



Chairman's Statement Bar Council 14 April 2012

Much has happened since the last Bar Council Meeting (3 March 2012). It has been both a busy domestic agenda and a busy international agenda for me. The domestic agenda moves on slowly, but is ever changing and ever challenging. The international agenda has been tiring, but I believe fruitful for many sections of the Bar, from chancery/commercial to crime.

Unlocking Disputes

On 5 March, I attended a Reception at Mansion House to celebrate the opening of the Rolls Building. The communications team of the Bar Council are continuing to work with Mansion House on improving links between the Bar and the City, and with the Lord Mayor, the MoJ, the Law Society and with TheCityUK to improve the promotion of the UK as a Global Dispute Resolution Centre. There is increasing competition around the world between countries and cities, each vying to become regional, if not global, dispute resolution centres of choice. One such place is Singapore, which I visited in the last week of March.

At the suggestion of William Chapman, Chief of Staff at Mansion House, on 13 March I met with Mr Richard Sermon MBE. He is responsible for the City Values Forum, which is concerned with seeking to restore trust in the City and in City Institutions.

E&D/Social Mobility

On 6 March, I attended the Middle Temple's Women's Forum. Middle Temple had expected about 60 people to attend; they had acceptances from over 300 invitees and others. It was a highly successful event, which grappled with such issues as retention, recruitment, "glass ceilings", promotion, appointments and work/life balance, with speakers from many different practice areas and with very different experiences. It is intended, by Middle Temple, that there should be further events in the future.

On 7 March, I attended and spoke at the UKLSA Equalities Event, held at Inner Temple. It was well attended by representatives of a number of SBAs and students from a large number of higher education institutions. We have an increasing problem with the mismatch between the number of students the BPTC providers are turning out and the availability of pupillages, let alone tenancies.

On that same day, I met with Camilla Barker and Andrew Hall QC, the Chairman of the Kalisher Scholarship Trust. The trustees have some interesting initiatives aimed at securing criminal pupillages and improving social mobility, in both London and in the Circuits.

At the instigation of Burton J, currently Treasurer of Gray's Inn, COIC has established a working group of the four Inns, to look yet again at the question of "unfunded pupillages". The Bar Council is represented by our Vice-Chairman, Maura McGowan QC.

"Stakeholder" Meetings

On 7 March, I met with Sir John Thomas (President, QBD), and on 9 March with Lord Neuberger MR. The agenda for each meeting was the same. We discussed QASA. At that time there was an impasse caused by the Law Society's insistence on Plea only Advocates (PoAs). The position, as you all will know, has moved on.

We also discussed the work of the Civil Litigation Working Group, which we have established to look at issues concerning not just the cost but also the speed of dispute resolution. Issues which are under active consideration are docketing (assigning more cases to particular Judges), more rigorous case management, disclosure, witness statements, and electronic filing and working. I discussed with Lord Neuberger the notion that the majority of civil cases should be determined, at first instance, within one year from issue of proceedings. The MR is very supportive of the work being undertaken by the Group.

We also discussed an issue which had been raised with me by a number of people on my Circuit visit to Leeds, that is, the apparent unwillingness of the Judiciary to raise complaints in relation to incompetent advocacy. The MR believes that such complaints should be reported so that those instances of incompetent advocacy, if found to exist, can be remedied. Similarly he believes that complaints could also be made against the Judiciary, so that any issues can be addressed. Very little use has been made of the Bar Quality Advisory Panel (BQAP) which the Bar Council set up in 2007.

We also touched on the educational role of the Inns.

On 14 March I met with Christopher Stevens (Chairman), Nigel Reeder (Chief Executive) and Martin Forde QC (New Commissioner) at the Judicial Appointments Commission. We discussed the recent chancery competition, the applications for Circuit Judgeships and Recorder competitions, the low number of applications from Solicitors, the need for mentoring of, and providing assistance for, those thinking of making an application for an appointment, and the requirements in terms of completing application forms.

That same day, Mark Hatcher and I met with Justice Select Committee members Robert Buckland MP and Anna Soubry MP. Anna Soubry said that she met with the Attorney General (AG), had expressed her concerns about the new CPS Fee Scheme to the AG and reported that he (the AG) had expressed to her surprise that the Bar had "signed up" to the

scheme. I stressed that at no point had the Bar agreed to this scheme nor approved any part of it, and explained some of the background to the new Scheme.

They also showed considerable interest in the follow up report of the Thematic Review of the Quality of Prosecution Advocacy and Case Presentation. We have sent them a copy of that report. They are two friends we have in the House of Commons, who have a real interest in the continuation of an independent referral Bar.

On 15 March Karl Turner MP, whom we had met with on 22 February, managed to secure a debate in Westminster Hall on the effect on providers of legal services of the reductions in legal aid.

He echoed points made consistently by the Bar Council and, in particular, the LASPO Bill Group:

- Opposing the legal aid cuts is not done for reasons of narrow sectional interest or to ensure that lawyers' bank balances stay buoyant. It is about ensuring that people not only have these important rights but also the means with which to exercise them.
- The Government must listen to the experts and base their cuts on the evidence.
- The Justice Select Committee has said that the full cost implications of the Government's proposals cannot be predicted
- The Government should reconsider these cuts and not to take a gamble with justice.
- Many eminent judges have also voiced their concern, along with academics and professionals, telling the Government time and again that there will be an increase in court administration due to the increased number of litigants in person, but that advice has been completely ignored. The Lord Chief Justice has echoed those concerns.
- The opposition to the cuts in social welfare legal aid is about protecting the vulnerable and allowing access to justice.
- Unfortunately, the Government has ignored crucial advice from, among others, the Lord Chief Justice, the Bar Council and the Law Society.
- The Lord Chief Justice has stated that the proposed reforms of public funding for civil cases will damage access to justice and lead to a huge increase in people fighting their legal battles alone.
- It is obvious to anyone that litigants in person will increase the duration of court proceedings and cause delays.
- He is reported in Hansard as saying that "The Chairman of the Bar Council, Michael Todd QC, has told me today that:

"Legal aid barristers, working across a broad range of practice areas, are public servants, overwhelmingly operating in the public interest. Over a number of years, many members of the Bar and the junior Bar in particular, have found it increasingly

difficult to sustain a financially viable career on legal aid work, which poses a grave threat to access to justice. Successive fee cuts and now the threatened removal of whole areas of law from the scope of legal aid means that many vulnerable people will be denied effective access to the Courts. It also means that many highly skilled and publicly spirited Barristers will be forced to leave the profession with a particularly heavy impact on female and BME practitioners. That cannot be in the public interest”.

The response of Jonathan Djanogly MP for the Government was summed up in the following way:

“The Government understand, and are sympathetic to, concerns about the scale of the change that the Bill represents, but we stress that it is incumbent upon the providers of services to think constructively and creatively about how they will establish themselves in the new market. Change will, naturally, be a challenge to the sector, not least because the current system has operated for a significant time, and providers will have become accustomed to a particular way of working. However, for the reasons I have given, there will be real opportunities for those who wish to take them, and for those outside the scope of the new scheme additional funding is being made available to provide for the future.

.... . We must avoid falling into the trap of predicting the future on a basis that does not allow for the very human response of adapting to changing circumstances. There is a future for legal aid providers, and the market can thrive, but the willingness of providers to adapt will be key to achieving that. Given what I have seen to date—not least providers’ response to the fee reductions—I have every confidence that that will be achieved.”

In that regard, on 15 March, I met with two partners from Addleshaw Goddard who wanted to explain to me the services they provide to those contemplating new business models through which they may provide their legal services.

QASA

On 11 March, the BSB announced that agreement on a joint scheme to assure the quality of criminal advocacy had been reached by the Solicitors Regulation Authority (SRA), Bar Standards Board (BSB) and ILEX Professional Standards (IPS).

It was announced that PoAs would be permitted to become accredited (to appear in non-trial hearings in Levels One, Two, and some Level Three cases) for a preliminary period of two years.

PoAs will have to notify their clients at the first meeting or the first opportunity in writing of their status.

Because of substantive differences between the scheme now proposed and that approved by the LSB in July 2011, another public consultation will be undertaken this autumn concerning, in particular, the following issues: PoAs, the allocation of cases to levels and the extent to which QCs should be within the scheme, with a view to finalisation of the scheme by December 2012.

Clerks' Affiliation to Bar Council

On 8 March, I met with representatives of the Legal Practice Managers Association (LPMA) and the Institute of Barristers' Clerks (IBC). They were concerned that the notion of affiliation of clerks, chambers' CEOs and practice managers had not received the support at GMC for which they had been hoping. They expressed the view that, perhaps more important even than affiliation (although they did still see that as a priority objective), what is needed is a culture change, a change in attitude of many members of the Bar towards their clerks and practice managers, recognising that they are an integral part of our businesses. Personally, I have much sympathy for that view.

That evening was taken up with drinks at the new offices of FRU in Gray's Inn Road, and the Law Officers' drinks reception in Whitehall.

BMIF/Pro Bono Admin Costs

On 12 March, I had lunch with Thomas R. Miller, our insurers (BMIF), to discuss levels of work, international work, business models, ABSs and claims. I have nothing really to report from that meeting, save that they said that they may be prepared to administer collection of money for the administration of Pro Bono. During the course of the lunch, we discussed some of my priorities which I had set out in my Inaugural Speech. One of those matters was my wish to see the administration of Pro Bono independently financially sustainable. In my speech, I had mentioned that if every registered member of the Bar paid just £20 each per year, the current costs of administration would be covered. Another way of providing for the costs of administration would be for members of the Bar to pay according to their gross receipts, that is, according to income. Only BMIF, which has the data on individual barristers' incomes, would be able to collect the funds. Of course, the payment would have to be voluntary, but I hope that such a proposal might receive the backing of this Council in due course.

On 15 March I met with Ruth Daniel, the new Chief Executive of the Access to Justice Foundation, and Ingrid Simler QC, the Bar Council's nominee on the board of trustees. We discussed the lack of general awareness amongst the judiciary, the possibility of including pro bono costs training for judges via the Judicial College, and the possible inclusion of a tick box on claim forms and defence forms. We have arranged to meet with Lord Neuberger MR to discuss those matters. We also discussed the possibility of including information on pro bono costs on the Bar Council website, and whether the Bar Council's Communications

team might be able to help in raising awareness. The Communications team will be arranging a meeting with the Foundation in the coming weeks.

BARCA

On 15 March we held another meeting to discuss BARCA, the proposed escrow account in which clients' funds may be held and from which they may be disbursed. Member Services have done a substantial amount of work on these proposals. There is, in draft, a proposal which will be put before GMC and FAC and subsequently this Council, for consideration and, I hope, approval. The proposals would have significant resource implications for the Bar Council and that is why they will be brought before this Council so that the proposals are considered fully.

On the issue of Member Services, on 16 March Paul Mosson and I had lunch with Neill Millard of Cavanagh (now part of Close Brothers). As many of you will know, Cavanagh have consistently been substantial supporters of the Bar, sponsoring for many years the Bar Conference and the Young Bar Conference, as well as providing financial advice to many members of the Bar.

International

Cayman

On 20 March I travelled to the Cayman Islands, arriving that evening. The Chancery Bar Association had arranged a business development trip there, and had asked me, as Chairman of the Bar, if I would be prepared to attend. Cayman is a place in which there is a considerable amount of fund work, banking, commercial and insolvency work. There is also some work out there for the criminal and family Bars.

On 21 March I met with Mark Scotland, Minister for Health, Environment, Youth, Sports & Culture; Rolston Anglin, Minister for Education, Training and Employment and the Hon. Cline Glidden Jr., Deputy Speaker of the Legislative Assembly and Councillor with Responsibility for Tourism.

We discussed a number of topics including ethical standards, quality assurance, and regulation. In Cayman, there is a particular concern amongst "indigenous" Caymanians that they are not provided with adequate training opportunities, with the larger firms "importing" ever more ex-pat lawyers, nor do they have the same opportunities for advancement as do the ex-pat lawyers. Many Caymanians study for their first degree in England. We discussed the possibility of arranging work placements with chambers for those studying in England. We also discussed the opportunities for pupillage for Caymanian lawyers, and work placements. We have agreed to keep in touch to see whether we can take these initiatives forward.

In the afternoon, and the following morning, I attended seminars given by members of the ChBA, and in the evening I attended a Reception held by the ChBA for local practitioners and Cayman Islands Judiciary.

On Thursday, 22 March, the Chancery Bar Association Chairman, Malcolm Davis-White QC and I met with the Caymanian Bar Association and representatives of the Cayman Islands Law School. They were enthusiastic about the possibility of exchanges between members of the Cayman Bar and the Bar of England & Wales, from chancery practitioners to criminal practitioners. I have yet to discuss those proposals with the ChBA and the other SBAs who may be interested in placements or exchanges. We also talked about the problems caused by excessive numbers qualifying and wishing to enter the profession.

Later that same afternoon, at the invitation of the Chief Justice, I addressed an invited audience in Grand Court No.1, on "*Ethics and Rule of Law*", a subject on which I was asked to give an address. In Cayman they do not have any compulsory Code of Conduct. It was thought by the judiciary to be a propitious time for such an address. The address was well attended (a copy of my speech can be found on the Bar Council website), as was the Reception which the Caymanian Bar Association held in the Court House after the address.

After that, Malcolm Davis-White QC and I attended a Reception at Government House, held by the Governor. At that Reception I met with the Governor; the Attorney-General, Sam Bulgin; the Auditor General and the Complaints Commissioner, Nicola Williams, a member of the Bar of England & Wales.

I was then a guest of the Cayman Islands Judiciary at a dinner held to thank me for giving the address.

On Friday morning I attended a round table discussion, hosted by a group of women lawyers who specialise in Corporate Insolvency, followed by a lunch with Nicola Williams, the Complaints Commissioner.

I then returned by the evening flight to London, arriving at about lunchtime.

From the airport, I went straight to the Old Bailey to attend and speak (briefly) at the final part of the Bar National Mock Trials Competition, hosting its 21st annual final. Whilst I was not able to observe much of the competition, I understand that the quality of the schools taking part was exceptionally high. It is a competition which we can be proud to support.

Singapore

The following evening (25 March), I flew to Singapore, arriving on the evening of the 26 March.

That evening I attended a dinner with the Bar Council delegation, at the China Club, which was arranged by Brian Lee, Senior Clerk at 20 Essex Street.

On Tuesday morning, 27 March, we met with Sundaresh Menon SC, the Attorney-General. During that meeting:

- The AG said they are committed to making Singapore the legal hub of Asia
- The amount of international investments coming in to Singapore requires a strong legal infrastructure
- I said that there needs to be a balance between letting in international/ex-pat experts while continuing to encourage the local profession. When there is a particular expert needed, bring that expert in
- There are currently 3,500-4,000 Singaporean lawyers and 1,000 foreign lawyers for a population of five million
- When reaching out to the rest of Asia, there are clearly not enough lawyers/judges. This is one of the major problems holding Singapore back
- I said that the Bar can assist Singapore by way of training and education
- Singapore looks to London as a model to follow so they would happily welcome recommendations, input and advice
- The AG said there are four main developments happening in Singapore at the moment which they would welcome help from the Bar:
 - 1) Implementing CPD (happening this year)
 - 2) Training and development
 - 3) Common bar exam, foreign practitioner exam
 - 4) Ethics code i.e.: reviewing ethical standards for everyone practising in Singapore
- The AG is not a fan of ABSs
- There are currently no restrictions on practitioners participating in arbitrations in Singapore
- I said that I would inform our AG, and the MoJ of this meeting to see if/how the Bar and they can help with the above

At lunchtime I gave a lecture at the Singapore Management University, on *“Fiduciary Obligations in Commercial Life”*.

Later that same afternoon, I attended a seminar at the Singapore International Arbitration Centre, chaired by a local Judge, at which some English barristers and some Singaporean lawyers discussed some of the issues raised in International Arbitrations.

In the evening the Bar Council held a Reception, sponsored by COMBAR and certain Chambers and UKTI at the Deputy High Commissioner's residence.

On Wednesday morning, we met with the Senior Parliamentary Secretary at the Ministry of Law, Ms Sim Ann. During that meeting:

- I said the Bar is here to help and we can equally learn a lot from Singapore

- I asked how the Ministry of Law regulates foreign law firms and how will they deal with the influx of foreign lawyers. Sim Ann said this is a work in progress!
- There are currently amendments being made to the Legal Practitioners Act
- The AG and Valerie (Director, Ministry of Law) are starting up a committee to help with the regulatory process
- The committee is coming to the UK. I said that it would be a good idea to introduce them to the BSB
- Valerie said there needs to be consistency across the board when regulating foreign and local lawyers
- I explained the thinking behind QASA
- Sim Ann said there is currently a cohort participation rate of 30% of students going to publicly-funded university but the view is to get this up to 50%
- Universities in Singapore are turning away law students because they have such a high intake every year
- The committee is interested in:
 - 1) Examining the young criminal bar further
 - 2) Finding out how mature students qualify for crime and family law
- I mentioned social mobility and how magic circle firms are considering whether they can or should offer non-graduate schemes
- The Chairman of the International Committee, Chantal-Aimée Doerries QC, said we can help with the below when the committee visits London:
 - 1) Social mobility
 - 2) Regulation
 - 3) CPD
 - 4) Training and education
- I addressed the issue of diversity (lack of) in the profession and gender balances
- I said that the Bar has issues on gender retention so we can learn a lot from other jurisdictions like Singapore to help combat this problem

That same morning we met with Mr Wong Meng Meng, President of the Law Society of Singapore. We discussed:

- The fact that the Law Society has jurisdiction over foreign law firms
- That it is difficult to regulate these firms but the AG is against having different rules/codes for local and foreign firms
- That some lawyers are looking into Multi-Disciplinary Practices and the AG is interested in looking into this, but is not very enthusiastic about them
- The Law Society will lose the right to license lawyers if they join MDPs. The Law Society will also lose the power of regulation
- Mr Wong suggests getting in touch with Senior Counsel Forum for September SIAC event in London

- Younger lawyers are not as interested in litigation in Singapore
- There were heavy restrictions on graduates coming out of university in the past so a lot of lawyers were lost during that time
- There is a very strong pro bono sector in Singapore (the Law Society received a grant from the Ministry for pro bono work)
- I said we would be happy to discuss a training scheme for criminal lawyers
- I said that on the topic of CPD the Bar could share its experiences with Singapore
- Mr Wong mentioned a predicament called the “sandwich club”, which is where clients who are not poor enough to qualify for legal aid but don’t earn enough to afford expensive lawyers
- There is a government initiative called the Legal Aid Bureau to help such clients
- The Law Society is also looking at setting up mediation projects through law firms
- The Judiciary is very keen on this as court should be the last option. Courts in Singapore simply cannot cope
- Collaborative law which exists in the US is being launched in Hong Kong and Singapore soon

I said that there were many issues where we could usefully continue to have a dialogue.

Seoul

That afternoon, we flew to Seoul, arriving at nearly midnight.

The following morning, Thursday, we had a breakfast meeting with the President of the Korean Bar Association (KBA), Dr Shinn, and two Vice Presidents of the KBA. Dr Shinn had re-arranged a business trip so that he could meet with us. We have a very warm and developing relationship with the KBA. Dr Shinn was particularly keen on the prospect of exchanges between Korean lawyers and members of the Bar of England & Wales.

After that breakfast meeting, we had a briefing at the Embassy on the South Korean legal market and economy from Mr Cliff Bebb, Head of Trade, UKTI.

At 11 a.m. we had a meeting with the Vice-Minister of Justice. Before entering Government, he had been a prosecutor for the whole of his career. He raised with me the possibility of some of their prosecutors spending time with criminal practitioners in England & Wales. I said that I would raise this with then CBA and with the CPS.

At midday, I attended a lunch meeting with Dr Shinn’s law firm, Shinn & Kim, at which we discussed the work of the Bar, and the services we could offer to Korean law firms.

In the afternoon, I attended a seminar given by the delegation from the Bar, on International Arbitration. That was followed by a Reception at the Ambassador's residence.

On Friday morning I met with the Chief Judge of Supreme Court, Mr Soon il-Kwon, and some other Judges. Following a tour of the impressive Supreme Court Building, we discussed:

- QASA
- Regulation
- Appointments of Judges
- Complaints against Judges and Advocates
- The work of the Bar, compared with Law Firms

That meeting was followed by a meeting with Kim & Chang, the largest law firm in S Korea. I was unfortunately unable to stay for lunch as I had to head off to the airport to catch my flight back, which got me in to London mid-morning on Saturday.

Summary on international

What struck me most arising out of all my meetings, in Cayman, Singapore and S. Korea are the following points:

- Relationships and relationship building are what are important. A quick dive in and out of a jurisdiction does not win any friends
- The high regard in which:
 - our legal system
 - our practitioners
 - and even the Chairman of the Bar

are held

- That they were “honoured” that I should have given so much of my time from my busy schedule to visit and to meet with them
- The importance of discussing issues of common interest and common concern, rather than preaching at them in a patronising way
- The importance of the initiatives we have said we will take forward, and for us to demonstrate that our proposals have substance, and that we will take them forward
- The importance they attach to continuing the dialogue we have started
- How important they regard the opportunities for exchange, or placement, schemes.

I am sure that I have not covered all the points, or even all the important points. But Chantal is to give the International Committee Report, and may be able to address those I have missed.

Other matters

There are a few other matters which I should briefly draw to Bar Council’s attention

Moj Triennial Review of the Legal Services Board

The Bar Council responded to the Government's Triennial Review of the Legal Services Board (LSB). In a cogent and evidence-based response, which was assembled by a team led by Guy Fetherstonhaugh QC, we called for the LSB to be actively discouraged by Government from extending its remit beyond that envisaged by Parliament in the Legal Services Act 2007.

Our response noted the effectiveness of the Bar Standards Board in regulating the profession and questioned the amount of work which the LSB duplicates, which leads to increased cost and bureaucracy. That increased cost will ultimately be passed onto consumers of legal services and is not in their interests.

We called on the Government to ensure that the LSB does not interfere further in regulatory matters or in education and training, unless the Board can demonstrate that the Approved Regulators are acting unreasonably or the Board is asked to do so expressly.

It is vital and in the public interest that the legal services sector is properly regulated. But regulation needs to be balanced against both cost and existing resources and performed efficiently. It makes no sense, nor was it ever intended by Parliament, for the LSB to duplicate the functions of the Approved Regulators.

We hope that this review will help move us towards the type of effective but proportionate regulation which the public interest requires. We shall await the Government's response with interest.

Our response to the MoJ's Triennial Review of the LSB followed many of the points we had made directly to the LSB in response to their invitation for views on their Draft Strategic and Business Plans 2012-2015. In that response we set out our reasons, in some detail, for a reduction in the LSB's operations over the next three years to avoid future mission creep and further encroachment into the roles of Approved Regulators. We did not pull any punches.

Legal Aid, Sentencing and Punishment of Offenders Bill

I updated the profession on 3 April about our progress with amending the Legal Aid, Sentencing and Punishment of Offenders Bill (LASPO) and I will not repeat what I said in my earlier message. The Bill returns to the Commons on Tuesday (17 April) for Consideration of Lords' amendments. The Government were defeated on 11 occasions in the Lords, more defeats inflicted than on any other Coalition Bill including the controversial health and welfare reform Bills.

We can take much of the credit for this thanks to the tireless activity of the Bill Working Group led by Stephen Cobb QC. The group has been enormously assisted by Gordon Nardell QC, a former member of the Office of Parliamentary Counsel who has provided invaluable help in drafting our amendments. I should also mention Harriet Deane in the communications team. She has worked like a Trojan in supporting the Bill Group since this measure was introduced to Parliament by the Lord Chancellor last June.

We cannot escape the conclusion that, overall, this is a bad Bill. It reduces access to justice for some of the most vulnerable in society and it will obviously impact on the publicly funded Bar. That said, if the Commons accept some of the Lords' changes the Bill will be in a better shape than when it was introduced and we will have played our part in achieving that outcome.

Judicial Appointments

Members of Bar Council will recall that we contributed evidence to the House of Lords Constitution Committee Inquiry into Judicial Appointments last year. The committee's report, which re-asserted the vital importance of maintaining the principle of appointments based on merit, was published on 28 March.

We can agree with the committee's conclusion about the vital importance of maintaining the principle of appointments based on merit and we can agree with many of the Committee's findings including the desirability of introducing more flexible working arrangements and career breaks to improve the diversity of the judiciary. The judiciary should be representative of the society it serves. No candidate should face impediments based on their profession, gender, ethnicity or socio-economic background. The selection procedures for judicial appointments must be open, fair and accessible to all suitably qualified candidates.

The Bar's record on diversity at entry to the profession shows a record of steady improvement, with those Called to the Bar now largely representative of the balance of gender and ethnicity in society as a whole. We are also working hard on retention at the Bar, to encourage more women in particular to develop their careers in practice and become eligible for judicial appointments in due course. This takes time, but we are moving in the right direction. The problem we face – and this was emphasised in our evidence to the Constitution Committee – is that the Government's cuts in legal aid will have a disproportionate effect on Black and Minority Ethnic groups and women practitioners and thus impact the talent pool from which the judiciary of the future will be drawn. We shall continue to press our arguments about this on the Ministry of Justice and in our meetings with the JAC.

Employed Bar

The Employed Bar Committee, led by Melissa Coutino and Peter Grieves-Smith organised a very successful annual conference on 21 March. Entitled “A Week in the Life of an Employed Barrister”, this year’s event focused on the effect of the changing legal and regulatory landscape on the day-to-day work of employed barristers. Over 100 delegates, drawn from Government, the corporate world and regulatory environment, heard from a distinguished group of speakers including the DPP, Keir Starmer QC who delivered the keynote address.

Help for barrister parents

On 12 March we launched a new, on-line Parental Support Hub to enhance the Bar Council’s offering to barrister parents. The hub provides the latest information, advice and support for barristers seeking to combine employed or self-employed practice with parenthood or primary carer responsibilities. It includes information on the rights afforded to parents and carers, taxes and benefits and the work of the Bar Council and Inns of Court in this area.

I am also pleased to mention that, once again, crèche facilities are available at the Bar Council on Saturday mornings during the course of our meetings. Please do communicate the availability of this service to those who may wish to use it.

Review of Bar Council Structure

As everyone knows, I have been leading a review of the structure and organisation of the Bar Council. This follows on from the review of Bar Council decision-making which Nick Green QC undertook for us last year following the resignation in May 2011 of the Chief Executive.

The group has met on several occasions and is developing a more informed understanding of what exactly the Bar Council does, why it does so, what it costs us and how we organise ourselves to do this work. Some members of the group have been canvassing the views of representative committee chairs and the executive about how they think the work of the Bar Council could be undertaken more efficiently and more effectively as well as related matters (including revision of the Standing Orders).

Needless to say, there has been no shortage of views on these matters. We need, I believe, to find a balance between appropriate reporting and accountability arrangements with effective executive management to enable us to be much more “fleet of foot” as an organisation. We need to be in a position to develop our people to work with us to tackle the challenges facing the profession of the future. This involves looking at the way we work and the experiences and skills we need to assemble at the Bar Council to provide services to the profession which are valued and relevant to our needs. These questions do not lend themselves to “quick fix” solutions.

I think we have made some progress with the implementation of the Bar Council's Strategic and Business Plan 2011-13, which Bar Council approved last November. This has helped to give much of our activity greater coherence and enabled us to assess its relevance. The quarterly reporting of representative committee activity to GMC and, from time to time, to this Council has been an important step forward, I believe, in managing our affairs better.

The Structure Review Group hopes to be in a position, by the end of this month, to have reached some preliminary conclusions on the issues which I have asked it to examine and we shall be sharing outcomes with GMC and this Council in due course.

The End

Finally I would like to thank all those in the executive who support me (and the other Officers) in undertaking the work we do on your behalf. In particular our thanks are due to Charlotte Hudson who has borne a heavy burden in keeping me on the straight and narrow during another busy and, I hope, productive period.

I will of course be happy to answer any questions arising out of this Statement or any other of the BC's activities at the meeting on Saturday.

That just leaves me to apologise, yet again, for my lateness in providing this statement.

Michael Todd QC
Chairman of the Bar