



Neutral Citation No. [2025] EWHC 418 (SCCO)

Case No: T20217603

SCCO Reference: SC-2022-CRI-000139

IN THE HIGH COURT OF JUSTICE
SENIOR COURTS COSTS OFFICE

Thomas More Building
Royal Courts of Justice
London, WC2A 2LL

Date: 26 February 2025

Before:

COSTS JUDGE ROWLEY

R
v
CHAPMAN

**Judgment on Appeal under Regulation 29 of the
Criminal Legal Aid (Remuneration) Regulations 2013**

Appellant: DPP Law Ltd (Solicitors)

The appeal has been successful in part for the reasons set out below.

The appropriate additional payment, to which should be added the sum of £1,250 (exclusive of VAT) for costs and the £100 paid on appeal, should accordingly be made to the Applicant.

COSTS JUDGE ROWLEY

Costs Judge Rowley:

1. This is an appeal by DPP Law solicitors against the number of pages of prosecution evidence (“PPE”) allowed by the determining officer when calculating the solicitors graduated fee in accordance with the Criminal Legal Aid (Remuneration) Regulations 2013, as amended.
2. The solicitors were instructed to represent Connor Chapman who was charged, along with another, with attempted murder, section 18 GBH and possessing a firearm and ammunition.
3. There is no issue regarding service of the electronic PPE or any question of its relevance and so there is no need to consider questions of the nature or importance of the documents. This appeal solely concerns quantification.
4. The paper PPE consisting of witness statements, exhibits and forensic reports came to a total of 1,549 pages. The electronic pages have proved to be troublesome in calculation but it appears that the determining officer allowed 566 pages thereby making a total of 2,115 pages.
5. Despite the best efforts of the solicitors and the central team at the Legal Aid Agency on this appeal, the amount of the electronic PPE has not been agreed. Nevertheless, the number of pages conceded by the LAA on this appeal have increased in two ways. First, it is said that the determining officer’s calculations went awry and that in fact the figure should be 766 pages based on her calculations. Secondly, the LAA have conceded a further 865 pages which brings the total figure to 3,000 pages.
6. I do not have a breakdown of any of those figures and therefore it makes it difficult to decide whether, for example the figure of 336 pages which has clearly been overlooked in respect of folder GJ2 has been included by the LAA in their revised figures. On balance, I take the view that it has.
7. Mr Lewis who appeared on behalf of his firm at the hearing of this appeal took me through a spreadsheet which had been helpfully prepared relating to a number of the exhibits which had been served by the prosecution in a number of formats. In addition to the Excel and PDF formats, some of the documents were provided by HTML and others seem to be PDF versions of either HTML or XLS documents.
8. Save for the 336 pages in respect of one element of folder GJ2, it appears that the determining officer has allowed for all of the documents described simply as being the PDF version. Conventionally, that format is treated as being the appropriate format for calculating the PPE even though the functionality of the Excel version means that that format is used in dealing with the case itself. Mr Lewis explained that he did not seek any pages in a duplicated format.
9. There were two grounds of challenge to the determining officer’s written reasons. The first related to the nature of the calculation itself and I have sought to describe that above. The second was described as “duplication” but, as I have just set out, there was no suggestion that duplicated formats should be claimed. In many of the folders there are duplicated versions of what are otherwise described as identical documents. To take for example lines 25 to 29 of the spreadsheet, they all relate to the same

telephone number but there are five different formats described with differing page counts. The Excel CSV and its PDF conversion both comprise 217 pages. The purely PDF version is said to be 21 pages whereas the Excel and the PDF conversion of the Excel format are both described as having 907 pages.

10. This appeal really rests on Mr Lewis's argument that the 907 pages is the correct figure in folder GJ2 and similarly a figure of 4,281 pages is the correct figure to use in folder GJ6. As with folder GJ2, there are five different formats claimed in GJ6 between lines 56 and 60 of the solicitors' spreadsheet. The Excel CSV and its PDF conversion both amount to 32 pages, the pure PDF is said to be 87 pages and, as I have just set out, the Excel spreadsheet and its PDF conversion total 4,281 pages.
11. Mr Lewis told me that the 907 pages in GJ2 amounted to the total of the documents in that folder and that the earlier figures simply amounted to subsets of that element. The pure PDF claims within that folder amount to an aggregate of 520 pages and therefore the 907 pages represented an additional 387 pages of PPE in order to allow for all of the Excel material.
12. It has been recognised for some time by those charged with assessment of PPE that the use of "print preview" on Excel spreadsheets is problematic as an indicator of something equivalent to paper pages. More recently, in the case of the Lord Chancellor v Lam and Meerbux Solicitors [2023] EWHC 1186 (KB), Cotter J considered there to be a situation where the litigators were overly rewarded if many blank pages were created by using these formats.
13. It is difficult to conceive how a PDF might be claimed at 21 pages when the converted spreadsheet PDF comes to 907 pages. Similarly, in respect of folder GJ6, there is a significant difference between 87 and 4,281 pages. Indeed, there is a further surprise where the Excel CSV version comes to fewer pages than the pure PDF version.
14. I have come to the conclusion that I cannot be satisfied in this case that the page counts for anything other than the pure PDF versions can properly be allowed in calculating the graduated fee. The sums conceded by the LAA during the course of this appeal appear to me to exceed the figures that can be extracted from the various folders and therefore I am simply going to direct that the graduated fee is recalculated based on a page count of 3,000 pages as conceded on the appeal.
15. The original calculation of the PPE was 2,115 pages and as such the appeal process, which has been going on for some considerable time, has been at least partially successful. Consequently, the appellant is entitled to costs of the appeal but, as I have not found by any means for the sum contended by the appellant, I have taken that into account when deciding on the sum to be allowed. A significant sum was sought if the appeal was successful given the longevity of this appeal.