

## GFS Appeals Committee

### Operation [REDACTED]

#### Appeal by [REDACTED]

#### 1. Introduction

This case concerns the prosecution of [REDACTED] who was one of 12 defendants prosecuted as part of Operation [REDACTED]. The defendant was charged with entering into or becoming concerned in a money laundering arrangement. She was tried separately at [REDACTED] Crown Court on 17<sup>th</sup> October 2017. The other 11 defendants were dealt with separately and the remuneration of those main hearings is not in issue. The subject of the appeal is the trial of the single defendant.

Counsel, [REDACTED], was instructed as a leading junior and conducted that role in relation to the other defendants.

A few days before the trial date chambers made contact with the CPS to confirm whether junior counsel was still required to attend. Unfortunately it was not until late on the Friday before the Monday listing, the CPS confirmed that the junior was no longer required. When the case was listed therefore only [REDACTED] attended and represented the prosecution. The trial lasted three days. There was an issue regarding the defendant's previous convictions and the jury was discharged and a retrial ordered.

[REDACTED] argues that although she appeared alone, she was instructed as a leading junior and therefore should be paid as such. She goes on to submit that if chambers had not contacted the CPS both counsel would have attended and she would have been paid as a leading junior. The CPS argues that at trial counsel appeared alone therefore she should be remunerated as a junior alone.

The Committee has considered the following documents:-

- GFS Manual of Guidance and annexes
- Notice of Appeal dated 11 April 2018
- CPS final written reasons.

#### 2. Findings

The Committee discussed the fact that at no stage was there a formal change in counsel's instructions. There is little guidance in the Manual of Guidance to assist on the point. The Committee were split on the issue. The majority found that unless counsel's formal instructions were amended, then even though she appeared alone, she should be paid as instructed. Although the role of being a leading junior connotes that there are two advocates it has a wider meaning than just that. The counter view was that physically counsel was alone and therefore was not leading anyone. The Committee upheld the appeal by way of a majority decision but requested that guidance be provided for area staff that if they wish to review

representation in a case that must be done formally. If this issue were to arise on different facts in the future it would not necessarily mean that the outcome was the same.

The GFS Fee Committee convened on 2<sup>nd</sup> July 2017