

# **Press Release:**

## **Courts and Tribunals Service Publishes Details of Payments made to Counsel for Publicly Funded Legal Services**

The Northern Ireland Courts and Tribunals Service published details today of payments made by the Northern Ireland Legal Services Commission to the barristers receiving the highest payments from legal aid in Northern Ireland.

The payments were made during the financial years 2008 - 2009 (April 1 - March 31) and 2009 - 2010 (April 1 – March 31).

This information is published routinely by the Legal Services Commission as part of its commitment to the key principles of openness and transparency in its stewardship of public funds.

The Commission published information for the 2008 - 09 and 2009 -10 financial years on 15 June 2010, however at that time the names of the barristers were not identified. At that time the Commission stated that it was its intention to publish barristers' names in the future.

As the issues raised have taken longer to resolve than expected, the Minister for Justice has taken the decision to release the information relating to those barristers where there is no outstanding issue. The Legal Services Commission is continuing to attempt to resolve the outstanding issues so that the remaining information can be released as soon as possible.

The amounts paid to each barrister 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 Northern Ireland Courts and Tribunals Service website at: [www.courtsni.gov.uk](http://www.courtsni.gov.uk)

The Courts and Tribunals Service would like to acknowledge the support and assistance received from the Bar Council for Northern Ireland in the publication of this data.

For further information please contact the Communications Team at: 028 9041 2905.

Full details of the payments made to Counsel for 2008/09 can be found here: [http://www.courtsni.gov.uk/en-GB/Publications/Targets\\_and\\_Performance/p\\_p\\_FinalCounselList\\_0809.htm](http://www.courtsni.gov.uk/en-GB/Publications/Targets_and_Performance/p_p_FinalCounselList_0809.htm)

Full details of the payments made to Counsel for 2009/10 can be found here:  
[http://www.courtsni.gov.uk/en-GB/Publications/Targets\\_and\\_Performance/p\\_p\\_FinalCounselList\\_0910.htm](http://www.courtsni.gov.uk/en-GB/Publications/Targets_and_Performance/p_p_FinalCounselList_0910.htm)

## **Notes to Editors**

Prior to releasing the payment details for 2008 - 09 and 2009 -10 on 15 June the Northern Ireland Legal Services 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 was decided at that 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. As resolution of these issues has taken longer than expected, the Minister for Justice has decided to proceed with publication of the list of barristers in receipt of the highest payments, with names included. One name has been withheld as one issue raised in respect of the information for that individual remains unresolved. The Legal Services Commission is continuing to attempt to resolve this.

### **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 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 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 was shown on the grid for solicitors' payments published on 15 June, under the heading of "Counsel Fees". VAT is also 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 barristers is thorough and sequentially involves the following:**

- Applications for legal aid 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 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.

**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.

# 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.

An executive Non-Departmental Public Body (NDPD), it is sponsored by the Northern Ireland Courts and Tribunals Service, an agency of the Department of the Justice. Its powers are set out in Article 7 of the Access to Justice (Northern Ireland) Order 2003.

The 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

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

For further information please contact:

*Press Team  
Communications Group  
Northern Ireland Court Service  
Laganside House  
23-27 Oxford Street  
Belfast  
BT1 3LA  
Tel. 028 9041 2905*