

Highest paid barristers and solicitor firms in 2005-06

June 2007

The Ministry of Justice and the Legal Services Commission frequently receive requests from Members of Parliament and the public for the disclosure of the highest paid barristers and firms for providing publicly funded legal services. The lists of highest paid barristers paid from the Criminal Defence Service and the Community Legal Service as well as the highest paid solicitor firms paid through the Criminal Defence Service and the Community Legal Service are shown below.

The publication of these lists is in response to two Parliamentary questions and three Freedom of Information requests. Under the Freedom of Information Act 2000, the Department is obliged to disclose any information requested, unless it is exempt.

The lists should be read in conjunction with the caveats below to gain a full understanding of what the figures represent. There is also a question and answer section to give further explanation.

Highest Paid Firms - Criminal Defence Service

2005-06	TUCKERS SOLICITORS	£8,459,000
	IRWIN MITCHELL INC:ALEXANDER HARRIS	£5,305,000
	BURTON COPELAND LLP	£4,993,000
	THE JOHNSON PARTNERSHIP	£4,763,000
	MELDRUM YOUNG SOLICITORS	£4,402,000
	JOSEPH HILL & CO	£4,087,000
	ATTRIDGE LAW	£4,060,000
	DAVID PHILLIPS & PARTNERS	£4,048,000
	FORBES SOLICITORS	£3,958,000
	BARK & CO	£3,952,000

* In addition to the private firms listed above, the Public Defender Service (PDS) a publicly administered body providing legal advice and representation received £4,328,000 in 2005-06

Highest Paid Firms - Community Legal Service

2005-06	DUNCAN LEWIS SOLICITORS	£6,968,000
	IRWIN MITCHELL INC:ALEXANDER HARRIS	£5,189,000
	HODGE JONES & ALLEN SOLICITORS	£4,539,000
	WHITE RYLAND	£4,377,000
	STEPHENSONS LLP	£4,287,000
	BLAVO & COMPANY SOLICITORS	£4,096,000
	HOWELLS LLP	£3,362,000
	FISHER MEREDITH	£3,223,000
	SWITALSKI'S	£2,756,000
	WILSON & CO	£2,750,000

* In addition to the firms listed above, the legal aid budget also funded services provided by the following not-for-profit organisations during 2005/06. Contract funding of £3,861,000 to Shelter; contract funding to the Immigration Advisory Service of £10,471,000 and grant funding of £2,656,000; contract funding to the Refugee Legal Centre of £9,832,000 and grant funding of £2,764,000. The grant funding provided was a transitional arrangement following the transfer of responsibility for funding from the Home Office to the LSC in April 2004. Grant funding was provided as an administrative cost and does not include payment for the legal aid casework.

1. The figures represent payments made in the financial year 2005-06. They include payments for work done in previous years – in some cases over a number of earlier years. For example cases may well have lasted more than one year, overall payments may have been increased by one exceptional case lasting a number of years which have been paid in 2005-06 or there may have been delays in submitting relevant claims.
2. All the figures listed are inclusive of VAT (17.5 per cent.) as paid, and disbursements incurred (e.g. travelling). Individuals must pay that VAT to HM Revenue & Customs.
3. While these figures represent payments actually made to the organisations during the year, other parties may in the future repay some of this money to the Community Legal Service (CLS) Fund. 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 CLS Fund. In some cases where costs are recovered from the losing party the actual cost to the CLS Fund may be very little or even nothing. Costs can also be recovered from a legal aid client when they

gain financially from a successful legal action. Nearly £260m was recovered in the above ways in 2005-06.

In the Criminal Defence Service, when a case is completed, a crown court judge can order a defendant who is found guilty to repay all of their legal aid costs by issuing a Recovery of Defence Costs Order (RDCO). The Legal Services Commission has successfully secured RDCOs for over £8m since April 2006.

4. Organisations will have to pay wages for solicitors, caseworkers, support staff and overheads, such as office costs or management out of these payments. In addition payments from the LSC will also cover disbursements paid to barristers and interpreters for work carried out in relation to cases being handled by the organisation.
5. Previously the Legal Services Commission has released figures for solicitors firms on the basis of the top-earning 'offices'. In order to provide figures on a more meaningful basis, amounts provided in the table combine individual account numbers and offices to give figures for firms overall.

Highest Paid Barristers - Criminal Defence Service

2005-06	Balbir Singh	£1,116,000
	Nigel Lithman Q.C.	£978,000
	John C Rees Q.C.	£947,000
	Oliver Blunt Q.C.	£913,000
	Andrew Trollope Q.C.	£889,000
	William Clegg Q.C.	£849,000
	James Sturman Q.C.	£765,000
	Howard Godfrey Q.C.	£733,000
	Abbas Lakha Q.C.	£706,000
	Stephan Riordan Q.C.	£699,000

Highest Paid Barristers - Community Legal Service

2005-06	Elizabeth Gumbel, Q.C.	£493,000
	Jeremy Rosenblatt	£492,000
	Sally Bradley Q.C.	£422,000
	Stephen Knafler	£401,000
	Anthony Hayden Q.C.	£377,000
	Paul Storey Q.C.	£373,000
	Eleanor Hamilton Q.C.	£371,000
	John Godfrey	£371,000
	Michael Keehan	£312,000
	Marcus Scott-Manderson	£306,000

These 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.

1. The amounts paid to each barrister listed represent payments for work covering many years, for a variety of cases. The amount an individual receives in any year fluctuates widely, and is to a large extent due to the variety of payment processes and schemes used by the Legal Services Commission and the Courts.

2. All the figures listed are inclusive of VAT (17.5 per cent.) as paid, and disbursements incurred (e.g. travelling). Individuals must pay that VAT to HM Revenue & Customs.
3. 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 other qualifications need to be added to these figures.

1. 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 many years after cases conclude.
2. While these figures represent gross payments actually made to the barristers during the year, some of those monies have been (or may in the future be) repaid to the Community Legal Service 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 CLS Fund. As a consequence the figures may not reflect the actual cost of the barristers' fees to the Fund. In some cases where costs are recovered from the losing party the actual cost to the CLS Fund may be very little or even nothing.
3. Not all payments could be verified with all the individuals concerned. Cases in dispute, where amounts listed as being paid to individual barristers were identified from records held by the Department and the Legal Services Commission, and the practitioner has no such record, have been included. Where possible, amounts have been verified by practitioners and adjusted where necessary.
4. For the CDS, not all payments are recorded centrally in a way that can be attributed to a barrister. Also not all payments made to barristers are recorded in the database used to compile the list. These include manual legal aid payments and a small number of bills paid on account and payments made in the high court. Therefore, it is possible that the list could change in future following the inclusion of such payments in light of further information and subsequent verification.

Frequently asked Questions

How can this level of legal aid fees be a justified use of taxpayers' money?

In some of these cases fees were scrutinised and assessed independently by the courts as being fair and reasonable for the work done. The LSC has introduced a Very High Cost Case regime in the last four years and those cases are subject to compliance with case management plans. Other cases would involve payment at rates prescribed under regulation (e.g. graduated and fixed fees).

Are these sums typical of what barristers and solicitors get paid annually?

No. These are the top annual payments, and in some cases actually represent payment for work that took place over several years. Altogether in this year (2005-06) £375m was paid for criminal cases and £148m for civil cases to the barristers. Solicitor firms were paid £821m for criminal work and £472m for civil work.

It must be borne in mind that some cases would involve work over more than one year, this is particularly true in complex fraud and revenue cases, and in cases involving the safety and protection of children.

You attach a number of caveats to the information. Why?

It is important to underline what the figures do (or do not) represent. For example, that the amounts paid to barristers are not to be taken as indicative of their personal earnings. These figures include VAT and barristers will have to pay chambers fees and other professional expenses.

Why have you only included NfP providers and the PDS as footnotes to the tables?

The organisations listed in the footnote to the CLS table are national-level not for profit agencies. As not for profit service providers, they operated under a different payment regime to solicitors firms. They were paid a set amount for the time they spend on publicly funded work. As of 1 April 2007 these organisations have signed a new 'unified contract' under which they will be remunerated in the same way as solicitor firms. As not for profit agencies with charitable status, their aim is not to make profit from the work they carry out.

Similarly the Public Defender Service (PDS) is not a private law firm, it is a publicly administrated body and as such the funding of it is distinct from that of private law

firms. For example, as well as receiving funding to provide legal services, it also receives funding to model the effects of policy and also benchmarking.

What are you doing to control costs?

The Government and the Legal Services Commission announced their plans for reforming the way legal aid practitioners are paid in the paper 'Legal aid reform: the way ahead', published in November 2006. This followed Lord Carter's review of legal aid procurement. Best value tendering, based on quality, capacity and price, is to be introduced for legal aid work from October 2008 onwards. Prior to this, the LSC is extending fixed and graduated fees to cover almost all areas of legal aid, as a transitional phase before competition is introduced. The changes include strict controls to ensure quality levels are maintained. The reforms will put legal aid on a sustainable footing, encourage efficiency by legal aid practitioners, and as a result allow us to help as many people as possible within the resources available. They will also guarantee value for money for taxpayers, and contribute to wider initiatives in the justice systems designed to encourage efficiency.

We are moving to improve management information so as to acquire a fuller understanding of price (and volume) pressures, and to support future policy development to gain better control over costs and to achieve greater efficiencies. The new MoJ will also be well placed to co-ordinate whole system improvements in the justice system – this is being taken forward in programmes such as the 'Criminal Justice: Simple, Speedy, Summary' initiative.

What factors determine eligibility for criminal legal aid representation?

All applicants for criminal legal aid representation, whether appearing before the Crown Court or the Magistrates' Court, must satisfy the 'Interests of Justice' test.

In applying the 'Interests of Justice', a number of factors are considered. This includes whether the charge is so serious that, if convicted, the defendant is likely to be imprisoned or suffer a loss of livelihood. It may also take into account the defendant's inability to follow court proceedings if that person has an inadequate knowledge of English. Provided one or a combination of these factors can be shown to be sufficiently relevant, the applicant will generally be held to have met the 'Interests of Justice'.

Implementation of provisions within the Criminal Defence Service Act 2006 means that since 2 October 2006 defendants appearing before the Magistrates' Courts also have to pass a financial eligibility test in order to qualify for a grant of representation.

The new means testing scheme will ensure that legal aid is focused on those who are genuinely unable to pay for their own defence costs, and is expected to save £35 million a year.

Who is eligible for civil legal aid?

With the exception of Special Children Act cases (eg emergency protection orders, care and supervision) granting of civil legal aid is subject to the financial means and legal merits (including assessing the case's likelihood of success) tests laid down by parliament.

Where appropriate the assisted person may also have to make a contribution to the cost of their case. If a person benefits financially from the outcome of civil legal action, they can be required to repay their legal aid costs.

The highest paid legal aid providers are immigration and asylum specialists. Is more money being spent on asylum seekers?

No, less. Costs are down in cash terms from £201 million in 2003/04 to £177 million in 2004/05 and £107m in 2005/06. The cash spend for 2006/07 is projected to drop to £88m. The reduction is due to a combination of the major reforms introduced by the LSC in recent years and the significant fall in the number of people seeking asylum.

However, this work remains fundamental to social justice and promoting social inclusion. It offers legal help to some of the most vulnerable people in our communities. People are granted asylum when they face threats to their lives and liberty that are unacceptable to a civilised society. Many have seen family members killed or imprisoned for political or religious beliefs, suffered torture, rape and other forms of persecution.