

John Cooper QC

Over the last decade, I have been representing the Criminal Bar both on the CBA and the Bar Council.

During that time, I have developed a reputation as one who fearlessly and independently stands up for the criminal barrister in whatever forum that becomes available so that our voice is heard. I will continue to do this.

For instance, I demanded that the Bar Council expose the potentially corrupt practice of referral fees and forced it to the top of the agenda in numerous CBA and Bar Council meetings.

In my time working on the CBA Committee, I have seen genuine and committed negotiations undertaken on our side by people of integrity, only to see them undermined by the duplicity of politicians. There is, of course, a place for continued negotiation, there always will be, but there is also a time to admit that Government have taken us for granted and abused our goodwill. That time has come.

I do not hesitate to say now that I am in favour of properly considered, carefully planned, industrial action, whether it be a complete withdrawal of labour or more targeted, subtle, but effective withdrawal of cooperation.

We are at a time in the history of our profession when we cannot afford to be cheated upon again by government.

The next two years or so will be critical for the Criminal Bar. Without any doubt, the Coalition Government will be developing and implementing legislation as their last throw to influence the General Election. We know only too well how the last Government rushed through legislation in the dying days of their power to attack the livelihoods of criminal barristers.

There are major challenges ahead.

We must oppose proposals which could result in 'one stop shops' for solicitors and be vigilant to oppose the implementation of block contracts and unfair price competition which is just around the corner and only last week supported by Ken Clarke.

Preserving the separate and distinct identity of the Criminal Bar will be a major challenge in the next few years and the CBA must encourage new business models and practices which will allow us to compete on an even playing field with solicitors.

Quality Assurance will not go away and we need to make sure that whatever regime may be put in place, it is structured so as to reflect the talents and abilities of the Criminal Bar. Ultimately, if this is not achieved, I would not hesitate to advocate withdrawal from the scheme.

As someone who does a significant proportion of work on Circuit, I will ensure increased and significant engagement between the CBA and the Circuits. There is always a concern that the CBA can become London orientated. Over the last year or so, we have been attempting to correct this and conferences on Circuit have been a great success. As Editor of CBQ for nearly 7 years I have always sought to reflect the Circuit view as well as all in the rank and file of our profession.

But more can be done to involve the Circuits. As SE Circuit Representative on the Bar Council, I am acutely aware of life as a circuiteer and I will encourage the trend of more meetings on Circuit and opportunities for regular Q & A Sessions around the Country to give everyone a real chance of getting involved.

The Criminal Bar is a broad church. As a product of a Comprehensive School I have for many years been a campaigner for social diversity. My work for the Citizenship Foundation in support of State School students taking an interest in the work we do is but one example of the central spine of my belief. Fairness.

I have no aspirations for future preferment, but my aspirations for the Criminal Bar are significant.

In the old days, candidates would be expected to include within their manifesto, their views on detailed policy, I hope that I have done that. But my manifesto in this election is nothing short of a promise to stand up to those who are attacking us....whoever they may be.

Kerim Fuad QC

You may know that I have never previously stood for election to the CBA or any other professional association in my career at the Bar. I have been committed to contributing to the publicly funded criminal set of chambers at 1 Inner Temple Lane for several years where I have been a member. I am now joint head of chambers and strive to work for the good of all to the best of my ability. I pride myself of being a very “hands on” and approachable leader in and out of court and will transfer that dedication to the needs of the Bar.

- We must stand firm and be as united as we possibly can be. I stand for all the Circuits. The CBA is a national organisation not a London one. Max Hill has made that plain. I am firmly of the view that the CBA should have as much of a voice and of a base in any of the circuits that it serves. The only way to be strong is to ensure that each and every circuit have their input and pool their members’ wisdom, energy and ideas. The one voice that should be heard loudest is that of the junior Bar for they are our future and it is they who traipse around often far flung courts, regularly for a pittance keeping the legal system going with their sheer dedication. In the past I shared the cynicism that these manifestos provoke; “another silk feathering his nest”, “no one cares about the junior end of the Bar” etc.
- We must free up the POCA regime to provide for the payment of more defence fees out of restrained assets. I applaud Max Hill’s modest request that we should get honest pay for honest work. The work we do must be transparent for all to see, to financially evaluate, and then it will be admired.
- We must cure the injustice of the derisory £202 counsel’s fee for either way offences when a defendant has invoked his/her right to elect, that don’t make it to trial. The junior Bar are so familiar with the following scenarios; Defendants pleading guilty at the 11th hour (when will the government learn that no policy will ever change a defendant doing just that), the crown offering no evidence or there being a successful abuse of process argument. None of these outcomes are as a result of any lack of work on the part of counsel, quite the opposite. The trial has to be fully prepared. Judges are banging the Criminal Procedure Rules’ drum. So DCSs and skeleton arguments need to be marshalled and all preparatory hearings need to be covered. It is a vile disgrace that this work is measured by the sum of £202. Surely the government want to applaud counsel when the circumstances dictate, to robustly advise defendants to plead guilty rather than allow indecisive clients to persist to trials that will clog up the courts? After all a successful abuse of process argument saves days or weeks of valuable court time.
- We must have a punchy PR initiative that highlights the actual take home pay of the junior bar and the fact that the public are simply being duped by the government. The Bar provides low cost quality like no other profession in England and Wales. We

must champion this through advertising. We all regularly witness inexperienced “in house” advocates prosecuting serious cases. The victim of crime is not told the difference between an independent barrister from our competitive market, and an advocate who is purely instructed by his/her employer because it’s cheap, whereas in reality and in the long run the very opposite is true. One of the biggest strengths the Bar must sell is its experience in both prosecuting and defending. It is that that allows us to provide the public with such good value expertise, experience and judgement. Cheap justice is no justice. More and more of us hard working criminal practitioners are being gradually eradicated. This once fantastic and proud profession is becoming little more than a part time dumbed down job. Many barristers have been thrown into bankruptcy due to the government’s late/non payment of fees and unjustified decimation of our income. I remember a time when barristers used to chew over issues of law in robing rooms, now talk is naturally of doom and despair.

- If we have no choice but to have QASA we must have it on a proper and level playing field for the junior Bar and that all advocates at the Crown Court are assessed by the judiciary, not by being on some weekend “pay and get your tick” course or where the bar is set so low you can’t help but fall over it. No one fears regulation for the sake of quality, what we detest is regulation merely for the sake of it, as it’s costly, time consuming and pointless.
- We must have a fair cross qualification system. How can it be right that qualified counsel need to undertake a 2 year LSC course whereas solicitors need only do the HCA course? This further offends the ability of the Bar to compete.
- We must engage the Judiciary to support the protection of the independent Bar. I know that they value it. I suspect that behind the scenes they would admire some direct action, if all else fails. If the judiciary don’t support the Bar, the quality of justice and later of recruits to their ranks will be poor. We have already begun down that path.
- We must set up a written protocol to be endorsed by the Judiciary that protects pregnant barristers. Often they are asked to “soldier on” during trials and miss vital scans or courts sit too late or have to stand to cross examine when Health and Safety legislation for an employed person would frown and bite. If witnesses are given the courtesy of some comfort then it’s not much to demand for the female Bar.
- We must act should the government try OCOF (price competition) or any more reductions to our fees. Sad as it is to contemplate in light of the Bar’s proud history, we must down tools and be ready to cause maximum disruption to the system, if and when the right issue upon which to stand our ground arrives. The only way to

make an impact on any government is to damage their statistics and court sitting times.

The new Chairman to be is Mike Turner. He will continue Max Hill's valiant and progressive work. Mike is a fighter and I know I would work very well at his side as Vice-Chair. If you have seen us co-defend you will know what the government would be in for, should they choose to not to protect and value the independent Bar.

This role needs a lot of hard work, judgement and grit. For those of you who know me, you know I won't roll over and be bullied by anyone. Whatever happens to the Bar going forward, I want to say that at least I tried. If you elect me I promise each of you my term will be about you and your needs and not about me.