



Dear Judge

I write with reference to the "Practice Note" you issued on Friday 14th August.

In common with many other chambers on the Northern Circuit and across the country criminal law barristers at Garden Court North support the action being taken against the latest unsustainable cut to legal aid rates paid to solicitors for their work in preparing cases for court. We support the view of solicitors that the new rates are not consistent with their obligation to provide high quality representation to their clients. In common with many of our colleagues we operate the No Returns policy in accordance with the protocol issued by the Criminal Bar Association (CBA).

I note that you have issued this note on Friday 14th August intending it to come into effect on the next working day, Monday 17th. Frankly given the terms of paragraph 3 that is ridiculous. Furthermore I do not accept that you have the power to make the kind of direction contained in paragraph 2 of your Note that seems intended to prevent the acceptance of any instructions in circumstances where a subsequent diary clash may arise. You do not have the power to regulate a barrister's practice in that way.

I believe your paragraph 3 (a) is already covered by the terms of the CBA protocol.

As to your paragraphs 3 (b) (ii) and (iii) you appear to be suggesting that the advocate should either arrange or at least be aware that efforts have been made to find a barrister who is deliberately not supporting the agreed policy of the CBA or to refer the lay client to the LAA helpline which has been set up specifically to try to undermine the current action. There is nothing in the CBA protocol which suggests barristers or their clerks have any such obligation.

For the avoidance of doubt may I make it clear that I have instructed the clerks at GCN that they are to make no such inquiries of barristers or solicitor advocates who have declined to support the CBA policy or any member of the CDS who might be available to undermine the policy we support. In the event that a Bolton case involves a barrister from these chambers and they have not complied with the apparent requirements of your Note then I would expect any complaint you may have to be directed to me in person.

I am sorry that you have felt it appropriate to issue this Note. As someone who was himself a barrister until not long ago I am sure you will understand the grievous nature of the circumstances in which the Bar now finds itself. It is regrettable that we feel it necessary to take this action in order to get the MoJ to appreciate the damage their proposals will do for access to justice and the right of any defendant in this country to receive properly remunerated representation.

I understand the difficulties the judiciary faces in making statements of overt support for the action the Bar is taking but the very least that we might expect is that the judiciary will understand the reasons why we feel it necessary to take this action and to respect the democratic views of the members of the CBA who voted for this action.

Yours truly,

Mark George Q.C.
Head of Chambers
cc Andrew O'Byrne, Leader of the Northern Circuit