

**Minutes of the FLBA Committee Meeting  
Held in 4 Paper Buildings, Temple  
On 3<sup>rd</sup> April 2019**

**Present:** **Frances Judd QC (Chair)**  
Cyrus Larizadeh QC (Vice Chair)  
James Roberts QC (Treasurer)  
Katy Rensten  
Lynn McFayden  
James Holmes  
Hannah Markham QC  
Ruth Henke QC  
Siân Smith  
Bibi Badejo  
Peter Newman  
Victoria Miller  
Mandy Tanner  
Morgan Sirikanda  
Mehvish Chaudhry

The following joined the meeting by video/telephone link:

Justin Gray  
Mark Twomey QC  
Melissa Elsworth  
Neil Owen-Casey  
Corinne Iten  
Sarah Pope  
Jeremy Weston QC  
Greg Williams  
Victoria Flowers  
Sam Momtaz QC  
Jacqui Thomas

**Item 1. Apologies for absence:**

Joy Brereton, John Wilson QC, Katherine Duncan, Malek Wan Daud (Secretary), Tim Parker, Victoria Wilson, Charlotte Hartley and Cleo Perry.

**Non-attendance:**

James Rees, Susan Grocott QC, Katharine Bundell, Jayne Pye, Leanne Targett-Parker, Timothy Scott QC, Sam King QC, Victoria Miller, Nigel Page, Kate Burnell and Caroline Topping.

**Item 2. Minutes of the meeting 6<sup>th</sup> March 2019.**

i) For approval + posting on the website:

Approved save for an amendment that Victoria Flowers provided her apologies for non-attendance at the committee meeting on 6<sup>th</sup> March but was placed on the “non-attendance” category in error.

ii) Matters arising from the minutes:

These will be dealt with in the agenda.

**Item 3. Children sub-committee, including progress on the President’s public and private law working groups as to court protocols for preparation/paperwork.**

Mark Twomey (MTQC) was not available to update the committee in respect of the private children law working group.

Hannah Markham QC (HMQC), who is on the President’s working group in respect of public law children cases, reported that matters had progressed quickly as the working group been asked to submit their interim report for consultation at the President’s conference in May. HMQC confirmed that the information which was collated by MTQC had been distributed and has caused some ripples, particularly with regard to the fines levied for cross-courting and judges in Romford refusing to hear cases if counsel have not been able to provide documents. HMQC stated that it was clear that there are going to be national protocols in both private and public law.

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

Morgan Sirikanda (MS) stated to the committee that following the previous committee meeting, he emailed HHJ Hess with regard to guidance for protocols in the financial remedies court, but he had not replied. The Chair stated that she would also email HHJ Hess in this respect.

**Item 5. Flexible Operating hours pilot**

Mandy Tanner (MT) stated that the pilot had been postponed as the metrix to determine how they measure the success of the pilot, cannot be agreed. MT stated that they would like the FLBA, the Law Society and various others to sign off on their proposed metrix but nobody understands what they are. The conclusion of the two-hour meeting on 2<sup>nd</sup> April was that there is still no understanding of what they are, including the civil servants that are proposing them. MT stated that it would seem that the way they propose to measure the success of the pilot is that they will send questionnaires to court users, judges and some barristers to see if it has been successful. There will be another meeting to discuss this. The Chair asked MT to report any developments to the committee at a later date.

## **Item 6. Vulnerable Witness Working Group**

Siân Smith (SS) stated to the committee that all the filming had been completed and is just finishing the editing of that. SS stated that there would be a date in mid-June for training the trainers in London and another at the end of June or early July in Birmingham for regional trainers, to make it easier for people travelling from other regions. SS stated that the timetable would be ready to be rolled out to commence in early autumn. SS stated that she had met with HHJ Bedford, the DFJ for Sussex, who suggested that it may be helpful for the judges, if a short talk was given to explain what the training is, once it has been finalised. SS felt it would be useful for the senior trainers to give similar talks to judges in their regions. The Chair suggested that it may be useful to consider giving a talk at various conferences, for example, the President's conference in May which will be attended by all the judges and this may be preferable rather than several talks in the different areas. SS stated that she would address the judges in Sussex, and once that had been done, the model could be adopted by senior trainers to give similar talks in their different areas.

## **Item 7. Fees**

Sam Momtaz QC (SMQC) addressed the committee and stated that following the meeting with the LAA last year, it was requested that the LAA revive the direct contract scheme or agree to make payments on account of 75% of fees, once the substantive hearing had been completed. SMQC reported that following a request to the membership to email any examples of delayed payments last year, there had been a very good response and the LAA had received over 240 example cases by email, many of which SMQC was copied into and he compiled a table of what those reasons were. The result of this showed that 70% of cases of delay were caused by the provider (the Solicitors). SMQC stated that this information reinforces the case for a direct payment scheme and/or payment on account scheme. The LAA have responded with their proposals proposing that in single counsel cases, the LAA would increase the cost limit from £25,000 to £32,500. The LAA have not yet stated what the limit would be in two counsel cases but stated they would give a response to this in the next 3-6 months. The LAA indicated that there would be some ongoing system whereby counsel could email Anthony Leal regarding individual cases. SMQC had a meeting with clerks of 4PB and 1GC yesterday to go through the response from the LAA and it was felt that that response was inadequate and did not address the problem. SMQC is going to respond asking for clarification of various aspects of their letter, followed by a formal written response prior to meeting with them again. SMQC stated that he would be attending that meeting with the Chair, a few people from the Bar Council, Greg Williams and one of the fees clerks and that meeting should be sometime in early May. SMQC was of the opinion that the direct contract scheme should be pushed forward as this was the only way that counsel would have some control over payments, as at present counsel/clerks do not have any access to the CCMS system, which the LAA use and the only access at present is limited to the providers (the Solicitors).

SMQC asked for guidance from the committee on two areas:

- (i) Whether the committee agreed that he should canvass the membership to ascertain whether they were satisfied with the responses given to them by the LAA to their complaints regarding delayed payments.
- (ii) Further consideration in matters such as Advocates meetings, conferences, judgements and written submissions. SMQC has told the LAA that the committee have issues with how they are implementing the rules. The LAA asserted that this was not an issue for them but for the MOJ. It was then discussed by the committee whether or not it would be prudent to raise these issues with the MOJ. The committee agreed that, on balance, it would not be a good idea to pursue this with the MOJ.

The Vice Chair advised the committee that SMQC had drafted a questionnaire to be sent out the membership to gather information to present to the LAA at the meeting in early May and forward the information to the Bar Council so that they are aware of the committee's position in this respect.

The Chair and Vice Chair expressed thanks to SMQC again for his work in this respect.

**Item 8. Court Security/ID cards**

The Chair stated to the committee that the Bar Council are trying to get this up and running as soon as possible. The Chair stated that she had sent on complaints she had received, having anonymised them, and asked the committee if they were aware of any improvement in respect to court security procedures as a result of this, particularly in Milton Keynes and Luton courts.

**Item 9. Pupillage Checklist**

The Chair asked the committee whether they wish to get involved with this process, but it was decided that this would be a matter better dealt with by individual chambers.

**Item 10. Regional Elections**

The Secretary was not present and asked that this be included on the agenda for the next committee meeting.

**Item 11. Kinship care - Consultation and attendance to give evidence to the Parliamentary Taskforce**

The Chair stated that Cleo Perry (CP) gave evidence at the Parliamentary Task Force meeting on behalf of the FLBA but she was not present to address the committee on the outcome of that meeting.

HMQC stated to the committee that she had attended a meeting on 2<sup>nd</sup> April with the Family Justice Board in respect of public law cases and reported that there were five different groups looking at SGOs. HMQC stated that she would be setting up a further sub-committee, within the working group, to bring all information together.

**Item 12. Workshop invitation – Protection of Abducting Mothers in Return Proceedings; Domestic Violence and Child Abduction. Aberdeen 28<sup>th</sup> and 29<sup>th</sup> May.**

The Chair asked the committee if there were any members that would like to go to this workshop. This was discussed and there may be a committee member who can attend but this will be confirmed nearer the time.

**Item 13. Consultations  
HMCTS Reform Consultation – for thanks to VF**

The Chair expressed her thanks to Victoria Flowers (VF) for her input into this consultation.

**Item 14. Domestic Abuse Bill – response and comments**

The Chair expressed her thanks to CP for her input into this work but as CP was not present, the Chair stated that this item would be included in the agenda for the next committee meeting.

**Item 15. Cumberland Lodge  
Judicial Dinner  
National Conference  
2020 Annual Dinner**

The Chair confirmed with the committee that they had all received the programme for Cumberland Lodge. The Chair discussed the various events which would be included.

The Chair confirmed that the date for the Judicial Dinner would be 6<sup>th</sup> December 2019.

The Chair addressed the committee with regard to the National Conference to be held in Oxford on 9<sup>th</sup> November 2019. Mehvish Chaudhry (MC) reported to the committee with regard to the various speakers that would be prepared to address the members at the conference. MC requested that she receives any ideas from committee members with regard to financial remedies speakers and any topics that they considered should be included.

MC also asked if any committee members any ideas for sponsorship of the event and that she was meeting with a representative from Bloomsbury, who are the main sponsors, but she would welcome any creative suggestions on any sponsors that could be approached.

The Vice Chair confirmed that the date for the 2020 Annual Dinner will be held on 28<sup>th</sup> February 2020 and that Lord Wilson has agreed to give a speech at the Dinner.

**Item 16. AOB**

An issue was raised by Victoria Miller (VM) for discussion with regard to final hearing listing windows within financial practice. The Vice Chair stated that this was raised with the committee and it was agreed that this would be a matter to be dealt with by local family court users. The Chair stated that this would be dealt with by the financial remedies court. The Chair suggested that if emails could be sent to her with any instances of difficulties.

The Treasurer stated that with regard to the International Grant programme, the cap should be raised to £3,000, which would be the FLBA contribution of one third. The committee agreed.

Meeting finished at 6.10pm

Next meeting Wednesday 5<sup>th</sup> June 2019 at 5pm at 4 Paper Buildings

Diane Edwards  
FLBA Administrator