



BAR COUNCIL NEWS UPDATE – FRIDAY 15 JANUARY 2021

Legal aid

[Politics Home](#), [Daily Mail](#), [The Justice Gap](#), [Financial Times](#), [Law Gazette](#) – Media report on the Bar Council’s new report “Running on Empty”, which says the civil law legal aid system in England and Wales is “running on empty” because of cuts imposed eight years ago that are having a “damaging effect” on barristers.

The Bar Council, which represents 17,000 barristers, questioned advocates and clerks working in areas such as housing, immigration and family law that were hit by the Legal Aid, Sentencing and Punishment of Offenders Act, which came into force in April 2013 and removed huge swathes of disputes from being eligible for legal aid funding.

Many barristers said that compared with 2013, they were now earning a considerably lower hourly rate in cash terms, the study published on Thursday found.

Derek Sweeting QC, chair of the Bar Council, said the consequences of underfunding of the civil legal aid system would continue to snowball if action was not taken. “Our report finds a civil legal aid system running on an empty tank, kept going by nothing more than the goodwill of the legal profession. This is not a sustainable way to guarantee the future of such an essential service for the public.” he said.

The Daily Mail reports that in October, the Bar Council claimed that some publicly funded barristers were earning less than £13,000 per year pre-tax, working out at £6.25 per hour for a 40-hour week. In a paper submitted to the Treasury ahead of their spending review, the council claimed the lack of pay was putting the future of the legally aided bar at risk and will have ‘a disproportionate impact on diversity in the profession’.

Hong Kong

[Law Gazette](#), [The Times](#) – A former solicitor-general has defended an English barrister who will prosecute protesters in Hong Kong after he was accused of doing “China’s dirty work”.

Lord Garnier, QC, who served under David Cameron until 2012, said that David Perry, QC, was professionally obliged to take on the case as a member of the Hong Kong Bar but conceded that it appeared “politically strange”. [...]

The Bar Council declined to comment on Perry’s decision. However, responding to reports of mass arrests of pro-democracy demonstrators in Hong Kong, chair Derek Sweeting QC described the crackdown as an ‘assault on democracy itself and calls into question the legitimacy of the security laws being used by the Chinese authorities to make mass arrests.’

Courts under lockdown

[LawCareers.Net](#), [Law Gazette \(print, p.4\)](#) – The Law Gazette reports that no plans were pending to test court users for coronavirus as the Gazette went to press, despite demands for further safety measures following news that courts will stay open during the third national lockdown.

HM Courts & Tribunals Service said testing in courts is kept under constant review by the Department for Health and Social Care. However, the current position is that users such as lawyers, jurors and witnesses will not be tested before entering the court estate. [...]

According to the Bar Council, HMCTS has been pushing for court users and staff to be vaccinated once the first rollout of vaccinating vulnerable groups has taken place.

Diversity and inclusion

[New Law Journal](#) (Daniel Sternberg profile) – Q: What change would you make to the profession?

A: I’ve just finished a seven-year term on the Bar Council so I’m acutely aware of all the efforts that are being made to increase and retain diversity in the profession. The Bar needs to do more to recruit and retain aspiring practitioners from a non-traditional background. Otherwise we will never shake off the pale, male, stale stereotype of the bar (though I do meet two of those criteria).

Master of the Rolls

[New Law Journal](#), [Law Gazette](#) – Media report that Sir Geoffrey Vos succeeds Sir Terence Etherton as president of the civil division of the Court of Appeal and head of civil justice. He previously served as chancellor of the High Court and was chair of the Bar Council in 2007.

At last year's annual bar conference, Sir Geoffrey vowed to 'radically rethink' civil justice, saying the UK legal system 'needs to be ambitious in terms of digitalisation if it is to retain and enhance its status'.

Pupillage scheme

[Law Gazette \(print, p.10\)](#) – Commercial chambers will fund criminal law pupillages that would otherwise have been cancelled this year due to Covid-19. Under a scheme administered by the Bar Council, at least eight commercial chambers will pay for criminal pupils to complete their training. It is nevertheless feared that the supply of pupillages as a whole will shrink in 2021 as a result of the pandemic. To combat this, the regulator has relaxed rules around its new pupillage timetable to allow chambers to recruit pupils until August 2021, as opposed to early May.

Brexit

[Personnel Today](#), [Law Gazette](#) – UK lawyers will not lose their voice at the heart of the European legal profession, it has emerged. Following the end of the Brexit transition period, the UK's delegation to the Council of European Bars and Law Societies (CCBE) had been threatened with relegation to 'associate' or 'observer' status, which would have severely affected its ability to take part. But, in a move welcomed by the Law Society and Bar Council, the CCBE has voted to create a new category of 'affiliate' membership for the UK.

[BAR COUNCIL TWEETS](#)



Our final #BecomingTheBar story is Aaqib Javed:

"Transferable skills are invaluable...chambers I interviewed at were genuinely interested to hear more about my position as a complaints handler for Europe's leading flatpack furniture company."

#IAmTheBar

barcouncil.org.uk/media-campaign...



The Bar Council Retweeted

 **Advocate**
@WeAreAdvocate

A huge THANK YOU to our magnificent volunteer barristers, who took on 1,412 pieces of work in 2020!

This was a heroic effort in a truly shocking year. In [@BarCouncilChair](#)'s words, you're "a beacon of light in the most challenging of times."

Read more: weareadvocate.org.uk/advocate-celeb...

