

CRIMINAL LITIGATION – THE COST

Public funding (“legal aid”)

Legal aid is available for most criminal defence litigation depending on the nature and/or seriousness of the case or the stage reached in the case. In simple terms:

- In the police station those interviewed under caution in relation to a criminal offence are generally entitled to free legal advice. In this case, legal aid is not means tested.
- During the course of a criminal investigation, those not detained in the police station can secure publicly funded advice and assistance up to a certain level if they are on a passported benefit or very low income. This is particularly important for those being interviewed outside the police station, for example at the benefits agency or local authority.
- After charge or summons, public funding can only be secured on application to the Court which must be satisfied that the allegation is sufficiently serious to warrant the grant of public funding and that the applicant qualifies financially which means they are either on a passported benefit or have a disposable household income below £22,325.00.
- For those matters that go to the Crown Court there is an assumption that the case is serious enough to warrant public funding and legal aid will be granted but in certain cases, subject to a means test, there may be a monetary contribution from income and/or from capital at the end of the case.

Legal services commission

The Legal Services Commission is the Government Agency who run the legal aid scheme. Only those who hold a 2010 standard crime contract with the Legal Services Commission can offer publicly funded criminal defence litigation. We not only hold a 2010 contract, but we are VHCC accredited which means that we have been tested by the LSC for competence to deal with the most complex and expensive of cases. That doesn't mean, however, that we do not handle the more straightforward and less serious criminal cases. Our experienced and diverse team can and do handle criminal prosecutions at all levels from the mundane road traffic offence and those cases which can only be dealt with in the Magistrates' Court through to the most serious matters that come before the Crown Court, including murder, rape and terrorist offences.

Quality standard

Berry & Berry were one of the first firms to apply successfully for a legal aid franchise. That was back in 1989. We have held the various authorities available to offer publicly funded assistance ever since and have passed all the tests introduced by the Legal Services Commission to ensure a consistent standard of representation. Currently, we hold the LSC quality mark and the ISO9001/2000 quality mark.

Consequently, we know the system inside out and can fall back on our knowledge and experience to give you, the client, every assistance in winding your way through the various barriers that have to be crossed to secure public funding and through the pitfalls which lie in your way. Having secured that funding, of course, we have a depth of experience in preparing and presenting your case before the Court.



In custody?

All of our solicitors are accredited by the Solicitors' Regulation Authority to advise at the police station and all regularly attend either at Court or at the police station as duty solicitors. We provide an out of hours service for those in custody at the police station and, as we hold a criminal contract with the LSC, that will be free of charge at the point of delivery in appropriate cases. Advice can be given by telephone or where necessary with the solicitor attending at the police station.

No legal aid?

We do not only represent those who are entitled to public funding. We are happy to accept instructions on a private, fee paying, basis. Our own code of conduct ensures that you will be fully advised throughout, not only on the availability of public funding but also on the likely costs in the event that legal aid should be refused. In those circumstances, we will consult with you before incurring additional cost and will keep you up to date on the question of costs as the case progresses. If you are successful in defending criminal proceedings then you are entitled to apply to the Court for at the very least a contribution towards the cost of defending your case and we will assist you with that application.

In any case, if you are not sure, just give us a call. Our offices are manned between 09.00 and 17.30 each weekday and, for those facing police investigation out of office hours, we provide an emergency hotline number on 07528 270096. The number is permanently manned and solicitors are on standby to assist where required.



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