



Annual General Meeting of the Bar held at 11.00 on Saturday 21 September 2013 at the Bar Council offices

Present:	Maura McGowan QC	Chairman
	Stephen Collier	Treasurer
	Rt. Hon. Dominic Grieve QC MP	Attorney General
	Mr Oliver Heald QC MP	Solicitor General

And more than 60 subscribers.

1. Opening remarks by the Attorney General

The Attorney General opened the meeting, thanking those present for attending and expressing relief to see that this part of the agenda was referred to 'remarks' as opposed to 'an address'. To his mind, an AGM is a stocktake of the year – in this case a difficult year – and looking also to the future. The Attorney General paid tribute to the Chairman, Maura McGowan QC, and her predecessor, in terms of what they have achieved.

The position on legal aid has not yet been resolved, but is at least in a much better place than it was six months ago. This is partly thanks to how the Bar Council and the Law Society approached the issue. It is still a period of change with the review of advocacy underway, but how the Bar comes out of that will depend on whether it considers the glass half-full or half-empty.

The review is an opportunity to show what barristers do best. The fact that the value of advocacy has been recognised means that serious thought will be given about how it is delivered in the future and how the Bar will thrive for the next twenty years. It is unfortunate that the size of the professions is now greater than the volume of work on offer and this is a critical issue. The Bar needs to be brought to a size where it can thrive.

The Attorney General expressed his commitment to helping the Bar in its advocacy towards Government and elsewhere and to do his best to help the Bar achieve its goals.

Turning to the Rule of Law more generally, it is quite apparent that this jurisdiction is seen internationally as a showcase exemplar of a Rule of Law state and that it remains a model to other nations. This is of benefit to the profession as it offers an opportunity to do good on the world stage and also to profit commercially. In 2015 – anniversary year of the signing of the Magna Carta - there will be major opportunities to showcase the legal profession to a wide global audience. The Bar must take advantage of this.

To conclude, the Attorney General said that his message is one of thanks. The last year has required a lot of forbearance. However, he believes with quiet confidence that it has been a positive and successful year. The Bar will thrive if it continues to engage properly.

2. Chairman's address

The Chairman welcomed those present to the Annual General Meeting for 2013 of the Bar of England and Wales.

In particular, she extended a very warm welcome to the Leader of the Bar, the Attorney-General, the Rt. Hon. Dominic Grieve QC MP and thanked him for his consistent support for the Bar, shown in his attendance at Bar Council and in Government, and for the Bar's values, particularly as that support for the Bar has not always been shared by his colleagues in Cabinet. She thanked him for his support for the profession and for her personally, and for attending this AGM.

She also welcomed Oliver Heald QC MP, the Solicitor-General. He too, has consistently shown his support for the Bar, has regularly attended Bar Council and other Bar events. The Chairman thanked him for attending this AGM.

She also thanked Keir Starmer QC, who could not be at the meeting but who has regularly attended Bar Council meetings, unlike some of his predecessors. He has had a very difficult tenure. The CPS has seen its budget reduced by 27% and its workload has only increased. He has fought for the highest standards at the prosecution authority whilst always respecting the accused's right to a fair trial. The Bar welcomes his successor, Alison Saunders CB, and wishes her every success and looks forward to continue to work very closely with the DPP.

The Chairman also extended her thanks to the current Lord Chief Justice, Igor Judge, who has done an extraordinary job. He has fought hard for the legal profession. The Chairman welcomed Sir John Thomas, the incoming Lord Chief Justice, who is always capable of putting up a fight. He has been a great support to her throughout this year.

The year's events

As Michael Todd QC said last year: "sometimes, perhaps the legal profession may be forgiven for thinking that this Government under-estimates the importance of the Justice system to society, to our way of life, to the economy, and to our national well-being, and sees the Ministry of Justice simply as a spending department."

Today the legal profession and the wider society might be forgiven for thinking that the Ministry of Justice sees the cost of maintaining a Justice system as an option, as something that can be cut back to make savings at any cost to access to justice. The Bar recognises the need for an efficient and effective system but the proper balance is in jeopardy.

The removal of vast areas of legal services from the scope of legal aid has meant that large numbers of individual citizens no longer have access to justice if fighting for the care of their children, the provision of adequate housing, the security of their employment or provision of their benefit and education for their children, the list goes on. In the very near future many who would

seek to review the sometime arbitrary decisions of the state will have no access to Judicial Review. Liability for crime or civil wrongs comes instantly on arrival in the UK, the ability to seek redress will have to wait for a year after that arrival. These changes have brought great upheaval and hardship to the profession.

The planned cuts to criminal fees will mean a further 7% reduction in the GFS, already reduced by 15% in recent years and set in the 1990s, fees in murders will have been reduced by 47% in that time. The cuts in VHCC will mean a 30% reduction in the most serious and complex cases. Reduction in the number of certificates for two counsel in the most serious cases will mean the best will leave these areas of practice and the criminal justice system which has traditionally been the envy of the common law and civil law jurisdictions will be diminished, probably beyond recovery. Those seeking redress or protection from the system will be disadvantaged by falling standards. The proper treatment of vulnerable witnesses and defendants requires the highest skill and expertise, this is not the time to risk quality. This is a Government which proudly boasts of the international reputation of the nation's legal profession and Judicial system, not least because it is the source of just under 2% of GDP. It is an irony if the saving of £27m, which in Government terms is minimal, will cost irreparable damage to the criminal system, should damage that wider reputation. The Chairman said that she believes that the Attorney General is right, that the Lord Chancellor does recognise the contribution of legal services globally. However she fears that he is running the risk of destroying that.

The Bar Council is in the process of responding to the much more limited second consultation. The Chairman urged all sections of the profession to look at the consultation documents and respond. It was clear that the number and quality of responses to the first paper caused a re-think on client choice.

The Ministry of Justice has announced a Review into the Provision of Criminal Advocacy, which will be headed by Sir Bill Jeffrey. When he commences the review in a couple of weeks' time, the Bar Council expects to be asked to provide representation on his committee. It is a shame that the proposal that the review be headed by a retired senior Judge was defeated by the Law Society; the Chairman is sure that Sir Bill will fulfil his task to the highest standards but it might have been an easier job for someone with a familiarity and background in being an advocate and listening to advocacy.

The Government is also in the early stages of the process of a review of the regulatory structure of the profession. The Bar Council has responded to the Government's call for evidence with a well-reasoned plan to restore responsibility for the content of pre-qualification and post-qualification education, authorisation to practice and professional standards to the profession, under the overall supervision of a body made up of representatives of the professions, regulators and with a strong judicial and lay presence. It is acknowledged that there needs to be an independent enforcement and discipline of professional failings. The Bar Council continues to stand absolutely united with the BSB in the maintenance of separate regulation for each branch of the profession.

As the Attorney General observed in his remarks, the Bar has had a busy and difficult year, so far. The Chairman said that she and others are travelling to Brighton to continue lobbying at the Labour Party conference.

The Chairman extended her thanks to the other leaders of the Bar, for all the invaluable work they have done for the Bar and for the Bar Council, and for acting in their respective representative roles. In that capacity, they are the means through which the voices of their constituents can be heard and through which their constituents can be made aware of all that the Bar Council is doing on their behalf.

Thanks were therefore offered to:

- each of the Circuit Leaders;
- all the Chairs of the SBAs;
- the Chair of the YBC;
- the Co-Chairs of the EBC; and
- the Chairs of all of the various Bar Council Committees

all of whom, together, are too numerous to mention individually, for all the help, time and expertise that they have given *pro bono* to the Bar and the Bar Council over the last year, in addition to their work for their respective associations and constituencies. The Chairman stressed that this Council is the Bar's Council. It should be active in exchanging views; there is no substitute for that democratic process.

The Chairman also took this opportunity to thank all the staff of the Bar Council for all the support and help they have given her over the last year. As a profession, the Bar perhaps does not understand how much hard work is done on its behalf by people who often have to deal with practitioners at their worst, often in moments of high anxiety. It is not always an easy task. She also paid tribute to the way in which the staff have faced the challenge of having to deal with the reduction of their working space; it cannot be underestimated how much of a challenge that has been.

The Chairman also wanted to thank in particular the new Chief Executive, Stephen Crowne, who seems to have walked into what is an organisation of Byzantine complexity and mastered its finer points without breaking stride. The Chairman said that his calm and wise manner has made the second half of her year of office a much easier time than it might otherwise have been.

On behalf of Bar Council, the Chairman gave thanks to Stephen Collier, whose charm and skill in the presentation of complicated financial affairs is a master class in advocacy. All fraud prosecutors should listen and learn. His skills go much further than the presentational; he has righted the organisation's financial affairs, which like so many other organisations have been blighted by unsupportable pension commitments. The Bar Council can, thanks to Stephen and his team, move forward with confidence.

The Chairman wished to use this moment to expand on the topic of pensions. Next year, under the so-called auto-enrolment arrangements all Chambers will have to make pension provisions for staff working for them and contribute financially. The Bar Council is investigating whether to commission a niche product to assist; the Chairman will keep everyone up to date on that project.

PCF

The Chairman said that decisions about how the profession raises its funding are always difficult, as there are many different and competing interests. A substantial number of the profession favours the introduction of an element of income-based assessment, although not all favour that course. There are some who see that as a form of income tax and support a simple per capita levy. In a sentence she said she never thought she would utter, the Chairman said that the fate of the proposed changes depends on the sex shops of Westminster (*Hemming v Westminster*). The case will move on; there is a permission application for leave to go to the Supreme Court in the autumn. Developments are awaited.

Obituaries

The Chairman took a moment to note the passing of certain members of the profession since the last AGM. She regretted that she was unable to account for all of those who have been sadly lost in the last year or so, but made specific mention of a few, including Leo Price QC, one of the truly great old characters of the Bar and someone who happily lived to a great age.

In sadder terms, too many have been lost too young this year. Peter Harrison QC of 6 Pump Court was a charming man whose quiet contribution to the profession was best seen openly in his work on the Keble course.

Jo McEgan, who fought a long and cruel battle against cancer for many more years than was ever predicted. She inspired her chambers, Furnival, and many members of the Bar to organise and take part in the Strictly Furnival charity event earlier this year. She lived to see the event but did not survive it by long.

Rachel Lawrence, again too young. Many will not know her but all will know her father Ivan; heartfelt sympathy goes to him and his family. She fought the disease that was supposed to have meant she did not survive her infancy throughout her short but happy life with extraordinary bravery and good humour.

Many of those who passed this year will have been known to many members of the Bar. Their passing is not noted just as personal tragedies but also a great loss to the Bar.

Representational annual report

The Bar Council has published its Annual Report, focusing solely on its representational activities. *Representing the Bar* reports performance against the Bar Council's three-year Strategic and Business Plan, which the Bar Council approved last year.

Those attending the AGM will have received a copy of that report today. The Chairman urged everyone present to read it and to distribute it amongst their constituencies. It will also be available on the Bar Council's website.

QASA

The deadline for registration on the Midland and Western circuits remains set for mid-March next year. As the Chairman has told the profession previously, the scheme, as presently formulated, continues to contain objectionable elements: plea only advocates; grading of cases by solicitors and the inclusion of silks within the scheme. The objections have been made, but those elements remain. The BSB has made it clear that in due course it intends to introduce QASA across all areas of legal practice. The Bar Council continues to press for change to the proposals and at least for a pause until the outcome of the advocacy review. The Chairman believes that even if the Lord Chancellor's review of advocacy does not last as long as expected – should it have started on the day it was announced as opposed to the day work actually starts, for example – there will still be an overlap with QASA. She therefore invites the BSB to consider further the possibility of amending the closing dates for registration for QASA.

International

The Chairman has been on some values-driven missions overseas, on which she has reported in her written Bar Council Statements. Most recently, she went on her only trade mission to Korea and China. She was impressed by the enthusiasm and sheer hard work of those members of the profession who take part in these trips, at their own expense, to widen the pool of work available to them, their chambers and the profession as a whole. It is to the benefit of the whole profession if more work comes to the Bar from overseas. It is also heartening to see how highly regarded the Bar of England and Wales is internationally.

High points

As mentioned at an earlier meeting, the Chairman was delighted to have been invited to the first joint Bar Council of the Bars of Ireland and Northern Ireland. It was the first all-Ireland meeting since before partition. Michael Todd QC began the process of re-establishing a close working relationship between the home Bars and the Chairman been delighted to carry that on.

She was also delighted to be able to attend Keble this year as a tutor, as she has for many years. It is a tremendous course and a remarkable testament to the profession. The Chairman dares not think what one would pay for a silk from Essex Court or Brick Court chambers to work 12 hours a day for 6 days, but that is all available for free. Along with the attendance of Judges from the Supreme Court through to District Judges, she cannot think of any other profession that would give that commitment. It is good to have one's faith restored.

Final thanks

The Chairman said it would be not just remiss, but actually wrong of her not to acknowledge the very great assistance which the Executive Office and she, in particular, has been afforded.

Special thanks must go to Charlotte Hudson, Head of Executive Office and Victoria Carpenter, the Chairman and Directors' PA. Without them the Executive Office would have difficulty functioning; she continues with the whole Bar to benefit substantially from an Executive Office which is well-organised and managed by Charlotte.

The Chairman closed by thanking all of those who had given up their Saturday to attend the meeting. In her view, no matter what challenges are faced, a conscientious effort and goodwill to engage will ensure success for the future.

3. Treasurer's report

The Treasurer, Stephen Collier, thanked the Chairman for her kind words.

The Treasurer agreed with the Attorney General that the AGM is a time to take stock. The Treasurer proposed to look briefly at last year (2012-13, for which the accounts were now available), the current year, and some outline planning for next year.

In the last year, a number of important decisions have been made by Bar Council to start to bring the organisation into a stronger financial position. A lot of work has been undertaken to improve governance, including the creation of the Audit Committee, and the recruitment of the Chief Executive will make governance even stronger.

Other critical issues have included the brutalising process of closing the pension scheme, which was showing ever-increasing volatility and which had had a massive impact on the 2012-13 accounts, albeit that this was an accounting recognition rather than an actual cash spend. The final salary scheme has, however, now been closed and stability and predictability have been significantly enhanced. An agreement in principle has also been reached on the way the PCF is to be allocated, and the organisation is in the process of handing 40% of its floor space back to the landlord in order to make savings.

In terms of the accounts, on operational income a modest surplus has been made. There is the adverse impact of the recognition of the pensions' liability but the reserves remain strong – although the reserves policy needs to be re-thought - and there are net assets of £1m. The organisation is in a more stable position to plan for issues before they arise.

For the current year, a deficit budget had been set but in likelihood the outcome may be materially better. Looking to next year, there are clearly still financial pressures – including the reduction in the subvention and up-front cost of the changes and costs of handing back part of the premises – but the organisation is in reasonable shape with good control mechanisms and now working on the basis of a three-year planning cycle.

The Treasurer thanked all of the teams who have contributed to making these changes, but particularly Brian Buck and Oliver Delany. It has also been good to pass the financial baton on to the new Chief Executive, Stephen Crowne, this year.

The Treasurer was asked what those present could say to their constituents about the decisions made at today's Bar Council meeting in respect of the PCF? The Treasurer replied that everyone can and should be told about the decision that has been made in principle. Bar Council will be kept informed of any developments on the implementation timescale.

4. Chief Executive's report

The Chief Executive thanked all his colleagues at the Bar Council and in particular his senior colleagues who have made it such an easy start and who work very effectively together. He also thanked all committee members who give such a commitment to the organisation. It is a very distinctive type of organisation and that gives it great value.

The Chief Executive wanted specifically to note that the leadership that the Bar has had this year under the Chairman has been terrific. The way she has lead this year and the contribution she has made is one of the most effective pieces of leadership he has ever seen. The Bar has been blessed to have her.

He added that the Treasurer has been a fantastic tower of support and as far as 'handing on the baton' is concerned, he is committed as he has ever been.

5. Questions

There were no questions.

The Chairman reiterated that Bar Council and the AGM are part of an important process. It is vital to be able to hear what the profession is saying and what it wants. She encouraged everyone to continue contributing.

Charlotte Hudson
Head of Executive Office
23 September 2013