

DECISION OF AUDITOR – COUNSELS' FEES – CRIMINAL

DATE OF DECISION	19.10.93
NAME OF CASE	HMA –V- [REDACTED] AG
CASE TYPE	Fraud, Glasgow High Court
AUDITOR	J Haldane Tait, Court of Session
COUNSEL/SOLICITOR ADVOCATE	Leading JC
AMOUNT(S) AWARDED	£475 per day – conduct of trial £250 per day – pre-trial preparation
FEATURES	<p>Trial commenced on 04.01.92. Trial lasted 87 days.</p> <p>Charges involved forming fraudulent schemes and obtaining goods without paying to a value of £439,866 and attempting to obtain goods to a value of £724,855.</p> <p>Leading JC was a very senior JC – appointed QC in July 1992.</p> <p>Case of considerable complexity because although the accused was only involved in one of the 14 charges his defence depended almost wholly on credibility. A serious charge – lengthy custodial sentence expected.</p> <p>53 Indictment including Schedules.</p> <p>757 Crown witnesses.</p> <p>Substantial number of productions.</p> <p>Preparation of case required many consultations and detailed consideration of substantial amount of information and documentation.</p> <p>As a large quantity of the documentary productions directly affected the accused his comments on them had to be carefully noted.</p>

FEATURES

Detailed cross-examination of witnesses required as a result of which the figure in Schedule 8 was substantially reduced thus reducing the task for the jury.

Consultations that lasted up to 6 hours. Counsel sent precognitions and productions to the accused in advance to save time.

Accused gave evidence over 4 days and constantly passed written notes to counsel.

Counsel's responsibility increased as the original instructing solicitors' services were lost – appointed as a Sheriff – solicitor who took over case was relatively young and less experienced – caused accused great concern.

Pre-trial preparation time totalled 65 ½ hours (11 days). Leading JC claimed £250 per day.

(REFER ALSO TO: *HMA -V-* [REDACTED] DC
[REDACTED] 19.01.94 and *HMV -V-* [REDACTED]
[REDACTED] 19.10.93) DC