

**PRESS RELEASE: TUESDAY 15<sup>th</sup> JUNE 2010**

**EMBARGOED UNTIL 11.30 am**

## **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 payments it made to the 100 solicitors' practices and barristers receiving the highest payments from legal aid in Northern Ireland during the financial years 2008-2009 (April 1 - March 31) and 2009-2010 (April 1 – March 31).

The Northern Ireland Legal Services Commission routinely publishes this information as part of its commitment to the key principles of openness and transparency in its stewardship of public funds. As on previous occasions the names of solicitors firms have been included although on this occasion the names of the barristers are not identified. It is the Commission's intention to publish barristers names in the future.

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

"The Commission is committed to transparency in accounting for significant sums of public money paid out of the legal aid fund. I welcome the continued co-operation of the Law Society and the Bar Council in the periodic publication of this information.

The amounts paid to each barrister and solicitors' practice may represent payments for work undertaken across a number of years and for a variety of cases. For example, some of the payments made during 2008-09 and 2009-10 include significant sums which the Commission was authorised to pay in respect of the highest cost criminal cases, many of which reflect work undertaken during previous years and had been awaiting assessment".

The information is available for download from 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.

## Notes to Editors

As always, prior to releasing this information the Commission consulted interested parties, including those practices and individuals who were to be listed. Pending the resolution of some issues raised by the Bar Council, it has been decided at this stage not to publish the names of the barristers in receipt of the highest payments from legal aid. Rather than delay the release of information for barristers, the Commission decided to proceed with publication on an anonymised basis. Once the issues are resolved, it is the Commission's intention to include the names of the barristers with the information about individual payments that is available on its web site. The names of solicitors firms appear as in previous years.

## 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 2008-2009 and 2009-2010. These payments are made retrospectively for work completed and include a number of different components.

In total during 2008-2009 the payments from the legal aid fund to all solicitors were £58m of which the payments to the 100 firms of solicitors listed were just over £44m. In 2009-2010 the payments to all solicitors amounted to £62m with the 100 firms listed receiving almost £46m.

In total during 2008-2009 the payments from the legal aid fund to all barristers were £25.5m of which the payments to the 100 barristers listed were £22m. In 2009-2010 the total payments to all barristers amounted to £35m with the 100 barristers listed receiving £30m.

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 Northern Ireland Legal Services Commission ("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 for publicly-funded legal services to the provider by the Legal Services Commission.

- Payments are made after claims are carefully scrutinised by the Legal Services Commission or the Taxing Master and, where necessary, adjusted.

When considering the published information it is also important to note:

- 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.
- For a number of reasons, the Legal Services Commission and the Taxing Master may authorise/make payments a number of years after cases conclude.
- The total value of the payments made during each of the years 2008-2009 and 2009-2010 includes payments in respect of the highest cost criminal cases for which the Legal Services Commission was authorised to make payments. Many of these cases reflect work undertaken during previous years and which had been awaiting assessment.
- While these figures represent gross payments actually made to solicitors and 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 Solicitor's or Counsel's fees to the Fund.

#### **Firms whose members are regulated by the Law Society of Northern Ireland (Solicitors):**

The tables attached show payments made by the Legal Services Commission to solicitors' firms whose members are regulated by the Law Society in Northern Ireland between 1 April 2008 and 31 March 2009 and between 1 April 2009 and 31 March 2010.

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

- 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.
- Figures included under "disbursements" are payments made by solicitors on behalf of a client, for example fees for expert witnesses. These figures are also scrutinised to ensure they comply with the relevant guidelines.

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

The tables attached show payments made by the Legal Services Commission to individuals registered with the General Council of the Bar of Northern Ireland between 1 April 2008 and 31 March 2009 and between 1 April 2009 and 31 March 2010.

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 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.

### **Law Centre NI**

Law Centre NI, a not-for-profit agency, has contractual arrangements with the Legal Services Commission that covers costs and expenditure incurred in its delivery of those services that relate to asylum and immigration law and legislation. The Law Centre also provides services within the legal aid scheme.

### **About the Northern Ireland Legal Services Commission**

The Legal Services Commission assumed responsibility on 1 November 2003 for the provision of publicly funded services in Northern Ireland.

The Legal Services Commission is an executive Non-Departmental Public Body (NDPD) that is sponsored by the Northern Ireland Courts and Tribunals Service, an agency of the Department of the Justice.

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

The Legal Services Commission operates within:

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

Our aim is to provide quality legal services that demonstrate value for money and promote social inclusion by targeting those in greatest need.

**Northern Ireland Legal Services Commission**  
**15 June 2010**