



BAR COUNCIL NEWS UPDATE – FRIDAY 25 JUNE 2021

Courts backlog

The Daily Telegraph (print), [The Independent](#), The Guardian, [Politics Home](#), [MSN](#), [City AM](#) – The national media reports on the Bar Council's response to the latest official court figures which show that the backlog of cases in both the crown courts and magistrates' courts is increasing.

The Daily Telegraph and other media outlets report that **Chair of the Bar, Derek Sweeting QC**, said: "In the recent Rape Review the Government committed to significant increases in the number of cases that will be brought to court. Greater numbers of police officers will only increase these pressures in the coming years. Unless the Government urgently commits to long term and sustained investment in the courts and the wider justice system, the number of cases stuck in the courts will continue to rise.

"Behind every number in this backlog are victims of crime, defendants, witnesses and their families, putting their lives on hold while they wait years to see justice done."

Juries

The Times, [MSN](#), [Evening Standard](#), Oxford Mail, Shropshire Star, The Argus, Dorset Echo, Harrow Times, Jersey Evening Post, Salisbury Journal, Falmouth Packet, Richmond & Twickenham Times, Ilkley Gazette, East Lothian Courier, Peebleshire News, Glasgow Times, Windsor Observer, Wirral Globe, The National, Oldham Times, Ealing Times, Reading Chronicle, and 200-plus local and international outlets – Local and international media report that the Lord Chief Justice, Lord Burnett of Maldon, has said Covid-19 had exacerbated a backlog of crown court cases with around 57,000 outstanding as of April.

He said: "An opportunity was missed to introduce a temporary reduction in jury size", and questioned whether such a move could still be brought in.

Derek Sweeting QC, Chair of the Bar, is quoted across all media, saying that “tampering with juries” should be a “last resort”, adding: “Reducing the size of juries risks denting confidence in our justice system.”

The Chair was also quoted in The Times on the story. He led the legal sector’s response to the LCJ’s comments. He said: said that it “was not clear” that smaller juries would make an impact on the backlog.

Sexual harassment – BTAS sanctions

The Daily Telegraph (print and [online](#)), The Times (print and [online](#)), [Law Society Gazette](#), [Legal Futures](#) – The Telegraph and Times report that barristers who sexually harass colleagues could avoid tougher disciplinary action if they apologise immediately, under plans being considered by the Bar Tribunals and Adjudication Service (BTAS).

BTAS is reviewing its guidance on disciplinary sanctions for barristers accused of misconduct. Among the proposals is an “immediate apology” being a “mitigating factor” for sexual harassment as well as such incidents being “isolated” and “of short duration with low risk of repetition”.

The Telegraph reports that the Bar Council, in its response to the proposals, has said the sanctions against sexual harassment at the Bar must be “a genuine deterrent”.

The Bar Council added that an “immediate apology” could be seen as “a purely formalistic matter” and it would be difficult “to assess how genuine such an apology is” because it could be referred to as “banter”.

Derek Sweeting QC, Chair of the Bar, said that many of BTAS’s proposals will send a clear message to the Bar that sexual harassment will not be tolerated and help to ensure there is confidence in the sanctions regime. “But we have urged BTAS to look again at some of the less robust elements of the proposals,” he added.

Courts budget

[The Guardian](#) (print and [online](#)), [Exec Review](#), [MSN](#) – The Guardian and other outlets look at the looming battle for spending priorities post-Covid.

The articles point to the crisis in the courts and the justice system. The Guardian reports: “Ministers are becoming concerned that the extent of the problem could soon become a political crisis.

“Putting a price on fixing it is not easy but a [Bar Council report](#) (Small Change for Justice) from last year calculated that just to restore per-person judicial spending to levels in 2010, before years of cuts, would cost an extra £2.48bn a year.”

Rape review

The Independent (print and [online](#)), MSN, [New Law Journal](#) – The Independent reports on the Bar Council’s reaction to the government’s rape review which has acknowledged the depth of systematic failures in the criminal justice system.

The Independent quotes **Derek Sweeting QC, Chair of the Bar**. He said: “The investigation and prosecution of allegations of rape has been crying out for reform ... but without better funding for every part of the criminal justice system which deals with these cases, the government’s ambitious action plan will fail.”

Qualifications Bill

[Law Society Gazette](#) - Plans to create a new framework for recognising overseas qualifications could damage the autonomy of the legal profession and impact UK lawyers looking to re-qualify abroad, the Bar Council has warned.

In a briefing issued this month, the Bar Council said the Professional Qualifications Bill subjects regulators’ admission powers to an economic test of unmet need. The bill is currently at committee stage in the Lords and is due to replace the EU’s mutual recognition of professional qualifications directive (MRPQ).

Trans inclusivity at the Bar

[Law Society Gazette](#) – The Gazette reports that the Bar Council has published a statement in support of trans, non-binary and gender fluid barristers, encouraging all chambers to consider trans inclusivity in their diversity and bullying policies.

In a statement posted on the Bar Council’s website, the statement says it is ‘important to recognise that some people are transgender and that not everyone feels that their gender can be defined within the margins of gender binary’.

Social media

[The Times](#) – The Times reports that regulators are ramping up efforts to track down anonymous commentators purporting to be lawyers if they cross the line into professional misconduct on social media.

Watchdogs overseeing solicitors and barristers in England and Wales have told The Times that they will not allow a veil of anonymity to dissuade them from pursuing action for alleged breaches of the professions' codes of conduct.

The Times reports that regulation is one thing, but the issues around the legal profession's wider reputation is more subtle.

A spokesman for the Bar Council said that "social media can be an unforgiving platform". He added that the Council urges barristers "to explore general social media guidance and tips before taking to Twitter, LinkedIn or other social media channels, and above all, to exercise their professionalism and abide by the code of conduct when doing so".

Law reform

[LawCareers.net](#) – LawCareers.net reports that the Bar Council's Law Reform Essay competition is now open for entries.

BAR COUNCIL TWEETS



The Bar Council  @thebarcouncil · Jun 23 ⋮

Chair of the Bar & Bar Council are in Leeds @ne_circuit this week to meet with @psqbar @SpireBarristers @ExchangeC and visit Leeds Combined Court. Topics on the agenda include the need for a #Leeds civil justice centre + more

@yorkshirepost



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