

## **HOW CAN YOUR CASE BE FUNDED?**

### **1 LEGAL AID MAGISTRATES' COURT**

You may be eligible for Legal Aid. Legal Aid is subject to both a merits and a means test.

#### **MERITS**

- You must first pass what is called the merits test; this depends on the nature and complexity of your case. We will advise you further on this.

#### **MEANS**

- Are you in receipt of Income Support, Income based Jobseekers Allowance, Income related Employment and Support Allowance (ESA) or a Guaranteed state pension?
- Are you under 18?

You can complete a form (Form CDS 14) to receive legal aid. If you are 18 or over, you **MUST** provide us with your National Insurance number or the Courts will reject your form and we will be unable to represent you at Court under this scheme.

- Are you working?
- Are you in receipt of other types of state benefit not listed above?
- Any other income?

You may still be eligible for Legal Aid. You can complete forms CDS 14 & 15 and the Court will conduct a means assessment to determine whether you are financially eligible.

Please gather together original documentary evidence of your income and outgoings, for example, most recent wage slips, maintenance payments, accounts etc. Please return the completed forms and evidence urgently. If the forms are not completed in full and submitted with the required documentary evidence, your form will be rejected and we will be unable to represent you at Court under this scheme.

## 2 LEGAL AID CROWN COURT

### MERITS

If your case goes to the Crown Court for trial you will automatically qualify for legally aided representation once you have completed forms CDS14 and CDS 15.

### MEANS

- Are you in receipt of Income Support, Income based Jobseekers Allowance, Income related Employment and Support Allowance (ESA) or a Guaranteed state pension?
- Are you under 18?

You will be eligible for legal aid and unless your circumstances change you will not have to pay a contribution towards your defence costs.

- Is your disposable income £3,398 per year or less (£283.17 per month)?

You will be eligible for legal aid and unless your circumstances change you will not have to pay a contribution towards your defence costs.

- Is your disposable income more than £3,398 per year (£283.17 per month)?

You will be eligible for legal aid but will be required to pay a contribution towards your defence costs from your income whilst the case is ongoing and/or from capital if you are convicted. You will receive a contribution order from the court and will have to make payments as required by the order within 28 days of your case being committed, sent or transferred to the Crown Court.

**If you are likely to fall into the income/capital contributions category it is in your best interests to start gathering together evidence of your means as soon as possible as if you fail to provide evidence of your means within 14 days from the submission of your application to the court, the court will then issue you with a reminder and a further 7 days will be allowed. If you still fail to provide the evidence the Court and the Legal Services Commission will consider income sanctions.**

For full information relating to Legal Aid you can also look directly at [www.legalservices.gov.uk](http://www.legalservices.gov.uk) and follow these links > criminal defence service > criminal legal aid eligibility.

### 3 PRIVATE FUNDING IN CRIMINAL CASES

Alternatively if you are not entitled to or do not wish to apply for Legal aid our charging rates are as follows:

Guilty plea to straightforward case which is concluded in one Court session at Brighton Magistrates Court	£200 + VAT = £235.00
Guilty plea to straightforward case which is concluded in one Court session, at other Sussex Courts	£250 + VAT = £293.75
Guilty plea to straightforward case which is concluded in one Court session, at other Courts (We may instruct an agent)	£300 + VAT = £352.50
Guilty plea and sentence to straightforward case where case is adjourned for a separate sentence hearing, at Brighton Magistrates Court	£500 + VAT = £587.50
Guilty plea and sentence to straightforward case where case is adjourned for separate sentence, at other Sussex Courts.	£600 + VAT = £705.00
Guilty plea and sentence where case is adjourned for a separate sentence hearing, at other Courts	£650 + VAT = £763.75
Straightforward 1/2 day trial hearing on Not Guilty plea at Brighton Magistrates Court	£750 + VAT = £881.25
Straightforward 1 day trial hearing on Not Guilty plea at Brighton Magistrates Court	£1000 + VAT = £1175.00
Attendance at local Benefits Agency for interview regarding benefit investigation. If not entitled to free assistance.	£200 + VAT = £235.00

Other cases are charged at an hourly rate of:

Director	£195 per hour
Solicitor	£175 per hour
<p>All fees are plus VAT. Routine telephone calls, emails and letters in are charged at £6.50 per item.            Routine telephone calls, e mails and letters out are charged at £12.50 per item            Mileage is charged at 45p per mile            In all cases we shall require funds on account before we commence work.            Disbursements such as fees for experts reports are payable separately, in addition to the fixed fees.</p>	

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Please note that due to the money laundering Regulations we will require proof of your identity (e.g. passport/driving licence with photo) and proof of your address (e.g. copy of up to date utility bill).