

## Written evidence from Mr Rob Griffiths

### COURT CAPACITY

1. I'm a self-employed barrister practising mainly on the Western Circuit and usually in Hampshire and Dorset. I'm also a member of the Criminal Bar Association.
2. I imagine the Committee will receive evidence from the Bar Council and the CBA. This is just a snapshot of life at the front line, with particular reference to the Crown Court sitting at Bournemouth, which is where I mainly practise.
3. When the pandemic began and the country entered lockdown, all trials were suspended with immediate effect. Bournemouth remained open as a Crown Court, with most hearings being remote. Some were by telephone, others by Microsoft Teams, and now increasingly using the Cloud Video Platform.
4. The CVP has improved since it was rolled out, but it is still far from perfect. Only yesterday, I was asked at short notice to deal with a case and since my client was not attending, the Court listed the hearing via CVP. Halfway through, the link cut out completely and the Court Clerk was not able to re-establish it. The courtroom did not have the facility to conduct a telephone hearing and in the end, the Prosecutor sent a link so we could use Teams. This is by no means uncommon and suggests that more investment in the technology would be beneficial, although I accept that the CVP roll out was brought forward at short notice.
5. Also, the efficient use of remote hearings does depend on the quality of the participants' broadband. I live in Bournemouth and have a fast line. Others live in more rural areas and the connection can be poor. A month or so back, I was at Court to represent a man accused of conspiracy to supply class A drugs (for sentence). Counsel for the co-Defendant was also there. The Prosecutor was on the link and we had to abandon the hearing because the Judge couldn't hear him (at one point, he disappeared for 15 minutes). The case was adjourned. On the next occasion, exactly the same thing happened. Eventually, on the third hearing, the Prosecutor was present at Court and the hearing was effective.
6. One positive side to the CVP is the ability to hold conferences with clients in prison. It is far more efficient for me to be able to speak to them without the need to travel (usually to HMP Winchester), as previously a whole working day would be spent on a one-hour conference. Again, there are limits. The prison officers never seem to have the Defendant ready and time is wasted while they go and collect him. This happens a lot when you have a pre-Court conference arranged on the link and it causes delay, especially when cases are listed with a specific time-slot. In addition, there are not enough slots available for conferences and there can be a delay of several weeks before you can get to speak to a client.
7. Turning to the question of whether the additional funding is sufficient, I can only comment on the current listing of some of my trials. I give three examples:

- a. In one case, I represent a man accused of sexually assaulting his two daughters. The complaints were made in July 2016 when the girls were 11 and 13. It took the Police three years to investigate before he was charged. He appeared in the Magistrates' Court in late 2019 and when he appeared in the Crown Court, the trial was set for July 2020. Due to the pandemic, the first available trial date is now May 2021. You can appreciate the impact on both him and the complainants of such a delay.
  - b. Yesterday, I appeared (this time by telephone) to set a trial date for an offence of handling a stolen safe. It's a victimless crime, so perhaps of lower priority. The offence date was February 2019. The first appearance in the Crown Court was in January 2020 and a trial date was set in late September. The new trial date is October 2021. When the Judge announced the date, there was such a silence on the line that he asked whether we had all heard it.
  - c. Again, an allegation of sexual offences, but historic ones going back to the early 1980's. First appearance November 2019. Trial set for July 2020. New trial date July 2021.
8. Bournemouth currently has one courtroom available to hear trials (out of four courtrooms). It is anticipated that a second one will be operational in the next few weeks and a third in October. Given the dates of the above trials (to be fair, others are listed in the coming months), the answer to the question 'Is there enough funding?' would seem to be 'No'. I stress that I make no criticism of the local Judiciary and the Resident Judge, His Honour Judge Brian Forster QC, has gone out of his way to keep the Bar informed of his plans for recovery. The general feeling at the Bar, however, is that without 'Nightingale/Blackstone' Courts, the backlog will not be reduced any time soon. I share the sentiments of the CBA that the Court estate needs to be used to maximum capacity and more 'pop up' Courts need to operate.
9. That brings me to the question of Extended Operating Hours. The Court which is piloting the scheme locally is Portsmouth. I have already told my Clerks that I am not going to do any trials listed in an EOH Court. I live in Bournemouth and it is either a 50 mile road trip each way (on a highly congested road and for which I don't get paid) or a train trip, which is my usual means of travel. It would mean either getting a train at 06.30 or getting back somewhere between 20.00 and 21.00. At 55, I'm not going to put myself through that, even if I don't have the caring responsibilities of others. There is a unanimous view that EOH courts will adversely affect women at the Bar, at a time when we are trying to stem the flow of those giving up practice.
10. For the sake of completeness, I am opposed to either Diplock Courts or reducing the number of jurors. Court 2 in Bournemouth, which is the first 'Covid Court' has been adapted to allow trials with the full complement of 12 so it can be done. My distrust of Diplock Courts stems from a case I did in February in front of a District Judge. My client, a Youth, was accused of rape. He was convicted in the Youth Court but

acquitted in fairly short order on appeal. I know the District Judge of old (I've known him for over 30 years) and he is not a stupid man, but it demonstrates to me that anyone can make a mistake. The idea of asking Judges and Recorders to deal with serious cases on their own fills me with dread.

11. I hope these submissions are of interest and assistance. If I had to summarise my view of the Government's response to the pandemic in terms of the Criminal Justice System, it would be 'too little, too late'. There are wider problems in the CJS of longer standing, but the Committee will be well aware of them and they are outside the terms of reference.

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