

DRAFT

**Minutes of the Meeting of the VHCC Steering Group held on 22 September 2008 at the
Ministry of Justice, 102 Petty France, London**

Present: Sarah Albon (SA)
Desmond Browne QC (DB)
Prof Martin Chalkley (MC) (by telephone)
Nigel Field (NF)
Simon Garrod (SG)
Simon Hayllar (SH)
Derek Hill (DH)
David Keegan (DK)
James MacMillan (JM)
Keith Milburn (KM)
Richard Miller (RM)
Cris Scotter (CS)
Adrian Vincent (AV)
Rodney Warren (RW)

Action

- 1. Apologies**
Gary Brown, Jim Meyer, Barbara-Ann Tweedie.

- 2. Minutes of Previous Meeting**
Agreed, as amended. Any comments on or corrections to the Summary Minutes to be passed to the Bar Council by 23 September. All

- 3. Matters Arising**
It was agreed that a joint statement on progress and the new likely completion date should be issued by the Bar Council and the Law Society to their memberships. There was a need to inform both professions of both the significant progress that had been made and the substantial amount of work that would still need to be done before a different scheme could be designed. It was agreed that it would be helpful to include any information on progress to resolve the difficulties with the current scheme, if it was possible to do that at the same time. SG agreed to produce a first draft of the joint statement. It was agreed that the position in relation to the current scheme would be reviewed on Thursday 2 October 2008. SG

- 4. Feedback from the Meeting with the Lord Chancellor on 3 September 2008**
The Lord Chancellor had noted the work that had been done in relation to the second scheme and had set a deadline for the production of a scheme outline of 1 December 2008. He was concerned about the situation with the current panel and the potential impact on the Criminal Justice System and had asked all parties to try to find a way forward.

- 5. Update on Progress on Panel 2**
The data collection was continuing and the analysis stage would begin

shortly and run in parallel with the data collection. The analysis would be refined, if necessary, as more data become available. The aim was to define common core tasks and establish graduated payments for those tasks, in most cases. Uncommon tasks and exceptional core tasks could continue to be paid on the basis of an agreement between the defence team and a contract manager. In other words there would be a mix of fixed/graduated payments and payments tailored to the individual circumstances of the case.

It was observed that there were major variations in how cases are run and which tasks litigators or advocates complete. It was one objective of the scheme design to accommodate that flexibility through payment mechanisms. In order to test the emerging analysis meetings with 'experts' would be arranged by SG to take place before the next meeting of the Working Group (on 14th October at 9.30).

SG

DK

DK agreed to fix a half-day workshop meeting to explore how panel 2 might be formed.

6. Date of next meeting

The working group would meet again on Tuesday 14th October at 09.30. The Legal Services Commission would host that meeting.