

**Minutes of the FLBA Committee Meeting
Held in the Sherrard Room, Middle Temple
on 11th January 2017**

Present: Philip Marshall QC (Chairman)
Frances Judd QC (Vice-Chairman)
James Roberts (Treasurer)
Ian Bugg (Secretary)
Victoria Wilson
Malek Wan Daud
Cyrus Larizadeh QC
Samantha Singer
James Holmes
Katy Rensten
Tim Parker
Siân Gough
Mark Twomey
Richard Jones
Caroline Topping
Victoria Flowers
Joy Brereton
Deepak Nagpal
Greg Williams

The following joined the meeting by telephone link:

Edward Flood, Jeremy Weston QC, Kelan McHugh, Nigel Page, Tanya Zabihi, Justin Gray, and Kate Burnell.

Item 1. Apologies for absence

John Wilson QC, Charlotte Hartley, Timothy Scott QC, Corinne Iten, Neil Owen-Casey, Michael Jones, Victoria Miller, Victoria Wilson, Sam King, Maria Hancock and Jacqui Wall.

Non-attendance:

Morgan Sirikanda, Ruth Henke QC, Katharine Bundell, Olivia Magennis, James Rees, and Mehvish Chaudhry.

Item 2. Minutes of the meeting of 14th December 2016:

i) For approval + posting on the website

The minutes were approved as drafted for posting.

ii) Matters arising from the minutes:

The Chairman reported that Timothy Scott QC gave evidence, on the FLBA's behalf, before the House of Lords Justice Committee about Brexit yesterday. The Chairman recorded his thanks. The Chairman gave evidence to the House of Commons Justice committee on 20th December 2016.

Katy Rensten (KR) prepared a partial draft response to the consultation regarding the future training of the Bar, which was distributed ahead of the meeting. After a brief discussion, the committee confirmed that they had no objections or concerns regarding the draft. KR confirmed that she would tidy it up and ensure it was ready to send by the deadline on 31st January.

Item 3. Sub-committees

The allocation of new committee members to the sub-committees was discussed. The Chairman confirmed that Cyrus Larizadeh QC would be the new Chair of the Children sub-committee, and would therefore stand down as Co-Chair of Fees and Funding. Joy Brereton and Caroline Topping volunteered to join the Children sub-committee. Mark Twomey was allocated to Fees and Funding, Victoria Miller and Siân Gough to Standards, Regulation & Practice and Victoria Flowers to Money & Property.

i) Children

Richard Jones (RJ) prepared a report regarding the Children and Social Work Bill, which was distributed ahead of the meeting. RJ reported that he attended a meeting at Doughty Street in December, which was chaired by Carolyn Willow, who is a social worker and Director of Article 39. Martha Cover, Co-Chair of the ALC, attended a meeting at the Department of Education regarding the Bill last week and he has yet to hear back regarding the outcome of that meeting. RJ was of the view that the Bill could have great consequences to Children Act public law proceedings. RJ proposed that we do not join with any organisation at this stage as they will be pursuing different agendas but that we do need to monitor the situation closely and to take some form of action. RJ has made a tentative enquiry with 'Counsel' magazine about writing an article about this but has yet to hear back. The Chairman asked RJ to write an article for 'Family Affairs'. There then followed a discussion about what sort of action we should take and how and to whom we should channel our views. The Chairman will bring it back for discussion next month.

ii) Finance

The Chairman reported that he has not heard from the CFC FRU regarding changes they propose to First Appointment / FDR's but he will follow this up with HHJ O'Dwyer.

iii) Equality and Diversity

There was nothing else to report.

Item 4. Cross-examining vulnerable witnesses

i) President's response and observations

The Chairman reported that the 'Guardian' newspaper ran an article on the perceived problems arising from the cross-examination by LiP's of vulnerable witnesses, most particularly victims of domestic violence. The thrust of the article was that it should be prevented, in the way that it is in criminal proceedings. The President put out a response over the Christmas period in which he indicated that he felt that the family court was lagging behind the criminal courts and that this had to be addressed. He also raised the point that the real difficulty was the absence of Legal Aid to enable representation to be imposed upon the alleged perpetrators.

ii) Lord Chancellor's review

The Lord Chancellor responded and said that that this would be subject to an urgent review.

iii) FLBA response?

The Chairman was contacted by Andrew Langdon QC, the Chairman of the Bar, who wanted to know what the FLBA's position was in relation to this. Andrew Langdon QC met with Oliver Heald QC MP yesterday and in summary, the position is that the MoJ is alive to the fact that they cannot prevent cross-examination, without remedying the underlying problem. They are considering a proposal which strikes a balance between those cases where a Judge can, using existing powers, discover what the alleged perpetrator's case is, and put that to the witness, and accepting there are certain circumstances where a court appointed advocate must be instructed. Andrew Langdon QC offered his assistance and co-operation with us in trying to take this forward. The Chairman explained that he was in the process of trying to arrange a meeting with Peter Kyle MP, who is the Member of Parliament for Hove and Karl Turner MP with the committee's approval. We have not been formally asked by the MoJ for our input but there has been an indication that there will be a consultation at some point. There followed a discussion about whether we should get involved, with the consensus that we should. The Chairman proposed that he arranges a meeting with the President and to form a core group, which Malek Wan Daud and James Holmes volunteered for. The Chairman proposed that there should be an article in 'Family Affairs' about this issue.

Item 5. FLBA Events in 2017:

i) Re-instating/replacing the FLBA Garden party

The Chairman reported that in his FLBMail before Christmas, he invited responses from the membership as to whether there would be support for re-introducing the Garden Party. He only received a total of three responses, which were in favour of it. After some discussion, the committee agreed that we should re-introduce it. James Holmes provided a few dates which Middle Temple could offer and the committee agreed to book the Garden Party for 26th July.

ii) National regional social event

The Chairman also raised in his last FLBMail the possibility of there being regional events but has not had any response. He asked KK to email the Regional Chairs and ask them to please give this consideration and let us know their views.

iii) Other diarised events:

The Chairman reminded the committee of the forthcoming events in 2017:

FLBA Annual Dinner: 24 February 2017

Bar Council/FLBA Joint Ethics Seminar: 8th March 2017, which has been moved from 15th February

Cumberland Lodge Conference: 5 to 7 May 2017

National Conference (Brighton): 4 November 2017

Bar and Young Bar Conference 2017: 4 November 2017 (which clashes with the FLBA National Conference)

Deepak Nagpal raised whether there was any prospect of accelerating the production of the Cumberland Lodge programme for this year and subsequent years, in order to help members formulate their CPD plan in good time. He also raised whether we could guarantee more single rooms to members.

The Chairman explained that responsibility for organising the conference has always fallen personally on the chairman. It does dovetail into our calendar and the idea of trying to organise the conference several months or more before it takes place will be very difficult to achieve for many practical reasons. Whether we can move to do that for the 2018 conference will fall on the current Vice-Chairman to decide. The Secretary explained that we are considering offering everyone single rooms this year but the difficulty is we are not sure how the new CPD regulations will impact on the turnout. The Secretary observed that we could use this to our advantage because the more discursive approach of Cumberland Lodge lends itself nicely to the new CPD arrangements. This means we do not have to allocate points to the conference. We can say that three or four of the issues you are going to have to put on your list are going to be addressed at the conference and we will not have to pack in so many CPD points over the course of the weekend. Therefore, this offers us some flexibility in how we approach it from a CPD perspective. The Secretary plans to prepare an email to the membership about the new CPD requirements soon. The Chairman hopes to have identified a theme for the conference by the next February and will put it back on the agenda then as well as the National Conference in Brighton.

Item 6. AOB:

i) Advocate Attendance Form (proposed changes and consultation by LAA)

Greg Williams (GW), who sits on Bar Council's Remuneration Committee, reported that he received an email following their last meeting, that the Legal Aid Agency were looking to work with GNTS (is this correct?) to update the advocates attendance form (FASS forms) to make processing of bills quicker and reduce the need for additional supporting paperwork. They propose two changes: to add a tick box for the court to confirm that the hearing was contested, therefore removing the need to provide a court order; and to remove the tick box for case time and replace with a free-text box to add the type of proceedings to ensure that the hearing is in the scope of the certificate, without the need for additional supporting papers. GW was of the

view that the first proposed change was reasonably satisfactory. He was concerned that the second proposed change could lead to problems. It was agreed that GW would circulate the email to the committee and asked that should anyone have any view about it, to please let him know by Friday and he will get back to them.

ii) Any other AOB

The Chairman reported that he has been contacted again by Julie Doughty, who is a Lecturer in law at Cardiff University. She is undertaking research, funded by the Nuffield Foundation, on the effects of the President's Guidance. Family Court judgements should routinely be sent to and published on BAILII and there are 5 questions upon which she wants our views on this. Caroline Topping and Joy Brereton agreed to prepare a response.

We have received another application from a young practitioner who has completed the BPTC but not yet obtained pupillage, which the committee approved.

Rhys Taylor of 30 Park Place has written to the Chairman about an inter-disciplinary discussion forum about pensions which he, HHJ Hess, David Salter, Jo Miles, Debra Price, are setting up. The Chairman advised that Valentine Le Grice QC will become the FLBA's nominated member of that advisory group on the basis that he will report back to us with the committee approval. The committee agreed.

Cyrus Larizadeh QC (CLQC) reported that there is a Wellbeing committee meeting next week. They are being encouraged to roll out the initiative in Chambers. 4PB are putting together a wellbeing policy. It will involve one or two seminars a year in chambers, access to a counsellor, a mentor and advertise therapeutic activities, such as yoga. CLQC will circulate the template to other sets. CLQC would like the FLBA to organise a seminar in London and regionally, which will aim to enthuse people to adopt a wellbeing policy and will provide more details at the next meeting.

Date of next meeting: The next meeting of the Committee will take place on 8th February 2017 at 5p.m. in the Queen's Room, Middle Temple.

The meeting concluded at 6.04 p.m.

Khadija Khan
FLBA Administrator