



AN OPEN LETTER FROM
THE CHAIR & VICE-CHAIR OF
THE CRIMINAL BAR ASSOCIATION

The Criminal Bar Association represents 4000 criminal barristers who prosecute and defend in Courts throughout England and Wales. Our work is in the public interest, as we help judges and juries reach the right outcomes, so that the guilty are convicted and the innocent acquitted. The CBA has no party-political allegiances.

After Brexit, the legal system as a whole will be among the UK's most prestigious and important assets. Criminal justice must be as strong and stable as the rest. The rule of law depends on a properly funded court system, with careers as lawyers and judges open to talent – without restriction by class, ethnicity or wealth.

Governments for at least 25 years have allowed criminal justice to degrade, from the police service, through the publicly funded part of the legal profession, the Courts, to the prisons and the probation service. Violent crime is rising and the system is dealing with a tsunami of highly sensitive sex cases, which are set to occupy it for years to come – it is imperative that enough investment is put in, across the sector, to ensure that the rights of victims and defendants are upheld. Lack of resources will delay justice, and we know what justice delayed means.

If £3bn can be found to repair the Houses of Parliament, then money must be available to invest in justice – it is not an optional extra, but an essential element in a fair and tolerant society.

Here's what the Prime Minister said in June 2016

If you're black, you're treated more harshly by the criminal justice system than if you're white. If you're a white, working-class boy, you're less likely than anybody else to go to university. If you're at a state school, you're less likely to reach the top professions than if you're educated privately.

These things must stop.

Policy has been characterized for too long by hasty, ill-thought out measures. Apparent cost-savings and efficiencies have brought the criminal Courts to their knees, and shifted costs elsewhere.

There has been blue-sky thinking, but not enough practical, real-world problem-solving. Things need to work now if they are going to work in the future. The neglect has to stop. The incoming administration must at least:

- Recognise criminal justice as equal in importance to civil and commercial, and invest in the people who are needed to restore and maintain its reputation.
- Reverse the cuts to legal aid: fees have been cut by over 30% since 2007. If not, the supply of future leaders and judges will dry up.
- Support the independent criminal Bar, which works in the public interest and represents excellent value for money.
- Commit to the proposals in the Ministry of Justice's 2015 paper Preserving and Enhancing the Quality of Criminal Advocacy
 - Bring in defence advocates panels, ensuring only advocates of the highest quality do the most serious work
 - Rationalise the system of payments
 - Root out bad practices
- Repair the collapsing fabric of Court buildings
- Promote equality and diversity with more family-friendly working practices
- Retain the Human Rights Act as a powerful protector of victims: remember that the Hillsborough Inquest would not have happened without it.

Chair: Francis Fitzgibbon QC
Doughty Street Chambers,
London, WC1R 4JH
T: 020 7413 0353
M: 07976 259 635
E: f.fitzgibbon@doughtystreet.co.uk

Vice Chair: Angela Rafferty QC
Red Lion Chambers,
London, EC4A 3EB
T: 020 7520 6000
M: 07870 599 629
E: angelaraffertyqc@icloud.com

15th May 2017