

**Minutes of the FLBA Committee Meeting  
Held in the Sherrard Room, Middle Temple  
on 12<sup>th</sup> July 2017**

**Present:**     **Philip Marshall QC (Chairman)**  
Ian Bugg (Secretary)  
Cyrus Larizadeh QC  
James Holmes  
Siân Gough  
Morgan Sirikanda  
Tim Parker  
Samantha Singer  
Malek Wan Daud

The following joined the meeting by telephone link:

Frances Judd QC (Vice-Chairman), Michael Jones and Edward Flood.

**Item 1.     Apologies for absence**

James Roberts (Treasurer), Deepak Nagpal, Katy Rensten, Joy Brereton, Victoria Flowers, Olivia Magennis, Maria Hancock, Victoria Wilson, John Wilson QC, Jeremy Weston QC, Victoria Miller, Justin Gray, Tanya Zabihi, Kate Burnell, Greg Williams, Jacqui Wall and Nigel Page.

**Non-attendance:**

Mark Twomey QC, Kelan McHugh, Timothy Scott QC, Mehvish Chaudhry, Neil Owen-Casey, Sam King, Corinne Iten, Ruth Henke QC, Jayne Pye, Charlotte Hartley, Katharine Bundell, James Rees, Richard Jones. Susan Grocott QC and Caroline Topping.

**Item 2.     Minutes of the meeting of 7<sup>th</sup> June 2017:**

i)     For approval + posting on the website

The minutes were approved as drafted for posting.

ii)    Matters arising from the minutes:

The Chairman raised the extended court hours pilot (item 3), which has been delayed. The Chairman confirmed that the pilot will proceed in September for 6 months in Manchester. The proposed format of the pilot is still being considered.

The Prison and Court's Bill (item 4) will be brought back in two separate Bills.

The meeting with LJ Ryder (item 7) was cancelled (by him).

### Item 3. Sub-committees

i) Children: update

Cyrus Larizadeh QC (CLQC) distributed a report to the committee ahead of the meeting. He reported that there was a FPR committee meeting on Monday. Will Tyler QC attended the meeting and reported to CLQC that if PD 3AA (vulnerable adult witness practice direction), is approved, it will go live on 2<sup>nd</sup> October. With regards to PD 12J, it was edited slightly by the FPR committee and is now in its final form for the President to sign and is likely to go live in the Autumn. As for the Courts Bill, the Rules Committee's view is that Judges do not currently have the power entirely to prevent cross-examination by an alleged perpetrator. When this will be considered by Parliament is unknown but it is not being viewed as urgent. Siân Gough has had discussions with the Inns about the possibility of the joint Inns training facilitators within the FLBA, to enable them to train members in terms of advocacy and the vulnerable.

The Chairman referred to a letter dated 20<sup>th</sup> June from Cafcass and a letter dated 26<sup>th</sup> June before action from Bindmans Solicitors, on behalf of NAGALARO. CLQC reported that both he and the Vice-Chairman spoke with Martha Cover, who is setting up a meeting on 19<sup>th</sup> July. Bindmans and a silk are going to attend with a view to giving advice. Other agencies and stakeholders were also going to be present and Martha Cover wondered about the appropriateness of legal advice given in that way, especially as we may then have to act separately. CLQC explained that both he and the Vice-Chairman have misgivings about attending a meeting of that kind and their view was that we should not be involved in this sort of advisory process. The Chairman agreed and thought it best to wait.

ii) Finance: update

- Divorce (Financial Provision) Bill was reintroduced in the House of Lords by Baroness Deech on 3 July 2017.

The Chairman reported that Baroness Deech brought back the above Bill on 3 July and there will be a second reading in the Autumn. The Chairman was keen for the FLBA to provide its view by the time Parliament resumes after the Summer. Morgan Sirikanda (MS) said he would prepare a draft for the next meeting in September. MS also endorsed CLQC's paragraph 10 about the lack of information and clarity in the CFC regarding appeals from District Judges and Circuit Judges. CLQC confirmed that he would contact Baker J to discuss these concerns.

iii) Equality & Diversity: update

- Cohabitation Rights Bill reintroduced by Lord Marks in the House of Lords on 5th July 2017
  - FLBA/Resolution/ChBA/Scottish Bar working group

Chairman reported that Lord Marks reintroduced his Cohabitation Rights Bill, which had a first reading on 5 July. This potentially dovetails with work that John Wilson QC has already initiated, in consultation with Resolution, ChBA

and some of our colleagues from Scotland. This was specifically in relation to the rights, or lack thereof, for cohabitants on intestacy. The Bill does include specific provision in relation to that.

- Further action

The Chairman acknowledged that Resolution champions the much wider proposals in the Bill and may well be reluctant to focus on only part of it. It is likely that we will put this on hold for the time being, although he will be speaking with Resolution before a decision is made.

iv) Wellbeing: update

- Wellbeing Policy FLBA Template

CLQC reported that he has prepared a draft Wellbeing template, which we can send to the membership once completed.

- Meeting with Robyn Brady on 6<sup>th</sup> July 2017 – for report

Khadija Khan (KK) and Victoria Wilson (VW) met with Robyn Brady (RB) on 6 July and a summary of the meeting was circulated ahead of the meeting. RB was in England helping the BC with their Wellbeing initiative. RB approved the basic template as drafted by CLQC and suggested a few amendments and additional clauses which KK will implement. It is hoped that we will have the completed template ready by Autumn and will formally roll it out at the National Conference in Brighton. RB discussed other initiatives that the FLBA may want to consider and adopt at no or minimal cost. PMQC recorded his thanks to CLQC for his work on the Wellbeing initiative and KK and VW for meeting with RB on 6<sup>th</sup> July.

#### **Item 4. Miscellaneous:**

i) Access Denied? LASPO four years on: a Law Society review: for mention

Chairman reported that in January, the government promised that there will be a full review of *LASPO*, which will be brought back before Parliament in May 2018. The Law Society makes several recommendations in its assessment of the impact of *LASPO*, many of which touch on family law matters and advised the committee to read it.

ii) FLBA Autumn Lecture Series 2017: for update

Chairman reported that VW has confirmed that the lecture series is in hand and that the programme will be finalised by the end of the month.

iii) Brexit Working Group: FLBA membership and representation (next meeting 18<sup>th</sup> July at 4pm at the Law Society)

Chairman reported that the Brexit Working Group was set up by a solicitor at Russell Cooke and involves the Chairman, other members of the Bar and Resolution. The Law Society want to become involved, and the Chairman hopes the Bar Council will also become involved. The purpose of the group is to try and coordinate various viewpoints and see whether there is any common ground. Chairman asked members of the committee to email him if they also wished to attend the meeting on 18<sup>th</sup> July.

iv) Middle Temple meeting facilities (future costs)

Chairman informed the committee that Middle Temple have now decided to charge us (along with all other SBA's) for the use of their rooms commencing next year, despite coming to an agreement that we would not be charged. Out of all the SBA's, the FLBA provide Middle Temple with the most business and therefore this comes as a big disappointment. Starting in January next year, Middle Temple will not charge us for the first four meetings but we will be charged for the remaining six. The cost of hiring the meeting rooms, except for this one, is hugely expensive. The committee discussed where we would have our committee meetings next year to save costs and considered the possibility of having them at different sets i.e. 1KBW, 4PB, Garden Court, QEB but agreed that they should remain at Middle Temple for the time being and review again.

**Item 5. FLBA Events 2017:**

i) FLBA Garden Party 2017 on 26 July: update

KK reported that 29 guests have RSVP'd so far and 131 members have reserved and paid for their places in advance. The committee felt confident that many more people would attend on the day and many within their respective Chambers have indicated that they will be attending.

ii) FLBA/Scottish Family Bar conference: for brief mention

Chairman reported Moylan LJ is very keen for the FLBA to reciprocate the Scottish Family Bar's invitation which is now 10 years ago. Samantha Singer (SS) explained that she would take this up in the Autumn and discuss ideas then.

iii) National Conference 2017 Brighton: for update

Chairman reported that Maria Hancock (MH) was unable to join the meeting but provided an update in an email, which he shared with the committee. He reported that it is all commendably in hand and we will have a final update at the meeting in September.

**Item 6. AOB**

i) Family Affairs Summer edition – to be published July 2017 (with thanks to JWQC)

Chairman reported that the magazine will be ready to go out before the end of the month and recorded his thanks to the Editor, John Wilson QC.

ii) Regional officers meeting (15<sup>th</sup> July 2017) – now cancelled

Chairman reported that the meeting was cancelled as very few people could attend.

iii) Any other AOB

Vice-Chairman raised which region would host the National Conference in 2018. The Chairman proposed that he would send out an email to the regional officers in their joint names asking for volunteers to host it.

There was a brief discussion about who could be approached to speak at the Annual Dinner on 23 February 2018.

MS raised that the Bar Council had issued some guidance about mini pupillages and our obligations under the Data Protection Act as Data Controllers of electronic data. This includes all emails sent to us as attachments and relates to information one gives to a mini pupil. It may be a breach of our obligations under this Act for us to print attachments pertaining to sensitive data to give to the mini pupil, without obtaining express consent from the client and other parties to the proceedings. MS explained that the guidance issued by the BC does not address these difficulties. MS considered that this should be drawn to the attention of the membership and raised with the Bar Council for clarification.

Chairman reported that the BSB embarked upon research to explore the experience of barristers' clients in family law proceedings. The findings reveal that many were positive about their experiences and the service they received. One of the wider findings were that 83% believe that barristers charge higher fees than solicitors and other legal service providers, which has received some negative responses from the Law Society and media. Chairman proposed that we ask the Bar Council to issue something very soon with a more even view.

Secretary reported he worked with a mini pupil from the Social Mobility Foundation (SMF) recently, whom he took to the West London Family Court. They spoke with HHJ Rowe QC, who is very keen to set up a pilot scheme at her Court, inviting social mobility students to spend a week shadowing members of the judiciary. Almost all the candidates have very little money to cover essentials, such as transport. The Secretary proposed that the FLBA sponsors 2 or more students identified by the SMF to go on, what will become, a Judicial Shadowing pilot scheme and suggests a modest sum of £100 per week to cover their expenses (per person). The committee agreed that this was a good idea and were very keen to support it. The Secretary will liaise with the SMF and West London Family Court.

The meeting concluded at 6.02 p.m.

**Date of next meeting:** The next meeting of the Committee will take place on 13<sup>th</sup> September 2017 at 5p.m. in the Whitfield Room, Middle Temple.

Khadija Khan  
FLBA Administrator