

# Criminal Advocacy services in England & Wales

## Briefing Pack

**5 December 2013**

# Criminal Advocacy services in England & Wales

## 3 part briefing:

This pack presents a detailed analysis of trends relevant to understanding the market for criminal advocacy services in England and Wales. This is split into three sections:

1. **Regulation** – advocacy is regulated through restrictions on who has the right of audience in court, and the granting of those rights by different regulators. **Slides 3 – 6.**
2. **Supply** – changes can be measured by the number of individuals with rights of audience before court, and their channels to work. We do this using regulatory data and findings from a range of research. **Slides 7-19.**
3. **Demand** – changes can be measured by the number of court proceedings, their type, and their length, using published Ministry of Justice data and national statistics. **Slides 20 – 30.**

2008 is used as base year for trends because of data availability. Where available we use data from before 2008 to allow understanding of long term trends. The data presented is the most up-to-date available as at November 2013. The Bar Standards Board are due to publish more data in late 2013/early 2014 which will support more up-to-date analysis.

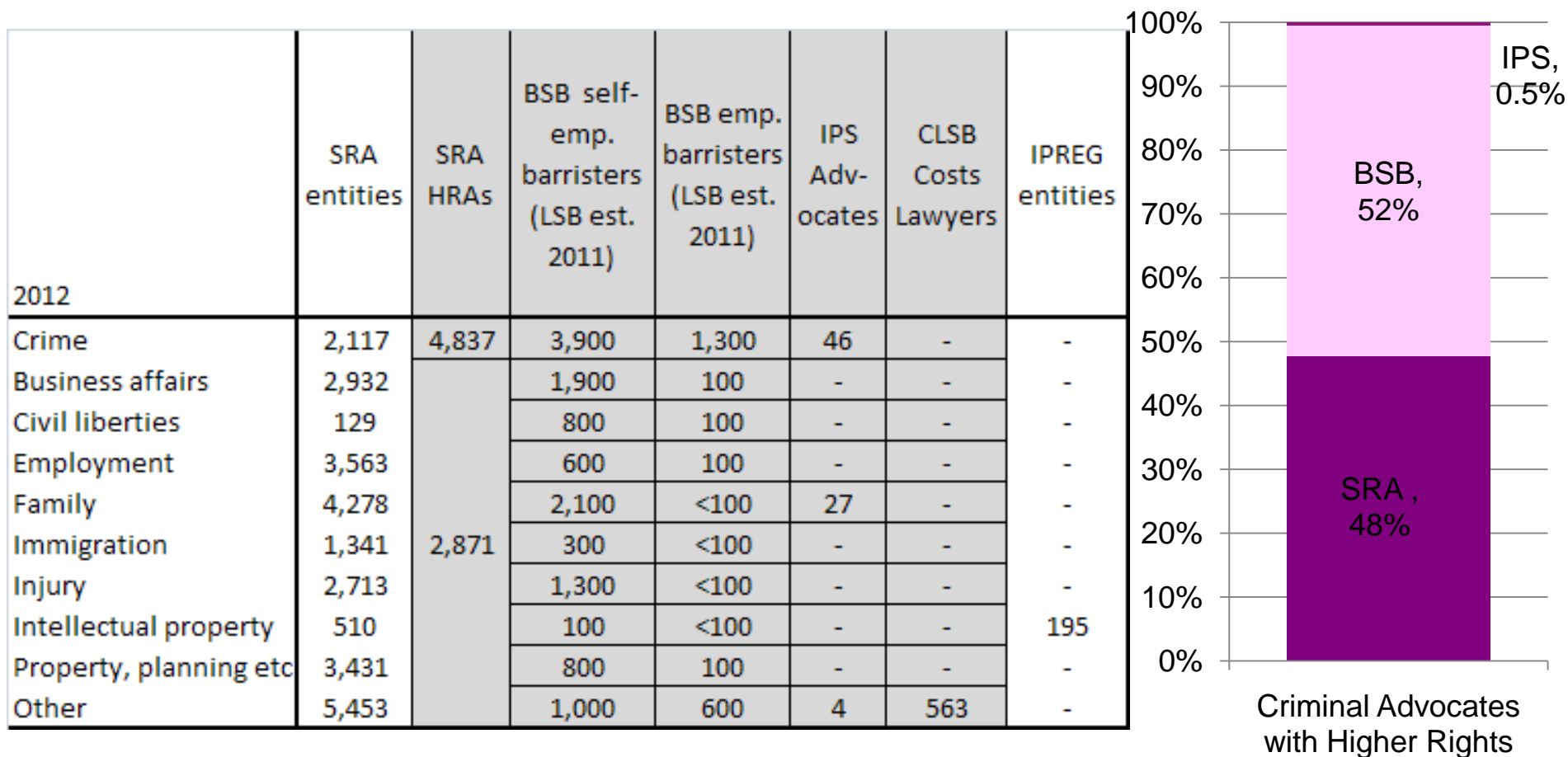
The final slides contain a list of sources used in the analysis, the majority of which are freely available online.

**Regulation:** The right of audience in court is a reserved activity under the Legal Services Act 2007 (LSA).

A 'right of audience' is the right to appear in court and conduct proceedings on behalf of a client. Advocacy is the act of putting the case on behalf of the client. Ultimately the Judge determines who can and cannot appear in court, but qualifying as a lawyer provides certain rights of audience. These rights are determined by the type of qualifications achieved. Reserved activities can only be carried out by 'authorised persons' as defined by the LSA. Authorised persons are those persons authorised to carry on the activity by a relevant approved regulator. It is a criminal offence to carry out a reserved legal activity without authorisation, attracting a maximum 2 year prison sentence.

Reserved Activities by Profession	Solicitors	Barristers	Legal Executives	Licensed Conveyancers	Patent Attorneys	Trademark Attorneys	Cost Lawyers	Notaries & scriveners
1. Right to conduct litigation	X	X	X		X	X	X	
2. Right of audience in the courts	X	X	X		X	X	X	
3. Probate services	X	X		X				X
4. Reserved Instrument Activities	X	X		X	X	X		X
5. Notarial services								X
6. Acting as a commissioner for oaths	X	X	X	X	X	X	X	X

**Regulation:** Five approved regulators regulate advocacy. Only the Solicitors Regulation Authority (SRA), the Bar Standards Board (BSB), and ILEX Professional Standards (IPS) regulate individuals who provide criminal advocacy. 37% of self-employed barristers and 52% of employed barristers 'main' area of work is criminal practice.



**Regulation:** Rights of audience mean that the supply of advocacy in just 2% of all court proceedings in 2009 was limited by regulation to just barristers, and solicitors with Higher Rights.

- While these are likely to represent the more serious, complex, and high value cases, that means that in the remaining 98% of all proceedings solicitors firms can use alternatives to self employed barristers or solicitors with higher rights.

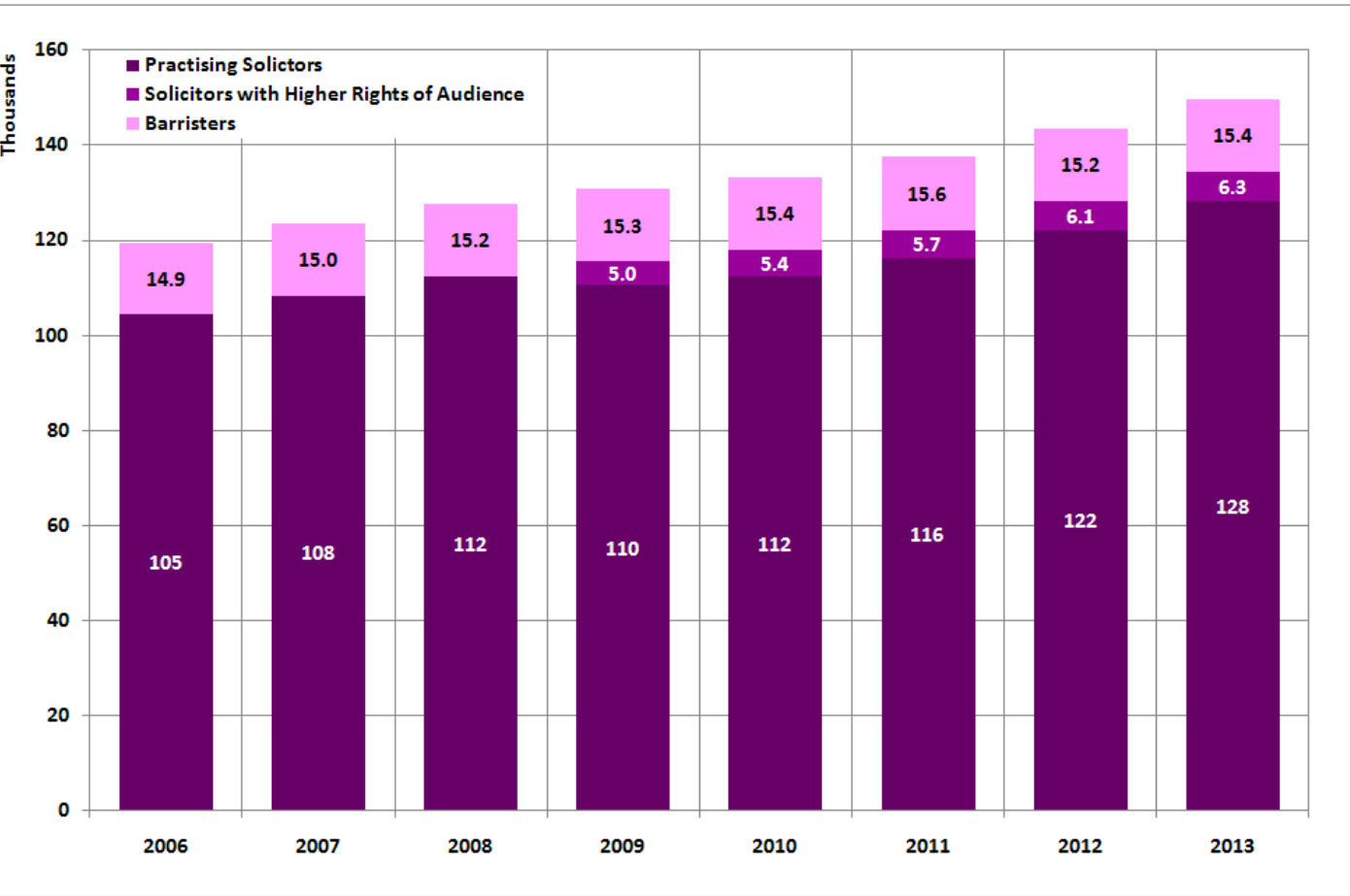
Court	Number of defendants/cases/Applications, 2009	Self Employed Barristers	Solicitor Advocates	Solicitors	ILEX Advocates	As a %age of all cases	As a %age of possible eligible advocates
Appeal Courts	24,300	Y	Y			0.3%	16%
Crown	104,418	Y	Y			1%	16%
Magistrates (Crime)	1,912,632	Y	Y	Y	Y	27%	100%
Queens Bench Division (including Court of Admiralty, Commercial Court, Technology & Construction Court, and others)	18,583	Y	Y			0.3%	16%
High Court (Family)	1,440	Y	Y			0.0%	16%
County Court (Family)	114,440	Y	Y	Y	Y	1.6%	100%
Family Proceedings Court	47,430	Y	Y	Y	Y	0.7%	100%
County Court (Non-Family)	1,879,405	Y	Y	Y	Y	26.9%	100%
Magistrates (Civil)	2,886,757	Y	Y	Y	Y	41.3%	100%

- This analysis does not include tribunals, as you do not need to be a qualified lawyer to represent a client at a tribunal. For example in 2012/13 only 73% of employment tribunal claimants were recorded as represented by a 'lawyer' – which includes solicitors, Law Centres and Trade Associations.
- The Courts and Legal Services Act 1990 made it possible for solicitors to gain higher rights of audience, removing the monopoly for barristers. The Access to Justice Act 1999 and Legal Services Act 2007 made it possible for other professional groups to grant audience rights.

**Regulation:** Quality Assurance Scheme for Advocates (QASA) has been developed to respond to concerns about the standards of advocacy in criminal courts and the potential impact of poor criminal advocacy on the effective administration of justice.

- There is significant evidence of poor quality advocacy to justify introducing a scheme to establish and monitor the quality of criminal advocacy. This was first highlighted by Lord Carter of Coles Legal Aid Review in 2006, with concerns highlighted by the findings of a 2009 Pilot of QASA, and 2012 BSB research into perceptions of poor quality advocacy.
- The scheme was developed by the Joint Advocacy Group – BSB, SRA, and IPS;
- QASA is the first scheme to apply to all advocates appearing in criminal courts. It is designed to enable regulators to build public and judicial confidence in the advocates who appear in criminal courts by:
  - tackling poor practice specifically
  - raising the standards of advocates more broadly, thereby;
  - ensuring competence at all levels/types of practice that currently lawfully exist.
- QASA assesses all advocates undertaking criminal advocacy against a set of common standards, irrespective of their previous education, training and experience. Its purpose is not to provide a kite mark of excellence but a formal indicator of professional competence.
- Registration for the scheme opened on 30 September 2013 and a full review of the scheme will be undertaken after two years.

**Supply:** The pool of potential advocates has grown over time. In 2012 nearly 150k professionals had rights of audience in the lower courts, and over 20k individuals had rights of audience in the higher courts. Since 2010, 5% of all solicitors have had higher rights of audience, though the numbers have grown from 5.4k in 2010 to 6.3k in 2013.



This chart shows the pool of all potential advocates. While most of these professionals have rights of audience, not all of them will engage in advocacy. This covers those doing civil, family, and criminal work.

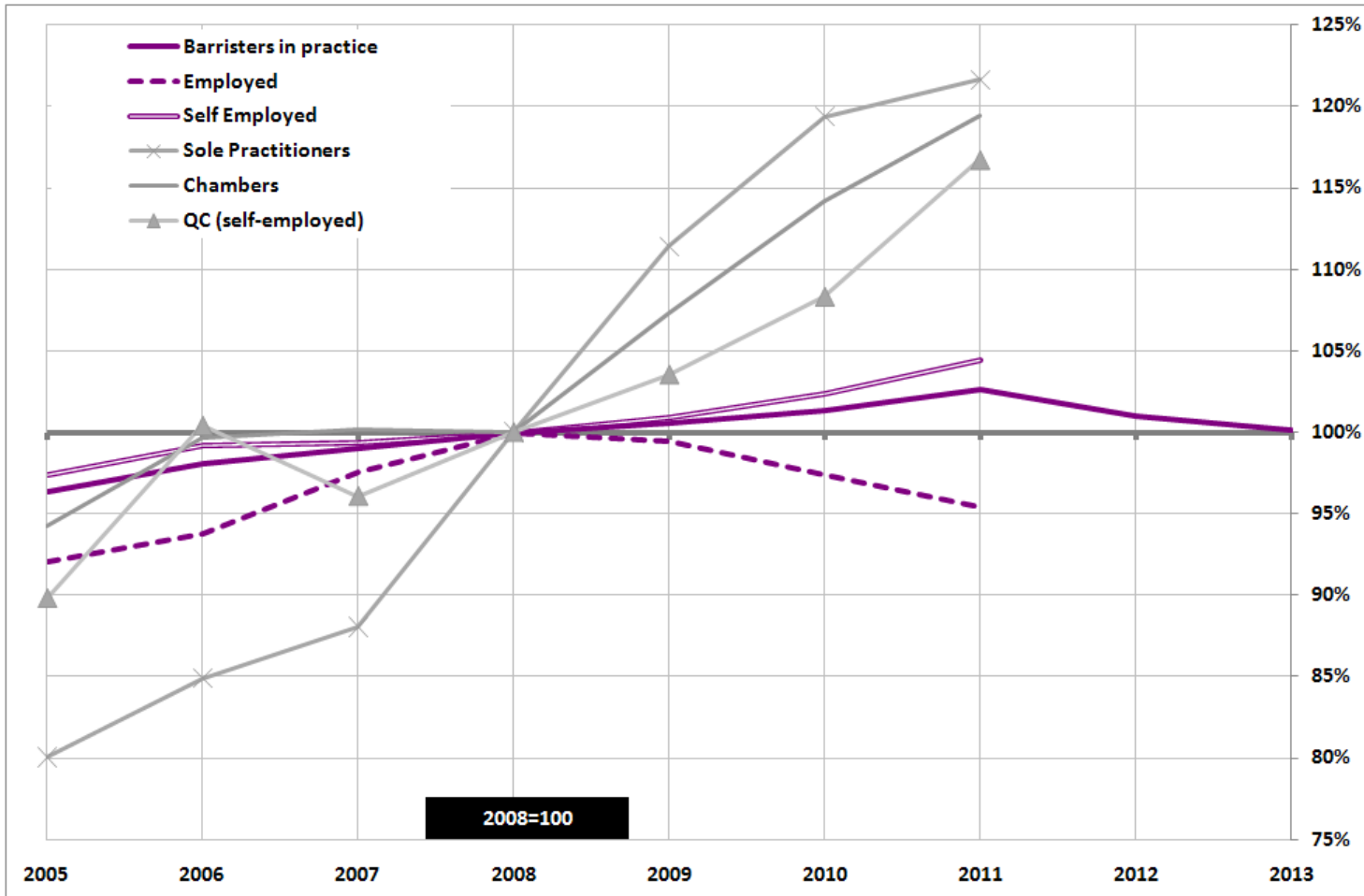
A 2011 survey by the BSB found that 16% of employed barristers had limits on their rights of audience. Further 12% had no rights of audience at all.

**Supply:** The overall number of practising barristers shows a 2.6% growth in the 2008-2011 period, falling back to 2008 levels by 2013. Underlying the 2008-2011 growth is an increase in self employed barristers of 4% and fall in the number of employed barristers of 5%.

A 2011 survey by the BSB found that 1% of the employed bar are registered with dual capacity (employed and self employed)

compared to 5% of the employed bar. The rise in the number of sole practitioners outstrips the growth in the number of chambers. There has been a large proportionate rise in QCs since 2008.

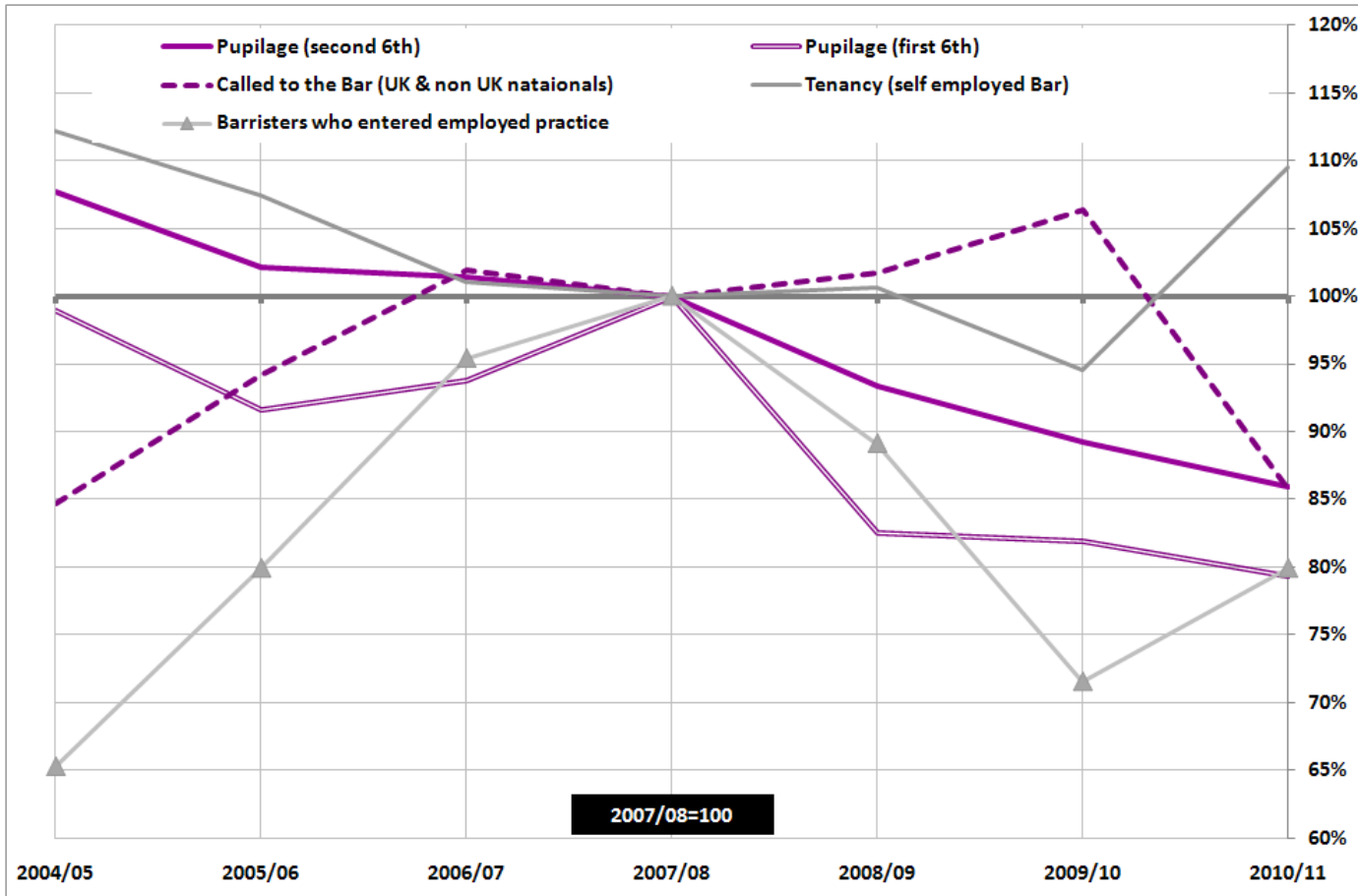
Over the last 2 years a constant 24% of all solicitors firms provide criminal legal services, though not all undertake advocacy.





**Supply:** Since the recession, the total number of 'second 6<sup>th</sup>' pupilages has fallen by 14%. However, the number has risen slightly in crime. In 2009/10 131 pupilages main area was crime, rising to 136 in 2010/11 (27% compared to 29% of 'second 6<sup>th</sup>'). The number of solicitors with crime HRA grew by 5% between October 2011 to October 2013.

The number of barristers entering the profession through self employed tenancy has increased by 10% between 2007/08 and 2010/11. This compares to fall in 20% for barristers entering employed practice.



Legal Services Board

Main area of practice	Pupilages	
	2009-10	2010-11
Crime	27%	29%
Commercial	8%	14%
Common Law	-	13%
Employment	2%	13%
Family	10%	11%
Chancery	6%	8%
Other	37%	26%

**Supply:** In a significant majority of cases solicitors firms decide whether to use a barrister, when to use them, and which one to use:

- This has been called '*the make or buy decision*' and in legal services this is reported to be driven by:
  - Decomposition – the extent to which an activity can be broken down into different parts.
  - Human asset specificity – which tasks are best undertaken inside and outside the firm,
  - Risks – such as poor performance of outsource suppliers, status impacts, etc.
- By way of context, findings from a 2012 survey of individual consumers shows that Solicitors were used by 77% of individuals who had a criminal legal problem, and Barristers by just 3%. Not all of these consumers will have gone to court however.
- Findings from a 2012 survey of solicitors firms show that:
  - a third of all solicitors firms used external advocates to some degree, and a further 20% of firms outsourced all of their advocacy work;
  - solicitors firms undertaking crime maintained a higher proportion of advocacy in-house.
- In house solicitors with HRAs are a possible substitute to self employed barristers.

**[REDACTION OF REFERENCE TO SOME FIGURES FROM UNPUBLISHED RESEARCH]**

**Supply:** There are a range of factors affecting solicitors firms decisions about advocacy. These decisions have an impact on self employed barristers workloads.

- 2004 survey of legal aid solicitors reported on these factors:
  - Court requirements - 42%
  - Lack of time to do the work in house – 26%
  - Advocacy expertise – 20%
  - Legal advice and case management experience – 7%
- The survey reported greater use of barristers in criminal cases, and that access to an additional work stream was a motivation for keeping advocacy in house.
- 2013 – Legal Action Group reports that greater use of police summary justice measures has reduced work at the police station and magistrates court for solicitors, though MoJ figures do not support this (see slide 21), showing a fall in use of out of court disposals.
- 2010 - Litigators Graduated Fee Scheme is reported by the Bar Council as having created incentives for solicitors to keep advocacy work in house. They reported in responding to reductions in legal aid funding of criminal work barristers chambers had:
  - Diversified away from crime work,
  - Reduced pupillages offered,
  - Undertaken cost reduction using IT and downsizing physical space in some chambers,
  - Merged chambers on the basis that a larger set has greater flexibility to employ support staff; to invest in IT and marketing etc,
  - Expanded public access.
- 2011 BSB figures do not show a reduction in pupillages in crime in 2009-2011(see slide 9).

**Supply:** A key driver is the scale of the businesses delivering legal services generally.

2010 - Frequency of referring work to barristers linked to the size of firm: *“Over half turnover comes from defence work and 15 out of 40 fee earners have higher rights of audience, including three barristers, and 80% of advocacy work is handled in house.”*

The Bar Council stated in 2010- *“As a broad, and no doubt sweeping, generality smaller firms rely upon the Bar more than larger firms”*. It has been reported that economies of scale mean that the in house advocate is unlikely to ever have the opportunity to develop expertise in all the areas covered by the self employed bar. This reflects a view that because of the specialist skills required for advocacy, the range of choice offered by self employed barristers cannot be matched by an in-house advocate. The argument continues that this gives the self employed bar as a whole a natural competitive advantage over in house advocates in instances where the work is less standard and more specialist. However there are some solicitors chambers aswell.

In 2012 most solicitors firm undertaking crime work were small. The median number of fee earning staff – those who undertake legal work in the firms – was just 6, up from 5 in 2010. In contrast to some other solicitor legal market segments there has been limited consolidation over the 2010/11-2012/13 period. As of April 2013, organisations holding a licence to operate as Alternative Business Structures (ABS) had made little impact in the criminal legal services market, accounting for just 1.2% of solicitor criminal legal services market share. Legal Disciplinary Practices – a forerunner to ABS - held 9% of SRA regulated criminal legal services market share in 2012/13.

**Supply:** The Crown Prosecution Service (CPS) is a major purchaser of criminal advocacy services, but is undertaking more work in house.

Traditionally, the CPS undertook very little advocacy in house. In 2005 the CPS set out targets to undertake more advocacy in house, in order to provide financial savings. As a result of this strategy the cumulative net savings for the CPS were reported to be £26m. Money no longer being paid in agents and counsel fees between April 2006 to March 2011 was reported to be £141m.

In implementing this strategy the CPS has set up its own training and quality monitoring schemes for in house counsel. However, a 2012 review by the HM CPS Inspectorate stated that while the strategy had made significant savings, and been successful in the Magistrates Court *“the Crown Court are not developing their skills and experience sufficiently to enable them to become good trial advocates; this is because the bulk of their work has involved non-trial advocacy to ensure that sufficient savings are made. The CPS must be clear about whether it is in fact still seeking to have a cadre of crown advocates that can undertake the full range of trial advocacy, or not. If this is their wish, a formal approach to developing advocates is needed and should be consistently applied across the country”*.

In 2010 the Bar Council linked this strategy to *‘a flow of barristers leaving private practice to seek the security of employment in the Civil Service and has caused a dearth of work for young barristers in Chambers to cut their teeth upon’*. However trends in the overall number of self employed barristers, slides 8 and 9 above, do not show a significant reduction during this period.

**Supply:** The Legal Aid Agency (LAA) is a major purchaser of criminal advocacy services, fulfilling the governments obligations under the ECHR Article 6, iii) (c) to provide legal assistance in criminal trials where individuals do not have sufficient means to pay. Expenditure on criminal legal aid was £975m in 2012/13, funding 1.36m acts of assistance.

Against a background of rising expenditure over time, during the past seven years there have been a number of reforms to the procurement of criminal legal aid designed to control costs and ensure better value for money. These address both 'crime lower' work (police station, magistrates court, and prison law advice) and 'crime higher' work (Crown court, very high costs cases, Court of Appeal, and Supreme court).

Major reforms include:

2006 – Means testing in Magistrates Courts - approximately 1/3<sup>rd</sup> defendants funded by legal aid

2007 – Revisions to standard fees in magistrates court work and the advocates graduated fee scheme (AGFS) for Crown court advocates

2008 – fixed fees for police station work introduced

2010 – 2012 - A staged reduction of 4.5% per annum for a three year period (13.5% in total) in the Advocates Graduated Fee Scheme in order to bring the rates paid under legal aid more closely into line with the fees paid by the Crown Prosecution Service.

Changes to VHCC contracts.

The latest set of reforms including scope cuts for prison law, fee cuts to VHCC work, and changes to multiple advocate funding were implemented on 2<sup>nd</sup> December 2013.

**Supply:** Incomes from criminal advocacy are hard to establish. Published estimates suggest:

- Solicitors firms income from all crime work - not just advocacy – has fallen in real terms by 3% in the past three years, while the number of firms has fallen by 8%. However these declines are broadly in line with trends for all solicitors firms.

Total turnover from crime work	£736m	£788m	£714m
As a %age of all solicitors firms turnover	4.0%	4.2%	3.9%
Number of solcitors reporting turnover in Crime	2,286	2,188	2,117
As a %age of all solicitors firms	25%	24%	24%

- For self employed barristers, in 2010 Bar Council reported that: *“The ratio of overheads to total fee income in specialist commercial and civil sets was circa 8-14%. In more middle of the road mixed common law sets the ratio was circa 15-22%. In family sets the ratio was 18-25%. In criminal sets the ratio was circa 18-30%. The figures exclude individual barristers’ expenses such as travel and professional insurance.....Based on present rates of pay a typical criminal barrister of 4-5 years’ call appearing in a range of criminal court trials would earn circa £50-60,000 p.a. This is a gross figure from which VAT, Chambers expenses, travel, IT, books, etc, must be deducted. For a young practitioner, this can easily amount to 30% and more. The net effect is that a young barrister after (a minimum of) five years of training will earn as a pre-tax (take-home) income of approximately £35-42,000 per annum”.*



**Supply:** A key factor driving incomes for any type of self employed advocate is the level of utilisation. The challenge is to maximise the number of chargeable hours achieved and minimise the amount of non chargeable time. How this changes will affect how income changes.

- ‘Typical’ rates of pay will be driven by typical levels of utilisation. There is limited research on the levels of utilisation for criminal advocates over time.
- 2011 BSB research reported that:
  - *“across the whole self-employed Bar, one in four (24%) barristers reported that their workload had decreased in the previous 12 months. This compares to just seven per cent of the employed Bar”*
  - *For criminal barristers “30 per cent of all barristers in this area of work saying that their workload is substantially less or somewhat less than previously. By contrast, in criminal practice in the employed Bar 84 per cent of barristers (where their workload has changed) said that their workload has increased in the previous year.”*
- In terms of income the same research reported that:
  - *“Across the whole self-employed Bar approximately four in ten (39%) barristers reported that their gross billed income has increased in the past two years (14% substantially and 25% somewhat), for 31 per cent it has stayed about the same and for 30 per cent it has decreased (17% somewhat and 13% substantially).”*
  - *“Nearly a half (49%) of all barristers working mainly in criminal practice indicated that their gross billed income has decreased in last two years compared”.*
- We can speculate that for the 51% of self employed criminal barristers whose income has not decreased they have maintained or increased the amount of work they do, although no published data is currently available.



**Supply:** Barristers are mainly based in the South Eastern Circuit, and tend to travel for work:

- 2008 - analysis of travel patterns of self employed barristers in delivering family legal aid advocacy identified key travel routes of counsel, with London being the main hub and key routes were Birmingham to Herefordshire and Worcester, Greater Nottingham to Lincoln, Bristol to Gloucester, Chester to North Wales, Manchester to West Lancashire and Devon to Cornwall.
- BSB 2011 - 67% of all self employed barristers were based in the south eastern circuit, up from 42% in 1991.
- 2011 figures for criminal trials the south eastern circuit, including London, accounted for 37% of proceedings in the Magistrates courts and 37% for the Crown court respectively.
- 2013 - website for the Western Circuit states “*The London chambers represent the majority of the membership of the Circuit illustrating the continuing and enduring itinerancy of the barristers' life*”.

**Supply:** Barristers new business models: BSB research suggests the level of public access – clients going directly to barristers - is currently quite small:

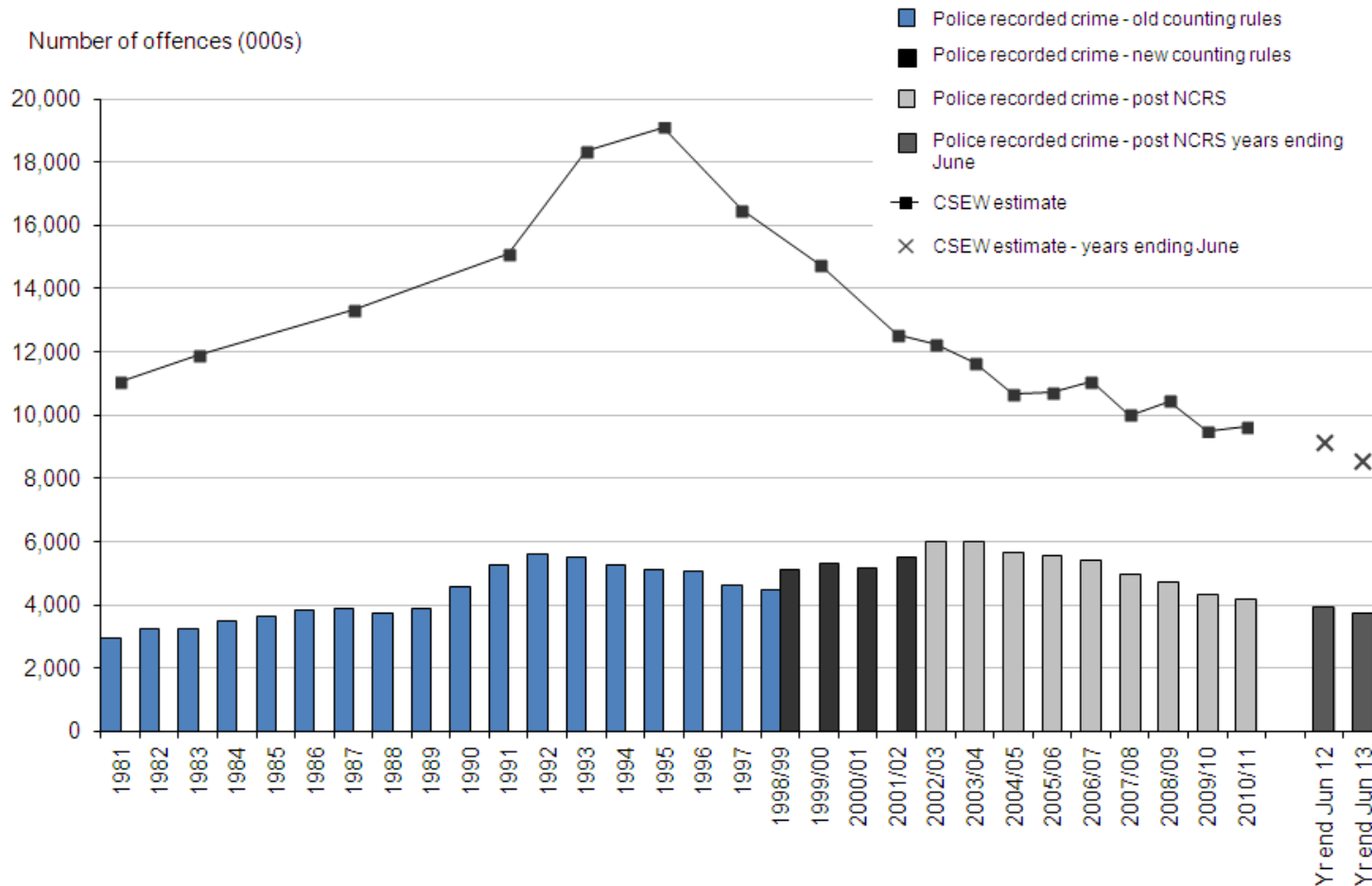
- 2012 – 4,108 barristers registered to undertake Public Access (PA) - approx. 26% of all barristers
- *“The most common year of becoming PA qualified was 2011, 39.9% of respondents became PA qualified in this year, 24.6% became PA qualified in 2010 and small proportions qualified in the other years that the PA course has been running.”*
- For 51% of PA barristers less than 9% of their work is PA, compared to 3% where 90% or more of their work is PA.
- 20% of PA barristers work in crime.
- From 4<sup>th</sup> October 2013 barristers with fewer than 3 years' practising experience will be able to undertake PA.

2012 Reasons for becoming PA qualified	
In case necessary in my practice	17%
To expand the range of work offered	16%
To build PA practice	16%
To increase my income	16%
Demand from clients	13%
To make up for a decrease in instructions	13%
Encouraged by colleagues	8%
To obtain CDP points	4%

**Supply:** Barristers new business models: Regulation currently limits the choices available to self employed barristers seeking to develop new business models:

- Possible options for self employed criminal barristers looking to switch services include:
  - Move into other areas of advocacy work – 2011 BSB research reports that on average self employed barristers spend 20% or more of their time in two practice areas;
  - Become an employed barrister by seeking work as in house counsel in business, at a solicitors firm, in the CPS, or the Government Legal Service; 2011 BSB research reports that 10% of employed criminal barrister work in solicitors firms.
  - Leave the profession altogether and become a non-practising barrister;
  - Increase the range of services through providing services to consumers via Public Access, but potentially losing access to legally aided clients – a significant group of clients in this area.
  - Set up your own business, either through the ABS route becoming regulated by the SRA, or waiting until sometime in 2014 for the BSB to regulate entities, first raised by the Bar Council in 2010.
- Some of these options represent significant change from the benefits provided through being self employed. 2011 BSB research reported that *“barristers working in the self employed Bar are highly motivated by independence, autonomy, control over their working life and flexibility which was mentioned by almost all respondents. For two thirds of self-employed barristers it was mentioned first, as the most important feature of their working life. One in five barristers said that working in the self employed Bar provides access to the best quality and most challenging work and 14 per cent of self employed barristers indicated that the self-employed Bar has greater opportunities for higher income streams and financial returns.”*

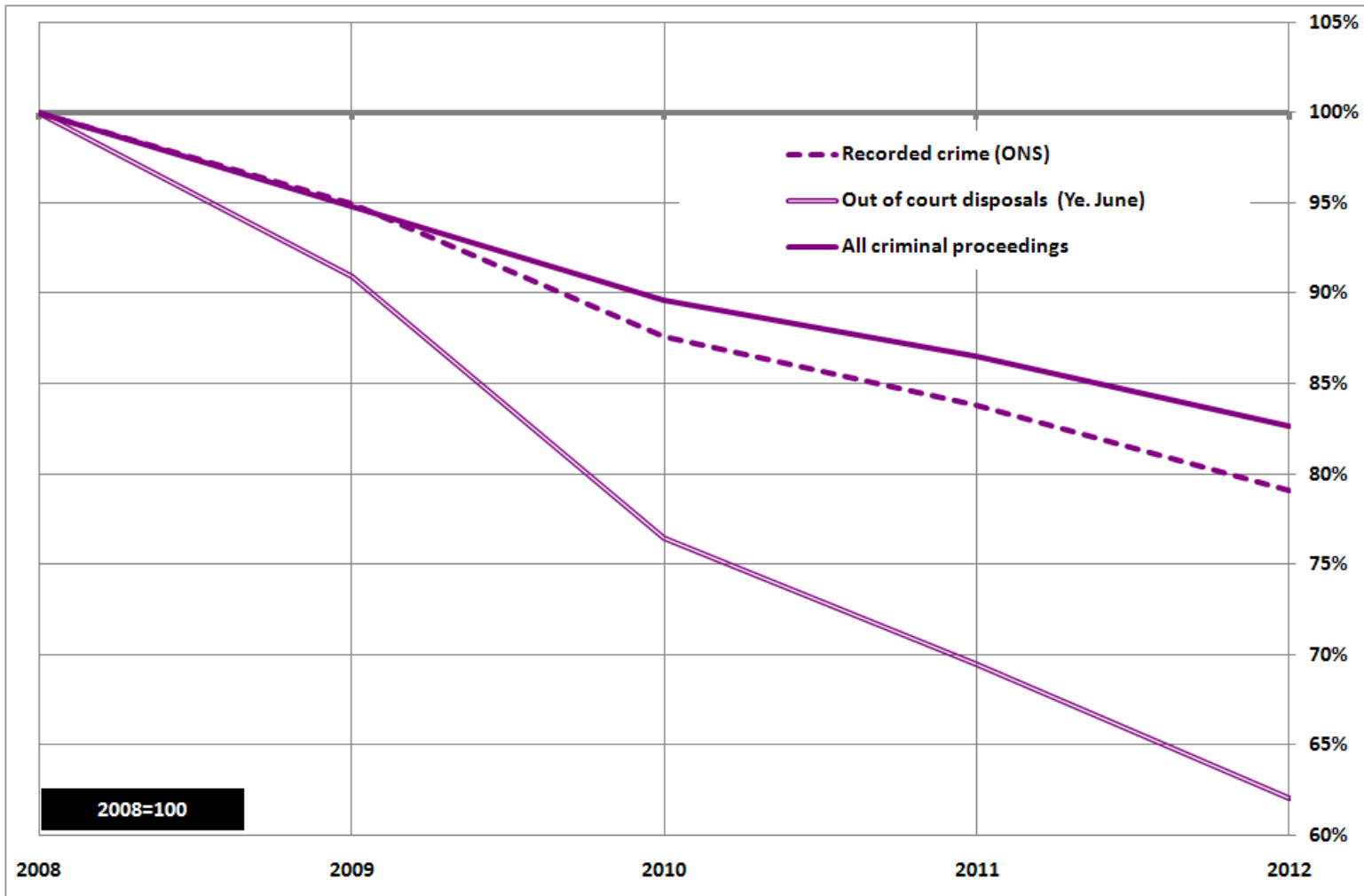
**Demand:** The level of recorded crime reported by the Office for National Statistics the level of recorded crime in 2012/13 was 3.7m and is lower than at any time since 1989. Between 2008 and 2012 recorded crime fell by 21%



Looking over the twenty year period between 1991-2011, recorded crime fell by 36%. 34% of criminal barristers practising in 2011 were called to the bar before 1991. Over the same period the total number of barristers has increased by over 50% and the total number of practising solicitors has grown by 213%.

Sources: Crime Survey for England and Wales- Office for National Statistics, Police recorded crime - Home Office

**Demand:** Cases proceeding to trial are dependent on the decisions of a range of organisations, such as the police in determining whether to use out of court disposals, or the CPS in determining how to proceed with a prosecution.



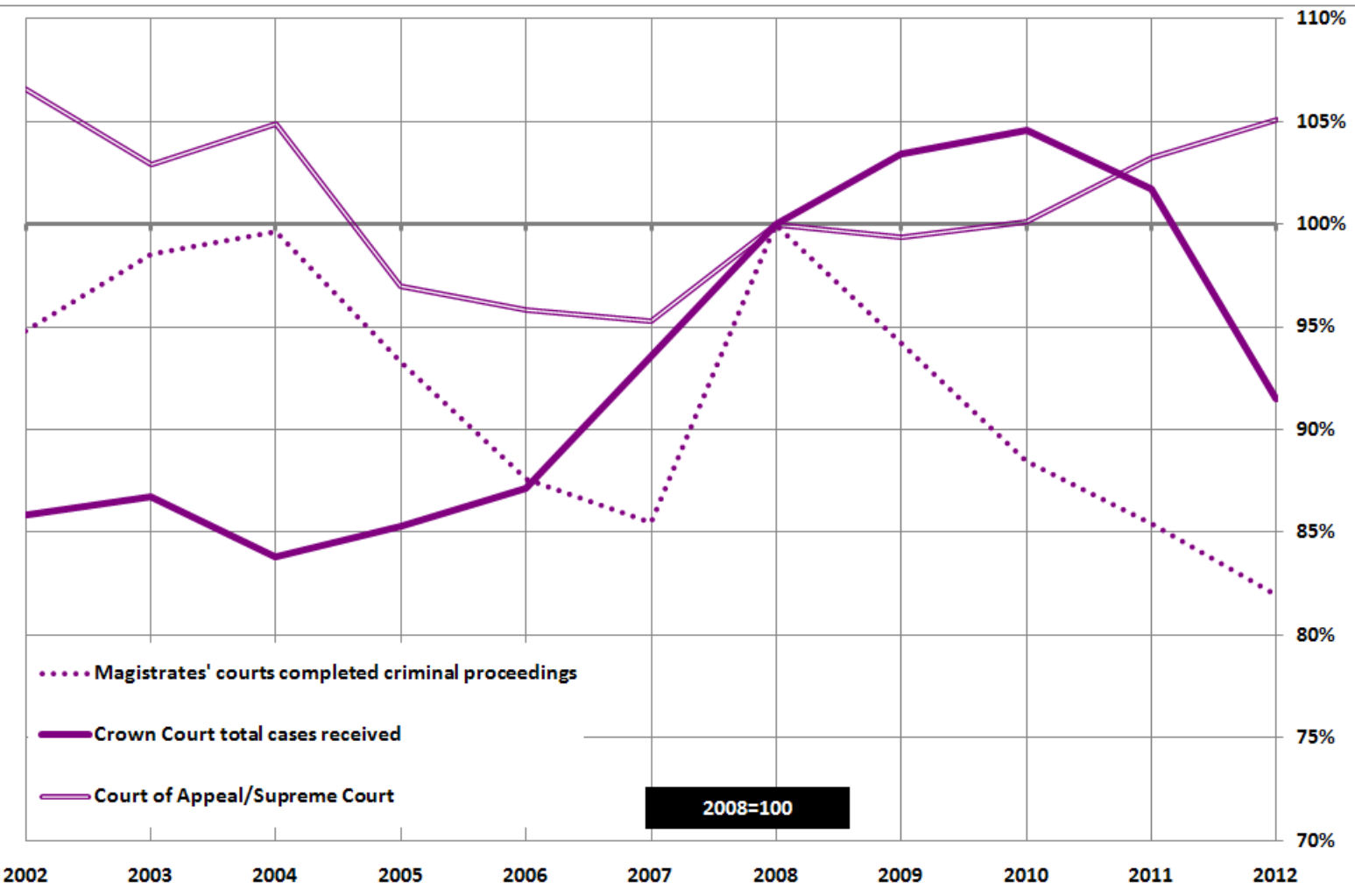
Falls in recorded crime are matched by falls in both out of court disposals and proceedings. However the total number of all criminal proceedings has fallen proportionally less between 2008 and 2012. Over this period there were around 2.2 recorded crimes for every criminal trial.

**Demand:** The total number of criminal proceedings has fallen over the past 5 years, with Crown Court and Supreme Court proceedings representing between 7% - 8% of all criminal proceedings. Around 6% of all defendants proceeded against are passed on to the Crown Court for trial.

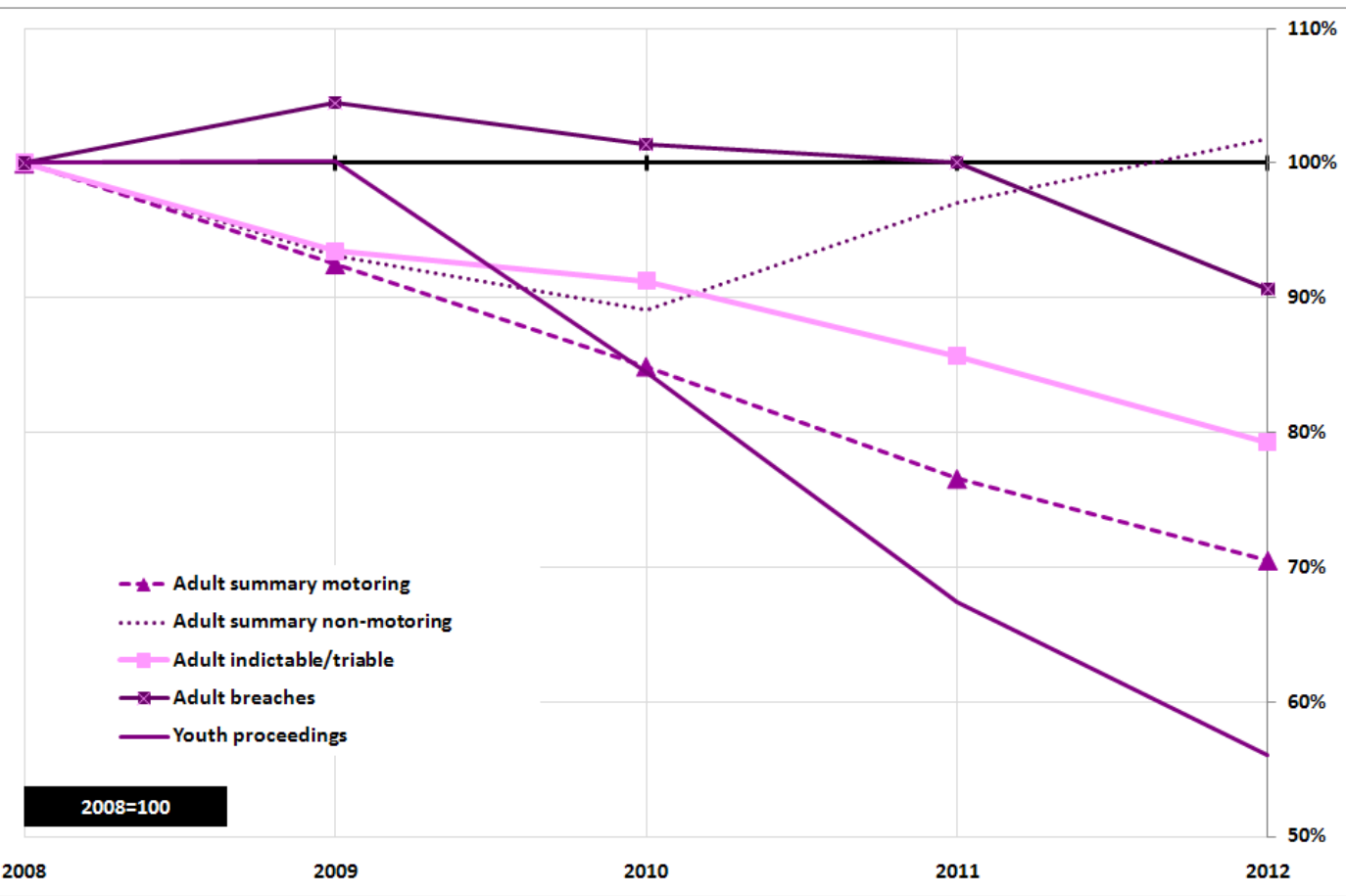


**Demand:** Looking at proportional trends, highlights the increase in Crown Court proceedings in 2010, rising by 5% from 2008. Since 2010, the number of proceedings has fallen sharply.

The apparent sharp increase in magistrates court crime proceedings between 2007 and 2008 is a result of changes in data recording. Figures for the magistrates court before 2008 are not comparable with figures thereafter because of changes to the way in which the data on total proceedings was collected.



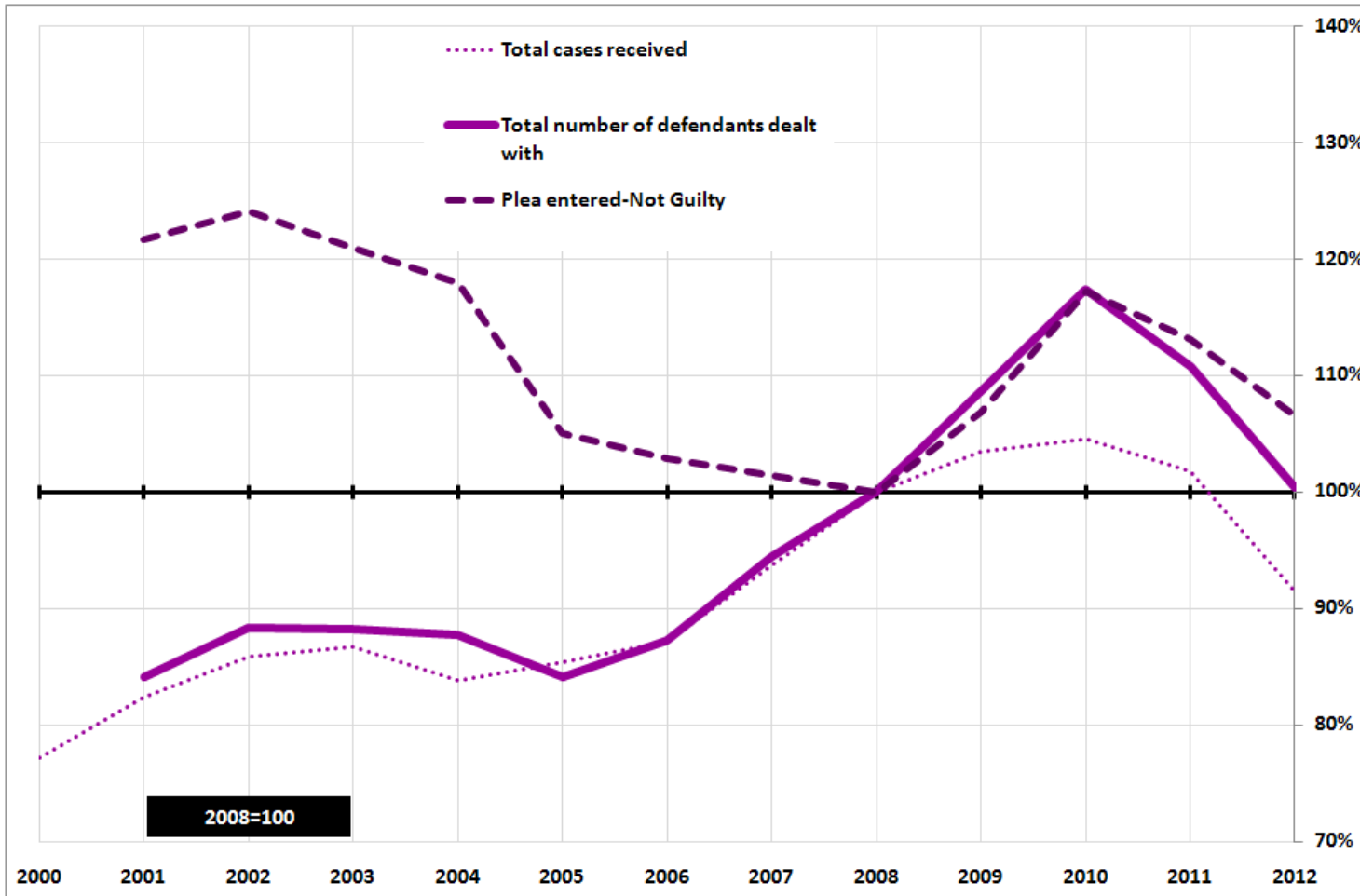
**Demand:** The total number of magistrates court criminal proceedings have fallen across all types, but the number of non motoring summary offences has started to rise (e.g. drunk and disorderly, low level criminal damage, etc):



2012	No	%
Adult summary motoring	490,712	29%
Adult summary non-motoring	624,540	38%
Adult indictable /triable	356,480	21%
Adult breaches	105,312	6%
Youth proceedings	87,117	5%
<b>All</b>	<b>1,664,161</b>	<b>100%</b>

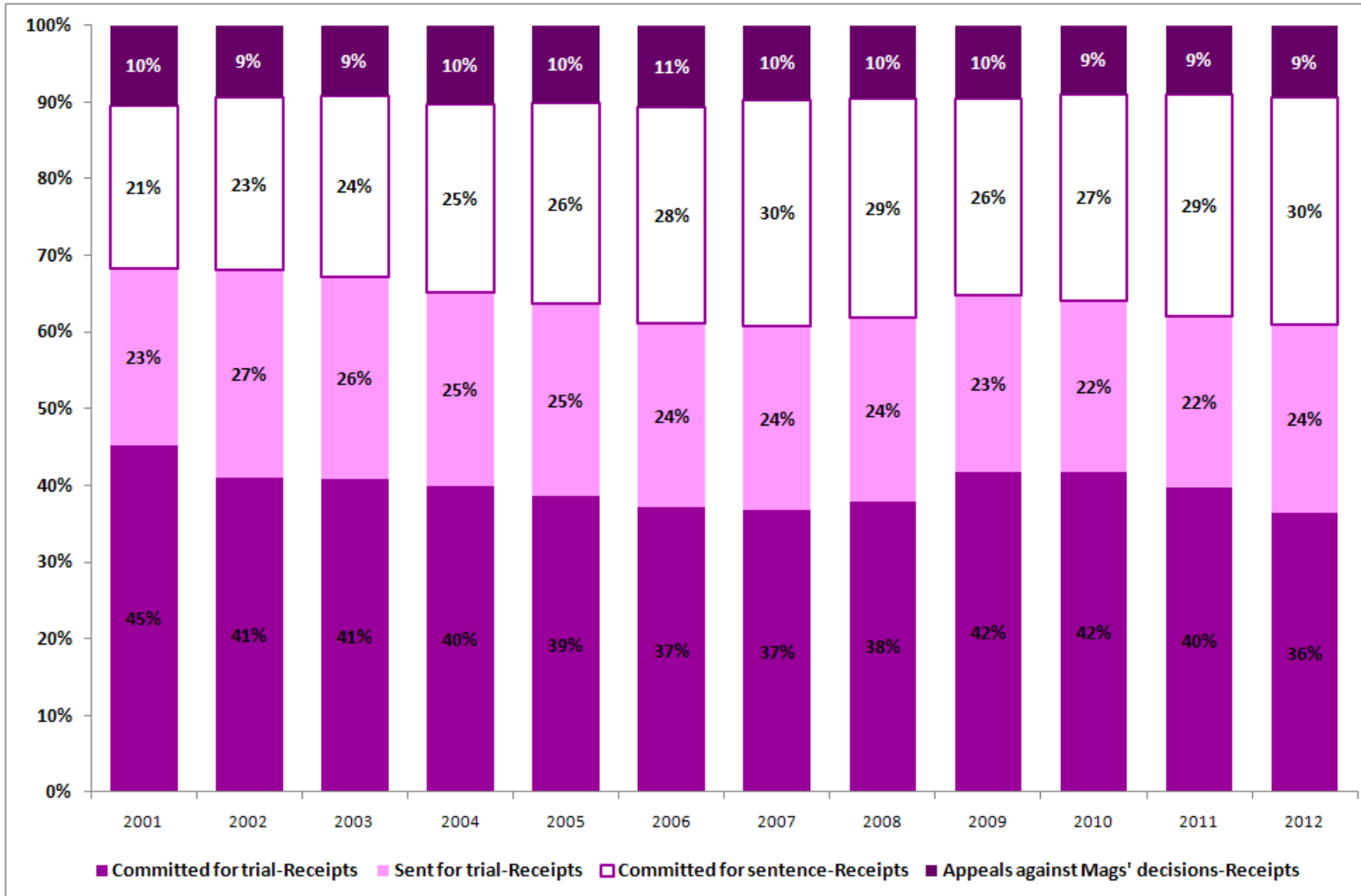


**Demand:** Between 2000 and 2012 the number of defendants in the Crown Court has increased, peaking in 2010 and starting to fall thereafter. The number of not guilty pleas has fallen:



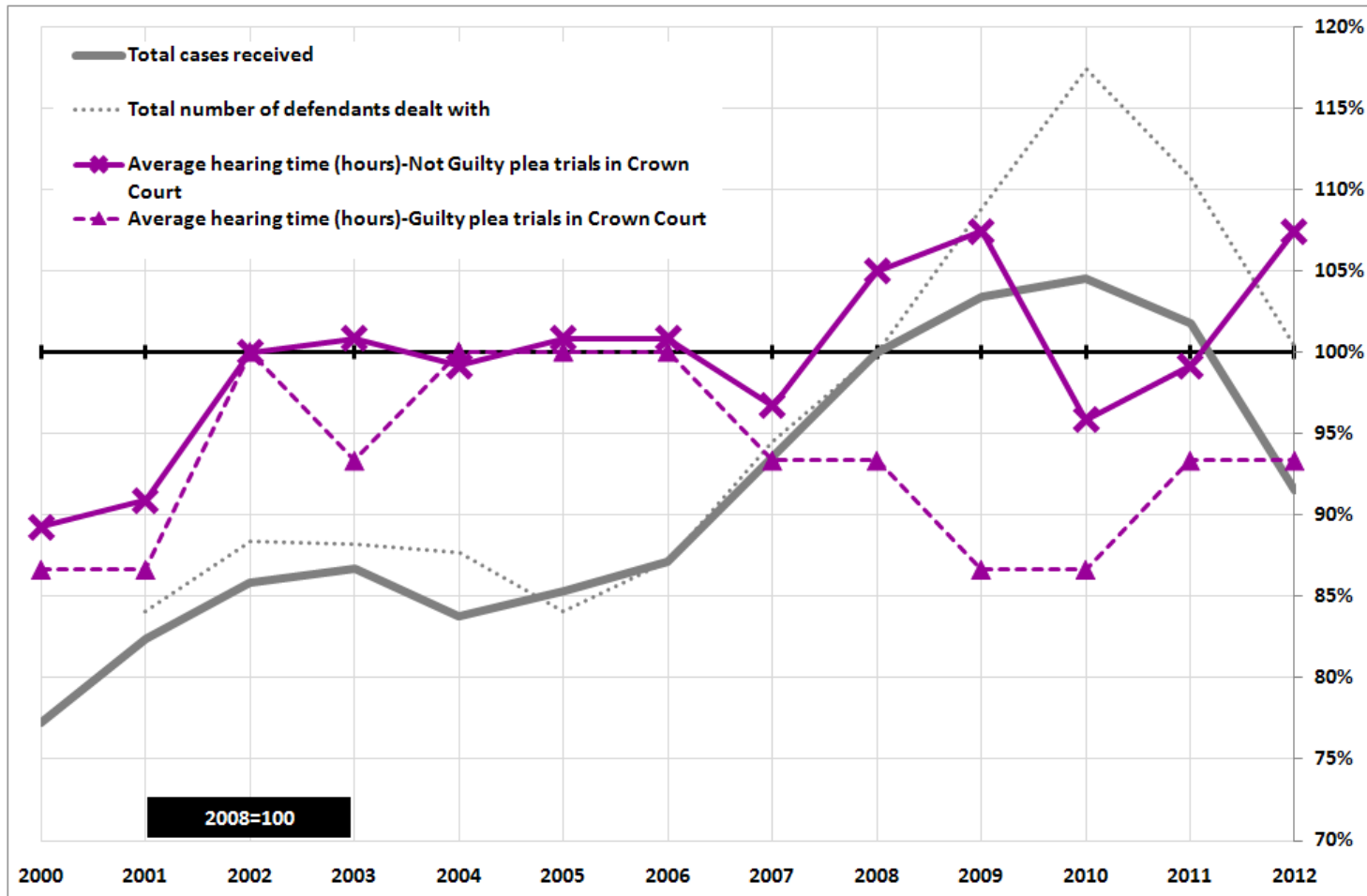
	No. of defendants (k)	Not Guilty Pleas (k)
2001	81	34
2002	85	35
2003	85	34
2004	84	33
2005	81	29
2006	84	29
2007	91	28
2008	96	28
2009	104	30
2010	113	33
2011	106	32
2012	96	30

**Demand:** Types of trials - Between 2000 and 2012 the proportion of trials committed to the Crown Court has fallen, while those received for sentencing has increased:



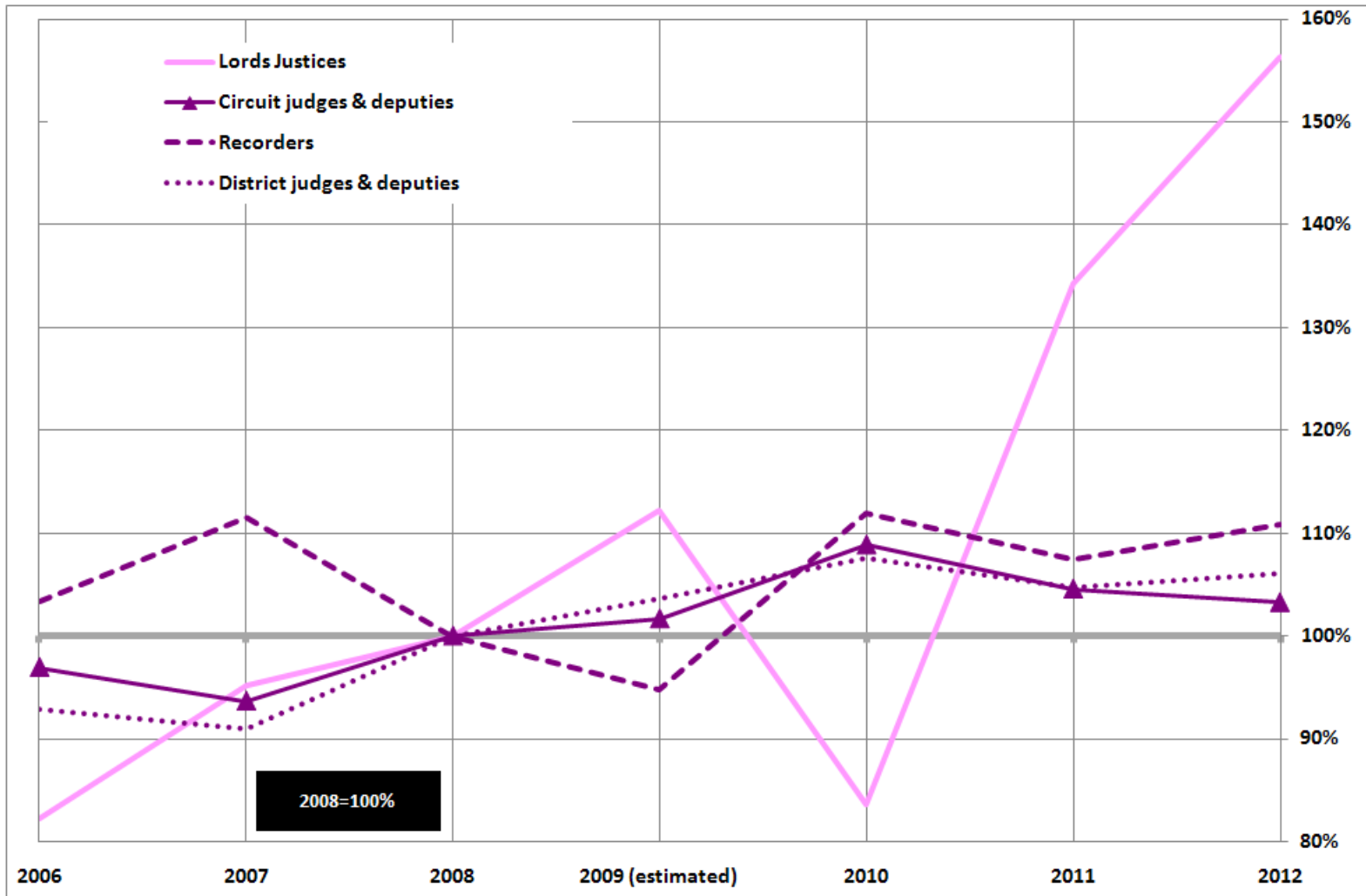
Committals cover situations where the individual case could be tried in the Magistrates Court or the Crown Court, but the Magistrate determines or the defendant elects to go the Crown Court.

**Demand:** Between 2000 and 2012 the average hearing time of trials for not-guilty pleas has fluctuated around 12 hours, this has remained constant for guilty pleas:



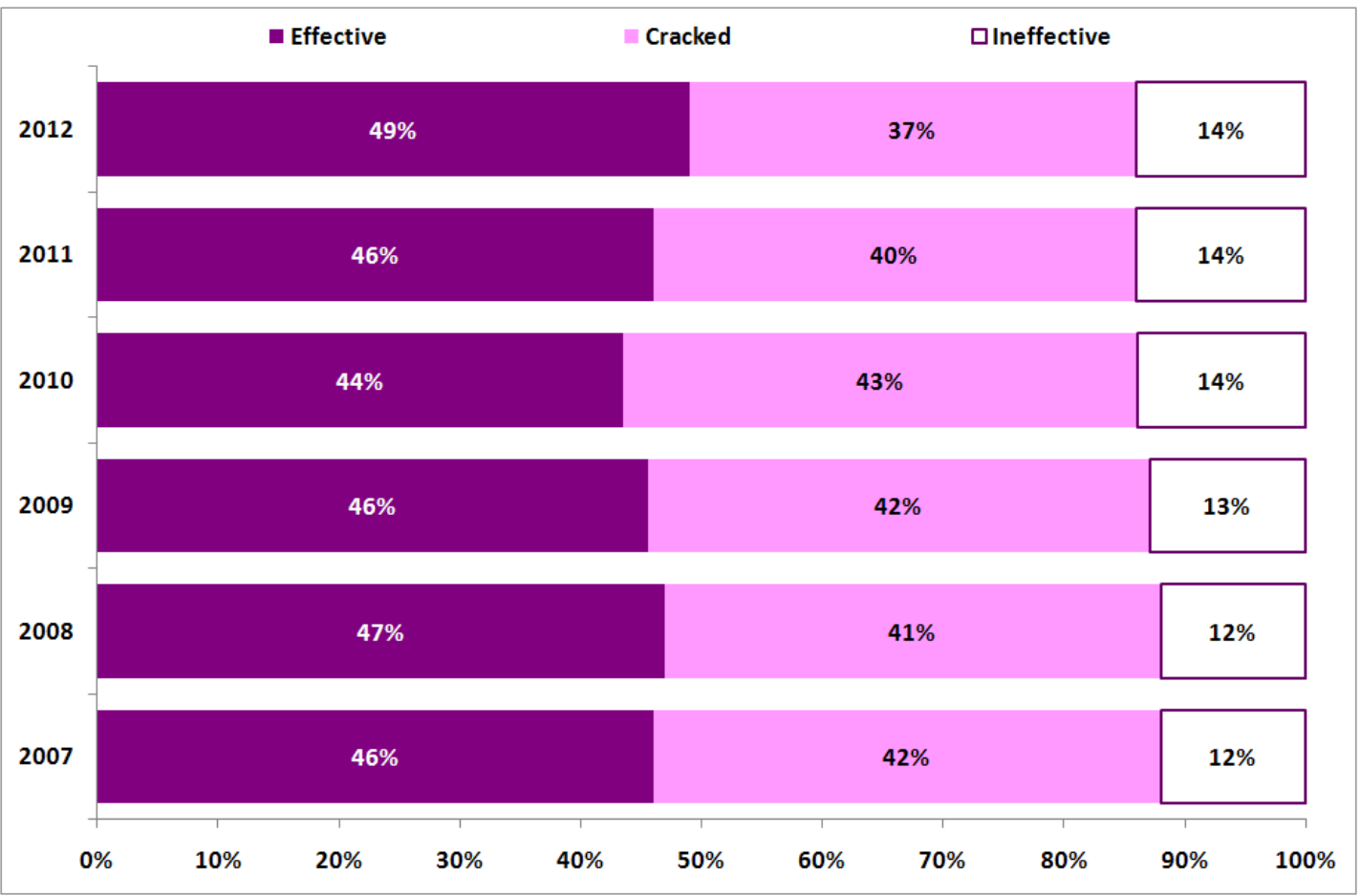
Average hearing time (hours)	Not Guilty plea	Guilty plea trials
2000	10.8	1.3
2001	11	1.3
2002	12.1	1.5
2003	12.2	1.4
2004	12	1.5
2005	12.2	1.5
2006	12.2	1.5
2007	11.7	1.4
2008	12.7	1.4
2009	13	1.3
2010	11.6	1.3
2011	12	1.4
2012	13	1.4

**Demand:** The number of days sat by Lords Justices has increased in the past five years, looking across both civil and criminal proceedings. This may indicate longer trials at the Supreme Court given the minor increase in volumes.



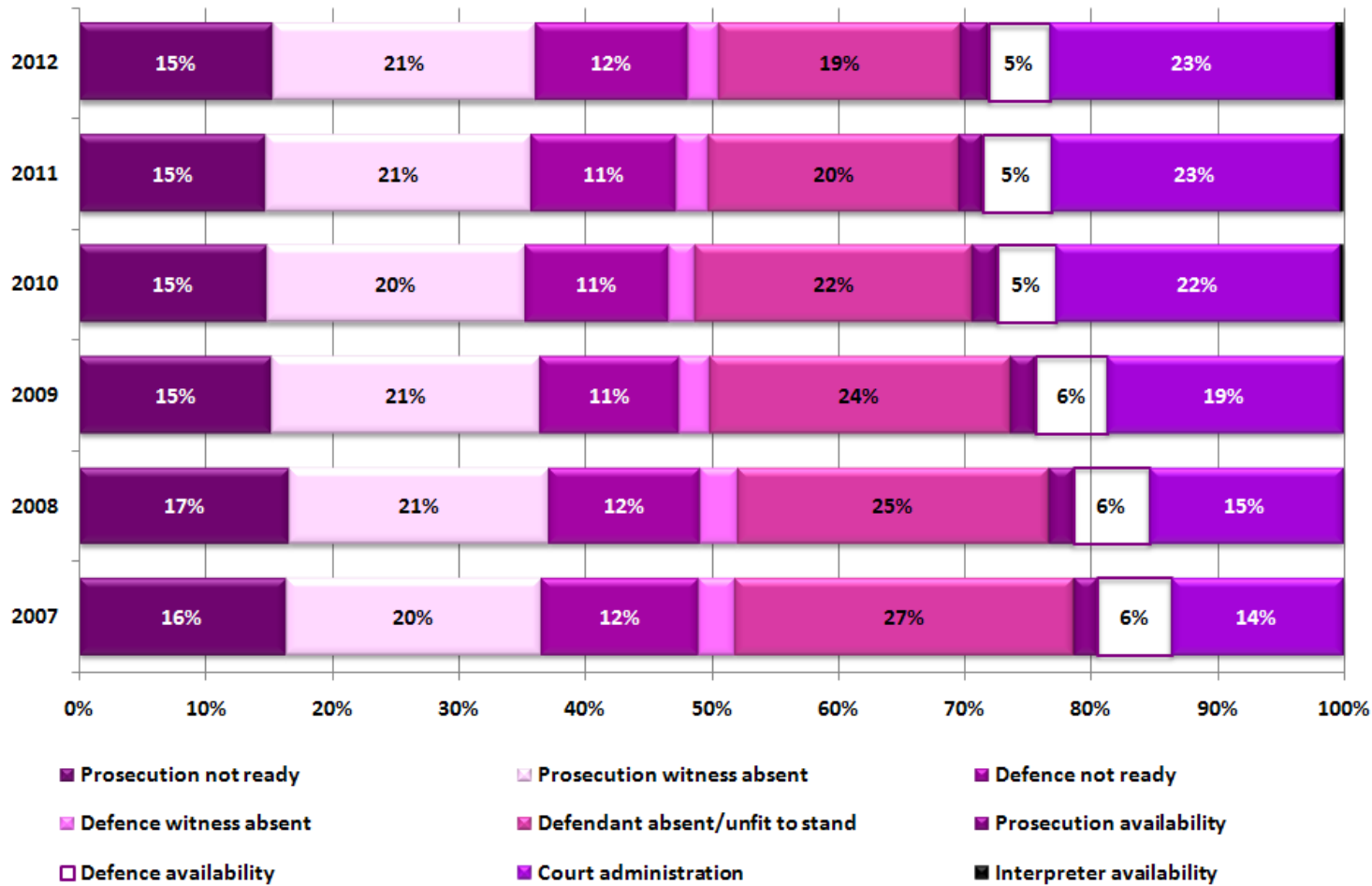
**Demand:** The proportion of effective trials – those that go ahead as scheduled - in the Crown Court has risen, but the proportion of ineffective trials has also increased slightly.

**'Cracked'** cases, don't go ahead on the intended date at very short notice but don't need rescheduling - this might be because the defendant entered a guilty plea, or the case is dropped by the prosecution. But other trials that don't go ahead and do need rescheduling are called **'ineffective'** - this might be because the prosecution or the defence aren't ready to begin the trial, or the defendant doesn't attend as instructed. Those cases that do go ahead are said to be **'effective'**.



**Demand:** Most reported reasons for ineffective trials have stayed largely constant over the 2007-2012 period:

However the proportion of ineffective trials where the defendant is absent or unfit to stand has fallen from 27% in 2007 to 19% in 2012.



At the same time the proportion of ineffective trials caused by court administration has increased from 14% to 23%.

## Sources by slide number

### **Slide 4** - SRA entities – LSB analysis of SRA entity data

SRA HCAs – SRA data March 2013 - [http://www.sra.org.uk/sra/how-we-work/reports/data/higher\\_rights\\_of\\_audience.page](http://www.sra.org.uk/sra/how-we-work/reports/data/higher_rights_of_audience.page)

BSB self-employed barristers - The Barristers' working lives survey published by the BSB in 2011 - [https://www.barstandardsboard.org.uk/media/1385164/barristers\\_working\\_lives\\_30.01.12\\_web.pdf](https://www.barstandardsboard.org.uk/media/1385164/barristers_working_lives_30.01.12_web.pdf) This reports on the findings of survey which received 2,205 responses from the self employed bar, representing 17% of the total 12,674 self-employed barristers practicing in 2011. This survey collected data on which areas they practice in. It recorded which areas of work barristers were employed in for at least 20 per cent of their time, then, if more than one area, in which area they practise 'most' of their time. We apply these findings to the population to estimate the number of barristers working in each market segment, using the figures for where they spend most of their time in each practice area. This approach means that we may slightly underestimate the number of barristers supplying services in each segment, but is based on the best data available. These figures have a margin of error of plus or minus 8.4% at a 99% level of confidence.

BSB employed barristers - The Barristers' working lives survey published by the BSB in 2011 - [https://www.barstandardsboard.org.uk/media/1385164/barristers\\_working\\_lives\\_30.01.12\\_web.pdf](https://www.barstandardsboard.org.uk/media/1385164/barristers_working_lives_30.01.12_web.pdf) This reports on the findings of survey which received 598 responses from the employed bar, representing 21% of the total 2,907 employed barristers practicing in 2011. These figures have a margin of error of plus or minus 11.4% at a 99% level of confidence.

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### **Slide 7** - Solicitor data from the Law Society Annual Statistical Reports; 2000 and 2001 data -

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