

PRESS RELEASE

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HANSON SEEKS VIEWS ON 'CASE CONTRACTS' PROPOSAL

The Government is asking the legal profession in Northern Ireland for its views on the possible introduction of a contract system for high cost criminal cases here.

The Minister responsible for the Northern Ireland Court Service, Rt Hon David Hanson MP, has launched a consultation on the conduct of 'Very High Cost Criminal Cases' in the Crown Court.

Announcing the consultation today the Minister said that, if adopted, the contract system would be similar to the arrangements that are already in existence in England and Wales. It would, he felt, help to define and manage the scale of work and cost attached to certain types of criminal cases:

“Government is committed to providing quality public services that are both efficient and provide value for money. The Legal Aid fund is not inexhaustible and we need to ensure that it is used wisely and fairly and that it is available to those who need it.

“What the contract system aims to do is to ensure throughout the life of very high cost cases that the potential workload and associated costs are identified and agreed.

“This proposal is similar to that currently in use in England and Wales. Under a contract system defence teams would enter into a formal agreement with the Northern Ireland Legal Services Commission to manage the way in which potentially expensive criminal cases are handled. Defence teams would then work with the Commission to conduct the handling of such cases in the manner agreed.

“This is not interference by Government in the legal process – it is Government taking steps to ensure that costs in certain types of criminal cases are managed.

“It is a businesslike response to a business issue and I hope that the legal profession in Northern Ireland will recognise it as such.”

Mr Hanson said that a particular benefit to solicitors and barristers offered by the contract approach would be the establishment of a properly structured payment system when dealing with lengthy criminal cases. At present defence teams must wait until the conclusion of a case before payment is received. In large criminal cases, from a case being returned to the Crown Court to

the payment of bills, this can span a number of years. Under the new contract based system, payments would be made at regular intervals throughout the duration of the case.

Notes to Editors:

1. The consultation period will conclude on 6 October 2008.
2. The consultation document proposes the establishment of a Very High Cost Case Unit within the Northern Ireland Legal Services Commission, which will determine whether cases will operate under a contract and to agree the funding available for specified work during the life of the contract.
3. The proposals seek to move away from the current system whereby the Taxing Master has to assess cases after the termination of the case.
4. Expenditure on criminal legal aid in 2007/08 was £44m. Of this some £29m was in respect of Crown Court cases.
5. The majority of Crown Court cases are paid under standard fees. The proposed arrangements for very high cost cases will increase the predictability of the cost of the relatively small number of high cost cases that sit outside the standard fee regime.
6. The full consultation documentation is available on the Court Service's web site under 'consultations' at www.courtsni.gov.uk.

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