



BAR COUNCIL NEWS UPDATE – WEDNESDAY 18 JULY 2018

Brexit White Paper

The Brief (The Times), Politics Home – The media report that lawyers will lose their right to advise on EU law and even on UK law when on the soil of the EU27 under the government's Brexit white paper, the Bar Council has warned in its preliminary response to the paper.

UK businesses that still need to operate under EU law will “be unable to have their trusted UK legal professionals by their side — and instead be forced to hire EU27 lawyers whom they do not know, the Bar Council says.

The white paper, which proposes a free trade agreement approach for legal services, will also mean that barristers from England and Wales will lose their right to defend the UK government, UK businesses and UK citizens before the Court of Justice of the EU.

“This would be despite having been recognised in summer 2014 by the former president of the CJEU as providing some of the best advocates in the CJEU. This will be a huge loss to both the UK and the EU,” says the Bar Council in its statement.

Working Lives of the Bar

HR Magazine (print and online) – HR magazine looks in detail at how a lack of a formal human resources function within chambers affects barristers.

Citing the recent Bar Council Working Lives survey findings on attitudes at the Bar, HR magazine asks whether an HR department within chambers could help change barristers' working lives. The magazine also considers whether the recent strike threat from the criminal Bar could have been avoided had more formal HR support been a feature of chambers.

"This is not easy to achieve against a backdrop of cuts to legal aid," says **Sam Mercer, head of policy, equality and diversity and CSR at the Bar Council**. "Many barristers cannot take a break from work because they need to pack their diaries with back-to-back cases to make a decent living. That is out of the chambers' hands and is sadly becoming a familiar feature of the profession, especially among barristers practising criminal and family law, where the government's budget cuts have been the deepest."

Mercer adds that some positive changes have occurred in the last few years, with more chambers and organisations that employ barristers in house introducing and "actively encouraging working practices that support resilience".

HR magazine reports that the Bar Council also launched a Wellbeing at the Bar initiative. "The initiative provides resources on a range of support for barristers, including social activity and support to combat increased remote working, and education around sleep, breaks between intensive periods of work and exercise," says Mercer. "While it sounds simple this type of help often gets forgotten when under pressure. Largely based on a website, the Wellbeing at the Bar support resources go some way towards giving barristers the kind of wellbeing help that HR departments might be looking to give were it another profession or sector."

Although the profession has been slow to adopt the sort of formalised HR structure that you'd expect to find in any private business or public organisation, in the future there are a number of factors that may make this more likely.

"These include rising awareness of wellbeing issues, more movement of barristers between sets, additional administration as a result of regulation such as the GDPR, and the trend for larger staff teams as chambers modernise and expand," says Catherine Calder, joint chief executive of Serjeants' Inn Chambers.

"An early marker of this is the Bar Council's announcement last Autumn that it had retained specialists from Veale Wasbrough Vizards to support sets of chambers with HR management."

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