



BAR COUNCIL NEWS UPDATE – WEDNESDAY 8 MARCH 2017

Migrant detainees

[The Express](#), [PA News](#) and the [Morning Star](#) all report that Andrew Langdon QC, chairman of the Bar Council, said a limit should be placed on how long a person can remain locked up. Mr Langdon said it seemed pretty clear that detainees were not given sufficient access to legal representation.

He said it had also been established that vulnerable people - including torture victims - were being held "without the necessity for doing so" and in circumstances which were "damaging to their mental health".

"It apparently costs £36,000 a year to hold someone in detention in an immigration removal centre," said Mr Langdon.

"The annual cost of a migrant being monitored electronically is about £5,000 - £4 million a year has been paid in compensation to those who have been unlawfully detained."

"We should shine a light also on persisting failures to identify those vulnerable detainees, including torture victims, for whom detention in immigration removal centres or prison is simply unacceptable in a civilised society."

Pupillage Gateway

[Legal Cheek](#) reports that Carmelite Chambers invited a number of pupillage applicants to interview in error.

A spokesperson for Carmelite Chambers confirmed that the set had had problems with its pupillage gateway and was awaiting a full audit report. The set was unable to provide details on how many applicants were impacted, as both successful and unsuccessful candidates' statuses were "jumping around".

The Bar Council, which is responsible for overseeing the gateway, told *Legal Cheek*:

"We have contacted Jobs Go Public, who manage the technical side of the pupillage gateway. They have had no reports of technical issues from any chambers whatsoever with regards to booking interviews or communicating with candidates. Nor does there appear to

be any technical issue within the gateway. Jobs Go Public has said that should they receive any reports of a technical problem from chambers they will investigate further.”

Youth Courts

[Legal Futures](#) - Barristers in the youth courts will have to make a declaration that they have reached the standards set out by the Bar Standards Board (BSB) to continue providing the service, it has emerged.

But there will be no compulsory training so as to avoid discouraging counsel from doing low-paid youth court work.

The BSB’s compulsory registration scheme, to be introduced this autumn, is the first of its kind for barristers.

Higher fees and mandatory training were the key demands of a report on youth advocacy for the Ministry of Justice by child behaviour expert Charlie Taylor, published in December.

Oliver Hanmer, director of regulatory assurance at the BSB, said youth court advocates could be paid up to 50% less than other barristers for the same type of case.

“We know the market for advocacy in the youth court is fragile,” Mr Hanmer said. “We don’t want to find barristers saying the money is not enough and they’re asking for mandatory training, so we’re not going to appear in the youth courts.

“This would limit access to justice and be contrary to the public interest.”

Bar Mock Trials

Local papers including the [Lancashire Telegraph](#), the [Bolton News](#), and the [Chorley Citizen](#) report that entrants from Bolton Sixth Form College have been awarded for their entries to the Bar National Mock Trial.

The annual competition has attracted 53,000 in the 25-years it has been going who learn how the legal system works.

A spokesman for Bolton Sixth Form College, said: “In the Bar Mock Trial Competition students take on the roles of barristers and witnesses and present their case against teams from other schools.

First they have to become familiar with the case, then they have to battle it out in real courtrooms, in front of real judges.

Personal Injury

The Times reports that plans to change the way lump-sum payments to personal injury victims are calculated could still be amended to make the cost less onerous for insurers, according to Direct Line.

Paul Geddes, Direct Line's chief executive, said he wanted a "fair balance" but added that insurers did not believe the Ministry of Justice had grounds to announce a dramatic change in the compensation ratio last week.

An "urgent" consultation was under way with the Treasury over the issue which could, he said, lead to alterations to the MoJ's position. "These are very delicate claims. We absolutely want to look after people who have had motor accidents," he added.

[The Times](#) also reports that Personal injury lawyers will benefit from the reform of compensation payouts announced last week, despite government claims that the change would not increase their fees, *The Times* has found.

On Monday Liz Truss, the lord chancellor, announced a change in the formula used to calculate payouts, which will double compensation in the most serious cases.

Analysts said that the reform would increase the average cost of car insurance by £70 a year. The Ministry of Justice said that it would not result in larger fees for personal injury lawyers, despite the fact that the profession had been lobbying for the move.

Employed Bar

[DisabledGo News](#) - A system that allows barristers who are paid by DWP to prosecute benefit fraud cases to also sit as judges on tribunals that decide social security appeals is "unquestionably wrong" and a "direct conflict of interest", say welfare rights experts.

The concerns were raised this week after Disability News Service (DNS) was told about one judge who had prosecuted two high-profile cases of benefit fraud in 2012 and 2013, even though she had been appointed as a part-time social security tribunal judge in 2011.

Steve Donnison, co-founder of [Benefits and Work](#), which provides benefits information and advice, said: "It is unquestionably wrong that judges can be allowed to sit in jurisdictions where they have a financial relationship with one of the parties to appeals."

Legal Aid

[The Gazette](#) - The government is set to usher in a new era of legal aid reform that could bode ill for criminal defence specialists fighting the latest attempt to slash fees. In an ominous shift in terminology, justice minister Sir Oliver Heald told parliament that the Ministry of Justice will publish a green paper on 'legal support' next year.

He said: 'The reform programme will deliver a justice system that is more accessible to the public. It aims to support people in resolving their disputes using simpler, modern procedures.'

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