

PRESS RELEASE

27 November 2008

NILSC PUBLISHES DETAILS OF PAYMENTS MADE TO SOLICITORS AND COUNSEL FOR PUBLICLY-FUNDED LEGAL SERVICES

The Northern Ireland Legal Services Commission (NILSC) today published details of solicitors' practices and barristers paid the most from publicly-funded legal aid in Northern Ireland during the financial years 2004-2005 (April 1 - March 31) and 2005-2006 (April 2 – March 31).

The move is part of the Northern Ireland Legal Services Commission's long-standing commitment to the key principles of openness and transparency and its objective to ensure that such information is widely accessible on a routine basis.

As part of this long-standing commitment, the NILSC also plans in the coming months to publish details of payments made to barristers and solicitors' practices during the financial year 2006-2007.

Commenting on the release of the data, Jim Daniell, Chair of the Northern Ireland Legal Services Commission, said:

"The NILSC is committed to the publication of this data and we look forward to routinely making the information known.

We have been working very closely with members of the legal profession to ensure that this data is prepared for publication today and I want to acknowledge the Law Society and the Bar Council's commitment to its disclosure.

The NILSC frequently receives enquiries or specific requests for information about payments made to barristers and solicitors out of public funds. We have therefore decided to disclose this information on an annual basis.

I must stress, however, that the amounts paid to each barrister and solicitor's practice listed may represent payments for work covering a number of years and for a variety of cases. It is also important to bear in mind that the amount an individual receives year on year can fluctuate widely."

The data can be downloaded from the NILSC website at www.nilsc.org.uk

Ends

For further information please contact Chris at the Northern Ireland Legal Services Commission on 07770 886 911.

Notes to editors:

General Points

The data should be read in conjunction with the explanatory notes below to ensure a full understanding of what the figures represent.

The figures tabled are gross figures and represent the payments paid to barristers and solicitors' practices for the financial periods 2004-2005 and 2005-2006. These payments are made retrospectively for work completed and include a number of different components.

In some cases, the legislation provides that fees due to a barrister are paid through his/her instructing solicitor. This is shown on the grid for solicitors' payments under the heading of "Counsel Fees", VAT also being detailed where payable. Where counsel's fees are identified as having been paid through the solicitor, they are not included in the grid showing payments made to barristers.

The process for administering payments to solicitors and barristers is thorough and sequentially involves the following:

Applications are submitted to the Legal Services Commission in respect of civil legal aid and certain criteria are required to be met prior to a Legal Aid Certificate being issued.

Criminal legal aid applications are considered by the judiciary and notification of a criminal aid certificate is forwarded to the Legal Services Commission.

Depending on the type of case, and court at which the particular case is heard, relevant legislation is followed in the determination, assessment and scrutiny of fees.

Payments are issued to the legal profession for publicly funded legal services to the provider by the Legal Services Commission.

The NILSC acknowledges the receipt of a number of specific requests for information made under the Freedom of Information Act 2000 and is confident that the publication of this information satisfies these requirements.

Firms registered with the Law Society of Northern Ireland (Solicitors):

The tables attached show payments made by the NILSC to solicitors firms, practitioners of which are registered with the Law Society of Northern Ireland between 1 April 2004 and 31 March 2005 and between 1 April 2005 and 31 March 2006.

These figures must be interpreted carefully. There are a number of reasons for this.

- Payments received in one financial year do not necessarily reflect work done in that financial year. Cases may have lasted more than one year and overall earnings may be increased by one exceptional case lasting a number of years for which payment was received during the financial year in question
- The firms listed are of different sizes. Where offices are operated at several venues, the total shown is an aggregate of them all. The sums shown do not represent the personal earnings or income of any solicitor.
- Payments are made after claims are carefully scrutinised by the Legal Services Commission or the Courts and where necessary adjusted.
- While these figures represent gross payments made to solicitors during a year, some of these monies have been (or may be in the future be) repaid to the Legal Aid Fund by other parties. This will happen in cases where the legally aided party wins the case and recovers costs from the opponent. Once those costs are recovered the legally aided party's solicitor refunds some or all of the money to the Legal Aid Fund. As a consequence the figures may not reflect the net cost of solicitors' fees to the Fund.
- Figures included under "disbursements" are payments made by solicitors on behalf of a client, for example fees for witnesses. These figures are also scrutinised to ensure they comply with the relevant guidelines.

Individuals registered with General Council of the Bar of Northern Ireland (Barristers)

The tables attached show payments made by the NILSC to individuals registered with General Council of the Bar of Northern Ireland between 1 April 2004 and 31 March 2005 and between 1 April 2005 and 31 March 2006.

The figures must be interpreted carefully and do not represent the personal earnings of the individuals listed in any one year. There are a number of reasons for this:

- The amounts paid to each barrister listed in any one year may represent payments for work covering many years and for a variety of cases.
- The amount an individual receives year on year can fluctuates widely.
- All the figures listed detail VAT payments (at 17.5 per cent) if the barrister is VAT-registered and disbursements are incurred. Individual barristers must pay that VAT to HM Revenue & Customs.
- Barristers pay a percentage of their fees towards professional overheads.
- Additionally, barristers face the same expenses as any other self-employed person, including income tax and National Insurance contributions.

A number of further qualifications are also relevant:

- Payments are made after claims are carefully scrutinised by the Legal Services Commission or the Courts, and where necessary, adjusted.
- The Legal Services Commission and the Courts may make payments a number of years after cases conclude.

While these figures represent gross payments actually made to the barristers during a year, some of those monies have been paid (or may in the future be) repaid to the Legal Aid Fund by other parties. This will happen in cases where the legally aided party wins the case and recovers costs from the opponent. Once those costs are recovered the legally aided party's solicitor refunds some or all of the money to the Legal Aid Fund. As a consequence the figures may not reflect the net cost of Counsel's fees to the Fund.

About the Northern Ireland Legal Services Commission

The NILSC assumed responsibility on 1 November, 2003 for the provision of publicly funded services in Northern Ireland.

The Commission is an executive Non-Departmental Public Body (NDPD) that is sponsored by the Northern Ireland Court Service, a part of the Ministry of Justice.

The powers of the Commission are set out in Article 7 of the Access to Justice (Northern Ireland) Order 2003.

The Commission operates within:

- The Access to Justice (Northern Ireland) Order 2003
- Regulations, directions and guidance by the Ministry of Justice
- The resources provided by Parliament through the Ministry of Justice

Our aim is to provide high quality, customer focused services that target those in greatest need and demonstrate value for money.

