



CBA CHAIRMANS REPORT FOR ANNUAL GENERAL MEETING 2012.

I don't know whether I can claim that 2011-12 has been a year of achievement for the criminal Bar, but I can say that it has been a year of effort. Enormous effort, which has produced results in raising the profile of the CBA, raising awareness of the principles we bring to bear on the criminal justice system, and raising our game as a national organisation which speaks for every criminal barrister who cares about the work we all do.

I am proud of many things this year, including the fact that the CBA Committee does not always have to sit in London, and it went to Manchester in November. I was really pleased to spend time with Northern Circuiteers there, as well as with Western Circuiteers on my trips to Bristol and Winchester, North Easterners in Newcastle, Wales members in Cardiff, and Midlanders in Birmingham. Our nationwide Survey met with an unprecedented response in March and April; you know the figures; 1685 responses, and 90% in agreement on almost every issue raised. I wanted 3000 responses, and cannot disguise that fact, but the feedback we did receive was more than enough to show that we are saying and doing what our members want and need.

Right or wrong, there was last year a strong perception that Bar leadership was not always in tune with the membership. I do not look back, but forward to what we can achieve next. The CBA, Bar Council and Circuits are I think closer now than before, and you should have no difficulty in accepting that all elected or appointed Bar leaders have your interests at heart.

Our working lives are afflicted with many problems which are not going away. Defence fee cuts in October, and prosecution cuts in March, remain the lowlights of my time as Chairman. We should take heart from the fight we showed on both fronts. Our response to the government legal aid consultation deployed all the right arguments. We stood up to the CPS too. We should not blame ourselves for anything that happened during the year. I would say that we have re-drawn some old relationships, and have done so for the better. A representative body like ours should fight. And your Chairman should not settle for a cosy friction-free time with the DPP, government ministers, departmental mandarins, or other representative leaders outside the Bar. Whilst I can assure you that I spent many sleepless nights worrying that my efforts could make things worse for all of us, I do not honestly think that has been the case. It is for you, not I, to judge, but I maintain that we did have an impact in delaying OCOF when the government seemed determined to forge ahead in the autumn, we did play our part in ensuring that QASA did not happen too soon, and we do have a stake in the criminal justice system which an expanding audience is at least beginning to understand.

There have been extremely difficult times. The tax deadline in January was a challenge for so many of us, afflicted by the LSCs sheer inability to pay in full or on time. They still fail to

meet the test of payment within a reasonable period for completed work. I do not think we can rest until every defence fee claim is settled in full within 30 days of submission. I will not forget the stress which so many members went through in January, with the banks often turning a blind eye to genuine hardship, requiring nothing short of bailiffs letters and the brink of IVAs before they would see the problem. I am pleased to recall that HMRC at senior levels were quite helpful, when our Treasurer and I forced them to the table to talk through the real problems you were facing. I remain angry at the fact that government administrative changes, taking the payment system away from the courts in favour of the LSC, could leave so many people waiting so long for payment. This must never happen again. Too late for barristers who could not afford to stay in private practice. It is all too easy to say that the strongest survive, but too many people who were doing a good job week in week out, have fallen by the wayside. The enforced downsizing of the criminal Bar has thus far been crudely engineered by a government that decided to switch off the tap. I will not forget the departmental employee who told me there would be no point accelerating the payment of overdue fees to any barrister who would still be in debt anyway. They like to pretend that we are all well paid. Try saying that to our members who take elected either way cases. You know just how derisory the true figures can be.

So I hope that the fight will continue, on all necessary fronts. I shall not dwell on the details here, because you know what has to be done. Referral fees, kickbacks, the corrupt abuse of public money; they are all one and the same thing. Ban such bribery. Quality assurance across the board; make it happen on the right terms, in the interest of keeping up standards and ensuring that the right advocates stay in court, and the wrong ones are rejected. OCOF and price competition; don't let the public be tricked into thinking this is value for money, rather than debasing criminal justice because there would no longer be fair payment for good service, and the end of the cab rank means the end of real choice in the public interest. Diversity for Bar and Bench; don't let this cash-strapped government destroy all of our hard work in creating a legal profession which mirrors the country we serve.

It is about time that I pay a proper tribute to those who have worked alongside me and who have made a real difference this year. Nathaniel Rudolf and Gillian Jones are both exceptional CBA Secretaries. Nathaniel masterminded our new website, and is proving to be a sterling asset on the Criminal Procedure Rules committee. Gilly runs our consultative programme with an efficiency that is becoming ruthless, I am pleased to say. Our reputation continues to rest on the calibre of our working party responses. Dermot Keating is made of the same metal, and I know that the business side of the CBAs work will remain safe in Gilly and Dermot's hands.

Ed Vickers inherited a mess, in terms of our database and some of our finances. You do not know how much effort he has put in to sorting it all out. We are leaner but better for it all. I hope we will all continue to support Ed's Bursary scheme, which will supplement the Kalisher programme for new entrants to the Bar, and will help us with the social mobility and diversity programmes which the criminal Bar must continue to pursue.

Our Education programme has been stronger than ever, under Jonathan Laidlaw's leadership, assisted so fully by James Mulholland, Monica Stevenson and Toyin Salako, if the many others will forgive me for not singling them out. From the Bailey, to Church House, to the

Royal College of Surgeons and the IET in Savoy Place, the team have pulled off memorable training days with a stellar cast of lecturers. And I add our Spring Conference in Newcastle to the list. Traditionally organised more by the Officers than by the Education Committee, it was a great event. Thank you to everyone who helped with the organisation.

Bizarrely you may think, as Chairman I have sometimes found myself dropping off certain databases for 'members of the CBA', because people forget that I am a member too. Every quarter, when CBQ comes out, I see it on the desks of others in chambers before I call for my personal copy, having been missed off the list. The content however – leaving my Column to one side – is always excellent, thanks to the efforts of our Editor John Cooper and his publisher Diana Rose.

I am going to risk giving slight offence to some, by singling out a small handful of others who have made a huge contribution to the CBA this year. Before I do so, please take it from me that we have a Committee full of good people, and I am grateful to one and all. Amanda Pinto, thankfully, sifts through the International Affairs inbox so that I and the Committee grapple with the important issues. This is no mean feat. Mark Lucraft, who commences life as HHJ Lucraft of Norwich Crown Court on 18th July, shouldered the colossal burden of chairing the Bar Council Remuneration Committee, and of liaising with us on all defence and prosecution fee issues. Many of the achievements in forcing greater efficiency upon the LSC are down to Mark. Paul Keleher writes more consultative material than almost anyone else. We rarely give him a rest, and we should be grateful for his energy and commitment. Amongst our many Circuit Representatives, Ian West in the North East, Tom Schofield on the Midland, Simon Csoka on the Northern and Kate Lumsdon in the West. All have been dedicated and committed members this year. I apologise again to other ordinary members of the Committee whom I have failed to mention, but who have helped the CBA to run efficiently throughout the year.

And so I end with two more to mention, in the 'last but by no means least' category. Our Administrator Aaron Dolan is perfectly entitled to be fed up with every one of us. Throughout a year that has included very difficult times personally for him, Aaron has answered an avalanche of emails and calls, he has organised our biggest calendar events including the Annual Dinner and the Spring Conference, he has kept me sane by taking some of the burden of dealing with individual enquiries and correspondence which never stops, and he has been unfailingly polite and courteous to a fault. I commend him and thank him, but above all I like him. Thank you Aaron.

Michael Turner and I did not know each other this time last year. He blazed a trail through the Vice Chair election, he hit the ground running last September, and he is still running. If ever I doubted whether I was thinking, saying or doing what the CBA membership wanted – and there have been such times – Mike has always been there to remind me. He has the interest of the criminal Bar at his core. He has a passion for principle and real values. He takes no prisoners. In his presence, a spade will never be called a manual gardening implement. I wish him all the luck in the world as he takes the Chair on 1st September. Just as I have benefitted from his support, Mike will need your help and guidance. Tell him what you want and need. I know he will do everything in his power to aid the cause of this great profession, the criminal Bar of England and Wales.