

**Minutes of the FLBA Committee Meeting  
Held in 4 Paper Buildings, Temple  
on 12<sup>th</sup> December 2018**

**Present:**       **Frances Judd QC (Chair)**  
Cyrus Larizadeh QC (Vice Chair)  
Malek Wan Daud (Secretary)  
Victoria Wilson  
Mandy Tanner  
Greg Williams  
James Holmes  
Charlotte Hartley  
Sandra Eze

The following joined the meeting by video/telephone link:

Lynn McFayden  
Sarah Pope  
Tim Parker  
Sian Smith  
Olivia Magennis  
Justin Gray  
Corinne Iten  
Cleo Perry

**Item 1.           Apologies for absence:**

James Roberts (Treasurer), John Wilson QC, Victoria Miller, Timothy Scott QC (attending a Brexit working group meeting), Katy Rensten, Cleo Perry, Daniel Sheridan, Morgan Sirikanda, Joy Brereton, Mehvish Chaudhry, Samantha Singer QC, Katherine Duncan, Jayne Pye, Kate Burnell, Neil Owen- Casey, Caroline Topping, Leanne Target-Parker and Victoria Flowers

**Non-attendance:**

James Rees, Chris Bryden, Susan Grocott QC, Ruth Henke QC, Nigel Page, Jacqueline Wall, Mark Twomey QC, Sam King QC and Jeremy Weston QC.

The Chair expressed a massive thank you to John Wilson QC for getting Family Affairs out on time. The committee also expressed thanks to Philip Cayford QC in this respect.

**Item 2.           Minutes of the meeting 7<sup>th</sup> November 2018**

- 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 Agenda

### **Item 3. Children sub-committee update**

Mark Twomey was not present so no update.

### **Item 4. Finance sub-committee update**

Morgan Sirikanda (MS) was not present but the committee thanked him and Mandy Tanner (MT) for their hard work in respect of the response to the divorce reform consultation and also their work on the response to the Pension Advisory Committee. The Chair stated that there has been some local difficulty with the response given by the FLBA finance sub-committee to their proposal and the Pensions Advisory Committee have asked for a meeting with the FLBA on 18<sup>th</sup> December.

### **Item 5. Consultations:**

- (a) Divorce reform committee –

Discussed above under item 4.

- (b) BSB transparency consultation –

Greg Williams (GW) has been working on this with Victoria Flowers (VF) and they are half way through responding to the second part of the consultation document, having already responded to the first part in January of this year. On reading the consultation document, it appears that the BSB have gone far further than the Competitions Market Committee has suggested. The CMC suggested in their document that there should be greater transparency in all markets, not just the legal markets, and the BSB response was that they did not want to introduce anything that was either onerous or time consuming, but they did think there should be transparency in respect of all price and services provided by Chambers. There was a lengthy discussion with regard to the suggestion of publishing rates for services on Chambers' websites and the difficulties that would arise. The Bar Council are minded to reject the BSB proposals and the Family Bar are minded to do likewise. The Chair has a copy of the Bar Council's response which she will forward to GW.

- (c) Meeting with the LAA

GS and James Holmes (JH) attended a meeting with two of their fees clerks – they presented a robust assessment as to their proposals regarding direct payment scheme. LAA made it clear that they were not keen to implement changes in this respect as there is an assumption by them that the proposals would be more labour intensive for them. However, they have not carried out a costs' benefit analysis to support this. They said they would take this point and consider it. It was raised that the Criminal Bar have a direct contracting scheme but the Family Bar do not, which the LAA stated were unaware of. Sam Momtaz QC (SMQC) is arranging another meeting with them to discuss this in January/February next year. The committee stressed the importance that problems with regard to payment should be addressed to Anthony Leale, who is our contact at the LAA, and he has said that if there are problems with payments after 6 months, that these should be brought to his attention personally.

**Item 6. Request from Bailii**

This charity has made a request to the FLBA for some financial support – as this is a resource all family practitioners use, the Chair thought it would be reasonable to give some support. This to be reconsidered when the Treasurer is present.

**Item 7. Meetings with the President**

The President was very pleased with how the meetings were received and the Chair felt that the meetings had gone well.

**Item 8. Care Crisis Review update**

Timothy Parker QC (TPQC) reported by telephone link and said there was nothing substantive to report. The matter would be put on the Agenda for next time.

**Item 9. CFC Court Orders protocol meeting with HH Judge Tolson QC  
Local Protocols**

The Chair had a meeting with Judge Tolson QC to discuss the protocol which has come about as a result of the huge backlog of orders. There was a discussion by the committee on the merits of drafting short orders which were made on the day of the hearing rather than long orders which were taking time to process. James Holmes (JH) stated that he had heard there were problems with Magistrates applying the protocol as Practitioners were finding they were being kept at Court until orders were approved. With regard to Magistrates, further information of problems should be sought and considered. The Vice Chair suggested that instances of being kept late at court as a result of the

above, should be reported and representations made by the FLBA. The committee agreed that this should be kept under review. The Secretary stated that he had experienced a problem where local courts were issuing their own protocols which were contrary to the above. It was discussed that an approach should be made to some of the local Family Justice Committees with regard to practice directions generally.

**Item 10. Vulnerable Witness Programme**

Siân Smith (SS) was thanked by the committee for preparing a number of lengthy documents. The first day of filming took place on 1<sup>st</sup> December – there were lots of contributions which are being edited. Also, a number of podcasts have been recorded. A second tranche of filming is being scheduled for 23<sup>rd</sup> January 2019 when the President will be attending. Filming will also take place on a further date in February (date to be confirmed). There has been enormous support for the Programme which is very encouraging.

**Item 11. Retaining Women at the Bar working group - update**

Sam King QC (SKQC) and Mehvish Chaudhry (MC) are in the process of preparing a report to include statistics with examples from Practitioners about working late and other difficulties being experienced by Practitioners.

**Item 12. Elections/Co-options to the committee**

The Secretary stated there can be a total of 7 co-optees, split into 3 categories, 1 from the employed bar, 3 can be anyone and 3 are reserved for members who are not already represented on the committee.

There then followed a discussion by the committee with regard to the nominees.

The elections were announced at the Liverpool conference.

The committee appointed the following members to be co-opted:

Sam Momtaz - 1 GC Family Law Chambers  
Greg Williams - Coram Chambers  
James Holmes - Garden Court Chambers  
Victoria Wilson - Goldsmith Chambers

**Item 13. Valedictory for Parker J (21st December) & swearing in and welcome for XJ**

The Chair reported that Parker J's valedictory will now take place early next year and not on 21 December. The swearing in will take place on 14<sup>th</sup> January and the welcome on 15<sup>th</sup> January.

**Item 14. Committee dinner 7<sup>th</sup> December**

The Chair thanked everyone who attended and it was agreed that the event was a great success.

**Item 15. AOB**

The Annual Dinner is to be held on 1 March 2019– Thirlwall J is to give a speech and also a short speech is to be given by the President.

With regard to Cumberland Lodge – the committee need to decide on the programme. The Chair asked for suggestions as to the content of the speeches to include topics of current interest such as private law Children Act proceedings. The Chair asked for emails with any suggestions to be sent for consideration. The Chair suggested that members get together to discuss what should be included.

The date for the Garden Party has been confirmed as 3<sup>rd</sup> July 2019 and therefore the FLBA committee meeting will now be held on 10<sup>th</sup> July 2019

The Liverpool Conference was really well attended. The Chair thanked everyone who came and was involved and thought it a great success.

The Chair mentioned that with regard to applications to Court, Judges felt that some of the cases are not as urgent as stated and have issued a directive in this respect which she believed is accepted, but if there are objections, could she received emails to consider in this respect.

The Vice Chair expressed his thanks on behalf of the committee to Victoria Wilson in putting herself forward to be Vice Chair of the Wellbeing at the Bar Working Group with a view to becoming Chair - the committee will strongly support her.

The Vice Chair formally thanked FJQC for all her efforts and to express the committees' appreciation for all the hard work she had done.

Meeting finished at 6.15pm

Next meeting Wednesday 9<sup>th</sup> January 2019 at 5pm at 4 Paper Buildings.

Diane Edwards  
FLBA Administrator