

Minutes of the FLBA Committee Meeting Held in the Queen's Room, Middle Temple on 8th March 2017

Present: **James Roberts (Treasurer)**
Cyrus Larizadeh QC
Samantha Singer
Mark Twomey QC
Mehvish Chaudhry
Olivia Magennis
Malek Wan Daud
Greg Williams
Timothy Scott QC
Morgan Sirikanda

The following joined the meeting by telephone link:

Frances Judd QC (Vice-Chairman), Siân Gough, Victoria Flowers, Jayne Pye, Corinne Iten, Edward Flood, Esther Lieu (on behalf of Tanya Zabih), Justin Gray and Kate Burnell.

Item 1. Apologies for absence

Philip Marshall QC (Chairman), Ian Bugg (Secretary) & Deepak Nagpal both of whom were respectively chairing and presenting an FLBA seminar, Maria Hancock, Victoria Wilson, Victoria Miller, James Holmes, Tim Parker, Caroline Topping, Joy Brereton, Charlotte Hartley, Michael Jones, Richard Jones, John Wilson QC, Ruth Henke QC, Nigel Page, Jacqui Wall and Jeremy Weston QC.

Non-attendance:

Sam King, Katy Rensten, Neil Owen-Casey, Kelan McHugh, Susan Grocott QC, Katharine Bundell and James Rees.

Item 2. Minutes of the meeting of 8th February 2017:

i) For approval + posting on the website

The minutes were approved as drafted for posting.

ii) Matters arising from the minutes:

No matters arising.

iii) Sir Nicholas Wall

The Treasurer, who was chairing the meeting, raised the sad death of Sir Nicholas Wall. The President of the Family Division and the Chairman gave a moving tribute

to him at the Annual Dinner on 24th February. It was a great shock to learn of his death and we pass on our sincerest condolences to his family. The Treasurer reported that the President's text of his speech is available on the judicial website.

Item 3. Sub-committees

i) Children: for report

The Chairman referred the committee to a report prepared by Cyrus Larizadeh QC (CLQC), which was distributed ahead of the meeting. CLQC updated the committee in relation to the issue of draft PD12J. The Family Procedural committee met on 6 March when this was discussed. He spoke with William Tyler QC, who shared with him a report, which in summary says that officials recognise that this work relating to domestic violence is a high priority for the government and the committee. Additional comments by members and officials at the meeting were sent to the President for his consideration. CLQC reported that once officials receive a revised version of draft PD12J from the President's office, a firmer indication of the timescales will be provided and he will be kept updated. CLQC also raised that at the FLBA committee meeting in February, concerns were expressed about CAFCASS, who indicated that they were going to approach the Legal Aid Agency about the funding of lawyers acting for children in Hague proceedings at the pre-hearing and at the first hearing. Mehvish Chaudhry (MC) outlined a few of these concerns at that meeting. CLQC had a preliminary discussion with CAFCASS simply to make clear that the door is open for discussions. However, CAFCASS have indicated that they will not approach the Legal Aid Agency at this stage. CLQC also raised that HHJ Tolson QC has allowed the FLBA to obtain information directly from him. HHJ Tolson QC has asked whether the FLBA, through their committee members, could persuade one or two pupils or junior tenants to help with a Public Law advocacy workshop in the CFC. CLQC reported that he would send an email to the committee with more information in due course.

ii) Finance: Divorce (Financial Provision) Bill

The Treasurer reported that Morgan Sirikanda (MS) and Deepak Nagpal (DP) produced a note on Baroness Deech's Divorce (Financial Provision) Bill. MS reported that the government does not support the Bill, but it passed its second reading on 27th January and it is going to committee in the House of Lords. MS reported that both he and DP were of the view that the capital provision looks unfair and unworkable. However, they would be interested in receiving feedback regarding the periodical payments aspect, so that they can include those views in their briefing paper for the next meeting. The Treasurer encouraged the committee that should they have any views regarding the Bill, that they should send these to MS, DN or KK.

iii) Prison and Court Bill

- Section 47: prohibition of cross-examination in family proceedings

The Bill was distributed to the committee ahead of the meeting.

- FLBA response: joint children/finance sub-committee paper (PJMOC to take the lead)

The Treasurer reported that the Chairman is going to lead a team and produce a response. Ironically, as the Bill is being announced, the funding available in the area of criminal law has been reduced. The Treasurer raised that we would have to see how this funding aspect might impact upon rates in family cases.

Item 4. Children and Social Work Bill

- Joint letter in The Times on 22 February 2017

The Treasurer referred to the joint letter in The Times, signed by a number of organisations, including the FLBA.

- Government's decision to abandon contracting-out of provision social services for children

The Treasurer reported that the letter has undoubtedly contributed to the withdrawal of the proposed exemption in Local Authority's responsibilities. Therefore, that part of the Bill is no longer going to be pursued.

Item 5. FLBA Events 2017 Update:

- i) FLBA Annual Dinner: retrospective

The Treasurer thanked Ian Bugg and KK for organising the event, which was a success. The leader of the South Eastern circuit commented that he was amazed at the impressive turn out for the Dinner.

- ii) Cumberland Lodge Conference (6 May 2017)

- The programme

The Treasurer understands that the program is well in hand and that the conference will be a little bit more relaxed in terms of timings, meaning more time to enjoy the venue and surroundings of the Lodge.

- To be advertised now

Information regarding the conference should be sent out to the membership very soon.

- Pricing: generally and junior members

The Treasurer reported that last year, the FLBA offered places to junior members at £150 for the entire weekend. The take-up rate was quite poor. The Treasurer urged the committee to please publish the event in their own chambers and particularly to junior members. A discussion took place about ways of generating more interest amongst members of the junior Bar.

Item 6. AOB:

i) Annual Bar and Young Bar Conference in London on 4 November 2017

- FLBA to host specialist workshop?

The Treasurer reported that this conference clashes again with the FLBA National Conference in Brighton. He encouraged people to think of ideas for the Conference and forward them to KK.

ii) FLBA Questionnaire on anonymisation of judgements by FLBMail

Joy Brereton and Caroline Topping were not present to report back and the Treasurer asked KK to get in touch with them for an update ahead of the next meeting in April.

iii) FLBA Regional Officers meeting - date to be fixed in July 2017

The Treasurer confirmed that the annual regional officers meeting will take place in July of this year and KK will be in touch with the regional chairs to organise a date.

iv) Application for membership (Julien Hunt).

The Treasurer informed the committee that we had received an application for membership from Julien Hunt. He is no longer a student, although has yet to complete the BVC and is currently working as a legal assistant in a law firm. The merits of his application were discussed and the committee agreed to approve his application to become a member.

v) Any other AOB

The Treasurer reported that the FLBA Committee Dinner, which would ordinarily be held in July, will take place on 1st December of this year.

On behalf of James Holmes (JH) who was unable to attend the meeting, the Treasurer explained that the Young Bar committee have asked for a contribution to their workshop, which is likely to take place on 1st July. They are looking at a presentation on vulnerable witnesses. CLQC volunteered to do this and would liaise with JH.

The Treasurer reported that the Transparency Project event on 5th April, which the FLBA agreed to sponsor, sold out within 3 days, which does indicate that it is a hot topic at the moment.

Timothy Scott QC (TSQC) explained that there was going to be a seminar on 26th June about Brexit and Family Law. The organisers are keen to get sponsorship from the FLBA and individual chambers. The Treasurer confirmed that the FLBA would be providing sponsorship for this event and have already been in touch with the organisers. TSQC explained that should individual chambers wish to sponsor the event, to contact Suzanne Kingston at Withers.

CLQC reported that he received an email from Sally Bradley about a witness training course on child protection, which she is organising, on 15th March at 2pm. She is looking for one more trainer and asked the committee to please contact him if they, or anyone else, would be willing to put themselves forward.

Gregg Williams (GW) raised the matter of FAS forms. He received an email from the Legal Aid Agency, concerning their request for a response to changes to the FAS forms. Suggestions were made by the committee at a previous meeting about ways to

improve the forms more generally. One of the suggestions was that it would be helpful if the Judge were to certify that Counsel was directed to attend the hearing an hour before, which would hopefully improve the rate of rejection and reduce the LAA's time and resources. Presently, if submitting a claim where the parties are directed to attend an hour in advance, you must submit evidence to that effect. However, they did not agree and said that it may have a detrimental effect on the rejection rate. GW proposes to write back and explain that this view is not shared and express our concerns about their stance.

Date of next meeting: The next meeting of the Committee will take place on 12th April 2017 at 5p.m. in the Queen's Room, Middle Temple.

The meeting concluded at 5.41 p.m.

Khadija Khan
FLBA Administrator