

DECISION OF AUDITOR – COUNSELS' FEES – CRIMINAL

DATE OF DECISION

08.08.95 R A

NAME OF CASE

HMA –V- [REDACTED] & OTHERS

CASE TYPE

Murder - High Court, Edinburgh

AUDITOR

J Haldane Tait, Court of Session

COUNSEL/SOLICITOR ADVOCATE

SC

AMOUNT(S) AWARDED

£700 per day – conduct of trial
£475 per day – preliminary diet
£315 per day – where trial could not proceed
£200 + £250 – consultations with the client
£300 – consultation with expert witnesses

FEATURES

Trial commenced on 10.08.93. Lasted 18 days. Concluded on 03.09.93.

Accused also charged with setting fire to body, concealing it in sewage system, setting fire to a car used in the commission of the crime and attempting to create a false alibi.

Complex questions re identification of a headless body. DNA tests not of assistance in making a positive identification. Crown had to rely on circumstantial evidence for identification which necessitated every witness' evidence being considered carefully after each days proceedings.

Indictment initially listed 159 Crown witnesses.

19 defence witnesses.

Substantial amount of Crown documents and productions.

Forensic expert firearm evidence.

A number of witnesses changed their version of evidence and acknowledged that they over indulged in alcohol and abused drugs.

FEATURES

SC stated that over 50 hrs of preparation, not otherwise charged, had been taken into account when claiming a daily trial fee of £700.

Trial Judge describes case as an extraordinary murder mystery.

SC represented the 1st named accused.

Auditor accepted case was unique and complex, required substantial preparation and was particularly burdensome to counsel.

Added complications due to the change of plea by certain co-accused during the trial and threats to the client by one of the co-accused.

Numerous legal objections required to be made and considerable difficulties arose due to the approach of the Crown.

Board recognised case as complex and offered daily fee of £450 to include preparation.