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Service Information and Fees

Criminal Law

1 Introduction

As part of our professional rules, we aim to ensure that anyone wishing to use our services has the information they need to make an informed choice of legal services provider, including understanding what the costs may be.

2 Legal aid

2.1 Overview

Unless you have expressly agreed to pay us privately, we will make an application for legal aid on your behalf.

2.2 Police investigations

All police station work (which includes all police investigations regardless of where the interview takes place) is paid for under the legal aid scheme, irrespective of your income. Work outside of the police station prior to charge, may be funded under the Advice and Assistance Scheme. We may ask you to complete forms CRM 1 and 2 to determine eligibility. If you are not eligible for advice and assistance outside of the police station pre-charge, then we will either do that work free of charge or, alternatively, not do that work unless and until you agree to pay us privately for it.

2.3 Non-police investigations

Investigations by non-police agencies e.g., Department for Work and Pensions, RSPCA etc. are not funded under the police station scheme. You may however be eligible for Advice and Assistance and we will assess whether or not you qualify.

2.4 Legal aid when charged

Magistrates' Court and Crown Court legal aid is means-tested in most cases. Most people on benefits and all persons under 18 years of age are eligible for legal aid.

2.5 Magistrates' court

If you are eligible for magistrates' court legal aid then you will pay no legal aid costs in relation to those proceedings (if you plead guilty or are found guilty you may be liable to pay prosecution costs).

2.5 Crown court

If you have disposable income in excess of £37,500 you will not qualify for crown court legal aid. The rules, and the calculations of income are complex and in many cases we will have to make a 'hardship' application on your behalf to assess full eligibility. If you remain ineligible for legal aid we will discuss with you the option of paying privately for your defence.

If you are eligible for legal aid in the crown court then you may be liable to pay contributions for the first 6 months of your case (income contributions) and at the end of your case, if convicted (capital contributions). Most people on state benefits pay nothing (if you plead guilty or are found guilty you may be liable to pay prosecution costs).

The rules in relation to crown court legal aid are complex and we will guide you through the application process. If legal aid is granted you will be informed as to whether there is any contribution payable. If you find the payment proposals unacceptable then you must notify us immediately so that we can reject the offer of legal aid. If you are required to pay contributions towards crown court legal aid and fail to do so, interest charges will be added and the Legal Aid Agency may take legal action to enforce the monies owed.

It is vital therefore that you fully understand the financial implications of accepting legal aid subject to income or capital contributions. Legal proceedings, particularly the trial process can be very expensive, often running into many tens of thousands of pounds. If you have capital above the limit (£30,000) this is therefore at risk and you could for example ultimately lose your home.

If you have paid contributions but are acquitted of all charges, monies you have paid (with interest at 2%) will be returned to you. If you are acquitted of some but, not all charges the amount payable under contributions may in some cases be apportioned, meaning that you will pay less. We will discuss this with you further should this situation arise.

If you are not eligible for legal aid, or you reject the offer of legal aid, we will not be able to act for you unless you agree to pay privately.

2.6 Court of Appeal

We will apply for legal aid funding on your behalf if you wish to appeal or resist an appeal by the Attorney General. Most cases at the Court of Appeal qualify for legal aid, but legal aid is subject to Recovery of Defence Costs Order – we will discuss whether this might

affect you in the event that an appeal is lodged. If legal aid is refused, we and your advocate may be willing to continue to act in certain cases. We will discuss this should the need arise.

3 Private funding

We will update you on the cost of your matter at regular intervals in the event that you are paying privately for our services. We will also update you on the likely timescales for each stage of this matter and any important changes in those estimates. If you are paying privately, we will set out the details in a separate letter to you.

4 Prosecution costs

If you plead guilty or are found guilty you may be liable to pay prosecution costs. We will be able to discuss the likely costs level once we have full information in relation to your case.

5 Other costs

If you plead guilty or are found guilty you may be asked to pay a fine and/or compensation. In some cases the prosecution will seek to recover from you the 'proceeds of your crime' (called a 'confiscation order') – if yours is such a case we will discuss this with you at a very early stage, as it may impact on the plea you wish to enter. There will also be in most cases a victim surcharge to pay. We will discuss the implications of these costs once the nature of the case against you is known.

6 Motoring offences

6.1 Why instruct Ewings & Co Solicitors

From our offices in Penge, we provide the very best advice and representation in criminal legal aid and privately-funded matters. You can be assured of receiving a quality service as our practice is accredited against the Law Society Lexcel standard. We understand how important your driving licence is. Most of our clients rely upon their ability to drive, whether it's for work, business, family or pleasure. We also understand the stress and worry caused by driving offences and how often a criminal conviction can end up in the loss of your job, business, reputation and the strain it places on relationships.

We have a vast amount of experience in successfully defending individuals who are facing these charges. We're here to pick up the pieces, take the worry off your hands and explain everything to you, including the possible outcomes and advise you at each stage of the process.

6.2 Example: Motoring offence, guilty plea, single hearing

Please note that legal aid is not available for motoring offences matters and you will need to instruct us privately. To illustrate our likely fees and expenses we have set out below a worked example for summary only¹ and Special Reasons² matters. These are indicative figures only as each case is different and we will always provide you with a quotation tailored to your requirements.

We try to work on a fixed fee basis for most motoring offences, as follows:

	Fixed fee (from)	VAT at 20%	Total (from)
Guilty plea	£500.00	£100.00	£600.00
Special reasons	£1,000.00	£200.00	£1,200.00

The above represent the starting fees for this type of work and there may be additional factors in your case that increase the fees such as if we identify a need to instruct expert witnesses.

6.3 What is included?

- Attendance and/or preparation;
- Considering evidence;
- Taking your instructions;
- Providing advice on likely sentence;
- Attendance and representation at a single hearing at the Magistrates Court in a local court.

6.4 What is not included?

- Instruction of any expert witnesses;
- Taking statements from any witnesses;
- Advice and assistance in relation to an or exceptional hardship hearing³;
- Advice or assistance in relation to any appeal.

6.5 Expert witnesses

Not all matters will require the preparation of an expert report. However, where this is required, we will advise on the choice of a suitably-qualified expert and obtain a quotation. Typically, experts may be called to conduct alcohol back calculations, lung function tests and drug calculations, for example. Expert fees will be charged additional to our fees referred to earlier. We expect you to make a payment on account in advance of us instructing an expert. These reports typically range from £1,000.00 to £2,000.00 (£1,200.00 to £2,400.00 including VAT at 20%).

6.6 Key stages involved

The key stages of your matter are based on the presumption that you have entered a guilty plea and have a date for your hearing. They typically include:

- Meet with you to provide instructions on what happened;
- Consider initial disclosure, and any other evidence and provide advice;
- Arranging to take any witness statements if necessary. This will normally be charged on an hourly rates basis as an additional cost. Please see the section below on hourly rates matters for an indication of our rates;
- Explain the court procedure to you so you know what to expect on the day of your hearing, and the sentencing options available to the Court;
- Conduct any further preparatory work, obtain further instructions from you, if necessary, and answer any follow up queries you have;

- Attend court on the day, meet with you before going before the court. We anticipate being at court for up to several hours depending on how busy the court list might be;
- Discuss the outcome with you and advise you if necessary on your options for appeal against sentence or conviction.

6.7 Hourly Rate Matters

If you wish to instruct us on an hourly rate basis, our fee rates are:

Status of Caseworker	Charging Rate (excl. VAT)	Charging Rate (incl. VAT)
Partners	£320.00	£384.00
Consultants	£320.00	£384.00
Senior Associate Solicitors/Legal Executives – more than 8 years qualified	£300.00	£360.00
Associate Solicitors and Legal Executives – more than 4 years qualified	£260.00	£312.00
Associate Solicitors and Legal Executives – less than 4 years qualified	£240.00	£288.00
Trainees and Paralegals	£160.00	£192.00

These fees would not be inclusive of travel, mileage or disbursements, which may include expert reports. We would need to assess your case before we are able to give a more accurate time and cost estimate.

6.8 How long will my case take?

For guilty plea cases, the timescale to conclude your case will depend on the court date allocated for the final hearing. For not guilty pleas the average timespan is 3 to 6 months. Again, each case is individual and we can give you an indication of this during an initial consultation.

7 About the Criminal Law Process

7.1 Police station cases

The police may arrest you or seek to interview you by prior appointment. Interviews can take place at a police station, your home, place of work, or other location (such as a prison if you are already in custody).

There is no such thing as ‘a little chat’. The core business of the police is to arrest, charge and then have people punished. They are not your friend and they never act in your best interests. Police officers sometimes say that things will be quicker without a solicitor – this is rarely true, in fact once we know about your detention, we can actually act to speed things up. And remember, if you were to say something you ought not to have, you might have a lot of time during the years you spend in prison regretting a little wait while we are called out to assist you. Police station advice is always free and we always have someone available, day or night.

Therefore, if you are arrested, or are asked to speak to the police at any time, you have the right to speak to a solicitor and it is in your interests to do so. In a small number of cases where, for example, there is not going to be any police interview (e.g. drink driving, or arrested on a court warrant) the rules are different and you will be offered advice by 'CDS Direct' – a government-funded advice centre. You are advised to accept that advice and also ask them that they contact us immediately so that we know of your arrest and can assist further should the need arise.

Cases are sometimes dealt with speedily; at other times the investigation can last many months. It is important that you keep in touch with us. If the police contact you directly then let us know immediately – do not assume that they will contact us as well – they like it when we are kept out of the loop as our job is to protect you.

You have lots of rights and protections in the police station – it is our job to ensure that these rights are acted upon.

7.2 Magistrates' Court cases

If you are charged, then in almost all cases you will make your first appearance at a magistrates' court. Some cases can only be tried in a magistrates' court, some only in a crown court, and in some cases, you will be given the choice. We will advise you as to which of these applies in your case and assist you in making the right decision if you have a choice.

If you plead guilty in the magistrates' court, sentencing may take place immediately, or within a short space of time thereafter, or in some instances your case will be committed to the crown court for sentence. We will notify you of the likely outcome, before you enter a plea, so that you know exactly what is likely to happen.

If you plead not guilty to a case being tried in the magistrates' court it will be adjourned for trial.

7.3 Crown Court cases

More serious cases are sent to the crown court for trial and/or sentence. Trial at the crown court is before both a Judge and Jury, and in fact this is the better outcome in some instances as the trial may be fairer. However, this must be balanced against the possible prosecution costs, time it will take to conclude the case and the fact that sentencing powers in this court are greater.

We will guide you throughout the process to ensure that you know what is happening and why. If at any time you have questions or concerns then please contact us.

8 Our team

Our Crime Team comprises:

Michael Gallagher

Solicitor and Head of the Crime Department

Michael qualified as a solicitor in 2010. Michael started his career in Hampshire, before returning to London in 2014 working for a Legal 500 firm. Michael joined Ewings & Co. in 2016 specialising in criminal law.

Michael has undertaken all types of matters from minor driving offences through to serious crime. He has been instructed on a number of murder, attempted murder and sexual abuse cases. Michael has also successfully defended in cash forfeiture proceedings.

Michael provides an unrivalled level of service to all of his clients whether their case is funded by legal aid or privately.

Carlo D'Agostino Solicitor

Carlo graduated from Cambridge University and attained a Masters in Human Rights Law from Queen's University in Belfast. He qualified as a solicitor in 2008 and has specialised in criminal law ever since. Carlo completed his training with Ewings & Co. where his passion for building strong client relationships has created a large client following.

Carlo has dealt with all areas of criminal matters and has been instructed on cases of murder, serious sexual offences, GBH and drugs importation cases. He was involved in defending a client in the police operation following the Savile revelations and the Dame Janet Smith Inquiry into the culture and practices of the BBC.

Carlo has a laser focus to detail ensuring clients are able to advance the best possible defence.

Steven Evans Solicitor

Stephen originally qualified as a Barrister in 2001 but after working in crime, litigation and employment law for a London firm, cross qualified as a solicitor in 2008. Stephen joined Ewings & Co. in 2022 and brought with him a wealth of experience in dealing with the full range of Criminal matters including murder, GBH, possession of drugs with intent to supply and rape; to driving and football related offences.

Stephen's particular area of expertise is as a Magistrates Court trial advocate and he is a strategic thinker who examines every detail of the prosecution cases.

Having established himself at Ewings & Co. the past year, he has proved himself a valuable member of the team who is also Police Station and Duty Solicitor accredited.

Gerard Kinch Chartered Legal Executive

Gerard is a Chartered Legal Executive with over 30 years' experience and has always specialised in criminal law. In his career he has worked for leading London Criminal law firms and joined Ewings & Co in 2019. In that time he has dealt with cases across the whole spectrum of the criminal law from arrest to trial, including murder, serious violent and sexual offences, international drugs conspiracies, money laundering and fraud. Cases of note include The Millennium Dome Robbery and the 'Baby P' Case.

He is an accredited police station advisor who attends police stations, both in and out of office hours in order to represent his clients. He also represents clients in the Magistrates' Court and Youth Court.

Gerard prides himself on his exceptional and compassionate service to all of his clients demonstrable through his client following.

9 Notes

1. A **summary only** offence is an offence which can only be tried in the magistrates' court. There are exceptions. Under the Criminal Justice Act 1988 (CJA 1988) offences specified in the Act can be tried on indictment by a jury if they are linked to an offence triable only in the Crown Court. The principal summary only offences are:
 - Driving whilst disqualified;
 - Careless and inconsiderate driving;
 - Failing to give information as to the identity of the driver;
 - Failing to stop or report; and
 - Speeding.
2. **Special Reasons** pertain exclusively to situations where the accused has been found or has pled guilty and now faces disqualification unless he/she can persuade the Court that the circumstances of the offence are such that it would be unjust to impose a ban.
3. An **exceptional hardship** hearing is where the accused has been found or has pled guilty and now faces disqualification unless they can persuade the Court that a disqualification would cause them or others exceptional hardship