

Highest Paid Barristers for the year ending 31st March 2007.

The Ministry of Justice (MoJ) and the Legal Services Commission (LSC) frequently receive requests from Members of Parliament and the public to disclose which barristers receive the highest payments for providing publicly funded legal services. The disclosures have usually been in response to questions tabled in Parliament or in response to requests from the public. However, in light of the frequency of such requests, the Ministry decided last year to publish the list on an annual basis.

The lists below show the ten barristers who received the largest total payments in the Financial Year ending 31 March 2007 from the Criminal Defence Service (CDS) and the Community Legal Service (CLS) respectively.

These lists should be read in conjunction with the explanatory notes below the tables to ensure a full understanding of what the figures represent.

Highest Paid Barristers CDS for the year ending 31 March 2007)

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|---------------------------------|-----------|
| BALBIR SINGH | £ 957,000 |
| JOHN C REES Q.C. | £ 956,000 |
| OLIVER BLUNT Q.C. | £ 924,000 |
| GEORGE A CARTER-STEPHENSON Q.C. | £ 763,000 |
| ABBAS LAKHA Q.C. | £ 760,000 |
| TREVOR BURKE Q.C. | £ 711,000 |
| JAMES LEWIS Q.C. | £ 692,000 |
| PETER LODDER Q.C. | £ 678,000 |
| THOMAS W DERBYSHIRE Q.C. | £ 668,000 |
| RICHARD FERGUSON Q.C. | £ 663,000 |

Highest Paid Barristers for the CLS in year ending 31 March 2007

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|-----------------------|-----------|
| JEREMY G ROSENBLATT | £ 508,000 |
| PAUL M STOREY Q.C. | £ 362,000 |
| JOHN P GODFREY | £ 357,000 |
| STEPHEN KNAFLER | £ 350,000 |
| SIMON W TAYLOR Q.C. | £ 334,000 |
| ROBIN S TOLSON Q.C. | £ 328,000 |
| JONATHAN L BAKER Q.C. | £ 323,000 |
| SIMEON A MASKREY Q.C. | £ 284,000 |
| ELEANOR HAMILTON Q.C. | £ 281,000 |
| IAN J C PEDDIE Q.C. | £ 272,000 |

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 LSC and the Courts.
2. All the figures listed are inclusive of VAT (17.5 per cent.) as paid, and disbursements incurred (e.g. travelling). Individual barristers 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 further qualifications are also relevant.

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 a number of years after cases conclude.

2. For the CLS while these figures represent gross payments actually made to the barristers during the year, some of those monies have been paid (or may in the future be repaid) to the CLS 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. Where possible, amounts have been verified with individual barristers and adjusted accordingly.
4. For the CDS, not all payments are recorded centrally in a way that can be attributed to a specific 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

Why are you releasing this list?

This release is in response to a request by a newspaper submitted under the Freedom of Information Act.

We regularly receive requests from MPs, the public and the press for this information, in which there is clearly a public interest in providing. It takes time to compile the list as payments are made from a number of systems. Given the frequency of the requests, it was decided last year to disclose the information on the website on a regular annual basis, so that people requesting it can be referred to it once it has been published.

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

There are a variety of strict controls on legal aid fees. In some of these cases fees were scrutinised and assessed independently by the courts as being fair and reasonable for the work done. The Legal Services Commission introduced a scheme in 2000 to manage high cost civil cases and another in 2003 to manage very high cost criminal cases. Under these

schemes the work of barristers are subject to compliance with case management plans. Other cases involve payments to barristers at rates prescribed under regulation (e.g. graduated and fixed fees).

Are these sums typical of what barristers 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.

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 from them.

What is the Government doing to control legal aid costs?

At £38 per head of population, we spend more on legal aid in England and Wales than in any other country. This figure compares to between £3 and £4 per head in France and Germany, and around £8 per head in New Zealand and the Republic of Ireland - both countries with similar legal systems to ours. The £2 billion we spend each year is around the same as what we spend running our prisons.

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. The aim of the reform is to ensure value for money so that we can help more people within a fixed budget. As a result of the reform programme, spending is forecast to remain stable, in contrast to the significant rises over the last 25 years. (Legal aid has been one of the fastest growing parts of the public sector over the past 25 years, with spending growing from £522m in 1982 - in today's prices - to around £2 billion now: a real terms increase of approximately 5.7% per annum.)

The LSC has largely implemented the first stage of the reform programme – a series of fixed and graduated fees covering almost all areas of legal aid. By moving away, in most cases, from payment by the hour towards paying for work completed, the new fees encourage and reward efficiency. Strict quality controls are designed to maintain, and where possible improve, the standard of advice given to the public.

The LSC is currently consulting on initial proposals for the next stage of reform – a system of best value tendering for legal aid, initially in magistrates' courts and police stations. This consultation closes on 3 March.

The LSC and the MoJ have recently taken additional steps to control costs in the most expensive criminal legal aid cases. These would limit payments to barristers to a maximum of £145 an hour.

The LSC is also moving to improve management information so as to acquire a fuller understanding of price (and volume) pressures on legal aid, and to support future policy development to gain better control over costs and to achieve greater efficiencies. The restructured 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 which is improving efficiency in magistrates' courts.

What factors determine eligibility for criminal legal aid representation?

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

In applying the 'Interests of Justice' test, a number of factors are considered. These include whether the charge is so serious that, if convicted, the defendant is likely to be imprisoned or suffer a loss of livelihood. The defendant's inability to follow court proceedings if they have an inadequate knowledge of English may also be taken into account. Provided one or a combination of these factors can be shown to be sufficiently relevant, then it will be deemed in the 'Interests of Justice' for the applicant to receive legal aid.

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.

Who is eligible for civil legal aid?

With the exception of Special Children Act cases (e.g. emergency protection orders, care and supervision) and cases before a Mental Health Tribunal (where a person's liberty is at stake), 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. An eligibility calculator is available on the Community Legal Advice website:

<http://www.communitylegaladvice.org.uk/>

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.