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**THE CHAIRMAN  
TIMOTHY DUTTON QC**

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Richard Collins  
Legal Services Commission  
85 Gray's Inn Road  
London  
WC1X 8TX

4 April 2008

*Sean Richard,*

**VHCC PANEL COMMENCEMENT**

Thank you for your letter of 2 April 2008, informing me that an amended Funding Order is to be laid before Parliament so as to continue with the proposed High Cost Criminal Case scheme.

I am grateful to you for the undertaking you have given to open constructive dialogue with the Bar and the Law Society on the way forward and future VHCC funding schemes. I believe that this dialogue needs to take place as a matter of real urgency as the Bar Council does not consider that the High Cost Criminal Case scheme that you are implementing will attract advocates of high quality in sufficient numbers so that these cases are managed efficiently and effectively for the benefit of the criminal justice system.

Thank you for informing me that you will be publishing the membership of the Panel shortly. I understand, but you will no doubt confirm, that approximately 110 barristers signed the contracts. Even without seeing the list it is obvious that the scheme has not attracted sufficient numbers of experienced specialist barristers to make the scheme viable. I appreciate that you have managed to obtain signatures from 90 solicitor advocates. The scheme, to be viable, in fact requires several hundred advocates of the highest quality given the approximate throughput of 400 defendants per year for the 100 – 120 of the most serious cases.

Recognising that the LSC intend to persevere with this scheme, despite its problems for the administration of justice and the public purse, the Bar Council has provided the profession with a Protocol so that if ad hoc cases are offered to members of the

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Bar there will be compliance with the Criminal Procedure Rules and the Lord Chief Justice's Protocol. Nigel Field has indicated that the Commission regards this as a positive development and I look forward to any comments which the Commission may have on the Protocol.

You have said that you will make the VHCC spending figures available to the Bar Council so that we can conduct independent analysis of them using Professor Martin Chalkley who has expertise in procurement for legal services. By way of a reminder, I and my Executive Assistant David Anderson have asked for these figures on the 19<sup>th</sup> and 26<sup>th</sup> of February and on the 7<sup>th</sup>, 11<sup>th</sup>, 17<sup>th</sup> and 20<sup>th</sup> of March, but have, as yet, not received them. I would be grateful if we could have these figures urgently.

Yours sincerely  
Tom Dutton,

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