



**Young Barristers' Committee
Report
Bar Council, 16 September 2017**

1. Status

1.1. For report.

2. Remuneration

2.1. As illustrated in the Chairman of the Bar's inaugural address, the Young Bar has seen a large decrease in its numbers over a relatively short period. The number of barristers under 5 years' call fell by 30% between 2005 and 2015. There can be little doubt that remuneration has a large part to play in this and therefore the work of the Young Barristers' Committee (YBC) in this area is more important than ever.

2.2. A particular focus for the YBC this year has been remuneration in the Magistrates' Court. Concerns over remuneration in the Magistrates' Court led to the establishment of a working group dealing with Magistrates' Court fees. The first stage of this group's work has been to gather evidence via a survey. The response rate to the survey was extremely high. The survey received 292 responses, which is estimated to be about 25% of criminal barristers under 7 years' practise. 75% of respondents were tenants and 20% were pupils. The key points that emerged were:

- Only 43% of respondents were aware of the Bar Council Protocol for Payment of Fees in the Magistrates' Court.
- In a number of cases young barristers were receiving significantly less than mandated by the Protocol.
- Indeed, half of the respondents had done a hearing in the Magistrates' Court for which they understood that they would not be paid at all.

- Delays in payment are also a significant problem. The majority of fees (64%) are paid somewhere between 1-6 months after the relevant hearing – but 24% are paid between 6-12 months afterwards, and 10% are only paid after more than a year.
- 60% of respondents have raised concerns in Chambers over fee levels and delays in payment but the vast majority stated that nothing had changed as a result.

2.3. In light of these findings, and in light of the fact that this has been a problem for a very considerable period of time, the working group's preferred solution would be to have Counsel (and other advocates) paid directly for their work in the Magistrates' Court, similarly to how they are paid in the Crown Court. The working group has consulted widely in relation to this proposal including the Bar Council's Remuneration Committee, the Criminal Bar Association and the Legal Aid Agency. The Remuneration Committee also kindly organised a meeting with solicitor contacts, for which the working group is extremely grateful. Responses to the proposal have been mixed. However, YBC remains of the view that this is the only viable solution to the problem. An article publicising the results and YBC's preferred solution will appear in the October edition of Counsel. The YBC would welcome comments and suggestions from all interested parties: YBC@BarCouncil.org.uk.

2.4. YBC also published an independent response to the Advocates' Graduated Fees Scheme (AGFS) Consultation¹. The general view taken was that YBC was broadly supportive of the proposed new scheme, but was unwilling to support the requirement that the proposed new scheme be cost neutral considering the negative impact that fee cuts have had on the dwindling number of young barristers in England and Wales.

3. Meetings and Events

3.1. The Young Bar Workshop on 1 July was a resounding success with 120 people in attendance in total. This included delegates from Australia and China. The workshop commenced with an opening keynote delivered by Sir Brian Leveson, and continued with specialist advocacy and practice management breakout sessions throughout the day. YBC has received positive feedback about the quality of the speakers for each session, and the invaluable

¹ <https://youngbarhub.files.wordpress.com/2017/03/2017-03-01-agfs-consultation-response-final.pdf>

knowledge gained from the concluding plenary session entitled 'Everything you wanted to know about advocacy, but were too afraid to ask'. YBC is extremely grateful to all the speakers who gave up their valuable time to attend.

- 3.2. YBC collaborated with the Inns of Court and the Northern Circuit on a combined Inns qualifying session in Manchester on 8 June 2017. The Vice-Chair spoke to student members about the Young Bar Toolkit and Hub, and the transition from the academic to vocational stage. The Vice-Chair also touched on wellbeing at the Bar, and the importance of maintaining a work-life balance in the early years of practice.
- 3.3. The Chair, Vice-Chair and Executive of the Young Barristers' Committee (YBC) have held meetings with the senior judiciary including the Lord Chief Justice (Lord Thomas), the Treasurer of Middle Temple (Lord Dyson), and the Senior Presiding Judge of England and Wales (Lady Justice Macur). A key recurring theme of these meetings has been to highlight the impact of a variety of proposed reforms on young barristers. This is particularly in the context of the falling number of young barristers.

4. International

- 4.1. The Vice-Chair of YBC attended the European Young Bar Association's (EYBA) Spring Conference in Thessaloniki from 30 March – 2 April, and the Summer Conference and AGM in Porto from 15 – 18 June. Aside from providing an opportunity to consider the benefits YBC derives from membership to EYBA, these Conferences are a valuable opportunity to network with other young lawyers from across Europe, and particularly with those from some countries in which the rule of law is under threat. The YBC also took the opportunity to raise certain governance concerns with the EYBA Committee. YBC is satisfied that these concerns are in the process of being resolved, although the matter will be kept under review.
- 4.2. The Chair, as a member of the Bar Council's Brexit Working Group, assisted in drafting the Brexit Paper on Civil Jurisdiction and Judgments (http://www.barcouncil.org.uk/media/575175/brexit_paper_4_-_civil_jurisidiction_and_judgements.pdf). He has also submitted two papers to the Chair of the Bar and the Executive Staff on Brexit-related opportunities available; especially for young Barristers.

- 4.3. YBC has facilitated two rounds of the International Legal and Professional Development Grant Programme². The facilitation of the programme has been very successful, and we have approved a total of 13 proposals, out of 25 applications. The third and final round of applications is currently open, and proposals will be considered by the programme's nine partners after 18 September.
- 4.4. YBC hosted an informal welcome event at Bounce for the Korean lawyers on the Bar Council exchange programme on 27 April. There were three Korean lawyers and six young barristers attended.
- 4.5. YBC hosted the Chinese exchange lawyers on 29 June at Maitland Chambers. The Chair and Executive outlined the role of YBC, and opened the floor to the delegates to discuss how the regional Chinese Bar Associations support their young members. The lawyers shared ideas such as the awarding of grants and bursaries for education and training in other jurisdictions, offering spaces on courses as a result of formal partnerships with international universities, as well as hosting networking and educational events for junior lawyers.

5. Regulatory proposals

- 5.1. YBC met with the BSB following the publication of the 'Youth Proceedings Competencies' Framework³. YBC has since continued to engage with the process through attendance at events, and meetings with various stakeholders, including the Inns of Court College of Advocacy (ICCA). YBC will also be contributing to the Bar Council's response to the BSB Consultation on a barrister's obligation to declare specific information about their practice to the regulator when applying for their practising certificate.
- 5.2. YBC has attended the BSB's roundtable meeting for pupils to discuss the pupillage pilot as well as a wider BSB event in relation to pupillage. YBC expressed reservations about the increased flexibility in the models proposed, especially the intention to increase the number of pupils that a barrister can supervise. YBC will remain engaged with these proposals, and will be collaborating with the Education and Training Committee to respond to the Consultation in the coming months.

² <https://youngbarhub.com/opportunities/international-legal-and-professional-development-grant-programme/>

³ https://www.barstandardsboard.org.uk/media/1821763/bsb_youth_competencies_2017_for_website.pdf

- 5.3. YBC members were among the members of the Bar Council subgroup who commissioned the research on paid McKenzie Friends in collaboration with Cardiff University. The research report was published in June 2017⁴.
- 5.4. The Chair of the YBC met with the Legal Services Board (LSB), at the LSB's request, on 31 May to discuss their strategic plan for the next 3-5 years. The Chair used this opportunity to highlight concerns about diversity with regard to access to the profession, the level of attrition at the junior end of the profession, and the impact of recent regulatory changes on young barristers. He also took the opportunity to suggest what might be prioritised by the LSB in the future.
- 5.5. YBC has continued to engage with the proposals for court reform, and members of the Committee have attended the Professional Engagement Group (PEGs) meetings for civil, criminal, family and tribunals. The Chair also attended the Local Implementation Team meeting for the Flexible Operating Hours Pilot at Brentford County Court, the Civil Money Claims workshop at the Ministry of Justice, the Court of the Future workshop, and has met with the Ministry of Justice on numerous occasions to share the views of the young Bar. Particular emphasis has been given to the impact that Flexible Operating Hours is likely to have on the Young Bar and its diversity.

6. Planned activity for the next quarter

- 6.1. YBC is currently reviewing the possibility of becoming an affiliate member of the London Young Professionals Network. This is a network of professional bodies consisting of lawyers (YBC and London Young Lawyers Group, LYLG), Accountants (Institute of Chartered Accountants in England and Wales, ICAEW), and surveyors (Royal Institute of Chartered Surveyors, RICS Matrics).
- 6.2. One of the Chair's aims for the year was to seek to "sell" the Young Bar to potential future clients. As part of this, the YBC is hoping to host a series of introductory seminars on particular legal areas of interest to external groups. YBC is in the process of finalising the list of external partners to collaborate on this series which will take place in the last quarter of the year. The seminars

⁴ http://www.barcouncil.org.uk/media/573023/a_study_of_fee-charging_mckenzie_friends.pdf

will focus on Media Law, Business Law in relation to entrepreneurs and start-ups, and International Law.

- 6.3. The Chair and Vice-Chair of YBC will be speaking on business and commercial law at The Business Show 2017 on 16 and 17 November.
- 6.4. YBC will be organising International Weekend, in conjunction with the [Junior Lawyers Division](#) of the Law Society of England and Wales, the [EYBA](#), and the [LYLG](#). This year, the weekend will run from 29 September – 1 October⁵.
- 6.5. YBC has also been involved in organising the Annual Bar and Young Bar Conference. Professor Susskind has been secured as the Young Bar's keynote speaker.
- 6.6. The Chair will also be attending the International Bar Association Conference in Sydney, Australia.
- 6.7. YBC will continue to contribute to on-going consultations and the Bar Council's policy work.

7. Progress against business plan

- 7.1. All areas of the business plan are on track for delivery.

Onyeka Onyekwelu

Policy Analyst: Legal Affairs, Practice and Ethics

Duncan McCombe

Chair of the Young Barristers' Committee

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⁵ <http://internationalweekend.strikingly.com/>