# Brief and handover to counsel

**VLA staff lawyers** must complete this Brief and Handover to Counsel for all contested committals and criminal trials.

VLA highly recommends **private practitioners** complete this Brief and Handover to Counsel for all contested committals and trials.

### Major Criminal Cases Framework

A major criminal case includes major criminal trials (criminal trials that are likely to last more than 15 days, including severed trials less than 15 days that collectively equate to more than 15 days) and contested committals beyond 4 days.

### Mandatory requirements under the Major Criminal Cases Framework

Practitioners must ensure all of the information required below under *Contents of brief for contested committal and Contents of brief for trial* is included in the Brief and Handover to Counsel for contested committals beyond 4 days and major criminal trials.

Practitioners are not required to submit a Brief and Handover to Counsel to Victoria Legal Aid under the Major Criminal Cases Framework, however, a copy must be kept on the practitioner’s file.

**Private practitioners** are not required to use this Brief and Handover to Counsel as long as all the information required below under *Contents of brief for contested committal and Contents of brief for trial* is included in the Brief and Handover to Counsel.

## Contents of brief for contested committal

**The Brief and Handover to Counsel must be provided to counsel within 14 days of the committal mention hearing.**

VLA requires the following to be included in the contents of Brief and Handover to Counsel for all contested committals:

1. Memorandum including documented brief analysis and case strategy.
2. Procedural history:
	1. Chronology of the case including interview, charge, remand and bail
	2. Negotiations with the prosecution. Include significant correspondence (including emails) between the parties.
3. Court documents including case direction notices, bail documents, other notices (tendency, coincidence, hearsay, prior sexual activity).
4. Brief of evidence including photographs, CD/DVDs and other exhibits.
5. Further disclosure via Form 32 process, subpoena or FoI.

## Contents of brief for trial

**The Brief and Handover to Counsel must be provided to counsel within 30 days of receipt of depositions or at least 30 days before the final directions hearing, whichever is sooner.**

VLA requires the following to be included in the contents of Brief and Handover to Counsel for all criminal trials:

1. Memorandumincluding documented Brief Analysis and Case Strategy (per above) and Committal Report and Trial preparation Plan.
2. Procedural history:
	1. Chronology of the case including interview, charge, remand, bail and court events
	2. Court events and negotiations with the prosecution. Include significant correspondence (including emails) between the parties.
3. Court documents: indictment, prosecution opening and defence response, notices (case direction, tendency, coincidence, hearsay, prior sexual history etc.).
4. Witnesses: Witness list in order provided by the Crown with the indictment then tabbed sections for each witness containing:
	1. Witness statement(s), including handwritten statements;
	2. Committal transcript regarding that witness;
	3. Notes made by the witness;
	4. Any prior trial transcript; and
	5. Exhibits relevant to that witness.
5. Client: Record of interview, proof of evidence/instructions from client, client expectations, prior convictions.
6. Defence Evidence: Proofs of evidence, statements or reports of defence witnesses.
7. Exhibits: Exhibit lists, descriptions of exhibits, copies of documentary exhibit plans.

Note that depositions should be provided in hard copy and electronic form (on disc) given that it is not yet practical to run a trial with only an electronic version.