

I stand before you the picture of what can happen to a man who dedicates his life to the criminal bar. 37 years ago, I was tall, slim, with a full head of hair. This is what a life at the criminal bar has done.

Last night I went to bed and had the most terrible dream. I dreamed I had become Chairman of the Criminal Bar Association. I tried desperately to look back over the years and see what it is I had done that had so sinned against the Lrd that this was his, or her, revenge. Maybe because the job is so good, I hope you agree it is. Maybe because I have constantly laughed at the most inappropriate moments in court.

The dream all got a little mixed up as dreams do and trying to find out what I had done I came before the grim reaper who was going to determine my fate. He had a scythe in his hand with a pennant on the top of it and on the pennant was written the word "cuts ". Hardly surprising to have the word Cuts at the end of the scythe, but surprised though as it was being held in the hands of a big man in a grey track suit with 30% cuts written on the back.

It was GRAY LING.

For me at the age of 61, breakfast seems to come around every 15 minutes, as John Mortimer said, one would hope that some of the great mysteries of life would begin to be resolved. I was called to the Bar in 1976. I do not believe you would find one person that joined the criminal bar “for the money”. What was true in 1976 , I have absolutely no doubt has remained true every year since.

How I actually ended up as Chairman of the CBA is quite relevant to what I want to talk about.

Of course I am very old and if anyone dares to agree with me I shall walk off the stage. I did not go to Ox bridge, though I have been to Stamford Bridge on a couple of occasions. But when I was called to the bar in 1976 life was just so different, I got my first pupillage offer from a well known silk on the train from Chelmsford to Liverpool Street and the one I took up from a woman at Cumberland Lodge. Three of us entered pupillage competing for one place. There were 17 in the set and they all met to discuss their cases over tea at 4 pm (earl gray and English breakfast).

On day 1 the first pupil came in smoking, so that was the end of his career.

On day 2 the Head of Chambers asked if anyone could provide an answer on a compulsory purchase issue , the second pupil interrupted the deputy head to say he knew the answer, so that was the end of her career.

So on day 3 I was offered a tenancy.

Sickening isn't it compared to what you have been through

And then into pupillage. I used to work part time spilling drinks down tourists and so started in court debt free.

And life for the bar just got better and better. We learned our trade able to prosecute or defend small cases. Burglaries, ABH's in the crown court, a glut of work. Closing speech in one case, open to the jury in the next.

Judges varied between those suffering from megalomania to the criminally insane and you rose through the ranks . Aiming to do bigger cases and maybe take silk.

But that is where the dissimilarity in our positions end and the similarities take over.

Do you know a criminal barrister who has not

i. either gone into the job in order to do good for others or once he's gone into it, learned that he wants to do good for others or

ii Been prepared to spend as much time on preparing cases, all night all weekend as it takes.

iii. Done all this regardless of how much or little he earns.

Like the shampoo advert, it's because we know it's worth it. Concepts of law and justice are vital and so you do a vital job and you must not forget that.

It's a great job. If nothing else when you go to a dinner party everybody wants to know what you do and hear your stories and nobody wants to hear anybody else's.

Nobody wants to hear of how a hedge fund manager spends his day, but you tell them about how a rapist jumped out of the dock and ran down the road, you will soon have their attention.

In fact you know I hope the definition of a boring barrister ? It's one who insists on telling people about his cases, when you are waiting to tell them about yours.

There are groups of people that love their work : Doctors and barristers are top amongst them. There is not a day that I have not laughed and / or achieved satisfaction from what I have done. We know that truly we make a difference.

1. Of course now it's not just difficult it is horrendous. I write to members of the CBA a Monday Message. My first one began like this :

"I had the very good fortune to spend the last couple of weeks in China with my family. Part of it was spent in Tibet where I took the opportunity to do some high altitude training for my year in office. During a visit to one of the temples I found myself sitting on a low wall outside, when a Monk sat down beside me. He looked at me and said he could see I was deep in thought and asked what ailed me. I explained that I was taking over the Chairmanship of the CBA at a time when we were in dispute with our regulators about QASA and the government

about proposed changes to legal aid. He looked long and hard at me, stood up, turned around and said “you’re on your own mate.”

AS an aside, people are odd, I received an e mail the next day saying we don’t give a monkeys where you went on holiday.

2. In fact I was thinking of an analogy that would make us all want to go and slit our wrists, but I was thinking of China. Being a criminal barrister is like being in Beijing. You know you are in a beautiful city but you can’t quite see it because of the smog and other problems that hover over it. But the smog will clear.
3. Will it help to identify the problems? Yes I guess so.
 - i. **The first is access to the work.** The new landscape with HCA’s as part of the crown court vista is here to stay. But it means that those better organized and tuned in to the business side of things have tended to take the running. Even now you have probably heard of the deal that the Law Society has gone and made a deal with the

government notwithstanding that it would stand shoulder to shoulder with us . So getting sufficient work of diverse quality is an issue.

THE MONEY.

- ii. We have to stop being bashful about the money. Nobody joined the criminal bar to get rich. But you are professional people and entitled to earn a good living. And those of us that had the good years of earning a handsome living must stand up and fight for that right.

AND SO TOO MUST PEOPLE IN A POSITION OF INFLUENCE.

I have always found it remarkable that whilst there have been so many in government , in parliament and in important offices who came from the Bar, they have been prepared to do little to protect the profession they claim to hold most dear. Where is their support for your plight.

I shared my first set of chambers with Dominic Grieve now Attorney General, we had the same pupil master. It was that small set with tea at 4 pm. He must realize that what he is doing to the criminal bar is shameful.

There is time to rethink this. The cuts on the figures are unnecessary and immoral.

Secondly the Judiciary, a number of whom notwithstanding their claim to be “friends of the Bar”, have been quiet on our position , even though they themselves were barristers 15 minutes earlier. Are they content to administer QASA ? Do they mind that whilst someone they have previously signed off as competent in a trial, is followed in court by an advocate who has gone through an entirely different process, unable to conduct a trial, but is deemed able to advise fully and mitigate for a Defendant for instance suffering from ASPERGERS syndrome.

The public must understand how hard you work. The public must understand how little you earn. Lord Justice Judge has observed how the Judges too too have been suffering from low morale, are asked to do more administration for less money. They now share our plight. Please let us hear from the Judges.

You at your age are to be full of optimism and hope. The worst thing that a government can do is to sap morale. So that smog hangs over the profession, instead of basking in sunlight having achieved your ambition.

The sad but inevitable truth is that the proposed cuts overshadow absolutely everything that we do. Has anyone ever heard of any sector of the professional community, having its wages (yes that is what they are) cut by 30% and the rest by figures trumpeted as 17.5%? On top of the existing 40% already imposed since 1997 (13.5% in the last 3 years)?

Absolutely no sector of the community would agree to this: whether teachers, doctors, railway drivers, members of parliament, anyone. Those non - barristers hearing this, Judges, civil servants, which of you would simply agree to wage cuts like this? I said this to a civil servant this week. His reply was: "we have had cuts, we have less in our wage packets because of new pension arrangements." How rich is that? What is a pension?

What is being done to us is destroying morale, it is driving away our talent, and sadly, each of us already knows members of the Bar who have been declared bankrupt, unable to meet their chambers' overheads, unable to make a living. And this is the current precarious position we are in - before the proposed new cuts are even introduced. Women on maternity leave will be unable to afford to return, one 51 year old has told me that on the proposed rates he will have to sell his house and move his family. And where will the future talent come from? Why would a student pay close to £100,000 (£27,000 university fees over 3 years, £16,000 for the Bar Professional Training Course plus their accommodation, travel, living expenses) for their training & come into the criminal bar? What about ensuring that access to the profession is open to all, no matter what their financial background? Will only the very wealthiest in society be able to enter or remain in whatever is left of the profession?

For the sake of about £24million this wonderful profession is being destroyed.

But I care and we care, as do you. When will those of influence have talks behind closed doors saying that this cannot be in the public interest and must be

addressed? And listen to the representations put forward by the criminal bar as to the practical ways of saving £24 million without destroying the profession? So let's get our message out there – let's each of us do our part: write & email & speak up & lobby everyone we can from those we meet daily to those in higher positions such as your member of parliament, the judiciary. Let's read or hear some good things about the Criminal Bar, a storming defence of who we are and fair recognition of the value of the service we provide. And support for not a penny more in fee cuts.

AND THAT OF COURSE IS BEFORE WE EVEN MENTION QASA

What is the urge to overregulate us. ? What regulation is there at the moment.

The market place ;

CPD;

The PCC ready to discipline us at the drop of the hat.

Silks in their applications are quality assured to the highest degree.

And into the scheme from nowhere comes Plea Only Advocates and they will be will be one of the final nails in the coffin of the junior bar.

WHAT IS BEING DONE.

QASA : All of the activity of last year indicates the Bar will not register. We have received advice that the scheme is unlawful, so JR proceedings have been issued.

We will maintain the position that the scheme is flawed.

CUTS.

I have written last week to the Heads of Chambers in England and Wales. The idea is to inform me whether the criminal bar wish to take Direct Action on fee cuts.

WHAT MIGHT DIRECT ACTION MEAN

The return of current VHCC cases, sought to be changed mid way through.

Refusal to work at new rates on VHCC

Refusal to accept briefs

Refusal to go to court.

We will achieve this by UNITY.

Unity with each other. Replies from the heads of Chambers is running at close to 100% believing direct action is the only way to deal with this.

UNITY with large groups of solicitors. Why should they wish to earn less and extracting from them the promise they will not pick up the work we do not do.

The next 2 months are vital. Be strong. We can win this fight.

I Started by saying why I became Chair of the CBA. The answer is identical to why we remain barristers.

It's because we care.

