

**Minutes of the Meeting of the VHCC Steering Group
held on Tuesday 17 June 2008**

Present: Derek Hill (DH)
Cris Scotter (CS)
David Keegan (DK)
Rodney Warren (RW)
Alice Mutasa (AM)
Richard Miller (RM)
Adrian Vincent (AV)
Desmond Browne QC (DB)
Paul Mendelle QC (PM)
James Mac Millan (JM)
Simon Hayllar (SH)
Sarah Albon (SA)
Keith Milburn (KM)
Simon Garrod (SG)

Action

1. Apologies

Apologies were received from Michael Bowes QC, Sally O'Neill QC, Bill Cole, Jim Meyer, Barbara Ann Tweedie.

2. Minutes of Previous Meeting

Keith Milburn's name to be added to attendees list.

3. Matters Arising

4. *Update on progress of experts working group:*

SH gave an update on the progress of the work of the Experts sub-group. About 85% of the cases provided have been matched to defendant name / case number, which is an encouraging start. The cases then need to be linked to the data held by the LSC, and hopefully it will be possible to see the work undertaken at each stage of the case.

It is anticipated that this work may be completed within the next two weeks.

There was some discussion around case categorisation. The Law Society proposed cases be split into:

- Complex Fraud
- Lower level Fraud
- Terrorism
- General crime.

DB reminded the Group that it had been envisaged that each of the categories would be in three grades. The LSC stated that they may wish to see terrorism broken down further. The above categories were agreed however as a starting point for the experts work.

It was agreed that there would be separate meetings for each category.

There was some discussion around which category to look at first. The LSC (DK) pointed out that few terrorism cases have closed yet, so the data has not yet stabilised. SH agreed that there may be a need to look at open terrorism cases. PM said that even though there were not as many closed terrorism cases it would be a good place to start.

The Law Society (RW) pointed out that it is important to ensure that any system is designed to fit the nature of the case, rather than try to fit a system around what data happens to be available. SH agreed that adequate data must be collected to support the process and not to pre-empt it.

It was proposed that the next experts meeting be set for around two weeks time with the first analysis being with experts on terrorism cases.

SH to
arrange
meeting

5. Timetable

SH stated that a framework would be available by 08 July, however it was hard to say how detailed this would be.

It was agreed that the group would aim to produce a sufficiently detailed framework that could be ready for consultation by the end of September / start of October.

RW pointed out that the group should be mindful of the concerns of solicitors regarding the disruption and risks that any change to the scheme might have on small firms. It will therefore be important to provide sufficient information for firms to gauge what the impact of the changes might be on their firm.

The Law Society (RM) pointed out the importance of getting the fees right, and giving firms time to analyse the financial impacts of any new fee structures. The example of City firms undertaking cases on fixed fees was referred to. In some such individual cases the firms suffered financial loss through failing to estimate costs accurately. The importance of getting a fee right that is based on averages cannot be underestimated, as smaller legal aid firms would not be able to bear such financial losses as well as these City firms were able to.

SH agreed and suggested that it would be possible to set aside Stage

2 (defence preparation), and concentrate on Stages 1 and 3 for the purposes of the current work. Stage 2 could continue to be paid on an hourly rate until more data could be gathered on this part of the case.

SA said that the current VHCC scheme contract stated that 6 months notice must be given prior to termination. Notice of termination could probably not be served before the consultation on a new scheme because this could be interpreted as pre-judging the outcome of any consultation. A shorter period than three months for consultation might be possible, provided the scheme being consulted on had the support of the Bar Council and the Law Society. RW made it clear that it was important that all parties to any future scheme must have appropriate time to consider the [financial] implications of the proposals being consulted upon. It may therefore be unlikely that any scheme could come in before the end of the current scheme.

Any other business:

The meeting with Jack Straw scheduled for Wednesday 18 June has been postponed (new date yet to be fixed).

Date for next meeting:

9.00am on Thursday 3 July 2008.

Ministry of Justice to host.