



BAR COUNCIL NEWS UPDATE – FRIDAY 9 FEBRUARY 2018

Brexit

[Politics Home](#), [The Times \(The Brief\)](#) – The media report that Hugh Mercer QC, Chair of the Bar Council Brexit Working Group has said that the British tax-payer should not be asked to foot the Bill to set up an alternative to the CJEU unless there are tangible benefits to the quality of justice.

Giving evidence to the House of Lords EU Justice Sub-Committee, Hugh Mercer QC said: "What are the costs? What are the benefits? Are we really going to invent something which costs tens if not 100s of millions of pounds in order to replace something when it isn't broke? It works."

As Peers prepare to scrutinise the EU (Withdrawal) Bill later this month, Mercer also busted the myth that the CJEU has direct jurisdiction over UK courts. He said that many people have "misunderstood the nature of the CJEU."

"The CJEU is not a Supreme Court. The CJEU's job is to work with national courts and to provide assistance on the meaning of EU law, not to decide cases or in any way to act as a Court of Appeal."

Parental Leave

[Law Society Gazette](#), [The Legal 500](#), [The Barrister](#) – The legal media report that the Bar Council has urged chambers to go beyond the bare minimum in supporting parental leave and hopes its new guide will encourage caring responsibilities to be more fairly divided.

The Gazette reports that last year, four in 10 women at the bar with children were primary carers, compared with 15% of fathers at the bar. Research by focus groups highlighted difficulties in balancing family life and a career at the bar and found that chambers' culture and policies affected women's experiences. Chambers are now required to have a policy that allows any member who becomes a carer of a child to take parental leave. Individual chambers decide the precise policy details, but they are required to ensure flexible working arrangements are available.

The Bar Council published a guide to encourage chambers 'to adopt good and better practice wherever possible instead of the bare minimum'. The guide states that, as a 'very minimum', the policy should clearly describe who can apply under the policy, any restrictions, whether the tenant will be entitled to a rent-free period, and whether the tenant will be required to contribute other elements of their chambers' rent or expenses.

The Legal 500 reports that “the Bar Council’s [new guidance on shared parental leave](#) is to be welcomed as it calls on sets ‘to adopt good and better practice wherever possible instead of the bare minimum’. The guidance follows a year of lobbying from the Bar Council, resulting in the Bar Standards Board announcing a long-awaited rule change in November 2017 that requires all chambers to have a policy that allows any member who becomes the carer of a child to take parental leave.”

Sam Mercer, head of equality and diversity at the Bar Council, told The Legal 500 how this latest move helps level the playing field for parents: “We hope that this rule change, and the shared parental leave guide we have produced for chambers, will provide parents across the Bar with more freedom to design a pattern of caring and career that works for them. Figures show that there are more women primary carers at the Bar than men, and we need to support a culture shift away from the presumption that one parent should take more of a career break than the other.”

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Parental leave at the Bar? #WhyNot

It is a huge challenge maintaining a career at the self-employed Bar while also having a family. This is particularly true for women barristers, who –

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