

Cost of a day in court – New analysis by the Law Society

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The Law Society of England and Wales ('the Society') is the independent professional body that works to support and represent over 180,000 solicitors, promoting the highest professional standards and the rule of law

1. Top lines

- New analysis by the Law Society reveals that an average day of court time costs £2,692.
- Access to the court system is a fundamental part of our democracy, but court time must be used efficiently. Courtrooms should be used for those cases that merit being in court.
- Many cases end up in court which could have been resolved earlier. Early legal advice, particularly in housing and family cases, can help to address problems before they escalate. Evidence shows that there is a clear statistical link between receiving professional legal advice early and resolving a problem sooner.¹
- Changes to legal aid in 2012 removed legal aid for early legal advice from the majority of cases. Without early advice, relatively minor legal problems can spiral out of control, creating health, social and financial problems, and place additional pressure and cost on public services.
- The Law Society has been calling for the restoration of legal aid for early advice, which can help resolve problems sooner for those affected, and save some legal issues from escalating into costly court cases.

2. How it was calculated

a) Method

The figure was calculated by taking court running costs and dividing them by the number of court days per year i.e. less weekends and public holidays, and by the number of courtrooms in use across the HMCTS estate.

Court running costs included HMCTS staff expenditure, salaried and fee-paid judges expenditure, and estate costs i.e. utilities and leasing of property. For the purposes of this calculation, court running costs were set at £1,887,688,000 for the year up to 31 March 2017, as set out on HMCTS Annual Report and Accounts 2016/17.²

Court days per year was set at 255, with 104 weekend days subtracted from 365, and 6 further public holidays subtracted for the period ending 31 March 2017.

While the number of courtrooms across the court estate is fluid and changes regularly for operational reasons, the number of courtrooms was estimated by HMCTS at the time of calculation to be around 2750.

This calculation therefore gives a broad estimate of the average cost of a day of court time in any one courtroom. Different courts will have different operational costs, and it was not possible for the purposes of this calculation to separate and compare the cost of a day in court in one particular court to another.

¹ The Law Society, Early Advice Campaign <http://www.lawsociety.org.uk/policy-campaigns/campaigns/early-advice/>

² Her Majesty's Courts and Tribunals Service (HMCTS), Annual Report and Statement of Accounts 2016/17 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/630427/HMCTS_Annual_Report_and_Accounts_2016-17_print_final.pdf

The calculation does not consider the attendance of other professionals associated with particular types of cases such as Crown Prosecution Service prosecutors or probation service attendance in criminal cases, nor does it include the cost of legal representation in a case. As such the figure of £2,692 can be considered a conservative estimate of the total cost of a day of court time.

b) Calculations

£1,887,688,000 [court running costs] / 255 [court days] = £7,402,698.04

£7,402,698.04 / 2750 [courtrooms] = **£2,691.89 average cost of a day of court time**

3. Early Advice Campaign

The Law Society has been campaigning for legal aid for early advice from a lawyer to be reinstated for housing and family cases.

Early legal advice can help to address problems before they escalate. For example, in housing law, although legal aid is still available to defend possession proceedings, this is only where loss of a home is imminent, and the landlord has sought an order for possession.

A lack of early legal advice can create unnecessary costs for the taxpayer, leading to cases worsening and going to court which could have been resolved earlier. Worsening legal problems can also create other knock-on costs for the public purse, potentially causing issues such as poor health, homelessness and debt.

Removing legal aid for early advice has increased the number of litigants in person (people representing themselves in court).

This places an increased time and financial burden on our courts, as litigants in person are less likely to settle their case, or have the knowledge and skills required to conduct their cases efficiently. They are also more likely to have court orders and interventions and can create additional work for judges and court staff, making our courts system less efficient.

Ensuring people have access to early legal advice from a lawyer is essential in tackling the delays, confusion and costs arising from an increase in litigants in person. Additionally, even if someone does ultimately end up representing themselves in court, if they have had early advice, they will be a better-informed litigant in person.

Recent research from Ipsos MORI, commissioned by the Law Society, shows a clear statistical link between receiving professional legal advice early and resolving a problem sooner. Using data from the Legal Needs Survey, it was found that:

- On average, 1 in 4 people who receive early professional legal advice had resolved their problem within 3-4 months. For those who did not receive early legal advice, it was not until 9 months after the issue had first occurred that a quarter had resolved their issue.
- At any given time between an issue first occurring and the problem being resolved, people who did not receive early advice were 20% less likely than average to have had their issue resolved.³

The Government is currently reviewing the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO). We are urging the Government to consider reintroducing legal aid for early advice from a lawyer as part of this review.

³ The Law Society, Early Advice Campaign <http://www.lawsociety.org.uk/policy-campaigns/campaigns/early-advice/>