

The General Council of the Bar Annual Report 2001

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The General Council of the Bar®

Annual Report 2001



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CHAIRMAN'S REPORT

It has been a particularly tough year, with one of the significant features being the variety of different pressures placed upon the Bar and its activities. But the Bar remains as healthy as ever with an increased overall income and no sign of any diminution in size. The success of practices on all Circuits has been a very rewarding factor, as I learnt from visiting every Circuit during the course of the year.



Chairman of the Bar,
Roy Amlot QC

The principal issues during the year have revolved around public funding, the report by the Office of Fair Trading (OFT) and the Auld review.

PUBLIC FUNDING

Discussions with government continued from last year on graduated fee schemes in criminal and family cases and on high cost cases, especially on the criminal side. After lengthy and time-consuming talks, progress was made on a unified scheme in crime involving an increase for prosecutors and a small reduction for defenders in the shorter cases and a more graded scheme in the longer ones. The result was a considerable improvement on the original proposals. There was also a real improvement on the original proposals in the family scheme, but a result that needs a fairer deal for more senior practitioners and progress on an integrated system involving parity of rates with solicitors. High cost cases were subject to further detailed consideration on categories and other matters. Stephen Irwin QC and all involved on both criminal and family teams are to be congratulated on their determined efforts.

OFT REPORT

Out of a clear blue sky the OFT produced a report making significant recommendations on partnership, direct access, advertising and silks. Sir Sidney Kentridge QC and his committee produced a draft response in July, which went out for consultation with the Bar, and a final response in January 2002. I felt confident the Bar Council would adopt the response and it remains to be seen what attitude will be taken by Dr Vickers. The importance of the issues cannot be exaggerated and I am deeply grateful to the whole Committee for its efforts.

AULD REVIEW

Sir Robin Auld produced a major review of almost every aspect of criminal justice. There was much to be welcomed in it but also some deeply disturbing conclusions, especially on the role of juries in the future. The Bar made many submissions to Auld during the course of the review under a large team of practitioners led by Douglas Day QC. He

then led a similar team in responding to the review and a detailed response by 31 January 2002, which marked the end of the Government's period for consultation. The leaks in the press, which appeared to have been Government-inspired, indicated that considerable progress had already been made on the position of juries and on the fate of the Intermediate Court.

The Bar Council has taken the initiative in a number of areas including funding for pupils, community work and Pro Bono activities. There has been a real impetus to open up the profession to attempt to ensure access to all worthy applicants.

FUNDING FOR PUPILS

Early in the year the Bar Council passed a resolution requiring chambers to fund pupils for a minimum of £10,000 subject to special cases which may be taken to a committee acting under Jonathan Hirst QC. It is intended that the new

"It has been a particularly tough year with one of the significant features being the variety of different pressures placed upon the Bar and its activities. But the Bar remains as healthy as ever with an increased overall income and no sign of any diminution in size."

scheme will operate from the end of 2003. The object is to help alleviate the financial burden on students, which is becoming ever greater, to provide competition against other suppliers of legal services and also to act as a spur for government, which is considering the position of funding in higher education. It is designed to help overcome one of the remaining barriers to joining the Bar.

BAR IN THE COMMUNITY

Matthias Kelly QC and others have done much to increase the Bar's participation in all aspects of community work. The Bar in the Community scheme was launched and is starting to make good progress. The Bar's Pro Bono unit continues to do much valuable work and can boast the ability to find a barrister for all those who make an application and cannot afford legal advice. A special effort has been made to raise funds from the Bar for its FRU unit. The effort has been successful and has helped to put the unit back on a more secure financial footing.

There were too many events during the year to draw attention to all of them, but those that deserve particular mention are dealt with here.

EUROPEAN CIRCUIT

A European Circuit under the chairmanship of David Vaughan QC has been instituted and hosted its first conference in Brussels in December. It continues to grow in size.

BAR CONFERENCE

The 2001 conference was held in the QEII Centre in October. The theme, appropriately enough, was the independence of the Bar and the conference achieved much publicity, an excellent attendance (which secured a small profit) and was a real success.

BAR DIRECT

Thanks to the immense amount of work put in by Marion Simmons QC and her committee, more and more individuals, involving institutions from all areas, are being licensed for BARDIRECT work. The list is published on the Bar Council's website and marks the increasing success of this work.

EMPLOYED BAR

The ties between the self-employed and employed Bars are continually being strengthened. For the first time, a City Bar group has been started with the object of ensuring good communications between the Bar and employed barristers working in the City. The South Eastern Circuit has opened its doors to full membership for the employed Bar and it is hoped that the other Circuits will soon follow suit.

BARCO

BARCO has started to make progress after an initial year involved in establishing a solid platform from which to launch itself. It now boasts many products that are of real

benefit to the Bar, and I hope that it will grow in size and in value for the Bar.

THE INTERNATIONAL SCENE

I addressed the ABA in Chicago, the UIA in Turin, the Nigerian law conference in Abuja and attended the Canadian Bar conference, the IBA in Cancun and many local Bars including those in Paris, Brussels and Barcelona.

The International Relations Committee has continued to develop bilateral relations with a range of countries and established an International Justice Subcommittee to provide guidance on issues relating to terrorism and war crimes.

In parallel, the Bar's expertise in advocacy training is in demand all over the world – including the USA, the Hague, other parts of Europe (such as Kosovo), Africa, the Far East and Pakistan.

CONCLUSION

I am very grateful for the work and support of the Bar Council's Secretariat over the year and especially for that of Niall Morison, the chief executive, and the heads of department Nigel Bastin, David Hamilton Rump and Mark Stobbs.

I am also grateful to the General Management Committee, which sat almost every week except in August.

There is every reason to think 2002 will be yet another tough year and I wish David Bean QC and Matthias Kelly QC every success.

2001

TREASURER'S REPORT

When the Lord Chancellor approved the introduction of practising certificate fees in early 2001, it was agreed that their collection and application should be subject to external audit, after the first year and triennially thereafter. The accounts reflect that requirement and the reporting structure has been changed so that expenditure in functional areas can be identified more readily than previously.

The introduction of practising certificate fees brought a welcome safeguard for the source of some 60% of the Council's income. However, the forecast of fees/subscriptions income was exploratory, to the extent that the impact of reductions in fees due caused by low income concessions was uncertain, and the effects of the Access to Justice Act 1999 upon the numbers in the various categories of barrister had yet to be worked through. In the event, total income from this source was around £120,000 (3%) less than forecast.

Although education and training expenditure was some

£200,000 less than in 2000, income from courses reduced significantly. At the same time, outsourcing PACH/OLPAS, low numbers taking the final Bar Examination and reduced BVC registrations resulted in overall income from education and training activities falling significantly more than anticipated.

Overall, planned Council expenditure was similar to that in 2000. Tight management and economies restricted expenditure to about £100,000 less than allocated. The operating surplus, before deducting depreciation, was £221,000 giving a positive cash inflow for the year.

During the year it was decided to reduce the depreciation



Bar Treasurer,
Douglas Day QC

period for IT and related assets from five to three years. The depreciation figure for 2001 is consequently about £170,000 higher than it would otherwise have been. The inclusion of depreciation results in a deficit of £167,000 for 2001 (excluding support for the Bar Services Company (BARCO – see below). Capital expenditure during the year was restricted to one-third of that in previous years.

Turning to assets carried forward, in common with the majority of investors the events of 2001 reduced the value of

Council's investment portfolio by £160,000 to £700,000. Overall assets carried forward reduced from £1,300,000 to £943,000. A factor here has been the need to support the development of BARCO, which made a loss of £30,000 in 2001, following the £65,000 trading loss with its introduction in 2000. Losses in the early stages of developing a company to provide products and services to members are not unusual. Nevertheless, the uptake by the profession needs to increase if BARCO is to continue trading. Meanwhile, the company's future operation, scope and marketing are being reviewed.

SUMMARY FINANCIAL STATEMENT

for the year ended 31 December 2001

	2001 £	2000 £
INCOME & EXPENDITURE		
General activities		
(excluding Bar Services Company):		
Income – Practising Certificate Fees	3,413	3,239
– Voluntary Subscriptions (incl. overseas, non-practising and retired)	509	
– Contribution from Inns	608	594
– Other	352	360
	<u>4,882</u>	<u>4,193</u>
Expenditure (excluding depreciation)	(4,401)	(4,276)
Operating Surplus/(Deficit)	<u>481</u>	<u>(83)</u>
Education & Training:		
Income – Inns Subventions	519	519
– Other income	626	1,193
	<u>1,145</u>	<u>1,712</u>
Expenditure (excl. deprn)	(1,405)	(1,619)
Operating surplus/(deficit)	<u>(260)</u>	<u>93</u>
GCB Operating Surplus	221	10
Depreciation	(388)	(271)
Investment Loss	(160)	(21)
Bar Services Company: Loss	(30)	(65)
Consolidated deficit	<u>(357)</u>	<u>(347)</u>
BALANCE SHEET		
	£	£
Fixed Assets		
Tangible Assets	305	605
Investments	703	863
	<u>1,008</u>	<u>1,468</u>
Net Current (Liabilities)/Assets	(65)	(156)
Long-term Liabilities	0	(12)
Net Assets	<u>943</u>	<u>1,300</u>
Assets carried forward	<u>943</u>	<u>1,300</u>

Note: These figures are extracted from the full set of Consolidated Accounts, a copy of which can be obtained from the Bar Council Chief Accountant.

Against this background, practising certificate fees and voluntary subscriptions had to rise by 2.5% for 2002, despite planned expenditure being kept broadly at the same level as in 2001. But the requirement to budget additionally for statutory contributions to the funding of the Legal Services Ombudsman and the Immigration Commissioner added a further 2.5% increase. It was prudent also to plan for the costs of relocating the Council's offices by the end of the current leases in autumn 2004. Thus the Council meeting in October 2001 concluded that an increase of 7.5% in practising

certificate fees and voluntary subscriptions was unavoidable. Subject to there being no substantial additions to the Council's many regulatory tasks, increases should not continue to be of that order. But against a background of finances remaining tight and reserves relatively slender, at least a basic 'cost of living' increase each year has to be expected.

The Treasurer also has the responsibility for constitutional matters, but for 2001 there were no changes to report.

2001

EXPENDITURE IN 2001 BY FUNCTIONAL AREA

	£	% Activity under s46 AJA 1999	Collectable under s46 AJA 1999 £
Regulatory:			
Professional Standards	149,736	100	149,736
Professional Conduct	977,901	100	977,901
Equal Opportunities	151,369	100	151,369
Records	190,582	100	190,582
Education & Training	1,489,449	100	1,489,449
Order Under ss.(3)(a) of s.46:			
Human Rights	23,400	100	23,400
Pro Bono Unit	60,000	100	60,000
Free Representation Unit	52,000	100	52,000
Law Reform	33,939	100	33,939
Proportion of Regulatory and Other Work under ss.(3)(a) of s.46			
Legal Services (including Bar Direct)	256,946	80	205,557
International	242,977	90	218,679
Policy	40,629	75	30,472
Remuneration	187,455	80	149,964
Public Affairs	249,854	30	74,956
Employed Bar	11,471	70	8,030
Young Barristers	31,236	60	18,742
IT Panel	20,796	60	12,478
Fees Collection; SBA Admin, BarCo; Video Conf	508,079	Nil	Nil
	4,677,819	82	3,847,253
Administration			
Council & GMC; Senior Executives Office; Finance; Website Registry; Print & Distribution; Publications; Reception/Meeting Rooms	1,630,735	82	1,341,191
	6,308,554		5,188,444

The above figures include staff and establishment costs, plus an allowance for depreciation under each heading

CHIEF EXECUTIVE'S REPORT

It is sometimes possible to forget that 2001 was a General Election year. The outcome was predictable and the agenda well known. The Bar Council resolved to adopt a



Chief Executive,
Niall Morison

more proactive role in relation to the second term of the Labour Government, and this is reflected in recognition of the need for the Council to be planning for the future rather than defending the past. At the same time, it would be unrealistic not to recognise the time and effort required to respond to external challenges. Given the current state of affairs, who would have thought the OFT, in its report on competition in the professions, would have

aimed such a swipe at the Bar? The high-profile issues of the OFT report and the Auld report on criminal courts have dominated the agendas and the paper factory here; together with the negotiations on graduated fees, they have imposed considerable burdens on the members of staff responsible for these areas. However, they have demonstrated their professionalism in responding to the challenges and ensuring that the profession was consulted, reports were produced and deadlines were met.

One of the first internal reports I received early in 2001 concerned the Bar Council website, which received several hundred hits on Christmas Day 2000. Sadly, perhaps, the figures issued this year indicated visits to the website on Christmas Day 2001 had climbed to several thousand. The increasing impact of information technology is impossible to ignore and mostly operates to our advantage. From a Secretariat point of view, we are carefully developing IT to increase our efficiency and to improve communication with the profession, government bodies and the general public.

Throughout 2001 work has continued to transfer material held in our registry to the Livelink system. This will enable the electronic storage of correspondence and archive material and reduce storage space requirements. At the same time, the development of the fees database and the new records system has continued, which in turn is tied in with the introduction of compulsory practising certificates. The downside of this is unfortunately the concentration of the Records staff on meeting the timetable for issuing certificates, and the impact on the work in Professional Standards in dealing with the non-payment of compulsory subscriptions. I am sure that the experience of 2001 will lead to a reduction in complaints on this front in 2002. The team in the Records Department, which has been at the coalface in meeting the combined new challenges of the introduction of practising certificates and

the development of the new database, has responded uncomplainingly and has somehow retained both sanity and good humour.

One of the more familiar and pleasurable messages for the Bar in England and Wales is the high reputation it has all over the world, whether it be New York or Hong Kong. Why does the profession appear to be so well regarded abroad but so criticised at home? No matter how much effort and time is spent in trying to explain to the media that the majority of the profession works very hard to attain a high standard of professionalism to achieve a reasonable standard of living, the tendency is to brand all barristers as 'fat cats'. This is grossly unfair on the vast majority of the profession.

"One of the first internal reports I received early in 2001 concerned the Bar Council website, which received several hundred hits on Christmas Day 2000. Sadly, perhaps, the figures issued this year indicated visits to the website on Christmas Day 2001 had climbed to several thousand."

Another interesting aspect of the international picture is that many of the issues which the Bar in England and Wales has faced in recent years are just as familiar to barristers/lawyers in Hong Kong or Sydney. The only difference and point of interest is what stage in the cycle of change they have reached. In Hong Kong, the Bar is facing challenges from solicitors on rights of audience, whilst in Sydney they have had direct access and conditional fees for many years. The advantages of modern technology allow for a continual exchange of information between different jurisdictions to take place both speedily and efficiently.

Nearer to home, the establishment of the European Circuit has provided an added dimension to the Bar and the Brussels Office of the Bar Council (see pages 11 and 12 of this Report). Coincidentally, there has been a noticeable increase in the amount of input to the European Commission from the Bar Council through its office in Brussels, covering such matters as money laundering, legal aid and compensation for victims of crime. This demonstrates the increasing influence of Brussels in so much of what affects the Bar.

The Constitutional changes that flowed from the Alexander Report, approved by the Bar Council in 2000, have been implemented and the input from the employed Bar is welcomed. Through the Employed Barristers Committee their own initiatives are being developed. In 2001 a survey of employed barristers was undertaken and the City Solicitors Group of employed barristers has been established, both of which are useful sources of information.

On the education front, the leading and contentious issue was pupillage funding. This is a vital development from the profession's point of view to ensure it is capable of attracting the most able to its ranks. Unless the profession invests in new recruits, it will have no future. From a practical point of view the development of OLPAS, which is the most sophisticated and user-friendly entry system designed by any profession for applications online by pupils, has relieved staff from some of the pressure on pupillage applications.

In 2004, the lease of the offices in Bedford Row terminates and we must look for suitable accommodation to re-house the staff – hopefully under one roof. This exercise was begun in 2001 but most of the options looked at to date have been too expensive.

Overall, the stability of the staff has been maintained with a

low incidence of staff turnover, despite all the pressures and challenges thrown at it. Furthermore, it has been possible to introduce economies and cutbacks in those areas where the demands have changed. The future is, of course, an unknown

“One of the more familiar and pleasurable messages for the Bar in England and Wales is the high reputation it has all over the world, whether it be New York or Hong Kong. Why does the profession appear to be so well regarded abroad but so criticised at home?”

quantity but it would be a welcome change if the profession were to be allowed to get on with its future without being side-tracked by yet another attack. **2001**

PROFESSIONAL STANDARDS

During 2001 the Professional Standards Committee has continued to respond to the changes affecting working practices at the Bar. The new Code of Conduct, issued in July 2000, has been subject to regular updates. Here, we report on four of the most notable topics dealt with during 2001.

CHAMBERS IN-HOUSE COMPLAINTS

Amendments have been made to the Code of Conduct to require chambers to set up in-house complaints procedures. The amendments require a barrister to respond to complaints promptly, courteously and in a manner which addresses the issues raised, in accordance with a written procedure, which is made available to clients. It is hoped that the new procedures will meet the public's growing expectation that they are entitled to complain about poor services and to receive an effective response.

OVERSEAS BARRISTERS

The Committee has considered amendments to the Code of Conduct in relation to the definition of 'legal services', in order to allow members of the English Bar working abroad, but not offering English legal services, to use their title of 'barrister'. The issue had arisen as a result of changes to the Code during 2000 whereby the term 'non-practising' could not be used by barristers who did not comply with the Code of Conduct.

ETHICAL GUIDANCE

A sub-group of the Committee was set up to develop written ethical guidance to the Bar on matters relating to the Code of Conduct. It is intended that ethical guidance will be issued during 2002 to complement the verbal guidance offered by the Bar Council Secretariat on its helpline.

HUMAN RIGHTS

A sub-group of the Professional Standards and Professional Conduct Committee has been established to monitor the effect on the Code of the Human Rights Act 1998.

BARMARK AND PRACTICE MANAGEMENT

Since its launch in July 1999, 44 chambers have received the BARMARK, with 27 awards being made during 2001. Sixteen applications remained in the pipeline at the end of 2001.

The year saw important developments with negotiations between the Bar Council and the Legal Services Commission to draw up a Quality Mark Standard for the Bar. After extensive consultation with the Bar and other interested parties, the Quality Mark Standard has been largely based upon the BARMARK requirements.

It is envisaged that the Quality Mark will be used for those chambers that do publicly funded work, but will not initially be a prerequisite to obtaining such work. The Legal Services Commission is expected to launch the Quality Mark in spring 2002.

During 2002 a revised and expanded version of the Practice Management Guidelines for the Bar will be issued, incorporating relevant changes in employment law as well as additions aimed at assisting chambers hoping to gain the Quality Mark in the future. **2001**



Committee Chairman,
Linda Dobbs QC

EDUCATION AND TRAINING



Committee Chairman,
Robin Purchas QC

During the year, the Education and Training Committee initiated and took forward a number of important initiatives aimed at ensuring the continued relevance and quality of the training required by those seeking to practise as barristers.

In relation to the academic stage of training, the Committee has reached agreement with the Law Society for the

establishment in early 2002 of a joint committee to provide a forum for the discussion of policy on the academic stage. Following proposed changes to the way in which the Quality Assurance Agency for Higher Education will operate in future, discussions have been taking place on how the professional bodies can effectively link into universities' quality assurance mechanisms and guidance is being prepared on minimum levels of learning resources for qualifying law degrees.

Revalidation of the Bar Vocational Course (BVC) providers was undertaken by a Panel chaired by Lord Justice Chadwick. All the existing providers were revalidated for a further period, subject to conditions as appropriate. The overall outcome of the exercise provides strong evidence of the effectiveness of the Bar Council's annual monitoring procedures. In line with previously agreed policies, information from the revalidation exercise and the annual monitoring process is available at www.legaleducation.org.uk – the Bar Council's Education and Training website. Responsibility for the future monitoring of BVC courses is being given to a newly established BVC Board, which is to be chaired by Professor Gerald Bernbaum, a former Vice-Chancellor of South Bank University.

In relation to pupillage, the number of opportunities to undertake pupillage in employment continues to grow. There are now 15 major organisations which have been approved to provide full pupillages, including various government departments, CPS offices and two firms of solicitors. To promote further opportunities at the employed Bar, the Committee has joined with the Employed Barristers Committee to set up a Joint Task Force (chaired by Anthony Inglese) to examine a range of issues affecting the employed Bar, including training and pupillage.

Following consultation with the Bar, the Bar Council approved proposals for the introduction of the compulsory funding of pupillage from 31 December 2002. The changes to the Code were submitted for approval to the Lord Chancellor for the necessary statutory approvals. The Bar's pro-

posals received the support of the Office of Fair Trading as well as the Legal Services Consultative Panel. A further consultation with the Bar was undertaken during the year on the issue of waivers from the obligation to fund. A shadow Waivers Committee, chaired by Jonathan Hirst QC, was established to consider the question of waivers.

The monitoring of pupillage scheme has completed its first three-year cycle and thus all chambers which offer pupillage have now been monitored. A review of the scheme has shown that it has been successful and, through the promulgation of good practice, has assisted in raising the standard of pupillage experience overall. The Pupillage Board, chaired by Toby Hooper QC, has approved a number of changes to the scheme, of which the most important is to bring employed pupillage within its scope.

“The number of opportunities to undertake pupillage in employment continues to grow. There are now 15 major organisations which have been approved to provide full pupillages, including various government departments, CPS offices and two firms of solicitors.”

A working party chaired by Tim Dutton QC will review advocacy training in pupillage and beyond. The working party is expected to prepare outcomes for advocacy training at the various stages of training following completion of the BVC and will also consider the extent to which such advocacy training should be assessed.

The new online pupillage application scheme, known as OLPAS, came into operation and so far the indications are that it has worked well. The new scheme permits chambers to recruit for pupillage in the summer prior to students enrolling on the BVC or in the autumn. Further work on the scheme will be done following detailed consultation with chambers. An amendment to the Code has been agreed which will make it compulsory for all standard pupillage vacancies to be advertised. In anticipation of this change, provision has now been made for the advertising of all pupillage vacancies on the website.

The Committee has considered the question of deferral of call together with the Equal Opportunities Committee, but was not in a position to reach a decision on a recommendation to the Bar Council without further consideration of the implications of deferral for minority sectors of those seeking to come to the Bar.

The Continuing Professional Development Board (chaired by Ian Glick QC) has continued to monitor the New Practitioners' Programme and other related matters.

2001

LEGAL SERVICES

The Legal Services Committee has a wide remit. The major topics dealt with during the year are set out here.

OFFICE OF FAIR TRADING (OFT) REVIEW

The Bar Council appointed a committee under the chairmanship of Sir Sydney Kentridge QC to form the Bar's response to the OFT's report, 'Competition in Professions'. Guy Mansfield QC, Rex Tedd QC and Richard Fowler QC, all members of the LSC, were members of this Committee. The Committee published a consultation paper in July 2001 which, in the context of the Competition Act, revisited first principles and examined what the Code of Conduct was trying to achieve. The Committee sought the Bar's views on whether the Bar agreed with the approach set out in the paper. The Committee scrutinised all aspects of the OFT report and dealt comprehensively with its recommendations. Each issue was addressed on both competition and public interest grounds. The paper emphasised the importance in the public interest of the distinction between the two legal professions and the vital but separate role each plays. In addition, the Bar was asked to consider the choices available to it in relation to the position of direct access by the public, prompting the question of whether the time had not come to relax the existing rule. Any relaxation must be in the public interest and would not involve the Bar doing the work traditionally undertaken by solicitors. Responses were sought by 15 October.

"The Committee scrutinised all aspects of the OFT report and dealt comprehensively with its recommendations. Each issue was addressed on both competition and public interest grounds. The paper emphasised the importance in the public interest of the distinction between the two legal professions and the vital but separate role each plays."

Sixty responses to the consultation paper were received and carefully considered. The LSC submitted its own response led by Michael Pooles QC. The areas in the consultation paper which prompted most comment were direct access, partnership and the appointment of silks.

The final report of the Kentridge Committee was submitted to the Bar Council for consideration at its meeting on 2 February 2002.

QUALITY MARK

The Legal Services Commission (LSCom) is introducing 'Quality Mark' for the Bar. The aim is to create benchmark standards capable of independent audit. A significant amount of liaison between the LSCom and the Bar Council occurred throughout the year to ensure that the concerns of

the Bar were taken into account at an early stage, and that proposals were relevant and appropriate to the Bar's way of working. The aim has been that Quality Mark and BARMARK should ultimately be in the same form and as user-friendly as possible.

The LSCom held seminars in London, Birmingham, Bristol, Cambridge, Cardiff, Leeds, Liverpool, Manchester, Newcastle and Nottingham during the autumn. The aim of the seminars was to introduce the concept of Quality Mark, hear views and solicit written representations.



Committee Chairman,
Guy Mansfield QC

Members of the LSCom, including the person with overall responsibility for Quality Mark, undertook a programme of visits to sets of chambers to familiarise themselves with the way in which chambers are run. The Bar Steering Group, composed of members of the LSC and PSC to cover the different issues raised, and led by Linda Dobbs QC, was concerned to ensure that the LSCom appreciated that chambers were run very differently from firms of solicitors. The Steering Group has stressed the importance of getting the standard 'right' rather than meeting some artificial deadline.

Although the stated date for the introduction of Quality Mark is, at the time of writing, February 2002, it is likely that it will have to be put back.

COMMUNITY LEGAL SERVICE

Circuit leaders were sent details of the Partnership Innovation Budget (PIB) established by the Lord Chancellor's Department within the Community Legal Service. The PIB is intended to encourage innovation in the delivery of legal services and £15 million has been allocated to it over three years. Bids need to carry the support of Community Legal Service Partnerships (ie the local area partnerships of funders and providers of legal services). The process of preparing a bid involves discussion on Circuit and discussion with prospective Community Legal Service partners. Full details were sent to Circuit Leaders.

MODERNISING THE CIVIL COURTS

A working group led by Anthony Speaight QC prepared the Bar's response to the Court Service's consultation paper on Modernising the Civil Courts (MCC). The MCC programme will be one of the means by which the Court Service aims to meet its targets for electronic service delivery of

its services by 2005. The consultation paper discussed, inter alia, the use of technology to improve provision of information, increasing the options by which court users can communicate with the courts, providing new ways of case handling, making available support to judges and court staff, and giving access to the court record by parties and, where appropriate, the public.

QUINQUENNIAL REVIEW OF THE COURT SERVICE

The Committee submitted a written response led by Michael Pooles QC on behalf of the Bar Council to the quinquennial review of the Court Service.

LAWCARE (PREVIOUSLY SOLCARE)

LawCare is a registered charity set up to provide assistance to solicitors, barristers, solicitors' employees and assistants, barristers' clerks, and their families. The assistance is offered, in particular, in the fields of addiction/dependency and ill health including stress and depression-related problems. The service was extended to include barristers and their staff from February 2001, and the name changed from SolCare to LawCare to reflect this. A barrister who is a qualified doctor has been appointed to the Board of Directors and Trustees. Although the Bar Council supports LawCare financially, the service is completely confidential and no information about any approach to LawCare is disclosed to the Bar Council.

A telephone helpline specifically for the Bar has been

established on 0800 018 4299. Details of LawCare may be found on the Bar Council's website under 'Services for Barristers'; the page has a link to the LawCare site at www.lawcare.org.uk.

ELECTRONIC COMMUNICATION

The Committee has begun to issue its minutes and agendas entirely electronically with a view to building on this experience in the context of the Bar Council as a whole. It will review progress in May.

CPS/BAR LIAISON GROUP MEETINGS

The group meets twice a year to discuss topics of mutual interest or concern. Those attending include the Chairman of the Bar and the Director of Public Prosecutions, as well as representatives from the Circuits and the CPS regions.

SERVICES TO BARRISTERS

Bar Complaints Advisory Service (BCAS): The BCAS panel was established late in 1998 to provide a source of assistance to which members of the Bar who were the subject of a complaint could turn. There are 65 panel members who have a wide cross-section of experience, and all Circuits and many SBAs are represented.

Wasted Costs Orders Advisory Panel: A panel of 39 barristers exists to provide guidance and advice to barristers facing a wasted costs order. All Circuits are represented. **2001**

BARDIRECT



Committee Chairman,
Marion Simmons QC

Throughout 2001, the BARDIRECT Committee has worked hard to establish and promote the BARDIRECT scheme.

BARDIRECT LICENCES

The BARDIRECT scheme allows organisations and individuals, who until now would have had first to approach a solicitor, to instruct barristers direct. The scheme, though primarily aimed at organisa-

tions, has also licensed individuals, the common theme being that the licensee should be equipped with the necessary skills and expertise to access the Bar direct. To date, we have granted licences to over a hundred organisations. Licences are usually tailored to suit the particular needs of the organisation, company or individual – although, in a significant number of instances, we have granted group

licences, ie to members of a particular institute or organisation.

BARDIRECT covers the whole spectrum of work at the Bar and includes both advice and advocacy. Those searching the Bar Council's website at www.BarCouncil.org.uk will find details of licensees from a wide variety of sectors.

PROMOTION

Over the last year the Committee has continued not only to promote BARDIRECT to potential licensees, but also to encourage other professional clients (in-house solicitors and barristers and direct professional accessors, for example) to increase their use of the Bar. To these ends, we have continued to encourage media interest and have had a number of articles printed in accountancy and financial journals. We have received press coverage in the *Financial Times* and other newspapers and legal journals. We also continued our programme of targeted mailings and one-to-one meetings, and participated in conference and seminar programmes.

BARDIRECT AND THE PROFESSION

The Committee has taken part in a number of seminars and conferences over the past year including the Bar Conference in October and workshops with the Barristers' Clerks Association. The Committee's aim has been to stimulate knowledge of, and interest in, BARDIRECT within the profession and to encourage chambers to take a proactive role in marketing themselves to both existing and potential BARDIRECT licensees. In a similar vein, we have made every effort to

involve Specialist Bar Associations and the Circuits in pilot projects and so far have had discussions with PIBA, ELBA, FLBA, the Chancery Bar and COMBAR and with the South Eastern, Northern and North Eastern Circuits.

We have had another busy and useful year. The Committee recognises that changes in the rules relating to direct access are likely following the Bar's response to the OFT report and looks forward to an interesting and stimulating 2002. **2001**

INTERNATIONAL RELATIONS

The broad objectives of the International Relations Committee (IRC) can be summarised under 'Trade' and 'Values': generating business for the Bar and ensuring that the Bar has a conspicuous profile on the issues of the day. The IRC has also made a concerted effort to widen the interest and knowledge of the Bar in European law and issues in particular.

NEW EUROPEAN CIRCUIT OF ENGLAND AND WALES

The European Circuit of England and Wales was launched in March of 2001 in London and held its first conference in

"In the wake of the terrorist attacks in the United States, the IRC created an International Justice subcommittee to provide the Bar Council with timely guidance on issues related to terrorism and war crimes. Several members of the subcommittee have direct experience in war crimes tribunals."

Brussels in December with an attendance of approximately 100. Baroness Scotland of Asthal QC gave the keynote address.

CPD IN EUROPEAN LAW

In order to market the Bar's expertise to law firms and to assist with continuing professional development in European law, the IRC and the Bar European Group sponsored a very successful series of EC Law Lectures financed by the European Commission. Individual SBAs organised panels for subjects relevant to the expertise of their members. The series is ongoing and has been accredited for CPD by both the Law Society and the Bar Council. The series has been especially well attended by solicitors' firms.

BILATERAL RELATIONS

Pakistan: The Bar Council signed a twinning agreement with the Pakistan Bar Council three years ago under the ægis of an International Bar Association programme to assist developing Bars. The Pakistan twinning subcommittee of the IRC is proceeding with modest projects to build a young Bar ded-

icated to ethics and the public interest and conducting advocacy training. The projects have been financed so far by the Foreign Office and also by a recent grant from BP in co-ordination with the Bar Human Rights Committee. A successful visit of four young lawyers from Pakistan involved in Pro Bono work took place in March 2001. An advocacy training project to take place in two Pakistani cities was postponed at the request of the British Council due to the events following 11 September, but is going forward in the spring of 2002.



Committee Chairman,
Peter Gross QC

Nigeria: A delegation led by the Chairman of the Bar participated in a British Council-sponsored visit to the annual meeting of the Nigerian Bar Association (NBA). The NBA is struggling to recuperate from years of military rule and to face the difficult issues of rule of law and corruption. The British Council subsequently sponsored a delegation to attend the 2001 Bar Conference in London.

Caribbean: The Bar is on the steering committee for the British Caribbean Jurists Association, a Foreign Office initiative to organise and co-ordinate support for Caribbean jurists, including judges. Caribbean ministers of justice, chief justices and Bar associations in the Caribbean are all supportive of the project, as are the Caribbean High Commissioners in London. The Association has identified several projects, such as book assistance to the Caribbean Bars, for implementation in 2002.

China: The Bar's very successful China Lawyers Programme is entering its eleventh year with renewed commitment and funding from the Lord Chancellor's Department. Approximately 15 Chinese lawyers spend one year in the UK taking courses and participating in *stages* at both solicitors' firms and

Continued on page 13

HIGHLIGHTS OF BRUSSELS OFFICE ACTIVITIES IN 2001

LEGAL AID IN CROSS-BORDER CIVIL MATTERS

The Bar, through the Brussels Office, attended Commission meetings and submitted position papers on the Commission's February 2000 Green Paper and subsequent draft proposals on this key subject. The Commission finally adopted its proposal in January 2002, designed to 'improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid and other financial aspects of civil proceedings'. The Bar welcomed this ground-breaking proposal, and will continue actively to support it.

COMMISSION COMMUNICATION ON EUROPEAN CONTRACT LAW

A delegation from the Bar had a constructive meeting with the Commission about this in July 2001, just ahead of the Commission's adoption of its Communication. The Bar submitted position papers in October, which in summary opposed the introduction of a compulsory harmonised contract law. Matters will come to a head during 2002, and the Bar will continue to play an active role.

GREEN PAPER ON CONSUMER PROTECTION

On December 7, 2001 the Bar was represented at a public hearing to discuss the Commission's Green Paper on 'European Union Consumer Protection', in which the Commission explores ways of reforming that field of EU law. The Bar has subsequently submitted a holding paper supporting the wider call for the Commission to produce a White Paper defining its intentions, followed by a further round of consultations.

EXTRADITION IN CRIMINAL MATTERS

In response to a direct invitation from the Commission, Bar representatives attended a successful bi-lateral meeting in April to advise the Commission on policy in this field, and followed it up with a short paper. Following the events of September 11, the Commission used this preliminary work as a basis for its proposal for a European Arrest Warrant which, at the time of writing, has yet to be finally adopted by the Council.

FAMILY LAW – PARENTAL RESPONSIBILITY

During the summer of 2001, the Bar participated in a closed Commission hearing to discuss the March 2001 Commission's Working Document on mutual recognition of parental responsibility, which was followed by a proposal in September and a draft follow-up paper.

MONEY LAUNDERING DIRECTIVE

The Brussels Office actively followed this file during 2000/1. The Directive was finally adopted in December 2001, and gives Member States the option to exclude lawyers from its reporting requirement where, loosely speaking, they are engaged in giving legal advice. The legal profession throughout Europe, including the Bar, is now taking steps to try to ensure that that exemption is actually implemented in all Member States – including, of course, the UK.

INTERNAL MARKET – REVIEW OF PROFESSIONAL RECOGNITION REGIME

In June 2001 the Commission issued a consultation document on its plans for a streamlined regime for free movement and professional recognition applying to all the professions. The Bar met with the relevant Commission service to discuss the plans, and subsequently submitted a position paper urging the Commission to leave lawyers out of the regime, as the relatively new Lawyers Establishment Directive (98/5/EC) is working well. Other parts of the profession did likewise. It seems that the Commission agrees with this stance.

BRUSSELS NEWS

The Brussels Office Newsletter continues to gather readers. Ten further editions were produced during 2001, covering all of the above and more. Anyone interested in receiving it should e-mail Evanna Fruithof, Director of the Brussels Office (fruthof.bc@swing.be).

2001

INTERNATIONAL RELATIONS COMMITTEE

Continued from page 11

barristers' chambers. This experience continues to provide top young lawyers from China with first-hand knowledge of the Bar.

INTERNATIONAL MEETINGS

US Visit: The IRC co-ordinated the Bar Council delegation to the American Bar Association Annual Meeting in Chicago in August 2001. Members of the delegation participated in specialist meetings and panels with a view to promoting the Bar among attorneys in the US. The delegation also travelled to Washington DC for meetings at the British Embassy, the State Department and the White House.

INTERNATIONAL JUSTICE SUBCOMMITTEE

In the wake of the terrorist attacks in the United States, the IRC created an International Justice subcommittee to provide the Bar Council with timely guidance on issues related to terrorism and war crimes. Several members of the sub-

committee have direct experience in war crimes tribunals.

PARTICIPATION IN OVERSEAS CONFERENCES

In 2001 members of the IRC were invited to give presentations at the annual conferences of the following organisations: The American Bar Association, the Organisation of Commonwealth Caribbean Bar Associations, the Federation of European Bars, the Conference to create a Bar for the International Criminal Court (hosted by the Paris Bar), the Union Internationale des Avocats and the International Bar Association.

UNION INTERNATIONALE DES AVOCATS

Nicholas Stewart QC, a long-standing member of the IRC, was elected president of the Paris-based Union Internationale des Avocats.

CHANGE OF CHAIRMAN

Peter Gross QC was appointed to the High Court in September and was replaced by Vice-Chairman Dorian Lovell-Pank QC.

2001

2001 was another busy year in the media and politics for the Bar. Party policies on law and order were highlighted in the General Election campaign. The Bar Council prepared its responses to the twin challenges of Auld and the OFT Review of the Professions. A major success at the Bar Conference was the depth of support from senior judges speaking for the Bar's views on key issues.

In 2001:

- 75 press releases were issued;
- press calls were taken at a rate of well over 10 a day, or 3,500 in the year; and
- a number of press conferences and briefings for political figures were arranged.

KEY ISSUES

Public affairs issues dealt with included: the Party Manifestos and Queen's Speech; legal aid fees (family law and Maxwell); Criminal Justice (public defenders, Auld); Ministerial attacks on lawyers; OFT report on competition in the professions; report of the Complaints Commissioner and the Legal Services Ombudsman; civil courts modernisation, medical negligence payments and structural settlements; international issues, including Zimbabwe, newly democratic Nigeria, Malaysia and the War Crimes Tribunal on the former Yugoslavia.

BAR COUNCIL MATTERS

A wide variety of Bar Council activities were promoted and communicated, including the development of the Bar Coun-

PUBLIC AFFAIRS

cil website, with special services for the visually impaired and disabled; the growth of Bar Council members' services; the Annual Report and AGM; the enhanced status of the employed Bar; the BDO Stoy Hayward Report; the Bar Conference; the Bar Mock Trials Competition; the Kapila, Denning and Bar Human Rights Committee lectures; the growth of Bar in the Community and the Bar Pro Bono Unit; compulsory pupillage funding; rules on age discrimination; and the expansion of BARDIRECT.



Committee Chairman,
Matthias Kelly QC

PROACTIVE INITIATIVES

The Public Affairs team continues to undertake proactive initiatives to reach out to and influence journalists and opinion leaders. These include:

- the legal reporting awards, won this year by Joshua Rozenberg, John Silvermann and Frances Gibb;
- the Chairman's media reception; and
- a wide-ranging contact programme with editors, leader writers, social affairs correspondents and others.

PARLIAMENTARY ACTIVITY

The post-electoral Parliament saw the reconstitution of the Associate Parliamentary Group for the Bar; the former Minister Ross Cranston QC MP was elected as its new chair. An

exciting programme of events under his chairmanship is already underway.

A number of face-to-face and written briefings were undertaken, targeting key Parliamentarians. The Public Affairs team liaised with the Law Reform Committee to promote responses to salient items of proposed legislation.

We continued to publish *The Jury*, the tabloid-style newspaper which highlights the Bar's and others' objections to planned curbs on jury trial in a hard-hitting format, aimed

amongst others at time-poor politicians with limited attention spans.

YOUNG FACE OF THE BAR

A trained group of young barristers continues to do valuable work in representing the Bar in popular print and broadcast media. This contribution has extended to appearances in the tabloid press, on daytime TV talk shows and in the provision of advice to leading soaps. The work builds the reputation of the Bar with a wider public, while showing a younger, more representative face.

2001

REMUNERATION



Committee Chairman,
Stephen Irwin QC

The Remuneration Committee has inevitably continued to focus on public funding matters and the new Graduated Fee schemes in particular, but it has carried out a broad range of other tasks dealing with issues of importance for the whole Bar.

CRIMINAL AND FAMILY GRADUATED FEES

The Committee, working through the Legal Aid Negotiation Steering Group (LANSG) worked intensively throughout the year to ensure that the new Criminal and Family Graduated Fee schemes were as fair and workable as could be achieved. The Lord Chancellor's Department implemented the Family scheme in May and the revised Criminal scheme in October, and discussions with officials about the structure, rates and implementation of the schemes continued up to that point and beyond. In the course of the discussions, commitments to review both schemes in 2002 were secured and attention is now focused on gathering the data needed to ensure that such review is meaningful and secures real improvements to the schemes. To achieve this a new group, the Monitoring of Access to Justice Information Committee (MAJIC) has been created, replacing LANSG while retaining many of the same key personnel.

VERY HIGH COST CRIMINAL CASES

Since April 2001 counsel have been able to take on certain very high cost criminal cases only under individual case contracts negotiated with the CDS, at fixed rates. The Bar has consistently expressed concern about the structure of these contracts and the rates of pay and they are being closely monitored for any adverse effects on the choice of counsel available to conduct the most complex and important cases.

HIGH COST CIVIL AND FAMILY CASES

These are funded through the Legal Services Commission by

means of individual case contracts. A key stage in negotiating these contracts is the preparation of the case plan and the Committee has circulated guidance to the Bar on this crucial task.

OTHER DISCUSSIONS WITH THE LORD CHANCELLOR'S DEPARTMENT AND LEGAL SERVICES COMMISSION

Throughout the year the Committee has responded to numerous routine consultation documents put out by the Department and the Commission, and its members have engaged in discussions with officials and ministers on topics as diverse as the guidance to be given to the Bar on formulating opinions under the Funding Code and the problem of overclaiming in Crown Court taxations.

CIVIL COSTS ISSUES

The Committee has kept developments in civil costs under careful review. In particular, it has investigated the possible abuse of junior counsel doing trial advocacy in Fast Track cases and suggested practical solutions to the problem, and monitored discussions about possible radical changes to the civil costs regime in the near future.

TAXATION AND RETIREMENT BENEFITS

The Committee published guidance on the use of Trade Protection Associations for dealing with chambers expenses and is working with Buzzacott on the 4th edition of the *Taxation and Retirement Benefits Handbook*.

CONDITIONAL FEE AGREEMENTS (CFAs)

The main task of the Conditional Fee Agreement Panel in 2001 was the continuous updating of the APIL/PIBA forms for use in personal injury cases, and the preparation of other forms, for example for use in collective CFAs.

FEES COLLECTION COMMITTEE:

The Committee radically revised the Terms of Work, introducing the option of charging interest on outstanding fees and clarifying the position of instructions given under Controlled Legal Representation and Legal Help – which are to

be treated as private work and must not be accepted from solicitors against whom a direction to withdraw credit has been made unless payment accompanies the instruction. Contractual terms have also been drawn up to enable barristers

“There was a considerable increase, particularly in the last five months, in the number of complaints made to the Bar Council in respect of fees remaining unpaid by solicitors. 1,545 cases were received with a value of £2,416,100 (compared with 1,111 cases last year having a value of £1,738,400).”

to enter into contracts for the provision of their services should the parties so wish.

There was a considerable increase, particularly in the last five months, in the number of complaints made to the Bar Council in respect of fees remaining unpaid by solicitors. 1,545 cases were received with a value of £2,416,100 (compared with 1,111 cases last year having a value of £1,738,400). Approximately £1.1m was paid during the year (compared with £1.28m the previous year).

JOINT TRIBUNALS

Joint Tribunals are administered jointly by the Bar Council and the Office for the Supervision of Solicitors (OSS). They exist to resolve disputes between barristers and solicitors over fees. If a barrister's fee note is challenged within three months of its being rendered or one month after the first reminder letter, a Joint Tribunal, consisting of a QC and a senior solicitor nominated by the OSS, may be convened. Both parties must agree to the procedure and the Tribunal's findings are binding on both as a matter of professional conduct. The Tribunal's procedure is governed by standing orders and typically takes about three months. During 2001, 34 joint tribunals were set up. Most of the tribunals awarded 100% of the fees claimed and the average length of time taken by Joint Tribunal proceedings was seven months.

ANNUAL REMUNERATION CONFERENCE 2001

The first Annual Remuneration Conference, sponsored by BDO Stoy Hayward, took place Leeds in May and was an outstanding success, attracting over 120 delegates from across the country. The 2002 Conference, to be sponsored by Buzzacott, will be held at the Millennium Stadium in Cardiff on April 27.

2001

EMPLOYED BARRISTERS

The Committee deals with matters relating to the employed Bar, which now numbers almost 3,000 barristers. The Committee, in its second year of existence, has started taking a longer-term approach to issues concerning the employed Bar. As well as carrying out the first ever survey of the employed Bar, the Committee has set up a number of working groups to deal with judicial and silk appointments, education and training issues and ethics. The Committee continued to build bridges with the Inns and Circuits, as well as dealing with an array of issues referred to it by other committees of the Bar Council.

EMPLOYED BAR SURVEY

The first ever survey of employed barristers has been published by the Bar Council. 30% of all barristers in employment responded to the survey, three times the level of response in an average industry survey.

The Committee has started work on a series of issues identified through the survey, including the need for continuous education, advocacy training, greater access to legal networks, ethical guidance and more information on silk and pupillage.

EDUCATION AND TRAINING/ EMPLOYED BARRISTERS' JOINT TASK FORCE

A task force was set up jointly by the Education and

Training Committee and the Employed Barristers Committee to look at ways of improving access to education for employed barristers. The Committee aims to look at three separate education and training areas: information and careers; pupillage and pupillage training organisations; and Continuing Professional Development. Working alongside experts in the field of education, the task force will be making its final recommendations in summer 2002 to the Education and Training Committee and the Employed Barristers Committee of the Bar Council.



Committee Chairman,
Susan Ward

CITY FIRMS BAR GROUP

The Committee set up this new group under the chairmanship of Patrick Walker. The group consists of practising barristers from the leading City firms. Eleven out of the top 15 firms sent a representative to the first meeting, held by the Bar Council at the end of the year. Roy Amlot QC, Chairman of the Bar, addressed the group on key issues affecting barristers in solicitors' firms.

RELATIONS WITH THE INNS

The Committee is conscious that employed barristers do not necessarily have, or retain, close relations with their Inns post-call in the way that those in independent practice are able to do. It seeks to encourage employed barristers to establish a relationship with their own Inn and to become involved in the Inn's work, thereby encouraging employed and self-employed Bars to mix more and to acknowledge how each can assist the other.

This year the Committee has welcomed moves by the Inns to open their activities to barristers in employment. It is hoped that these initiatives can be built upon in the longer term.

CIRCUITS

The Committee has been keen to promote engagement with the Circuits.

THE E-DIGEST

The Committee launched an electronic digest that is sent out to over 1,200 barristers who have supplied their e-mail addresses to the Bar Council. Those who received it welcomed the launch of this service.

REFERRAL ISSUES

The Committee has looked at series of issues including the three-year rule, pupillage, insurance for employed barristers working in solicitors' firms and duty solicitor schemes. **2001**

PROFESSIONAL CONDUCT AND COMPLAINTS

The number of complaints in 2001 has increased from 569 in 2000 to 829 in 2001. The rise in the total is almost entirely because of the introduction of the raising of complaints against those barristers who fail to pay for their practising certificates. Additionally, the number of complaints from the lay client has risen by 3% from 450 to 464.

COMPLAINT STATISTICS 2001

- 829 complaints were received.
- Of the 829, there were 341 complaints raised by the Bar Council. The PCC has continued with its policy of raising complaints against barristers in independent practice who are practising without having paid their professional indemnity insurance premium; eight complaints of this nature were raised in 2001.
- Additionally, the PCC, at the request of the Bar Council's Education and Training Department, has raised a number of complaints against barristers who have not completed their Continuing Professional Development requirements.
- There were 19 cases that went to adjudication panels, of which there were 14 findings of inadequate professional service with penalties ranging from directing counsel to apologise to the complainant, to counsel being ordered to pay the complainant £3,000 in compensation.
- 17 cases were dealt with by informal hearings, which led to four findings of professional misconduct.
- 18 cases were dealt with by summary hearings, which led to 12 findings of professional misconduct.
- There were 44 disciplinary tribunal hearings, which led to 35 findings of professional misconduct. Of those, four barristers were disbarred and six suspended from practice.

It is clear from a number of the complaints considered by the

PCC that some members of the Bar could place client care more at the forefront of their professional behaviour – by ensuring, for example, that their lay client understands the reasons for a particular outcome.

For its part, the PCC recognises and has sought to give effect to the need to make the lay client aware of its approach to a complaint by providing detailed reasons, in language that can easily be followed, on dismissing a complaint.

IMMIGRATION SERVICES COMMISSIONER

The new Immigration Services Commissioner is a point of contact for complaints against barristers giving immigration advice, although the subsequent investigation will be carried out by the Bar Council. The Commissioner also has a duty to report to the Home Secretary on the Bar Council's performance in carrying out its regulatory function. A protocol is

“It is clear from a number of the complaints considered by the PCC that some members of the Bar could place client care more at the forefront of their professional behaviour – by ensuring, for example, that their lay client understands the reasons for a particular outcome.”

being developed with the Immigration Commissioner to ensure that complaints are dealt with appropriately. The immigration field is expanding rapidly and it is hoped that the introduction of the Commissioner will, in conjunction with our own procedures, ensure that the professional standards of those who practise in the field are high.

PRACTISING CERTIFICATES

The requirement for practising barristers to have a practising certificate was introduced in 2001. This followed the Lord Chancellor's approval of an annual practising certificate and the levying of a compulsory fee for its provision by the Bar Council. Complaints were raised against those members of the Bar who failed to obtain a practising certificate, despite having being sent a number of reminders.

299 barristers had complaints raised against them by the Bar Council in 2001 in consequence. A very small percentage of these continued to practise without obtaining a practising certificate and were referred to summary hearings by the PCC. It is hoped that the number of these complaints will reduce considerably next year.

LEGAL SERVICES OMBUDSMAN

Liaison between the PCC, the Secretariat and Ann Abraham, the Legal Services Ombudsman (LSO) continues with bi-annual meetings. The PCC is keen to ensure that its work demonstrates transparency and consistency and seeks to ensure that valid criticisms are acknowledged and acted upon.

The most recent Annual Report of the LSO showed that the Ombudsman had investigated 159 allegations about the Bar Council's handling of complaints in a year and found no cause for criticism or recommendation in 94% of the cases. Her report said: 'For the most part the Bar Council continue to be thorough and focused in their investigations, coherent and consistent in their decision making and administratively efficient.'

The figures compare favourably with the Law Society's Office for the Supervision of Solicitors, where the Ombudsman was satisfied with their handling in only 57% of the cases investigated in 2000.

INTERIM SUSPENSION

In 1999, the Code of Conduct was amended to include the power of interim suspension. This was designed to give the Bar Council the ability to move quickly where the circumstances require it to suspend a barrister. It covers cases where a barrister has been charged or convicted of a serious criminal offence, or, for reasons of illness, physical or mental, may be unfit to practise.



Committee Chairman,
Jonathan Acton Davis QC

There were no panels this year to consider criminal offences. However, a small number of cases arose out of questions over barrister's fitness to practise because of illness. Initially, the system was a little cumbersome but this has now been addressed and matters can be taken forward at reasonable speed.

The introduction of these procedures illustrates the Bar Council's concern for the protection of the public and the welfare of the individual barrister.

CONCLUSION

The complaints system is, on the whole, operating well. It is, however, necessary to maintain the high standards that the Bar sets itself. The Bar Council has recently acted upon suggestions by the LSO and the Complaints Commissioner that the complaints procedures should be independently investigated. MORI will carry out the survey and the results should be available in the middle of 2002. An independent appraisal of procedures and systems is a valuable tool in avoiding complacency and the outcome should be of interest to all concerned.

2001

LAW REFORM

To present a full account of the work of the Law Reform Committee (LRC) during the year would be tedious: this is a snapshot from an extensive, intense and valuable year.

HILARY TERM

The Committee agreed that members should be well briefed in advance of meetings so that issues could be fast-tracked, to enable a broad spectrum of matters to be covered. Particular thanks were sent to Michael Briggs QC, the past Chairman, for his work generally and on partnership in particular.

- A response was made to the new paper on adoption procedures.
- A powerful paper was prepared on the concept of 'legal

professional privilege' within the Criminal Justice and Police Bill, Part III, relating to search and seizure.

- Sir Robert Carnwath (now Carnwath LJ) organised a seminar on law reform for all contributors to Law Commission work. This proved a watershed in the thinking and planning of the work of the LRC. The Chairman arranged for a strategic review of the work of the LRC and an impact assessment of the responses it submitted to the consulting body. This involved detailed consultations within and without Government. In the result, reasoned argument was put to, and accepted by, the Bar Council for the following:
 - the establishment of an annual Bar Council law reform lecture;

- the formulation of a costed action programme to raise the profile of the core activity of law reform;
- a closer relationship with Shandwick with a view to promoting the best, selective use of law reform materials; and



Committee Chairman,
Brian Langstaff QC

- the establishment of an annual law reform prize essay for students and the young Bar.

EASTER TERM

- Mr Justice Carnwath and representatives of the Law Society involved in considering law reform issues joined members for the May meeting.
- A submission was prepared on the proposed pre-action protocol for Judicial Review.
- A full review was prepared in

relation to extradition law.

TRINITY TERM

- Robert Wright QC and the company law team prepared a special briefing on unanimous consent and on reduction of capital. Attention was also given to proposed annual vote on directors' remuneration.
- The idea of a 'City of London' authentication as a hallmark of quality in relation to guarantees in respect of e-commerce (the issue is the reliability of, or guaranteeing of standards of, those who trade over the Internet) evolved from discussions of e-commerce.
- Arrangements with the Brussels office for making advance and meaningful comment on EU proposals were worked out.
- A greater synergy was established with the Bar Parliamentary Group to assist in supporting MPs and meeting the objective of enabling Government to improve the technical quality of legislation.

MICHAELMAS TERM

- Following extensive comparative research, a reasoned argument was put forward to support the establishment of a Human Rights Commission for the UK.
- A detailed response was submitted to the LCD Consultation upon payments in, in satisfaction of, claims.
- With the CBA, Gibson Grenfell QC and the criminal team made detailed reply to the Home Office Consultation, 'Making Punishments Work'.
- On 12 December 2001, Sir Robert Carnwath gave the inaugural law reform lecture: 'Law reform, the art of the possible'. This was a comprehensive overview from the days of Gerald Gardiner and Andrew Martin to the considerable programme now undertaken by the Commissioners. A wide audience of practitioners, employed colleagues and students heard a fascinating exposition, followed by perceptive questions. It gave

"The idea of a 'City of London' authentication as a hallmark of quality in relation to guarantees in respect of e-commerce (the issue is the reliability of, or guaranteeing of standards of, those who trade over the Internet) evolved from discussions of e-commerce."

a public face and perception to the intense and wide-ranging hard work of all the members of the LRC, and set the context both retrospective and prospective for our activities.

CONCLUSION

The intention is to keep practitioners informed of the work of the LRC through such means as *Bar News* and the website, and to invite practitioners to involve the LRC in their individual ideas for useful reforms to improve the law and its effectiveness.

2001

EQUAL OPPORTUNITIES

The Equal Opportunities Committee met quarterly throughout the year.

MONITORING OF PUPILLAGE

The Committee welcomed the Annual Report of the monitoring panels but expressed concern about the findings on discrimination and harassment of pupils. It was recommended that for the following year's monitoring exercise, greater publicity should be given to existing channels of communication and contact telephone numbers should be included in the questionnaire for pupils. Given the anonymity of the question-

naire responses, it was accepted that individual replies could not be pursued or publicised in any way. Nevertheless, monitoring panels should be encouraged to investigate how chambers respond to incidents of discrimination and harassment and ensure that they have effective procedures in place for handling grievances. Basic information on discrimination and harassment should be sent out with the pupillage file and also by the Inns to new students. These issues are already covered in the briefing for new pupil supervisors and underline the importance of extending these briefing sessions to existing pupil supervisors.

GOVERNMENT PROPOSALS TO AMEND THE DISABILITY DISCRIMINATION ACT 1995

The Committee welcomed the proposal to extend the Act to give barristers and pupils protection from disability discrimination and access to the Employment Tribunal for making complaints of unlawful discrimination. They also noted the proposal, which will affect sets of chambers, to remove the small employer exclusion and the recommendation to impose a legal duty on public bodies (which will include the Bar Council) to provide equal opportunities for disabled people.

EQUAL ACCESS TO THE PROFESSION FOR STUDENTS FROM LOW-INCOME BACKGROUNDS

The Committee welcomed the opportunity to discuss the interim proposals of the training levy working party with its Chairman, James Goudie QC. He outlined the various options which were being considered in relation to distributing funding from a training levy. The Committee shared his commitment to supporting students from low-income backgrounds who might otherwise find it difficult to come to the

Bar. The Committee reminded the WP of the serious equal opportunity implications in distributing the training levy on the basis of the award of pupillage. The latest analysis of the PACH statistics for the Education and Training Committee indicates that ethnic minority students are still less successful than white students in competition for pupillage.



Committee Chairman,
Laura Cox QC

DATA COLLECTION

Throughout the year, the Committee considered various statistical analyses of data collected by the Inns or by the Bar Council. They felt strongly that a common method of data collection should be agreed, particularly in relation to the collection of data on ethnicity where they thought that the ethnic origin codes used in the 2001 census should be adopted throughout.

2001

BARCO (THE BAR SERVICES COMPANY LTD)

The development of BARCO was inspired by the need to provide members of the Bar with access to high-quality products and services aimed at saving both time and money.

At the start of 2001 we had eight such services available to members and the initial response, although promising, did not meet our expectations. Clearly, members were either bypassing the benefits of our offers or they were simply unaware of their existence.

In March 2001, and with the considerable support of the Bar Council, the Bar Services Company Board sought a more strategic approach to our business. It took several key initiatives to improve its position. These were:

- the appointment of Tim Coulson, the new commercial manager, in March;
- the implementation of a detailed communications strategy to promote greater awareness of BARCO's products and services;
- the cessation of poor performing products, and a tightening of controls on supplier marketing activity;
- the restructuring of resources in September to better meet the needs of the business;
- tight controls on BARCO expenditure;
- the approval of additional products and services (we now have 20);
- the re-negotiation of contracts to ensure support for BARCO initiatives and improved supplier marketing;
- the introduction of *Prompt* magazine in November 2001 as a vehicle to promote our products; and
- the strengthening of the Board by the recruitment of two additional directors.

The results have improved turnover but much needs to be done in 2002 following a review of BARCO performance and objectives. Meanwhile, some 5,000 members now benefit either directly or indirectly from the BARCO portfolio. We will continue to test, and perhaps even to create, new products and services to address members' needs, and save them time and money.

2001



Chairman of BARCO,
Bernard Weatherill QC

RACE RELATIONS



Committee Chairman,
Courtenay Griffiths QC

The Race Relations Committee's remit – race relations as it concerns the Bar – produced many issues to be addressed during the year 2001.

MONITORING OF WORK ALLOCATION

Some ten years after the issue of fair allocation of work was first raised with the CPS, a pilot monitoring scheme began nationally in July 2001. In

London, monitoring of the allocation of work at the Central Criminal Court began in September 2001. The Committee welcomed this long-sought development with reservations about the usefulness of the pilot study in London. The Committee's view had always been that London monitoring should start with monitoring of the allocation of work to preferred sets. The Committee will be involved in the review of the pilot monitoring exercises and hopes that this will lead to the implementation of a fair system of work allocation throughout the CPS.

TREASURY COUNSEL (CRIMINAL)

The Committee welcomed the implementation of reforms following the report of His Honour Judge Gerald Butler QC. These included the adoption of new criteria governing the work allocated to Treasury Counsel and a new system of appointment to the ranks of junior and senior Treasury Counsel. The monitoring system was reformed to ensure it is open and fair and that it works effectively. The Committee advertised in *Bar News*, encouraging counsel to apply to be monitored in order to achieve a more diverse pool of applicants. The Committee acknowledged that recent appointments of Treasury Counsel suggested that counsel already in treasury chambers inevitably had a head start. They welcomed the clearly stated aim to open up these appointments by including in the stated criteria a 'good defence practice' as an acceptable starting point for Treasury Counsel.

WORKING WITH CIRCUITS

The Committee decided at the beginning of the year that one of its priorities would be to establish closer relations with all the Circuits. Following the establishment of the successful South East Circuit Minorities Committee, a letter was sent to all Circuit Leaders encouraging them to find ways of increasing the involvement of their ethnic minority members in Circuit activities. The Committee is pleased that it now has representatives from four of the six Circuits; although they may not be able to attend regularly, they provide a valuable link.

CONFERENCES, LECTURES, VISITS ...

The Committee held a very successful Minority Lawyers Conference in June which, despite the loss of two keynote speakers because of the General Election, attracted a large audience from the Bar. Martin Narey, the Director General of the Prison Service, gave a very powerful keynote speech.

The Kapila Lecture in November took the form of a discussion between Sir Sydney Kentridge QC and Jeremy Gauntlett SC, the Chairman of the South African Bar, on the subject 'Is Equal Opportunities Enough?'

Following the visit of Jeremy Gauntlett SC, the Committee has embarked upon a number of joint initiatives with the South African Bar, including the provision of advocacy training to young black advocates in the Eastern Cape.

As part of the Committee's continuing commitment to securing greater equality of access to a career at the Bar, it has supported and participated in the programme of visits to new universities planned by the Young Barristers' Committee (YBC). In addition, the Committee is organising jointly with

"Some ten years after the issue of fair allocation of work was first raised with the CPS, a pilot monitoring scheme began nationally in July 2001. In London, monitoring of the allocation of work at the Central Criminal Court began in September 2001. The Committee welcomed this long-sought development with reservations about the usefulness of the pilot study in London."

the Law Society a careers conference for sixth-form students in inner London boroughs, being held at the Law Society in February 2002.

ABA CONFERENCE – CHICAGO, AUGUST 2001

Two members of the Committee attended the Annual Conference of the American Bar Association and participated in a session organised by the Commission on Diversity in the Profession. The sharing of current interests brought an increased awareness of the striking parallels between the experiences of young black lawyers in each jurisdiction – and a determination to work more closely together in the future.

RESPONSES TO BAR COUNCIL CONSULTATION DOCUMENTS

The Committee responded to the Auld Report, Kentridge Report and to various proposals from the Education and Training Committee relating to the funding of pupillage and the operation of waivers.

2001

BAR IN THE COMMUNITY

Bar in the Community is a scheme that aims to help voluntary sector groups by identifying barristers willing to serve on their management committees. It does not ask barristers to provide legal advice but does allow organisations to benefit from the many other valuable skills barristers possess. **Bar in the Community** maintains a register of barristers wishing to volunteer their services and, since the scheme was launched in October 2000, over 500 members of the Bar of England and Wales have registered their interest. A register of voluntary organisations seeking to enhance the professional membership of their management committee is also maintained, and almost 350 groups have approached the scheme with over 110 placements already confirmed. A bulletin giving details of organisations is circulated at regular intervals to all barrister volunteers and the appropriate introduction is made at the barrister's request for more co-option procedures, then followed by agreement. This service is free and available throughout England and Wales. It operates under the auspices of, but separate from, the Bar Pro Bono Unit, a charitable scheme that arranges free legal advice and representation by members of the Bar.

Organisations and individuals wishing to register for the scheme should complete and return the standard form of application available on our website – www.barprobono.org.uk – or should contact Vanessa Sims or Veronica Carter at **Bar in the Community** c/o The Bar Pro Bono Unit, 7 Gray's Inn Square, Gray's Inn, London WC1R 5AZ. Tel: 020 7831 9711. Fax: 020 7831 9733. E-mail: enquiries@barprobonounit.f9.co.uk

2001

SEX DISCRIMINATION

The Sex Discrimination Committee's wide remit – all equal opportunities issues with the exception of race discrimination – contributed towards a busy year, particularly for the drafters on the Committee.

REVIEW OF THE EQUALITY CODE FOR THE BAR

The *Equality Code for the Bar* was passed by the Bar Council in September 1995 and the Committee has been asked to take the lead in reviewing and revising its contents. Changes in relation to pupillage recruitment, the passing of the Disability Discrimination Act 1995 and the development of good practice by chambers have made a review of the Code's recommendations necessary.

The Committee spent the second half of the year revising the contents of the Code with the help of an external consultant. The revised draft *Equality Code for the Bar* will be sent out for consultation in the spring of 2002. It is intended that the new Equality Code should be approved by the Bar Council before the end of 2002.

JUDICIAL APPOINTMENTS

The Committee has retained its membership of the joint working party under whose auspices a video was produced on the Judicial Appointments procedures, for circulation to all sets of chambers early in 2002. The Committee supported 'Towards the Bench' initiatives in Manchester and Birmingham aimed at providing information on the whole range of

judicial appointments for anyone considering applying. In relation to the procedure for making appointments, the Committee is involved in the piloting of assessment centres for district judge appointments.

The Chairman met the new Director General of Judicial Appointments to express concerns about the lack of women High Court judges and the fail-

ure to make progress generally in relation to the appointment of women into the judiciary. A number of strategies were discussed, including the possibility of permanent part-time appointments and a modification of the requirement for High Court judges to spend time on Circuit.

REVIEW OF MATERNITY LEAVE GUIDELINES

The Committee has reviewed and updated its maternity leave guidelines both for members of chambers and chambers' staff. These now include the requirement to provide parental leave for staff and a number of options for maternity and paternity leave depending upon the way in which chambers finances are organised and the type of work undertaken by members of chambers. These will be included in the



Committee Chairman,
Elizabeth Slade QC

revised *Equality Code for the Bar* and are available from the Equal Opportunities Officers.

AGE DISCRIMINATION

After careful consideration, the Committee proposed to the Bar Council that age should be added to the prohibited heads

“The Bar Council accepted the Committee’s recommendation to make age discrimination in relation to pupillage or tenancy selection professional misconduct unless it could be objectively justified.”

of discrimination in the Code of Conduct. This proposal was put out for consultation with the Bar and the comments received helped to formulate the final recommendation, which was considered by the Bar Council in October. At that meeting, the Bar Council accepted the Committee’s

recommendation to make age discrimination in relation to pupillage or tenancy selection professional misconduct unless it could be objectively justified. The amendment is currently awaiting the Lord Chancellor’s approval and will be circulated to all members of the Bar, together with detailed guidelines prepared by the Committee, for its implementation.

PUPILLAGE

During the year, the Committee offered detailed advice on the possibility of pupillage being undertaken part-time, the circumstances in which a pupillage might be deferred, and the question of private pupilages. The Committee gave preliminary consideration to the Goudie working party’s interim report on funding of pupillage and to statistics on pupillage funding where it was noted with concern how few female pupils obtain the highest pupillage awards. There remains a need for practical measures to improve the fairness of pupillage recruitment. **2001**

DISABILITY



Committee Chairman,
Gary Flather QC

The Disability Committee met four times in the year. The Committee drew attention to the duties of the Bar Council to provide essential documents to barristers in an accessible format. It advised individual barristers to let the Bar Council know what they require and how the information can be reasonably provided to them in an accessible format. The Committee welcomed the launch of the Bar Council’s parallel text website in September and was delighted by its high level of use. It is averaging about 20% of all hits to the Bar Council’s website. Members of the Committee had assisted in the development and testing of the text website. In addition, the Committee commented on the accessibility of the OLPAS site by students with sight and mobility disabilities.

The Committee welcomed the Inns’ plans to develop a timetabled programme of work to make reasonable adjustments to the physical features of their premises, as is required under the Disability Discrimination Act 1995. As part of these plans, the Inns have undertaken disability access surveys of their property.

The Committee has embarked on a joint project with the Law Society on access to lawyers and the courts for people with hearing impairments. Notices about the project have so far elicited responses from a number of barristers with practical experience in this area. The Committee was pleased to

note that the Courts Service has installed either hearing loops or infra-red systems in at least one court in all trial centres.

The Chairman of the Committee was invited to visit the ICSL to review its facilities for disabled students. He was informed of the ICSL’s plans to improve disabled access to the Atkin Building, but steps through to Jockey’s Fields from Warwick Court present a greater problem and are the responsibility of Gray’s Inn. It is difficult for students in wheelchairs or with mobility problems to travel quickly to classes between Atkin Building and Princeton House.

A member of the Committee has contributed to the Equality Code Review working group which is revising the *Equality Code for the Bar* to include, among a number of new areas, guidance on disability issues.

The Committee is investigating the ‘access to work’ scheme run by the Department for Employment and Skills (DfES). This provides grants to barristers with disabilities for the purchase of equipment or for assistance in working. The Committee will produce a guide to using the scheme specifically for barristers, pupils and Bar students with disabilities.

As usual, the Committee’s members continued to offer advice and assistance to law students, pupils and barristers with disabilities.

Members of the Committee contributed to the following: LJ Auld’s Review of Criminal Court Procedures; the LCD’s Joint Working Party on Equal Opportunities and Judicial Appointments; and a consultation on Copyright and Visually Impaired People by the Patent Office. **2001**

IT PANEL

The IT Panel comprises members of the Bar, a senior clerk, a chambers IT manager and a trainer to ensure broad representation. The Panel met bimonthly and the membership was expanded to include representatives from the Legal Services, Professional Standards and Remuneration Committees. The aim of including members of these committees was to ensure that the latter were aware of developments and relevant work being undertaken elsewhere so that the IT element could always be taken into account.

MODERNISING THE CIVIL COURTS

Three members of the Panel assisted the Legal Services Committee's working group on 'Modernising the Civil Courts' (MCC) consultation paper, with specific regard to the IT aspects.

As an adjunct to that work, two of those members provided some preliminary comments on the subject of electronic files to assist the Judicial Working Group in its reply to the MCC consultation paper.

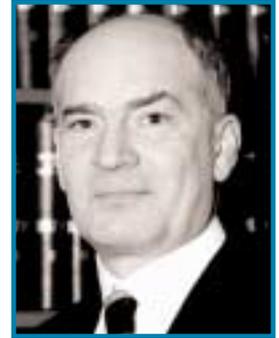
REPRESENTATION ON OUTSIDE BODIES

The Panel provided members to represent the Bar Council at

ITAC (Information Technology and the Courts) and ITAC Civil Litigation Working Party.

GUIDANCE TO THE BAR

Work was begun on drafting advice to the Bar about digital signatures and researching the various systems available, with a view to publishing informative articles in due course.



Committee Chairman,
Owen Davies QC

The Panel stands ready to provide advice or other assistance on IT matters to other Bar Council committees.

OTHER MATTERS

The Panel has been maintaining a watching brief on the software available to chambers.

The Panel expressed an interest in using the Livelink system to take forwards its work, and a familiarisation session was organised for members.

2001

YOUNG BARRISTERS

The year could not have been more eventful, challenging and rewarding and the Young Barristers Committee (YBC) made its mark on behalf of the young Bar in many areas and on every issue of importance.

The first challenge was that of compulsory funding of pupillage, for which the YBC had campaigned for some time. Two days before the Bar Council meeting that decided the issue, we held an Open Meeting of the Young Bar, with students, pupils and tenants in attendance, together with Roy Amlot QC and other senior silks. The issue was debated, with strong arguments made on both sides and many contributions from the floor. The matter was put to a vote and a substantial majority supported the policy; this meeting undoubtedly crystallized opinion and a similar vote was delivered at the Bar Council two days later.

The advent of the General Criminal Contract on 1 April 2001 brought about a new regime, some aspects of which were felt not to be in the interests of the young Bar. As a result of this we met with the Criminal Bar Association (CBA) and the London Criminal Courts' Solicitors' Association with a view to agreeing a Protocol for the Instruction of Counsel in the Magistrates' Courts; this took a number of months to finalise but has now been brought into effect.

Amongst other things it contains clauses concerning amounts to be paid to counsel – meeting our main concern, namely preventing the abuse of the young Bar. Further to this initiative, the Chairman met with the Head of the Criminal Defence Service to raise our other concerns about the GCC; hopefully, this dialogue can bring about positive change for the young Bar.



Committee Chairman,
Edward Bowles

The YBC has been looking at possible new areas of work; in particular, we have consulted the young Bar about a proposal to allow barristers to advise at police stations, something that was permitted until four years ago. It is our view that this should be allowed and we have published the details of a scheme that we would like to see put into operation. We are in the process of liaising with a variety of bodies to bring that proposal forward. We have also looked carefully at the Government proposals for extending court sitting hours in London and Manchester by way of a pilot. Although we, as with the CBA, have our reser-

vations about the concept we are prepared to be constructive rather than the reverse.

We have been very actively concerned with the Auld Review; indeed we were one of the last groups to meet Lord Justice Auld before he retired to write the Report. Having submitted our papers to him we spent much of the last months of 2001 drafting our response to the Government. Unsurprisingly, we roundly condemned the attack on jury trials – which, at the time of writing, it is said that the Government is to abandon. The OFT Report carries some threat to the Bar and we have made clear our outright opposition to its proposals, including direct access.

We ran a University Visits Pilot in the North Eastern and South Eastern Circuits, which was very well received by the students. The aim of the scheme was to broaden access to the Bar by sending two barristers, with practices in civil and crime respectively, to universities that have no pre-existing link with any of the Bar's institutions and setting out the route to entering the Bar, hazards and all. The Committee will be reviewing the response to the pilot and will consider whether and, if so how, to take it forward.

We have worked with both the London and National Young Solicitors' Committees on two projects this year – first, our

joint hosting of the International Weekend, which coincided with the Opening of the Legal Year. This took place just 17 days after the attacks on America and we were pleased to have more than 80 young lawyers from other countries including the USA, Canada and China, not to mention a large contingent from the Netherlands, join us. Sir Sydney Kentridge QC gave a talk on the importance of independence in professional life, drawing on much of his experience with international human rights abuses by governments, which was very well received. The second project is the Anglo-Dutch exchange, due to take place in May 2002.

We have also hosted separate delegations from India, Pakistan, Berlin and China and have been represented at a number of international gatherings including those organized by the American Bar Association, European Young Bar Association and the Paris Young Bar.

We had a very successful 'Fringe' meeting at the Bar Conference, attended by more than 100 people, with His Honour Judge Neil Denison QC and David Bean QC giving talks and contributing to the ensuing discussions about subjects such as direct access. This has become a regular fixture in the young Bar calendar and provides a welcome and informal way to raise issues with the incoming Chairman of the Bar.

2001

JOINT REGULATIONS



Committee Chairman,
Robert Englehart QC

PROCEDURES

Most of the day-to-day work of the Joint Regulations Committee is undertaken by the four sub-committees into which it is divided. The sub-committees report to the full Committee and refer to it any applications that raise issues of principle. The full Committee also carries out reviews of decisions of the subcommittees and considers certain other applications, in particular applications

under regulation 58 (general discretion to modify or dispense with any requirement of the regulations). The full Committee met four times in 2001.

SOME ISSUES CONSIDERED BY THE FULL COMMITTEE

Lawyers from the European Economic Area: It was brought to the JRC's attention that the European Economic Area Agreement grants to nationals of EEA countries (Norway, Iceland and Liechtenstein) the same rights to freedom of establishment and freedom of movement of persons as EU

nationals. However, this provision is not reflected in the applicable UK statutory instruments and so not in the relevant provisions of the Consolidated Regulations either. The JRC decided that it ought to recognise EEA lawyers as being eligible to apply for admission to the Bar under CR30, in the same way as EU nationals.

Pupil-Masters Taking Two Pupils: The JRC decided that a pupil-master should only be granted permission to take two pupils where there are sufficiently unusual circumstances to justify it.

External Training: The JRC decided that any reference to 'pupillage' in the Consolidated Regulations should be treated as including external training under regulation 46.

Rights of Audience of Transferring Solicitors: The JRC considered the effect of CR35 (m). It decided that it allows a transferring solicitor to continue to exercise rights of audience during his non-practising period of pupillage, but only as a solicitor, acting in accordance with any relevant Law Society requirements. The solicitor would need his pupil-master's permission to undertake any such work as part of his pupillage.

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NUMBERS OF APPLICATIONS CONSIDERED IN 2001

Sub-Committee A	Extension of time for passing	Pupil-Masters seeking permission to have more than one pupil	6
Transferring Solicitors	47	Aptitude Test	2
Mature Non-Graduates	9	Temporary Membership	2
Sub-Committee B		Sub-Committee D	
Common Law Practitioners	13	Applications relating to CPD requirements	24
EU Practitioners	1	Full Committee	
Registered European Lawyers	1	Applications for Review	11
Scottish Advocates	1	Applications under CR58	5
Northern Irish Barristers	1		
Legal Academics	6		
Sub-Committee C			
Approval to Undertake External Training	68		
Reduction of Pupillage	116		
Dispensation from Pupillage Regulations	24		

2001

APPEALS TO THE VISITORS

Two applicants appealed against decisions of the Joint Regulations Committee to the Visitors to the Inns of Court. One was a common law practitioner whose application for call to the Bar under CR36 was refused on the grounds that he had failed to supply particulars under CR36 (d)(iii). His appeal against this refusal was dismissed.

The other applicant appealed against the JRC's refusal to grant a waiver of the requirement that one must have passed the Bar Vocational Course in order to be called the Bar or to request the BVC provider to permit the applicant to take further assessments. In this case, the judge asked the JRC to reconsider the application.

2001

AGM 2001 – RESOLUTIONS

The Annual General Meeting of the Bar was held on Saturday 9 June at 10.30am in the Great Hall, Lincoln's Inn. There were four Resolutions on the agenda which were debated after the Chairman's address and the reports of the Treasurer and Chief Executive.

RESOLUTIONS

• This AGM recognises that currently many barristers who want practise are unable to do so because the demand for pupillages outstrips the supply of pupillages.

Whereas the Bar Council is to be congratulated in its wish to introduce funding for all pupillages, there is a danger that this will reduce the number available and that the effect will fall upon 'minority group' applicants.

To promote equality of opportunity at the Bar this meeting calls on the Bar Council to develop a strategy for expanding both the number of pupillages, and the number of alternatives to pupillage, so that all barristers can have access to a total of 12 months' vocational training to equip them to engage in practice.

Proposed by John Morgan; seconded by Gary Morton; carried by 50 votes to 23

- This Annual General Meeting:
 - a) mindful of the fact that the objectives of the Access to Justice Act 1999 are first to make provision for new and better ways of providing legal services to the public and a wider choice of persons providing them, while secondly maintaining the proper and efficient administration of justice, and
 - b) recognising that there are many competent qualified barristers providing good quality legal services to the public outside the confines of independent or

employed practice, and in particular outside the confines of Part II of the current Code,

holds that this situation is both potentially incompatible with the second objective of the Access Justice Act noted above, and also potentially damaging to the good name of the Bar Council and the whole profession, while simultaneously often acting to prejudice the effective implementation of the first objective of the Access Justice Act noted above.

This Annual General Meeting therefore calls for such barristers to be brought fully within the Code, and in particular Part II thereof, so that they may be subject to regulation by the whole Code in the interests of maintaining the proper and efficient administration of justice.

Proposed by Andrew Dickie; seconded by Helen Fletcher Rogers; carried by 48 votes to 23

- This Annual General Meeting, noting that AGMs are always held during the Sabbath observance, calls upon the Bar Council, in the interests of fairness and equality of access, to hold future AGMs at such a time as does not conflict with the religious, and other conscientious, observances of members of the Bar.

Proposed by John Morgan; seconded by Andrew Dickie; defeated by 34 votes to 14

- This AGM urges the Bar Council to consider removing paragraph 203.1(b) to 203.3 from the Code of Conduct of the Bar of England and Wales so that a barrister fulfilling the conditions set out in paragraph 202 has the option to practise as a sole practitioner.

Proposed by Gary Morton; seconded by Eleanor Heine; passed by 33 votes to 29

2001

OFFICERS

Chairman:	Mr R D Amlot QC
Vice-Chairman:	Mr D M Bean QC
Treasurer:	Mr D H Day QC

EX-OFFICIO

Attorney General:	Lord Goldsmith QC
Solicitor General:	The Rt Hon Harriet Harman QC MP
Director of Public Prosecutions:	Mr D Calvert-Smith QC
Leader, South Eastern Circuit:	Mr S A Hockman QC
Leader, Midland & Oxford Circuit:	Mr R H Tedd QC
Leader, Northern Circuit:	Mr P V Birkett QC
Leader, North Eastern Circuit:	Mr M R Swift QC
Leader, Western Circuit:	Mr R J Royce QC
Leader, Wales & Chester Circuit:	Mr P J Harrington QC
Chairman, Family Law Bar Association:	Miss P Scriven QC
Chairman, London Common Law & Commercial Bar Association:	Mr J M Flaux QC
Chairman, Chancery Bar Association:	Mr G C Vos QC
Chairman, Bar Association for Commerce, Finance & Industry:	Mr C P J Moore
Chairman, Criminal Bar Association:	Mr B Houlder QC

INNS REPRESENTATIVES

Lincoln's Inn:	Mr S W Leslie QC Mr A G Steinfeld QC Mr K A Craig
Inner Temple:	Mr R M Purchas QC Mr D M Pittaway QC Ms I Newman
Middle Temple:	Mr J H Malins QC Mr J L Powell QC Miss C M Miskin
Gray's Inn:	Miss E A M Curnow QC Mr D J M Browne QC Mr R M Price QC OBE

CIRCUIT REPRESENTATIVES

South Eastern:	Mr T J A Hooper QC Miss M P McGowan QC
Midland:	Mr J B M Milmo QC Mr R C Wilson
Northern:	Mr H B Globe QC Mr M A Savill
North Eastern:	Mr P N Collier QC Mr P G Kirtley
Western:	Mr A R Malcolm QC Mr F A Abbott
Wales & Chester:	Mr D J M Aubrey QC Mr T D Huckle

ASSOCIATION REPRESENTATIVES

Criminal Bar Association:	Mr N M Wood
Family Law Bar Association:	Miss C L Atkinson
Chancery Bar Association:	Mr R A Hantusch
London Common Law & Commercial Bar Association:	Mr C Manning
Bar European Group:	Mr N S Cooper
Planning & Environment Bar Association:	Mr G R G Roots QC
Revenue Bar Association:	Mr D B Southern
IP Bar Association (formerly Patent Bar Association):	Mr C D Floyd QC
Official Referee's Bar Association:	Miss C R A Doerries
Administrative Law Bar Association:	Mr O H Davies QC
Bar Association for Commerce Finance & Industry:	Mrs R Wright
Commercial Bar Association:	Miss B Dohmann QC
Personal Injuries Bar Association:	Mr M J Kelly QC
Employment Law Bar Association:	Mr R G B Allen QC
Crown Prosecution Service Government Legal Service:	Mr K Venkatasami Mrs A M James
Bar Association for Local Government and Public Service:	Mr M F N Ahmad
Society of Justices' Clerks:	Mrs G Houghton-Jones

PRACTISING SUBSCRIBER REPRESENTATIVES

Self-employed Subscriber Representatives

Queen's Counsel

Mr D M Bean QC
Mr D C L Etherington QC
Mr C Griffiths QC
Mr M Hussain QC
Mr S J Irwin QC
Mr M H Lawson QC
Mr G R J Mansfield QC
Mr M H Redfern QC
Mr N Sangster QC

Junior Counsel over seven years' call

Mr P L Arden
Mr J V Barnett
Miss J C Bazley
Mr M C Beaumont
Miss C Bispham
Mr D J Boulton
Miss E L Broadbent
Mr D J Brock
Miss J Brown
Mr A Buchan
Mr L S Crawford
Mr J S Dodd
Mr C D L Du Cann
Mr T M Fancourt
Mr A J Hall
Miss G Kent
Mr N Lavender
Mr D R Lewis QC
Mr P N Lodder QC

Mr S O Moverley Smith
Mr B P O'Neill
Mr G Robinson
Miss J M Rowe
Miss C M Walton

**Junior Counsel under
seven years' call**

Mr W L G Aleeson
Mr A J W Ayres
Miss J J S Butler
Miss S L Cohen
Mr C M Coltart
Miss M T Dineen
Miss N S Fox
Miss A P Gumbs
Miss N Howard

Mr S H McCann
Miss A G Mackeson-Sandbach
Miss F Somerset-Jones
Miss C V Toogood
Miss E M Windsor

**EMPLOYED & NON-PRACTISING
SUBSCRIBER REPRESENTATIVES**

**QC/Junior Counsel over
seven years' call**

Mr C H Allison
Ms N Amin
Mr S F T Bacon
Mr G J R Garland
Miss J MacKenzie
Ms S M Ward

**Junior Counsel under
seven years' call**

Mr E R Bowles
Miss S J Kohl
Mr C P J Moore
Mrs T Winter
Mr A C J Yale

Non-practising member

Mr A V A Dickie

Co-opted members

Miss L P Dobbs QC
Mr M C Ellison
Mr C M Frazer
Mr J Morgan

2001

BAR STATISTICS

CALLED TO THE BAR 2000/2001

(Figures for 1999/2000 in brackets)

Total 1494 (1405) UK 1195 (1163) Overseas 299 (271)
Men 753 (757) Women 741 (648)

BARRISTERS IN INDEPENDENT PRACTICE – ENGLAND & WALES

(Figures for 2000 in brackets)

Year 30 Nov 2001 Total 10334 (10132) Men 7573 (7494) Women 2761 (2638)

BARRISTERS IN INDEPENDENT PRACTICE – LONDON

Year 30 Nov 2001 Total 6678 (6591) Men 4894 (4877) Women 1784 (1714)

BARRISTERS IN INDEPENDENT PRACTICE – PROVINCES

Year 30 Nov 2001 Total 3656 (3541) Men 2679 (2617) Women 977 (924)

QUEEN'S COUNSEL IN INDEPENDENT PRACTICE – ENGLAND & WALES

Year 30 Nov 2001 Total 1078 (1072) Men 991 (990) Women 87 (82)

QUEEN'S COUNSEL IN INDEPENDENT PRACTICE – LONDON

Year 30 Nov 2001 Total 882 (893) Men 807 (823) Women 75 (70)

QUEEN'S COUNSEL IN INDEPENDENT PRACTICE – PROVINCES

Year 30 Nov 2001 Total 196 (179) Men 184 (167) Women 12 (12)

BARRISTERS IN EMPLOYMENT – ENGLAND & WALES (incl. CPS, GLS etc)

Year 30 Nov 2001 Total 2648 (2627) Men 1551 (1559) Women 1097 (1068)

NON-PRACTISING BARRISTERS – ENGLAND & WALES

Year 30 Nov 2001 Total 3379 (4131) Men 1904 (2399) Women 1475 (1732)

BARRISTERS (OVERSEAS & RETIRED SUBSCRIBERS)

Year 30 Nov 2001 Total 2850 (3324) Men 1846 (2149) Women 1004 (1175)

BARRISTERS' CHAMBERS – ENGLAND & WALES

Year 30 Nov 2001 Total 595 (604) Chambers 387 (407) Sole practitioners 208 (197)

BARRISTERS' CHAMBERS – LONDON

Year 30 Nov 2001 Total 296 (311) Chambers 210 (231) Sole practitioners 86 (80)

BARRISTERS' CHAMBERS – PROVINCES

Year 30 Nov 2001 Total 299 (293) Chambers 177 (176) Sole practitioners 122 (117)

BAR COUNCIL SECRETARIAT

as at January 2002



Chief Executive PA

Niall Morison
Sandra Benjamin

Equal Opportunities
PA

Pamela Bhalla
Kathryn Hamylton
Edith Ball

International Relations
Assistant

Carol Madison-Graham
Simon Laycock

Research/Law Reform

John Horne

Head of Administration

David Hamilton Rump

Executive Secretary Public Affairs
PA

Annette Parsons

Chief Accountant
Assistant Accountant
Deputy Accountant

Brian Buck
David Williams
Susan Dixon

Records Officer
Assistants

Smita Shah
Nicola Burstow
Cassie Gleeson

IT Manager

Mary Walsh

PA to the Chairman

Joanna Nixon

Private Office Secretary

Sam Forman

Office Manager

James Cleland

Print and Distribution Supervisor
Printer
General Assistants

Roy Ross
Roger Small
Des Aherne
Paul Kempton
John Harfield
Sharon Kelson
Lyn Price
Jo Graves

Receptionist
Admin Assistant
Admin Assistant

Registry Officer
Technical Support Assistant

Rosa Munoz
Wendy McLaughlin

Video Conference Manager
Administrator SECBAS
SBA Administrator

Julian Bradley
Julietta Patricolo
Carol Harris

Head of Professional Standards & Legal Services

PA

Mark Stobbs
Kathy Chapman

Professional Standards
BARDIRECT/CLS
Secretary

Helen Wagner
Jan Bye
Thelma Nicholls

Legal Services
(including IT Panel)
Secretary

Jenny Maclean
Rosemary Blunden

Administrative Officer

Gillian Dollamore

Remuneration
Assistant Executive Secretary (EBC)
Secretary

Simon Levack
Alexander Goldberg
Caroline Isherwood

Fees Collection Manager

Janice Marshall
Wendy Dowson

Professional Conduct

Executive Secretaries

Adrian Turner
Oliver Hanmer
James Woolf
Linda Bickerton
Alicja Duraczek
Hazel Fillery

Assistant Executive Secretary
Secretaries

Investigations
Assistant

Bhavna Patel/Fredelinda Telfer
Jonathan Wright

Administrator
Secretary

Lesley Shepherd
Katie Barham

Complaints Commissioner
PA

Michael Scott
Anju Still

Bar Services Co Manager

Tim Coulson

Head of Education & Training

Research & Co-ordination
Receptionist

Nigel Bastin
Charles Tyler
Susan Blachford

Pre-Call Section

Senior Education Officer
Education Officer
Education Officer
CACH Secretary
Clearing House Administrator
Assistant Administrator

Chris Maguire
Steve Behr
Anna Edwards
Cordelia Lean
Pauline Smith
Eloise Perrott

Post-Call Section

Senior Education Officer
Continuing Education Officer
Careers & Information Officer
Education & Training Records Officer
Pupillage Officer
Training Regulations Officer
Assistant Administrator

Jo Dixon
Sharon Holding
Rosie Saunders
Dawn Elvy
Andrea Clerk

Marisa Booker

Located at Northumberland House

Located at 2/3 Cursitor Street

THE GENERAL COUNCIL OF THE BAR®

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