



BAR COUNCIL NEWS UPDATE – WEDNESDAY 23 JANUARY 2019

Court IT failures

[The Independent](#), [The Guardian](#) – Mainstream media report that thousands of cases have been disrupted or delayed across England and Wales after the courts service's main computer network repeatedly crashed, preventing lawyers and judges from working.

The communication failures, which started last week, are a significant embarrassment for the Ministry of Justice, which is investing £1.2bn in a high-profile programme promoting online hearings which aims to replace the legal profession's traditional reliance on mountains of paperwork.

Richard Atkins QC, the chair of the Bar Council, which represents barristers in England and Wales, said: "I have no doubt that the Ministry of Justice and HMCTS are doing all that they can to rectify this major problem, but it illustrates how vulnerable the delivery of justice is with reliance on weak IT systems in our courts.

Richard Atkins QC also said in a statement provided to *The Independent*: "Whilst HMCTS is moving forward with its programme of online justice, these problems would suggest that more investment in the basics is needed first. We cannot have a justice system that comes to a shuddering halt the moment the IT does not work properly."

[A longer statement on the MoJ's website](#) apologised to those who had been affected. The department said access had been restored to "a large number of Ministry of Justice sites" and that the main suppliers of the affected technology, including Atos and Microsoft, were "working hard to restore access for the remaining sites and users".

Chambers membership

[The Times \(The Brief\)](#), [Lawyer Monthly](#), [Global Legal Post](#), - Further coverage appears of the Bar Council's new [chambers membership package](#).

Feedback from chambers staff, including clerks and managers, solicited from the council revealed broader demand for access training courses and events previously open only to barristers. The Bar Council said it hopes the new annual chambers membership will encourage greater take-up of the specialist courses it puts together, for example on data protection law. The membership package also includes training on anti-money laundering, equality and diversity, practice management and direct access work.

Council chief executive Malcolm Cree said the move is part of the Bar Council's drive to work more closely with chambers to 'strengthen and better support and promote the profession'. The membership package was developed in collaboration with members of the Legal Professionals Management Association (LPMA).

Wellbeing

The Times ([The Brief](#)), [Construction Update](#) – Legal and non-legal media report Chair of the Bar, Richard Atkins QC's recent comments on wellbeing, in articles about judicial diversity and 'Blue Monday' respectively.

The Brief reports that Sir Geoffrey Vos, head of the High Court Chancery Division, said the "absurdly long hours" in commercial litigation are undermining efforts to create a gender diverse judiciary. The chair of the Bar, Richard Atkins, QC, recently called a halt to work emails being sent in the middle of the night, which forces barristers to be "on parade 24 hours a day". Richard Atkins QC said that the culture of round-the-clock emails was damaging to family life and wellbeing.

"There is a danger that we are expected to be on parade 24 hours a day, seven days a week and that isn't good for anybody: it's not good for wellbeing, nor for diversity at the Bar, and many people have caring responsibilities."

Construction Update reports that staff in the construction industry are doubly vulnerable to mental health problems. Those in desk jobs, and senior onsite staff who spend some of their working time being responsive online, face the increasing pressures placed on all workforces by the digital age: out of hours emails and an overload of information to process and respond to. Other industries are also feeling this pressure. This month [January] the new **chair of the Bar Council** said that barrister ought not to feel obliged to reply to emails outside working hours, and called for a halt to work emails being sent in the middle of the night, saying this was damaging to family life and wellbeing.

Domestic Abuse Bill

The Times ([The Brief](#)), [PoliticsHome](#) - Cuts to legal aid are the biggest cause of complainants being cross-examined by their alleged domestic abusers, Bar leaders have claimed after ministers unveiled a bill to crack down on the practice.

Richard Atkins, QC, chairman of the Bar Council, blamed legislation that slashed legal aid in the family courts and created a glut of litigants in person. He welcomed the publication of the Domestic Abuse Bill earlier this week, in which the government plans to ban the practice of alleged abusers cross-examining complainants in court.

“It is absolute common sense that victims of abuse should not be interrogated by those who have abused them,” said the silk, who leads the barristers’ profession in England and Wales.

He argued that the effect of the Legal Aid and Sentencing and Punishment of Offenders Act 2012 cuts “clearly exacerbated the situation in the family courts, where so many people have been denied legal aid and have had to represent themselves.

Bar Council Legal Reporting Awards

[Press Gazette](#) - BuzzFeed UK and the BBC have won prizes for stories shining a spotlight on the problems caused by cuts to legal aid and exposing the scale of the issue around the disclosure of criminal evidence to defence counsels.

The awards were judged by outgoing Chair of the Bar 2018 Andrew Walker QC, current Chair of the Bar Richard Atkins QC and Athena Markides, the current Chair of the Bar Council’s Young Barristers’ Committee.

Data protection

[UKAuthority](#) - An organisation championing the rights of EU citizens in the UK has won the first stage of a High Court challenge over the ‘immigration exemption’ introduced in last year’s Data Protection Act.

The 3million group has claimed the exemption – which blocks subject access requests in immigration cases – is unlawful and will prevent people from challenging errors made by the Home Office.

It came into force last May despite both the Law Society and **the Bar Council** protesting that ministers were risking a repeat of the Windrush scandal. They warned it would lead to people being wrongly deported or denied health treatment,

in a mirror image of the treatment of the Windrush generation of immigrants from the Caribbean.

BAR COUNCIL TWEETS @ <https://twitter.com/thebarcouncil>



The Bar Council  @thebarcouncil · 17h 

Chair of the Bar, Richard Atkins QC, has spoken to Susan Acland-Hood and the Bar Council has been in communication with the MoJ about the current IT failures. We understand it to be largely an MoJ problem. They are working on it and will let us know as progress is made.

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Joshua Rozenberg  @JoshuaRozenberg · 18h 

.@thebarcouncil has asked @HMCTsgovuk for an update on its IT problems. Richard Atkins QC, chair of the bar, said investment was needed in the basics ahead of online courts. "We cannot have a justice system that comes to a shuddering halt the moment the IT doesn't work properly."

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The Bar Council @thebarcouncil · 21h

Deadline extension: international grant applications now open until 28 January



The Bar Council @thebarcouncil

YOUNG BARRISTERS: Don't miss out on this funding opportunity! Apply to the International Grant Programme by 14 Jan for the chance to get funding for an international legal event of your choice. More details at bit.ly/igp19 ...

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The Bar Council @thebarcouncil · 22h

PHONE SCAM ALERT: Warning to barristers barcouncil.org.uk/media-centre/n...

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The Bar Council @thebarcouncil · 23h

Chair of @thebarcouncil Brexit Working Group Hugh Mercer QC wraps up #nodealbrexit event with note thanks to @thebarcouncil - they are dedicated & do a fantastic job on a small budget - and calls on members to pay the #BRF to support events like this mybar.org.uk/bar-council/my...



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