



Confidential Report

This document was created using Spot. Spot is an online tool that helps individuals report misconduct, raise issues, and give feedback.

Judicial bullying

Report ID: HRJCO-EGSJH

Timezone: Europe/London

Timeline

Aug 9, 2024 4:14 PM	Reporter created a report
Aug 9, 2024 4:14 PM	Incident added: "Judicial bullying "
Aug 9, 2024 4:14 PM	Reporter submitted the report
Aug 12, 2024 5:30 PM	The Bar Council sent an email

Incident #1: Judicial bullying

In your view, why is bullying, harassment and sexual harassment a persistent problem at the Bar?

Bullying is by some of the judiciary. A few bad eggs

Are there particular dynamics or working practices at the Bar which allow for bullying, harassment and sexual harassment to persist?

Yes judges not being accountable to anyone else in the courtroom at the time

Are the relevant standards of behaviour relating to bullying, harassment and sexual harassment known, clear, accessible, and sufficiently robust?

Yes

Are the relevant standards of behaviour relating to bullying, harassment and sexual harassment sufficiently mainstreamed within barristers' professional obligations?

Should they, for example, be included within the Core Duties set out in the BSB Code of Conduct?

Yes

What is the impact of bullying, harassment and sexual harassment on those subject to such misconduct?

For some it can have MH impact. However, for others it can simply interfere with your family life or your relationship with your client

Is there a wider impact upon barristers' staff, clients, or the justice system more broadly?

Yes

What are the barriers to reporting incidents of bullying, harassment and sexual harassment?

That you have to appear in front of the same judge again and the fear that it will impact on your career progression

What mechanisms could be put in place to mitigate any repercussions against a complainant who has reported bullying, harassment or sexual harassment

I honestly do not know

The Bar Standards Board (BSB) rules place a duty on barristers to report to the BSB in circumstances where there are reasonable grounds to believe there has been serious misconduct (with an exception set out in

Yes

Is there sufficient support in place both for complainants and persons accused of bullying, harassment, or sexual harassment? Do the existing mechanisms appropriately balance the need for confidentiality and transparency?

No

Should there be interim measures which permit a person accused of bullying, harassment, or sexual harassment to be subject to a precautionary exclusion from Chambers, their employer, or from practice during the adjudication of a complaint?

No response provided

Are investigations into complaints (by the BSB, Chambers or any other relevant

body) concerning bullying, harassment or sexual harassment sufficiently independent, prompt, robust, and fair?

No response provided

Following an upheld complaint of bullying, harassment or sexual harassment, are the sanctions imposed appropriate and fair? Is enforcement action sufficiently robust to act as a deterrent?

No response provided

Are there any preventative steps which can be taken to tackle bullying, harassment, and sexual harassment? In particular, what could be done in the court room, in Chambers, at the Bar more widely to assist in preventing such misconduct?

Regular anonymous feedback opportunities

What improvements could be made to existing reporting mechanisms and support services?

No response provided

In what ways could the judiciary, clerks, and chambers professionals work together with the Bar to bring about change?

No response provided

Are there any other comparable professions which can offer examples of best practice in tackling bullying, harassment, and sexual harassment?

No response provided

Other details

I had a hearing listed before the [REDACTED]. It was moved without notice to the following day. [REDACTED]. I was on pre-booked leave the following day but I re-arranged my travel plans so that I left 2 hours earlier in order to arrive to be able to conduct the hearing [REDACTED]. I also organised childcare for my son. As it was August I was unable to return the hearing as no one was available and in any event continuity of counsel was important. When I duly appeared on the link the [REDACTED] made a number of orders including extending my client's custody time limits without hearing from me. One of the reasons the case was listed was because it was a contested custody time limit application. When I reminded [REDACTED] that it was contested [REDACTED] was quite put out. [REDACTED] told me [REDACTED] was too busy to hear from me and that [REDACTED] was putting it back to [REDACTED] pm. [REDACTED]. I

tried to explain my position ie that I was on leave, the case was meant to be heard the day before and that I had a child who required collection so I could not dial in at [REDACTED]. [REDACTED] interrupted me. Refused to let me speak. In a loud whisper [REDACTED] told the clerk that I was 'so impertinent' and stormed out of the courtroom. My client all the while was on the link from the prison. After [REDACTED] left I told the clerk that I was not getting off the link and I was not dialling in at [REDACTED]. I explained my position and insisted he go and speak to the [REDACTED] who had retired to his Chambers. The clerk eventually did so, the judge eventually returned and I asked for a hearing as soon as possible but not at [REDACTED] pm that day. The [REDACTED] had the audacity to say that I should have said that in the first place!!! [REDACTED] listed the case and I can only surmise that out of spite because I didn't back down insisted that the next hearing be in person when CVP worked perfectly. So now the public purse has the cosy of my client being produced at court, he has the inconvenience and counsel will have to attend when there are not enough barristers to cover cases and their attendance elsewhere in person with a CVP [REDACTED] would better serve the interests of justice. All in all the storming out of court by the [REDACTED] took up 20 mins or more. [REDACTED] could have heard my objections to the application and given a ruling in that time. I learnt from co-defending counsel afterwards that he had to pick up his child from nursery at [REDACTED] pm but was too scared to tell the judge so had been desperately trying to make alternative arrangements.

Stay anonymous?

No

Your details

No response provided

Consent for evidence downloaded and submission

Yes

Consent for publishing

Yes but only if it can be sufficiently anonymised [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED].

Messages sent to reporter

Sent: 12 August 2024 at 5:30 PM

Template: confirmation

Subject: The Bar Council has received your Spot report for the Bullying & Harassment Review

Message:

Hello,

Thank you for submitting your report to the Review.

I can confirm it has not been opened and has been forwarded directly to the Review.

If you have any concerns please let us know.

Best wishes,