

ANTHONY SMELLIE Q.C.

Acting Chief Justice

GRAND COURT PRACTICE DIRECTION NO. 1/97

In accordance with Rule 5 of the Legal Aid Rules 1997, I have established the following Forms to be used for the purpose of the rules -

1. Application for Criminal Legal Aid.
2. Statement Means.
3. Application for Civil Legal Aid.
4. Criminal Legal Aid Certificate.
5. Civil Legal Aid Certificate.
6. Bill of costs.

Copies of the Forms may be obtained from the Courts Office.

MADE this 1st day of April, 1997.

G.E. Harre
Chief Justice

Form No. 1

LEGAL AID RULES 1997

Application for Criminal Legal Aid

1. Name

2. Address

3. Have you already instructed an attorney? If so,

(a) Attorney's name

(b) Attorney's address

(c) Date upon which you instructed him

(d) Have you agreed to pay the attorney any fee?

4. The following documents are attached

(a) Copy charges/indictment

(b) Statement means form

5. Do you intend to plead guilty or not guilty to all or any of the charges?

I hereby apply for the grant of criminal legal aid in respect of the charges mentioned above on the grounds that I do not have the financial means to pay the cost of obtaining legal advice and representation.

I hereby certify that the information contained in the attached statement of means is true, accurate and complete.

Applicant's signature

Date

Form No. 2**LEGAL AID RULES 1997****Statement of Means**

1. Personal details

Name: Age: Address: Marital status: Married Single Divorced

2. Details of children:

Name	Age

3. Details of other dependents:

Name	Relationship

4. Details of employment:

Employer's name: Employer's Address: Your Job
Specification:

Amount of Wages: Work Permit No.

5. If unemployed:

Reason for unemployment:

Amount of pension (if any):

6. Details of land owned:

Registration details:	Registration Section	Block	Parcel
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Estimated value: Amount of Mortgage

7. Details of savings:

Name of bank:

Account Nos: Balance:

8. Details of monthly expenses:

Mortgage instalments:	
Rent:	
Utilities:	
Maintenance Orders:	
Loan instalments:	

9. Other relevant information:

A separate sheet may be used if necessary.

I declare that the details contained in this statement of means are true and accurate to the best of my knowledge and belief.

Applicant's signature

Date

Form No. 3

LEGAL AID RULES 1997

Application for Civil Legal Aid

1. Name

2. Address

3. Have you already instructed an attorney? If so, state -

- (a) Attorney's name
- (b) Attorney's address
- (c) Date upon which you instructed him
- (d) Have you agreed to pay the attorney any fee?

4. State full particulars of the proceedings which you intend to bring or which have been brought against you.

(a) Cause No.

(b) Opposing Parties

(c) Nature of Proceedings _____

5. The following documents are attached

- (a) Documents served on me by the Plaintiff/Applicant (if any)
- (b) A statement setting out the basis of my claim/defence
- (c) An attorney's opinion (if any)
- (d) Statement means

I hereby apply for civil legal aid to enable me to pursue the claim/defend the proceedings (**delete as applicable**) described above on the grounds that my case has merit and I do not have the financial means to obtain legal advice and representation. I hereby certify that the information contained in the attached statement of means is true, accurate and complete.

Applicant's signature

Date

Form No. 4

Criminal Legal Aid Certificate

1. Name

2. Address

3. Offenses (Specify below the Scheduled Offenses to which the certificate relates by reference to the charge numbers and/or the indictment number and the relevant counts in the indictment)

4. Attorneys

I hereby certify that the above mentioned person is entitled to obtain legal advice and representation in respect of the scheduled offenses specified above with effect from (specify the effective date which may not be earlier than the date upon which the applicant first instructed the attorney).

Judge/Magistrate

Date

CRIMINAL LEGAL AID CERTIFICATE**NOTES FOR THE GUIDANCE OF ASSISTED PERSONS**

1. Attorney

The Certificate specifies the attorney whom the assisted person is authorised to instruct. The assisted person may not instruct any other attorney without the Court's consent.

2. Proceedings

The Certificate specifies the charges in respect of which the assisted person is authorised to obtain legal advice and representation. The assisted person may not seek advice about other charges without first obtaining the Court's consent.

3. Contributions

If convicted of any of the charges specified in the certificate, the assisted person may be ordered to pay a contribution towards the cost of his legal representation.

4. Bail Applications

This certificate enables the assisted person to be represented on one bail application only unless with prior leave of the Court.

5. "Mentions"

This certificate does not authorise the assisted person to instruct an attorney to appear when his case is merely "mentioned" in Court.

6. Effective Date

This is the date from which the certificate is effective and may be backdated to the date upon which the assisted persons first instructed his attorney.

Form No. 5
Civil Legal Aid Certificate

1.	Name	<input type="text"/>
2.	Address	<input type="text"/>
3.	Attorney (See Note 1)	<input type="text"/>
4.	Proceedings (see Note 2)	<hr/> <hr/> <hr/> <hr/>
5.	Conditions (See Note 3)	<input type="text"/>
6.	Effective Date (See Note 4)	<input type="text"/>

I hereby certify that the above mentioned person is authorised to seek and obtain legal advice and representation in respect of the proceedings or intended proceedings described above, subject to the limitations and conditions specified above.

Judge of the Grand Court

Date

CIVIL LEGAL AID CERTIFICATE

NOTES FOR THE GUIDANCE OF ASSISTED PERSONS

1. Attorney

The Certificate specifies the attorney whom the assisted person is authorised too instruct. The assisted person may not instruct any other attorney without the Court's consent.

2. Proceedings

The Certificate specifies the proceedings or intended proceedings in respect of which the assisted person is authorised to obtain legal advice and representation. The assisted person may not seek advice about, commence or defence any other causes of action or proceedings without first obtaining the Court's consent.

3. Conditions

The Certificate specifies the limitations upon the assisted person's authority to seek legal advice and representation and the conditions, as to contributions and other matters, with which he must comply. Contributions may be expressed as a fixed sum or a percentage of the total cost or a combination of both and may be payable by means of a lump sum or by instalments.

4. Effective Date

This is the date from which the certificate is effective and may be backdated to the date upon which the assisted persons first instructed his attorney.

Form No. 6

Bill of Costs

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: ____ OF 19

[TITLE OF PROCEEDING]

Bill of Costs
to be Taxed Pursuant to The Legal Aid Rules 1997

Date	Item	Amount Claimed		Amount Allowed	
	<p>Instructions on behalf of [state name] pursuant to a legal aid certificate dated [state date]</p> <p>[Set out a general description of the proceedings, the cause of action and the outcome.]</p> <p>[Then set out each item of work, the date on which it was done and the time engaged.]</p> <p style="text-align: center;">TOTAL CLAIMED:</p> <p>Signature of Attorney:</p> <p style="text-align: center;">TOTAL ALLOWED</p> <p>Signature of Taxing Officer:</p>				

DATED this ____ day of _____, 19__

LEGAL AID TAXATION**NOTES FOR THE GUIDANCE OF ATTORNEYS**

1. Every bill of cost must be in Form No. 6. It must specify the legal aid certificate to which it relates; it must be stated in CI dollars; and it must be signed by the attorney named in the certificate or a partner of the firm named in the certificate. Any disbursement incurred in a foreign currency must be translated into CI dollars.
2. The introduction to the bill of costs should describe the nature of the proceedings and include a short summary of the plaintiff's cause of action, the defendant's case and the final outcome. The purpose of the introduction is to provide the taxing officer with a proper understanding of the proceeding without having to read the court file.
3. The main part of the bill of costs should comprise a detailed description of each item of work done; the date upon which it was done and the amount of attorney time expended in doing the work. Time spent by paralegals, secretaries and messengers is not chargeable. Such time is considered to be part of the attorney's overheads and is reflected in the hourly rate for work done by attorneys.
4. The applicable time unit is either 15 minutes for those attorneys using a manual time recording and accounting systems or 6 minutes for those attorneys using computerised time recording and accounting systems.
5. Whenever the item of work comprises the preparation or review of any pleading, affidavit or other document on the court file, it must be clearly described so that the taxing officer can easily identify it.
6. Time waiting at court in excess of an hour will normally be disallowed.
7. It is the duty of attorneys to maintain client files, timesheets and accounting records in a way which will enable them to produce a bill of costs expeditiously and economically. Time spent by attorneys in preparing a bill of costs will normally be allowed at half the hourly rate specified in rule 17.
8. Attorneys must be prepared to verify the content of bills of costs by reference to client files, timesheets and accounting records. All claims for disbursements, except telephone calls and photocopying charges, must be supported by receipts. Attorneys must be prepared to produce telephone bills if required to do so by the taxing officer.