

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR
ANSWER TO BE TABLED ON TUESDAY 19th JANUARY 2010**

Question

Would H.M. Attorney General provide a graph showing, year by year, the growth in the number of legally qualified staff employed in the Law Officers Department in the last ten years?

How many of the legally qualified staff recruited over the last ten years have, at some point, been Members of Chambers at 7 Bedford Row?

What payments have been made over each of the last 3 years to Counsel at Bedford Row and what percentage does this constitute of the total amounts paid for external legal advice over each of the last 3 years?

Would H.M. Attorney General provide a copy of the tendering document used for inviting applications to provide external legal advice?

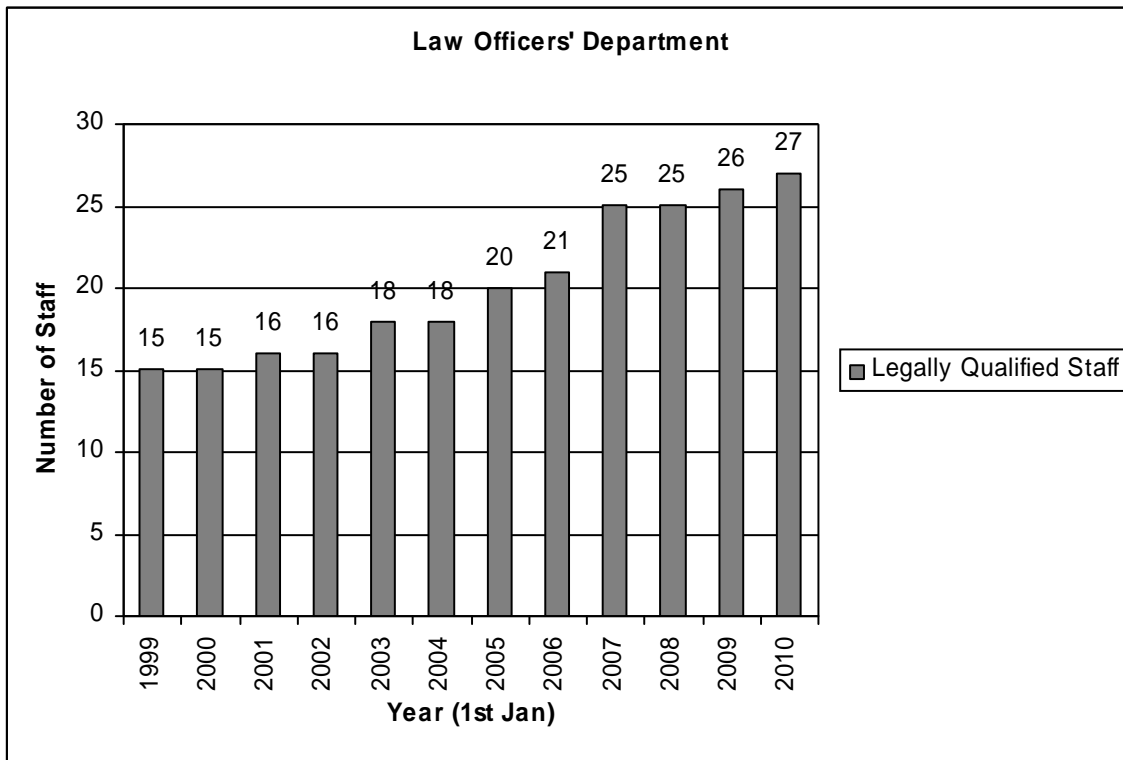
What sums, if any, have been paid, over each of the last 3 years to legal firms based in Jersey for criminal prosecution and defense work and would H.M. Attorney General identify the firm in each year which received the highest payment?

Answer

In order to answer the parts of the question more easily we have numbered the paragraphs of the question.

1. The Department has taken the term 'legally qualified' to mean those staff having at least a law degree or a professional legal qualification in Jersey or in any other jurisdiction.

When a civil servants move from one department to another, their personnel file moves with them. The Department has done its best to check the information in this graph but in a very few cases, it was not possible to verify the qualifications of some former members of staff.



2. Of the legally qualified staff recruited over the last ten years, three have at some point been members of 7 Bedford Row. At any one time, up to two members of staff have previously been members of 7 Bedford Row.
3. Payments made by the Law Officers' Department to counsel who are members of 7 Bedford Row over the last the three years and the percentages these payments constitute of the total amounts paid for external legal advice are as follows:

Year	Paid to Counsel at 7 Bedford Row	Percentage of Total for External Advice
2007	£597,875	29%
2008	£656,182	33%
2009	£671,790	27%

These payments were made by the Law Officers' Department during 2007, 2008 and 2009 to eleven barristers at 7 Bedford Row who worked on seven separate investigations or prosecutions. As a result in part of the work done in those investigations or prosecutions some £11,089,167 has been seized and/or confiscated from the subjects of those investigations and prosecutions over the same period. None of these payments made by the Law Officers' Department related to the Historic Child Abuse Enquiry. In 2008, the Law Officers' Department made a single payment of £875 to leading counsel at 7 Bedford Row in respect of an advice relating to the Child Abuse Enquiry.

4. There is no tendering documentation. Selection of external lawyers to provide advice and assistance is made on the basis of choosing persons who are competent to advise in highly specialist relevant areas and who provide good value for money. We are advised that this is similar to the system used by the Crown Prosecution Service in the UK. 7 Bedford Row is a specialised criminal and common law chambers with considerable expertise in all areas of the criminal law. In addition, members of those chambers have gained over time substantial understanding of the Jersey legal system and the differences between the Island's legislation and practices and those of the UK, and as such have been found to offer clear, prompt and useful advice. Further, the Department uses and has used – though to a more limited extent than those at 7

Bedford Row - other chambers of barristers who are able to offer skills and experience appropriate to the needs of the Department in respect of the particular advice required, and is therefore aware of the general charges levied by barristers, and is able to say that 7 Bedford Row provides good value for money.

Payments for external legal advice are made from the Court and Case Costs budget whose expenditure has been reviewed on a number of occasions, most recently by Moore Stephens in December 2009. Their final report is currently awaited.

An internal audit report of Court and Case Costs expenditure carried out by BDO Alto in February 2009 noted:

“Engagement of third parties as prescribed in Financial Direction 5.1 is frequent practice for the Law Officers' Department. Due to the nature of the cases, external expertise is often required and due to their urgency and confidentiality it is not possible to ‘tender’ for those engagements. Known, reliable third parties are used, being based on their experience of Jersey law and on recommendation. However, there is currently no process for documenting the reason for by-passing the tender stage as required by the financial direction.”

BDO Alto recommended, and the Department has accepted, that:

“The CMP’s (case management plans) will include a section documenting the decision making (including cost considerations) and approval of the appointment of third party service providers in line with the financial direction.”

5. As the Historic Child Abuse investigation is separately funded, the Department has set out the figures relating to prosecutions other than in respect of the Historic Child Abuse investigation and given the figures for that investigation separately.

Total amounts paid to Jersey legal firms for prosecution work (other than in respect of the Historic Child Abuse investigation) during the last three years are as follows:

2007:	£ 1,342,379
2008:	£ 1,006,822
2009:	£ 1,323,079

In 2007 the firm that received the highest level of fees was Baker Platt, and in 2008 and 2009 the firm that received the highest level of fees was Walkers.

In 2007 Baker Platt was dealing with the prosecution of Peter Michel and Simone Gallichan. In 2008 and 2009 Walkers was dealing with the prosecution of Curtis Warren and others. The total payments will include payments for disbursements incurred by the Jersey Legal firms in addition to legal fees.

Amounts paid to Jersey firms in connection with the Historic Child Abuse investigation and prosecutions over the last three years were as follows:

2007:	£NIL
2008:	£925,122
2009:	£1,046,430

In 2008 the firm receiving the highest level of fees was Baker Platt. In 2009 it was the only firm dealing with the prosecutions in this matter.

The above information is for payments made by the Law Officers' Department for prosecution and investigation costs only. The Law Officers' Department has no control over defence costs, the appointment of lawyers to represent persons accused of crimes or for the allocation of payment to those lawyers. The payment of defence costs is dealt with by the Judicial Greffe and the Law Officers' Department holds no

records about it. In an effort to assist members, however, the following information on defence costs has been supplied by the Judicial Greffe to the Law Officers' Department to be included in this answer.

Amounts paid to Jersey firms for defence work in the last three years were as follows:

2007:	£1,509,673
2008:	£1,191,741
2009:	£2,205,272

In 2007 the firm that received the highest level of fees was Viberts and in 2008 and 2009 the firm that received the highest level of fees was Voisin & Co.

Members should note that, as for prosecution costs, disbursements are included in the figures for the sums paid to legal firms based in Jersey. In the context of criminal defence costs, the main category of disbursements would be payments to expert witnesses called on behalf of the defence and any specialist advice received from English counsel.