

**Nick Worsley**

[Proposed by J.Elvidge QC; seconded by S.Csoka QC]

1998 call

I am a member of Zenith Chambers in Leeds and have a door tenancy at 9 Bedford Row.

I work across the country. I defend and prosecute

I am an accredited pupil master and deplore the fact that there are now few [solely] criminal pupils – in the main because of the uncertain future for the Criminal Bar.

We must move with the times – there should be no blinkered refusal to acknowledge change but the ability and determination to ensure that it preserves our legal system

I love our profession and want it to survive.

I am an elected member of the Bar Council. I was endorsed by the CBA and so was invited and have attended their executive meetings – some in person but mainly ringing in.

During my last term on the BC my better half and I have had three more children [total now 4, 4yrs and under]. BC meetings are in London, with no possibility of ringing in – and frankly I can't do that.

I have been frustrated by some of the actions [and lack of action] by the Bar Council and as a result of a combination of these issues I am standing down from BC but passionately want to continue to work with the CBA executive and so I'm standing for election.

When the deal with Grayling was mooted in April I was one of those on the CBA executive committee who said that we should speak to solicitors; honour the pact that we made with them and do them the courtesy of seeing whether they could and would act together with us – we are inextricably linked. I voted against accepting the deal with no further negotiation. I believed that there was no sweeping mandate that gave the CBA the unfettered right to dictate action that impacted directly on people's livelihoods without asking the membership. I know that the ultimate vote was to accept the deal but that was at least then a decision based on a proper democratic vote.

We are now in pretty bleak place again – things that are of concern include:

Electronic evidence

There are ongoing attempts to introduce entirely unfair protocols for the [non] payment of electronic evidence. I am a member of the CBA

working party which has been responding to these proposals, the most recent being this published by the LAA this week against an introduction date of next Monday [8/12/14]. We have refused to accept the proposals, drafted an unambiguous response based on evidence and will fight every step to prevent this coming in. The payment scheme was intended to be based on the system before the mass introduction of electronic evidence and the LAA are acting in bad faith in refusing to acknowledge this. This is an issue that has the potential to impact more [at every level of the call] than all the cuts that have already been introduced – we must fight it.

#### New duty contracts

This spells disaster, not only for solicitors but also for the criminal Bar. Unless something is done now the system [already open to tender] will be brought in in July 2015. I urge you to read the proposals:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/380251/laa-crime-duty-contracts-consultation-response.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/380251/laa-crime-duty-contracts-consultation-response.pdf)

‘Adequate’ levels of service are what are required of contract holders. There will be a race to the bottom in terms of value and performance. Two thirds of solicitors firms currently doing this work will be put out of business. One of the only ways that contract holders will be able to afford to be a part of the scheme will be by keeping all advocacy in house. Mergers and ‘in house’ chambers are happening already:

[http://www.lawgazette.co.uk/5045526.article?utm\\_source=dispatch&utm\\_medium=email&utm\\_campaign=GAZ051214](http://www.lawgazette.co.uk/5045526.article?utm_source=dispatch&utm_medium=email&utm_campaign=GAZ051214)

National companies like the Coop, Tesco, Stobart's, G4S, Capita et al will bid and get swathes of the work [government likes fewer, larger players with national coverage]. The independent Bar will wither and die.

We must put aside any issues and differences that there may have been in the past with solicitors and act together to stop this.

## QASA

Is probably coming – and we need to ensure that if and when it does it has teeth. There are very good solicitor advocates just as there are barristers who are not up to scratch. If the scheme is a tick-box exercise then the new massive national duty firms will recruit without heed for quality and rely on the 'accreditation' to resist criticism for poor quality.

For the past few years I have been a member of the Bar Remuneration committee

During that time I have dealt directly with the MOJ in arguing against either way election fees – I have campaigned and submitted examples of the iniquities in the system. This position has now in part been recognised by the MOJ in that now cases where the prosecution offer no evidence are properly paid. This is not over yet – the basis of the whole

idea is unfair. The amendments must go further – if not to get rid of the system altogether then at least to include when matters resolve by the prosecution accepting pleas to other charges and matters resolve sensibly.

Interest on overdue fees.

In Scotland the EU business regulation requiring public authorities to pay interest on overdue fees has been brought in for advocacy fees and works successfully. In England and Wales the MOJ refuse to do this. They are in breach of their obligations, acting unlawfully and this must be resolved. HMRC charge us interest if we take time to pay tax bills – we should be able to do the same. I will campaign for these regulations to be brought into force.

I want to make a difference.

I believe passionately in the criminal bar – I want it to survive and I want it to flourish.

We are facing into the void but we can make a difference. Apathy is what will kill the Criminal Bar.

The elections are only months away. The current published figures are that there will be £25bn more in cuts and that each government department apart from health will face further one third reduction in finances.

We need to act now – before May 2015 when the next government will have a full five years to oversee the complete dismantling of the criminal justice system.

We need to stress the impact on the public of cuts to the CJS – the effect on victims, the delays, the waste of money that will inevitably follow with new massive suppliers who will not work every hour sent to ensure that cases are prepared, schedules agreed, skeletons arguments drafted.

The government are in the process of screwing up the probation service and have implemented schemes supposed to save costs that are already £300m over budget.

Government apparatchiks have confirmed to the Public Accounts Committee that they have not thought through the legal reforms that they have already introduced in civil:

<http://www.lawgazette.co.uk/law/moj-chief-admits-cuts-rushed-through-without-research/5045500.fullarticle#.VIDQ2fYq0G0.twitter>

They ignored thousands of responses to their first [unlawful] duty scheme proposals. There is a fight to be fought. We can ensure the

survival of the criminal bar. In the coming year when the anniversary of Magna Carta is being celebrated it should be our celebration too, and not just an opportunity for commercial lawyers to flog their wares to overseas clients. We have a Criminal Justice System of a quality and integrity that is the envy of the world – we must not lose it.

Please vote for me.

If you want to get in touch email:

[nworsley@zenithchambers.co.uk](mailto:nworsley@zenithchambers.co.uk)