

Barristers Earn Less Than a Garage Mechanic

By Paul Mendelle Q.C

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Sir, The latest sideswipe at barristers by Jack Straw when he released information on their earnings is misleading, inaccurate and unhistorical ([report, Mar 23](#)). To suggest that the incomes of the ten most highly paid barristers are somehow representative of the profession as a whole is plain wrong.

There are more than 6,000 barristers practising criminal law and the overwhelming majority have incomes that are nowhere near these figures. A barrister doing ordinary crown court trials typically earns about £60 an hour, and by “ordinary” trials, I include offences as serious as wounding with intent, for which the maximum term is life.

Barristers are self-employed, so the headlines show gross figures from which they have to pay all expenses, leaving a net of somewhere around £40 an hour. They have no sick pay, no holiday pay, no private health insurance and no pension, they have no perks of any kind; all or any of those have to come out of what’s left of the £40 after tax. And now Mr Straw wants to cut those rates by 18 per cent.

You can’t get your car fixed for £60 an hour, yet the Government seems to think that barristers who protect the reputations, livelihoods and liberty of those accused — but not convicted — of crime are not even worth that. If the son or daughter of a Times reader had the misfortune to fall into the maw of the criminal justice system, would you feel happy to have them defended by someone earning less than the mechanic who gave your car an MOT?

Barristers have to undergo five years of training and professional qualification before they can begin to practice and most come to the Bar saddled with debts of £40,000 to £50,000. Mr Straw claims there are too many barristers, saying there were 2,500 in the 1970s. There are more than 12,000 barristers in England and Wales, which had a population of 54 million in 2008. In 1900 there were more than 9,500 barristers when the population was 32 million, so there are now fewer barristers per head than a hundred years ago.

There aren’t too many barristers but there certainly are too many laws. Too many ill-considered and appallingly drafted laws are passed, as one bloated Bill after another is extruded from the sausage factory that Parliament has become. It is not barristers who drive up the cost of legal aid but the increases in the numbers of those prosecuted and jailed, a good few for crimes that never existed until this Government created them.

The legal aid budget has been capped since 2006, so has already declined by £600 million in real terms, yet the Ministry of Justice now wants to take out still more, not by making sensible savings but by cutting the incomes of dedicated hard-working professionals.

Would you be happy to be treated only by the cheapest doctors or would you want the NHS to pay enough to attract the best? Legal aid is one of the pillars of the welfare state and the principle is the same. Drive down rates and you will drive away the best and end up with a second-rate system that will cost more, as more of the wrong people go to prison or the right people for too long, and in the years to come, society will pay a heavy price for the penny-pinching.