



BAR COUNCIL NEWS UPDATE – FRIDAY 4 AUGUST 2017

Employment tribunal fees

[LawCareers.net](#) – Further coverage appears on the Bar Council’s reaction to the Supreme Court’s ruling that the government acted unlawfully and unconstitutionally by introducing fees of up to £1,200 for those bringing claims to an employment tribunal.

A Bar Council spokesperson said: “This decision from the Supreme Court is welcome to all who believe in the fundamental importance of the rule of law. There are broad and encouraging implications for those of us that believe in the case for increasing access to justice in our society. The decision makes it clear that in order for the courts to perform their role of ensuring the law is applied and enforced, people must have unimpeded access to the them. Charging fees which deter or prevent access is unlawful, and undermines the government of society by the rule of law. In addition, and specifically, we welcome the fact that in relation to issues that arise in the work place, the Supreme Court has ruled in favor of giving people who face age, sex or race discrimination the right to challenge their employer without being deterred by high tribunal fees.”

Fixed recoverable costs

[Solicitors Journal](#) – Additional exposure in the media of the Bar Council’s reaction to the publication of the [Review of Civil Litigation Costs: Supplemental Report – Fixed Recoverable Costs by Lord Justice Jackson](#).

Lord Justice Jackson has recommended that fixed recoverable costs should apply to claims valued up to £25,000, a significant scaling back of his previous suggestion to apply fixed costs for all claims up to £250,000.

Chair of the Bar, Andrew Langdon QC, said: “Today’s review by Jackson LJ indicates that he has listened carefully to the views of the legal profession and accepted proposals from the Bar Council and others that multi track cases are so varied in character that they do not lend themselves to any rigid costs matrix, and that cost management is working better than had been supposed.

“The review, in our view correctly, steers away from extending FRC up to £250,000. Jackson LJ has also proposed a grid for an ‘intermediate track’ with ‘streamlined procedures’ for monetary relief cases up to £100,000, and only for cases of ‘modest complexity’. Encouragingly, there are also proposals in the report for a grid of recoverable fees which include ring-fencing fees for counsel or other specialist lawyers in more complex fast track cases and for intermediate track cases. These include trial advocacy fees.”

Flexible court operating hours

[Solicitors Journal](#), [Legal Cheek](#) - Further coverage of the news that Lord Justice Fulford has sought to calm [concerns expressed by the Bar Council](#) and the profession about the impact of the pilot on those with care responsibilities. Solicitors Journal reports that in March, the Chair of the Bar, Andrew Langdon QC, said changes to court sittings would have a big impact on women barristers as [“childcare responsibilities still fall disproportionately to women”](#).

Legal Cheek quotes the Chair of the Bar saying: “These arrangements will make it almost impossible for parents with childcare responsibilities to predict if they can make the school run or to know when they will be able to pick children up from the child-minders. The biggest impact will be on women. Childcare responsibilities still fall disproportionately to women, many of whom do not return to the profession after having children. It is hard to see how these plans sit with the government’s commitment to improving diversity in the profession and the judiciary.”

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