



The Bar Council

Chair of the Bar, Richard Atkins QC

2019 Bar and Young Conference Speech

THE MODERN BAR: OUR WORK AND OUR ROLE

23 November 2019

Welcome to this year's Bar Conference: The Modern Bar; our work and role.

It will not have escaped your notice that we are trying a different format this year, keeping you all together far more rather than having lots of break outs. The downside is that you will not be getting as much exercise as you did last year, the upside is that you may get to know the people around you at the conference rather than spending time running around the building.

I am immensely grateful to Rachel Langdale QC who has organised the conference together with Aisha Malik from the Bar Council, as well as numerous members of the Bar Council staff who are helping ensure the event runs smoothly here today. They have worked tirelessly to make today a success, so if you bump into any of them do thank them. If any of you have any issues at any stage, I am around all day so come and talk to me.

We have a star-studded cast today showcasing the best of the Modern Bar and Bench, starting with Baroness Hale, we then have Lord Hughes of Ombersley, the man who invited me for a pupillage interview, so he probably has a lot to answer for, chairing the panel on family and criminal issues with a heavyweight team of practitioners. That session goes head to head with Mrs Justice, soon to be, Lady Justice Sue Carr, who is chairing the commercial disputes session with another heavyweight team.

This afternoon we have Lady Justice Thirlwall, who takes over as the Senior Presiding Judge in January telling us about court reform. You then have to make your second decision of the day, as we have the Specialist Bar Association leaders in

conversation, or the Young Bar session on troubleshooting tips. I shall pause immediately to thank Athena Markides, the Chair of the Young Barristers' Committee not only for the work she has done for this conference, but also the phenomenal amount of work she has done throughout the year, not just on Young Bar issues but on a wide range of topics including playing an absolutely fantastic role in the negotiations that have taken place in respect of publicly funded criminal fees. The whole profession owes her a huge debt of gratitude.

We move on to hear from Sue Williams a former Scotland Yard kidnap and hostage crisis negotiator, who will no doubt be able to help all of us with our negotiating and cross examination techniques. Lastly, we will hear from Professor Philippe Sands QC, top Barrister and author.

I think this is one of the most exciting and interesting programmes that we have had for many years. It will undoubtedly highlight what those of you here already know. The Bar is a profession of top quality, highly intelligent individuals who act with integrity, and are not afraid of speaking truth to power. We may wear wigs and gowns, but we are modern, forward looking, not afraid of technology and innovation, look at how we have embraced digital technology, gone paperless in the criminal courts and are now even doing on-line voting. All of which means that the Bar of England and Wales remains the benchmark for legal professions across the globe

This year has for me and the Bar Council been pretty non-stop, and I would like to pay tribute to all of the members of the profession who get involved with the Bar Council, whether as members of the Council itself or who participate in one or more of the many committees. The work that they all do is phenomenal.

As I have said on many occasions though, were it not done, the profession would be very much the worse for it. The number of consultations responded to is staggering. Whether from the Bar Standards Board, Government or elsewhere. And the Bar Council responses do get results. By way of example, we had considerable success in relation to the Legal Services Board's proposals to amend the Internal Governance Rules, which govern relations between us and the Bar Standards Board. I know that for most of you here it is probably not the most riveting of topics, but had their original proposals gone through unchallenged they would, I have no doubt, have led to increased costs to the Bar and a detrimental position as far as our relations with the BSB were concerned. The LSB reconsidered a number of their proposals following our submissions and a compromise was reached.

As far as publicly funded work is concerned, we have had an increase to CPS fees for the first time in 18 years with more to come in February and a commitment to review

the position annually. Relations with the CPS are far better than I can remember, and I am optimistic that this is not a flash in the pan but is something that we can build on. I am grateful to the senior team at the CPS, for their efforts and assistance in bringing this all about.

Unfortunately, the pre-election period has meant that any announcement from the MoJ about defence fees has been delayed. Again, a huge amount of work has been done on this and I know that as soon as the election is over, we will be pressing the MoJ hard for an announcement about an increase in funding. The work done by the team from the Bar Council, Young Barristers Committee and Criminal Bar Association has been tireless, and I am also grateful for the work done by the team at the MoJ. We hope that the Treasury will now be able to come up with the necessary funds.

I have also spent time with the Legal Aid Agency and the FLBA dealing with family fees and we have had some success there in relation to VHCCs and we continue to work hard to improve payments and change the bizarre way in which interim payments are made.

We continue to monitor the Flexible Operating Hours Pilots. It is a real problem for those with caring responsibilities, to say nothing of the potential detrimental effect they are likely to have on the wellbeing of Members of the Bar who find they are expected to sit late in one court on one day and then appear very early the next at a far-flung court.

In relation to courts we have had success with HMCTS in rolling out the ID card pilot. Another 30 courts are about to be brought into the scheme this Thursday, with another batch in December and the aim is to have pretty much every court included by the summer of next year. I am told that ID cards have been used over 28,000 times to gain entry since this scheme started, with over 12,000 uses in Southwark alone. We continue to raise issues about court closures, courts not sitting, the poor state of many courts and court reform projects being fit for purpose amongst other issues.

These are just some of the topics we have been dealing with this year. Others include: fixed fees for Personal Injury cases; fighting to ensure that members of the Bar are allowed to practise in Europe after any Brexit; equality diversity and social mobility issues; and the promotion of the Bar and the rule of law worldwide. The advice on judicial bullying has been well received and the talk to Spot app has already proved to be popular.

We have also this year celebrated 125 years of the Bar Council and the first 100 years of women in law.

Of course, I cannot fail to mention Brexit and the upcoming General Election. A huge amount of work has been done by the European and International Committees and the Brexit working group. The Brexit papers have been very well received and we continue to do all we can to persuade this government and any future government to ensure that Legal Services are not forgotten in any Brexit negotiations.

As far as the General Election is concerned, I can announce today the launch of the Bar Council's Manifesto for Justice: Urgent Action Required. In it we set out 6 recommendations for the future Government:

- A properly funded justice system that underpins our society, democracy and economy.
- A court system that places accessible justice for all at its heart.
- Properly funding legal aid.
- Abolishing the innocence tax.
- Recognising the value of legal services to society and the economy
- Promoting the Bar's position as an internationally respected world leader and promoter of democracy and the rule of law.

Time will tell how much notice is taken of this but we will press the case with whatever administration takes power.

It has been an honour to lead this fabulous profession this year. I have tried my best to make myself available to anyone who has wanted to talk to me or to raise issues. I have held dial in and drop in clinics. I have travelled around the country visiting chambers in Chester, Liverpool, Manchester, Leeds, Sheffield, Cardiff, Swansea, Birmingham, Nottingham, Southampton, Winchester, Bristol and London. The Circuits are dear to my heart, having led the Midland Circuit and I encourage you all to join your Circuit as well as your specialist Bar Associations. Circuit life has a lot to offer and the Circuit representatives and leaders contribute a huge amount to the Bar Council as do many others. I was therefore delighted that this year in July I was able, for the first time, to hold a meeting of the Bar Council on Circuit in Cardiff. The Bar Council of England and Wales should be seen throughout England and Wales and that way we will, I hope, be able to get the message out about what the Bar Council does for you. And, of course, I am here all day today and happy to talk to anyone who has not so far felt that they had had the opportunity to raise any issues they want with me.

We have accomplished much this year, but there is of course always more that needs to be done. I know that dedicated staff and members of the Bar Council will continue to do their utmost to promote this profession. Can I encourage any of you who do

not get involved with the Bar Council, to think about doing so. It is fascinating and you never know where it might lead you. Just look at me. And before I finish may I wish Amanda Pinto QC and Derek Sweeting QC all the best for their coming years. The Profession remains in good hands.

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