

**Crown Court means testing
Client care letters – December 2009.**

The suggested optional wording below may be helpful to solicitors who wish to amend their client care letters for clients whose cases are likely to become subject to Crown Court means testing.

We have produced this in response to requests from solicitors at training events for the introduction of Crown Court means testing and shared an initial draft with them. We are grateful for their contributions to this draft. The Solicitors Regulation Authority are satisfied that the suggested wording meets the requirements of Rule 2 of the Solicitors' Code of Conduct - requiring solicitors to give clients in writing the best information possible about the likely overall costs of a matter.

The suggested wording follows:

Crown Court trials

If your case goes to the Crown Court for trial you will automatically qualify for legally aided representation once you have completed an application form. After you have been means tested, you may have to pay towards the cost of your defence. This could be from your income while the case is ongoing and/or from your capital, if you are convicted.

You will be asked to provide evidence of your income and assets. If you do not, your payments could be increased which would result in you paying more towards your defence costs. If you do not tell the truth on your legal aid application about your income, assets and expenditure you could be prosecuted.

You will **not** have to pay towards the costs of your case if you are under 18 when you make your application or if you receive any of the following benefits: income support, income-based jobseeker's allowance, guaranteed state pension credit or income-related employment and support allowance.

You may have to pay towards the costs if your monthly disposable income is above a certain level. If this is the case, you will receive a Contribution Order from the court and you will have to make payments as required under the Order. The first payment will be due within 28 days of your case being committed, sent or transferred for trial. You must tell the court about any changes to your financial circumstances during your case because a change may affect the amount you have to pay towards your defence costs. If you don't think you can afford to pay, or you think that a mistake has been made, you can ask for a review of the amount the court has told you to pay.

At the end of the case, if you are found not guilty, any payments you have made will be refunded with interest. If you paid late or not at all and action was taken against you, the costs of this action will be deducted from the refund.

If you are found guilty, you may have to pay towards your defence costs from any capital assets you may have. This would only apply if:

- you have £30,000 or more of assets, for example: savings, equity in property, shares or Premium Bonds; and
- any payments you have already made have not covered your total defence costs.

You will be told at the end of your case if you have to make a payment from capital.