

DECISION OF AUDITOR – COUNSELS' FEES – CRIMINAL

<b>DATE OF DECISION</b>	19.01.94
<b>NAME OF CASE</b>	HMA –V- [REDACTED] DC
<b>CASE TYPE</b>	Fraud, Glasgow High Court
<b>AUDITOR</b>	J Haldane Tait, Court of Session
<b>COUNSEL/SOLICITOR ADVOCATE</b>	SC
<b>AMOUNT(S) AWARDED</b>	£525 per day – conduct of trial £300 per day – examination of Crown productions £400 per day – preparation £300 per consultation – in accused's home
<b>FEATURES</b>	<p>Trial commenced on 04.01.92. Lasted 87 days during which counsel was in court on 67 days.</p> <p>Value of goods alleged to have been obtained in fraudulent scheme was £1 million. Also alleged that accused attempted to obtain £800,000 worth of goods through fraudulent scheme.</p> <p>Accused also charged with number of charges of attempting to pervert course of justice and committing crimes while on bail.</p> <p>53 page Indictment including Schedules covering period of five years.</p> <p>757 Crown witnesses</p> <p>Substantial number of productions.</p> <p>Case of considerable difficulty due to number and variety of charges.</p> <p>Preparation required many consultations and detailed consideration of substantial productions which required collation and cross-referencing.</p>

**FEATURES**

Joint Minute drafted to agree productions but other counsel not prepared to sign.

In considering the proper and reasonable fee the Auditor noted that SC was absent from trial on several occasions as no evidence of any consequence was led in counsel's absence.

Auditor describes case as difficult, complex and demanding. Lengthy trial involving multiplicity of charges. Felt increase in daily rate and a separate preparation charge was justified.

(Refer also to: *HMA -V-* [REDACTED] AG  
[REDACTED] 19.10.93 and *HMA -V-* DC  
[REDACTED] 19.10.93)