



The Irish Criminal Bar Association – Opening Statement

As you will be aware barristers doing criminal work have withdrawn their services today. This was not an easy decision. It has delayed trials and postponed justice for victims and accused persons alike. This measure, however, was necessary to highlight the unfair way in which barristers have been, and continue to be, treated in relation to their pay. The fees payable to barristers are now lower than they were in 2002. From 2008 to 2011 a series of fee reductions was implemented to address the financial crisis. These cuts ranged from 28.5% to 60%, depending on the particular fee. These figures do not take into account inflation and the increased cost of living. On average, and in real terms, this amounts to a 40% reduction in fees since 2002. It means paying 2023 rent on 2002 wages.

One point warrants emphasis: this is not about a pay *increase*. It is about fee *restoration*. That is an important distinction. Our fees were cut at the same time that cuts were widely imposed across the public sector. Tough as this was, it was fair and necessary in the interests of solidarity. It would have been wrong to single out barristers from pay cuts during the financial crisis. For the same reason, it is wrong to single us out from the reversal of those cuts now.

Turning to the Bill under discussion. While there is always room for improvement, the current legal aid framework for criminal matters works relatively well. Any proposed reform should bear this in mind and take caution to avoid fixing something that is not broken. There are some aspects of the Bill which do raise particular concerns. These have been outlined in more detail in our submission. Ultimately, what is important is that any reform does not diminish the effectiveness of an accused person's right to a fair trial either by reducing the level of representation available or by erecting unnecessary procedural obstacles to the granting of legal aid.

A handwritten signature in black ink, which appears to read 'Simon Donagh', is written over a horizontal line.

SIMON DONAGH BL

Chair of the Irish Criminal Bar Association (ICBA).