



The Bar Council

Minutes of the Bar Council meeting

Tuesday 20 June 2023 at 4.00pm at the Honourable Society of Inner Temple, Crown Office Row, Temple, London EC4Y 7HL

Present

Nick Vineall KC	Chair of the Bar	NVKC
Samuel Townend KC	Vice Chair of the Bar	STKC
Barbara Mills KC	Vice Chair Elect 2024	BMKC
Lorinda Long	Treasurer	LL
Michael Tomlinson KC MP	Solicitor General	SG
David Abbot	CEO, Free Representation Unit	DA
Clare Bello	Co-Chair, Legal Practice Management Association	CB
Geoff Carr	Chair, Institute of Barristers Clerks	GC
Celina Colquhoun	Co-Chair, European Committee	CC
Michael Harwood	Chair, Young Barristers Committee	MH
Michelle Heeley KC	Leader, Midland Circuit	MHKC
Philip Moser KC	Co-Chair, European Committee	PMKC
Dan Neidle	Founder, Tax Policy Associates	DN
Sara Phelan SC	Chair, The Bar of Ireland	SPSC
Kathryn Stone OBE	Chair, Bar Standards Board	KS
Jemma Tagg	Co-Chair, Legal Practice Management Association	JT

Members in attendance (listed alphabetically)

Mizra Ahmed (MA), Shazia Akhtar (SA), Stuart Alford KC (SAKC), Yaa Dankwa Ampadu-Sackey (YDAS), Simon Atkinson (SA), Lorna Badham (LB), Michael Bellis (MB), Kirsty Brimelow KC (KBKC), David Bunting (DB), James Corbet Burcher (JCB), Mark Chaloner (MC), Maddy Charlesworth (MC), Ben Close (BC), Ivor Collett (IC), Rebecca Dix (RD), Sarah Fearon (SF), Sarah Gerrard (SG), Nicholas Grundy KC (Alternate for Faisal Sadiq), Alex Gunning KC (AGKC), Matthew Howarth (MH), Neil Hawes KC (NHKC), Richard Honey KC (RHKC), Winston Hunter KC (WHKC), Sara Ibrahim (SI), Shobana Iyer (SI), Anneka Jenns (AJ), Amanda Jepson (AJ), Susan Jones (SJ), Leon Kazakos KC (LKKC), Ruth Kirby KC (RKKC), Kate Lumsdon KC (KLKC), Louise McCullough (LMC), Cait McDonagh (CMD), Martyn McLeish (MML), Christina Michalos KC (CMKC), Eleena Misra KC (EMKC), Shoshana Mitchell (SM), Lucinda Orr (LO), James Paterson (JP), Jason Pitter KC (JPKC), Reagan Persaud (RP), Francesca Perselli (FP), Paul Powlesland (PP), Caroline Rees KC (CRKC), Simon Regis (SR), Zoe Saunders (ZS), Saira Kabir Sheikh KC (SKSKC), Natasha Shotunde (NS), Philip Sissons (PS), Hannah Smith (HS), Sean Summerfield (SS), Gordon Stables (GS), Heidi Stonecliffe KC (HSKC), Jason Sugarman KC (JSKC), John-Paul Swoboda (JPS), Leanne Targett-Parker (LTP), David Taylor (DT), Linda Turnbull (LT), Andrew Twigger KC (ATKC), Sunny Virk (SV), Emma Walker (EW), Charlie Woodhouse (CW), Luke Wygas (LW)

In attendance	Sally Burnell	Director, Communications & Marketing	SB
	Malcolm Cree CBE	Chief Executive, Bar Council	MC
	Amrit Dhanoa	Vice Chair, YBC	AD
	Carolyn Entwistle	Director, Services	CE
	Nikita Feifel	Public Affairs Adviser	NF
	Ella Morrell	Attorney General Office	EM
	Mark Neale	Director General, BSB	MN
	Phil Robertson	Director of Policy	PR
	Laurie Scher	Co-Chair, Pro Bono and Social Responsibility Committee	LS
	Jamie Shaw	Head of Strategy, Planning and Governance	JS
	Yvonne Treacy	Executive Officer (Minutes)	YT

Apologies

Simon Anderson, Michael Bowsher KC, Dilpreet Dhanoa, Cathrine Grubb, Kim Hollis KC, Stephen Kenny KC, Hugh Mercer KC, Faisal Sadiq (Alternate Nicholas Grundy KC), Gaynor Wood

1. Conflicts of interest and announcements

There were no conflicts of interest declared.

2. Minutes of the last meetings and matters arising

The minutes from the meeting held on 25 April 2023 were approved as an accurate record.

3. Statement by the Chair of the Bar Council

The Chair noted that the Bar Council meeting was brought forward to fit in with the Bar Council's summer reception at an earlier time of 4pm which was not suitable for all members to attend. He thanked those who had expressed their views to him, and he gave assurances that these considerations would be borne in mind when setting the Bar Council meeting dates and times for next year.

- i) *Officer elections 2024*: It was noted that the officer elections 2024 had just concluded. Samuel Townend KC, Vice Chair, was confirmed as the Chair of the Bar 2024, Barbara Mills KC was elected Vice Chair of the Bar 2024 and Lorinda Long was confirmed as Treasurer for a further year. The Chair thanked them for standing and congratulated them upon being elected.
- ii) *Bar Representation Fee*: The proportion of people paying the Bar Representation Fee had increased, albeit slightly, and that it was a reflection of the efforts made by the Bar Council staff and also an endorsement of the Bar Council as the representative voice for the profession.
- iii) *Fixed Recoverable Costs*: The Chair gave an update on Fixed Recoverable Costs. The threshold was going to be raised to £100,000 for civil claims and that there had been a long consultation process which led to the recent publication of draft figures and draft rules. The Bar Council was disappointed with this outcome however as it appeared that many of the points made in its consultation response had not been addressed. The BC response focused on three points:
 - *Advocacy fees*: In the proposed scheme the advocacy fee was only payable if the case settled on the day of the hearing which was not acceptable as it gave no incentive to early settlement. The Bar Council made the modest suggestion that if the case settled in the two working days prior to the hearing, 75% of the advocacy fee i.e. the briefing fee, should be paid. However, there was nothing in the published rules about this.

- *Figures have been uprated from a date in the past:* It was not acceptable that many of the fees, and particularly those which affect the Bar, had been uprated not from the date when they were last set, but from an intermediate date.
- *No mechanism for annual review:* This meant that the figures would become out of date.

Subsequent representations were made at a senior level and assurances given that these issues would be reviewed. This had now become urgent and if they were not reconsidered promptly, the Chair would be asking the General Management Committee of the Bar Council (GMC) to approve the next step, which would be a letter before action prior to an application for judicial review.

Paul Powlesland raised a point regarding the basis for which people were selected to represent their views in Bar Council communications and which views were put across. PP asked the Chair if he would commit to giving a say in Bar Council communications to those who had differing opinions on the relationship between the profession and working for the fossil fuel industry. The Chair explained that the Bar Council was a membership organisation in which the role of the elected officeholders was to express views which reflected the balance of opinion at the Bar. He was confident that the views he had expressed around the subject of the cab rank rule represented the balance of opinion and were reflective of the majority view. It was noted that there was a discussion at the last Bar Council meeting about the cab rank rule and PP was afforded the opportunity to express his views then. Furthermore, the Bar Council does publish blogs from those expressing a variety of views and he was aware that PP has been offered the opportunity to share a platform in Counsel magazine with him where they would each set out their respective views.

4. Bar Standards Board Report

Kathryn Stone OBE, Chair of the BSB, presented the BSB report, highlighting made the following points:

- i) A top priority for the BSB was improving the timeliness of its decision-making. Progress had been made, although the figures would continue to look disappointing whilst backlog was cleared.
- ii) Following a competitive tender, the BSB had appointed Fieldfisher LLP to carry out the end-to-end review of the BSB enforcement system. This would be a thorough review looking at all the BSB's systems, processes and policies with the aim of establishing whether they remained fit for purpose, risk based and proportionate and reflected good regulatory practice; whether the processes were effective in facilitating

the taking of robust, consistent and legally sound decisions; and whether there was scope for greater efficiencies.

- iii) The review would include assessing the BSB enforcement regulations and associated policy, procedures and guidance; seeking the views of stakeholders including the Bar Council and the Bar Tribunals & Adjudication Service; and considering best practice in this area and its application to the Bar.
- iv) In May 2023 the BSB finished its visits to the circuits to discuss how the BSB can encourage chambers to follow best practice in promoting standards, access and equality. KS said that she found these visits very interesting, and she looked forward to discussing next steps with the Bar Council and the BSB Board.
- v) The BSB supported the Government's intention to legislate about Strategic Lawsuits Against Public Participation, known as SLAPPs. The BSB agreed that it should not be for barristers to decide – under threat of regulatory action– that an arguable case was against the public interest.

5. Dan Neidle – Tax Policy Associates

The Chair welcomed Dan Neidle as a guest speaker. DN was a solicitor having spent 25 years as a tax lawyer and now runs Tax Policy Associates, speaking regularly on issues about the legal professions and tax issues.

DN commenced by explaining that he would not be focusing on the constitutional concept of the rule of law but more on the day-to-day routine matters where some lawyers subvert the rule of law by substituting pseudo law for actual law in a way that causes harm. He gave three examples of cases which in his view involved bad behaviour by lawyers and where good cultural and financial incentives to act lawfully and in a way that upholds the rule of law were missing.

- i) *Libel law*: DN said that the fundamental problem with libel law was not bad lawyers but bad law, and in particular the way libel law was constructed. This meant that for a defendant facing a libel action from a wealthy individual, the only rational course of action for that defendant was to settle. If they fought it and lost, they could be a million pounds or more down. Yet if they fought it and won, they would be hundreds of thousands of pounds down. This therefore created an incentive on the claimant to aggressively distort the true legal and factual position. Examples were provided where defamation cases had been brought against journalists for expressing reasonable concepts.

- ii) *The Post Office scandal*: In the early 2000s the Post Office prosecuted 700 postmasters for theft from their Post Offices. Several thousand more people were not prosecuted but had their assets seized. Ultimately, thousands of people's lives were ruined. Approximately 61 postmasters have died without ever receiving an apology or compensation. DN expressed a view that these actions had been enabled throughout by lawyers, and that disciplinary action should be taken against the lawyers involved for knowingly proceeding with prosecutions based on false evidence; for proceeding against lawyers from resisting appeals against those prosecutions at a time when it was known that the evidence for the appeals was overwhelming; and then for fighting for years against civil claims. Richard Moorhead has written compellingly about the role of barristers in the scandal and his blog was recommended reading.
- iii) *Tax avoidance*: Highlighted the ongoing prevalence of rigorous tax avoidance schemes facilitated by senior members of the Bar through "eccentric" comprehension of law or unrealistic factual assumptions. DN expressed those incentives for facilitating tax avoidance persisted and needed to be removed, and he would be putting forward a proposal in due course on how this could be done.

Kirsty Brimelow KC asked about proposed remedies, and in particular the situation where someone who did not have access to justice, received, for example, an intimidating letter from a City firm. DN replied that one solution was regulatory action against lawyers who act inappropriately, particularly when dealing with unrepresented individuals. However the wider solution was to fix libel law and there were several ways that could be done e.g., a) follow the example of the USA and make it so that if a public figure was suing they have to show actual malice on behalf of the person making the statement; b) move towards an arbitration style process possibly something akin to a small claims court where costs awards would not be granted and the outcome would be a requirement for an apology; c) restrict cost awards. Ultimately the mathematics of libel law needed to be changed so there was not a rational, powerful incentive on a defendant to capitulate, regardless of the merits.

Sam Townend KC asked DN if he was familiar with the recent *Amersi v Leslie* libel case against former MP, Charlotte Leslie which was struck out by Mr Justice Nicklin and for which costs were awarded. Did DN think this was an example of the system working? DN said that the fact that it took such a lengthy hearing and deliberation to throw out the claim illustrated the problem. Despite having SLAPP legislation which creates new thresholds for claims to be made and enables claims to be dismissed at an early stage it was not really a solution if it was still going to involve £50,000 to £100,000 of costs for a defendant.

Sunny Virk said that he regularly attended county courts and has noticed how parking fine disputes block up a lot of court time and are often pursued quite vigorously by people often listed as solicitors' agents. He has observed that the same applies in mortgage repossession cases and in regular repossession cases also and that they were the bane of the courts,

including district judges. DN said he was not aware of this, but it certainly sounded interesting, and he would look out for similar issues in his field.

PP asked DN whether he was aware of ways that the profession could adjust how it works for the fossil fuel industry. DN replied that he could not comment as this was not an area where he had experience or expertise.

There was discussion about whether these issues arose due to weak rules or a tendency towards non-compliance. It was felt to be a culmination, and it was noted that there was a moral obligation to perform substantive due diligence on implausible claims.

Leon Kazakos KC said that the fact that a tax scheme case might fail was not necessarily proof that it was unarguable. DN replied that inevitably everything was going to turn on its own facts but felt there was an inherent implausibility of any artificial tax scheme to be accepted by the courts these days. For a lawyer to say that such a scheme worked, and for that to be consistent with their professional obligations, would require quite a high threshold.

6. Midland Circuit Leader Report

Presented by Michelle Heeley KC, Leader of the Midland Circuit and highlighting the consistent problem with court backlogs and a particular issue with the recruitment of barristers to deal with RASSO work.

- i) The court backlog was being exacerbated by the lack of recruitment of listing officers alongside technical issues which were now being addressed.
- ii) With regards to RASSO work (rape and serious sexual offences), the circuit would be offering an introductory course to grade two or grade three prosecutors who do not have experience of working in this field, to learn the basics of RASSO work in the hope that it may encourage them to move into this area.
- iii) Other work on circuit included the development of training courses, with one supported by the JAC, to assist members in making successful recorder applications; the introduction of a number of social mobility initiatives, for example, bar school scholarships and funding of mini pupillages; and a recent event for circuit members supported by Inner Temple.
- iv) On a personal level MHKC said she was honoured to be asked to speak with peers at the House of Lords the previous week – on issues such as crime, legal aid and access to justice - as part of a working group from the Bar Council. It was important

that the circuits were represented and acknowledged for the valuable contribution they can make.

Kirsty Brimelow KC thanked MHKC for her kind hospitality, along with St Philips Chambers and Richard Atkin KC, for hosting a recent visit of the CBA to the Midland Circuit.

7. Sarah Phelan SC – Chair of the Bar of Ireland

The Chair introduced guest speaker Sarah Phelan SC, Chair of the Bar of Ireland. The Bar of Ireland along with the Bars of Scotland, Northern Ireland and England & Wales form the Four Bars – an important gathering of Bars facing the same challenges with very similar viewpoints and concerns.

i) The library system

- SPSC said that one of the main differences between Ireland and England & Wales, was the Bar of Ireland has a library system which means barristers are all self-employed without the benefit and support of chambers. They manage their own practices – from sourcing work to fee collection. Some members do have secretaries whilst others will band together and share secretarial services. The library has established a *practice, support and fee recovery unit* to help members recover long outstanding fees.
- An advantage of a library system is that barristers can take on any type of work and tend not to be as specialised as one might be if one enters as a pupil at chambers with a specific slant or specific practice area interest, although ultimately, barristers probably all become slightly specialised. The same general codes of practice apply e.g., the Cab rank rule.
- The profession was self-regulated until 7 October 2019 when the Legal Services Regulatory Authority was introduced. All complaints in relation to barristers, whether they be for misconduct, for excessive charging or for customer service are considered by this body. However, the Library does retain a small number of discreet areas of responsibility in keeping with a referral Bar. Barristers in Ireland do not have to be members of the library - they can simply register with the Legal LSRA after which they are entitled to practice as of their own right. However, the majority of self-employed barristers will be members of the library and therefore subject to the Library's own disciplinary regulations, in addition to the regulation by the LSRA.

ii) Issues facing the Bar of Ireland

- The criminal bar in Ireland has a severe legal aid issue. Currently, because of cuts that were applied during the recession, criminal legal aid fees are at 2002 level. All entreaties to The Department of Public Expenditure, National Development Plan Delivery and Reform have failed to result in progress. Their DPP and Dept of Justice however do accept that fee restoration should be applied for barristers as it was the only entity in the justice sector that has not had fee restoration since the recession.
- Ireland has a rigorous competition authority known as the Competition Consumer Protection Commission (CCPC) which monitors anti-competitive practice. It was therefore questionable whether the Bar of Ireland could endorse or recommend a strike, unlike the Bar of England & Wales, but this was being investigated.
- Due to the library system new entrants to the profession were expected to work for nothing or very little, for a period of time ranging from one to six years. This made becoming a barrister a lot less attractive compared to joining solicitors' firms in Dublin, some of which were offering €50k to €60k traineeships, and thus the brightest and the best were going elsewhere. The library has therefore initiated a workshop program to garner members views as to making the profession more attractive for new entrants.
- The library was looking at ways to increase diversity and launched an equality action plan in June 2022 to identify methods for the library to attract a more diverse and inclusive membership.

8. Statement by the Chief Executive

Malcolm Cree, CEO of the Bar Council, said he wished to report on one item – the King's Counsel Appointments (KCA). MC, along with the CEO of the Law Society, are directors of the KCA, The Chair's Statement includes reports from Leslie Thomas KC and Matthew Chapman KC, the Bar Council's two new KCA selection panel members. Both reports highlight two particular issues. Firstly, the importance of assessments to the selection panel's work and the quality of those assessments, and secondly, the need for the Bar Council to better communicate the appointments criteria to both applicants and assessors. Another issue the KCA was considering was representations from personal injury and clinical negligence solicitors explaining the difficulty they have in taking silk which would be discussed at a next GMC meeting. Charlie Woodhouse, the Personal Injury Bar Association representative on the Bar Council, asked whether there was any scope for the KCA to provide training to people who were looking to complete assessments as the process

was challenging and time consuming. This was something that the KCA would be considering.

9. Free Representation Unit

Presented by David Abbott, CEO of FRU, highlights over the last 12 months included:

- i) FRU has trained 686 people in employment or social security law, case management or advocacy and has continued to have great success for the clients whose cases have been taken on. A financial monitoring exercise undertaken showed that for three months last summer FRU raised £700,000 for clients from either tribunal judgments or from negotiated settlements in employment cases. This demonstrated the value of the free service to its users. However, regardless of whether their clients won or lost their case they all received access to justice and that was an important outcome for FRU.
- ii) FRU provides intensive training and supervision for all its volunteers who give their time on a pro bono basis. However, FRU's own legal officers also spend, on average, about 20 to 30 hours inputting into every case taken forward. Therefore, each case was a big undertaking for FRU as well as the volunteer advocate.
- iii) Recently FRU's junior and assistant legal officers and many of their volunteers have had success in obtaining pupillage and the experience gained from FRU has been cited in helping to further their legal careers.
- iv) With regards to current challenges, FRU is facing a financial deficit at the moment. It has become increasingly difficult to raise sufficient funds to maintain their service and expand in the way that would like to do. They are looking to closely manage expenditure and increase income from existing or new sources. FRU was particularly looking to increase its financial support from chambers and some chambers do kindly donate. However, FRU would like to encourage chambers to see FRU as the training ground for the Bar and aspiring barristers of the future, providing a service to the whole bar.

DA said he would like to thank everybody on the Bar Council who continue to support FRU; to the Chair and Vice Chair of the Bar for meeting with him earlier in the year; and to all the staff at the Bar Council for their continued help and support.

The Chair thanked DA for his report and as a former chair of FRU, he echoed DA's sentiments about FRU being an excellent training ground for future barristers and junior barristers to gain advocacy experience and thus of wider benefit to the Bar generally. The

Chair also asked Bar Council members to bear in mind the request for chambers to provide financial assistance to FRU if possible.

10. The Legal Practice Management Association

The Chair introduced Clare Bello and Jemma Tagg, Co-Chairs of the LPMA, who were invited to talk about the work of the LPMA.

The LPMA was founded about 27 years ago with the intention of providing a supportive network for people involved in the senior administrative side of chambers management alongside senior clerks. One of its key objectives was to help members keep informed and updated about issues affecting the legal sector and the management of chambers. LPMA works closely with the Institute of Barristers Clerks (IBC).

LPMA hold a mix of virtual and in person events on a variety of issues which have included the environment and sustainability, marketing, modern slavery, the menopause, crisis management, race awareness and sanctions. Most of LPMA's members are in some form of chambers management such as CEOs, chambers directors or senior clerks, but those with more specialist experience in areas such as marketing, finance, HR and compliance also form part of the membership. LPMA currently has about 134 members with about 20 other different members from associate to corporate members. In addition, it has representing at 75 different sets across the country and 11 sets based outside of London.

The LPMA has recently developed its three-year strategy with three overarching objectives as follows:

- i) *To increase the reach of the LPMA:* LPMA was looking to broaden and deepen its membership by encouraging people with different roles and seniority to become members of the organization and specifically to encourage those that have experience in areas such as marketing, compliance or finance to develop different subgroups to provide additional support to one another. LPMA was aiming to have at least one individual from every set of chambers in the UK to be a member of the LPMA. In addition, LPMA want to establish active networks in each of their key specialisms.
- ii) *To improve the diversity of business support teams at the Bar:* LPMA believe it needs to provide the right support to barristers to create more of an inclusive culture and to do that it needs to improve recruitment and retention of the professional support employees with protected characteristics. LPMA plan to start by surveying the current landscape to establish the baseline situation including producing videos with different careers in chambers, working with school careers advisors, and advertising to diversity networks to widen the access to the professions. Targets

include providing specific employee guidance and policy materials alongside the development of mentoring schemes.

- iii) *To reform workplace culture:* LPMA's focus was on improving the workplace environment across the Bar to promote improvements to wellbeing – by educating those in chambers management and leadership employees on what can be done to provide support for mental health in the workplace and to recognise bullying and harassment. LPMA was working closely with the IBC on a collaborative project to produce a toolkit for those dealing with these issues in chambers. Targets include publishing a report with recommendations reflecting feedback on workplace culture for employees working in chambers and working collaboratively with the Bar Council to kick off a survey which mirrors the barristers' Working Lives survey but for employees in sets of chambers. They will then work with the Bar Council to ensure that the BSB was made aware of the outcomes of that report and look to implement any other recommendations that might be made.

11. Institute of Barristers' Clerks

Goeff Carr, Chair of the IBC, was invited to give an overview of the work of the IBC, covering some of the key issues and priorities impacting clerking services generally and looking at the path forward.

The IBC has approximately 1000 members, but it does not represent the whole clerking profession as it is currently voluntary to join. However, a proportion of that number were not clerks in the traditional sense as some are, for example, CPS clerks; from other countries, such as Australia; in house solicitor barristers' clerks; admin managers and fees clerks. The IBC, and also the LPMA, supports its members educationally, professionally, mentally, and socially in their working environment. Also, it was worth noting that some clerks have been in situ in one set of chambers their entire working lives compared to the national average over a working lifetime in any other industry is 12 different working environments. Within the time that GC has been working in chambers, the ethos of every set has seismically shifted. All chambers are now commercial businesses and as such have to be run accordingly. Chambers' staff clerks now perform many different and multifaceted functions.

The IBC's key issues were:

- i) *Getting at least one IBC representative in every single clerks' room in the UK:* GC said if there was a positive thrust from the Bar Council to support this aim the benefits would be countless – not just to the Bar Council but the Bar as a whole and the regulatory bodies. For example: a) All Bar Council and LSB initiatives, procedural changes, statutory provision changes, would be sent to each set and IBC member via

the IBC website, weekly bulletins and, depending on the scale and the issue, to each IBC member individually via email. b) All clerks and chambers staff would have regular access to vital and fundamental training. c) In very chambers clerks' room there would be a person who could assist staff in training, assist their respective CEO or COO in streamlining communication and assist in enhancing the overall client experience within their respective set.

- ii) *Education:* IBC members from various educational backgrounds and levels ended up with extensive knowledge and experience in barristers' professional lives. Their training came from three sources – chambers; the Bar Council, which was paid for; and the IBC and the LPMA, which was the main source and paid for from voluntary subscriptions. The importance of education and training were highlighted to ensure that Bar Council-promoted policies could be understood and enacted by Chambers professionals across the sector. When new initiatives, policies and regulatory changes have been introduced, the IBC aim to hold free courses for members explaining the developments.
- iii) *Flexible working, work life balance and the challenges in managing it:* Hybrid and flexible working in the post-pandemic world continued to challenge the sector. It has also led to a large increase in migration across the clerking sector, to sets that offer more working from home opportunities. This in turn has driven up, within chambers, overall wages bill and has caused many sets to have to rethink and amend their overall chambers budgets. Some roles in the clerking environment lend themselves to flexible working, i.e., fees clerks, administrators, non-client facing roles. However, the junior clerk or clerk generally has less opportunity given their job role. Flexible working can be viewed as hard to manage and provided less opportunities for in-person learning. Flexible working and wellbeing needed to be looked at jointly and carefully and the IBC joint survey with the LPMA would be of great value.

Work life balance offered greater flexibility in managing personal commitments, but it was also blurring the boundaries between work and personal life, leading to potential burnout or difficulty in disconnecting from work. Working arrangements also needed to ensure that client service and responsiveness were maintained. If not managed effectively, it impacted the timeliness of client communications or availability for urgent matters. It was important for the IBC and chambers to strike a balance between flexible working arrangements and ensuring the efficient operation. All chambers were still feeling their way with this issue and need to get to grips with it soon.

The Chair thanked Geoff and also Clare and Jemma for attending the Bar Council meeting. He said that it was important for the profession to support both the IBC and the LPMA to ensure that chambers worked effectively. This meant all working together and for members

of the Bar Council to note and take forward the request for LPMA / IBC representation in every set of chambers.

12. Ethics Committee

The Ethics Committee report was received and noted.

13. Young Barristers Committee

Michael Harwood, Chair of the Young Barristers Committee, presented the committee report which he took as read. In addition, he highlighted the following.

- i) At the start of the year, the YBC set out their five goals for 2023 with the aim that all their activities would be mapped against one of these objectives: improving the reach and visibility of the work of the committee; working to stamp out bullying, harassment and discrimination at the young bar; continuing to work hard on improved fees and remuneration for young barristers; participating in the Bar Council's work on sustainability in the climate crisis; and continuing to strengthen its international partnerships.
- ii) In terms of current activities bullying, harassment discrimination continues to be one of the biggest issues for the young bar and the YBC was feeding into the work that the Bar Council was doing. The YBC was also working very closely with the Bar Council and the Institute of Barristers Clerks on some materials around the fair allocation of work for young barristers and best practice in that area.
- iii) The YBC continued to develop partnerships with their international equivalents including with the young bars in Hong Kong, Kenya and the Netherlands and through membership of the European Young Bar Association.
- iv) The YBC would be looking at the question of fees, specifically magistrates' court fees, and updating the fees protocol, in particular ensuring the 15 per cent uplift from the CLAIR implementation was passed onto the Bar.
- v) The YBC was considering the effects of new ways of working on the young bar – the impact on wellbeing, learning and development. Although not necessarily an issue specific to the Bar Council or the barristers' profession, MH said he would like to invite members of the Bar, particularly bar leaders and people of influence, to consider what can and should be done to address any areas of concern.

PP asked MH what aspects of sustainability the YBC was focusing on. MH replied that the YBC was looking at improving the number of and the quality of conversations around

sustainability and then representing what he thinks is a majority view of the young bar that the profession could be doing more to improve sustainability.

14. European Committee

Philip Moser KC and Celina Colquhoun, Co-Chairs of the European Committee, jointly presented the committee report. They took the report as read but wished to highlight the following:

- i) Evanna Fruithof, Head of the Brussels Office of the Bar Council, was thanked for all the work that she has been doing in Brussels on behalf of the Bar Council, including production of the regular European News updates; organising successful visits to Brussels for the Chair and Vice Chair of the Bar Council; and helping to maintain engagement with the Law Society on European matters. They said that it is immensely encouraging that the mood music from Brussel was much more positive and the fact that the Bar Council has a presence in Brussels was increasingly welcomed.
- ii) The committee has been taking part in the Domestic Advisory Groups (DAG) that have been set up under the EU-UK Trade and Cooperation Agreement (TCA). Particular activity has been around the Retained EU Law Bill and the solution that the government has alighted upon is one that was recommended by the Bar Council and others who have given evidence to the House of Lords' enquiries. The Bar Council also gave evidence to the House of Lords inquiries on the UK-EU relationship and on Post Brexit EU- UK Security cooperation. There has also been engagement with the Ministry of Justice on recognition and enforcement of judgments and in particular regarding the Lugano Convention.
- iii) The committee will be setting up a working group on the Trade and Cooperation Agreement. The TCA's are up for review and the EU has announced that it was going to be largely an analysis of how it has been performing rather than for amendment and it was important that the Bar Council kept up with developments and responded accordingly.
- iv) On 27 June the Bar Council and the German Federal Bar (BRAK) are holding a joint event in Brussels on third party funding for litigation which not all EU jurisdictions know a great deal about compared to the UK. Litigation funding is something that we know a lot about and such an event is very welcome.

15. Bar Council Co-options

Jamie Shaw, Head of Strategy, Planning and Governance, presented a paper relating to membership of the Bar Council as set out in the constitution and in particular the number of co-options annually afford to the Chair of the Bar. It was reported that this was increased in 2020 from four co-options to eight and that this decision was taken on a temporary basis to mitigate the risk that there may be an insufficient pool of committee chairs to best serve the Bar Council. Following a review, the view was held that eight co-options remain appropriate. The General Management Committee therefore recommended a permanent change to the constitution to reflect eight co-options going forward and that this should be put before the Bar Council for endorsement. The formal process is a vote by extraordinary resolution in order to change the constitution on a permanent basis.

AGREED: Following a vote, it was agreed to make a permanent change in the constitution from four co-options to eight.

16. Any Other Business

There was no other business.

17. Upcoming Meetings

The next meeting would be held on Saturday 9 September 2023 at 10am at the Bar Council offices, followed by the AGM at 11am.