

Evidence and Benchmarking

Solicitor Costs

1. The BDO Report focuses on estimating the cost of production only and does not include any allowance for profit. It concluded that the cost of production falls within a range of £150–£160 per hour.
2. The report applies five methodologies, producing the following results:

Method	Description	Rate
1	Survey-based overhead and salary allocation	£151.17
2	Overheads per fee earner	£151.17
3	Verified accounts analysis	£151,54
4	Inflation-adjusted rates (excluding CPIH)	£155.28
5	Adjusted chargeable hours	£174.68

3. Excluding the fifth method (which assumes significantly lower chargeable hours), the results are tightly grouped between £151 and £157, providing a consistent estimate of baseline costs.
4. The findings of the BDO report were considered by the Taxing Master in the development of the June 2025 Practice Direction on hourly rates for taxation.

SIB Review

5. Following the BDO Report, the Department commissioned a review by SIB. This report reviewed the methodology and assumptions contained in the BDO report and whilst noting that the BDO report was a robust report, SIB made several adjustments to their methodology which:

- applies similar cost methodologies;
- incorporates trainees, paralegals, and other fee earners;
- uses updated workforce composition data.

6. This broader approach results in lower estimated costs:

- £114 per hour (including all fee earners)

- £137.83 per hour (excluding paralegals and trainees)

7. Unlike the BDO Report, SIB includes a suggested profit margin of 20%, producing an indicative rate of:

- £143.27 per hour

8. The report notes that the BDO figures may already incorporate an implicit level of profitability.

Accelerated Review

9. The Accelerated Review further refined the SIB methodology by:

- adopting BDO-derived overheads and salary data;
- increasing chargeable hours to 1,155 per annum (approximately 70% utilisation);
- retaining a 20% profit margin.

10. This produces:

Staff Grade	Average Salary & Overheads	Hours	Hourly Rate	Hourly Rate Including Profit	Weighting	Weighted Hourly Rate
Senior Solicitor	185,045	1,155	160.21	200.27	40%	80.11
Solicitor	153,639	1,155	133.02	166.28	50%	83.14
Apprentice	82,842	1155	71.72	89.66	10%	8.97
						172.21

11. The resultant weighted revised hourly rates of:

- £172.21 per hour (including profit); and
- £137.77 per hour (cost of production only).

reflected the distribution of work across different types of preparation and fee earners.

Profit

12. The hourly rate set by the Taxing Master is the “broad direct average cost”, and is a rate which is considered to cover the “cost of production”, including inter alia salary costs, running costs, and employer costs. The rate is then “uplifted” by a percentage to reflect “care and conduct”. This care and conduct uplift is therefore also referred to as the “profit” element of the solicitor’s bill, notwithstanding that the hourly rate could provide an element of “profit”. Uplifts are categorised as follows:

- At least 50% uplifts for preparation out of court consultations and hearings
- 33% uplifts for at court consultations

13. Recent management information from LSA indicates the average uplift on taxed bills is approximately 66% for 2025–2026.

Benchmarking

England and Wales Publicly Funded Cases

14. Due to the differences in legal systems, legal aid eligibility, legal aid scope and legal aid remuneration arrangements, it is difficult to make direct comparisons between legal aid rates of payment in Northern Ireland and E&W but the table details current E&W rates for non-family civil cases.

Non-Family Prescribed Rates

Activity	London rate - High Court	Non-London rate - High Court	London rate - County Court	Non-London rate - County Court
Preparation and attendance	£71.55	£67.50	£63.00	£59.40
Attendance at court/conference with Barristers	£33.30	£33.30	£29.25	£29.25
Advocacy	£67.50	£67.50	£59.40	£59.40
Travelling and Waiting Time	£29.93	£29.93	£26.28	£26.28

15. Since 2018, that work is carried out by solicitors' firms who have been awarded contracts by the Legal Aid Agency as part of a tendering process. The rates allowed are set out in the Civil Legal Services Remuneration Order 2013 and there is detailed guidance for assessing the costs – Costs Assessment Guidance for use with the 2018 Standard Civil Contracts.

16. The rates in use are notably lower than current remuneration rates set by the Taxing Master. They also fall below all estimated production costs, and the Department therefore considers they could not reasonably be adopted as a proposed hourly rate.

17. The Department is also not persuaded as to the value of the multiple hourly rates which apply in E&W depending on the work being completed as compared to the composite rate used in Northern Ireland. We consider there is little value in adding complexity to existing bills at this time and believe further evidence is needed to assess if diverging from a composite rate would in fact generate benefits.

England and Wales – other cases

18. Evidence from England and Wales provides useful context:

- Breakeven rate: £123.40 per hour (Law Society Financial Benchmarking Survey 2025)
- Median profit margin: 22.4%
- Upper quartile: 30.3%

Other studies (e.g. Moore Kingston Smith) suggest average profits of approximately 23%.

19. This suggests a typical profit range of 20–30%, with higher margins generally limited to the most profitable firms.

20. The tables below outline the different legal aid hourly rates for England and Wales and includes London and non-London rates. The hourly rate allowed by the Taxing Master in NI for solicitors is £155p/h with a routine uplift. In NI, there are no hourly rates for legally aided work in the High Court for barristers. Instead, there are a range of interlocutory fees, fees for items of work and brief fees.

Solicitors Fees in the High Court and County Courts/District Courts

Family Prescribed Hourly Rates

Activity	London rate - High Court	Non- London rate - High Court	London rate - County Court	Non- London rate - County Court
Preparation and attendance	£70.07 p/h Max 100% uplift	£65.84 Max 100% uplift	£61.38	£58.41
Attendance at court/conference with Barristers	£37.13	£37.13	£32.67	£32.67
Advocacy	£70.07	£65.84	£64.35	£64.35
Travelling and Waiting Time	£32.18	£32.18	£29.21	£29.21

Children Act – Care or Supervision Proceedings only

Activity	London rate - High Court	Non- London rate - High Court	London rate - County Court	Non- London rate - County Court
Preparation and attendance	£63.06	£59.62	£55.24	£52.57
Attendance at court/conference with Barristers	£33.42	£33.42	£29.40	£29.4
Travelling and Waiting Time	£28.96	£28.96	£26.29	£26.29

Other Family Proceedings (Divorce in NI)

Activity	London rate - High Court	Non- London rate - High Court	London rate - County Court	Non- London rate - County Court
Preparation and attendance	£70.56	£67.75	£59.40	£54.90
Attendance at court/conference with Barristers	£37.13	£37.13	£32.40	£32.40
Advocacy	£67.5	£67.5	£59.40	£59.40
Travelling and Waiting Time	£29.93	£29.93	£26.28	£26.28

Commercial Sector Comparisons (PwC Survey)

21. PwC data shows significantly higher hourly rates in large firms (e.g. £247–£449 in 2024), but:

- these firms operate in different markets;
- revenues often include international and commercial work;
- their cost structures are substantially higher.

22. Notably, their profit margins (typically 22–41%) remain below current effective uplifts in legal aid taxation.

Key Observations

24. The cost of production is estimated at:

- £150–£160 (BDO)
- £114–£138 (SIB)
- £137.77 (Accelerated Review baseline)

25. A 20% profit margin brings rates broadly into the range:

- £140–£170 depending on methodology

26. The Accelerated Review produces a figure of:

- £172.21

27. Current taxation remuneration arrangements result in higher effective returns than those observed in comparator jurisdictions for legally aided work.

Barrister Costs

Government Legal Services

1. The Government Legal Service (GLS) is an umbrella organisation that brings together legal staff working in several Departments and Agencies, in both the devolved and non-devolved sectors. GLS appoints barristers by open recruitment to Government Civil Panels. The Government Civil Panels comprise four panels of junior barristers and one panel of senior barristers to undertake civil work in courts and tribunals in Northern Ireland. The criteria for each panel are as follows:

- “D” Panel have completed their pupillage (to include any period of restricted practice) and have less than 2 years’ experience in actual practice.
- “C” Panel have at least 2 and less than 5 years’ experience in actual practice.
- Applicants for the “B” Panel should have at least 5 and less than 10 years’ experience in actual practice.
- Applicants for the “A” Panel have at least 10 years in actual practice.
- Applicants for the Senior Panel are KCs and have extensive experience of working for or against the Government and/or public bodies for not less than 5 years within the last 7 years immediately preceding the date of their application to the panel.

2. Barristers on the panels are remunerated via the hourly rates below with fees paid following submission of an invoice, setting out the dates and times work was completed and the type of work carried out. Invoices are submitted to the Departmental Solicitors Office (DSO) for review by experienced costs’ staff and, when they are satisfied that the amounts claimed are reasonable, they will advise the instructing department/organisation to approve payment. The hourly rates are not subject to any further enhancements.

GLS Barrister Hourly Rates

	<i>Rate from 1 June 2025</i>	<i>Experience</i>
<i>Senior Panel</i>	<i>£225 < 10 years KC 1 June 2025</i> <i>£245 > 10 years KC 1 June 2025</i>	<i>KC for less than 10 years</i> <i>KC for more than 10 years</i>
<i>Panel A</i>	<i>£137.50</i>	<i>At least 10 years practice</i>
<i>Panel B</i>	<i>£112.50</i>	<i>At least 5 years but less than 10 years practice</i>
<i>Panel C</i>	<i>£75</i>	<i>At least 2 years but less than 5 years practice</i>
<i>Panel D</i>	<i>£37.50</i>	<i>Completed pupillage with less than 2 years' experience in actual practice</i>

3. The Department recognises an experience-based remuneration model such as that used by GLS has the potential to address concerns that purely time-based models with one rate could disadvantage an experienced barrister who may complete work quicker than less experienced colleagues.

Benchmarking - England and Wales

4. Legal aid remuneration in England and Wales (E&W) is also based on hourly rates. Brief fees were used in E&W prior to the introduction of hourly rates but are generally no longer available. Instead, rates are dependent on the work conducted, and the relative seniority of barristers with a higher fee attaching to work conducted in London. There are two tracks for assessment of costs, assessors at the Legal Aid Agency (LAA), or costs' officers/judges of the court, but the specified legal aid rates must be applied irrespective of the method of assessment. Currently costs payable in about 90% of cases are determined by the LAA, with the courts determining 10% of cases. However, the LAA is currently considering bringing all cases under the purview of the Agency.

Barrister Fees in the High Court and Court of Appeal

5. The Civil Legal Aid (Remuneration) Regulations 2013 set out current fees payable to Barristers in the High Court and Court of Appeal *for non-family proceedings* and public law. Regulation 7 provides for remuneration for barristers in independent practice with fees set out in Schedule 2, which provides the remuneration for Barristers and KCs in the High Court and Court of Appeal based on hourly rates.

6. Bills in E&W are assessed by the LAA in a process called detailed assessment which is similar to the function of the Taxing Master in Northern Ireland. The legislation does include the option for this assessment to be carried out by costs' judges, however, as noted above the majority of assessments are completed by LAA assessors.

High Court Junior Barristers Hourly Rates (non-family)

Activity	High Court London Rate		High Court Non-London Rate	
	Minimum	Maximum*	Minimum	Maximum*
Preparation and attendance	£71.55	£143.10	£67.50	£135
Attendance at court/conference in the High Court	£33.30	£66.60	£33.30	£66.60
Advocacy	£67.50	£135	£67.50	£135
Travelling and Waiting Time	£29.93	£29.93	£29.93	£29.93

High Court Kings Barristers Hourly Rates (non-family)

Activity	High Court London Rate		High Court Non-London Rate	
	Minimum	Maximum*	Minimum	Maximum*
Preparation and attendance	£180	£360	£180	£360
Attendance at court/conference in the High Court	£180	£360	£180	£360
Advocacy	£180	£360	£180	£360
Travelling and Waiting Time	£29.93	£29.93	£29.93	£29.93

*Maximum rates incorporate the maximum 100% enhancement. There may be an uplift or "enhancement" to the costs claimed of up to 100%.

Court of Appeal Barrister Hourly Rates (non-family)

Category of Representative	Hourly Rate
Led Junior*	£112.50
Leading Junior**	£157.50
KC	£180

*Junior is a barrister of less than 10 years call

**Senior is a barrister of 10 years call or more

Family Fees in the High Court

7. In family proceedings in the High Court in England and Wales, there are no hourly rates with barristers paid under a graduated fee scheme. The fee scheme is found at Schedule 3 to The Civil Legal Aid (Remuneration) Regulations 2013.

EAJD Bill Analysis

8. The Department undertook a review of a selection of taxed Bills from the LAMS system in an effort to approximate an average hourly rate by applying a number of assumptions to the brief fee. This included:

- The brief fee divided by the hours claimed by Solicitors on the same case;
- The brief fee divided by GLS rates; and
- The total legal aid Barrister spend by number of barristers who had submitted a bill and the assumed hours worked.

9. The results of that analysis were inconsistent and produced hourly rates that vary wildly between case types and individual bills and underscored the sense that the total legal aid spend includes too many variables to be used as a reliable metric when trying to calculate or predict the number of hours worked by barristers and the proportion of their work constituted by legal aid. However, while this exercise did not aid the prescription of hourly rates, it did highlight the difficulty in assessing brief fees in a meaningful way for the purposes of transparency and predictability and underscored the case for reform.

Accelerated Review

10. Hourly rates are of course already used to remunerate barristers for work in the Crown Court under “exceptional preparation”. Those rates have recently been examined as part of the Accelerated Review of Criminal Legal Aid commissioned by the Department. The Review team set out methodology in the final report which sought to determine a reasonable hourly rate for KCs and other barristers working in the Crown Court. As the Crown Court is part of the Court of Judicature and appeals from the Crown Court going to the Court of Appeal, the Department considers the work involved to be comparable and therefore to be a reasonable benchmark.

Accelerated Review Methodology

11. In determining appropriate rates, the Review looked at the overheads payable by barristers in Northern Ireland to enable them to run a practice. As barristers are sole practitioners operating from the Bar library, which is a shared services environment, overheads are not equivalent to solicitor's practice. Applicable overheads detailed by the Review team were gathered from evidence provided by the Bar:

Overhead	Senior Barrister	Junior Barrister
Bar Library Fees	£8,697	£6,596
Private Office	£3,300	
Car Parking	£1,500	£1,500
Professional Development	£330	£330
Conference Attendance	£100	£100
IT Software and Hardware	£1,319	£1,319
Textbooks/Publications	£442	£442
Accountancy Services	£1,700	£1,700
Printing and Sundries	£233	£233
Total	£17,621	£12,220

Income Comparators

12. In determining appropriate rates, the Review team also sought to determine the professions and associated income levels that would provide a reasonable benchmark for barristers. They settled on a range of judicial and NHS consultant income levels.

Barrister Benchmarks

Profession	Base Salary	Allocated Overheads	Pension at 20%	Total	Working Hours	Hourly Rate
Mid Point CC Judge & NHS Consultant 4	£166,610	£17,621	£33,322	£217,553	1,485	£146.50
Mid Point District Judge & NHS Consultant 1	£124,597	£12,220	£24,919	£161,736	1,485	£108.91
NHS Consultant Threshold 4	£145,478	£17,621	£29,096	£192,195	1,485	£129.42
NHS Consultant Threshold 1	£109,725	£12,220	£21,945	£143,890	1,485	£96.90
County Court Judge (NI)	£187,743	£17,621	£37,549	£242,913	1,485	£163.58
District Judge (MC) (NI)	£139,469	£12,220	£27,894	£179,583	1,485	£120.93

Crown Court Barrister Hourly Rates

13. Those comparators, with an additional 20% pension contribution, and the overheads stated above, were then used by the Review team to arrive at composite income levels. The Minister approved the following hourly rates for implementation:

	EP Hourly Rate
Senior Counsel	£164
Leading Junior Counsel	£132
Sole Junior Counsel	£113
Led Junior Counsel	£101

Enhancement to Hourly Rates

England and Wales Benchmarking

1. In England and Wales, uplifts to hourly rates are considered on a case-by-case basis and only when assessed against the criteria detailed in Regulation 7 of The Civil Legal Aid (Remuneration) Regulations 2013. A two-stage test is applied. The first is a threshold test to consider whether enhancement should be allowed and one, some, or all the following criteria must be met:

- (a) the work was done with exceptional competence, skill or expertise;
- (b) the work was done with exceptional speed; or
- (c) the case involved exceptional circumstances or complexity.

The second test is to determine the level of enhancement based on:

- (a) the degree of responsibility accepted by the fee earner;
- (b) the care, speed and economy with which the case

2. We have been advised by LAA colleagues that uplifts are more common in the higher courts when compared to the county court, however there is no definitive data available in England and Wales in relation to the average level of uplifts applied to hourly rates.