



How our fees work for criminal law

Legal aid

Unless you have expressly agreed to pay us privately, we will make an application for legal aid on your behalf.

Police investigations

All police station work (which includes all police investigations regardless of where the interview takes place) is paid for under the legal aid scheme, irrespective of your income. Work outside of the police station prior to charge, may be funded under the advice and assistance scheme. We may ask you to complete forms CRM 1 and 2 to determine eligibility. If you are not eligible for advice and assistance outside of the police station pre-charge, then we will either do that work free of charge, or alternatively not do that work unless and until you agree to pay us privately for it.

Non-police investigations

Investigations by non-police agencies e.g. Department for Work and Pensions, RSPCA etc are not funded under the police station scheme. You may however be eligible for advice and assistance and we will assess whether or not you qualify.

Legal aid when charged

Magistrates' Court and Crown Court legal aid is means tested in most cases. Most people on benefits and all persons under 18 years of age are eligible for legal aid.

Magistrates' court

If you are eligible for magistrates' court legal aid then you will pay no legal aid costs in relation to those proceedings (if you plead guilty or are found guilty you may be liable to pay prosecution costs).

Crown court

If you have disposable income in excess of £37,500 you will not qualify for crown court legal aid. The rules, and the calculations of income are complex and in many cases we will have to make a 'hardship' application on your behalf to assess full eligibility. If you remain ineligible for legal aid we will discuss with you the option of paying privately for your defence.

If you are eligible for legal aid in the crown court then you may be liable to pay contributions for the first 6 months of your case (income contributions) and at the end of your case if convicted (capital contributions). Most people on state benefit pay nothing (if you plead guilty or are found guilty you may be liable to pay prosecution costs).

The rules in relation to crown court legal aid are complex and we will guide you through the application process. If legal aid is granted you will be informed as to whether there is any contribution payable. If you find the payment proposals unacceptable then you must notify us immediately so that we can reject the offer of legal aid.

If you are required to pay contributions towards crown court legal aid and fail to do so, interest charges will be added and the Legal Aid Agency may take legal action to enforce the monies owed. Enforcement action can include the clamping, seizure and/or sale of your vehicle (and please note that there is no legal aid available to assist you in challenging this enforcement).

Other enforcement options include:

- charging order secured against any property owned
- 8% interest on charging orders
- High Court enforcement or distress warrant to visit to client's home to seize goods to value of order

- third party debt order against any money deposited in an account
- attachment of earnings order

It is vital therefore that you fully understand the financial implications of accepting legal aid subject to income or capital contributions. Legal proceedings, particularly the trial process can be very expensive, often running into many tens of thousands of pounds. If you have capital above the limit (£30,000) this is therefore at risk and you could for example ultimately lose your home.

If you have paid contributions but are acquitted of all charges, monies you have paid (with interest at 2%) will be returned to you. If you are acquitted of some but not all charges the amount payable under contributions may in some cases be apportioned, meaning that you will pay less. We will discuss this with you further should this situation arise.

If you are not eligible for legal aid, or you reject the offer of legal aid, we will not be able to act for you unless you agree to pay privately.

Court of Appeal

We will apply for legal aid funding on your behalf if you wish to appeal or resist an appeal by the Attorney General. Most cases at the Court of Appeal qualify for legal aid, but legal aid is subject to Recovery of Defence Costs Order – we will discuss whether this might affect you in the event that an appeal is lodged.

If legal aid is refused we and your advocate may be willing to continue to act in certain cases. We will discuss this should the need arise.

Private funding

If you are paying for your case privately we will write to you with full details of our charging rates and further information. You will never be liable for any fees unless and until you have expressly agreed to pay us privately.

For simple matters we may agree to charge you a fixed fee. For more complex matters we will charge on the basis of time spent on the matter. For example for a simple motoring offence with one appearance at court our fees should not exceed £100 plus VAT. Each case is different so we will agree a fee with you in advance if a fixed fee is appropriate.

All reference to fees is expressed exclusive of value added tax (VAT) at the prevailing rate (currently 20%).

We will update you on the cost of your matter in the event that you are paying privately for our services (see funding above) at regular intervals. We will update you on whether the likely outcomes still justify the likely costs and risks associated with your matter whenever there is a material change in circumstances. We will update you on the likely timescales for each stage of this matter and any important changes in those estimates. If you are paying privately we will set out the details in a separate letter to you.

Solicitors in the crime team charge privately at a rate of £230 per hour plus VAT.

Prosecution costs

If you plead guilty or are found guilty you may be liable to pay prosecution costs. We will be able to discuss the likely costs level once we have full information in relation to your case.

Other costs

If you plead guilty or are found guilty you may be asked to pay a fine and/or compensation. In some cases the prosecution will seek to recover from you the 'proceeds of your crime' (called a 'confiscation order') – if yours is such a case we will discuss this with you at a very early stage as it may impact on the plea you wish to enter.

There will also be in most cases a victim surcharge to pay. We will discuss the implications of these costs once the nature of the case against you is known.

Police station cases

The police may arrest you or seek to interview you by prior appointment. Interviews can take place at a police station, your home or place of work, or other location (such as a prison if you are already in custody).

There is no such thing as 'a little chat'. The core business of the police is to arrest, charge and then have people punished. They are not your friend and they never act in your best interests. Police officers sometimes say that things will be quicker without a solicitor – this is rarely true, in fact once we know about your detention we can actually act to speed things up. And remember, if you say something you ought not to have, you might have a lot of time during the years you spend in prison regretting a little wait while we are called out to

assist you. Police station advice is always free and we always have someone available, day or night.

Therefore if you are arrested, or are asked to speak to the police at any time, you have the right to speak to a solicitor and it is in your interests to do so. In a small number of cases where for example there is not going to be any police interview (e.g. drink driving, or arrested on a court warrant) the rules are different and you will be offered advice by 'CDS Direct' – a government funded advice centre. You are advised to accept that advice and also ask them that they contact us immediately so that we know of your arrest and can assist further should the need arise.

Cases are sometimes dealt with speedily, at other times the investigation can last many months. It is important that you keep in touch with us. If the police contact you directly then let us know immediately – do not assume that they will contact us as well – they like it when we are kept out of the loop as our job is to protect you.

You have lots of rights and protections in the police station – it is our job to ensure that these rights are acted upon.

Magistrates' Court cases

If you are charged, then in almost all cases you will make your first appearance at a magistrates' court.

Some cases can only be tried in a magistrates' court, some only in a crown court, and in some cases you will be given the choice. We will advise you as to which of these applies in your case and assist you in making the right decision if you have a choice.

If you plead guilty in the magistrates' court sentencing may take place immediately, or within a short space of time thereafter, or in some instances your case will be committed to the crown court for sentence. We will notify you of the likely outcome, before you enter a plea, so that you know exactly what is likely to happen.

If you plead not guilty to a case being tried in the magistrates' court it will be adjourned for trial.

Crown Court cases

More serious cases are sent to the crown court for trial and/or sentence. Trial at the crown court is before both a Judge and Jury, and in fact this is the better outcome in some instances as the trial may be fairer. However, this must be balanced against the possible prosecution costs, time it will take to conclude the case and the fact that sentencing powers in this court are greater.

We will guide you throughout the process to ensure that you know what is happening and why.

If at any time you have questions or concerns then please contact us.

Our team

The solicitors in our team are

Carlo D'Agostino

Leah Connolly

Michael Gallagher and

Alan McGrath

All of the team are experienced criminal lawyers.