



**Minutes of the Bar Council meeting
held on Saturday 19 May 2018 in the Parliament Chamber, Inner Temple**

Present:	Andrew Walker QC	Chair
	Richard Atkins QC	Chair Elect
	Robert Buckland QC MP	Solicitor General

Apologies for absence

Apologies for absence were received from: Colin Andress, Nicholas Bacon QC, Chris Bryden, Alexandria Carr, Catherine Collins, Anita Davies, Marie Demetriou QC (alternate attended), Kerim Fuad QC (alternate attended), Neil Hawes QC, Elizabeth Houghton, Rupert Jones, Jennifer Josephs (alternate attended), Lorinda Long, Samuel Main, Andrew Morgan, Lucinda Orr, Grace Ong, Emma Price, Angela Rafferty QC, Patrick Rappo, Christopher Rees, Alison Saunders, Andrew Spink QC, Gordon Stables, Jessica Stephens, Christopher Tehrani QC, Sonia Tolaney QC (alternate attended), Anton van Dellen, Jacqueline Wall, The Rt Hon Jeremy Wright QC MP and Greg Williams.

The following did not attend and did not send apologies: Jennifer Agnew, Richard Archer, William Boyce QC, India Burnett, Tom Cockroft, Fiona Jackson, Tom Leech QC, Paul Mendelle QC, Martin Nelson, Francesca O'Neill, Angharad Mary Price, Rhodri Thompson QC and Sara Wyeth.

75 further members attended.

1. Minutes of the last meeting and matters arising

The Chair welcomed Sarah Crowther QC to the Bar Council. Sarah replaces Christopher Kennedy QC as the 'Subscriber elected by Personal Injury Bar Association'. He noted that Sarah is no stranger to the Bar Council having been an elected member previously.

The Chair informed members that this meeting would be the last for Amanda Tipples QC who steps down from her role as Chair of the Chancery Bar Association at the end

of June. He thanked her for the huge amount of work she has done for the Chancery Bar Association and for the Bar Council.

The Chair also thanked Robert Buckland QC MP, Solicitor General, for attending the meeting and representing the Law Officers. He reported that a former Solicitor General, Sir Edward Garnier, has become a member of the House of Lords, while the Shadow Attorney General, Shami Chakrabati, has become a Privy Counsellor.

The minutes of the meeting on 21 April 2018 were approved.

2. Statement by the Chair

Acknowledging that members were already in receipt of his statement, the Chair said that he would return to the subject of AGFS and the Criminal Bar later in the meeting.

The Chair congratulated Richard Atkins QC and Amanda Pinto QC on being elected (unopposed) as Chair and Vice-Chair of the Bar Council for 2019. He also congratulated Grant Warnsby on being elected (unopposed) as Treasurer for 2019. Noting that 'a Treasurer's role done well makes a huge difference', he thanked Grant for 'stepping up' and explained that he brings a lot of experience from many years at the employed Bar.

Turning to the Brexit Working Group mentioned in the statement at paragraph 6, the Chair explained that while the report may appear anodyne, a huge amount of effort is carried out by the staff, working group and himself on Brexit. Meanwhile the government preparations for Brexit 'rumble along'. Saying that he is certain that there is far more work being done in government than the Bar Council is aware of, the Chair said that he has the sense that some of the Bar Council's key items are making their way onto the agenda, in particular jurisdiction and judgments. Work in this area continues.

Referring to the Latin American Exchange Programme, the Chair reported that there were two reasons why such events are of importance. First, explaining that he had met the lawyers at their reception, the Chair said that the lawyers had been very enthusiastic about the programme. Programmes such as this play an important role in supporting the Bar Council's reputation abroad. Secondly, the Chancery Bar Association's one-day conference in Shanghai was attended by several Chinese lawyers who had participated in the Bar Council's exchange programme. This shows just how effectively the Bar Council can open up new relationships, and how others can then build on that work. He described this as a classic example of something that takes up staff time but achieves a lot and is good for the rule of law.

Acknowledging that the Bar Council does not always trumpet the work it does in Parliament, the Chair explained that the Bar Council seeks to work with Parliament whenever there is an issue on which it believes it can add value. One current example of this is the Civil Liability Bill, where the Bar Council is working with PIBA to raise concerns about aspects of the Bill. The Chair appealed to SBA chairs to let the Bar

Council know of any issues on which the Bar Council may be able to use its influence and contacts to help.

3. BSB Report

Naomi Ellenbogen QC, Vice-Chair of the BSB, delivered the BSB report. She was joined at the meeting by Wilf White, Director of Communications and Public Engagement, Baroness Blackstone, Chair, and Vanessa Davies, Director-General having sent their apologies.

She explained that the report was shorter than normal as much of the BSB's activity in the last month has been around future bar training. The Board hopes to be able to make a decision on future bar training by the end of the month.

The BSB has recently published new guidance for barristers working with immigration clients, the latest statistical report relating to the performance of students on the Bar Professional Training Course (BPTC), and an action plan and research report on Women at the Bar.

On 18 April, the BSB published an online guide to assist immigration barristers when they are working with vulnerable clients. It is hoped that the new guide will help immigration barristers to identify, assess and manage vulnerability as well as assist them in meeting their regulatory and other duties. This guide has been developed so it can be used by both the referral Bar and Public Access practitioners. There is also useful information for clerks and practice managers.

The guide was developed in collaboration with the Solicitors Regulation Authority, the Office for the Immigration Services Commissioner, CILEx Regulation, the Legal Services Consumer Panel, the Bar Pro Bono Unit, the Access to Justice Foundation, Bail for Immigration Detainees, Law for Life, Hibiscus Initiatives, the Roma Support Group and a number of Chambers specialising in immigration law.

On 10 May, the BSB published its fourth annual statistical report on student performance on the BPTC. Competition remains high. Naomi Ellenbogen QC noted as concerning the statistic showing that only 22.9% of BAME UK/EU domiciled BPTC graduates obtained pupillage in comparison with 49.5% of white UK/EU domiciled BPTS graduated who have obtained pupillage. The report also shows that there has been a slight increase in the percentage Overseas (non-UK/EU) domiciled students on the BPTC between the 2015-16 and 2017-17 cohorts. She said that it would be more meaningful to have statistics on those achieving pupillage rather than just those applying but explained that the BSB does not have access to those figures.

Naomi Ellenbogen QC explained that the report and action plan published on 13 May had been too late for inclusion in the BSB report. The action plan sets out how the BSB intends to work with the IBC, Bar Council, LPMA and profession to eliminate discrimination against, and the harassment and other unfair treatment of, female barristers.

An earlier report in July 2016 found that women were reluctant to report harassment and the BSB undertook further research and held a series of workshops designed to identify practical solutions to improve the retention and progress of women at the Bar. This new report outlines the findings. In addition, the BSB will be reviewing the role of E&D Officers in chambers and will consider how its own regulatory approach can best deal with equality and diversity.

Addressing Naomi Ellenbogen QC, Guy Fetherstonhaugh QC said that he had read the statistical report on the BPTC. It illustrates that of those who took the BPTC two years ago, 25% have either failed, withdrawn or are sitting resits, which amounts to millions of pounds of wasted course fees. He said that he was astonished that he had not been able to find any positive news about the steps COIC and the Bar Council have been taking to push reform either in the report itself or in any Bar Standards Board communications. Raising concerns about poor course providers, and citing Nottingham Trent's course which has seen only 30% of its students pass criminal litigation this year, he asked why there is no recognition by the BSB of actions being taken by the profession to remedy the current education and training teaching provision.

Naomi Ellenbogen QC explained that the BSB is looking at the authorisation framework and focussing on courses that are suitable to get people through them. Acknowledging that there will always be some students who do not pass, she said that the BSB's role as a regulator comes from a different perspective, but reassured members of the Bar Council that the BSB welcomes the actions of anyone with regards to this topic.

Shobana Iyer asked Naomi Ellenbogen QC a question about the BSB's public access pro-forma model letters and guidance. Noting that they have not been updated to cover the Privacy Notices as required under the General Data Protection Regulation (GDPR), she enquired as to when the documents or guidance might be updated/provided. Naomi Ellenbogen QC replied that she did not know but said that she would find out. Recognising that GRPR 'strikes dread into chambers', she thanked Shobana Iyer for bringing this to her attention and informed members of the Bar Council that the BSB is doing all it can to achieve compliance.

Robin Allen QC said that he wished to raise two areas of concern. First, referring to the immigration vulnerable witness guidance, he said that he had a problem with the BSB's work in this area as it covers subjects that have already been covered without providing any links, or making reference, to the ongoing work being carried out by the Inns of Court. He called for a review of the guidance saying that it should not have been published without reference to this work. He also suggested that the BSB thinks harder about why it is undertaking work in areas where work has already been carried out. Secondly, he said that while it is good that the BSB is taking an interest in issues of harassment, he was surprised that the Bar Council had not been forewarned about the announcement, sent out two days earlier, detailing the areas of work the

BSB were involved in. He explained that there is a feeling of ‘mission creep’ which leads to confusion at the Bar. The role of a regulator is different and there is a need for a ‘no surprises’ relationship between the BSB and the Bar Council, especially on items of such importance as harassment. The relationship has broken down.

Naomi Ellenbogen QC disagreed that the relationship has broken down. She explained that the BSB is obliged to serve the regulatory objectives, in particular, improving access to justice; encouraging an independent, strong, diverse and effective legal profession; and, protecting and promoting the interests of consumers. It would be an odd situation if the BSB did not have an aim to eliminate harassment. Saying that she had noticed that Robin Allen QC had not taken issue with the substantive issues, Naomi Ellenbogen QC, referring to mission creep, said that the regulator must decide how best to serve the objectives. She was clear that the immigration vulnerable witness guidance does refer to other guidance and that it is designed to focus on the best interests of the consumer. The BSB is always willing to talk to the Bar Council, but it does have a role to play. She finished by encouraging anyone wishing to talk to the BSB to do so through the normal channels.

Robin Allen QC said that he heard what Naomi Ellenbogen QC had said but reminded her of the deep guidance already developed by the Inns which is not referred to in the guidance developed by the BSB. On the second issue, he was clear that it is not acceptable that an announcement is published by the BSB on matters dealt with by the Bar Council without any notice being given to the Bar Council.

4. Statement by the Chief Executive

Before Malcolm Cree began his presentation, the Chair informed members that, in the absence of the Treasurer, Malcolm Cree would deliver the Chief Executive’s Statement and the Treasurer’s Statement.

Malcolm Cree began by thanking Guy Fetherstonhaugh QC and Robin Allen QC for their contributions to discussions arising from the BSB report. He sought to reassure members that the relationship between the Bar Council and BSB is not broken but acknowledged that there is a clear need to define ‘who does what’. Explaining that he works closely with the Director-General of the BSB, Vanessa Davies, Malcolm Cree reported that there are regular meetings at a senior level between the BSB and the Bar Council. The origin of the reports in question dates back as long ago as 2015. One of the reports was suggested by the Legal Services Board (LSB) and Malcolm Cree said that he would be talking to the LSB about what the BSB is being asked to do. There are obvious concerns around mission creep and the potential to waste money and time if work overlaps or is duplicated. Going forwards, the Bar Council aims to work even more closely with the BSB and review the existing MoU.

Malcolm Cree congratulated the officers for 2019 on their election successes.

Turning to the subject of the office move, Malcolm Cree explained that the planned move is now not a move at all. The Bar Council had been on the verge of signing leases on a nearby property but the landlord of the current building has now offered 15 year leases for each floor on good terms. The building will require refurbishment and the Bar Council will need to relinquish the fourth floor which will require discussion with the BSB, whose staff presently occupy it.

Malcolm Cree said that he wished to reassure members of the Bar Council that the Bar Council is prepared for GDPR. A new Data Protection Officer is in place and privacy notices and policies have been updated. While there is still some work to do, the Bar Council is 'well on the way' to compliance and is ahead of many others.

The Commercial Services Director, Isabel DiVanna, has been holding a series of focus groups with senior chambers staff. Malcolm Cree reported that they have provided an 'incredible' insight into what the Bar Council can and can't do and he thanked Isabel DiVanna for her efforts. All participants are willing to help to try and improve what the Bar Council offers to chambers.

A new Head of Marketing has been recruited and is due to start in a couple of months. This recruitment fills a skills gap as the Bar Council currently has no expertise in marketing.

Malcolm Cree encouraged members of the Bar Council to attend the Summer Reception on 26 June 2018 at Temple Church. The theme this year is social mobility.

Malcolm Cree finished his report by reminding members of the London Legal Walk on Monday 21 May.

5. Statement by the Treasurer

Speaking to the Treasurer's Statement, Malcolm Cree reported that the Bar Council is concerned in the drop in BRF payments which are down from 62% to 52%. Describing the drop as 'extraordinary', he expressed gratitude to those barristers who have chosen to pay more than £100. The drop coincides with the AGFS announcement and it would appear that there is some correlation between the two as those who have not paid the BRF tend to be criminal barristers. Malcolm Cree reminded members of the Bar Council that the BRF pays for a substantial amount of work. Some can be recovered during the year and it is hoped that the Head of Marketing will be working on how best to communicate the work of the Bar Council to the profession when he begins in post. PCF income is also down but not as badly as first feared. Overall the change of plan for the office, means that the financial position for the current year will be better.

Malcolm Cree reported that the Bar Council is conducting a strategic financial review next month.

Talking about the property move, Tim Devlin, sought clarification from Malcolm Cree that the Bar Council had threatened to walk away from its current building with no deal, and then at the last moment the other side had come forward with a better deal which had not been offered before. Malcolm Cree confirmed this was the case. Tim Devlin, then suggested this strategy might have a wider application.

Guy Fetherstonhaugh QC said that the Bar Council has been trying for years to get sets signed up to the pupillage gateway. The roadshows have proved enormously successful this year. Saying that he has found that 'getting up and talking' to barristers to be the best approach, he suggested that same approach could be taken with regards to non-BRF payers. Malcolm Cree agreed and said that the focus groups are a good example of face-to-face communication. Acknowledging the importance, he reported that he has been getting out of the office and visiting people. Malcolm Cree also expressed gratitude to Guy Fetherstonhaugh QC for the work he has carried out on the gateway saying that it is a good service which provides excellent data.

Robin Allen QC said that he has been discussing the BRF levels with Fiona Jackson, Chair of the Bar Representation Committee, and that he understands that the Bar Council is able to write to Heads of Chambers to inform them of the percentage of BRF payers in their chambers. Acknowledging that the BRF drop needs to be confronted, he encouraged the Bar Council to send out the letters.

Michael Jennings thanked the Bar Council for the assistance given to barristers at the Government Legal Department applying for practising certificates during the authorisation to practise process. However, he made the point that the Bar Council appears rather under-resourced. In response, Malcolm Cree offered apologies to anyone who suffered a loss of time during the process. He explained that the Records Team had been faced with an unexpected number of enquiries and admitted that they were 'stretched'. The Bar Council will look into this but, in the long term, the new system will be better.

6. Oral update to Bar Council meeting, 19 May 2018, regarding the Criminal Bar

Before delivering his oral update, the Chair expressed frustration about the number of practitioners at the criminal Bar who have chosen not to pay the BRF given the significant efforts the Bar Council are making on seeking to secure a resolution of the current situation. He appealed to the members of the Bar Council for support.

The Chair began his update by saying that he did not intend to say too much about AGFS. The Bar Council has set out clearly and repeatedly the Bar's concerns about the criminal justice system, about recruitment, retention and sustainability at the Criminal Bar, and about the impacts of the changes to the AGFS. The concerns and demands have been outlined:

- in the CBA's original announcement on 29th March in relation to taking work under the new AGFS,
- in the statement issued by the Chair and Vice Chair shortly after that announcement,
- in subsequent CBA Monday Messages, and
- in the CBA's further announcement on 9 May concerning 'no returns'.

The Chair reported that he and other Bar leaders asked to meet the Minister to set out the concerns and demands to her directly. There has been a subsequent request to meet the MoJ again and while the MoJ agreed to this, and meetings have taken place, it has been agreed that the substance of the conversations will be kept confidential.

The collective aims remain unchanged: to represent the Bar's interests as resolutely and as best possible, and to find a way forward that is acceptable to the Criminal Bar. Angela Rafferty QC made this clear in her most recent Monday Message to the CBA. The Chair said that he hoped that the members of the Bar Council and those at the Criminal Bar will in due course judge that he, in conjunction with other Bar Leaders, has fulfilled his responsibilities as a leader of the Bar.

The Chair sought to reassure members of the Bar Council that he has been working particularly hard to find ways to help the cause with the Government and with the public. He also explained, however, that 'it is not just a matter of what the Bar does and says publicly', and highlighted the need to find the evidence and arguments to underpin and reinforce the views of the Bar, and then to deploy that in private as much as in public.

Urging those sets who have not yet responded to the Bar Council's request for information about the junior Criminal Bar to do so, the Chair expressed disappointment that some sets have not acknowledged receipt of the survey given the need to paint as complete a picture as possible. He said that, in the meantime, the Bar Council hopes to be able to release the first stage of the results of the Working Lives Survey very soon. This will focus on how the Bar really feels about its present and its future, including the Criminal Bar. The aim is to do this in a format that makes the most important messages clear and understandable not just to the Bar, but also to the public, the media and to politicians.

Acknowledging that the immediate future will not be easy for practitioners, especially for those criminal barristers taking action, the Chair said that he remains hopeful that he will be in a position to give a positive update at the next Bar Council meeting.

Amanda Pinto QC said that she suspects there is a disconnect between what the criminal Bar thinks the Bar Council is doing with the CBA and suggested this may be 'cured by communications'. The CBA uses its Monday messages to clearly publicise any action being taken but the Bar Council communications are not so clear. The Chair

acknowledged the difficulty, but indicated that not everything being done by the Bar Council could be shared in public.

Amanda Pinto QC continued by saying that the CBA is believed to be working very hard by criminal practitioners. However, the CBA messages do not include the work for the Bar Council. To this, Michael Hayton QC said that he thinks that some practitioners are acknowledging this and noted that it is useful to have the distinct entities of the CBA and the Bar Council. Saying that it would be 'dangerous to combine' the two, he acknowledged that it is a fine line to tread. Amanda Pinto QC replied that she was not suggesting that the Bar Council takes a similar line but reiterated her point that this lack of publicity could be linked to the low BRF payment amongst criminal barristers.

Richard Posner said that since the last meeting he has tried to talk to 'people who know something' about the profession. He explained that, at the moment, the Bar Council is engaging well with the Bar but not with the public and made the point that if the Bar does not communicate with the public then it is not going to inspire people as to the work it does. He finished by saying that he never sees the Bar Council engage in public debate on television for example.

The Chair acknowledged Richard Posner's point as an important one but sought to explain that the Bar Council tries very hard to engage publicly. Saying that the Bar Council does not decide what goes on television or in the papers, he said that the real challenge is getting the criminal justice system into a newspaper unless there is a 'peg to hang it on'. Stories such as the individual situations concerning disclosure are liked by the media but the general work of the Bar is simply not regarded as an interesting topic. The Chair said that he would encourage all members of the Bar Council to approach local newspapers with their stories. The Bar Council has resolved to make a 'bigger push' to the broadcast media but this is not easy to achieve.

William Mousley QC said that there are three principle bodies fighting hard to find a solution: the CBA, the Bar Council and Circuit Leaders. Each represent different constituencies, and speak for different people, but want to take the negotiations forward and achieve the same result. Describing as 'nearly always constructive, and, I believe effective', the interaction between all three, William Mousley QC said that those who are 'lucky enough' to see what goes on fully recognise the extraordinary amount of work being carried out by the Chair and he thanked Andrew Walker QC on behalf of the Western Circuit. The members of the Bar Council responded with a round of applause for the Chair.

Speaking from personal experience, the Solicitor General, Robert Buckland QC MP, recounted the 'tough choice' he and other criminal practitioners made ten years ago and said that he had 'walked the walk'. He recognised the 'huge and important' work of the criminal Bar and informed members of the Bar Council that he had spoken to

the Lord Chancellor the day before. He advised that while 'negotiation' is the right word to use, members of the Bar need to be 'crystal clear' as to what they want. The action is not solely about AGFS, but the government needs to focus on that at the moment in order to 'get it right'. There are other discussions to be had on court reform and the future court model but, today, the focus is on ensuring that the Bar communicates its wishes with clarity and consistency. Doing so will be of benefit when negotiating with the MoJ. The Solicitor General finished by saying that he hoped that the sort of choice he made on no-returns ten years ago does not affect fellow practitioners.

Robin Allen QC said that it is useful to know that the Bar has the route described by the Solicitor General available. He said that despite the 'massive' court reform programme going on, the Bar Council is not in receipt of all the details and he asked the Solicitor General if he would request that the Lord Chancellor copies the Bar Council into any communications. This will assist the Bar in engaging rather than reacting with anger.

The Chair informed members of the Bar Council that he is expecting to bring a paper about the court reform programme to the next Bar Council meeting. He said that he would like confirmation that the Bar Council has its priorities right from its members. Much effort is being made by the MoJ with the judiciary but not so much with the Bar. It is a misconception that the Bar is against reform. It is not, but the Bar is asking challenging questions about whether 'we are getting it right and what it is we want to achieve'. The Chair reported that he had met with Susan Acland-Hood ten days earlier and explored the issues as well as issues with the current system.

Nigel Sangster QC said that he suspects that the majority of criminal barristers who have opted not to pay the BRF are juniors, given the income cuts they have suffered over the last few years. Junior barristers are no longer able to afford to pay the BRF, but this does not mean that they don't believe the Bar Leaders are 'doing their bit'. The Chair acknowledged the struggles, but said that he did not understand that non-payment was primarily by the most junior.

Melissa Coutinho said that those who are fortunate enough to get their practising certificate paid for them have struggled to pay the BRF online in the past. For the first time this year, it has been a lot simpler. She suggested that this is a message that could be communicated. The Chair replied that the Bar Council is making more effort to engage with the employed Bar. For example, the Treasurer for 2019 will be an employed barrister and the Employed Barristers' Awards will take place again this year. The Bar Council has a clear picture of the hard work carried out by the employed Bar and of the talent at the employed Bar.

The Chair reminded members of the Bar Council of the efforts being made by the Young Barristers' Committee and Ethics Committee in helping others with skills

training. The Bar Council is looking at offering more skills-related CPD exercises and the Chair encouraged other Bar organisations to arrange similar training in collaboration with Bar Council committees.

7. Ethics Committee Report

Rachel Langdale QC, Chair of the Ethics Committee, spoke to the Ethics Committee report, attached as Annex 4.

Rachel Langdale QC explained that the Ethics Committee is comprised of 13 QC and 12 junior members. Despite this, the Committee does not cover all niche areas. For example, there are no members with expertise in employment law or the media. She asked members of the Bar Council to get in touch with her if they know of people with a particular interest in these areas.

The Ethics and Practice Hub was launched last year allowing guidance produced by the Ethics Committee to be readily available to those who need it. Rachel Langdale QC said that she hoped that people are using the hub and noted that the more people use it, the less calls to the ethical guidance helpline there will be. She appealed to members of the Bar Council to help with popularising the hub and asked them to contact her if they notice any mistakes or have any suggestions.

Rachel Langdale QC said that, internally, as a committee, the members communicate well and papers are signed off collectively as the Committee finds this a useful approach. The Ethics Committee is a lively committee that, at times, enjoys heated debate. Its members enjoy the work and are always keen to hear from people who are interested in joining them.

Rachel Langdale QC said that the Ethics Committee had recently held a session at St Philips Chambers, Birmingham, in partnership with the Midland Circuit and reported that the quality of debate had been excellent.

Richard Atkins QC thanked Rachel Langdale QC and the Ethics Committee for coming out to the Midland Circuit for an excellent session. He noted that the number of people there had not been particularly high and encouraged members of the Bar Council to come along as there is another session planned. Making the point that it is a free CPD session, he said that the previous event had been a fabulous evening at which people 'turned up and learnt'.

Separately, he raised concerns arising from the guidance produced by the Ethics Committee regarding uploading documents to the Crown Court Digital Case System. He explained that much of what barristers do is suggested to be considered as conducting litigation. Acknowledging this as a 'frightening position', he said that he would welcome the chance to discuss this further. Attaching documents to the system

may be putting people in breach of the rules and this needs to be looked into. Rachel Langdale QC replied that the Ethics Committee has discussed this issue and said the Committee would look into it further.

Returning to the topic of the hub, William Mousley QC described it as 'excellent' but made the point that many people do not use it. On the digital case system, he suggested that the Bar Council links with the CBA's Monday message and with the Circuits to circulate the guidance.

Talking about the digital case system, Tim Devlin made the point that all courts are digital and require all documents to go on the digital case system. He gave examples of where a barrister is prosecuting and either the indictment is wrong or the pre-hearing application hasn't been made, and where a defence barrister arrives in court for sentencing and is met by a client with a raft of character references that have to be attached to the digital case system as the judge wants to read them. He raised concerns that the guidance note appears to inform barristers that these are criminal offences as they amount to conducting litigation. Rachel Langdale QC invited Tim Devlin to email her.

The Chair noted that there may be more than one way to address the problem surrounding use of the digital case system and Rachel Langdale QC referred to paragraph 17 of the guidance.

Tim Devlin reminded members of the Bar Council that when the digital case system was first rolled out, the first court to use it was Southwark. As the Senior Presiding Judge was 'red hot' on not bringing the paper into court, barristers have now become used to attaching all papers to the digital case system. He said that several years down the line, it is alarming to find that 'we have been committing criminal acts'.

Nigel Sangster QC made the point that many people do not read documents like this and said that there is a need for a focussed way of getting important information like this out to the people who matter. The Chair said that he did not know what the plans for this were but said that he agreed with Nigel Sangster QC and suggested that the note should go out in the Monday message.

8. Young Barristers' Committee Report

Richard Hoyle, Chair of the Young Barristers' Committee (YBC), spoke to the YBC report, attached as Annex 5.

Richard Hoyle began by saying that the report is wide ranging, which is reflective of the work carried out by the YBC. On the subject of the AGFS and criminal Bar action,

the YBC put out a statement endorsing the CBA and Bar Council position. Obviously, the YBC has concerns that junior barristers are likely to be hit the hardest and Richard Hoyle said that he has no doubt that criminal chambers will be considering how best to help them. He noted that some of the SBAs including the Chancery Bar Association and Family Bar Law Association have published statements and suggested that other SBAs might wish to follow suit.

On the subject of wider exposure and better engagement with the public, Richard Hoyle said that one easy way to illustrate the issues faced by the criminal Bar is to give people copies of 'The Secret Barrister' book but also suggested other channels of communication, for example posters in tube stations.

Richard Hoyle reported that he had attended the taskforce event mentioned earlier by Rachel Spearing as part of Mental Health Awareness Week. Acknowledging that public discussions on mental health and wellbeing are very positive, he said that he is also interested in 'what happens in the middle'. As barristers progress through their careers they begin to lead others and need to consider how their behaviour might those that they lead.

Richard Hoyle reported that the YBC had enjoyed an extremely informative talk on court reform given by Ellie Cumbo, Head of Policy: Legal Affairs, Practice and Ethics, the evening before. He said that the ambition of what HMCTS is trying to achieve is unparalleled and noted the need for important people to see the direction that the court reform programme is moving in so that what is controversial can be identified.

Reminding members of the YBC's upcoming workshop entitled 'The 21st Century Advocate' on Saturday 9 June, Richard Hoyle briefly ran through the programme highlighting the key speakers. He informed members of the Bar Council that the Secret Barrister would be joining the event on twitter and invited members to attend what he described as a 'good day'. The Solicitor General, having checked his diary, said that he would be delighted to attend.

9. Any other business

There was no other business reported.