



Max Hill QC: Quote from The Times – Thursday 26 January 2012

The long-awaited results of the CPS Panels scheme represent triumph for many, but disaster for some.

Contrary to previous suggestions, there was no “deal” between the criminal bar and the CPS whereby barristers volunteered to fall on their swords by losing the opportunity to prosecute criminal cases.

For many dedicated and experienced barristers, prosecution work represents most if not all of their practice. The price of failure in this application round is therefore heavy indeed.

Although independent barristers prosecute three out of every four criminal trials, we are hostage to the “business need” and budgetary constraints of the CPS. They want to use fewer barristers, and at lower cost.

It would be quite wrong to say that the criminal Bar agrees to these economies of scale or remuneration. However, it is true to say that we enjoy a constructive working relationship with Keir Starmer and the CPS, which remains mutually beneficial. We all do our best in difficult times.

Using the nationwide structure comprising the geographical Circuits and their Leaders, senior Bar representatives put in countless hours, without pay, assessing and monitoring the decision process leading to the Panels announcement last week.

Overall statistics tell us that 94 per cent of applicants succeeded in gaining places, with 74 per cent achieving the Panel grade to which they first applied. Given the strict criteria against which all applications were marked, that means the criminal Bar is bursting with experienced and able barristers who provide an excellent service in the most demanding criminal trials throughout the country.

That said, the next stage is for those who did not succeed to consider whether or not to appeal. They have until 15th February. With the continued assistance of the Circuit Leaders and their teams, we recommend that failed applicants ask the CPS to provide all of the data in their case, including the marks achieved.

Bar leaders will continue to support appeals which have merit. We suspect that some able candidates have been excluded in error. We will do all that we can to put that right. Meanwhile, the criminal Bar faces a new pay regime for all cases from 1st March, under which the CPS intend to deliver cuts.

Despite negotiation, there are unwarranted cuts in some areas which, if not addressed, will leave barristers working for love, not money. The real tragedy will occur if the best barristers, having

fought to prove their pre-eminence in this important work, find they are ignored by a government which refuses to pay for quality.

With a suspected murderer on the loose after a break-out in Stafford this week, this is no time to squeeze the legal profession so hard. After all, when the fugitive is caught, we all need to know that the best lawyers will be on the case, don't we?