

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.