

**PRESS RELEASE: THURSDAY 21<sup>ST</sup> MAY, 2009 – FOR IMMEDIATE USE**

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

The Northern Ireland Legal Services Commission today published details of the top 100 payments made to solicitors' practices and barristers from publicly-funded legal aid in Northern Ireland during the financial years 2006-2007 (April 1 - March 31) and 2007-2008 (April 1 – March 31).

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

The NILSC published details of solicitors' practices and barristers paid the most from publicly-funded legal aid in Northern Ireland during the financial years 2004-2005 and 2005-2006 in November last year.

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

"We continue to work closely with members of the legal profession to ensure that this information is prepared for publication routinely and I want to acknowledge and thank the Law Society and the Bar Council for their co-operation in this exercise.

"I also wish to point out 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 therefore important to bear in mind that the amounts received year-on-year can fluctuate widely."

The information is available for download under 'Press Releases' on the NILSC website at [www.nilsc.org.uk](http://www.nilsc.org.uk)

**Ends**

For further information please contact the Communications Team at the Northern Ireland Legal Services Commission on 028 9040 8901 or 028 90 40 8866.

## **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 2006-2007 and 2007-2008. 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 for publicly-funded legal services to the provider by the Legal Services Commission.

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

The tables show payments made by the NILSC to solicitors firms, practitioners of which are registered with the Law Society of Northern Ireland between 1 April 2006 and 31 March 2007 and between 1 April 2007 and 31 March 2008.

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 one solicitor.

- Payments are made after claims are carefully scrutinised by the Legal Services Commission or the Taxing Master 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 expert witnesses etc. 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 2006 and 31 March 2007 and between 1 April 2007 and 31 March 2008.

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 fluctuate 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 Taxing Master and, where necessary, adjusted.
- The Legal Services Commission 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 (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.

## **Law Centre NI**

Law Centre NI, a not-for-profit agency, has contractual arrangements with the Commission that covers costs and expenditure incurred in its delivery of those services that relate to asylum and immigration law and legislation. The organisation, which employs legally-qualified advisers in its role to support this work, receives funding worth up to £180,000 per year, providing certain conditions are met.

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## **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.

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