



**THE CHAIRMAN
TIMOTHY DUTTON QC**

To: Heads of Criminal Chambers
Circuit Leaders

2 May 2008

Dear Colleague,

Very High Cost Criminal Cases

I am writing in order to update you on developments on VHCCS.

As you know only 110 barristers have signed contracts, and 95 solicitor advocates. Only two QCs have signed. This is insufficient in terms of both numbers and quality for the scheme to be viable for these very difficult cases.

We have within the Bar Council been working very hard on designing a scheme which comes in within budget but ensures proper fair reward, sufficient to attract the ablest barristers back into these cases. That work has been going on analysing the data provided to us by the Legal Services Commission with a group involving three firms of solicitors representing the Law Society who have experts in these cases, and Bar representatives. Professor Martin Chalkley has been conducting this analysis. Last Thursday, at his request Desmond Browne, Michael Bowes and I, met the Lord Chancellor, Jack Straw and the Legal Aid Minister Lord Hunt, and shortly afterwards with the Chairman and Chief Executive of the LSC. The meetings were productive and pragmatic. Discussions are underway with three shared objectives for all of us:

- a. The ablest barristers will undertake these difficult cases;
- b. On a fee basis which does not contain perverse incentives, and not based on hourly rates; and
- c. Which delivers within budget.

Meetings have now taken place between the statisticians instructed by the LSC and the Bar Council. A working group has met today with representatives of the Law Society, the MOJ, the LSC and the Bar, and will meet again shortly, and will report to

THE BAR COUNCIL

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the Lord Chancellor on 15th May. The intention is to keep a brisk momentum up.

Further meetings will take place after that with a view to a conclusion by the end of June.

I cannot report on the contents of discussions. However, all of us involved in these discussions know of the urgency of them, but equally of the need to ensure that what emerges is sound and sustainable for all concerned.

As soon as I am able to I will write again.

With best wishes
Jim Sutton.

