

**Minutes of the Meeting of the VHCC Steering Group held on 9 December 2008 at the
Ministry of Justice, Clive House, 70 Petty France, London**

Present: Sarah Albon (SA)
Desmond Browne QC (DB)
Michael Bowes QC (MB)
Prof Martin Chalkley (MC) (by telephone)
Simon Hayllar (SH)
Derek Hill (DH)
David Keegan (DK)
James MacMillan (JDM)
Claire MacNamara (CM)
Paul Mendelle QC (PM)
Jim Meyer (JM) (by telephone)
Keith Milburn (KM)
Alice Mutasa (AM)
Matt Shelley (MS)
Cris Scotter (CS)
Barbara-Ann Tweedie (BAT)
Adrian Vincent (AV)
Rodney Warren (RW)

Action

1. Apologies

None

2. Minutes of Previous Meeting

Paragraph 4 of the minutes of 24 November 2008 were amended to add the following point made by DB – “If advocates were to be paid under a separate, parallel system the new scheme should be costed using the proportion of current VHCC spend on advocacy.” Subject to that amendment the minutes were approved.

I

3. Matters Arising

None that are not covered elsewhere on the agenda.

4. Feedback from the Meeting with the Lord Chancellor on 25 November 2008

The Lord Chancellor had been pleased to hear that good progress was being made. He had expressed concerns about delays in appointing off-panel advocates in appropriate cases. [Note: Since the meeting the LSC has made a contract amendment that will speed up the process.]

5. Draft Consultation Document

In discussion it was noted that:

- the scheme was designed to produce the same level of remuneration for the same activities as the current scheme for both advocates and litigators;

- it was necessary to use weighted averages to maintain that current ratio of spend. So, for example, the relative rates paid to a QC or level A Solicitor would be different (reflecting the fact that the average level A solicitor works on a wider range of cases and case types than the average QC); and
- the figures in the consultation document were provisional and, in reality, simply straight averages. The figures would need to be refined to better reflect the actual work that it is necessary to undertake in the wide range of VHCC cases.

It was agreed that:

- the document needed to make clear that the rates quoted would be an absolute minimum that would ever be paid and were not an average, a maximum or a “normal” fee;
- it would be useful to include some worked examples in the consultation document to show what practitioners might be paid for different types of case under the new scheme;
- advocate quality would be measured by self-assessment against competencies, endorsed by a number of litigators (though this would need to take into account solicitor advocates who worked for a single firm);
- the LSC would clarify how payment would work for dates when a court did not sit during a trial to enable some other work on the case to be undertaken; and
- the reference to increasing litigator quality to PR2 would be removed.

CS

Any comments on drafting should be sent to MS by 10 December 2008.

All

6. Date of next meeting

The working group would meet again in February 2009 after the consultation period had closed.