**Appendix 2: Sample letter to Listing Officers/trial judges.**

Dear [Listing Officer **or** Judge, where his/her identity is known]

**Further Action by the criminal Bar: commences Friday, 7th March 2014.**

On 6th January, the criminal Bar took part in a Half-day of Action and virtually no work was done in Crown Courts in England and Wales until 2.00pm.

The action was not, however, successful in persuading the government not to proceed with savage cuts to criminal legal aid, cuts which threaten to destabilise the whole criminal justice system. The indications are that Mr Grayling will announce his response to the September consultation within the next fortnight.

Representatives of the Criminal Bar Association, and solicitors’ groups, the LCCSA and CLSA, met recently and decided that further direct action was necessary. The date of Friday, 7th March has been selected as the date upon which the professions will act, and act together.

The further action, so far as barristers are concerned will take two forms. First, barristers, myself included, will refuse to attend court for the whole day on Friday, 7th March.

Second, apart from not attending court on the 7th March itself, criminal barristers have decided that, from 7th March [until further notice] they will refuse to do defence ‘returns’ in legally aided criminal cases. The willingness of barristers to do each other’s returns greatly assists the smooth running of the court, by ensuring that hearings can be listed and dealt with without the delay that would be occasioned by the court having to wait for the Instructed Advocate to become available. Barristers have decided to withdraw this co-operation from the courts, in the expectation that the disruption that it will cause will make the government notice how much it relies on the goodwill of the Bar.

Accordingly, from 7th March, [until further notice] barristers will not accept ‘returns’; i.e. they will not cover hearings for other barristers in cases in which they are not the ‘Instructed Advocate’ under the Funding Order.

**I am instructed for the defence of [name] whose case is listed for [preliminary hearing/PCMH/trial, etc] on [7th March/other date]. I am already committed to another case on that day, and I am unable to attend to deal with the case of [name]. I apprehend that, in the circumstances, no other barrister will agree to appear in my stead, and so, rather than leave my lay client unrepresented at that hearing, I write to ask you to move the case of [ to a different date, when I can attend. My clerk will be in touch to advise of suitable alternative dates.**

It is with great regret that the Bar has been driven to the point we have now reached, but I am sure that you understand the seriousness of the situation that both professions face. The cuts proposed by Mr Grayling threaten the sustainability of barristers practising at the criminal Bar, and the chambers model of delivery of such services. The tradition of criminal solicitors delivering services face to face in high street offices is also under threat. These changes thus threaten the fabric of a criminal justice system of which we are all proud, and they must be fought by all lawful means. It is to be hoped that the inconvenience that this action will cause in the short term will help to preserve a system that serves the public well for the future.

Yours,

[Name]

[Chambers]