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Civil High Cost Family - Help Us Say Yes Webinar – Your Questions

Care case fee scheme (CCFS)

5 April 2022

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Written submissions

Q: What exactly does “10 days” mean in the guidance?

A: In one counsel cases, as long as the day is court ordered, an event is claimable by the person completing the submissions.

For two counsel cases there must be more than 10 consecutive days hearing. During the hearing if the judge sets aside one of the days after day 10 for written submissions, this is claimable as a full event by the party completing the submissions.

Q: Does the above mean 10 days or 10 consecutive days?

A: 10 consecutive days

Q: Is there any difference in rules between the single Counsel and two Counsel models?

A: As above, the 10-day reference is in two counsel models only.

Q: What if the judge has directed a fee be paid to the trial advocates for preparation of written submissions?

A: The LAA is not bound by a court order. To obtain payment under the event model the matter must qualify as an event according to the guidance for the scheme.

Q: Can under-run fees be claimed by the solicitor and Counsel not preparing the submissions?

A: Yes, as the day was listed and set aside. Those not drafting the submissions can claim an underrun fee.

Advocate meetings: Two Counsel

Q: If the Fact-finding Hearing is adjourned part-heard, or a re-hearing is ordered, are any further Advocate meetings claimable prior to the second part if it is held a considerable time later?

A: The short answer is no. However, depending on individual case circumstances, it may be possible to allow additional for Advocates meetings if the LAA deem it is reasonable in those specific circumstances.

One Counsel model

Q: Is the counsel acceptance form required in all CCFS cases whether Counsel is claiming Events /FAS /FGFS?

A: The counsel acceptance form (CAF) is only required where counsel is claiming events or FGF.

Q: Can conducting solicitors claim an event fee for attending conference with counsel?

A: No, conferences are not claimable as events for solicitors.

Q: If the conducting solicitor is using an in-house advocate, can that advocate claim a conference fee?

A: Yes, the advocate can claim a conference fee, if they are not also the litigator.

Q: Can conducting solicitors claim an event fee for attending advocates' meetings where counsel also attends, and the advocates' meetings are ordered in advance?

A: Yes, they can

Q: Is there a limit to the number of advocates' meetings counsel /conducting solicitor can attend, assuming they are all ordered in advance?

A: No, there is not a limit

Q: Can conducting solicitors claim a non-attendance fee for an advocates' meeting where only counsel attends?

A: Non-attendance fees only exist in 2 counsel.

Q: Can conducting solicitors claim a non-attendance fee for an advocates' meeting where only counsel attends, or is a non-attendance fee for conducting solicitors only available for hearings?

A: There is not a "non-attendance fee" in one counsel cases so a full event is paid in both circumstances. However, if the instructing solicitor attends an event without counsel, we may still require evidence that the event took place.

Q: Can a solicitor claim for attendance at a conference for a single counsel case?

A: No if they are the litigator, yes if they are a separate advocate to the litigator

Two Counsel model

Q: Is the counsel acceptance form required in all CCFS cases whether Counsel is claiming Events /FAS /FGFS?

A: If Counsel are claiming events or FGF, a counsel acceptance form is required. It is not required for FAS claims. However, we do encourage CAF's for all counsel to avoid delay in requesting one, which may delay payment of fees.

Q: Can conducting solicitors claim an event fee for attending conference with counsel?

A: No, they cannot.

Q: Can conducting solicitors claim an event fee for attending advocates' meetings where counsel also attends, and the advocates' meetings are ordered in advance (limited to two before Fact Finding hearing and two after)?

A: Yes, both the instructing solicitors and counsel can claim the event fee. However, if they are split, it is strictly limited to 2 before a fact-finding hearing and 2 before the final hearing.

Q: Can conducting solicitors claim a non-attendance fee for an advocates' meeting where only QC and junior counsel attends?

A: No, an event is paid to those who attend. The non-attendance fee available for main hearings only, not advocates meetings. We have accepted these in the past; however, this was an error by the LAA.

Q: On occasions a formal brief to counsel is not sent to counsel, what evidence does the LAA require in this situation – a telephone note or email to counsel's clerk as evidence of counsel being instructed?

A: We need any evidence that proves the event took place and counsel attended for both one and two counsel cases. Normally, we do ask for endorsed back sheets, as these are the most common and convenient evidence produced.

Q: If an in-house advocate* (who is not the conducting solicitor) acts as QC's junior (and prior authority has been obtained for QC and solicitor advocate) does the in-house advocate need to attend all conferences, advocates' meetings, hearings?

A: Whilst they don't need to attend all events, they can only be paid for those they do attend.

Q: What happens if a final case plan is not submitted within 3 months due to delays with final orders or other issues?

A: If we are aware of any issues there will be no problem for both 1 and 2 counsel cases. If the notification for the case plan task “disappears” just contact us via case enquiry and we will resurrect it.

Q: Any plans to improve on processing timescale of the case plan?

A: It is appreciated how long it can take to process submissions. We are always looking to improve the position with events such as this webinar and recruiting more staff.

Q: Why does the LAA override the order of the court in terms of more than 2 advocates meetings? Surely, if the court/judge has deemed it necessary, it is?

A: For the two-counsel model, the guidance only allows for 2 advocate meetings. We are not saying the meeting is not necessary, it just doesn't attract an event fee under this model.

In 1 counsel cases, each advocates meeting ordered in advanced, does attract an event fee.

Q: Are there any plans to increase the upload file size from 8mb which is quite low?

A: For high cost family cases we use Secure File Exchange, but only for cases still run through CIS.

The service is not yet available for CCMS as SFE does not allow us to save the document with the file record.

Q: Are there any circumstances where underruns and overruns cancel each other out rather than being stand-alone events in a case?

A: They are allowable as set out in each model guidance, in effect added together they make up the full event price.

Q: In the VHCC care case info pack for cases registered from 1.10.15 it says that conferences will not attract an even fee for the conducting solicitor. Is there a more recent info pack?

A: The most recent pack is always the one available from the website link.

It is correct that for instructing solicitor there is no event fee for a conference.

Q: Two counsel case plan does the 2 advocates meeting rule apply to earlier hearing before matter placed on plan, as see cases where earlier advocates meeting has been paid under FAS then place on plan and QC and JC instructed?

A: The general rule is that the number of advocate meetings attracting an event fee is limited to 2. Once a case is registered high cost the whole case is subject to the model rules which cover FAS, FGF and events for counsel.

Having said that, there are circumstances where old FAS advocates meetings may be allowed in addition to newly instructed counsel post registration, but that is on a case by case basis.

Q: Can the second instructed firm bill their costs if previous solicitors do not confirm their fees?

A: The contract value is for the whole case, including any previous acting solicitors.

You shouldn't delay submitting a plan though just because you are struggling to obtain information, but it will delay payment. If the case concludes and you are still in this position, let us know and we will look at the matter individually.

Q: Can a solicitor who attends an event alone as solicitor advocate claim the £1660.50 Sol Adv Fee shown in payment schedule?

A: If it's a one-off scenario, the answer is no, use the advocacy rate for solicitor.

Billing question

Q: Bills submitted together. Fee note requested from counsel in 48hrs. Not uploaded so solicitor bill rejected. Sols contact counsel, fee note uploaded and counsel bill paid. Sols re-submit bill and 1 week later still not paid.

The firm's question is, how is it reasonable to hold the firm accountable and give a rejection over something they had no control over?

A: This is related to bill processes on CCMS which is not our responsibility. However, we will pass this to the relevant team.



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