



**THE CHAIRMAN
TIMOTHY DUTTON QC**

Lord Hunt of Kings Heath OBE
Parliamentary Under Secretary of State
Ministry of Justice
Selborne House
54 Victoria Street
London
SW1E 6QW

4 April 2008

Dear Philip,

**DRAFT ORDER: CRIMINAL DEFENCE SERVICE (FUNDING)
(AMENDMENT) ORDER 2008**

Thank you for your letter of 2 April 2008 informing me that you will be going ahead with the Criminal Defence (Funding) (Amendment) Order 2008, in relation to High Cost Criminal Cases.

I am grateful to you for the encouragement you gave at our meeting on 24 April to the Legal Services Commission, the Bar Council and the Law Society to work together to design a scheme which is viable. In the circumstances, I regard the need for this work, so as to design a scheme which satisfies the requirements of delivery within the constraints imposed by Government whilst maintaining high quality, to be urgent and I hope imminently to receive the spend breakdown and financial data from the LSC. I would appreciate any encouragement that you can give to the LSC to provide the requested figures.

You have too few high quality advocates to service the volume of VHCCs. These cases require the most experienced and able advocates for the cases to be well run and efficiently managed, with high standards of advocacy. What is required is that solicitors should be able to secure not just some members of the Bar, but sufficient numbers of senior, able, advocates specialising in and experienced in this particular kind of work. Although I have not yet been provided with the list of Panel Advocates, I am very concerned that the Panel does not contain sufficient people of experience to service these most important cases.

I am afraid I do not share the Legal Services Commission's confidence that the VHCC Panel will be able to operate along the lines originally envisaged, supplemented by suitably qualified non-Panel advocates and I have serious concerns

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about the effect this will have on the administration of justice and the cost to the public purse. I regard the need for ensuring that there is a better system in place for both litigators and advocates to be of real urgency. Judges too will, I am sure, be concerned to ensure that these difficult cases have the most able litigators and advocates conducting them for the efficient management of the criminal justice system. It is therefore in everybody's interest to work speedily towards a better scheme.

I look forward to meeting you shortly.

As ever,

Tim

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