



BAR COUNCIL NEWS UPDATE – MONDAY 12 JUNE 2017

Lord Chancellor

The Brief - Theresa May sacked Liz Truss yesterday as lord chancellor and replaced her with the longstanding but relative unknown and socially conservative MP David Lidington.

Until the last general election was called, the MP for Aylesbury was leader of the House of Commons, having been Europe minister for two years in David Cameron's government.

Lidington, who has been in the Commons since 1992, becomes the fourth lord chancellor and justice secretary in a row not to be a lawyer.

In a statement after his appointment yesterday evening, Lidington appeared to offer an olive branch to the senior bench, saying:

"Democracy and freedom are built on the rule of law, and are protected by a strong and independent judiciary. I look forward to taking my Oath as Lord Chancellor, and to working with the Lord Chief Justice and his fellow judges in the months ahead, to ensure that justice is fairly administered and robustly defended."

McKenzie Friends

[The Law Society Gazette](#) - Opportunist and rogue' paid McKenzie friends can and should be 'nipped in the bud', according to research for the bar due to be published today. The problems unqualified advisers pose during court proceedings may be only the tip of the iceberg, research by Cardiff and Bristol universities will say.

The study, commissioned by representative body the Bar Council, shows that 'there is enough that is concerning' to justify efforts to tackle the worst of the sector.

However, the 'Study of fee-charging McKenzie friends and their work in private family law cases' showed that most paid McKenzies are seeking payment for advice they give outside the courtroom. Only a few attempt to represent their clients in court.

According to Andrew Langdon QC, chair of the bar, this could mean that problems experienced inside court may only be the 'tip of the iceberg' of the overall impact on the legal profession. He added that some McKenzies will charge more than a junior barrister for advice, despite the fact that they provide 'less value and protection to those in need'.

Court sitting hours

[New Law Journal](#) - The Bar Council has proposed a new Court Sitting Hours' Protocol for all hearings in the High Court, county courts, Crown courts, magistrates' courts and tribunals.

The protocol states a 'general principle' that no court or tribunal, including telephone and video link hearings, should sit before 10am or beyond 4.30pm.

It notes that a 'tendency has developed' to list cases increasingly early or late in the court day, particularly in the criminal and family courts. This creates obstacles for barristers with caring responsibilities, particularly women, it says.

According to the Bar Council, the protocol is not a direct response to the current late-night courts pilots, 'Flexible Operating Hours', currently taking place. However, it says the pilot 'will run counter to our attempts to improve the retention of women at the Bar'.

Human Rights

The Times letters page of Saturday carries correspondence from the Chair of the Bar and other legal professional bodies, as well as Human Rights groups and several academics. It reads:

"Sir, Human rights are a fundamental part of what defines Britain, British values, and our global reputation. They are also a key part of what separates us from the terrorists who seek to harm us."

"Human rights exist to protect us all. Weakening human rights laws will not make us safer. Terrorists cannot take away our freedoms — and we must not do so ourselves."

Bar Council leadership

New Law Journal and [CDR Magazine](#) – The Bar Council of England & Wales has appointed a new chief executive, Malcolm Cree, who will take up the post in August 2017, [replacing the incumbent](#) Stephen Crowne who is retiring later in the year.

Cree will work with a new line-up of officers in 2018, when Langdon steps down; the Council, in its May meeting, elected senior criminal and regulatory law silk Richard Atkins QC of Birmingham mega-set St. Philips' Chambers as the vice-chair of the Bar.

Atkins is the leader of the Midland circuit – the largest outside of London – and a legal chair for the Financial Reporting Council's disciplinary tribunal, as well as sitting as a part-time judge, as a Recorder.

Langdon's successor, Maitland Chambers' Andrew Walker QC [will take over as chair](#) in January 2018. Walker – one of the first post-2010 silks to take the chair of the representative body for barristers – is a commercial chancery barrister, with a practice focused on property, company and commercial disputes and professional negligence claims in a wide range of business sectors.

With over a decade's worth of experience, Walker has served as chair of the ethics committee and vice-chair of the law reform committee.

Diversity

[The Lawyer Monthly](#) - Recent diversity figures from the Judicial Appointments (JAC) show there is a serious problem with the appointment of black and minority ethnic lawyers to the bench and underline the need for targeted support and training, the Bar Council has said.

Chair of the Bar Council's Equality and Diversity Committee, Robin Allen QC said: "We cannot go on having no BAME applications for senior judicial roles. The rule of law requires a fully diverse judiciary.

"Once again the figures reveal the urgent need for positive action to make BAME applicants more successful and to increase the number of eligible women applicants.

"These figures stress the importance of the Bar Council's on-going training and coaching programmes for BAME and women lawyers who wish to serve as members of the judiciary.

"Despite the problems it highlights, the JAC's reporting is meticulous and it deserves credit for not shying away from these issues."

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