



BAR COUNCIL NEWS UPDATE – FRIDAY 21 AUGUST 2020

Justice system

[The Independent](#) – In a long read, this article looks at damage done to the justice system, police and legal profession.

According to the **Bar Council** report, Small Change for Justice, funding for the justice system in England and Wales was cut by a massive 24 per cent in real terms between 2010 and 2019. However, when an increase in the population of 7 per cent during that period is taken into account, it becomes a reduction in spending of 29 per cent per person.

“When the Bar Council asked me to take a look at spending on justice, I had assumed it would have been roughly in line with the growth of the economy – which was about 18 per cent since 2010,” says Professor Martin Chalkley, the University of York economist who co-authored the report. “I was surprised to see how wrong I was because funding had been cut savagely, by 24 per cent over 10 years. But when I started looking at the numbers per person, I was actually staggered – it was down by 29 per cent.

“I kept asking colleagues, ‘Did you know that? Were you aware of that?’ and the answer was always ‘No’. People just couldn’t believe it.”

Amanda Pinto QC, Chair of the Bar Council, said: “The question is, how do people access justice? What has happened over the past 10 years, with the complete devastation in funding, is that if you are accused of a crime or if you are a witness to a crime or a victim of one, the delays and the inadequacies in funding for the whole system, including the police, mean that you are unlikely to get a quick result, if you get a result at all.”

Backlog

The Independent (print and [online](#)), [Yahoo News](#) & [MSN](#) - Vigilantes “will take matters into their own hands” if trust in the criminal justice system crashes after the coronavirus pandemic, lawyers have warned.

With the backlog of court cases nearing 570,000 in England and Wales, some trials are not being scheduled until 2022 and victims face a wait of several years between reporting a crime and seeing a result.

The chair of the **Bar Council**, which represents barristers, said the impact of the backlog would be “far-reaching and devastating” for victims, defendants and the public.

Amanda Pinto QC said members had been given trial dates for March 2022 and raised concern about the accuracy of witnesses who will have to give evidence years after alleged offences.

“It erodes confidence in the system and is more likely to lead to wrong results,” she added.

Zimbabwe

[Law Gazette](#) - **The Bar Council** has condemned a Zimbabwean court ruling against a veteran human rights lawyer, saying it forms part of ‘a wider pattern of harassment and intimidation’.

Beatrice Mtetwa, a Zimbabwean lawyer who has been at the forefront of defending the country's human rights activists, was ordered to stand down from representing her client, an investigative journalist who had reported on ministerial corruption, on Wednesday.

The Bar Council of England and Wales and the Bar Human Rights Committee of England and Wales urgently called upon Magistrate Nduna – the ruling magistrate in the case - to ‘immediately revoke the judgment’.

The two organisations said: ‘In ordering Beatrice Mtetwa to stand down from representing her client... and calling upon the prosecutor-general of Zimbabwe to consider investigating Beatrice Mtetwa for contempt of court, Magistrate Nduna is unduly interfering with and preventing Beatrice Mtetwa from carrying out her professional duty as a lawyer.’

Trials and backlog

The Times (print & [online](#)) & The Times Ireland – Chair of the Bar **Amanda Pinto QC** writes a letter to the editor on the importance of jury trials compared to judge-only trials.

In the letter, she wrote: “Sir, The idea that judge-alone trials may be needed to solve the backlog of criminal cases (report, Aug 20) is based on the false premise that trial by jury and the ability to administer justice speedily are mutually exclusive. It is not a case of sacrificing one for the other. Moreover, compromising the right to jury trial

before the measures that have recently been put in place have had a chance to bear fruit would be jumping the gun.

“We are already seeing better use of the court estate, more robust technology in court, more efficient listing (including collaborative advanced planning to ensure the parties are ready for an effective trial), full use of all judges and Nightingale courts, as well as the use of screens and portable buildings to allow for more courtrooms to accommodate socially distanced jury trials. We need to give these carefully considered measures the opportunity to succeed.

“Once all are optimally engaged we could see the backlog reduced, whilst retaining the historic right to jury trial that allows members of the public to play a vital, active role in delivering justice to their peers. Regrettably, the judiciary is not representative of society in the same way. To take the option for jury trial away before exhausting every other route would be a grave blow to public confidence in our system.”

Quarantine exemption

[Law Gazette & Law Gazette Ireland](#) - Lawyers coming back from holiday can break quarantine to attend court and tribunal hearings in-person.

Chair of the Bar Council **Amanda Pinto QC** told members that the Department for Transport has confirmed that barristers returning from non-exempt countries – and who, therefore, have to self-isolate for 14 days - can break quarantine to attend a court or tribunal hearing. They then have to continue to self-isolate for the remainder of the 14-day period.

The exemption applies to anyone who needs to participate in a hearing - including clients - and does not require any additional paperwork, Pinto said.

Bar exams

[BusinessFast](#) – The Bar Council has demanded answers from the Bar Standards Board, after suggesting months ago that students should be allowed toilet breaks during long assessments.

Amanda Pinto QC, chair of the Bar Council, said she was ‘very concerned’ at the reports of problems faced by some students sitting their centralised assessments and asked the regulator to prove that it is treating the cohort fairly.

In an open letter, Pinto said: ‘The Bar Council’s education and training committee wrote to you in early July to express concerns and to request that the BSB consider a

short comfort break during the lengthy exams, to avoid the sorts of issues that have arisen. It is disappointing that this was not progressed. The Bar Council also cannot understand why students in test centres are not permitted water on their desks, especially bearing in mind the hot weather.'

BAR COUNCIL TWEETS <https://twitter.com/thebarcouncil>

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The Northern Circuit @CircuitNorth · 3h
Letter from Amanda Pinto QC, Chairwoman of @thebarcouncil, in today's @thetimes



THE TIMES Friday August 21 2020 **Letters to the Editor**



ALAMY

Sir, The idea that judge-alone trials may be needed to solve the backlog of criminal cases (report, Aug 20) is based on

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The Bar Council @thebarcouncil · 18h

We have issued a statement with @BarHumanRights condemning the Zimbabwean Magistrate's ruling against Beatrice Mtetwa - read below:

Bar Human Rights Committee of England & Wales @BarHu... · 19h

BHRC and @thebarcouncil urgently call upon Magistrates in #Zimbabwe to revoke the decision against renowned human rights lawyer Beatrice Mtetwa ordering her to stand down from representing her client.

barhumanrights.org.uk/bar-council-an...

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The Bar Council  @thebarcouncil · Aug 19

Statement on the quarantine exemption:



Bar Council statement on the quarantine exemption
barcouncil.org.uk

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The Bar Council  @thebarcouncil · Aug 17

Criminal defence practitioners: @PRTuk is conducting a survey seeking views on the current defences available for those who offend as a direct result of domestic abuse. You can complete the survey here



Prison Reform Trust survey of criminal defence lawyers - Effective defen...
Take this survey powered by surveymonkey.com. Create your own surveys for free.
surveymonkey.co.uk



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