

THE ASSIGNED SOLICITOR'S GUIDE

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I. INTRODUCTION

Our Assigned Solicitors¹ have selflessly contributed a significant amount of time, energy and resources in assisting and acting for aided persons. The purpose of this guide is to provide a comprehensive reference manual, setting out in a convenient format, information, together with the relevant legal provisions and practical matters, which Assigned Solicitors would find useful when assisting and acting for a legal aid Applicant (“Applicant”).

A. The Legal Aid Bureau And The Scope Of Legal Aid

1. The Officers Of The Legal Aid Bureau

The Legal Aid Bureau (“the Bureau”) is headed by the Director of Legal Aid (“the Director”), who is assisted by the Deputy Directors and Assistant Directors of Legal Aid, all of whom are qualified persons as defined in s 2 of the Legal Profession Act (Cap. 161).

The Director can appoint officers with suitable experience and qualifications, as Specialist Legal Executives (“SLEs”) under s 3 of the Legal Aid and Advice Act (Cap. 160) (“the Act”). The SLEs will assist the Director and other legal officers in the Bureau in providing legal advice to, and representing, our Applicants in court in straightforward uncontested divorce cases, where the gross value of the matrimonial assets is \$1 million or less.

¹ Please see part C of this section of the Guide (at page 7). The Director of Legal Aid maintains a panel of solicitors (called “Assigned Solicitors”) under s 4(1) of the Legal Aid and Advice Act (Cap. 160).

2. *The Governing Legislation*

The Bureau's work is governed by the Act and the Legal Aid and Advice Regulations (1995 Rev Ed) ("the Regulations").

3. *Scope Of Legal Aid*

Under s 5(1) of the Act, the Bureau may give legal aid to citizens and permanent residents of Singapore in civil proceedings, which are:

- (a) In the High Court and the Court of Appeal;
- (b) In the Family Courts, District Courts and Magistrates' Courts;
- (c) Before any person to whom a case is referred in whole or in part by the Supreme Court;
- (d) Under the Women's Charter (Cap. 353);
- (e) Before the Syariah Court and the Syariah Court Appeal Board under the Administration of Muslim Law Act (Cap. 3); and
- (f) Before the Commissioner for Labour under the Work Injury Compensation Act (Cap. 354).

In general, the Bureau cannot give legal aid for the following matters:

- (a) Criminal proceedings; and
- (b) Civil proceedings, which are:
 - (i) Wholly or partly in respect of defamation, breach of promise of marriage and the inducement of one spouse to leave or remain apart from the other;
 - (ii) Relator actions;
 - (iii) Any application under the Parliamentary Elections Act (Cap. 218) or the Presidential Elections Act (Cap. 240A);
 - (iv) In a Family Court or District Court, proceedings for, or consequent on the issue of a judgment summons and, in the case of a Defendant, proceedings where the only question to

be brought before the court is as to the time or mode of payment by him of a debt (including liquidated damages) and costs; and

- (v) Incidental to any proceedings mentioned earlier in this paragraph.

However, the Director can, under s 5(1A) of the Act, approve the grant of legal aid application in relation to any of the proceedings mentioned in the paragraph above, if the Director is satisfied that those proceedings **are, or are likely to be, related** to any civil proceedings for which legal aid is **ordinarily granted** (i.e. “mixed claims”). For example, legal aid can be given to an Applicant for defamation proceedings if the proceedings are related to a monetary claim. Therefore, aid will not be refused just because an Applicant has a “mixed claim”.

In terms of legal assistance, the Bureau will only assist an Applicant to prepare (a) a will, and (b) a deed of separation.

B. Qualifying For Legal Aid – The Means Test And Merits Test

1. Means Test

An Applicant must pass the Means Test to be eligible for legal aid. The Means Test criteria is set out in the First Schedule of the Regulations pursuant to s 8(1)(a) of the Act – the criteria involve assessing the Applicant’s Per Capita Gross Monthly Income (“PCHI”)² and the Annual

² The average *PCHI* is the average gross monthly household income of the Applicant’s household over the 12 months before the date of application, divided by the total number household members (including the Applicant for legal aid. “Household members” refers to persons related by blood, marriage, and/or legal adoption and have the same residential address reflected on the NRIC as the Applicant for legal aid).

Value (“AV”) of the Applicant’s residence, savings and investments. This is similar to the means criteria used by other social support schemes.

To pass the Means Test, an Applicant must meet the following criteria:

- (a) The average of the Applicant’s PCHI³ must be \$950.00 or lower for the last 12 months prior to date of application for legal aid;
- (b) The AV of the Applicant’s place of residence must be \$13,000.00 or lower;⁴ and
- (c) The Applicant’s savings and non-CPF investments must be \$10,000.00 or lower.⁵

S 8 of the Act also empowers the Minister for Law (“Minister”) to grant aid to Applicants who do not satisfy the prescribed Means Test criteria, if the Minister is of the view that it is “just and proper” to do so. The Minister may authorize any person, including a panel of persons, to exercise this power. The Ministry of Law has since set up the Civil Legal Aid Means Test Panel to exercise this power. This independent panel consists of 7 members with a background in law, social services, and grassroots service. They will help review the Means Test appeals and repeat applications on a case-by-case basis, taking into account the detailed circumstances of the case. The Panel will consider deserving Applicants for legal aid who may not satisfy the means criteria, but cannot afford legal fees without causing significant hardship to themselves and their families. However, do note that the grant of aid is still subject to the Applicants passing the Merits Test.

³ PCHI means the gross monthly household income of that household divided by the total number of individuals (including the Applicant) in that household.

⁴ The Applicant must not own property other than his or her place of residence. The property can either be an HDB flat or a private residence, provided the AV is \$13,000.00 or lower.

⁵ The savings and investment limit for Applicants aged 60 and above is \$40,000.00.

2. *Merits Test*

In order to satisfy the Merits Test under s 8(2)(a) of the Act, the Applicant must have reasonable grounds for taking, defending, continuing, or being a party to the proceedings for which he is seeking legal aid.

Under s 7 of the Act, the Bureau is authorised to take the following steps to verify the Merits Test:

- (a) Require the Applicant to attend personally at the Bureau for the purpose of recording statements; and
- (b) Require the Applicant to provide relevant information and supporting documents in order to show the nature of the proceedings for which he is seeking legal aid and the circumstances in which legal aid is required.

3. *Who Decides Whether To Grant Legal Aid?*

After the application has been investigated, the legal officer or the Assigned Solicitor will prepare a legal opinion of the merits, and this will be given to the Legal Aid Board (consisting of the Director as well as no fewer than 2 practising solicitors)⁶ (“the Board”) to decide whether legal aid should be granted in accordance with s 8(1) of the Act.

The Board must be satisfied that the Applicant has reasonable grounds in pursuing his proceedings before approving that legal aid be granted to him.

⁶ These practising solicitors are also Assigned Solicitors appointed by the Director under s 4(1) of the Act.

This ensures that the Applicant does not waste public funds in pursuing frivolous or impractical claims.

Factors such as the prospects of success, the probability that the Applicant will receive practical remedies, and whether the costs to be incurred greatly outweigh the benefits to be obtained will be considered by the Board in deciding the merits of the application.

4. *Director's Power To Unilaterally Approve Grant Of Aid For Certain Types Of Proceedings*

Under s 8(1) of the Act, the Director can also approve the Grant of Aid ("GA") in certain types of uncontested proceedings under certain Acts, and for certain proceedings under the Administration of Muslim Law Act (Cap. 3)⁷ without referring the matter to the Board if:

- (a) The Applicant satisfies the prescribed Means criteria; and
- (b) The Director is of the opinion that the Applicant has reasonable grounds for taking, defending, continuing or being party to any of those proceedings.

5. *The Privileges Of A Legally-Aided Applicant*

After legal aid has been granted (whether on a provisional basis or otherwise)⁸, and the GA has been issued and filed, the Applicant is entitled to the following privileges under s 12(4) of the Act:

- (a) The Applicant shall not be liable in respect of any proceedings to which the GA relates, for court fees or for such fees payable for the

⁷ See the Second Schedule to the Regulations for the list of proceedings.

⁸ A Provisional Grant of Aid may be issued by the Director under r 7 of the Regulations pending the determination of an application for legal aid.

service of process, or for any fees due to the Sheriff or bailiff in connection with the execution of process;

- (b) The Applicant shall be entitled to be supplied free of charge with a copy of the judge's Notes of Evidence, Grounds of Decision and certified transcripts of every official record of hearing in any proceedings to which the Grant of Aid relates;
- (c) The Applicant shall not, except where express provision is made in this Act, be liable for costs to any other party in any proceedings to which the GA relates; and
- (d) The Applicant shall not be liable to pay any deposit which would have been payable to the Official Assignee under the rules made under s 166 of the Bankruptcy Act (Cap. 20), where legal aid has been granted to the aided person to commence bankruptcy proceedings against a debtor.

C. Assigned Solicitors

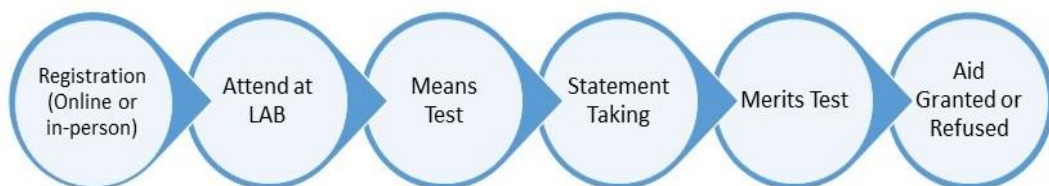
Under s 4(1) of the Act, the Director is empowered to appoint Assigned Solicitors who are willing to:

- (a) Investigate, report and give an opinion upon application for the grant of legal aid;
- (b) Act for persons receiving legal aid; and
- (c) Give legal advice under the provisions of the Act.

To ensure that all Assigned Solicitors are available to take on the Bureau's work, Assigned Solicitors are appointed for a fixed term of 3 years (beginning on such date as the Director may specify in the solicitor's letter of appointment), or for a longer or shorter period as the Director may specify in any particular case.

For administrative convenience, Assigned Solicitors who have been actively doing the Bureau’s work and intend to continue to do so, will have their appointments automatically renewed at the end of the fixed term of 3 years if the Assigned Solicitors have done at least 2 cases, or have done at least 1 case and sat on at least 1 Board meeting, or have sat on at least 2 Board meetings during the said fixed term.

The overview of the workflow of the Bureau, from the time an Applicant registers for legal aid, to the time the Board decides on the merits of the case is as follows:



D. The External Assignment Unit

The External Assignment Unit (“EAU”) was set up on 1 July 2009 to assist in the management of all assigned cases. It acts as a single point of contact between the Assigned Solicitors and the Bureau, thus facilitating communication between the Assigned Solicitors and the Bureau on assigned matters. The EAU also provides assistance to Assigned Solicitors, for example, conducting searches required for the conduct of assigned cases, making applications for certain reports and certificates, etc. The EAU also maintains close contact with Assigned Solicitors to ensure expeditious submission of legal opinions and facilitates the smooth conduct of assigned cases.

Assigned Solicitors can forward their queries to the EAU through the Assigned Solicitor's Portal via the "Submit Enquiry and Feedback" function.

The next few sections of this guide cover:

- (a) Your role as an Assigned Solicitor in Board meetings;
- (b) The assignment of a case to you;
- (c) Your role as an Assigned Solicitor after receiving a case;
- (d) What happens after you have submitted your legal opinion to the Board;
- (e) Your role as an Assigned Solicitor after the Board has decided whether legal aid should be granted;
- (f) Your role as an Assigned Solicitor when the proceedings for which legal aid was granted are completed;
- (g) Your role as an Assigned Solicitor role when the Applicant wishes to file an appeal after the completion of proceedings or enforce/execute a judgment; and
- (h) Financial matters you need to take note of when dealing with legal aid cases.

II. THE ASSIGNED SOLICITOR'S ROLE IN BOARD MEETINGS

Q: What is the composition of the Board?

A: The Board comprises the Director as well as not fewer than 2 practising solicitors whose names are on the panel of Assigned Solicitors (s 8(1)(b)(ii) of the Act).

Q: What is the reason for having this composition?

A: It ensures that there is objective and careful consideration of the merits of each case by the Board.

Q: How often are Board meetings held?

A: Board meetings are generally held once every fortnight.

Q: How can an Assigned Solicitor be a member of the Board?

A: The Director will invite you to be a member of the Board from time to time.

Q: How should I prepare myself for the Board meeting?

A: A week before the Board meeting, the legal opinions to be discussed during the meeting will be sent to you via the Assigned Solicitor's Portal. When you receive an email to submit your decision, you can do so via the Assigned Solicitor's Portal. If you disagree with the recommendations in the opinion, you can indicate your reasons on the copy of the "Board Meeting Table" and email it to EAU. This will allow the Board Secretary to consolidate the collective decisions of the Board Members before the meeting.

Q: What happens during the Board meeting?

A: The Board will only discuss those opinions where at least 1 Board member disagrees with the recommendations stated in the opinion. There are 3 possible decisions that the Board will make:

- (a) Grant aid to the Applicant;
- (b) Refuse or cancel aid to the Applicant; or
- (c) Defer aid to the Applicant.

Q: What happens when aid is granted?

A: If aid is granted, a GA will be issued to you once the Applicant pays the contribution in full. However, if there are ongoing court proceedings and aid is granted, the GA will be issued to you immediately.

Q: What happens when aid is refused or cancelled?

A: If aid is refused or cancelled, the Bureau will inform the Applicant of the reasons for the Board's decision. If there are ongoing court proceedings, please do not continue acting for the Applicant as the Bureau will file the relevant documents cancelling aid if the Provisional Grant of Aid ("PGA")/GA has been filed.

Q: What happens when aid is deferred?

A: If aid is deferred, this means that the Board has some further queries on the case and has therefore referred the case back to you. After you have responded in writing to the Board addressing these queries as well as stating your recommendations on the merits of the case, the Board will then consider the case at a subsequent Board meeting.

III. ASSIGNMENT OF A CASE TO AN ASSIGNED SOLICITOR

Q: What kind of cases are assigned by the Bureau to Assigned Solicitors?

A: Examples include:

- (a) Cases in which both Plaintiff and Defendant have applied for legal aid, in which case there is a conflict of interest should the Bureau act for both of them; and
- (b) Cases involving specialised areas of the law such as the law of medical negligence and Syariah law.

Q: At what point in time is the decision made by the Bureau to assign a case?

A: There are generally 2 situations in which the Bureau will assign a case to an Assigned Solicitor:

- (a) Firstly, if the Bureau is of the view that the case may be better handled by an experienced Assigned Solicitor due to the complexity and nature of the case. For example, an Assigned Solicitor experienced in medical negligence suits may be better equipped to deal with a medical negligence case. In such a situation, you will need to investigate the case before

preparing a legal opinion for the Board’s consideration on whether legal aid should be granted, in accordance with s 4(1)(a) of the Act. You can only start work on the case once the Board has granted aid.

- (b) Secondly, the case may be assigned to you after a legal officer has already submitted a legal opinion to the Board, and the Board has approved the GA for the case. This is because new facts may arise subsequently, making it necessary or practical to assign the case to you. For example, the opposing party in a case may also have applied for legal aid, in which case the Bureau must assign the case to an Assigned Solicitor⁹. In this situation, you do not need to prepare a fresh legal opinion for the Board’s consideration. Instead, you can immediately do the necessary to bring the case to court.

Q: What is the process of assigning a case to an Assigned Solicitor?

A: A case is assigned to an Assigned Solicitor by 2 methods – either by way of the Assigned Solicitor Broadcast system (“Broadcast system”), or by way of the Bureau personally calling an Assigned Solicitor to ask if he or she can take up the case.

The Broadcast system is used for the assignment of non-urgent cases (i.e.; cases where legal proceedings have not commenced). The Bureau will personally call the Assigned Solicitor to ask if he can take up the case if the matter is an urgent one (e.g.; where legal proceedings have commenced or where urgent applications need to be made to the court), and cases where Applicants have requested for specific Assigned Solicitors.

⁹ S 11 of the Act provides that if, in relation to any proceedings to which a person who has made an application for legal aid or an aided person is a party, any other party makes application for legal aid, then the Director must not act for either party, and must assign the matter to an Assigned Solicitor.

Please note that an Applicant must provide good reasons as to why he or she wishes his/her case to be assigned to a specific Assigned Solicitor before the Bureau accedes to the request (for example, an Applicant may want the same Assigned Solicitor who acted for him/her in the Applicant's divorce proceedings, to act for the Applicant in the variation proceedings since the Assigned Solicitor may be familiar with the matter).

Q: Can an Assigned Solicitor pick the case(s) that he/she wants to handle?

A: Yes, an Assigned Solicitor can choose the type of cases that he/she wishes to handle. Cases that are deemed "not urgent" are put up for assignment via the Broadcast system. Given that an Assigned Solicitor would have already indicated his/her preferred practice areas of law and language preferences when he/she joined our Panel of Assigned Solicitors, suitable cases (filtered in accordance with the Assigned Solicitor's indications) will appear on the Assigned Solicitor's task panel on the Assigned Solicitor's Portal. The Assigned Solicitor will be able to read the Case Summary of a case and decide if he/she wishes to take on the case. Since the cases on the Broadcast system are assigned on a "fastest fingers first" basis, the Assigned Solicitor will need to immediately accept the case if it interests the Assigned Solicitor, by clicking "Accept The Case", to ensure that the Assigned Solicitor gets it.

Q: How long will the cases be broadcasted and what will happen if a broadcasted case is not accepted after the expiry of the time for broadcast?

A: For cases put up for Standard Broadcast (these are usually cases where there are no legal proceedings yet, or there is no urgency for commencement of court proceedings), the case will be on the Assigned Solicitor's Portal for 7 calendar days for acceptance. If the case is not accepted by an Assigned Solicitor within this period, the system will suggest a specific Assigned Solicitor to take on the case.

If you are the Assigned Solicitor suggested by the system (“the suggested Assigned Solicitor”), you will receive a case assignment task on the Assigned Solicitor’s Portal.

You, as the suggested Assigned Solicitor, will be able to read through the Case Summary. You will have 5 working days to accept or reject the case assignment. If you do not wish to accept the case assignment, please reject the case assignment as soon as possible so that the system can suggest another Assigned Solicitor. If no Assigned Solicitor accepts the case after 3 rounds of suggestions, the Bureau may contact an Assigned Solicitor directly to offer the case assignment.

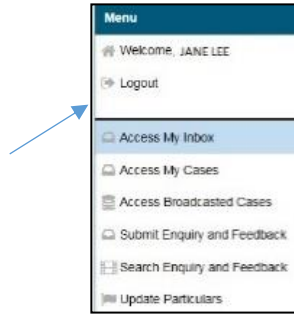
For cases put up for Expedited Broadcast (i.e.; cases where the limitation period or court deadline is 2 months or less), the case will be on the Assigned Solicitor’s Portal for 3 calendar days. If no Assigned Solicitor accepts the case within this period, the Bureau may contact an Assigned Solicitor directly to offer the case assignment.

IV. ACCESSING THE E-SERVICE PORTAL FOR ASSIGNED SOLICITORS

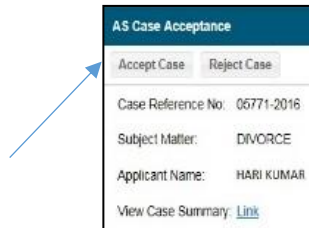
This is a brief guide on the Assigned Solicitor’s Portal. The Assigned Solicitor’s Portal is accessible from Legal Aid Bureau’s E-Services page. To log-in to your account, key in your SINGPASS username and password.

Some key features of the Assigned Solicitor’s Portal:

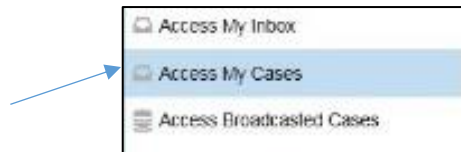
- (a) You would be notified of a new case through the Assigned Solicitor’s Portal.
 - (i) To respond to the Assignment, click on “Access My Inbox”.



- (ii) You can download the “Case Summary” for an overview of the case.
- (iii) Click on “AS Case Acceptance” task and indicate whether you are taking on the case.



- (b) You can access your cases with the Bureau on the Assigned Solicitor’s Portal too. Click on “Access My Cases”.



- (i) From this page, you can view case details:



(ii) You can view and upload case documents:

The screenshot shows a web interface with three tabs: 'Case Details', 'Documents', and 'Upload Documents'. The 'Documents' tab is active. Below the tabs, there are two sections: 'Search Case Documents' and 'Case Documents'. The 'Search Case Documents' section includes a search bar with 'Search', 'Search & Hide', and 'Reset' buttons, and input fields for 'Name:' and 'Attached By:'. The 'Case Documents' section shows a table with columns 'S', 'A..', and 'Name'. The first row contains the number '1', a document icon, and the text 'CASE OTHERS...'. Above the table, there are navigation arrows and 'Page 1 of 1'.

(iii) You can track Board Meeting dates and outcomes:

The screenshot shows a table titled 'Tracking of Board Meeting Submission'. The table has three columns: 'Board Meeting D...', 'Decision Date', and 'Decision'. There is one row of data with the following values: '1', '31/03/2016', '31/03/2016', and 'DEFERRED'. Above the table, there are navigation arrows and 'Page 1 of 1'.

	Board Meeting D...	Decision Date	Decision
1	31/03/2016	31/03/2016	DEFERRED

(c) You can also provide status updates to the Bureau through the Assigned Solicitor's Portal (via "Access My Cases"). You will receive a task in your inbox if the Bureau requires updates from you.

The screenshot shows a form titled 'Tracking of Status Updates'. It contains several input fields with labels: 'Next Court Hearing Type (Category) *', 'Next Court Hearing Type (Details) *', 'Next Court Hearing Date *', 'Next Court Hearing Time (Hour) *', 'Minutes *', and 'AM/PM *'. Each label is followed by an asterisk, indicating a required field. The input fields are empty.

(d) You can submit queries to the Bureau (via "Submit Enquiry and Feedback").

The screenshot shows a form titled 'Submit Enquiry and Feedback Form'. It has a section 'Enquiry & Feedback Details' with a radio button for 'Enquiry / Feedback Type *' set to 'Case Related' and 'Non-case Related'. Below this are input fields for 'Case *', 'Subject *', and 'Comments *'.

(e) You can update your particulars (via "Update Particulars").

The screenshot shows a form titled 'Update Particulars'. It contains several input fields with labels: 'NRC *', 'Solicitor Name *', 'Email Address *', 'Gender *', 'Date of Birth', 'Date Admitted to LAG', 'Admission No *', and 'Tel No *'. The 'Solicitor Name' field contains 'MR' followed by a redacted name. The 'Gender' field has radio buttons for 'Male' and 'Female'. The 'Date of Birth', 'Date Admitted to LAG', and 'Admission No' fields are redacted. The 'Tel No' field contains '12345678'.

At this page, you can also indicate your preferred contact mode (email and/or SMS) and you will be alerted via the modes indicated when you receive notifications in the Assigned Solicitor's Portal. It is important that you update your preferred areas of practice and language preferences. This is because the information is necessary for the system to broadcast and assign cases to you.

V. **THE ASSIGNED SOLICITOR'S ROLE AFTER RECEIVING A CASE**

A. **Documents To Receive And Stay Of Court Proceedings**

Q: What will I receive when a case has been assigned to me?

A: You will receive the following via the Assigned Solicitor's Portal:

- (a) An assignment package consisting of documents relevant to the case for your retention;
- (b) A letter of assignment explaining what you are supposed to do for the case. If there are ongoing court proceedings and if the Board has not granted legal aid yet, the PGA number will be stated in the letter. If the Board has granted legal aid, then the GA number will be stated in the letter. A hard copy PGA or GA will be issued for cases that are manually filed; and
- (c) A sample format of the legal opinion.

Q: Who can I contact if I have any queries regarding the case?

A: You may submit your queries through the Assigned Solicitor's Portal via the "Submit Enquiry and Feedback" function. For urgent queries, you may contact the EAU, the contact details of which are also provided in the letter of assignment. If you see instructions in these FAQs to inform or seek permission of the Director for various matters, it means

that you should write to Manager, EAU, who will then liaise with the Director.

Q: What will the letter of assignment state?

A: It will state:

- (a) That you are to investigate the case before preparing a legal opinion to be submitted to the Board (a PGA number will be stated if there are ongoing proceedings); or
- (b) That the Board has decided to grant legal aid, and that you are to proceed with the case (a GA number will be stated if there are ongoing proceedings or if the Applicant pays the contribution in full).

For cases that require manual filing, a hard copy GA or PGA will be issued. These will not have any identifying number.

Q: What is the legal significance of the GA and the PGA?

A: By virtue of the GA or the PGA, the Applicant becomes an aided person, and the Applicant is entitled to all the privileges and subject to all the obligations under the Act and Regulations in relation to aided persons.

Q: What is the difference between the GA and PGA?

A: The GA is issued after the Board has granted legal aid, while the PGA is issued before the Board has granted legal aid and if there are on-going court proceedings for a particular case, or where court proceedings need to be commenced urgently. The PGA has a limited validity period and is meant for you to represent the Applicant in court proceedings until legal aid is granted by the Board and the GA is issued. Once you have filed the PGA together with your Notice of Appointment of Solicitors,

you may proceed to represent the Applicant in court and file any court documents in the proceedings.

Q: What is the validity period of the PGA?

A: Under r 7 of the Regulations, the PGA shall remain in force for a maximum period of 3 months from the date stated on the PGA or such further period not exceeding 3 months as the Director may allow, and it shall cease to have any effect at the end of this period. This means that the Applicant will no longer be legally aided at that point in time. Nonetheless, the Director may extend the validity of the PGA by 1 or more further periods not exceeding 3 months each.

Q: What happens if the PGA is about to expire and I have not completed my investigation?

A: You should inform the Director and request for an extension of the validity of the PGA. If the PGA has already been extended once, you will need to submit an Opinion at least 2 weeks before the expiry of the extended PGA stating the reasons why the PGA needs to be further extended, and the length of time for which you think the PGA should be extended for.

Q: What should I do if I need to file court documents in -eLitigation?

A: The steps for filing are as follow:

- (a) Check that the court documents state “Legal Aid” at the top right of their first pages;
- (b) When filing the Notice of Appointment of Solicitors, under the section “Legal Aid Certification”, select “Yes” to the question “Does this person have a GA/PGA from LAB?”; and
- (c) Select the GA/PGA number which appears on the dropdown list.

Party Details

File Reference Number:

Check here to add Capacity details:

Occupation*:

Dialect Group:

Nationality*: Religion*:

Race*:

Place of Birth:

Date of Birth*:

Is the Person disabled?*: Yes No Marital Status before Current Marriage*:

Education Level*:

Legal Aid Certification

Does this party have a Grant of Aid or Provisional Grant of Aid from the Legal Aid Bureau? Yes No

Reference No:

Contact Information

If you have selected “Yes”, but no GA/PGA number appears, please STOP e-filing immediately. Call CrimsonLogic (68877222) to lodge a report and obtain a ticket number. Thereafter, email EAU with the ticket number and we will follow up with CrimsonLogic. Please note that if you do proceed to file without the GA/PGA number having appeared, you will be charged filing fees. The court does not refund mistakenly paid filing fees for legally aided cases. The Bureau is unable to reimburse these fees too.

Q: Is there a stay of proceedings after an application for legal aid has been received?

A: Under s 17(1) of the Act, where court proceedings have commenced and any party applies for legal aid, the Director shall, as soon as practicable after the application is made, notify the other party or each of the other parties of this fact, and file with the court in which the proceedings are pending, a notification in a prescribed form.

S 17(2) of the Act states that, subject to certain restrictions, upon the filing of the notification, unless otherwise ordered by the court before which the proceedings are pending, all steps in the proceedings shall be stayed for a period of 14 days after the date on which the

notification is filed, and during that period (unless otherwise ordered by the court) time fixed by or under any law for the doing of any act or the taking of any step in the proceedings does not run.

B. Investigating The Case, Gathering Evidence, And Preparing Your Legal Opinion

1. Scope Of Investigation

Q: What am I supposed to do in order to prepare my legal opinion?

A: The case should be handled in the same way as you would handle your own private cases. You should investigate the facts of the case and do the necessary legal research. You should consider whether the Merits Test is satisfied.

It is extremely important for you to check whether the case will be time-barred by a certain date. If the time bar is approaching, you should inform the Director of this, and you should expedite the preparation of your legal opinion, so that there will be sufficient time to start proceedings against the other party if legal aid is granted. You may request for a PGA to be issued to you for the purposes of filing a protective Writ.

You will need to contact the Applicant to attend at your office for an interview. You may require the Applicant to produce certain relevant documents such as medical reports. You may also require the Applicant to take certain actions in relation to his or her proceedings. If the other party to the proceedings is represented, you may need to contact and deal with the opposing solicitor. You will need to represent the Applicant in court if necessary.

Under r 12(2) of the Regulations, you may, if necessary, apply to the Director to:

- (a) Add any further party to the proceedings;
- (b) Request any record of any proceedings;
- (c) Lodge any interlocutory appeal;
- (d) Instruct more than 1 solicitor;
- (e) Set-up or set-off any right or claim having the same effect as a cross-action (other than a counter-claim or set-off arising out of the same transaction and capable of being pleaded as a defence) or reply to any right or claim so set-up or so set-off by any other party.

Q: If I discover during my investigation that more than 1 cause of action is present, what should I do?

A: Under r 5(2) of the Regulations, a GA shall not relate to more than 1 action, cause or matter. You should inform the Director accordingly and inform the Applicant that he will have to come to the Bureau personally to make a separate application for legal aid in relation to the other cause of action.

Q: If I discover during my investigation that there are additional persons who should be proper parties to the case, what should I do?

A: You should inform the person who should be a party to the case to make a separate application for legal aid and you should not assist him until he has done so.

Q: Am I supposed to investigate the means of an Applicant?

A: You do not have to investigate the means of an Applicant. However, if you come across additional facts which suggest that the Applicant may not satisfy the Means Test, you should bring them to the attention of the Director.

Q: If during my investigation I discover additional information showing that the Applicant has not passed the Means Test, or that the Applicant has made a false statement with regard to his/her application, what should I do?

A: You should inform the Director, who will decide what further action should be taken with regard to this matter. Under s 21 of the Act, a person is guilty of an offence and may be prosecuted for it if he:

- (a) Knowingly makes any false statement or representation in his application for legal aid;
- (b) Fails to make full and frank disclosure of his means; or
- (c) Fails to inform the Director of any changes to his means or circumstances which may render him ineligible for aid.

2. *Obtaining Expert Evidence*

Q: Can I obtain a report or opinion from an expert or require the tendering of expert evidence?

A: You may apply to the Director for authority to do this if it is necessary for the proper conduct of the proceedings (r 12(4) of the Regulations).

Q: Who is responsible for paying for the production of certain documents such as medical reports and expert opinions?

A: The Applicant is generally responsible for paying for such documents. If the Applicant claims that he/she finds it impossible to do so, you should refer the matter to the Director. Subject to the Director's approval, the Bureau may assist the Applicant in paying for such documents first on a case-by-case basis upon an undertaking given by the Applicant to reimburse the Bureau subsequently for the sums paid. Please also refer to the subsequent question.

Q: If, in a certain case, there is a payment that the Bureau has earlier agreed to make to a third party (for example, to a doctor, for providing a medical report) on behalf of the aided person, what should I do?

A: Where the Bureau has agreed to make payment to a third party on behalf of the Applicant, the Bureau will, in most cases, send a letter to the third party directly to confirm this. The letter will contain instructions to the third party regarding how to e-invoice the Bureau. You may be copied in this letter to the third party. If the third party nevertheless addresses the invoice to you, please inform the third party to follow the instructions in the Bureau's letter to them or otherwise address the invoice to the Director. The Bureau will process the payment to the third party accordingly upon receipt of the invoice.

Q: What should I do if I am of the view that certain acts should be done for the proper conduct of the proceedings, but such acts are unusual or involve unusually large expenditures?

A: Examples of such acts include obtaining handwriting analysis reports and reports of other experts, and instructing and obtaining legal opinions of foreign solicitors in cross-border cases. Under r 12(6) of the Regulations, you need to seek the Director's approval to carry out these acts.

3. *Preparing The Legal Opinion*

Q: How much time do I have to prepare and submit my legal opinion?

A: You have 1 month from the time you receive the case to prepare and submit your legal opinion. However, in unusual circumstances, if you need more than 1 month, you should inform the EAU and keep us informed of the progress of the case (r 12(10) of the Regulations).

Q: What information should be included in my legal opinion?

A: A sample opinion will be sent to you together with the letter of assignment. In general, you should:

- (a) State the purpose of the GA;
- (b) State the name of the parties to the proceedings, including the opposing party;
- (c) State the relevant facts of the case, the applicable law, and the legal issues;
- (d) State your views of the merits of the case, that is, whether the Applicant has a reasonable chance of succeeding in the proceedings;
- (e) State the course of action to be taken;
- (f) Attach all relevant documents (for example, medical reports, expert opinions, court documents) with your legal opinion if necessary ; and
- (g) State your recommendation whether legal aid should be granted.

You do not need to investigate the Applicant's means. Therefore, you should not raise facts relating to the Applicant's means in your legal opinion. These facts (if any) should be brought to the attention of the Director separately.

Q: Can I disclose everything that the Applicant tells me in my legal opinion or in other ways to the Bureau, even things which he tells me to keep confidential from the Bureau?

A: Under s 4(4) of the Act, you shall not be precluded, by reason of any privilege arising out of the relationship between solicitor and client, from disclosing to the Director any information, or from giving any opinion which may enable the Director to perform his functions

under the Act. This includes any information or opinion which may be reasonably taken into account by the Director or the Board in determining whether to refuse or cancel legal aid to an Applicant. You should inform the Applicant that nothing pertaining to a case may be kept confidential from the Bureau.

Q: Can I give the Applicant or a third party a copy of my legal opinion?

A: Please note that the legal opinion is a confidential document meant solely for the consideration of the Board. It should not be given to the Applicant or any other party.

VI. AFTER THE ASSIGNED SOLICITOR HAS SUBMITTED HIS OR HER LEGAL OPINION TO THE LEGAL AID BOARD

Q: What decision(s) may the Board make after considering my legal opinion?

A: As mentioned earlier, the Board may decide to grant legal aid, refuse legal aid, or defer the decision whether to grant legal aid pending further investigations in relation to the case.

Q: How will I know the Board's decision?

A: The Bureau will write to you to inform you of the Board's decision. You may also check the outcome of the Board Meeting via the Assigned Solicitor's Portal.

A. Legal Aid Granted

Q: What will I receive after legal aid has been granted?

A: You will receive:

- (a) A letter from the Bureau informing you that the Board has decided to grant legal aid;
- (b) The GA number if there are ongoing court proceedings or if the Applicant has paid the contribution in full; and

- (c) For cases that require manual filing, we will issue a hardcopy GA or PGA that do not have identifying numbers.

Q: What should I do with the GA?

A: For matters that are filed via e-Litigation, you should reference the GA or the PGA to the relevant case in e-Litigation under the party details. For matters that are manually filed, you should file the GA or PGA. You should also file your Notice of Appointment/Change of Solicitors concurrently. Both documents should be served on all relevant parties to the proceedings. **As the GA is for a specific purpose, it cannot be used for any other course of action or in any other proceedings apart from that which is specifically stated in the document.**

Q: Is the Applicant required to pay any contribution after legal aid has been granted?

A: By virtue of s 22A of the Act, the Director may require an Applicant for legal aid to make 1 or more contributions in a lump sum or by instalments in respect of any matter for which an application for legal aid has been made by that Applicant. The contribution payable is assessed based on the Applicant's financial means, the complexity of the Applicant's case, the amount of work that has or will be done for his case, and the amount of money recovered for the Applicant.

This contribution is different from the fees that you as an Assigned Solicitor is entitled to receive for representing the Applicant. The Assigned Solicitor's fees will be discussed later in this guide.

Q: Am I involved in the assessment and collection of contribution?

A: You do not need to be concerned with the issue of contribution. The Bureau will assess how much an Applicant has to pay, write to the Applicant to inform him/her of the amount, collect it from the

Applicant, as well as monitor whether the Applicant has paid. However, in non-urgent cases (where the Applicant does not need urgent representation in on-going court proceedings), the GA will only be issued to you when the Applicant pays the contribution assessed in his matter. As mentioned earlier, for manual filing cases, the GA will be issued in hard copy.

B. Legal Aid Refused

Q: What happens after the Board has refused to grant legal aid?

A: The Bureau will inform you and the Applicant in writing that legal aid has been refused.

Q: What am I supposed to do after the Board has refused legal aid?

A: If there are court proceedings and the GA/PGA has been filed, you should close your file and let us have your draft bill for our approval, if any, for work done. The Bureau will file the form stating that legal aid has been cancelled.

C. Legal Aid Deferred

Q: In what circumstances will the Board defer making the decision whether legal aid should be granted?

A: The Board may be of the opinion that it requires additional information before making a decision. The legal officer in charge of the case will write to you to inform you of the Board's opinion. Once you have conducted further investigations, and obtained the relevant additional information, you should prepare a further legal opinion within 1 month for the Board's consideration.

D. Legal Aid Cancelled

Q: Once legal aid is granted, can it be cancelled?

A: Under certain circumstances stipulated under r 8 of the Regulations, legal aid may be cancelled by either the Director or the Board.

VII. THE ASSIGNED SOLICITOR'S ROLE AFTER LEGAL AID HAS BEEN GRANTED

A. Responsibility Towards The Applicant And Conduct Of Proceedings

Q: What is my responsibility towards the Applicant after legal aid has been granted?

A: A solicitor-client relationship exists between you and the aided person (s 22(1) of the Act). You have the responsibility to act for the Applicant as if the Applicant is your private client, until the proceedings are complete. The Applicant has the same legal privileges and rights in relation to you as a private client has in relation to his solicitor¹⁰.

Q: How often does the Bureau expect to be updated about the status of the case?

A: You should keep the Bureau informed of the progress and disposal of the case as the Director may from time to time require (r 12(10) of the Regulations). You are encouraged to do so via the Assigned Solicitor's Portal. You may also do so by writing to the EAU directly, or by copying the relevant letters (sent to the Applicant, other parties, the other party's solicitors, or the courts) to the EAU. Generally, if we do not hear from you for a period of 3 months, you will receive a reminder, via the

¹⁰ S 22(1)(b) of the Act.

Assigned Solicitor's Portal, for a status update. You may also receive calls from the EAU to enquire on the status of case.

Q: Do I need to keep the Applicant updated about the status of the case?

A: The Bureau will refer all of the Applicant's queries to you, so you should keep the Applicant informed of the progress of the case periodically.

Q: How can the Bureau assist me in the conduct of the cases?

A: The Bureau provides the services of Commissioners for Oaths ("CFOs") for affirmation of affidavits of Applicants, Assigned Solicitors, witnesses or medical practitioners in relation to assigned matters. If you need the services of our CFOs, you may contact the EAU to make arrangements. Please note that a prior appointment must be made with the Bureau before an Applicant can attend the Bureau to affirm his or her affidavit. Alternatively, you may send the Applicant to any of our volunteer CFOs. However, please make a prior appointment.

The Bureau can also assist in conducting Title Searches, Bankruptcy, Company and Business Entities, Biznet, OPG Registry Searches, Wills Registry Searches and IPTOBIS Searches that are required for the conduct of assigned cases.

Q: What happens if I change law firms and wish to continue with my assigned cases?

A: Please e-mail EAU immediately. Please let us know all the active cases you are handling as we will have to issue a new GA or PGA to you in the name of the current law firm. Please also update your particulars with CrimsonLogic so that you will be able to e-file the re-issued GA or PGA in your current firm.

Q: What happens if I change law firms and become unable to continue with my assigned cases?

A: Please e-mail EAU immediately. Please let us know all the active cases you are handling and the status of court proceedings as well as the next hearing date. If your colleague in the same firm who is also an AS would like to take over your cases, let us know so that we can make the re-assignment as well as issue a new GA or PGA in your colleague's name.

B. Circumstances When An Assigned Solicitor May Be Discharged

1. Applicant Applying To Discharge His Or Her Assigned Solicitor

Q: Can an Applicant request to discharge his or her Assigned Solicitor?

A: Under s 15(1) of the Act, an Applicant cannot discharge his/her Assigned Solicitor without leave of the Director. A change of Assigned Solicitors will usually not be encouraged once legal aid has been granted as it will slow down the completion of the proceedings and lead to an increase in the costs incurred on behalf of the Applicant. However, if an Applicant has good reasons for wishing to do so, the Applicant should first seek the Director's approval. The Bureau will inform you of the Applicant's wishes and seek your views.

Q: What should I do after the Director has given approval?

A: The Applicant's new solicitor must file a Notice of Change of Solicitor in Form 139 (O 64 r 1 of the Rules of Court). Close your file and let us have your draft bill for our approval, if any.

2. Applicant Applying To Act In Person

Q: What should I do if the Applicant wishes to act in person?

A: Please inform the Bureau. If a GA has been filed, the Bureau will cancel the GA. Please also prepare the Notice of Intention to Act in Person in Form 140 (O 64 r 3 of the Rules of Court), and inform the Applicant to file it in court. Close your file and let us have your draft bill for our approval, if any.

3. *Applying To Discharge Yourself*

Q: Am I allowed to discharge myself from acting for the Applicant?

A: In some instances, you may face difficulties in acting for the Applicant. For example, you may not be able to contact the Applicant despite numerous attempts, the Applicant may fail to attend appointments at your office, or the Applicant may not turn up in court. Other examples include the Applicant refusing to cooperate with you or comply with your instructions without good reasons, or being rude or unreasonable towards you.

You should try to act for the Applicant to the extent that you reasonably can. If, however, you are of the view that you are unable to continue acting for the Applicant, you must obtain the leave of the Director before discharging yourself from acting for the aided person. You should inform the Director of the reasons by fax/email and seek the Director's leave to be discharged under s 15(2) of the Act.

Q: For what reasons can I seek leave of the Director to discharge myself?

A: You have the right to discharge yourself from acting for the Applicant for a good reason (r 12(7) of the Regulations). In particular, you may seek to discharge yourself for the following reasons:

- (a) That the Applicant has required you to conduct the proceedings in such a manner so as to incur an unjustifiable expense to the Legal Aid Fund;

- (b) That the Applicant has unreasonably insisted on the continuance of the proceedings;
- (c) That the Applicant has wilfully failed to provide any information required by you; or
- (d) That the Applicant, in furnishing the information, has knowingly made a false representation.

If an Applicant has been uncooperative, dishonest, unreasonable, or unresponsive, you may propose that the GA or PGA be cancelled. If you are of the view that the GA or PGA should be cancelled, you must submit a confidential opinion for the consideration of the Board, stating your reasons for proposing a cancellation of aid.

Q: What must I do after the Director has approved my request to discharge myself?

A: If there are no court proceedings, inform the Applicant in writing that you have obtained the Director's approval to discharge yourself, before closing your file and sending us your draft bill for our approval, if any.

If there are court proceedings, you should do the following:

- (a) Apply to the court for an order declaring that you have discharged yourself (O 64 r 5(1) of the Rules of Court);¹¹
- (b) Extract the court order and serve it on all the relevant parties including the Bureau; and
- (c) Close your file and send us your draft bill for our approval, if any.

¹¹ This is not required where the GA or PGA has been cancelled.

4. *Cancellation Of Legal Aid*

Q: Can the GA be cancelled?

A: By virtue of s 10(1) of the Act, the Director may, at any time, cancel any GA and the person to whom the GA was issued shall, as from the date of the cancellation, cease to be an aided person. The Bureau will inform you and the Applicant in writing that the GA has been cancelled.

Q: For what reasons may the Director cancel the GA?

A: Under r 8 of the Regulations, the Director may cancel the GA for the following reasons:

- (a) At the request of the Applicant;
- (b) Where the Applicant has been required to make:
 - (i) a contribution under s 22A of the Act,
 - (ii) a deposit in respect of out-of-pocket expenses under s 13(1) of the Act, or
 - (iii) a repayment of any amount expended or advanced by the Director to meet out-of-pocket expenses under s 13(5) of the Act, and any payment in respect thereof is more than 30 days in arrears;
- (c) If the Director is satisfied that the proceedings to which the GA relates have been disposed of;
- (d) Where the Board is satisfied that the Applicant has required the proceedings to be conducted unreasonably so as to incur an unjustifiable expense which will be paid out of moneys in the Legal Aid Fund or has required unreasonably that the proceedings be continued;
- (e) If the Director is satisfied that the Applicant has wilfully failed to comply with the Regulations as to information to be furnished by the Applicant, or, in furnishing such information, has knowingly made a false statement or representation;

- (f) If the Director is satisfied that that Applicant has failed the Means Test;
- (g) If the Board receives information that the Applicant no longer has any reasonable grounds for continuing the proceedings, or that it is unreasonable for the Applicant to continue receiving legal aid;
- (h) If the Director is satisfied that the Applicant has died or has had a receiving order made against the Applicant; or
- (i) If the Director is satisfied that the Applicant has breached any terms upon which a GA was issued to him or her.

Q: What should I do if I am of the view that aid should be cancelled?

A: Under r 8(2) of the Regulations, the Applicant must be given a chance to show cause as to why the GA should not be cancelled. Please inform the Bureau of the reasons why you think aid should not continue to be extended to the Applicant via the Assigned Solicitor's Portal or by way of letter. Please enclose all relevant correspondence or other records between yourself and the Applicant. If the Applicant is uncontactable, please state your attempts to contact the Applicant (telephone, SMS, email or letter) including the dates and the outcome. The Bureau's legal officer will write to the Applicant accordingly, asking the Applicant to show cause why he or she thinks legal aid should not be cancelled. Your opinion and the Applicant's response will be submitted to the Board. If the Board agrees that aid should be cancelled, we will inform you and the Applicant in writing. We will also cancel the GA if it has been filed.

Q: What should I do after being informed of the Director's decision to cancel aid?

A: You should:

- (a) Close your file and send us your draft bill for our approval, if any;

- (b) Inform the Applicant of the date of his or her next upcoming court attendance, if any; and
- (c) Inform the Applicant that her or she is no longer legally aided and he or she will be personally responsible for the conduct of proceedings and payment of costs.

Q: What is the legal effect after the GA has been cancelled?

A: Under s 10(3) of the Act, all proceedings in the litigation shall be stayed for a period of 14 days and, during such period, time fixed by or under any law for the doing of any act or the taking of any step in the proceedings shall not run. Under r 9(2) of the Regulations, the retainer of the Assigned Solicitor shall forthwith determine.

Q: What should I do if an angry Applicant comes to my office complaining that aid has been refused or cancelled?

A: Explain to the Applicant that the decision to refuse or cancel legal aid was made by the Board and not yourself. Refer the Applicant to the Bureau and our officers will speak with the Applicant.

C. Protection Orders Under Part VII Of The Women’s Charter, And Maintenance Orders Under Part VIII Of The Women’s Charter

Q: What requirements should I be aware of when dealing with these cases?

A: Protection Order cases and Maintenance Order cases under the Women’s Charter (Cap. 353) are governed both by the Family Justice Rules 2014 and the Criminal Procedure Code (Cap. 68) (s 79 of the Women’s Charter).

Most court documents for these cases are currently manually filed, with the exception of the administrative court documents, such as Notice of

Appointment of Solicitor, Affidavit of Service, Request for a copy of Court Document(s), Request to re-fix hearing date, etc., which are filed through iFAMs. Please file the Notice of Appointment of Solicitors after receiving the GA or the PGA from the Bureau, and manually serve it on all relevant parties to the proceedings. You will be prompted to tag the GA/PGA at end of the submission of the Notice of Appointment of Solicitors in iFAMs so that there will be no filing fees from thereon. If the GA or PGA is not filed, the court may order the Applicant to pay costs and filing fees at the end of the proceedings. If a GA or PGA is cancelled, the EAU will help file a Notice of Cancellation and serve it on the relevant parties.

D. Completion Of Duty Towards An Applicant

Q: At which point in time will I complete my duty towards the Applicant?

A: Unless legal aid was cancelled or refused by the Board before the court determined the matter, your duty ends only after the court proceedings have been completed. This may be after the court has made an order, or when the parties have settled the matter out of court, or have withdrawn or discontinued the court proceedings. Please serve the Order or Judgment on all relevant parties to the proceedings, including the CPF Board and the HDB, where relevant. If there are no court proceedings, your duty will be completed when parties reach an agreement or settlement, or if the Applicant or the other party, as the case may be, decides not to pursue the matter any further.

VIII. THE ASSIGNED SOLICITOR'S ROLE AFTER THE COMPLETION OF PROCEEDINGS

Q: What should I do after the completion of proceedings?

A: Once the proceedings are completed, you should immediately inform the Applicant of the outcome of the cases, of his or her right to appeal should he or she be unsatisfied with the outcome, and the timelines for appealing. You should also send, via the Assigned Solicitor's Portal, a set of cause papers and a written update of how the proceedings were concluded and on what terms to the Bureau. You may send us your draft bill for our approval, if any.

You should not hand over any documents, including orders of court, relating to the proceedings to the Applicant without the Bureau's permission. This is because the Applicant will generally have to settle all outstanding contribution payments owing to the Bureau before the documents may be released to him or her. Inform the Applicant that the Bureau will contact him or her to collect the documents.

However, you must serve orders of court on the other party and any other relevant authority (e.g. Central Provident Fund Board, Housing & Development Board).

Q: Why should I send the Order to the Bureau?

A: If the Applicant approaches us for a copy, we will be able to give a copy to the Applicant directly without referring the Applicant to you.

IX. THE ASSIGNED SOLICITOR'S ROLE WHEN THE APPLICANT WISHES TO APPEAL OR WISHES TO ENFORCE/ EXECUTE A JUDGMENT

Q: The Applicant I represented at first instance wants to appeal the decision. What do I do?

A: You should:

- (a) Inform the Applicant in writing that he/she needs to attend at the Bureau and apply for aid in respect of the appeal. This is because this is a fresh

matter and the merits of the intended appeal needs to be considered by the Board.

- (b) For all civil matters, inform the Applicant that he/she should attend at the Bureau at least **5 working days** before the expiration of the deadline for filing the Notice of Appeal so that there is sufficient time for the Bureau to respond. If there are less than 5 working days before the expiration of the deadline for filing the Notice of Appeal, please inform the Applicant to file the Notice of Appeal himself/herself before attending at the Bureau to apply for aid in respect of the appeal matter.
- (c) For Syariah Court matters, if there are at least 7 working days before the deadline of filing the Notice of Appeal, inform the Applicant to attend at the Bureau for assistance. In all other cases, please ask the Applicant to file the Notice of Appeal on his/her own before attending at the Bureau to apply for legal aid in respect of the appeal matter.
- (d) Send a copy of the relevant order to the Bureau immediately, and also inform the Bureau briefly whether you think there are merits to the Applicant's intended appeal. You may inform the Bureau by way of letter, email, telephone call, or through the Assigned Solicitor's Portal.
- (e) Your brief views on the merits of the intended appeal should reach the Bureau before the Applicant attends at the Bureau so that we may address the matter appropriately.

Q: If I represented the Applicant at first instance, must I represent the Applicant in the appeal as well?

A: The Bureau usually asks the Assigned Solicitor who acted at first instance to also conduct the Applicant's appeal. However, if you do not wish to represent the Applicant for the appeal, please inform the Bureau, with your reasons, through the Assigned Solicitor's Portal.

Q: What happens after an appeal file has been assigned to me?

A: The procedure is the same as that for any other file. As appeal files are usually ongoing matters, a PGA will usually be issued to you to enable you to continue representing the Applicant.

Once the PGA is issued to you, you should take all necessary steps to protect the Applicant's interests in the matter, such as by filing the necessary Appellant's/Respondent's Case and bundles.

You should render your opinion within 1 month of accepting assignment of the file, as with any other case. The Bureau will then ensure that your opinion is placed before the Board for its consideration as to the merits of the matter, and inform you accordingly of the Board's decision.

Q: What happens if the Board decides that legal aid should not be granted?

A: The Bureau will inform you and the Applicant in writing that legal aid has been refused. You should:

- (a) Inform the Applicant immediately that he/she will not be legally aided for the purpose of the appeal, and the Applicant will be fully and personally responsible for the conduct of the appeal;
- (b) Inform the Applicant of the next upcoming court attendance or deadline; and
- (c) Inform the Applicant that, since he/she is not legally aided, he/she will be liable to provide security for costs.

Q: What requirements should I be aware of for Maintenance of Parents Tribunal appeal matters?

A: Appeals from decisions of the Maintenance of Parents Tribunal are governed by Division 55 of the Family Justice Rules 2014.

If legal aid is granted for these appeals, you should file the GA after receiving it. This is because if the GA is not filed, the court may order the Applicant to pay costs at the end of the proceedings.

If the GA is cancelled, EAU will file a Notice of Cancellation and serve it on all relevant parties to the proceedings.

Q: What should I do if the Applicant wishes to enforce/execute a court judgment/order?

A: You should not act for the Applicant. Instead, you should inform the Applicant to make a fresh application for legal aid. Please note that under s 12(4) of the Act, if legal aid is granted to an Applicant to enforce/execute a court judgment/order, he shall not be liable for court fees or for such fees payable for the service of process or for any fees due to the Sheriff in connection with the execution of process. However, please inform him that he may be liable for other fees or disbursements incurred during the enforcement/ execution process, for example, auctioneers' fees.

X. FINANCIAL MATTERS TO TAKE NOTE OF WHEN DEALING WITH LEGAL AID CASES

A. Filing Fees

Q: Do filing fees have to be paid for legal aid cases?

A: No, court filing fees for all legal aid matters are waived. In order for the case to qualify for the waiver, you should:

- (a) Indicate "LEGAL AID" on the top right-hand corner of the first page of every document that you file in court and
- (b) File the GA/PGA issued by Bureau. For proceedings filed using e-Litigation, please reference the GA/PGA number. For proceedings filed manually, please file the hard copy GA or PGA

as you would any other document in those proceedings. The GA/PGA is usually filed together with the Notice of Appointment/Change of Solicitors at the beginning of the proceedings when you are assigned to act for an Applicant in an on-going matter.

Once the GA/PGA have been properly referenced, the fees should be automatically waived at the last step of e-filing. All documents which are filed in compliance with the above will qualify for full waiver of court filing fees.

B. Party And Party Costs

Q: Is the Applicant entitled to receive costs?

A: If all parties to the action are legally aided, no party is entitled to costs, save in exceptional circumstances. If there is a non-legally aided party to the action, the aided party is entitled to costs as if he or she were not an aided person. However, the costs are payable to the Director, and not to the aided party. The costs orders are taken into consideration by the Bureau in deciding whether to reduce the amount of contribution payable by the aided person.

Q: To whom should costs in favour of the Applicant be made payable?

A: All costs orders in favour of an Applicant who was legally aided in the proceedings are payable to the Director. When seeking costs orders, please ensure that the Order of Court also states that the costs are payable to the Director. Please send the costs that you receive from the other party or parties to the Bureau.

Q: Is the Applicant liable to pay costs?

A: Generally, no. An Applicant who was legally aided in the proceedings is not liable for costs. However, an Applicant may be liable for costs in exceptional circumstances, which are exhaustively set out in s 14 of the Act:

- (a) Where the court is of the view that the GA was obtained by fraud or misrepresentation;
- (b) Where the court is of the view that the Applicant acted improperly in bringing or defending any legal proceedings; or
- (c) Where the court is of the view that the Applicant acted improperly in the conduct of his or her case.

Where the court is of the view that such exceptional circumstances exist, the court may order any or all of the following costs to be paid by the Applicant:

- (a) The solicitor-client/party-and-party costs of his/her own representation in court; and/or
- (b) The solicitor-client/party-and-party costs of the other party or parties to the action.

C. Moneys Received On Behalf Of An Applicant

Q: What should I do with moneys received on behalf of an Applicant?

A: Generally, if any party is supposed to pay money to an Applicant as a result of a settlement or court order, you must ask the paying party to prepare a cheque in favour of the “Director of Legal Aid”, and then send the cheque to the Bureau when you receive it. No other party may give valid discharge for payment of these monies. If you receive moneys on behalf of an Applicant, you should send these moneys to the Director forthwith (r 14 of the Regulations).

As a matter of practice, the Bureau excludes the following sums from this rule:

- (a) Maintenance sums for legally aided wives and/or children, whether payable monthly or in a lump sum; and
- (b) Sums payable to an Applicant as his/her share of the matrimonial assets pursuant to an ancillary matters order in divorce matters.

D. Payment For Services Rendered By An Assigned Solicitor

Q: Can I receive any fee or reward from the Applicant?

A: No. Under s 12(5) of the Act, subject to ss 13 and 22A, you shall not take or agree to take or seek from an Applicant any fee, profit or reward (pecuniary or otherwise) in return for acting for him/her.

Q: How do I get paid for the services that I have rendered to the Bureau?

A: You should submit your draft bill of costs to the Bureau (but please ensure that the Judgment or Settlement sum/costs, if any, have been paid to the Bureau). The Bureau will liaise with you on the quantum of your draft bill to reach an agreement.

If the agreed draft bill (inclusive of disbursements and GST) is \$1,000.00 or less, please submit the e-invoice for your bill electronically via www.vendors.gov.sg. Do ensure that you date the invoice as the submission date on the AGD website, that is, do not backdate the e-invoice. Also, please select the credit terms as “30 days” and state the Bureau’s Case Reference number on the e-invoice.

If the agreed draft bill is more than \$1,000.00, it must be taxed. We will issue a fresh PGA in e-Litigation for you to tax the Bill of Costs by consent, and will usually request you to mention the case on our behalf. After taxation (the Bureau will not attend), please email/post the

Registrar's Certificate and the sealed copy of the Bill of Costs to the Bureau. Next, please submit the e-invoice for your bill electronically via www.vendors.gov.sg. Do ensure that you date the invoice as the submission date on the AGD website, that is, do not backdate the e-invoice. Please select the credit terms as "30 days" and state the Bureau's Case Reference number on the e-invoice.

You may contact EAU if you have further queries on e-invoicing in a particular matter.

At the close of the matter, you are encouraged to indicate on the Assigned Solicitor's Portal on whether:

- (a) You have submitted the bill;
- (b) You will be submitting the bill later; or
- (c) You are waiving your fees.

Q: What will I receive after taxation of my bill?

A: You will receive 50% of costs awarded in Sections 1 and 2 and 100% of disbursements claimed in Section 3. Please see r 15(1) of the Regulations on the costs payable to Assigned Solicitors after taxation.

The information provided in this guide is correct as of 22 October 2019.

The information given in this guide is not meant to be exhaustive.

In cases of doubt, please refer your queries to the Bureau.