



Policy For Empanelment/ Depanelment of Lawyers.

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DRAFT POLICY FOR EMPANELMENT /DEPANELMENT OF LAWYERS

1. Introduction:

Bank has been seeking specialized services from the advocates for recovery matters and other banking related issues. In order to have the services of the advocate readily available, need was felt for empanelling experienced/competent advocates on the panel of the Bank. Bank has been empanelling advocates from time to time. However there has been need for fair and transparent policy for empanelment of advocates. Accordingly the present empanelment/depanelment policy has been put in place. The policy for empanelment of advocates was approved by the Board of Directors vide B.R.no 37 dated 21.04.2016 and the revised policy has been lastly approved by the Board of Directors on 19.12.2017 vide B.R.no 60.

2. Scope of the services of empanelled lawyers:

- The empanelled advocate acts as the legal representative of the bank for the filing of suits and cases against borrowers/defaulters and defend the bank against legal actions.
- Acts as legal counsel for the bank whenever any legal opinion required by the Bank.
- Drafting/vetting legal documents.
- Handling Bankruptcy litigation.
- Settling cases relating to Negotiable Instruments Act.
- Drafting loan and other agreements.

3. ELIGIBILITY CRITERIA FOR EMPANELMENT:

- a. The applicant should ordinarily have minimum experience of five years' active practice as an advocate, or five years' experience of having worked as a law officer in a Government Department or agency, a Bank or other Financial Institution, or any other corporation, or have a Post-Graduate Degree in Law (LLM) with minimum experience of three years active practice as an advocate.
- b. The applicant should have an office at the ordinary place of practice. In case of a law firm being the applicant, then the senior most advocate of the firm should have the said qualification. However, the condition regarding experience may be relaxed/waived by the Competent Authority in exceptional cases.

4. PROCEDURE FOR EMPANELMENT:

- a. Request for empanelment should be accompanied by copies of Enrollment Certificate issued by the concerned High Court or Bar Council, and an Experience Certificate issued by a Senior Advocate or the District Judge concerned certifying that the applicant has an actual practice of five years (three years for LLM applicant) in the court.
- b. Request for empanelment from applicant having experience of working as law officer should be accompanied by copies of enrollment certificate issued by the concerned High Court or Bar Council, and an experience certificate issued by head of the department/legal head certifying that the applicant has actual minimum experience of five years at such Govt Department/ Agency, Bank or other Financial Institution or Corporation, as the case may be. The above mentioned authority/person issuing the experience certificate for an applicant shall also certify therein that the applicant lawyer is a person of integrity, efficiency and respectability. Request for empanelment should invariably be routed through the concerned Zonal Head with specific recommendations for empanelment.
- c. Where the Advocate or Law Firm seeking empanelment is on the panel of other Banks or Financial Institutions or Companies or Govt. Departments etc., a reference letter therefrom certifying empanelment and satisfactory conduct

of the advocate or Law Firm, as the case may be, should be accompanied with the request.

- d. The application for empanelment shall be put before the Chairman/MD for approval, whereupon the concerned lawyer/law firm shall be enrolled as a panel lawyer/law firm of the Bank.
- e. The internal committee of the following officers has been constituted for supervision:
 - i) President Law, CHQ
 - ii) Vice President Law, CHQ
 - iii) Vice President IAPM, CHQ

The committee shall shortlist the lawyer recommended by zonal head for empanelment. If the committee is of the opinion that all the proposed lawyers should be empaneled, it shall endorse the recommendation of the concerned zone accordingly.

- f. A lawyer recommended for empanelment shall be empanelled for the area where he is generally practising. However, a lawyer empaneled for any area shall be a panel lawyer of the Bank and can be allotted work from any other area if he shifts his place of practice to such new area and shall not need to be empaneled again.
- g. The internal committee shall also assess the requirement of the panel lawyers for every area and shall ensure that adequate number of lawyers are empaneled for every area/territory.

5. Other terms and conditions which shall govern, and be accepted on empanelment:

- a. The empanelled lawyer/law firm shall not take any brief, or give any advise against the Bank.
- b. The empanelled lawyer/law firm shall accept briefs of the Bank in recovery matters on the fee structure prescribed by the Bank. In other matters in which fee structure is not prescribed, counsel fee shall be paid on case to case basis

depending on merits of each case. There shall be no retainership fee payable to any empanelled lawyer.

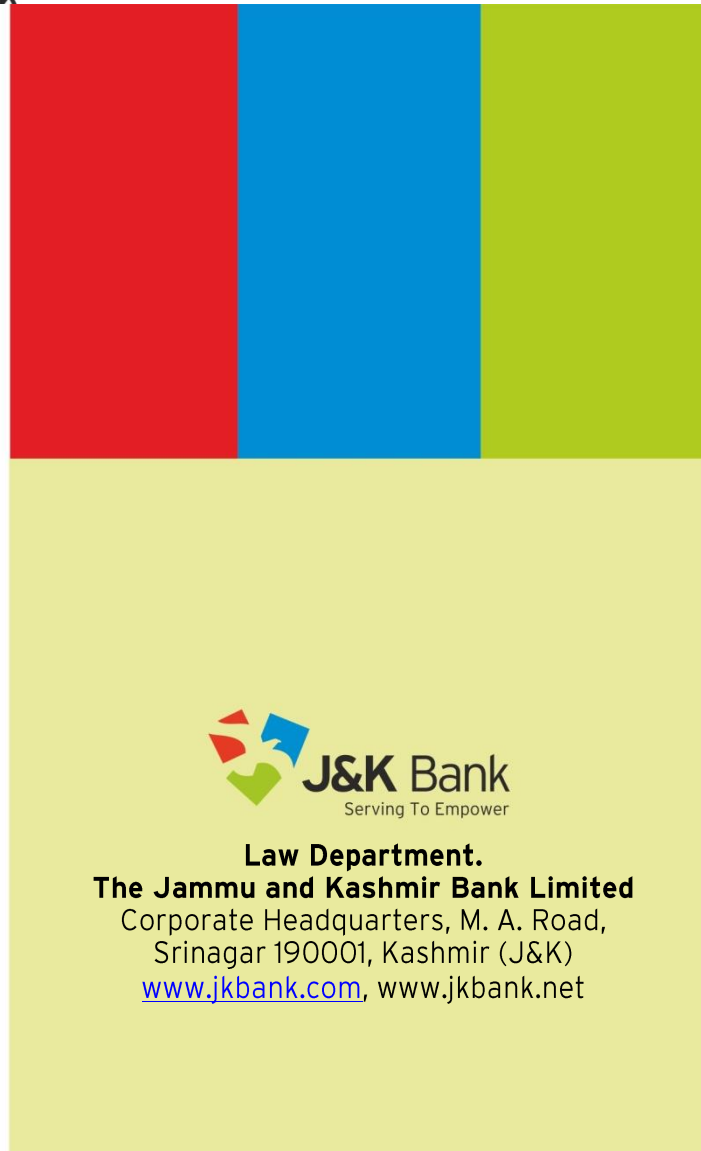
- c. Advocate while issuing certificates as per standing instructions of the Bank from time to time regarding correctness and validity of the loan documents executed by the Bank's 'borrowers' as are referred to advocate for examination and scrutiny, the advocate should, amongst other things, certify whether the documents are enforceable in the court of law and are free of any defect/s. For preparation of the documents and/or issuance of non-encumbrance certificates, the advocate will be entitled to receive reasonable fees from the parties as may be mutually settled by the advocates with the parties or as is determined by the Bank.
- d. While instituting a recovery suit the empanelled advocate shall always ensure that he does not file any defective/incomplete documents with the plaint/OA and shall invariably get any defects or infirmities rectified by the concerned branch before filling the same.
- e. The advocate shall not exceed his brief by entering into any sort of negotiation/ agreement/ compromise with the opposite side unless expressly authorized by the Competent Authority.
- f. The Advocate shall not use the Bank's name or logo in his letter heads, sign boards etc.
- g. The empanelment of the advocate shall not constitute an appointment or right to appointment in the Bank as a standing counsel or other officer.
- h. The Bank shall have the right to terminate the empanelment of a lawyer at any time if it is not satisfied with the performance or has reservations about his integrity and in that eventuality the advocate shall be bound to return the brief forthwith and refund any amount that might have been paid to him for certain expenses but not incurred till then. While considering the depanelment of a lawyer, the concerned lawyer shall be given option of being heard before action is taken against him.

6. PERFORMANCE REVIEW OF ADVOCATES/ DEPANELMENT:

- a. The concerned law department which is monitoring a case shall periodically assess the performance of a lawyer/law firm to whom the case is entrusted. Normally the review shall be done annually but in case of temporary injunctions it shall be done earlier, after three or six months depending upon the nature of the case. In case a lawyer/law firm's performance is recorded as 'Average', a communication/mail shall be sent to him/her/it telling him/her/it to improve his/her/its performance. In case the performance of lawyer/law firm is rated as 'Poor', a similar communication/mail shall be sent to him/her/it and in the meanwhile no new case shall be entrusted to him/her/it until he/she/it improves performance. If there is no improvement during six months from the date of communication/mail, the law department concerned shall recommend his/her/its depanelment to CHQ. The Advocate can be depanelled by the Chairman/MD
- b. No hard and fast rules can be made for assessing the performance of a lawyer. It will depend upon his/her/its way of conducting the cases, the diligence and the level of involvement, ease of availability of the lawyers especially in the event of urgencies, and his readiness to go out of way to render a particular service.
- c. A panel lawyer/law firm can also be depanelled if found guilty of any criminal act or any such wrongful act which is unbecoming of a lawyer on the face of it, in which case his/its performance otherwise shall not be a ground to retain him/it.
- d. The Bank may refer the matter to Indian Banks Association (IBA) in terms of the guidelines governing the subject for including the name of the Advocate or Law Firm on the caution list and the Bank will also refer the matter to State Bar Council.

7. OWNERSHIP/REVIEW/DISPLAY OF POLICY DOCUMENTS:

- a. The policy shall be subject to annual review and any changes in the policy shall be placed before the Internal Management Committee of the Bank for review of the same before placing the same before the Board of Directors.
- b. Approved/revised policy will remain in force till next review. In case of exigencies and to be in line with regulatory/ statutory guidelines the Chairman/MD is empowered to approve changes /modifications/ amendments relaxations / exemptions, if any, required to be made in the policy and same will be placed before the Board for ratification.



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