



JUDICIARY OF
ENGLAND AND WALES

**THE RIGHT HONOURABLE LORD JUSTICE FULFORD
VICE-PRESIDENT COURT OF APPEAL (CRIMINAL DIVISION)**

Derek Sweeting Q.C., Chair of the Bar
David Greene, President of the Law Society
The Leaders of the Circuits
James Mulholland Q.C., Chairman of the Criminal Bar Association
Richard Atkinson Ian Kelcey, Co-Chairs Law Society Criminal Law Committee

12 January 2021

Dear All,

I am writing to ensure that at this stage of the pandemic there is no misunderstanding as to the arrangements as regards the presentation of cases before the Court of Appeal (Criminal Division) (“CACD”).

Since March 2020, given the health risks potentially involved for those appearing in cases before the CACD, the guiding principle has been that no one will be required to attend in person on appeals and applications who would prefer not to do so. Most particularly at this stage of the pandemic, this is, therefore, essentially a matter of personal choice. I have deliberately avoided indicating that personal attendance is either necessary or preferable in certain types of cases, given we have satisfactorily conducted hearings of every kind by way of fully remote or hybrid hearings, including lengthy conviction appeals lasting over a number of days. Some advocates are able and prefer to come to the Royal Courts of Justice, and we have taken significant steps to ensure that the risk of transmission in the building is as low as possible. Fortunately, our Victorian forebears ensured that the layout of the RCJ is susceptible to social distancing and the courts are very regularly cleaned.

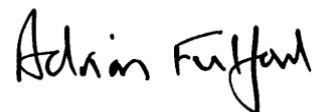
Therefore, for sentence or conviction appeals/applications, the responsibility lies with the advocate to decide how he or she prefers to present the case. Either way, the court will have the benefit of their submissions. It is important, however, that – if possible – the list office is informed well in advance of the advocate’s preference so that the necessary arrangements can be put in place.

I look forward to what I trust will be a return to normality later this year. At that stage, I would welcome a general discussion as to whether there are useful lessons for

the future that we may serendipitously have been able to learn from this unfortunate period.

Albeit slightly late, I take this opportunity to wish you all a very happy New Year, notwithstanding the present difficulties. And I want to thank the members of both professions who have conducted cases before the court during this difficult time for their exceptional level of cooperation which has enabled the CACD to remain functioning effectively.

With very best wishes,

A handwritten signature in black ink that reads "Adrian Fuffard". The signature is written in a cursive style with a large initial 'A' and a long, sweeping underline.