



The Bar Council

Practical experience of legal professionals across range of disciplines

We have been pressing HMCTS for data on the number of hearings that have been adjourned but are still awaiting this information. However, barristers have shared their experiences of listings across a range of jurisdictions and practice areas below.

1. **Civil:** the feedback from barristers is that many open courts are not working at even 50% capacity. The Western Circuit recently reported an average 60% cut in income^[1]. The percentage is likely to be far higher for the most junior practitioners, as their cases are not on the judicial priority list of 'must-do' work and they have no paperwork to fall back on.
2. **Outside of the Rolls Building:** the Chancery Bar Association reports that "work has fallen off a cliff"; those most likely to be affected are, again, those very young practitioners who are under financial stress and do not know if they will become eligible for the Government's Self-employed Income Support Scheme (SEISS).
3. **Family:** There is huge regional variation and whilst family courts have been much better at using remote platforms than other jurisdictions, the situation is nonetheless patchy. Many practitioners are reporting very reduced lists. In some areas, all children work has collapsed save for a succession of directions hearings. On average, practitioners have work on one or two days a week. There are some remote trials taking place. Remote measures have been considered inappropriate for some hearings and so they must either happen in person or be adjourned.
4. **Tribunals:** There are very serious problems reported by barristers working in tribunals. For example, the employment tribunal has cancelled all hearings until the end of June and the First Tier Tax Tribunal has vacated all appeals until the end of August. In immigration, everything has been adjourned until at least the end of June and no substantive hearings are taking place, except bail hearings. The Upper Tribunal is currently only dealing with cases on paper.
5. **Criminal:** Jury trials have been halted and when trials do start, there will be very few in number to ensure the safety of the participants and to mitigate against the possibility of infection arising, which limits the types of cases that can be heard. The volume of trials re-starting will not be sufficient to sustain the profession, since barristers typically earn the majority of their income through trial work and not other hearings.

^[1] Western Circuit Report April 2020

6. Despite the best efforts of the Crown Prosecution Service (CPS) and the defence community to identify cases that can result in a plea of guilty or otherwise obviate the need for a trial, the volume of all cases has completely disappeared, both in the Magistrates Court and the Crown Court.

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