



**Supporting
Solicitors**



The Law Society of England and Wales

Crown Court Remuneration Scheme for Litigators

**A review of various options for reforming the remuneration
scheme for publicly funded Crown Court criminal defence
litigation**

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Executive Summary

PLEASE NOTE THAT THE CALCULATIONS AND EXAMPLES HAVE NOT BEEN CHECKED OR VERIFIED AS ACCURATE; NOR HAVE THEIR UNDERLYING ASSUMPTIONS.

1. The current litigator graduated fee scheme (“LGFS”) and advocate graduated fee scheme (“AGFS”) are not fit for purpose.
2. All stakeholders in the provision of publicly funded criminal defence services recognise a need for new remuneration schemes to be developed. If this is to be based on anything other than input of effort (i.e. the expense of time), then it must be sensitive enough to ensure that lawyers are not “penalised” for undertaking particular cases, representing certain types of clients or practising in certain geographical locations such as would make the taking on of such cases an unattractive proposition. This means it must be sensitive to:
 - i. The types of case (e.g. whether it went to trial or not);
 - ii. The nature of the allegations (which is reflected in the **type** of evidence that is served and **not necessarily** the alleged offence itself);
 - iii. The volume of material (which obviously has implications on the time required to consider it, the taking instructions, advising the client and, if necessary, litigating the facts);
 - iv. The number of defendants represented by the litigator; and
 - v. The number of days at trial, if appropriate.
3. This paper identifies three possible alternative remuneration schemes:
 - i. **Option 1:** remuneration based on units of prosecution evidence:
 - a) It should be possible for a formally appointed committee of stakeholders to go through objectively identifiable categories of evidence and ascribe to them a relevant multiple expressed in terms of units and volume.

- b) It should be possible to ascribe a monetary value to a single unit of prosecution evidence, banded according to offence class and seniority of lawyer with conduct of a case. Graduation can be further achieved by banding volumes of units. A case fee would be calculated by multiplying the value of a single unit by the aggregate number of units of **evidence relied on** by the prosecution to prove its case.
 - c) It should be possible to adjust the fee calculated on the basis of §3 and §3.i.b) by a relevant multiplier to reflect:
 - 1. The number of defendants represented;
 - 2. The case type (guilty plea / trial / cracked trial);
 - 3. Types of client (e.g. mentally impaired clients, clients who require the assistance of an interpreter, etc.).
 - ii. **Option 2:** remuneration based on average trial length with a greater emphasis is placed on the “basic fee” for each offence class:
 - a) There is some symmetry between trial length and PPE and it may be possible to devise a scheme that removes reliance on the latter for some classes of offences and with appropriate escapes built in. Such a scheme would need to re-design the calculation of the basic fee to wrap up the bulk of a litigator’s fee for a particular offence class. One way would be to set the litigator’s basic fee paid on all cases by attributing 75% of the current total spend for claims in a particular class of offence (as currently defined), with the remaining 25% used to remunerate the additional work required for trials.
 - iii. **Option 3:** fixed remuneration for 70% of all claims where the fee is based on a straightforward average of the fees paid historically.
4. Regardless of which eventual remuneration scheme implemented, it is recommended that the amount of prosecution evidence is measured in terms of a standardised unit measure. This will be important when devising “escapes” and meeting the challenges arising from an ever-increasing digitised criminal justice system.

5. Regardless of the eventual remuneration scheme implemented, it is recommended that a committee of stakeholders meet bi-annually to :
- i. Review any new types / formats of evidence and ascribe to them a unit rate (or review the calculation of the basic fee and adjust accordingly should the spend on trial refreshers);
 - ii. Recommend whether the value of a unit / fixed fee should be increased inline with inflation;
 - iii. Assign any and all new criminal offences enacted in a particular year to an Offence Class.

Introduction

6. The current litigator LGFS and AGFS work by using a set of proxies, e.g. offence type, length of trial and number of pages of prosecution evidence (PPE) to arrive at a fee for a case. The Ministry of Justice (“MOJ”) and the Legal Aid Agency (“LAA”) have consistently argued that the fairness of the schemes rely on so-called “swings and roundabouts” in order to even out payments to a provider over time, so that whilst a fee in one case may seem to be lower than it should be, given the amount of work required, there will be others where it is higher.
7. In July 2015 MOJ invited representative bodies to a meeting to discuss possible future Crown Court fee schemes that remove or drastically reduce reliance on PPE as a proxy. It was the costs decision of Furniss and then Thompson, coupled with MOJ’s perception of an increase in the use of “digital evidence” such as body worn camera videos, that led it to call for a new approach to remunerating work to properly take account of a case’s complexity. MOJ’s view is that “both graduated fee schemes rely so heavily on page counts that they risk becoming out of date as more and more evidence is served digitally”.
8. MOJ’s challenge to the representative bodies was to help devise remunerations schemes that:
 - i. Place no extra burden on HMCTS, the LAA or providers;
 - ii. Uses objectively measurable proxies or data;
 - iii. Can be validated against data already held by HMCTS or the LAA;
 - iv. Reflect the work required to be done, as much as possible, within a “swings and roundabouts” scheme.
9. Many months earlier, and quite separately, in November 2014 the Bar established its own AGFS Working Group to gather ideas to restructure the AGFS in a way which would:
 - i. Accommodate the ever increasing amount of electronic evidence;
 - ii. Was flexible to accommodate future changes;
 - iii. Had fair relativities in respect of case outcome (i.e. guilty plea / cracked trial / trial);

- iv. Had fair relativities in respect of case classification;
 - v. Protected the viability of the Bar as a “specialist referral profession”;
 - vi. Fairly remunerated all levels of seniority.
10. The efforts of the Bar’s working group culminated in its proposal to MOJ on 01/10/2015¹; they call for a completely re-drawn AGFS so that in a crown court trial expected to last between 1 to 60 days the advocate representing a defendant under a Representation Order would be paid by a formula which removed reliance on PPE and the number of witnesses. They aim to achieve a fair graduation of fee by:
- i. Expanding the range of categories of case, to include a single “standard case category” into which a “significant number” of basic cases will fall;
 - ii. Introducing banding within categories, to be determined by the presence of “objectively verifiable complexity and seriousness proxies”;
 - iii. Introducing refreshers “tailored to reflect and reward the skill and experience of advocates across the categories and bands of cases”;
 - iv. Abolishing special preparation.
11. Shortly after publication of the Bar’s proposal, the MOJ provided the Law Society with a dataset of claims submitted under both the LGFS and AGFS for the year 2014 to 2015. Two updated versions of those datasets have been provided to help identify whether a particular claims relates to a solicitor advocate or a member of the Bar, and also to help map the LGFS offence classes to the new categories of offences proposed by the Bar.

¹ See the press release at <http://ow.ly/TOfoc>

12. This document is a redraft of an earlier document prepared in November 2015 and is not intended to respond to or address the Bar's proposed reform to the AGFS. Instead, its primary purpose is to identify the work of the litigator and identify potential alternative options that might be agreed when considering reforms to the current LGFS. It has been prepared following a number of meetings with litigator practitioner groups, including two full-day meetings hosted by the Law Society and comprising members of the main practitioner representative groups, including the LCCSA, CLSA and SAHCA (the "LGFS working group"). The contents are intended to be consistent with what the Law Society believes has been accepted by all CJS stakeholders, namely that lawyers undertaking criminal defence work must be "properly" paid - remuneration levels must be such so as to ensure that sufficient numbers of lawyers with the appropriate skills and experience are prepared to undertake such work.

The defence lawyer's role

13. In our adversarial system, in which the state has agencies for the discovery of evidence far superior to anything which even the wealthiest defendant could employ, and in which such agencies and the prosecution control the investigatory process, an accused's right to fair disclosure is an inseparable part of his right to a fair trial. Defence lawyers must analyse the evidence and investigate the case from the moment the first instructions are received and thereafter through all the stages of disclosure. It is not enough to rely upon the manifest inadequacies in the prosecution case as the route to an acquittal.

The defence lawyer's role: businessperson or idealist?

14. The procurement of publicly-funded criminal defence services is not something that can simply be left to market forces. The firewall that exists as between the paymaster (the LAA) and the recipient of defences services (the client) inevitably results in a tension between:
- i. The desire on the part of lawyers on the one hand to maximise remuneration whilst providing good value for money; and
 - ii. The primary role of acting within the rules in the best interests of the client.

15. The LGFS working group agreed that the latter must be a non-negotiable part of any new remuneration system, assuring the vital safeguard that, if a citizen is to be convicted, it should be done according to due process and according to law on the basis of proof beyond a reasonable doubt.

What does a Defence Litigator actually do?

16. The LGFS working group recognises that the Bar's proposed revised AGFS may have a dramatic effect on an advocate's level and point of engagement with the issues in a particular case. This is particularly so because the aspirations of that scheme are directed towards rewarding trial advocacy and on that basis it is worth spending a little time outlining exactly what the work of a defence litigator involves.

Defend the client

Step 1 :: Assess the evidence and strength of the Crown's case

17. In all cases, a litigator needs to analyse the evidence and identify:
- i. Whether the client has a case to answer (i.e. is there sufficient evidence upon which the triers of fact, properly directed, could convict);
 - ii. If there is a case to answer,:
 - a) The key issues the client will have to deal with in order to defend the matter;
 - b) The likely sentence if the client is convicted.

Step 2 :: Advise the client as to whether there's a case to answer

18. Once it is established whether there is a case to answer, the litigator needs to advise the client of this, carefully explaining the law and the evidence the Crown will use to prove its case. At this stage the litigator should also explain the likely consequences of a conviction.

Step 3 :: Take instructions from the client

19. Once a litigator is satisfied that a client understands the law as it applies to his/her case and is aware how the prosecution will use their evidence to prove its case, the litigator is then in a position to take instructions. This involves:

- i. Obtaining background antecedent information about the client;
- ii. Obtaining the client's response to the prosecution's allegations;
- iii. Obtaining the client's comments on the key issues identified as part of Step 1.

Step 4 :: Review the client's instructions

20. Once the client's instructions have been taken the litigator must consider further what could undermine the respective prosecution and defence cases.
21. The litigator will assess the relative strengths and weaknesses of the prosecution and defence cases, having in mind not only the defence that the client may wish to pursue but also any others that may be available.

Step 5 :: Advise the client

22. Once a litigator has taken the instructions outlined at Step 3 and completed his/her review outlined at Step 4, (s)he is then in a position to advise the client on:
 - i. Whether the client has a Defence, and what it is; and
 - ii. The prospects of successfully defending the case.

Step 6 :: Investigate, secure and preserve evidence which may support the client

23. Cases fall into different categories, depending upon their seriousness and complexity:
 - i. There are simple pleas of not guilty where there is only one issue and no other material will assist;
 - ii. There are other, much more complex investigations which involve a multiplicity of issues and potential lines of enquiry; or
 - iii. A client may be pleading guilty but there may be information that can be used to support his/her mitigation to the court.
24. Regardless, in all cases in order to ensure quality and consistency of defence a litigator will undertake a series of further steps to properly and proactively defend his/her client:

- i. Consider the situation that confronts the client and the information currently available;
 - ii. Consider the information the client needs to support his/her case, and how this might be obtained;
 - iii. Actually go out and get the information identified in §24.ii;
 - iv. Record and / or store the information gathered at §24.iii;
 - v. Analyse the litigator's updated information base; and
 - vi. Repeat Step 5 if appropriate and reappraise the situation.
25. As each new piece of information is received, a litigator will run through the steps outlined at §24 above, but the degree to which they are used will reflect the difference in approach that results from personal and professional judgement in identifying the category into which a particular case falls.

Instruct and liaise with the Defence advocate

26. As part of the work a litigator undertakes on behalf of his/her client, (s)he will often need to instruct an advocate to present his/her case. This task involves:
- i. Ensuring the advocate is aware of all of the prosecution material and the results of Step 1;
 - ii. Ensuring that the advocate has a complete understanding of the client's instructions provided as part of Step 3;
 - iii. Working collaboratively with the advocate as part of Step 6 so that the advocate is able to present the client's case in the most favourable light.

The cost drivers of a case

27. The working group agreed that the factors that affect the time required for a lawyer to fulfil his role outlined on at §13 above are numerous, but can be summarised as those:
- i. Relating to the evidence itself, i.e. its volume and type (reflecting its complexity);

- ii. Relating to the number of clients being represented by the lawyer;
- iii. Relating to the type of client, e.g. whether English is his/her first language and psychological/psychiatric characteristics;
- iv. Relating to the client's attitude towards the prosecution process (i.e. whether (s)he intends to plead guilty or not, and the stage at which this decision is made);
- v. Relating to other external factors such as geography (for example, the location of the client and court), court listing practices, etc.

Types (classes) of offences

- 28. The members of the LGFS working group agreed that the class of offence a Defendant is charged with does not directly influence the time required to properly prepare his/her case, although it is often indicative of the nature (i.e. volume and type) of evidence likely to be involved (see below). There may also be an indirect correlation between types of offence and types of client, although the working group could not think of any empirical data currently held by the LAA that would be capable of supporting such a view.
- 29. The working group's view was that whilst the class of offence was a factor in determining the appropriate level of lawyer who should have conduct of a particular matter (the more serious a case in terms of potential outcome and/or complexity, the more experienced the Defence lawyer should be), it felt that it would not be practical to build this in to the structure of any new LGFS. It also felt that whilst the Bar's proposed banding within the offence classes may be appropriate for any new AGFS, there should be no banding within the separate offence classes for the purposes of constructing the LGFS.

Types of evidence

- 30. We use the term "evidence" here to refer to the material that goes to make up the facts and assertions relevant to particular issues in a case. An important part of the lawyer's job is to identify which of these are agreed or in dispute (either as a matter of fact or in relation to relevance) as between the parties.

31. Pre-trial disclosure of evidence will consist of documentary and other physical evidence including so called “Unused Material”. The nature and content of this has a direct bearing on how long a lawyer takes to consider it. Table 1 below lists the different types of material that the LGFS working groups considered significant “influencers” on the time it takes for a lawyer to fulfil his obligations to the client.

Table 1 - Categories of Evidence

Type	Category	Description
Documentary Evidence	“Standard”	Statements
		Exhibits
	Financial Material	Banking Evidence
		Company accounts
		Transactional data (e.g. bank statements, ledgers, invoices, claim forms, accounting journals, etc)
	Telephone Material	Telephone call data
		Telephone subscriber details
		Cell site details
	Computer-derived material	Internet Relay Chat logs
		Email correspondence
		Internet History logs
	Demonstrative Material	Association charts
		Time lines
		Charts/plans/diagrams/sketches/maps
	Expert Material / Statements with forensic content	Accountant
		Computer
		Telephone Handset Examination
		Forensic Scientist (e.g. fingerprints, chemist, biology, etc)
		Psychologist/Psychiatrist
		Other
	Miscellaneous Material	Search & seizures
		Surveillance statements
		Chronologies/event logs
		Notes/transcripts of court hearings
	Transcripts of interviews	With the defendant
		With the co-defendants
		With significant witnesses
Physical Evidence	Data-capable material	Computer hard drives
		DVD / CDs
		Other data capable devices (e.g. USB flash drives, memory cards, IPODs, MP3s, Satellite Navigations devices, etc)
	Demonstrative material	Video/animation/virtual reality reconstructions

Type	Category	Description
	Recordings	Audio
		CCTV/Video
	Other	Other (requiring physical inspection)

Measuring the volume / amount of material

32. Obviously, material that is either a scanned image of a hard copy document or that can be converted / printed to hard copy or portable document format ("PDF") can be measured in terms of pages.
33. Material that has only ever existed in digital format and that cannot be converted to PDF can be measured in terms of:
- Number of records,
 - Duration of footage (in minutes), or
 - Size expressed in terms of megabytes.

Is PPE a good proxy to measure amount of work required?

34. For all of the reasons set out above, PPE on its own is not a good measure of how much work is involved in a particular case and in particular what may / may not be identified as part of the litigator's work outlined at §24 above.

What does the data tell us?

35. On 02/11/2015 the Society was supplied with a dataset, originally provided by MOJ to TLS and comprising 115,582 claims under the LGFS. The records include data relating to offence class, case type, PPE claimed and trial length and so we have used it in order to answer the following questions:
- What is the average PPE for trials in each of the offence classes?
 - Are the number of trial days a good proxy to measure the amount of work required?
 - Are the levels of PPE consistent across the offence classes?
 - Is there a consistency between the volume, format and treatment of evidence served by the CPS prosecuting on behalf of different police forces?

- v. Is the amount of PPE increasing?

What is the average PPE for trials in each of the offence classes?

36. Table 2 sets out the average PPE reported for for claims broken down into each offence class. At Appendix 3 – PPE analysis based on the AGFS dataset – I have provided a more detailed analysis of PPE, albeit using the AGFS claims dataset.

Table 2 - Average PPE for trials across each offence class

Offence Class	Total Number of claims	Total Number of claims for Trials in class	Median Average PPE	Mean Average PPE	No of claims for trials within Median PPE	Number of claims within Median PPE
A	1398	780	1343	2650	390 (50%)	957 (68%)
B	29635	6057	123	1312	3032 (50%)	20727 (70%)
C	18955	3358	53	208	1707 (51%)	12812 (67%)
D	2915	1253	79	173	631 (50%)	1811 (62%)
E	11153	1090	40	60	405 (37%)	6998 (62%)
F	8653	1082	50	100	447 (41%)	5502 (63%)
G	1342	165	268	553	83 (50%)	941 (70%)
H	29939	1408	33	128	710 (50%)	25839 (86%)
I	2139	364	145	1386	183 (50%)	1738 (81%)
J	7905	3802	153	358	1904 (50%)	4935 (62%)
K	1548	594	4631	6837	301 (51%)	1078 (70%)

37. We have also been provided with two summaries of analysis undertaken by MOJ which have been amalgamated into Table 3. These highlight that 50% of LGFS trial claims involve 100 PPE or less and account for just 9% of the total core fee in the LGFS. These statistics are illuminating when read alongside my Table 2 in that it is clear that just over 70% of all LGFS claims reported PPE within the median average for trials in the same offence class.

Table 3 - Analysis of PPE within offence groups for trials

Offence Group	Bigger range of PPE	Smaller Ranges of PPE
A	40% less than 1,000 76% less than 3,000	
B	81% less than or equal to 1,000 (21% of the total core fee spend for LGFS claims in offence B trials).	70% less than 300

Offence Group	Bigger range of PPE	Smaller Ranges of PPE
C		94% less than 300
D		93% less than 300
E		96% less than 300
F		78% less than 300
G	55% less than 300 16% more than 1,000	
H		93% less than 300
I	65% less than 300 23% more than 1,000	
J		80% less than 300
K	16% less than 1,000 20% more than 10,000 (37% of the total trial core fee cost for offence K)	

Are the number of trial days a good proxy to measure the amount of work required?

38. The Bar's solution to the "PPE problem" is effectively to remove it altogether, relying almost entirely on the number of days trial as an indicator for the amount of work required (and therefore to be properly remunerated) on a case.
39. Figure 3, on page 66, confirms that there is indeed a correlation between PPE and length of trial, a fact that is not altogether unsurprising given that the more evidence there is generally (but not necessarily) the longer a trial will take.

Are the levels of PPE consistent across the offence classes?

40. If PPE were the sole influencing factor on length of trial then you would expect to see consistent average PPEs across all levels of offences for trials lasting the same number of days. This is not what is observed (see Figure 5, on page 67, through to Figure 17, on page 79).
41. Of course, other types of evidence not captured by the PPE proxy (for example video and audio evidence) will add to trial length, as will the predominance of a particular type of documentary evidence over another.
42. Figure 18, on page 80, shows each offence class's standard deviation from the average PPE (using the AGFS dataset), with offence classes A, B, G, I, J and K exhibiting the greatest differentials. The higher the standard deviation is, the more susceptible remuneration is to the vagaries of a fee based on average PPE.

43. Figure 1 and Figure 2 show the standard deviation from the average PPE across the offence classes for trials (Figure 1) and guilty pleas (Figure 2) – again, this is based on the AGFS dataset.

Figure 1– Standard deviance from average PPE across office classes for trial case types

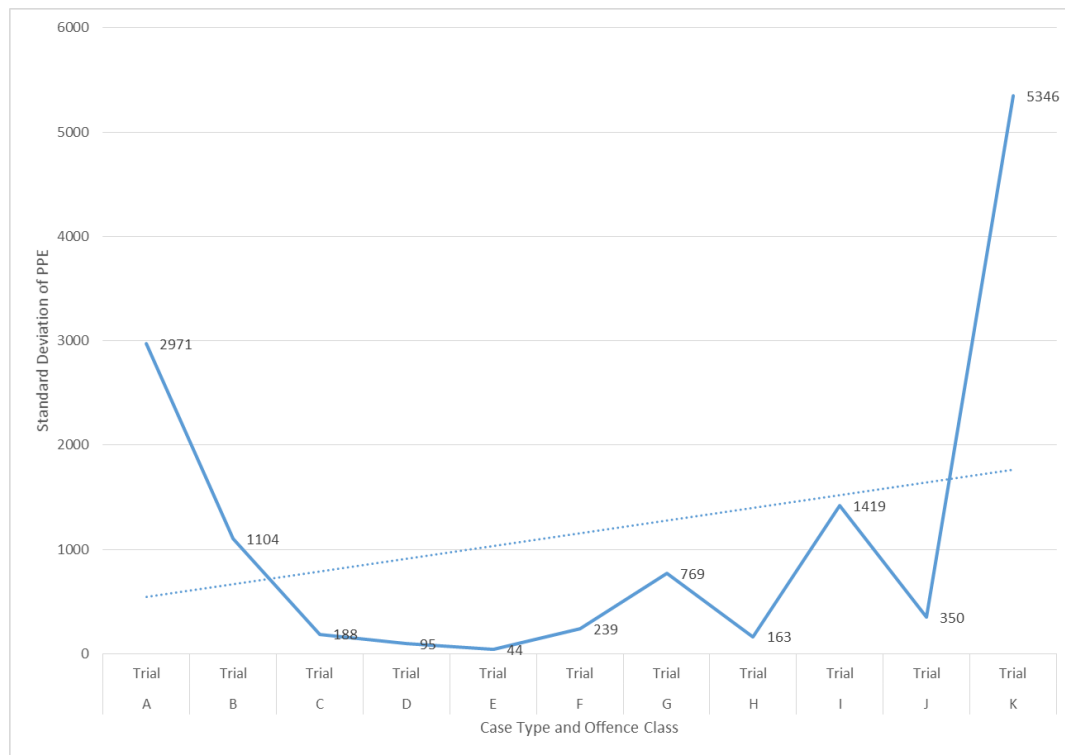
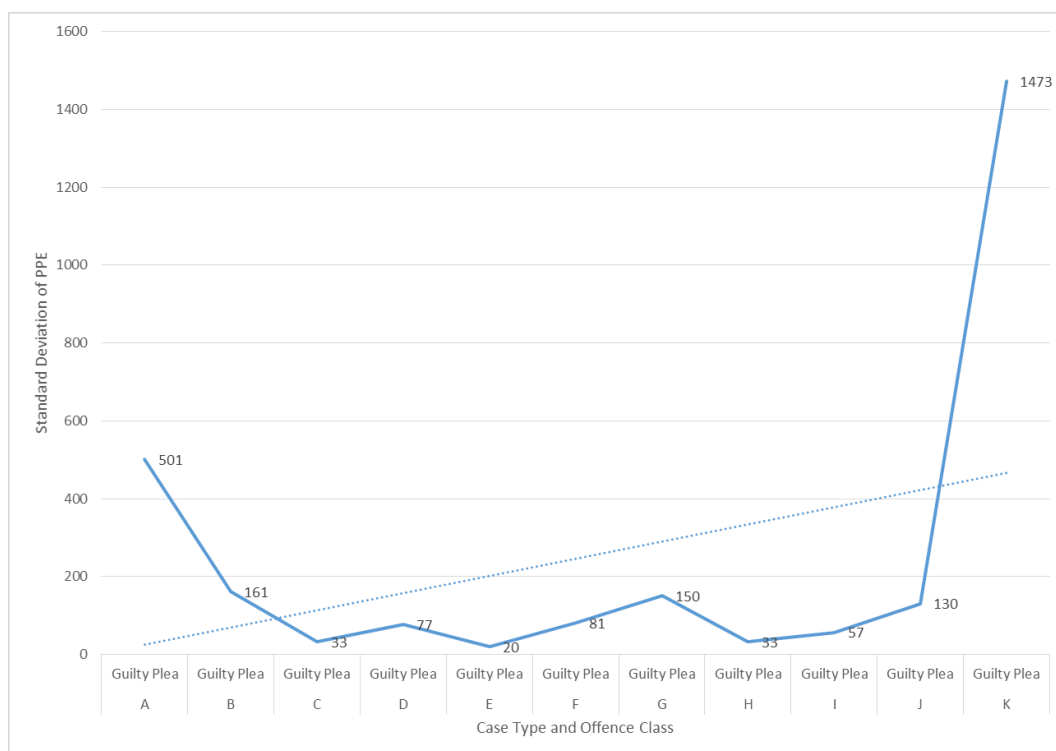


Figure 2 – Standard deviance from average PPE across office classes for guilty plea case types



44. It is worth noting that with the exception of class K offences, for guilty pleas in all other classes the PPE effectively remains within the equivalent of a lever archive file (i.e. 500 pages' worth) from the average PPE. This means that these case types may lend themselves more readily to remuneration by way of a fixed / graduated fee, particularly when you consider that 96% of the claims record PPE of 500 or less – see Figure 21, on page 83.
45. Looking at the offence class K on its own, the spread is much wider (see Figure 66, on page 106). Only 33% of guilty pleas fall within the 500 or less PPE bracket.

Is there a consistency between the volume, format and treatment of evidence served by CPS prosecuting on behalf of different police forces?

46. Based on the data we have been provided it is impossible to determine any variances in both volume and format of evidence as between the different CPS areas, or perhaps more accurately the different police authorities. Whilst the LAA will not have data that will allow me to analyse the different formats (because only “pages” are reported), it should be possible to identify any regional differences in PPE based on the court trying the case. This will not be completely accurate because the Crown Court has national jurisdiction and some are being used to try cases from other regions, but it may be worth investigating none the less.

Is the amount of PPE increasing?

47. If changes are to be made to the way crown court cases are remunerated then there is further analysis that we believe is required:
- i. We need to understand if there has been an upward or downward trend in the average volume of PPE per class of offence and type of case since the introduction of the LGFS and AGFS;
 - ii. We need to understand if there has been an upward or downward trend in the number of guilty pleas / cracked trials per class of offence since the introduction of the LGFS and AGFS;
 - iii. We need to understand if there has been an upward or downward trend in the number of days trial claimed per class of offence since the introduction of the LGFS and AGFS.
48. An upward trend in PPE matched by a downward trend in trial days may highlight a potential danger of basing remuneration solely on the latter.
49. An upward trend in the number of guilty pleas matched by a flat or downward trend in PPE may indicate either:
- i. An improvement in the “quality” of evidence adduced by the prosecuting authorities;
 - ii. An increase in evidence that is not accounted for in PPE;
 - iii. A change in behaviour by defence lawyers.

Types of client

50. It is often said that “highly-intelligent” clients are more demanding of a solicitor’s time. Of this there is little doubt, but equally true is that clients with low intelligence, or those that display psychological, psychiatric and or cognitive impairment are as equally challenging, requiring lengthy conferences with a solicitor in order to understand the case (s)he has to meet and articulate his/her instructions.
51. Non-English speaking defendants where advice and instructions are provided via an interpreter or foreign nationals who are not familiar with the legal system of England and Wales also take up more of a litigator’s time.
52. Objective indicators that such features exist in a case include:
- i. The making of an order under section 41 of the Mental Health Act;
 - ii. The appointment of an intermediary by the Court under its inherent jurisdiction;
 - iii. The fact that a defendant is under 18 years old at the point of charge.
53. Whilst the LGFS working group found it easy to identify the above factors, it was more difficult to agree on the the weight or uplift that should be given to cases where they are found to exist. Most litigators agreed that the factors should not be cumulative so that any compensation for the additional time required on a case would effectively be triggered by the existence of one or more factor, but it was not possible to agree on the proportion of the LGFS budget that should be set aside to to fund this. The working group therefore decided that no separate payment or uplift should be made.

Attitude towards prosecution process

54. A client’s attitude towards the prosecution process affects the decisions and preparation a litigator undertakes right from the outset. Clients can be broadly categorised in to those who: -
- i. Admit the offence from the start and indicate they want to plead guilty;
 - ii. Deny the offence from the start and indicate they wish to fight to the “bitter end”;

- iii. Wish to “keep their options open” until the bulk of the prosecution case is known.
55. A fixed fee paid in relation to representing a client envisaged in §54.i clearly poses less of a financial risk to a solicitor than the other 2 (because the work can be limited to advising the client on whether there’s a prima facie case, the strength of evidence and the relative pros and cons of pleading guilty). It may be that a solicitor representing the client in scenario §54.ii feels confident that his/her work can be “front loaded” in to the early stages of a case (so that even though preparing for trial may be paid for by a fixed fee that falls in one of the later stages, the work can be undertaken with little financial risk), but what about the solicitor representing client number §54.iii? Any fixed fee system will have to be sensitive enough to allow for these variations.

Other external factors

56. Travel and waiting time (in relation to court attendances and prison visits, for example) are outside the control (and discretion) of a solicitor and should therefore be paid pro-rata.
57. Similarly, disbursements should be paid for on an item by item basis, subject to the same auditing requirements as is currently the position.

The dangers of a fixed fee system

58. The main solicitor practitioner associations and representing bodies have always believed that lawyers: -
- i. Should be reasonably paid for the work that they carry out;
 - ii. Should not be paid for work that they do not carry out.
59. Any system which encourages a decrease in levels of preparation and client contact will not be in the best interests of the client (i.e. the beneficiary of legal aid), the Justice System or to the public at large. The LGFS working group agreed that care must be taken so as to ensure that any new remuneration scheme did not introduce a financial disincentive to properly prepare the case. The group also agree that whilst it is often said that fixed/graduated fees promote efficiency it is equally true to say that they reward the lazy.

60. In an independent study on the impact of fixed fees commissioned by the Scottish Executive², leading academics concluded: -

“The system of fixed payments seems to have led to a reduction in client contact and a decline in the overall levels of preparation and case investigation. Many of the interviewees suggested that, as a result of these impacts, the overall effectiveness of defence work had diminished: almost none suggested that it had improved.”

“Some Fiscals and defence solicitors said that they believed that there must have been an increase in wrongful convictions as a result of the impact of fixed payments”.

“None of the interviewees felt that fixed payments had improved the effectiveness of defence work.”

61. The only way to guarantee a defendant's access to justice is to fairly remunerate defence lawyers for the actual work that they reasonably undertake and the LAA should be slow to deviate from this proposition, only doing so based on clear, empirical analysis.

Are graduated fees “bad” in principle?

62. The LGFS working group do not share the Bar's view that hourly rates encourage inefficiency and believe that it is very difficult to design a graduated fee that is sensitive enough to ensure that lawyers are not “penalised” for undertaking particular cases, representing certain types of clients or practising in certain geographical locations. That said, it was recognised that the MOJ and / or the LAA are unlikely to be persuaded to return to a scheme which directly remunerates litigators according to the time spent on the matter, and on that basis it was agreed that any alternative scheme would need to account for the following:

- i. The types of case (e.g. whether it went to trial or not);
- ii. The nature of the allegations (which is reflected in the **type** of evidence that is served and **not necessarily** the alleged offence itself);
- iii. The volume of material (which obviously has implications on the time required to consider it, the taking instructions, advising the client and, if necessary, litigating the facts);

² Cyrus Tata and Frank Stephen, printed in the Criminal Law Review issue 8, 2006

- iv. The number of defendants represented by the litigator; and
 - v. To a lesser extent the number of days at trial, if appropriate.
63. Consideration was also given to a number of other factors, which for the sake of completeness are listed below:
- i. The different levels of involvement of a particular defendant in a case (e.g. “tail end Charlies”);
 - ii. The different types of material required to be considered in any particular case³;
 - iii. The “banding” of units of work allowed, graduated according to volume (as is the case in the current AGFS and LGFS).
64. In relation to §63.i, it was agreed that taking into account the involvement of a defendant in a case (either in terms of relative alleged roles or challenges to the prosecution case) was fraught with difficulty and in reality not practical and so the issue was discounted from further consideration.

LGFS – A flawed system

65. The LGFS Working Group recognised that the difficulty now faced is that the data available is limited and effectively only reflects the proxies that are used to calculate the fees under the current schemes.
66. If it is accepted that the proxies for the current LGFS and AGFS are inadequate, then ideally a sufficient sampling of cases should be undertaken and compared to the list of tasks identified later in this document⁴, with the material categorised according to pre-defined criteria⁵.

³ See on page 34 for a more detailed analysis.

⁴ See page 37.

⁵ See page 34.

A scheme modelled on flawed data

67. In 2006 the Law Society used a dataset of 272,975 Crown Court claims provided by the LSC (as the LAA then was) to test the effect of the LGFS. It was a subset of this data that formed the 263,042 claims details used by the LSC to model the scheme and practitioner groups pointed out at the time that it did not accept that this was either representative or suitable (the LSC accepted that the majority of the cases used were those that lasted 1-10 days⁶).
68. The dataset included all solicitors' Crown Court claims from April 2001 to August 2005 where the LSC found a match between a solicitor's bill and the advocate's graduated fee bill, equating to 81% of all claims submitted in terms of volume, 48% by value. This means that 19% of the claims submitted during the relevant period accounted for 52% of the total cost of non-VHCC crown court claims against the Legal Aid fund, and none of these were included in the dataset used to model the LGFS! "Red corner" bills were excluded from the calculations, as were claims relating to trials of up to 10 days where the solicitor's gross costs (excluding disbursements) were more than £70,000. This means that the 30,426 claims that contain all of the proxies and that were used to develop the model represent approximately 9% of the total number of claims submitted over the same period (on the information available to the Law Society it is not possible to say what percentage of the total value of the claims submitted they represent).
69. The practitioner groups also pointed out that by modelling the proposed scheme on the historic costs in the Crown Court within the financial year 2004/2005 the LSC had effectively ignored the far-reaching changes both in practice and procedure that had been introduced since that date⁷. Although it analysed data on a further 15,445 claims submitted by firms between the period March and May 2007, the Law Society believes that that these would not have included sufficient quantities of bad character and hearsay applications so as to reflect current practice.

⁶ See paragraph 2.15 of the LSC's consultation document on the LGFS.

⁷ Including the enactment/amendment of various provisions under Criminal Justice and Court Services Act 2000, Criminal Justice Act 2003, Domestic Violence, Crime and Victims Act 2004, Drugs Act 2005, Serious Organised Crime and Police Act 2005, Terrorism Act 2006, Intelligence Services Act 1994, the Regulation of Investigatory Powers Act 2000, Fraud Act 2006, Criminal Justice and Public Order Act 1994, Video Recordings Act 1984.

What about “swings and roundabouts?”

70. All fixed/graduated fee schemes rely on a concept of “swings and roundabouts”, the idea being that the gains made in some cases outweigh/cancel out the losses made in others.
71. The Law Society had previously demonstrated the arbitrary effect of the LGFS both in terms of the geographical location of a firm, and the type of offence being defended. The more complex a case, the greater the impact, both because of the length of time it takes for a case to come to trial and because of the often disparate prisons the defendants find themselves remanded.
72. The reality is that it is only the procurer of criminal defence services that enjoys the so-called “swings and roundabouts” effect. The providers are disparate and there is no standard “basket of cases”; they do not have sufficient volume of work to even out the peaks and troughs inherent in any graduated fee scheme.

LGFS - a scheme that is not fit for purpose

73. The practitioner groups have consistently pointed out areas of significant concern, including:
 - i. The arbitrary 10,000 page cap;
 - ii. The combined effect of the “banding” of pages of primary evidence across different offence classes and case categories, and the relative “PPE cut offs”;
 - iii. The failure to include electronic material as a variable when calculating the total fee for a case;
 - iv. The failure to include unused material as a variable when calculating the total fee for a case;
 - v. Litigator support for advocates, defendants and witnesses becoming more limited.

74. None of these concerns are new, and have been detailed in previous papers published both before and after the LGFS came in to operation. The “banding” of PPE is something that requires particular attention; because the incremental fee per page is calculated by averaging the difference between the initial fee and the maximum number of pages included for the relative page band, and because the fees for trials and cracked trials are calculated on the basis of different PPE bandings, the case outcome can have a significant negative impact on the fee that is paid to litigators.

Possible alternatives to the current LGFS

Option 1 - an alternative graduated scheme based on a common “unit”

75. The LGFS working group considered the practicality of a committee of stakeholders going through objectively identifiable categories of evidence and ascribing to them a relevant multiples expressed in terms of units and volume. As new types or formats of evidence come online, the idea would be for the committee would ascribe to them the relevant number of units.
76. So, for example (and bear in mind that the figures used here are for illustrative purposes only and are not the product of any refined reasoning or analysis):
- i. A scanned image of a single A4 page from a witness statement might equate to 2 units;
 - ii. A single A4 page of a digital witness statement might similarly equate to 2 units;
 - iii. A scanned image of a documentary exhibit might equate to 1 unit;
 - iv. A single A4 page of a documentary exhibit might equate to 1 unit;
 - v. A single photographic image might equate to 0.25 units (4 photos on the equivalent of a single A4 page would equate to 1 unit);
 - vi. 1 minute of video / audio statement / interview might equate to 3 units;
 - vii. 1 minute of CCTV footage might equate to 1 unit;
 - viii. 1 A4 page of telephone call record data might equate to 5 units;

- ix. 1 record of telephone call record data might equate to 0.16 units;
 - x. 1 day at trial might equate to 420 units;
 - xi. Attendance for a PCMH / PTPH might equate to 201 units.
77. The value of a unit could be determined according to case type, offence class and the seniority of lawyer with conduct of the particular case so that, whilst there is no prescription as to the seniority of lawyer that must have conduct of a matter (advocate and / or litigator), the level of remuneration is adjusted accordingly. To discourage the inappropriate use of senior lawyers simply as a means of increasing the fee earned on a case, it may be that the same unit value is applied across all seniorities of lawyers for a particular offence class.

Table 4 - Illustration of Graduation of Value of a Unit based on Years Call / Level of Lawyer and Offence Class

Years Call / Level	Litigator				Advocate			
	0-5	5-10	>10	Partner	0-5	5-10	>10	QC
Unit Value – Class X	£0.75	£0.90	£1.10	£1.50	£0.75	£0.90	£1.10	£1.50
Unit Value – Class Y	£0.75	£0.90	£0.90	£0.90	£0.75	£0.90	£0.90	£0.90
Unit Value – Class Z	£0.75	£0.75	£0.75	£0.75	£0.75	£0.75	£0.75	£0.75

78. An additional graduation could be introduced based on the banding of units.

Table 5 - Illustration of Graduation of the value of a unit based on Years Call / Level of Lawyer, Offence Class and Bands of Units

	Litigator				
Years of Call / Level	0-5 YEARS CALL				
No. Units	1-500	500-2,500	2,500-5,000	5,000-10,000	>10,000
Unit Value – Class X	£0.75	£0.72	£0.70	£0.68	£0.66
Unit Value – Class Y	£0.75	£0.72	£0.70	£0.68	£0.66
Unit Value – Class Z	£0.75	£0.72	£0.70	£0.68	£0.66

79. The LGFS wWorking Group considered it possible to arrive at values that are agreeable by all stakeholders by analysing historical payment data or by undertaking a sampling exercise.
80. Different tables could be drawn up for different case types (e.g. guilty pleas, trials, cracked trials), or the final calculated fee could be adjusted by a percentage multiplier, according to case type. The same principle could be applied in cases where a lawyer represented more than one defendant in the same proceedings.
81. The aggregate unit-equivalent of material ***relied on by the Crown*** would be used in the fee calculation. This figure could be expressed in relation to each item of material uploaded to the Criminal Justice Common Digital Platform, which would form the central record for the purposes of auditing any claim. Any dispute regarding number of units ascribed to an item of evidence by the prosecuting authority could be referred to a specially appointed panel, with the potential of the imposition of a financial penalty if a point is found to be vexatious or without merit.

Does this meet the objectives at §8

Does the system place any additional burden on HMCTS, the LAA or providers?

82. The LGFS Working Group recognised that the alternative scheme based on the concept of units of prosecution evidence might place additional burden on the LAA and /or providers in terms of proving and auditing the volume claimed in relation to a particular category of material. However, the task should not be a difficult one and should simply be one of auditing; it will not involve any value judgment. The move to a common digital platform could greatly assist because it should be possible to capture and report volume information on a case by case basis; the prosecuting authority would be obliged to enter the volume of all material uploaded to the system, via mandatory fields. For material that is not uploaded to the system, a record should still be made noting its service, including a description of the material and its volume. A LAA auditor could use the Common Digital Platform as the primary source of information and the burden would be on the litigator to ensure that any inaccuracies are corrected.

83. The working group did not identify any additional burden for HMCTS.

Does the system should use objectively measurable proxies or data?

84. The working group believes the system proposed relies on objectively measurable proxies that are capable of sufficient definition so that there should be little / no dispute as between the parties.

Can the system be validated against data already held by HMCTS or the LAA?

85. For reasons already set out at §35, the working group recognises that the scheme proposed cannot be validated against data “already held” by HMCTS or the LAA. What is required is a sampling exercise sufficient to test all the underlying assumptions.

Does the system reflect the work required to be done, as much as possible, within a “swings and roundabouts” scheme?

86. The working group believes that remuneration based on the concept of units of prosecution evidence reflects the work to be done as much as possible within the constraints of any graduated fee scheme.

Option 2 - an alternative graduated fee scheme based on average trial length

87. The working group recognised that the MOJ and the LAA are keen to simplify any remuneration scheme as much as possible and that the suggestion of an LGFS based on a “common unit of prosecution evidence” introduces an additional layer of complexity to the current scheme. It will require the cooperation of the prosecuting authorities to properly report on the number of units for each type of evidence, and given the current shortcomings in how they apply this to PPE many may argue that this is more hope than expectation.
88. The LGFS working group agreed the work of a litigator is quite different to that of an advocate, and recognised that in many (but certainly not all) cases much of the preparation will be undertaken regardless of whether a case goes to trial. If this is accepted by MOJ and the LAA, and if there is a move to devise a remuneration scheme akin to the Bar’s based simply on offence class and trial length, some detailed consideration will have to be given as to how to settle on the “basic” (or “base”) fee.
89. If the LAA was contracting with a single provider of litigation services then it could simply agree to pay a single fee to provide services on X number of cases within a particular offence class, subject to an appropriate escape mechanism. However, this is not how the market is structured, nor is it a desirable way to structure the market.
90. The LGFS working group gave consideration as to whether it would be possible to base a fee on a notional trial length estimate which would be required to be given in all cases but concluded that this was not practical on the basis that it would not be reasonable to ask a judge or the prosecution to conduct such an exercise on all matters, regardless of whether they were actually going to trial or not.
91. The LGFS Working Group recognised that although it was difficult for the providers of litigation services to “speak with one voice” because of the disparate expertise and geographical variances that exist as between them, it may be possible to restructure a payment scheme so that a greater emphasis is placed on the “basic fee” for each offence class.

92. The group looked at a number of alternative ways of devising such a fee. For example, if it were agreed that a litigator's basic fee paid on all cases should account for 75% of the total spend for claims in a particular class of offence (as currently defined), then a balance of 25% would be left to cover the additional work required for trials. Using this information the Group was able to calculate a basic fee and a daily trial refresher.

Table 6 - Potential fixed fees based on 75% of current spend on single defendants being allocated as "basic fee" to all cases

<i>Current Offence Class</i>	<i>Total spend</i>	<i>Total number of claims for guilty pleas</i>	<i>Total Number of claims for trials</i>	<i>Total number of trial days claimed</i>	<i>Basic Fee</i>	<i>Trial refresher fee</i>
A	£17,959,140	531	732	11249	£10,665	£399
B	£73,049,764	20920	5510	34244	£2,073	£533
C	£14,024,310	13245	3124	12503	£643	£280
D	£5,051,017	1382	1242	5205	£1,444	£243
E	£3,663,263	8541	1032	3658	£287	£250
F	£4,740,349	5399	1029	4091	£553	£290
G	£1,194,747	820	158	836	£916	£357
H	£8,228,855	8107	1335	5863	£654	£351
I	£3,189,752	1540	337	2881	£1,275	£277
J	£22,805,047	3920	3723	22658	£2,238	£252
K	£28,949,240	819	502	8154	£16,436	£888

93. For example, the litigator's claim for defending a single defendant accused of rape where the matter went for a 3 day trial and there were 79 units of prosecution evidence would amount to £2,173. This compares to a fee of £1,477 payable under the current scheme. If the matter concluded by way of a guilty plea, the proposed fee would be £1,444 (compared to the current fee of £701).
94. Using the same example but applying it to the new offence classes proposed by the Bar, the fee would be £2,431 for a 3-day trial for a single defendant accused of rape where there are 79 units of prosecution evidence. If the defendant had pleaded guilty the fee would be £1,765.

Table 7 - Potential fixed fees based on 75% of current spend for single defendants being allocated as “basic fee” to all cases, applying Bar’s proposed classifications

<i>Bar’s Proposed Offence Class</i>	<i>Total projected spend⁸</i>	<i>Total projected number of claims for guilty pleas</i>	<i>Total projected Number of claims for trials</i>	<i>Total project ed number of trial days claimed</i>	<i>Basic Fee</i>	<i>Trial refresher fee</i>
A	£17,007,786	177	685	10765	£14,798	£395
B	£223,773	2	8	89	£16,783	£629
C	£1,614,841	314	286	1355	£2,019	£298
D	£17,005,239	995	3180	18626	£3,055	£228
E	£3,259,541	417	968	3677	£1,765	£222
F	£9,645,044	909	445	3431	£5,343	£703
H	£1,984,416	702	174	1474	£1,699	£337
I	£12,817,452	1935	588	3910	£3,810	£820
J	£316,852	86	42	188	£1,857	£421
K	£1,091,827	253	143	716	£2,068	£381
L	£3,912,257	2089	826	2878	£1,007	£340
M	£4,532,282	877	495	2733	£2,478	£415
N	£4,047,340	396	350	2709	£4,069	£374
P	£1,479,310	124	111	1473	£4,721	£251
S	£31,982,186	16416	4728	17707	£1,134	£452

95. Whilst the figures in Table 6 and Table 7 above are illustrative only and more work would have to be undertaken to identify possible escapes and / or the reclassification of a number of offences, the Working Group did consider there was merit in further exploring the idea, particularly if the escape related to the number of units of prosecution evidence as discussed above (rather than simply PPE). The Group also considered it undesirable for such a scheme to be applied to offence classes with a high standard deviation from the average PPE.

⁸ More works need to be done on these figures because they currently total £55m less than the aggregate spend of the claims in the dataset provided. This is because it has not been possible to map all of the current offence classes to the new proposed offence classes (note that I have not mapped offences to category G or O).

96. The Group also considered that the basic and refresher fees should be index linked to take into account inflation. It determined that for such a scheme to work a panel of stakeholders should meet annually and review the spend data for the previous financial year and adjust the fees accordingly (an increase in the spend on trial refreshers may be indicative of a change of behaviour by the prosecuting authorities in terms of volume and / or format of evidence being served). New offences that come on line should have their allocation to a particular class reviewed, as should existing classifications if their average number of trial days show a marked divergence from the overall class average.

Does this meet the objectives at §8

Does the system place any additional burden on HMCTS, the LAA or providers?

97. The Group determined that the system described as “option 2” in this document would place no additional burden on HMCTS, the LAA or providers other than the implementation and hosting of the annual review meeting of stakeholders.

Does the system should use objectively measurable proxies or data?

98. The Group recognised that the system described as Option 2 effectively relies on just two proxies (offence class and trial length), with little / no room for dispute as between the parties.

Can the system be validated against data already held by HMCTS or the LAA?

99. The Group agreed that it would be possible to substantially validate the scheme against data “already held” by HMCTS or the LAA. Of course, if, as the Bar suggest (and the LGFS Working Group welcomed), there is greater particularisation of offences so that some are re-classified, then it may not be possible to provide an exact like for like analysis.

Does the system reflect the work required to be done, as much as possible, within a “swings and roundabouts” scheme?

100. This system described as Option 2 moves even closer to a fee based on a global average; it therefore relies on the unpredictability of “swings and roundabouts” to assure the procurer value for money and the provider reasonable remuneration based on a “pot” or “basket” of cases.

Option 3 - an alternative graduated fee scheme for the majority of cases

101. The Working Group agreed that the fact that just over 70% of all claims have reported PPE within the median average for trials in a particular offence class provides some confidence that it may be possible to design a remuneration scheme that is commensurate with the current scheme for nearly two-thirds of all cases. Such a scheme would be based on a fee set at a level equal to the current average.

Table 8 - Average fee paid for claims reporting PPE less than or equal to the median

<i>Current Offence Class</i>	<i>Median Trial PPE</i>	<i>Median Trial Days</i>	<i>Total number of claims for single defendant reporting PPE less than equal to median</i>	<i>Total fee paid for claims with single defendants within median PPE</i>	<i>Average fee</i>
A	1343	12	934	£4,015,398	£4,299
B	123	3	19782	£14,158,779	£716
C	53	3	12439	£6,228,167	£501
D	79	3	1809	£1,760,939	£973
E	50	2	7613	£1,702,391	£224
F	71	3	5841	£1,422,904	£244
G	268	3	910	£324,011	£356
H	33	2	25666	£5,628,564	£219
I	144.5	4	1676	£542,147	£323
J	153	5	4908	£6,975,148	£1,421
K	4631	11	947	£7,968,496	£8,414

102. For example, using the figures in Table 10, it would mean that a fixed fee of £973 would be paid for defending a single client accused of rape where the units of prosecution evidence is less than or equal to 79 and, if the matter goes to trial, the number of trial days is less than or equal to 3. This compares to the current fee of £1,477 payable for a trial under the current scheme, and £584 if the case concluded by way of a guilty plea.
103. If we apply the same calculation but using the Bar's proposed new offence classifications (see Table 9) then the fixed fee would be £1,101 (the escape in relation to units of prosecution evidence would be set at 76 and the escape for the number of trial days would remain as 3).

Table 9 - Average fee paid for claims reporting PPE less than or equal to the median using the Bar's proposed classification

<i>Bar's proposed offence class</i>	<i>Median Trial PPE</i>	<i>Median Trial Days</i>	<i>Total number of claims for single defendant reporting PPE less than equal to median</i>	<i>Total fee paid for claims with single defendants within median PPE</i>	<i>Average fee</i>
A	1403	12	726	£3,904,356	£5,378
B	3467	9	10	£36,846	£3,685
C	98	4	579	£409,574	£707
D	155	5	2997	£5,176,580	£1,727
E	76	3	1157	£1,274,249	£1,101
F	556.5	4	1521	£1,368,801	£900
H	212	4	989	£359,699	£364
I	231	3	2506	£1,798,617	£718
J	222	4	98	£119,061	£1,215
K	115	4	480	£351,501	£732
L	63	3	2880	£1,579,388	£548
M	110	4	1306	£961,640	£736
N	200	5	912	£856,996	£940
P	592	10	245	£449,769	£1,836
S	51	3	22143	£7,687,347	£347

104. Claims that escape from this basic scheme could either be remunerated on the basis of special preparation or a scheme graduated according to units of prosecution evidence.
105. It would also be possible to provide a more graduated version of the scheme by introducing different levels according to banding of units of prosecution evidence.

Does this meet the objectives at §8

Does the system place any additional burden on HMCTS, the LAA or providers?

106. The Group determined that the system described as "option 3" in this document would place no additional burden on HMCTS, the LAA or providers other than the implementation and hosting of the annual review meeting of stakeholders.

Does the system should use objectively measurable proxies or data?

107. The Group recognised that the system described as Option 3 effectively relies on a single proxy (offence class), with little / no room for dispute as between the parties.

Can the system be validated against data already held by HMCTS or the LAA?

108. The Group agreed that it would be possible to substantially validate the scheme against data “already held” by HMCTS or the LAA. Of course, if, as the Bar suggest (and the LGFS Working Group welcomed), there is greater particularisation of offences so that some are re-classified, then it may not be possible to provide an exact like for like analysis.

Does the system reflect the work required to be done, as much as possible, within a “swings and roundabouts” scheme?

109. This system described as Option 3 moves even closer to a fee based on a global average; it therefore relies on the unpredictability of “swings and roundabouts” to assure the procurer value for money and the provider reasonable remuneration based on a “pot” or “basket” of cases.

Conclusion

110. There are dangers with any remuneration scheme based on a graduation of fee and in order to reduce the risk posed to the proper functioning of the criminal justice system case must be taken to ensure that levels are such that:
- i. A lawyer of sufficient experience and seniority has conduct of a case;
 - ii. The level of preparation appropriate to a particular case is not discouraged;
 - iii. The level of client contact appropriate to a particular case is not discouraged;
 - iv. There is no financial disincentive to properly prepare a case.
111. A scheme based purely on the type of offence and how long a case lasts at trial will inevitably rely on the concept of swings and roundabouts, and claims that lie outside the average risk being remunerated very poorly. The burden of ensuring the points at §110 above will fall on regulation by the SRA to a greater extent.

112. Whatever shape the scheme that is eventually devised takes, the LGFS Working Group determined that it must:
- i. Place no extra burden on HMCTS, the LAA or providers **when comparing like for like**⁹;
 - ii. Use objectively measurable proxies or data;
 - iii. Establish a committee made up of representatives of all stakeholders (LAA, the Bar and Solicitors) who are empowered to:
 - a) Categorise new offences entered on to the statute books;
 - b) Consider adjustments to rates in line with inflation.
113. Unfortunately, because of the fundamental flaws in the current schemes, the LGFS Working Group do not believe that any new scheme that takes into account anything other than offence class, PPE and trial days will be capable of being “validated against data **already held** by HMCTS or the LAA”. Some manual sampling and data collection exercise will be necessary.
114. The Working Group also believe that whilst the procurer of criminal defence services can properly be satisfied that the so-called “swings and roundabouts” of a graduated fee scheme give some overall assurance of achieving value for money, the same cannot be said of the providers of those services. Individual suppliers do not currently enjoy a sufficient volume of cases for that maxim to apply and there should be an acceptance that no case that is properly prepared should result in a financial loss for a provider.

⁹ If prosecuting authorities move to different formats (e.g. video statements) or greater volumes of evidence that necessitate more time being spent on analysis, then obviously there will be an additional burden on the fund.

Appendix 1 - Tasks Undertaken in Criminal Cases

Table 10 below attempts to break down all of the work involved in defending a client in to easily definable tasks. Of course, no single case will necessitate all such actions, and there might well be cases where work that we have not envisaged is both reasonable and necessary. It should also be noted that we have not included a consideration for travel and/or waiting, which are on the whole beyond the control of a solicitor and should therefore be pro-rata. The same is true for disbursements.

Table 10 - Tasks undertaken in criminal VHCC

Category	Description of task	Core / "standard" task	Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
Restraint	Review of Restraint Order and Application in Support and advising client on its effect	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Taking instructions from client regarding his reaction to the Restraint Order	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Drafting disclosure statement in response to the Restraint Order	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Liaising with Banks, prosecuting authority and other parties regarding	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Category	Description of task	Core / "standard" task	Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
	payments for "general living expenses"/outgoings/a restrained business's survival								
	Drafting application to discharge or vary Restraint Order	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interviewing witnesses and drafting statements in support of application to vary discharge	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General Case Management	Setting up Case File	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Case Planning Conference in order to nominate Case Manager, discussing the case against the client(s) based on the information held at that time and identifying, where possible, the key issues in the case, formulating a "Key Issues Report"	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Setting up Document Management/Fact Management System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Case management and supervision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Category	Description of task	Core / "standard" task	Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
	meetings with all fee earners								
	Undertaking conflict of interest checks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Media Management	Liaising and briefing press when appropriate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Monitoring press interest and collating references to case available in the public domain	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Instructing and liaising with public relations expert	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Correspondence	Client	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Co-defendants	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Co-defendants' representatives	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Advocate & advocate's clerk	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Doctor/Hospital	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Instructing Solicitor	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Interpreters	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Police/investigation authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Prison	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Category	Description of task	Core / "standard" task	Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
	Prosecution Lawyers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Sureties	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Witnesses (factual and expert)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Counsel / Solicitor Liaison	Preparing initial brief to advocate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Considering instructions from solicitors	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Preparing notes to advocate regarding issues arising from disclosure by the crown, instructions from defendant or general defence enquiries	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Considering instructing solicitors' notes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Preparing written advice to instructing solicitor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Considering advocate's written advice	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Attending advocate and instructing solicitor in conference	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Representation	First appearance in the magistrates'	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Category	Description of task	Core / "standard" task	Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
at Hearings	court								
	Bail applications (both magistrates' court and Crown Court)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Review hearings in the magistrates' court	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Transfer hearings	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Preliminary hearings in the Crown Court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Mention/Review hearings in the Crown Court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Application to vary/discharge Restraint Order	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Application to Dismiss in the Crown Court	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Application to Join/Sever	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Application for "third Party" disclosure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Application for disclosure under s8 CPIA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Application to extend custody time limit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Category	Description of task	Core / "standard" task	Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
	Application for "special measures"	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interlocutory appeal hearing against ruling made at a Preparatory Hearing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Noting Brief at "linked" trial	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	PCMH	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Preparatory Hearings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trial (including voire dire)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Sentence	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Newton Hearing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Confiscation hearing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Other hearings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Reacting to disclosure by prosecuting authority	Considering tape recordings of evidential interviews with client (normally conducted under PACE)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Considering initial details of prosecution case, in particular: whether there is a prima facie case; the strength of the prosecution case (including the admissibility and availability of the evidence); the	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Category	Description of task	Core / "standard" task		Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
	merits of putting the prosecution to proof; the advantage of claiming a sentence discount for a plea of guilty; plea (and when it should be entered); mode of trial; the likelihood of bail. Also identifying shortcomings in the Crown's evidence and missing evidence, and considering what action, if any, to take.									
	Considering service of prosecution case following sending or transfer, in particular: is there is a prima facie case; the strength of the prosecution case (including the admissibility and availability of the evidence); the merits of putting the prosecution to proof; the advantage of claiming a sentence discount for a plea of guilty; issues of joinder/severance; which	☒		☒	☒	☐	☒	☒	☒	☒

Category	Description of task	Core / "standard" task		Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
	witnesses need to give oral evidence; the likelihood of expert evidence to counter the prosecution case or assist the defence. Also identifying shortcomings in the Crown's evidence and missing evidence, and considering what action, if any, to take.									
	Considering prosecution's Case Summary/Statement of Case/Case Opening: does this accurately reflect the evidence served? Are there matters of law that need to be addressed prior to facts being opened to the jury?	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Considering notices of additional evidence served by the prosecuting authority, in particular: whether there is a prima facie case; the strength of the prosecution case (including the	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Category	Description of task	Core / "standard" task		Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
	admissibility and availability of the evidence); the merits of putting the prosecution to proof; the advantage of claiming a sentence discount for a plea of guilty; plea (and when it should be entered); issues of joinder/severance; which witnesses need to give oral evidence; the likelihood of expert evidence to counter the prosecution case or assist the defence. Also identifying shortcomings in the Crown's evidence and missing evidence, and considering what action, if any, to take.									
	Considering primary disclosure by the prosecuting authority (consisting of material that in the prosecutor's opinion undermines the prosecution's case or assists the defence and a	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Category	Description of task	Core / "standard" task	Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
	schedule of the other non-sensitive unused material) and identifying what, if any, further unused material that should have been disclosed								
	Considering prosecution application to adduce hearsay evidence (together with supporting documentation) and drafting objections (if any)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Considering prosecution application to adduce bad character evidence (together with supporting documentation) and drafting objections (if any)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Reviewing draft admissions proposed by prosecution, checking their accuracy and merits in terms of progressing defence case	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Considering application for "special measures" and drafting objections (if any)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Category	Description of task	Core / "standard" task	Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
Preparing the defence case	Taking client's instructions on his/her background (antecedents)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Considering client's instructions on his/her background (antecedents)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Taking client's instructions on his/her tape recordings of evidential interviews	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Considering client's instructions on his/her tape recordings of evidential interviews	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Taking client's instructions on Advance Information/overview of his/her comments on the allegations being made	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Considering client's instructions on advance information/overview of his/her comments on the allegations being made.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Taking client's detailed instructions on committal bundle/service of	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Category	Description of task	Core / "standard" task	Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
	prosecution case (or chronology and dramatis personae, as appropriate), including comments on statements and exhibits								
	Considering client's instructions on committal bundle/service of prosecution case (or chronology and dramatis personae, as appropriate), including comments on statements and exhibits	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Taking client's detailed instructions on notices of additional evidence (or chronology and dramatis personae, as appropriate), including comments on statements and exhibits	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Considering client's detailed instructions on notices of additional evidence (or chronology and dramatis personae, as appropriate), including comments on statements and exhibits	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Category	Description of task	Core / "standard" task	Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
	Taking client's instructions on primary disclosure by the prosecuting authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Considering client's instructions on primary disclosure	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Preparing more detailed analysis of evidence (e.g. timeline/chronology of events, transaction analysis of bank transfers, telephone calls, internet traffic, etc; link analysis; narrative anomalies (THEMA), etc)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Considering more detailed analysis of evidence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Preparing detailed/enhanced "cast of characters/dramatis personae", (listing as a minimum the individuals, companies, places/addresses, telephone numbers, bank accounts and, if computers are involved, unique identification details such as email	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Category	Description of task	Core / "standard" task	Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
	and IP addresses, company registration numbers, VAT numbers, serial numbers, and indexing the documentary and other physical mater in the case, showing whether this is "used" or "unused" and detailing the location found and the producing party								
	Considering detailed/enhanced "cast of characters/dramatis personae"	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Preparing CPIA Defence Case Statement in order to (a) avoid an adverse inference and (b) request disclosure of unused material	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Considering draft Defence Case Statement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Preparing Preparatory Hearing Defence Case Statement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Considering Preparatory Hearing Defence Case Statement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Category	Description of task	Core / "standard" task	Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
	Identifying and interviewing potential defence witnesses who may give evidence as to fact	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Considering potential defence fact witness statements	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Identifying and interviewing potential defence witnesses who may give evidence as to character	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Considering potential character witness statements	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Instructing enquiry agent to trace potential defence witnesses	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Identifying and instructing potential defence witnesses who may give evidence as to opinion (i.e. "expert witnesses")	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Considering advice from defence expert witnesses	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Attending expert witness in conference	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Category	Description of task	Core / "standard" task	Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
	Conducting Land Registry / Companies House / Experian / internet searches on relevant companies / individuals / properties	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Considering results of enquiries of Land Registry / Companies House / Experian / internet searches on relevant companies / individuals / properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Interviewing prosecution witnesses	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Considering notes of interview of prosecution witnesses	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Visiting the "crime scene"	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Considering findings from visit of crime scene	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Attending and advising the client during post-charge identification procedures	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Drafting application for Crown Court summons for witness to give oral	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Category	Description of task	Core / "standard" task	Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
	evidence ("third party disclosure")								
	Drafting application for Crown Court summons for witness to produce documentary evidence ("third party disclosure")	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Attending and advising the client during post-charge interviews under the SOCA regime (including advising on becoming an "accomplice witness" and entering in to a formal contract with the Crown)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Drafting application for hearsay evidence to be adduced at trial	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Considering draft application for hearsay evidence to be adduced at trial	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Drafting application for bad character evidence to be adduced at trial	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Considering draft application for bad character evidence to be adduced at	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Category	Description of task	Core / "standard" task	Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
	trial								
	Drafting application to introduce evidence or cross examine about a complainant's sexual behavior	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Considering draft application to introduce evidence or cross examine about a complainant's sexual behavior	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Drafting application to "stay" case as an "abuse of process"	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Considering draft application to "stay" case as an "abuse of process"	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Drafting applications to exclude evidence under s76 & s78 PACE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Drafting draft applications to exclude evidence under s76 & s78 PACE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Drafting basis of plea	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Considering draft basis of plea	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Drafting witness orders	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Considering draft witness orders	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Category	Description of task	Core / "standard" task	Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
	Preparing Defence Case Opening	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Considering Defence Case Opening	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Preparing Closing Speech	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Considering closing speech	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Preparing for examination in chief of defendant	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Preparing for cross examination of prosecution witnesses	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Preparing for cross examination of co-defendants and co-defendant witnesses	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Attending co-accused legal representatives to discuss preparation, strategy and case management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Preparing demonstrative evidence (plans, charts, sketches, timelines, etc)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Considering demonstrative evidence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Preparing defence exhibit jury	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Category	Description of task	Core / "standard" task	Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
	bundles								
Confiscation	Reviewing of Crown's Notice of Application and advising client as to its implications	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Considering Prosecutor's statements	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Taking instructions from client in relation to alleged particular criminal benefit	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Taking instructions from client in relation to alleged general criminal benefit	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Taking instructions from client in relation to available amount	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Considering client's instructions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Preparing client's statement (there may be more than one)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Considering client's statement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Instructing Advocate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Considering instructions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Drafting schedule of client assets	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Category	Description of task	Core / "standard" task	Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
Advising on Appeal	Drafting advice on appeal against conviction	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Considering draft advice on appeal against conviction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Drafting advice on appeal against sentence (including confiscation order)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Considering draft advice on appeal against sentence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Drafting grounds of appeal against sentence/conviction	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Drafting advice on interlocutory appeal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Considering draft advice on interlocutory appeal	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Drafting Notice of Appeal against interlocutory decision	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Prepare for interlocutory appeal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal Research	Researching novel legal issues (i.e. those that do not normally arise in the	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Category	Description of task	Core / "standard" task	Task undertaken by the advocate(s)	Task undertaken by litigators	Investigations up to charge	Stage 1 - Post charge up to arraignment	Stage 2 - Post arraignment - preparing for trial	Stage 3 - Trial	Stage 4 - Post conviction
	course of a criminal case) or complex areas of law								

Appendix 2 - Data sought

The following data is required from the LAA/MoJ:

1. The evidence provided to the Bar's working group which it refers to or relies on when making its findings and assertions, in particular those referred to at §27, §47 and §50 of the Bar's document referred to at §10 above.
2. A dataset that allows us to assess whether there has been an upward or downward trend in the average volume of PPE per class of offence and type of case since the introduction of the LGFS and AGFS.
3. A dataset that allows us to assess whether there has been an upward or downward trend in the number of guilty pleas / cracked trials per class of offence since the introduction of the LGFS and AGFS.
4. A dataset that allows us to assess whether there has been an upward or downward trend in the number of days trial claimed per class of offence since the introduction of the LGFS and AGFS.

Appendix 3 – PPE analysis based on the AGFS dataset

All Classes

Figure 3 - Average PPE across all classes, grouped by trial length

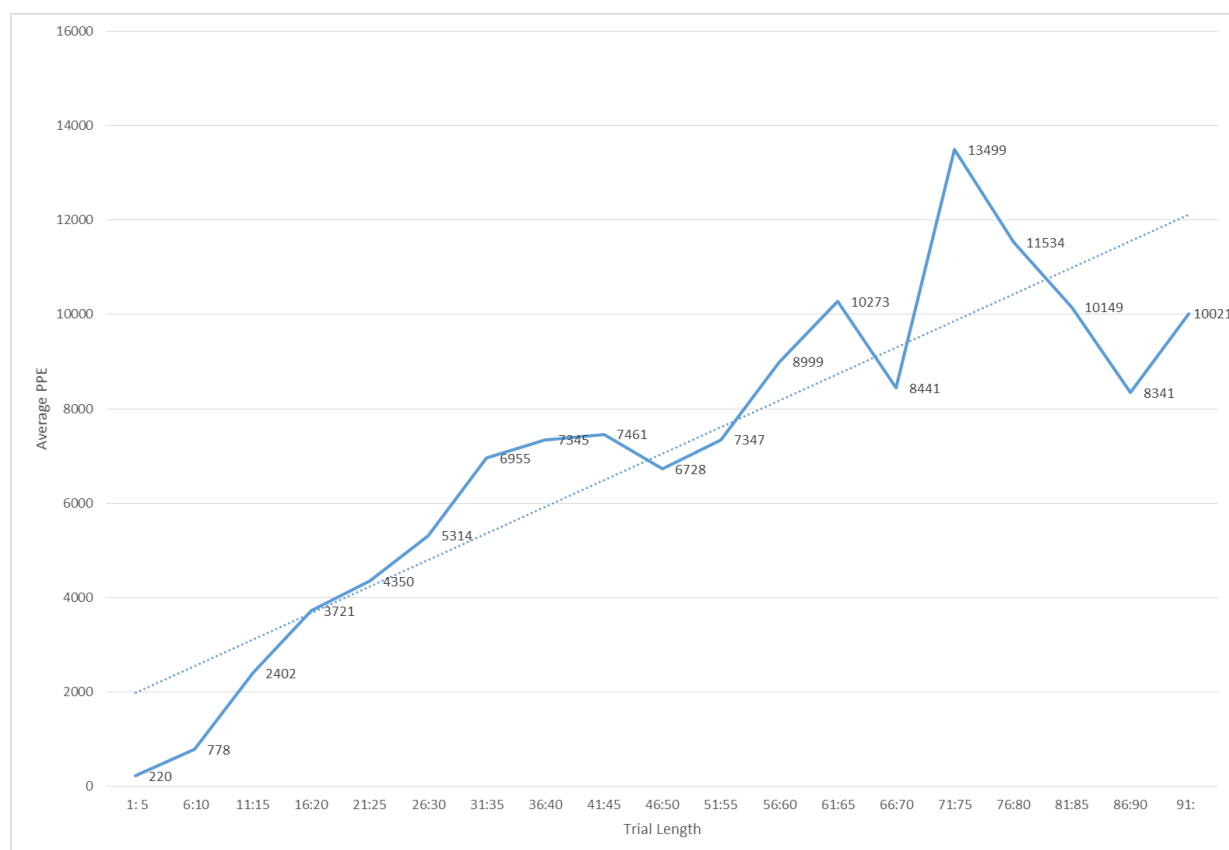


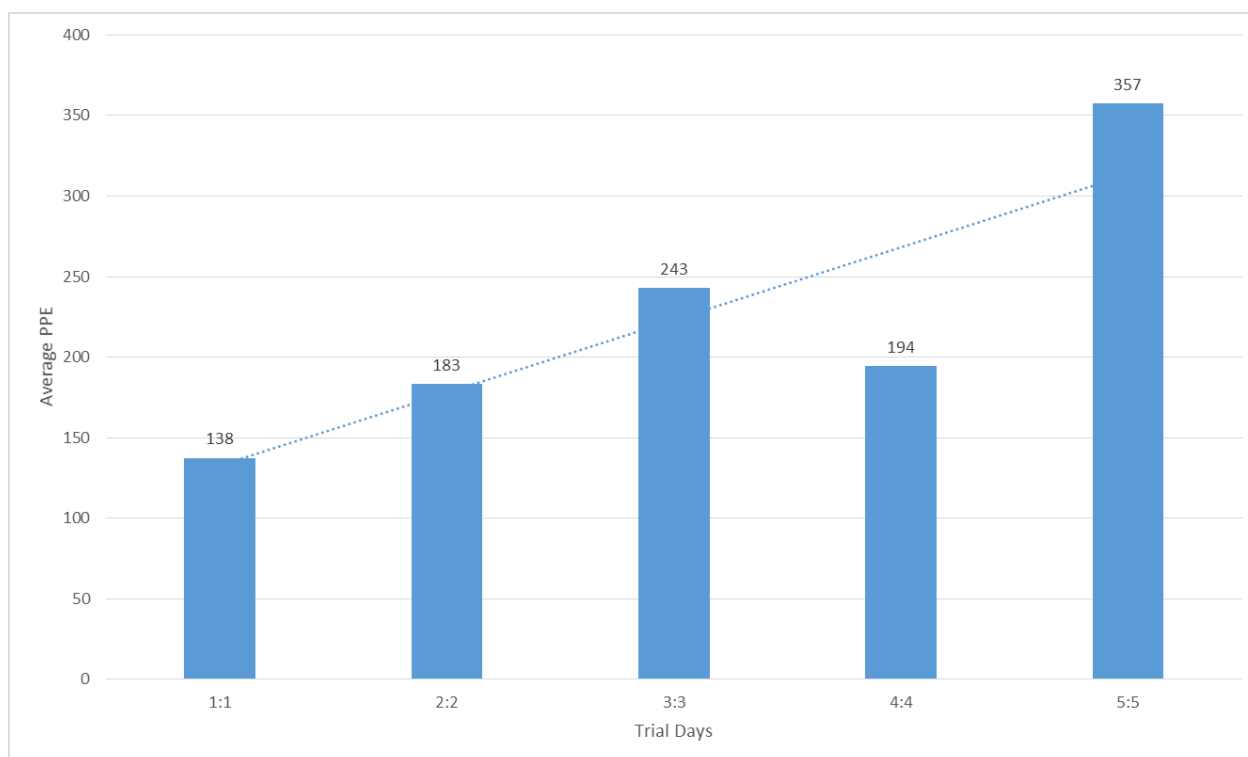
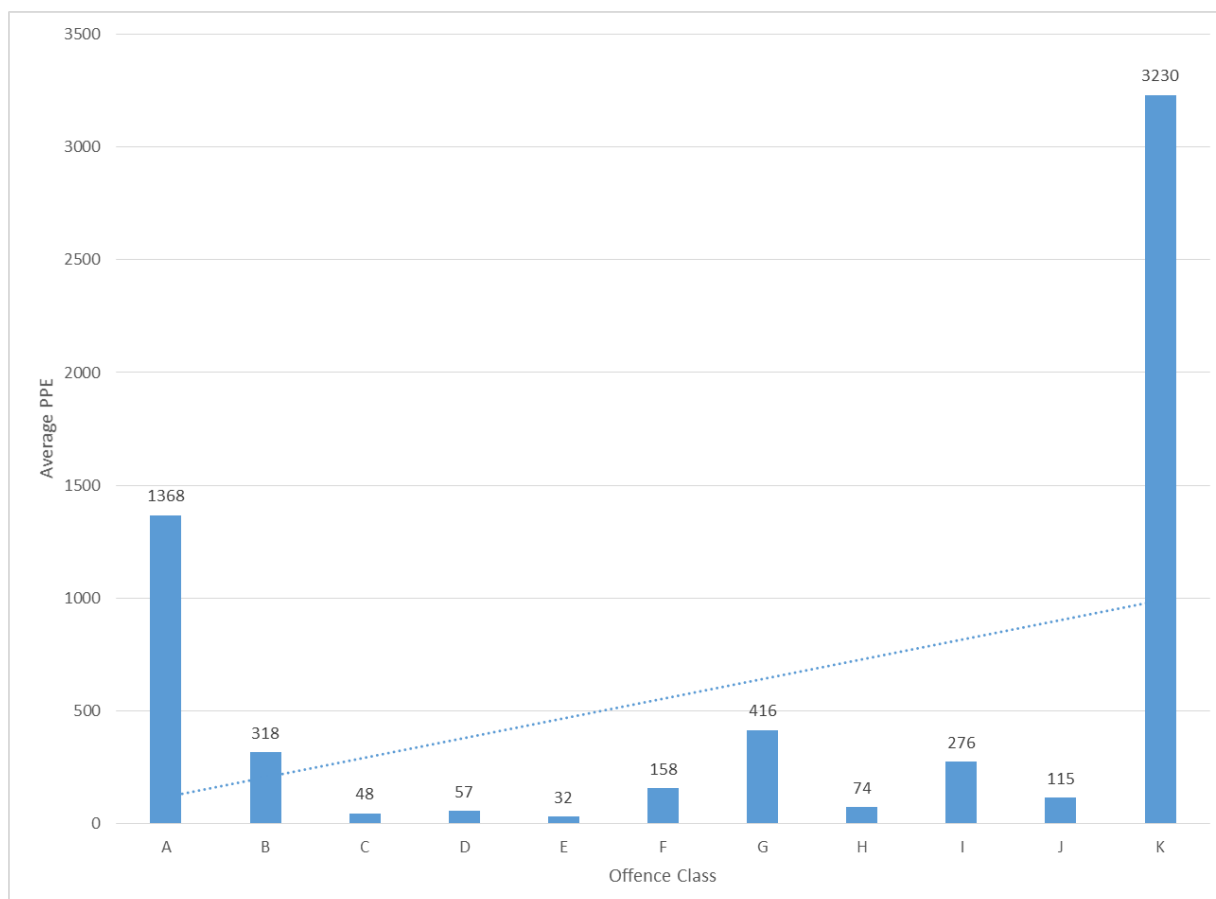
Figure 4 - Average PPE across all classes for 1 to 5 day trials**Figure 5 - Average PPE for each offence class for 1 to 5 day trials**

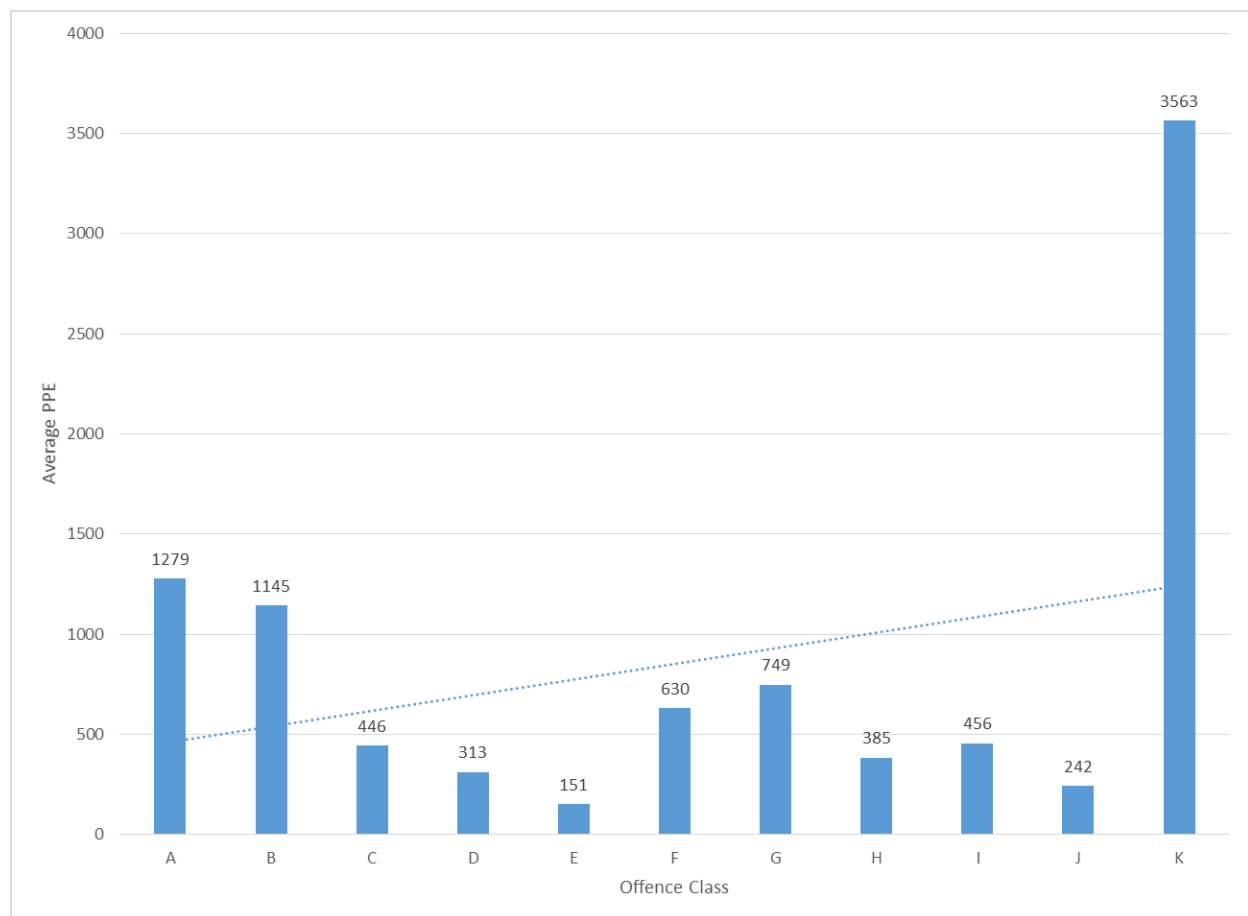
Figure 6 - Average PPE for each offence class for 6 to 10 day trials

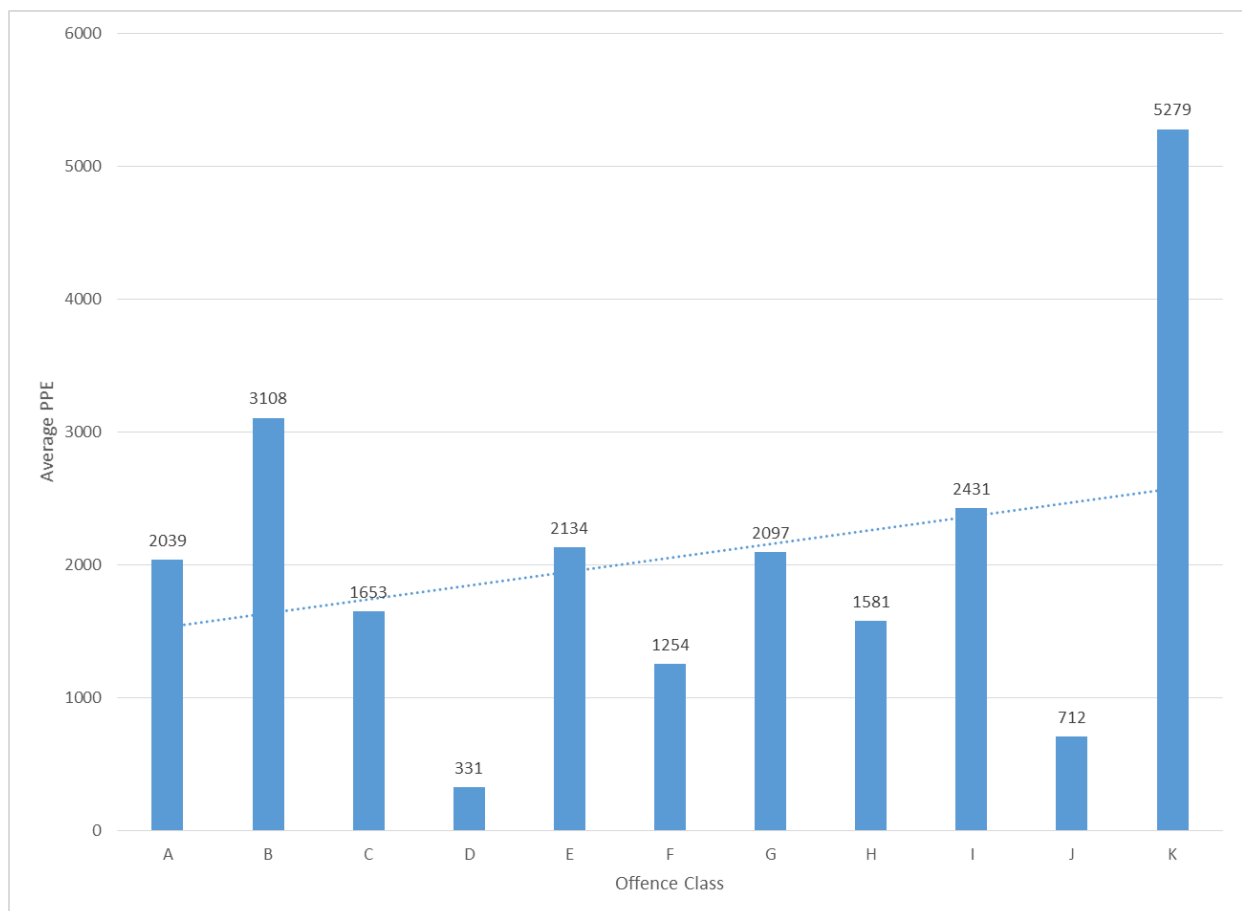
Figure 7 - Average PPE for each offence class 11 to 15 day trials

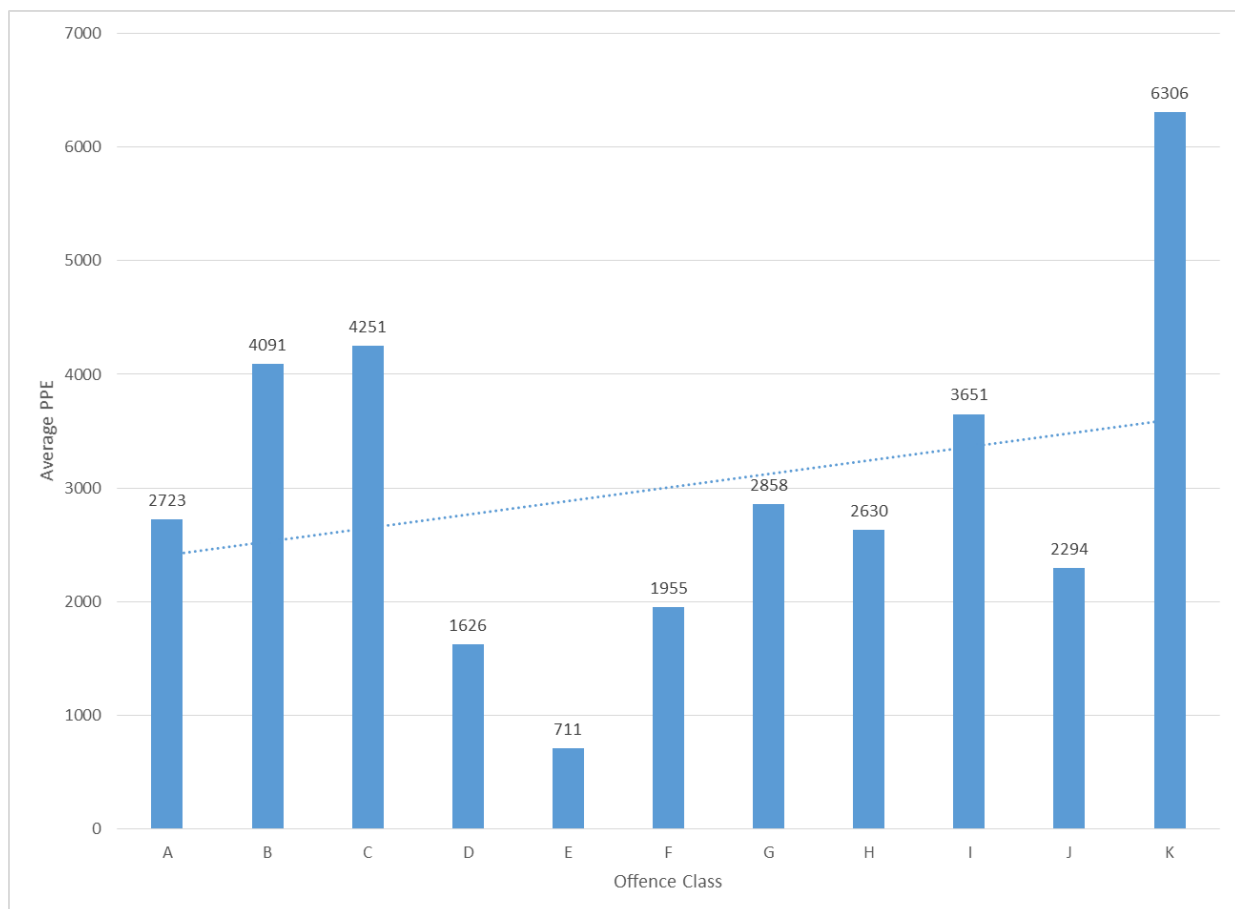
Figure 8 - Average PPE for each offence class for 16 to 20 day trials

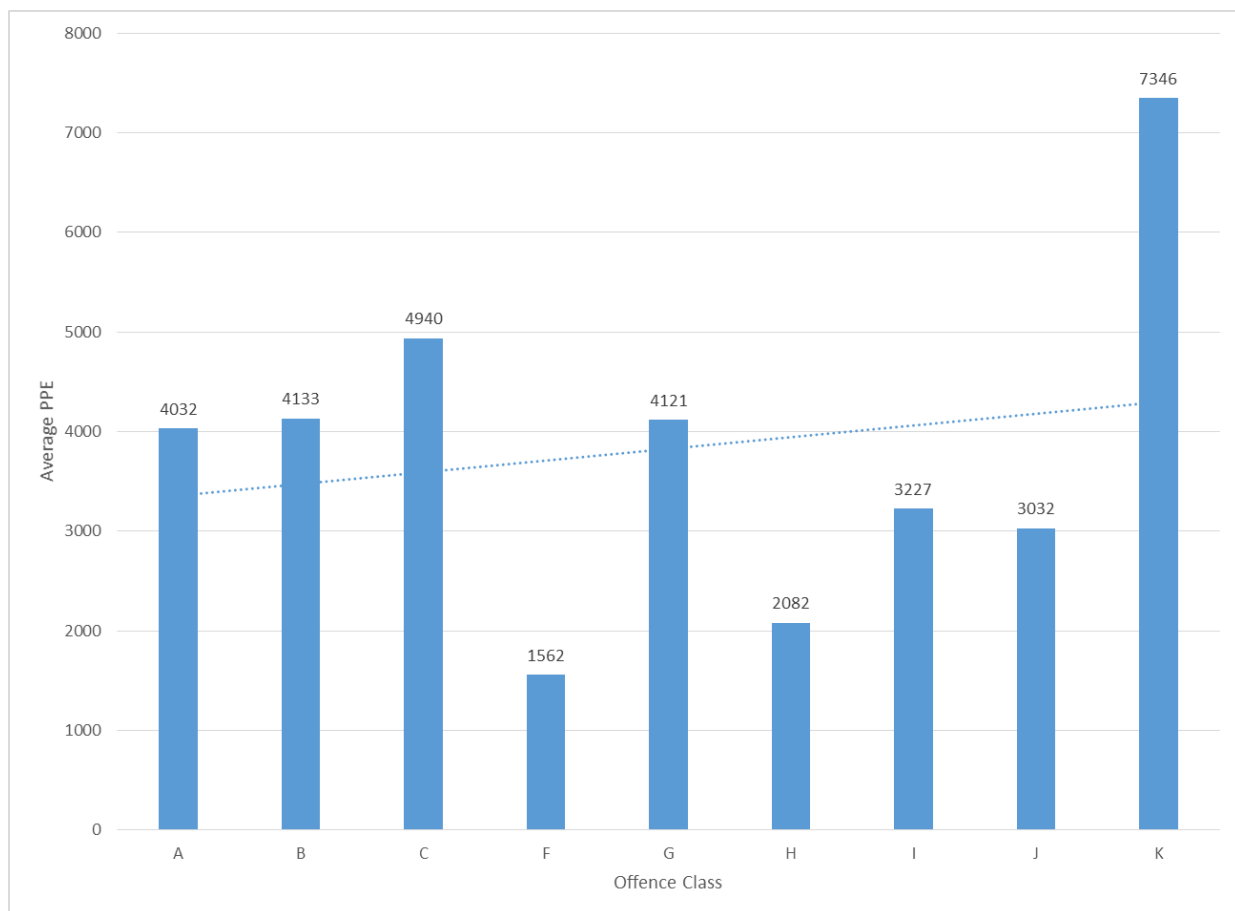
Figure 9 - Average PPE for each offence class for 21 to 25 day trials

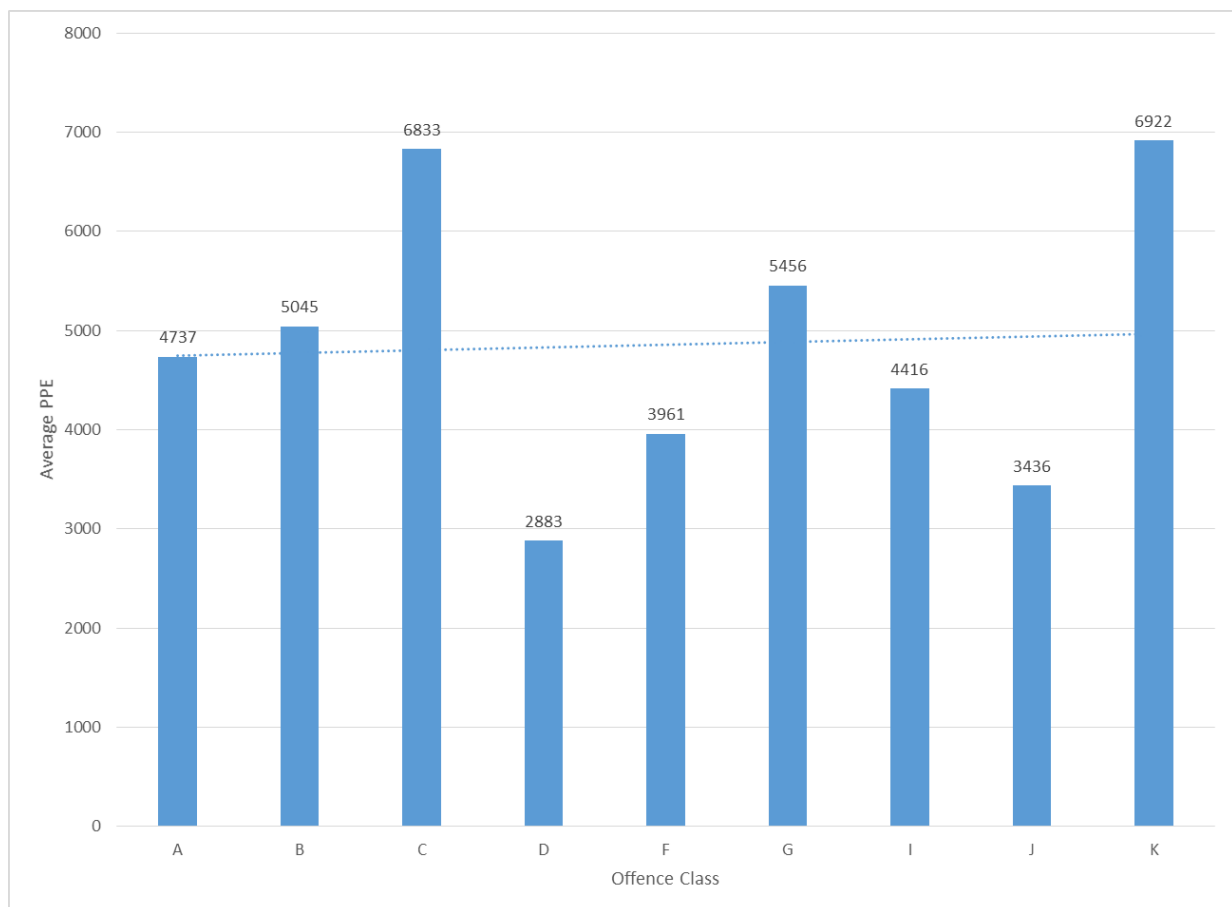
Figure 10 - Average PPE for each offence class for 26 to 30 day trials

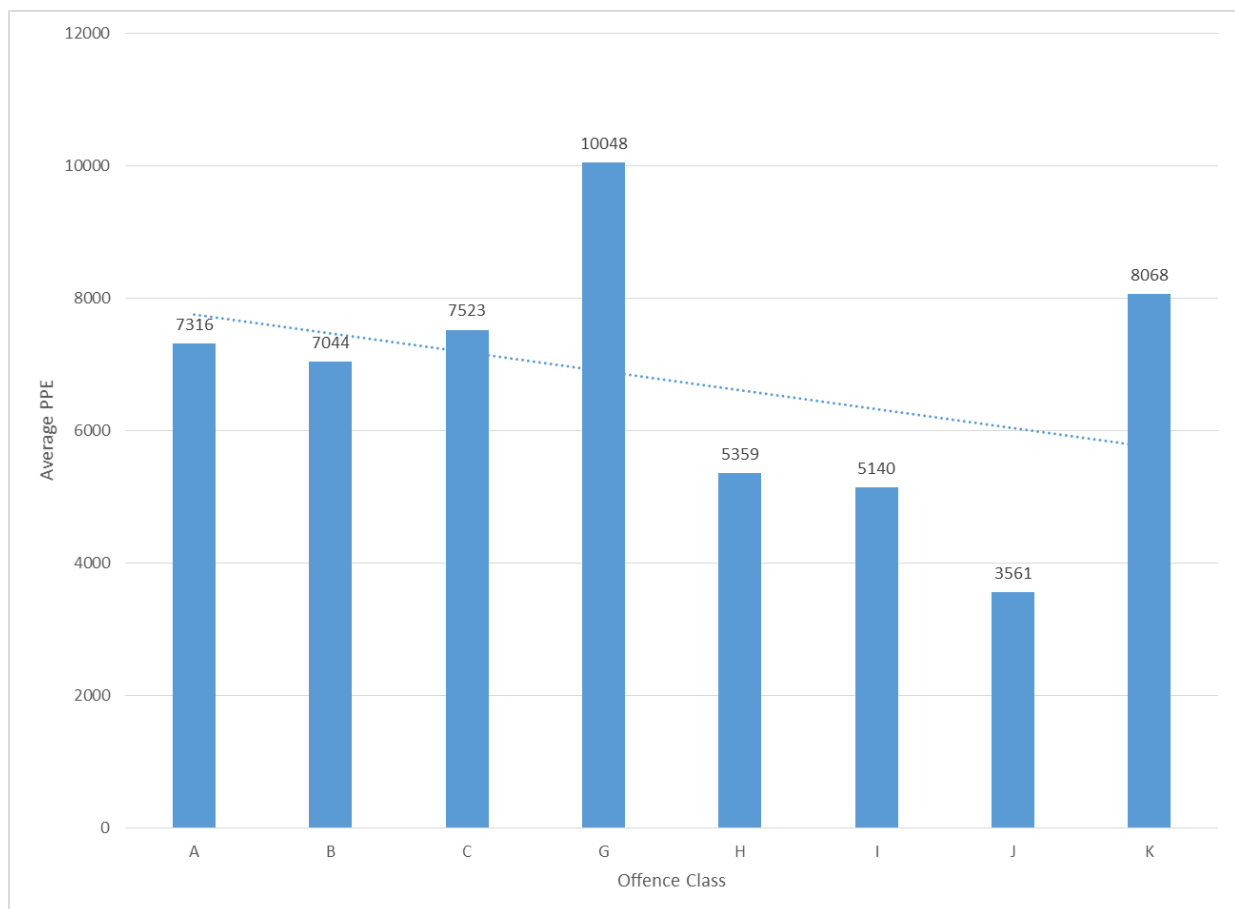
Figure 11 - Average PPE for each offence class for 31 to 35 day trials

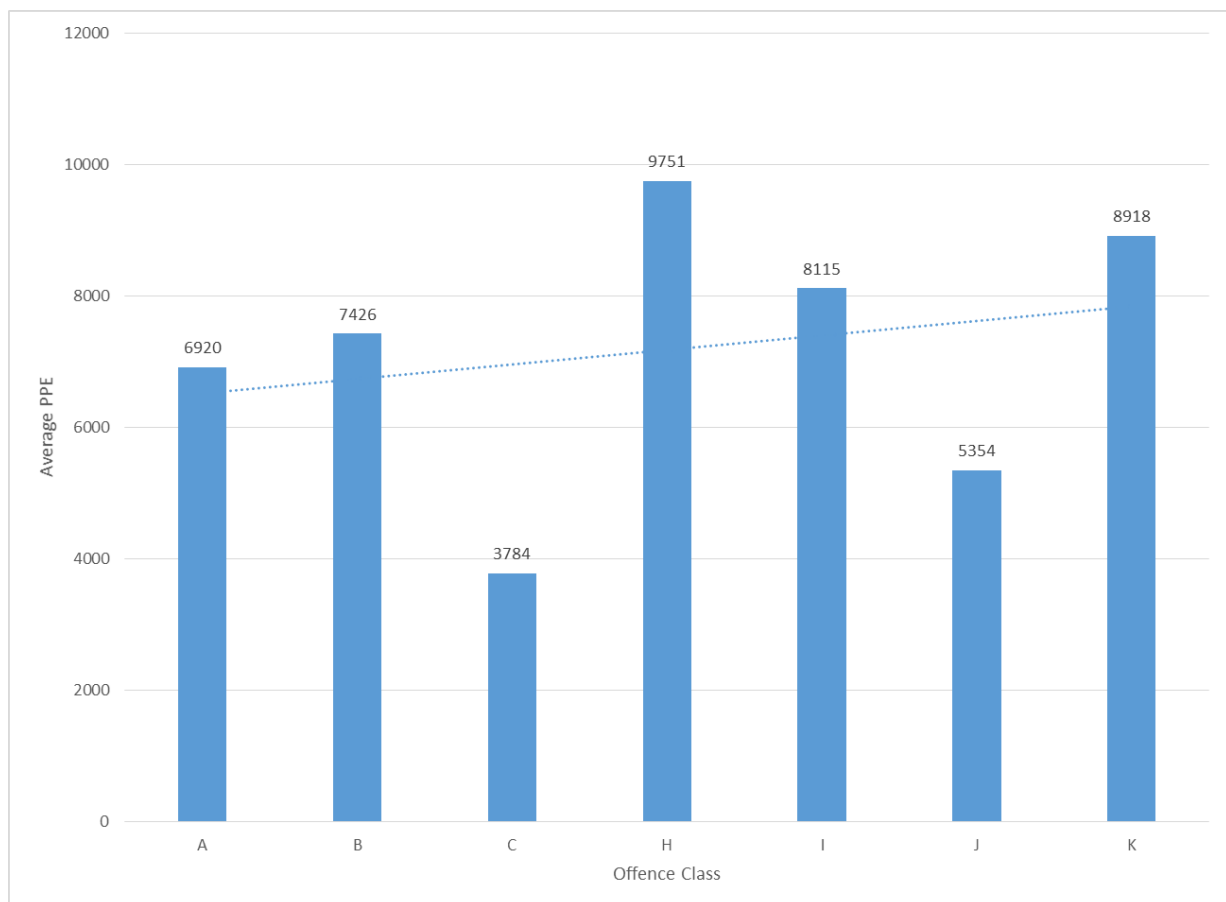
Figure 12 - - Average PPE for each offence class for 36 to 40 day trials

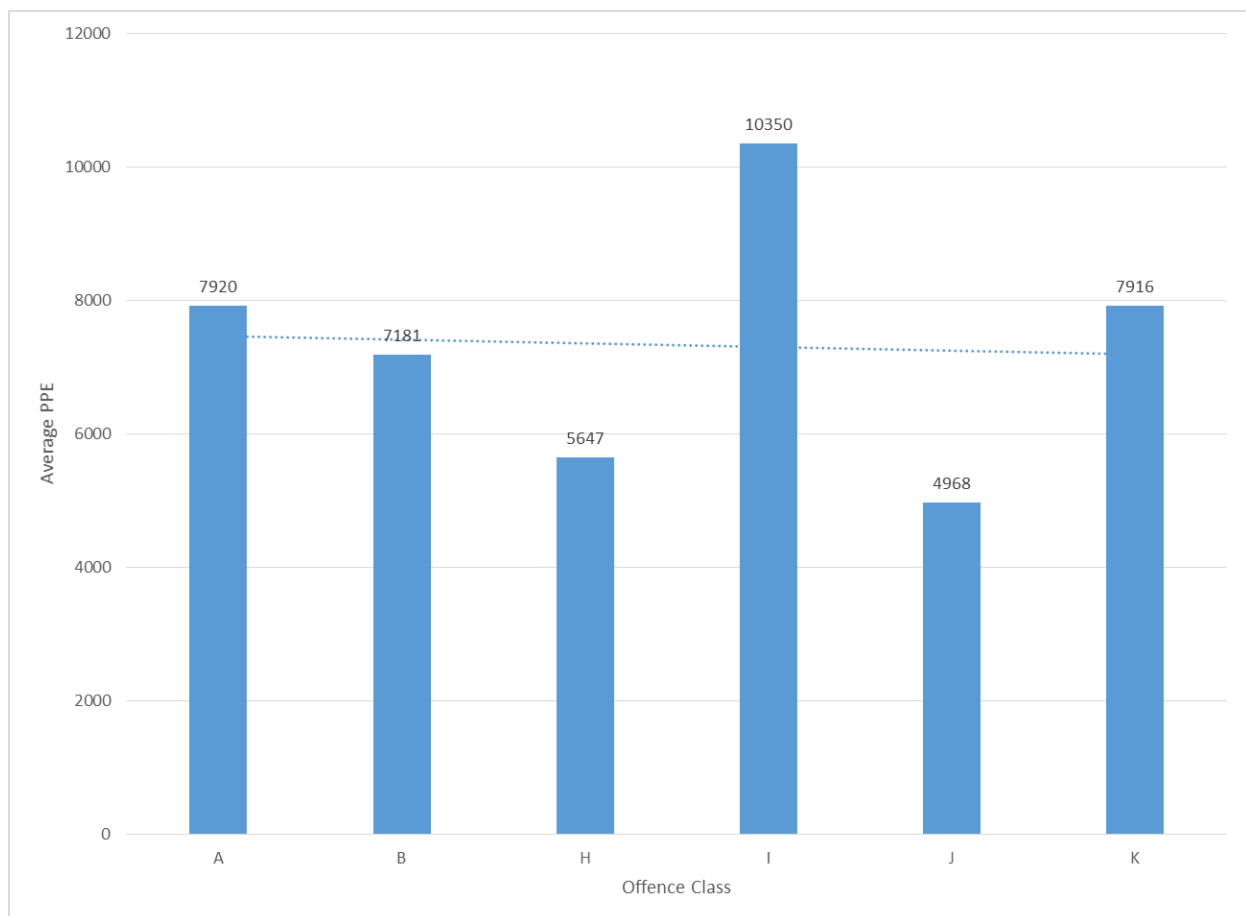
Figure 13 - Average PPE for each offence class for 41 to 45 day trials

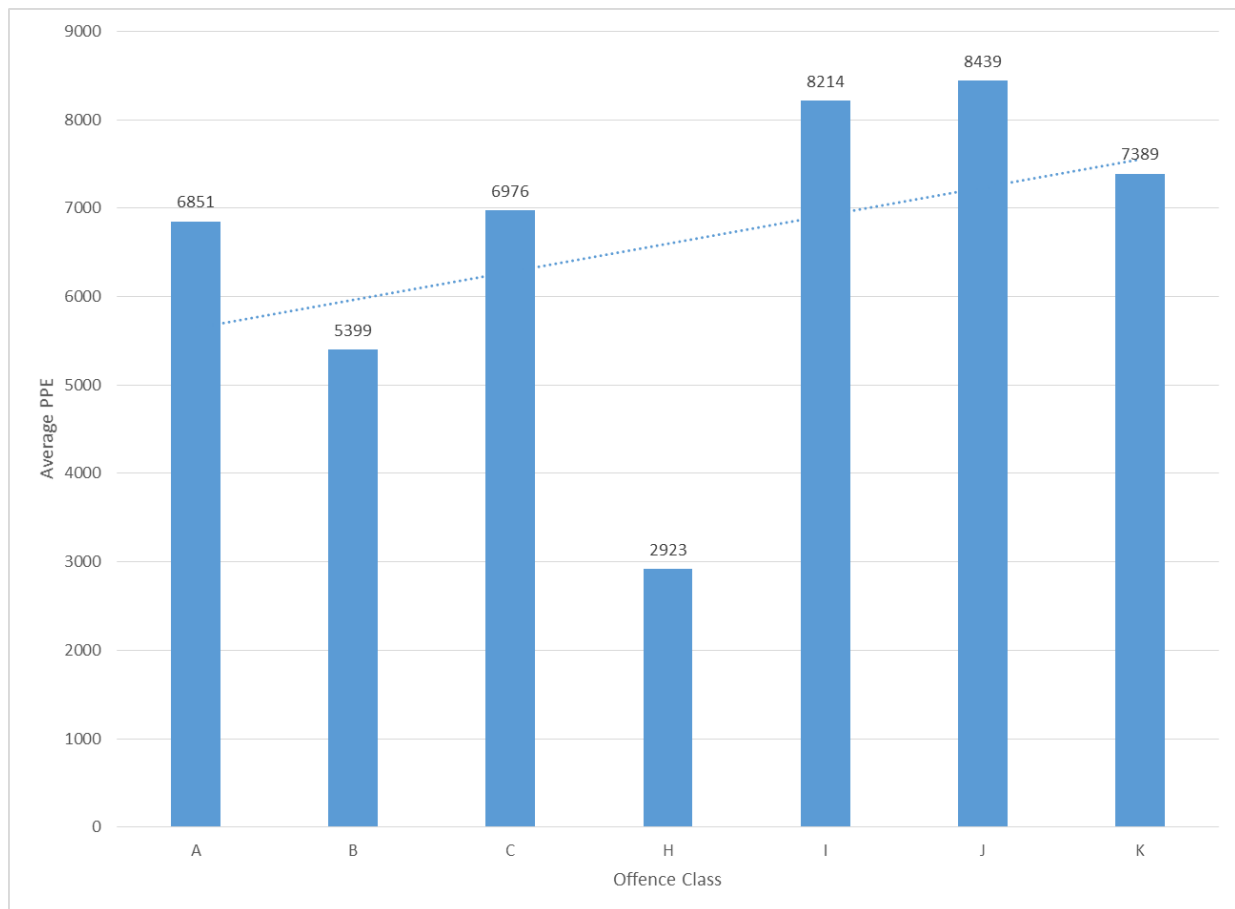
Figure 14 - Average PPE for each offence class for 46 to 50 day trials

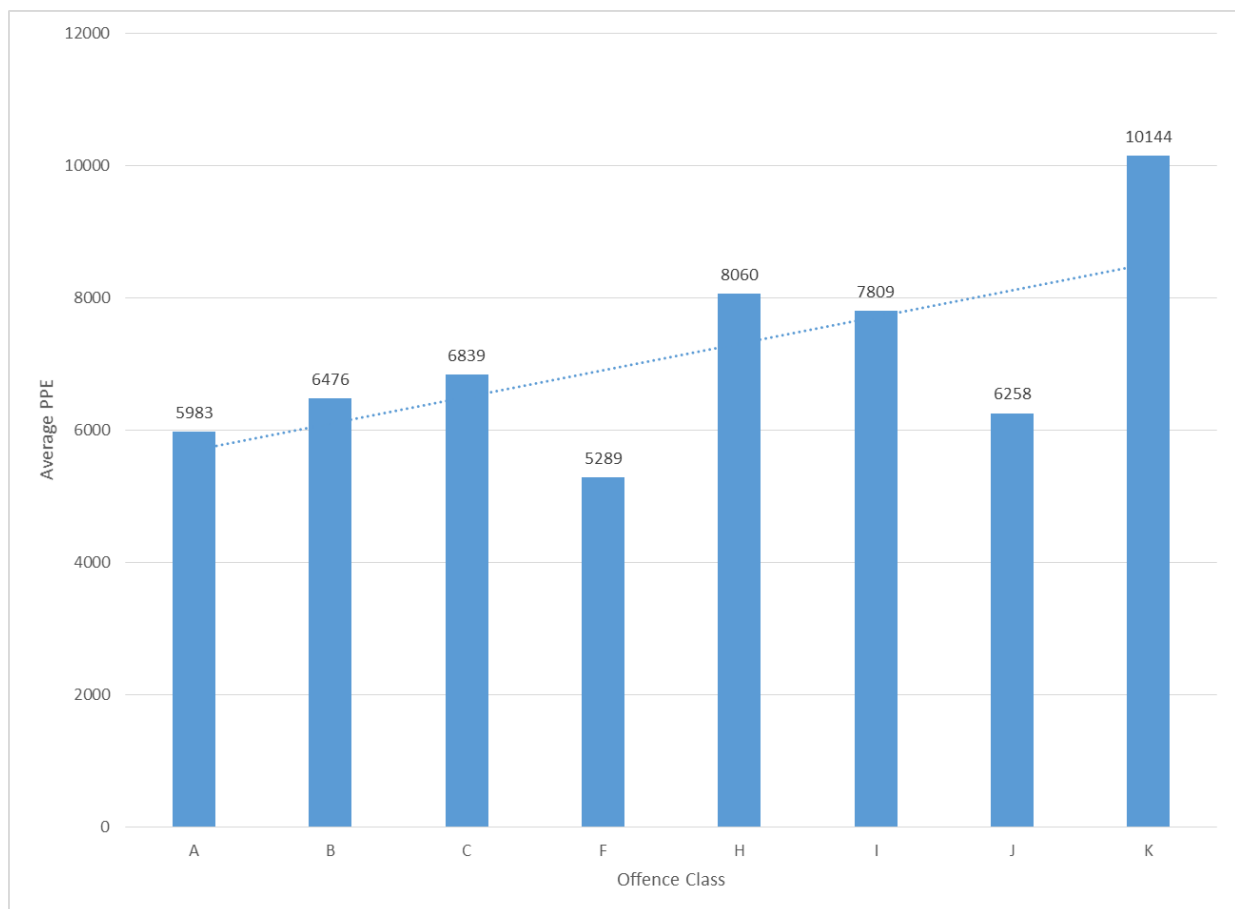
Figure 15 - Average PPE for each offence class for 51 to 55 day trials

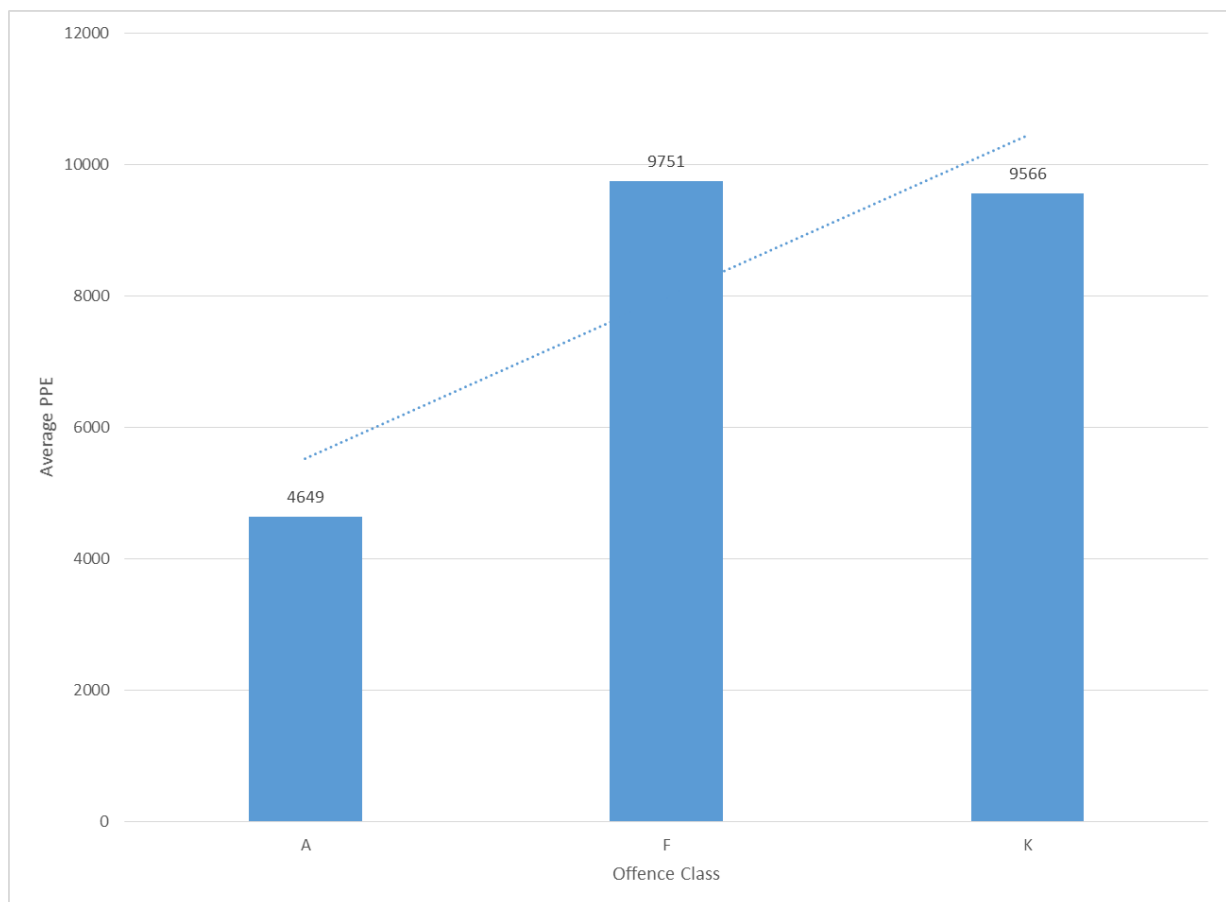
Figure 16 - Average PPE for each offence class for 56-60 day trials

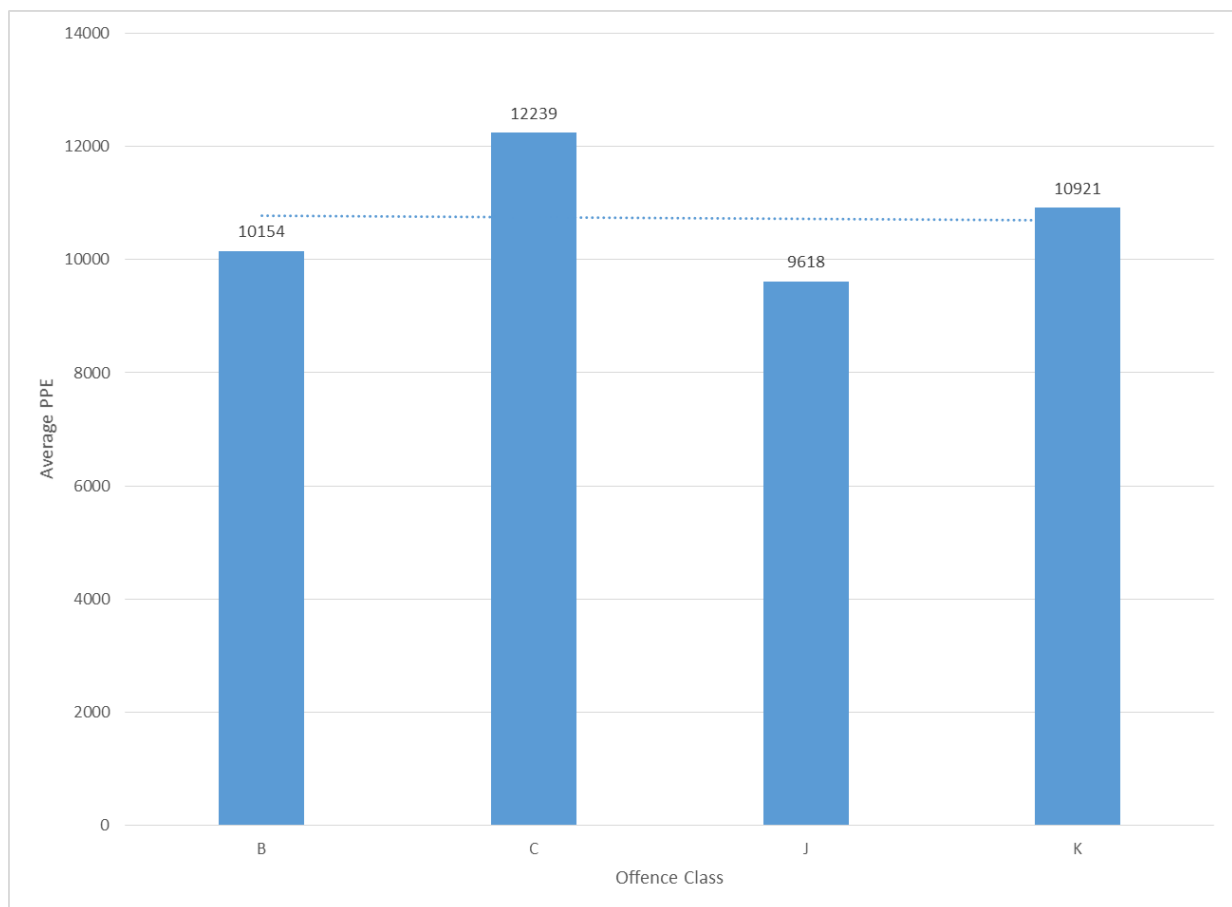
Figure 17 - Average PPE for each offence class for 61+ day trials

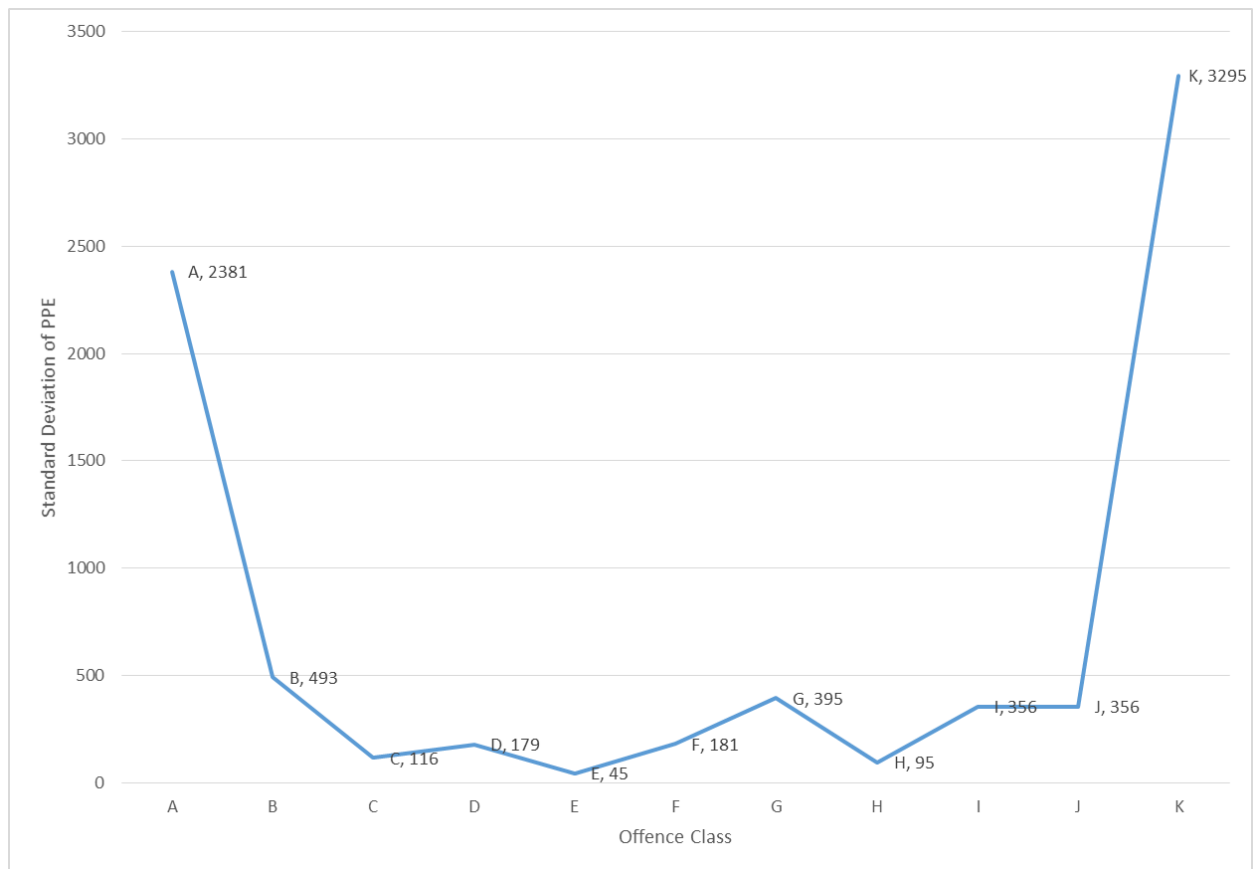
Figure 18 - Standard Deviation of PPE per class of offence

Figure 19 – Standard deviation from average PPE for trials and re-trials across all offence classes, grouped by trial days (limited to <=10,000 PPE)

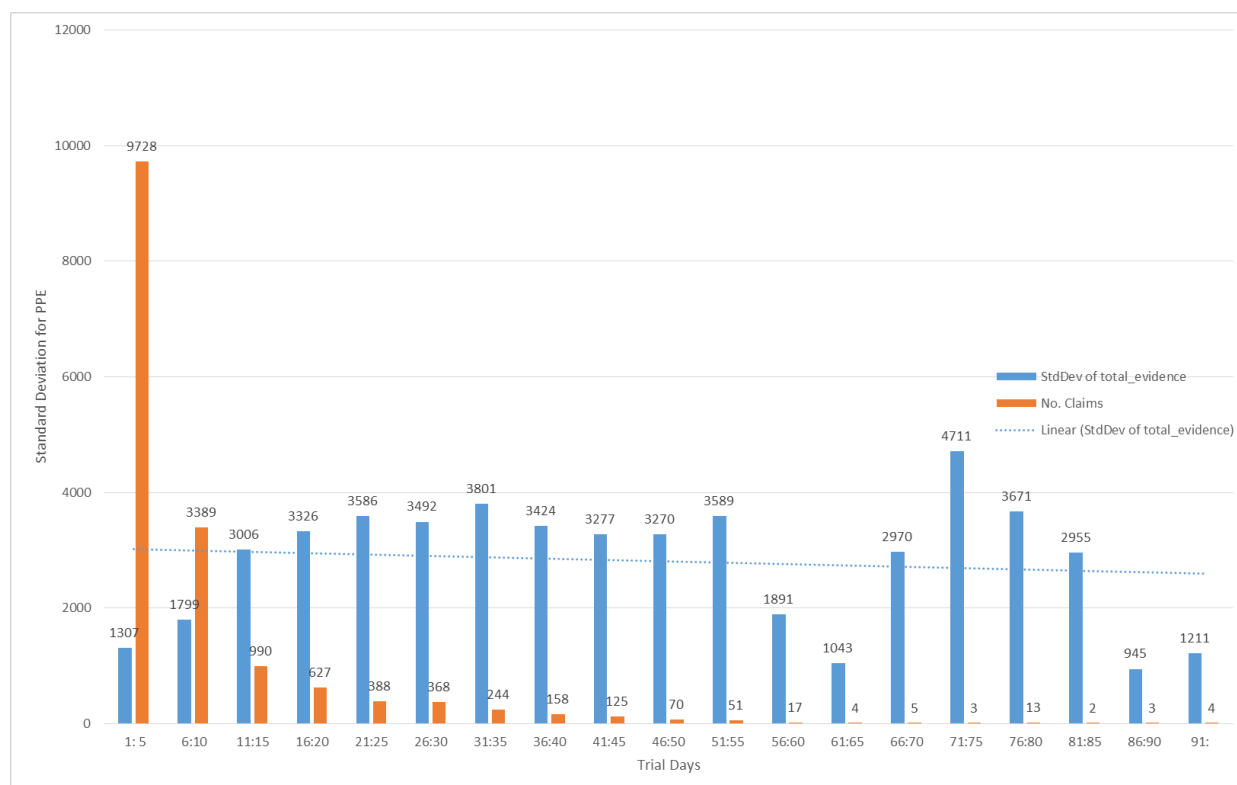


Figure 20 – Number of claims for all case types and offence classes excluding class K, banded by PPE

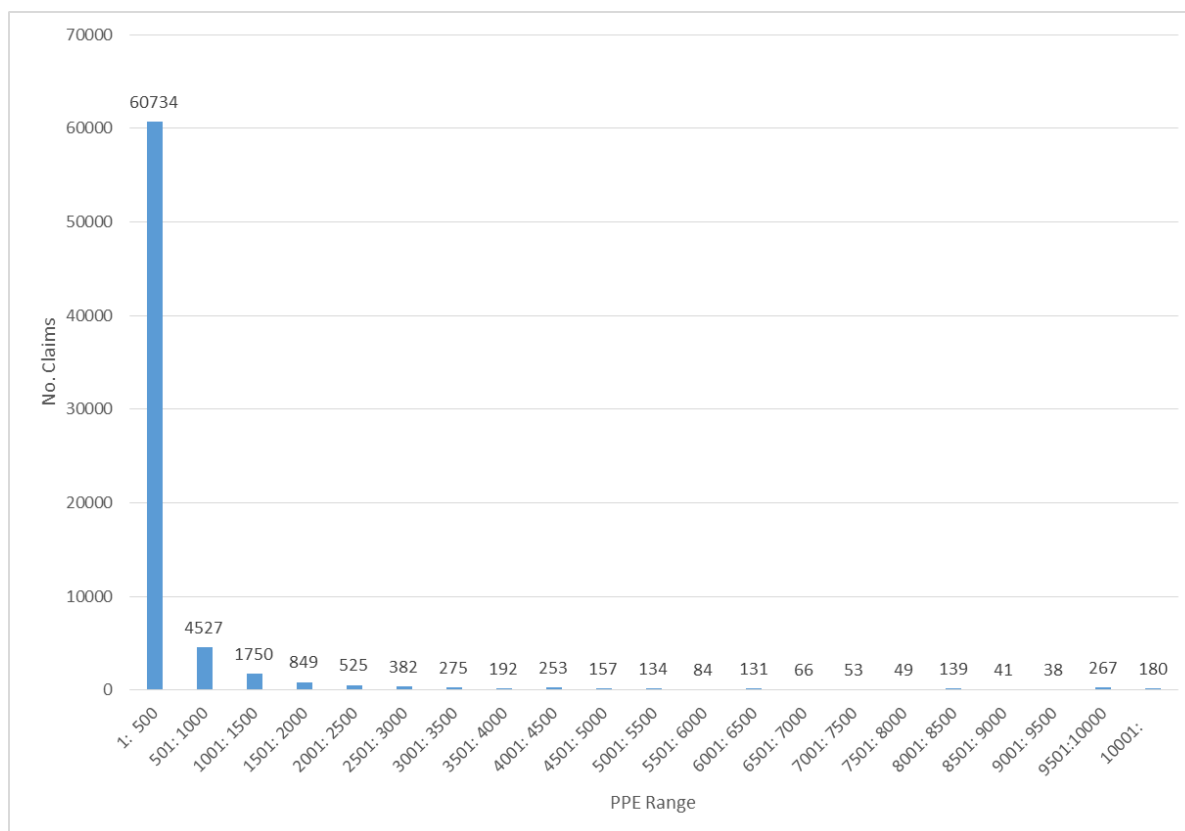
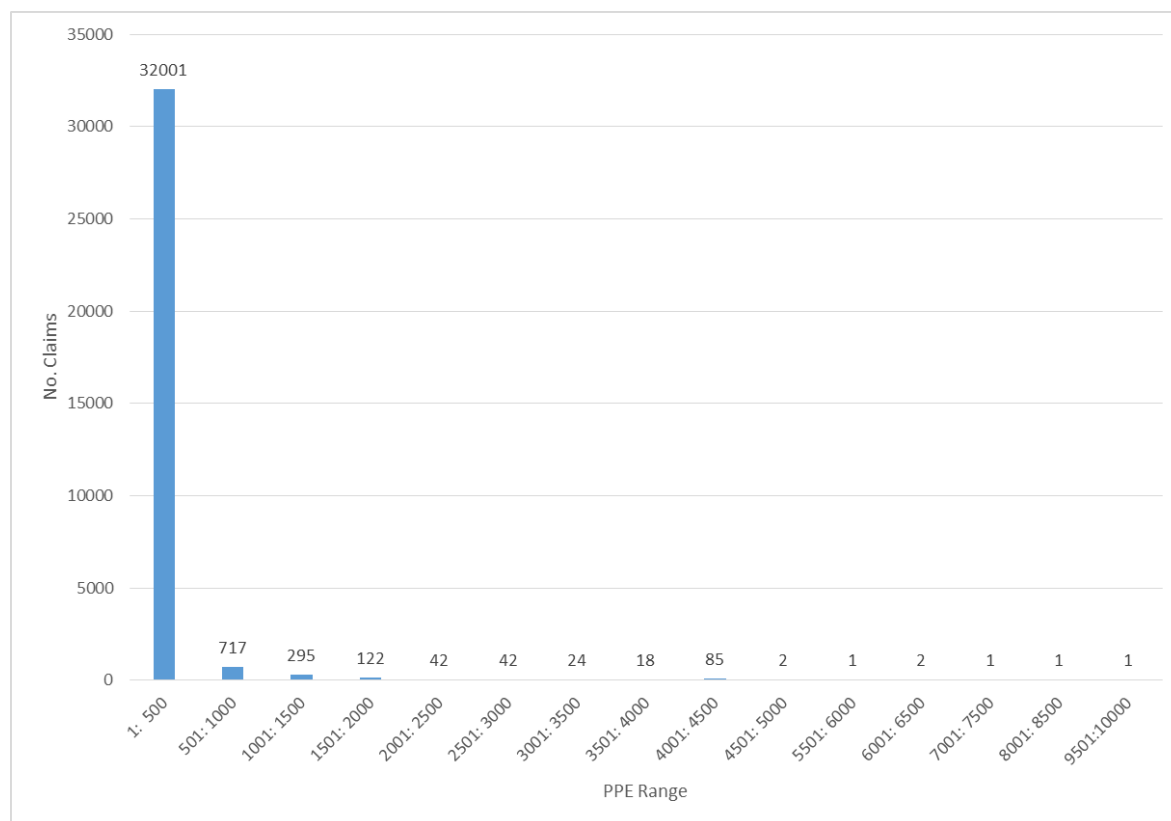


Figure 21 – Number of claims for all guilty pleas for all offence classes excluding class K, banded by PPE



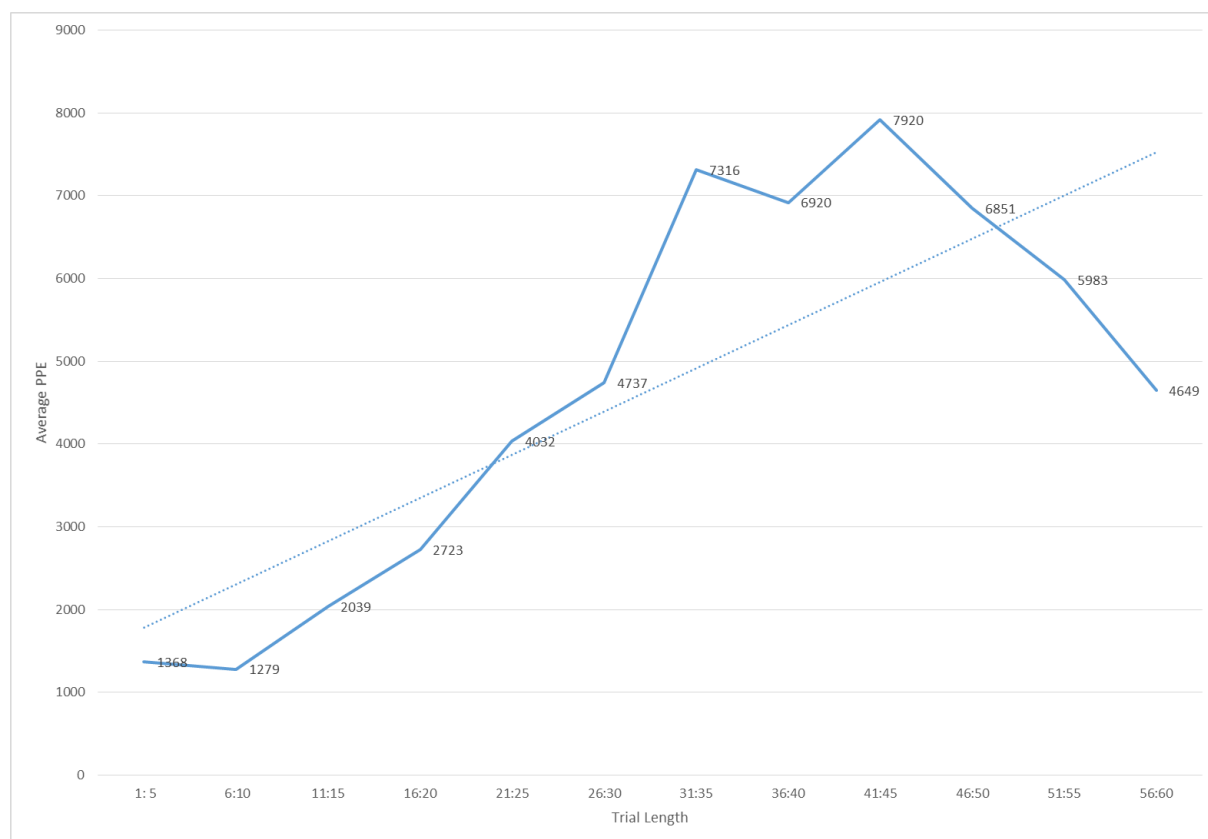
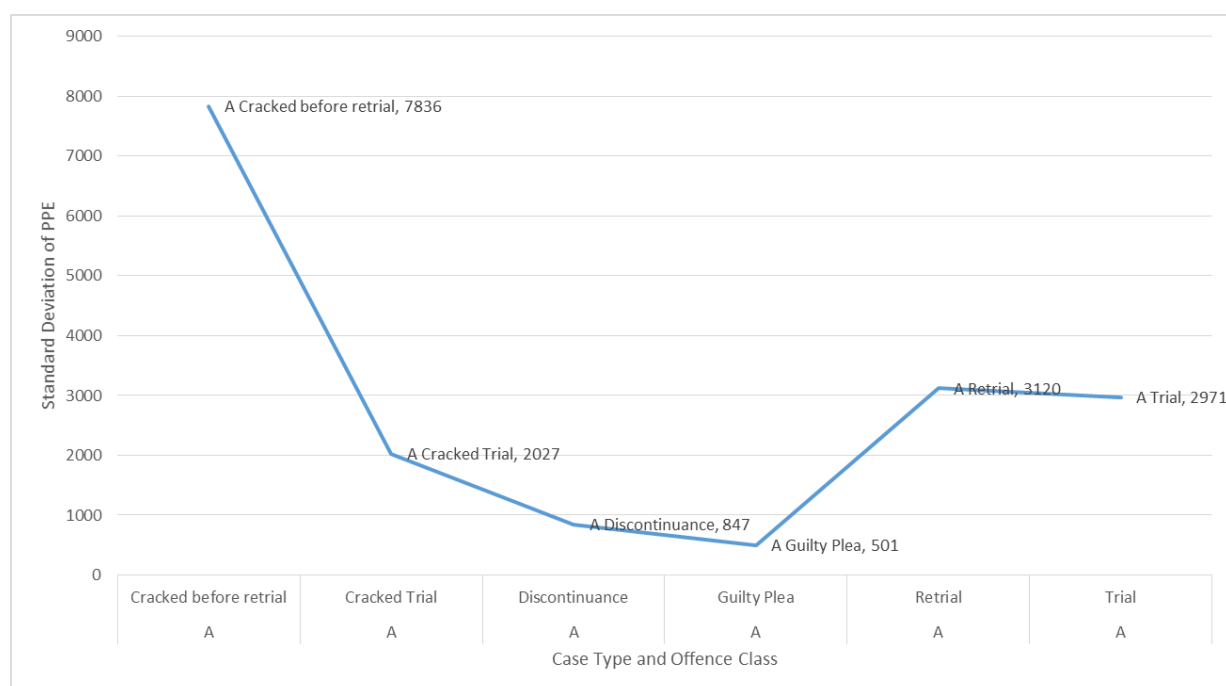
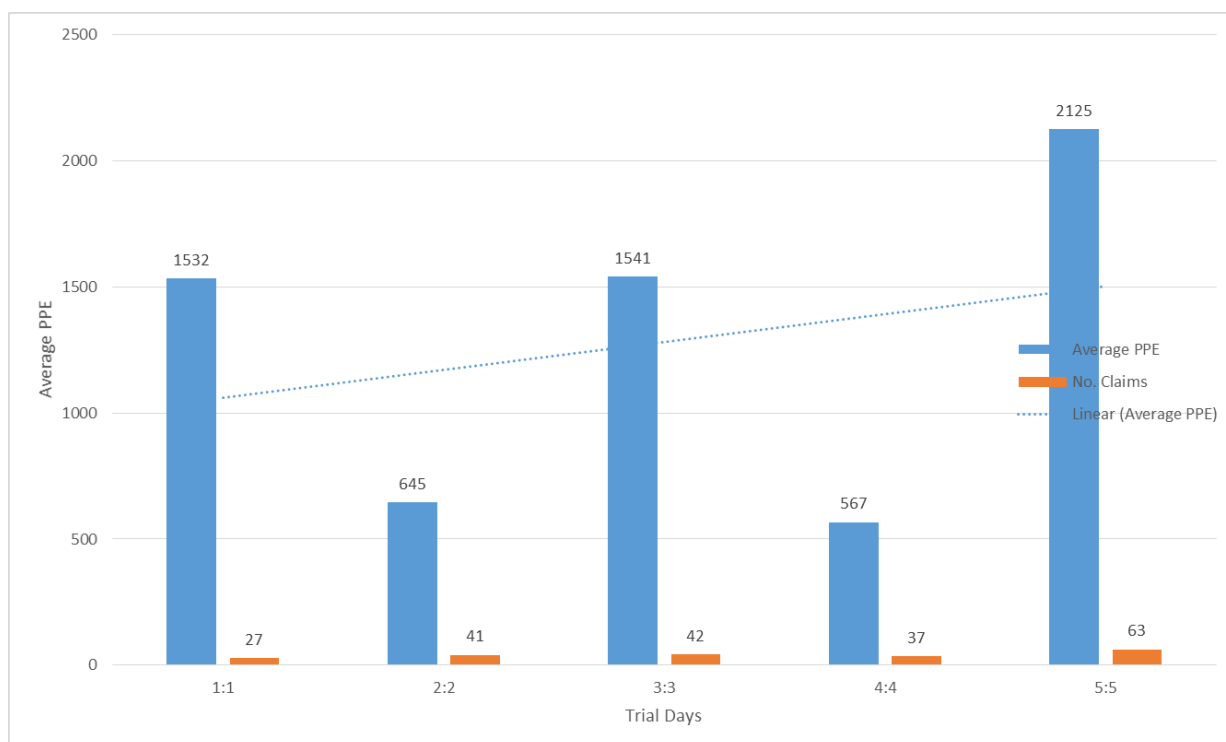
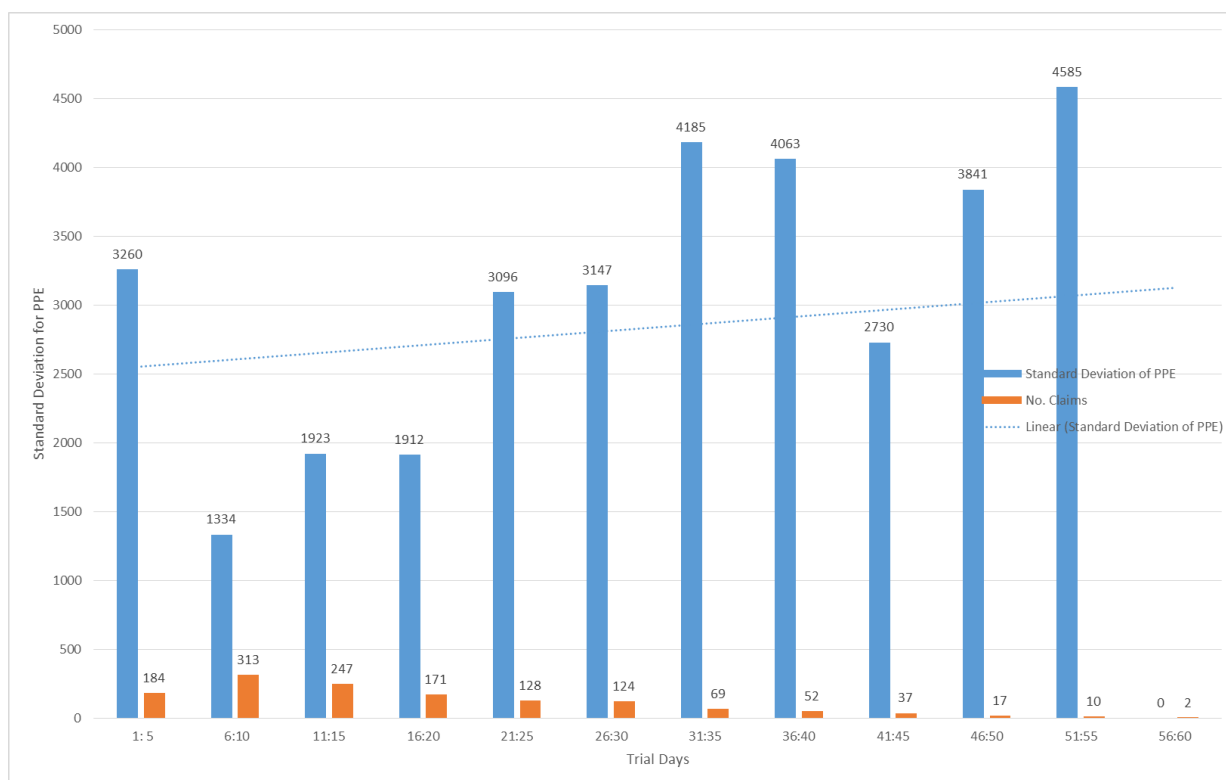
Class A**Figure 22 - Average PPE for Class A offences, grouped by trial length****Figure 23 - Standard Deviation of PPE for class A offences across different case types**

Figure 24 - Average PPE for Class A offences for 1 to 5 day trials**Figure 25 – Standard Deviation of PPE for trials and retrials, banded by trial days for offence class A**

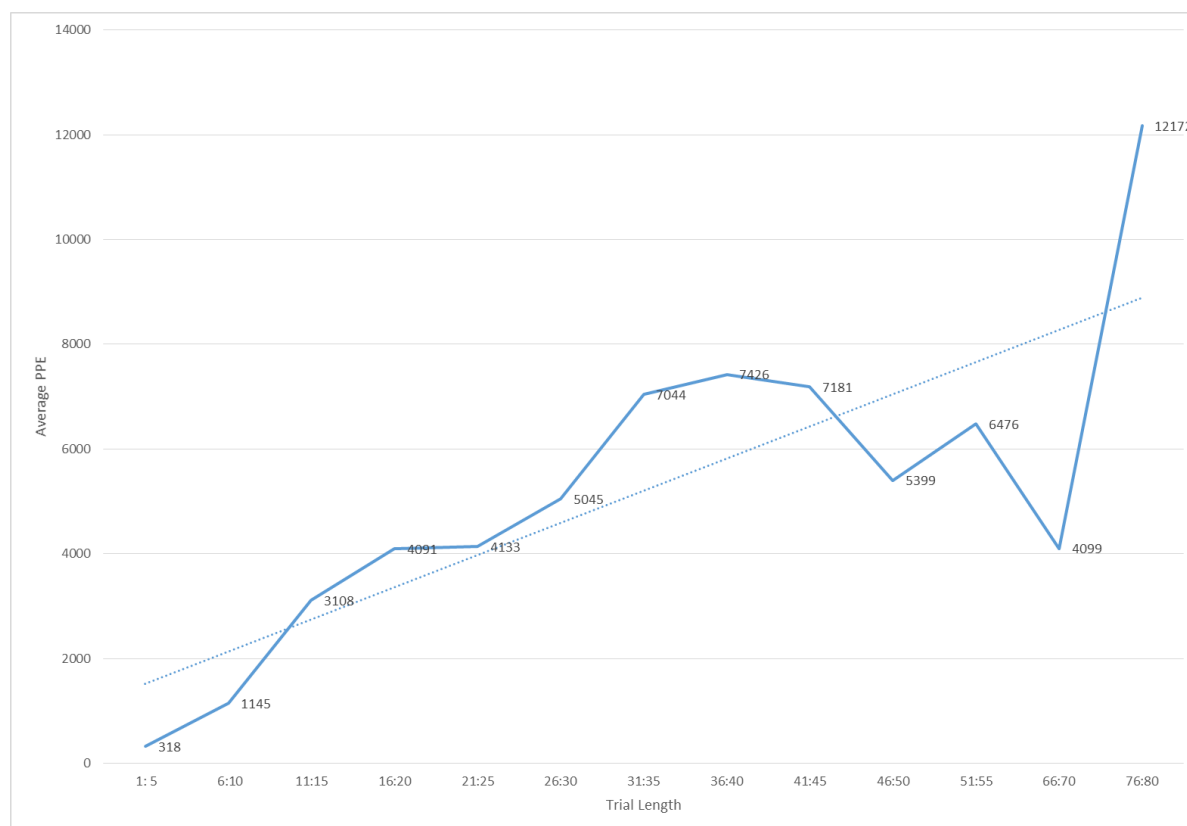
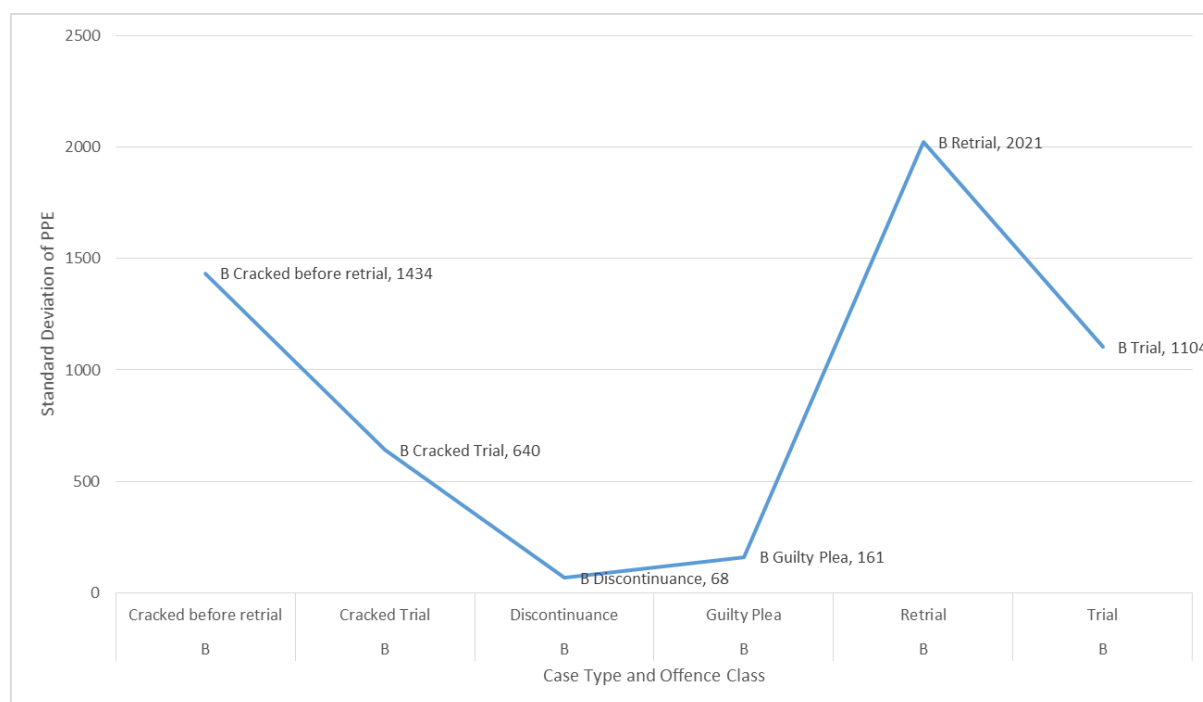
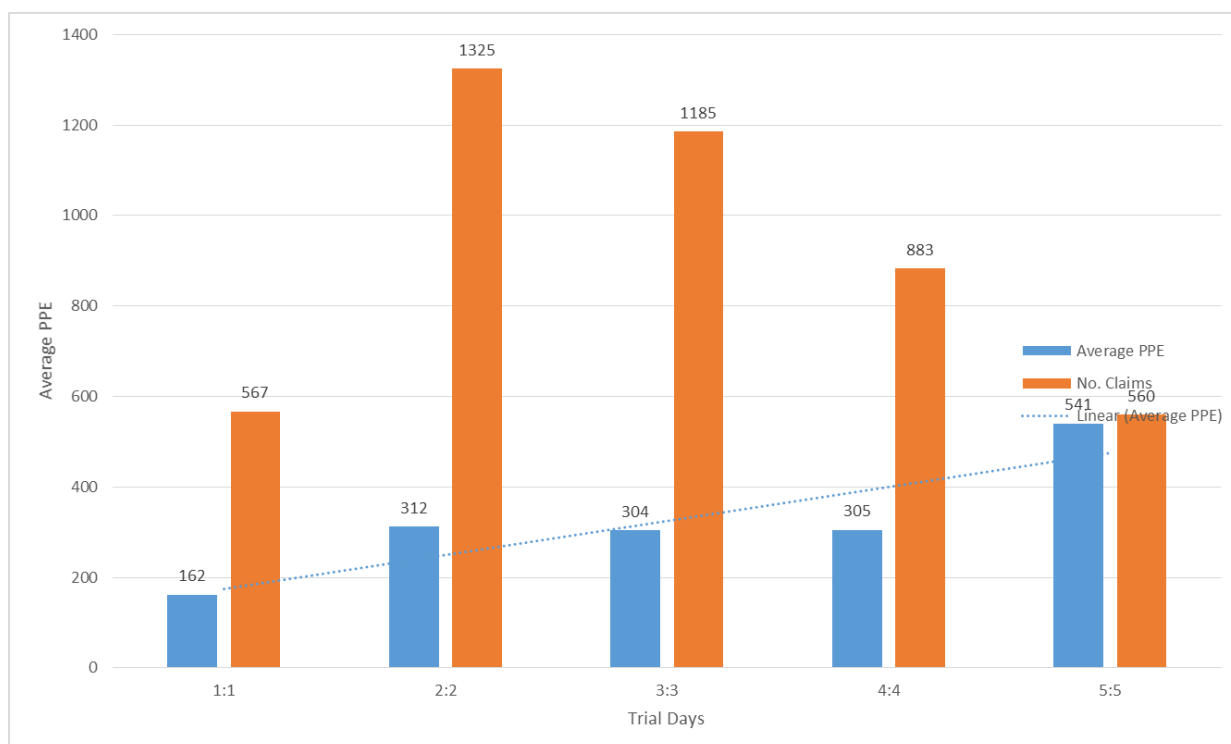
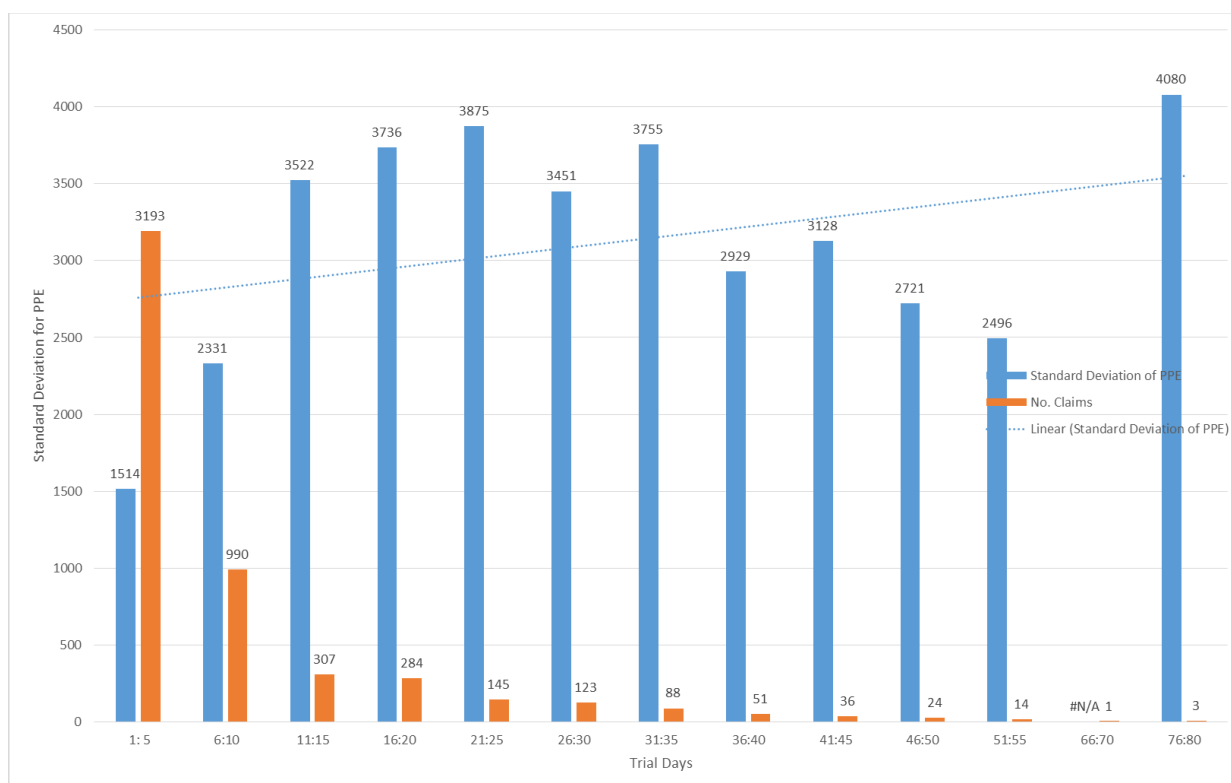
Class B**Figure 26 - Average PPE for Class B offences, grouped by trial length****Figure 27 - Standard Deviation of PPE for class B offences across different case types**

Figure 28 - Average PPE for Class B offences for 1 to 5 day trials**Figure 29 – Standard Deviation of PPE for trials and retrials, banded by trial days for offence class B**

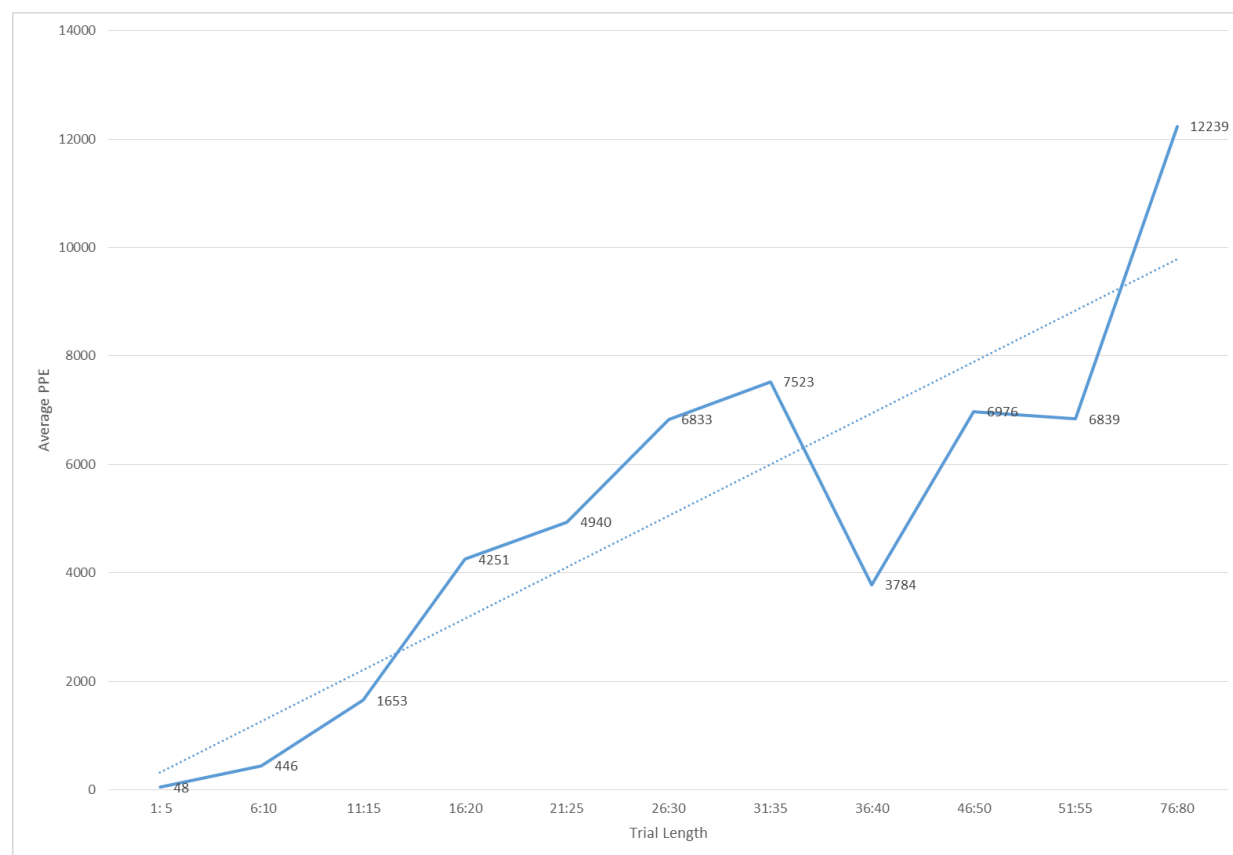
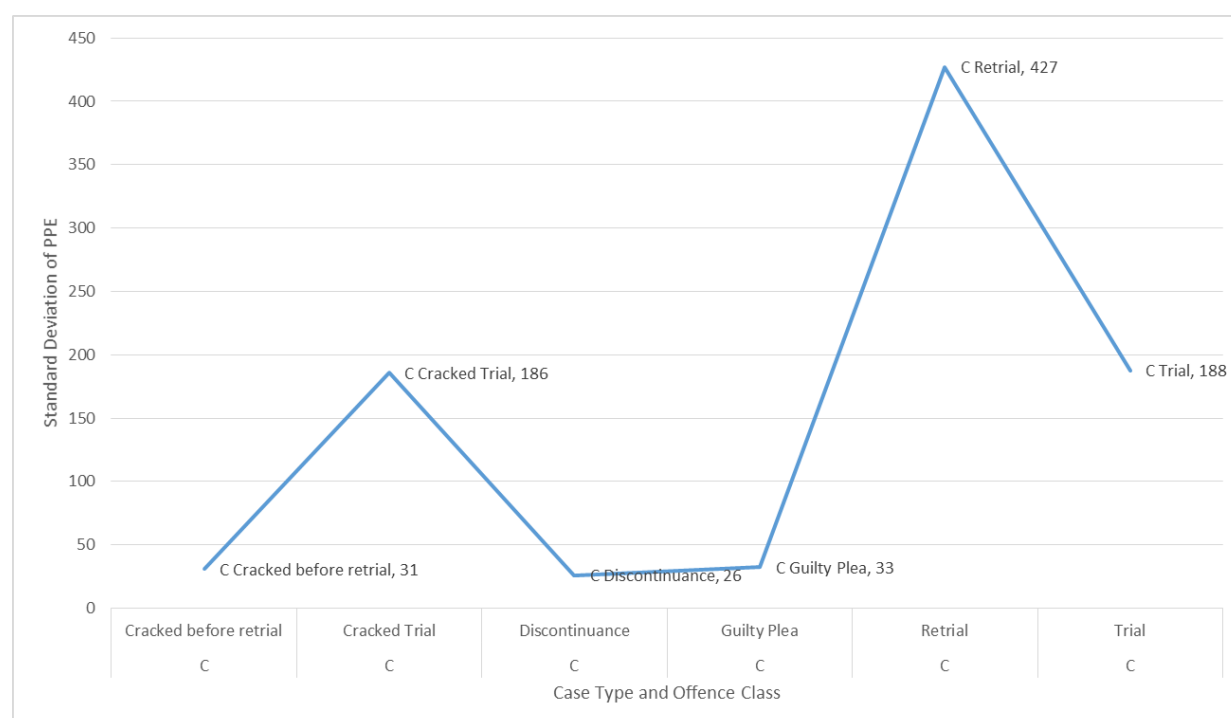
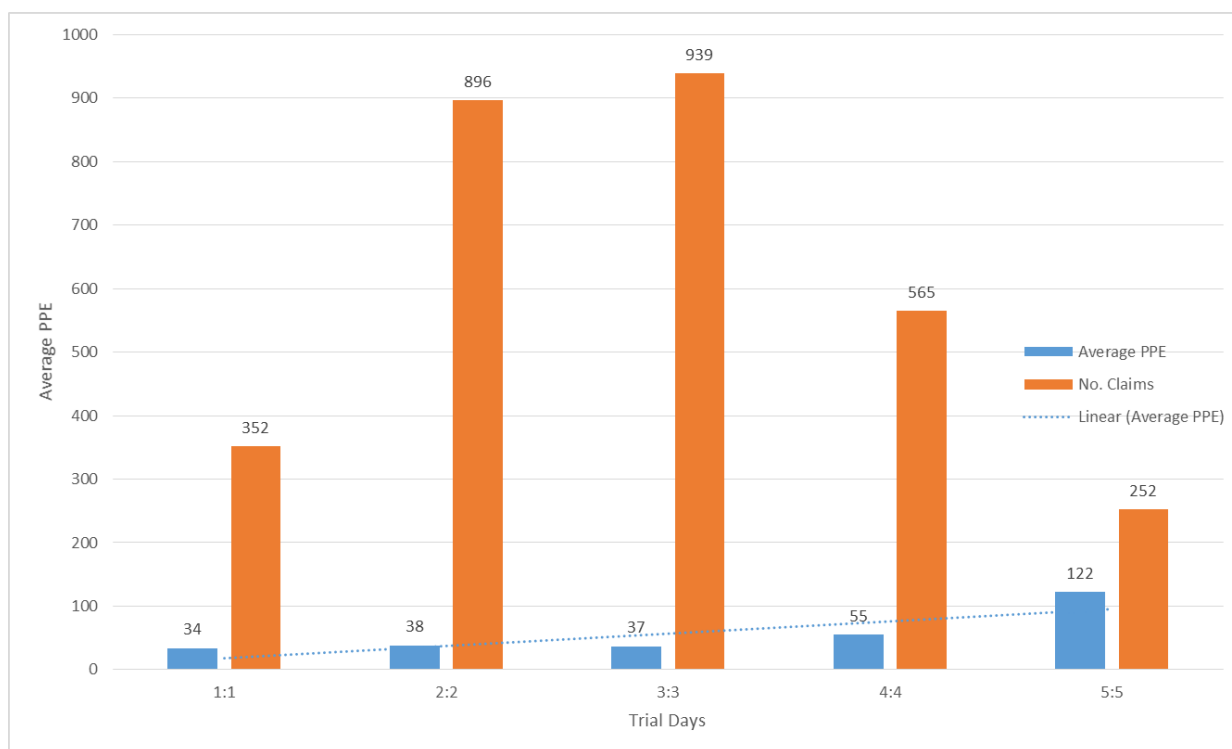
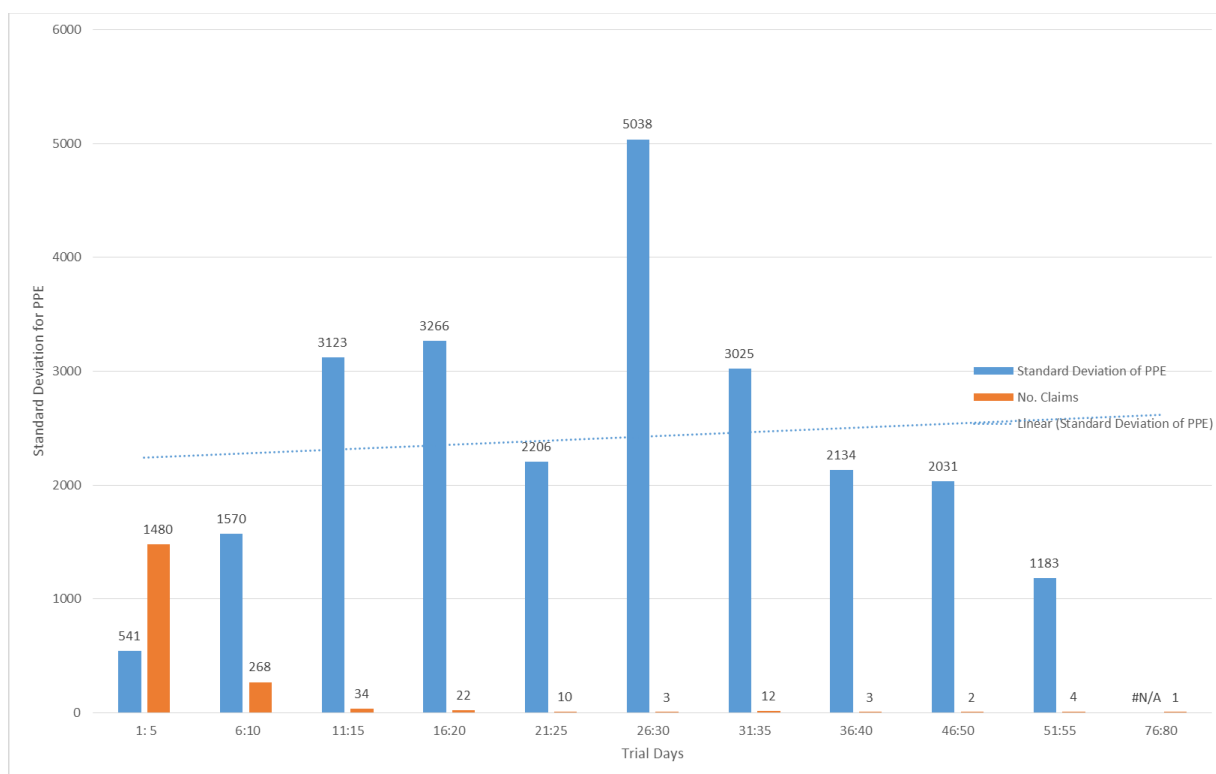
Class C**Figure 30 - Average PPE for Class C offences, grouped by trial length****Figure 31 - Standard Deviation of PPE for class C offences across different case types**

Figure 32 - Average PPE for Class C offences for 1 to 5 day trials**Figure 33 – Standard Deviation of PPE for trials and retrials, banded by trial days for offence class C**

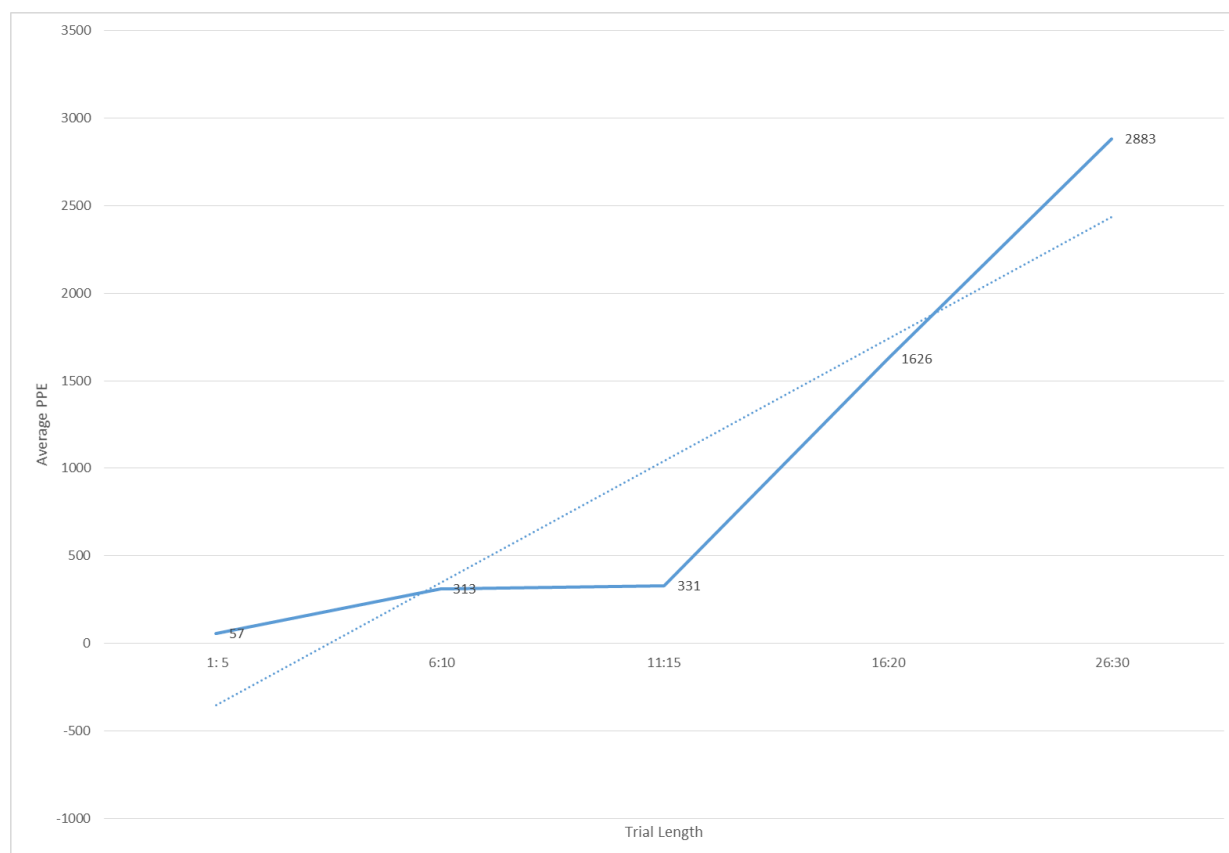
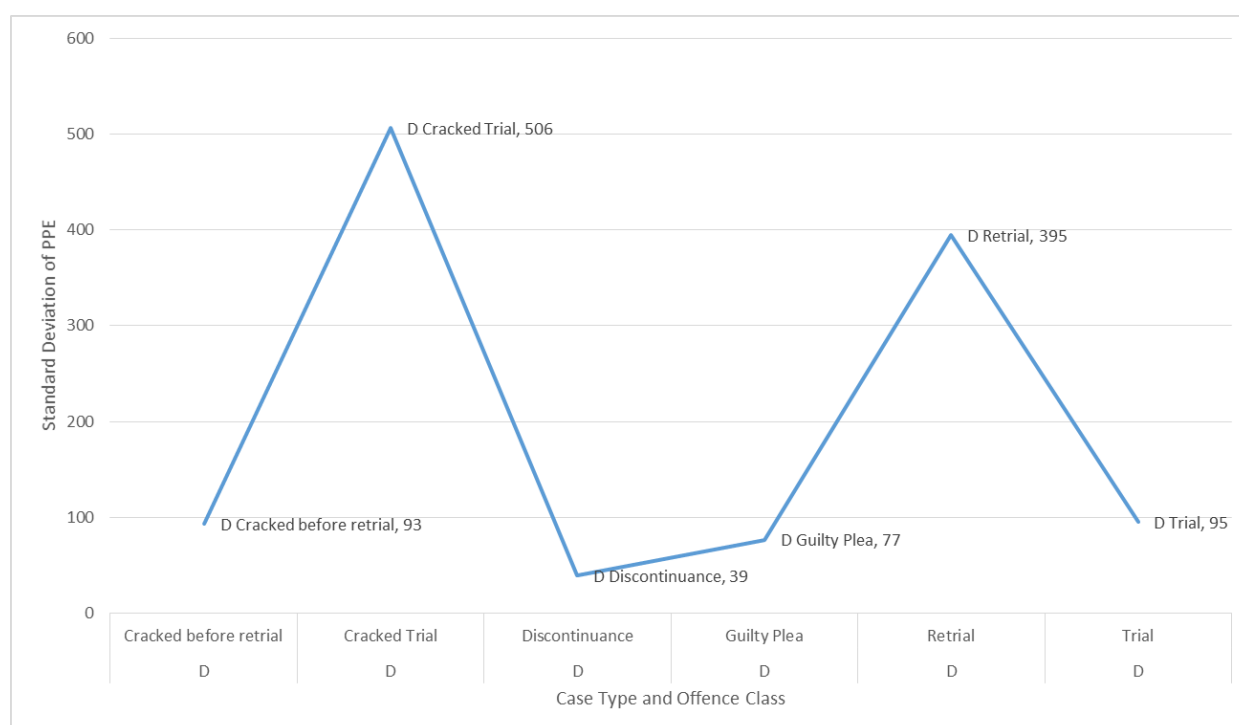
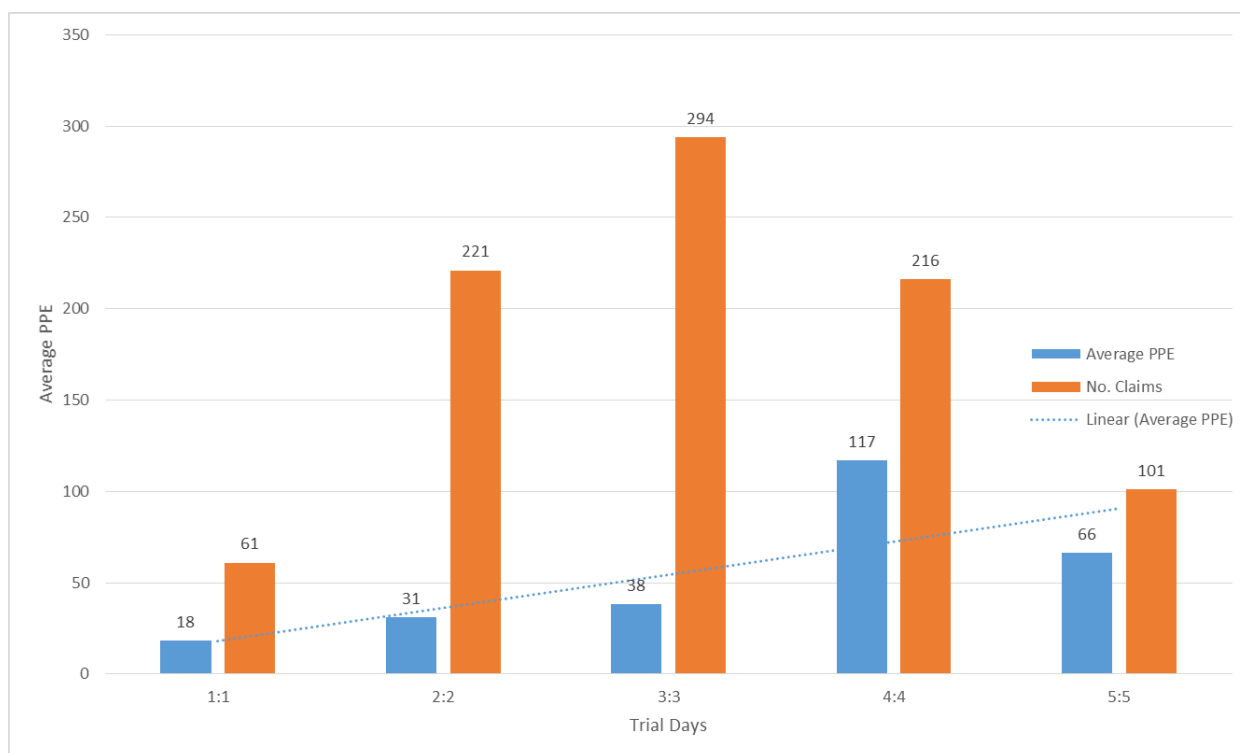
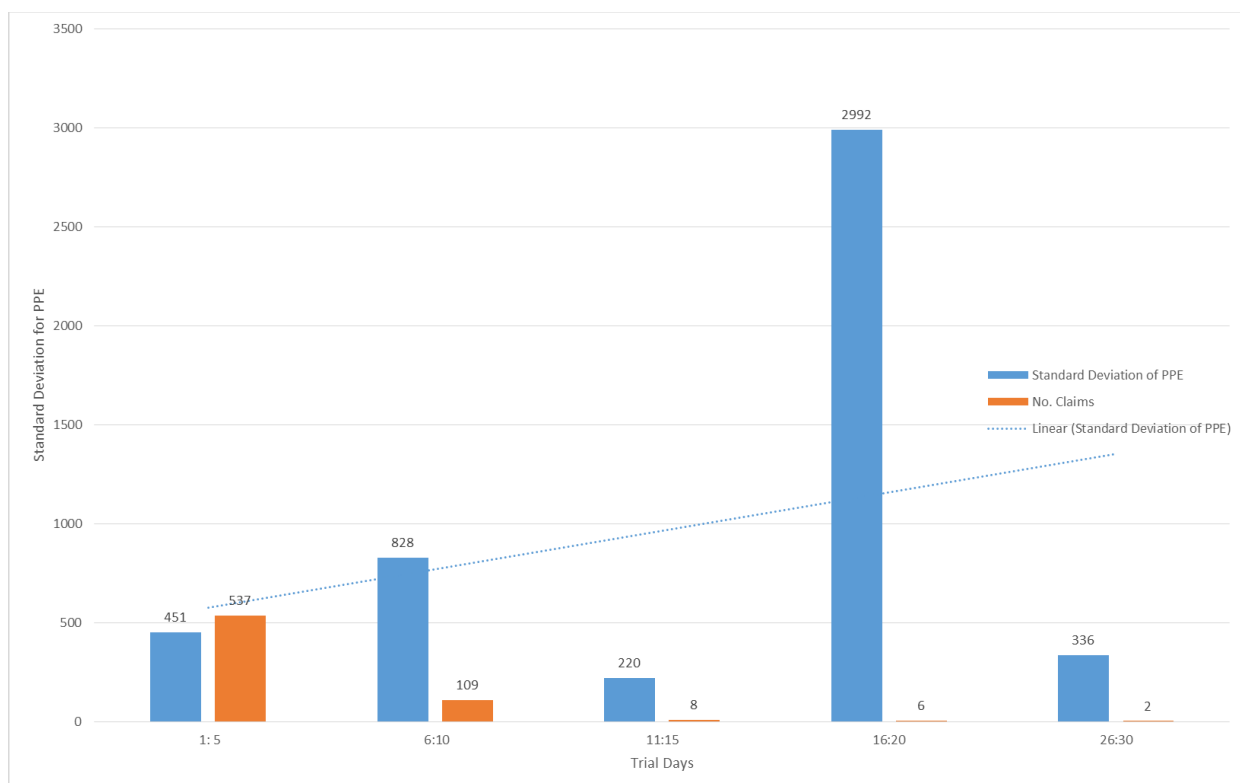
Class D**Figure 34 - Average PPE for Class D offences, grouped by trial length****Figure 35 - Standard Deviation of PPE for class D offences across different case types**

Figure 36 - Average PPE for Class D offences for 1 to 5 day trials**Figure 37 – Standard Deviation of PPE for trials and retrials, banded by trial days for offence class D**

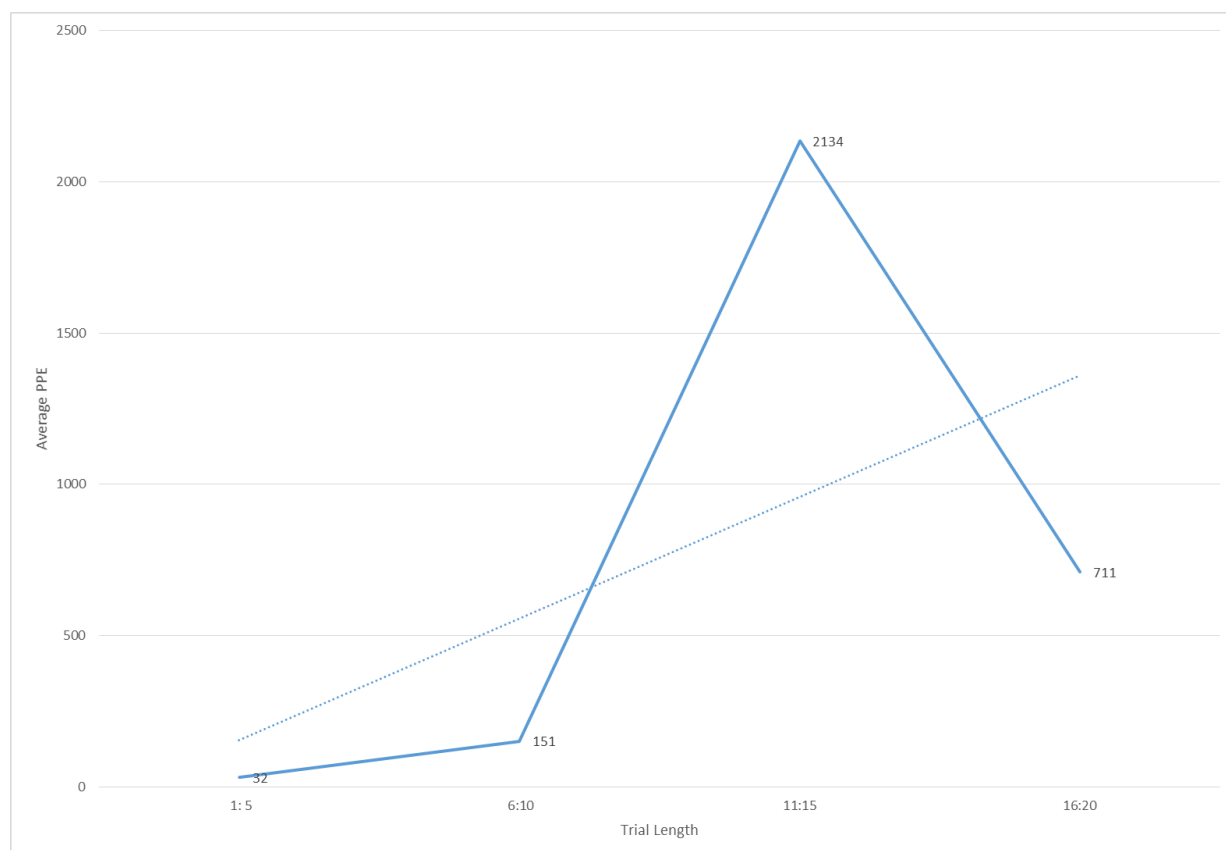
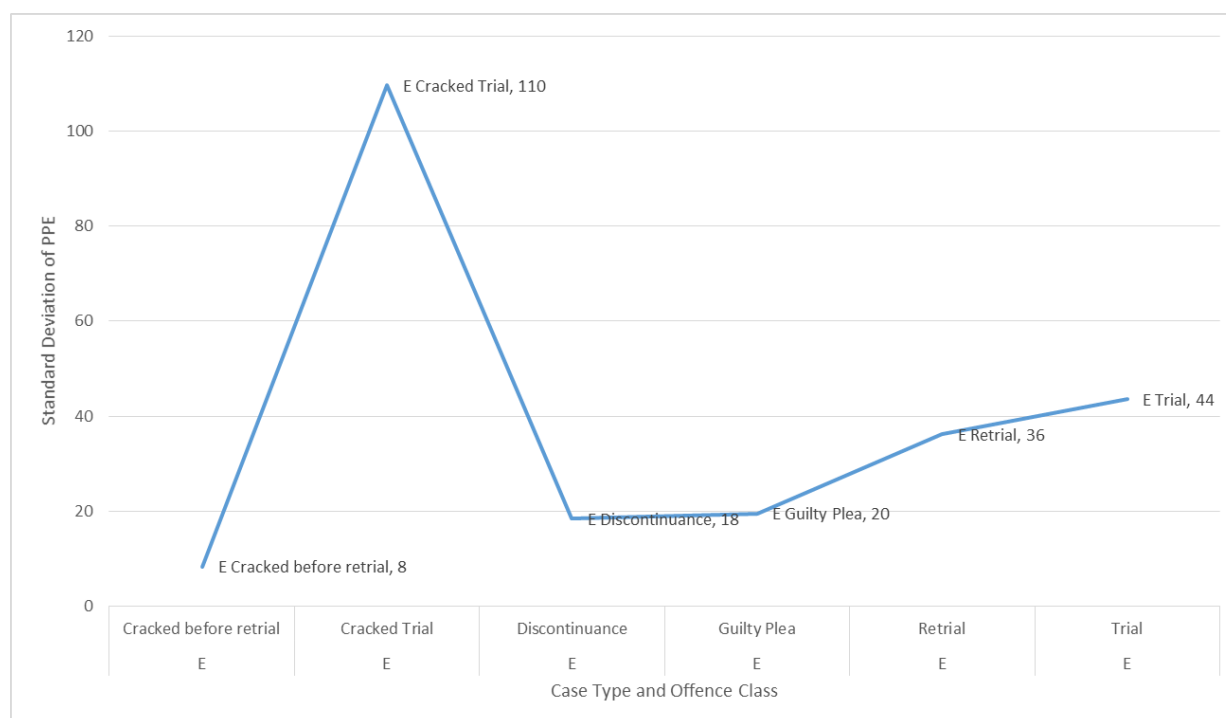
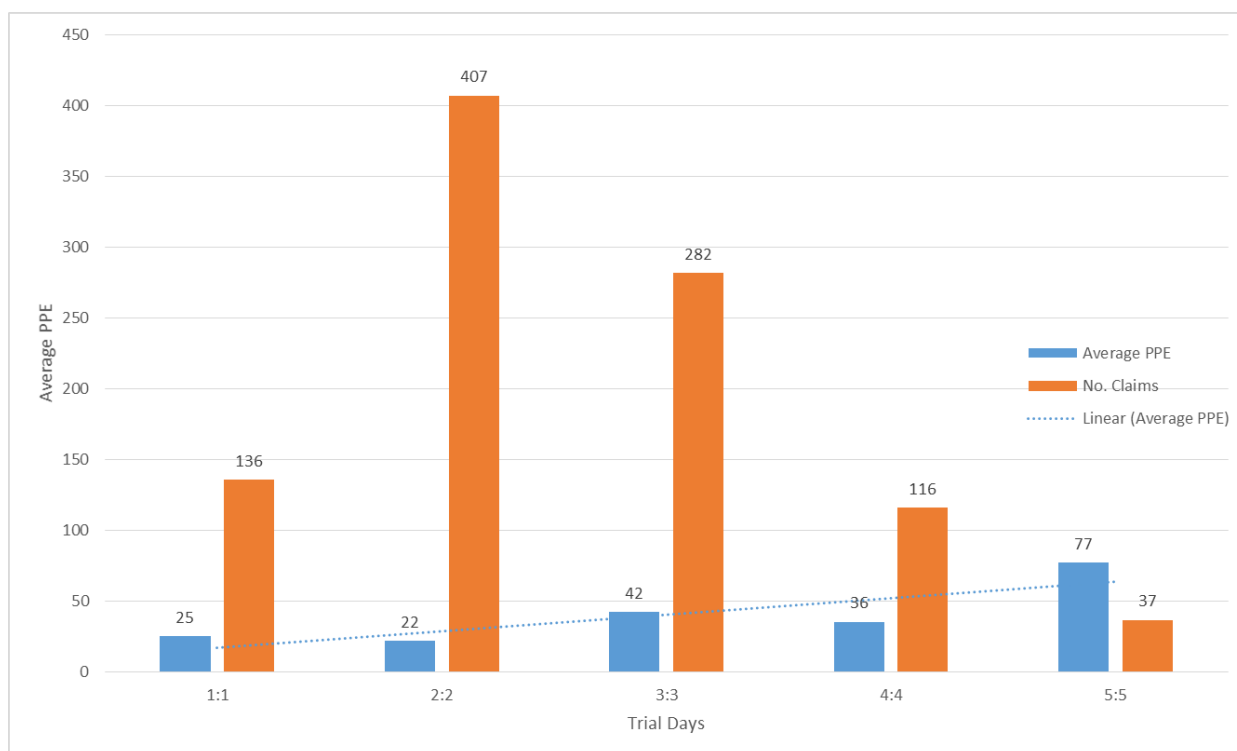
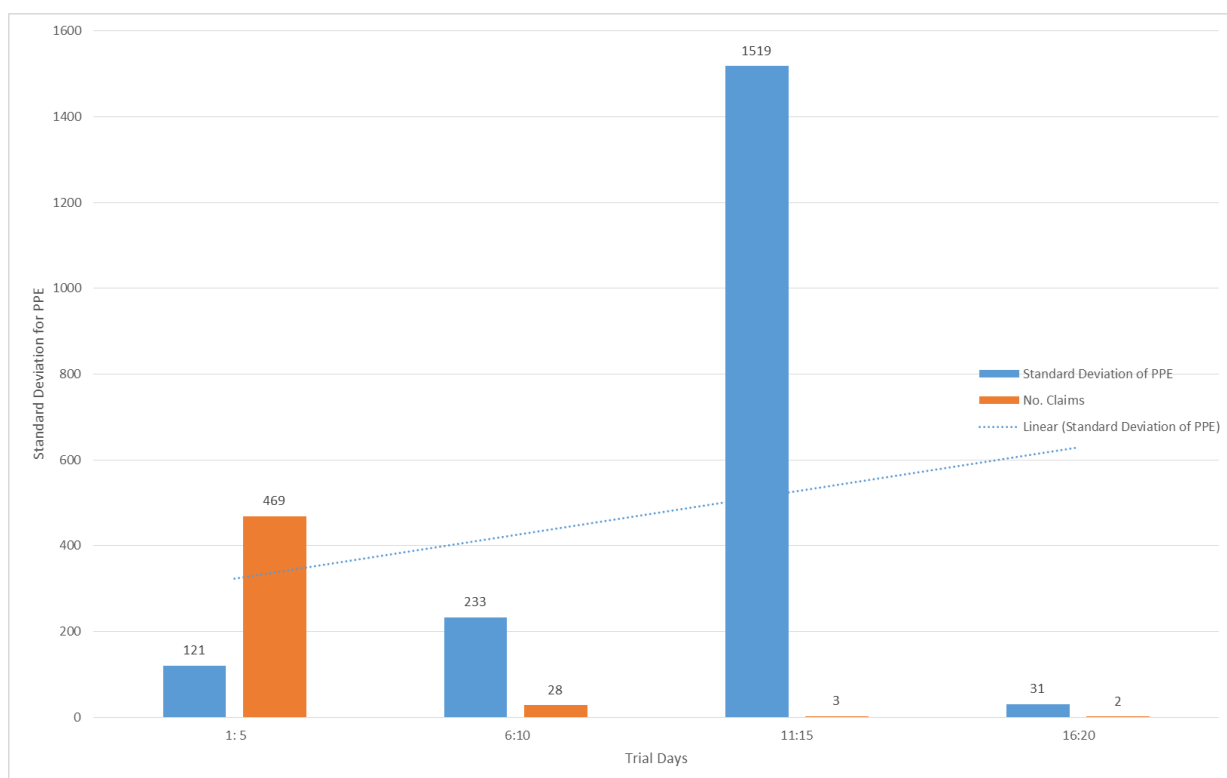
Class E**Figure 38 - Average PPE for Class E offences, grouped by trial length****Figure 39- Standard Deviation of PPE for class E offences across different case types**

Figure 40 - Average PPE for Class E offences for 1 to 5 day trials**Figure 41 – Standard Deviation of PPE for trials and retrials, banded by trial days for offence class E**

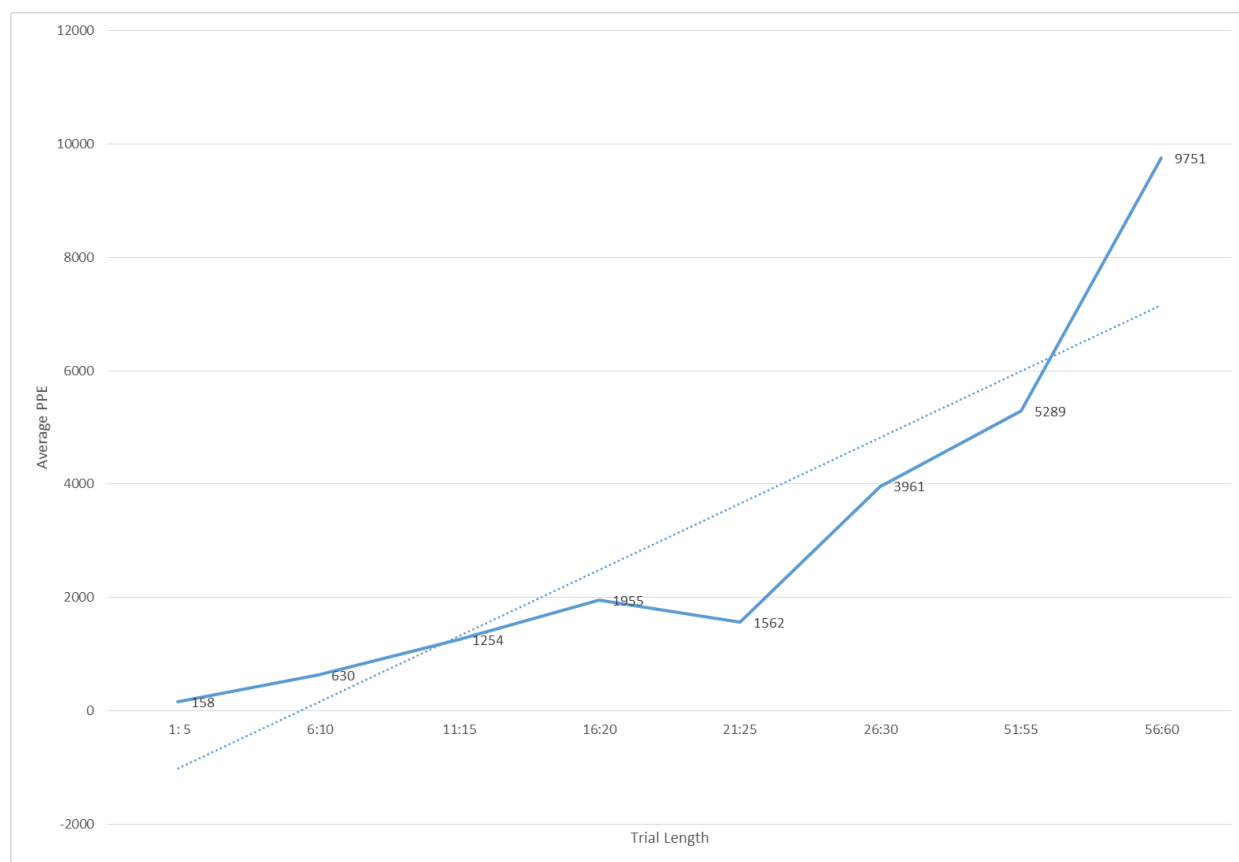
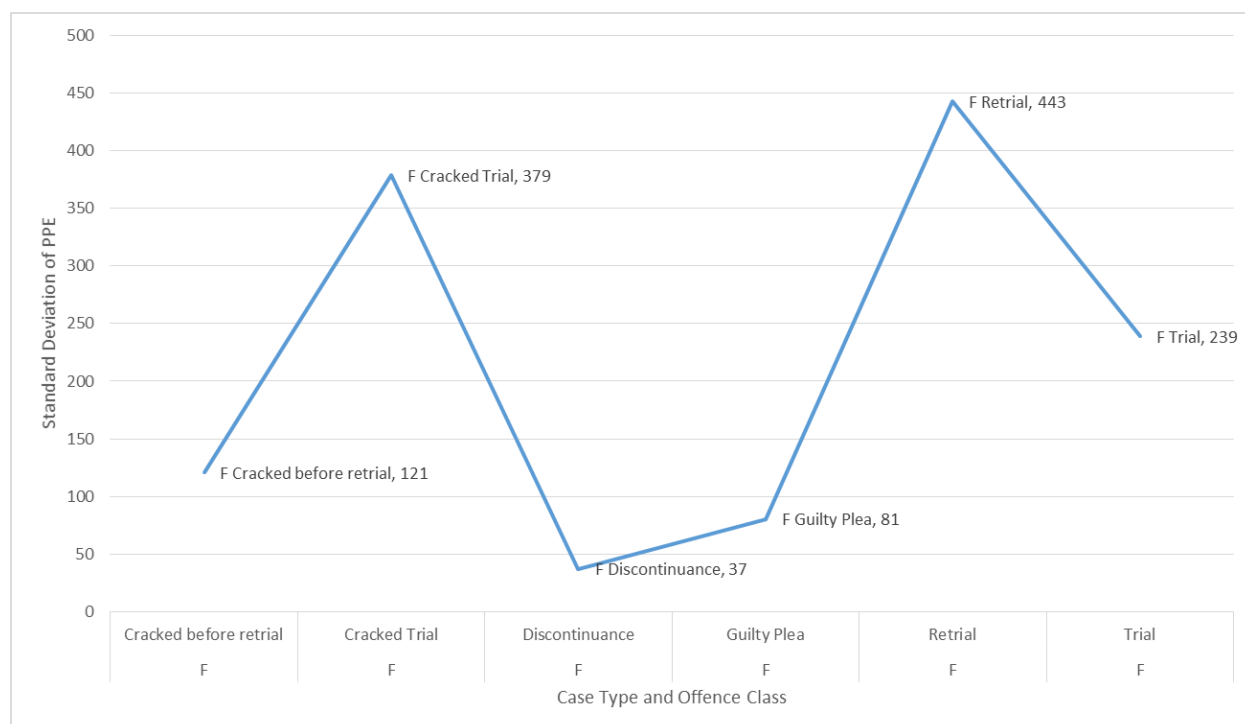
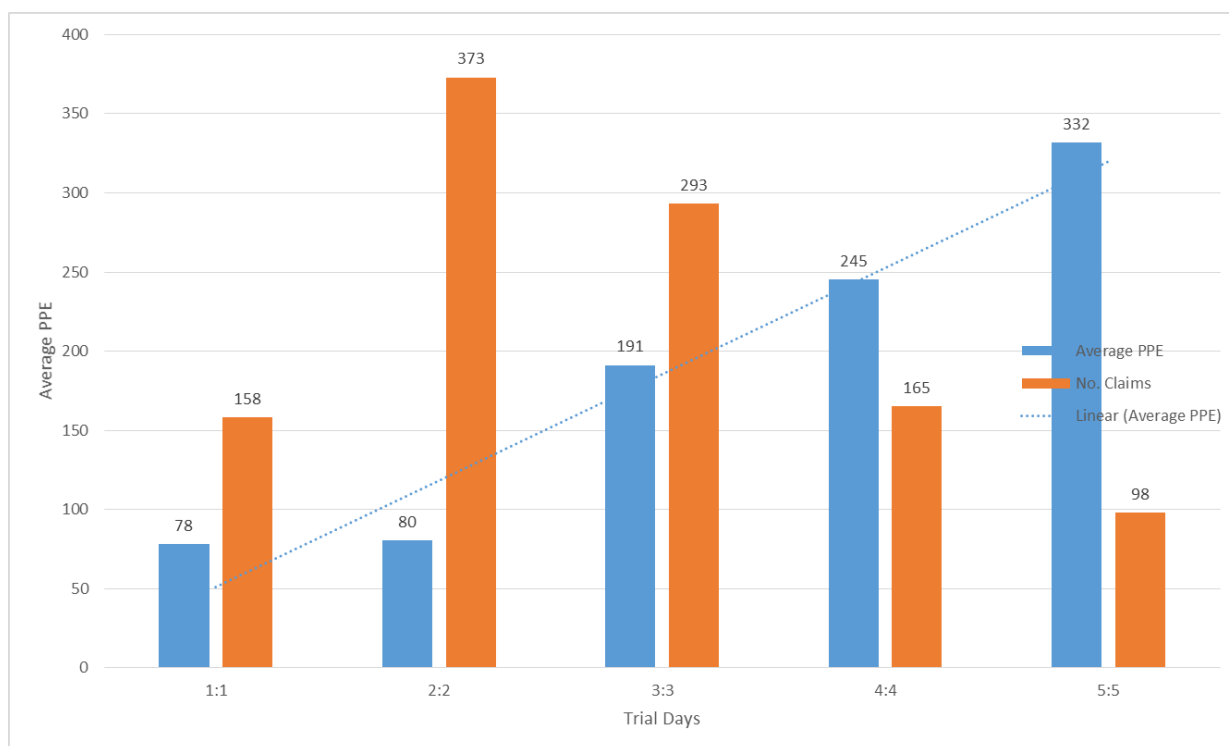
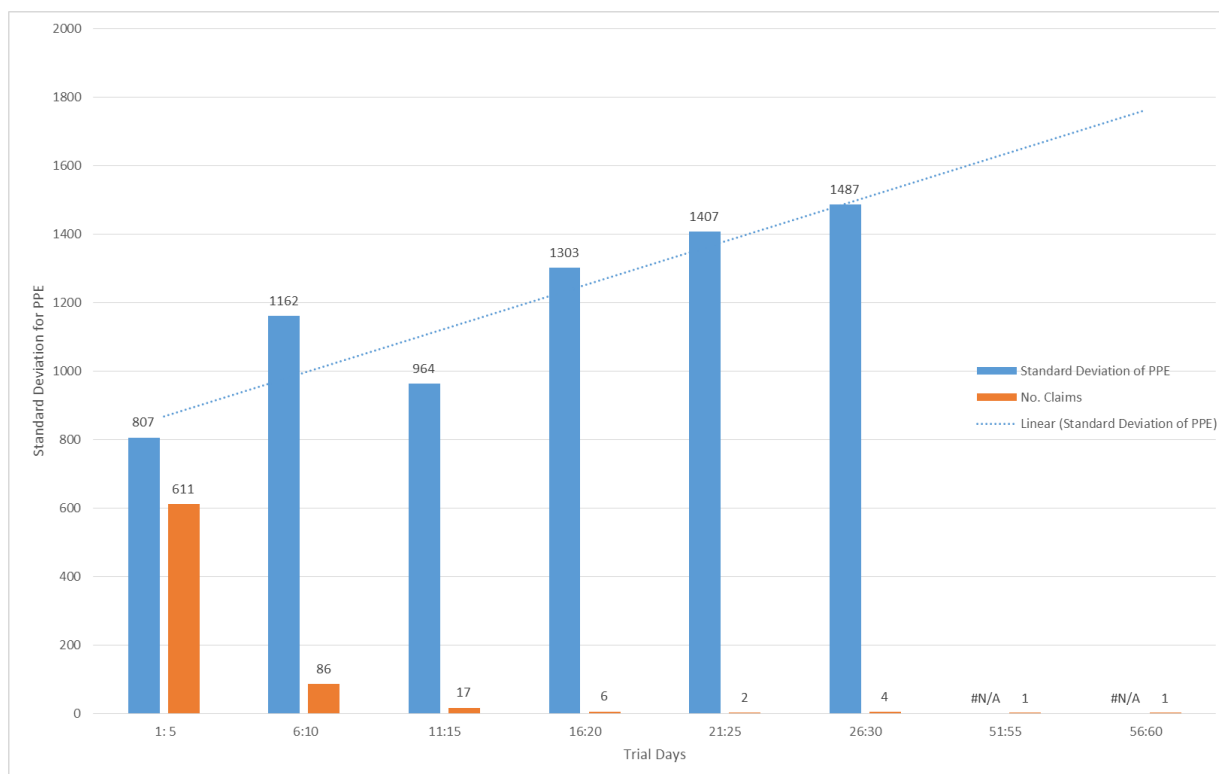
Class F**Figure 42 - Average PPE for Class F offences, grouped by trial length****Figure 43 - Standard Deviation of PPE for class F offences across different case types**

Figure 44 - Average PPE for Class F offences for 1 to 5 day trials**Figure 45 – Standard Deviation of PPE for trials and retrials, banded by trial days for offence class F**

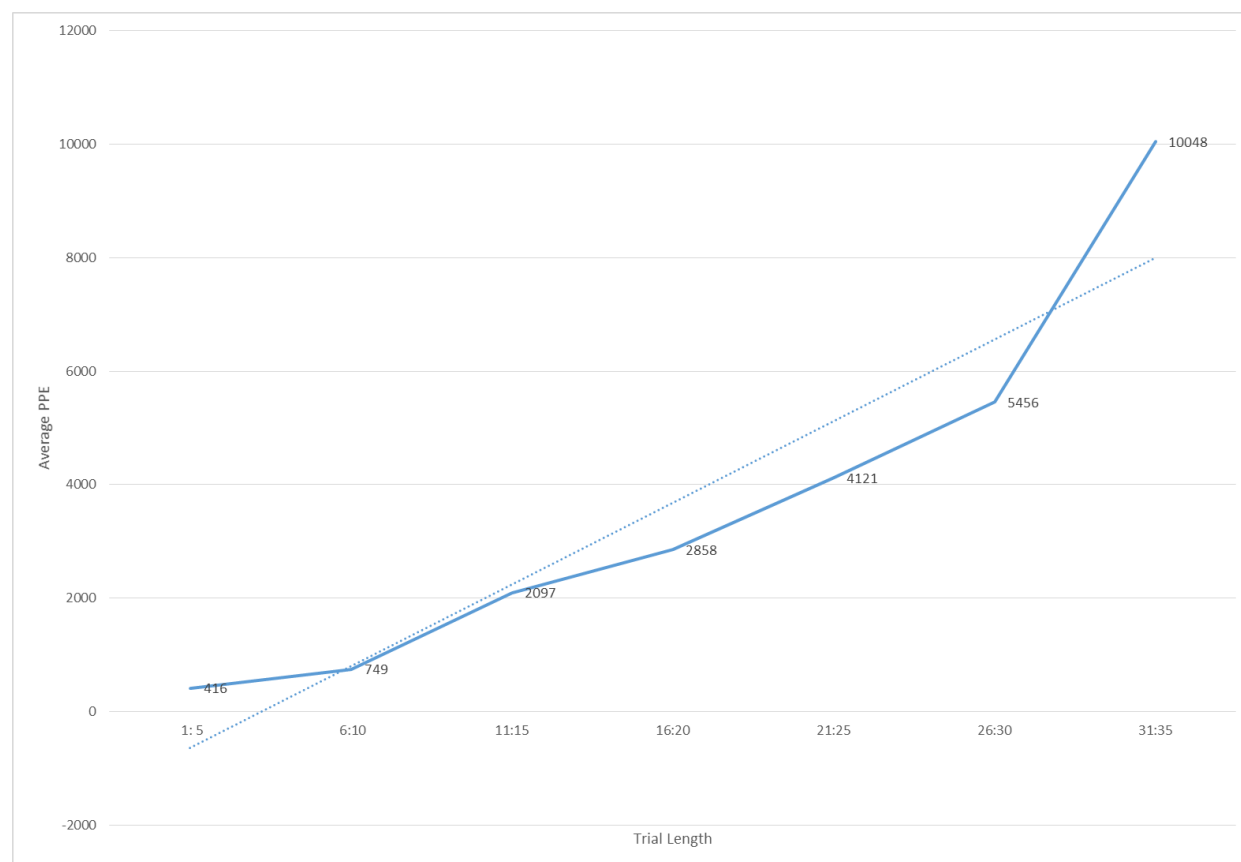
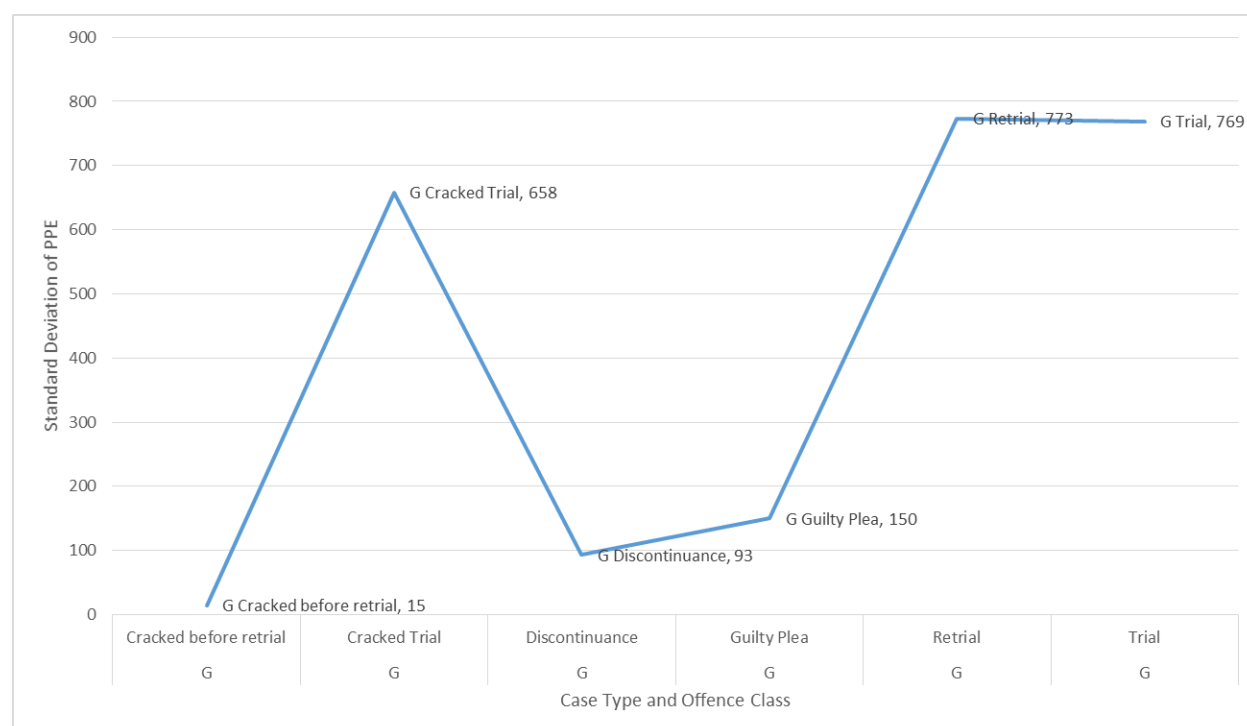
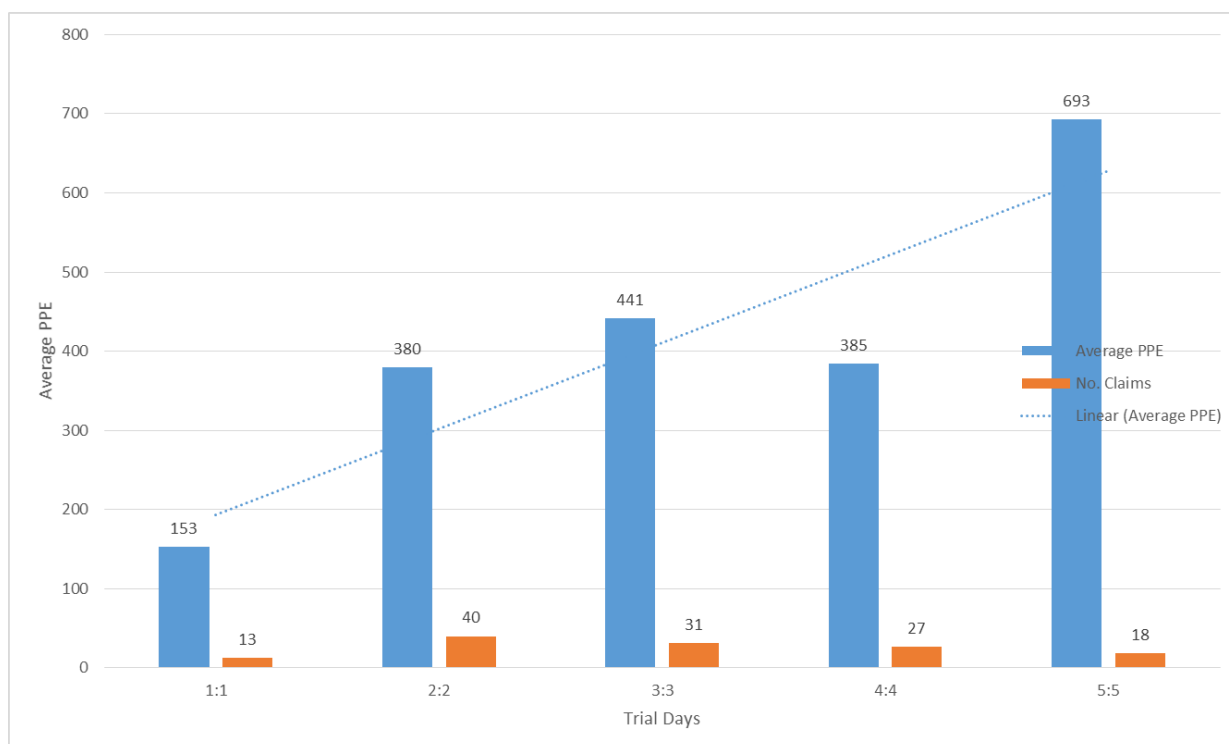
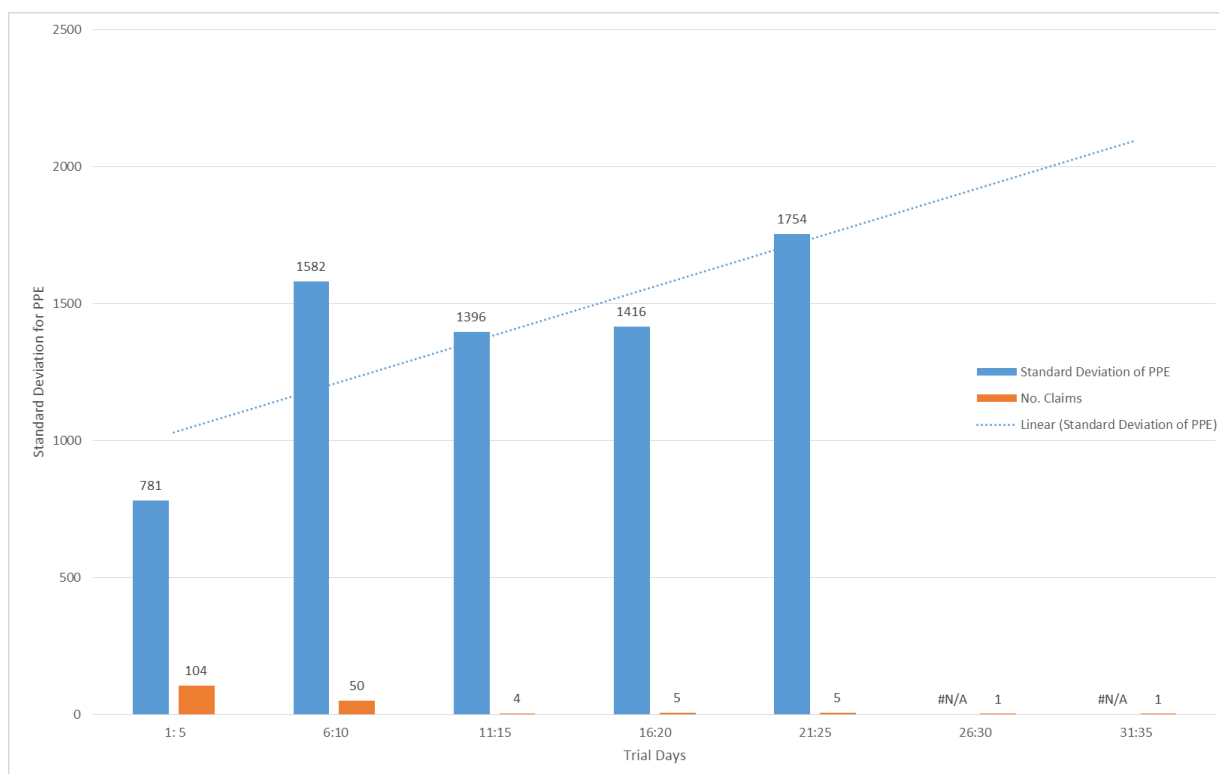
Class G**Figure 46 - Average PPE for Class G offences, grouped by trial length****Figure 47 - Standard Deviation of PPE for class G offences across different case types**

Figure 48 - Average PPE for Class G offences for 1 to 5 day trials**Figure 49 – Standard Deviation of PPE for trials and retrials, banded by trial days for offence class G**

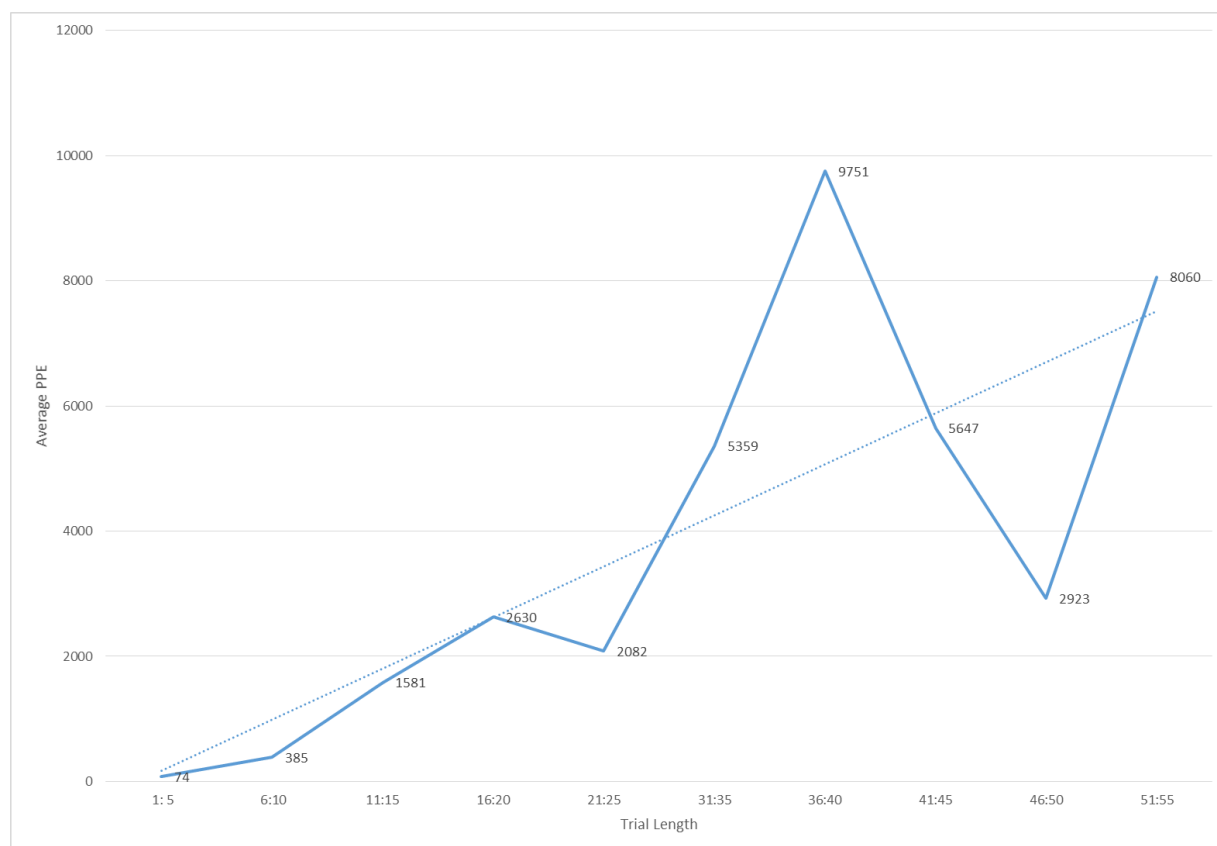
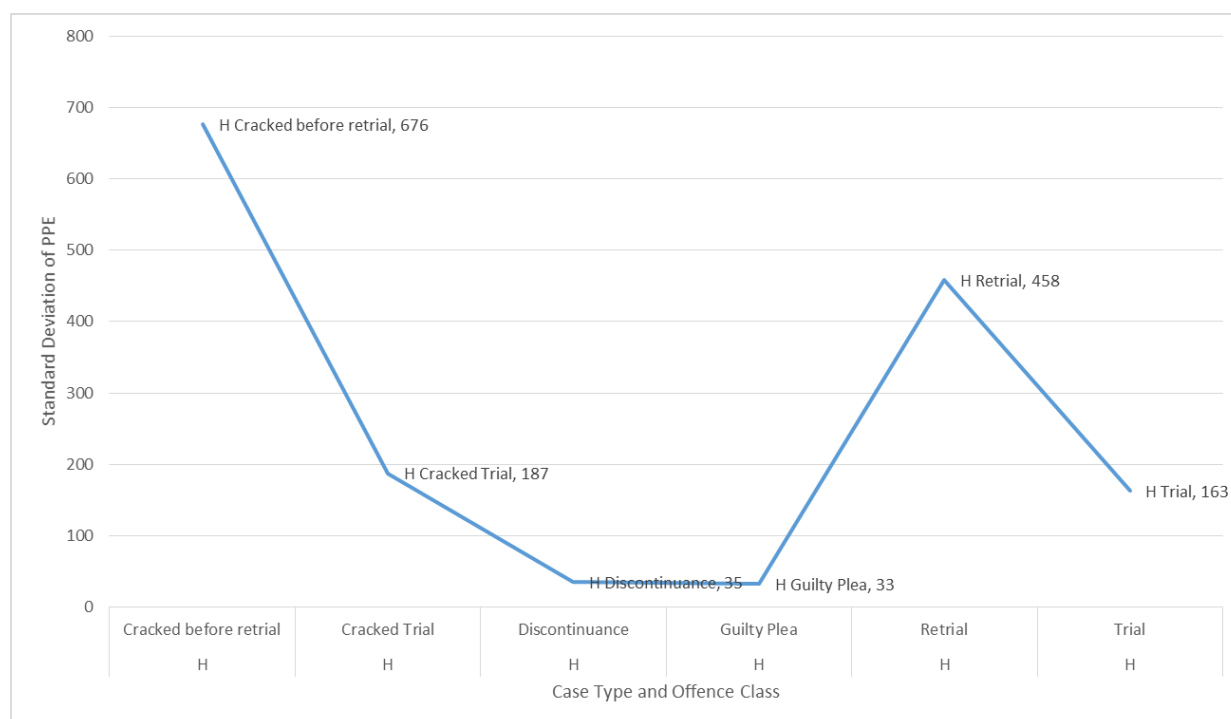
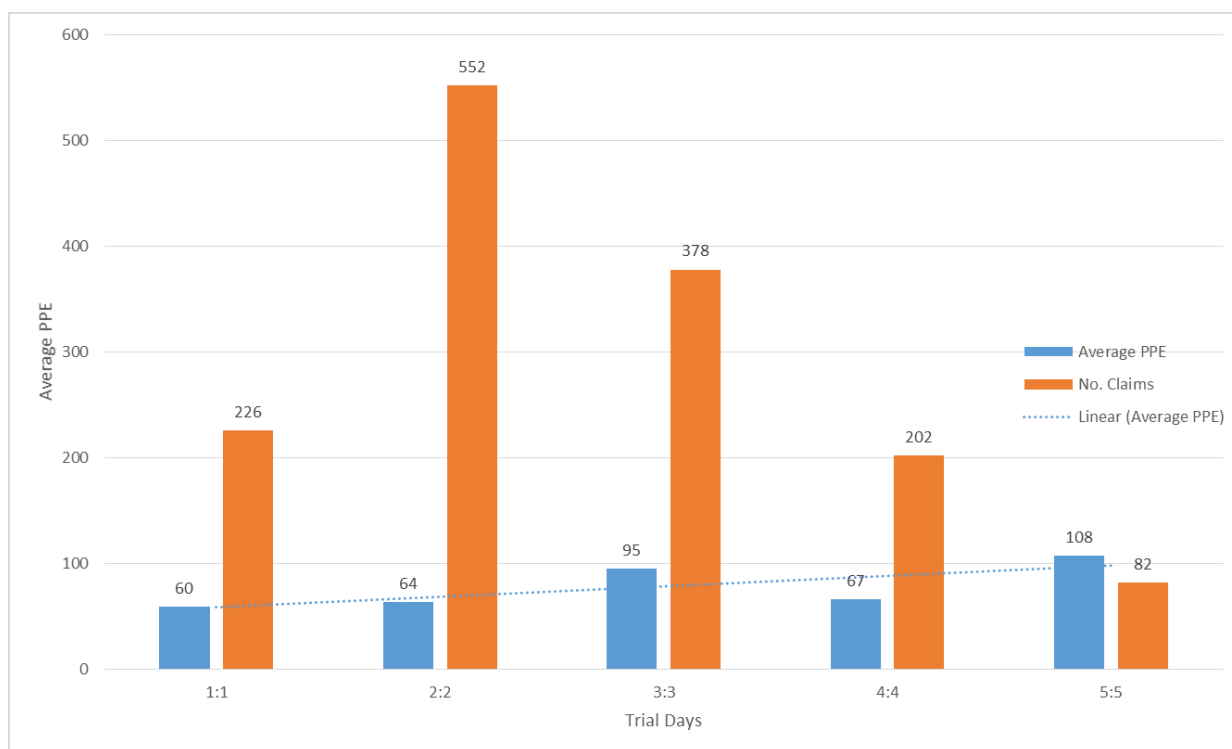
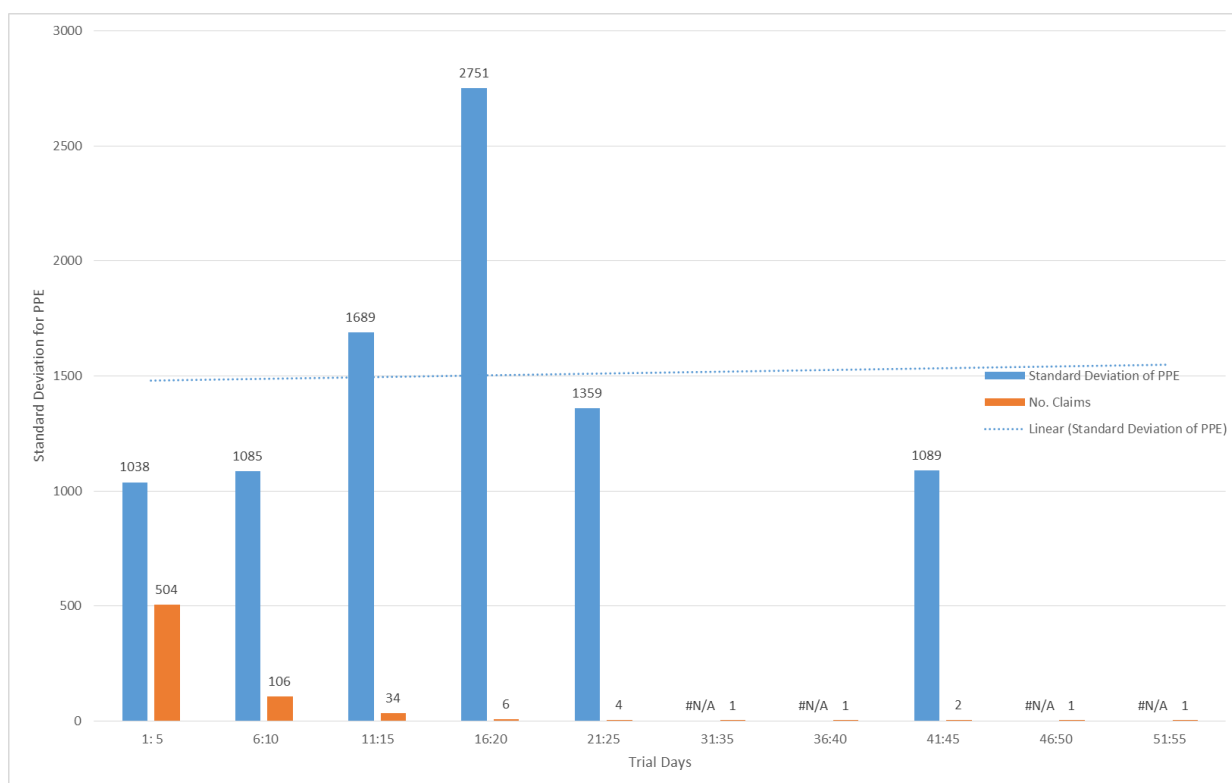
Class H**Figure 50 - Average PPE for Class H offences, grouped by trial length****Figure 51 - Standard Deviation of PPE for class H offences across different case types**

Figure 52 - Average PPE for Class H offences for 1 to 5 day trials**Figure 53 – Standard Deviation of PPE for trials and retrials, banded by trial days for offence class H**

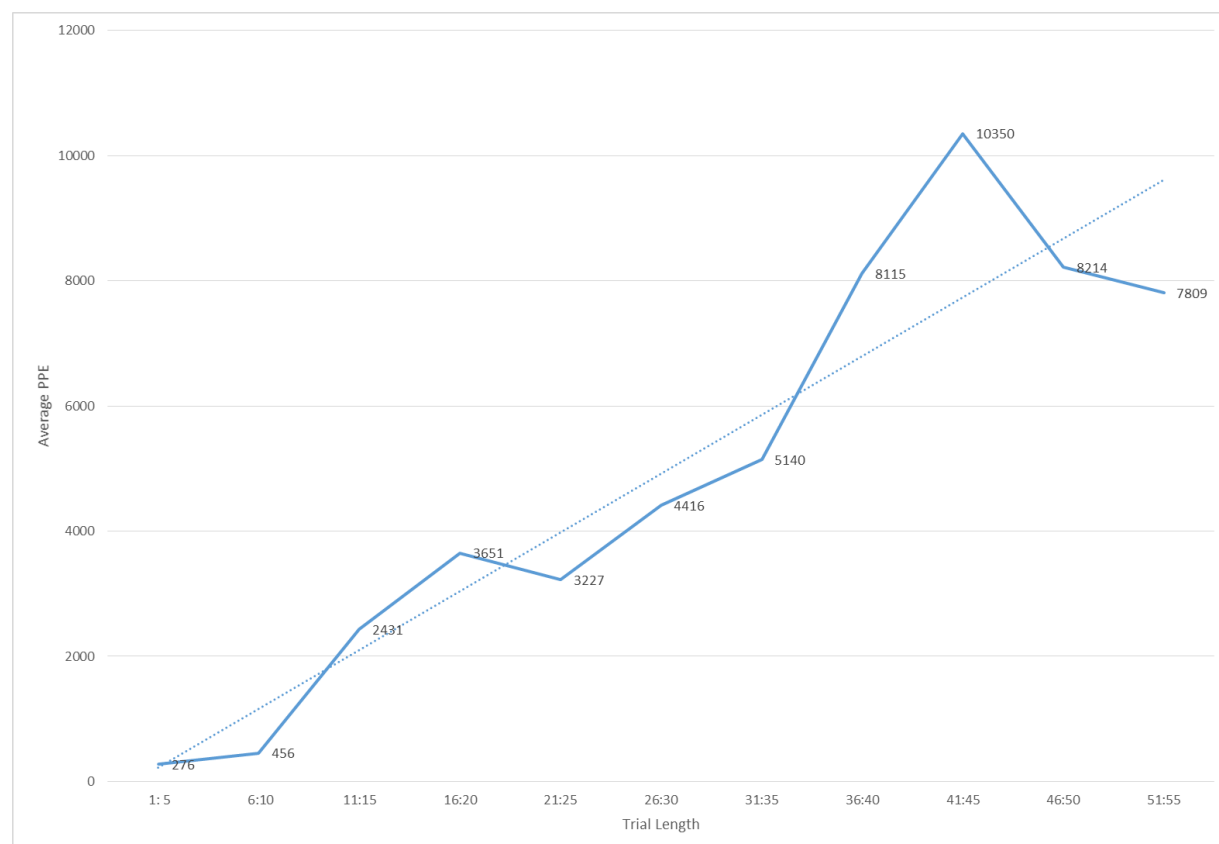
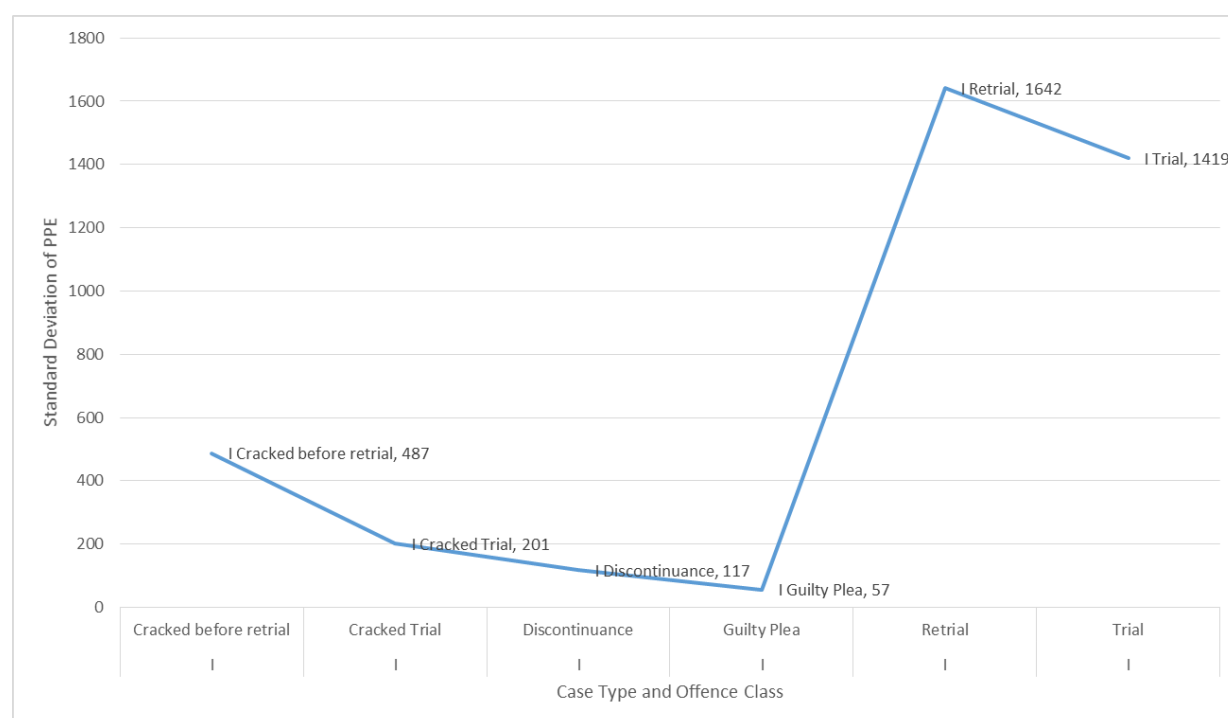
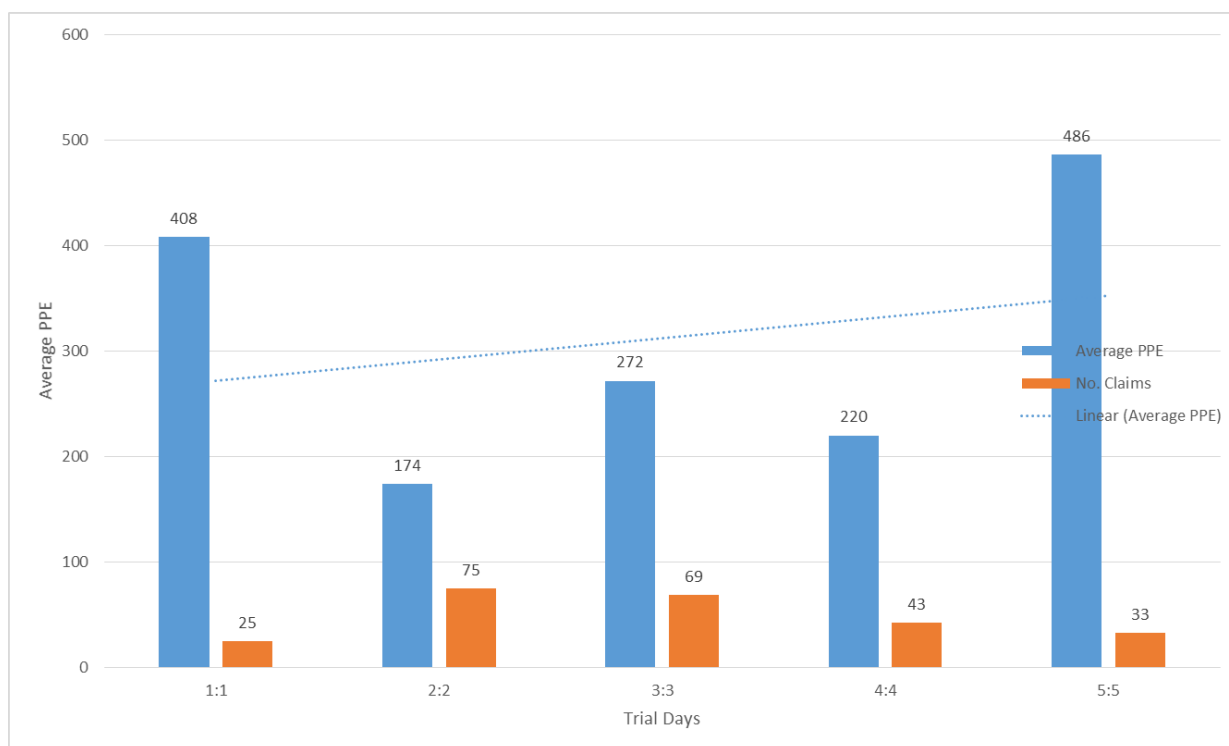
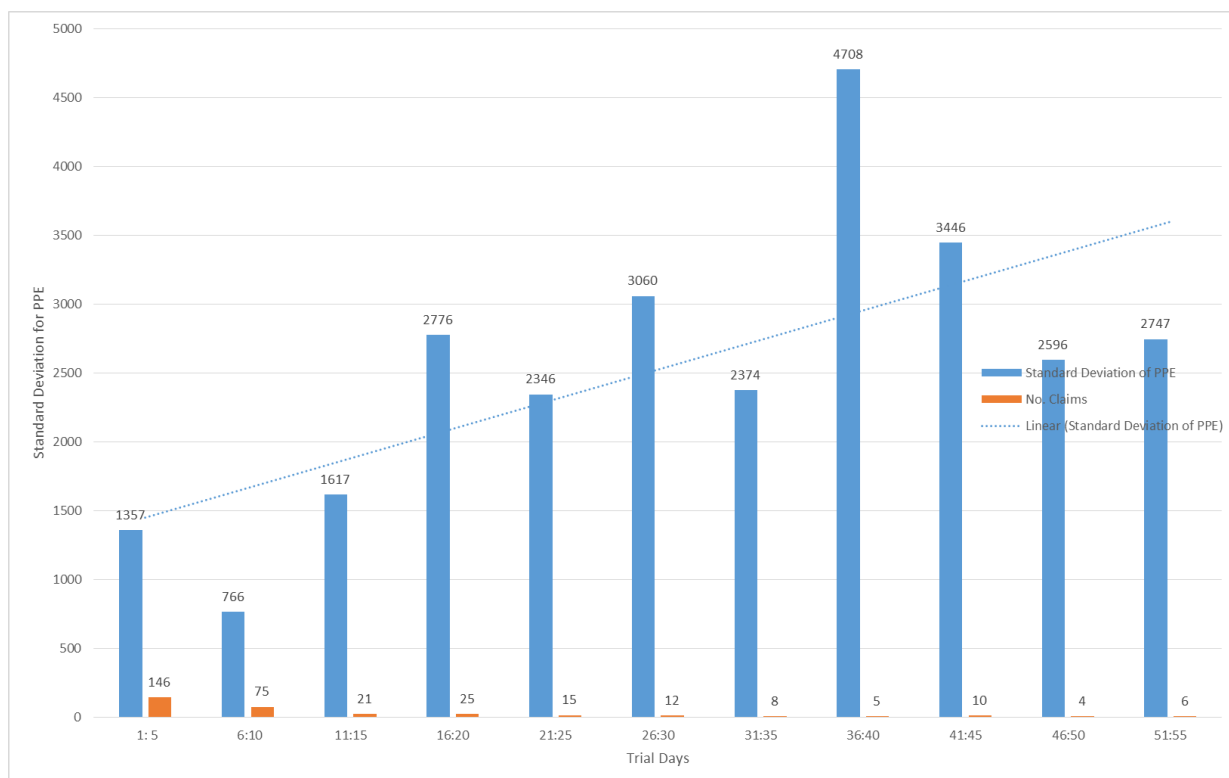
Class I**Figure 54 - Average PPE for Class I offences, grouped by trial length****Figure 55 - Standard Deviation of PPE for class I offences across different case types**

Figure 56 - Average PPE for Class I offences for 1 to 5 day trials**Figure 57 – Standard Deviation of PPE for trials and retrials, banded by trial days for offence class I**

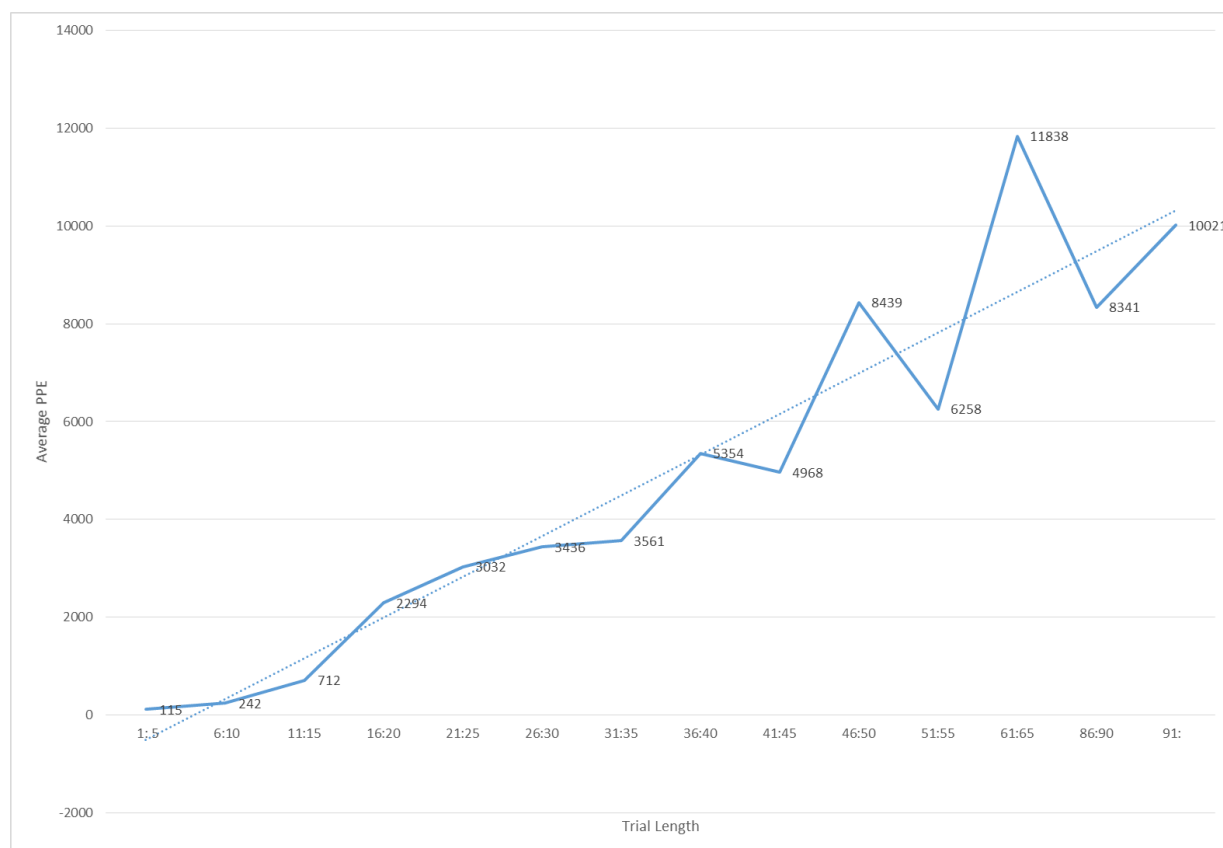
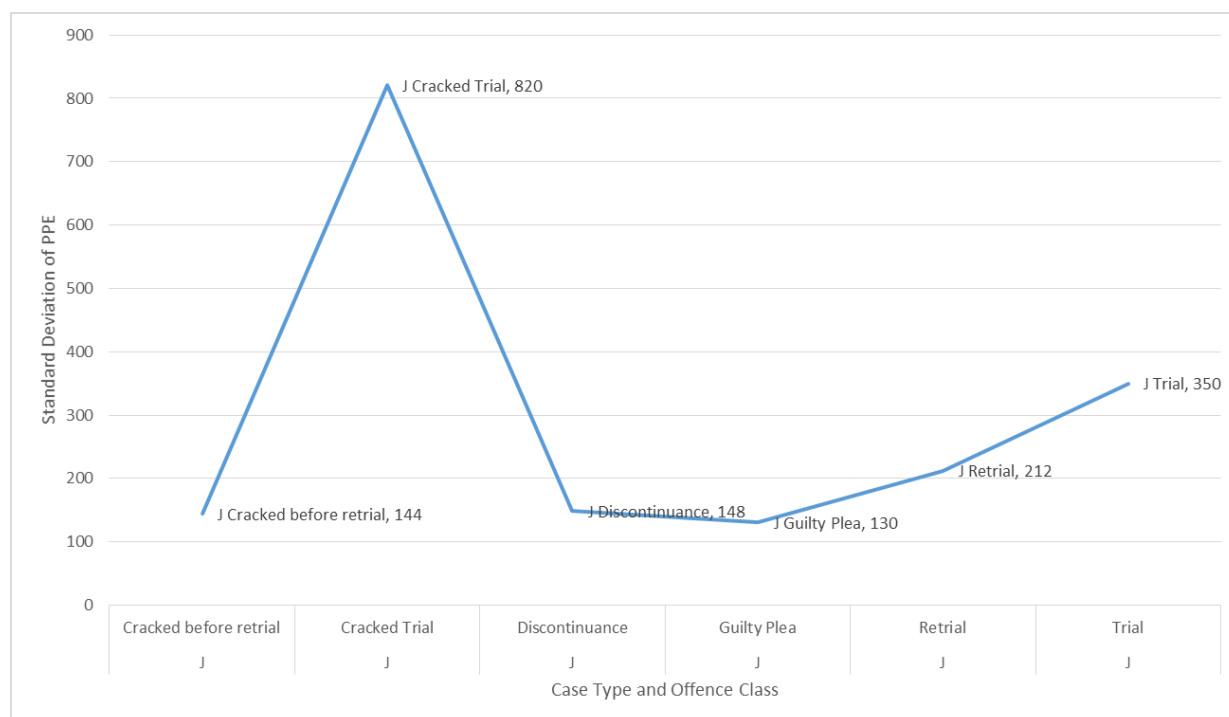
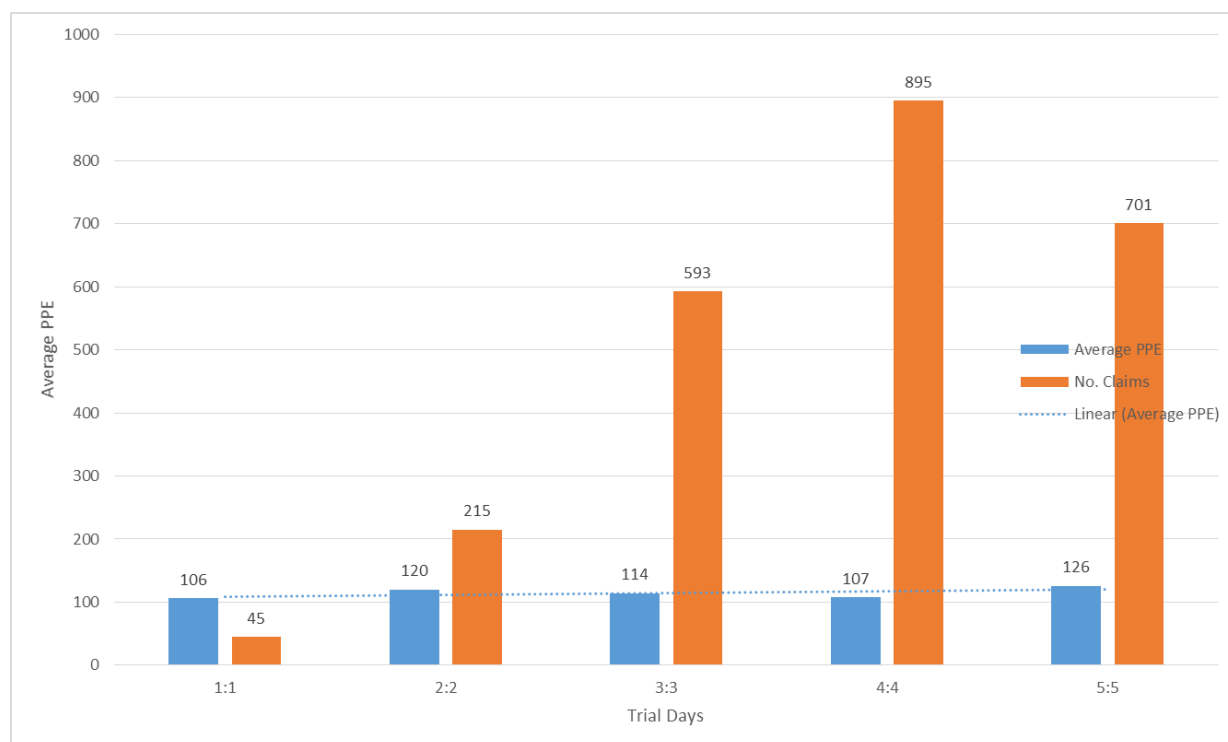
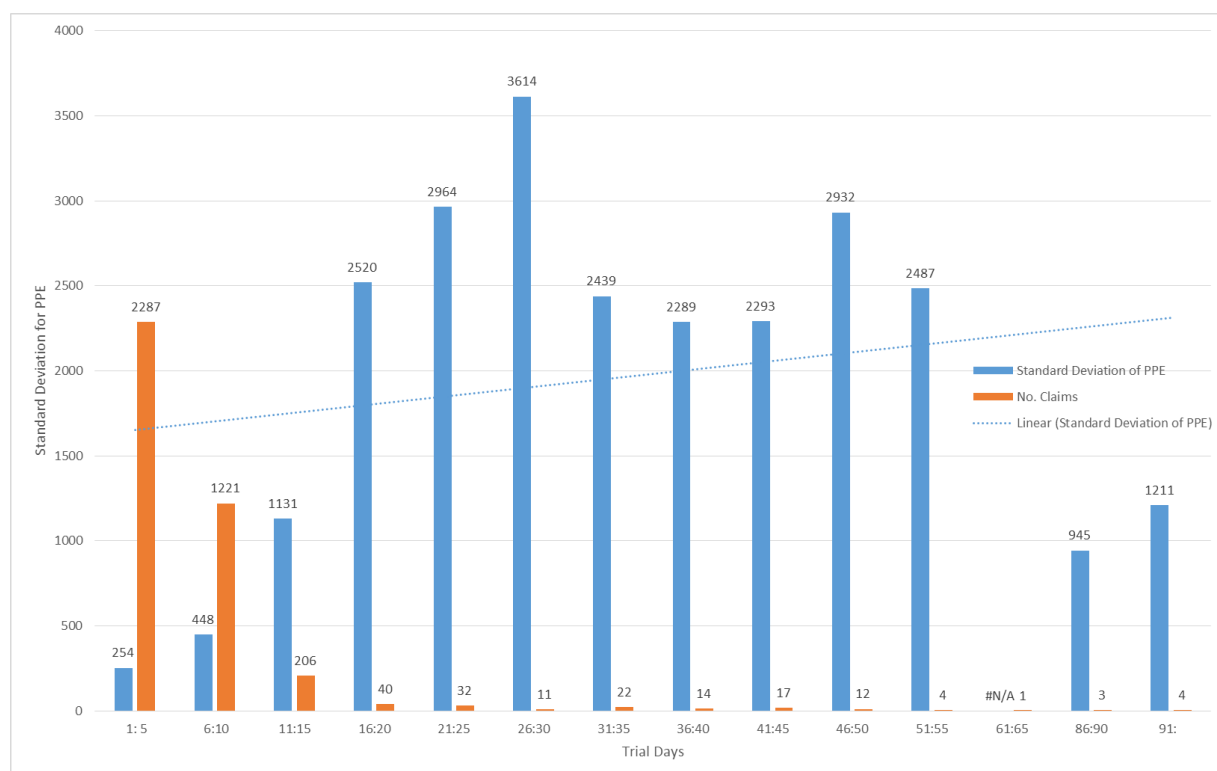
Class J**Figure 58 - Average PPE for Class J offences, grouped by trial length****Figure 59 - Standard Deviation of PPE for class J offences across different case types**

Figure 60 - Average PPE for Class J offences for 1 to 5 day trials**Figure 61 – Standard Deviation of PPE for trials and retrials, banded by trial days for offence class J**

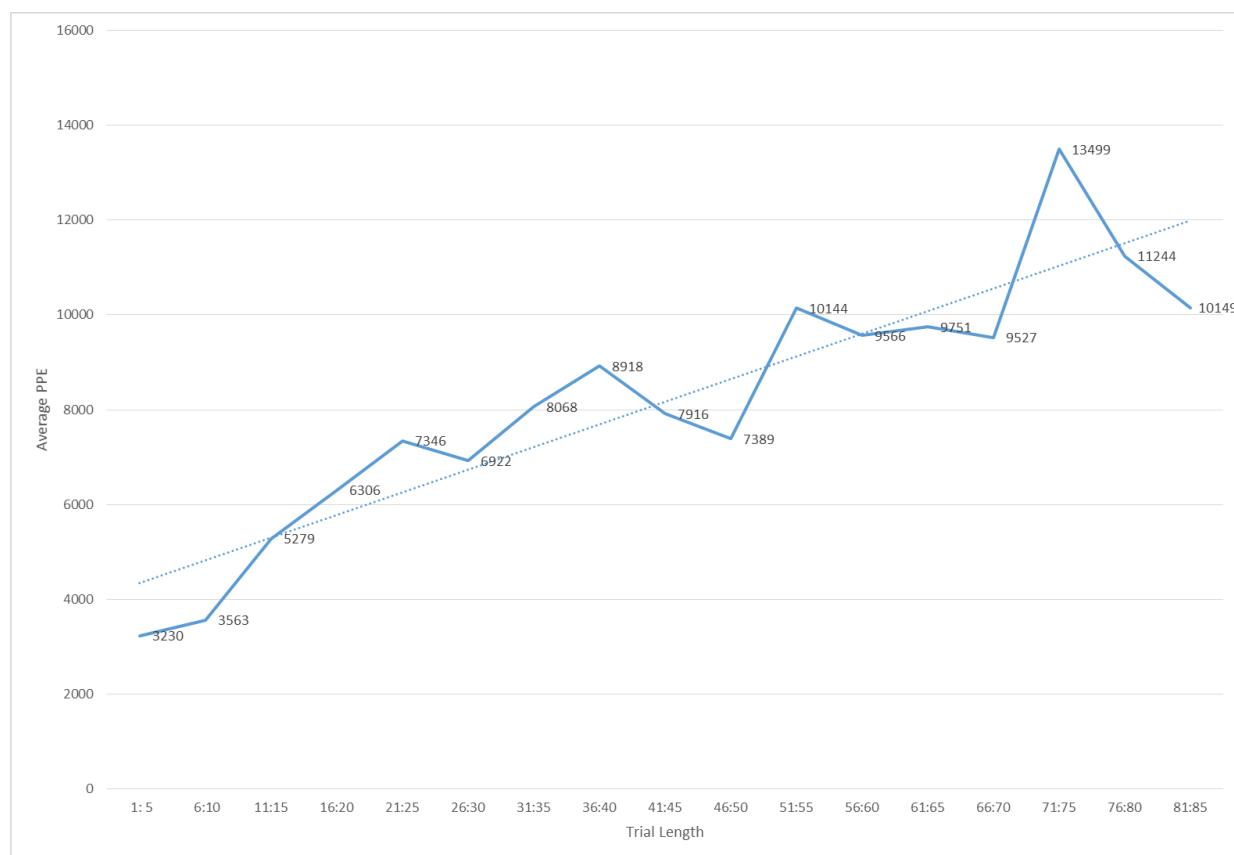
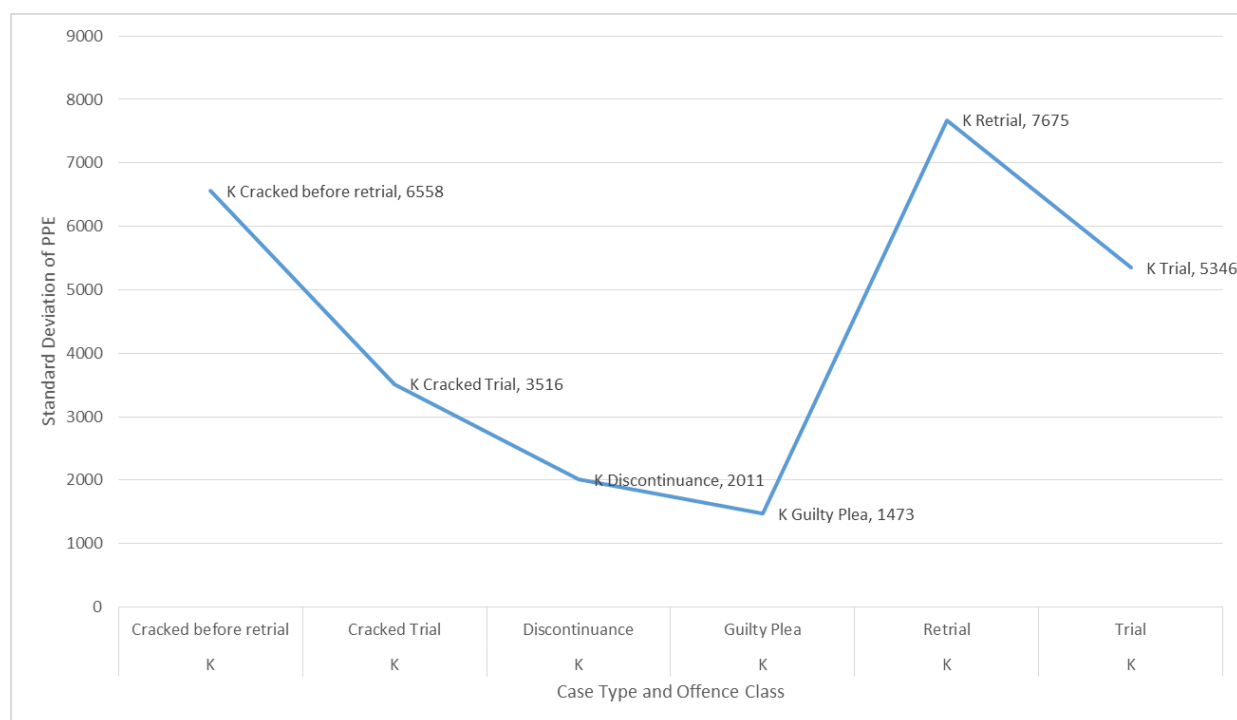
Class K**Figure 62 - Average PPE for Class K offences, grouped by trial length****Figure 63 - Standard Deviation of PPE for class K offences across different case types**

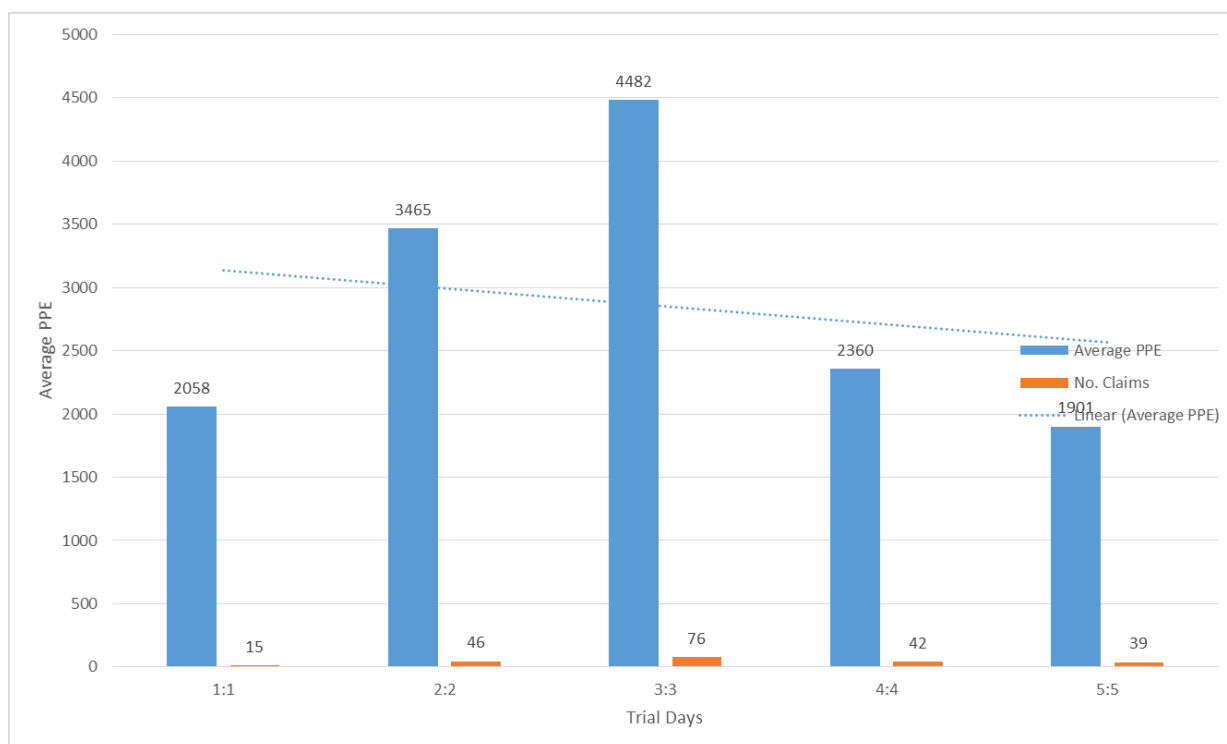
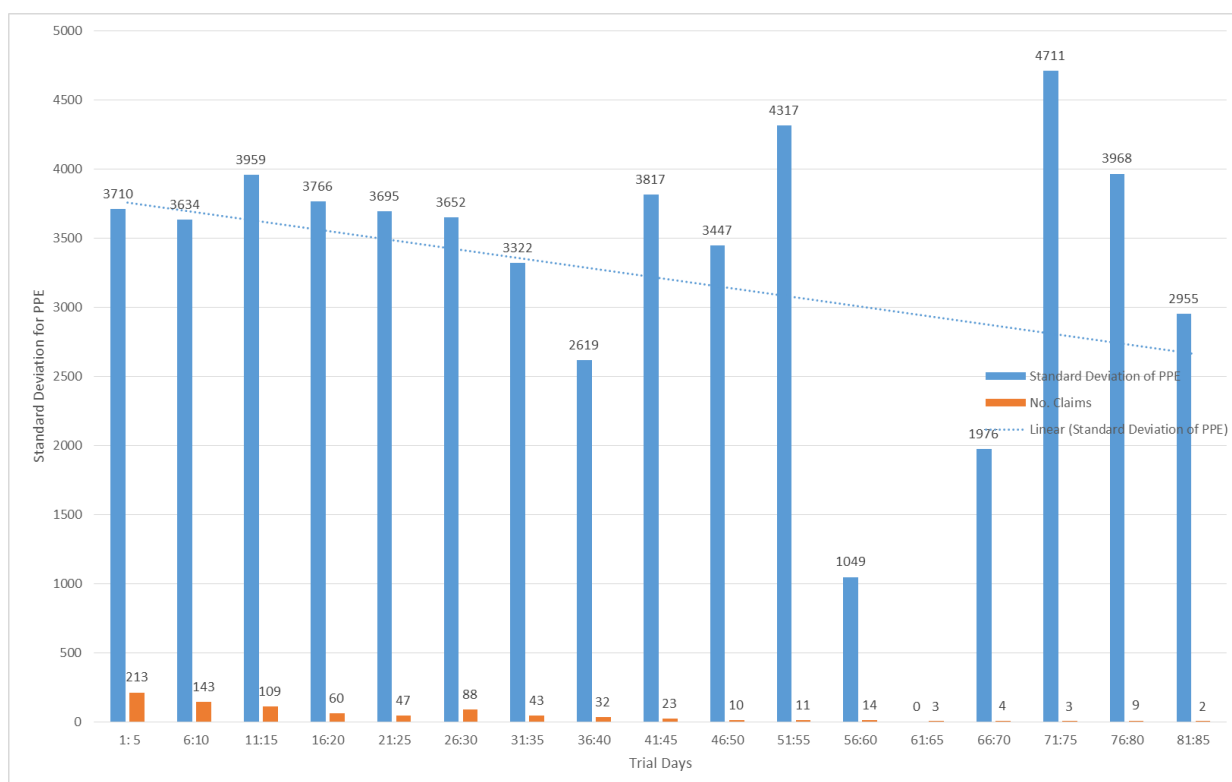
Figure 64 - Average PPE for Class K offences for 1 to 5 day trials**Figure 65 – Standard Deviation of PPE for trials and retrials, banded by trial days for offence class K**

Figure 66 – Number of claims for all case types for offence class K, banded by PPE