**The stuff you all know**

I have practiced at the Criminal Bar for 30 years and I will always believe that it is the best job in the world – if all we are asked to do is our own job. However, over the past 30 years, as we have had cut after cut imposed upon the CJS, we are no longer expected just to do our job – we have to do at least part of just about every other job within the system. We start early, work late, forgo lunch, all to keep a trial running smoothly, to assist judges who have lists of unworkable lengths, solicitors who cannot afford to employ sufficient paralegals, to help the administration achieve their opaque targets. We do so in crumbling court estates where it often seems as if we are considered an inconvenience when we make a legitimate request for improvement. But we do all that because to us, Justice (capital J intended) still matters.

The demands made on individual counsel are huge – time and cost being at the forefront of my mind. The cost is not merely the financial cost of a self employed practice, but more, the physical and emotional cost. Over my career, as more and more has been expected of me by the Judiciary and the Administration, my ability to sustain personal relationships has suffered, my personal wellbeing has suffered, but I am still here, and still believe that this is the best job in the world. But I am simply not prepared to see the junior members of my Chambers being expected to sacrifice their lives, happiness, and emotional wellbeing on the twin altars of efficiency and expedience.

Too many of the latest recruits to Chambers, male and female, with backgrounds in Crime and with ability to go far in the CJS are leaving, either to pursue other careers, or to build a practice in Family. Other avenues, where they are generally treated with more respect and paid more. This must stop. The future of the Criminal Bar was, and remains, my motivation, for rejecting the original scheme announced in late March. My Circuit (NE) was not united and I argued long and hard with those on circuit who had been involved in the original negotiations and who recommended them to us. When days of action were being mooted I was the first to suggest sending flying pickets to other court centres (although it’s probably for the best that we didn’t get that far!). I have lobbied my resident judges on behalf of the bar, offered advice to local solicitors when faced with the intrusive approach of the LAA. In short, I have fought, and stood front and centre of the fight. But I now believe the time has come to stop fighting and let the talking take over.

**More Jaw Jaw, less War War**.

For the past 20 years Justice has slipped down the political agenda and its rightful place has been usurped by the “Law and Order” brief. And we, as a profession, have let that happen. We are (mostly) naturally humble people and would prefer our work and our work ethic do our talking for us. That approach has led to successive governments not only being able to take advantage of us, but also to take command of the court of public opinion. For 20 years, we have been portrayed as Fat Cat lawyers thriving on the misery of others. And although real efforts were employed to correct that misconception it was one that stuck. Nobody in the media or Parliament was remotely interested in what we really do, what we really care about, what role we really play in the quiet effectiveness of the rule of law in society.

All that has changed. The CBA have finally managed to get the powers that be to listen. To engage. To take a step back from the conditioned response of dismissing us as the self serving Fat Cats beloved of some sections of the media. There has been, I believe, a real sea change in how the Ministry of Justice, MPs, and the public view us. If you need evidence of that, think back to the parliamentary debate – yes it was lost, but remember the speeches from the usual Govt stooges, the surprising voices which spoke out in support of the Criminal Bar.

All of that was the direct result of the measured, effective lobbying campaign orchestrated by the leaders of the CBA, most of it behind the scenes. At times it may have felt as though us, the foot soldiers, were not being kept in the loop, but sometimes, when things are quiet, that is when there is the most going on. That was clearly the case here. It was the debate which brought the MOJ back to the negotiating table with a markedly improved offer. It was the debate that opened minds, and it was the threat of “No returns” that concentrated them.

**Choices… it’s simple, right?**

I know that there are those who do not agree with the proposal and are pushing for the action to continue. My own joint head of Chambers is one of them. I respect those contrary opinions but I fundamentally disagree with them.

The fact that the MOJ have started to listen should not be underestimated. Neither should the fact that they have been persuaded to find extra money. I know that we are far short of achieving all we wished but the prospect of overturning 20 years of chronic underfunding was only ever a pipe dream. The amount of extra money is relatively small, but the fact that it is there at all is hugely significant. If the Criminal Bar is to have any future we must have credibility. And our leaders, negotiating on our behalf, must have credibility in the eyes of the MOJ. If we have any hope of being able to negotiate about matters such as FOH, working conditions etc, or any hope of successfully lobbying at the next Public Sector Spending review, we need to maintain the dialogue that has taken so much to establish.

In the simplest of terms – if you think this action was only about the money, you will vote to reject it. If however, you believe this action was about the recruitment and retention of able criminal advocates, the sustainability of the future of the Criminal Bar, working conditions, a fairer and better life for those starting out in their careers than most of us have had, you will vote to accept it.

I recommend the proposal.