

## Step 1(a): Preparation of application for Leave to Appeal

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation of application (by trial or prior appeal counsel)	up to <b>4</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Preparing application for legal aid</li> <li>• Reporting to client</li> </ul>
Preparation of application (by new counsel)	up to <b>6</b> hours	<ul style="list-style-type: none"> <li>• Reporting to and invoicing LSA</li> </ul>
Hearing	Actual hours	For <ul style="list-style-type: none"> <li>• attending hearing – including waiting time (see Granting Notes)</li> </ul>

## Step 1(b): Preparation of response to application for Leave to Appeal

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation of response (by trial or prior appeal counsel)	up to <b>3</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Preparing and filing notice of appeal</li> <li>• Preparing affidavits</li> </ul>
Preparation of response (by new counsel)	up to <b>5</b> hours	<ul style="list-style-type: none"> <li>• Undertaking research</li> <li>• Liaising with Crown, prosecution</li> <li>• Considering Crown, prosecution submissions</li> <li>• Preparing submissions for hearing</li> <li>• Interviewing/cross examining witnesses</li> <li>• Liaising with the Court of Appeal</li> <li>• Receiving decision</li> <li>• Reporting to client</li> <li>• Liaising with prison</li> <li>• Reporting to and invoicing LSA</li> </ul>
Hearing	Actual hours	For <ul style="list-style-type: none"> <li>• attending hearing – including waiting time (see Granting Notes)</li> </ul>

**Step 2: Substantive Appeal (following the granting of leave)**

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation for appeal hearing	up to <b>40</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Preparing amendment to legal aid grant (if expecting to exceed guideline hours at this step)</li> <li>• Receiving and reviewing disclosure</li> <li>• Engaging in charge discussions/resolution/negotiation with the Officer in Charge, Prosecution</li> <li>• Entering plea</li> <li>• Reporting to client</li> <li>• Reporting to and invoicing LSA</li> </ul>
Appeal hearing	Actual hours	For <ul style="list-style-type: none"> <li>• Attending hearing – including waiting time (see Granting Notes)</li> </ul>

**Documentation Requirements**

- Application for Criminal Legal Aid Court of Appeal or Supreme Court (*LSA Form 12*) [s12 Legal Services Act 2000]
- Criminal Legal Aid Amendment to Grant (*LSA Form 2*) [s24 Legal Services Act 2000] – if the time required for the step is expected to exceed the guideline hours stated
- Criminal Legal Aid Tax Invoice (*LSA Form 4*) – including a report on proceedings, sentencing outcome

**Granting Notes**

- The Agency accepts claims for waiting time, as part of claims for actual appearances in hearings – before a judge. To support claims for approval and payment of waiting time, the following information is required:
  - A summary of both the waiting time and hearing time on the day of appearance – date and times. Exclude waiting time where judge has excused Counsel.
  - If waiting time exceeds 1 hour, an explanation of the circumstances.
- Guideline hours include preparing application for an amendment to grant (if expecting to exceed fee/guideline hours), correspondence and invoicing.