



The Litigator Graduated Fee Scheme

A Consultation Paper

*Criminal
Defence Service*



June 2007

Foreword

Legal aid solicitors play a vital role in the Criminal Justice System (CJS). The Legal Services Commission (LSC) recognises that Defence solicitors working in Crown Court cases ensure that some of the most vulnerable members of society have access to justice.

Since April 2001, the LSC and the legal profession have made significant progress towards improving the quality of advice and value for money. The challenge for us now is to work together to build on this success and secure a sustainable legal aid scheme for the future.

This paper develops our response to the detailed proposals set out in Lord Carter's review, which were consulted on in "Legal Aid: A Sustainable Future". The Government's and the LSC's response to this consultation was published in "Legal Aid Reform: the Way Ahead" (November 2006). The Government and the LSC have recently confirmed their commitment to proceed with the reform programme in their response to the Constitutional Affairs Select Committee's report on implementation of the reforms.

We are now able to put forward proposals, which take account of the responses to the previous consultation, for the introduction of a fixed and graduated fee for solicitor remuneration in all Crown Court cases ("the Litigator Graduated Fee Scheme"). These proposals aim to further improve value for money and sustainability through a shift from paying for inputs, such as time spent and letters written, to outputs such as completed cases. Improving value for money will allow us to use our funds to achieve more of our objectives for our priority groups.

The LSC believes that the introduction of a new fee regime for litigators will offer both the Commission and criminal legal aid firms' significant benefits. The Commission will benefit from greater value for money and increased certainty of expenditure. This will assist us in our overarching aim to obtain the most out of our money for our clients.

The best performing firms will have a greater opportunity to benefit financially from innovation and efficiency savings while enjoying increased financial certainty. In addition there will be an end to the need for firms to provide a detailed justification of costs and the possibility of costs being reduced on taxation. Furthermore, the litigator fee will enable the LSC to pay solicitor claims promptly, especially where the legal advice providers are able to submit their claim electronically.

We are committed to improving value for money and creating a sustainable legal aid scheme so that clients have continuing access to the services that they need. We encourage you to let us have your views on the proposals set out in this paper.



Carolyn Regan,
Chief Executive, Legal Services Commission

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1. Executive Summary

- 1.1 This paper sets out the LSC's proposals for a fixed and graduated fee scheme for litigators who undertake work in the Crown Court. These proposals follow Lord Carter's review of legal aid procurement, which has been subject to extensive consultation. The Government's decisions following this consultation were published in November 2006 in "Legal Aid Reform: the Way Ahead", which can be found on our website (www.legalservices.gov.uk).
- 1.2 The paper puts forward proposals for a revised Litigator Graduated Fee Scheme (LGFS), which take into account providers' responses to the aforementioned consultation.
- 1.3 The aim of this consultation is to develop a graduated fee system, which will replace the existing *ex post facto* (EPF) payment scheme in the Crown Court for litigators. The new scheme needs to be clear and understood by all legal service providers, reward efficient providers, simplify the claims process and introduce one payment scheme for solicitors in the Crown Court other than Very High Cost Cases (VHCCs).
- 1.4 The proposed graduated fee is based on the elements of a case that appear best to predict the complexity and costs of a case. These elements have been divided into factors that occur in all cases, and factors that occur in some cases. The factors that occur in all cases (proxies) have been used to develop a formula for calculation of the fee. The factors that occur in some cases have been considered to determine whether evidence exists for an additional uplift to be applied to the payment where appropriate. Proxies and uplifts are dealt with in detail in Section 3 of this paper.
- 1.5 Other considerations of relevance to Crown Court case payments are addressed in Section 4 of this paper. This includes information on how confiscation hearings will be remunerated.
- 1.6 The fixed fees within the scheme have been developed to pay for hearings in the Crown Court that do not pertain to a Crown Court case; for example, committals for sentence from the Magistrates' Court. These fees are dealt with in Section 5 of this paper.
- 1.7 The paper aims to explain all factors of the proposals and to seek the views of practitioners on the options proposed. Consultation questions and guidance on how to respond to the paper can be found in Section 6.

2. Introduction and Background

- 2.1 Following the publication of 'A fairer deal for legal aid'¹ in July 2005, Lord Carter was asked to undertake a review of legal aid procurement. This review completed and published its final report in July 2006 entitled 'Legal Aid: A market based approach to reform'². This was subject to a full consultation³ issued alongside the report, following which the LSC and the Department for Constitutional Affairs (DCA) published the consultation response 'Legal Aid Reform: the Way Ahead'⁴ in November 2006.
- 2.2 The Way Ahead set out the reform programme that the LSC and DCA would be taking forward in respect of criminal and civil legal aid. This paper addresses one of the Crown Court proposals, the Litigator Graduated Fee Scheme (LGFS), originally recommended by the Carter report and expanded upon in 'Legal Aid Reform: the Way Ahead'.
- 2.3 The recent Constitutional Affairs Select Committee (CASC) report has also recommended that the main focus of Legal Aid reforms should include Crown Court cases, where costs have risen substantially in recent years.
- 2.4 This consultation paper outlines the background to the LGFS, and provides the LSC's proposals for the litigator fixed and graduated fees for the consideration of stakeholders. A draft Impact Assessment (IA) for the proposal will be published along with this consultation paper. A full and final IA will be published in the light of the decisions taken following this consultation.
- 2.5 We are consulting on the final LGFS proposals for six weeks. The closing date for responses to this consultation is Tuesday 7th August 2007. We believe that a six-week consultation period is sufficient for these proposals as they have been largely consulted upon previously, and since November 2006 we have engaged the Law Society and others in more detailed consideration of the possible changes to the LGFS. Following consideration of the responses, the LSC will announce a final decision and the Ministry of Justice (MoJ) will produce a draft funding order. That order will be subject to a further six-week consultation. This will enable us to be certain that the order accurately reflects the policy and to pick up any other policy issues that emerge during the drafting of the funding order. This current consultation now provides an opportunity to examine the proposed detailed implementation of the scheme already largely consulted upon and decisions already announced in 'The Way Ahead'. The changes made since that consultation address specific issues raised by providers in the first consultation. Much of the structure of the scheme remains unchanged. The LSC has been engaged with stakeholders on both an informal and formal basis to gain as much practitioner input as possible into these proposals; we will continue that process.

<p>Consultation commences – Tuesday 26th June 2007 Consultation ends – Tuesday 7th August 2007</p>
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¹ http://www.dca.gov.uk/laid/fairerdeal.htm#fairer_deal_las

² <http://www.legalaidprocurementreview.gov.uk/publications.htm>

³ Legal Aid: A sustainable future July 2006. This can be found at <http://www.dca.gov.uk/consult/legal-aidsf/sustainable-future.htm>

⁴ <http://www.dca.gov.uk/laid/laidfr.htm#lar>

What Are We Trying to Achieve?

- 2.6 The following key objectives have informed the development of these proposals:
- To ensure the government and taxpayer receive value for money;
 - To pave the way for best value tendering and introduction of a single fee for advocates and litigators in the Crown Court;
 - To implement cost control and generate savings against current legal aid expenditure, in order to secure a sustainable future for Legal Aid and safeguard the provision of civil and family legal aid services;
 - To reduce inefficiency and minimise duplication between work done by litigators and advocates;
 - To ensure a high quality, sustainable supplier base that enables efficient legal aid providers to prosper;
 - To enable increased control and forecasting of expenditure in Crown Court cases;
 - To provide greater certainty to litigators around the timing and value of payments;
 - To maintain the provision of quality legal services for clients.
- 2.7 'The Way Ahead' set out the Government's decisions on the reform of publicly funded legal services. Costs have increased beyond the rate of inflation and available resources. Therefore, if the LSC is to secure a sustainable future for legal aid, reform must be put in place now. The LGFS proposals are designed to transform the way in which criminal defence services are procured and delivered for litigators in the Crown Court in ways that will enable efficient providers to prosper, whilst preserving quality for clients, and safeguarding the provision of civil and family legal aid services through controlling Crown Court costs, again in the interest of clients. The cases that will be paid by the litigator fee are Crown Court cases lasting 1 – 40 days at trial and similar sized cases, which do not reach trial due to a guilty plea or other early disposal. There will be very few exceptions to this.
- 2.8 The historic spend on litigators' cases has increased year on year. The proposed LGFS has been modelled on the historic costs in the Crown Court within the financial year 2004/05 and we intend to work to the same financial envelope. This means that overall payments under the LGFS will be a reduction on the current overall spend for a like caseload this financial year as the LGFS does not include any increase in case costs since 2004/05. The reasoning behind the need to implement this approach is outlined in paragraph 2.12.
- 2.9 The savings generated by ring fencing the costs is approximately £28m in the first full financial year from the introduction of the fee. This equates to approximately 7% of the overall spend (on 2006 cases) for litigators in the Crown Court. Savings generated in the future will stem from the cessation of escalating costs year on year. Impacts on individual firms will be diverse. Those firms who have always been competitively priced are likely to do best under the LGFS.

Overall, some firms may see an increase in payments, although most firms are likely to see some sort of reduction in remuneration to a greater or lesser extent.

- 2.10 The original ring fenced fee model, which was developed by the LSC and used to inform the Carter proposals on litigators' fees, has been tested and appears to be a conservative model, taking possibly £10m more out of the scheme than originally anticipated. It is not possible to identify an exact figure of possible additional savings. We intend to make savings of £28m on the LGFS and therefore will look to replace any additional savings into the scheme. Likewise, if the savings amount to less than £28m in the first full financial year, then we would look to adjust the fees to ensure that these savings are made. There are two options as to how any additional savings can be replaced. An explanation of these options can be found in Section 3 of this paper.

Current Payment Scheme for Litigators

- 2.11 The majority of litigators' Crown Court bills⁵ are assessed by the National Taxing Team (NTT), by EPF determination. EPF determination involves an examination of the solicitors' bill, together with their attendance notes, invoices for disbursements and any other supporting documents, and culminates in a determination of a reasonable payment for the case. The NTT pay such sums as they think reasonable, for work they consider has been reasonably undertaken. Some smaller Crown Court cases are remunerated by a standard fee scheme that was introduced in 1988. The standard fee scheme is a fixed fee scheme, which covers some cases of one to two days' trial and some guilty pleas. However, almost 50% of the eligible cases avail of an escape clause to EPF determination.
- 2.12 This system of remuneration for cases that last between 1 – 40 days at the Crown Court has made it difficult to predict and control costs, proving to be expensive. It does little to reward efficiency and provides little certainty for firms in terms of the amount of payment they receive. From 1997/98 to 2004/05 there has been an 86% increase in expenditure on litigators' fees in the Crown Court. Research by Cape and Moorhead⁶ showed that spending on higher criminal cases (Crown Court and above) had constituted the largest cumulative increase between 1995/96 and 2003/04 in comparison with other legal aid spend, and had exceeded both cumulative increases in inflation and general public spending during this period. The current system does little to reward efficiency as firms are paid for inputs (hours worked) rather than outputs (throughput of cases) and there may be, therefore, an incentive to work as many hours as possible on each case. Maximising the hours worked could mean that the CJS as a whole does not operate as efficiently as possible, as there is no incentive for litigators to reduce inefficiency or minimise duplication with the work done by advocates. The current system also provides less certainty for firms in both the timing of payment and the final amount that might be allowed by the determining officer of NTT, as costs are only assessed after the event.

⁵ Non-VHCC cases.

⁶ Cape, E. & Moorhead, R. (2005), *Demand Induced Supply? Identifying Cost Drivers in Criminal Defence Work*, Legal Services Research Centre, London

The Proposed New Litigator Graduated Fee Scheme

- 2.13 In December 2004, research began on a viable alternative to the existing EPF payment scheme for litigators who undertake work at the Crown Court. Following the examination of 4 years' worth of EPF cases, it was decided by the LSC in April 2005 that a scheme similar to the Advocates' Graduated Fee Scheme (AGFS) would bring the desired certainty and control to this area of expenditure.
- 2.14 The AGFS has been successful in controlling barristers' and solicitor advocates' fees since 1997. The scheme is calculated by applying a formula made up of a base fee (that varies with advocate type and offence type) and various uplifts. The graduated fee scheme provides certainty for both the purchaser and suppliers of advocacy services.
- 2.15 To model the litigator fee scheme, the LSC examined 4 years' worth of data. The original dataset was made up of approximately 273,000 claims and the usable dataset amounted to approximately 263,000 (96%) claims. 10,000 claims were excluded from the analysis as cases could not be properly identified and/or they would be likely to skew the model. The majority of the excluded cases were cases that did not include accurate details of pages of prosecution evidence. These tend to be cracked cases and guilty plea cases, and also some of the longer Crown Court cases. Therefore, the majority of cases in the remaining dataset were cases that lasted 1 to 10 days at trial. However the size of the dataset means that the modelling behind the litigators' fee is reasonably robust. Added to this, modelling for the larger cases has been benchmarked against VHCC cases, where we have had access to comprehensive case details.
- 2.16 The dataset used was significant for modelling purposes. This dataset was used initially to identify the cost drivers in the case (by case type and offence type, trial length and PPE). The LSC could not collect data on unused material, as this is not captured by management information. A document providing more detail on data modelling is attached at **Annex A**.
- 2.17 The proposed litigator fee is a graduated fee, which has learnt lessons from the existing advocates' graduated fee. It provides a payment for a case, which is the mean payment for cases of the same description. This means that the fee is not intended to be an accurate individual case payment system, but rather a means of providing a firm with a reasonable overall payment for a large 'basket' of cases. For firms who have a large, mixed caseload, this system works reasonably well. For example, for cases of 1 to 10 days duration, many firms can expect to be instructed with a reasonably large volume of these cases which will enable payments to approach the mean over a year. This method or remuneration is sometimes referred to as 'swings and roundabouts'.
- 2.18 However, it has been suggested to us that it may not be possible to rely purely on the 'swings and roundabouts' approach with larger cases for several reasons. First, such cases are relatively few in number (approximately 1,650 cases nationally per annum over ten days) and as such no firm can expect to see many in a year. Second, the 'swings and roundabouts' are greater in financial terms for larger cases than they are for the smaller cases. Third, some firms may specialize in particular kinds of cases involving (e.g.) vulnerable or non-English speaking clients, and some areas may throw up a particular case mix. The LSC

expects the graduation to pick up at least some of these complex issues. Additionally, we have noted that barristers (who as sole practitioners are less able to take on a large basket of cases than is the case for a firm) have accepted 'swings and roundabouts' up to and including 40 day cases in the AGFS. However following practitioner feedback on the Carter review, the LSC accepted that the sensitivity of the LGFS model should be further examined for longer cases and cases involving exceptional factors. This consultation paper provides the outcome of this examination.

2.19 The impacts of the proposed LGFS model are examined in the draft IA.

Lord Carter's Review of Legal Aid Procurement

2.20 The Carter review recommended that there should be a litigator fee scheme that includes the following elements:

- A base fee that varies according to offence type and case type. The base fee for trial cases covers the first two days of trial;
- Daily trial uplifts that only begin to be paid where the trial exceeds two days;
- Uplifts on pages of prosecution evidence beyond a specified minimum (dependant on class of offence, case type and trial length);
- Uplifts that are tapered over the course of the case so that payment is front loaded to reward early preparation and resolution of cases;
- Uplifts that vary with the number of defendants;
- Fixed fees for some non-trial events (e.g. committals for sentence, appeals against sentence).

The Way Ahead

2.21 Responses to the consultation highlighted two main concerns about the scheme. The first focused on the taper which was built into the scheme and which affected the fees for larger cases, resulting in what providers believed were inadequate payments for a proportion of these cases. For example, whereas a case would be paid more the longer it lasted at trial, once a case lasted 20+ days at trial the increase in payment reduced sharply, and eventually ceased. This had the effect that remuneration of a 20-day case and a 40-day case were not very different. As a result the payment per day for longer cases reduced substantially.

2.22 Due to the reduced size of the data sample for modelling larger cases, the fees for LGFS cases with a longer trial length have now been modelled with regard to the payments made under VHCC contract. This means that we have profiled the payments for the largest LGFS cases to reach but not exceed the payments likely for VHCC cases. This remodelling has had the effect of removing the Carter taper and replacing it with a very small tapering effect on the payments at the top end of the scheme, which is the direct result of matching the payments at the top end of the LGFS to the VHCC payment scheme.

- 2.23 The second concern raised by providers was that the ‘proxies’ used to build the fee (case type, offence type, trial length and number of pages of prosecution evidence) may remunerate more unusual cases adequately. Responses to consultation raised a number of possible additional factors. The LSC makes a distinction between ‘proxies’ which are present in all cases and which drive the basic payments, and ‘uplifts’ which may make the payment more sensitive to the particular features of a case. We are satisfied that on balance, case type, case length, class of offence and pages of prosecution evidence are effective proxies to predict the likely weight of a case in the Crown Court⁷. However, the LSC accepted that there was a case for examining the possibility of modelling additional ‘uplifts’ into the scheme to remunerate exceptional factors within a case. The LSC has taken the view that such ‘exceptional’ factors are those factors that might occur, for example, in less than 1 in 10 cases, but are not so rare as to occur in only 1 in 100 cases.
- 2.24 The LSC has therefore worked closely with the Law Society and practitioners in order to examine the suitability of including additional uplifts within the LGFS. To allow time for these discussions to take place, the litigator fee implementation date was deferred.
- 2.25 The data analysis and modelling of the LGFS has now been completed to take into consideration providers’ views expressed during consultation. The data is inconclusive about the need for additional uplifts. On the one hand, cases with potential additional uplifts tend to cost more; on the other hand, it is impossible to say whether there are other underlying factors that have caused this increased cost. In addition, it has been difficult to model with any certainty a standard level of payment to remunerate for such factors, due to the inconsistency of payments awarded for these cases under the current EPF regime and the limited amount of data available on the type of complicating factors present.
- 2.26 The LSC has considered the feedback from practitioners that such uplifts would be necessary to ensure adequate remuneration for more unusual cases under the LGFS. Based on this information the LSC has modelled a scheme with a number of potential uplifts, with a view to obtaining practitioners’ feedback. This option is modelled on our understanding of the numbers of current cases containing the uplift elements. On current cases, this would replace £3m into the LGFS. However, we would ensure that the savings made on the LGFS amounted to no more than £28m and so, if necessary, we would increase the amount replaced into the scheme to achieve that figure. More detail can be found under Option 1 in Section 3 of this paper. However, the LSC has many concerns about the lack of compelling data and is therefore not in favour of introducing additional uplifts into the scheme.
- 2.27 The LSC has also modelled an alternative to the ‘uplifts’ option, detailed in Section 3 of this paper as Option 2. This is the LSC’s preferred option. Option 2 increases the base fees of each case proportionately. To illustrate the impact of Option 2, we have modelled the proportionate increase on £10m additional funding into the scheme, which amounts to an increase of 12.5% on the base fee. However, depending on the actual amount of additional funding to be

⁷ Paragraph 26, Legal Aid Reform: The Way Ahead

replaced into the scheme, this percentage may increase or decrease accordingly.

- 2.28 The LSC has modelled an overall LGFS, which has been developed to strike a proper balance between incentivising efficiency and earliest appropriate disposal of cases, whilst ensuring an appropriate level of payment for inherently long and complex cases. This means that the average remuneration for work undertaken in a case tends to reduce as cases increase in size. This fits well with the ethos of a graduated fee and with the wider Carter reforms. However, we would welcome the views of stakeholders on this principle and would reconsider rebalancing the fees within the same overall financial envelope, should this be found to be a more practical option. General feedback on this point, together with any specific answers to the consultation questions, is welcomed from stakeholders.
- 2.29 An impact analysis of both options on BME firms is detailed in the draft IA, published alongside this consultation paper.
- 2.30 Subject to the responses we receive in respect of this consultation, the proposed LGFS model options are outlined in Sections 3 and 4 of this document. Two electronic calculators have also been published on the LSC website, so that providers can test the fee scheme proposals simply by inputting the proxies (and uplifts where appropriate) of past cases and examining the fee generated.
- 2.31 The LSC views the LGFS as an important step toward achieving a more cost effective payment scheme for litigators in the Crown Court. It is also expected to encourage a more economical pattern of working with advocates, and will pave the way for Best Value Tendering in the future.

3. The Litigators' Graduated Fee

- 3.1 Subject to the outcome of this consultation, the LSC intends to introduce a revised fee scheme for litigation services in the Crown Court on or after 3 December 2007. This fee will become the means of paying for most work in the Crown Court. The exceptions – various fixed fees – are covered in Section 5 of this document.
- 3.2 The LGFS has been developed following 18 months' detailed analysis of historic spend on Crown Court cases. The cases examined spanned a period of approximately 4 years⁸. Cost drivers have been identified within these cases by examining various factors within a case and comparing them to the financial spend. The subsequent fee is based on those cost drivers, or elements of a case, that appear best to predict the costs of a case. These elements have been divided into factors that occur in all cases, and factors that occur in some cases. The factors that occur in all cases ('proxies') have been used to develop a formula for calculation of the fee. The factors that occur in some cases have been added to the litigator fee model as possible additional uplifts to be applied where appropriate.
- 3.3 The fees are based on average historic spends for different case types, offence types and trial lengths. Where cases historically obtained enhancements under EPF determination, those fees will be generally greater than cases and offence types that did not traditionally obtain enhancements. Therefore, any additional payments for enhancements are now within the average fees themselves. Changes were made to the practice of awarding enhancements in 2005. These changes were reflected in the historic data used for modelling so that only up to date payment rates were used. This means that where a case may have been awarded an enhancement of 200% in the past, we have adjusted the figure to reflect the change in payment policy. Similarly, all data used has been subject to inflationary adjustments to ensure that we have based the fees for all cases on 2004/05 rates of payment.
- 3.4 This paper sets out the proposed graduated fee for litigators in the Crown Court. **All fees featured are inclusive of VAT.** It should be reiterated at this stage that there will be a further consultation on a draft funding order in due course which will detail the fees exclusive of VAT, as is usual within the Regulations. The tables behind the calculations of the fees can be found in **Annexes B to E**.

The Proxies

- 3.5 A 'proxy' is an element of a case that has been weighted to adequately remunerate the seriousness, complexity or length of that case. Therefore, a proxy aims to establish the level of payment sufficient⁹ to meet those specific elements of the case measured by the proxy, but also other elements of preparation generally and necessarily required when undertaking such a case.

⁸ Cases between April 2001 and August 2005.

⁹ It is an assumption that the payments authorised by the NTT broadly reflected the right pattern of payments, although it is also the LSC's view that payments have increased disproportionately in this area. When best value tendering is introduced payments will reflect the market cost of this service.

For example, payments calculated on the basis of pages of prosecution evidence also assume a level of unused material that a provider may read.

- 3.6 The proxies in the LGFS have been identified following months of detailed research on historic payments made to litigators in the Crown Court. The first and most obvious trend identified was that cases vary in payment amount according to when the case concludes. Cases can conclude early, on or before the Plea and Case Management Hearing (PCMH) ('guilty plea case'), between PCMH and trial ('cracked case') or during or at the conclusion of the trial ('trial'). Different types of disposals/proceedings within a case are known within the LGFS scheme as the 'Case Type'. Accordingly, the first proxy of the litigator fee is case type.
- 3.7 Different offence types also obtain different remuneration. For example, historically, murder and other homicide cases generally cost more than most other cases of similar length (at trial) and size (amount of prosecution evidence served). We have modelled the LGFS to reflect this historic trend. Therefore, the second proxy in the fee is offence type. Where cases include more than one offence, the second proxy is the most serious offence type within the case. In modelling the LGFS, the same offence types have been used that have been used to model the AGFS. These offence types are listed fully in the CDS Funding Order 2007. A brief summary is also provided on the front page of the calculators that have been published on the LSC website alongside this consultation paper.
- 3.8 The first building block of the litigator fee formula is therefore a cross reference of case type and offence type. The basic fee for each case type plus offence type pairing can be found at **Annex B**.
- 3.9 The third proxy in the litigator fee is trial length. This applies only to trial cases (i.e. not to guilty plea cases or cracked trial cases). Where a case has gone to trial, the basic fee is combined with the trial length to provide a length of trial payment. This can be found at **Annex C**.
- 3.10 The trial length proxy assumes the amount of prosecution evidence (PPE) served within the case is within a certain level of PPE by offence type, case type and trial length. Analysis showed that cases with PPE over the PPE cut off tend to be paid with higher fees than cases below the PPE cut off for the same offence type, case type and trial length. Thus the fourth proxy, the gross PPE proxy, caters for cases with PPE exceeding the PPE threshold.
- 3.11 The inclusion of PPE as a proxy is important in cases predicted to last a long period but which, for a number of reasons, "go short". An example of this might be a fraud case where trial was estimated to be likely to last 30 days but the defendant pleaded guilty on the second day of trial. In this situation, the trial length PPE would not adequately compensate the work done on the case, but the additional gross PPE proxy would ensure that such cases would obtain adequate reimbursement. To trigger the gross PPE proxy, the PPE needs to surpass the PPE threshold within the guilty plea or cracked trial base fee, or within the length of trial fee. Where this is the case, an additional payment is made for each subsequent page within the PPE. The appropriate payments for the gross PPE proxy can be found at **Annex D**.

Q1 Do you agree with the proxies within the litigator fee?

Q2 Do you have an alternative proposal to the proxies suggested?

The Options

- 3.12 Each litigator fee is made up of a number of essential elements ('proxies').
- 3.13 The LSC now presents two options for the proposed LGFS. Option 1 contains proxies and three 'uplifts'. Option 2 also contains proxies but only one uplift, catering for multiple defendants. Option 2 is the LSC's preferred option. Whichever option is chosen, after consultation, the LSC expects the overall remuneration for litigation services in the Crown Court to be the same. The level of remuneration will provide a £28m saving to legal aid funds which is required for sustainability across the legal aid fund as a whole. Therefore, if either or both of the two options proposed achieves greater or lesser savings than £28m, the LSC will reserve the right to adjust the options accordingly until the right level of savings are achieved.
- 3.14 An 'uplift' is an increase (a percentage increase on the whole fee), which is paid for a factor that has been identified as being a cost driver in certain cases. The graduated element of the fee is brought about by a formulaic combination of the proxies. An uplift is added as a percentage of the whole fee thereafter.
- 3.15 Both options contain an uplift for multiple defendants. Where a solicitor represents more than one client in a case, it is proposed that an uplift will be given. The uplift rates for multiple defendants can be found at **Annex E**.

Background to the Options

- 3.16 Following the Carter consultation, responses were received from the Law Society and practitioners regarding the need to address more unusual aspects within some cases that did not apply to all cases. The LSC's view is that the graduated fee model includes payments for all unusual factors on a 'swings and roundabouts' basis, as we have modelled the fee on historic data and therefore costs. This means that, over a period of time, the average payments received by a firm for Crown Court cases should level out, and firms should examine their profit margins not on a case-by-case basis, but over the course of the financial year.
- 3.17 A number of respondents to the previous consultation suggested that whilst the 'swings and roundabouts' approach works for firms with a varied case mix, it does not work so well for firms who deal with specific clients or offences. Under the wider Carter proposals, it is likely that firms will begin to see a larger, more varied case mix, which supports the introduction of a graduated fee. However certain factors, such as locality and population trends, might still impact on firms.

3.18 The general practitioner view was that the nature of the client within the case was important to the overall preparation, and therefore cost and complexity of a case. Certain clients generated the need for more work to be undertaken on a case. The LSC agrees to consult further on the view of the Law Society that this may impact uniquely on the litigator in the defence team, as a result of their work receiving the client's instructions and drafting the proof of evidence, which requires substantial preparation and contact with the client.

<p>Q3 What is your opinion of the view that the nature of the client impacts uniquely on the work of the litigator within the defence team?</p>
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3.19 Specifically, providers argued that vulnerable clients, clients who provided Queen's evidence, clients in custody and clients who required interpreters affected preparation time (and therefore cost) to a significant degree. The LSC undertook research on a sample of 1,000 cases to examine this assertion. Background information on the data collection exercise and analysis can be found at **Annex F**.

3.20 The limited availability of data on cases containing these complicating factors has made it difficult to come to any definite conclusions about the cost impact of such factors on a case. In general, the analysis was able to show that in the majority of cases containing a proposed new uplift, those cases had cost more and taken more time to prepare than the sample of cases that did not include such factors. However, it was not clear from the data whether these factors were the main or sole cause of the higher costs/time taken, or whether other underlying factors had caused this increased cost.

3.21 Also, due to the lack of consistency when examining similar cases under the EPF regime around (a) the level of payment awarded, and (b) the varying amounts of work undertaken by litigators, the value of a potential uplift to remunerate for each individual complicating factor has been difficult for the LSC to quantify.

3.22 The LSC finds the analysis and modelling to be inconclusive and is not minded to introduce a fee scheme based on this data. However, the LSC recognises that some practitioners view the inclusion of uplifts as a positive addition to the scheme, and believes that it is appropriate to present the data and modelling undertaken on the potential uplifts within this consultation so that all stakeholders may see the results and provide feedback on this option.

3.23 Therefore the LSC welcomes any additional input from practitioners on both the type of uplifts outlined in this paper (including those on which we have concluded that there is no evidence to justify an additional payment), and the level of remuneration for the uplifts proposed. When considering the options, stakeholders should bear in mind that the LSC has a fixed financial envelope for the introduction of the LGFS. As such, any increase to the remuneration of one or more of the uplifts proposed below would require a proportional decrease in another element of the fee; to either one of the other uplifts, or the proxies outlined in paragraphs 3.5-3.11 of this paper. It is also important to bear in mind that both the LSC's preferred option (Option 2) and the option with uplifts (Option

1) will result in a real increase in the fee level proposed when compared with that proposed in the Carter Review (see paragraph 2.10 of this paper).

3.24 The following uplifts were examined by the LSC:

- Client in Custody: 50% of Crown Court cases have clients in custody. This is a very large proportion of cases out of the whole case sample and as such does not appear to be an unusual factor for a Crown Court case. Because the original litigator fee payments were based on historic data, it is certainly the case that the added complexity for client in custody has been modelled into the fees already. Also, there is a higher proportion of PPE in cases with clients in custody as opposed to cases without. These factors suggest that client in custody cases are already being paid higher, historically, than those without, and that the modelling of the litigator fee has captured that disproportionate payment making an uplift unnecessary in these cases.
- Non-English Speaking Client: The LSC identified all firms within the data sample where an interpreter or a translation service was required at any time within the case for the defendant. Approximately 8% of the cases in the sample included this factor. The impact on cases with this factor in historic terms is that they have cost more than cases with no such clients, and litigators traditionally spend more time on attending the client. This implies that more time might be spent on cases where a client is a non-English speaker. However, from the small data sample, which only included approximately 80 such cases, it is impossible to say with any accuracy what the average cost impact of such cases is likely to be. Also, LSC suggests that a large element of the impact of non-English speaking clients would be picked up through the trial length proxy, in that it is believed cases with non-English speaking clients generally take longer at trial than cases where there is no need for interpretation or translation services. The data found in Annex F, Table 5 supports this idea. The LSC suggests that this means that trials where a client is non-English speaking are already adequately funded for the additional requirements involved, however would like to obtain practitioners' views on this point. Cases where the client pleads guilty or where the case cracks before trial are not compensated by trial length. Therefore, the LSC seeks practitioners' views on the possible inclusion of an uplift for cracked trial and guilty plea cases with non-English speaking clients.
- Vulnerable Client: The LSC examined cases with juvenile clients and cases where the client was considered vulnerable on mental health grounds. There was some difficulty in defining 'vulnerable' due to the wideness of the definitions provided in the Mental Health Act, PACE 1984 and the Care Standards Act 2000. We opted for a very loose subjective definition in order to capture data. Using this definition, we found that approximately 9% of cases in the data sample included a juvenile client or a client with mental health concerns. Again, when comparing such cases with cases without vulnerable clients, the sample showed that vulnerable client cases cost more. Factors such as PPE and trial length did not account for the whole cost. It was concluded that an uplift might be appropriate. However, to fit in with the philosophy of graduated fees,

'vulnerability' has to be based on objective, verifiable criteria. For example, the presence in the case of psychiatric reports is not objective proof that the defendant is a vulnerable client. We had not been able to define 'vulnerable client' sufficiently objectively during the data collection exercise and so had opted for a wide approach. We accept that this definition will mean that any uplift paid would inevitably go to a smaller number of cases than the 9% identified above. We would welcome practitioners' feedback on any objective definitions for 'vulnerable' client. The LSC suggests defining vulnerable clients as any of the following:

- Juvenile clients (defined in Magistrates Court Act 1980, s.29 (1)(a) – "a person under the age of 18")
- Clients who are unfit to plead
- Clients in cases where a Restriction Order under the Mental Health Act has been imposed (which requires the permission of the Secretary of State to authorise the release of a convicted defendant)

Q4 What is your view of our suggested definition of vulnerable client?

Q5 Are there any other equally objective and definable criteria that you would put forward in addition to the above?

- Defendant Informant: Only 0.3% of the cases within the data sample included this element, making it impossible to reach any conclusions on this. Therefore it was felt appropriate that, rather than model an uplift, these cases should be treated as being catered for within the fee and exceptionally examined on a case by case basis by the Complex Crime Unit (CCU) where appropriate and where the case falls into the 25 – 40 day group. The definition of an appropriate case for examination by the CCU will be provided in due course.

3.25 Other factors identified following the consultation process and examined by the LSC include exceptional levels of unused or third party material, tape footage and confiscation hearings. These possible uplifts were put forward due to the amount of preparation time it can take to address exceptional levels of this type of material. The following findings were made:

- Tapes: Tapes served with the prosecution material occur in approximately 28% of cases. There was little data on the volume of tapes in each case. These cases also have a higher proportion of PPE, averaging approximately 100 pages more than cases without the tapes. However, because of the percentage of cases affected by this potential uplift, it was felt that the 'swings and roundabouts' rule would adequately cover this aspect.

Q6 What is your view of our proposal not to model an uplift for served tapes?

- Exceptional Levels of Unused or 3rd Party Material (Including Tapes): This is dealt with in Section 4 of this document.

The Options

3.26 Following consideration of the evidence outlined above, two potential areas of uplift remain under consideration – an uplift for cases with a vulnerable client, and cracked trials/guilty pleas with a non-English speaking client. These have been provided in this paper as Option 1, and are outlined in detail in paragraphs 3.27 – 3.28 below. A second option has also been proposed for the consideration of practitioners, which involves an increase to the base fee for each case. This has been provided as Option 2, and is outlined in paragraphs 3.29 – 3.33.

Option 1 – Additional Uplifts

3.27 We accept that it is arguable although not conclusive, on the limited evidence available to us, that cases involving non-English speaking or vulnerable clients may cost more than other cases. We are prepared to consider whether or not any such difference should be reflected by way of an additional uplift to the fee. This position would differ from the AGFS, which does not provide additional payments for these criteria. The rationale for modelling such differences within the LGFS would be that the litigator is the defence team member responsible for attending the client, taking the client's instructions and producing their proof of evidence. This means that the solicitor has more dealings with the client and is therefore more directly affected by any unusual or complicating factors arising out of the client's circumstances or issues. Attending the client will take longer with vulnerable clients or clients who do not speak English than with other clients.

<p>Q7 Do you agree that paragraph 3.27 accurately describes the differences in the work undertaken by litigators and advocates in dealing with clients?</p>
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3.28 The limitations of the available data have been described earlier in this section (and are provided in more detail at Annex F). To support the ethos of the graduated fee, it was thought that paying a percentage uplift of the whole fee for a case would be the simplest and most effective method of remunerating the uplifts. This option would set the uplift for non-English speaking clients at 10% of the whole fee for cracked trial and guilty plea cases, and the uplift for vulnerable clients at 10% of the whole fee. For cracked trial and guilty plea cases where the client is both non-English speaking and vulnerable, the proposed uplift is 20% of the fee. As explained before, the percentages for the proposed uplifts have not been set with regard to historic trends and provider feedback on these is welcomed.

Option 2 – Increased Base Fee

3.29 The LSC is wary of introducing Option 1 due to the inconclusive nature of some of the data. Whilst the analysis seems to show that cases with vulnerable clients and clients requiring an interpreter tend to cost more, the data cannot show conclusively why this is. There is a possibility that the costs may be related to other, non-identified factors. Also, even if it is accepted that such cases cost more as a result of the factors identified as potential uplifts, there is no

conclusive analysis to show the amount by which such cases should be remunerated. Therefore, setting remuneration levels would be the subject of a certain amount of subjectivity.

- 3.30 The LSC proposes a second option for the LGFS, which would involve increasing the base fee for all LGFS cases by the same proportion (12.5%). The base fee is the fee for all 1 – 2 day cases. Longer cases are paid the same fee but with increases for trial length and PPE. Therefore, increasing the base fee will affect the payments for all cases that go to trial.
- 3.31 Base fees for cracked cases and guilty pleas would also be proportionately increased by 12.5%.
- 3.32 Increasing the base fee by 12.5% is estimated to still achieve the £28m savings required of the LGFS. However, we will continue to monitor and analyse the data and will revise this percentage where required to ensure a £28m level of savings.
- 3.33 A second calculator with an increased base fee of 12.5% but no additional uplifts is available on the LSC website, to enable providers to examine the impact of Option 2 on their remuneration.

Q8 Which of the two options set out in this consultation paper do you prefer?

Q9 If you prefer Option 1, do you agree that cases with non-English speaking clients and with vulnerable clients should obtain uplifts?

Q10 If you prefer Option 1, do you have any comment on the level of uplifts proposed?

Q11 Bearing in mind the LSC's stated preference for Option 2, and the fact that at least in part this is due to lack of detailed evidence to support Option 1, is there any other evidence that you wish the LSC to consider before a final decision on uplifts is made?

- 3.34 Some examples of both Option 1 and Option 2 of the litigator fee have been provided as **Annex G**.

Method of Calculation

- 3.35 The LGFS is calculated by means of a formula. The formula differs slightly depending on the case type (guilty plea, cracked trial or trial) and whether or not the case exceeds the PPE threshold.
- 3.36 For guilty plea, cracked trial and trial cases, where the case falls below the PPE threshold, then the total fee payable to the litigator will be the basic fee, and any applicable length of trial proxy.

- 3.37 For guilty plea and cracked trial cases with PPE above the PPE threshold, the final fee will be calculated from gross PPE proxy by case type and offence type.
- 3.38 For trial cases with PPE above the PPE threshold of the length of trial proxy, the final fee will be calculated from the gross PPE proxy by offence type.
- 3.39 For Option 1, uplifts will be added after the fee has been calculated. For both options, the defendant uplift will be applied last.
- 3.40 Two calculators have been published on the LSC's website alongside this consultation paper, to assist interested parties in understanding the effects of the new fee scheme proposals without having to manually calculate fees using the various tables in the attached annexes. The annexed tables are included in this consultation, however, to provide transparency of data and for completeness.

4. Other Considerations

4.1 There are various other factors that need to be taken into consideration when examining the LGFS. This paper seeks to examine how these factors are dealt with. The factors are:

- Exceptional levels of unused and 3rd party material
- Confiscation (and related) hearings
- Transfers and retrials (refer to Annex H)
- Travel and waiting
- Travel disbursements
- Other disbursements
- Complex cases
- Claiming the litigator fee
- Committal hearings and sent cases

Exceptional Levels of Unused (3rd Party Material)

4.2 Exceptional levels of unused material (and 3rd party material) was a factor raised by practitioners as one that sometimes causes unusually large amounts of preparation. Analysis was undertaken to examine this factor following the data collection exercise.

4.3 Data on unused material was sparse within the cases analysed. Approximately 8% of the 1,000 cases examined included unused material. Of the data available, it appeared that the average amount of unused was approximately 265 pages (see Annex F Table 7). We can safely assume that payment for this level of unused material is included within the fee, based on the traditional time allowed for examining relevant unused by the NTT and the CCU which, in the case of the average unused, would amount to approximately 1 to 3 hours work. Exceptional unused material, which could not be reasonably included within the fee, would be considerably above this figure. Approximately four cases sampled had over 1,000 pages of unused. The number of cases viewed in this sample was too small to provide any detailed analysis. It was therefore felt that it would be impossible to identify the threshold above which the amount of unused could be considered 'exceptional'. The VHCC scheme uses 10,000 pages of unused as a threshold, above which it is considered to be a large quantity of unused. This threshold would be a good indication of an unusual amount of unused in the LGFS scheme. It is proposed that unusually large amounts of unused could be treated by allowing cases above 25 days to escape to the VHCC system where the unused exceeds that threshold.

4.4 Accordingly, the LSC seeks practitioners' views on the option of a possible escape to the VHCC contracting system for cases of 25 days or more where the unused exceeds 10,000 pages, and where the case meets an additional factor as set out in the VHCC scheme 25 – 40 day criteria as set out below:

"We will contract all 25 – 40 day cases from the SFO, all Terrorism cases and all those with 5 defendants or more.

We will contract all those which have 2 or more of:

- *10,000 or more PPE*
- *10,000 or more pages of unused*
- *a Representation Order exists for QC and led junior*
- *expenditure on experts likely to be at least £10,000.”*

Q12 What is your view of the possible escape to VHCC contracting as a means of remunerating excessive levels of unused material for larger LGFS cases?

Confiscation Hearings

- 4.5 In the past few years, the number of confiscation hearings has increased significantly. Some confiscation hearings engender a great deal of additional preparation and subsequent hearings. These hearings will be paid for under the LGFS through the graduated fee formula rather than by uplift.
- 4.6 The AGFS also pays for additional hearings for confiscation proceedings. The difference in the systems is that the LGFS will pay additional trial days rather than hearings, which is likely to generate a higher payment. This difference represents the additional work undertaken as preparation by the litigator, in terms of retrieving defence-generated material and financial accounts to support the defendant in the subsequent hearing.
- 4.7 In order to claim for the confiscation hearing, the solicitor will need to add any additional hearing(s) to the original case trial length. Each separate hearing will equate to an additional day at trial. This increase will adjust the amount paid on the case and will compensate for the additional work undertaken as preparation for such hearings.
- 4.8 For confiscation hearings for cracked trials and guilty pleas, we will treat each hearing as a day at trial, so in practice such cases will be paid as cases with one (or more) day(s) at trial.

Q13 Do you have any comments on the proposed method of paying for confiscation hearings?

Transfers and Retrials

- 4.9 Where a solicitor works on a case that is subsequently transferred to another firm of solicitors, or where a firm picks up a case on transfer, they will be paid a percentage of the LGFS, as appropriate according to the time of the transfer. Also, where there is a retrial, a percentage of the fee will be paid, depending on whether the firm was instructed in the original trial. The percentages differ from those found in the AGFS. However, these percentages are based on the whole case fee, before uplifts, and so are calculated differently.
- 4.10 The proposals for transfers and retrials have already been consulted upon in Lord Carter's proposals. A complete table of payment arrangements for transfers and retrials can be found at **Annex H**, together with some examples of how the payments would work in practice at **Annex G**.

Travel and Waiting

- 4.11 Travel and waiting costs can be broken down into time spent on travel and waiting, and disbursements incurred when travelling. Travel disbursements are dealt with in paragraph 4.14 below.
- 4.12 Time taken on travel and waiting is included in the LGFS base fees. The actual travel time costs were added to the base fee for each case. This has the effect of ensuring that cases where there is traditionally a large amount of travel time (e.g. those cases where the client is often in custody, such as offence type A cases) will have proportionally more travel costs modelled in to the base fee.
- 4.13 Modelling travel time into the fee means that travel and waiting will no longer be paid or claimable at an hourly rate.

Travel Disbursements

- 4.14 The majority of disbursements for travel are included within the LGFS. The trial length proxy includes an element for travel disbursements. However, where there is exceptional expenditure on travel, for example long haul air travel, we propose that the travel disbursement should be considered along with other disbursements (see paragraph 4.15). It is likely that solicitors will want to obtain prior authority for exceptional travel disbursements, as otherwise they may risk not being reimbursed separately. A full definition of exceptional travel will be provided in guidance material prior to the introduction of the scheme.

<p>Q14 What is your view of the proposed arrangements for travel disbursements and exceptional travel?</p>

<p>Q15 Do you have an alternative method of paying travel disbursements that you wish to propose?</p>
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Other Disbursements

- 4.15 Other disbursements incurred during a case, such as expert reports, will be paid separately. Firms are likely to wish to apply for prior authorities for more unusual disbursements to ensure that they obtain reimbursement for them.

Complex Cases

- 4.16 We anticipate that there may be occasions where a Crown Court case, which is within the LGFS remit, nonetheless has the hallmarks of an exceptionally complex or unusual case. This will apply to cases that last or are likely to last 25 to 40 days at trial. It is proposed that such cases should be dealt with by contract under the VHCC system. The VHCC criteria can be found in paragraph 4.4 of this document.

Committal Hearings and Sent Cases

- 4.17 Cases that are transferred under Section 51 already contain an element for payment for the transfer within the LGFS. All other committal (and similar) proceedings will continue to be remunerated in the Magistrates' Court.
- 4.18 In developing the proposed LGFS, we have attempted to achieve the right balance between the litigators' fee and fees paid in the Magistrates' Court for either way offences. That balance needs to take account of the fee for committals in the Magistrates' court and the separate payment for advocacy in the Crown Court.
- 4.19 We are keen to ensure that the proposed LGFS does not provide any undue incentive for cases to be sent to the Crown Court, and are interested in obtaining providers' views on this point.

<p>Q16 What are your views on whether the proposed LGFS minimises any potential undue incentive for either way cases to be sent to the Crown Court?</p>
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Claiming the Litigator Fee

- 4.20 Currently, litigators' claims in the Crown Court are processed by HMCS NTT. We propose that claims for cases granted Representation Orders after the implementation of the LGFS (currently anticipated to be on or after 3 December 2007) be processed by the National Courts Team (NCT) in the LSC.
- 4.21 From the date of implementation of the new LGFS, claims will be made either on-line or by submission of a claim form to the NCT, together with copies of prior authorities and invoices as appropriate. The claims will be paid in the next available BACS payment run.

Appealing the Litigator Fee

- 4.22 There will be provisions to appeal the litigator fee. These will be set out in the Funding Order and in guidance material. There will be an initial stage of review within the NCT processing centre, with a right to appeal to a Cost Judge. The appeal to the Cost Judge will be identical to the appeals process currently used by litigators following a re-determination of a bill. Final appeals will go to the High Court.
- 4.23 Litigators will be able to appeal disputed case data (e.g. offence type or length of trial) and also disputes where cases are thought to be eligible for inclusion in the VHCC contracting scheme.

5. Litigator Fixed Fees

Background

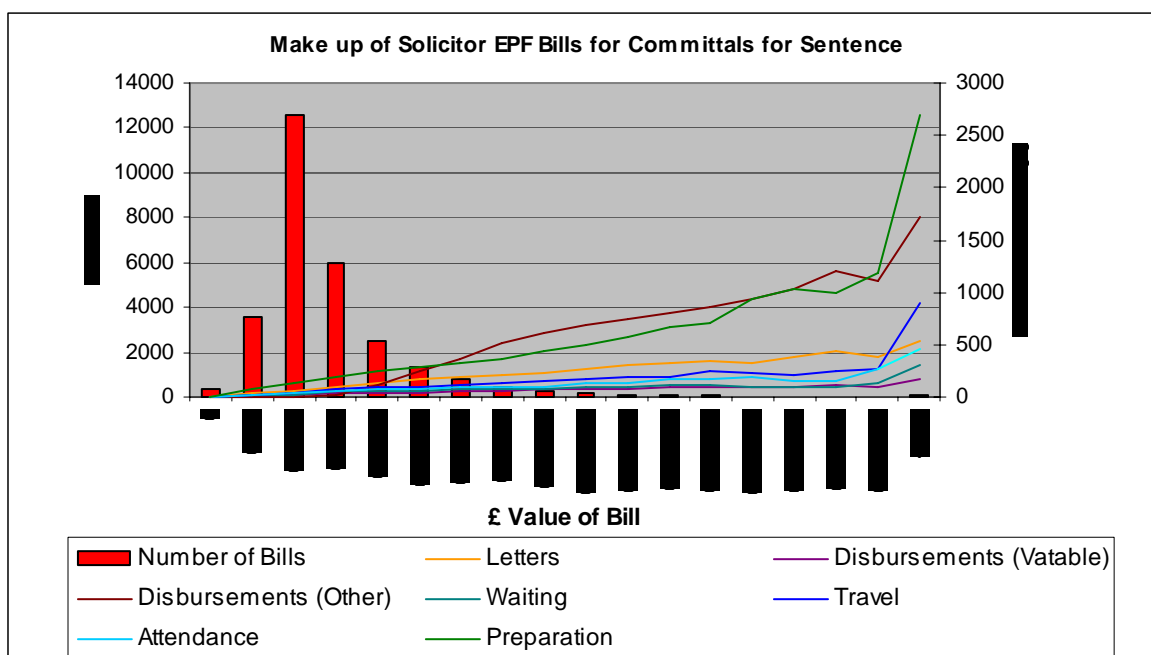
5.1 There are a number of hearings in the Crown Court that do not pertain to a Crown Court case. These are:

- Committals (for sentencing)
- Appeal against sentence
- Appeal against conviction
- Contempt of court (other than defendant in a Crown Court case)

5.2 These hearings are currently paid by standard fees and/or an escape to EPF determination¹⁰.

5.3 Analysis was undertaken to examine the average costs for such hearings. The results of this analysis are set out in the tables below.

Table 1: Crown Court Committal Payments for Cases Referred Up from the Magistrates' Court



¹⁰ Please refer to the CDS Funding Order 2007 (SI 2007/1174) for details

Table 2: Crown Court Appeal Payments for Cases Referred Up from the Magistrates' Court with an Appeal Against Sentence

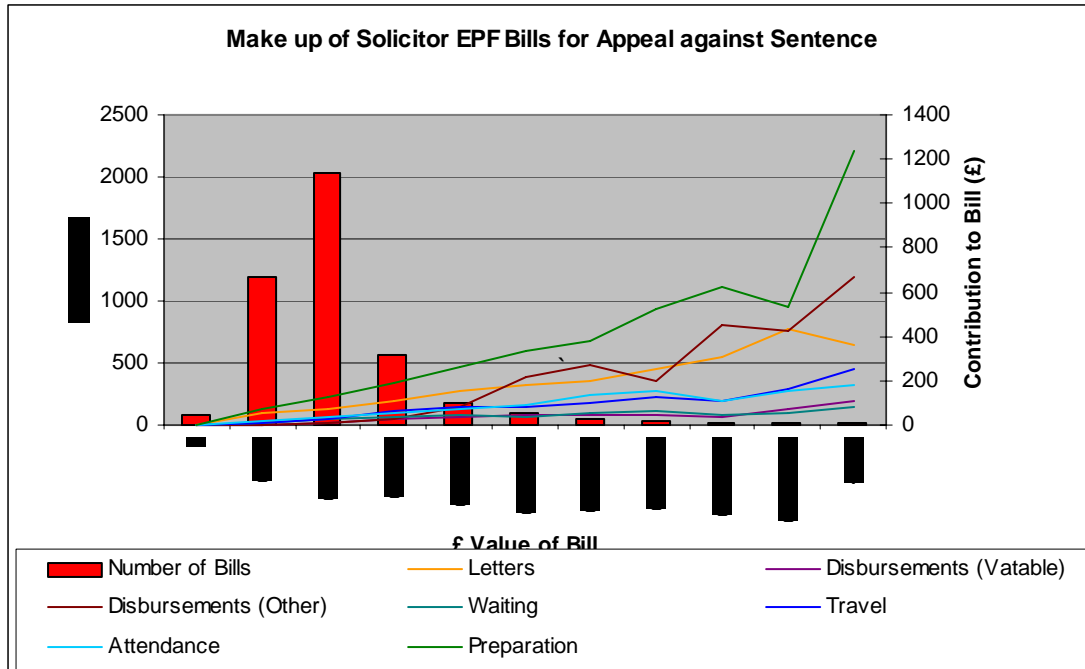
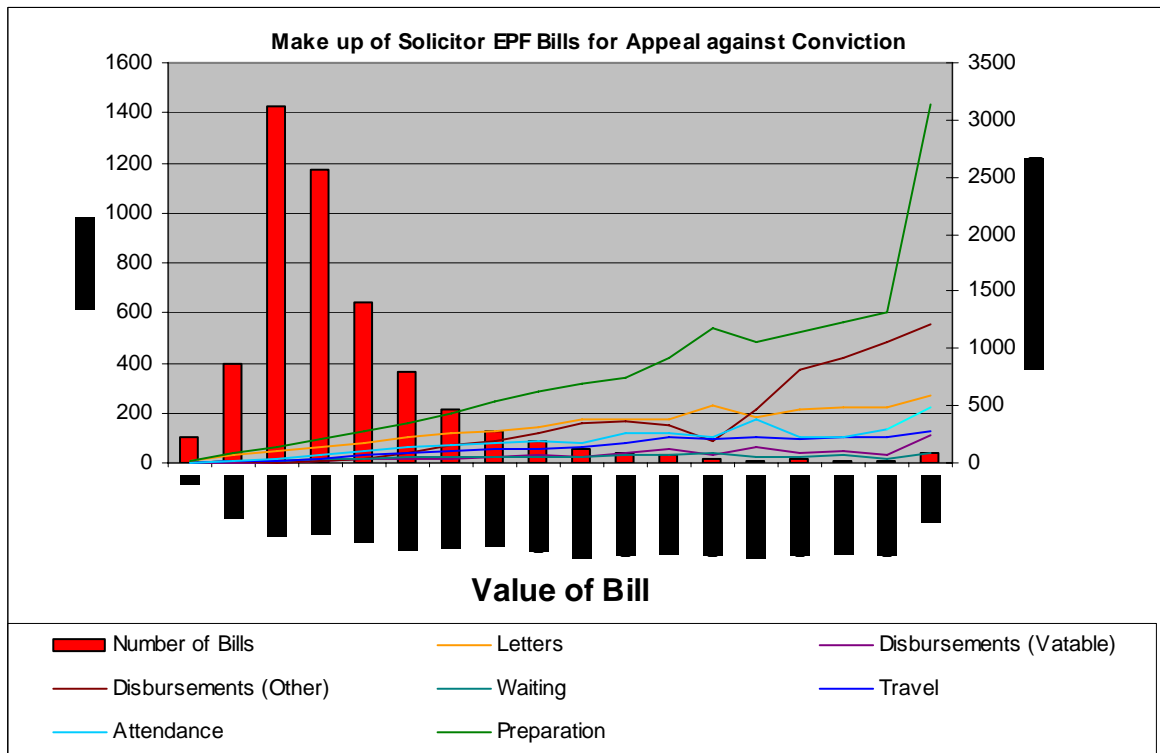


Table 3: Crown Court Appeal Payments for Cases Referred Up from the Magistrates' Court with an Appeal Against Conviction



- 5.4 Tables 1, 2 and 3 show the pattern for Crown Court committals and appeals from the lower court. The frequency chart (red bars) shows a consistent pattern over all the committals and appeals.
- 5.5 In each of the tables, the overriding factor appears to be that approximately 70% of cases are paid small amounts under the standard fee scheme. For this 70% of cases, the introduction of average fixed fee payments would be very straightforward.
- 5.6 Of the other 30% of cases, there is no trend as to where the payments are located on the graph and no indication within the data as to why there was a need for a higher payment within the case.
- 5.7 Under Carter it was proposed that an average payment, based on all cases within the sample, be put in place to remunerate the fixed fees on a cost neutral basis. This would have had the effect of maintaining cost neutrality within the fixed fee scheme. Cost neutrality has the effect of paying the majority of cases (70%) a large increase, whilst the minority of case payments would not reflect the historic payments in any way.
- 5.8 We propose to introduce fixed fees based on average payments for the majority of cases (70%), which will have the effect of reducing the fixed fees from the Carter proposals, but will enable us to recycle the savings into the LGFS where it will be more beneficial to firms.
- 5.9 The impact on the 30% of cases that have been paid higher amounts under the historic payment scheme is that they will now be paid less than the proposals under Carter. However, for the majority of these cases, the payments under Carter did not adequately reflect historic trends in any event. The new proposal is no more or less compatible except that the rates are slightly lower. There is no method of differentiating what type of case would fall within the 30% of highest paid cases within fixed fees, so the proposal is that firms are compensated by recycling the small proportion of savings into the LGFS.
- 5.10 The proposed fixed fees are:
- Committals for sentence - £250
 - Appeals against conviction - £400
 - Appeals against sentence - £150
 - Contempt - £150

Q17 Do you agree that these hearings (committals for sentence, appeals against conviction and sentence, and contempt hearings) lend themselves to fixed fees?

Q18 Should there be a separate fixed fee for appeals from the Youth Court?

Q19 What is your view of the proposed fixed fee rates?

Q20 Do you agree that any savings under the fixed fee scheme should be recycled into the LGFS?

6. Consultation Questions and How to Respond

Consultation Questions

- Q1. Do you agree with the proxies within the litigator fee?
- Q2. Do you have an alternative proposal to the proxies suggested?
- Q3. What is your opinion of the view that the nature of the client impacts uniquely on the work of the litigator within the defence team?
- Q4. What is your view of our suggested definition of vulnerable client?
- Q5. Are there any other equally objective and definable criteria that you would put forward in addition to the above?
- Q6. What is your view of our proposal not to model an uplift for served tapes?
- Q7. Do you agree that paragraph 3.27 accurately describes the differences in the work undertaken by litigators and advocates in dealing with clients?
- Q8. Which of the two options set out in this consultation paper do you prefer?
- Q9. If you prefer Option 1, do you agree that cases with non-English speaking clients and with vulnerable clients should obtain uplifts?
- Q10. If you prefer Option 1, do you have any comment on the levels of uplift proposed?
- Q11. Bearing in mind the LSC's stated preference for Option 2, and the fact that at least in part, this is due to lack of detailed evidence to support Option 1, is there any other evidence that you wish the LSC to consider before a final decision on uplifts is made?
- Q12. What is your view of the possible escape to VHCC contracting as a means of remunerating excessive levels of unused material for larger LGFS cases?
- Q13. Do you have any comments on the proposed method of paying for confiscation hearings?
- Q14. What is your view of the proposed arrangements for travel disbursements and exceptional travel?
- Q15. Do you have an alternative method for paying travel disbursements that you wish to propose?
- Q16. What are your views on whether the proposed LGFS minimises any potential undue incentive for either way cases to be sent to the Crown Court?

- Q17. Do you agree that these hearings (committal for sentence, appeals against conviction and sentence and contempt hearings) lend themselves to fixed fees?
- Q18. Should there be a separate fixed fee for appeals from the Youth Court?
- Q19. What is your view of the proposed fixed fee rates?
- Q20. Do you agree that any savings under the fixed fee scheme should be recycled into the LGFS?

Consultation Timetable and Responses

- 6.1 This consultation will run for six weeks from 26th June 2007. We believe a six-week consultation period is appropriate for the LGFS, which has already been consulted upon for three months under the Carter Review.
- 6.2 A response to this consultation will be published by the Commission on 31 August 2007.
- 6.3 The new LGFS will be implemented on or after 3 December 2007.
- 6.4 The closing date of the consultation is 7th August 2007. Please send your response by email, post or fax to:

Vishal Dhall
CDS Policy Team
Legal Services Commission
Ground Floor
12 Roger Street
London
WC1N 2JL

Email: cds.directorate@legalservices.gov.uk

Fax: 020 7759 1051

- 6.5 If you e-mail your response to us, which we would encourage, please put the words 'Litigator Graduated Fee Scheme Consultation Response' in the subject heading of the e-mail.
- 6.6 Please send your consultation response to us once only, as this will make it easier for us to compile and monitor responses. We will acknowledge receipt of all responses by e-mail or post within one week.
- 6.7 In accordance with the Freedom of Information Act 2000, the Legal Services Commission may publish your name and contents of your response unless you provide sufficient reasons for asking us not to. Please ensure that your response is marked clearly if you wish your response or your name to be kept

confidential. In any event, confidential responses may still be disclosed in a summarised or anonymous format, and will be included in the statistical summary of the comments received and the views expressed.

- 6.8 While we welcome constructive comment on any aspect of the proposals and information presented, it would help us to identify improvements if you could provide responses to the specific consultation questions. It would also help us if, wherever possible, you could provide evidence to support your comments.
- 6.9 You can obtain a further copy of this consultation by emailing cds.directorate@legalservices.gov.uk or downloading it at www.legalservices.gov.uk.

Annex A: Background to Historic Data Modelling

Original LGFS Dataset

Table 1 shows the breakdown of the original 4 years' worth of data used to model the LGFS.

Table 1. Original Dataset by Offence Class and Case Type

Offence Class	Trial		Cracked Trial		Guilty Plea		Total
	Volume	vol%	Volume	vol%	Volume	vol%	Volume
A	2,249	63%	849	24%	448	13%	3,546
B	21,088	26%	34,919	43%	25,147	31%	81,154
C	16,635	27%	25,621	42%	18,737	31%	60,993
D	11,642	50%	7,306	32%	4,169	18%	23,117
E	3,759	14%	9,727	35%	14,205	51%	27,691
F	5,285	24%	9,496	42%	7,699	34%	22,480
G	1,281	36%	1,017	29%	1,254	35%	3,552
H	6,407	20%	15,924	49%	10,128	31%	32,459
I	1,143	14%	2,523	31%	4,384	54%	8,050
Total	69,489	26%	107,382	41%	86,171	33%	263,042

Litigator Fee Proxies

From the original dataset of 263,042 cases (Table 1 above), a sub-set of 30,426 cases was identified that contained all of the necessary information to enable the essential case proxies of the LGFS to be determined. This data sub-set has been used to undertake the analysis in Tables 2-6 below.

Case Type and Offence Class

Table 2 shows the average trial fee by offence type, for cracked trials / guilty pleas and 1-8 day trials. These cases comprise 30,070 of the total sample of 30,426.

Table 2 shows that the average trial fee for serious offence classes (A, B, D, G) is generally higher than the average trial fee for classes of less serious offence (C, E, F, H, I).

Trial cases showed a higher average trial fee than cracked trials / guilty pleas in every offence class.

Table 2. Average Trial Fee by Trial Length and Offence Class

Offence Class	0 days (Cracks/Guilty)		1-8 days (Trial)	
	No of Cases	Avg Trial Fee (£)	No of Cases	Avg Trial Fee (£)
A	301	7,201	199	15,613
B	7,990	1,815	1,574	3,723
C	5,508	1,337	925	2,422
D	2,541	2,786	1,821	4,626
E	2,385	1,147	179	1,830
F	2,023	1,299	335	2,813
G	275	2,209	75	5,037
H	2,896	1,266	340	2,406
I	621	1,256	82	3,804
Total	24,540		5,530	

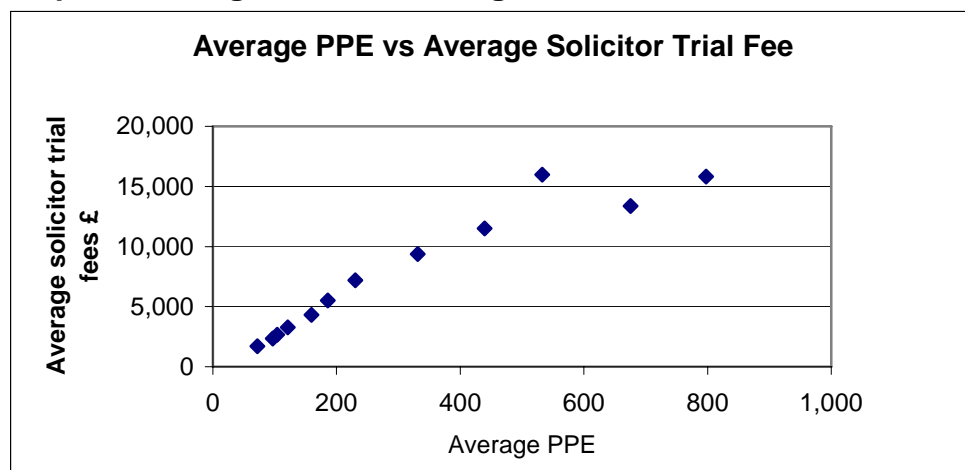
Trial Length and PPE

Table 3 shows the average volume of PPE, and average trial fee (£) for cases of varying duration. Trial Duration times with fewer than 30 cases have been disregarded – these account for only 0.4% of all cases, or 4% of total trial fee.

The relationship between PPE and trial fee is provided in Graph 1. The Statistical T-Test showed a Pearson correlation of 0.95, indicating a strong correlation between these factors.

Table 3. Average PPE and Trial Fees by Length of Trial (duration in days)

Trial Duration (days)	No of Cases	Avg PPE	Avg Trial Fee (£)
0	24,540	72	1,693
1-2	1,586	104	2,669
3	968	121	3,288
4	911	159	4,321
5	586	186	5,517
6	308	231	7,185
7	210	331	9,378
8	152	440	11,516
9	103	675	13,378
10	90	533	15,971
11	36	798	15,827

Graph 1. Average PPE vs. Average Solicitor Trial Fee**Trial Length and Offence Class**

The relationship between trial length and offence class was also examined. For this analysis, only Trial Duration days that contained 20 cases or more were included. These accounted for 98% of the total number of cases, and 91% of the total trial fees. Samples of fewer than 20 were considered too small to be reliable. This analysis was undertaken for each offence class. However, the analysis for Offence Class A only has been included in this paper for the purposes of illustration.

Table 4. Class A - Average Trial Fee and PPE by Length of Trial

Trial Duration (days)	No of Cases	Avg PPE	Avg Trial Fee (£)
0	301	251	7,201
1	14	259	9,660
2	21	265	10,674
3	13	277	10,912
4	29	507	14,574
5	28	522	14,148
6	27	481	17,891
7	29	690	18,780
8	38	801	19,979
9	22	883	19,602
10	18	969	22,144
11	14	981	23,241
12	7	1,058	33,146
13	6	1,009	34,115
14	7	1,421	35,012
15	9	1,057	30,750
16	2	849	18,977
17	4	1,632	16,311
18	1	627	2,835
19	6	1,179	33,895
20	1	738	14,724
21	1	1,423	48,988

Table 4 contains Class A cases of trial duration up to 21 days. Of these, only 9 Trial Duration days contained the minimum 20 cases required for reliable analysis (days 0,2,4,5,6,7,8,9,10).

A T-test was performed on these 9 observations, and a Pearson Correlation of 0.9263 was obtained. This indicates that the average solicitor trial fee is proportional to the case type, trial length and PPE. A summary of the average PPE and trial fee for these observations is provided in Table 5.

Table 5. Summary Class A – PPE and Trial Fee for Observations of >20 Cases

Offence Class	Trial days	No of cases	Avg PPE	Avg Trial Fee (£)
A	0	301	251	7,201
A	2	21	265	10,674
A	4	29	507	14,574
A	5	28	522	14,148
A	6	27	481	17,891
A	7	29	690	18,780
A	8	38	801	19,979
A	9	22	883	19,602
A	10	18	969	22,144

This analysis was undertaken on each class of offence. Table 6 provides the level of correlation found between case type, trial length, PPE and trial fee for each of these classes of offence when a T-test was undertaken.

Table 6. T-test Summary – Correlation between Trial Length, Average PPE and Average Trial Fee by Offence Class

Offence Class	No of Trial Days with >20 cases	Pearson Correlation
A	9	0.9263
B	11	0.9654
C	8	0.9790
D	11	0.9294
E	4	0.9987
F	6	0.9520
G	1	N/A
H	6	0.9704
I	2	N/A

The results from Table 6 show that all offence classes (with the exception of Classes G and I, which have an insufficient number of observations to draw any reliable conclusions) have a reasonable Pearson Correlation that is above 0.9. This indicates a good relationship between trial length, PPE and trial fee for each offence class.

Conclusion

Based on the above analysis, the following proxies were identified for the LGFS:

- Case type
- Offence class
- Trial length
- PPE

Annex B: Basic Fees

Table 1 provides the PPE cut off level for each type of case and offence class. These apply to both Option 1 and Option 2 of this consultation paper.

Table 1. PPE Cut Off for Basic Fee Table – Option 1 AND Option 2

Trial basis	PPE cut off A	PPE cut off B	PPE cut off C	PPE cut off D	PPE cut off E	PPE cut off F	PPE cut off G	PPE cut off H	PPE cut off I	PPE cut off J	PPE cut off K
Trial	150	70	40	80	40	50	120	40	40	80	120
Cracked trial	150	70	40	80	40	50	120	40	40	80	120
Guilty plea	150	70	40	80	40	50	120	40	40	80	120
Appeal against conviction											
Appeal against sentence											
Committal for sentence											
Contempt											

Table 2 details the basic fee rates for each type of case and offence class for Option 1 of this Consultation (Uplifts).

Table 2. Basic Fee Table – Option 1 (Uplifts)

Trial basis	Basic Fee A	Basic Fee B	Basic Fee C	Basic Fee D	Basic Fee E	Basic Fee F	Basic Fee G	Basic Fee H	Basic Fee I	Basic Fee J	Basic Fee K
Trial	3382.00	1465.00	981.60	1848.70	981.60	981.60	1314.80	981.60	981.60	1946.00	1384.00
Cracked trial	3382.00	1257.00	928.00	1516.20	858.00	817.00	1314.80	861.00	931.00	1596.00	1384.00
Guilty plea	2344.00	745.00	592.48	865.45	514.00	542.00	818.90	527.00	491.00	911.00	862.00
Appeal against conviction	400.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00
Appeal against sentence	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00
Committal for sentence	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00
Contempt	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00

Table 3 details the basic fee rates for each type of case and offence class for Option 2 of this Consultation (additional 12.5% increase to base fee).

Table 3. Basic Fee Table – Option 2 (Increased Base Fee)

Trial basis	Basic Fee A	Basic Fee B	Basic Fee C	Basic Fee D	Basic Fee E	Basic Fee F	Basic Fee G	Basic Fee H	Basic Fee I	Basic Fee J	Basic Fee K
Trial	3805.09	1648.27	1104.40	2079.97	1104.40	1104.40	1479.28	1104.40	1104.40	2189.44	1557.14
Cracked Trial	3805.09	1414.25	1044.09	1705.88	965.34	919.21	1479.28	968.71	1047.47	1795.66	1557.14
Guilty Plea	2637.23	838.20	666.60	973.72	578.30	609.80	921.34	592.93	552.42	1024.97	969.84
Appeal against conviction	400.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00
Appeal against sentence	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00
Committal for sentence	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00
Contempt	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00

Annex C: Trial Length Proxies

Annex C provides details of trial fees and PPE cut-off based on the length of trial and class of offence.

Table 1. Trial Length Proxy Table – Option 1 AND Option 2

Trial length in days	Trial length proxy A	Trial length proxy B	Trial length proxy C	Trial length proxy D	Trial length proxy E	Trial length proxy F	Trial length proxy G	Trial length proxy H	Trial length proxy I	Trial length proxy J	Trial length proxy K
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	1,886.64	597.59	573.88	319.47	445.40	353.40	716.57	427.90	642.74	336.28	754.28
4	3,773.28	1,165.30	1,119.07	971.43	868.53	691.40	1,433.13	834.41	1,253.34	1,022.56	1,508.56
5	5,565.59	1,704.62	1,637.00	1,590.80	1,270.50	1,012.50	2,113.87	1,220.59	1,833.41	1,674.53	2,225.13
6	7,357.90	2,243.94	2,154.93	2,210.18	1,672.47	1,333.60	2,794.62	1,606.77	2,413.48	2,326.50	2,941.70
7	9,150.21	2,783.26	2,672.86	2,829.55	2,074.44	1,654.70	3,475.36	1,992.95	2,993.55	2,978.47	3,658.27
8	10,942.52	3,322.58	3,190.79	3,448.92	2,476.41	1,975.80	4,156.10	2,379.13	3,573.62	3,630.44	4,374.84
9	12,555.60	3,807.97	3,656.92	4,032.66	2,838.19	2,264.79	4,768.76	2,726.69	4,102.83	4,244.91	5,019.75
10	14,168.68	4,293.36	4,123.05	4,616.41	3,199.97	2,553.78	5,381.43	3,074.25	4,632.04	4,859.38	5,664.66
11	15,781.76	4,778.75	4,589.18	5,200.16	3,561.75	2,842.77	5,994.09	3,421.81	5,161.25	5,473.85	6,309.57
12	17,394.84	5,264.14	5,055.31	5,783.90	3,923.53	3,131.76	6,606.76	3,769.37	5,690.46	6,088.32	6,954.48
13	19,007.92	5,749.53	5,521.44	6,367.65	4,285.31	3,420.75	7,219.42	4,116.93	6,219.67	6,702.79	7,599.39
14	20,621.00	6,234.92	5,987.57	6,951.40	4,647.09	3,709.74	7,832.09	4,464.49	6,748.88	7,317.26	8,244.30
15	22,234.08	6,720.31	6,453.70	7,535.14	5,008.87	3,998.73	8,444.75	4,812.05	7,278.09	7,931.73	8,889.21
16	23,847.16	7,205.70	6,919.83	8,118.89	5,370.65	4,287.72	9,057.41	5,159.61	7,807.30	8,546.20	9,534.12
17	25,460.24	7,691.09	7,385.96	8,702.64	5,732.43	4,576.71	9,670.08	5,507.17	8,336.51	9,160.67	10,179.03
18	27,073.32	8,176.48	7,852.09	9,286.38	6,094.21	4,865.70	10,282.74	5,854.73	8,865.72	9,775.14	10,823.94
19	28,686.40	8,661.87	8,318.22	9,870.13	6,455.99	5,154.69	10,895.41	6,202.29	9,394.93	10,389.61	11,468.85
20	30,299.48	9,147.26	8,784.35	10,453.88	6,817.77	5,443.68	11,508.07	6,549.85	9,924.14	11,004.08	12,113.76
21	31,912.56	9,584.11	9,157.26	11,037.62	7,107.19	5,674.87	12,120.74	6,827.90	10,347.50	11,618.55	12,758.67
22	33,525.64	10,020.96	9,530.17	11,621.37	7,396.61	5,906.06	12,733.40	7,105.95	10,770.86	12,233.02	13,403.58
23	35,138.72	10,457.81	9,903.08	12,205.12	7,686.03	6,137.25	13,346.07	7,384.00	11,194.22	12,847.49	14,048.49
24	36,751.80	10,894.66	10,275.99	12,788.86	7,975.45	6,368.44	13,958.73	7,662.05	11,617.58	13,461.96	14,693.40
25	38,364.88	11,331.51	10,648.90	13,372.61	8,264.87	6,599.63	14,571.39	7,940.10	12,040.94	14,076.43	15,338.31
26	39,977.96	11,768.36	11,021.81	13,956.36	8,554.29	6,830.82	15,184.06	8,218.15	12,464.30	14,690.90	15,983.22

Litigator Graduated Fee Scheme Consultation Paper

Trial length in days	Trial length proxy A	Trial length proxy B	Trial length proxy C	Trial length proxy D	Trial length proxy E	Trial length proxy F	Trial length proxy G	Trial length proxy H	Trial length proxy I	Trial length proxy J	Trial length proxy K
27	41,591.04	12,205.21	11,394.72	14,540.10	8,843.71	7,062.01	15,796.72	8,496.20	12,887.66	15,305.37	16,628.13
28	43,204.12	12,642.06	11,767.63	15,123.85	9,133.13	7,293.20	16,409.39	8,774.25	13,311.02	15,919.84	17,273.04
29	44,817.20	13,078.91	12,140.54	15,707.59	9,422.55	7,524.39	17,022.05	9,052.30	13,734.38	16,534.31	17,917.95
30	46,430.28	13,515.76	12,513.45	16,291.34	9,711.97	7,755.58	17,634.72	9,330.35	14,157.74	17,148.78	18,562.86
31	48,043.36	13,952.61	12,886.36	16,875.09	10,001.39	7,986.77	18,247.38	9,608.40	14,581.10	17,763.25	19,207.77
32	49,656.44	14,389.46	13,259.27	17,458.83	10,290.81	8,217.96	18,860.05	9,886.45	15,004.46	18,377.72	19,852.68
33	51,269.52	14,826.31	13,632.18	18,042.58	10,580.23	8,449.15	19,472.71	10,164.50	15,427.82	18,992.19	20,497.59
34	52,882.60	15,263.16	14,005.09	18,626.33	10,869.65	8,680.34	20,085.38	10,442.55	15,851.18	19,606.66	21,142.50
35	54,495.68	15,700.01	14,378.00	19,210.07	11,159.07	8,911.53	20,698.04	10,720.60	16,274.54	20,221.13	21,787.41
36	56,108.76	16,136.86	14,750.91	19,793.82	11,448.49	9,142.72	21,310.70	10,998.65	16,697.90	20,835.60	22,432.32
37	57,721.84	16,573.71	15,123.82	20,377.57	11,737.91	9,373.91	21,923.37	11,276.70	17,121.26	21,450.07	23,077.23
38	59,334.92	17,010.56	15,496.73	20,961.31	12,027.33	9,605.10	22,536.03	11,554.75	17,544.62	22,064.54	23,722.14
39	60,948.00	17,447.41	15,869.64	21,545.06	12,316.75	9,836.29	23,148.70	11,832.80	17,967.98	22,679.01	24,367.05
40	62,561.08	17,884.26	16,242.55	22,128.81	12,606.17	10,067.48	23,763.84	12,111.93	18,381.30	23,283.52	24,982.16
41	64,174.16	18,321.11	16,615.46	22,711.86	12,895.59	10,298.67	24,379.98	12,391.06	18,794.81	23,898.03	25,597.27
42	65,787.24	18,757.96	16,988.37	23,294.91	13,184.01	10,529.86	24,996.12	12,670.19	19,208.32	24,513.54	26,212.38
43	67,400.32	19,194.81	17,361.28	23,878.06	13,473.43	10,761.05	25,612.26	12,949.32	19,622.83	25,129.05	26,827.49
44	69,013.40	19,631.66	17,734.19	24,461.21	13,762.85	10,992.24	26,228.40	13,228.45	20,037.34	25,744.56	27,442.60
45	70,626.48	20,068.51	18,107.10	25,044.36	14,053.27	11,223.43	26,844.54	13,507.58	20,451.85	26,360.07	28,057.71
46	72,239.56	20,505.36	18,480.01	25,627.51	14,344.69	11,454.62	27,460.68	13,786.71	20,866.36	26,975.58	28,672.82
47	73,852.64	20,942.21	18,852.92	26,210.66	14,636.11	11,685.81	28,076.82	14,065.84	21,280.87	27,590.09	29,287.93
48	75,465.72	21,379.06	19,225.83	26,793.81	14,927.53	11,917.00	28,692.96	14,344.97	21,695.38	28,204.60	29,903.04
49	77,078.80	21,815.91	19,600.74	27,377.06	15,218.95	12,148.19	29,309.10	14,624.10	22,109.89	28,819.11	30,518.15
50	78,691.88	22,252.76	19,975.65	27,960.21	15,510.37	12,379.38	29,925.24	14,903.23	22,524.40	29,433.62	31,133.26
51	80,304.96	22,689.61	20,350.56	28,543.46	15,801.79	12,610.57	30,541.38	15,182.36	22,938.91	29,948.13	31,748.37
52	81,918.04	23,126.46	20,725.47	29,126.71	16,093.21	12,841.76	31,157.52	15,461.49	23,353.42	30,462.64	32,363.48
53	83,531.12	23,563.31	21,100.38	29,710.06	16,384.63	13,072.95	31,773.66	15,740.62	23,767.93	30,977.15	32,978.59
54	85,144.20	24,000.16	21,475.29	30,293.31	16,676.05	13,304.14	32,389.80	16,019.75	24,182.44	31,491.66	33,593.70
55	86,757.28	24,437.01	21,850.20	30,876.56	16,967.47	13,535.33	33,005.94	16,298.88	24,596.95	32,006.17	34,208.81
56	88,370.36	24,873.86	22,225.11	31,459.81	17,258.89	13,766.52	33,622.08	16,578.01	25,011.46	32,520.68	34,823.92
57	89,983.44	25,310.71	22,600.02	32,043.06	17,550.31	13,997.71	34,238.22	16,857.14	25,425.97	33,035.19	35,439.03

Litigator Graduated Fee Scheme Consultation Paper

Trial length in days	Trial length proxy A	Trial length proxy B	Trial length proxy C	Trial length proxy D	Trial length proxy E	Trial length proxy F	Trial length proxy G	Trial length proxy H	Trial length proxy I	Trial length proxy J	Trial length proxy K
58	84,363.79	25,042.47	18,681.07	31,998.18	14,521.13	13,083.58	34,283.20	14,117.17	24,672.89	33,682.29	36,087.58
59	85,596.20	25,442.21	18,829.04	32,548.34	14,637.15	13,254.49	34,869.23	14,237.40	25,025.78	34,261.41	36,704.45
60	86,828.61	25,841.95	18,977.01	33,098.50	14,753.17	13,425.40	35,455.25	14,357.63	25,378.67	34,840.53	37,321.32
61	88,061.02	26,241.69	19,124.98	33,648.67	14,869.19	13,596.31	36,041.28	14,477.86	25,731.56	35,419.65	37,938.19
62	89,293.43	26,641.43	19,272.95	34,198.83	14,985.21	13,767.22	36,627.31	14,598.09	26,084.45	35,998.77	38,555.06
63	90,525.84	27,041.17	19,420.92	34,749.00	15,101.23	13,938.13	37,213.33	14,718.32	26,437.34	36,577.89	39,171.93
64	91,758.25	27,440.91	19,568.89	35,299.16	15,217.25	14,109.04	37,799.36	14,838.55	26,790.23	37,157.01	39,788.80
65	92,990.66	27,840.65	19,716.86	35,849.32	15,333.27	14,279.95	38,385.39	14,958.78	27,143.12	37,736.13	40,405.67
66	94,223.07	28,240.39	19,864.83	36,399.49	15,449.29	14,450.86	38,971.41	15,079.01	27,496.01	38,315.25	41,022.54
67	95,455.48	28,640.13	20,012.80	36,949.65	15,565.31	14,621.77	39,557.44	15,199.24	27,848.90	38,894.37	41,639.41
68	96,687.89	29,039.87	20,160.77	37,499.82	15,681.33	14,792.68	40,143.47	15,319.47	28,201.79	39,473.49	42,256.28
69	97,920.30	29,439.61	20,308.74	38,049.98	15,797.35	14,963.59	40,729.49	15,439.70	28,554.68	40,052.61	42,873.15
70	99,152.71	29,839.35	20,456.71	38,600.14	15,913.37	15,134.50	41,315.52	15,559.93	28,907.57	40,631.73	43,490.02
71	100,385.12	30,239.09	20,604.68	39,150.31	16,029.39	15,305.41	41,901.55	15,680.16	29,260.46	41,210.85	44,106.89
72	101,617.53	30,638.83	20,752.65	39,700.47	16,145.41	15,476.32	42,487.57	15,800.39	29,613.35	41,789.97	44,723.76
73	102,849.94	31,038.57	20,900.62	40,250.64	16,261.43	15,647.23	43,073.60	15,920.62	29,966.24	42,369.09	45,340.63
74	104,082.35	31,438.31	21,048.59	40,800.80	16,377.45	15,818.14	43,659.63	16,040.85	30,319.13	42,948.21	45,957.50
75	105,314.76	31,838.05	21,196.56	41,350.96	16,493.47	15,989.05	44,245.65	16,161.08	30,672.02	43,527.33	46,574.37
76	106,547.17	32,237.79	21,344.53	41,901.13	16,609.49	16,159.96	44,831.68	16,281.31	31,024.91	44,106.45	47,191.24
77	107,779.58	32,637.53	21,492.50	42,451.29	16,725.51	16,330.87	45,417.70	16,401.54	31,377.80	44,685.57	47,808.11
78	109,011.99	33,037.27	21,640.47	43,001.46	16,841.53	16,501.78	46,003.73	16,521.77	31,730.69	45,264.69	48,424.98
79	110,244.40	33,437.01	21,788.44	43,551.62	16,957.55	16,672.69	46,589.76	16,642.00	32,083.58	45,843.81	49,041.85
80	111,476.81	33,836.75	21,936.41	44,101.78	17,073.57	16,843.60	47,175.78	16,762.23	32,436.47	46,422.93	49,658.72
81	112,709.22	34,236.49	22,084.38	44,651.95	17,189.59	17,014.51	47,761.81	16,882.46	32,789.36	47,002.05	50,275.59
82	113,941.63	34,636.23	22,232.35	45,202.11	17,305.61	17,185.42	48,347.84	17,002.69	33,142.25	47,581.17	50,892.46
83	115,174.04	35,035.97	22,380.32	45,752.28	17,421.63	17,356.33	48,933.86	17,122.92	33,495.14	48,160.29	51,509.33
84	116,406.45	35,435.71	22,528.29	46,302.44	17,537.65	17,527.24	49,519.89	17,243.15	33,848.03	48,739.41	52,126.20
85	117,638.86	35,835.45	22,676.26	46,852.60	17,653.67	17,698.15	50,105.92	17,363.38	34,200.92	49,318.53	52,743.07
86	118,871.27	36,235.19	22,824.23	47,402.77	17,769.69	17,869.06	50,691.94	17,483.61	34,553.81	49,897.65	53,359.94
87	120,103.68	36,634.93	22,972.20	47,952.93	17,885.71	18,039.97	51,277.97	17,603.84	34,906.70	50,476.77	53,976.81
88	121,336.09	37,034.67	23,120.17	48,503.10	18,001.73	18,210.88	51,864.00	17,724.07	35,259.59	51,055.89	54,593.68

Litigator Graduated Fee Scheme Consultation Paper

Trial length in days	Trial length proxy A	Trial length proxy B	Trial length proxy C	Trial length proxy D	Trial length proxy E	Trial length proxy F	Trial length proxy G	Trial length proxy H	Trial length proxy I	Trial length proxy J	Trial length proxy K
89	122,568.50	37,434.41	23,268.14	49,053.26	18,117.75	18,381.79	52,450.02	17,844.30	35,612.48	51,635.01	55,210.55
90	123,800.91	37,834.15	23,416.11	49,603.42	18,233.77	18,552.70	53,036.05	17,964.53	35,965.37	52,214.13	55,827.42
91	125,033.32	38,233.89	23,564.08	50,153.59	18,349.79	18,723.61	53,622.08	18,084.76	36,318.26	52,793.25	56,444.29
92	126,265.73	38,633.63	23,712.05	50,703.75	18,465.81	18,894.52	54,208.10	18,204.99	36,671.15	53,372.37	57,061.16
93	127,498.14	39,033.37	23,860.02	51,253.92	18,581.83	19,065.43	54,794.13	18,325.22	37,024.04	53,951.49	57,678.03
94	128,730.55	39,433.11	24,007.99	51,804.08	18,697.85	19,236.34	55,380.16	18,445.45	37,376.93	54,530.61	58,294.90
95	129,962.96	39,832.85	24,155.96	52,354.24	18,813.87	19,407.25	55,966.18	18,565.68	37,729.82	55,109.73	58,911.77
96	131,195.37	40,232.59	24,303.93	52,904.41	18,929.89	19,578.16	56,552.21	18,685.91	38,082.71	55,688.85	59,528.64
97	132,427.78	40,632.33	24,451.90	53,454.57	19,045.91	19,749.07	57,138.23	18,806.14	38,435.60	56,267.97	60,145.51
98	133,660.19	41,032.07	24,599.87	54,004.74	19,161.93	19,919.98	57,724.26	18,926.37	38,788.49	56,847.09	60,762.38
99	134,892.60	41,431.81	24,747.84	54,554.90	19,277.95	20,090.89	58,310.29	19,046.60	39,141.38	57,426.21	61,379.25

Table 2. PPE Cut Off For Trial Length Proxy Table – Option 1 AND Option 2

Trial length in days	PPE cut off A	PPE cut off B	PPE cut off C	PPE cut off D	PPE cut off E	PPE cut off F	PPE cut off G	PPE cut off H	PPE cut off I	PPE cut off J	PPE cut off K
1	150	70	40	80	40	50	120	40	40	80	120
2	150	70	40	80	40	50	120	40	40	80	120
3	246	105	81	95	62	90	185	79	82	95	185
4	341	138	120	127	89	128	251	116	121	127	251
5	432	170	156	156	120	164	313	152	158	156	313
6	523	202	193	186	154	200	375	187	196	186	375
7	615	237	230	217	192	237	437	222	233	217	437
8	716	273	267	256	229	274	499	260	271	256	499
9	807	305	300	293	262	308	555	301	305	293	555
10	898	336	338	330	295	341	611	342	339	330	611
11	989	368	375	366	329	375	667	383	374	366	667
12	1,080	400	413	403	362	408	723	424	413	403	723
13	1,180	432	451	440	396	442	779	465	453	440	779
14	1,283	464	488	477	429	475	835	506	492	477	835
15	1,385	496	526	513	462	509	891	547	532	513	891
16	1,488	533	564	550	496	542	947	588	571	550	947
17	1,590	571	601	587	529	576	1,003	631	610	587	1,003
18	1,693	610	639	623	563	609	1,058	682	650	623	1,058
19	1,796	648	677	660	596	643	1,114	732	689	660	1,114
20	1,898	686	714	697	652	676	1,170	783	729	697	1,170
21	2,015	720	744	740	700	703	1,226	823	760	740	1,226
22	2,132	755	775	784	747	734	1,282	864	792	784	1,282
23	2,248	789	806	828	794	765	1,338	904	828	828	1,338
24	2,365	823	844	872	842	796	1,394	945	865	872	1,394
25	2,482	858	881	916	889	827	1,450	985	903	916	1,450
26	2,599	892	919	959	937	858	1,506	1,026	940	959	1,506
27	2,716	931	957	1,003	984	889	1,562	1,066	978	1,003	1,562
28	2,833	972	995	1,047	1,031	920	1,618	1,107	1,015	1,047	1,618
29	2,950	1,013	1,032	1,098	1,079	950	1,674	1,147	1,053	1,098	1,674
30	3,066	1,054	1,070	1,149	1,126	981	1,730	1,188	1,090	1,149	1,730

Litigator Graduated Fee Scheme Consultation Paper

Trial length in days	PPE cut off A	PPE cut off B	PPE cut off C	PPE cut off D	PPE cut off E	PPE cut off F	PPE cut off G	PPE cut off H	PPE cut off I	PPE cut off J	PPE cut off K
31	3,183	1,095	1,108	1,199	1,173	1,012	1,785	1,228	1,128	1,199	1,785
32	3,300	1,135	1,146	1,250	1,221	1,043	1,841	1,269	1,165	1,250	1,841
33	3,417	1,176	1,183	1,301	1,268	1,074	1,897	1,311	1,203	1,301	1,897
34	3,534	1,217	1,221	1,352	1,316	1,105	1,953	1,362	1,240	1,352	1,953
35	3,651	1,258	1,260	1,403	1,376	1,136	2,009	1,413	1,278	1,403	2,009
36	3,768	1,299	1,302	1,454	1,469	1,167	2,065	1,464	1,322	1,454	2,065
37	3,884	1,346	1,344	1,505	1,562	1,198	2,121	1,515	1,375	1,505	2,121
38	4,001	1,393	1,386	1,556	1,655	1,228	2,177	1,565	1,429	1,556	2,177
39	4,118	1,441	1,428	1,606	1,748	1,259	2,233	1,616	1,482	1,606	2,233
40	4,207	1,484	1,445	1,654	1,785	1,282	2,286	1,638	1,526	1,654	2,286
41	4,297	1,528	1,461	1,702	1,823	1,305	2,340	1,660	1,571	1,702	2,340
42	4,386	1,571	1,478	1,750	1,860	1,328	2,393	1,682	1,615	1,750	2,393
43	4,475	1,615	1,495	1,798	1,897	1,351	2,447	1,704	1,660	1,798	2,447
44	4,565	1,658	1,511	1,846	1,935	1,373	2,500	1,726	1,704	1,846	2,500
45	4,654	1,702	1,528	1,894	1,972	1,396	2,554	1,748	1,748	1,894	2,554
46	4,743	1,745	1,545	1,942	2,009	1,426	2,607	1,770	1,793	1,942	2,607
47	4,832	1,788	1,561	1,990	2,047	1,456	2,661	1,792	1,837	1,990	2,661
48	4,922	1,832	1,578	2,042	2,084	1,487	2,714	1,814	1,882	2,042	2,714
49	5,011	1,875	1,595	2,094	2,121	1,518	2,768	1,836	1,926	2,094	2,768
50	5,100	1,919	1,611	2,147	2,159	1,548	2,821	1,858	1,971	2,147	2,821
51	5,190	1,962	1,628	2,200	2,196	1,579	2,875	1,880	2,015	2,200	2,875
52	5,279	2,006	1,645	2,253	2,233	1,610	2,928	1,902	2,059	2,253	2,928
53	5,368	2,049	1,661	2,305	2,271	1,640	2,982	1,924	2,104	2,305	2,982
54	5,457	2,092	1,678	2,358	2,308	1,671	3,035	1,946	2,148	2,358	3,035
55	5,547	2,136	1,695	2,411	2,345	1,702	3,089	1,968	2,193	2,411	3,089
56	5,636	2,179	1,711	2,464	2,383	1,732	3,142	1,990	2,237	2,464	3,142
57	5,725	2,223	1,728	2,517	2,420	1,763	3,196	2,012	2,281	2,517	3,196
58	5,814	2,266	1,745	2,569	2,457	1,793	3,249	2,034	2,326	2,569	3,249
59	5,904	2,310	1,761	2,622	2,495	1,824	3,302	2,056	2,370	2,622	3,302
60	5,993	2,353	1,778	2,675	2,532	1,855	3,356	2,078	2,415	2,675	3,356
61	6,082	2,397	1,795	2,728	2,569	1,885	3,409	2,100	2,459	2,728	3,409

Litigator Graduated Fee Scheme Consultation Paper

Trial length in days	PPE cut off A	PPE cut off B	PPE cut off C	PPE cut off D	PPE cut off E	PPE cut off F	PPE cut off G	PPE cut off H	PPE cut off I	PPE cut off J	PPE cut off K
62	6,172	2,440	1,811	2,780	2,607	1,916	3,463	2,122	2,504	2,780	3,463
63	6,261	2,483	1,828	2,833	2,644	1,947	3,516	2,144	2,548	2,833	3,516
64	6,350	2,527	1,845	2,886	2,681	2,005	3,570	2,166	2,592	2,886	3,570
65	6,439	2,570	1,862	2,939	2,719	2,066	3,623	2,188	2,637	2,939	3,623
66	6,529	2,614	1,878	2,991	2,756	2,127	3,677	2,210	2,681	2,991	3,677
67	6,618	2,657	1,895	3,044	2,793	2,189	3,730	2,232	2,752	3,044	3,730
68	6,707	2,701	1,912	3,097	2,831	2,250	3,784	2,254	2,841	3,097	3,784
69	6,797	2,744	1,928	3,150	2,868	2,311	3,837	2,276	2,931	3,150	3,837
70	6,886	2,787	1,945	3,202	2,905	2,373	3,891	2,298	3,020	3,202	3,891
71	6,975	2,831	1,962	3,255	2,943	2,434	3,944	2,320	3,110	3,255	3,944
72	7,064	2,874	1,978	3,308	2,980	2,495	3,998	2,342	3,199	3,308	3,998
73	7,154	2,918	1,995	3,361	3,017	2,556	4,051	2,364	3,289	3,361	4,051
74	7,243	2,961	2,017	3,413	3,055	2,618	4,105	2,386	3,378	3,413	4,105
75	7,332	3,005	2,041	3,466	3,092	2,679	4,158	2,408	3,467	3,466	4,158
76	7,422	3,048	2,065	3,519	3,129	2,740	4,212	2,430	3,557	3,519	4,212
77	7,511	3,092	2,089	3,572	3,167	2,802	4,265	2,452	3,646	3,572	4,265
78	7,600	3,135	2,113	3,624	3,204	2,863	4,319	2,473	3,736	3,624	4,319
79	7,689	3,178	2,137	3,677	3,241	2,924	4,372	2,495	3,825	3,677	4,372
80	7,779	3,222	2,161	3,730	3,278	2,986	4,426	2,517	3,915	3,730	4,426
81	7,868	3,265	2,185	3,783	3,316	3,047	4,479	2,539	4,004	3,783	4,479
82	7,957	3,309	2,209	3,835	3,353	3,108	4,533	2,561	4,094	3,835	4,533
83	8,046	3,352	2,233	3,888	3,390	3,169	4,586	2,583	4,183	3,888	4,586
84	8,136	3,396	2,257	3,941	3,428	3,231	4,640	2,605	4,273	3,941	4,640
85	8,225	3,439	2,281	3,994	3,465	3,292	4,693	2,627	4,362	3,994	4,693
86	8,314	3,482	2,305	4,046	3,502	3,353	4,747	2,649	4,452	4,046	4,747
87	8,404	3,526	2,329	4,099	3,540	3,415	4,800	2,671	4,541	4,099	4,800
88	8,493	3,569	2,353	4,152	3,577	3,476	4,854	2,693	4,631	4,152	4,854
89	8,582	3,613	2,377	4,205	3,614	3,537	4,907	2,715	4,720	4,205	4,907
90	8,671	3,656	2,401	4,257	3,652	3,599	4,961	2,737	4,810	4,257	4,961
91	8,761	3,700	2,425	4,310	3,689	3,660	5,014	2,759	4,899	4,310	5,014
92	8,850	3,743	2,449	4,363	3,726	3,721	5,068	2,781	4,988	4,363	5,068

Litigator Graduated Fee Scheme Consultation Paper

Trial length in days	PPE cut off A	PPE cut off B	PPE cut off C	PPE cut off D	PPE cut off E	PPE cut off F	PPE cut off G	PPE cut off H	PPE cut off I	PPE cut off J	PPE cut off K
93	8,939	3,787	2,473	4,416	3,764	3,782	5,121	2,803	5,078	4,416	5,121
94	9,029	3,830	2,497	4,468	3,801	3,844	5,174	2,825	5,167	4,468	5,174
95	9,118	3,873	2,521	4,521	3,838	3,905	5,228	2,847	5,257	4,521	5,228
96	9,207	3,917	2,545	4,574	3,876	3,966	5,281	2,869	5,346	4,574	5,281
97	9,296	3,960	2,569	4,627	3,913	4,028	5,335	2,891	5,436	4,627	5,335
98	9,386	4,004	2,593	4,679	3,950	4,089	5,388	2,913	5,525	4,679	5,388
99	9,475	4,047	2,617	4,732	3,988	4,150	5,442	2,935	5,615	4,732	5,442

Annex D: Gross PPE Proxies

The following tables show the fees payable per page of PPE for trials, cracked trials and guilty pleas for each of the two LGFS options proposed in this consultation paper.

- Class of Offence:
Determines the class of offence for the case, as payment rates differ according to offence class.
- PPE Range:
Determines the payment rates based on the range that the volume of PPE falls into, e.g. a Class A trial for Option 1 with 700 pages of PPE would fall into the range 600-1099.
- Initial Fee (£):
Determines the initial fee paid which covers PPE **up to the minimum value of the range in which the volume of PPE falls**, e.g. a Class A trial for Option 1 with 700 pages of PPE would fall into the range 600-1099, thus the initial fee of £12,270 covers the first 600 pages of PPE.
- Incremental fee per page of prosecution evidence (£):
This column provides the payment rate per page, for each page of PPE *above* the threshold covered by the initial fee. In this example the incremental fee of 17.7242 would be paid for each page above 600 pages (700 – 600 = 100 pages; 100 * 17.7242 = £1,772.42).

Table 1. Gross PPE Proxy for Trials – Option 1 (Uplifts)

<i>Class of offence</i>	<i>PPE Range</i>	<i>Initial fee (£)</i>	<i>Incremental fee per page of prosecution evidence (£)</i>
A	0 - 149	3382	0
A	150 - 599	3382	19.7511
A	600 - 1099	12270	17.7242
A	1100 - 1899	21132	15.7239
A	1900 - 3299	33711	13.8038
A	3300 - 4999	53037	13.8038
A	5000 - 5999	76503	13.8038
A	6000 - 6999	90307	13.8038
A	7000 – 7999	104111	13.8038
A	8000 – 8999	117914	13.8038
A	9000 – 9998	131718	13.8038
A	9999 - 99999	145508	13.8038
A	100000 +	1387864	TBC
B	0 - 69	1465	0
B	70 – 199	1465	17.0462
B	200 – 499	3681	15.2267
B	500 – 899	8249	12.7146

Litigator Graduated Fee Scheme Consultation Paper

<i>Class of offence</i>	<i>PPE Range</i>	<i>Initial fee (£)</i>	<i>Incremental fee per page of prosecution evidence (£)</i>
B	900 - 1299	13335	10.7025
B	1300 – 1999	17616	9.2025
B	2000 – 3299	24058	9.2025
B	3300 – 4999	36021	9.2025
B	5000 – 5999	51665	9.2025
B	6000 – 7999	60868	9.2025
B	8000 – 8999	79273	9.2025
B	9000 – 9998	88475	9.2025
B	9999 – 99999	97668	9.2025
B	100000 +	925903	TBC
C	0 - 39	982	0
C	40 – 299	982	14.0647
C	300 – 799	4638	12.3761
C	800 – 1249	10826	9.8761
C	1250 – 1999	15271	8.8761
C	2000 – 3199	21928	6.1627
C	3200 – 4559	29323	6.1627
C	4560 – 5919	37704	6.1627
C	5920 – 7279	46086	6.1627
C	7280 – 8639	54467	6.1627
C	8640 – 9998	62848	6.1627
C	9999 – 99999	71223	6.1627
C	100000 +	625872	TBC
D	0 - 79	1849	0
D	80 – 209	1849	20.8562
D	210 – 699	4560	15.9077
D	700 – 1049	12355	13.3
D	1050 – 1999	17010	11.474
D	2000 - 3599	27910	10.4290
D	3600 – 5199	44596	10.4290
D	5200 – 6799	61283	10.4290
D	6800 – 8399	77969	10.4290
D	8400 – 9998	94656	10.4290
D	9999 – 99999	111332	10.4290
D	100000 +	1049953	TBC
E	0 - 39	982	0
E	40 – 69	982	20.4933
E	70 – 129	1596	13.2167
E	130 – 599	2389	10.8319
E	600 – 1349	7480	6.1080
E	1350 – 2999	12061	3.1080
E	3000 – 4749	17190	3.1080
E	4750 – 6499	22629	3.1080
E	6500 – 8249	28068	3.1080
E	8250 – 9998	33507	3.1080
E	9999 – 99999	38942	3.1080
E	100000 +	318666	TBC
F	0 - 49	982	0
F	50 – 229	982	8.8655
F	230 – 699	2577	8.6245

Litigator Graduated Fee Scheme Consultation Paper

<i>Class of offence</i>	<i>PPE Range</i>	<i>Initial fee (£)</i>	<i>Incremental fee per page of prosecution evidence (£)</i>
F	700 – 1399	6631	7.4857
F	1400 – 1949	11871	5.5764
F	1950 – 3549	14938	2.7881
F	3550 – 5149	19399	2.7881
F	5150 – 6749	23860	2.7881
F	6750 – 8249	28321	2.7881
F	8350 – 9998	32782	2.7881
F	9999 – 99999	37379	2.7881
F	100000 +	288311	TBC
G	0 - 119	1315	0
G	120 – 734	1315	10.9566
G	735 – 1289	8053	10.9566
G	1290 – 2399	14134	10.9566
G	2400 – 4499	26296	10.9566
G	4500 – 7999	49305	10.9566
G	8000 – 8399	87653	10.9567
G	8400 – 8799	92036	10.9566
G	8800 – 9199	96418	10.9567
G	9200 – 9599	100801	10.9566
G	9600 – 9998	105184	10.9566
G	9999 – 99999	109555	10.9566
G	100000 +	1095664	TBC
H	0 - 39	982	0
H	40 – 249	982	10.9371
H	250 – 619	3278	8.4676
H	620 – 1299	6411	6.8721
H	1300 – 2999	11084	5.47
H	3000 – 4999	20383	2.97
H	5000 – 5999	26323	2.97
H	6000 – 6999	29293	2.97
H	7000 – 7999	32263	2.97
H	8000 – 8999	35233	2.97
H	9000 – 9998	38203	2.97
H	9999 – 99999	41170	2.97
H	100000 +	308473	TBC
I	0 – 39	982	0
I	40 – 369	982	15.4873
I	370 – 799	6092	13.414
I	800 – 1299	11860	11.288
I	1300 – 2699	17504	7.9443
I	2700 – 4199	28626	3.9443
I	4200 – 5359	34543	3.9443
I	5360 – 6519	39118	3.9443
I	6520 – 7679	43694	3.9443
I	7680 – 8839	48269	3.9443
I	8840 – 9998	52844	3.9443
I	9999 – 99999	57416	3.9443
I	100000 +	412407	TBC
J	0 – 79	1946	0
J	80 – 209	1946	21.9538

<i>Class of offence</i>	<i>PPE Range</i>	<i>Initial fee (£)</i>	<i>Incremental fee per page of prosecution evidence (£)</i>
J	210 – 699	4800	16.7449
J	700 – 1049	13005	14
J	1050 – 1999	17905	12.0779
J	2000 – 3599	29379	10.9779
J	3600 – 5199	46944	10.9779
J	5200 – 6799	64508	10.9779
J	6800 – 8399	82073	10.9779
J	8400 – 9998	99638	10.9779
J	9999 - 99999	117191	10.9779
J	100000+	1105213	TBC
K	0 – 119	1384	0
K	120 – 734	1384	11.5333
K	735 – 1289	8477	11.5333
K	1290 – 2399	14878	11.5333
K	2400 – 4499	27680	11.5333
K	4500 – 7999	51900	11.5333
K	8000 – 8399	92266	11.5333
K	8400 – 8799	96880	11.5333
K	8800 – 9199	101493	11.5333
K	9200 – 9599	106106	11.5333
K	9600 – 9998	110720	11.5333
K	9999 – 99999	115321	11.5333
K	100000+	1153330	TBC

Table 2. Gross PPE Proxy for Trials – Option 2 (Increased Base Fee)

<i>Class of offence</i>	<i>PPE Range</i>	<i>Initial fee (£)</i>	<i>Incremental fee per page of prosecution evidence (£)</i>
A	0 - 149	3,805.09	0
A	150 - 599	3,805.09	19.7511
A	600 - 1099	12,693.09	17.7242
A	1100 - 1899	21,555.19	15.7239
A	1900 - 3299	34,134.31	13.8038
A	3300 - 4999	53,459.63	13.8038
A	5000 - 5999	76,926.09	13.8038
A	6000 - 6999	90,729.89	13.8038
A	7000 – 7999	104,533.69	13.8038
A	8000 – 8999	118,337.49	13.8038
A	9000 – 9998	132,141.29	13.8038
A	9999 - 99999	145,931.28	13.8038
A	100000 +	1,388,287.09	TBC
B	0 - 69	1,648.27	0
B	70 – 199	1,648.27	17.0462
B	200 – 499	3,864.27	15.2267
B	500 – 899	8,432.28	12.7146
B	900 - 1299	13,518.12	10.7025
B	1300 – 1999	17,799.12	9.2025

Litigator Graduated Fee Scheme Consultation Paper

<i>Class of offence</i>	<i>PPE Range</i>	<i>Initial fee (£)</i>	<i>Incremental fee per page of prosecution evidence (£)</i>
B	2000 – 3299	24,240.87	9.2025
B	3300 – 4999	36,204.12	9.2025
B	5000 – 5999	51,848.37	9.2025
B	6000 – 7999	61,050.87	9.2025
B	8000 – 8999	79,455.87	9.2025
B	9000 – 9998	88,658.37	9.2025
B	9999 – 99999	97,851.67	9.2025
B	100000 +	926,085.87	TBC
C	0 - 39	1,104.40	0
C	40 – 299	1,104.40	14.0647
C	300 – 799	4,761.21	12.3761
C	800 – 1249	10,949.26	9.8761
C	1250 – 1999	15,393.50	8.8761
C	2000 – 3199	22,050.58	6.1627
C	3200 – 4559	29,445.82	6.1627
C	4560 – 5919	37,827.09	6.1627
C	5920 – 7279	46,208.36	6.1627
C	7280 – 8639	54,589.63	6.1627
C	8640 – 9998	62,970.90	6.1627
C	9999 – 99999	71,346.01	6.1627
C	100000 +	625,995.18	TBC
D	0 - 79	2,079.97	0
D	80 – 209	2,079.97	20.8562
D	210 – 699	4,791.27	15.9077
D	700 – 1049	12,586.02	13.3000
D	1050 – 1999	17,241.02	11.4740
D	2000 - 3599	28,141.33	10.4290
D	3600 – 5199	44,827.73	10.4290
D	5200 – 6799	61,514.14	10.4290
D	6800 – 8399	78,200.55	10.4290
D	8400 – 9998	94,886.96	10.4290
D	9999 – 99999	111,562.94	10.4290
D	100000 +	1,050,183.82	TBC
E	0 - 39	1,104.40	0
E	40 – 69	1,104.40	20.4933
E	70 – 129	1,719.20	13.2167
E	130 – 599	2,512.20	10.8319
E	600 – 1349	7,603.20	6.1080
E	1350 – 2999	12,184.20	3.1080
E	3000 – 4749	17,312.40	3.1080
E	4750 – 6499	22,751.40	3.1080
E	6500 – 8249	28,190.40	3.1080
E	8250 – 9998	33,629.40	3.1080
E	9999 – 99999	39,065.29	3.1080
E	100000 +	318,788.40	TBC
F	0 - 49	1,104.40	0
F	50 – 229	1,104.40	8.8655
F	230 – 699	2,700.19	8.6245
F	700 – 1399	6,753.71	7.4857

Litigator Graduated Fee Scheme Consultation Paper

<i>Class of offence</i>	<i>PPE Range</i>	<i>Initial fee (£)</i>	<i>Incremental fee per page of prosecution evidence (£)</i>
F	1400 – 1949	11,993.70	5.5764
F	1950 – 3549	15,060.72	2.7881
F	3550 – 5149	19,521.68	2.7881
F	5150 – 6749	23,982.64	2.7881
F	6750 – 8249	28,443.60	2.7881
F	8350 – 9998	32,904.56	2.7881
F	9999 – 99999	37,502.14	2.7881
F	100000 +	288,433.92	TBC
G	0 - 119	1,479.28	0
G	120 – 734	1,479.28	10.9566
G	735 – 1289	8,217.61	10.9566
G	1290 – 2399	14,298.54	10.9566
G	2400 – 4499	26,460.41	10.9566
G	4500 – 7999	49,469.34	10.9566
G	8000 – 8399	87,817.56	10.9567
G	8400 – 8799	92,200.22	10.9566
G	8800 – 9199	96,582.87	10.9567
G	9200 – 9599	100,965.53	10.9566
G	9600 – 9998	105,348.18	10.9566
G	9999 – 99999	109,719.88	10.9566
G	100000 +	1,095,827.98	TBC
H	0 - 39	1,104.40	0
H	40 – 249	1,104.40	10.9371
H	250 – 619	3,401.19	8.4676
H	620 – 1299	6,534.20	6.8721
H	1300 – 2999	11,207.23	5.4700
H	3000 – 4999	20,506.23	2.9700
H	5000 – 5999	26,446.23	2.9700
H	6000 – 6999	29,416.23	2.9700
H	7000 – 7999	32,386.23	2.9700
H	8000 – 8999	35,356.23	2.9700
H	9000 – 9998	38,326.23	2.9700
H	9999 – 99999	41,293.26	2.9700
H	100000 +	308,596.23	TBC
I	0 – 39	1,104.40	0
I	40 – 369	1,104.40	15.4873
I	370 – 799	6,215.21	13.4140
I	800 – 1299	11,983.23	11.2880
I	1300 – 2699	17,627.23	7.9443
I	2700 – 4199	28,749.25	3.9443
I	4200 – 5359	34,665.70	3.9443
I	5360 – 6519	39,241.09	3.9443
I	6520 – 7679	43,816.48	3.9443
I	7680 – 8839	48,391.87	3.9443
I	8840 – 9998	52,967.26	3.9443
I	9999 – 99999	57,538.70	3.9443
I	100000 +	412,529.64	TBC
J	0 – 79	2,189.44	0
J	80 – 209	2,189.44	21.9538

Litigator Graduated Fee Scheme Consultation Paper

<i>Class of offence</i>	<i>PPE Range</i>	<i>Initial fee (£)</i>	<i>Incremental fee per page of prosecution evidence (£)</i>
J	210 – 699	5,043.44	16.7449
J	700 – 1049	13,248.44	14.0000
J	1050 – 1999	18,148.44	12.0779
J	2000 – 3599	29,622.45	10.9779
J	3600 – 5199	47,187.09	10.9779
J	5200 – 6799	64,751.73	10.9779
J	6800 – 8399	82,316.37	10.9779
J	8400 – 9998	99,881.01	10.9779
J	9999 - 99999	117,434.67	10.9779
J	100000+	1,105,456.65	TBC
K	0 – 119	1,557.14	0
K	120 – 734	1,557.14	11.5333
K	735 – 1289	8,650.12	11.5333
K	1290 – 2399	15,051.10	11.5333
K	2400 – 4499	27,853.06	11.5333
K	4500 – 7999	52,072.99	11.5333
K	8000 – 8399	92,439.54	11.5333
K	8400 – 8799	97,052.86	11.5333
K	8800 – 9199	101,666.18	11.5333
K	9200 – 9599	106,279.50	11.5333
K	9600 – 9998	110,892.82	11.5333
K	9999 – 99999	115,494.61	11.5333
K	100000+	1,153,503.14	TBC

Table 3. Gross PPE Proxy for Cracked Trials – Option 1 (Uplifts)

<i>Class of offence</i>	<i>PPE Range</i>	<i>Initial fee (£)</i>	<i>Incremental fee per page of prosecution evidence (£)</i>
A	0 – 149	3,382	0
A	150 – 249	3,382	19.7500
A	250 – 499	5,357	19.6480
A	500 – 999	10,269	10.7980
A	1,000 – 2,799	15,668	6.7980
A	2,800 – 4,599	27,904	6.7980
A	4,600 – 6,399	40,141	6.7980
A	6,400 – 8,199	52,377	6.7980
A	8,200 – 9,998	64,614	6.7980
A	9,999 – 99,999	76,843	6.7980
A	100,000+	688,670	TBC
B	0 – 69	1,257	0
B	70 – 249	1,257	9.7167
B	250 – 999	3,006	5.5627
B	1,000 – 2,799	7,178	3.5627
B	2,800 – 4,599	13,591	3.5627
B	4,600 – 6,399	20,004	3.5627
B	6,400 – 8,199	26,417	3.5627
B	8,200 – 9,998	32,829	3.5627
B	9,999 – 99,999	39,239	3.5627
B	100,000+	359,885	TBC
C	0 – 39	928	0
C	40 – 249	928	6.9714
C	250 – 999	2,392	3.9827
C	1,000 – 2,799	5,379	2.4827
C	2,800 – 4,599	9,848	2.4827
C	4,600 – 6,399	14,317	2.4827
C	6,400 – 8,199	18,786	2.4827
C	8,200 – 9,998	23,254	2.4827
C	9,999 – 99,999	27,721	2.4827
C	100,000+	251,166	TBC
D	0 – 79	1,516	0
D	80 – 249	1,516	13.2609
D	250 – 999	3,771	8.9440
D	1,000 – 2,799	10,479	5.1440
D	2,800 – 4,599	19,738	5.1440
D	4,600 – 6,399	28,997	5.1440
D	6,400 – 8,199	38,256	5.1440
D	8,200 – 9,998	47,515	5.1440
D	9,999 – 99,999	56,769	5.1440
D	100,000+	519,731	TBC
E	0 – 39	858	0
E	40 – 249	858	6.1333
E	250 – 999	2,146	2.6053
E	1,000 – 2,799	4,100	1.0522
E	2,800 – 4,599	5,994	1.0522
E	4,600 – 6,399	7,888	1.0522

Litigator Graduated Fee Scheme Consultation Paper

<i>Class of offence</i>	<i>PPE Range</i>	<i>Initial fee (£)</i>	<i>Incremental fee per page of prosecution evidence (£)</i>
E	6,400 – 8,199	9,782	1.0522
E	8,200 – 9,998	11,676	1.0522
E	9,999 – 99,999	13,569	1.0522
E	100,000+	108,268	TBC
F	0 – 49	817	0
F	50 – 249	817	6.7500
F	250 – 999	2,167	2.9133
F	1,000 – 2,799	4,352	1.2056
F	2,800 – 4,599	6,522	1.2056
F	4,600 – 6,399	8,692	1.2056
F	6,400 – 8,199	10,862	1.2056
F	8,200 – 9,998	13,032	1.2056
F	9,999 – 99,999	15,201	1.2056
F	100,000+	123,706	TBC
G	0 – 119	1,315	0
G	120 – 249	1,315	8.2869
G	250 – 999	2,392	6.1990
G	1,000 – 2,799	7,041	6.1990
G	2,800 – 4,599	18,200	6.1990
G	4,600 – 6,399	29,358	6.1990
G	6,400 – 8,199	40,516	6.1990
G	8,200 – 9,998	51,674	6.1990
G	9,999 – 99,999	62,827	6.1990
G	100,000+	620,746	TBC
H	0 – 39	861	0
H	40 – 249	861	5.4476
H	250 – 999	2,005	2.7560
H	1,000 – 2,799	4,072	1.2056
H	2,800 – 4,599	6,242	1.2056
H	4,600 – 6,399	8,412	1.2056
H	6,400 – 8,199	10,582	1.2056
H	8,200 – 9,998	12,752	1.2056
H	9,999 – 99,999	14,921	1.2056
H	100,000+	123,426	TBC
I	0 – 39	931	0
I	40 – 249	931	8.2190
I	250 – 999	2,657	4.1067
I	1,000 – 2,799	5,737	1.5528
I	2,800 – 4,599	8,532	1.5528
I	4,600 – 6,399	11,327	1.5528
I	6,400 – 8,199	14,122	1.5528
I	8,200 – 9,998	16,917	1.5528
I	9,999 – 99,999	19,711	1.5528
I	100,000+	159,464	TBC
J	0 – 79	1,596	0
J	80 – 249	1,596	13.9588
J	250 – 999	3,969	9.4147
J	1,000 – 2,799	11,030	5.4147
J	2,800 – 4,599	20,776	5.4147

<i>Class of offence</i>	<i>PPE Range</i>	<i>Initial fee (£)</i>	<i>Incremental fee per page of prosecution evidence (£)</i>
J	4,600 – 6,399	30,523	5.4147
J	6,400 – 8,199	40,269	5.4147
J	8,200 – 9,998	50,016	5.4147
J	9,999 – 99,999	59,757	5.4147
J	100,000+	547,085	TBC
K	0 – 119	1,384	0
K	120 – 249	1,384	8.7231
K	250 – 999	2,518	6.5253
K	1,000 – 2,799	7,412	6.5253
K	2,800 – 4,599	19,158	6.5253
K	4,600 – 6,399	30,903	6.5253
K	6,400 – 8,199	42,649	6.5253
K	8,200 – 9,998	54,394	6.5253
K	9,999 – 99,999	66,133	6.5253
K	100,000+	653,417	TBC

Table 4. Gross PPE Proxy for Cracked Trials – Option 2 (Increased Base Fee)

<i>Class of offence</i>	<i>PPE Range</i>	<i>Initial fee (£)</i>	<i>Incremental fee per page of prosecution evidence (£)</i>
A	0 – 149	3,805.09	0
A	150 – 249	3,805.09	19.7500
A	250 – 499	5,780.09	19.6480
A	500 – 999	10,692.09	10.7980
A	1,000 – 2,799	16,091.09	6.7980
A	2,800 – 4,599	28,327.49	6.7980
A	4,600 – 6,399	40,563.89	6.7980
A	6,400 – 8,199	52,800.29	6.7980
A	8,200 – 9,998	65,036.69	6.7980
A	9,999 – 99,999	77,266.29	6.7980
A	100,000+	689,093.09	TBC
B	0 – 69	1,414.25	0
B	70 – 249	1,414.25	9.7167
B	250 – 999	3,163.26	5.5627
B	1,000 – 2,799	7,335.28	3.5627
B	2,800 – 4,599	13,748.14	3.5627
B	4,600 – 6,399	20,161.00	3.5627
B	6,400 – 8,199	26,573.86	3.5627
B	8,200 – 9,998	32,986.72	3.5627
B	9,999 – 99,999	39,396.02	3.5627
B	100,000+	360,042.58	TBC
C	0 – 39	1,044.09	0
C	40 – 249	1,044.09	6.9714
C	250 – 999	2,508.08	3.9827
C	1,000 – 2,799	5,495.11	2.4827
C	2,800 – 4,599	9,963.97	2.4827
C	4,600 – 6,399	14,432.83	2.4827

Litigator Graduated Fee Scheme Consultation Paper

<i>Class of offence</i>	<i>PPE Range</i>	<i>Initial fee (£)</i>	<i>Incremental fee per page of prosecution evidence (£)</i>
C	6,400 – 8,199	18,901.69	2.4827
C	8,200 – 9,998	23,370.55	2.4827
C	9,999 – 99,999	27,836.93	2.4827
C	100,000+	251,282.41	TBC
D	0 – 79	1,705.88	0
D	80 – 249	1,705.88	13.2609
D	250 – 999	3,960.23	8.9440
D	1,000 – 2,799	10,668.20	5.1440
D	2,800 – 4,599	19,927.34	5.1440
D	4,600 – 6,399	29,186.47	5.1440
D	6,400 – 8,199	38,445.61	5.1440
D	8,200 – 9,998	47,704.75	5.1440
D	9,999 – 99,999	56,958.74	5.1440
D	100,000+	519,920.73	TBC
E	0 – 39	965.34	0
E	40 – 249	965.34	6.1333
E	250 – 999	2,253.33	2.6053
E	1,000 – 2,799	4,207.31	1.0522
E	2,800 – 4,599	6,101.27	1.0522
E	4,600 – 6,399	7,995.23	1.0522
E	6,400 – 8,199	9,889.19	1.0522
E	8,200 – 9,998	11,783.15	1.0522
E	9,999 – 99,999	13,676.06	1.0522
E	100,000+	108,375.11	TBC
F	0 – 49	919.21	0
F	50 – 249	919.21	6.7500
F	250 – 999	2,269.21	2.9133
F	1,000 – 2,799	4,454.19	1.2056
F	2,800 – 4,599	6,624.27	1.2056
F	4,600 – 6,399	8,794.35	1.2056
F	6,400 – 8,199	10,964.43	1.2056
F	8,200 – 9,998	13,134.51	1.2056
F	9,999 – 99,999	15,303.38	1.2056
F	100,000+	123,808.59	TBC
G	0 – 119	1,479.28	0
G	120 – 249	1,479.28	8.2869
G	250 – 999	2,556.58	6.1990
G	1,000 – 2,799	7,205.86	6.1990
G	2,800 – 4,599	18,364.12	6.1990
G	4,600 – 6,399	29,522.39	6.1990
G	6,400 – 8,199	40,680.65	6.1990
G	8,200 – 9,998	51,838.91	6.1990
G	9,999 – 99,999	62,990.98	6.1990
G	100,000+	620,910.32	TBC
H	0 – 39	968.71	0
H	40 – 249	968.71	5.4476
H	250 – 999	2,112.71	2.7560
H	1,000 – 2,799	4,179.71	1.2056
H	2,800 – 4,599	6,349.79	1.2056

Litigator Graduated Fee Scheme Consultation Paper

<i>Class of offence</i>	<i>PPE Range</i>	<i>Initial fee (£)</i>	<i>Incremental fee per page of prosecution evidence (£)</i>
H	4,600 – 6,399	8,519.87	1.2056
H	6,400 – 8,199	10,689.95	1.2056
H	8,200 – 9,998	12,860.03	1.2056
H	9,999 – 99,999	15,028.90	1.2056
H	100,000+	123,534.11	TBC
I	0 – 39	1,047.47	0
I	40 – 249	1,047.47	8.2190
I	250 – 999	2,773.46	4.1067
I	1,000 – 2,799	5,853.49	1.5528
I	2,800 – 4,599	8,648.53	1.5528
I	4,600 – 6,399	11,443.57	1.5528
I	6,400 – 8,199	14,238.61	1.5528
I	8,200 – 9,998	17,033.65	1.5528
I	9,999 – 99,999	19,827.13	1.5528
I	100,000+	159,580.69	TBC
J	0 – 79	1,795.66	0
J	80 – 249	1,795.66	13.9588
J	250 – 999	4,168.66	9.4147
J	1,000 – 2,799	11,229.68	5.4147
J	2,800 – 4,599	20,976.14	5.4147
J	4,600 – 6,399	30,722.60	5.4147
J	6,400 – 8,199	40,469.06	5.4147
J	8,200 – 9,998	50,215.52	5.4147
J	9,999 – 99,999	59,956.57	5.4147
J	100,000+	547,284.98	TBC
K	0 – 119	1,557.14	0
K	120 – 249	1,557.14	8.7231
K	250 – 999	2,691.14	6.5253
K	1,000 – 2,799	7,585.12	6.5253
K	2,800 – 4,599	19,330.66	6.5253
K	4,600 – 6,399	31,076.20	6.5253
K	6,400 – 8,199	42,821.74	6.5253
K	8,200 – 9,998	54,567.28	6.5253
K	9,999 – 99,999	66,306.29	6.5253
K	100,000+	653,589.82	TBC

Table 5. Gross PPE Proxy for Guilty Pleas – Option 1 (Uplifts)

<i>Class of offence</i>	<i>PPE Range</i>	<i>Initial fee (£)</i>	<i>Incremental fee per page of prosecution evidence (£)</i>
A	0 – 149	2,344	0
A	150 – 399	2,344	11.1560
A	400 – 999	5,133	6.5150
A	1,000 – 2,799	9,042	4.5150
A	2,800 – 4,599	17,169	4.5150
A	4,600 – 6,399	25,296	4.5150
A	6,400 – 8,199	33,423	4.5150
A	8,200 – 9,998	41,550	4.5150
A	9,999 – 99,999	49,672	4.5150
A	100,000+	456,027	TBC
B	0 – 69	745	0
B	70 – 399	745	3.7788
B	400 – 999	1,992	2.3817
B	1,000 – 2,799	3,421	1.3817
B	2,800 – 4,599	5,908	1.3817
B	4,600 – 6,399	8,395	1.3817
B	6,400 – 8,199	10,882	1.3817
B	8,200 – 9,998	13,369	1.3817
B	9,999 – 99,999	15,855	1.3817
B	100,000+	140,209	TBC
C	0 – 39	592]	0
C	40 – 399	592	3.5737
C	400 – 999	1,879	1.9533
C	1,000 – 2,799	3,051	1.0256
C	2,800 – 4,599	4,897	1.0256
C	4,600 – 6,399	6,743	1.0256
C	6,400 – 8,199	8,589	1.0256
C	8,200 – 9,998	10,435	1.0256
C	9,999 – 99,999	12,280	1.0256
C	100,000+	104,585	TBC
D	0 – 79	865	0
D	80 – 399	865	3.8504
D	400 – 999	2,098	2.3323
D	1,000 – 2,799	3,497	1.3823
D	2,800 – 4,599	5,985	1.3823
D	4,600 – 6,399	8,473	1.3823
D	6,400 – 8,199	10,961	1.3823
D	8,200 – 9,998	13,449	1.3823
D	9,999 – 99,999	15,936	1.3822
D	100,000+	140,340	TBC
E	0 – 39	514	0
E	40 – 399	514	3.2028
E	400 – 999	1,667	1.6883
E	1,000 – 2,799	2,680	0.5944
E	2,800 – 4,599	3,750	0.5944
E	4,600 – 6,399	4,820	0.5944
E	6,400 – 8,199	5,890	0.5944

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<i>Class of offence</i>	<i>PPE Range</i>	<i>Initial fee (£)</i>	<i>Incremental fee per page of prosecution evidence (£)</i>
E	8,200 – 9,998	6,960	0.5944
E	9,999 – 99,999	8,029	0.5944
E	100,000+	61,526	TBC
F	0 – 49	542	0
F	50 – 399	542	2.9914
F	400 – 999	1,589	1.3233
F	1,000 – 2,799	2,383	0.4100
F	2,800 – 4,599	3,121	0.4100
F	4,600 – 6,399	3,859	0.4100
F	6,400 – 8,199	4,597	0.4100
F	8,200 – 9,998	5,335	0.4100
F	9,999 – 99,999	6,073	0.4100
F	100,000+	42,973	TBC
G	0 – 119	819	0
G	120 – 399	819	3.5286
G	400 – 999	1,807	2.5786
G	1,000 – 2,799	3,354	2.5786
G	2,800 – 4,599	7,996	2.5786
G	4,600 – 6,399	12,637	2.5786
G	6,400 – 8,199	17,278	2.5786
G	8,200 – 9,998	21,920	2.5786
G	9,999 – 99,999	26,559	2.5786
G	100,000+	258,634	TBC
H	0 – 39	527	0
H	40 – 399	527	2.9778
H	400 – 999	1,599	1.3233
H	1,000 – 2,799	2,393	0.4106
H	2,800 – 4,599	3,132	0.4106
H	4,600 – 6,399	3,871	0.4106
H	6,400 – 8,199	4,610	0.4106
H	8,200 – 9,998	5,349	0.4106
H	9,999 – 99,999	6,088	0.4106
H	100,000+	43,042	TBC
I	0 – 39	491	0
I	40 – 399	491	3.4572
I	400 – 999	1,736	1.8217
I	1,000 – 2,799	2,829	0.6589
I	2,800 – 4,599	4,015	0.6589
I	4,600 – 6,399	5,201	0.6589
I	6,400 – 8,199	6,387	0.6589
I	8,200 – 9,998	7,573	0.6589
I	9,999 – 99,999	8,758	0.6589
I	100,000+	68,060	TBC
J	0 – 79	911	0
J	80 – 399	911	4.0531
J	400 – 999	2,208	2.4550
J	1,000 – 2,799	3,681	1.4550
J	2,800 – 4,599	6,300	1.4550
J	4,600 – 6,399	8,919	1.4550

<i>Class of offence</i>	<i>PPE Range</i>	<i>Initial fee (£)</i>	<i>Incremental fee per page of prosecution evidence (£)</i>
J	6,400 – 8,199	11,538	1.4550
J	8,200 – 9,998	14,157	1.4550
J	9,999 – 99,999	16,775	1.4550
J	100,000+	147,726	TBC
K	0 – 119	862	0
K	120 – 399	862	3.7143
K	400 – 999	1,902	2.7143
K	1,000 – 2,799	3,531	2.7143
K	2,800 – 4,599	8,416	2.7143
K	4,600 – 6,399	13,302	2.7143
K	6,400 – 8,199	18,188	2.7143
K	8,200 – 9,998	23,074	2.7143
K	9,999 – 99,999	27,957	2.7143
K	100,000+	272,246	TBC

Table 6. Gross PPE Proxy for Guilty Pleas – Option 2 (Increased Base Fee)

<i>Class of offence</i>	<i>PPE Range</i>	<i>Initial fee (£)</i>	<i>Incremental fee per page of prosecution evidence (£)</i>
A	0 – 149	2,637.23	0
A	150 – 399	2,637.23	11.1560
A	400 – 999	5,426.23	6.5150
A	1,000 – 2,799	9,335.23	4.5150
A	2,800 – 4,599	17,462.23	4.5150
A	4,600 – 6,399	25,589.23	4.5150
A	6,400 – 8,199	33,716.23	4.5150
A	8,200 – 9,998	41,843.23	4.5150
A	9,999 – 99,999	49,965.72	4.5150
A	100,000+	456,320.23	TBC
B	0 – 69	838.20	0
B	70 – 399	838.20	3.7788
B	400 – 999	2,085.20	2.3817
B	1,000 – 2,799	3,514.22	1.3817
B	2,800 – 4,599	6,001.28	1.3817
B	4,600 – 6,399	8,488.34	1.3817
B	6,400 – 8,199	10,975.40	1.3817
B	8,200 – 9,998	13,462.46	1.3817
B	9,999 – 99,999	15,948.14	1.3817
B	100,000+	140,302.52	TBC
C	0 – 39	666.60	0
C	40 – 399	666.60	3.5737
C	400 – 999	1,953.13	1.9533
C	1,000 – 2,799	3,125.11	1.0256
C	2,800 – 4,599	4,971.19	1.0256
C	4,600 – 6,399	6,817.27	1.0256
C	6,400 – 8,199	8,663.35	1.0256
C	8,200 – 9,998	10,509.43	1.0256

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<i>Class of offence</i>	<i>PPE Range</i>	<i>Initial fee (£)</i>	<i>Incremental fee per page of prosecution evidence (£)</i>
C	9,999 – 99,999	12,354.49	1.0256
C	100,000+	104,659.51	TBC
D	0 – 79	973.72	0
D	80 – 399	973.72	3.8504
D	400 – 999	2,205.86	2.3323
D	1,000 – 2,799	3,605.21	1.3823
D	2,800 – 4,599	6,093.26	1.3823
D	4,600 – 6,399	8,581.31	1.3823
D	6,400 – 8,199	11,069.36	1.3823
D	8,200 – 9,998	13,557.41	1.3823
D	9,999 – 99,999	16,044.08	1.3822
D	100,000+	140,447.96	TBC
E	0 – 39	578.30	0
E	40 – 399	578.30	3.2028
E	400 – 999	1,731.31	1.6883
E	1,000 – 2,799	2,744.29	0.5944
E	2,800 – 4,599	3,814.21	0.5944
E	4,600 – 6,399	4,884.13	0.5944
E	6,400 – 8,199	5,954.05	0.5944
E	8,200 – 9,998	7,023.97	0.5944
E	9,999 – 99,999	8,093.29	0.5944
E	100,000+	61,589.89	TBC
F	0 – 49	609.80	0
F	50 – 399	609.80	2.9914
F	400 – 999	1,656.79	1.3233
F	1,000 – 2,799	2,450.77	0.4100
F	2,800 – 4,599	3,188.77	0.4100
F	4,600 – 6,399	3,926.77	0.4100
F	6,400 – 8,199	4,664.77	0.4100
F	8,200 – 9,998	5,402.77	0.4100
F	9,999 – 99,999	6,140.36	0.4100
F	100,000+	43,040.77	TBC
G	0 – 119	921.34	0
G	120 – 399	921.34	3.5286
G	400 – 999	1,909.34	2.5786
G	1,000 – 2,799	3,456.49	2.5786
G	2,800 – 4,599	8,097.95	2.5786
G	4,600 – 6,399	12,739.40	2.5786
G	6,400 – 8,199	17,380.85	2.5786
G	8,200 – 9,998	22,022.31	2.5786
G	9,999 – 99,999	26,661.18	2.5786
G	100,000+	258,736.41	TBC
H	0 – 39	592.93	0
H	40 – 399	592.93	2.9778
H	400 – 999	1,664.94	1.3233
H	1,000 – 2,799	2,458.92	0.4106
H	2,800 – 4,599	3,198.00	0.4106
H	4,600 – 6,399	3,937.08	0.4106
H	6,400 – 8,199	4,676.16	0.4106

Litigator Graduated Fee Scheme Consultation Paper

<i>Class of offence</i>	<i>PPE Range</i>	<i>Initial fee (£)</i>	<i>Incremental fee per page of prosecution evidence (£)</i>
H	8,200 – 9,998	5,415.24	0.4106
H	9,999 – 99,999	6,153.91	0.4106
H	100,000+	43,108.32	TBC
I	0 – 39	552.42	0
I	40 – 399	552.42	3.4572
I	400 – 999	1,797.01	1.8217
I	1,000 – 2,799	2,890.03	0.6589
I	2,800 – 4,599	4,076.05	0.6589
I	4,600 – 6,399	5,262.07	0.6589
I	6,400 – 8,199	6,448.09	0.6589
I	8,200 – 9,998	7,634.11	0.6589
I	9,999 – 99,999	8,819.47	0.6589
I	100,000+	68,121.13	TBC
J	0 – 79	1,024.97	0
J	80 – 399	1,024.97	4.0531
J	400 – 999	2,321.96	2.4550
J	1,000 – 2,799	3,794.96	1.4550
J	2,800 – 4,599	6,413.96	1.4550
J	4,600 – 6,399	9,032.96	1.4550
J	6,400 – 8,199	11,651.96	1.4550
J	8,200 – 9,998	14,270.96	1.4550
J	9,999 – 99,999	16,888.51	1.4550
J	100,000+	147,839.96	TBC
K	0 – 119	969.84	0
K	120 – 399	969.84	3.7143
K	400 – 999	2,009.84	2.7143
K	1,000 – 2,799	3,638.42	2.7143
K	2,800 – 4,599	8,524.16	2.7143
K	4,600 – 6,399	13,409.90	2.7143
K	6,400 – 8,199	18,295.64	2.7143
K	8,200 – 9,998	23,181.38	2.7143
K	9,999 – 99,999	28,064.41	2.7143
K	100,000+	272,354.12	TBC

Annex E: Uplifts for Multiple Defendants

The following table shows the proposed percentage uplifts to the total graduated fee, for cases where a firm represents multiple defendants.

Table 1. Defendant Uplifts – Option 1 AND Option 2

Total Number of Defendants Represented by Firm	Percentage uplift applicable to total fee
1	0%
2-4	20%
5+	30%

Annex F: Supporting Data for Additional Uplift Modelling

Annex F provides the analysis undertaken by the LSC to attempt to identify:

- a) The exceptional factors in a case that might increase the overall cost and complexity of a case;
- b) How often these factors occur; and
- c) How they affect the overall cost of a case.

Due to the lack of detailed case information contained in the original LGFS sample (see Annex A), a separate manual data collection exercise was undertaken by the LSC. The LSC requested permission from firms to examine case files for the purposes of this exercise. Solicitor firms in London, Birmingham, Bristol and Southend agreed to provide the LSC with access to their files. Files were also obtained from the NTT London office. A total sample of 1,000 cases was examined.

Proportion of Cases Containing Uplift Factors

Table 1 shows the proportion of cases sampled that contained each of the potential uplifts examined.

The proportion of cases containing uplift factors was examined at varying intervals throughout the data collection exercise, and this was found to remain fairly consistent (within 5% over time) for the majority of the uplifts. This indicates that the percentages in Table 1 are fairly consistent, and that we can make an assumption that over a larger sample the percentages would remain similar.

Cases identified containing manual errors and duplicate bills were subsequently removed from the sample.

Table 1. Proportion of Cases Sampled Containing Potential Uplift Factors

Uplift	% Cases
Non-English speaking client	7.8%
Client in custody	50.6%
Vulnerable client	8.7%
Tapes	28.3%
Unused material	8.3%
Unused tapes	1.7%
Defendant informant	0.3%
Confiscation proceedings	1.3%
Time attending clients	96.4%
Total volume	1,000

Uplift Analysis by Offence Class and Trial Type

Table 2 provides an overview of the sample of 1,000 cases, broken down by offence class (A-K) and trial type (trial, cracked trial, guilty plea).

Table 2. Summary of Cases by Offence Class and Trial Type

Offence Class	Trial		Cracked Trial		Guilty Plea		Total
	Vol	Vol%	Vol	Vol%	Vol	Vol%	Vol
A	48	62%	21	27%	8	10%	77
B	130	41%	137	43%	52	16%	319
C	46	31%	56	37%	48	32%	150
D	23	44%	20	38%	9	17%	52
E	13	14%	47	51%	33	35%	93
F	12	17%	33	47%	25	36%	70
G	12	41%	11	38%	6	21%	29
H	21	19%	66	59%	25	22%	112
I	2	25%	4	50%	2	25%	8
J	52	63%	23	28%	8	10%	83
K	2	29%	2	29%	3	43%	7
Total	361	36%	420	42%	219	22%	1,000

Table 3 shows the proportion of trial, cracked trial and guilty plea cases sampled that contained each of the potential uplift factors examined.

Table 3. Summary of Cases with Uplifts by Trial Type

Uplifts	Non-English speaking client	Client in custody	Vulnerable client	Tapes	Unused pages	Unused tapes	Defendant informant	Confiscation Proceedings	Total
Trial									
Vol	35	181	37	119	31	3	1	3	361
Vol%	9.7%	50.1%	10.2%	33.0%	8.6%	0.8%	0.3%	0.8%	
Cracked Trial									
Vol	30	205	34	105	38	9	2	7	420
Vol%	7.1%	48.8%	8.1%	25.0%	9.0%	2.1%	0.5%	1.7%	
Guilty Plea									
Vol	13	120	16	59	14	5	0	3	219
Vol%	5.9%	54.8%	7.3%	26.9%	6.4%	2.3%	0.0%	1.4%	
Total									
Vol	78	506	87	283	83	17	3	13	1,000
Vol%	7.8%	50.6%	8.7%	28.3%	8.3%	1.7%	0.3%	1.3%	

Table 4 details the proportion cases sampled in each offence class that contained each of the potential uplift factors examined.

Table 4. Proportion of Cases with Potential Uplifts by Offence Class

	Non-English speaking client	Client in custody	Vulnerable client	Tapes	Unused pages	Unused tapes	Defendant informant	Confiscation Proceedings	Total
A	16%	90%	21%	40%	8%	0%	1%	0%	77
B	7%	46%	9%	29%	8%	2%	1%	1%	319
C	3%	53%	12%	23%	9%	1%	0%	0%	150
D	6%	54%	12%	25%	2%	0%	0%	0%	52
E	6%	58%	5%	31%	10%	5%	0%	1%	93
F	7%	40%	1%	24%	9%	1%	0%	3%	70
G	14%	38%	0%	21%	14%	0%	0%	10%	29
H	5%	29%	3%	22%	9%	1%	0%	2%	112
I	25%	50%	0%	25%	0%	0%	0%	0%	8
J	10%	57%	12%	40%	11%	2%	0%	0%	83
K	57%	71%	0%	29%	14%	0%	0%	14%	7
Total Vol%	7.8%	50.6%	8.7%	28.3%	8.3%	1.7%	0.3%	1.3%	1,000
Total Vol	78	506	87	283	83	17	3	13	

*Note: 8 cases sampled contained both Non-English speaking client and Vulnerable client factors.

The LSC took the view that 'exceptional' factors that should be considered for uplifts were those factors that were uncommon enough to occur, for example, in less than 1 in 10 cases, but not so rare as to occur in 1 in 100 cases.

The data in Table 4 shows that very few cases sampled contained unused tapes, defendant informants and confiscation proceedings. This makes a potential uplift for these factors impossible to analyse or model.

Table 4 also identifies that a large proportion of cases sampled were found to have clients in custody or tapes, which tends to suggest that firms would obtain adequate reimbursement for such cases on a 'swings and roundabouts' principle through the graduated element of the fee.

Accordingly, non-English speaking clients, vulnerable clients and unused material were identified as the factors that required further investigation in respect of potential uplifts to the LGFS.

Potential Uplifts

Table 5 provides information on the average trial fee, trial length and PPE for cases with a non-English speaking client and/or a vulnerable client (as defined in the body of this document, paragraph 3.24). Data on cases with none of the uplift factors identified is also included for the purposes of comparison. This analysis has been based on a subjective definition of 'vulnerable' client, which was used for the purposes of data collection for this exercise. Therefore the analysis results will include a wider group of cases than would be the case using the objective definition proposed in paragraph 3.24 of this paper. This was caused by the difficulty in defining a 'vulnerable' client and the need to obtain a sample of a sufficient size to enable uplift analysis.

In addition, 18 cases in the sample with a non-English speaking client and 8 cases with a vulnerable client did not have recorded information on the volume of PPE. All cases were analysed for the purposes of modelling the proposed uplifts to the LGFS; however for the purposes of comparison only those with information on PPE have been included in the table below.

Table 5 indicates that, for the most part, cases with non-English speaking clients and/or vulnerable clients appear to cost more and last longer at trial than cases without these factors. The volume of PPE also appears to be higher for these cases. However, we have not been able to rule out any other potential factors that may have contributed to the higher costs and longer trial length in these cases.

Table 5. Cases with a Non-English Speaking Client and/or Vulnerable Client

	No Uplifts				Non English Speaking Client					Vulnerable Client				
	Vol	Avg Fee [1]	Avg Trial Days	Avg PPE	Vol	Avg Fee [2]	Diff% ([2]-[1])/[1]	Avg Trial Days	Avg PPE	Vol	Avg Fee [3]	Diff% ([3]-[1])/[1]	Avg Trial Days	Avg PPE
CASES WITH KNOWN PPE														
Trial	95	3,482	5.4	158	32	10,336	197%	8.3	718	36	7,998	130%	10.1	498
Cracked Trial	86	1,735		83	16	6,423	270%		313	29	4,395	153%		239
Guilty Plea	52	1,253		145	12	1,430	14%		171	14	1,885	50%		143
Total Cases with known PPE	233	2,340		127	60	7,511	221%		500	79	5,592	139%		340
Total Cases with unknown PPE														
	84	1,709			18	3,244	90%			8	11,417	568%		
TOTAL CASES	317	2,173			78	6,526	200%			87	6,128	182%		

Table 6 provides the proportion of cases with a non-English speaking client and/or vulnerable client that fall into a serious class of offence. Serious offence classes are identified as class A, B, D, G, J and K.

Table 6. Proportion of Cases with a Non-English Speaking Client/ Vulnerable Client in Offence Class A, B, D, G, J or K

	Vol	Avg Fee (£)	%Serious Offence
No uplift factors	317	2,173	47.6%
Non English Speaking Client	78	6,526	69.2%
Vulnerable Client	87	6,128	69.0%

Table 7 shows the average number of cases containing unused pages, in particular examining the proportion of cases with a higher than average volume of unused.

Table 7. Cases with Unused Pages

	Vol of cases	Vol% of cases	Avg Unused Page
Total with unused pages	82		
Total with known unused pages	79	100%	264
Between 265 and 500	10	12.7%	364
Between 501 and 800	3	3.8%	709
Between 801 and 1000	1	1.3%	915
More than 1000	4	5.1%	2,204

Annex G: Examples of LGFS Payments

Annex G provides a series of examples to assist practitioners' to understand the two options for the LGFS outlined in this consultation paper. The following examples are separated into two parts – Option 1 (Uplifts) and Option 2 (Increased Base Fee)

1. Consultation Option 1 (Uplifts)

The steps are:

1. Determine the trial type basis and bill percentage
2. Determine the preliminary trial fee for the trial type basis
3. Determine litigator fee without uplifts which is the preliminary trial fee multiply by the bill percentage
4. Determine litigator fee with non-English speaking client uplift and/or vulnerable client uplift
5. Determine the defendant uplifts
6. Determine the litigator fee (w VAT) which is the sum of the litigator fee without defendant uplifts and the defendant uplifts

The tables referred in the examples are in the Annexes to this document.

**Example 1:
A 15-day murder trial (offence type A) with 476 PPE and two defendants will be paid**

Data input:

Offence Class	A
Trial type	Trial (Scenario 4)
Trial length in days	15
PPE	476
Number of defendants	2

Step 1

For Trial scenario, the trial type basis is trial and the bill percentage is 100% (Annex H Payment Arrangements).

Step 2

The basic fee for Class A trial (Annex B Basic Fee Table 2) is 3,382.

In Annex C PPE cut off for Trial Length Proxy Table, the PPE cut off for Class A of 15-day trial is 1,385.

The corresponding trial length proxy (Annex C Trial Length Proxy Table) is 22,234.08.

Since the actual PPE (476) is below the corresponding PPE cut off (1,385), there is no PPE proxy.

The preliminary trial fee: = basic fee + trial length proxy
= 3,382 + 22,234.08
= £25,616.08

Step 3

Final basic fee = bill percentage * basic fee
= 100% * 3,382
= 3,382

Final trial length proxy = bill percentage * trial length proxy
= 100% * 22,234.08
= 22,234.08

Litigator fee without uplifts [A] = Bill percentage * preliminary trial fee
= 100% * 25,616.08
= 25,616.08

Step 4

There is no uplift.

Litigator fee with uplifts [B] = Litigator fee without uplifts [A]
= 25,616.08

Step 5

For 2 defendants, the defendant uplifts percentage is 20%.

Defendant uplifts [C] = Defendant uplifts % * Litigator fee with uplifts [B]
= 20% * 25,616.08
= 5,123.22

Step 6

Litigator fee [D] = Litigator fee with uplifts [B] + Defendant uplifts [C]
= 25,616.08 + 5,123.22
= 30,739.30

Litigator fee without VAT [E] = Litigator fee [D] / 1.175
= 30,739.30 / 1.175
= 26,161.11

VAT [F] = Litigator fee without VAT [E] * 17.5%
= 26,161.11 * 17.5%
= 4,578.19

Example 2:
A 3-day burglary (offence type) with 92 PPE and one defendant will be paid. The defendant falls within the definition of 'vulnerable'.

Data input:

Offence Class	E
Trial type	Trial (Scenario 4)
Trial length in days	3
PPE	92
Number of defendants	1
Vulnerable Client	Y

Step 1

For Trial scenario, the trial type basis is trial and the bill percentage is 100% (Annex H Payment Arrangements).

Step 2

The basic fee for Class E trial (Annex B Basic Fee Table 2) is 981.60.

In Annex C PPE cut off for Trial Length Proxy Table, the PPE cut off for Class E of 3-day trial is 62.

The corresponding trial length proxy (Annex C Trial Length Proxy Table) is 445.40.

Since the actual PPE (92) is above the corresponding PPE cut off (62), there is a PPE proxy. The preliminary trial fee is calculated using Annex D Gross PPE Proxy for Trial Table 1.

From Annex D Gross PPE Proxy for Trial Table 1 for Class E:
 The input PPE of 92 for Class E falls in the PPE range of 70-129.
 The trial fee is 1,596.40.
 The PPE difference = $92 - 70 = 22$
 The incremental rate per page is 13.2167.

Preliminary trial fee = trial fee at 70 PPE + (PPE difference * rate per page)
 = $1,596.40 + (22 * 13.2167)$
 = 1,887.17

PPE proxy = preliminary trial fee – basic fee – length of trial proxy
 = $1,887.17 - 981.60 - 445.40$
 = 460.17

Step 3

Final basic fee = bill percentage * basic fee
 = $100\% * 981.60$

$$= 981.60$$

$$\begin{aligned}\text{Final trial length proxy} &= \text{bill percentage} * \text{trial length proxy} \\ &= 100\% * 445.40 \\ &= 445.40\end{aligned}$$

$$\begin{aligned}\text{Final PPE proxy} &= \text{Bill percentage} * \text{PPE proxy} \\ &= 100\% * 460.17 \\ &= 460.17\end{aligned}$$

$$\begin{aligned}\text{Litigator fee without uplifts [A]} &= \text{Bill percentage} * \text{preliminary trial fee} \\ &= 100\% * 1887.17 \\ &= 1,887.17\end{aligned}$$

Step 4

$$\begin{aligned}\text{Vulnerable Client Uplift} &= 10\% * \text{Litigator fee without uplifts [A]} \\ &= 10\% * 1887.17 \\ &= 188.72\end{aligned}$$

$$\begin{aligned}\text{Litigator fee with uplifts [B]} &= 1,887.17 + 188.72 \\ &= 2,075.89\end{aligned}$$

Step 5

There is no defendant uplift for 1 defendant.

$$\text{Defendant uplifts [C]} = 0$$

Step 6

$$\begin{aligned}\text{Litigator fee [D]} &= \text{Litigator fee with uplifts [B]} + \text{Defendant uplifts [C]} \\ &= 2,075.89 + 0 \\ &= 2,075.89\end{aligned}$$

$$\begin{aligned}\text{Litigator fee without VAT [E]} &= \text{Litigator fee [D]} / 1.175 \\ &= 2,075.89 / 1.175 \\ &= 1,766.71\end{aligned}$$

$$\begin{aligned}\text{VAT [F]} &= \text{Litigator fee without VAT [E]} * 17.5\% \\ &= 1,766.71 * 17.5\% \\ &= 309.17\end{aligned}$$

Example 3:
A lengthy (non-VHCC) fraud case (offence type) with 2,135 PPE and three defendants which folds unexpectedly on the 1st day of trial will be paid

Assume the value involved exceeds £30,000 (Class G)

Data input:

Offence Class	G
Trial type	Trial (Scenario 4)
Trial length in days	1
PPE	2135
Number of defendants	3

Step 1

For Trial scenario, the trial type basis is trial and the bill percentage is 100% (Annex H Payment Arrangements).

Step 2

The basic fee for Class G trial (Annex B Basic Fee Table 2) is 1,314.80

In Annex C PPE cut off for Trial Length Proxy Table, the PPE cut off for Class G of 1-day trial is 120.

The corresponding trial length proxy (Annex C Trial Length Proxy Table) is 0. There is trial length proxy only if the trial length is 3 days or above.

Since the actual PPE (2,135) is above the corresponding PPE cut off (120), there is PPE proxy. The preliminary trial fee is calculated using Annex D Gross PPE Proxy for Trial Table 1.

From Annex D Gross PPE Proxy for Trial Table 1 for Class G:

The input of PPE of 2,135 is in the range 1,290-2,399.

The trial fee is 14,134.06.

The PPE difference = 2,135 – 1,290 = 845

The incremental rate per page is 10.9566.

The preliminary trial fee = trial fee at 1,290 PPE + (PPE difference * rate per page)
 = 14,134.06 + (845 * 10.9566)
 = 23,392.39

PPE proxy = preliminary trial fee - basic fee - length of trial proxy
 = 23,392.39 – 1,314.80 - 0
 = 22,077.59

Step 3

Final basic fee = bill percentage * basic fee
 = 100% * 1,314.80
 = 1,314.80

$$\begin{aligned} \text{Final PPE proxy} &= \text{Bill percentage} * \text{PPE proxy} \\ &= 100\% * 22,077.59 \\ &= 22,077.59 \end{aligned}$$

$$\begin{aligned} \text{Litigator fee without uplifts [A]} &= \text{Bill percentage} * \text{preliminary trial fee} \\ &= 100\% * 23,392.39 \\ &= 23,392.39 \end{aligned}$$

Step 4

There is no uplift.

$$\begin{aligned} \text{Litigator fee with uplifts [B]} &= \text{Litigator fee without uplifts [A]} \\ &= 23,392.39 \end{aligned}$$

Step 5

For 3 defendants, the defendant uplifts percentage is 20%.

$$\begin{aligned} \text{Defendant uplifts [C]} &= \text{Defendant uplifts \%} * \text{Litigator fee with uplifts [B]} \\ &= 20\% * 23,392.39 \\ &= 4,678.48 \end{aligned}$$

Step 6

$$\begin{aligned} \text{Litigator fee [D]} &= \text{Litigator fee with uplifts [B]} + \text{Defendant uplifts [C]} \\ &= 23,392.39 + 4,678.48 \\ &= 28,070.87 \end{aligned}$$

$$\begin{aligned} \text{Litigator fee without VAT [E]} &= \text{Litigator fee [D]} / 1.175 \\ &= 28,070.87 / 1.175 \\ &= 23,890.10 \end{aligned}$$

$$\begin{aligned} \text{VAT [F]} &= \text{Litigator fee without VAT [E]} * 17.5\% \\ &= 23,890.10 * 17.5\% \\ &= 4,180.77 \end{aligned}$$

Example 4:

A shoplifting (offence type) with 25 PPE where the defendant pleads guilty at the PCMH will be paid. The defendant is non-English speaking.

The offence is theft and assuming the value is below £30,000 (Class F).

Data input:

Offence Class	F
Trial type	Guilty plea (Scenario 2)
Trial length in days	0
PPE	25
Number of defendants	1
Non English Speaking Client	Y

Step 1

For Guilty plea scenario, the trial type basis is guilty plea and the bill percentage is 100%.

Step 2

For Class F Guilty plea:

The basic fee is 542 (Annex B Basic Fee Table 2) within the PPE cut off of 50 (Annex B PPE Cut Off For Basic Fee Table 1).

As the actual PPE (25) is less than PPE cut off for basic fee (50), there is no PPE proxy.

The preliminary trial fee for Guilty plea
= Basic trial fee
= 542

Step 3

Final basic fee = bill percentage * basic fee
= 100% * 542
= 542

Litigator fee without uplifts [A]
= Bill percentage * preliminary trial fee
= 100% * 542
= 542.00

Step 4

Non-English Speaking Client Uplift
= 10% * Litigator fee without uplifts [A]
= 10% * 542.00
= 54.20

Litigator fee with uplifts [B] = Litigator fee without uplifts [A] + Non English Speaking Client Uplifts
= 542.00 + 54.20
= 596.20

Step 5

There is no defendant uplift for 1 defendant.

Defendant uplifts [C] = 0

Step 6

Litigator fee [D] = Litigator fee with uplifts [B] + Defendant uplifts [C]
= 596.20 + 0
= 596.20

Litigator fee without VAT [E] = Litigator fee [D] / 1.175
= 596.20 / 1.175
= 507.40

VAT [F] = Litigator fee without VAT [E] * 17.5%
= 507.40 * 17.5%
= 88.80

Example 5:
A retrial of the above 15-day murder trial (offence type A) where the retrial lasts 18 days, contains 600 PPE and two defendants will be paid

This is the retrial of Example 1.
 Assume there is no change of solicitor.

Data input:

Offence Class	A
Trial type	Retrial (Scenario 9*)
Trial length in days	18
PPE	600
Number of defendants	2

* Note Retrial is listed as Scenario 6 in Online Calculator

Step 1

For Retrial scenario, the trial type basis is trial and the bill percentage is 25% (Annex H Payment Arrangements).

Step 2

The basic fee for Class A trial (Annex B Basic Fee Table 2) is 3,382.

In Annex C PPE cut off for Trial Length Proxy Table, the PPE cut off for Class A of 18-day trial is 1,693.

The corresponding trial length proxy (Annex C Trial Length Proxy Table) is 27,073.32.

Since the actual PPE (600) is below the corresponding PPE cut off (1389), there is no PPE proxy.

The preliminary trial fee = basic fee + trial length proxy
 = 3,382 + 27,073.32
 = 30,455.32

Step 3

Final basic fee = bill percentage * basic fee
 = 25% * 3382
 = 845.50

Final trial length proxy = bill percentage * trial length proxy
 = 25% * 27,073.32
 = 6,768.33

Litigator fee without uplifts [A]
 = Bill percentage * preliminary trial fee
 = 25% * 30,455.32
 = 7,613.83

Step 4

There is no uplift.

Litigator fee with uplifts [B] = Litigator fee without uplifts [A]

$$= 7,613.83$$

Step 5

For 2 defendants, the defendant uplifts percentage is 20%.

$$\begin{aligned}\text{Defendant uplifts [C]} &= \text{Defendant uplifts \%} * \text{Litigator fee with uplifts [B]} \\ &= 20\% * 7,613.83 \\ &= 1,522.77\end{aligned}$$

Step 6

$$\begin{aligned}\text{Litigator fee [D]} &= \text{Litigator fee with uplifts [B]} + \text{Defendant uplifts [C]} \\ &= 7,613.83 + 1,522.77 \\ &= 9,136.60\end{aligned}$$

$$\begin{aligned}\text{Litigator fee without VAT [E]} &= \text{Litigator fee [D]} / 1.175 \\ &= 9,136.60 / 1.175 \\ &= 7,775.83\end{aligned}$$

$$\begin{aligned}\text{VAT [F]} &= \text{Litigator fee without VAT [E]} * 17.5\% \\ &= 7,775.83 * 17.5\% \\ &= 1,360.77\end{aligned}$$

2. Consultation Option 2 (Increased Base Fee)

The steps are:

1. Determine the trial type basis and bill percentage
2. Determine the preliminary trial fee for the trial type basis
3. Determine litigator fee without uplifts which is the preliminary trial fee multiply by the bill percentage
4. Determine the defendant uplifts
5. Determine the litigator fee (w VAT) which is the sum of the litigator fee without defendant uplifts and the defendant uplifts

The tables referred in the examples are in the Annexes to this document.

**Example 1:
A 15-day murder trial (offence type A) with 476 PPE and two defendants will be paid**

Data input:

Offence Class	A
Trial type	Trial (Scenario 4)
Trial length in days	15
PPE	476
Number of defendants	2

Step 1

For Trial scenario, the trial type basis is trial and the bill percentage is 100% (Annex H Payment Arrangements).

Step 2

The basic fee for Class A trial (Annex B Basic Fee Table 3) is 3,805.09.

In Annex C PPE cut off for Trial Length Proxy Table, the PPE cut off for Class A of 15-day trial is 1,385.

The corresponding trial length proxy (Annex C Trial Length Proxy Table) is 22,234.08.

Since the actual PPE (476) is below the corresponding PPE cut off (1,385), there is no PPE proxy.

The preliminary trial fee: = basic fee + trial length proxy
 = 3,805.09 + 22,234.08
 = £26,039.17

Step 3

Final basic fee = bill percentage * basic fee
 = 100% * 3,805.09
 = 3,805.09

Final trial length proxy = bill percentage * trial length proxy

$$= 100\% * 22,234.08$$

$$= 22,234.08$$

Litigator fee without uplifts [A] = Bill percentage * preliminary trial fee

$$= 100\% * 26,039.17$$

$$= 26,039.17$$

Step 4

For 2 defendants, the defendant uplifts percentage is 20%.

Defendant uplifts [B] = Defendant uplifts % * Litigator fee without uplifts [A]

$$= 20\% * 26,039.17$$

$$= 5,207.83$$

Step 5

Litigator fee [C] [B] = Litigator fee without uplifts [A] + Defendant uplifts [B]

$$= 26,039.17 + 5,207.83$$

$$= 31,247.00$$

Litigator fee without VAT [D] = Litigator fee [C] / 1.175

$$= 31,247.00 / 1.175$$

$$= 26,593.19$$

VAT [E] = Litigator fee without VAT [D] * 17.5%

$$= 26,593.19 * 17.5\%$$

$$= 4,653.81$$

Example 2:
A 3-day burglary (offence type) with 92 PPE and one defendant will be paid. The defendant falls within the definition of 'vulnerable'.

Data input:

Offence Class	E
Trial type	Trial (Scenario 4)
Trial length in days	3
PPE	92
Number of defendants	1

Step 1

For Trial scenario, the trial type basis is trial and the bill percentage is 100% (Annex H Payment Arrangements).

Step 2

The basic fee for Class E trial (Annex B Basic Fee Table 3) is 1,104.40.

In Annex C PPE cut off for Trial Length Proxy Table, the PPE cut off for Class E of 3-day trial is 62.

The corresponding trial length proxy (Annex C Trial Length Proxy Table) is 445.40.

Since the actual PPE (92) is above the corresponding PPE cut off (62), there is a PPE proxy. The preliminary trial fee is calculated using Annex D Gross PPE Proxy for Trial Table 2.

From Annex D Gross PPE Proxy for Trial Table 2 for Class E:
The input PPE of 92 for Class E falls in the PPE range of 70-129.
The trial fee is 1,719.20.
The PPE difference = $92 - 70 = 22$
The incremental rate per page is 13.2167.

Preliminary trial fee = trial fee at 70 PPE + (PPE difference * rate per page)
= $1,719.20 + (22 * 13.2167)$
= 2,009.97

PPE proxy = preliminary trial fee – basic fee – length of trial proxy
= $2,009.97 - 1,104.40 - 445.40$
= 460.17

Step 3

Final basic fee = bill percentage * basic fee
= $100\% * 1,104.40$
= 1,104.40

Final trial length proxy = bill percentage * trial length proxy
= $100\% * 445.40$
= 445.40

Final PPE proxy = Bill percentage * PPE proxy
= $100\% * 460.17$
= 460.17

Litigator fee without uplifts [A]
= Bill percentage * preliminary trial fee
= $100\% * 2,009.97$
= 2,009.97

Step 4

There is no defendant uplift for 1 defendant.
Defendant uplifts [B] = 0

Step 5

Litigator fee [C]
[B] = Litigator fee without uplifts [A] + Defendant uplifts [B]
= $2,009.97 + 0$

$$= 2,009.97$$

Litigator fee without VAT [D]

$$\begin{aligned} &= \text{Litigator fee [C]} / 1.175 \\ &= 2,009.97 / 1.175 \\ &= 1,710.61 \end{aligned}$$

VAT [E]

$$\begin{aligned} &= \text{Litigator fee without VAT [D]} * 17.5\% \\ &= 1,710.61 * 17.5\% \\ &= 299.36 \end{aligned}$$

Example 3:
A lengthy (non-VHCC) fraud case (offence type) with 2,135 PPE and three defendants which folds unexpectedly on the 1st day of trial will be paid

Assume the value involved exceeds £30,000 (Class G)

Data input:

Offence Class	G
Trial type	Trial (Scenario 4)
Trial length in days	1
PPE	2135
Number of defendants	3

Step 1

For Trial scenario, the trial type basis is trial and the bill percentage is 100% (Annex H Payment Arrangements).

Step 2

The basic fee for Class G trial (Annex B Basic Fee Table 3) is 1479.28

In Annex C PPE cut off for Trial Length Proxy Table, the PPE cut off for Class G of 1-day trial is 120.

The corresponding trial length proxy (Annex C Trial Length Proxy Table) is 0. There is trial length proxy only if the trial length is 3 days or above.

Since the actual PPE (2,135) is above the corresponding PPE cut off (120), there is PPE proxy. The preliminary trial fee is calculated using Annex D Gross PPE Proxy for Trial Table 2.

From Annex D Gross PPE Proxy for Trial Table 2 for Class G:

The input of PPE of 2,135 is in the range 1,290-2,399.

The trial fee is 14,298.54.

The PPE difference = 2,135 – 1,290 = 845

The incremental rate per page is 10.9566.

$$\begin{aligned} \text{The preliminary trial fee} &= \text{trial fee at 1,290 PPE} + (\text{PPE difference} * \text{rate per page}) \\ &= 14,298.54 + (845 * 10.9566) \end{aligned}$$

$$= 23,556.87$$

PPE proxy = preliminary trial fee - basic fee - length of trial proxy
= 23,556.87 – 1,479.28 – 0
= 22,077.59

Step 3

Final basic fee = bill percentage * basic fee
= 100% * 1,479.28
= 1,479.28

Final PPE proxy = Bill percentage * PPE proxy
= 100% * 22,077.59
= 22,077.59

Litigator fee without uplifts [A]
= Bill percentage * preliminary trial fee
= 100% * 23,556.87
= 23,556.87

Step 4

For 3 defendants, the defendant uplifts percentage is 20%.

Defendant uplifts [B] = Defendant uplifts % * Litigator fee without uplifts [A]
= 20% * 23,556.87
= 4,711.37

Step 6

Litigator fee [C]
[B] = Litigator fee without uplifts [A] + Defendant uplifts
= 23,556.87 + 4,711.37
= 28,268.24

Litigator fee without VAT [D] = Litigator fee [C] / 1.175
= 28,268.24 / 1.175
= 24,058.08

VAT [E] = Litigator fee without VAT [C] * 17.5%
= 24,058.08 * 17.5%
= 4,210.16

Example 4:

A shoplifting (offence type) with 25 PPE where the defendant pleads guilty at the PCMH will be paid. The defendant is non-English speaking.

The offence is theft and assuming the value is below £30,000 (Class F).

Data input:

Offence Class	F
Trial type	Guilty plea (Scenario 2)
Trial length in days	0
PPE	25
Number of defendants	1

Step 1

For Guilty plea scenario, the trial type basis is guilty plea and the bill percentage is 100%.

Step 2

For Class F Guilty plea:

The basic fee is 609.80 (Annex B Basic Fee Table 3) within the PPE cut off of 50 (Annex B PPE Cut Off For Basic Fee Table 1).

As the actual PPE (25) is less than PPE cut off for basic fee (50), there is no PPE proxy.

The preliminary trial fee for Guilty plea
 = Basic trial fee
 = 609.80

Step 3

Final basic fee = bill percentage * basic fee
 = 100% * 609.80
 = 609.80

Litigator fee without uplifts [A]
 = Bill percentage * preliminary trial fee
 = 100% * 609.80
 = 609.80

Step 4

There is no defendant uplift for 1 defendant.

Defendant uplifts [B] = 0

Step 6

Litigator fee [C]
 [B]
 = Litigator fee without uplifts [A] + Defendant uplifts
 = 609.80 + 0
 = 609.80

Litigator fee without VAT [D]= Litigator fee [C] / 1.175
 = 609.80 / 1.175
 = 518.98

VAT [E]
 = Litigator fee without VAT [D] * 17.5%
 = 518.98 * 17.5%
 = 90.82

Example 5:
A retrial of the above 15-day murder trial (offence type A) where the retrial lasts 18 days, contains 600 PPE and two defendants will be paid

This is the retrial of Example 1.
 Assume there is no change of solicitor.

Data input:

Offence Class	A
Trial type	Retrial (Scenario 9*)
Trial length in days	18
PPE	600
Number of defendants	2

* Note Retrial is listed as Scenario 6 in Online Calculator

Step 1

For Retrial scenario, the trial type basis is trial and the bill percentage is 25% (Annex H Payment Arrangements).

Step 2

The basic fee for Class A trial (Annex B Basic Fee Table 3) is 3,805.09.

In Annex C PPE cut off for Trial Length Proxy Table 2, the PPE cut off for Class A of 18-day trial is 1,693.

The corresponding trial length proxy (Annex C Trial Length Proxy Table 1) is 27,073.32.

Since the actual PPE (600) is below the corresponding PPE cut off (1389), there is no PPE proxy.

The preliminary trial fee = basic fee + trial length proxy
 = 3,805.09 + 27,073.32
 = 30,878.41

Step 3

Final basic fee = bill percentage * basic fee
 = 25% * 3,805.09
 = 951.27

Final trial length proxy = bill percentage * trial length proxy
 = 25% * 27,073.32
 = 6,768.33

Litigator fee without uplifts [A]
 = Bill percentage * preliminary trial fee
 = 25% * 30,878.41
 = 7,719.60

Step 4

For 2 defendants, the defendant uplifts percentage is 20%.

Defendant uplifts [B] = Defendant uplifts % * Litigator fee without uplifts [A]
 = 20% * 7,719.60

$$= 1,543.92$$

Step 6

$$\begin{aligned}\text{Litigator fee [C]} &= \text{Litigator fee with uplifts [A]} + \text{Defendant uplifts [B]} \\ &= 7,719.60 + 1,543.92 \\ &= 9,263.52\end{aligned}$$

$$\begin{aligned}\text{Litigator fee without VAT [D]} &= \text{Litigator fee [C]} / 1.175 \\ &= 9,263.52 / 1.175 \\ &= 7,883.85\end{aligned}$$

$$\begin{aligned}\text{VAT [E]} &= \text{Litigator fee without VAT [D]} * 17.5\% \\ &= 7,883.85 * 17.5\% \\ &= 1,379.67\end{aligned}$$

Annex H: Payment Arrangements

The following table provides the payment arrangements for all case types, including transfers and retrials.

	Type of bills	Basis	Bill Percentage	Remarks
1	Pre Guilty Plea	Cracked Trial	25%	No change of solicitor
2	Guilty Plea	Guilty Plea	100%	No change of solicitor
3	Cracked Trial	Cracked Trial	100%	No change of solicitor
4	Trial	Trial	100%	No change of solicitor
5	Appeal against Conviction	Appeal against Conviction	100%	No change of solicitor
6	Appeal against Sentence	Appeal against Sentence	100%	No change of solicitor
7	Committal for Sentence	Committal for Sentence	100%	No change of solicitor
8	Contempt	Contempt	100%	No change of solicitor
9	Retrial	Trial	25%	No change of solicitor
10	Up to and including PCMH transfer (org)	Cracked Trial	25%	
11	Up to and including PCMH transfer (new) - Guilty Plea	Guilty Plea	100%	
12	Up to and including PCMH transfer (new) - Cracked	Cracked Trial	100%	
13	Up to and including PCMH transfer (new) - Trial	Trial	100%	
14	Before trial transfer (org)	Cracked Trial	75%	
15	Before trial transfer (new) - Cracked	Cracked Trial	100%	
16	Before trial transfer (new) - Trial	Trial	100%	
17	During trial transfer (org) - Trial	Trial	100%	Claim up to the day before the transfer
18	During trial transfer (new) - Trial	Trial	50%	Claim for the full trial length
19	During trial transfer (new) - Retrial	Trial	25%	Claim for the full retrial length
20	Transfer before retrial (org) - Retrial	Cracked Trial	25%	
21	Transfer before retrial (new) - Retrial	Trial	50%	Claim for the full retrial length
22	Transfer during/after retrial (org) - Retrial	Trial	25%	Claim up to retrial day before the transfer
23	Transfer during/after retrial (new) - Retrial	Trial	50%	Claim for the full retrial length

Note:

1. Org - original solicitor, New - new solicitor

Legal Services Commission
85 Gray's Inn Road
London WC1X 8TX

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