

1st March, 2014.

Dear Mr. McGill,

Thank you for your letter of 27th February, relating to the day of action planned for 7th March. I'm afraid that your demand for a response by 28th February was not something with which I have been able to comply. I have to say that I am rather surprised that, given the fact that this action has been in the public domain for weeks, your letter came so late and with such a short period for response. I am aware that letters have been sent, in identical terms, to other chambers.

You are correct in your assertion that the CPS has a beneficial relationship with Lincoln House Chambers. Members of my chambers have prosecuted in many of the most serious and difficult cases which have come before the courts. They provide an excellent level of service and skill. Despite unsustainably low levels of remuneration for difficult and sensitive cases, they work long and hard, often late at night and at weekends, in order to try to ensure that the criminal justice system works properly and to the benefit of the public. They often do so to the detriment of their private lives, and they do so without many of the benefits which most people take for granted: sick pay, pension provision etc. The Attorney-General has publicly acknowledged that, with the levels of fees proposed, the best will be deterred from coming to the criminal bar.

The policy of the present government towards legal aid is ill-considered, dangerous and mulish. It is mirrored its attitude towards the funding of the CPS. The provision of a criminal justice system is one of the most basic, and important, duties of the state, and present policy is in flagrant breach of that duty. Further, it is being imposed by a department of state which is clearly not fit for purpose and has demonstrated serial incompetence, as various reports of the Justice Select Committee have made clear.

It is in such circumstances that members of the bar have decided that action must be taken to defend the criminal justice system. It is a course of action which will, we anticipate, be shared by most solicitors who cover criminal work. It should be viewed as a necessary response by anyone who has the interests of the criminal justice system at heart. I feel confident that any employee of the CPS who has a degree of insight will be alert to the dangers of present policy. Its dangers have been pointed out, with clarity, by Treasury Counsel (whose opinions I am sure you will respect).

The organization of chambers means that the decrease in defence fees directly affects chambers income and, therefore, the livelihood of those who prosecute.

I would hope, therefore, that you will well understand the reasons behind the decision of many barristers to take this action. It is an action which I unequivocally support and will participate in. Having said that, it is a decision which I have to take as a self-employed barrister. The same position holds true for every member of my chambers. It is an individual decision.

The policy recommended by the CBA relates to returns of defence work. I know that there are many at the bar who also wish it to encompass prosecution work. Although the immediate cause of the action relates to the funding of defence cases, you should be aware that the level of fees for CPS cases is causing widespread unhappiness and those senior members of the profession, particularly senior juniors, who prosecute heavy cases, are finding that their incomes are increasingly unable to sustain them in anything like an acceptable mode of living.

I anticipate that, for the present, members of the bar will continue to cover prosecution cases. I have no power or authority to bind any member of my chambers to do so. However, it must be understood that if the government continues to push on with this reckless policy, I, and most of my colleagues, will seek to bring more pressure to bear to change it. It is, accordingly, very much in serious the position is and that its policies are unsustainable.

I am copying this letter to the Leader of the Northern Circuit and the Chairman of the CBA and all members of my chambers. I can confirm that all members of chambers received the email version of your letter.

Yours Sincerely,

Alistair S Webster Q.C.
Head of Chambers