

The responses thus far to the CBA QASA response:

I agree with the CBA that the present proposed scheme is neither necessary nor desirable.

I would add the following:

1. The advocate should appear before any court without seeking any favour or personal advantage. This is so that the advocate can conduct the case in the best interests of his client. This liberty operates to further the due administration of justice.
2. Regrettably there are cases in which advocates act in accordance with the highest standards but nevertheless very serious errors are made resulting in a miscarriage, a successful appeal and serious adverse consequences for the parties and young children. An illustration is the recent decision of the Court of Appeal in *K (Children)* [2011] EWCA Civ 793. The proposed scheme would operate so as to make it more difficult for an advocate appearing in such a case to protect the public interest. In criminal cases there can be circumstances in which an advocate should be free and feel free to address a jury without fear of repercussions for his personal position as an advocate. As is illustrated by *K (Children)* [2011] EWCA Civ 793 once the damage is done it may be irreversible even by appeal. Miscarriage in a criminal court may take years to correct and the remedy may come too late.
3. The BSB has not produced objective evidence demonstrating that the proposed scheme would be in the public interest. Furthermore the tension between the Scheme and the principle in 1 above would tend to operate contrary to the public interest, and there could be circumstances where it would produce serious, adverse consequences for the public and the due administration of justice.

Regardless of my chambers' view (though I am certain it will be the same) I wholeheartedly commend and thank Mr Turner QC for his response on our behalf.

15 members of Colleton Chambers in Exeter have criminal practices.

As Head of the Criminal Team I speak with authority for each of the 15 in endorsing the CBA Response to the fourth consultation in its every detail.

No criminal practitioner at the Bar has any doubt but that this is an ill disguised precursor to OCOF. With that comes the end of the Criminal Bar and in due course, I suspect, the end of the Bar itself.

May I express the deep gratitude of all in these Chambers to you and to those who have prepared the response.

I have seen the Criminal Bar Association response to the 4th consultation and fully agree with its response.

I am a criminal practitioner, called to the Bar in 1972. For the sake of brevity, I will only add this:

Why is the professed aim of the scheme to improve the quality of Criminal Justice only likely to lower the quality of Criminal Justice, by accelerating the flow of quality practitioners away from criminal practice?

I agree.

Thanks very much for that. I've prepared my own response and, whilst I don't agree with everything in the CBA one, it is great to see such a strong response. As someone who has sometimes been sceptical and critical of the representation provided by the CBA, it's brilliant to see you act on the views of the members and put forward such a comprehensive demolition of the scheme as it currently is.
