



**BAR COUNCIL NEWS UPDATE –  
FRIDAY 19 FEBRUARY 2021**

**Nightingale Courts**

[Daily Mail](#), [Politics Home](#), [talkRADIO](#), Shropshire Star, Oxford Mail, ThisIsLocalLondon, Newshopper, Bournemouth Echo, MSN, ThisIsMoney, Winsford Guardian, Press & Journal, Express & Star, Swindon Advertiser, York Press, The Herald, Halesowen News, Surrey Comet, Evening Express, Evening Telegraph, Enfield Independent, Keighley News, County Times, Somerset County Gazette, Leaderlive, News and Star, Worcester News, Impartial Reporter, The Scottish Farmer, Asian Image, Epping Forest Guardian, Swanage & Wareham Voice, Yorkshire Post – National and local media report on the Bar Council’s response to the announcement that more Nightingale Courts will be opening to tackle the backlog in the courts.

The Ministry of Justice (MoJ) initially said 14 more venues were to be transformed into Nightingale courts, later clarifying that this would be 14 extra rooms in seven buildings in Aldersgate House in Barbican, London, the Manchester Hilton in Deansgate, and others in Birmingham, Croydon, Wolverhampton, Liverpool and Chichester – adding to more than 20 already open.

At the start of the year, the criminal courts backlog had risen again to over half a million, MoJ figures show, while some lawyers have said they are seeing trials being listed for 2023.

**Chair of the Bar, Derek Sweeting QC**, leads the legal sector’s response in the press reports. He says that while opening more Nightingale courts showed “steps in the right direction”, these spaces need to be adequately staffed, testing needs to be widespread and justice needs greater financial support as a whole if we are to come out of this crisis with a system that can withstand knocks and deliver access to justice for the public.”

**Vice Chair of the Bar, Mark Fenhalls QC** appears on talkRADIO to discuss the new Nightingale courts, saying “it’s a start, but it’s not enough... We need a long-term promise to the public that they’ll get justice in time. Delays only benefit the guilty.”

## Prosecutions

**The Daily Telegraph (print, p.7, and [online](#))** – The Telegraph reports that thousands of prosecutions for drug, public order, theft and criminal damage offences have been dropped as police chiefs try to ease pressure on the court system, official figures show.

Ministry of Justice (MoJ) figures show that prosecutions fell by 25 per cent in the year ending September 2020 as police chose to avoid court action and instead issued community resolutions that do not result in a criminal record.

Chair of the Bar, Derek Sweeting QC, is quoted. He said no one should be “let off, even now”.

“For some minor offences, the use of out-of-court disposals can be more effective in reducing reoffending than court disposals; an outcome which is in the public interest. But that can only apply to a limited range of offences.”

“The public needs to feel confident that criminals will be dealt with in a manner that reflects the seriousness of their offence. If cases are kept out of court because the system simply doesn’t have the resources it needs to deal with them, that will undermine trust and confidence.”

## Social mobility – #BecomingTheBar

**The Times (print & [online](#))** – The Times runs a feature on the Bar Council’s social mobility campaign, #BecomingTheBar, a spin off from the Bar Council’s award-winning #IAmTheBar campaign.

The Times reports on the four barristers in the campaign, which seeks to highlight the success of recent graduates and pupils from underrepresented groups, who retell their stories of their journeys to the Bar in The Times.

## Legal Services Board

**The Times (print & [online](#)), [Legal Futures](#), [New Law Journal](#)** – The media report on the Bar Council’s response to the Legal Services Board’s draft business plan.

The Bar Council heavily criticises the LSB's plans for the future for having "fallen into the trap of behaving as though it regulates legal services, rather than overseeing the regulation of legal services".

The media report that the Bar Council said the LSB's strategy "does not adequately recognise the adverse effect Covid-19 has had on parts of the Bar, nor its potentially discriminatory effect".

In its response to the LSB's draft business plan the Bar Council strongly attacked the LSB for developing a strategy for the whole legal services sector which was "extremely ambitious" and stretched "well outside the proper remit of the LSB" and into policy questions for government."

The Bar Council said "it would be better if the LSB were to do less. It would then be able to do that better."

The media also report that the Bar Council launched a "stinging attack" too on the LSB's public panel, and in particular a quote from a member of the public commenting that it was "odd that the list of regulated services has not been reviewed for some time".

## Becoming a barrister

**The Times (print & [online](#))** – **Derek Sweeting, QC, Chair of the Bar**, says that potential reforms of the qualification process for becoming a barrister are on his agenda this year.

He says: "There are obvious problems with the number of people who are being trained as barristers and the [number of available pupillages](#)."

The existing system has fostered a sizeable group of former students who have been called to the Bar but are not entitled to practise.

Sweeting says that the Bar Council "might think about detaching the point at which people become barristers at the end of their training course to the end of pupillage — something that is a bit more akin to what solicitors do".

The Times reports that Sweeting says that a significant impediment to reforming the barrister qualification process is the ingrained interests of course providers, which have emerged since training was opened to commercial institutions in 1997. "It is in the interests of providers to qualify as many people as possible — and to charge them quite a lot for the privilege," Sweeting says. "That doesn't mean that is a good thing for the profession and we may need to consider it."

## Publicly-funded Bar

[The Times, Jewish Chronicle \(print\)](#) – The Times and Jewish Chronicle focus on the challenging times faced by many publicly funded barristers.

Both report that a survey by the Bar Council last month showed a profession at “breaking point” because of extreme financial and psychological hardship. Two thirds of respondents said that they had been forced to take on personal debt or use savings — nearly a fifth incurred debt of more than £20,000 and about a quarter took on additional paid work.

The Times reports that “barristers are not typically expected to work at two jobs or claim benefits, but life for many young lawyers doing publicly funded work is tough and Covid has made matters worse.”

The Times also report that the Covid-19 pandemic has reduced the number of pupillages because chambers, whose incomes have fallen, can no longer afford to fund as many. Some commercial sets have signed up to a Bar Council scheme to fund criminal law pupillages that otherwise would not be available.

## Covid courts

[Sky News Daily podcast](#) – Former Bar Chair, Amanda Pinto QC, speaks to host Jayne Secker about Covid-19’s impact on the just system, including virtual proceedings, the backlog of court cases and retention of barristers. She says: “There certainly has been investment by the government in the justice system, but is it enough? I don’t believe that it is. We’re told that justice is essential... the Government needs to put its money where its mouth is and invest in a strategic and long-term way.”

## #10000BlackInterns

[Legal Futures](#) – Further coverage of reports that law firms, legal businesses and chambers have been urged to join the [#10000BlackInterns](#) initiative, which aims to broaden career opportunities for Black people in the UK.

Recent supporters include the Bar Council, family chambers 4PB as well as Matrix, Keating, Littleton, QEB and the Law Society.

## Damages Based Agreements

[The Times](#) – A Court of Appeal ruling on legal costs could double lawyers’ income and allow consumers and small businesses to afford to litigate.

The Times reports that the Bar Council intervened in the case.

### BAR COUNCIL TWEETS

 **The Bar Council** @thebarcouncil · Feb 17

"They (wigs) perhaps contribute to an impression that the law is out of date," says @Zobusiness #IAmTheBar Social Mobility Advocate @RedLionChambers

But... "If you don't meet the physical stereotypes of a barrister it's helpful to wear the uniform."



'It is helpful to wear the uniform': barrister's wig enjoys surprising popul...  
A 17th-century piece of horsehair is an important part of the criminal justice system, argue its wearers  
[theguardian.com](https://theguardian.com)

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 **The Bar Council** @thebarcouncil · Feb 16

Justice Week 2021 is coming: 1-5 March. @TheLawSociety @CILExLawyers

This year's theme:

Pandemocracy: What does Covid-19 mean for our rights to access justice?

Find out more about #JusticeWeek2021, including events and activities.  
[barcouncil.org.uk/media-campaign...](https://barcouncil.org.uk/media-campaign...)



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