

Royal Court of Jersey

FD21/01

Practice Direction (Family Judges) Change of Legal Representative/Party Acting in Person

1. The court acknowledges that advocates may, at times, be embarrassed because parties fail to provide instructions or funds (or both) or are otherwise unable to continue acting.
2. Advocates are reminded that in line with the provisions of Royal Court Rule 20/4 and Rule 69 of the Matrimonial Causes Rules 2005, advocates remain on the record unless and until formal notice of change including a new address for service has been filed at court and served on all parties to the proceedings. This applies equally to applications under the Children (Jersey) Law 2002.
3. In circumstances in which counsel wish to be relieved of their duty to appear before the court, and their former client has failed to file and serve a notice of acting in person or instruct a new legal representative, advocates are required to file an application (usually on notice to their client only) requesting that the court discharges them from their obligation to appear before the court or otherwise remain on the record.
4. Such an application should be filed in Form 15 or Form C2. The court will waive any stamp duty payable for such an application. The court will do whatever it can to ensure that any hearing required is listed at the earliest opportunity, subject to court being satisfied that at least two clear days' notice has been given to the former client concerned.
5. If advocates are able to secure their former client's agreement to file and serve a notice of acting in person, which must always include an address for service, advocates will be relieved of the obligation to make an application to the court.
6. For the avoidance of doubt, until a notice of change of advocate or notice of acting in person is filed and served or the court discharges the advocate from their duty following an application, the court will treat the advocate on record as the address for service (and expect counsel to appear at any scheduled court hearings until they are released in accordance with this practice direction).

This Practice Direction will come into force with immediate effect.

14 July 2021