

FEES BULLETIN No. 1. of 2012

GRADUATED FEE SCHEME C

Clarification of paragraph 74 of the Manual of Guidance (MoG) in so far as it relates to photographs

This document is intended to clarify how the advocate will be paid for photographs which are taken with a digital camera and which are served in evidence on disc.

Paragraph 74 of the MoG states that:

Evidential material which is produced and served in an electronic format, such as images from a computer copied to disc or documents scanned on to disc, should be dealt with as follows:

- a. Witness statements and records of defendant interviews formally served in evidence will always be counted as pages. If paper pages of exhibits are scanned and produced on disc for convenience, they should be counted as pages for the purpose of remunerating the advocate;
- b. If, however, electronic media material, such as telephone data and billing, a copy of a computer hard drive or a CCTV recording, is served on disc, the advocate is paid for any reasonable time spent viewing the material at the appropriate GFS hourly rate. The advocate must provide detailed work records of all work undertaken in the case highlighting that work which relates solely to the review of electronic material.

Material that does not qualify as a page under paragraph 74(a) can never be treated as a page even if it is subsequently printed off in to paper format. However, any page that is printed directly from a disc and copied for use by a jury during an effective trial will be added to the page count subject to the principle that the same page will only be counted once.

Photographs are not specifically mentioned in the MoG. For remuneration purposes, they should be dealt with as follows:

Material	How to pay for the disc / tape	Paying for pages
Photographs of injuries, scene etc SERVED IN EVIDENCE on disc	No payment should be made for viewing the disc	Photographs are produced on disc for convenience and should therefore be counted as pages
Downloaded images (eg. of children)	Counsel should be paid 'reasonable viewing time' (recorded in 'other' calculated fees). Payment should only be made upon the production of work records by counsel.	No pages should be added to the page count.

Court Business Unit
Operations Directorate

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This document can be shared with the Bar