

## **Complex Criminal Law Panel:**

### **Information and Application**

To be assigned or briefed on a grant of legal assistance in a complex criminal case (as defined below) a practitioner must, in addition to inclusion on the General Panel, be a member of the Complex Criminal Law Panel. A practitioner may be included on the Complex Criminal Law Panel as solicitor, counsel, or both.

To act as lead counsel in a murder trial for which legal assistance has been granted a practitioner must be a member of the murder subpanel of the Complex Criminal Law Panel.

To junior in a murder or any other complex criminal case (as defined) a practitioner must be included on the Complex Criminal Law Panel as counsel.

A practitioner who is not a member of the Complex Criminal Law Panel may undertake discrete tasks in a complex criminal case, such as taking statements and legal research, and may attend directions hearings if properly informed and under supervision.

### **Complex criminal case**

A case is a complex criminal case if –

- a) the case involves –
  - i. the death of a person; and
  - ii. the charges arise either, directly or indirectly, from that death, unless the charge is a summary or minor indictable charge; or
- b) the case is listed for trial, judicial review or the calling of evidence in the Supreme Court (other than cases arising under the Criminal Law (High Risk Offenders) Act 2015); or
- c) the case –
  - i. is a case of attempted murder;
  - ii. is a case of conspiracy to murder;
  - iii. is a sexual offence involving multiple complainants or multiple defendants;
  - iv. involves a charge or a series of charges of dishonesty totalling in excess of \$500 000; or
  - v. involves any other serious criminal offence designated by the Director as a complex criminal case; or

- d) the case has an estimated trial length of 20 days or more; or
- e) the brief consists of more than 5 000 pages; or
- f) the case involves an appeal –
  - i. in the Court of Criminal Appeal against conviction; or
  - ii. in the High Court.

### **Minimum requirements for consideration for inclusion on the Complex Criminal Law Panel**

To be considered for inclusion on the Complex Criminal Law Panel as **solicitor only**, a practitioner must have a minimum of five years recent solicitor experience in criminal law, including primary conduct as solicitor of at least three matters in the Supreme or District Court that proceeded to trial.

To be considered for inclusion on the Complex Criminal Law Panel as **counsel**, a practitioner must have a minimum of five years recent counsel experience in criminal law, including primary conduct as lead or junior counsel of at least three matters in the Supreme or District Court that proceeded to trial.

### **Minimum requirements for consideration for inclusion on the murder subpanel of the Complex Criminal Law Panel**

To be considered for inclusion on the murder subpanel of the Complex Criminal Law Panel (which allows a practitioner to act as lead counsel in a murder trial) a practitioner must have a minimum of ten years counsel experience in complex criminal cases.

### **Application for inclusion on the Complex Criminal Law Panel**

An application for inclusion on the Complex Criminal Law Panel must be made on the attached form and submitted to the Legal Services Commission by email to the Panels Officer at [panels@lsc.sa.gov.au](mailto:panels@lsc.sa.gov.au).

### **Consideration of Applications**

Applications for inclusion on the Complex Criminal Law Panel and the murder subpanel of that Panel will be determined by the Director on the recommendation of a selection committee comprised of the Chief Legal Officer, the Manager Criminal Law and the Manager Grants.

The selection committee will assess an application based upon the information provided by the applicant in the application; information held by the Legal Services Commission, including information from stakeholders; information relating to previous conduct of legally aided matters by the applicant and complaints received by the Legal Services Commission concerning the applicant;

information held by members of the selection committee, and information from publicly available records including court transcripts and judgements and any other matters deemed relevant.

An application which is assessed by the Panels Officer as not meeting the minimum requirements for consideration may be rejected without reference to the selection committee.

Applicants who are unsuccessful will, on request, be provided with feedback by a member of the selection committee. Unsuccessful applicants may appeal the decision as set out below.

### **Removal from the Complex Criminal Law Panel**

A practitioner will be removed from the Complex Criminal Law Panel if the practitioner is removed from the General Panel.

A practitioner may be removed from the Complex Criminal Law Panel or the murder subpanel of that Panel if the Director forms the view, in consultation with the selection committee, that the practitioner is no longer an appropriate person to be included on that Panel or subpanel.

A practitioner may be required to demonstrate, on application for renewal of their General Panel membership, that they have maintained sufficient recent practice in complex criminal cases for continued inclusion on the Complex Criminal Law Panel or murder subpanel.

Notice to a practitioner removing the practitioner from the Complex Criminal Law Panel or murder subpanel must state the reason for removal.

### **Appeal against a decision**

If a practitioner receives written notice –

- a) refusing the practitioner's application for inclusion on the Complex Criminal Law Panel or murder subpanel; or
- b) removing the practitioner from the Complex Criminal Law Panel or murder subpanel,

the practitioner may, within one month of receiving the notice, appeal in writing against the decision, by email to the Panels Officer at [panels@lsc.sa.gov.au](mailto:panels@lsc.sa.gov.au).

## Application for inclusion on the Complex Criminal Law Panel of the Legal Services Commission

**Name:** .....

Are you a member of the General Panel of the Legal Services Commission?

*If not, please apply for inclusion on that panel concurrently.*

**Yes** ☐ **No** ☐

Have you had at least five years recent post admission experience in criminal law?

**Yes** ☐ **No** ☐

Please estimate the percentage of your work that has involved cases in the Supreme Court, the Court of Criminal Appeal and the District Court over the last two years:

**Percentage estimation:** .....

A practitioner may be included on the Complex Criminal Law Panel:

- a) as a practitioner who only undertakes solicitor work in complex criminal cases; or
- b) as a practitioner who undertakes counsel work in complex criminal cases; or
- c) as a practitioner who undertakes solicitor and counsel work in complex criminal cases.

Which category of the Complex Criminal Law Panel do you wish to be considered (refer to attached page for minimum requirements for consideration for inclusion as solicitor or counsel on this Panel)?

**Solicitor only** ☐ **Counsel only** ☐ **Solicitor and Counsel** ☐

To be eligible for consideration for inclusion on the murder subpanel of the Complex Criminal Law Panel you must have a minimum of ten years **counsel experience in complex criminal cases** (as defined in the Complex Criminal Law Panel Information).

Do you wish to be considered for inclusion on the murder subpanel of the Complex Criminal Law Panel?

**Yes** ☐ **No** ☐

Please attach the following information:

**If applying to be included on the murder subpanel** – details of recent lead counsel experience in complex criminal cases (as defined in the Complex Criminal Law Panel Information) including the number of years of experience in complex criminal cases and, in relation to at least three trials, the name and citation of the case and the court in which it was heard.

**If applying to undertake counsel work in complex criminal cases** (and you are not applying for inclusion on the murder subpanel) – details of recent counsel experience in criminal law including the number of years of counsel experience in criminal law and, in relation to at least three District or Supreme Court trials, the name and citation of the case, the court in which it was heard and your role in the case (i.e. whether you appeared as lead counsel or junior counsel and the aspects of the counsel work for which you were responsible).

**If applying to undertake solicitor work only in complex criminal cases** – details of recent criminal law experience including, in relation to at least three District or Supreme Court trials in which you had primary conduct as solicitor, the name of the case and the court in which it was heard.

The Legal Services Commission reserves the right to seek further information from you before finally determining your application.

Please forward this application, with a copy of your practising certificate, to:

The Panels Officer  
Legal Services Commission  
PO Box 1718  
Adelaide SA 5001

Or by email to:

[panels@lsc.sa.gov.au](mailto:panels@lsc.sa.gov.au).