

DECISION OF AUDITOR – COUNSELS' FEES – CRIMINAL

DATE OF DECISION	06.01.94
NAME OF CASE	HMA –V- [REDACTED] CR
CASE TYPE	Fraud – Glasgow High Court
AUDITOR	J Haldane Tait, Court of Session
COUNSEL/SOLICITOR ADVOCATE	Leading JC
AMOUNT(S) AWARDED	£450 per day – conduct of trial (including preparation during intervening weekend and preparation of Joint Minute) £215 for 03.12.90 – attendance at court re extension of time only £3,000 – separate initial preparation fee including Notes and meetings with JC (approx. 55 hours therefore approx. £55 per hour)
FEATURES	<p>Trial commenced on 18 March 1991 and lasted 14 days.</p> <p>Auditor describes Leading JC as a very senior “junior” who was appointed as QC in March 1992.</p> <p>Trial was expected to last 7 weeks but because of industry of Leading Counsel it was completed in 2 weeks.</p> <p>Joint Minute of Agreement drafted by Leading JC saving court time.</p> <p>22 page Indictment including Schedules – complex and related to numerous transactions spanning 2 years.</p> <p>310 Crown witnesses.</p> <p>Substantial number of productions.</p> <p>Substantial number of defence productions (invoices and correspondence with finance houses).</p>

FEATURES

Case of considerable difficulty due to the necessity of tracing the history surrounding the 110 motor vehicles referred to in the Indictment.

Preparation required many more consultations with client than usual.

Detailed consideration required re substantial amount of info and documentation requiring collation and cross-reference.

Two co-accused.

Handwriting expert required by the defence.

Defence of incrimination.

S.81 Notice containing large number of productions only produced by Crown 3 days prior to trial commencement date.

Accused in prison in England when trial due to call – a number of days when trial did not therefore call – due to the uncertainty of progress in the case counsel had to pass on work which he could have done in another court in the same circuit – lost almost 2 weeks work due to Crown being unable to proceed as notified.

Trial originally due to begin in November 1990 – did not start until 18.03.91. Leading JC re-instructed but could not accept due to a murder case in a different court. Judge agreed a motion allowing cases to go in same court so Leading JC could continue to represent accused. Crown however insisted on calling case when murder trial on therefore Leading JC had to prepare the case having in mind that his JC may have to start it in his absence (i.e. if adjournment refused).

Leading JC had to prepare twice for trial and had additional preparation work consequent on the service of the S 81 Notice adding 43 witnesses.