LETTER TO INSTRUCTING AGENTS RE LEX

As a solicitor who has instructed an Advocate in the past I wanted to let you know about changes we are making to our internal processes and to explain the implications for instructing agents.

On 1st September Faculty Services Ltd will be introducing a new diary and case management system called Lex. The system will allow our Advocates and their clerks to better manage the full life cycle of an instruction from an initial meeting or telephone conversation through to the conclusion of the case. It will also be used to issue fees and will also provide Advocates with a secure system for storing papers associated with their cases.

We believe that the system will also have benefits for instructing agents. This will include improved access to case information across our organisation. This improved visibility of ongoing communication and future appointments will greatly reduce the need to request updates relating to fee collection from agents, reducing unnecessary administration.

Another change will be the reference numbers quoted on our documentation. The current format is FSL agent reference/case reference/fee note number. This format will be replaced by a simplified case id and separate fee note number and you will be able to quote either in relation to any fee queries.

The introduction of the system allows us to simplify the issuing and collection of Advocates' fees. Lex will allow us to track outstanding fees from the date of issue rather than the end of the month following issue. As a result we have revised The Scheme For Accounting For And Recovery Of Advocates Fees and you can find a copy of the new Scheme, which has recently been approved by the Lord President, at the following link:

http://www.advocates.org.uk/media/3147/scheme-for-the-accounting-for-and-recovery-of-counsel-s-fees-august-2019.pdf

The Scheme is effectively an Advocate's standard terms and conditions of instruction and applies to all instructions received unless superceded by written agreement of the Advocate concerned.

The introduction of the system also means that we will be streamlining the existing fee deferral arrangements. By default Advocates' fees are issued on a "payable now" basis but in practice we have offered three "guidelines" for the agreed deferment of an Advocate's fee. These are:

- Guideline 1 – the fee is deferred until the completion of an agreed significant event
- Guideline 2 – the fee is deferred for an agreed period of 3,4,6 or 12 months
- Guideline 3 – the fee is deferred until an agreed limit of outstanding fees is reached. The limit can be different for junior and senior counsel acting in the same case

As I am sure you can appreciate these guidelines create an incredibly complex matrix of possible fee payment options and we have found it impossible to re-create that matrix in the new system. Following the introduction of Lex we will therefore only be able to offer deferment for an agreed time period ie the current Guideline 2. This is the deferment option currently used by the majority of agents instructing counsel.

The Advocates' clerks and Data Operations team have received comprehensive training on the system but it will inevitably take a few weeks of live running before all are comfortable with it. The clerks will also be collecting more information at the start of each new case so that the case is handled as efficiently as possible during its lifecycle. The additional information to be collected can be found on the attached form. It would be helpful if this information can be provided at the point of initial contact with a clerk or Advocate.

Please bear with us during this transition if your initial call with the clerks or queries to Data Operations take slightly longer in the immediate period after installation. I would be grateful if you could circulate this to anyone in your company that will be contacting our office so they are aware of these changes.

Yours sincerely,

Iain Reid, CEO

CASE INFORMATION

APPOINTMENT MANDATORY FIELDS

Advocate	
Date	
Time	
Number of Days	
Appointment Type (Hearing / Consultation etc)	
Hearing Type (Proof / Trial etc) Only needed if hearing is selected as Appointment Type	

MANDATORY FIELDS FOR CREATING CASE

External Title (Case Name)	

Internal title (if different)	
Client	
Type (Payment Basis)	
Company (Firm)	
Contact (Solicitor)	

OTHER USEFUL INFORMATION

Court Centre (which Court the case is in)	
Contact Case Ref (Agents Reference)	
BMIF Area of Practice (Clinical Negligence, Criminal etc)	
Representation (Pursuer/ Defender etc)	