**Private Practitioner Scheme for the District Court Terms and Conditions**

[**Introduction**](https://www.legalaidboard.ie/en/lawyers-and-experts/legal-professionals-in-civil-cases/district-court-private-family-law-matters/terms-and-conditions/#collapse_1)

1. The Civil Legal Aid Act, 1995 (“the Act”) provides that the Legal Aid Board (“the Board”) may establish and maintain a panel of solicitors who are willing to provide legal aid and advice to persons who are in receipt of legal services. The Board has now decided to establish and maintain a new panel of solicitors who are willing to provide services to persons who have been granted a legal aid certificate by the Board in certain family law matters in the District Court, to be known as the Private Practitioner District Court Panel (“the Panel”).  This Panel will replace the existing Panel.

[**Panel of Solicitors**](https://www.legalaidboard.ie/en/lawyers-and-experts/legal-professionals-in-civil-cases/district-court-private-family-law-matters/terms-and-conditions/#collapse_2)

2. Any solicitor/firm wishing to be considered, in accordance with the provisions of these terms and conditions, to have his, her or their name placed on the Panel must apply in writing to the Board. The solicitor/firm must give an [undertaking](https://www.legalaidboard.ie/en/Lawyers-and-Experts/Legal-professionals-in-civil-cases/Pilot-panel-for-District-Court-childcare-matters/District-Court-PP-Scheme-Undertaking.pdf) to comply with these terms and conditions and the provisions of the Act when providing legal aid and/or advice.

3. Any solicitor/firm wishing to apply to be placed on the Panel must hold a current practising certificate from the Law Society of Ireland and must have professional indemnity insurance that is adequate for the purposes of the Scheme. The current figure is €1.5 million in any one case, but the Board may revise this amount from time to time.

4. Solicitors/firms on the Panel must comply with the tax clearance procedures specified in the Department of Finance Circular 22/95 entitled ‘Tax clearance Procedures-Public Sector Contracts’ or any such circular amending or replacing that circular.

5. The Panel shall be in place for a period of three years from the 1st May 2008 or such other date or period as the Board may determine. The Board will consider applications to be included on the Panel at such times as the Board, from time to time, may determine.

6. Solicitors/firms on the Panel must have access to e-mail facilities and must have IT software that is compatible with Microsoft Office software in order to ensure the effective and efficient administration of the Scheme.

[**Anti Money Laundering**](https://www.legalaidboard.ie/en/lawyers-and-experts/legal-professionals-in-civil-cases/district-court-private-family-law-matters/terms-and-conditions/#collapse_3)

7. The Board shall identify clients in accordance with the terms of the anti money laundering legislation and the Law Society’s Guidance Notes prior to the referral of a case to a solicitor/firm on the Panel. Copies of the identification documents shall be furnished to the solicitor/firm. It shall be a matter for the solicitor/firm to ensure compliance with any remaining obligations on foot of that legislation

[**Quality Service**](https://www.legalaidboard.ie/en/lawyers-and-experts/legal-professionals-in-civil-cases/district-court-private-family-law-matters/terms-and-conditions/#collapse_4)

8. Solicitors/firms are expected to act in a fiduciary manner in relation to all legally aided clients and to provide a service in keeping with the Family Law in Ireland – Code of Practice issued by the Family Law and Legal Aid Committee of the Law Society of Ireland and with the Guides to Professional Conduct that are issued from time to time by the Law Society of Ireland.

9. The Board is committed to the provision of a quality legal service to its clients and will from time to time provide solicitors/firms on the Panel with guidelines on the approach to be adopted in dealing with family law matters. The Board has issued [Guidelines](https://www.legalaidboard.ie/en/Lawyers-and-Experts/Legal-professionals-in-civil-cases/District-Court-private-family-law-matters/District-Court-Best-Practice-Guidelines/) on certain categories of District Court cases and in relation to file management. Solicitors/firms on the Panel are expected to broadly comply with the Guidelines

[**Monitoring**](https://www.legalaidboard.ie/en/lawyers-and-experts/legal-professionals-in-civil-cases/district-court-private-family-law-matters/terms-and-conditions/#collapse_5)

10. A solicitor/firm on the Panel shall provide the Board with any information relating to a person in receipt of legal aid, which is required by the Board for the purpose of enabling the Board to discharge its functions under the Act. Such information shall be furnished within fourteen days of any such request. Solicitors/firms shall retain files of legally aided persons for a period of six years from the date of completion of the services authorised on foot of the legal aid certificate.

11. As part of its commitment to ensuring that its clients receive a quality service, the Board will review a number of files of legally aided clients so as to satisfy itself that the solicitor/firm on the Panel is providing an appropriate level of service. In the event that that review identifies issues of concern in relation to the provision of an appropriate level of service, the Board will inspect any or all legally aided client files assigned to that solicitor/firm.

[**Exclusion, Removal and Withdrawal from the panel**](https://www.legalaidboard.ie/en/lawyers-and-experts/legal-professionals-in-civil-cases/district-court-private-family-law-matters/terms-and-conditions/#collapse_6)

12. The Board may suspend or remove a solicitor/firm from the Panel if it considers that:

* the solicitor/firm’s conduct when providing or selected to provide legal services or his/her/their professional conduct generally render him, her or them unsuitable, in the opinion of the Board, to provide such services; or
* the solicitor/firm has failed to comply with these Terms and Conditions; or
* the solicitor/firm has not participated in the Scheme to a satisfactory level, including but not confined to his/her refusal on a regular basis to accept a legally aided person as a client or to give a client appropriate legal advice or aid; or
* the solicitor has a medical condition that would render him or her unfit to provide the required service. The Board reserves the right to require medical evidence from a solicitor or to refer a solicitor to a medical practitioner in order to confirm their fitness in this respect.

13. If the Board decides to suspend or remove a solicitor/firm from the Panel, the solicitor/firm will be notified in writing of the grounds for the decision. The solicitor/firm may, within a period of one month from the date of such notification, appeal in writing the decision to the Chief Executive of the Board, setting out the grounds of appeal in full. The Chief Executive may restore the solicitor/firm, if satisfied that a case for restoration to the Panel is made out. Any appeal does not operate to delay or negate the suspension or removal of the solicitor from the Panel, unless the Chief Executive determines otherwise.

14. Solicitors/firms who wish to withdraw from the Panel must inform the Board, in writing, of their intention to withdraw. Solicitors/firms shall give one month’s notice of intention to withdraw from the Panel. Solicitors/firms who withdraw from the Panel must complete all outstanding cases that have been referred to them.

[**Maintaining the Panel**](https://www.legalaidboard.ie/en/lawyers-and-experts/legal-professionals-in-civil-cases/district-court-private-family-law-matters/terms-and-conditions/#collapse_7)

15. The Panel shall be maintained in alphabetical order on a national basis and shall comprise the names of all solicitors/firms whose applications for placement have been accepted by the Board. For ease of reference the Panel may be distributed to applicants who have been granted legal aid certificates in the form of a separate list of solicitors/firms on the Panel who are willing to provide the services authorised on foot of the certificate in the District Court area/County in which the legally aided person resides.

16. Every solicitor who has been accepted for membership of the Panel will be allocated a number, to be known as a PP Number, which must be quoted on all correspondence.

[**Scope of the Scheme**](https://www.legalaidboard.ie/en/lawyers-and-experts/legal-professionals-in-civil-cases/district-court-private-family-law-matters/terms-and-conditions/#collapse_8)

17. The Scheme will apply only in relation to persons who have been granted legal aid certificates issued by the Board for family law proceedings in the District Court regarding:

* maintenance (other than enforcement through the District Court clerk)
* custody / access
* guardianship
* domestic violence

18. Legally aided persons who were represented in the District Court on foot of a legal aid certificate issued under the Scheme and who, subsequent to the determination of a case by that court, wish to appeal, or defend an appeal, to the Circuit Court may apply to the Private Practitioner Unit, Legal Aid Board, Quay St, Cahirciveen, Co Kerry, DX 166 004 for legal aid in relation to the appeal.

[**Operation of the Scheme**](https://www.legalaidboard.ie/en/lawyers-and-experts/legal-professionals-in-civil-cases/district-court-private-family-law-matters/terms-and-conditions/#collapse_9)

19. Persons seeking legal aid services make their applications at law centres. In the event that an applicant is granted a legal aid certificate in respect of any of the proceedings listed at paragraph 17 above (Scope of the Scheme), the Board may refer the person to the Panel to s select a solicitor/firm from the Panel to act on their behalf. The Board or the legally aided person shall notify the solicitor and shall furnish them with:

* Part III and Part IV of the legal aid certificate which will indicate the legally aided person’s name, the nature of the proceedings authorised and the steps authorised on foot of those proceedings, in terms of the expenditure on witnesses that may be incurred; and
* a [Claim Form](https://www.legalaidboard.ie/en/lawyers-and-experts/legal-professionals-in-civil-cases/district-court-private-family-law-matters/terms-and-conditions/cf1-dc-claim-form-2024.docx)on which the legal aid certificate number should be entered. The certificate shall be the solicitor’s authority to provide legal aid to the client under this Scheme. Part III of the certificate should be retained by the solicitor / firm on the client file. Part IV of the certificate should be attached to the Claim Form for payment of the fee and any outlay, when the case is concluded. Legal services cannot be provided under the Scheme without a valid legal aid certificate.

[**Amending Legal Aid Certificates**](https://www.legalaidboard.ie/en/lawyers-and-experts/legal-professionals-in-civil-cases/district-court-private-family-law-matters/terms-and-conditions/#collapse_10)

20. If a solicitor/firm considers that further steps that will incur expenditure are required to process the client’s claim, over and above those authorised on the certificate, for example, that a professional report should be obtained or that professional or other witnesses are required, an application must be made in writing seeking an amendment to the certificate to incur such expenditure. Such application should provide sufficient information, particularly in relation to how the additional expenditure is likely to benefit the client’s case, to allow a decision to be made and to enable the terms of the Act to be complied with by the Board when considering the application. The application may be made to the Private Practitioner Unit (see paragraph 18 under Scope of the Scheme).

21. The Board will issue an amended certificate, if it is decided to approve an application. A solicitor may not seek reports, engage witnesses or otherwise incur costs or expenses save as authorised on foot of a certificate or an amending certificate. The Board will be responsible only for costs or expenses incurred where these have been approved in writing in advance.

22. Decisions by the Board to refuse applications for professional or expert witnesses shall be subject to the relevant review and appeal procedures contained and the Civil Legal Aid Regulations 1996 to 2006 (Regulation 12).

[**Fees**](https://www.legalaidboard.ie/en/lawyers-and-experts/legal-professionals-in-civil-cases/district-court-private-family-law-matters/terms-and-conditions/#collapse_11)

23. The [Claim Form](https://www.legalaidboard.ie/en/lawyers-and-experts/legal-professionals-in-civil-cases/district-court-private-family-law-matters/terms-and-conditions/cf1-dc-claim-form-2024.docx)shall be the document whereby the solicitor shall be entitled to claim the appropriate fee and any authorised outlay. The appropriate fee is inclusive of any fee that might be paid to a barrister and the Board will not pay any additional fee for any barrister retained. Instructions for the completion of the Form are printed on the reverse of the Form. Care should be taken in completing the Form, as incomplete or improperly completed claim forms will be returned without payment.

24. The completed Claim Form, together with Part IV of the Certificate, should be returned to the Private Practitioner Unit (see paragraph 18 under Scope of the Scheme) when the services specified in the certificate have been provided and the case has been determined.

25. A case will be deemed to have been determined where:

* Court proceedings have been settled or the Court has made a final Order(s); or
* the client has withdrawn his or her instructions.

26. Legally aided persons must not be charged any fees and must not be asked to discharge any fees, expenses, costs or outlay, except in accordance with such specific instructions as may be issued from time to time by the Board. Furthermore, legally aided persons must not be asked to sign undertakings to pay for additional services and the charging of additional fees, expenses, costs or outlay or the seeking of undertakings to pay for additional services will be grounds for immediately removing a solicitor/firm from the Panel.

[**Fees Payable**](https://www.legalaidboard.ie/en/lawyers-and-experts/legal-professionals-in-civil-cases/district-court-private-family-law-matters/terms-and-conditions/#collapse_12)

27. There shall be a standard scale of fees (set out in Schedule 1 below) payable per case to solicitors/firms on the Panel for the provision of services.

28. In the event that the case is part heard when the application for legal aid is made, the Board reserves the right to pay part only of the fee that would otherwise be payable.

29. Solicitors on the Panel shall be responsible for the outlay of any necessary viaticum to secure the attendance of witnesses, but shall be entitled to a refund of any outlay authorised on foot of the certificate or amendment thereof. If it becomes necessary to pay a fee for professional services that has been authorised by the certificate or an amendment thereof, in advance of the determination of a case, an Interim Claim form together with the original fee note may be submitted to the Board. The fee shall be paid by the Board directly to the relevant person or body and the solicitor will be advised when payment has been made.

[**Complaints**](https://www.legalaidboard.ie/en/lawyers-and-experts/legal-professionals-in-civil-cases/district-court-private-family-law-matters/terms-and-conditions/#collapse_13)

30. Section 31(4) of the Act provides that: “ Where a person to whom the Board has decided to grant legal aid or advice has - (a) accepted the nomination of a solicitor or selected a solicitor from the solicitors’ panel pursuant to subsection (1) or been granted the services of a solicitor pursuant to an application under subsection (3), or (b) accepted the nomination of a barrister pursuant to subsection (2) or been granted the services of a barrister pursuant to an application under subsection (3), the person may apply to the Board to have the services of that solicitor or barrister dispensed with and the services of another solicitor of the Board or solicitor from the solicitors’ panel or, as may be appropriate, barrister from the barristers’ panel obtained in the matter and where the Board considers it reasonable in all the circumstances, it may consent to the application. If a client makes a complaint to a solicitor/firm about his, her or their performance and it is not possible to address the complaint to the client’s satisfaction, the client should be requested to put the complaint in writing and the complaint should be forwarded to the Board. If the Board receives a complaint from a client or if the Board identifies a performance issue, a copy of the complaint or a note of the performance issue shall be forwarded to the solicitor/firm for his/her/their observations. The Board shall consider the complaint/performance issue in accordance with “[Customer Care and Complaints Procedure](https://www.legalaidboard.ie/en/About-the-Board/Customer-Charter/)”, and also in accordance with the terms and conditions contained herein, including the appendices attached hereto

[**General**](https://www.legalaidboard.ie/en/lawyers-and-experts/legal-professionals-in-civil-cases/district-court-private-family-law-matters/terms-and-conditions/#collapse_14)

31. Nothing in these Terms and Conditions shall give rise to, or be construed as giving rise to, a relationship of employer and employee between the Board and any solicitor on the Panel.

[**Schedule of Fees**](https://www.legalaidboard.ie/en/lawyers-and-experts/legal-professionals-in-civil-cases/district-court-private-family-law-matters/terms-and-conditions/#collapse_15)

**Schedule 1**

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| **Fees for District Court cases (inclusive of any payments made to counsel and exclusive of VAT)** | **Fee** |
| a) Maintenance only | €339 |
| b) Guardianship only | €339 |
| c) Custody and or access only | €339 |
| d) Domestic violence only | €339 |
| e) Custody and / or access and guardianship | €339 |
| f) Maintenance and custody / and or access / and / or guardianship | €423 |
| g) Domestic violence and maintenance | €423 |
| h) Domestic violence and custody / and or access / and / or guardianship | €423 |
| I) Maintenance and Domestic Violence and custody /and or access / and / or guardianship | €508 |