

## **Kerim Fuad QC Leader of the SEC**

Spring is here so there should be joy in the longer sunnier days ahead. It has been a rather busy start to my Leadership of this fine Circuit, but fabulously rewarding. Here is a summary of my first 3 months at the helm.

### AGFS

You will have read the Circuit's comprehensive response to the AGFS Consultation.

We hope that the new AGFS scheme adopts the measured and principled modifications that we have proposed in such detail.

As you can imagine I have attended every meeting with the MOJ and helped push improvements hard, in particular the need for constant periodic reviews to the scheme and index linking.

### Vulnerable Witness Training

The Circuit has the lead task in delivering Vulnerable Witness Training for all barristers wishing to continue to act in cases involving child witnesses. This is a formidable undertaking for our Circuit as it is so huge, but as ever we will succeed as we have a good team in place working (in their free time and for free) for the benefit of all.

As you can well imagine there has been much work done to put this new system in place. The Criminal Bar is leading the way in its Vulnerable Witness training programme. We have thousands of barristers to train.

Please make sure to sign up through your Chambers, so the training can be cascaded down within your sets. There are Lead Facilitators who have already been specifically trained, to train others. We will ensure a quality assurance that will satisfy the rigours of the Bar Council.

I am grateful to Will Hughes QC, my new Director of Education and his assistant, Jenny Goldring, for their help in this regard and to all the Lead Facilitators who will be training in the months to come in their own time.

### Consultations, Consultations, Consultations

The Circuit continues to respond to many consultations. So much work is regularly done voluntarily by Committee members on your behalf volunteering to put forward a Circuit response. We are always grateful to all those who give up so much time to do such valuable work for all of us.

Just a few recent examples;

Response to LJ Jackson -Review of fixed recoverable costs,

Response to Future Training of the Bar,

Response to MOJ's review of the introduction of fees in Employment Tribunals.

Please write to myself or the Recorder, Valerie Charbit about any concerns you have. We are committed to seeking to strengthen ties within the Circuit and to improve your working lives whilst also responding to anything Government chooses to consult on. We are leading the path by regularly attending meetings with the Chairman of the Bar, Andrew Langdon QC and other circuit leaders to ensure what is important to you is spoken about where it matters.

### Resident Judges

I am personally visiting the Resident Judges in each of the Circuit's Crown Court Centres to make sure that I am aware first hand of the issues that face you, so we can address them. The Judges have been most welcoming and receptive to help the Bar so far.

I will be sitting unannounced in the back of one or two courts where certain repeated concerns from the Bar have been brought to my attention.

### Lord Chief Justice

I have found the Lord Chief understands and is supportive of the independent Bar and the tribulations that we face. We must not forget that frustrations in our underfunded system impact upon the judiciary at all levels too.

### Senior Presiding Judge

On 3<sup>rd</sup> April Lady Justice Julia Macur takes over from LJ Fulford as SPJ. We warmly welcome her and wish her a happy and healthy term in office. I look forward to an early meeting with her.

### Social Media

Colin Witcher is in charge of the social media/Twitter engine. Please contact him with any suggestions to make the SEC as inclusive and up to speed with your views as possible. Send news when it is news.

### The Bar Messes

I have started revitalising them. They are the conduit between the Bench and Bar. One Resident Judge I met simply said to me:

“Kerim, if I am told of a way I can make it better and easier for the Bar then of course I will, but I need to be told what the problem is, do not assume we all know.”

**So please don't suffer in silence, let your Bar Mess Chairs know if there is a problem in your court and ask them to act.**

The Bar Mess Chairs are;

Karim Khalil QC - Cambridge and Peterborough.

Mark Heywood QC- Central Criminal Court (Old Bailey)

Rosina Cottage QC - Central London (Blackfriars, Inner London, Southwark and Woolwich)

Simon Spence QC - East Anglia (Norwich and Ipswich)

Gerard Pounder - Essex (Chelmsford, Basildon and Southend)

Will Hughes QC - Kent (Maidstone and Canterbury)

Philip Misner - North London (Snaresbrook, Wood Green and Harrow)

Philippa McAtasney QC- Surrey and South London (Kingston, Isleworth,

Guildford and Croydon)

Alan Kent QC - Sussex (Lewes, Brighton, Hove (Chichester has just closed on 17<sup>th</sup> March)

Kevin Molloy - Herts and Beds (Luton and St Albans)

Adrian Amer - Thames Valley (Reading, Oxford and Aylesbury).

On 17<sup>th</sup> March all the Bar Mess Chairs convened in London. We had a really successful dinner which cemented their importance and relationships within the Circuit. On such a big Circuit they are an invaluable asset to us, making sure that word travels and that problems are known about.

Please use your Bar Messes and communicate with them the good and the bad, so that we can ensure the collegiate atmosphere exists on this circuit despite its size as it does on other circuits.

### Wellbeing

Wellbeing at the bar continues to be an important topic. I have drafted a protocol which has been helpfully contributed to by many. We are in the process of fine tuning a **reasonable working day/working time protocol** which should reassure those with caring responsibilities about the hours courts sit, timings of emails (when it is reasonable to expect to respond to one and when not) and to perhaps ensure we are more in line with deadlines that are set in civil courts to move away from the last minute skeleton arguments and courts sitting late.

The Circuit continues to organise an education program beyond the Vulnerable Witness Training. This is as valuable as it has ever been and we must continue to support and attend such events not simply for CPD but to meet up with others members of the bar and share war stories.

Much of our ability to share with one another comes from the need to process the often traumatic cases we are involved in on a day to day level.

## New pilot scheme

Despite the problems that led to the failure and ultimate abandonment of the earlier scheme at Croydon Crown Court in 2011 a pilot scheme is being run which needs to be carefully assessed by the Bar for all sorts of obvious reasons. I make it plain that I was not consulted about this scheme and see it riddled with serious and fatal problems.

See my recent pronouncement on this new idea [here](#).

HMCTS is piloting a split-shift scheme in Blackfriars and Newcastle Crown Courts and Highbury Corner Magistrates Court.

From some date in May (I have not been told when), the pilot Courts will sit from 9am - 1pm, with one Judge and list, and from 2pm - 6pm with another. I understand that there is no carry-over.

Not only are those who care for young children and elderly people disadvantaged (mainly women, despite the Government claiming to be alive and responsive to diversity) but there are other significant flaws in the scheme.

Barristers especially junior ones, who rely on return work and/or warned list trials need that critical times after 4.15/4.30pm to liaise with instructing solicitors, telephone/email them and prepare the case for the next day. Barristers and Chambers already work long hours.

Are Chambers to be significantly financially disadvantaged by asking their clerks to open Chambers earlier and close later each evening? This may well amount to unacceptable legal changes to their contracts of employment for the CPS and Clerks. What of clerks who themselves have young children and are carers?

What of jurors? How will employers react? Eg Are employees to do a morning shift and appear at work in the afternoon?

What of court staff? Will they be paid overtime?

What of vulnerable witnesses? Presumably their evidence will be punctuated by the split shift.

This doomed scheme infringes on family lives for all Judge, Barristers and clerks.

How much extra will this scheme cost? I understand that the Croydon scheme cost nearly half a million pounds extra.  
It is unreasonable and unworkable.

Sadly I can only conclude that it must have been designed by someone who has no practical experience or knowledge of the workings of the criminal justice system.

I urge you ALL to send me examples of the system in all its glory.

### Annual Bar Conference

This year's Annual Bar Conference is being chaired by Rachel Spearing who has chaired the Wellbeing at the Bar Working Party Group since its inception. It promises to be an exciting event and will be a further opportunity for barristers to mix with other barristers beyond their specialist bar associations. Please put it in your diary now; **Saturday 4<sup>th</sup> November.**

### SEC Website

It has been updated and is very active. The contact list of all Circuit Committee members been improved and updated.

A new logo is being prepared. Watch this space, literally.

I have inserted a list of former SEC Leaders. An impressive cast.

Please email Aaron Dolan with any articles that you wish us to consider posting.

### New Treasurer - Paul Cavin

I welcome Paul Cavin as our new Treasurer, a calm and prudent man.

Thanks to HHJ Del Fabbro

The Circuit warmly thanks Oscar (HHJ Oscar Del Fabbro) for his many years as Treasurer, laying such a sound financial foundation. We are lucky to still have his unstinting support of the Circuit.

### Bringing the Family Law practitioners firmly back into our fold

On Friday 24<sup>th</sup> March I was delighted to be invited by Philip Marshall QC as a guest at the FLBA dinner. I can report the Family Bar is happily very much alive and kicking.

I am determined to bring the Criminal and Family Bar closer together.

I have a meeting arranged with my new friend, Frances Judd QC, Vice Chair FLBA.

### Secondments of CPS pupils to Bar

As part of our constant desire to break down any perception of boundaries and improve inclusivity we have encouraged this positive initiative.

### Meetings

I set out below some of the meetings which are my constant diet and ensure that I am on top of all the issues that arise:

SEC Officers' meetings.

SEC Circuit meetings.

Meetings with the Chairman of the Bar, Andrew Langdon QC and Circuit Leaders.

Meetings with Bar Council, Monday evenings and some Saturdays.

CBA- Meetings with Francis FitzGibbon QC, Chairman of the CBA and Angela Rafferty QC, Vice Chair CBA.

Senior Leaders' Group Meetings with MOJ.

JASC- Meeting and liaising with JASC (Joint Advocate Selection Committee).

Discussions with JAC (Lord Kakkar, Chair and Richard Jarvis, Chief Executive) about the Recorder and Circuit Judge competitions.

QC Secretariat - on Monday 20<sup>th</sup> March I convened a meeting with the QC Secretariat and presented them with a document with suggestions as to how to improve the QC competition, to ensure excellence.

Chief Crown Prosecutors - I am meeting with the Chief Prosecutors on Tuesday 23<sup>rd</sup> May. Any concerns/positive suggestions that I can convey should be communicated to me asap please.

Keble College - the Circuit's pride and joy, the Internationally recognised Keble Course run by the SEC is tuned to perfection and is again scheduled for the end of August.

BCM - Richard Bentwood has picked up my baton in joining the BCM Committee sort out the DCS. We have made much progress but there is so much still to do. Please contact Richard with any ideas you have to keep improving the system.

I am told that concerns keep being raised about the following:

1. The same Statements being uploaded many times.
2. Serving statements at trial in paper form and then not uploading them (so they don't form part of the page count).
3. The police insisting that they have uploaded it to their COPA system and the CPS not loading it onto the DCS. Two systems are a recipe for disaster.
4. Interviews and ABEs in particular being loaded in the wrong part of the DCS, so it becomes a hunt locating them.
5. Judges/List officers still willy nilly listing PTRS and Mentions instead of arranging phone or email hearings.

6. CPS and defence solicitors not instructing counsel in good time before PTPHS, placing heavy burdens on the poor advocate who attends with no proof or instructions and then is told to draft a Defence Statement.
7. Simply not enough work is being done at the front end by the police and/or CPS to obtain the key papers.
8. Poaching of cases (the "going rate" for a young client is a pair of trainers) leading to transfers of legal aid and the inevitable chaos.
9. Complaints over the confusing pagination of papers e.g. Page lii.
10. Often a very slow system that takes too long to load
11. Habit of some CPS people only to load statements & exhibits in the 'Key' areas, with result that the LAA claim, the page count is zero.
12. Why bother with 'Key' at all? Why not simply have one section for IDPC, another for WS & X served for trial?

### Visiting sets

I am visiting as many sets of chambers as time allows to learn first-hand of their concerns and see how I can better serve them to get their own Specialist Bar messages out. I have recently visited 11 Kings Bench Walk (a Commercial and Employment set) where I was warmly welcomed.

### Wonderful Wales

On 1st February, I went to Cardiff to meet with the Council of the Inns of Court who are committed to trying to make the Bar Course as accessible as possible to all comers.

### Scotland the brave and the fabulous

The Circuit must strengthen our links with other bodies.

I visited Edinburgh to give a talk to the Scottish CBA. They treated me wonderfully. "I walked the halls."

As a result we have strong and enduring relations with Scottish CBA. I have struck up excellent ties with Lady Rae, the Dean and Vice-Dean of the Faculty and Wendy Hay.

#### National Mock Trials Bar Competition

Last Saturday 25<sup>th</sup> March I was invited to be one of the Judges of the largest ever National Schools Bar Mock Trial Competition. I saw youngsters who already at the tender age of 17 displayed talent that amazed me.

#### Dame Ann Ebsworth Memorial Lecture – 9<sup>th</sup> May

Can I encourage you all to attend the annual Dame Ann Ebsworth Memorial Lecture, taking place on 9<sup>th</sup> May, where the speaker will be Professor Martin Chalkley. Details are on the [SEC website](#).

#### Thank you

Thank you for your many messages of support. It keeps me going.

Please write to myself or the Recorder about any concerns you have. We are committed to seeking to strengthen ties within the Circuit and to improve your working lives whilst also responding to anything Government chooses to consult on.

You can contact my part-time PA, Harriet Devey at [h.devey@churchcourtchambers.co.uk](mailto:h.devey@churchcourtchambers.co.uk)

#### And finally.....

In a break from past years (and to encourage more mixing and mingling!), the SEC and the CBA are to host a less formal 'Summer Ball' on **Friday 23<sup>rd</sup> June 2017**. Full details will shortly be announced. Please expect live music, quality food, beer tasting and, of course, a fully stocked bar.

We have agreed to subsidize the cost for members to attend, with ticket prices from £30 – group rates will apply.

We expect this event to sell out quickly so all Members are encouraged to book their ticket early. It is a slight break from the norm but we felt that a Ball would encourage more younger members of the Bar to attend as they would be able to mix and mingle more freely with many more people, rather than perhaps be stuck on a table next to me!

Yours,

Kerim

30<sup>th</sup> March 2017

Kerim Fuad QC  
Leader South Eastern Circuit