

Sheffield 2008

Chair Joy Merriam opened proceedings at the CLSA's annual conference, describing 2008 as a rollercoaster year for practitioners, who, she said, were "clinging on by their fingernails",

Guest speaker Des Hudson, chief executive of the Law Society, said that the threat to legal aid and to practitioners' businesses had never been greater.

On VHCCs, Mr Hudson said there needed to be a more equitable distribution of the fees available. His proposal was to divide them between VHCC players and solicitors in police stations and magistrates' courts.

Turning to virtual courts, there were two issues. The first was practical – virtual courts have potential benefits both to criminal justice and to practitioners, and could be particularly financially significant to practice in rural areas. In that case, why was the system launched in London? Mr Hudson asked. Secondly, the proposed fee rates were "woefully short of what should be paid". He urged caution in working with virtual courts until all the relevant information was known.

Moving on to CDS Direct, Mr Hudson asked whether the sacred right of the defendant to choose his legal representative was in danger. Mr Hudson apologised for not including criminal practitioners in the Law Society's recent advertising campaign, which would be rerun for the whole profession. He also mentioned the independent review of regulatory practice, headed by Lord Hunt, due to report in nine months' time.

Michael Zander QC, emeritus professor at LSC, spoke of the "exciting news" of the government's defeat over its "ill-considered" proposals in the Counter Terrorism Bill concerning the 42 day maximum for pre-charge detention of suspects. It was surprising, he said, that the proposals were ever put forward.

On the PACE review, Professor Zander paid tribute to the Home Office for taking the review seriously. He himself had been involved with Pace from "before the beginning" – as far back as 1979. The current consultation process was, he said, the most considered and developed of any consultation since 1984. The timetable has slipped a bit, but Professor Zander didn't consider this serious.

It was a great relief, he said, that the basic structure of PACE was acceptable to all, and that the threat to the PACE codes seemed to have been lifted. It was seriously misconceived to try to simplify and reduce in bulk the codes or replace them with statutory guidance. "It is precisely the hard-edged

detail and elimination of discretion that gives the codes their strength, and has brought about the improved professionalisation of policing, especially in police stations."

PACE, he said, was a functioning system that has stood the test of time.

Alan Brown head of the policing powers team in the police powers and protection unit at the Home Office and a member of the Pace Review Board, said the board had identified areas where the framework might benefit from some improvement. One was pre-charge bail, where the complexity of the Bail Act and Pace caused difficulties for practitioners and individuals. "What we are looking to do is rationalise the existing provisions of the Bail Act and PACE to one single structure that explains when bail can be granted and the circumstances in which it can be granted." The proposal was to create two new offences – failure to answer street bail and failure to comply with conditions attached to bail.

Following the end of the consultation period on 28 November, the intention was to provide a summary of responses, including individual responses.

After lunch, Karen Jones of the CPS spoke about the work of its counter terrorism division. Then representatives from the Office of Criminal Justice Reform discussed two projects under way – secure email and PROGRESS.

A question and answer session followed with a panel comprising CLSA officers and the Law Society's Des Hudson.

The first topic up for discussion was virtual courts, with a member of the audience asking was the profession being bounced into the system prematurely, without proper consultation. Another questioner talked about the introduction of an advocacy assessment regime, which he said was a threat to the profession's independence, and in any event advocacy couldn't be assessed – "it's not like international figure-skating".

Closing the conference, director Rodney Warren spoke about the OCJR's project on engaging with the defence. Guidance on this is to be issued to local criminal justice boards during the next few months, which was, said Mr Warren, another step in the right direction.

For information about CLSA membership, contact **Sue Johnson**

Telephone: 01273 676725

Email: sue@clsa.co.uk or see: www.clsa.co.uk