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EDITOR'S COLUMN



Leon Kazakos QC

My thanks to all the contributors to this edition of the Circuiteer. They range from junior members of the criminal bar to those whose experience has been rather more long standing. The eagle eyed may detect, running through some of the articles, a theme. As we approach summer 2022 the criminal bar is engaged, for the second time in its history, in a dispute over remuneration with the government that has taken the form of members of the bar not accepting returned cases. It is a very great shame that individual members of the criminal bar, who take their duties and responsibilities to their clients seriously, have had to take this decision. That they have taken it is entirely unsurprising.

Some time ago, just before Christmas, I noticed that the CEO of HMCTS had taken to twitter to announce the planting of some trees in the grounds of Snaresbrook Crown Court. I suppose that I should know better than to think that reading posts on twitter will do anything other than raise my blood pressure and I thought that rather than responding immediately on twitter I'd give myself some time to reflect. Months later I can't say that I've changed my view, which is that while no one could possibly complain about the planting of some trees, there are a great many other initiatives that could, and should, have been taken up at the same time – the repair and maintenance of buildings in which court staff have to work and members of the public have their cases heard and lives determined being only one. I'm grateful to Zoe Chapman and Francesca Kirby for their article, which makes the point rather better and more fully than this editorial. Nigel Lithman QC's book, which I very much enjoyed, makes a similar point from a position of considerable experience, along with a wealth of stories and views on other topics. He is not our only published author in this edition. Barnaby Jameson QC's novel I'm yet to read – it is out in July. He's taken the time to write a short piece on the history behind the novel and his grandfather's experiences during the second world war. Valerie Charbit has done an enormous amount of work on wellbeing at the bar, and despite stepping down from her role with the CBA, continues to do so. Her article on kindness at the Bar, a profession that should always be rooted in courtesy and civility, sets out her hopes for a new initiative. May I encourage you to read it, if you've not come across the reports that she hyperlinks to, to look at the material on harassment and bullying and to contact her if you wish to contribute to the work she is doing. Sarah Vine QC has taken the time, in addition to her busy practice at Doughty Street and taking silk this year (congratulations again Sarah) to write about s28 hearings and the difficulties of the roll out of pre-recorded cross examination. Every member of the bar who undertakes this kind of work knows how stressful and difficult these cases are, and Sarah's experience in the area is second to none.

All of us will by now, have read Barbara Mills QC and Simon Regis report as Co-Chairs of the Bar Council Race Working Group and will be working within our own sets of chambers to review practices and implement many of their overarching recommendations in the next few months. It will be interesting to see what effect the implemented recommendations have on recruitment, retention and remuneration as the Bar strives to remove systemic obstacles to sustainable and rewarding careers. I hope to be able to carry an article or two about the progress that sets have made later in the year.

In the meantime I wish you a very happy and busy summer. If you are making your way to the Harold Pinter Theatre to see Jodie Comer in *Prima Facie*, I hope that her portrayal lives up to your expectations, that she's as good a barrister as she was a Villanelle. For those with a ticket who cannot go, I will pay good prices for your return. It will be the only return I am likely to accept this summer.

Leon Kazakos QC

- 2 Hare Court
- Elected member of the SEC Executive Committee

If you wish to contribute any material to the next issue of The Circuiteer, please contact: LeonKazakosQC@2harecourt.com



LEADER'S REPORT

Christine Agnew QC
**LEADER OF THE SOUTH
EASTERN CIRCUIT**

It is a great pleasure to be able to write this column; I can't quite believe I'm entering the last few months of my tenure. I know many of you are extremely busy and I don't blame you for skimming through it, I hope that you will find something helpful or of relevance to you.

I would love to be able to write that the pandemic is firmly behind us as I hoped in last April's column but that clearly is not the case. People are still contracting the virus and this in turn dramatically affects court hearings and trials. We continue to make the case for as many hearings as possible to be remote in all jurisdictions and for listing to be as 'Bar friendly' as possible. Please do keep us in the loop as to what is happening in your local courts and tribunals – we are here to help where we can.

As I write this criminal barristers have entered the 2nd week of 'no returns' – the withdrawal of their good will from the system as a protest at the Government's failure to engage with the proposals put forward by Sir Christopher Bellamy in his review of Legal Aid. We await the Government's response but those practising in the criminal courts have had enough. I was reading through some previous Leaders' columns in The Circuiteer recently (I know I need to get out more!) and it is just depressing how the issue of underfunding continues to dominate the criminal justice system over the years.

Given that so many events and social occasions had to be cancelled last year I am determined to make up for it in the coming months. We do a difficult job; it demands a lot from us and it is, at times, extremely lonely. We have always been hugely reliant on members of Chambers, other members of the Bar and those with whom we work to provide a friendly ear and words of advice, to provide support or just to be someone to vent to!

The pandemic, working from home and advances in technology have meant that Chambers and offices are no longer what they were in terms of places to gather, work and socialise. I am keen to have the Circuit fill that void in any way it can – especially for the younger members of the Bar for whom the opportunity to bounce ideas and problems around is so important. It is lovely to read in the Bar Mess Reports of social events re-starting. Your Mess is another place which can support you and provide occasions for engagement.

If not already, do get involved with your local Bar Messes, your SBAs and of course the Circuit. Try to go into Chambers a little more – it's good to get out of our bubble.

Pastorally, as well as professionally I have always believed that you get as much out of this job as you put in. As always Valerie Charbit has invaluable advice to offer in relation to our wellbeing. She has been working hard to try to make the Bar a kinder place – her article explains how you can get involved.

We were finally able to formally thank the former Leader Mark Fenhalls QC with a fantastically fun dinner in February. Thank you to Mark for all that he has done for the SEC and continues to do. Belatedly we also thanked Nicola Shannon and Donal Lawler for all of their time and effort as past Recorders with a brilliantly joyful dinner in March. Both continue to be hugely involved in helping the Circuit and we are extremely grateful to them.

Building on the excellent training for silk interviews which the SEC already offers, we are hoping to bring news in the next few weeks of a Circuit-led mentoring system for prospective Silks. If you're thinking of applying for Silk and need some help, guidance or encouragement we will have a panel to whom you can turn for assistance. We are also in the process of establishing a judicial reverse mentoring programme which I hope will be of huge benefit to mentors and mentees alike. If you would like to participate please get in touch. Finally, we are also looking into establishing a hardship fund – more details to follow.

Once again Leon and his team (?) have put together a fantastic edition of The Circuiteer – we should all be extremely grateful to him for the enormous time and tremendous cajoling he puts in. Those in need of escape can delve into the pages of Barnaby Jameson's debut novel and former judge Nigel Lithman QC reflects on being a cheeky schoolboy, barrister and judge – or something like that! Thank you to all of our contributors.

The Circuit as I never tire of saying, and you will be sick to death of hearing me say, is here for everyone! We would love to hear from civil, employment and family practitioners as well as those at the employed Bar. If you have an idea for an article please just let us know.

Keep your eyes peeled for news of the Keble Advanced Advocacy Course – the first for two years. Preparation is at an advanced stage and it promises to be as educational and as hugely enjoyable as ever.

Over the next few weeks as the days lengthen and the sun begins to shine I wish you success and happiness. It continues to be my absolute privilege to be your Leader. As I have repeatedly said, it is the best work I have ever done and am ever likely to do. Thank you.

You know where I am if you need to speak to me about anything that concerns you.

Christine Agnew QC

• 2 Bedford Row
• Leader of the SEC



REVIEWING THE SITUATION

As Fagan says in *Oliver* – the Ron Moody version not the Charles Dickens one – “I’m reviewing the situation...can a fellow be a villain all his life?”

Of course, I have not been a real villain, just quite a naughty boy. I’d been a cheeky schoolboy, a humorous Barrister and occasionally an irreverent Judge. On reflection, “naughty” isn’t quite the right word. Just quite cheeky. I have laughed every day in court and every day on the Bench. Of course, I don’t mean all of every day, just part of it. Had I laughed all day I would have been an imbecile rather than a practitioner. Throughout my career I had been outspoken, stuck my head fairly and squarely above every parapet and hoped that people would join any bandwagon headed, in my view, in the right direction. Sometimes they did and sometimes not. I seem to have an intellectual gap. I can never understand why it is that people, confronted with the obvious right thing, choose to do the obvious wrong thing, nor why it is that we are not driven by kindness toward others. I guess once someone is in a boat out at sea, their instinct is not to rock it.

My life, like the book, could be divided into chapters. *Nothing Like the Truth*, starts with personal revelations and then moves into the job: 21 years a Junior, 20 years in silk and then to round off the Holy Trinity, 4 years a Judge.

It is a “no holds barred” book and, because of that, I thought it might be wise to “retire” before the book was published. As ever, I just deal with truths that need telling and chose to use a title capable of several meanings relevant to life in and out of the courtroom. With the current disputes on the legal stage, and

more importantly on the World stage, *Nothing Like the Truth* remains the perfect guiding maxim.

The primary meaning of the title is the distortion of the Court Oath. Rather than the presumption of innocence, it is a fact that Judges spend an unhealthy amount of time presuming guilt; and therefore, when a witness takes the oath, the court believes that rather than nothing BUT the truth, it will be treated to nothing LIKE the truth. After all, if it wasn’t for liars there wouldn’t be trials.

Chapter headings within the book include “Horror of Horrors” that take us through the awfulness of many of the cases I appeared in during the years in silk, whilst “the Rolex and the Ring”, “the Rapist and the Pubic Hair” encapsulate the bizarreness of many such cases. Apart from observational aspects some of the chapters do take on a real significance.

“Judge-itis” speaks about the factor of Judicial bullying and how to go about its remedy. “Well-being and Mindfulness” consider the frailty that is within us all and my own brush with mental health anguish. “Taking on the Government” examines the reasons that led us out on strike, for the only time in our 400-year history (not that I’ve been around for all of them). I hope it is not perverse or vain to say I regarded my time as Chair of the C.B.A. as my most fulfilling in practice. I should say the only strike thus far, as we teeter on the edge of further action brought about by the Government’s short-sightedness. I think Jo Sidhu QC and Kirsty Brimelow QC are both doing a great job.

Where I can, I offer what I believe to be some simple solutions. Since 2015 the Senior Judiciary, particularly Leveson LJ, were crying out for increased use of technology and remote hearings. The courts must be stringent in this aim. Strip out what you can do remotely,

leaving room for more trials in courts and reduce the backlog. Stop introducing silly schemes: reduced sitting days, court hearings at daybreak, sentencing as dusk sets in. Just give the criminal lawyers enough money to entice them back to the profession. What is the point of Nightingale Courts when Florence Nightingale can’t afford to keep her lamp alight? I believe that remuneration remains the main source of the problems of the Criminal Justice System and is as acute now as it has been for the last 12 years and more. The solution is one of attitude. It is one thing to declare yourself a friend of the Bar, it is quite another to demonstrate it at every turn.

Thank you for asking me to write this piece. Since its publication the book has been a hit particularly amongst aspiring Barristers and Solicitors and has led to a number of gigs (as we kids say), both here and abroad. I am also told that when you read it you can hear my voice throughout and the same applies with the audio. That may or may not be a good thing.

As for the Circuits and Bar Messes, it is vital that they continue to expand their facility to be a voice for their membership that face such tough times. Those in need must feel free and be encouraged to approach these bodies in confidence and a robust mentoring scheme be available to all.

As for me, like when Fagin hit 70, you’ll be seeing no transformation. But life is busier and more rewarding than ever. If you encounter me and find that I am still smiling it means that I am enjoying life as much as ever. Of course, it could just be that I have got lockjaw.

Nigel Lithman QC

• Former judge and author of “Nothing Like the Truth”



CODENAME: MADELEINE

Barnaby Jameson QC's novel

My debut novel, CODENAME: MADELEINE, is inspired by real-life agents of the wartime Special Operations Executive ('SOE'). MADELEINE whose real name was Noor Inayat Khan was the harpist daughter of a Sufi mystic and one of SOE's most unusual spies, swapping her harp for a pistol and moving around occupied Paris with a clandestine radio transmitter and a concealed cyanide pill. Another unusual agent was Francis Suttill, codename PROSPER, a half-French, half-English barrister who went on to head the largest SOE-backed resistance network in occupied Paris. My book mirrors true events: agent MADELEINE arriving in Paris just days after the PROSPER network was betrayed to the Gestapo.

My interest in the SOE started when I discovered by chance that my grandfather had been 'moonlighting' with them while serving in the RAF in Ethiopia and Aden (now Yemen) in 1941-2. His war took him from the palace of the newly restored emperor, Haile Selassie, in Addis Ababa to remote parts of Aden to assess support for the Allies. I discovered the SOE had been set up in 1940 as a desperate attempt to reverse the Nazi takeover of Europe. SOE agents were trained in espionage, sabotage and in some instances, assassination. Reinhard Heydrich, the so-called Butcher of Prague (lauded by Hitler as 'The Man with the Iron Heart') was assassinated by a team of SOE-trained Czech agents in 1942.

SOE had a London headquarters in Baker Street where it was hidden under the umbrella of the Ministry of Economic Warfare. It became known as the 'Ministry of Ungentlemanly Warfare' - ironic since SOE was the only wartime department to deploy women as frontline agents! Female agents like MADELEINE were often wireless operators facing the added danger of having their signals tracked.

SOE was, by definition, a broad church. It recruited saboteurs, safe-breakers, forgers, academics, actors, racing-drivers, chess masters, cryptographers and at least one stage illusionist. It also had strong legal connections. Partners from Slaughter & May were instrumental in covertly starting and funding SOE. A senior SOE instructor once told a class of SOE agents about to be deployed: 'I want a little less May and a little more Slaughter.' PROSPER, a member of the Bar, embodied the best attributes of a barrister: courage, integrity, persuasiveness, and

a cool head under pressure. At ease persuading noblemen over champagne to allow their estates to be used as night-time 'drop zones' outside Paris, he was equally at ease discussing sabotage operations over rough Normandy cider with Communist rail saboteurs.

The danger with any spy network is that it would grow too quickly and begin to take short-cuts with security. To this day the destruction of the PROSPER network, and sub-networks, causes pain and controversy. There is no question in my mind, however, that SOE was 'well represented' by a barrister of Lincoln's Inn with film star good looks, a modest smile and a lion heart. He went on to win the DSO - one of the highest military awards.

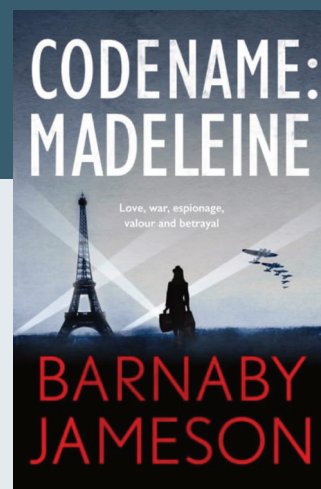
There is a faint echo of my grandfather's war against the Nazis in my work in terrorist cases prosecuting members of the first Neo-Nazi group to be banned under the terrorism legislation since the British Union of Fascists in 1940.

My book is, I hope, a tribute to people of my grandfather's generation who fought Nazism. The words of those who died still have a powerful echo:

'For your tomorrow we gave our today.'

As war re-ignites on European soil those words feel more poignant today than ever.

CODENAME: MADELEINE (Whitefox, 2022) is published on 28.7.2022 and will be available in Print, Kindle and Audible written by Barnaby Jameson QC. The reader of the Audible version is the actress (and daughter of two Silks), Olivia Williams.



Follow @Silk_Scribbler on Twitter for news and updates.

Barking up the Wrong Tree?

Successive cuts have made life at the criminal Bar untenable

On 2nd December last year, HMCTS acting chief executive Kevin Sadler was snapped gazing parentally at the bedraggled twigs he and his colleagues had just planted in the grounds of grounds of Snaresbrook Crown Court, whilst the scaffolding-clad court building itself lurked (and leaked) in the background. This oddly-timed gesture seemingly encapsulated the attitude of the government towards the crumbling court estate and those who work within it, an attitude described so eloquently by the turned back of its CEO, his no-doubt cold shoulder on that "blustery" morning.

It is an attitude that appears to be shared by the MoJ, the Lord Chancellor, and a government which has overseen, in recent years, an exodus from the criminal Bar. Criminal barristers must endure poor remuneration, and an unhealthy work-life balance. As our workplaces drip and degrade, those who remain are obliged to firefight an almost impossible workload. The Independent Review of Criminal Legal Aid, published around the same time that Mr Sadler was digging up the grounds of Snaresbrook Crown Court, recommended a minimum increase of £35 million (15%) for advocates. The MoJ announced it would implement the recommendations of the Review but the CBA's view is that the impact of Sir Bellamy's suggested increase, when it is eventually felt, would amount to about £100 (roughly 11 trees) extra per week and will not be enough to retain sufficient criminal barristers to keep the CJS going.

The reality

Recently, the Bar Council published its Life at the Young Bar report, which provides a clear reflection of the state of the current Bar, particularly from the viewpoint of the junior end. One of the starkest statistics was that 1 in 6 young¹ barristers claim they would like to leave the Bar. The main issues cited are working hours (extent and unpredictability), the potential mental health consequences of these hours and the consequent lack of work-life balance. CBA statistics in 2021 suggested that 22% of junior criminal barristers had indeed left the profession since 2016. Recently, there have been many reports of trials being listed, but no one being available to prosecute and/or defend them.

This is taking place against a backdrop of the ongoing backlog of trials. Contrary to government assertions, the backlog has only been exacerbated by the pandemic, not created by it. Whilst attempts to reduce the backlog, particularly through the introduction of Nightingale Courts and the hiring

¹ Defined as less than 7 years call



of court Judges, have been welcome, decision-making around provision of court spaces has not always seemed economical, or logical. On 9 March 2022, the MoJ announced that the De Vere Grand Connaught Rooms in Covent Garden has been hired to replace the soon-to-be-closed Nightingale Court at Monument, which has only been operational for 6 months. This is one of 11 Nightingale Courts, nearly half of the total number, set to close in the next few weeks. Meanwhile, nearby Blackfriars Crown Court, home to nine courtrooms, was closed and sold off by the government in December 2019, and is now used in the filming of legal scenes for Netflix drama series. Even if there are logical explanations for each of these decisions, they are not easy to rationalise from a public or practitioner perspective.

If the exodus from the Bar continues, increased court capacity will do little to address the backlog. Furthermore, those who remain will face increasingly heavy workloads and work patterns that do not aid a work-life balance. We must also recognise that these working practices have a greater impact on individuals who, for example, have caring responsibilities, or those with little or no economic support from other sources, such as family. The Criminal Bar is increasingly concerned with diversifying itself, improving access and, ultimately, becoming more reflective of the society it serves. We see from the Life at the Young Bar report that the Young Bar is increasingly diverse, albeit there is still more to do. This diversity must be protected and built upon, and improving working conditions and practices is a key way to do this.

The future

If the criminal Bar is to survive, the fundamental requirement is for increased investment. A career at the criminal Bar must be financially sustainable, and its workplaces fit for purpose. Implementing the recommendations of Sir Bellamy's Criminal Legal Aid

Review is a start, but we agree with the CBA that the suggested fee increases will not be sufficient to retain practitioners.

Of course, there are also non-financial aspects which will improve the sustainability of the profession. For example, the rise of CVP for short, straightforward hearings has reduced the lengthy and tiring commutes that were often necessary, even for short hearings. Albeit we must recognise that remote working will not always be appropriate for certain cases and its overuse could destroy the valuable collegiate atmosphere of the Bar. It must not be considered a fix-all.

There is also greater recognition of the need to ensure there is support available for practitioners. The Bar Council now has an entire page dedicated to support for barristers, including wellbeing resources. Many chambers have dedicated wellbeing officers, and ensure the newer members of the Bar in particular have access to mentors. We need to ensure this is available consistently across all chambers for those who want it.

The Bar is made up of hardworking, committed, skilled people who together work to keep our Criminal Justice System going, a system which is fundamental to the functioning of society. We want diverse talent to continue to join, and remain at, the criminal Bar, because it is a worthwhile and rewarding profession. But, in order to achieve this, we need to cut through the rhetoric presented by the MOJ, HMCTS and the Government, and we need those in power to commit to a properly funded and functioning justice system.

Zoe Chapman and
Francesca Kirby

• Red Lion Chambers

NOTHING LIKE THE TRUTH

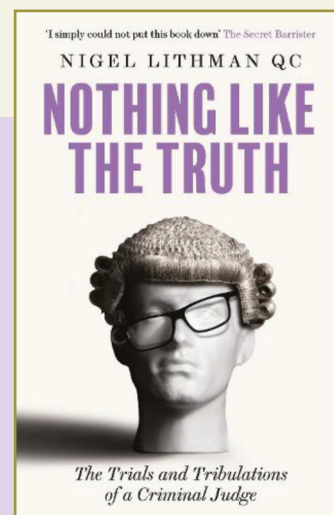
Nigel Lithman QC

A Review by David Etherington QC

The Criminal Bar is a place for great stories. We are brought up on them. We learn from them. We repeat them. But most barristers are not so good at writing them down. Nigel Lithman's *Nothing like the Truth* is a rare exception of someone who is as funny in print as he is in the flesh. It is an excellent read – fast-paced and carrying you from page to page in a way that makes it difficult to put down. It is as good as hearing it from Nigel Lithman's lips, as he recounts a whole series of stories and anecdotes and a collection of memorable one-liners with his trademark humour. It is much more than just a very funny book. It is about what happens to us, practitioners and judges, when facing "the darkest sides of the job". As the author puts it "If Jane Austen had been a judge, would she have said – 'It is a truth universally acknowledged that a single man in possession of a good fortune must have stolen it...'?"

It is a tribute to the author's writing style that it works for veteran and novice, lawyer and layman alike. It is direct, irreverent, shrewd and perceptive, bringing a whole generation of criminal law and lawyers to life. Lithman reminds us that someone is lying in most cases – usually on both sides. He tells of swapping proofs of evidence with an opponent who said: 'here are my lies in exchange for your lies'.

Just as clear as the rough and tumble of criminal lawyering is his passionate belief in the value of the criminal justice system and his anger at the shabby way criminal lawyers have been treated in recent years together with his strong conviction that our jury system is the best way to achieve justice in a perfect world. *Nothing like the Truth* will entertain and inform any reader, particularly those who have been through it themselves or who might be thinking of becoming a criminal lawyer, and with its unpretentious and direct approach, seasoned with generous humour, also gives all of us pause for serious thought about the meaning of justice and fairness in our society.



David Etherington QC

This review was first published in Law Gazette



KINDNESS AT THE BAR

There is already a heritage of kindness at the bar. What we need to do is create more of it and hope that by spreading kindness in the courts where we work, we can encourage all those with whom we work to be kind while similarly being kinder ourselves.

The promotion of kindness in a profession which so often deals with disputes and disagreement may seem like a tall order, but it is both achievable and desirable. Kindness and courtesy between barristers can ultimately be an aid to effective working; and is despite what many might think certainly not inconsistent with the adversarial nature of the profession.

Barristers at their best offer unconditional support to other barristers and colleagues. They also positively and significantly impact daily current affairs by advocating for the disadvantaged and by doing pro bono work.

The bar has a well-established heritage of kindness through mentoring and teaching of colleagues. Many barristers also support the career development of junior colleagues and instil confidence in others by talking through decisions or an interpretation of the law.

At court, barristers listen and respond to the professional and personal problems of other barristers, offering advice or just a friendly ear. It is rare for a barrister at court to refuse to help another member of the bar. Other examples of kindness existing between barristers are when they

show understanding of the effects of a stressful and traumatic case, which can be emotional for all concerned and which often have a 'high stakes' outcome. Barristers who have genuine concern for their professional colleagues or who have a general awareness of differences in personal circumstances often treat others more kindly.

Barristers also show kindness towards others in the robing room thus providing a nurturing and respectful workplace atmosphere. Sharing 'war stories' or moaning about a difficult experience can allow others to feel they can express similar issues more freely. Not sending emails after hours or not asking others to work outside of normal working hours is something that can positively affect work-life balance. Having a 10.30am start to court proceedings or asking an opponent how best to make it easier for the case to proceed smoothly are examples of how to have a more fruitful working day with less pressure.

Just as we want to engage in life to make a difference to our loved ones, it is also apparent that as human beings at work, we feel happiest when that work allows us the opportunities to treat others well, be treated well, to value others and to feel valued



ourselves. Courtesy and civility in the workplace are the bedrock of kindness in the workplace.

The bar council working party group on wellbeing, now chaired by Rebecca Dix with the vice chair and upcoming leader, Nicola Shannon, have agreed that I may lead a project in the forthcoming year, working with Professor Banerjee from Sussex University¹ (Founder of Sussex Centre for Research on Kindness) wherein we will seek to co-create with barristers, using focus groups, on how we can develop Kindness at the Bar.

Certainly, the various reports we have been analysing make a strong case for this initiative. Professor Banerjee in partnership with the BBC on the Anatomy of Kindness recently announced the results of the biggest ever public science project on Kindness on BBC Radio 4.² We hope to use Professor Banerjee's experience and knowledge of kindness in the workplace, to co-create a program on how to further 'Kindness at the Bar'.

The South-Eastern Circuit and Criminal Bar Association asked Professor Banerjee to speak at an event hosted by Middle Temple in November 2021 to explore whether we could bring Kindness to the Bar as an ethos in our workplaces and to improve wellbeing for the bar and judiciary.

The recording of that event can be accessed on vimeo using this link: <https://vimeo.com/652843347/d1b586dd53>.

The evening was supported by the senior Presiding Judge of the South Eastern Circuit, Mrs Justice Cheema-Grubb, the leader of the South Eastern Circuit, Christine Agnew Q.C. and the leader of the Criminal Bar Association, Jo Sidhu Q.C., as well as the Chair of the Bar Council's working party group on Wellbeing, Theo Huckle Q.C.

If there is a strong case to be made for more kindness being needed, it is evidenced in recent reports produced by the Bar Council and Bar Standards Board. The various reports show that barristers continue to be adversely affected on different wellbeing issues but that there are strengths that can be built on. Kindness at work could become our new normal.

The hope is that that this project could allow us to gather ideas from barristers in all areas within the profession. This in turn could pave the way to ensure we create a kinder world in our working lives, and that in turn will enhance our wellbeing at work and at home. Just as wellbeing is spreading across the bar and the judiciary the hope is that Kindness could do the same.

The Bar Council's barristers' working lives 2021 survey reported

- Reports of bullying, harassment, and discrimination have continued to increase since the previous survey of barristers' working lives in 2017. In the most recent survey, nearly one in three respondents (30%) reported personal experience of bullying, harassment and/or discrimination within the previous two years.
- Other barristers, and members of the judiciary, were most cited as the individuals responsible for the bullying, harassment and discrimination (48% and 45% respectively).
- The negative impact of bullying, harassment and discrimination on barristers' working lives is demonstrated through much lower scores on the wellbeing factors for those with personal experiences, and even observing, but not experiencing, bullying, harassment and discrimination was associated with lower wellbeing than among barristers who had not experienced of observed bullying, harassment, and discrimination. This suggests that a culture in which bullying, harassment or discrimination is present can become

¹ <https://www.sussex.ac.uk/research/centres/kindness/>

² <https://www.bbc.co.uk/programmes/m00154cp/episodes/guide>

toxic for everyone, not just the individual on the receiving end of the negative treatment.

The BSB report of Bullying, Discrimination and Harassment at the Bar in October 2020 reported:

- that workplace bullying, discrimination and harassment still exists at the Bar in 2020 and is perceived to be tolerated to a certain extent due to the adversarial, male dominated culture and competitive nature of the Bar.
- Workplace bullying, discrimination and harassment were found to have both short and long-term consequences.
- For example, diminished self-esteem, anxiety, mental health complications and chronic physical conditions were some of the long-term effects cited, negative socio-economic consequences were also reported: a dip in earning capacity, disruption of fruitful professional relationships, low job satisfaction and absenteeism.
- According to the report bullying and harassment exists in many forms – both overt and implicit, both as ‘one off’ incidents and as sustained campaigns of abuse with the research suggesting that younger less experienced barristers are affected the most. Part of its conclusions and recommendations was to consideration of a role for the BSB to help to facilitate and promote existing and new networks in the profession.

The Bar Council’s January 2022 report of Life at the Young Bar reported:

- that there remain concerns for younger barristers at the bar in terms of wellbeing, bullying/harassment and discrimination.
- Further, the lack of attention to wellbeing was reported by some as being down to the broader culture within the profession which barristers had the potential to change themselves if they had the confidence and tools to do so.
- Only 10-15% of the Young Bar have caring responsibility for a child which is lower than the 20% of all UK adults in this position. There was a significant negative impact for the Young Bar on working relationships with colleagues, as informal discussions were more difficult, there was less networking and the peer and social support they rely upon reduced, hitting the newest entrants hardest. How well individuals coped depended heavily on the culture of their particular chambers.
- 61% worked on at least one day of the weekend, regularly. The over-riding feeling is that this level of over-work is not sustainable and also reduces the quality of work undertaken because preparation time is inadequate.
- One third of the Young Bar have suffered bullying/harassment which is higher than amongst the Bar in general (at 25%). This is higher still amongst women – at nearly half, which is nearly three times the proportion reported by men. The two most common sources of either bullying/harassment or discrimination are other barristers and the judiciary.
- Much of the foregoing appears to paint a negative and bleak picture of working life at the Young Bar. While a minority in the focus groups were struggling to see a sustainable future, most did express some joy or powerful feelings of satisfaction with

their profession, especially valuing its purpose and collegiality. The overall sense was that they wanted to see working life and culture improve and they recognised that they, as the Young Bar, ultimately did have some agency in creating some of the desired culture changes, although their influence on some other professional issues was much more limited.

- One of its recommendations was that the profession needs to explore and defend the gains in work-life balance and professional effectiveness resulting from the increase in remote court operations and remote working during the pandemic.
- The BSB report on diversity at the Bar in 2020 reported:
 - 27% of the Bar have primary caring responsibilities for one or more children in 2020 this was 2523 out of 6828 members of the bar with 295 preferring not to say and 7786 giving no information.
 - Compared with the working age population in England, a far lower proportion of those at the Bar are the primary carer for a child.
 - It says figures produced by the UK Office of National Statistics suggest that around 39% of economically active females are the primary carer for one or more children. However it notes that response rates are relatively low for the BSB’s survey on this question so such inferences may not be reliable.
 - 38.2% of the practising bar are female however the number of entrants to the bar is however relatively equal. As the Chair of the Bar in 2021 Derek Sweeting QC said, “whilst retention of women has improved, women still leave in greater proportions than men”

If you would like to participate in the focus groups please send an email with just your name and the subject header entitled “FOCUS GROUP ON KINDNESS AT THE BAR” to valerie.charbit@18rlc.co.uk

We are seeking contributions from all practice areas from the self-employed and employed bar and from a diverse group of barristers – please do make contact if you wish to be involved.

The groups are planned to take place each Tuesday from 17.05.22 between 8.30 and 9.30am for eight weeks.

Valerie Charbit

• Red Lion Chambers

Pre-Recorded Cross Examination

Section 28 Youth Justice and Criminal Evidence Act 1999

Of all the remarks about the prospect of a nationwide roll-out, few are more darkly hilarious than the analysis of one of the lead judges for the pilot scheme, who said “There are no downsides”. In common with most of the Criminal Bar, that one really didn’t age well. In fairness, there aren’t any real downsides to the idea of s.28 and, when the pilot had (as it did) every possible resource poured into it, its results might readily justify such a sunny prediction. Experience suggests, however, that an idea has to be truly devoid of merit for the pilot not to provide some cause for optimism (see: every single iteration of extended operating hours).

When the legal basis for pre-recorded cross-examination was first created, the Criminal Justice System was enjoying a level of funding and functionality unrecognisable by today’s serotonin-busting standards of managed decline. Most of the problems for the operation of s.28 arise from painfully inadequate funding, but a few would almost certainly be with us irrespective of the availability of courts, judges, advocates. The roll-out has been announced and recycled by successive Justice Ministers, presumably with the best of intentions, but without any adequate consideration of how the artificially well-fed pilot of an idea, itself born in a time of prosperity, could be scaled up into a system so denuded by over a decade of unflinching austerity.

There is a fiction, enthusiastically promulgated by barristers who do not conduct the kinds of cases to which s.28 has overwhelmingly applied, that ‘sex cases pay well’. This is as offensive as it is incorrect, and frequently accompanied to the ball by the parallel fiction that sex cases are ‘not proper crime’. If sexual allegations were as well-paid and as easy as the lazy and

misinformed choose to believe, there would be no shortage of barristers to prosecute or defend them.

RASSO prosecutors are already in too-short supply. In recent months, increasing numbers of friends and colleagues who defend in s.28 matters tell me that they are politely refusing instructions in such cases. The Criminal Bar has never been more overworked, and fixtures never less certain. Undertaking the recorded cross-examination of a witness means that your trial is now part heard, and your diary is made hostage to the vicissitudes of list offices. Despite the honeyed promises of the scheme’s cheerleaders, courts neither can nor will ensure that the remainder of the trial is listed for counsel’s availability, and other work must be refused or returned to ensure proper continuity of representation. Who does this disproportionately affect? Women, obviously.

The most recent practice direction¹ pretends to offer a solution to this by dispensing with this requirement. This remedy, in reality, concedes the hopelessness of the situation. The brief fee is triggered by the s.28 hearing, so any replacement counsel will be asked to do so for refresher fees only. At a time when demand significantly outstrips supply, the chances of securing further representation on that basis are slender enough. The chances of representation of like quality to counsel first instructed are vanishingly small. This change will improve nothing.

The ‘remainder’ parts of these trials will inevitably suffer greater and greater delay, irrespective of the vulnerability of witnesses not eligible for s.28. Complainants who have already given evidence will be prohibited from speaking to others involved in the case for much longer than they would be in a conventionally structured trial. Where allegations are set against a familial context, this delay may compound damage to victims, their relationships, and their ability to move on from traumatic events. Inevitably, it also increases the risks to the integrity of evidence yet to be given.

Loose interpretations of how s.28 is to be applied have already invited some most unwelcome misapprehensions amongst key players in the criminal justice system. The promiscuous ordering of cross-examination questions to be submitted in advance in cases where there is no intermediary must be brought to an end. Similarly the requirement to disclose such questions, in any circumstances, to the Prosecution. Cross-examination

¹<https://www.judiciary.uk/publications/amendments-to-the-criminal-practice-directions-march-2022-summary-of-key-changes/>



is an exercise which involves the disclosure of a defendant's instructions, often in far more detail than the requirements of a compliant defence statement. Advance notice of the particulars of questions is an infringement on a defendant's right to confidentiality, and such an incursion must be limited to the irreducible minimum. For the purposes of a Ground Rules Hearing, an intermediary's function is to ensure that questions are not asked improperly (and not, as I once experienced, to object to the admissibility of a topic). The judge's function is to ensure that improper questions are not asked. If a judge cannot make these decisions without resort to the Prosecution, when s/he has had the benefit of time to consider questions provided in advance, I would respectfully suggest that s/he should not be undertaking such work. The Prosecution, of course, are perfectly entitled to object to the admission of any of the cross-examination after it has been completed and, if they have a fair point, it can be edited from the recording.

There is no room to do more than touch on disclosure, save to observe that the joint inspectorate's report of 2017 ('Making It Fair') found that one of the most integral and critical parts of criminal litigation was in the same pitiful state that it had been for years. If you are looking for reassurance that there has been wholesale improvement, you must ask someone else. For my part, it was a skip fire 5 years ago and it's a skip fire now. There has been no methodical scrutiny of the 'front-loading' of disclosure for s.28 cases, so I stand to be corrected, but in allegations involving third party material (typically from

social services/schools) and family court proceedings, such front-loading has almost invariably caused significant delay to charge. These delays can frustrate the entire purpose of recorded cross-examination, and leave the system, complainants, defendants, advocates and judges with nothing but downsides.

The real solution, tucked away in the new Practice Direction, is one which illuminates the oft-ignored nature of the Court's powers under s.28, namely that they are discretionary. Judges are now explicitly encouraged to consider whether there is any real benefit to the use of this measure. Personally, I can only hope that this will result in a significant retraction in the use of s.28 until the CJS is healthy enough to ensure that some of the predicted upsides can be brought about.



Sarah Vine QC

• Doughty Street Chambers

BAR MESS REPORTS

CAMBRIDGE AND PETERBOROUGH BAR MESS

Cambridge and Peterborough Bar Mess held a black-tie dinner at Homerton College on Friday 18th February to thank HHJ David Farrell QC for his time as our Resident Judge, during which time he was noted for his kindness to all who came to our courts and for accommodating the needs of advocates, helping to further the timely and proper administration of justice in our region. He played a critical role in helping our courts to re-open during the Covid crisis, liaising with all parties in the criminal justice system to ensure the best possible arrangements were in place. The great storm that swept the country was unable to deter the many members of the Bar and Solicitors, several of whom travelled for many hours to be able to join the event.

This was a wonderful occasion and was a fitting end to his full-time judicial career, following on from the Valedictory Hearing which took place on Friday 26th November which had attracted many who attended in person and more over the live-link. Judge Farrell spoke warmly of his time in Cambridge and we look forward to his return as a part-time judge as he navigates his way into "retirement".

We thank the Circuit and Paul Cavin QC for enabling the Bar Mess to have access to funds which we used to subsidise the cost of the evening to junior members.

Since then, HHJ Mark Bishop has taken up post as our Resident Judge, moving east from Luton Crown Court. We look forward to his stewardship of our courts in the same spirit of constructive liaison with all.

Karim Khalil QC, Chair, Cambridge & Peterborough Bar Mess

CENTRAL CRIMINAL COURT BAR MESS

The Central Criminal Court bade farewell to HHJ Joseph QC, who has retired after 10 years' sitting at the Old Bailey. A valedictory was held in a packed Court 1. The Central Criminal Court is emerging from Covid restrictions and looks forward to hosting a CBA lecture on the Police, Crime, Sentencing and Courts Act 2022 on 12th May 2022.

CENTRAL LONDON BAR MESS

Woolwich CC, ILCC and Southwark CC continue to plough through the backlog of cases at a pace. All encourage and welcome Recorders to sit and return to sit whenever possible. The air handling work at Woolwich is all but completed and almost a full complement of courts are operating there daily. The Honorary Recorders of Southwark, Greenwich & Westminster: HHJ Usha Karu, HHJ Christopher Kinch QC and HHJ Deborah Taylor QC are phenomenal supporters of the Bar and make every effort to ensure effective listing of cases. Staff at each of these court centres are unfailingly pleasant and helpful to counsel and reports from practitioners confirm the popularity of the court centres in this mess. HHJ Cahill QC retired with effect from 30th April 2022 from Southwark CC, she will be sorely missed.

Allison Hunter QC, CLBM Chair

THE NORFOLK CLUB



The Steward of the Norfolk Club has kindly agreed that judges, recorders and counsel may use the accommodation and other facilities at the Club if visiting Norwich Crown Court.

We are grateful for this generous offer extended by HHJ Bate and others on the Norfolk bench as they strive to make Norwich Crown Court a welcoming and congenial venue for the Bar on Circuit, especially in longer cases.

Please visit www.thenorfolkclub.co.uk for more details about the Club or email Angie Wheelhouse on clubsecretary@thenorfolkclub.co.uk, the Club Secretary.

EAST ANGLIA BAR MESS

On the 6th of May, the East Anglia Bar Mess held its much overdue Mess Dinner at the Maid's Head Hotel in Norwich in honour of **HHJ Alice Robinson QC**, who has taken over as Resident Judge of Norwich Crown Court, **HHJ David Pugh**, who has recently announced his retirement from Ipswich Crown Court (though we understand that he may stay on to do some sitting there), and **HH Goodin**, who has been much missed from Ipswich Crown Court, having retired during the pandemic. Unfortunately HHJ's Holt and Overbury were not able to attend, though they sent their apologies and best wishes to all.

We were delighted that **HHJ Martyn Levett**, **HHJ Emma Peters**, and **HHJ Tony Bate** were also able to come along and join us in the celebrations. Also Hugh Vass, formerly of Drystone Chambers, who recently retired from the Bar. It was a great night, full of much laughter. The theme of the evening was that it was high time that we all should come together and remember what makes doing our job so worthwhile – the camaraderie of our colleagues, which we have all missed over the past few years of Covid, and the slide into more and more remote working. The success of the evening was such that plans are afoot for more events to follow in the coming 12 months, and the EABM would welcome suggestions from members as to what sorts of things would be useful. Would further afternoon surgeries at our court centres be welcomed? Or face to face lectures, followed by a glass of wine or two? Another dinner pre or post Christmas? Please get in touch and let us know.

In other news: Norwich CC is holding an Open Day on **Saturday the 17th of September**, and HHJ Robinson is very much hoping that the local bar will participate, as volunteers are needed for mock trials, mock sentencing hearings, and other things. We also hope that some junior members would be willing to man an East Anglia Bar Mess stall, and chat to members of the public about being the job of a barrister. Let us know if you are interested in assisting by dropping Riel Karmy-Jones QC and Matthew Sorrell-Cameron and email.

Finally, I would also like to draw your attention to the kind offer of the Norfolk Club to welcome judges, recorders and counsel if they are visiting Norwich or Ipswich – please see further details here: www.thenorfolkclub.co.uk

Riel Karmy-Jones QC, Chair, East Anglia Bar Mess



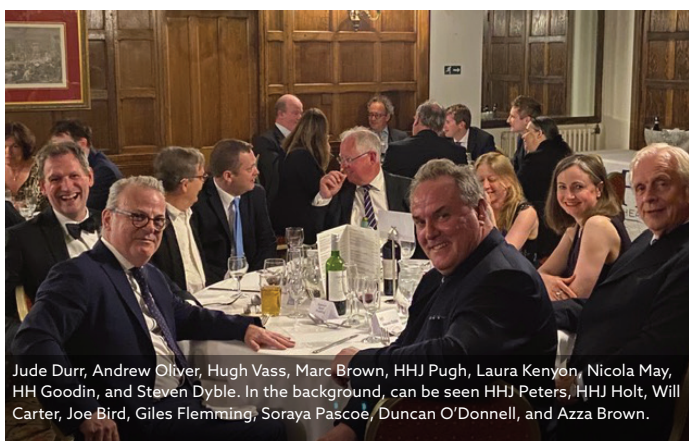
HHJ Levett with Jamie Sawyer



HHJ Robinson with Simon Spence QC and Riel Karmy-Jones QC



From left to right, Simon Gladwell, Jamie Sawyer, HHJ Peters, Matthew Sorel-Cameron, Marc Brown, Lyne Shirley, Juliet Donovan, and HHJ Levett



Jude Durr, Andrew Oliver, Hugh Vass, Marc Brown, HHJ Pugh, Laura Kenyon, Nicola May, HH Goodin, and Steven Dyble. In the background, can be seen HHJ Peters, HHJ Holt, Will Carter, Joe Bird, Giles Flemming, Soraya Pascoe, Duncan O'Donnell, and Azza Brown.

ESSEX BAR MESS

Comings and goings to report include the most welcome arrival of HHJ Mary Loram QC at Chelmsford and the retirement of DJ John Woollard. John spent 30 years on the bench (originally appointed, for those with long memories, as a 'Stipendiary Magistrate') in a role which might have felt somewhat isolated compared with the collegiate experience of Circuit Judges, but he always maintained social links with the Crown Court and has been a regular attendee at our dinners. On that note, this year's annual gathering is earmarked for Friday 11 November at the Essex County Cricket Ground. Full details will follow from our new Mess Junior, Christopher Martin whose easy charm and experience of intensive military combat make him a natural successor to Nick Bonehill, to whom our grateful thanks go for sustaining and delightfully entertaining us over three challenging years.

We applaud the welcome appointments as Queens Counsel of Essex Bar Mess regulars Jacqueline Carey, Claire Davies (both frequent Recorders locally) and Sarah Vine.

Our major news is the retirement of HHJ Patricia Lynch QC, the doyenne of our Mess. Words here are inadequate to reflect her contribution. Called in 1979 and QC from 1998, she was appointed in 2014 as Circuit Judge at Chelmsford where she remained until the end of April. In line with her own practice she tried the gravest offences, including murders, bringing to every case her special insight, realism and scrupulous fairness. Her Court could be an uncomfortable place for any poorly-prepared advocate: her patience was not inexhaustible, but the respect she gained from colleagues, staff and defendants alike was thoroughly deserved.

A packed courtroom and massive CVP attendance at her farewell ceremony was testimony to the affection and regard in which 'Trish' is held. There were warm speeches of appreciation by the Senior Presider, Lord Justice Haddon-Cave, Resident Judge Christopher Morgan and Mess Leader, Simon Spence QC who drew on personal experience of being in chambers with "Ma Lynch" to emphasise the compassion and humanity that we recognise behind her tough exterior. Her reply began with sharing her daughter's texted instruction to "be gracious" on the occasion. Although Trish wasn't always keen to follow directives, she obeyed this one. We look forward to celebrating further with her at a dinner in her honour to be held at the National Liberal Club on Friday 30 September – information and bookings: essexbarmess@hotmail.com

SOUTHEND PIERRE

HERTS AND BEDS BAR MESS

Both Luton and St Albans appear to be working at full capacity in relation to the number of courts they have running jury trials.

HHJ Bishop has stepped down as Resident Judge of Luton to be Resident Judge at Cambridge Crown Court. The position as Resident Judge at Luton is yet to be filled. We wish HHJ Bishop every success at his new post and we all thank him for navigating Luton Crown Court through the very challenging Covid period.

Luton currently has six courts, with daily access to one court at Huntingdon. Use is also made of a court room at the old Bedford Magistrates Court, however it is only for bail cases.

The constraint on getting through the backlog of cases is now not the availability of court rooms, but the availability of Recorders and counsel to try the cases. All appear to be under pressure and if Recorders have a criminal practice then taking them out of circulation to sit only adds to the pressure on the Bar generally to cover cases.

Obviously the continued use of CVP hearings is essential if counsel is to stand any chance of covering cases.

Luton continues to have a high number of custody cases and Class 1 trials. The backlog has however stabilised and is being slowly reduced.

St Albans has for a long time been running six trial courts (five at SACC and one at Huntingdon), as well as one non-trial court. The non-trial court has now been fitted with a jury bench suitable for trials. St Albans is also using a third court in the Magistrates Court building for some non-trial work. This is important as unavoidable maintenance work means that two courts in the main building will be out of action for a fair amount of the next few months. Contingencies are in place for some custody trials.

Backlog: The number of cases awaiting trial, a better description of the measure, is rather less than the official figures suggest. The Resident Judge HHJ Kay QC and HHJ Simon keep accurate statistics of their backlog, which is currently around 560 cases. Class 1 work is about 1% of that and custody cases make up around 10% of that total.

St Albans tries to list for trial all fixtures and warned lists in their set period. Fortunately, few cases have to be re-warned. Impressively St Albans does not

operate any system of floaters, so do not have counsel waiting at court on the off-chance that their case might be called on that day. Extremely efficient and effective listing is credited with this approach.

Issues: There is a short-term concern there will be a slight issue of court availability whilst the essential work is carried out on the two court rooms alluded to above. However, the impact of this maintenance work will be less significant due to the coming on-stream of Court 8 for trials (previously only non-trial work).

St Albans has six full-time judges and with rare exceptions they have been able to secure Recorders (often for extended sittings) so that all the courts are used to the full. As with Luton, an issue that occasionally arises and is causing concern is the unavailability of counsel to cover trials. Even if this does not lead to adjourning the trial completely, it can result in one or more days of valuable court time being lost whilst someone is sourced/becomes free.

As most will appreciate it has been famine for many counsel at the Criminal Bar for the whole period of Covid, some two years. Many counsel have simply not secured any meaningful work in that period with the exception of a lucky few who happened to be instructed in high priority work. Now the opposite appears to be the case with many cases being listed and the courts are running out of suitably experienced counsel. Many of those at the junior end were lucky enough to secure alternative revenue streams during Covid and are understandably reluctant to come back to a profession where one can spend most of a day travelling to court to do one single mention before returning home again. Apart from the very small amount one earns doing a mention one also loses a day working on other cases. What has also changed for many is the volume of paperwork now associated with running a trial.

In short there will be no easy solutions and it is hoped both the judiciary and the Bar continue to do what they have always done, namely co-operate with each other to ensure the system of justice keeps working for all.

Kevin Molloy, H&BBM Chair

KENT BAR MESS

Following the last Committee Meeting, trial capacity has remained steady at both Maidstone and Canterbury Crown Courts, as well as at the Nightingale Court in Maidstone. Hearings have continued to take place both in person and via CVP, and we are grateful to both courts in relation to their continued communication and engagement in relation to the use of CVP. We, once again, pass on our thanks to the court staff who have assisted the Bar greatly throughout these uncertain times.

The Kent Bar Mess Annual dinner was held at Leeds Castle on Friday 26th November. It was a fantastic evening where we were finally able to pay a well-deserved, but belated, tribute to HHJ Williams following her retirement. Cairns Nelson QC (Senior) and Don Rample (Junior) both gave great speeches on behalf of the Mess. As expected, HHJ Williams' speech was exceptional! Such was the quality of the speeches, one of our guests even remarked that "it was like going to an evening of excellent stand-up comedy". It was a real pleasure to see the Kent Bar Mess together for a social engagement again, and to welcome back some of those who we have not had the chance to see for some time. We are currently planning this year's dinner and will provide the details as soon as possible.

We were saddened to recently learn of the death of HHJ Nigel van der Bijl. He was a much-loved judge in Kent and will be sadly missed. A Valedictory was held on 22nd March at Canterbury Crown Court where Edmund Fowler spoke on behalf of the Bar.

The Kent Bar Mess AGM was held 22nd February. At that AGM, the new committee was elected as follows: Chairman: Edmund Burge Q.C.; Senior: Edmund Fowler; Junior: Craig Evans; Lucy Luttmann; Amy Nicholson; Eleanor-Scott Davies (First Circuit Representative); Tom Stern (Second Circuit Representative); Emin Kandola; Chris May (Equality & Diversity Officer); Ian Foinette; John Fitzgerald; Simon Taylor Q.C.

Finally, as always, applications to join the Mess are encouraged from all members of the Bar (both civil and criminal practitioners), particularly those who practise in Kent. Any enquiries/applications, should be directed to the Junior, Craig Evans at 6 Pump Court or craig.evans@6pumpcourt.co.uk

Craig Evans, KBM Junior

NORTH LONDON BAR MESS

Wood Green

Hendon is to remain an annex of Wood Green for the foreseeable future. To that end, courtroom 4 at Hendon is currently undergoing a major refit so that there will then be 4 jury trial court rooms at Hendon. This means that Wood Green will shortly be a 14 court centre – making it one of the larger court centres in London.

In the short term court 4 at Hendon is being loaned out to Harrow Crown Court until early August. This is because Harrow will be losing courtrooms in order to have air handling works undertaken (see below).

The traditional Wood Green heating and cooling system problems should be coming to an end as a result of HMCTS finally agreeing to overhaul the system significantly!

Sadly, Mr David Peters, one of Wood Green's longest serving clerks, has died.

HHJ Lucas QC – Guidance re-CVP hearings at Wood Green

1. As a general rule CVP hearings should be limited to administrative hearings. Thus for sentencing hearings, appeals, PTPH hearings or any form of contested hearing, advocates on all sides **MUST** be in court in person unless exceptionally permitted to attend remotely by either the RJ or the judge hearing the case.
2. Requests to attend via CVP must be made in good time and **not** after 16:30 on the day preceding the hearing.
3. In any CVP case where a defendant is not required to attend, advocates need not be robed but must wear formal business attire.
4. In all CVP hearings where a defendant is required to attend, advocates on all sides must be robed unless exceptionally permitted to attend unrobed by either the RJ or the judge hearing the case.
5. Requests to attend unrobed must be made in good time and **not** after 16:30 on the day preceding the hearing.

In addition, HHJ Lucas QC has provided the following updated information about listing of PTPHs at Wood Green:

"As a result of (i) the huge number of administrative hearings at Wood Green and (ii) the opening of additional courtrooms at Wood Green, as of Tuesday 03 May 2022 we will be giving

trial dates to all cases where a not guilty plea has been entered at PTPH. Cases will be allocated dates as per this document http://southeastcircuit.org.uk/images/uploads/Document_for_the_Judges_Bench_-_03.05.22.docx

Harrow

Much work is being done on the airflow at Harrow – hence the use of one court room at Hendon for the immediate future.

Cell capacity has increased – but not sufficiently that defendants can always be produced for PTPHs.

Harrow is sticking to its policy of having fixtures and fixtures to float. Where a fixture to float doesn't get on the court is confident that it can get it on the next day or very shortly thereafter.

HHJ Dean asks us to send out a plea to counsel to remember that the policy of fixtures only works if time estimates are accurate.

Harrow is looking to get caterers back in.

Administration remains short staffed. The court does not presently have a case progression officer.

Snaresbrook

HHJ Zeidman QC is retiring on 27 May 2022. Thereafter he will sit on occasions as a Deputy Circuit Judge – but not at Snaresbrook.

There is a JAC competition currently in progress for a new Resident Judge. Whilst that process continues HHJ Del Fabbro will be the acting Resident Judge, but has said that he does not wish to be considered for the permanent position.

There is a new Court Manager for Snaresbrook – Laura King. She is now running monthly all agency meetings. The next is on 7 April 2022. Unfortunately this is during the court day. Nevertheless, the NLBM will try and have a member present. The facility of Teams has been offered.

We are told that Ms King will be reorganising a number of areas of administration. Improvements have been made in staffing numbers with the recruitment of new staff who are currently undergoing training.

Snaresbrook is attacking the backlog of cases by triaging priority cases, seeking assistance from other courts in accommodating multi-handers and utilising Nightingale Courts where the cases are suitable.

Anyone who has attended Snaresbrook recently will have noticed the building

works taking place. The essential roof repairs are on track and several phases are now completed. With the roof now weathertight, the refurbishment of several internal areas are scheduled to be undertaken.

The Bar Mess is currently being utilised as a juror holding area. There is an adjoining room (called the Exhibit room) available for advocates to use. It lacks catering facilities but does at least provide desk space and an area for private discussions. That room requires a code for entry. That code changes. Security staff will provide the current code. The NLBM will continue to press for a return of our original mess at the earliest available opportunity.

Philip Misner, NLBM, Chair

SURREY AND SOUTH LONDON BAR MESS

HHJ Nick Ainley retired from Croydon CC and by all accounts the Valedictory was well attended and he had a good send-off. We are hoping to get social events up and running again now that social distancing is more relaxed and will have a meeting soon to sort that.

Philippa McAtasney, SSLBM Chair

SUSSEX BAR MESS

Her Honour Judge Janet Waddicor is retiring this, Summer. There will be a valedictory on Friday, 1st July. A reminder will be sent out once the Court (Lewes or Hove) has been notified us. Judge Waddicor practised mainly in Family law and sat as a Judge in both Crime and Family. She worked from two chambers with Sussex annexes. Firstly, Crown Office Row and then 1KBW. She was a regular attendee as both Judge and barrister at Sussex Bar Mess events.

Congratulations to Alan Gardner on taking silk this year.

The Sussex Bar welcomed the Leader on the Midland Circuit to Lewes in April. Not as an attempt by Sussex to detach from the SE Circuit. Michelle Heeley QC was unable to resist the lure of Harvey's and spent three days in Lewes. Always keen for an excuse to socialise (us, not her) she joined the local bar for drinks and dinner and entertained us with anecdotes of life on the Midlands Circuit.

THAMES VALLEY BAR MESS REPORT

On 06 May 2022 the TVBM hosted the highly anticipated Valedictory Dinner for His Honour Judge Sheridan at Aylesbury Crown Court. HHJ Sheridan stepped down as the Resident Judge of Aylesbury Crown Court at the end of March and the TVBM wanted to recognise all his hard work. Thanks to the help and support of all members of the Bar, Judiciary and local Solicitors the event was a spectacular event (see pictures). In total 87 people attended for a fantastic Indian 3 Course meal. HHJ Sheridan could not express how much it meant to hold an event such as this, especially considering what we have all been through in recent years, and thanks everybody for their attendance.

Whilst we still do not know who the next Resident Judge will be, everybody can agree that they will have big shoes to fill, and the TVBM will be there to welcome them to their new role.

Adam Williams, TVBM Junior



SOUTH EASTERN CIRCUIT EVENTS



YOUR CIRCUIT.
YOUR VOICE.

DATE	EVENT	SPEAKER(S)	VENUE
14 June, 6-7pm	Applied Memory Research in relation to RASSO cases	<ul style="list-style-type: none"> • Allison Hunter QC (Chair) • Professor Heather Flowe 	Online
17 July	Florida Criminal Course (Silk)		
17 July	Florida Criminal Course (Junior)		
30 August	Advanced International Advocacy Course		Keble College, Oxford
12 September, 6-7pm	Silk Interview Training Seminar	<ul style="list-style-type: none"> • Allison Hunter QC • Ali Naseem Bajwa QC • Deanna Heer QC • Mary Prior QC 	Online

For further information on above events email the SEC Administrator –
aaron.dolan@southeastcircuit.org.uk





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If you wish to contribute any material to the next issue of The Circuiteer, please contact:
LeonKazakosQC@2harecourt.com

