

# **Minutes of the FLBA Committee Meeting Held in the Whitfield Room, Middle Temple on 13<sup>th</sup> September 2017**

**Present:**       **Philip Marshall QC (Chairman)**  
James Roberts (Treasurer)  
Ian Bugg (Secretary)  
Cyrus Larizadeh QC  
Siân Gough  
Samantha Singer  
Victoria Wilson  
Katy Rensten  
Caroline Topping  
Greg Williams  
Deepak Nagpal

The following joined the meeting by telephone link:

Frances Judd QC (Vice-Chairman), Michael Jones, Edward Flood, Olivia Magennis, Nigel Page, Richard Jones, Corinne Iten & Victoria Miller.

## **Item 1.       Apologies for absence**

James Holmes, Tim Parker, Malek Wan Daud, Joy Brereton (who was attending a NAGALRO meeting on behalf of the FLBA), Victoria Flowers, Maria Hancock, John Wilson QC, Justin Gray, Morgan Sirikanda, Timothy Scott QC, Charlotte Hartley, Neil Owen-Casey, Jacqui Wall and Mark Twomey QC.

### **Non-attendance:**

Jeremy Weston QC, Kelan McHugh, Mehvish Chaudhry, Sam King, Ruth Henke QC, Jayne Pye, Katharine Bundell, James Rees, Susan Grocott QC, Tanya Zabihi and Kate Burnell.

## **Item 2.       Minutes of the meeting of 12<sup>th</sup> July 2017:**

- i)       For approval + posting on the website  
The minutes were approved as drafted for posting.
- ii)     Matters arising from the minutes:  
These will be dealt within the rest of the agenda.

## **Item 3.       Sub-committees**

- i)       Children: update

Cyrus Larizadeh QC (CLQC) distributed an update to the committee ahead of the meeting. CLQC reported that he has sent an email to Baker J regarding concerns about appeals from the senior District Judge in the PRFD. PD 30A provides that appeals lie with the High Court in financial matters. However, a number of these hearings have issues pertaining to children and finance matters. CLQC is aware of two recent cases where the District Judge expressed uncertainty regarding whether the case should go to a Circuit Judge and filter through that way or whether it should go to a High Court Judge. This has caused some confusion amongst practitioners and CLQC was hoping that Baker J may be able to offer some guidance. Joy Brereton (JB) is attending the NAGALRO meeting to find out what the stakeholders positions are in relation to the Cafcass guidance, which was issued on 1 July. CLQC said that JB would provide an update at the next meeting when the committee can then decide what role, if any, we will play in the judicial review application should that go ahead. FJQC thought we should have a meeting with the President to find out on what basis he has approved the Cafcass guidance. CLQC referred to Siân Gough's (SG) report regarding advocacy and the vulnerable, which was distributed to the committee. CLQC reported that there is a real possibility for the FLBA to devise its own version of the Joint Inns' programme of training. Some very basic proposals will be put forward to the committee to agree in October. Thereafter, CLQC will organise a small group, who will then put together a programme.

ii) Finance: update

- FLBA response to MOJ consultation on FPR 2010 Part 9: "de-linking" divorce and financial remedies.

The Chairman referred to the FLBA's response, drafted by Morgan Sirikanda and Deepak Nagpal, dated 8<sup>th</sup> September and recorded his thanks.

- FLBA proposed response/commentary on the Divorce (Financial Provision) Bill – for update.

The Chairman reported that a response is being drafted and should be complete in the next few weeks. He proposed that we put this item over to next month's meeting.

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

i) Flexible Operating Hours Pilot at Manchester FCJC: meetings with HMCTS on 3 August 2017 & with HMCTS and judges in Manchester on 21 September 2017 – for update

The Chairman reported that he, the Vice-Chairman and Treasurer had a productive meeting with HMCTS in August, where they conveyed concerns that the family bar would be adversely affected by the proposals. The idea behind the pilot (which is due to start in October for six months) is that the Judges, (all of whom would be Deputy District Judges) would see LIP's in the early morning and late afternoon/early evening slots. They expressed concerns about the problems arising if the Judge hearing cases in the early slot, is unable to complete his/her list before the start of the normal court day at 10.30am, when a different Judge will take over in that same court room. HMCTS

have provided an 'opt-out provision', whereby anybody can say that they do not want the case dealt with in the early or late slot. The FLBA expressed concerns about this as not all parties will necessarily reach agreement, defeating the object of the provision. The HMCTS has put out to tender the monitoring exercise to commercial providers. As part of the tender process, they have invited them to tell us what the monitoring criteria should be. A committee is being set up by HMCTS, which the Law Society and the Bar Council have been asked to join. They have issued a diversity impact assessment, where they claim it would be hugely beneficial to all and that there is no evidence to suggest that there will be any problems arising from the early and late sittings. The Vice-Chairman thought we should get feedback from our Manchester members about their experiences of the pilot once it was up and running. The Chairman informed the committee that there would be a meeting on 21 September where concerns would be conveyed and will report back to the committee thereafter.

ii) Cumberland Lodge Foundation – request for sponsorship/funding – for discussion

The Chairman reported that he had a meeting, prompted by Baroness Butler-Sloss, with Cumberland Lodge, who have charitable status, who are looking for sponsorship and wish to raise £7.5 million to enable them to be financially independent. A copy of their brief was distributed to the committee for their consideration. It was the committee's view that providing a one-off payment or sponsorship would not be in our members' best interests. Views were also expressed that the money could be used for many other worthwhile purposes and which are within the remit of the FLBA. Katy Rensten (KR) made the point that it does not fit our constitution or our purpose as an Association. The Chairman explained that the FLBA already contribute to Cumberland Lodge through our annual conferences. The Vice-Chairman explained that we have not made any decisions about how we are going to use the FLBA's money in terms of scholarships or providing assistance to pupils and those from the social mobility fund and that be this should be given precedence. The committee concluded and agreed that they would not provide sponsorship.

iii) FLBA Elections 2017 (executive officers and committee members) – for mention

The Secretary reported that the deadline for nominations for both executive officers and committee members is noon 2<sup>nd</sup> October and the electronic ballot papers must be received by 27<sup>th</sup> October.

iv) FLBA liaison with Bar Council International Legal and Professional Development Grant Programme – volunteer required to replace Geoffrey Kingscote QC

The Chairman informed the committee that Geoffrey Kingscote QC will be stepping down, having spent many years as the FLBA liaison, and asked the committee for a volunteer to take his place. The Treasurer volunteered and Katy Rensten (KR) also offered to help with the role.

v) IFLA Advisory Committee Working Group on Promotion of Awareness of Family Arbitration – volunteer required to join working group (including meeting (TBC) on 18 September 2017)

The Chairman reported that IFLA will be looking for minimal financial support from us and asked for a volunteer to attend the Working Group meeting.

vi) Appointment of new High Court Judges: Cohen J, Gwynneth Knowles J, Williams J – for mention/congratulations & to note for swearing in & welcomes.

The Chairman recorded his congratulations on the appointments. The dates of their swearing in and welcomes are not confirmed, but it currently looks as though Knowles J and Cohen J will either be on the 11<sup>th</sup> or 12<sup>th</sup> of October. William J's swearing in will be the last week of October.

## **Item 5. FLBA Events 2017:**

- i) FLBA Garden Party 2017 on 26 July: for review & thanks

The Chairman reported that the Garden Party was well attended and a short discussion, the committee agreed that it should be a biennial event rather than an annual event because of the high costs associated with it.

- ii) National Conference 2017 Brighton on 4 November 2017 – for brief mention/update (including timing of the AGM)

The Chairman reported that an email from Maria Hancock (which was distributed to the committee members) confirmed that everything is in hand and will be advertised shortly. The Chairman expressed concerns that the AGM is taking place within a coffee break and not integral to the conference, which may result in people leaving before the start of the meeting.

- iii) National Conference 2018 Brighton – venue (for decision)

The Vice-Chairman reported that no one has volunteered to host the National Conference in 2018 yet. The committee considered that Oxford and Cambridge are potentially good places to have it and the Vice-Chairman will look for volunteers. The Chairman would put this back on the agenda in October.

- iv) FLBA Judicial Committee Dinner (1 December 2017) at Gray's Inn – for mention (including guests)

The Chairman reminded the committee about the Judicial Committee Dinner on 1<sup>st</sup> December.

- v) FLBA/Scottish Family Bar conference: for mention/update

Samantha Singer (SS) provided the committee with a proposed programme for a joint FLBA and Advocates Family Law Group Conference in London. SS would propose a few dates in early 2018 and liaise with the Vice-Chairman.

## **Item 6. AOB**

- i) Meeting on 11 October 2017 (which clashes with swearing in of Gwynneth Knowles J?)

Chairman reported that we need to be alive to the clash. After some discussion, it was agreed that the FLBA meeting in October would start after the swearing in and would be shorter than normal.

- ii) Any other AOB

Cyrus Larizadeh QC (CL) reported that Khadija Khan (KK) has amended the wellbeing policy template, with Victoria Wilson's (VW) help, in accordance with Robyn Brady's advice given at the meeting in July. CLQC will unveil the policy at the National Conference and then send it to the entire membership thereafter. Sam Mercer of the Bar Council is very keen to promote mentoring workshops in the autumn and early next year. Both he and VW will attend the wellbeing working group next week. CLQC hopes that we could have some mentoring training for the family bar in the autumn. This will be placed back on the agenda next month.

The meeting concluded at 6.11 p.m.

**Date of next meeting:** The next meeting of the Committee will take place on 11<sup>th</sup> October 2017 (after Gwynneth Knowles J's swearing in at the RCJ, which takes place at 5.15pm) in the Whitfield Room, Middle Temple.

Khadija Khan  
FLBA Administrator