

DECISION OF AUDITOR – COUNSELS’ FEES – CRIMINAL

DATE OF DECISION	16.03.92	
NAME OF CASE	HMA –V- [REDACTED]	MW
CASE TYPE	Fraud, Glasgow High Court	
AUDITOR	J Haldane Tait, Court of Session	
COUNSEL/SOLICITOR ADVOCATE	JC	
AMOUNT(S) AWARDED	£280 per day – conduct of trial	
FEATURES	<p>Not known when trial commenced. Trial lasted for 86 days.</p> <p>JC assisted SC for 16 days from 06.01.91 to 27.01.91.</p> <p>Accused alleged to have been involved in several fraudulent schemes totalling nearly to £2 million.</p> <p>53 page Indictment including Schedules.</p> <p>775 Crown witnesses.</p> <p>Substantial number of productions.</p> <p>JC brought in to case at very late stage – the fact that the trial lasted 86 days went some way to demonstrate that even if the case was not particularly complex it involved considerable preparation including many days of reading.</p> <p>JC had noted evidence and typed out for SC cross-examination of two important Crown witnesses.</p> <p>Prescribed trial fee per day in Glasgow for JC appearing with SC at that time was £194 per day. The Board had paid an “interim fee” of £235 per day. JC, thereafter, submitted an additional fee claim of £75 per day “for complexity”. JC rejected the Board’s offer of £250 per day.</p>	

FEATURES

Auditor stated that the charges of fraud were not particularly complex – some of them being on an “all – too – familiar” character – e.g. setting up of companies, obtaining goods and not paying or intending to pay for them.

Auditor did not consider the substantial number of Crown witnesses would make the case particularly complex or difficult. There was much formal evidence – JC accepted some of this could have been capable of agreement.

Auditor further stated that the solicitors in their preparation would take steps to ascertain which witness' evidence was likely to be formal.

Auditor accepted that substantial preparation may be necessary in a case which is not otherwise exceptional or complex and increased the prescribed fee due to late involvement of JC and volume of information to be read by him to £280 per day.