



## **CLIENT CARE**

Dunn and Baker aims to offer all our clients an effective and efficient service, and we are confident that we shall do this in your case.

However, should there be at any time in the future any aspect of the service provided by this firm with which you are unhappy (including our charges), please feel free in the first instance to raise the matter with any member of the Criminal Department or alternatively with Caroline Salvatore as Head of Department.

If we cannot resolve the matter between ourselves, then you may raise the matter with Simon Cutting, who is the Managing Partner at 21 Southernhay East (telephone 01392 285000). He has ultimate responsibility for client care and complaints within the firm.

The firm has a written complaints procedure which is available on request.

If you are not satisfied with our handling of your complaint you can ask the Legal Ombudsman to consider the complaint. You can contact them on telephone number 0300 555 0333 or alternatively at their website [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk). There are two relevant time limits to be aware of when considering taking a complaint to the Legal Ombudsman:

- the “6 month rule” – complaints should be made to the Legal Ombudsman within 6 months of our final reply to you in answer to your complaint
- the “12 month rule” - complaints should be made to the Legal Ombudsman within 12 months from when the problem occurred or when you should reasonably have become aware of the problem.

## **DISABILITY**

If you have a disability and think it may affect the advice you may be given or your access to that advice, you should tell us as soon as possible so we can accommodate this.

It is our duty to ensure that a disabled client is not substantially disadvantaged in comparison with a non-disabled client.

## **RESPONSIBILITY FOR THE WORK**

Caroline Salvatore, who is a solicitor and a partner in this firm, will have the overall management and responsibility for your case. Either Caroline Salvatore or experienced solicitor Lynda Hodgson will be pleased to attend on interviews at a Police Station if required.

Whilst Caroline Salvatore or Lynda Hodgson would usually expect to represent you in the Magistrates’ Court, there may be occasions when they are not available, or the Court is at a distance from Exeter, and it may be necessary to instruct an agent from another firm of solicitors or a criminal barrister. You will be told in advance whether this is necessary and if so, the name of the person who will be attending on

your behalf. Where attendance at the Crown Court is involved, a barrister will often be instructed to represent you, and one of the members of the Criminal Department will normally also be in attendance at the Court. Where our attendance is not permitted under the Court Rules, you will be informed in advance. You will be given details of the barrister prior to the attendance.

### **COST CLAIMED AGAINST YOU**

There can be no Prosecution costs claim against you, unless you are charged with a matter that goes to court.

If you appear before the court and plead guilty or are found guilty, then the Prosecution will claim costs against you. These Prosecution costs rise with each hearing. You will be expected to pay these in addition to any penalty unless the Court thinks it impracticable (due to limited means or imprisonment).

Additionally where a court orders you to pay costs (or a fine / compensation) it must also require you to pay a victim surcharge. This is an automatic additional levy.

If proceedings are withdrawn or if you are found not guilty, then there will be no Prosecution costs for you to pay.

### **YOUR OWN LEGAL COSTS AS A FUNDED CLIENT**

You are entitled to free Advice and Assistance at the Police Station where

- you are to be interviewed under caution by police officers,
- if you face charge for an arrestable offence,
- if you are a “vulnerable person”,
- if you require help with a police identification procedure,

This free assistance is available to everyone regardless of income.

If you are charged and the matter goes to court, your costs may also be covered by the Legal Services Commission.

### **LEGAL AID IN THE CRIMINAL COURTS**

If you are charged with a criminal offence and appear before the Court, funding (by way of a Representation Order) may be granted to you.

**Fact Sheet 4.24** deals with eligibility for Legal Aid in the Criminal Court.

**Fact Sheet 4.35** deals with maximum levels of contribution in Crown Court cases.

If your financial circumstances improve significantly, please ensure that this is swiftly brought to our attention, as this may affect your eligibility for public funding. This could, for example, be as a result of better pay, or as a result of beginning a new relationship and enjoying the benefits of a dual income.

Likewise if your income is too high to qualify for publicly funded representation or you are assessed as having to pay a monthly contribution and then you suffer a reduction in your means, please let us know as you might affect either your eligibility or the level of contribution.

You also need to inform both us and the Court of any change of address.

## PRIVATE INSTRUCTIONS

If you do not qualify for free assistance, then if it is your wish, we can represent you as a private paying client, or alternatively almost all Courts have a Duty Solicitor who can in appropriate cases give some free advice and provide advocacy assistance. If this is not available, then the court will expect you to represent yourself.

Our charges are based on the time we spend dealing with a case.

The following is a list of the current hourly rates charged by the fee earners who undertake work in the Criminal Department:-

Name	Status	Hourly Rate .
Caroline Salvatore	Partner	£186.00
Lynda Hodgson	Solicitor	£168.00

All the above rates are exclusive of VAT.

This hourly rate applies to time for attendance on you and on others on your behalf; preparation time; travel and waiting time; and advocacy at court.

Letters, e mails and telephone calls (both in and out) are chargeable at 10 minutes units of time.

Name	Status	Letters E mails Telephones
Caroline Salvatore	Partner	£31 each
Lynda Hodgson	Solicitor	£28 each

If you are privately-paying, then it is the firm's policy that funds should be provided by you before the expense is incurred.

There may also be expenses (known as disbursements) incurred during the course of the case, such as travelling expenses if the Court is outside Exeter, parking fees, medical report fees, agent's fees and so forth. Travelling expenses are calculated at 45p per mile.

We may also need to pay a barrister to advise you outside court or represent you inside court if we feel your case would benefit by this input.

Where we need to pay out disbursements or Counsel's fees in this matter at your own personal expense, we shall advise you by letter in advance, specifying what each item of proposed expenditure is.

Occasionally a case can become lengthier, more complex or more time-intensive as it progresses, due to unforeseen factors, and this may affect the estimate for the likely total cost of your case.

## YOUR LIKELY COSTS AS A PRIVATE CLIENT

**Fact Sheet 4.25** concerns your likely total costs if you instruct us privately in the Magistrates' Court.

Even if you commence a case as a private paying client, do not forget to alert us if your financial circumstances worsen to the extent that you think you might become eligible for Legal Aid. This could, for example, arise from the loss of a job or the birth of a child.

You can be reassessed at any time during the currency of your case – but Legal Aid funding is not retrospective.

**Fact Sheet 4.24** concerns eligibility for Criminal Legal Aid.

### **YOUR FIXED FEE COSTS**

In some cases, at the outset of this matter, we can agree to represent you as a private client for an all-inclusive fixed fee

This sum is to be paid 7 days before the date of your first appearance in court.

In exceptional cases, a case can become lengthier, more complex or more time-intensive as it progresses, due to wholly unforeseen factors, and this may affect the total cost of your case.

In that instance, a written revision of the fee and mode of calculation will be given to you as soon as it becomes apparent, and you will be given the opportunity to comment on the revised fee, decide whether to continue with our assistance at the revised fee, or whether to terminate the instructions, without a further fee being incurred beyond the fixed fee already paid.

### **DEFENDANT'S COSTS ORDER**

Should you be successful in defending the case, or the Prosecution decide to withdraw the charge against you, you will be entitled to ask to have your costs paid out of Central Funds. This is called a Defendant's Costs Order. The amount of the Order will be such amount as the Court considers reasonable to compensate you for any costs which you have incurred.

If you are a private client, this sum may not cover the total amount of the work undertaken in your case and you will be responsible for any difference between the sum allowed by the Court and the total costs calculated at private rates.

You are also entitled to claim any costs incurred personally, e.g. your travelling expenses for attending at Court. You are not, however, entitled to compensation for loss of earnings. The expenses which you may claim are as follows:-

Subsistence: up to 5 hours at Court (half day)	£2.25
Subsistence: between 5 hours to 10 hours (full day)	£4.50
Subsistence: over 10 hours (more than one day)	£9.75
Travel:	45p per mile or your train fares

Where a Representation Order has been granted, we will not normally apply for a Defendant's Costs Order, save for your personal costs above, since your costs will be paid by the Legal Services Commission in any event.

### **IF YOU WANT TO CHANGE YOUR SOLICITOR**

If you decide part way through your case that you want to change solicitor, this is perfectly acceptable.

However please be aware -

- a) if you are publicly funded client, it will be a matter for the Court to decide whether to permit the transfer of Legal Aid to your new solicitor.

- b) if you are a private paying client, you must pay the bill for work we have done on your behalf before we can pass your papers on to your new solicitor.

### **MONEY LAUNDERING REPORTING POLICY**

As a courtesy, may I advise you that for the protection of all our clients, we operate a money laundering reporting procedure. In certain circumstances, information will be revealed by us to the appropriate authorities in any case where there is a suspicion of this.

### **PROFESSIONAL STANDARDS**

Please be reassured that in all our dealings we try and maintain the highest professional standards and we accept instructions on the clear basis that we have a duty to abide by the appropriate professional codes of conduct.

In order to maintain a good service, we may need to : -

- a) Store your client data
- b) Speak to Third Parties about your case
- c) Make your file available to the Legal Services Commission for audit

To explain further, the Legal Services Commission's Quality Mark has been established so that members of the public who need advice can be assured that they will receive a quality service in which key information will be given to them throughout their case. As part of this scheme, some of our files may be checked by External Auditors to make sure we are providing a good service.

Because of our confidentiality policy, we need you to give your permission for External Auditors to see your file as part of their Quality Checks. If you continue with your instructions to us, we shall consider that we have your implied consent for such necessary disclosures. Details of what this implied consent comprises is given below. However if you do not want the LSC to see your file, please let us know.

Further, when you apply for any form of state funding for your case, a record is made of your personal details. Please note the information provided will be passed to the Legal Services Commission who process applications for Legal Aid. It will be kept in accordance with the principles of the Data Protection Act 1998. The information will be kept for as long as is necessary for the Legal Services Commission to fulfil its function under the Access to Justice Act 1999. Applicants have the right to request a copy of the information held about them by the Legal Services Commission and to correct it, if it is wrong. Provision of ethnic monitoring information or disability monitoring information for equal opportunity purposes, is voluntary. This information will be treated in the strictest confidence and it will be used purely for equal opportunities monitoring, which the Legal Service Commission is required to do in accordance with the relevant equalities legislation or for research purposes. The results of any monitoring or research will only be published in anonymised form.

If means information is collected from you in connection with your State Funding (Legal Aid), information provided in the sections on income and capital, may, where necessary, be shared with third parties for the purpose of protecting public funds or where it is lawfully required. These parties include (but are not limited to) the Department for Work & Pensions, the Inland Revenue, HM Revenue & Customs, Land Registry, Companies House and Credit Reference Agencies.

If we need to instruct Third Parties during your case, such as a Barrister or other Expert, we shall normally consult with you to see whether you have a preference. At the very least we shall endeavour to ensure, where it is reasonable and practicable, that the supplier chosen is one that is acceptable to

you. If you express no such preference, we shall take it that you are content for us to use our professional judgment in the choice of such supplier. Please rest assured that wherever possible we select suppliers from an approved list and with personal knowledge of their excellence.

### **IMPLIED CONSENTS**

Please note that by instructing us you are deemed to have given your consent to the following:

- 1) The storage of information about you which is necessary for the firm's records and for the proper conduct of your case
- 2) For me, or my colleagues in the Criminal Department, to speak to necessary third parties for the better conduct of your case (such as the Crown Prosecution Service, the Probation Service, Barristers, the DWP, the Legal Services Commission, Instructed Experts or Court Officials).
- 3) For External Auditors to see your file as part of a system of Quality Checks.
- 4) For your file to be destroyed after 6 years.

*Dunn & Baker – Here to help you*

*Disclaimer: The material contained in this fact sheet is for general guidance only. It is specific to the law of England and Wales, and represents a brief outline of the law current as at the date of the fact sheet. It is not intended to constitute, or to be a substitute for, legal advice specific to your case. Dunn and Baker will be responsible only for advice specifically given to you.*