



## BAR COUNCIL NEWS UPDATE – MONDAY 23 OCTOBER 2017

### Online justice

[Buzzfeed](#) – Emily Dugan writes on Transform Justice’s report on the use of virtual technology in court, published today:

[R]esearch by the charity Transform Justice, based on interviews and a survey of people across the legal world, has suggested the use of video seriously impacts on the chance of a fair hearing. The situation is particularly difficult for the rising number of defendants who cannot afford a lawyer to be in the courtroom for them.

**Chair of the Bar, Andrew Langdon QC**, said: “Government plans to invest in virtual technology for court hearings hold the promise of savings and greater efficiency but we must recognise that they also pose a real threat to the quality of justice.

“Barristers who appear regularly in courts or tribunals will tell you that many strictly procedural hearings could take place via conference calls or video link without any detriment to the quality of justice. But they will also tell you that the quality of justice can suffer and that outcomes can be different when we lose face-to-face contact between judges, witnesses, victims, clients and their lawyers. This is especially so when dealing with people who have mental health problems, intellectual disabilities or who are otherwise vulnerable.”

### Legal Aid

**New Law Journal** – Sir Geoffrey Bindman QC writes on the Bach Commission report, ‘The Right to Justice’.

He writes:

The final report of the Bach Commission is an admirable blueprint for the restoration of our justice system. Lord Bach has stressed that the commission was made up of people selected for their expertise rather than any affiliation with the Labour Party . . . .

And what about the online revolution, which politicians (as well as some of our most senior judges) have seized on as the magic saviour of our justice system? Bach takes a more balanced view. Having heard evidence from a range of charities and advice

organisations, his report concludes that the internet 'will never compensate entirely for face to face advice'.

Securing justice for the powerless majority demands human qualities of sympathy, understanding, and determination not replicated by artificial intelligence. That is why we need to rebuild and entrench the provision of advice and representation by qualified lawyers and advisers.

### Obituary – Gary Flather

**The Times** runs an obituary about Gary Flather, who founded the Bar Council Disability Committee and sat for ten years as a deputy High Court judge and for 27 years as a recorder:

[Gary Flather] battled multiple sclerosis for 40 years and turned his disability into a means of promoting greater awareness of the needs of wheelchair users, while serving as a role model for continuing to achieve great things “while sitting down to work”, as he liked to put it.

Flather used his disabilities for good. He founded the Bar Council Disability Committee, chairing it for ten years and campaigning for improved access in courts and for disabled students’ rights.

### Tribunal Fees

**The Brief** - The first 1,000 litigants who paid to bring employment claims are being asked to complete applications for refunds after the [Supreme Court ruled](#) that the fees were unlawful.

The Ministry of Justice announced on Friday that it was starting the first stage of a "phased implementation scheme" to refund those who paid the fees.

As well as being refunded their original fee, successful applicants will be paid interest of 0.5 per cent, calculated from the date of the original payment up until the refund date.

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