

Chief General Manager
State Bank of India,
All LHOs/CAG, MCG, SAMG

LAW/Circular No. /2013

26th March, 2013

Dear Sir,

Empanelment of Advocates- Process and other guidelines
Process for empanelment of advocates, review of panel of advocates
and other instructions reviewed as desired by the Special Committee
of Directors for monitoring large value frauds

The detailed instructions for empanelment of advocates, review of panel of advocates, process for de-panelment as well process for taking appropriate action against the advocates are enclosed herewith as per Annexure-A. These instructions supersede all earlier instructions and branches/offices/business units should meticulously comply with the instructions contained in Annexure-A.

Yours faithfully,

For Dy.Managing Director & CDO

sj/let-circular empanelment 20.3.13

Encl: As above.

ANNEXURE-A

Process for empanelment of advocates, review of panel of advocates, de-panelment of advocates and for taking action against advocates who have indulged into professional misconduct or are negligent in handling matters entrusted to them

EMPANELMENT OF ADVOCATES/ FIRMS

Eligibility Criteria

- a) The advocate/firm for being included in the panel should have put in atleast 5 years of successful practice on the civil side and the advocates, individuals or partners of the firm should be of undoubted legal acumen and unblemished integrity.
- b) The individual advocate or partners of the firm should be of good repute and have experience in attending to commercial matters and should also be familiar with Banking Law & Practice as well as special laws governing recovery of moneys due to the Bank and should bestow personal attention to the work entrusted.
- c) The advocates/firms to be empanelled for entrusting work relating to TIR should be of good repute and well versed with laws relating to transfer of property, succession, registration and should have experience of minimum five years in handling such matters.
- d) The advocate should be willing to abide by Bank's terms and conditions as to fees, charges, submission of pleadings for approval, etc.
- e) The advocate/firm should undertake that after empanelment he/she/they shall not appear/advise against any branch or office of the Bank and will also not represent interests which are adverse to the Bank's interests.
- f) Other things being equal, special endeavour should be made to encourage advocates belonging to the SC/ ST/ OBC by enrolling them in the panels and allocating work to them.

Process for empanelment

- a) Each branch/office/business unit should have atleast one advocate in the vicinity for entrusting the legal work. The number of advocates can be increased depending upon the size of the branch/office/business unit and the quantum of legal work which is required to be attended to by the panel advocates. Endeavour should be made to empanel sufficient number of advocates/firms so as to generate a spirit of competition and prompt attending of the work entrusted to them.
- b) The branch managers, Head of offices/business units should collect particulars of the advocates/firms as per proforma at Annexure-I alongwith necessary supporting documents from the willing advocates/firms. It is mandatory for the advocates to mention in the application (Annexure-I) whether they belong to SC/ST/OBC.
- c) After collecting the particulars, the branch/office/ business unit should collect as many details as possible through discreet enquiries including the general opinion about competence, integrity and respectability of the advocates/firms. The law officer of the Module/LHO/MCG/SAMB should meet the advocate/partners of the firm, preferably by visiting the office of the advocate or firm or residence-cum-office and should have an informal interview with the advocate. Feedback from other panel advocates/judicial officers may also be gathered through discreet enquiries in order to evaluate the competency and suitability of the advocate/firm for being included in the panel of advocates.
- d) After collecting particulars and having made discreet enquiries as prescribed above, the Recommending Committee should consider the proposals and forward their recommendations for empanelment of advocates to the Empanelment Committee.
- e) The composition of the Recommending Committee and Empanelment Committee would be as per Annexure-II.

- f) The Empanelment Committee will consider the recommendations for empanelment of advocates submitted by the Recommending Committee and approve empanelment of advocates.
- g) On approval of the names for being included in the panel, the concerned branch/office/business unit will advise the advocate/firm about his/their empanelment. The proforma of the letter advising empanelment of the advocate would be as per Annexure-III.
- h) The names of the advocates empanelled should be suitably circulated with specification of type of matters to be entrusted to them depending on area of their expertise.
- i) The advocates/firms to whom work relating to Title Investigation can be entrusted should be specifically identified.

Entrustment of work to the Advocates:

- a) No advocates should have more than 40 cases at any point of time under each category of litigation viz. DRT/Civil Suits/Writs/Other types of cases. The onus of monitoring the above maximum ceiling rests absolutely with the Controlling Authorities.
- b) A Memorandum of Understanding (MoU) is to be entered with the empanelled advocates for the specific purpose of obtaining TIR across all CPCs in the BPR centres, RCPCs and all other non-BPR centres as per e-Circular No.CCO/CPD/Adv/93/2011-12 dated December 13, 2011 (CPP/VS/CIR/93 dated 12.12.2011).
- c) Allotment of cases to advocates shall strictly be by rotation. “Advocate Allotment Register” need to be introduced and maintained at all branches/offices to avoid monopoly and to ensure against inflatory bills by such advocates. Fees paid to the advocates should be entered in the register to avoid overpayment of schedule fees.

- d) No out station advocate/senior advocate should be engaged to conduct a case at other place unless specifically approved by the LHO Controlling Authority and/or permitted by the Law Department, Corporate Centre.
- e) Senior Advocate/Counsel should be engaged with prior approval of General Manager of concerned network/Business Group and in consultation with LHO/Corporate Centre Law Department. Engagement of Senior Advocate/Counsel for Supreme Court matters should be with approval of Law Department at Corporate Centre.

Review of panel of advocates:

- a) The panel of advocates should be reviewed every year by the concerned controlling authorities in respect of the advocates on panel pertaining to the branches/offices under their control. The review should evaluate performance of the advocates in respect of matters entrusted to them. Based on the review of the performance of each advocate, recommendations should be recorded for continuation or otherwise of the name of the advocate on the panel of advocates. In case no work has been entrusted to the advocate, the advocate(s) should not be depanelled only on the ground of non-entrustment of work to the said advocate. For the purpose of review, a brief resume of the work handled by the advocate should be prepared based on which the recommendations would be made.
- b) In the event of any negligence or professional misconduct, the advocate should be immediately removed from the panel of advocates.
- c) Any advocate depanelled should not be again empanelled except for strong, justifiable reasons but not otherwise.
- d) Every year after review of panel of advocates, a list of advocates should be prepared and maintained centre-wise/branch-wise, including specification in respect of the advocates who belong to SC/ST/OBC as the details

regarding advocates belonging to SC/ST/OBC categories are required to be submitted to the Govt. of India periodically.

Process for depanelment of advocates:

The advocates can be depanelled on any one or more of the following reasons/grounds:

- (a) professional misconduct,
- (b) lack of integrity/competency,
- (c) negligence in handling the matter(s) entrusted by the Bank, or
- (d) any other sufficient reason.

The Recommending Committee at Zonal Office/SAMG/MCG will record their reasons and grounds for depanelment and submit recommendations for depanelment to the Empanelment Committee which will finally approve depanelment. The reasons/grounds recorded in the Note should not be communicated to the advocate/branches. The Advocate(s) who have been depanelled should be advised about depanelment as per format at Annexure IV. Simultaneously, with depanelment, the matters entrusted to the depanelled Advocate(s) should be withdrawn and entrusted to other panel advocate(s). The names of the Advocates depanelled should be circulated to the branches/offices in the Circle and Business Groups.

In cases where the professional misconduct or negligence of the advocate warrants making a complaint to the Bar Council, a communication seeking explanation be addressed to the advocate seeking his responses in writing. In case the advocate responds in the matter after examination of the responses and the nature and gravity of the professional misconduct, the matter should be taken up with the concerned Bar Council.

Appendix-I

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Pl.affix

Passport Size

Photo of the

Advocate
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BIO-DATA FORMAT

01. NAME IN FULL* :

02. DATE OF BIRTH/INCORPORATION:

03 ADDRESS (a) OFFICE :

(b) RESIDENCE:

04. TELEPHONE OFFICE :

RESIDENCE

Mobile Number No. :

FAX (IF ANY) :

E- MAIL ADDRESS :

*In case of firms, names of all partners with brief resume of experience of each partner should be given. Separate sheets can be attached, if necessary.

05. ACADEMIC QUALIFICATIONS :
06. WHETHER YOU BELONG TO : S.C/S.T./OBC
07. DATE OF ENROLLMENT IN
BAR COUNCIL AND ROLL NO :
08. PRINCIPAL PLACE OF PRACTICE :
09. WHETHER PRACTICING IN
CIVIL/CRIMINAL SIDE :
10. COURTS APPEARING IN :
- 11(a) WHETHER YOU ARE APPEARING
ON BEHALF OF ANY BANK (S)
FINANCIAL INSITUTION (S)
COMPANY (IES) GIVE DETAILS :
- (b) HAVE YOU BEEN DEPANELLED
ANY TIME. GIVE DETAILS :
12. TOTAL EXPERIENCE AT BAR :
- 13(a) ARE YOU AN INCOME-TAX ASSESSEE: YES/NO
- (b) PAN NUMBER :
14. ARE YOU APPEARING IN ANY
SUIT OR OTHER PROCEEDINGS
AGAINST STATE BANK OF INDIA?
IF YES, GIVE DETAILS :

15. HAVE YOU SUFFERED ANY PROFESSIONAL MISCONDUCT PROCEEDINGS BEFORE BAR COUNCIL, IF YES, GIVE DETAILS : YES/NO
16. DETAILS OF PROFESSIONAL ACHIEVEMENTS (IF ANY) :
17. I undertake to refrain from appearing against State Bank of India in any suit, proceedings, enquiries which are pending disposal or proposed to be filed, nor would I offer any advices or opinions to any clients/parties, including companies and institutions, which may affect the interests of the bank; and I am agreeable to the advocates' fees structure fixed by the State Bank of India for the matters entrusted to me. I am also aware that I am not entitled to:
- (a) Retainer fee, (b) Travelling expenses and (c) Claim Junior Advocate's fee, unless specifically agreed to in writing by the Bank.

Bank has right to depanel or take necessary action against me, if any of the particulars given hereinabove are found to be misleading/untrue or on account of professional misconduct or negligence attributable to me/us or my/our authorised representatives.

- 18 I am enclosing copies of LLB degree certificate and Bar Council enrolment certificate duly attested.

I request you to consider my name for empanelment in the Bank's Panel of Advocates.

Yours faithfully,

(NAME:.....)

(For Office Use Only)

1. **Specific Recommendations of the Branch Manager for continuance/inclusion in the panel of advocates** together with the declaration about the undoubted legal acumen, unblemished integrity, efficiency, respectability and the ability of the advocate(s) recommended for continuance/inclusion in the panel, as also the reasons/grounds necessitating the enlargement of panel of advocates.

Branch Manager

2. **Specific Recommendations of the Zonal/A.O Empanelment Committee** about their justification, reasonableness and as to they being in conformity with the guidelines stipulated and circulated by the R.B.I. in this regard.

Regional Manager

Dy. General Manager(B&O)

Zonal/A.O Law Officer

(Convenor)

APPENDIX-II

The constitution of Empanelment and Recommendation Committees for Advocates at LHO/Zonal office/ SAMG, CAG and MCG branches will be as follows :

	Present Structure		Proposed Structure	
	Members	Convenor	Members	Convenor
Empanelment Committee for Local Head Office	GM-I, GM-II, DGM&CDO/ AGM(Law) of LHO	DGM/AGM(Law) of the LHO	GM of the concerned network from which the recommendations have been received. GM of other networks, DGM & CDO, DGM (Law) / AGM (Law) of LHO	DGM (Law)/ AGM (Law) of the LHO
Zonal Office Committee to recommend to LHO Committee	AGM (Admin) & AGM(Region)	Law Office attached to AGM (Admin) / AGM (Law) of the Circle	DGM(B&O), concerned Regional Manager, Law officer posted in Module	Law officer posted in the Module.
Empanelment Committee for SAMG, CAG and MCG.	CGM/GM of SAMG, Corporate Centre or CGM/GM of CAG & Mid Corporate, DGM (Head of the concerned branch), Head of the Law department, Corporate Centre	Law Officer of the Circle within whose jurisdiction the branch is currency situated in consultation with Law department of Corporate Centre.	CGM(SAMG/MCG/CAG), GM (SAMG/ MCG/CAG), GM(Law)	GM of the concerned business group, i.e. SAMG, MCG, CAG.
Committee to recommend to the empanelment committee in respect of SAMG, CAG & MCG branches	DGM of the concerned branch, AGM/CM of the concerned branch, Law officer, if any, posted in the branch/Law officer of the concerned Module/Law officer from LHO Law department not being the Head of the Law	DGM of the concerned branch, AGM/CM of the concerned branch, Law officer, if any, posted in the branch/Law officer of the concerned Module/Law officer from LHO Law department not being the Head of the Law department at LHO.	DGM of the concerned branch, AGM/CM of the concerned branch, Law officer, if any, posted in the branch/Law officer of the concerned Module/Law officer from LHO Law department not being the Head of the Law department at LHO.	AGM/CM of the concerned branch recommending empanelment

	department at LHO.			
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APPENDIX-III

Proforma of letter to be addressed to the advocate after empanelment

To,

Shri/Smt./Miss

(name and address of the advocate to be mentioned)

Date:

Dear Sir/Madam

Sub: Your application/request for empanelment

With reference to your request/application dated for inclusion of your name in the panel of advocates of the Bank, we are pleased to advise that the Competent Authority has approved your empanellement on the Bank's panel of advocates for centre/ branches (if the advocate is empanelled for centre, the name of the centre should be stated, in case of empanelment for a particular branch(es), name of the branch(es) should be specified).

2. Your empanelment in the Bank is subject to the following :-

- Under no circumstances you shall use any legend containing Bank's name or symbol in your letterheads, visiting card, signboards, name plates etc., such as 'Legal Advisor to SBI', 'Advocate for SBI', etc.
- Inclusion of your name in the Bank's panel of advocates does not confer on you any right that you alone shall be entrusted with the Bank's work and the Bank is free to employ any advocate of its choice at its own discretion.

- You will abide by the terms and conditions regarding fees, charges as per Bank's instruction in vogue from time to time in respect of the matters/work entrusted to you.
- You shall not appear against the Bank in any matter and shall not represent or undertake any work from person or entity whose interests are adverse to Bank's interests.
- In the event of negligence, professional misconduct on your part in handling the matters entrusted to you by the Bank or for any other sufficient reason, the Bank reserves the right to depanel you apart from initiating appropriate action against you under law including proceedings against you in Bar Council of India.

3. Kindly acknowledge by signing and returning the duplicate copy of this letter in token of acceptance of the terms of empanellment.

Thanking you,

Yours faithfully,

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(Note: The letter regarding empanelment should be addressed by the branch/office which recommended inclusion of the name of the advocate in the Bank's panel).

APPENDIX-IV

Proforma of letter to be addressed to the advocate after depanelment

To,

Shri/Smt./Miss

(name and address of the advocate to be mentioned)

Date:

Dear Sir/Madam

Sub: Depanelment from the Bank's panel of advocates

This is to advise you that the Competent Authority has approved removal of your name from the Bank's panel of advocates.

2. This is for your information and record.

Thanking you,

Yours faithfully,

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