



Criminal Law Solicitors' Association

Press Release

Issued: 20 January 2022

We are aware of the CBA ballot having had a number of very constructive meetings with the CBA recently. These will be continuing in the coming weeks. We have much in common, and there is certainly more that unites us than divides us. We share their concerns that the Criminal Justice System is in urgent need for (long overdue) extra investment given the fall in real terms of staggering levels for income and fees for barristers and solicitors alike. Indeed, Sir Christopher Bellamy QC recognised before the Justice Select Committee on 18th January 2022 that the position of solicitors is even more parlous than that of the Bar.

Sir Christopher Bellamy QC's excellent report rightly identifies the crisis facing the system. It also concludes that the primary remedy is the need to make fees reasonable following both actual and real terms cuts. As he recently explained to the Justice Select Committee, solicitor fees were higher in cash terms in 1996 than they are today. We share the view that the absolute minimum he recommended of an immediate 15% increase in fees is needed urgently and simply cannot wait, and there is no need to delay this part of the government's response which we believe could be actioned immediately.

There are real differences in how fees are structured and the remainder of the report as it applies to our members will take more time as we look at how to restructure litigator fee schemes, but there is no reason why the extra investment the report recommend could not be done sooner.

Our members share the Bar's frustration at the pace being set for these urgent changes, and the lack of a sense of urgency from the government and understand our colleagues at the Bar's desire to take action. Many HCAs will wish to join any action and firms with HCAs will have a common interest with the Bar in resolving the issues they face. We also know that once our members have decided that it is in the best interests of the Client to be represented by a member of the Bar then it would not be right to substitute in an HCA where no barrister is available due to any action.

In the meantime, we call on the government to fast-track the fee increases to avoid the need for any action, whether that be by Barristers, Higher Court Advocates, or indeed Solicitors, all of whom have the same frustration at a perceived lack of progress or sense of urgency.

There can be no doubt that the Criminal Justice System cannot operate without the goodwill of barristers and solicitors, who routinely 'go the extra mile' for free to keep the wheels of Justice turning. We believe that in the event of action by Barristers and Advocates, courts across the land will grind to a halt and the hard work of undoing the backlog will be destroyed. It will be solicitors

who are at the frontlines and clients, witnesses and victims who will see their cases delayed and who will bear the brunt of such action. We cannot have a repeat of the attitude taken by *some* courts previously of forcing solicitors and their staff to attend court to conduct hearings for which they have neither the capacity or desire to conduct, and our members will not tolerate a repeat of some of the attempts by some Courts and Regulators (well-meaning or not) seen previously that placed entirely unreasonable burdens on busy and hardworking and underpaid solicitors. Such attempts will likely be counter-productive and will result in the end of any remaining goodwill within the profession, without which the Courts will grind to a halt.

This proposed action should not be necessary and we would urge the government to heed our call to expedite those parts of Sir Christopher's report which can be deployed with little or no real delay and to engage with barristers and solicitors together to ensure the Criminal Justice System is put on a sustainable footing as a matter of urgency.

Daniel Bonich - CLSA Chair

Jonathan Cousins - CLSA Vice Chair