



BAR COUNCIL NEWS UPDATE – FRIDAY 27 JULY 2018

Criminal justice

Financial Times, [The Times](#), [Law Society Gazette](#), [Politics Home](#), [Legal Futures](#), [LawCareers.net](#), [New Law Journal](#) – The legal and national media report on the House of Commons’ Justice Select Committee report on criminal justice, which found that widespread unavailability of legal aid is putting people’s human rights at risk.

The MPs’ report paints a bleak picture of defence practitioners under unsustainable pressure. The paper warns that as time wears on, the need to work long hours unpaid in order to properly analyse evidence will increasingly result in defendants not having their cases heard fairly.

The cross-party committee called for the government to commission an independent review into its findings, which should begin no later than March 2019 and conclude within a year. It also made a series of recommendations, including restoring legal aid payments for defence practitioners to review unused material above a certain threshold as part of a wider criminal legal aid review, and reviewing fees for criminal defence practitioners annually.

The Bar Council’s response to the report is picked up across the media. **Chair of the Bar, Andrew Walker QC**, said: “This report shows clear and candid cross-party acceptance of what the legal profession has long been warning about: that years of savage cuts have led us to a crisis in criminal legal aid, which in turn threatens the future efficiency and effectiveness of our criminal justice system.

“This is casting a long shadow over the rule of law and eroding public confidence in the ability of our justice system to ensure that offences are prosecuted, and that the guilty are convicted and the innocent acquitted. The committee is right to add this to the growing list of threats to our international reputation being generated by the implications of Brexit.

“At a time when public servants across government are finally seeing light at the end of the tunnel of austerity, there is no justification for excluding the dedicated barristers and solicitors whose daily struggles keep the criminal justice system going. We hope not only that this report signals a shift in political attitudes in parliament, but that it also leads to a decisive change in the attitude towards justice at the highest levels in government.”

New Law Journal reports that the Bar has called for more funding for the criminal justice system in the wake of a report into the collapse of several rape and sexual assault trials.

The House of Commons Justice Committee report, [Disclosure of evidence in criminal cases](#), highlighted failings in the way police and prosecutors apply disclosure rules but did not recommend any rule changes.

Chair of the Bar, Andrew Walker QC said: “The impact of dramatic cuts in funding for criminal justice cannot be ignored.

“The increasing volume of digital material has clearly created new challenges for the CPS and the police, but it is wholly unrealistic to expect them to meet those challenges without sufficient funding. The government have to accept that there is a clear link between disclosure failures and the sustained budget cuts that it has imposed on all parts of the criminal justice system.”

Court reform

[New Law Journal](#) - Family lawyers and barristers have hit out at the government following a scathing report on the £1.2bn courts modernisation project, reports New Law Journal.

The Public Accounts Committee (PAC) last week warned of a ‘significant risk that HM Courts and Tribunals Service (HMCTS) will fail to deliver the benefits it expects’, in its report, [Transforming Courts and Tribunals](#). It said the government’s timetable was unrealistic, consultation inadequate and that the changes—closing courts, introducing virtual hearings, digitising paper services and centralising services—could have unforeseen consequences for taxpayers, court users and justice.

Andrew Walker QC, Chair of the Bar, which also raised its concerns to the inquiry, said: “Engagement with the Bar has been fraught with practical difficulties of HMCTS’s making, and too often barristers and the Bar Council have wasted the valuable time that they are being asked to give to this (entirely at their own expense).

“We are also not satisfied that sufficient attention is being paid to the implications that digitising legal processes, and the widespread use of video technology, may have for justice and fairness in every case. This must include ensuring that independent legal advice is received when it is needed most, especially before individuals make decisions that may have important implications, such as before indicating a likely plea when you are charged with a criminal offence.

“HMCTS has been reluctant to address this issue, as the availability of legal advice is not part of its design brief.”

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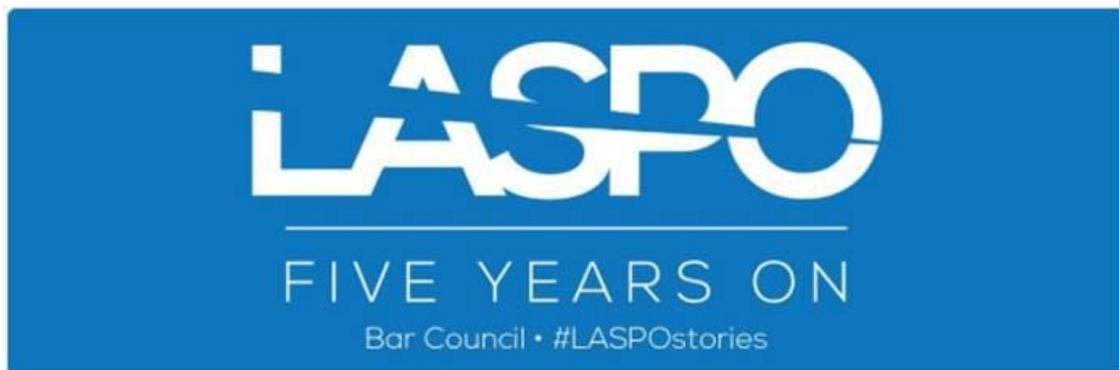




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