
Legal Aid Review

Firms Survey: Findings

Prepared for PKF

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0 EXECUTIVE SUMMARY

0.1 Approach and Methodology

The survey of solicitors' firms was carried out by telephone over a 4-week period from mid-November to mid-December 2005. The questionnaire was designed by FreshMinds in consultation with PKF and the Carter Review team and signed off by both parties.

All firms targeted in the study were informed by letter that the Review was taking place and warned about the subject matter. Where necessary, follow-up emails were sent in cases where the letter had not reached the intended recipient.

While the initial target of over 300 interviews was not achieved in the time available, the final count of 242 interviews nonetheless represents a solid evidence base. The reduction in completed interviews has a bearing on the confidence with which the significance of percentage differences can be assumed to be true of the entire universe, but the broad patterns remain unaffected.

It is worth noting that a number of factors affected the ability of the project team to deliver the originally-agreed targets. Foremost among these has been the resistance of a large number of firms to the exercise, with some requesting that a positive decision not to participate be recorded. Of the 689 firms for which no further contact can be made (either because there has been no response at all, or because interviews have been completed), 227 firms (or nearly 33% of this group) refused to participate. A large proportion of the agreed appointments, largely due to solicitors' commercial commitments, were also not honoured. The total sample approached numbered 854 firms. In total an estimated 4000 calls have been made.

Response code	Count	Percentage
Totals		
Total Contacts Approached	854	100.00%
Live Contacts	165	19.32%
Split of contacts dealt with		
Complete	242	35.12%
Busy	34	4.93%
No answer	76	11.03%
Aborted	14	2.03%
Refused not willing	227	32.95%
Incorrect number	46	6.68%
Number not obtainable	10	1.45%
Duplicate	13	1.89%
Not appropriate contact	27	3.92%
Total	689	100.00%

0.2 Key Findings

- **Crime work is still central to many legal practices.** While crime-related staff account for only 28.2% of total firm staff on average, Crime Work income brings in over 33.9% of the average firms' fee income. This appears to arise as criminal lawyers work longer and less sociable hours than in other areas. Some areas of legal practice are more heavily-staffed relative to income (Civil: 15.9% of staff versus 14.5% of income; Family: 15.1% versus only 10.0%).

0.2.1 Income and expenditure

- **Crime work still makes up the biggest proportion of income.** Despite this, in real terms, income from Criminal Law has increased only slightly (5.7%), whereas Civil Law income has increased more impressively (16.3), as has private work (16.4%). This reinforces a general belief among practitioners that private work will grow to eventually constitute the largest sector of legal work in the future. 59.6% of respondents felt that Crime Work is shrinking as an area of income.
- **Costs for firms carrying out crime work have increased at a greater rate than incomes.** The overall rise of 9.4% in costs is marginally outweighed by the overall 11.6% increase in overall income in the same time period.
- **As a proportion of total income, Crime Work is declining due to a low rate of income growth compared to other areas (especially private work).** In the last year, Crime has declined as a proportion of income within firms by an average of 6.7%.
- **Overheads are lower for Crime Work than for other legal practice areas (42.8% of respondents able to comment).** This is because fewer support staff are needed, and rates of pay for both them and fee earners are generally lower than in other areas of practice. However, overheads increase comparably with inflation, whereas the fees procured by criminal lawyers are decreasing relative to costs and the increased income from other practice areas.
- **Debt is a problem for firms, although debt from Crime Work is proportionally smaller than in other areas of legal practice.** It represents the most absolute debt within firms, but compared to income is more easily offset. This arises due to prompt payments of public funded work.

0.2.2 Working practices

- **Crime specialists (those firms which only take on crime work) are more likely to eschew traditional end-to-end management than their mixed counterparts.** 27.7% of firms specialising only in Crime used multiple team working, as opposed to only 20.9% of mixed activity firms.
- **The use of Information Technology varies between solicitors and Barristers surveyed.** The use of time management software is well utilized by solicitors (with over 90% uptake), but case management software is less common than in Chambers, only 59.8% using this technology, versus 77.5% of Chambers). Investment in IT also varied widely by size of firm, with a range of zero investment to as much as £3.5m. There seems to be room for a greater deployment of IT in legal practice.
- **Practices which specialize in criminal law appear to involve significantly more Higher Rights solicitors.** 42.6% of specialist firms (versus only 34.5% of mixed activity firms) have Higher Rights solicitors and the mean percentage drops from 12.0% of specialists to 7.1% of other firms.

0.2.3 Problems with Crime Work

- **Crime Work fee earners are unable to charge for large parts of their time compared to actual hours inputted.** There is a shortfall of around 12.5 hours a week that are worked, but not charged for. Other areas of legal practice do not suffer the same problems to the same degree. The differential between Crime and other areas is around 20% greater.

- **Much of fee earners time is spent waiting in Police Stations (19.4%), Magistrate's Courts (30.9%) and Crown Courts (7.2% over £60k and 20.1% for other cases).** They spend on average 11.6 hours waiting compared with 35.9 hours in productivity, out of an average working week of 47 hours. This represents much of the time that practitioners are unable to charge for. Because of this, one of the greatest problems with Crime Work for practitioners is the fact that pay is generally considerably lower compared to other areas of legal practice per hour worked.
- **While overheads generally are lower for Crime than other areas, the administrative burden of legal-aid Crime Work has increased significantly (82.4% citing an increase in this aspect of firms' work).**

0.2.4 Reasons for undertaking Crime Work

- **Firms still actively undertake Crime Work because it provides them with a regular source of income (29.1%).** This is in spite of the declines outlined in this report. It also appears that firms are remunerated comparatively quickly for this work, and that it makes up a proportionally smaller part of their total debt than other branches of their practices. However, relatively few firms (1.7%) undertake Crime Work because of the positive impact it makes on the bottom line of their balance sheet.

0.2.5 Recruitment and retention

- **There are fewer trainees per qualified fee earner in Crime Work than in Civil work (18.1% versus 20.9).** There is also a perception that it is harder to recruit and retain competent, qualified professionals in Criminal Work than it is in any other practice areas that firms might specialise in. 58.3% of responding firms stated a higher degree of difficulty in Crime Work as compared with 37.5% for Family and 33.7% for Civil practice.
- **Low salaries make Crime Work unattractive compared to other branches of law.** 55.3% of those surveyed thought that salaries were lower. This means that it is difficult to attract new recruits, and difficult to retain other fee earners. Many firms cite low profitability for declining numbers of qualifiers in criminal law and remove criminal law from their range of service areas.

0.2.6 General implications

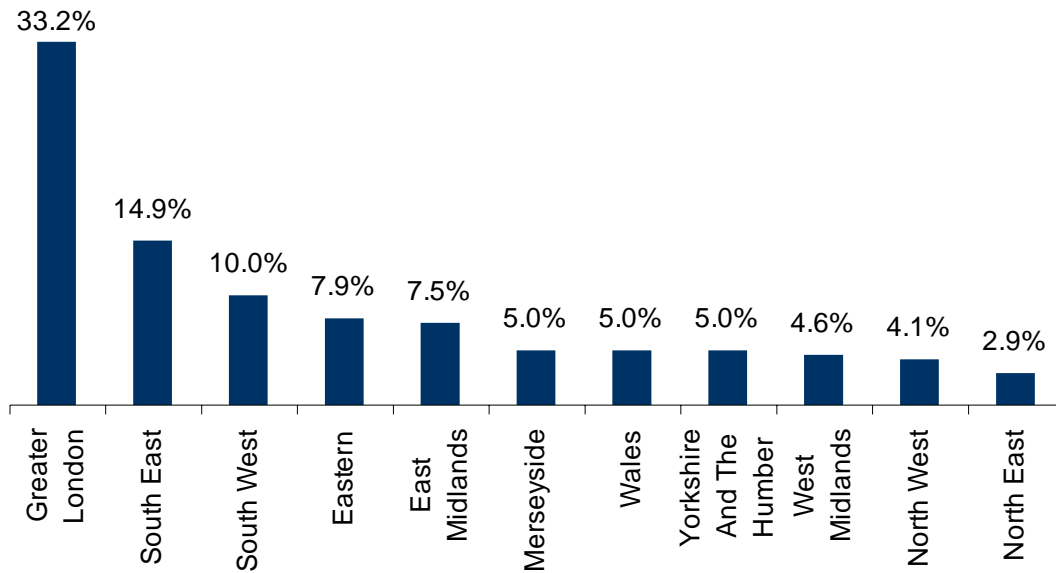
- **It is felt that many Crime Work teams and departments will close (49.8% citing this outcome) or merge in the future (14.7%).**
- **Practitioners think that private clients will be the largest area of growth.** Practitioners are also negative about the future prospects of other areas of publicly-funded law.

1 KEY FINDINGS

1.1 Respondent Profile

242 solicitors' firms were surveyed for this section of the study, covering a range of firms by size, location and type of work undertaken.

Figure 1: Respondent firms, by location



Source: FreshMinds. Base = 241

A high proportion of firms surveyed, in line with the general spread of legal firms in the UK, were drawn from London (33.2%) and the South East (14.9%). Other areas are evenly represented with between 3% and 10% from individual Government regions.

1.2 Structure and management of firm

1.2.1 Equity Structure

Respondents were asked how their firms were structured at partner level in terms of numbers of equity and non-equity partners. In the majority of firms surveyed, all partners are equity partners (63.3%), while a minority were made up of both equity and non-equity partners (35.8%). Only 0.8% are made up of entirely non-equity partners.

1.2.2 Staff Volumes

Firms were asked to provide details of their staff at all levels, from partners to administrators. Total numbers in the firms surveyed are shown below, together with totals by level and by area of practice.

Table 1: Total staff volumes across entire sample

Type	Crime	Civil	Family	Other	Overall
Equity Partners	337	177	154	252	923
Non-equity Partners	121	94	62	119	434

Qualified Fee Earners	683	414	386	576	1976
Non Qualified Fee Earners	534	257	160	283	1213
Trainees	124	87	60	93	402
Administrative and Other	597	324	459	1279	3534
Total	2,395	1,352	1,281	2,602	8,481

Source: FreshMinds. Base= 232

Staff volumes across respondent firms total 8,841. The average firm has more staff undertaking Crime Work (28.2% of total staff) than in Family or Civil work (15.1% and 15.9% respectively), reflecting the higher volumes of work undertaken in Criminal law. Mean values for the same data are displayed below:

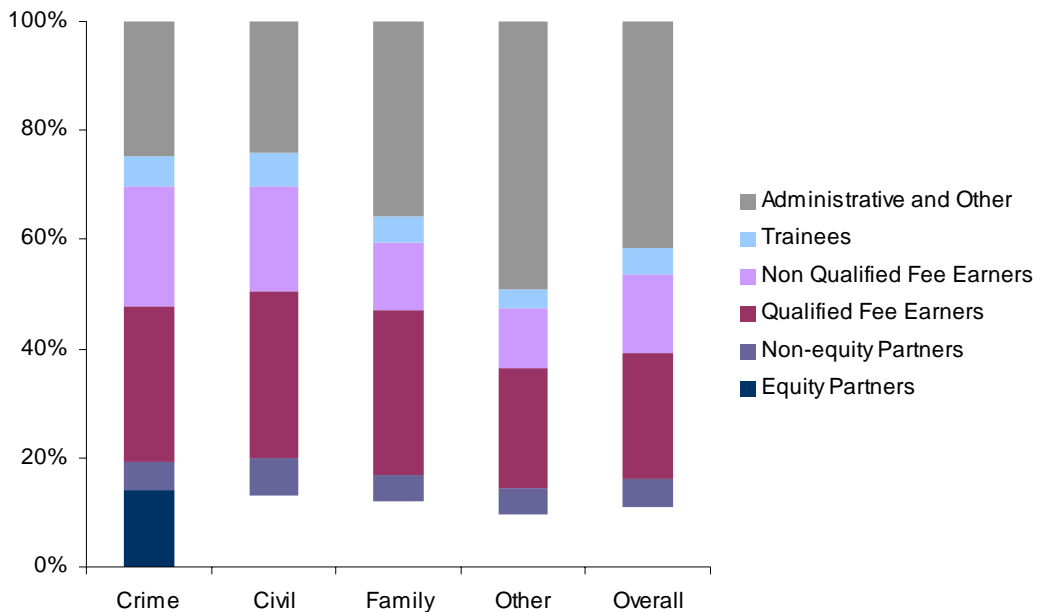
Table 2: Mean staff volumes by level

Type	Crime	Civil	Family	Other	Overall
Equity Partners	1.5	0.9	0.8	1.3	4.0
Non-equity Partners	1.5	1.2	0.8	1.5	4.9
Qualified Fee Earners	3.0	2.1	1.9	2.8	8.6
Non Qualified Fee Earners	2.5	1.3	0.8	1.4	5.3
Trainees	0.6	0.5	0.3	0.5	1.8
Administrative and Other	2.9	1.8	2.4	7.0	15.1
Total	11.9	7.7	7.0	14.6	39.7

Source: FreshMinds. Base= 232

Figure 2 shows the same data displayed as percentages of the total staff employed by area of legal practice.

Figure 2: Staff as % by type of work



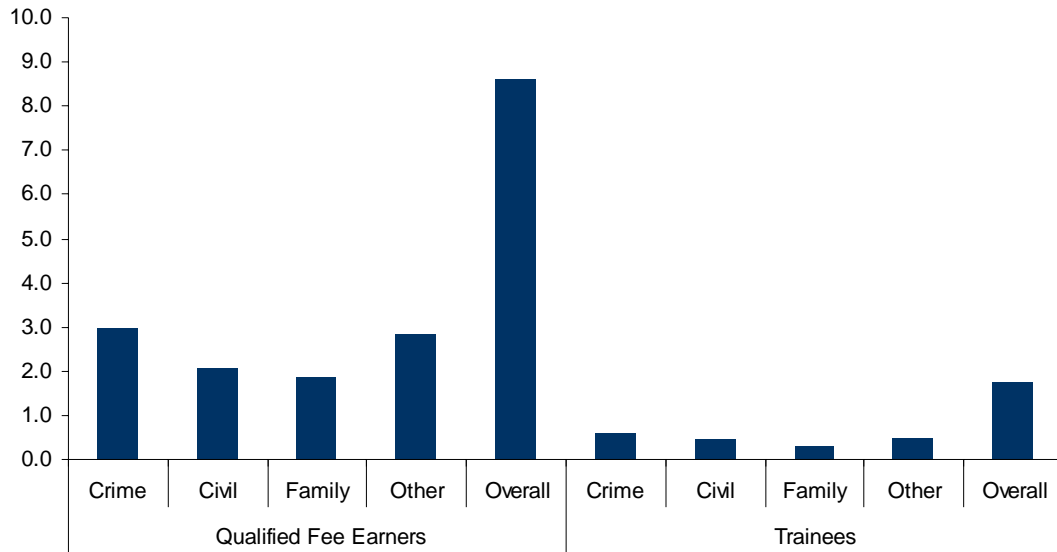
Source: FreshMinds Base= 232

While Crime Work is allocated a slightly higher number of equity partners proportionally, Civil and Family practice have higher percentages of qualified fee earners.

1.2.3 Trainees

Volumes for trainees by area of practice are shown above. In order to get a sense of the balance between current practice and trainees coming into the profession, a comparison of qualified fee earners to trainees has been performed, as illustrated below. Values shown are mean numbers per firm.

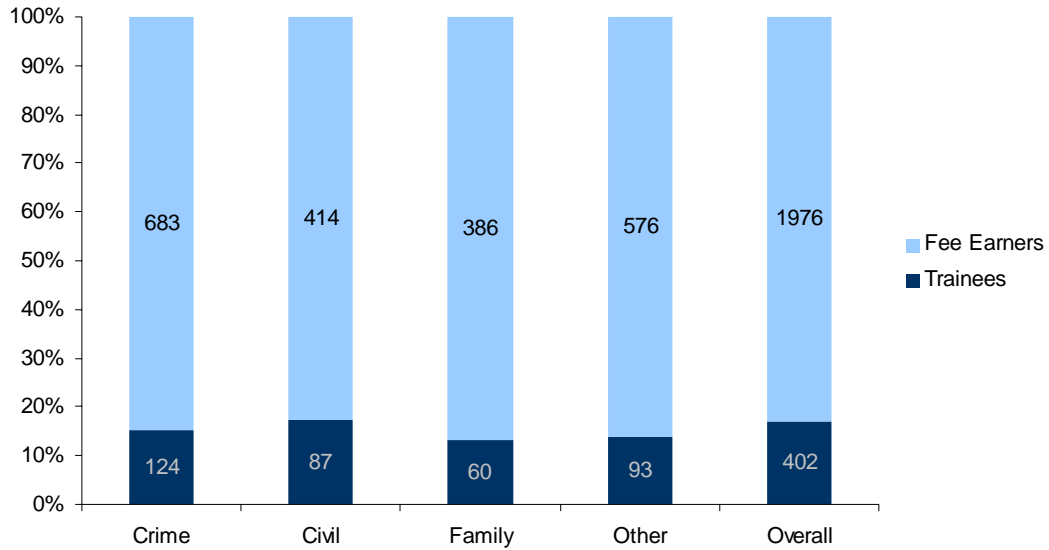
Figure 3: Qualified fee earners and trainees



Source: FreshMinds. Base = 188-229 [Excludes d/k]

The average firm in our study has just under 9 qualified fee earners and 1.8 trainees across all disciplines. Qualified fee earners in Criminal Law (3.0) outnumber those in Civil (2.1) and Family Law (1.9), in line with the volumes of work undertaken in those areas of practice, while higher volumes are assigned to ‘other’ disciplines (2.8). The ratios tell a slightly different story, however, as shown below.

Figure 4: Ratio of qualified fee earners to trainees by area



Source: FreshMinds. Base = 188-229 [Excludes d/k]

Trainee volumes as a proportion of qualified fee earners are 20.3% across the board, but patterns differ by area of practice. Crime trainees are below the average, at 18.1% of qualified fee earners, with Civil trainees showing a higher proportion (20.9%). Family and 'other' work is less well represented (15.4% and 16.2% respectively).

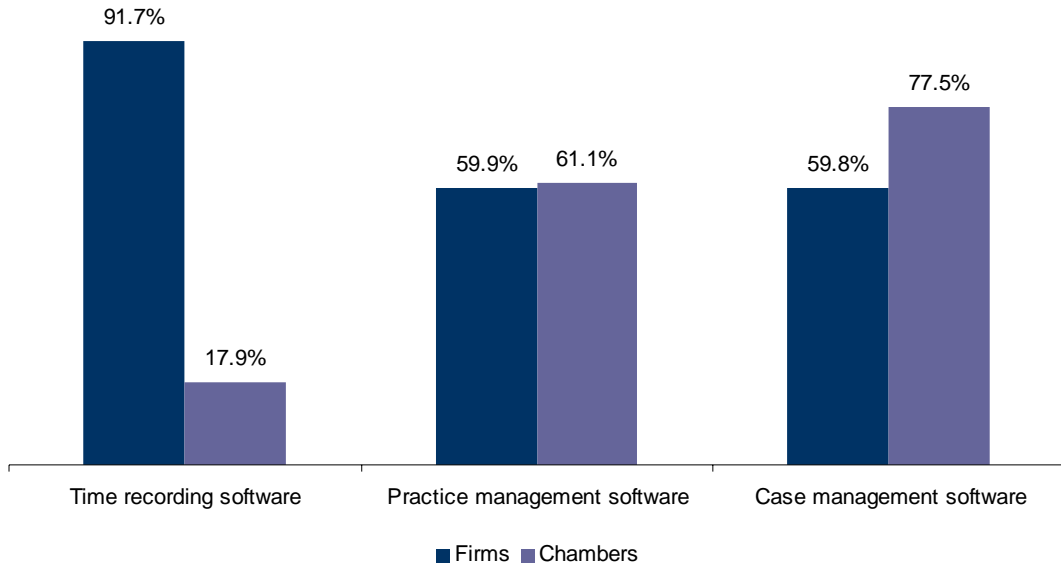
1.2.4 Investment in IT

Firms spend varying amounts on IT. The mean spend within the firms that were surveyed was £98,483, with absolute spends ranging from £0 to £3.8m.

1.2.5 Use of IT for Management

Firms surveyed used IT for a variety of different management processes. An interesting comparison can be made here between barristers' chambers and solicitors' firms.

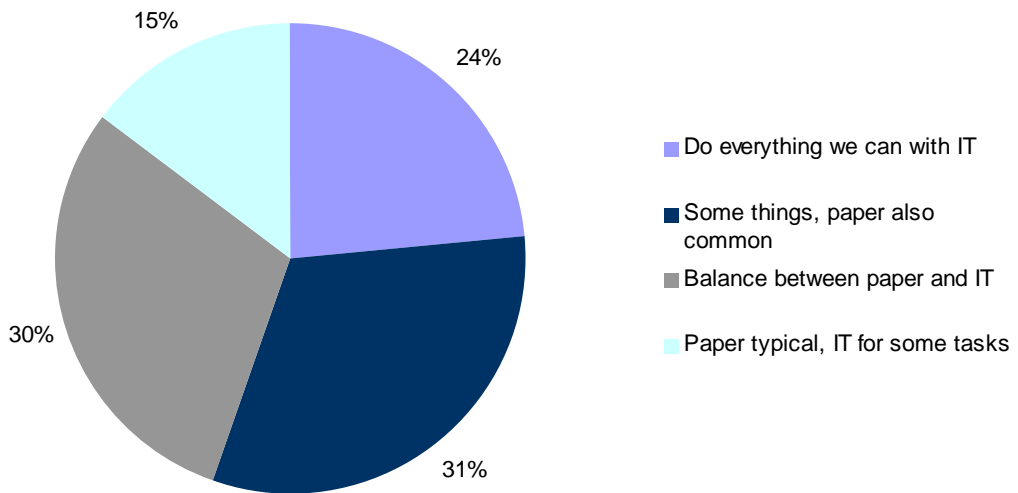
Figure 5: Use of IT for management- firms and chambers comparison



Source: FreshMinds. Base = 129-132 [Excludes d/k]

Overall use of IT systems for management is higher in law firms, however in line with standard practice, time recording software was much more commonly used by solicitors (91.7%) than by Barristers (at only 17.9%). Practice management software is deployed in around 59.9% of firms, and in 61.1% of chambers, while case management is more commonly supported by technology in Chambers (77.5% versus only 59.8% of firms). The use of time recording software by firms bares out the time based nature of their work.

Figure 6: How much IT do firms use in their work?



Source: FreshMinds. Base= 233

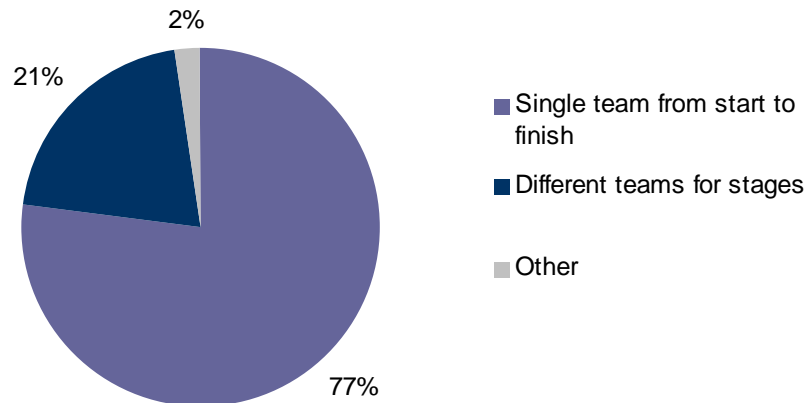
Firms use IT in varying ways and varying quantities. While 24% of firms do everything that they can with IT, 31% do some things using IT, but work with paper is also common. 30% of firms balance their work between IT and paper, while a further 15% use It for specific tasks, but typically work with paper.

1.3 Activities

1.3.1 Allocation of Time

Respondents were asked how they managed cases once they were taken on. The data provided (figure 7) illustrates the fact that most firms deal with their cases in similar ways.

Figure 7: How are cases managed once they are taken on?

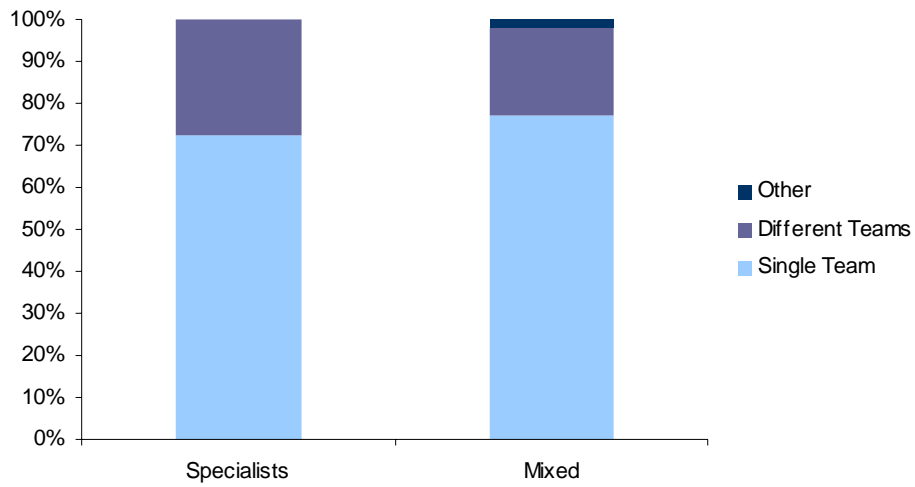


Source: FreshMinds. Base= 239

A large majority (77%) of firms use a traditional end-to-end approach, with a single team managing a case for its duration, while only 21% use specific teams for different stages of a case.

There is a correlation to the way in which cases are managed and the amount of income that firms receive from crime work (figure 8). Crime specialists (defined as those taking on 100% Crime Work) are more likely to use multiple team working than traditional end-to-end practices: 27.7% specialists and only 20.9% of mixed firms cited working in this way.

Figure 8: Cases managed / percentage of income from Crime Work

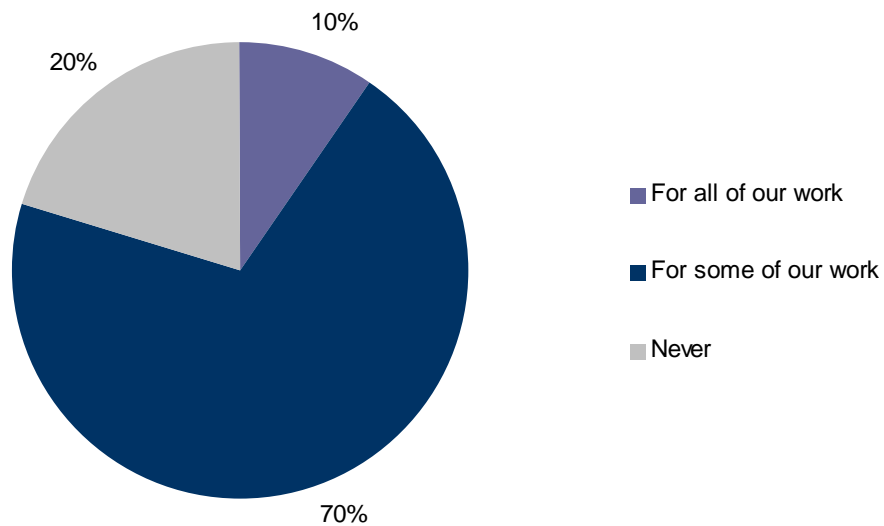


Source: FreshMinds. Base =157

1.3.2 Costs draftsmen

Firms were asked if they made use of a cost draftsman when they were producing bills for Crime Work.

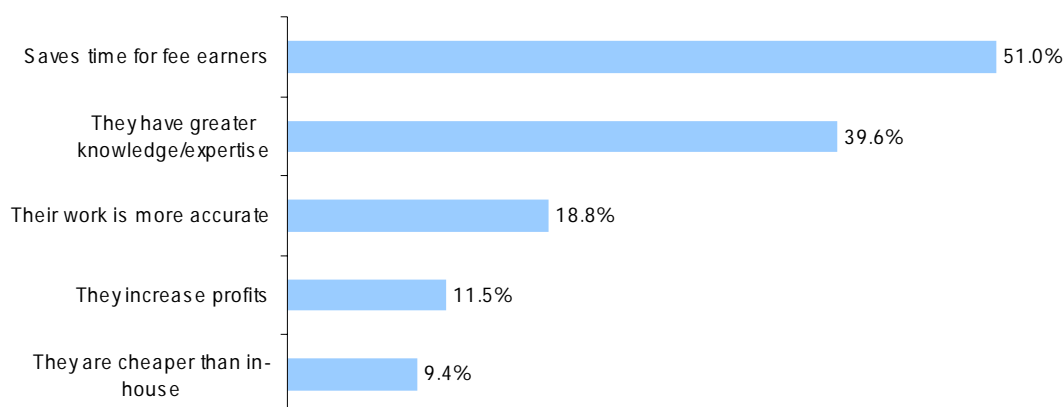
Figure 9: Use of draftsmen for bills



Source: FreshMinds Base = 237

Some 80% of firms said that they used a cost draftsman for some, or all of their work. Reasons given for using draftsmen are given below:

Figure 10: Benefits of using a cost draftsman



Source: FreshMinds Base = 96

Aside from the time-savings that using cost draftsmen can afford, they also bring a greater knowledge and expertise which can yield higher fee. One firm commented that they

“ensured bills are prepared promptly, and often end up being higher than bills produced in-house”.

While another said that they can

“rattle out complicated costs and claim costs that we wouldn't have identified in complicated cases”.

However, one firm commented that he thought cost draftsmen were

“leaches upon our profession. We intend to undertake all our draft work 'in-house' in the future”.

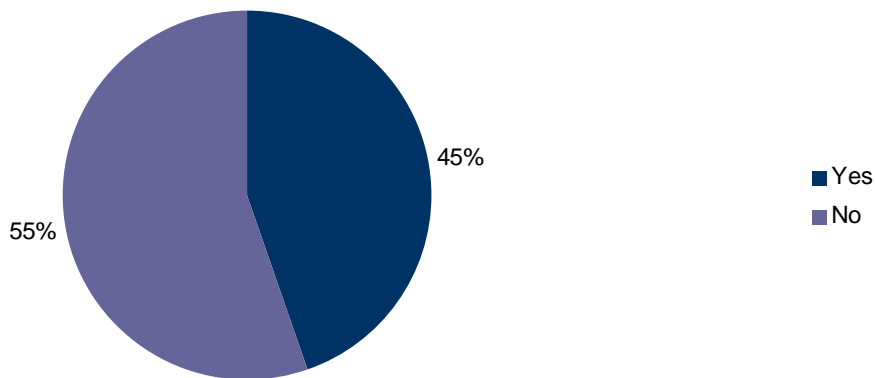
1.3.3 Advocacy work

Respondents were asked how many practitioners in their firms had taken on Higher Rights. On average, 8.8% of solicitors in any one firm have fee-earners with such rights, with the greatest proportion for any one firm being 100.0%, although many firms did not have any.

The 47 firms for whom crime work is their only source of income - are more likely to have Higher Rights Barristers in-house (42.6% versus 34.5% for mixed activity firms) and also have a greater mean proportion of these staff (12.0% on average versus 7.1% for mixed firms).

Firms were also asked if they employed the services of barristers in-house at any stage in the legal process.

Figure 11: Does your firm employ the services of barristers?

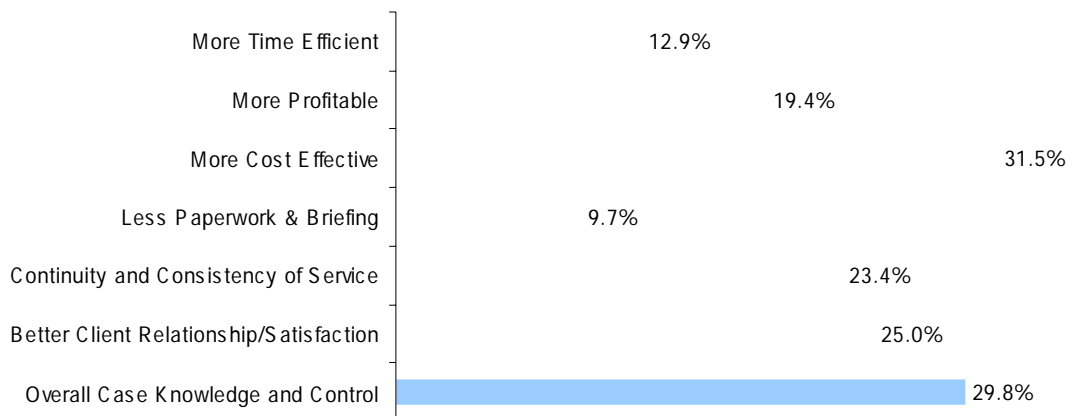


Source: FreshMinds. Base=241

The split was roughly even, although a slim majority (55%) of respondents did indeed employ barristers. Firms were also asked what the proportion of advocacy work undertaken in-house was. In the average firm, 66.6% of advocacy work was undertaken in this way, although many firms still employed entirely out-of-house advocates.

As Figure 11 shows, respondents cited a number of benefits to advocacy work being undertaken in-house. Many said that continuity within cases was the greatest benefit. This benefited both the legal team as well as the client. One respondent pointed out that greater continuity also led to greater profits stating that having in-house advocacy was a “very lucrative and seamless process”. There are also elements of improved efficiency when advocacy work is undertaken in-house. One respondent stated that it meant that they did not “waste time briefing people” while another said that “the advocate has a better idea of what case is about” which was ultimately “better for the client”.

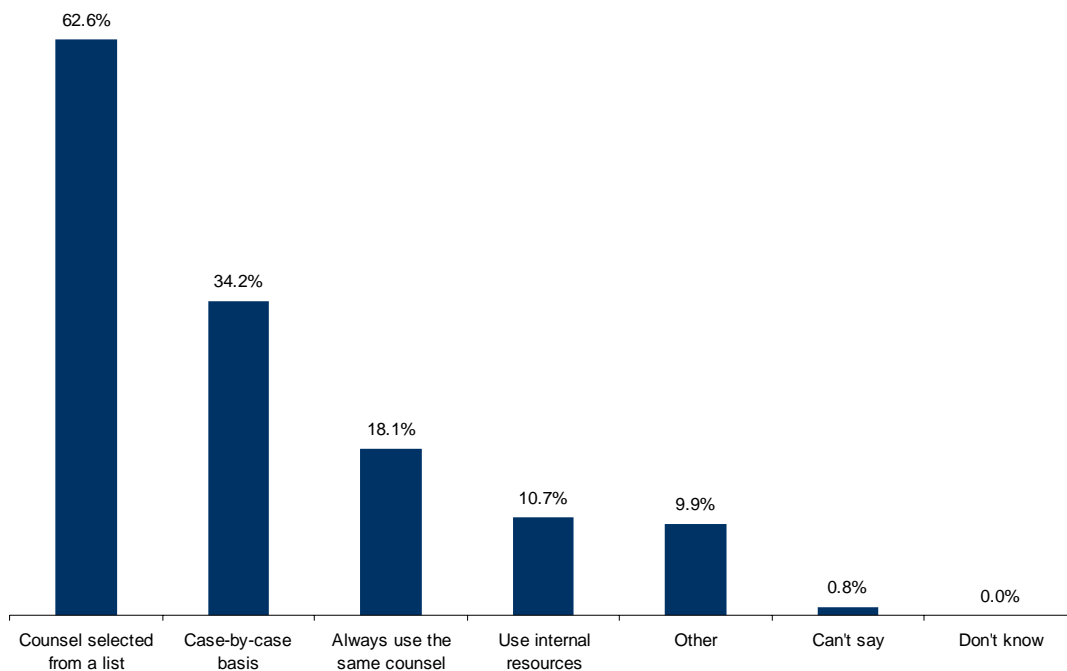
Figure 12: Benefits of undertaking advocacy in-house



Source: FreshMinds. Base=124

Obviously, whether or not the services of a barrister are employed depends on the stage in the legal process that a case reaches, and how far it eventually goes. One solicitor pointed out that the “magistrates court rarely use barristers”.

Figure 13: What methods are used to select an advocate



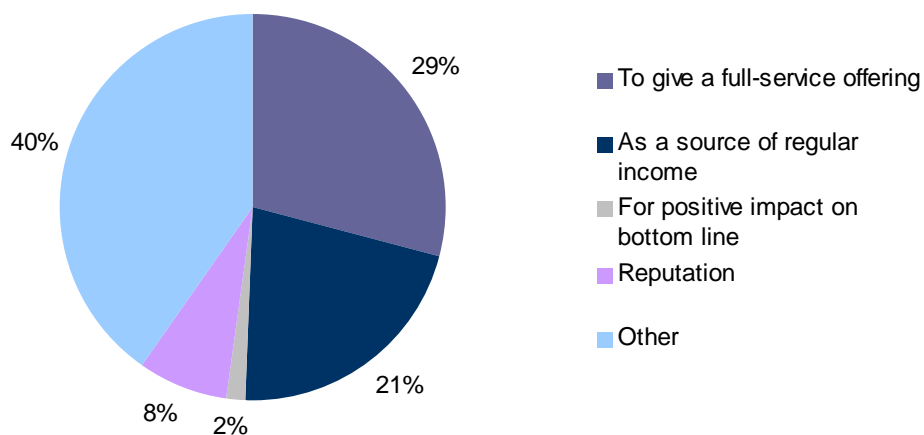
Source: FreshMinds. Base= 243 [NB multiple responses possible]

A variety of different methods are used to select counsel. While 10.7% always used internal resources, 62.6% of respondents said that they selected advocates from a list. Only a minority of firms said that they always used the same counsel, while a further 34.2% said that they selected on a case by case basis.

1.3.4 Reasons for Undertaking Crime Work

The survey revealed that firms and practitioners take on crime work for a variety of reasons.

Figure 14: Principal reasons cited for taking on crime work



Source: FreshMinds. Base = 234 [excludes d/k]

There is an even split between wanting to give a holistic offering to their clients and needing to earn a regular source of income. A small minority of firms (2%) took on such work because they wanted to make an impact on the bottom line, while another small minority (8%) did so for their reputation. Thus, the reason for firms taking on crime work was often less for reasons of ideology or perceived impact, but for the speed in which legal aid fees are paid by the government.

Some practitioners did however comment that taking on crime work was part of a “community service”, while others said that it was “a matter of principle” and that they took it on “to help people”. One practitioner commented:

[It’s] because I enjoy the work. The kudos has gone, the money is bad, but I still enjoy being part of a very important procedure- part of what we consider a developed and civilised society.

Others were more despondent about their careers in criminal law. One practitioner commented that he was “trapped in system” and had “an inability to change course”, while another said that they had “got into it accidentally”.

1.3.5 Actual and Chargeable Hours

Respondents were asked how many contracted and chargeable hours they worked, alongside how many actual hours for Crime work, and how Crime work compares with other areas of practice. A mean score has been calculated for each on a scale of 1 to 3 where 1 is lower and 3 is higher.

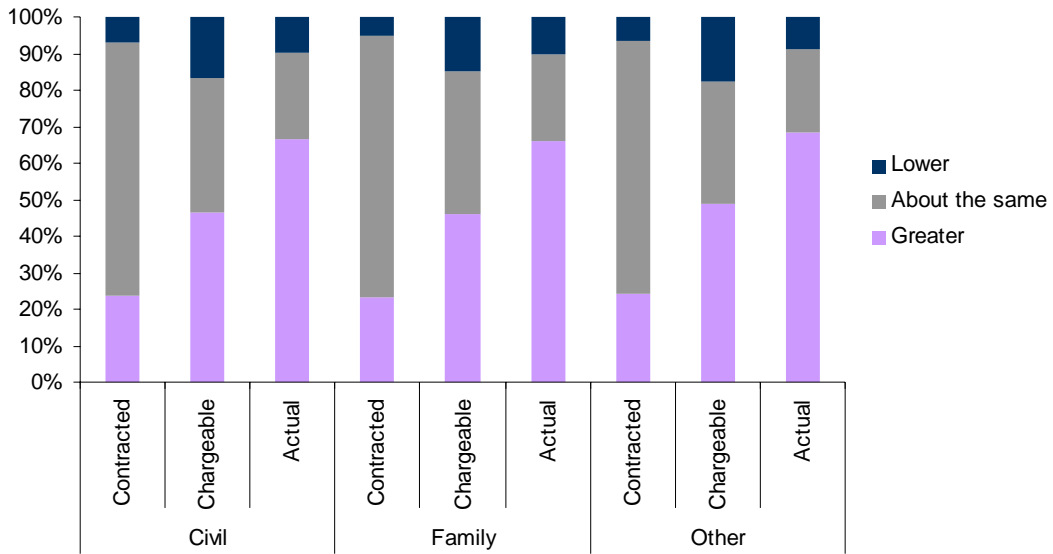
Table 3: Contracted and chargeable hours

Number	Crime	Civil	Family	Other
Type	Mean	Count	Mean	
Contracted	20.1	190	2.17	2.18
Chargeable	35.6	199	2.30	2.31
Actual	48.1	211	2.57	2.60

Source: FreshMinds

As expected, Criminal lawyers are unable to charge for a significant number of the hours they actually work. With a typical working week amounting to 48.1 hours, only 35.6 of these are chargeable / value-added. Crime work involves higher numbers of hours across the board, however, there is an imbalance in terms of the gap between actual and chargeable hours vis a vis the other types of legal work undertaken, as shown below.

Figure 15: Number of hours compared with other areas of practice



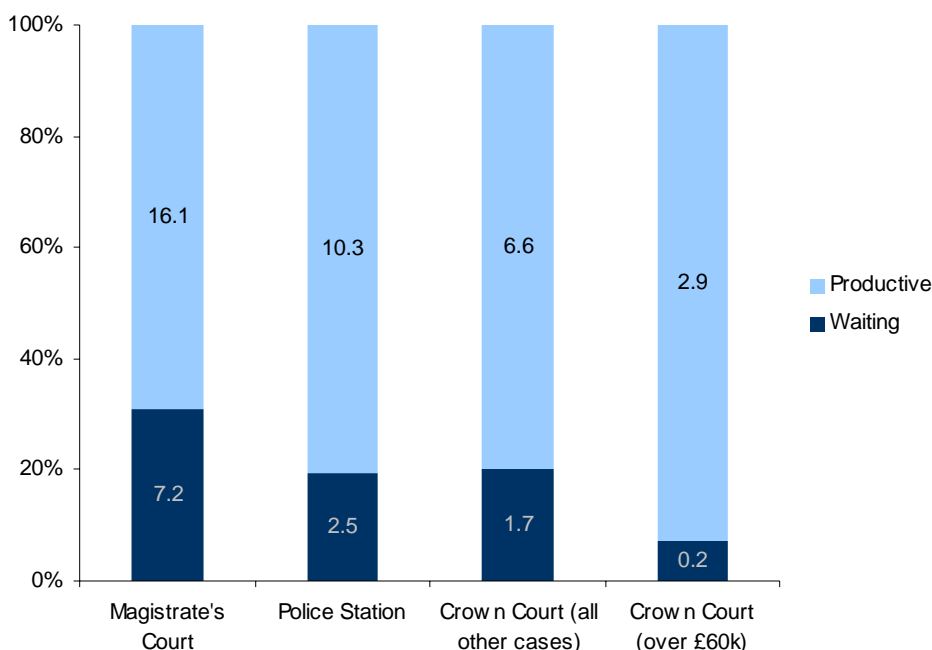
Source: FreshMinds

Crime work appears to involve greater inefficiencies from a firm's point of view. While contracted and chargeable hours are greater for crime than family, civil and other activities, over 67% of respondents felt that the actual hours worked were higher, versus an increase in chargeable hours of around 47% on average. This represents a 20% gap between crime and competing areas of the law.

1.3.6 Waiting Time

One of the perceived problems of criminal work is the amount of time that solicitors have to spend waiting compared to actually working in Magistrates' Courts, Crown Courts (both large and small cases) and in Police Stations. As Figure 4 and Table 1 illustrate, in an average working week of 47.0 hours, a mean of 11.6 hours are spent waiting alongside 35.9 productive hours. This is generally consistent with the responses of Barristers on the same topic.

Figure 16: Waiting time by activity



Source: FreshMinds. Base = 117-120

Table 4: Waiting times, by hours in average working week

Location	Hours	Waiting	Productive
Magistrate's Court	23.4	7.2	16.1
Police Station	12.7	2.5	10.3
Crown Court (all other cases)	8.2	1.7	6.6
Crown Court (over £60k)	3.1	0.2	2.9
Total	47.4	11.6	35.9

Source: FreshMinds. Bases vary from 213-219

Work in Magistrate's Courts clearly represents the most inefficient time spent for solicitors, with 30.9% of time spent there classified as 'waiting'. Likewise, solicitors find that around 19.4% of their time spent in Police Stations and 20.1% of Crown Court cases under £60K is made up of waiting rather than productive work. It is only in Crown Court cases of over £60K that this time waiting declines to 7.2% of actual time spent. However, it is clear that such Crown Court cases represent a small minority of the work carried out by such firms in the average week.

One respondent commented that

"We often have to use outside agencies, such as police station agencies. Work covers a large area in London with much time spent travelling between far flung police stations and courts. This is both expensive and time consuming".

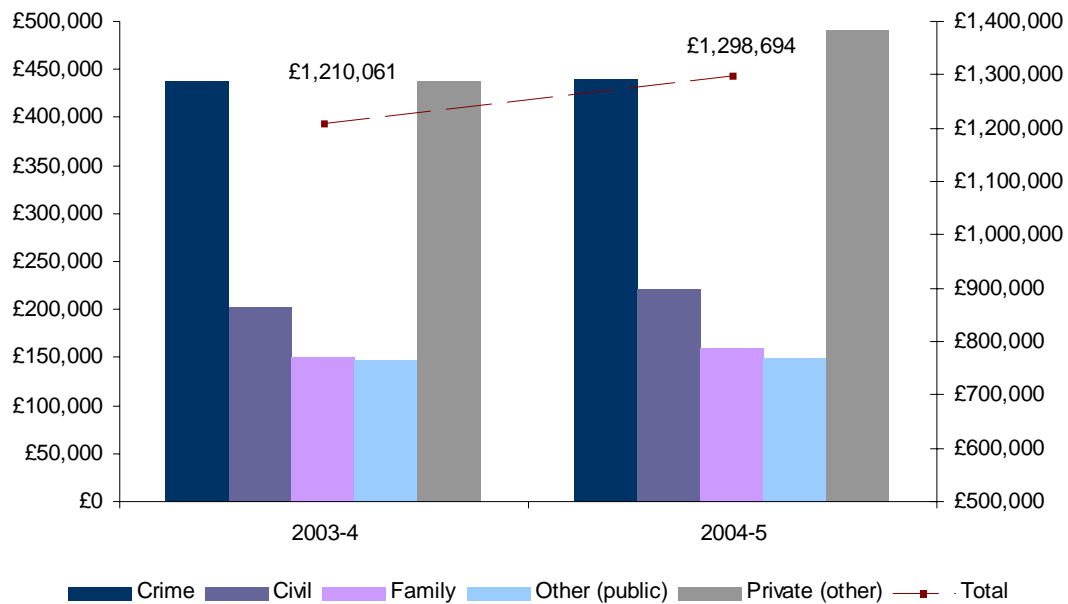
1.4 Income and Fees

Financial data gathered covers both fee income and relative costs. We will take each area separately.

1.4.1 Relative income growth and decline

Firms were asked what their fee income over the past two years had been and how this compared to other areas of practice. The results (Figure 17) show that in real terms, fee income from Crime Work has declined in the past year, while Civil Work, Family Work and Private Work have grown. The great growth in the fee income from private work is borne out in the expectations of many firms who feel that privately-funded work will be the main area of growth in the future as well Figure 17. It is interesting to note however that Crime Work, despite its relative decline over the past year, is still a major source of income for solicitors' firms, and much greater than either Family or Civil practice.

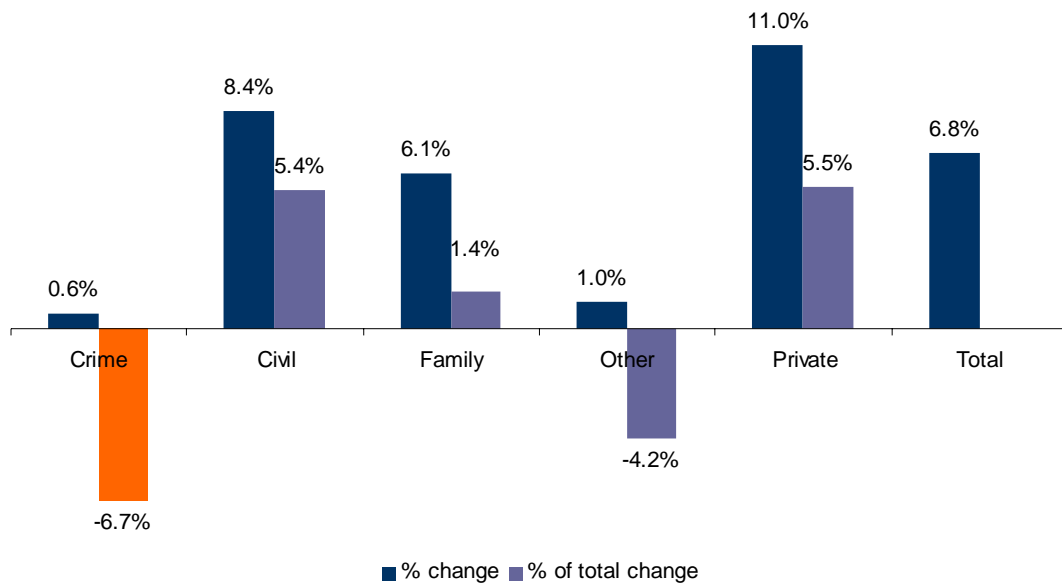
Figure 17: Mean fee income by type of work last two financial years



Source: FreshMinds. Base = 177

Overall, fee income per firm has increased from an average of just over £1.2m to £1,29m, an increase of more than 6.8% on average, or 11.6% overall. Crime work continues to account for the greatest source of income across the board, at roughly 33.9% in the most recent financial year. Percentage change figures are shown below, in terms of the relative change in absolute terms and as a change in the overall proportion of the total each area contributes to firms' income.

Figure 18: Percentage change in mean income by type



Source: FreshMinds. Base = 177

Despite the centrality of the fee income from Crime Work, the figures show that it is the area with least growth. There was only a 0.6% increase in the mean income over the 2 year period for which data has been collected, which represented a 6.7% decrease in its contribution to firms' incomes, whereas all other areas grew more rapidly.

Respondents bemoaned the decline of income within the area. One said that the "rate for legal aid work is £50-110 per hour, while private fees are £300 per hour. It is ridiculous to continue working at these poor public rates", while another commented that

"Crime Work provides a dwindling income, difficult financial constraints and rates haven't gone up in ten years. The system feels like a treadmill – you try to move but can't get anywhere".

It seems that the declining income in this area is a real disincentive. One respondent said that

"Considering the amount of money one gets paid for legal aid work, it is not enough to warrant my doing it".

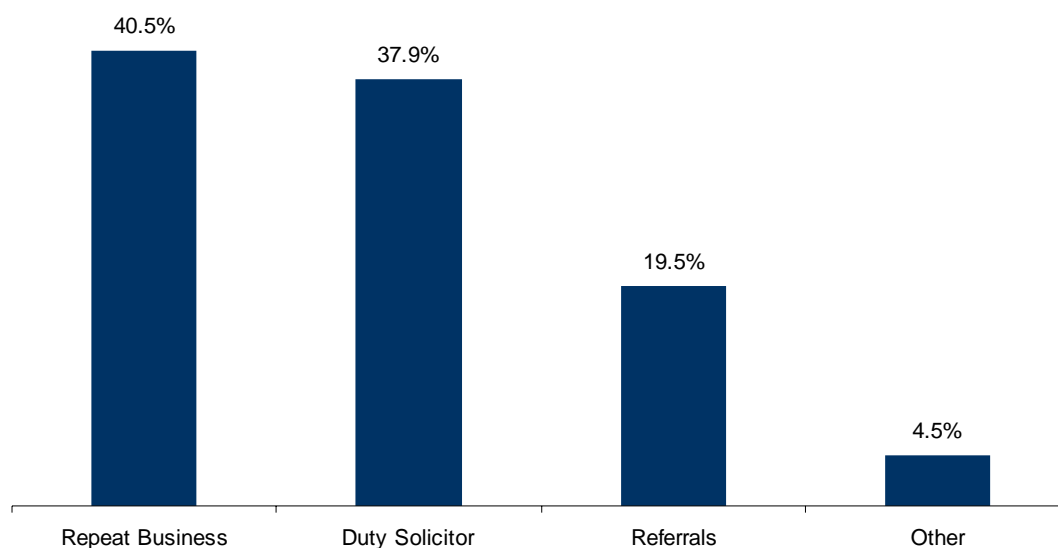
While another commented:

"Crime work is simply non-profitable. Additionally, if you offer other areas of law at your practice, it is undesirable to have another client sharing a reception area with drug users".

1.4.2 New business

Firms generate new crime business in a variety of ways, with repeat business the most commonly cited method.

Figure 19: Where new crime business comes from



Source: *FreshMinds*

The greatest number of respondents (40.5%) said that much of their new Crime Work was repeat business from previous clients. Much work was also found by solicitors serving as duty solicitors (37.9%). Further work also came from referrals (19.5%).

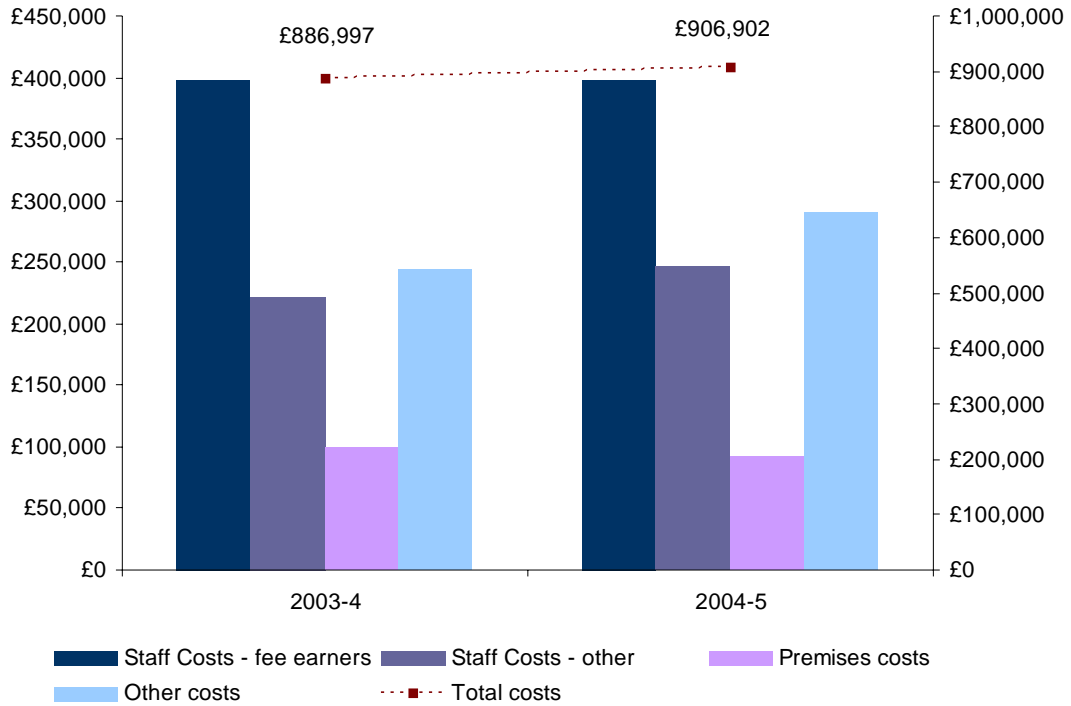
1.5 Expenditure and Costs

1.5.1 Costs

Expenditure and costs were classified according to four main areas. These were Staff Costs (fee earners), Staff Costs (other), Premises costs, and Other costs.

Costs have clearly increased in the past year, with increases in all areas except Premises Costs. The greatest rise was in other costs, although there were also sizable increases beyond inflationary considerations in both types of staff costs.

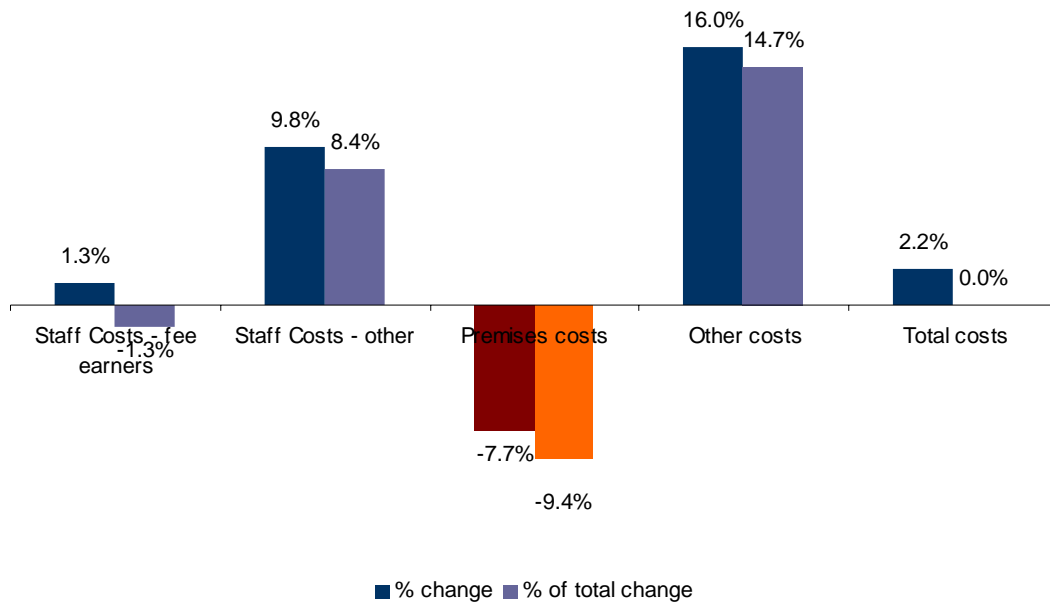
Figure 20: Firm costs by type



Source: FreshMinds. Base=177

Costs have increased from around £886k to just over £900k per firm per annum over the past two years. The overall rise of 9.6% in costs is outweighed by the 11.6% increase in overall income in the same time period, however there is a perception that profits are waning: one practitioner commented that “rates do not go up in line with inflation so profit dwindles”. Another pointed out that “expenses are going up (phone, electricity etc.) but this increase is not matched by remuneration”.

Figure 21: Percentage change in costs, by type



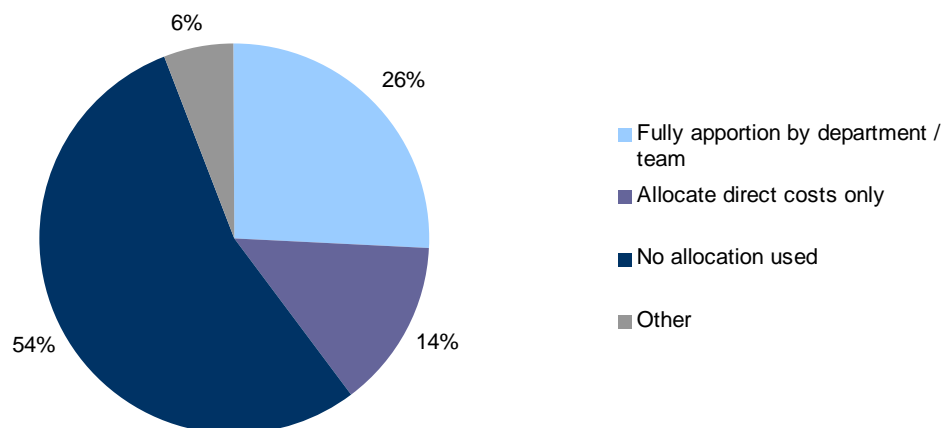
Source: FreshMinds. Base= 177

With the exception of premises costs, all categories of cost have increased over the 2-year period, with Other costs the greatest area of increase. Fee earner costs have increased by over a modest 1.7% while other staff costs have seen a greater increase at nearly 10%. These figures bear out the increasing burden of administrative and bureaucratic activities cited elsewhere.

In terms of the allocation of costs, the vast majority of firms (54%) do not actually use allocation, while only 26% fully apportion. A further 14% allocate direct costs only.

Costs are a real problem for firms undertaking Crime Work. One firm said that they had “stopped the crime area of the practice because the outgoings were twice that of the income generated”.

Figure 22: Allocation of costs in the firm

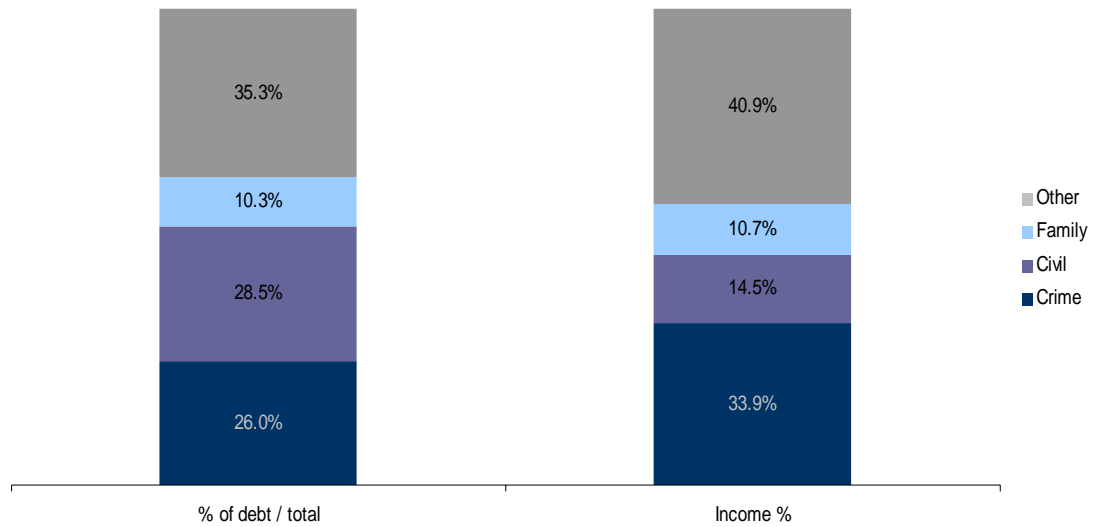


Source: FreshMinds. Base=224

1.5.2 Debt

Debt is often cited as a major problem for legal work and, to some extent, quicker payment for Crime work still constitutes a reason for continuing to offer crime services. Total debt across firms surveyed amounted to just over £37million, with 26.1% of this debt being more than 6 months old. As shown below, crime debt accounts for around 26% of the total owed, or nearly £10million in absolute terms; however, as a proportion of income by area, crime is slightly less problematic, while "Other" work entails a higher proportion of debt in terms of income per firm.

Figure 23: Debt, % of total debt by area and as a proportion of income

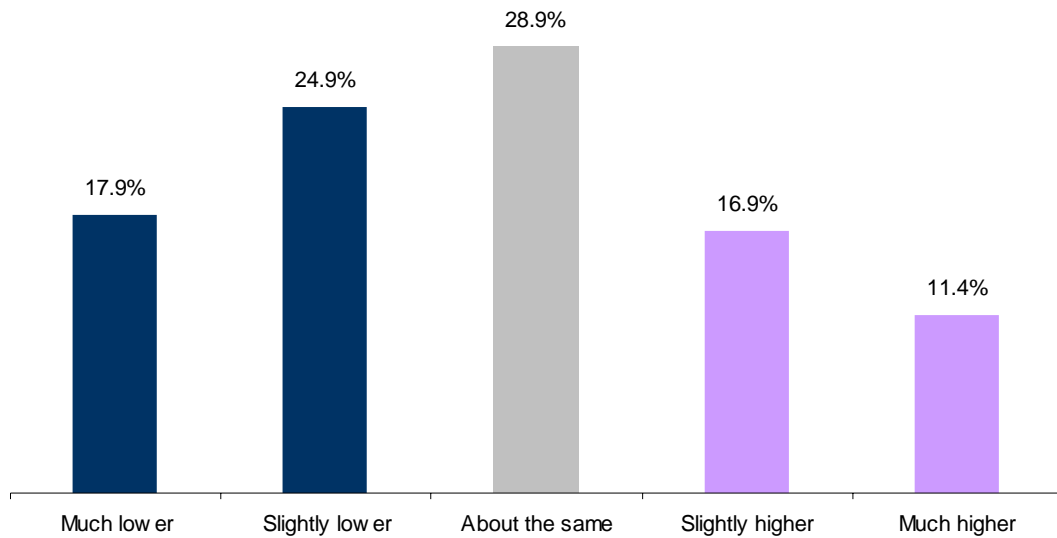


Source: FreshMinds. Base=142

1.5.3 Overheads for Crime Work

Perceptions of the size of overheads for Crime work specifically, when compared with other legal areas, were also surveyed. Interestingly, more of the respondents felt that overheads for Crime Work were actually lower (42.8%), while a smaller amount (28.3%) thought that they were greater. A further 28.9% felt that they were about the same..

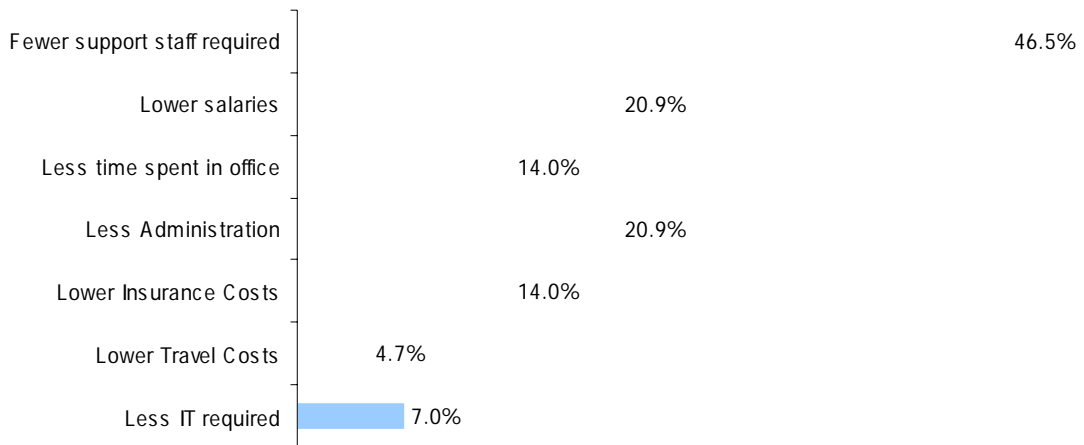
Figure 24: Overheads for Crime Work



Source: FreshMinds Base= 201. [NB: Totals may not sum due to rounding].

When asked why they thought that overheads for crime were lower than other areas, a variety of responses were gathered. Interestingly, it was felt that fewer support staff were needed, which tallies with the remarks that there was less administration and with the fact that less time was spent in the office. Much time is clearly spent at either in courts or police stations as the data has already drawn out.

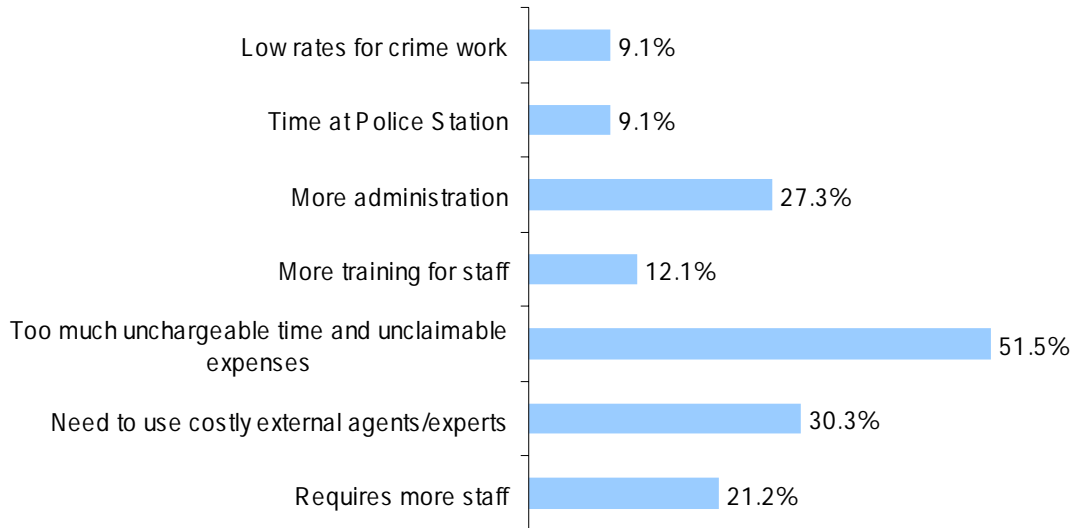
Figure 25: Why are overheads for Crime Work lower?



Source: FreshMind. Base=43

The reasons given for possible higher overheads also tally with other data gathered. The greatest reason for these possible high overheads was cited as there being too much un-chargeable time and too many un-claimable expenses. This is can be seen in the high number of hours that Crime Work entails which is not charged for. The comment by 8.3% that there is too much time spent at the police station also draws this out.

Figure 26: Why are overhead for Crime Work higher?



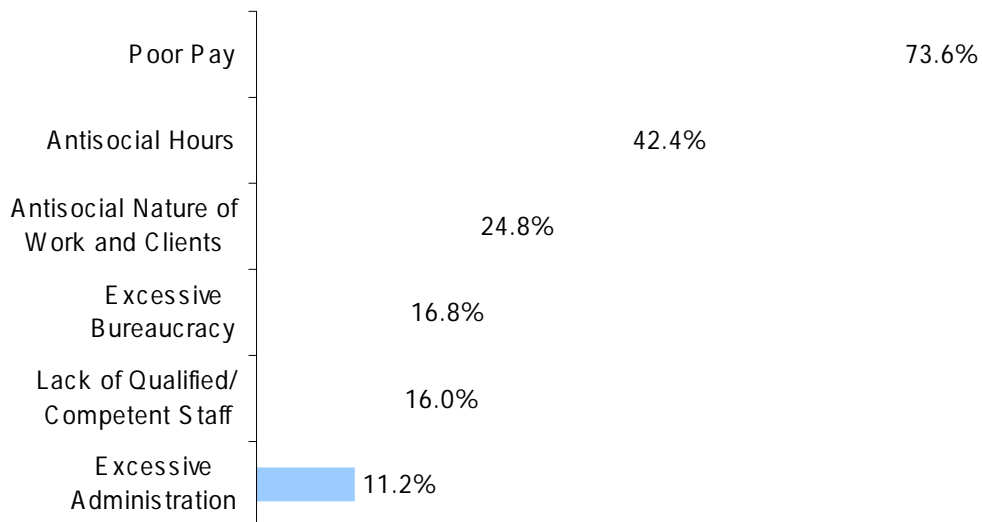
Source: FreshMinds. Base-33

Some firms undertaking Crime Work were experiencing real practical problems with overheads for their teams. One firm commented that “Crime Work doesn't pay well enough to maintain a room for criminal practice due to rents”.

1.6 Difficulties of Crime Work

A whole host of problems were cited by respondents with undertaking Crime Work. The greatest reason cited however, was the poor pay. Furthermore, both the anti-social hours and as well as the anti-social nature of the clients were also problems. Excessive bureaucracy was less of a problem, but also distracted from the field, as did excessive administration.

Figure 27: Difficulties of undertaking Crime Work



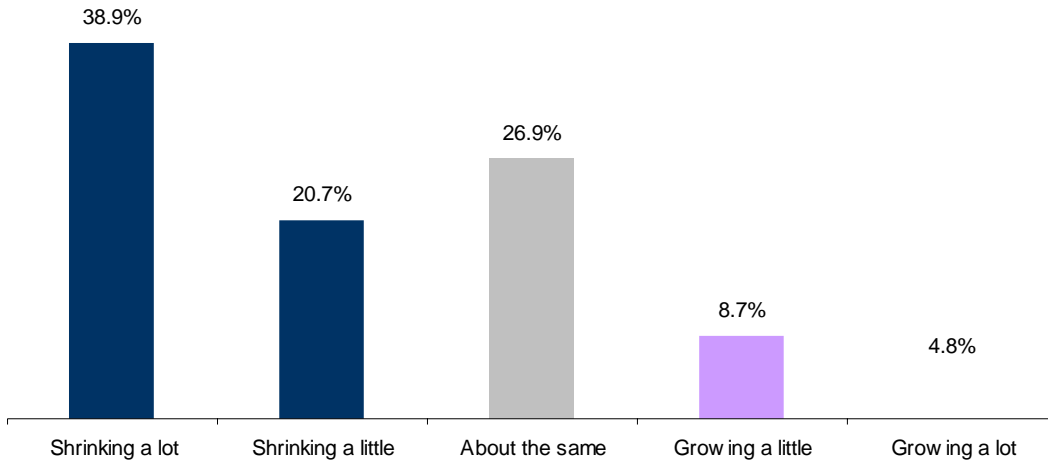
Source: FreshMinds. Base=125

1.7 Trends in Crime Work

1.7.1 Change in Volume of Crime Work

Firms were asked how they saw the proportion of total fee income from crime work changing in the future.

Figure 28: Change in volume of crime work



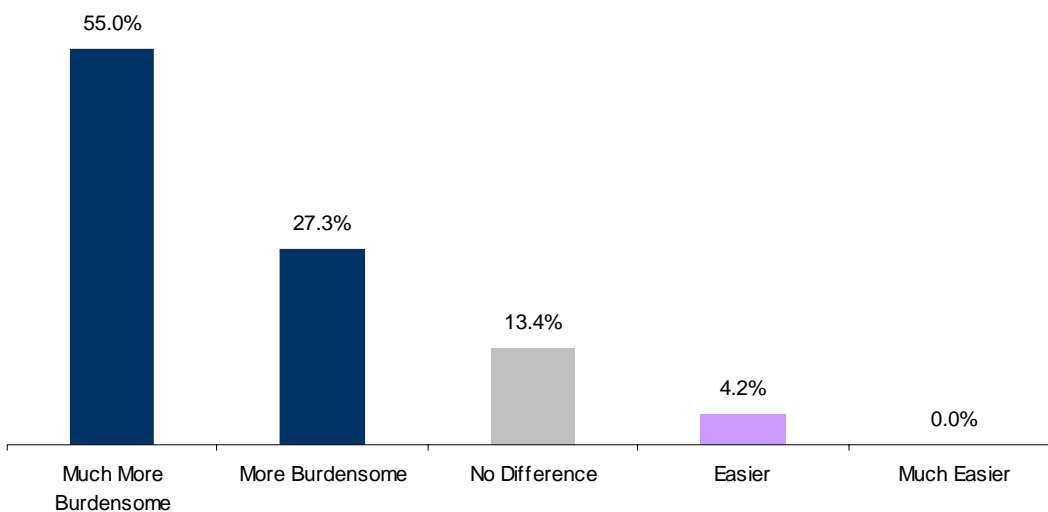
Source: FreshMinds. Base = 208 [excludes d/k and not applicable]

The responses provided a gloomy picture of the future of crime work within the sector for the future, with nearly 60% stating that they perceived that the proportion of total fee income was likely to shrink either a lot or a little. Only 13.5% of respondents considered that fee income was likely to rise in the future.

1.7.2 Administrative Burden of Legal Aid Work

Respondents were asked to consider how the administrative burden of legal aid work had changed recently compared to previous years.

Figure 29: Administrative burden, changes in crime work



Source: FreshMinds. Base = 238 [excludes d/k]

The administrative burden of legal aid has recently grown massively. Some 82.4% of respondents considered that the burden had increased, while only 4.2% said that it had become easier. This data was borne out by comments made by some respondents. One commented that there was “too much bureaucracy... much more than other types of work”.

1.7.3 Recruitment and Retention

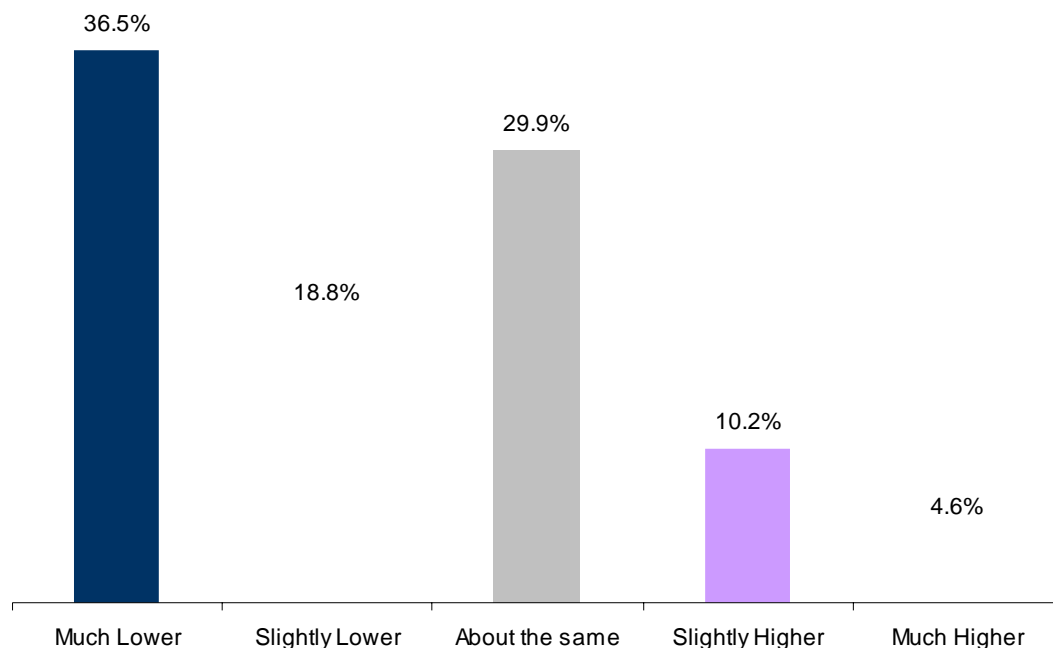
There was a spread of starting salaries within Crime Work. While some could start on as much as £45,000, others could earn as little as £14,000. However, the average starting salary was £24,495.

Table 5: Salaries for new starters

Item	Value
Totals	£4,776,465
Max	£45,000
Mean	£24,495
Min	£14,000
Count	195

Respondents were asked how they considered salaries for solicitors dealing with crime work compared to other branches of law.

Figure 30: Salaries for crime work compared with other legal work

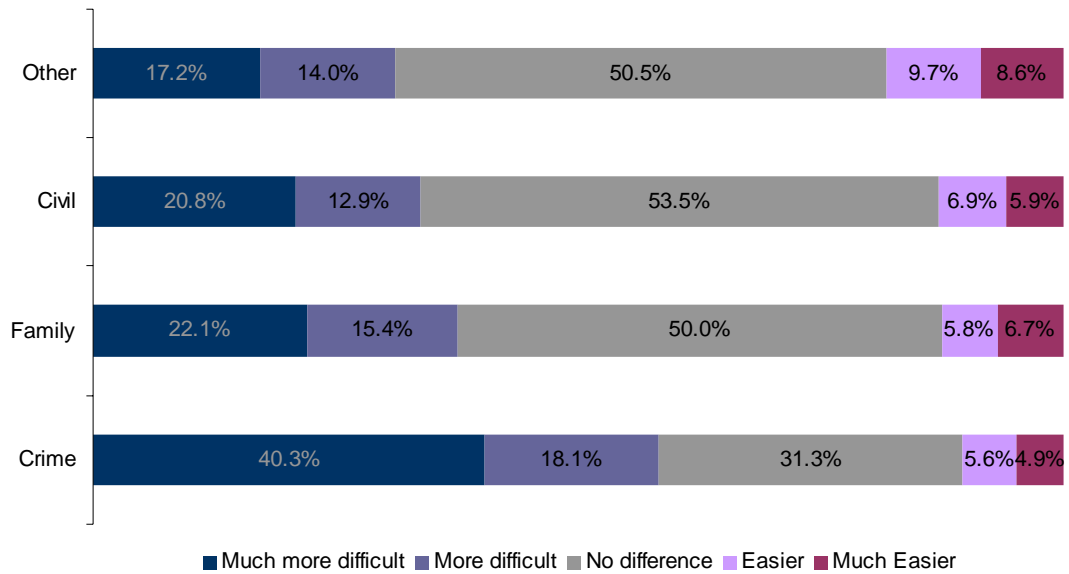


Source: FreshMinds. Base = 197 [Excludes d/k]

Clearly solicitors dealing with crime face lower salaries than their peers. Some 55.3% of respondents felt that salaries were much lower or slightly lower, while only 14.8% considered that salaries were higher than counterparts practicing other facets of law.

The survey also asked respondents about the ease of recruitment and retention of trainees within the crime work sector compared to other legal areas this year compared to other years.

Figure 31: Recruitment and retention of trainees



Source: FreshMinds. Base = 93-144 [Excludes d/k]

On the evidence of this survey, it has become much harder for firms to both recruit and retain trainee solicitors within crime work than in other legal areas. Some 58.3% of respondents felt that it was difficult or much more difficult to recruit and retain trainees within crime work, while only 10.4% felt that it was easier or much easier this year than in other years. However, a significant minority of 31.3% did consider that there had been no change this year compared to other years.

These results did not compare favourably to other areas of legal practice. When asked about recruitment and retention rates for trainees on other branches of law, 33.7% felt that it was more difficult or much more difficult to recruit and retain civil law practitioners compared to 12.9% thinking that it had become easier. Likewise, family law was considered in a more favourable light. 37.5% of respondents considered it more difficult to recruit and retain trainees, while 12.9% thought it had become easier.

Respondents commented that there was “a lack of new qualified staff into the area”, and another said that “*There’s not much young blood coming in*”. Others reported that their only practitioners were retiring and would not be replaced. Another cited their main problem as

“Quality in recruitment – so many people are looking for work but none of them are any good”

while another said that

“Overall there is a lack of new qualified staff into the area, while the unpredictability of the criminal legal aid funding system makes it an undesirable area of work”.

There were many reasons that were given for this predicted trend within the legal sector. One respondent said that it was because of

“...cutbacks from government and increased bureaucracy - whole crime market is less and less profitable”.

Lack of payment and funding within the system for the proportion of work done was often cited as the key reason the decline in attractiveness of the sector. One practitioner commented that it was “because the government is cutting payments”, while another said it was because the “remuneration is poor”. Another said that they had suffered because of “increased costs and no increase in low rates of pay for many years”.

Considering the problems of the sector, when musing on the problems of recruitment and retention, one respondent said that

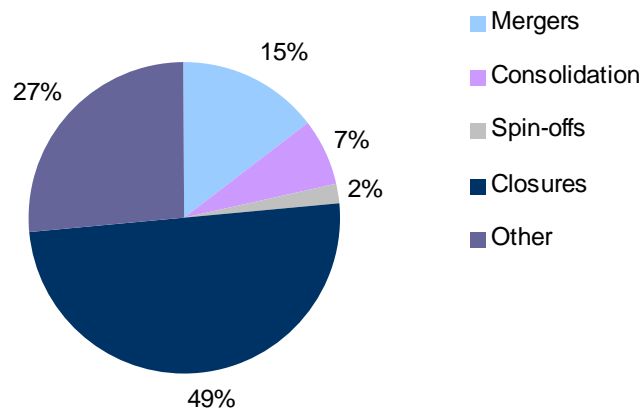
“The remuneration for crime work is lousy - it is significantly lower than in any other area of work. Staff retention is very difficult – many people leave to work for the CPS or PDS which offer salaries up to 50% higher”.

Thus, for qualified Crime fee-earners there are more attractive and lucrative places to work than on the defence side.

1.7.4 Implications for the future

Respondents were asked what they thought the major changes in the future would be for solicitors firms dealing with crime work would be.

Figure 32: Perceived trends in the future for firms dealing with Crime Work

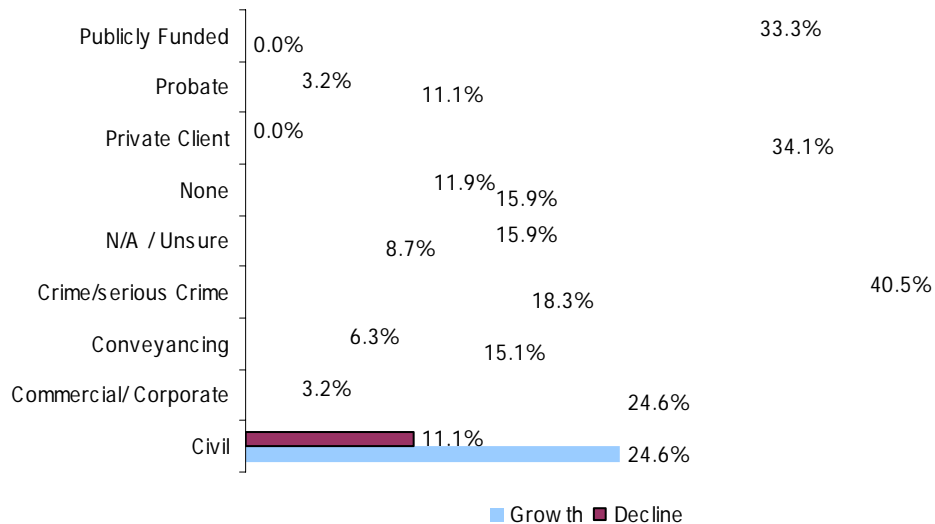


Source: FreshMinds. Base = 225 [excludes d/k]

The major impact of the difficulties experienced in crime work is seen to be increasing numbers of crime departments closing (50%), while a further 15% felt that there would be likely mergers with other practitioners. Taken together with figures cited for consolidation, around 22% of firms see pooling of resources as the major likely outcome.

When asked about what they perceived to be the major growth areas within legal practice in the future, by far the greatest number of respondents (43%) thought that this would be within the private sphere.

Figure 33: Perceived major areas of growth and decline in the future



Source: FreshMinds Base 126 (growth 118 (decline))

Many of the respondents expressed unease when asked to predict what the future growth areas would be. Several firms said that there was too much “uncertainty” to predict, while others were even gloomier, stating that in terms of growth, there would be “none”.

Many of the respondents considered that the one area where there would be no growth was in legal aid work. Another firm cited “anything that isn’t publicly-funded”.

When asked where they thought the greatest decreases in work would be, the greatest proportion of respondents (40.5%) felt that this would be in the crime or serious crime sphere, while also citing other publicly-funded work as another possible area of contraction.

When talking about the future of his firm, one respondent said that

“Crime is the main area of decline in our practice, as despite the fact that crime is ‘booming’, legal aid will always pay less than private work, I am therefore inclined to move towards more private and civil work”.

2 APPENDIX 1: DATA TABLES

Composition of Firms: Total numbers by area

Type	Crime	Civil	Family	Other	Overall
Equity Partners	337	177	154	252	923
Non-equity Partners	121	94	62	119	434
Qualified Fee Earners	683	414	386	576	1976
Non Qualified Fee Earners	534	257	160	283	1213
Trainees	124	87	60	93	402
Administrative and Other	597	324	459	1279	3534
Total	2,395	1,352	1,281	2,602	8,481

Composition of Firms: Mean numbers by area

Type	Crime	Civil	Family	Other	Overall
Equity Partners	1.5	0.9	0.8	1.3	4.0
Non-equity Partners	1.5	1.2	0.8	1.5	4.9
Qualified Fee Earners	3.0	2.1	1.9	2.8	8.6
Non Qualified Fee Earners	2.5	1.3	0.8	1.4	5.3
Trainees	0.6	0.5	0.3	0.5	1.8
Administrative and Other	2.9	1.8	2.4	7.0	15.1
Total	11.9	7.7	7.0	14.6	39.7
% of total	30.1%	19.3%	17.6%	36.7%	100.0%

Composition of Firms: Percentage by area

Type	Crime	%	Civil	%	Family	%	Other	%	Overall
Equity Partners	337	14.1%	177	13.1%	154	12.0%	252	9.7%	923
Non-equity Partners	121	5.0%	94	6.9%	62	4.8%	119	4.6%	434
Qualified Fee Earners	683	28.5%	414	30.6%	386	30.1%	576	22.1%	1976
Non Qualified Fee Earners	534	22.3%	257	19.0%	160	12.5%	283	10.9%	1213
Trainees	124	5.2%	87	6.4%	60	4.7%	93	3.6%	402
Administrative and Other	597	24.9%	324	23.9%	459	35.9%	1279	49.2%	3534
Total	2,395	100.0%	1,352	100.0%	1,281	100.0%	2,602	100.0%	8,481

Earnings per head, by area

Type	Crime	Civil	Family	Other	Private
Total income	£77,938,808	£33,443,569	£24,490,406	£21,783,365	£72,212,714
Per head (all staff)	£32,536	£24,730	£19,119	£8,372	£8,514
Per head (fee earners)	£64,034	£49,817	£44,846	£25,374	£22,651
Per head (partners)	£170,232	£123,449	£113,476	£58,684	£53,215

Allocation of Costs

Response	Count	%	% of true base
Fully apportion by department / team	58	23.9%	25.9%
Allocate direct costs only	31	12.8%	13.8%
No allocation used	122	50.2%	54.5%
Other	13	5.3%	5.8%
Don't know	11	4.5%	-
Can't say	8	3.3%	-
Total	243	100.0%	-
True Base	224	-	100.0%

Overheads

Response	Count	%	% of true base	Netted
Much lower	36	14.8%	17.9%	42.8%
Slightly lower	50	20.6%	24.9%	
About the same	58	23.9%	28.9%	28.9%
Slightly higher	34	14.0%	16.9%	28.4%
Much higher	23	9.5%	11.4%	
Don't know	22	9.1%	-	-
Can't say	20	8.2%	-	-
Total	243	100.0%	-	-
True Base	201	-	100.0%	100.0%

New Business

Response	Mean	Max	Min	Base
Repeat Business	40.5%	90.0%	0.0%	215
Duty Solicitor	37.9%	100.0%	0.0%	211
Referrals	19.5%	100.0%	0.0%	212
Other	4.5%	90.0%	0.0%	163
Total	102.4%	-	-	-

Crime salaries: means and range

Item	Value
Totals	£4,776,465
Max	£45,000
Mean	£24,495
Min	£14,000
Count	195

Crime salaries: comparison with other areas

Response	Count	%	% of true base
Much Lower	72	29.6%	36.5%
Slightly Lower	37	15.2%	18.8%
About the same	59	24.3%	29.9%
Slightly Higher	20	8.2%	10.2%
Much Higher	9	3.7%	4.6%
Don't know	30	12.3%	-
Can't say	16	6.6%	-
Total	243	100.0%	-

True Base	197	-	100.0%
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Use of draftsmen

Response	Count	%	% of true base
For all of our work	23	9.5%	9.7%
For some of our work	166	68.3%	70.0%
Never	48	19.8%	20.3%
Don't know	4	1.6%	-
Can't say	2	0.8%	-
Total	243	100.0%	-
True Base	237	-	100.0%

Reasons for undertaking Crime Work

Response	Count	%	% of true base
To give a full-service offering	68	28.0%	29.1%
As a source of regular income	50	20.6%	21.4%
For positive impact on bottom line	4	1.6%	1.7%
Reputation	18	7.4%	7.7%
Other	94	38.7%	40.2%
Don't Know	1	0.4%	-
Can't Say	8	3.3%	-
Total	243	100.0%	-
True Base	234	-	100.0%

Income and Profit splits for Crime Work

Proportions	Income	Profit	Variance
Most recent	53.9%	55.7%	-1.9%
1 year ago	53.2%	55.8%	-2.6%
2 years ago	52.5%	55.8%	-3.3%
3 years ago	53.1%	55.7%	-2.5%

Change in fee income from Crime Work

Response	Count	%	% of true base	Netted
Shrinking a lot	81	33.3%	38.9%	59.6%
Shrinking a little	43	17.7%	20.7%	
About the same	56	23.0%	26.9%	26.9%
Growing a little	18	7.4%	8.7%	13.5%
Growing a lot	10	4.1%	4.8%	
Can't say	19	7.8%	-	-
Don't know	16	6.6%	-	-
Total	243	100.0%	-	-
True Base	208	-	100.0%	100.0%

Administrative burden for Crime Work: changes

Response	Count	%	% of true base	Netted
Much More Burdensome	131	53.9%	55.0%	82.4%
More Burdensome	65	26.7%	27.3%	
No Difference	32	13.2%	13.4%	13.4%

Easier	10	4.1%	4.2%	4.2%
Much Easier	0	0.0%	0.0%	
Can't Say	2	0.8%	-	-
Don't know	3	1.2%	-	-
Total	243	100.0%	-	-
True Base	238	-	100.0%	100.0%

Future for Crime Work: changes

Response	Count	%	% of true base
Mergers	33	13.6%	14.7%
Consolidation	16	6.6%	7.1%
Spin-offs	4	1.6%	1.8%
Closures	112	46.1%	49.8%
Other	60	24.7%	26.7%
Can't Say	12	4.9%	-
Don't Know	6	2.5%	-
Total	243	100.0%	-
True Base	225	-	100.0%

Management of case work

Response	Count	%	% of true base
Single team from start to finish	184	75.7%	77.0%
Different teams for stages	50	20.6%	20.9%
Other	5	2.1%	2.1%
Can't say	2	0.8%	-
Don't know	2	0.8%	-
Total	243	100.0%	-
True Base	239	-	100.0%

Use of IT

Response	Count	%	% of true base
Do everything we can with IT	55	22.6%	23.6%
Some things, paper also common	74	30.5%	31.8%
Balance between paper and IT	70	28.8%	30.0%
Paper typical, IT for some tasks	34	14.0%	14.6%
Can't say	10	4.1%	-
Don't know	0	0.0%	-
Total	243	100.0%	-
True Base	233	-	100.0%

Use of Management Software

Software Type	Yes	No	Don't Know	Total	% Yes	% No	Total (true base)	True Base
Time recording software	222	20	1	243	91.7%	8.3%	100.0%	242
Practice management software	145	97	1	243	59.9%	40.1%	100.0%	242

Case management software	144	97	0	241	59.8%	40.2%	100.0%	241
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Solicitors with Higher Rights

Proportion	Values
Mean	8.8%
Max	100.0%
Min	0.0%
Base	233

Employment of Barristers in-house

Response	Count	%	% of true base
Yes	108	44.4%	44.8%
No	133	54.7%	55.2%
Don't know	0	0.0%	-
Can't say	2	0.8%	-
Total	243	100.0%	-
True Base	241	-	100.0%

Proportion of Advocacy Work

Proportion	Values
Mean	66.6%
Max	100.0%
Min	0.0%
Base	233

Method of selecting counsel

Response	Count	%	% of true base
Counsel selected from a list	152	45.9%	62.6%
Case-by-case basis	83	25.1%	34.2%
Always use the same counsel	44	13.3%	18.1%
Use internal resources	26	7.9%	10.7%
Other	24	7.3%	9.9%
Can't say	2	0.6%	0.8%
Don't know	0	0.0%	0.0%
Total	331	100.0%	-
Base	243	-	136.2%

Working Hours

Number	Crime		Civil	Family	Other
Type	Mean	Count		Mean	
Contracted	20.1	190	2.17	2.18	2.17
Chargeable	35.6	199	2.30	2.31	2.31
Actual	48.1	211	2.57	2.56	2.60

Waiting time

Location	Hours	Waiting	Productive
Magistrate's Court	23.4	7.2	16.1
Police Station	12.7	2.5	10.3
Crown Court (all other cases)	8.2	1.7	6.6
Crown Court (over £60k)	3.1	0.2	2.9
Total	47.4	11.6	35.9

Hours comparison by area

Hours	Response	Civil	Family	Other
Contracted	Greater	23.8%	23.1%	24.0%
	About the same	69.2%	71.6%	69.4%
	Lower	6.9%	5.2%	6.6%
Chargeable	Greater	46.5%	46.3%	48.9%
	About the same	36.6%	38.8%	33.6%
	Lower	16.9%	15.0%	17.5%
Actual	Greater	66.7%	66.0%	68.4%
	About the same	23.6%	23.8%	22.8%
	Lower	9.7%	10.2%	8.8%

Recruitment of Criminal Solicitors compared with other areas

Response	Crime		Civil		Family		Other	
Much more difficult	58	40.3%	21	20.8%	23	22.1%	16	17.2%
More difficult	26	18.1%	13	12.9%	16	15.4%	13	14.0%
No difference	45	31.3%	54	53.5%	52	50.0%	47	50.5%
Easier	8	5.6%	7	6.9%	6	5.8%	9	9.7%
Much easier	7	4.9%	6	5.9%	7	6.7%	8	8.6%
Can't say (Don't read out)	52	-	71	-	70	-	78	-
Don't know (Don't read out)	47	-	71	-	69	-	72	-
Total	243	-	243	-	243	-	243	-
True Base	144	100%	101	100%	104	100%	93	100%

Debt

Type	Sum	Mean	Max	% of 2005 income as debt	% of debt / total
Crime	£9,715,349	£68,418	£2,100,000	12.5%	26.0%
Civil	£10,632,928	£90,880	£6,800,000	31.8%	28.5%
Family	£3,837,559	£33,082	£495,129	15.7%	10.3%
Other	£13,167,467	£110,651	£7,000,000	14.0%	35.3%
Total	£37,353,303	-	-	16.2%	100.0%

Age of Debt

Split	%
Fewer than 6 months old	75.1%
More than 6 months old	26.1%
Total	101.1%
Base	140

Income

Type	Most recent				Previous Year				% Change			
	Value	Sum	Mean	Max	% of total	Sum	Mean	Max	% of total	Sum	Mean	Max
Crime	£77,938,808	£442,834	£4,500,000	33.9%	£73,531,962	£437,690	£4,300,000	36%	5.7%	1.2%	4.4%	-6.7%
Civil	£33,443,569	£221,481	£15,770,000	14.5%	£27,982,316	£202,770	£14,580,000	14%	16.3%	8.4%	7.5%	5.4%
Family	£24,490,406	£160,068	£1,880,000	10.7%	£21,352,077	£150,367	£1,742,400	11%	12.8%	6.1%	7.3%	1.4%
Other (public)	£21,783,365	£149,201	£15,000,000	9.5%	£20,083,019	£147,669	£15,000,000	10%	7.8%	1.0%	0.0%	-4.2%
Private (other)	£72,212,714	£491,243	£12,122,198	31.4%	£60,340,803	£437,252	£10,972,124	30%	16.4%	11.0%	9.5%	5.5%
Total	£229,868,862	£1,306,073	-	100.0%	£203,290,177	£1,210,061	-	100%	11.6%	7.4%	-	0.0%
Base	176	-	-	-	168	-	-	-	-	-	-	-

Expenditure

Type	Most recent				Previous Year				% Change			
	Value	Sum	Mean	Max	% of total	Sum	Mean	Max	% of total	Sum	Mean	Max
Staff Costs - fee earners	£59,828,394	£471,090	£12,100,000	44.3%	£54,879,203	£465,078	£14,400,000	44.8%	8.3%	1.3%	-19.0%	-1.3%
Staff Costs - other	£36,893,065	£247,604	£3,500,000	27.3%	£30,608,642	£221,802	£4,300,000	25.0%	17.0%	10.4%	-22.9%	8.4%
Premises costs	£13,869,215	£92,461	£2,500,000	10.3%	£13,747,598	£99,620	£2,700,000	11.2%	0.9%	-7.7%	-8.0%	-9.4%
Other costs	£43,500,422	£290,003	£7,977,764	32.2%	£33,629,386	£243,691	£7,400,000	27.5%	22.7%	16.0%	7.2%	14.7%
Total costs	£135,128,371	£906,902	£24,987,000	100.0%	£122,405,563	£886,997	£18,400,000	100.0%	9.4%	2.2%	26.4%	0.0%

Contracted										
Category	Counts			% of total			Weighted			
	Civil	Family	Other	Civil	Family	Other	Civil	Family	Other	
Greater	31	31	29	23.8%	23.1%	24.0%	93	93	87	
About the same	90	96	84	69.2%	71.6%	69.4%	180	192	168	
Lower	9	7	8	6.9%	5.2%	6.6%	9	7	8	
Don't know	40	36	39	-	-	-	-	-	-	

Can't say	24	25	33	-	-	-		-	-	-
n/a	0	0	0	-	-	-		-	-	-
Total	194	195	193	-	-	-	Sum	282	292	263
True Base	130	134	121	100.0%	100.0%	100.0%	Mean	2.2	2.2	2.2
Chargeable										
Category	Civil	Family	Other	Civil	Family	Other		Civil	Family	Other
Greater	66	68	67	46.5%	46.3%	48.9%		198	204	201
About the same	52	57	46	36.6%	38.8%	33.6%		104	114	92
Lower	24	22	24	16.9%	15.0%	17.5%		24	22	24
Don't know	37	34	36	-	-	-		-	-	-
Can't say	27	26	33	-	-	-		-	-	-
n/a	0	0	0	-	-	-		-	-	-
Total	206	207	206	-	-	-		326	340	317
True Base	142	147	137	100.0%	100.0%	100.0%		2.3	2.3	2.3
Actual										
Category	Civil	Family	Other	Civil	Family	Other		Civil	Family	Other
Greater	96	97	93	66.7%	66.0%	68.4%		288	291	279
About the same	34	35	31	23.6%	23.8%	22.8%		68	70	62
Lower	14	15	12	9.7%	10.2%	8.8%		14	15	12
Don't know	41	41	42	-	-	-		-	-	-
Can't say	27	25	32	-	-	-		-	-	-
n/a	0	0	0	-	-	-		-	-	-
Total	212	213	210	-	-	-		370	376	353
True Base	144	147	136	100.0%	100.0%	100.0%		2.6	2.6	2.6

3 APPENDIX 2: QUESTIONNAIRE

Introduction

Good morning /afternoon,

[Ask for Managing Partner, FD, Practice Manager, person with functional responsibility for finance, or named respondent if available]

My name is [INSERT NAME] and I'm calling from FreshMinds, a research company based in London. We are working with the review team led by Lord Carter and you should have received a letter from them explaining this call and containing details of what we would like to discuss. Have you received such a letter?

Response	Code	Action
Yes	1	<i>Continue</i>
No	2	<i>Offer to send letter by email and continue</i>
<i>Don't know</i>	3	<i>Offer to send letter by email and continue</i>

As you will know the Carter Review team is investigating legal aid procurement. We have conducted an initial in-depth study with a two-day visit programme to Firms across the country and are now seeking input from a wider selection of organisations including yourselves to reinforce the information gained from initial visits to a selected sample of Firms. The interview should last no longer than 20 minutes and will follow the format explained in the initial letter. If necessary we can call you back at a more convenient time. Are you happy to continue?

Response	Code	Action
Yes	1	<i>Continue</i>
Later	2	<i>Book appointment</i>
Not appropriate contact	3	<i>Take referral and book soft appointment</i>
<i>Refusal</i>	4	<i>Thank and close</i>

Thanks. Please be rest assured that everything you say will remain confidential and will be fed back to our client only in the form of statistics and tables. Under no circumstances will we pass any of your personal details back to them. This survey is being conducted under the MRS Code of Conduct. Should you have any queries please feel free to phone Chris Martin on 020 7692 4182.

Section A: Structure and management of firm

I'd like to start by discussing a few aspects of how your firm is structured in England and Wales and the different types of work that you do.

Q.1 How is your firm structured at partner level?

Response	Code	Action
All partners are equity partners	1	Go to Q.2 and then to Q.4
All partners are non-equity partners	2	Go to Q.3
Mixture of equity and non-equity partners	3	Go to Q.2
Can't say (Don't read out)	4	Go to Q.2
Don't know (Don't read out)	5	Go to Q.2

Q.2 How many equity partners does the firm have across the following legal areas?

[Interviewer instruction: please type in the number of staff across each legal area]

Type of work	Number
Crime	
Civil	
Family	
Other	
Overall	

Q.3 How many non-equity partners does the firm have across the following legal areas?

[Interviewer instruction: please type in the number of staff across each legal area]

Type of work	Number
Crime	
Civil	
Family	
Other	
Overall	

Q.4 How many qualified fee earners does the firm have across the following legal areas?

Type of work	Number
Crime	
Civil	
Family	
Other	
Overall	

Q.5 How many non-qualified fee earners does the firm have across the following legal areas?

Type of work	Number
Crime	
Civil	
Family	
Other	
Overall	

Q.6 How many trainees does the firm have across the following legal areas?

Type of work	Number
Crime	
Civil	
Family	
Other	
Overall	

Q.7 How many administrative or other staff does your firm employ?

Type of work	Number
Crime	
Civil	
Family	
Other	
Overall	

Q.8 How many trainees have started to work for you in the past year in each of the following areas of work?

Type of work	Number
Crime	
Civil	
Family	
Other	
Overall	

Q.9 Thinking about the recruitment and retention of trainees to your firm in these areas, how would you say the ease of doing this has changed this year compared to previous years?

Response	Crime	Civil	Family	Other
Much more difficult				
More difficult				
No difference				
Easier				
Much easier				
Can't say (Don't read out)				
Don't know (Don't read out)				

Q.10 Thinking about the split of your crime work. What proportion of the firm's and solicitor's time is spent in Magistrate's Court and what proportion in Crown Court?

Location	% of work
Police Station	
Magistrate's Court	
Crown Court (cases >£60k)	
Crown Court (all other cases)	

Q.11 Does a single team or department deal with cases from start to finish, or do different teams or departments deal with discrete stages in the life of a case?

Response	Code	Action
A single team deals with a case from start to finish	1	Go to Q.13
Different stage in the process are dealt with by different teams	2	Go to Q.13
Other (specify)	3	Go to Q.12
Can't say (Don't read out)	4	Go to Q.13
Don't know (Don't read out)	5	Go to Q.13

Q.12 What is this other arrangement for dealing with the life of a case?

Q.13 Does the firm use any of the following?

	Yes	No	Don't know
Time recording software			
Practice management software			
Case management software			

Q.14 How much has your firm spent on IT in the last three years?

Q.15 In general, how much IT is used by your firm? [Interviewer to read out]

Response	Code
We do everything that we can using IT	1
We do some things on IT, but paper is also common	2
Our work is balanced between IT and paper	3
We use IT for specific tasks, but paper is typically used	4
We tend to use paper for most tasks	5
Can't say (Don't read out)	6
Don't know (Don't read out)	7

Section B: Activities

Let's move now to talk about the work that your firm gets involved in and the activities of your solicitors.

- Q.16 Thinking of the time that a criminal solicitor in your firm spends out of the office, what proportion of this is typically spent waiting?

Location	% of time spent waiting
Police Station	
Magistrate's Court	
Crown Court (cases >£60k)	
Crown Court (all other cases)	

- Q.17 Thinking of the contracted hours per week, for how many hours would a criminal fee-earner be contracted?

- Q.18 Thinking of these contracted hours per week for criminal fee-earners, how does this compare with other areas of work?

Type of work	Greater	About the same	Lower
Civil			
Family			
Other			

- Q.19 Thinking of the chargeable hours per week, for how many hours would a criminal fee-earner be charged out?

- Q.20 Thinking of these chargeable hours per week for criminal fee-earners, how does this compare with other areas of work?

Type of work	Greater	About the same	Lower
Civil			
Family			
Other			

- Q.21 Thinking of the actual hours per week, for how many hours would a criminal fee-earner be working?

- Q.22 Thinking of these actual hours per week for criminal fee-earners, how does this compare with other areas of work?

Type of work	Greater	About the same	Lower
Civil			
Family			
Other			

- Q.23 What proportion of your solicitors has higher rights qualifications?

- Q.24 Do you employ barristers?

Response	Code
Yes	1
No	2
Don't know (do not read out)	3
Can't say (do not read out)	4

- Q.25 What proportion of your advocacy work is undertaken in-house?

- Q.26 What are the benefits of this arrangement?

Q.27 How do you typically select counsel for a case? [select all that apply]

Response	Code	Response
Use internal resource	1	Go to Q.29
Always use the same counsel	2	Go to Q.29
Use different counsel but from a list of Chambers	3	Go to Q.29
Assess which Chambers to use on each occasion	4	Go to Q.29
Don't know	5	Go to Q.29
Can't say (do not read out)	6	Go to Q.29
Other (do not read out)	7	Go to Q.28

Q.28 What other method do you use to select an advocate?
[Open ended question]

Q.29 Which of these do you use most frequently?

Response	Code
Use internal resource	1
Always use the same counsel	2
Use different counsel but from a list of Chambers	3
Assess which Chambers to use on each occasion	4
Don't know	5
Can't say (do not read out)	6
Other (do not read out)	7

Section C: Income and fees

Thanks for your input so far. I would like to move on to discuss income and fees at your firm.

- Q.30 Can you provide the following fee income data for your firm for the last two complete financial years

Fee income	Most recent financial year (£)	Previous financial year (£)
Crime (public)		
Civil (public)		
Family (public)		
Other (public)		
Private (other)		

- Q.31 What is the amount of debt owed to you at the close of the last complete financial year in each of the following legal sectors?

Debt	£
Crime	
Civil	
Family	
Other	

- Q.32 How does this debt split by age of debt?

Age of debt	%
Less than 6 months old	
More than 6 months old	

- Q.33 What proportion of new crime business comes to your firm through the following ways?

	%	Action
Duty solicitor		Go to Q.35
Repeat business		Go to Q.35
Referrals		Go to Q.35
Other (specify)		Go to Q.34
Don't know		Go to Q.35
Can't say (do not read out)		Go to Q.35

- Q.34 What is this other way that new crime business comes to your firm?
[Open ended question]

Section D: Expenditure and costs

Now, I would like to move on to talk about expenditures and costs

Q.35 What proportion of net profits were allocated to equity partners in the last financial year?

Q.36 What proportion of net profits were allocated to equity partners in the preceding financial year?

Q.37 How do you allocate costs in your firm?

Response	Code	Action
Fully apportion by department/ team	1	Go to Q.39
Allocate direct costs only	2	Go to Q.39
No allocation used	3	Go to Q.39
Other	4	Go to Q.38
Don't know (do not read out)	5	Go to Q.39
Can't say (do not read out)	6	Go to Q.39

Q.38 What other method of fee allocation is this?

Q.39 On average, how do you think that overheads for crime work compare with those for other types of work?

Response	Code	Action
Much lower	5	Go to Q.41
Slightly lower	4	Go to Q.41
About the same	3	Go to Q.42
Slightly higher	2	Go to Q.40
Much higher	1	Go to Q.40
Don't know (do not read out)	6	Go to Q.42
Can't say (do not read out)	7	Go to Q.42

Q.40 Why are the overheads for crime work higher than those for other types of work?

Q.41 Why are the overheads for crime work lower than those for other types of work?

Q.42 Can you provide the following expenditure data for your firm for the last two complete financial year?

Expenditure	Most recent financial year (£)	Previous financial year (£)
Staff costs – fee-earners		
Staff costs – other		
Premises costs		
Other costs		
Total costs		

Q.43 What are the departments/ teams that you apportion costs to?

Department/Team name	Code
	1
	2
	3
	4
	5
	6
	7

	8
	9
	10

Q.44 Can you provide the following expenditure data for [Department/Team1] for the two complete financial years?

Expenditure	Most recent financial year (£)	Previous financial year (£)
Staff costs – fee-earners		
Staff costs – other		
Premises costs		
Other costs		
Total costs		

Repeat Q.44 for all Department/Team

Q.45 How much would the salary be for a newly qualified fee earner in crime?

Q.46 How do salaries for solicitors doing crime work compare to those of their non-crime colleagues?

Response	Code	Action
Much lower	1	Go to Q.48
Slightly lower	2	Go to Q.48
About the same	3	Go to Q.49
Slightly higher	4	Go to Q.47
Much higher	5	Go to Q.47
Don't know (do not read out)	6	Go to Q.49
Can't say (do not read out)	7	Go to Q.49

Q.47 On average, how much higher are salaries for those doing crime work?

Q.48 On average, how much lower are salaries for those doing crime work?

Q.49 When producing bills, do you make use of cost draftsmen?

Response	Code	Action
For all of our work	1	Go to Q.51
For some of our work	2	Go to Q.50
Never	3	Go to Q.52
Don't know (do not read out)	4	Go to Q.52
Can't say (do not read out)	5	Go to Q.52

Q.50 In what proportion of cases is this?

Q.51 What are the benefits of using a cost draftsman?

Q.52 Finally thinking about properties, how many properties does your firm occupy?

Q.53 What is the size of [Property 1] (in square feet or square metres – interviewer to note)?

Q.54 How many people occupy [Property 1]?

Q.55 On what basis is [Property 1] occupied?

Response	Code	Action
Leasehold	1	

Freehold	2	
Other (specify)	3	Go to Q.53
Don't know (do not read out)	4	
Can't say (do not read out)	5	

Q.56 On what other basis is the property occupied?

[Repeat Q.53 – Q.56 for the number of properties mentioned in Q.47]

Q.57 How many homeworkers does your firm employ?

Section E: Trends and developments

Finally I'd like to gather your opinions on the legal market and talk about how you envisage your firm changing in the future.

Q.58 Why does your firm undertake crime work? What are the benefits of this type of work?

	Code	Response
To give a full service offering	1	
As a source of regular income	2	
For the positive impact this work has on the bottom line	3	
Reputation	4	
Don't know (do not read out)	5	
Can't say (do not read out)	6	
Other (specify)	7	

Q.59 What are the difficulties of undertaking crime work?

Q.60 Thinking about the future of your firm, what do you see as the main area of growth?

Q.61 And what do you anticipate as the main area of decline?

Q.62 As a proportion of total income, can you give the size of your crime activities for the past three years?

Year	%
Most recent financial year	
One year ago	
Two years ago	
Three years ago	

Q.63 Now, as a proportion of total profit, can you give the size of your crime activities for the past three years?

Year	%
Most recent financial year	
One year ago	
Two years ago	
Three years ago	

Q.64 How do you account for the changes in your crime activities over the years?
[Interviewer instruction: Please skip this question if there is no change in Q56]

Q.65 How do you see the proportion of total fee income from crime work changing in the future?

	Code	Response
Shrinking a lot	1	Go to Q.66
Shrinking a little	2	Go to Q.66
Staying about the same	3	Go to Q.68
Growing a little	4	Go to Q.67
Growing a lot	5	Go to Q.67
Can't say (do not read out)	6	Go to Q.68
Don't know (do not read out)	7	Go to Q.68

Q.66 Why is your fee income shrinking?

Q.67 Why is your fee income increasing?

Q.68 Thinking about the administrative burden of legal aid work in particular, how would you say this has changed compared to previous years?

Response	Code
Much more burdensome	1
More burdensome	2
No difference	3
Easier	4
Much easier	5
Can't say (Don't read out)	6
Don't know (Don't read out)	7

Q.69 Finally, thinking about the market for crime work, what do you think are the major changes that will occur in the near future?

Response	Code
Mergers of crime departments	1
Spin-offs of crime departments	2
Consolidation of crime departments	3
Closing crime departments	4
Other (please specify)	5
Can't say (Don't read out)	6
Don't know (Don't read out)	7

Q.70 What other developments do you foresee?

Screening questions

I'd like to finish by gathering some information about your Firm. Please be aware that the information that you have given us so far today is for the sole use and benefit of the Carter Review team. Responses will be given back in anonymised form and will not be associated with an individual Firms or individual respondent. We would like to gain some screening information now for tracking and monitoring purposes only.

SQ.1 Registered name of Firm.

[]

SQ.2 Location of Firm

[]

SQ.3 Respondent details

Name:

Position:

Telephone number:

Email:

SQ.4 Finally would you be willing for us to call you back at some time in the future in case we need to check anything you have said, for quality control purposes only?

Response	Code
Yes	1
No	2

FreshMinds would just like to thank you again for your time.

CLOSE