

FUNDING YOUR CASE

Legal Aid/Public Funding will be available for most of the situations listed above and we will be happy to discuss individual cases with you and where appropriate make the necessary application on your behalf.

Public Funding

All Public Funding is governed by the Legal Aid Agency. Any representation at the Police Station can be funded under Legal Aid. Proceedings at the Magistrates' Court and Crown Court will be subject to an application for Public Funding by way of a Representation Order. There is a requirement to provide financial information of your assets to the Court.

The grant of Legal Aid will be dependent upon two criteria. Firstly, the case must be serious enough (in the interests of justice). Secondly, your financial situation must qualify for legal aid funding. Further information can be provided by the firm in this regard and we can advise and assist with the completion of the forms.

Please note for most motoring offences Legal Aid will not be available

Private Funding

Whether your case is at the Police Station for investigation, at the Magistrates' Court or at the Crown Court, it can be undertaken by the firm on a private basis and in those circumstances the restrictions attached to Public Funding will not then apply.

For example, with the requirement to provide financial information both at the Magistrates' Court and Crown Court stages, and with key decisions on the appointment of Senior Counsel, Queen's Counsel and Experts, which would otherwise have to be approved by either the relevant Judge or the Legal Services Commission (the government body responsible for legal funding), privately funding your case will allow you to make your own decisions regarding these appointments and also whether or not you wish to be represented by a senior solicitor such as the head of the firm.

Private work can be carried out at an agreed fixed fee for a specific stage of the proceedings. This has the advantage of quantifying the exact cost of your case for any given stage.

Alternatively, you can fund your case privately by providing money on account of costs and disbursements. The firm will provide you with a monthly interim report with a breakdown of the billing which can be paid on a periodical basis to spread out your costs. In such cases an hourly rate of £375 plus VAT will be applied.

Please note that VAT at the rate of 20% will be applied to all costs and disbursements.

Should you decide to fund your case privately and are acquitted, your defence team may be able to make an application for a Defendant's Costs Order. This will allow you to recover a proportion of your legal costs at legal aid rates. This would be subject to taxation, in other words, determined by the relevant Court. In order to make such an application You must have previously submitted an application for legal aid and have been rejected due to 'financial ineligibility'. You must submit this application, which requires detailed financial information, even if you are certain that you will not be eligible.

Your Case will be dealt with by Mr Dante Leccacorvi, the head of our Criminal Litigation Department.

AN EXAMPLE OF A MOTORING OFFENCES (FIXED FEE)

Guilty Plea: For Example - Drink Driving Offence – fixed fee of between £500 plus VAT and £1250 plus VAT depending on court location.

Fee includes:

- 2 hours attendance/preparation:
- considering evidence
- taking your instructions
- providing advice on likely sentence
- Attendance and representation at a single hearing at the Magistrates Court

The fee does not include:

- instruction of any expert witnesses
- taking statements from any witnesses
- advice and assistance in relation to a special reasons hearing
- advice or assistance in relation to any appeal

The key stages of your matter are based on the presumption that you have entered a guilty plea and have a date for your hearing.

- Meet with your solicitor to provide instructions on what happened.
- We will consider initial disclosure, and any other evidence and provide advice.
- Arranging to take any witness statements if necessary (this will have an additional cost dependant on the complexity of the case and the level of fee earner dealing with the matter.
- We will explain the court procedure to you so you know what to expect on the day of your hearing, and the sentencing options available to the court.
- We will conduct any further preparatory work, obtain further instructions from you if necessary and answer any follow up queries you have.
- We cannot provide a timescale of when your hearing will take place, as this depends on the court listing for that day.
- We will attend court on the day and meet with you before going before the court. We anticipate being at court for [e.g. half a day].
- We will discuss the outcome with you. If advice is required on appeal, this will carry an additional cost.

Not Guilty Plea: For Example - Drink Driving Offence – fixed fee of between £1500 plus VAT and £5000 plus VAT depending on court location and complexity of defence raised.

Fee includes:

- 4 hours attendance/preparation:
- considering evidence
- taking your instructions
- providing advice on trial procedure and likely sentence, if convicted
- Attendance and representation at two hearings at the Magistrates Court

The fee does not include:

- instruction of any expert witnesses
- taking statements from any witnesses
- advice and assistance in relation to a special reasons hearing
- advice or assistance in relation to any appeal

The key stages of your matter are based on the presumption that you have entered a guilty plea and have a date for your hearing.

- Meet with your solicitor to provide instructions on what happened.
- We will consider initial disclosure, and any other evidence and provide advice.

- Arranging to take any witness statements if necessary (this will have an additional cost dependant on the complexity of the case and the level of fee earner dealing with the matter.
- We will explain the court procedure to you so you know what to expect on the day of your hearing, and the sentencing options available to the court.
- We will conduct any further preparatory work, obtain further instructions from you if necessary and answer any follow up queries you have.
- We cannot provide a timescale of when your hearing will take place, as this depends on the court listing for that day.
- We will attend court on the day and meet with you before going before the court. We anticipate being at court for [e.g. half a day].
- We will discuss the outcome with you. If advice is required on appeal, this will carry an additional cost.

Your Case will be dealt with by Mr Dante Leccacorvi, the head of our Criminal Litigation Department.