



## BAR COUNCIL NEWS UPDATE – FRIDAY 4 DECEMBER 2020

### Justice system

[Prospect Magazine](#) (print and online) – Chair of the Bar Council, Amanda Pinto QC is interviewed by Prospect Magazine on the courts backlog, prisons, funding for the justice system, jury trials and more.

“We’re seeing ordinary, short cases being listed in 2022,” Amanda Pinto QC, Chair of the Bar Council, told [Prospect]. “And it matters, because people get disengaged if they think it’s going to be hanging over them for a very long time. None of that is in the interest of justice.”

Justice can receive less attention from politicians and the public than other priorities like education and healthcare— something Pinto finds frustrating. “It’s very difficult to capture the public imagination about why it matters in the same way,” she said. “When it’s dressed up as law and order, most people think, ‘Well, I’m not going to be involved in that— why would I want to put money into it?’ It’s not a vote winner.”

But what people do not realise, she said, is that legal processes have a bearing on freedoms we all take for granted. “Access to justice for everybody means you as a citizen can have rights. But if you can’t exercise them, then what’s the point? We need to be able to ensure that no one is overlooked in the justice system.”

### Covid Operating Hours

[Evening Standard](#), [Msn.com](#), [Yahoo News](#) - Lord Chancellor Robert Buckland told MPs he believes they are “turning the corner” on the pandemic justice crisis but warned social distancing in the courts could go on until June next year.

Meanwhile, the Justice Secretary is facing strong opposition to extending the opening hours of crown courts over the next four months.

The measure – branded Covid Opening Hours – would see sitting hours expanded to 9am until 6pm, with morning and afternoon sessions hosting two different trials in the same hearing rooms.

The CBA said a survey of female barristers found a majority would have to turn down work under extended opening hours and would consider leaving the profession

Bar Council chair Amanda Pinto QC has also warned: “If we don’t keep and nurture the women all the way through their careers to the point where they can become QC’s but also where they become potential judges of the future, then the judiciary will not change. And at the moment there is very poor representation of women in the judiciary.”

## Brexit

**The Times (print and online)** - Named after a town in Italian-speaking Switzerland where the deal was struck in 1988, the Lugano Convention was never an element of the Brexit debate that fired passionate rows between Leavers and Remainers.

Yet lawyers point out that its provisions for cross-border dispute resolution are critical and even more so in the modern international commercial world. Brexit puts the UK’s position in the treaty under threat and within the past few days the law societies in England and Wales, Scotland and Northern Ireland have combined with City representatives to plead with Charles Michel, the president of the EU council, to allow the UK to remain part of the Lugano club.

Hugh Mercer, QC, of Essex Court Chambers is **the Bar Council’s** Brexit expert. He argues that Brussels may be misplaying its hand over Lugano. He points out that whatever rules are in place after Brexit, there will be trade because the EU is by far the UK’s biggest trading partner. “There are likely to be more disputes as people unravel who is contractually responsible for delays in shipments and new tariffs on imports,” he says. “So the EU’s use of the Lugano issue as a bargaining chip in the trade negotiations is a significant own goal so far as EU citizens and its smaller businesses are concerned.”

Mercer says that the position of Brussels appears to be based on the idea that the London commercial court lures a significant amount of international litigants – and EU countries would like to increase legal business in their home jurisdiction by opening English language commercial courts.

## Home Office language

[The Canary](#) – The Home Office just attacked “lefty lawyers” after it tried to deport around 50 people to Jamaica. But it’s not the first time the government has used this language.

A “Home Office source” [told the Telegraph](#): “Lefty lawyers are going to spend all evening on the phones to judges in their pyjamas to try to get people who have committed heinous crimes dragged off this flight.”

Priti Patel and Boris Johnson used the same language earlier in the year. There were real-world implications because of Patel and Johnson’s language. As Gauke [wrote](#):

“This is no abstract concern. This week, a 28-year-old man has been in court charged with a racially or religiously aggravated attack on 7 September on a solicitor at a law firm that has been involved in high-profile immigration cases. Subsequently, both the Law Society and **the Bar Council** wrote to the home secretary to raise their concerns about her language putting lawyers at physical risk.”

## Technology and women

[Gov.uk](#) - The British High Commission in Cyprus continues its insightful webinar series with an interview with Amanda Pinto QC, who shares her views on the effects COVID-19 has had on the world. The webinar reveals how elements of the UK adapted to the pandemic and how a #DynamicUK continues to innovate to face challenges.

Pinto, who is chairing the Bar Council for 2020 was interviewed by acclaimed lawyer Christophoros Christophi, about the challenges that the legal sector faces, from a legal practitioner’s point of view.

Pinto’s webinar covers two highly insightful and important topics. The first topic analyses legal technology, the impact of COVID-19 in the legal profession and where the balance lies in justice for the future.

In the second part, she focuses on women at the Bar, and highlights the importance of their presence in justice and how to ensure that women do have a chance to reach to the top of their profession.

## Equality and diversity

[Legal Futures \(x2\)](#) - Chambers should conduct race equality audits and, if necessary, introduce “positive action” to address the problems identified, as well as publish anti-racist statements, the Bar Standards Board (BSB) has said.

Last month, the [Bar Council published a guide on positive action](#) – covering other issues as well, such as giving female barristers preferential access to briefs after returning to chambers from career breaks – and said it could bring about real change in addressing under-representation at the Bar.

The BSB is also to “reflect” on the duty on barristers to report harassment, with efforts to improve reporting proving ineffective, as it looks at new measures to tackle bullying and harassment. There has been little use of the Bar Council’s ‘Talk to Spot’ app or of the pilot harassment support schemes approved by the BSB.

## Bar Conference

[Lexology](#) – Further coverage of the Annual Bar and Young Bar Conference.

Sir Geoffrey Vos, Chancellor of the High Court, [spoke](#) at the Bar Council’s Annual Bar and Young Bar Conference on 19 November. Sir Geoffrey concentrated his remarks on the importance of technologically-based reform of the business justice system to, ‘make it fit for the 21st century and for the age of big data, a ubiquitous internet, smart systems, artificial intelligence (AI), smart contracts and the blockchain’.

Referencing the UK Jurisdiction Taskforce of the Lawtech Delivery Panel, Sir Geoffrey advised that the Taskforce was currently engaged in developing a standard form English law and jurisdiction dispute resolution process and accompanying clause for use in smart contracts and blockchain engagements.

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**The Bar Council** @thebarcouncil · 20h



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Students with disabilities looking for support: read our guide on getting financial help for postgraduate studies leading to qualification for the Bar.

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**Government Legal Department** @GovernmentLegal · Dec 2  
Sean Wilson, Senior Lawyer and Chair of GLD's Race Network, recently spoke with @thebarcouncil to detail his journey to the Bar and the obstacles he faced along the way.

Read the full blog via: [barcouncil.org.uk/resource/guest...](http://barcouncil.org.uk/resource/guest...)



**Alex Dean** @AlexDean94 · Dec 1  
Important interview with Amanda Pinto, Chair of @thebarcouncil, by @emilylawford

Government cuts, not Covid, are to blame for the courts backlog

How far measures announced in the Spending Review will help remedy things remains to be seen



Interview: Amanda Pinto—Battling the courts backlog  
The Chair of the Bar Council says there is no substitute for proper investment in criminal justice  
[prospectmagazine.co.uk](http://prospectmagazine.co.uk)

