

Minutes of the FLBA Committee Meeting Held in the Queen's Room, Middle Temple on 12th April 2017

Present: **Philip Marshall QC (Chairman)**
Frances Judd QC (Vice-Chairman)
Ian Bugg (Secretary)
James Roberts (Treasurer)
Cyrus Larizadeh QC
James Holmes
Sam King
Mehvish Chaudhry
Joy Brereton
Greg Williams
Morgan Sirikanda

The following joined the meeting by telephone link:

Siân Gough, Victoria Flowers, Corinne Iten, Edward Flood, Tanya Zabihi, Justin Gray, Maria Hancock, Neil Owen-Casey, Michael Jones, Caroline Topping, Jacqui Wall and Richard Jones.

Item 1. Apologies for absence

Samantha Singer, Mark Twomey QC, Olivia Magennis, Malek Wan Daud, Timothy Scott QC, Victoria Wilson, Kate Burnell, John Wilson QC, Victoria Miller, Katy Rensten, Tim Parker, Nigel Page and Jeremy Weston QC.

Non-attendance:

Kelan McHugh, Susan Grocott QC, Ruth Henke QC, Jayne Pye, Katharine Bundell, Charlotte Hartley, Deepak Nagpal and James Rees.

Item 2. Minutes of the meeting of 8th March 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.

Item 3. Sub-committees

i) Children: anything to report?

CLQC sent a number of reports to the committee ahead of the meeting and did not wish to add anything further in respect of those.

ii) Finance: Divorce (Financial Provision) Bill – for mention/update

Morgan Sirikanda (MS) and Deepak Nagpal (NS) distributed a paper in relation to the Divorce (Financial Provisions) Bill at the last meeting. MS reported that they had not received any feedback yet and therefore not in a position to prepare a briefing paper, but still intend to do so. It is unclear whether there is a timetable in relation to the Bill. The Chairman said that we would bring it back for brief mention in June. If in the meantime details of the timetable are made available and require us to act sooner, then MS and DN will need to raise this asap.

- Prison and Court Bill – for mention/update

The Chairman reported that this was meant to reach the end of committee stage by 27th April, although this looks improbable as Parliament is not currently sitting. The Chairman encouraged the committee to email him with any comments or observations. The Chairman hoped that he would be able to disseminate a briefing paper within the timeframe.

- FJC Guidance on Needs on Divorce – for mention

The Guidance on Needs on Divorce booklet was produced at the behest of the Law Commission and by the FJC committee, chaired by Roberts J, of which the Chairman was a committee member. They produced a report in June 2016 which has been published. The Chairman met with Roberts J recently to talk about updating it and how to publicise and promote it. Jo Miles and the Chairman, who were two of the lead writers, are hosting a session at Cumberland Lodge, where a copy will be made available to all the delegates. The Chairman reported that in principle, he would like a copy to be posted to all members with the Summer edition of 'Family Affairs'. This would entirely be dependent on the cost and would ask the Treasurer to consider it.

iii) Equality & Diversity

- Extended court hours pilot – for discussion

The Chairman reported that at his last meeting with the MoJ, they revealed that they are going to run pilot schemes in relation to extended court hours in May in Manchester. The broad outline is that courts will sit in two sessions, with 2 different Judges in the same court room, one between 8am – 1.30pm and another between 2pm – 7.30/8pm. The committee discussed this at length and expressed their concerns. Some of the concerns raised were the impact this would have on child care arrangements for clients, as well as members of the Bar and how this would affect Counsel's working day at court if they had a late finish one day and an early start the next. In the meantime, there are no proposals for extra Judges. CLQC reported that the CBA, along with a number of circuits, are putting together a response to the LCJ about the proposed extension of court hours and he anticipates that they may want us to join in with a response. The Chairman thought we must look to Manchester and the Liverpool regional committees to feedback their practical experience of the pilot to Katy Rensten (KR) and Sam King (SK).

- Sitting protocol – for mention

CLQC reported that Rachel Spearing would like to know if there are any family courts where there is a practice locally of starting later and finishing earlier, thus reducing the increasing practice of starting early and finishing late, to address judicial wellbeing issues. CLQC has checked with many family courts and none so far are aware of this practice.

- BSB consultation on Future Bar Training (announcement)

The Chairman reported that the BSB have conceded that the scheme, which was advocated by COIC (?) and the Bar Council, might be included in the range of programmes available for those training for the Bar, the important point being that one would not have to commit to it and pay all the fees before securing pupillage.

Item 4. FLBA Events 2017 Update:

i) Cumberland Lodge Conference (5th to 7th May 2017)

- Programme

The Chairman confirmed that the programme had been finalised and had been sent to the membership.

- Pricing

The Chairman has been asked by a member whether there were any concessionary rates for those on maternity leave. The committee agreed that this would be discussed further ahead of the next conference, along with a possible concessionary rate for retired members. The Chairman raised that the idea of setting up an FLBA scholarship, which has been discussed by the committee previously, could extend to having a fund for very junior members of the Bar and pupils to attend conferences and their travel/accommodation expenses associated with this.

ii) Bar Council and Polish Bar Foundation and Warsaw Bar Conference in Warsaw on 15 May – for mention

The Chairman reported that he will be attending and will be moderating one of the sessions. Anne Hussey from 1 Hare Court and Edward Devereux QC from Harcourt Chambers will also be speaking at the conference.

Item 5. MOJ Green paper on Family Justice:

i) Chairman of the Bar's meeting with LC Truss

The Chairman reported on that on 28th March, the Chairman of the Bar met with the Lord Chancellor. He understands that she made reference to a Green Paper on Family

Justice, which was going to be published in May or June. This was also going to deal with 'Legal Support'. It was reported to the Chairman that the Lord Chancellor said that it would be important to agree the point at which lawyers become involved in proceedings to ensure that their experience and skills can be deployed most affectively at the right time so that appropriate professional input could add most value. This was raised partially in the context of proceedings going online, so it may be well be relevant to the question of when lawyers become involved. However, the Chairman expressed his concerns that there may a wider agenda to remove lawyers from proceedings at a certain point. There will be a further meeting on 27th of April which the Chairman will attend along with the Chairman of the Bar, Mark Hatcher and Dr Elizabeth Gibby, who is a senior advisor at the MOJ. There followed a discussion and it was agreed that this should be followed closely.

Item 6. AOB

i) Family Rights Group

The Vice-Chairman reported that this will continue to be kept on the radar and she will keep us informed.

ii) Family Affairs Spring Edition

The Chairman recorded thanks to John Wilson QC (JWQC) for another excellent edition.

iii) Recorder competition 2017

The Chairman reported that he, along with other SBA's, circuit leaders and the Chairman of the Bar, met with LJ Burnett about the problems arising from the Recorder Competition 2017. LJ Burnett made it plain that the JAC would not be abandoning the competition or re-running it. In preparation for the meeting, an email was sent to the membership, requesting information about applicants' experiences of the competition and we had a large response, all with very similar stories. A report has been published by the JAC which sets out all the steps they have taken to try to address the unfairness that individual applicants perceive they experienced because of the many issues arising from the competition. The number of applicants going through to the next stage increased as an attempt to address the issues. Also, the number of vacancies has increased from 100 to 150.

iv) Any other AOB

CLQC reported that the Inner Temple is organising a Wellbeing Conference in June/July. They have invited Robyn Brady, who is a social worker from Australia, who worked with people involved in an abuse enquiry and the vicarious trauma they experienced arising from it. Ms Brady will be available for workshops and seminars and they have asked the FLBA for £1000 to assist in paying for her accommodation and travel expenses. The committee agreed. CLQC would see whether Ms Brady would be prepared to be available for some sort of consultation with the FLBA. The Secretary thought that the FLBA should produce some sensible guidelines for Chambers to establish a procedure for wellbeing at the Bar. CLQC explained that his set are just about to adopt a policy and would be willing to share it, subject to his Head of Chambers consent. They also have a bolt-on resource which costs £900 per set, which provides access to, for example, several sessions with a counsellor/therapist. There is also a wellbeing website that contains useful material

and guidance www.wellbeingatthebar.org.uk. The Secretary expressed concern that many Chambers may struggle with the development of costly or labour-intensive policy documents and suggested that KK could develop a policy aimed at smaller sets. CLQC agreed that he would send her the template for a policy document, which was provided to him by Rachel Spearing. CLQC reported that both he and Victoria Wilson had received lots of positive feedback from the wellbeing article in 'Family Affairs' and suggested that we have a Wellbeing column in every issue, which he would run by JWQC.

The Chairman thanked Joy Brereton (JB) and Caroline Topping (CT) for dealing with the publication of 'Family Court Judgments on Bailii'.

A discussion took place about the Garden Party and prices we would charge, which will again be heavily subsidised. James Holmes (JH) was chosen to head a sub-committee and to put together the guest list. It was agreed that the Garden Party would be advertised in early June.

Date of next meeting: The next meeting of the Committee will take place on 7th June 2017 at 5p.m. in the Queen's Room, Middle Temple.

The meeting concluded at 5.55 p.m.

Khadija Khan
FLBA Administrator