



BAR COUNCIL NEWS UPDATE – WEDNESDAY 19 FEBRUARY 2020

Consultation responses

[Legal Futures](#) - The Bar Council has launched an outspoken attack on a planned 20% rise in the budget of the Legal Ombudsman (LeO), which would increase it from £12.3 to £14.8m.

The Law Society also opposed the move, saying LeO had not provided “credible evidence” for the increase, which it could not support.

In the consultation on its corporate strategy for 2020-23 and business plan for 2020-21, [LeO said it needed the extra money](#) to “radically” improve the time it takes to deal with complaints and “eliminate all unnecessary waiting time”.

The Bar Council said it “strongly” objected to the timing of the proposed increase, because it had, “after lengthy consideration, consultation and approval from the Legal Services Board”, already set its budget for 2020/21.

“A proposal for a 20% increase for the next financial year received after the representative body budgets have been finalised and the practising certificate (PC) fee application has been approved by the LSB is totally unacceptable.”

The Bar Council said the levy on the profession that funds the Office for Legal Complaints (OLC), LeO’s governing body, had already been “factored into” its new PC fee levels. The Bar Council said there was a risk that a big increase in the OLC levy would be passed onto consumers by barristers charging higher fees, and there should be no “significant” rise before “all other measures” had been explored, including better use of existing staff.

Judicial review

[Law Gazette](#) – Jonathan Goldsmith writes for the Gazette:

“The most recent flashpoint was the Court of Appeal’s suspension of the deportation of criminals to the Caribbean. We are told that the prime minister’s [chief advisor](#) called the decision ‘a perfect symbol of the British state’s dysfunction’, that there needs to be ‘urgent action on the farce that judicial review has become’, and, in what may send a chill down some spines, that the media and parliamentary response to the case ‘shows they still haven’t understood what the last few years has been about, the country outside London is horrified but rich London is cheering the lawyers’.

“If we are in any further doubt, the [Financial Times](#) reported, in relation to the new governmental constitutional review to be overseen by the Cabinet Office headed by Michael Gove, that the same chief advisor ‘wants to get the judges sorted and he’s naturally asked Michael to sort it out. He is trusted to do it’.

“The newly appointed attorney general has already made it clear that the Supreme Court Brexit cases are [grounds for parliament to retrieve power](#) ceded to the courts, who are now acting (according to her) as political decision-makers, pronouncing on what the law ought to be and supplanting parliament.

“By way of background, **the Bar Council** has indicated that applications for judicial review fell by 44% between 2015 and the end of September 2019, doubtless because access was significantly restricted in 2013 over the right to use legal aid, and because of a rise in court fees. The then justice secretary, Chris Grayling, was determined to drive out ‘[meritless applications](#)’ which were used as a ‘cheap delaying tactic’. So a government assault on judicial review is not new.”

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We're here @SOAS with Chair of the Bar, Amanda Pinto QC for the 17th Bar Council, @UNAWestminster, @SOAS Ruth Steinkraus-Cohen Annual lecture. This year's lecture - delivered by Professor Michael Schmitt - is on the international law of cyberspace.



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