April 1991 the claimant obtained Judgement in the above County Court against the Defendant Mr Thomas Rogan for £3933.45 and Costs of £115.75.
3. That the said Judgement was ordered to be paid by monthly instalments and that the instalments are in arrears.
4. That no payments have been made by or on behalf of the Defendant since the date of Judgement and that therefore the sum of £4049.20. remains due and outstanding under the Order herein. Unsatisfied Warrant Costs of £16.70. also remain outstanding.
5. That the claimant hereby applies to this Honourable Court for an Order Under Section 1, Charging Orders Act 1979 imposing a charge on the Defendant's beneficial interest in property situate and known as St Peter's Avenue, Worcester Park, Surrey, KT4 and I believe the defendant to be resident at this address.

cont.

CHARGING ORDER SCRIPT

Situation

You have been ushered into the court and are before the District Judge. Often in such cases there will be nobody from the other side. You may be the only person before the District Judge.

However in this example we are going to introduce the other side. The person is representing himself.

Judge "Yes what can I do for you?"

You "Sir this is an application for a charging order Nisi to be made absolute and I represent the claimant"

Judge (Looks through papers) "Yes I can see an affidavit/statement of truth dated 16 October"

You "Yes sir the affidavit/statement of truth of Vivienne Richardson sworn on the 16 Oct showing evidence of service... The debt of £4049.20 is shown on the charging order Nisi, pronounced 1 Sept 92 and based on the affidavit/statement of truth of Mr Kershaw"

Judge "What do you have to say about this Mr Rogan?"

Rogan "Well your Honour I am willing to pay it off bit by bit I was out of work for a time but now I'm working I can pay it off."

Judge "Well Mr Rogan I am not being asked to make an order regarding how the debt is paid off...Ms Smith or should say the bank are asking that if ever you sell your property that they get their money...I shouldn't worry that they will force you to sell, that is not their intention I'm sure. They merely want to protect their money."

Rogan "I understand your Honour and like I said I'm willing to pay off the money"

The claim has been listed for Pre-Trial-Review. If the Defendant fails to attend thereon, please endeavour to obtain Judgement in our favour.

If the District Judge is not minded to enter Judgement please request that the following order for directions be made where appropriate:-

1. The defendant do file and serve a full defence within fourteen days, failing which he be debarred from defending and the Claimant be at liberty to enter Judgement for the sum claimed plus costs.
2. Mutual disclosure by lists within fourteen days thereafter, inspection seven days thereafter.
3. The action be fixed for trial upon the Claimant's Certificate of Readiness with a time estimate.
4. Costs in the cause.

We confirm that we will be responsible for your reasonable fees, and if you have any queries in respect of this matter, please do not hesitate to contact this office. It would also be appreciated if you could return all our papers when you are informing ourselves of the outcome of the Hearing.

Yours faithfully

For The Manager
Group Litigation Department

Pre Trial Review cont...

- You "Except what is in my instructions; namely that under the Policy Cover Mrs Barren was the main Card Holder and her husband was purely an authorised user"
- Judge "Well since the defendant is not here I will give judgement ...do you have details of the claim?"
- You "Sir I was hoping you would have that, as I was not provided with a copy"
- Judge "I do not"
- You "I do have this though sir which may be useful"
- Judge "So you want judgement for £1160.50?"
- You "Yes sir plus it says £0.477 per day..unfortunately I do not know how many days"
- Judge "Well I give you judgement for £1160.50. I do not give you anything else, except costs...What amount?"
- You "I'm sorry sir no instructions"
- Judge "Okay costs according to scale and judgement payable within 14 days"
- You "Thank you sir. I'm sorry I could not have been more helpful"
- Judge "That's okay - Good day."

REPOSSESSION

Situation

You have received the paperwork for your case. First thing you always do is read it through and make sure you know what is required of you.

Let us take a look at an example.

Page

27, 28

Agency instruction letter.

LAWYERS

To the Chelsea Building Society

Our Ref: MISS L GUEST

Your Ref: LG/LMV.HERCULES

22 June 1993

Dear Sirs

RE: CHELSEA BUILDING SOCIETY -v- Mr HERCULES
AGENCY - SHOREDITCH COUNTY COURT
30TH JUNE 1993 AT 11.40AM

Further to our recent telephone conversation when you kindly agreed to act as my Agents in connection with the above, I now enclose the following Agency Papers:

Copy Particulars of Claim/Statement of Claim
Copy Affidavit/Statement of Truth
Charge Certificate
Copy Correspondence
Form 106 Search
Copy Complaint Note
Schedule of Payments Due and Received 1992-1993 (TO DATE)

Monthly instalments of £362.18 are due to the Society on the 25th day of each month. The Arrears at today's date amount to £3338.31 the last payment to the credit of the mortgage account was £239.88 on the 4th June 1993.

I confirm that a copy of the Affidavit/Statement of Truth has been served on the Defendant and the original filed at Court by letters dated 21st June 1993.

Please obtain an:- Order for possession in 28 days.

Alternatively if the Court is minded to make a Suspended Possession Order the terms of suspension must provide for payment of current monthly instalments together with an additional payment of £155.00, to enable discharge of the arrears within no more than 18 months, with liberty for the society to apply for the review in 3 months.

A SAS Law in Practice Course

Part 6 of 6

(Extracts Only)

The SAS Law In Practice Course

Part 6

TUTOR'S NOTES

Advanced Level 3

1 Welcome to Police Station attendances, Advanced Level 3 of our SAS Programme,.

2 You may be aware that attendance at police stations and giving legal advice to detained clients is an increasingly specialised area of paralegal work.

3 Lawyers will predominantly only use legal clerks who have been trained and who are skilled at giving quality advice to suspects at a police station.

4 When a suspect is arrested and detained at a police station the suspect is entitled by law to free legal advice from either (a) a duty lawyer, or (b) a local firm of lawyers of their choice.

5 If a suspect obtains/receives advice from either of the above (duty lawyer or legal adviser) then his legal adviser will ensure that a suspect is made aware of their legal rights and that any interviews that take place are done in a fair and agreeable manner with the suspect's welfare and best interests in view.

6 On the Advanced Level 3 of the SAS Training Programme you will gain some understanding of what your role is when attending police stations as a legal adviser and also gain a knowledge of the powers entrusted to you by virtue of your role.

THE CUSTODY AREA/CHARGE AREA

ACTION

Read page 5 of your CM-AL3

12 In page 5 you were referred to Appendix 1a which is about the Custody Record. This is made and overseen by the Custody Officer. It is supposed to be an accurate and detailed record of all the things that happen to an arrested person held in custody. Ask to look at the custody record if you feel you have not been given a full enough picture by the Custody Officer and or the Investigating Officer.

13 We would like to stress how important it is that you spend sufficient time with your client in a private interview before any formal interviews by the police take place.

14 Within reason you may take as long as you like so please make sure that you ascertain as much information from your client as possible as regards his/her version of the events. Also please make sure that you explain to him/her why they are being detained in the police station and what exactly the police are likely to question him/her about.

QUESTIONS

Re page 5 of your CM-AL3

- 12 How easy do you think it will be to get information out of the police?
Explain your answer.
- 13 When introducing yourself to your client, why take your time and why make it clear that you are on his side?

Write your answers on the Answer sheet.

ADVISING THE CLIENT WHAT TO SAY

ACTION

Read page 6 of your CM-AL3

17 As mentioned in paragraph 4 your client has the right to stop the interview. This can be a great aid in reducing the pressures that could have built up within them to such an extent that they feel like blurting out something that could be detrimental to their situation. So make sure he or she is aware of this right.

ACTION

Re page 6 of your CM-AL3

Think of 6 questions. 3 should be innocent and 3 incriminating e.g. would you like a cup of water? (innocent). do you own a gun? (incriminating). Write them down.

Get a friend to ask you the 6 questions. Alternate an innocent question with an incriminating one. a/ Answer all the questions with the 'no comment' approach first and then b/ repeat the exercise this time answer innocent questions but offer a no comment to the incriminating ones.

QUESTION

Re the above action:

If you were a juror what impression would you infer from a/ and b/?

Write your answers on the Answer Sheets.

THE INTERVIEW

ACTION

Read page 7 of your CM-AL3

The SAS Law In Practice Course

Part 6

COURSE MATERIAL

Advanced Level 3

**Attending A Police Station Interview
(non indictable offences)**

BEFORE ATTENDING A POLICE STATION

Situation

Because of the enormous responsibility placed upon you when attending to a suspect at a police station, it is even more vital that you know what is required of you.

1. The purpose of advise and assistance in the police station is to maintain the balance between the powers of the police when investigating whether a criminal offence has been committed and the protection of the rights of the suspect.
2. The presence of a lawyer or his assistant at the police station is to relieve the pressures which are on the suspect and which can induce false confessions and cause a miscarriage of justice.
3. The initial advice given to a suspect at the police station can have a material effect on whether proceedings are brought and, if they are, their outcome.
- 4.
- 5.

See Appendix 1a & 1b (pages 10 & 11)

BEFORE ATTENDING A POLICE STATION cont...

The lawyer's/representative's role

- 1.
2. Ensuring that the client understands the suspected allegations and the criminal offences which are under investigation.
- 3.
4. Being present at an interview to ensure that it is conducted fairly and to make notes as an independent record. **See Appendix 1c (page 12)**
5. Explaining the powers available to the police in retaining property which was on the suspect at the time of arrest or was found during the search of his house/car.
6. Making representations to the Custody Officer for bail.
- 7.
8. If client not given bail, discuss with client possible sureties.
- 9.

BEFORE ATTENDING A POLICE STATION cont...

You will need to make a record of:

1. Arrival and departure times
2. Information given by the police and the time given.
3. .
4. Time and details of any representations.
5. .

Taking instructions from lawyers

Upon receiving the initial call from your instructing lawyer, ascertain and record the following details:

1. Name of client
2. Name, address and telephone number of police station where suspect is being detained.
3. .
4. Name of Investigating Officer and Custody Officer
5. .
6. .

ARRIVAL AT THE POLICE STATION

Situation

Once you arrive at the police station, you will need to state your purpose and ask for the appropriate officer.

End of Extracts