



Panel of Counsel – Litigation purposes

The Director of Corporate Enforcement invites counsel who wish to express interest in being briefed by him for the purposes of litigation to submit their details using the [Application Form](#) for Nomination of Counsel. Expressions of interest are invited from counsel of upwards of two years standing.

The panel to be created of such counsel will replace the existing panel.

‘Litigation’ includes judicial proceedings before courts, tribunals or public authorities of any country or before international courts, tribunals or institutions. It also includes legal advice given in preparation for any of such proceedings, or where there is a tangible indication and high probability that the matter to which the advice relates will become the subject of such proceedings.

Counsel are briefed on the basis of the following:

1. Legislation and Policy
 - Article 10, EU Directive 24/2014
 - Regulation 10, S.I.284/2016
 - [Circular 05/2013](#) (footnote 2, page 1 of Circular)

Having regard to the above, the Director shall ensure that barristers retained by him in his official capacity to act on his behalf are chosen from amongst those barristers who have expressed interest to so act or advise, in such manner as to effect a distribution of such retainers amongst them that, in the opinion of the Director is fair and equitable, taking one year with another, having regard to their suitability in relation to any particular retainer, and to the public interest. The Director has a policy of distributing briefs among the widest possible number of barristers.

2. Quality of Service

Counsel who are instructed by the Director are required to do work of public importance. As with any State litigation, the outcome may have a major impact on the common good and on the taxpayer. The public interest, therefore, demands that counsel of high calibre be briefed and that the skills and experience individual counsel can offer are suitable to the brief.

The Director will review the list of counsel to be briefed every year. Counsel are welcome to provide the Office with updated forms from time to time, to assist the Office in identifying counsel with the level of skill and experience which we require.

3. Non-Discrimination

The Director briefs counsel without regard to gender, sexual orientation, race, disability, age, religious belief, marital/family status or membership of the Traveller community.

4. Value for Money

The Director's policy in briefing counsel is to ensure that counsel who are briefed who will provide a service of high quality which gives value for money.

Prior to the retention of counsel on behalf of the Office of the Director of Corporate Enforcement in the context of litigation, a [S. 150 notice](#), pursuant to the [Legal Services Regulation Act 2015](#), will first be required from counsel.

This notice will be reviewed regarding costs, or the manner in which costs will be charged. The Director requires agreement that fees requested will be on the most favourable terms reasonably obtainable. The Director will not discharge a fee note that is in excess of a reasonable rate. Mark downs will be sought where considered appropriate.

If counsel becomes aware of a factor which would be likely to make the legal costs significantly higher than originally indicated, he/she is required to provide the Director with a new [S.150 notice](#).