

Minutes of the FLBA Committee Meeting Held in the Queen's Room, Middle Temple on 13th December 2017

Present: **Philip Marshall QC (Chairman)**
Frances Judd QC (Vice-Chair)
James Roberts (Treasurer)
Ian Bugg (Secretary)
Cyrus Larizadeh QC
Katy Rensten
Greg Williams
Charlotte Hartley
James Holmes
Mark Twomey QC
Tim Parker
Deepak Nagpal
Morgan Sirikanda
Mehvish Chaudhry
Malek Wan Daud
Samantha Singer

The following joined the meeting by telephone link:

Sam King, Victoria Flowers, Corinne Iten, Justin Gray, Nigel Page and Kate Burnell.

Item 1. Apologies for absence

Caroline Topping, Victoria Wilson, Olivia Magennis, Joy Brereton, Edward Flood, Susan Grocott QC, Tanya Zabihi, Richard Jones, Maria Hancock, John Wilson QC and Timothy Scott QC.

Non-attendance:

Jeremy Weston QC, Jayne Pye, Jacqui Wall, Kelan McHugh, Ruth Henke QC, Katharine Bundell, Victoria Miller, Siân Gough, Neil Owen-Casey and James Rees.

Item 2. Minutes of the meeting of 9th November 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 with in the rest of the agenda.

Item 3. Sub-committees

i) Children: update

Cyrus Larizadeh QC (CLQC) reported that he met with the Bar Council regarding Advocacy and the Vulnerable. They support us in pursuing this programme. They advised that it was unlikely that we would have the time to train facilitators before next year, however, the Bar Council will offer a number of family practitioners the opportunity to train on the current criminal programme, which CLQC thought was very encouraging.

- Care Crisis Review – call for information by 15 January 2018 (email from CLQC has gone out)

CLQC said that he will chase responses to this email in early January and it would be useful for committee members to encourage their respective Chambers to respond. CLQC reported that he has not received a response from anyone who will be able to attend the Care Crisis meeting either in Wales on 10th January or in London on 17th January, so CLQC will send a chasing email.

- Cafcass guidance (letter has gone to ALC)

CLQC reported that Cafcass have indicated that they are going to review the joint guidance by March 2018, so he suggests that we do not send an email to the membership until we have a clearer picture of whether there are any revisions. It was agreed that this should be placed back on the agenda in February.

ii) Finance: update

- FLBA proposed response/commentary on the Divorce (Financial Provision) Bill – for approval/comment & distribution.

The Chairman reported that he was sent a draft response, which was distributed to the committee ahead of the meeting. The Chairman and Vice-Chair observed that it was an excellent paper and proposed that the draft is finalised and sent out in the new year. This was agreed (subject to finalizing the further suggested amendments in the draft). The Chairman recorded his thanks to both Deepak Nagpal and Morgan Sirikanda, the authors of the draft.

iii) Equality & Diversity

- Retention of Women at the Bar Working Group – membership and agenda (for update)

Sam King (SK) reported that they have come up with a planned initiative. They plan to write to Chambers, and individuals within them, to ask for chambers' parental leave policy and their experience of them, on a confidential basis. Katy Rensten (KR) confirmed that they were forming a working group, the participants of which will be sent to Khadija Khan (KK). The next meeting will be in mid-January and they will timetable matters then. It was agreed that this should be placed back on the agenda in February.

Item 4. Consultations:

- i) BSB Consultation on Future Bar Training: Shaping the education and training requirements for prospective barristers (including pupillage + the role of pupil supervisors: pages 38 to 48): response due by **8 January 2018** – volunteers?

James Holmes (JH) volunteered to respond to this as a pupil supervisor. The Vice Chair felt that a further volunteer was required and the Secretary suggested that it would be very useful if someone from the regions could volunteer and that that person needed to be identified soon.

- ii) BSB Consultation on Transparency: publication of fees - responses due by **4 January 2018** (with thanks to Victoria Flowers + Greg Williams who have volunteered to provide a draft by 21 December).

The Chairman reported that Greg Williams (GW) and Victoria Flowers (VF) have very kindly agreed to provide a draft by 21 December, for which the Chairman expressed his thanks.

- iii) HMCTS Flexible Operating Hours Pilots (Evaluation Process): input required by Bar Council (Kate Brunner QC and Fiona Jackson), soonest – volunteers?

The Chairman reported that he has been contacted by Fiona Jackson, who together with Kate Brunner QC, are sitting on the Evaluation Committee and they would like some feedback. The Chairman encouraged those who would like to be involved, to let him know.

- iv) Guidance and Circular from the President

- Financial Remedies Units / Ticketed Money Judges pilot: rolls out in 3 courts initially from February 2018 – email has gone out on 6 December 2017

The Chairman noted that an email had gone out on 6 December 2017 setting out the pilot. The Vice-Chair reported that she hoped that HHJ Hess & Mostyn J will give a presentation about it at Cumberland Lodge 2018.

- Standard Financial and Enforcement Orders (drafted by Mostyn J et al): email has gone out on 6 December 2017.

The Chairman reported that these orders are not mandatory but their use is encouraged.

Item 5. Co-options to the Committee:

- i) Sam Momtaz QC (to join RemCom as family silk) & Sandra Eze

The Chairman reported that at the last committee meeting, we 're-'co-opted JH. Since then Sam Momtaz QC (SMQC) has volunteered, as has Sandra Eze. SMQC will be asked whether he can be one of the FLBA's representatives on the Bar Council's Remuneration Committee.

The Secretary observed that it might be more expedient for the BC to co-opt SMQC onto RemCom as a member, which might require him to attend the BC meetings on a Saturday, but, under our Constitution, he would be automatically co-opted to the FLBA Committee (thus sparing one of our co-options).

- ii) With thanks to Richard Jones and Michael Jones whose term on the Bar Council has ended

The Chairman thanked them both for their time on the committee.

Item 6. Miscellaneous

- i) Flexible Operating Hours Pilot at Manchester: meeting with CEO of HMCTS on 10 January 2018

The Chairman reported that both he and the Vice-Chair are meeting with the Chief Executive of HMCTS (Susan Acland Hood) on 10th January to discuss the pilot in Manchester and will then report back.

- ii) World Bar Conference 2018: in Stellenboch, South Africa between 29 and 31 March 2018 (see **attached**) – speakers required (!) contact Christian Wisskirchen, Head of International Policy (Bar Council)

The Chairman had circulated the flyer for the World Bar Conference 2018 to members of the committee as the Head of International policy is encouraging SBAs to put forward speakers. If anyone should want to volunteer, please contact Christian Wisskirchen directly.

- iii) FLBA Scholarships and sponsorships, funding junior members: working group (membership?) to report back in February 2018

The Chairman suggested that, with the Vice-Chair's approval, a working group is set up to report back in February 2018, before the Annual Dinner. The Chairman reminded the committee that it is our intention is to use some of our surplus funds to assist junior members on an ad hoc basis for individual events, and that the idea of setting up an annual scholarship to fund a candidate who already has a family law pupillage through BPTC has previously been discussed and agreed in principle.

- iv) Bar Council (RemCom) – junior family barrister member required: volunteer?

GW reported that the Bar Council would like there to be a further junior to join the remuneration committee, particularly someone with experience of publicly funded work. The Vice Chair asked people to contact her if they would like to volunteer for this.

Item 7. FLBA Events 2017/18

- i) National Conference 2018: now to take place in Liverpool (with thanks to Kate Burnell for agreeing to organise it).

The Chairman reported that the National Conference 2018 will now be taking place in Liverpool, not Manchester, and he thanked Kate Burnell (KB) for agreeing to host it. KB reported that she would send some thoughts and ideas about the conference to the committee in the New Year. KB will make enquiries with the BC and ALC to ensure the date of the National Conference does not conflict with their annual conferences.

- ii) FLBA / Scottish Family Bar conference: to be held on 13 and 14 April 2018; venue, organisation, speakers, cost, invitation to go out to Janys Scott QC and memberships (?)

The Chairman reported that there will be an informal dinner on Friday 13th April 2018 and a day conference on Saturday 14th April 2018. Moylan LJ will be chairing the conference. The Chairman mentioned that there was concern expressed about its proximity to the Cumberland Lodge Conference in May 2018. With this in mind, it was thought that it should be arranged by a sub-committee - along the lines of the National Conference - so that it does not overburden already pressed resources, which will be focusing on Cumberland Lodge. The committee however will provide support for the conference in April and will make a financial contribution towards it.

- iii) FLBA Dinner 2018: date and guest speaker?

The Vice-Chair reported that the Annual Dinner will be held on 23rd February 2018 and that this has already been advertised to the membership. Lady Black has agreed to be our guest speaker. A further flyer will be sent out in the New Year.

Item 8. AOB

- i) Venue for meetings in 2018?

The Chairman reported that, contrary to what Middle Temple have suggested before (which is that we would be entitled to four free meeting rooms) they have now reduced that to one. CLQC and JH said that both have space in their respective chambers to accommodate the meetings. CLQC also has the facilities for committee members to telephone and video-in to the meetings. He will do a test run and see whether it will work for our meetings. If it does, he will book the meeting dates with chambers and it was agreed Middle Temple should be informed that we no longer require the rooms.

- ii) Wellbeing and being hit by a bus ... (update) – email has gone out on 4 December 2017

CLQC reported that we have had an overwhelming response from the email, with a number of chambers already implementing the policy. There are a number of professionals who are willing to help and assist with this initiative, free of charge. We will continue to invest money into this next year and expand the initiative.

- iii) Olivia Magennis: FLBA update (with Sandra Eze) and ALS replacement?

The Chairman suggested that Sandra Eze be invited to find a replacement with whom she is happy to work. The replacement for the ALS is less pressing but we do require a volunteer for this.

iv) Family Affairs – due to go out on 18 December (?) with thanks to John Wilson QC

The Chairman recorded his thanks to John Wilson QC (JWQC), who had prepared a short report for the committee. JWQC wanted to convey his thanks to Philip Cayford QC, Michael Waugaman and KK.

v) Any other AOB

GW reported that they discussed direct contracts in high cost cases at the last Remuneration Committee and there is support to resurrect this, as was discussed at the last meeting. GW queried whether we had access to data on the past take-up, which might be useful in our negotiations. CLQC said that both he and SMQC will contact the fees clerks of those chambers that had direct contracts and see what this reveals. GW explained that he would liaise with SM.

CLQC reported that KR attended the last IAC (Interdisciplinary Alliance for Children) meeting and that she has offered to take over from Edward Flood.

The Chairman informed the committee that Richard Jones has reported that the Family Court at West London are about to set up a FDAC (Family Drug and Alcohol Court), which is good news.

The Chairman thanked the Secretary and KK for organising a splendid Committee Dinner, which was well attended by the committee and new and retiring Judges.

vi) The end...

The Chairman gave a moving and thought-provoking speech and thanked the committee and particularly the executive officers and KK for all their hard work and support during his term as Chairman.

Meeting concluded at 5.55 p.m.

Date of next meeting: The next meeting of the Committee will take place on 10th January 2018 in the conference room at 4PB?

Khadija Khan
FLBA Administrator