

DECISION OF AUDITOR – COUNSELS’ FEES – CRIMINAL

**DATE OF DECISION**

11.12.95 A S

**NAME OF CASE**

HMA –V- [REDACTED]

**CASE TYPE**

Armed Robbery and Abduction, Glasgow High Court

**AUDITOR**

J Haldane Tait, Court of Session

**COUNSEL/SOLICITOR ADVOCATE**

SC

**AMOUNT(S) AWARDED**

£625 per day – conduct of trial to subsume preparation (13 days)

£675 per day – conduct of trial to subsume preparation (2 days – one included a locus visit and the other included a Joint Minute of Agreement)

£369 on 05.09.95 – conduct of trial to subsume preparation which adjourned at 1 pm.

**FEATURES**

Trial commenced on 05.09.95. Trial lasted 17 days.

Trial involved disputed identification of the accused and defence of alibi.

Trial also involved incrimination of co-accused in respect of reset based on circumstantial evidence.

Indictment originally listed 85 Crown witnesses.

A further 15 Crown witnesses were added at a late stage and 50 additional productions.

The offence of armed robbery involved the taking of several million pounds worth of computer equipment.

The accused was also charged with reset of various computers and accessories.

The Auditor specifically refused entries by counsel for faxing JC and instructing solicitors, revising draft special defences and faxing revisals to JC for comments. The Auditor states that this is all part of ongoing preparation and covered by the increased daily trial fee allowed.

## FEATURES

The Board recognise the case as being complex and had offered a daily fee £475 (as opposed to Schedule fee of £369) to include all preparation.

Counsel claimed £650 per day for conduct of trial plus a separate preparation fee of £350 for preparation prior to the trial commencing. Auditor refused to allow a separate preparation fee and subsumed preparation fee in the enhanced daily rate awarded.

Most of the enhanced fees claimed for consultations were reduced in line with the Board's offer.