



BAR COUNCIL NEWS UPDATE – MONDAY 26 NOVEMBER 2018

Legal Aid – AGFS

[The Times](#) reports that Ministers have agreed to spend an extra £23 million on fees for criminal advocates in trials such as robbery, rape and murder to help to stem the drain of talent from criminal defence work.

David Gauke, the justice secretary, also promised that he would bring forward a 1 per cent increase on all fees to come into effect alongside the new scheme.

[Legal Futures](#) - Chair of the Bar Andrew Walker QC welcomed the announcement by Lord Chancellor David Gauke of an extra £8m, on top of the already promised £15m, funding boost for the Advocates' Graduated Fee Scheme.

"I do have the sense that in relation to criminal justice, at least, we have at last turned a corner with the current Ministry in terms of engagement and understanding," he added.

[Politics Home](#) and [The Barrister](#) report the Chair of the Bar's response:

"The Lord Chancellor's announcement that there will be further funding for the Advocates' Graduated Fee Scheme (AGFS), following the recent consultation, is welcome. So too are his comments about the future – about the scope to improve the way in which criminal defence advocates are paid, and his commitment to working together with the professions to make criminal advocacy sustainable.

"To hear a Lord Chancellor emphasise the need to make criminal practice sustainable, so that people from all backgrounds can enjoy a decent career doing such important work, signals what we hope will prove to be a critical moment in the Bar's relationship with the Ministry of Justice, not least because it shows that the Ministry has listened to the concerns expressed strongly and resolutely by the Bar Council and the Criminal Bar Association about the effects of underfunding on the criminal Bar and access to justice."

Annual Bar Conference

[The Guardian](#) - Justice and the rule of law in the UK are at risk because of political decisions that threaten to undermine the independence of the judiciary, the chair of the Bar Council

has claimed in a bombshell speech that underscores a deep anger coursing through the legal profession.

Andrew Walker QC used his speech to the Annual Bar and Young Bar Conference on Saturday to say: "In truth, in the last two decades, we have been following a course that has set its face against justice, by political design, political folly and political expediency."

[The Times](#) - Walker told hundreds of barristers gathered in London for their annual conference that successive government's had "preyed on our goodwill".

He said: "This is not just a betrayal of our own citizens and of what our forebears built after the horrors of the first part of the 20th century. It is also a threat to our respect and reputation abroad. If we can no longer deliver access to justice of which we can be proud - even worse, if our systems of family and criminal justice start to fail - then our justice system and rule of law are all at risk."

[Legal Futures](#) reported on the Chair's warning that the government risks the UK legal system being "relegated to the world's second division, at the worst possible time" because of Brexit.

Walker added: "Our objection to justice being downgraded and demeaned has been passionate and unwavering, and so it must continue."

Andrew Walker also hinted at thawing relations with the Ministry of Justice.

He said that, "if the Treasury were willing", then the LASPO review – due to be published by the end of 2018 – "would present us with an opportunity to show our mettle in a post-Brexit world".

[The Barrister](#) reproduced the Chair's speech in full.

Professional entry scheme

[Legal Futures](#) - Susan Acland-Hood, chief executive of Her Majesty's Courts and Tribunals Service (HMCTS), told delegates at the Bar Council's annual conference in London on Saturday that 8,000 knives had been confiscated in 2017 and that 5,000 had already been removed this year.

Since August, courts in Brighton, Maidstone, Southwark, Tameside and Wood Green have been piloting the app developed by the Bar Council, which allows barristers to enter using a digital ID card on their phone.

Derek Sweeting QC, chair of the Bar Council's legal services committee, revealed that the Bar Council had spent £50,000 in developing the app, and invited HMCTS to reimburse the money spent.

Ms Acland-Hood declined to do so. She said it was “really good that we doing it together”, but the scheme benefited the Bar Council’s members and it was therefore right that the Bar paid for it.

[Mirage News](#), [West Bridgford Wire](#) and the [Global Legal Post](#) report that a Bar Council app will be accepted at five courts as part of professional court user entry scheme pilot, following pilot testing for a professional entry scheme at a limited number of courts.

Digital courts

[The Times](#) survey of 1,500 reveals that most barristers believe that the £1 billion drive towards digital courts will damage principles of fair and open justice. More than 80 per cent fear it will lead to “justice being trampled on” and “cheap” rather than “just” decisions.

Andrew Walker, QC, chairman of the Bar, said: “The use of technology is to be welcomed, but it must be in the right way and [not compromise] the delivery of true justice. [It] must not be at the expense of investment in the courts that connect communities with our justice system and legal aid. Technology should be a tool, not an end in itself.”

Bar training

[The Times](#), [Legal Futures](#) - A Labour government will reform barristers’ training by putting it back in the hands of the Inns of Court and ending the “profiteering” by the current commercial providers, the shadow attorney general has said.

Addressing the Bar Council’s annual conference in London on Saturday, Baroness Chakrabarti said Labour would “end the racket of Bar courses that offer too many places for too high fees to too poor students, many of whom have no prospect of the pupillage that remains the gateway to the profession”.

Branding the commercial providers of the Bar professional training course, which costs up to £19,000 “profiteers”, Lady Chakrabarti said they were “on fair notice that change is coming”.

Annual Bar Conference – additional highlights

Baroness Kennedy of the Shaws, QC: [The Times](#) - Judges and juries often wrongly assume that women who use online dating sites “would have sex with anyone”, Baroness Kennedy of the Shaws, QC, told the annual Bar conference. She said the courts needed to be more aware of women’s rights and the #MeToo movement.

Lawyers and the courts had a responsibility to give women their rights, Lady Kennedy said. Otherwise, she warned, referring to the #MeToo campaign, women would take the law into their own hands.

Lord Sumption QC: [The Times](#) – The Supreme Court justice told the Annual Bar Conference that barristers would never attract the level of public support that nurses or teachers enjoy.

“This means that they cannot use the same campaigning methods,” he said. “Public demonstrations with banner in hand and wig on head look ridiculous and are counter-productive.”

In addition, the bar had tended to run the kind of campaigns that could only have worked if its cause enjoyed strong and instinctive public support. “It does not,” he said.

Lord Sumption, who is to retire next month, said: “Most of the public believes that there is no smoke without fire, that people charged with criminal offences are almost certainly guilty and that barristers are rich toffs who help their clients to avoid their just deserts.

“There are no votes in having a fair and properly functioning court system, fundamental as it is.”

Lord Sumption QC also criticised cuts to legal aid and said that forcing defendants to pay legal costs even when they were acquitted was unfair and not the sign of a “functioning court system”.

Attorney General, Geoffrey Cox QC: [The Times](#) - More barristers should enter public life to ensure that politicians understand the importance of an independent justice system, the attorney-general told the Annual Bar Conference.

Geoffrey Cox, QC, who was a practising barrister as well as an MP until he took up his post as the government’s chief law officer in July, lamented the “growing divergence” between the legal profession and public life.

Lawyers, he told the Bar Conference on Saturday, brought important values to posts such as his. They put focus on independent justice and transcended the political fray. “Where shall we look to draw those values but from the legal profession?” he said.

CPD

[Legal Futures](#) - A “significant number” of barristers are still unaware that a new scheme for continuing professional development (CPD) has been in force for nearly two years or are unclear on how it works, Bar Standards Board checks have found.

Andrew Walker QC, chair of the Bar Council – who attends the BSB meetings as an observer – said he was not surprised that it was taking time for barristers to get to grips with the reflection requirement as it was a new CPD concept for them.

Regulation

[Legal Futures](#) - The Bar Standards Board (BSB) now has the power to intervene in individual barristers’ practices among a host of other new regulatory tools that have been approved by Parliament.

The changes put the regulation of barristers on a statutory footing for the first time.

Speaking earlier this year to Parliament about the changes, justice minister Lucy Frazer said: "Barristers are regulated under a non-statutory regulatory regime, with barristers in effect consenting to be bound by the BSB's rules and thus establishing a contract between them.

"That arrangement is underpinned by a series of agreements between the Bar Council, the Inns of Court, the Bar Tribunals and Adjudication Service and the BSB.

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



"Bombshell speech" by Andrew Walker QC, Chair of the Bar, warns of risks to rule of law and access to justice #BarConf @guardian



Legal aid cuts are 'huge threat' to access to justice in UK
Bar Council chair says rule of law is at risk because of political folly and expediency
theguardian.com

7:13 PM - 24 Nov 2018

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Justice system is now the Michelin starred restaurant for the wealthy compared to the food banks of the poor left to defend themselves, says Shadow Attorney General to [#BarConf](#)

12:53 PM - 24 Nov 2018

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 1  25  27 



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Irrespective of your background, we are all part of the same profession, says [@_lesliethomas](#), and prompts barristers to go to state schools and inspire children "to do what we do. [#Heroesinawig](#)." [#BarConf](#)

4:02 PM - 24 Nov 2018

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  14  26 



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As we go into our conference today, one of our keynote speakers announces additional funding for criminal defence in [#AGFS](#) [#legalaid](#). Chair of the Bar will give his reaction when he addresses the conference later. Follow [#BarConf](#)



Increased fees for criminal defence advocates

The government will spend an additional £23 million on fees for criminal defence advocates following consultation with the Bar.

[gov.uk](#)

7:47 AM - 24 Nov 2018

9 Retweets 19 Likes



First 100 Years

@First100years

Following



We are really pleased that the Lord Chancellor [@DavidGauke](#) remains consistent on calling for more diversity in the legal profession - he has spoken on the importance of equality at our annual conference as well and good that [#Barconf](#) gets to hear it too

The Bar Council ✓ @thebarcouncil

"There's more to do on diversity at the Bar and Judiciary" says Lord Chancellor, highlighting Bar Council's role in a number of diversity initiatives [#BarConf](#)

12:41 PM - 24 Nov 2018

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22





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Lord Sumption: Civil legal aid not the same as criminal justice. It's discretionary. Not essential like criminal. Bar campaigns lack public support. Barristers will never enjoy same support as nurses and doctors #BarConf. Bar needs to work on Govt. Not protest with wigs on.

10:18 AM - 24 Nov 2018

9 Retweets 24 Likes



31 9 24



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Andrew Walker QC: "Our objection to justice being downgraded has been passionate. But our politicians and the public have a choice to make. They must make it wisely. If they take all this for granted, then I fear that we will all pay the price." #BarConf

9:42 AM - 24 Nov 2018

18 Retweets 21 Likes



18 21

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Message from Attorney General to the Bar at today's #BarConf seems to be "we need you": Get elected or a peerage and take over Parliament to get your voice heard. Until then, you can rely on the Bar Council to ensure the profession's voice is heard in Whitehall & Westminster



10:00 AM · 24 Nov 2018

7 Retweets · 4 Likes



   