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EDITOR'S COLUMN



Leon Kazakos QC

Back in November, when I agreed to take over from Karim Khalil QC as editor of the Circuiteer, my hope was that by the time the Spring Edition (my first) came around I would be able to fill the pages with stories of all of us having recovered a little from the pandemic. There might be a few photos of some of the events that the Circuit had managed to put on, perhaps a look at how the courts, trials and life were all returning to normality. That hope was of course confounded by a reality of a cancelled Christmas, further lockdown and continuing personal and professional uncertainty for us all. I hope that you've come through it intact and, with vaccines and summer on the horizon, the future looks brighter.

One of the – very few – things to celebrate about this pandemic has been the visible co-operation between Court staff, Judges and the Bar in combined efforts to try to get cases on and heard. Less established junior practitioners have been surprised at the degree to which judges have made themselves available to discuss the progress of cases, both by email and video-conferencing. It's invidious to single out Courts for praise, particularly when very substantial efforts are being made by everyone at every court on Circuit but the triage system at and communications from all at Norwich Crown Court merits an individual mention. I hope that this co-operation and communication will continue as we emerge at some point this year from our home offices and try to deal with the very substantial backlog in the criminal courts, in employment tribunals and in the family courts. That backlog is neither acceptable nor inevitable, but the result of years of underinvestment. The solutions to reducing the large numbers of people waiting for their trials will require money, infrastructure and long-term political commitment, as opposed to magical thinking or (in crime) the removal of the right to jury trial. Pretending that the backlog is wholly or mainly the result of the pandemic helps no one.

As I write, on 29 March 2021, I am now allowed to meet with five friends out of doors. I've called all four of my friends to see if they might be free – they have other plans.

There are a group of people however who – despite having other plans – have made time in their otherwise busy lives and practices to write for this edition and I'm very grateful to them for taking the time to do so. This edition has as its theme diversity and inclusion. The articles cover a broad range of experiences of the Bar from a number of different perspectives; from the team at WICL and their substantial achievements over the last three years, to the experience of black barristers, to the progress that has been made at the LGBTQ+ bar to the Bar's continuing efforts to make this profession accessible to practitioners with disabilities. The articles assess – and frankly – how much progress the Bar has made in its efforts to develop its diversity and look at how far we all still have to go to ensure that this is an inclusive profession.

May I recommend BACFI's webinar on 19 May, which will see Mark Neale speaking about the BSB's reverse mentoring initiative together with Srishti Suresh from Bridging the Bar speaking about how the charity supports students from non-traditional and underrepresented backgrounds to access the Bar. I hope that the Autumn edition will see an article or two from those involved in Bridging the Bar, who by that point will be able to assess how well their current drive to get students into mini-pupillage across the Bar has achieved its aim.

If I might be allowed a moment of personal reflection on the balance of the articles on diversity in this edition it is this: that we are all careful both in the language that we use and in addressing and identifying each other – whatever our appearances and backgrounds – so that we do not make those casual mistakes that are both hurtful and regressive.

This edition is also the first under the new leadership of Christine Agnew QC who has had a busy first few months in post ensuring that Covid related and other difficulties that face the Circuit are addressed with her customary charm, persuasiveness and vigour. I know that she will have our full support as she continues to engage with government and other agencies to ensure that the proper points the Bar has to make are heard and understood.

Despite a lack of opportunities to meet in person the Circuit has continued to put on some events during a long winter, with a particular focus on resilience and wellbeing. I know that those of us with small children are particularly grateful for Noël Janis-Norton's session on Maximising Cooperation, Self-Reliance and Self-Esteem as we worked through another few months of home-schooling. Looking to the near future, July will see the Recorder Interview Training session, chaired by Alison Hunter QC with help in dealing with the questions asked in interviews, how to approach issues of law in unfamiliar practice areas and how to target answers to address the selection criteria. For those with an eye on future Silk applications can I push the Silk Interview Training session on 12 May, together with the refresher event on 15 September. The Circuit also has training planned for those undertaking pre-recorded cross examination under s28 Youth Justice and Criminal Evidence Act 1999.

There has been cause for sadness beyond that arising through the pandemic. Many of us will have lost colleagues and friends over the last year. This edition highlights a few, in Di Middleton QC, Franco Tizzano, John Collins "JC" and Jason Dunn-Shaw but we will all know of others who need remembering, whose memories need celebrating.

My thanks go to Aaron Dolan, for whom nothing is ever too much trouble, Sam Sullivan and his typesetting genius, and the ever-brilliant Harriet Devey for their advice, assistance, suggestions and editing skills, without them this edition would look very much more ragged.

If you would like to write for the next edition, or have an idea about an issue you'd like someone else to write about, my email address is below, my telephone number hasn't changed in 20 years and I'll be delighted to hear from you. I hope that you enjoy the writing, and that the next months see you meeting with friends, families and colleagues once more.

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**

April 2021 feels significantly more promising than April 2020 and I hope that the optimism and positivity expressed by so many continues to flourish. You wouldn't expect me to say anything else but I have thoroughly enjoyed my first 3 months as Circuit Leader. I have met a huge number of interesting and hard-working people, both at the Bar and further afield.

I am especially grateful to the executive committee of the SEC who have welcomed me on board and who selflessly persevere to try to make everyone's lot a better one. Committee members, both new and established, generously give up their time and contribute to Circuit business.

The Chairs of the SBAs continue to provide support and encouragement to their membership. I have been invited to address the committee of the FLBA and have had constructive conversations with other Chairs. I repeat my wish for the Circuit to be representative of all practitioners in the South East and I will continue with my efforts in that regard.

The Bar Messes remain an important line of communication and point of connection between Bar and Bench. Many are making renewed efforts to encourage membership and plan for social and

educational events post social distancing restrictions. Please do make an effort to join the Mess associated with the courts you attend most regularly. We really only do get out of this job what we put in and the Messes are possibly one of the best examples of this.

Further afield I have met many civil servants keen to express their eagerness to make the courts and tribunals run as smoothly as possible. We have a long way to go but most really do seem to be trying. The other Circuit Leaders and I continue to speak with the Lord Chancellor and those associated with the Criminal Legal Aid Review. Do let me know if there is anything you would like me to raise at these meetings.

I continue to have meetings with the senior civil servants responsible for running the Crown and County Courts and Tribunals. I also regularly meet with the CPS Chief Crown Prosecutors for the South East and London. Again, as ever please do let me know if there is anything you would like me to raise with them. I am wholly dependent on you, the Circuit, for information.

Special thanks must go to Leon Kazakos QC for his boundless enthusiasm and hard work in compiling and editing this, his first Circuiteer. We are all busy people and it is a real commitment on his part – thank you. He has worked tirelessly persuading and cajoling people to contribute – thank you to all of those who have done so. Our thanks also go to Karim Khalil QC who edited the Circuiteer for many years before Leon.

LEADER'S REPORT

Diversity and Inclusion

The words equality, diversity and inclusion have, I'm pleased to say, slipped into everyday parlance at the Bar, in some places significantly more than others.

Whilst we applaud the significant efforts of some, we should all look inwards to our own Chambers and organisations. There has clearly been much improvement on this front, but we should all consider what we, individually and through Chambers or other organisations, could do to encourage everyone to feel able to apply to the Bar, welcome at the Bar and able to stay at the Bar. Hopefully some of the articles in this issue of the Circuiteer might help us all to consider situations from the position of people other than ourselves.

Organisations such as Urban Lawyers (urbanlawyers.co.uk), Bridging the Bar (bridgingthebar.org), Themis (themiswomen.org) and The Kalisher Trust (<http://www.thekalishertrust.org>) to name but a few, work alongside the Bar Council in promoting diversity and inclusion at the Bar across the UK. Please do spend some time looking at their websites. You will learn a lot and hopefully appreciate the need to continue to press for our superb profession to be open to as many people as possible. You may even be inspired to offer your time and expertise as volunteers for one of these organisations.

The Bar Council recently held a webinar on their new Work Monitoring Toolkit, and I would encourage you to engage with it, and to ensure that your Chambers is using it. We are all responsible for making sure that the Bar is as diverse as possible and this should be the case at every level – retention is as important as pupil numbers.

In a welcome move, the CPS have indicated that they are keen to attract applicants for Treasury Counsel from underrepresented groups, and from across a wider range of chambers. To that end an open evening was held in March which provided information about the monitoree application process and how the work being done fits in with wider work being undertaken by the CPS and Bar to support diversity and inclusion within the legal profession. I will pass on the relevant information in my fortnightly updates.

The legal directories have expanded into the field of diversity and inclusion with Chambers and Partners promoting signatories to their Charter and the Legal 500 focussing on inclusion in their online magazine.

It is shocking and surprising to realise that there is still a 'class ceiling' at the Bar, with practitioners telling of the fact that they were made and indeed are still made to feel that their 'common' accent was a disadvantage.

I was incredibly proud of the Circuit's contribution to International Women's Day on Twitter. Inspirational quotes from inspirational women ranging from pupils to High Court Judges demonstrating, I hope, how we can draw collective strength from each other not just as women but as a group of barristers. Thank you to all who contributed and to Tomas McGarvey for his help with this.

Endless thanks also to Aaron Dolan and Harriet Devey without whom I would still be at sea!

Thank you for reading this to the end. I know the demands on your time are many and varied. As promised, I will try to make my contributions pithy and to the point.

The final word should go to Leon. He is constantly on the look-out for contributors with ideas for articles and themes. Please don't be reticent or reluctant about coming forward. Even if it is only the beginnings or fragments of an idea, we have plenty of people willing to help you make it fly!

Stay well and healthy.

Christine Agnew QC

• 2 Bedford Row
• Leader of the SEC

REDEFINING THE OLD BOYS' NETWORK



My memory of it is still so pellucidly clear that it could have happened yesterday: sitting in a relatively large reception area wearing an ill-fitting suit that now feels like a caricature of what I thought a professional woman should wear. In retrospect, the shoes were a mistake too.

It was April 2002 and I had travelled from my University home city of Cardiff to attend my final round interview for a 12-month pupillage. I still didn't fully understand how I had managed to navigate my way successfully through the first interview a week or so before, but there I was: a black single mother of an 18-month-old girl looking to strike gold and kick-off a career in criminal law.

Back on my university campus, I was affectionately known as '*the one with the baby*', so even though the number of rejections for pupillage had almost equalled the number of applications, I knew I had a point to prove.

Breaking into a profession that I was routinely told was impenetrable because of something called "the old boys' network" felt finally within reach because I was sitting in a prestigious London chambers with an opportunity to present my case to a group of people waiting to hear what I had to say. I tried not to let the enormity of the situation overwhelm me.

After what seemed like an eternity, I was shown into a conference room and there sat five white men. Despite my initial apprehension, I felt reassured by their warm reception and encouraging smiles. "*This is it*," I said to my 20 something year old self. I wasn't leaving that room without securing one of the two places available. The offer came and was accepted within 3 days.

It is now March 2021, almost two decades later, and here I sit, last on the indictment (for a refreshing change) in a multi-handed drugs conspiracy. Everyone is sectioned off as you would expect nowadays in their own plexiglass bubble. There are eight barristers involved in this case. Seven white men (eight including the Judge) and me. In a sense, this reflects my experience as a black female barrister over the last 19 years.

When recently asked about my own personal journey at the criminal bar, my immediate reaction was to reflect on what has changed over the last two decades. Once I started pupillage in October 2002, it came as no surprise to me that the overwhelming majority of my colleagues would be – and indeed were – white men.

The Bar has never traditionally been a diverse profession, but securing pupillage in a top London set provided me with some hope that the landscape would change, but has it? Sadly, the answer is: not nearly as much as it should have. It only took a cursory glance back into my recent past to demonstrate that. I realised that in my last 3 multi-handed trials, I was not only the solitary female, but also the only black person in an all-white counsel line up. Has that ever held me back? Of course not. Have I ever felt that I should not be in the position I am in now? Again, that's a solid no, but I do understand how it would deter others.

What is the reality here?

It is well known that black barristers only represent a disappointing 3% of the Bar. At top level there are literally a handful of Black QCs amounting to 1.1%. I could probably count on two fingers of one hand the number of black full-time judges I have appeared in front of, and I discovered recently that – astonishingly – I am the only black female grade 4 prosecutor in the entire country. It is easy to see why a black female law student considering a career at the bar may look at these stats and unilaterally conclude *'this isn't for me'*. It is easy to see how a black boy of school age with aspirations of becoming a judge would look at the current membership of the Supreme Court and think *'I wouldn't fit in there'*.

The reality for me is that I love being a member of this profession, but I would feel more comfortable and certainly more represented if there were more people who looked like me within it.

Of course, there have been challenges along the way: the interminable misspelling and mispronunciation of my name (although that happens in Starbucks too); being called the name of another female black barrister who happens to be at the same court as me at the same time; being called the name of another female black barrister not present at the same court as me at the same time but whose surname also happens to begin with the letter 'A' – small things perhaps a little more care would invariably avoid.

I once travelled cross country to a provincial court to represent a man accused of assaulting his wife. After meeting him for the first time and confirming his instructions, I went back to the robing room and received a call from my instructing solicitor. He told me the defendant didn't want me to represent him because the prosecutor and the judge were both white men and so he felt he might not be on a *'level playing field'*.



There was an awkward exchange between my lay client and I in which he was at pains to insist he wasn't racist but that the jury just might be more persuaded if I was a *'bloke'*. When it was explained that the only *'white bloke'* that would be taking my place to represent him would be himself, he relented and we got to the thorny task of getting on with his trial. Of course the apologies came in thick and fast when he was unanimously acquitted.

Then there was the time I was junior counsel in a multi-handed murder trial. During a mid morning break, one of the more senior male juniors for a co-defendant said to me, *'be a good girl and get the teas in'*. Now, those of you who know me can imagine my response, and can understand why it was something he very sensibly never asked me to do again.

But mine is a story of resilience, not self-pity. Weathering storms has always been second nature to me, I do worry though that some may not manage so well, and may not clearly see the possibilities beyond the obstacles.

Thankfully over the last few years I have seen a determined momentum for change.

The word is getting out. There are so many initiatives now promoting diversity in all areas of the bar. We still have a long journey to undertake, and it is the responsibility of all of us to make this happen.

For those of us suitably experienced at the Bar and unhappy with the abysmal quota of diversity at senior levels, we must put ourselves forward for senior and judicial positions if we are to create a more inclusive environment. This kind of affirmative investment doesn't just impact our own careers; it impacts the

future of our profession. We shouldn't just be practicing law, we should be actively presenting it as an exciting opportunity for those currently underrepresented across the legal sector.

Last March, I was invited to speak about my career at the Bar to A-Level students at a school in Kensal Rise. They knew a barrister was coming to talk to them, but they didn't know the barrister coming was female or black. It was clear, as I walked into the room, that they went from marginally interested to awestruck. Some of the girls approached me afterwards and explained they didn't imagine a barrister could look like me. The good news is that now they do.

What I would like for those girls – and the girls in the years below them – isn't to think that this is some unattainable, unachievable pipe dream, but an opportunity to develop themselves, pursue an incredible career in law, and to help us all redefine what an *'old boys' network'* should be.



Nneka Akudolu

• 2 Hare Court



SEXUALITY – Diversity and Inclusion at the Bar and on the Bench

Life for the LGBTQ+ community in the 1990's was not an easy one. Section 28 prohibited the promotion of same sex relationships in schools, HIV and AIDS still cast their shadow, there was no equality legislation, gay people couldn't serve in the military and a same sex kiss in a soap opera made front page news. It was against this backdrop that I, grappling with my own sexuality, was called to the Bar in 1996.

Up until this point my perception of the Bar was that I was being admitted to a private members club to which I didn't really belong. I was the first member of my family to go to university, I had no legal contacts and didn't have a stellar academic background. The only characteristics which I appeared to share with the majority of the Bar's membership was that I was white and male. Already suffering from imposter syndrome the very last thing I wanted to do was announce that I possessed another characteristic that would cement my position as an outsider.

I didn't in fact come out at work until a few years later when I had already established my career as a barrister. I'm pleased to say that I never experienced any difficulties or prejudice. The nature of the criminal Bar, at which I practised, was that sexuality rarely if ever came up in conversation but if it did then it was an irrelevance. I was anxious about telling my clerks or instructing solicitors for fear that I would be pigeon holed for particular types of work or viewed differently but I'm pleased to say that it never happened. However, my experience is at odds with the research conducted by Dr Steven Vaughan and Marc Mason in 2017. Their research found that just over half of practising barristers from the LGBTQ+ community had experienced some form of discrimination at work because of their sexuality and a third reported having suffered harassment, prejudice and bullying. It also found that many incidents went unreported and there was criticism levelled at the Inns of Court for having failed to provide adequate support.

So what is being done and what else needs to be done to make the Bar more welcoming to the LGBTQ+ community?

At a chambers level we need to follow the lead of our City solicitor colleagues who for some time now have embraced the issue of diversity, proudly promoting their inclusive working practices, taking part in the Stonewall workplace program and supporting in house LGBTQ+ networks and mentoring schemes. I appreciate that many chambers don't have the money or personnel to implement all these schemes but you cannot underestimate the impact on prospective LGBTQ+ applicants and staff of even small steps such as messages from allies on the website on how they will be made welcome or on how their workplace has been made more inclusive.

The Bar Council have for a long time sought to make the Bar a more diverse profession and have demonstrated their support for the LGBTQ+ community by participating in events such as Pride. The Inns of Court have recognised that they have a role to play and there has been a marked increase in events and programs promoting inclusion and diversity and in 2019 my own Inn, Middle Temple, launched its own LGBTQ+ Forum. Members of the Bar have also sought to provide support, for many years the Bar Lesbian and Gay Group (BLAGG) has provided a social network for the Bar's LGBTQ+ community and am delighted that more recently FreeBar has been set up to try amongst other things to establish better practices across the Bar.

The judiciary draws many of its candidates from the Bar and as a consequence has been beset by its own problems of diversity but I am pleased to report that we are working hard to address that. Shortly after my appointment as a Circuit Judge in 2019 I was appointed a Diversity and Community Relations Judge and I

along with my colleagues are working hard to demystify the work of the judiciary and to try and achieve the judiciary's aim of ensuring greater diversity amongst the candidates seeking judicial appointments.

Much has improved for the LGBTQ+ community in the 25 years since I was called to the Bar. As a young man entering the profession I could never have imagined that I would end up as a Circuit Judge being sworn in by the then Master of the Rolls, another gay male. As a community we now enjoy legal equality, same sex marriage and broad social acceptance and although the Bar has been slow to embrace the importance of diversity, the signs are that things are getting better.



Ed presents a podcast called "Coming out the Pod" where guests share their coming out stories – you can find it at www.comingoutthepod.com

HHJ Ed Connell

• Isleworth Crown Court



WOMEN IN CRIMINAL LAW

Women in Criminal Law was launched 3 years ago this month, borne out of an impatience to promote and empower women into professional equality across the spectrum of the criminal justice system. While the "Beast from the East" rampaged the country in 2018 hundreds of people, men and women, fought their way through the snow to the Law Society's beautiful Reading Room to celebrate the birth of our new organisation.

Since then, WICL, as it is known, has gone from strength to strength. Its purpose is to bring together women working across criminal law from the most junior to the most senior, employed and self-employed, legally aided and those in private practice; to empower women to be visible, present and supported at every layer. Our membership is made up of judges, solicitors, junior barristers, clerks, QCs, and paralegals, connected in our network to support and promote each other in their careers. WICL has hundreds of members and now several branches all around the country, as well as the support of the senior judiciary. The Right Honourable Baroness Heather Hallett DBE is our patron and Mrs Justice Cheema-Grubb is the founder of our judicial mentoring scheme.

Why is such an organisation so needed and so popular?

Her Honour Judge Nott has published some extraordinary research in Counsel Magazine in recent years¹, which tells you all you need to know. She discovered that of the top 500 barristers earning the most from the Legal Aid Agency, just 87 – or 17% – were women. One might think that the CPS would do better, as a publicly funded body and one which prides itself on its record of promoting women, but their figures are almost exactly the same (of the 500 top earners, just 19% were women).

But it is not just the numerical disparity of earnings that is the problem. Everywhere they look, women are finding barriers to their progression, from un-family friendly working hours to sexual harassment, inequitable briefing and unconscious bias in recruitment and unfair access to work, all are hurdles to female progression in the criminal law. Women have been at least 50% of entrants to the profession for several decades, but the drop-out rate is dispiriting: by 15 years call men outnumber women by 5:1 and just 16% of Queen's Counsel and just 29% of the judiciary are women. This is partly due to women's careers stagnating. From CPS data, it was revealed that female advocates are proportionately less likely to feature in multi-defendant cases, high-value frauds or as leading juniors. Women in Criminal Law seeks to challenge these issues positively. We aim to be a voice for the women working in the criminal justice

system and speak out when we see injustice. WICL liaises with the directories to ensure better representation of women among the rankings, works with the CPS and HMCTS to change policies that impact on women practitioners, and works with the Bar Council on the gender pay gap and equitable briefing.

Throughout lockdown, we continued to foster community with our 'Corona-initiative' spearheaded by Vice-Chair, Chloe Birch, and Head of Wellbeing, Stephanie Roe – with twice weekly online wellbeing and educational events attended by hundreds of women across the country. Our virtual reach has swelled with the remote connections Covid has required of us and we now have thousands of followers on LinkedIn and Twitter. There are real glimmers of hope that women are present and are rightly meant to be so. We are starting to see women become Resident Judges, High Court Judges, and Court of Appeal Judges – not just a token one or two, but several. The first ever woman Vice-President of the Court of Appeal (Criminal Division) is our patron. And we have now had the first female President of the Queen's Bench Division and 3 women Supreme Court Justices including, of course, its first woman President in Baroness Hale. In recent years at least 25% of recommendations for Queen's Counsel have been women. 33% of partners in solicitors' firms are women, an improvement in the last decade, but there is much still to do, as more than half (59%) of non-partner solicitors are female.

But until women are a norm, and no longer a surprise, in courtrooms and boardrooms across the criminal legal industry – partners, silks, QCs, judges – our work will not be done.

You can read more about our work on our website: www.womenincrimlaw.com or follow us on Twitter @WomenInCrimLaw or on LinkedIn. You can join in the conversation by watching our various panellist videos <https://www.youtube.com/channel/UCA8GYE34pvKKHdRPogSTD3Q>

If you would like to get more involved, please do join us as a member or get in touch by emailing us at womenincrimlaw@gmail.com.



Katy Thorne QC

- Founder and Chair of Women in Criminal Law
- Doughty Street Chambers

Chloe Birch

- Vice-Chair of Women in Criminal Law
- Carmelite Chambers

¹ [https://www.counselmagazine.co.uk/articles/gender-at-the-bar-fair-access-to-work-\(4\)](https://www.counselmagazine.co.uk/articles/gender-at-the-bar-fair-access-to-work-(4))



Disability and the Bar

A regular refrain of the Bar Council and the Inns of Court is that the profession strives to ensure that we reflect the diversity of the society which we serve. Despite this laudable ambition, as respects disability we still fall short.

The BSB collects data on diversity at the Bar as part of the "Authorisation to Practise" system. These statistics then make their way into the BSB's annual report on diversity. The report published in January 2021¹ ("Diversity at the Bar 2020") indicated that of those members of the practising Bar that provided data on disability, 6.3% declared a disability. This is in stark contrast to the 11.3% of the country's employed working age population² (those aged 16-64) and the estimated 18% of the working age population that has a disability³.

There are a variety of reasons for the poor statistical picture. It is possible that many barristers with disabilities are reluctant to disclose this fact. Further, anecdotally it appears that the enormous cost of qualification plus the risk of not getting pupillage/tenancy puts off many disabled students from coming to the profession. Physical access remains a significant problem too. A wheelchair user is likely to struggle to get into many parts of the court estate. Chambers (especially those in the Inns) are not ideal for those with mobility problems. There

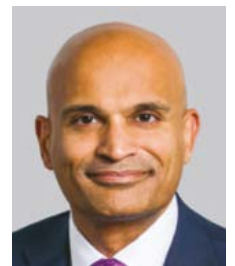
is also the problem of disabled students, pupils and practitioners facing very real discrimination. The Bar Council's Disability Panel (which I chair) regularly receives calls for advice and assistance raising issues ranging from an unlawful refusal to make a reasonable adjustment to outright direct discrimination.

Despite these problems, I am confident that in the future things are likely to get better. Modern technology has a large part to play in this. For some time before the pandemic, disabled practitioners have argued for more use of virtual hearings. The response was often that this was simply not possible or at least not desirable. One positive outcome of the Coronavirus Pandemic has been the increasing move to digital hearings. For many disabled practitioners the ability to conduct court hearings from their suitably adapted home/office without the need to brave public transport has been a boon. If the use of digital platforms for court hearings continues it is likely to significantly benefit practitioners. The future is likely to see continued use of digital platforms for conferences with counsel and seminars too. All of which will assist with making the profession more accessible.

The Inns are doing more to help. This ranges from outreach events focused on disability to providing financial support to

students/pupils with disabilities. The Bar Council's Wellbeing at the Bar initiative⁴ and the Bar Council and specialist bar associations' increasing emphasis on mental health awareness is highlighting that mental health problems are nothing to be ashamed of and that those who need it can and should be supported. The Bar Council is increasing its support to the profession through the toolkits and guidance available to help ensure that Chambers can meet their obligations.

There is still much work to be done to make the profession fully accessible to disabled practitioners but the profession is pro-actively taking steps to address this. Further advice and assistance on disability issues can be obtained from the Bar Council's Disability Panel – which can be contacted via Sam Mercer, Head of Policy, Equality & Diversity and CSR at the Bar Council, at smercer@barcouncil.org.uk.



Faisal Sadiq

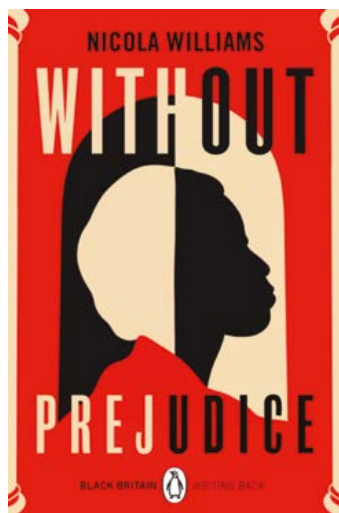
- Hardwicke Chambers
- Chair of the Bar Council's Disability Sub-Group

¹ Published January 2021

² Office for National Statistics datasets: A08: Labour market status of disabled people using Equality Act Levels (People).

³ Disability Facts and Figures (8th Ed), Papworth Trust

⁴ <https://www.wellbeingatthebar.org.uk>



THE ROAD TO "WITHOUT PREJUDICE"

1997. I was at that 'in between' stage of private practice: not a rookie (I had been in practice for a few years and was a tenant at my Chambers) but not yet fully established – or at least it didn't feel that way. That was how I remembered life at the Bar then, especially being both female and Black. Like everyone, I was so busy working – building up a practice, travelling up and down the country, trying to get good results with every case so that my solicitors would continue to instruct me whilst simultaneously endeavouring to outrun the nagging feeling that every case might be my last – that I would barely stop to draw breath, let alone to smell the roses.

I had always loved to write, and I still remember the angst-filled poetry of my teenage years. I loved legal fiction, and still do, but as much as I admired Grisham, Turow, Frances Fyfield and all who were writing in this genre at the time I had yet to read about a Black protagonist, let alone a Black female lawyer at the heart of the narrative. In addition, with rare and notable exceptions, most legal thrillers were set in the US and even in the late 1990's Horace Rumpole was still the first person who came to mind when thinking about a fictional barrister – amusing but hardly contemporary, even back then. This is what led me to write "Without Prejudice", toiling away between midnight and 4am, grabbing a few hours sleep before getting up to start my Court workday, as well as any little time snatched from the weekends as I struggled to maintain some kind of work-life balance.

Like me, the protagonist Lee Mitchell is a Black female barrister who had to overcome a lot both to get to the Bar and to maintain her place in Chambers, building a successful practice along the way. Fiercely ambitious, she is given the type of high-profile, career defining case every criminal barrister dreams of, but discovers her lay client is her most dangerous adversary.

First published in July 1997, my novel, republished by Penguin in February 2021 now has a second life – having been one of six books championed by Booker Prize winner Bernadine Evaristo. I can't put into words how honoured I am for this.

It's interesting to see what has changed with regard to the depiction of life at the Bar. Back in 1997 Lee was the only BAME person in her Chambers; happily, that wouldn't happen in 2021. Social media was unheard of (it's easy to forget Facebook was only founded in 2004); cybercrime was something associated with huge organisations or states, not individuals; and the amount of money involved in the fraud in Lee's trial, significant then, would hardly be considered so now.

However, some things, sadly, have not changed that much. Many BAME barristers, as well as solicitors and even members of the judiciary, report daily instances of subtle (and sometimes not so subtle) acts of discrimination that are corrosive both professionally and personally. This has been heightened, for everyone, by the last

12 months we have all experienced, underpinned by COVID and the Black Lives Matter movement – both brought together horribly when, because of lockdown, we were able to watch in real time the killing of George Floyd and witness the justified outrage manifested in protests both across the US and around the world. The issues his death and the protests have thrown up are new to some, but for others they are distressingly familiar and triggering.

However, the good thing that has come out of something so shocking is a willingness to take an unflinching look at diversity and inclusion generally (and race in particular) and to embed policies and practices in whatever areas we work to put matters right. This April issue of The Circuiteer has a focus on diversity and inclusion and is a perfect home for an article about my novel and what light it sheds on these issues between 1997 and now.

And yes – Lee will be back!

Nicola Williams is the first Service Complaints Ombudsman for the Armed Forces, appointed in January 2016, following a year in the role as the Service Complaints Commissioner for the Armed Forces. She sits on the Executive Committee of the Ombudsman Association. She was appointed as a Crown Court Recorder sitting on the London and South Eastern Circuit in 2009. She was the Complaints Commissioner for the Cayman Islands – the territory's sole Ombudsman – from August 2009 to January 2015. Between 2004 and 2009, Nicola was a Commissioner at the then Independent Police Complaints Commission. From 2001-2004 she was a Board Member at the Police Complaints Authority. Between 1985 and 2001, Nicola was a barrister in private practice specialising in criminal law and police misconduct. During this time she was the author of a successful legal thriller, "Without Prejudice" published by Hodder Headline. She is involved in mentoring and is a member of Speakers for Schools.



Nicola Williams

• 1MCB

THE KALISHER TRUST



Michael Kalisher QC who was Head of Chambers at what is now 2 Hare Court was a leading light; an exceptional advocate and a champion of the independent Bar. He was though respected for more than his skill as a criminal Barrister. Michael possessed a spirit of generosity. He made time... quality time for those who sought him out for it. Anyone, at any level, who asked for his advice was greeted with warmth and instilled with wisdom. The young, beginning their careers, were especially greeted with kindness and many senior and respected counsel today remain indebted to him for his warmth and insightful counsel. Regrettably Michael died early in the prime of his career in 1996. In his honour that year saw the birth of a charity bearing his name; the Kalisher Trust. The motivation behind the establishment of the Trust is still relevant today, arguably more so. This article details the reasons for the existence of the Trust and the work it is engaged in.

A non-traditional journey

I didn't know Michael. As he carved out a brilliant career I, by stark contrast, entertained not one thought of a career in law; much less to enter the "elitist" profession of the Bar. I left school aged 16, my relationship with formal education complete. The rite of passage for "boys like me", black African-Caribbean, working class, was, at best, to become skilled tradesmen. The idea of a career in law – or any professional career rather than getting a job – was almost unheard of. No one in my school entertained thoughts of practising law. It wasn't so much that students lacked ambition, it just wasn't a topic of conversation; we didn't know. No one, pupil or teacher, ever spoke of university and our potential to take our rightful place there. The only person I knew who had gone to university was an aunt; a teacher who by the time of my teens had relocated to the Caribbean. Nor was there any encouragement from society at large. It is said that to be it you must be able to see it. The fictional dramatisation of the legal profession seemed to match the Bar's make up. Rumpole of the Bailey; Kavanagh QC; Judge John Deed and Mark Darcy in Bridget Jones Diary. No fictional barrister has ever looked like me.

Taking matters shortly I entered law by default. Having learned and practiced a trade for almost a decade I decided upon change and to do something completely different. I had a large collection of vinyl records; jazz, funk, and soul. I knew the market for rare vinyl and critically was able to source them for clients. Things went well. I returned to education part time, a business course. One component was contract law. I enjoyed and excelled in it. I was encouraged to progress further and apply to university. I did, successfully graduated, undertook my Bar finals thereafter and the rest, as they say, is history. As I progress toward my twenty first year of practice, I still vividly recollect my school experience. The low expectation, the lack of motivation and ambition from teachers for boys like me remains visceral. Thankfully I've been able to commute that experience for the benefit of others. Throughout my entire career I've mentored young people. Not just those with ambitions for the Bar but generally. I am utterly committed to ensuring that young people, especially the marginalised, recognise and fulfil their potential.

Diversity

Though I never met Michael Kalisher QC, through the Trust (in part) he has a legacy. I see it in the work of the Trust. His spirit lives and meets mine at the crossroads of support, encouragement and assistance to young people. I was appointed a trustee of Kalisher in 2020 and am very proud of what is an honour. The Kalisher Trust is a legal charity which helps, encourages and inspires young people to achieve their potential through the development of positive advocacy skills; and supports those who aspire to become criminal Barristers. The Trust has an extensive programme, which includes a dedicated education arm. It has a number of aims, the principle one being to achieve greater diversity at the criminal Bar and increase the proportion of publicly funded barristers from under-represented groups. I hope no one needs persuading of the value of diversity generally and specifically at the Bar. Britain could not have achieved greatness without diversity. It is omnipresent. From the classic "English cuppa", sugar from the Caribbean, tea from India, china

from...China, to the amazing spectacle of the London Olympic games in 2012, to the essential NHS upon which so much critical reliance has been placed during the Covid pandemic. Diversity at the Bar is critical to maintaining confidence in the profession and to achieve at least a sense of fairness and justice. Diversity enriches a conservative profession steeped in English history. Long before I knew of the debates about whether "objective truth" exists I had been counselled that "truth is 360 degrees". The greater the Bar's insight, perspective and experience, the more we round the circle and the more in tune the profession can be with modern day Britain.

The Bar has made progress on diversity. Evidence of it can be seen in the BSB's annual report about our progress. Its scope is beyond this article. We cannot however rest on past achievements especially as in some years that progress is reversed. With the challenges of higher education funding; reduced legal aid; reductions in pupillages; and now the pandemic's impact upon the Bar it is critical that we continue to exert pressure to create greater opportunities. There also remain areas of our profession which really must do better. The work of the Kalisher Trust is an effort to do better and to recognise talent in all its guises.

The Work of The Kalisher Trust

The Trust has a unique remit. Its mission statement is to promote the advancement of legal education and the study of all branches of law. The Trust's work operates at each end of the spectrum, educating the very young, from primary school age upwards, and providing guidance and education to those about to launch their careers at the criminal Bar. If the Bar wants to attract diverse talent it has to be prepared to locate potential where it finds it. It is an unsatisfactory response to say "they" don't apply. The Trust recognises this and has established outreach programmes. The current BSB report on diversity identifies that a disproportionate percentage of entrants to the profession attended independent fee-paying schools. The Trust meets this imbalance head on; with programmes that give practising Barristers the opportunity to visit state

schools, meet pupils, engage and excite their imagination about the practice and principles of law. It runs specialist focused seminars directed at under and postgraduates from under-represented communities who are considering a career in law; ones which offer real insight from experienced practitioners into the process of applying for pupillage and what to expect from interviews.

The pandemic has presented significant challenges to the continuation of the Trusts' work. But where there's a will there's a way. Since March 2020 the Trust has established a virtual presence. It has carried out virtual training sessions on aspects of life at the Bar, reaching over 1,000 viewers. Outreach sessions continue with partner universities, for those considering reading law as an undergraduate. The Trust has recorded 4 short films on life as a barrister within the Crown Prosecution Service. Through its partnership with two academy Trusts, with schools across London, East Anglia and the Midlands, it continues to engage students and incredibly has engaged with almost 100 sixth-form students since the start of the pandemic.

The events organised by Kalisher capture imaginations. Once minds are captured

however it is crucial to create opportunities which maintain and support them. There is a misnomer in some quarters that once a young mind is seized of the level of focus and ambition required to achieve a career outcome the job is done. It's not! Just as we know, for example, there are many young people desirous of a professional sports career who never enter their chosen field of play, talent and drive are only part of the story. Finance, caring responsibilities, discrimination, trauma, lack of advice, poor health, and lack of access disproportionately impact those from marginalised backgrounds. To meet these challenges the Trust offers scholarships, internships, mini-pupillages, and essay awards. All are designed to, and do, provide invaluable experiences and continued support for talented young lawyers. I could continue to wax lyrical about the Kalisher Trust. It may however be better to defer to those who have benefited from its work.

Addressing the Trust's scholarship, one recipient wrote "...the rewards are simply invaluable on both a personal and professional level and I do not feel it an exaggeration to state that being awarded the Kalisher Trust LLM scholarship has been a life-changing opportunity for me".

The Principal of a school wrote: "It is an incredibly worthwhile learning programme for students in many different and challenging ways. You can visibly see them grow in confidence from the experience". A 6th former wrote "You have made such an impact on my life. I now know something, law is the career for me..." Perhaps if the Trust had attended my school I might have realised a lot earlier that law was a career for me too. Perhaps generations of young people might. The Kalisher Trust is working hard to change the landscape and we, the profession, must give access and accede to its ambitions.



Garry Green

• Doughty Street Chambers

Siven Watt

My commitment to a career at the Bar stems from a long-held sense of injustice. Growing up in South Manchester during the 90s — when the city was widely dubbed "Gunchester" — exposed me to the realities of the justice system and state impunity. One of the few men in my very big family not to have been incarcerated, I often overheard "adult kitchen talk" about mysterious characters — barristers — who helped exact justice and accountability. My teens were challenging: several school exclusions for being "too outspoken"; coming out as gay aged 15 and being shunned by loved ones, friends and the community. It opened my eyes to discrimination and left me feeling somewhat voiceless. But I learned to advocate for my own rights or face injustice.

Kalisher has propelled me at speeds and to places that were unimaginable two years ago. A scholarship to intern at JUSTICE — working on Racial Disparity in Youth Justice — opened up the floodgates to opportunities. I marshalled HHJ Rafferty QC at the Old Bailey, spoke at high schools alongside senior judges, and worked with senior practitioners to deliver legal workshops in prisons to those serving life sentences. I now work as JUSTICE's Senior Legal Fellow, leading on implementation work for the When Things Go Wrong report and co-leading a project on parole. I also write the Early Edition, a daily guide to U.S. national security developments for Just Security, part of the Reiss Center on Law and Security. These have honed my research and drafting; built my confidence to speak with practitioners on complex legal issues; and expanded my professional network.

I still have challenges ahead — securing pupillage, tenancy and staying the course — but the above votes of confidence, as well as receiving the Gray's Inn Prince of Wales Scholarship, make the career feel more attainable than ever before.



If you are interested in volunteering for the Kalisher Trust, feel able to donate or would like to learn more about the work of the Trust, you can find out more:

Follow us at Twitter: @kalishertrust

Web: <https://www.thekalishertrust.org>

BME Legal

The Journey So Far

My experience of obtaining pupillage at Outer Temple Chambers was quite a journey.

As a student, I had been selected for highly competitive outreach initiatives by both the Inner Temple and Middle Temple. As a result, I received guidance from practising barristers and I thrived due to a diet of mock interviews, professional workshops and advocacy opportunities. This was imperative to my success as the statistics for black students hoping to enter the profession do not make for good reading. The BSB found that when controlling for first degree class and BPTC grade, BPTC graduates from BAME backgrounds who enrolled from 2014-2018 were less likely to have commenced pupillage than those from white backgrounds. For instance, of UK/EU domiciled BPTC graduates with an upper-second class degree and Very Competent overall BPTC grade, 45 per cent of them from white backgrounds had commenced pupillage, compared to around 25 per cent of the BAME cohort with the same degree class/BPTC grade.¹

Although I chose not to dwell on statistics, I could not ignore the lived experience of those around me. I met many impressive black and ethnic minority students on the Bar course, some of whom were working to support themselves and others with significant caring responsibilities. When I announced my pupillage offer online, I received an influx of requests for mentoring and support with the pupillage process, particularly from young black women.

The structural barriers for non-traditional applicants entering the profession are well known and need not be rehearsed. But the best approach to supporting talented and diverse individuals in navigating the pupillage process is something which required considerable thought.

Both Dame Linda Dobbs DBE and Richard Honey QC were only too happy to advise me when I approached them about devising an initiative with the goal of equipping more black and ethnic minority students with the skills to obtain pupillage and prestigious scholarships. Spurred on by

their encouragement, I set up the BME Legal Intensive Support Programme ("the ISP") in November 2019.

The fact is that no one succeeds without the help of others. Outer Temple Chambers, Red Lion Chambers, Francis Taylor Building and 25 Bedford Row were among the first to provide support. From hosting us in their chambers to leading professional workshops equipping the mentees for success. The focus of the ISP is on providing quality training and working with the unique skillset and personality that every participant brings. Getting a place on the ISP is a highly competitive process, with a paper sift, an interview, an advocacy exercise and just a handful of places.

The outcomes speak for themselves. In the first year of the programme four of the seven participants that applied were awarded prestigious Inns of Court Scholarships and two of the nine that applied for pupillage have been successful, with others to follow no doubt. Grace Khaile, having participated in the BME Legal programme, obtained pupillage at a tier 1 ranked chambers in London. She said of her experience on the programme:

"Without the initiative I would not have met my mentor, Fiona Robertson of 2 Hare Court. Her support, and assistance was a significant driving force in me obtaining pupillage in my first year of applying. She availed herself at all times, took me under her wing and encouraged me to believe that I belong in this profession. I am beyond grateful to BME Legal for allocating Fiona Robertson as my mentor. Alongside being allocated a practising barrister as a mentor, we also had immensely useful professional workshops to help us through the application process. Overall, the ISP training developed my skillset which enabled me to be successful in my pupillage applications and interviews. The programme reminded me that there are students who are going through the same process who look like me and have similar backgrounds/experiences as me. The pupillage application process can be a very difficult and lonely experience, but fortunately for me I had the support of other ambitious and driven people."

Richard Honey QC, in remarking on the impact of the programme said:

"The programme has been a fantastic success and has made a real and tangible contribution to the prospects of those participating. There are some who would not have secured the scholarships or pupillage interviews they did without the support of BME Legal."

The future for the BME Legal Intensive Support Programme will be enriched with more collaborative working. Not only do we use feedback to constantly improve our offering, we also share qualitative data when contacted by chambers seeking to develop their approach to equality, diversity and inclusion. The profession is looking inward and seeking to evolve. BME Legal is committed to assisting with that process.

One of our volunteers, Miranda Grell of 10 King's Bench Walk, said:

"I am delighted to have participated in the inaugural year of the BME Legal programme as a mentor. The programme is well organised, lively and varied with a range of activities and opportunities for both mentees and mentors. I have enjoyed contributing to the group sessions as well as working individually with my own mentee. I wholeheartedly recommend BME Legal as an excellent programme doing great work to equip future lawyers with practical skills and confidence."

All of this is to say that if you are reading this and reimagining a new, more diverse Bar of England and Wales then the time is now; join us in our endeavours. If you would like to partner with us at BME Legal, then please reach out to bmelegal@outlook.com or follow us on social media.



Adeola Fadipe

- Pupil Barrister
- Outer Temple Chambers

¹ <https://www.barstandardsboard.org.uk/uploads/assets/3f953812-cb0e-4139-b9dcc76f085de4e2/BPTC-Key-Statistics-Report-2020-All-parts.pdf>



Safety during the second wave of the Covid19 pandemic (Nov 2020 to Feb 2021)

A court user's perspective

On 13th November I noticed a tweet from HMCTS that said, "NHS Test and Trace QR code posters are being introduced in our buildings. Although it's entirely voluntary, we encourage all court and tribunal users to scan the code via the NHS COVID-19 app on their arrival, to support Test and Trace activity".

This was a real surprise, not because it was a bad idea, it was clearly the obvious thing to do when entering a public building but because it differed from previous guidance which had read, "If you are using the NHS Covid 19 App, please remember to pause the contact tracing in this area." You would be forgiven for wondering why court users were being asked to disable such an important function on the NHS Covid 19 Application. The answer was that there were "screens in place to protect you".

That request was heavily at odds with the advice given to members of the public entering other public spaces at the time. In March 2020 the courts were deemed an essential public service. All barristers were designated as key workers days before the 23th March shut-down of the Crown Court to all in person hearings because of the risk to safety for all court users, with the virus by then two weeks into being declared a global pandemic.

The Courts, along with all other similar public spaces in which large numbers of people congregate indoors, in close proximity and for a substantial period of time, presented a danger to public health for all court users. That had been



the known risk since 1st March 2020 and the Criminal Bar had made that position clear in the weeks leading up to the suspension of hearings.

Meanwhile, a national contact tracing system was one of the essential planks within the Government's planning to support a safer exit from the country's first national lockdown last summer, to help mitigate the impacts of any second wave of Covid19 coinciding with the usual winter seasonal flu outbreaks; a scenario that SAGE had been warning was likely as early as September 2020.

The emphasis on both having an effective test and trace system in place and ensuring high take-up and "buy into" the system by all members of the public was made clear, not least to ensure all our essential services could continue to operate. It had been made clear that all essential workers, from doctors and

nurses, to teachers and criminal barristers, should act responsibly and actively participate in the test and trace system as essential workers; from hospitals and schools to the Crown Court. The system relied on the professionals involved playing their part.

The unwritten social contract for essential workers complying with the national tracing system has been that in return, Government would do all it could to join the dots and ensure the appropriate systems were in place to reduce the risk of infected human vectors moving in and out of those essential public spaces.

With all this in mind, many across the criminal justice system may understandably question the approach taken by HMCTS up until November requesting all court users to turn off contact tracing at the point of entry into the court building. That this approach was being advised so prominently, at a time when there were mounting calls to lock the country down for a second time, to try and avert the worst effects of a second wave already well underway, looks – arguably – reckless.

At this point it is important to look at the accepted rationale for contact tracing as a general method or tool. Contact tracing was not born of Covid19, it is a widely accepted and well-established method for controlling the transmission of infectious diseases. By now, we all understand that the basic principle involves an infected person recounting their activities, movements and contacts to establish who might have been exposed to the virus in question. With a highly infectious virus such as Covid19, where those infected are often asymptomatic or where symptoms can be mild or take days to appear, contact tracing is all the more important where the aim is to control its spread.

HMCTS @HMCTSGovuk · 13 Nov 2020
NHS Test and Trace QR code posters are being introduced in our buildings. Although it's entirely voluntary, we encourage all court and tribunal users to scan the code via the NHS COVID-19 app on their arrival, to support Test and Trace activity. #HMCTSCovidResponse

It would seem to make little sense therefore, prior to November 2020, for HMCTS to request court users to pause contact tracing when entering HMCTS buildings, not least because the entire population was being asked to download the NHS Test and Trace Application and use the contact tracing function to reduce the spread of the virus. By pausing the Test and Trace function, it would be next to impossible to take the sort of evasive action such as closing a court room or entire court building down, that may be required, should contact tracing reveal severe outbreaks around certain courts. Without the data, in effect the clock could be turned back to those end of February – early March 2020 weeks where, for some court users, it felt like a case of “see no evil, hear no evil, speak no evil”.

HMCTS was at the time committed to reaching its stated aim of at least 200 court rooms “useable for trials” by the end of October, in order to address a trials backlog that has grown week by week since the summer of 2019. Closing down entire court buildings as a result of contact tracing would necessarily threaten the Criminal Courts Recovery Plan. Maintaining a continuous and effective contact tracing system in the





Criminal Courts may also have had a significant impact on the Court's ability to hear cases "in person". The question has to be asked whether HMCTS was more concerned with its own performance- as measured it seems by numbers of trials listed rather than those concluded, compared to those that were postponed; or the safety of court users and court staff? HMCTS has always maintained that it puts the safety of the courts on an equal footing with the performance of the court system and that it always adheres to the latest guidelines of Public Health England Wales.

On 5th January 2021 the Lord Chief Justice, Lord Burnett of Maldon published a message at the start of the third lockdown. Understandably, his message emphasised the need for courts and tribunals to continue functioning. His message also underlined the fact that in person appearances, where necessary, were permitted within the regulations. Importantly, the Lord Chief Justice also stated, "The significant increase in the incidence of COVID-19 coupled with the increase in rates of transmission makes it all the more important that footfall in our courts is kept to a minimum. No participant in legal proceedings should be required by a judge or magistrate to attend court unless it is necessary in the interests

of justice. Facilitating remote attendance of all or some of those involved in hearings is the default position in all jurisdictions, whether backed by regulations or not."

This was a significant and welcome statement from the Lord Chief Justice. An expectation followed that the majority of hearings would, temporarily, be heard remotely. Sadly the reality was at odds with the expectation. Many courts and court rooms were not sufficiently equipped with technology to allow for remote hearings, some judges were reluctant to utilise the technology and, in many cases, advocates were being told that formal applications were required before the court would list a case for a remote hearing. Even worse, it was proving very difficult to communicate with some courts, particularly Magistrates' Courts. Court centres such as Norwich Combined Court should be congratulated on their use of CVP/remote hearings. Some other court centres fared less well. At the time of writing, it would appear that most courts are now listing cases remotely where appropriate, but there are still too many examples of cases being listed for in person hearings where there is no obvious need to do so.

Throughout the pandemic, professional court users have been told that HMCTS court buildings are "Covid Secure". Rather than taking a transparent and helpful approach to providing safety/risk assessment information to court users, HMCTS has insisted that individual professional court users must contact a senior manager at each court to request up to date safety/risk assessments. This procedure places the burden on professional court users to make a request and to wait for a response. It also deflects court staff away from court administration duties to answer individual requests in circumstances where court offices are often working with reduced staffing levels due to self-isolation. HMCTS continue to refuse to publish all Covid safety/risk assessments, allowing ease of access for professional court users. A recent FOI request highlighted the fact that Public Health England have only visited two court centres since the start of the pandemic, both in London; the Central

Criminal Court and Southwark Crown Court. Who is checking that these Covid safety/risk assessments are being properly adhered to and why make it so difficult for professional court users to access safety/risk assessments? None of this inspires confidence.

There is an immediate need for Covid testing at all court centres. Whilst it is positive to see pilot schemes in place at Manchester Civil Justice Centre (January 2021) and Southwark Crown Court (from mid-February 2021), lateral flow testing needs to be available at all court centres without delay. The need for an immediate roll-out of lateral flow tests across the entire criminal court estate was made clear more than three months ago with the CBA raising the issue with HMCTS before Christmas, when most of England was already in tier 4. In January 2021 the Chair of the Criminal Bar Association made the position on lateral flow testing transparently clear asking that Government "take seriously the safety concerns of the Criminal Bar and the wider court staff infrastructure ... A mass testing system needs an immediate, court-wide roll-out. Measures are introduced too slowly and fail adequately to address concerns ... We need testing brought in immediately. Testing kits should be on their way to all court centres now."

Two months on and two pilots are currently underway for lateral flow tests across two court centres. Speed is of the essence. A virus will not wait for the entire country to be vaccinated and those awaiting justice – complainants, witnesses, defendants – deserve better.

Testing at court is not enough, unless it is properly supplemented by lateral flow testing for all prisoners/defendants and staff attending from prisons. There have been too many occasions where professional court users and court staff have been exposed to the virus in circumstances where prisoners are produced at court without a negative test.

The most illuminating and concerning development with regard to the recent response of HMCTS to the pandemic (between November 2020 and February 2021) is the news that members of the Public and Commercial Services Union working at Liverpool Law Courts and Snaresbrook Crown Court have backed industrial action. Mark Serwotka, the PCS general secretary was recently quoted in The Independent (Saturday 6th March 2021) as saying, "This vote for strike action is an indictment of management's refusal to take Covid in the workplace seriously." HMCTS faces criticism for both their approach to safety at court and the tardiness of its response to what remains the tried and tested way to address the root cause for so much of the delays that are now being felt post Covid19 within the court system. Namely, a shortage of safe spaces to host all the hearings that must remain in person, if we are to emerge from this pandemic with a criminal justice system that we all recognise as one that still maintains a quality of justice that the public expects, and court users deserve. There has been some progress but there is much more to be done; time is of the essence.



Tomas McGarvey

- CBA Executive Committee & Member of the Covid Safety Group
- SEC Committee
- Church Court Chambers

VALEDICTORIES



Di Middleton QC

24th November 1965 – 9th February 2021

Di Middleton was an incredible woman. Since her death in February, hundreds of people from across our profession and beyond have written to express how much she meant to them. Di knew people, their strengths and failings. She was a natural and creative jury advocate and a skilful lawyer.

Di was held in great affection not only for her professional achievements but because of who she was. To be in a trial or in the robing room with Di, was to be treated to her dark sense of humour, her wonderful company and enthusiasm. She encouraged many to appreciate that they too could have a successful career in our profession without compromise, both through

what she represented but through individual acts of encouragement, advice and support. She was her true self in and out of the courtroom.

Di began her career in teaching before coming to the Bar; practising at 1 Pump Court and Took's Chambers before joining Garden Court Chambers where she took Silk, defending in allegations of the utmost seriousness and complexity, in particular terrorism, trafficking and murder. Her short career in Silk was phenomenally successful. When her cancer returned, Di went back to the other things she loved: she travelled across Europe to see Corbusier architecture and to the Venice Biennale, to visit friends in Italy, to the Malta of childhood holidays, she camped outside Naples and across Scotland, she swam off Guernsey and paddle-boarded off the South Coast. Di had been interested in architecture since childhood, in particular municipal buildings and how these spaces can be used to benefit the community. She was involved for many years in the planning and design of Plot 10, an award-winning and innovative building for children in Kings Cross which she saw through its recent construction. In her younger years, Di was a keen rower and her medical team were amazed by her physical strength and determination.

Di faced her illness with immense dignity and gratitude for the care she received from UCH. She had great enthusiasm for life, for music and books, politics and history, for the Archers, for the little things, for cheese or a good coffee, for swimming in the sea and walking her dogs, the small things, which often are the bigger things when all is said and done. She was deeply loved and is greatly missed by us all.

Stella Harris and all at Garden Court



Jason Dunn-Shaw

It was with great sadness earlier this month that news of the death of Jason Dunn-Shaw was received by members of the Circuit, on which he had been a well-known and much-loved figure since the early 1990s.

Jason was a participant in the very first advocacy course run by the Circuit at Keble College, Oxford in September 1993 – at which both his natural ability and his potential to shine in the courtroom were plainly demonstrable to those who saw him perform. In the intervening years, he went on to prove that he was amongst the most talented advocates of his generation; his loss is a grievous blow.

Jason grew up in the Midlands. He was educated at Malvern College in the early 1980s where, it will surprise none who knew him to learn, he shone upon the school stage. *The Malvernian* of those days records a number of stand-out performances, ranging from Webster to Wilde but culminating, of course, in his Algernon in which he was described as having been “deliberately suave ...rolling off the more famous lines with great relish”.

He went up to Manchester University in 1984 where he read English Literature and Language and, as with everywhere he went, he made many friends. He gained a place to complete a Masters at Cambridge but decided instead to travel and did so extensively after his degree. Subsequently, he settled for a while into teaching in the Kent countryside – the county where he was to spend the later years of his life and of which he was very fond.

Towards the end of the 1980s his mind turned to the Bar and he began his legal studies in central London at the University of Westminster. It was during this period that Jason first met the love of his life, his devoted partner Martin – with whom he was to spend the rest of his life. In due course Jason was called to the Bar by Lincoln’s Inn in 1992 and started pupillage in the Chambers of Michael Worsley QC at 6 King’s Bench Walk as the pupil of Anthony Leonard.

Jason proved to be both a fearsome and a fearless advocate, with a formidable intellect. Whether prosecuting or defending, his enthusiasm and his commitment to the cause in respect of which he was engaged was always total. Like many in 6KBW, he learnt much from the wise counsel and friendship of the great Ann Curnow QC, with whom he was particularly close. In due course, Jason himself became a committed and inspiring pupil supervisor – always prepared to listen, to discuss and to help aspiring advocates: amongst the ranks of his former pupils now lie Treasury Counsel, Circuit judges and Government ministers.

In court, as much as he was fearless so too was he utterly charming, liked and admired. On one occasion, after a long and hard-fought trial, he successfully persuaded an initially sceptical Vice President that the Court of Appeal should quash a confiscation order passed by a then Senior Circuit Judge on grounds of appearance of bias. This (together with a successful appeal against the length of the sentence) did not stop Jason maintaining an excellent relationship with the Judge in question – and the two of them later chatted the night away at the dinner Jason hosted. As a Recorder of the Crown Court, he was much admired for his humanity and fairness.

On a personal level, at various stages of his life he faced more tragedy than a person should endure. He also experienced some real highs – notably the birth of his nieces during the 1990s. But he never allowed the vicissitudes of life to disturb or to destroy his affection for those for whom he cared, and his abhorrence of unfairness remained undimmed.

Martin and he married in June 2007 on a splendid summer’s day. It was the most glorious of occasions. To those who were in attendance Jason never seemed happier.

On the day to day, he loved the Criminal Bar. He thrived on the cut and the thrust and the challenge of it all. He was never happier than when standing in the sunshine outside the Edgar Wallace, glass in one hand, cigarette in the other, resplendent in his expertly tailored suit – a magnificent figure – there he was, relaying the story of some sparkling cross-examination or pithy put-down of a recalcitrant judge which had been the meat and drink of his day.

He was proud of his calling. And we were proud of him.

The courts and the robing rooms of the South Eastern Circuit will be a far poorer place without him.

Duncan Penny QC and Peter Ratliff



Franco Tizzano

Franco Tizzano studied at Polytechnic of Central London and was called to the Bar in 1989. He was a member of Middle Temple. Before coming into private practice he worked for the DTI.

Franco was one of the founding members of Farringdon Chambers. His enthusiasm, drive and energy were an essential component of the initial survival, then the growth and ultimately the flourishing of chambers. He was the oil that allowed the engine to run smoothly. Without him, there is no doubt that our development would have been much bumpier.

Franco had an excellent criminal practice both as a leader and junior and he had a wide range of very loyal instructing solicitors. He worked incredibly hard on his cases and that was demonstrated by the quality of both his written and oral advocacy. He was fastidious in his preparation and was always totally committed. A professional in every sense.

As talented as Franco was it was his interpersonal skills that set him apart and for which most remember him. He was kind, considerate and approachable. He left his mark with all those who worked with him and it was always positive. He treated everyone equally and gave people his time. The messages of condolence and conversations had with colleagues and friends at the bar pay tribute to a highly respected, much loved and greatly missed man.

Away from work he enjoyed cinema and had a wide knowledge of films. He was for many years a member of the British Film Institute. He had a passion for playing and watching football. He was a fan of the Azzurri and Chelsea. He had played semi-professional football in his youth. He was also a very keen gardener and loved nature.

He was very proud of his Italian roots. He spoke fluent Italian. He was always immaculately dressed and well groomed. He never looked flustered. He had an inner calm.

He was devoted to his family who were with him when he passed. Our thoughts and prayers are with them.

Franco was a true gentleman. A great friend and colleague. His passing at 56 years of age is a tragic loss to Farringdon Chambers and to the Bar.

Ian Henderson QC



John Collins

The Sussex Bar Mess is sad to report the death in late 2020 of John Collins, affectionately known as JC, the founder, and Head of Westgate Chambers. Although from a famous Cork family, JC grew up in Dublin, before moving to London. In and out of court, he was a natural raconteur who always amused juries with a series of anecdotes mainly based around the fictitious and unfortunate Murphy family. JC had a highly successful criminal practice, based upon a natural charm, in the 70s and 80s. His work included working with John Mortimer QC, author of the Rumpole series, in a series of famous obscenity cases. He was also counsel for one of the defendants in the Brinks-Mat Gold Bullion Robbery/Money Laundering Trials arising from "the crime of the decade".

He decided to set up new chambers at the Westgate in Lewes in 1987. At the time stand-alone chambers outside London were rare.

JC fostered good relations with local solicitors with an innovative open approach which was frowned upon by some at the time but has since become the normal way of practice. Barristers breaking down the traditional barriers between the two branches of the profession with a willingness to have conferences in solicitors' offices and social contact.

JC's open recruitment policy gave opportunities to many from backgrounds more diverse than the then normal. A number of his recruits went on to become Judges and Silks; opportunities they might not otherwise have had. Having built up a thriving common-law set, JC passed the day-to-day management over, but kept a keen interest in his set and its members. He leaves behind a well-established busy set that grew from a handful of members at the start to over 50 practitioners.

Jeremy Wainwright QC, Chair, Sussex Bar Mess

BAR MESS REPORTS



CAMBRIDGE AND PETERBOROUGH

We are delighted that HHJ Cooper has agreed to host the first pilot dates of the 'Crown Court Observation Scheme' at Cambridge Crown Court.

We are also very pleased that HHJ Jonathan Seely has now settled into Cambridge Crown Court after taking advantage of the opening of the Judicial transfer window after the sudden death of the much-loved HHJ Stuart Bridge: he has very large shoes to fill but we he is already proving to be a popular addition to the team.

HHJ Enright has now been let loose on murder trials in Peterborough and is relishing tackling the backlog.

With improving weather and a full compliment of judges, what could possibly go wrong?

Peter Borough

CENTRAL LONDON

There have been several arrivals and retirements at Southwark Crown Court. HHJ Lorraine-Smith retired in May 2020 during the lockdown and HHJ Testar retired in January 2021. HHJ Perrins joined us from Wood Green CC during the lockdown in June 2020, HHJ Baumgartner joined us from Maidstone CC in Feb 2021 and HHJ Hiddleston joined us from Croydon CC in April 2021. Southwark now has provision for rapid lateral flow testing. The pilot went live on 15 February and has now been extended until at least 23 April 2021. The test centre is in the public canteen on the first floor. Tests can be booked in advance by emailing SouthwarkTestCentreEnquiriesandSupport@justice.gov.uk

Trials continue to take place at Prospero House the Nightingale Court on Borough High Street. Several lengthy fraud trials have taken place there, including one lasting 3 months.

A further Nightingale court in Aldersgate House was opened in March. This is located in an office building above Barbican tube station. It includes two court rooms and four consultation rooms. It will hear cases from Isleworth, Harrow, Wood Green and the Central Criminal Court.

Allison Hunter QC, 23ES, Chair of the Central London Bar Mess

EAST ANGLIA

A fond farewell to two of East Anglia's finest judges

In the last four months, two of East Anglia's finest judges have retired – and we are very sad to see them go. In December 2020 **HHJ Goodin** retired from sitting at Ipswich Crown Court, and in March 2021 **HHJ Holt** retired from sitting at Norwich Crown Court. Whilst both became Resident Judges at their respective Courts, they did so via very different routes.

HHJ Goodin was determined not to go into the law but many are glad that he did. He began by running a law centre in South London, before embarking upon his formal legal training and being admitted as a solicitor in 1980. Given his obvious qualities he was one of the first to qualify as a Higher Court Advocate in the mid 1990's and then began his long and distinguished career sitting, first as an Assistant Recorder in 1996 and then as a Recorder in 2000. In 2003 he was appointed as a Circuit Judge, one of the first solicitors to be appointed in that role. It wasn't long before he became the Resident Judge at Ipswich; taking the role in 2009 and holding the reins at Ipswich until 2017. He was able, patient and courteous at all times and brought a deep and genuine sense of fairness to the role that he performed.

HHJ Holt, Honorary Recorder of Norwich, was appointed to the Bench in 2009 and was the Resident

Judge at Norwich Crown Court. His appointment followed a distinguished career at the bar, both prosecuting and defending from 171 Fleet Street, which became Furnival Chambers. His skill in cross examination was noted by all, and Judges and opponents held him in high regard. The success he had at the Bar, was followed by a highly successful career as the RJ dealing with some of Norfolk's most high-profile cases. HHJ Holt's forty years' experience in criminal justice showed itself in many ways, he was an exceptional lawyer who was always able to simplify the most complex of issues to any Norfolk jury and he brought a calm and clear authority to the most difficult of cases. But, like HHJ Goodin, HHJ Holt didn't just provide that authority in the courtroom but also provided leadership when faced with the challenges of Covid and making our Courts safe, so that justice could continue for all.

Whilst these two men took different paths to reach the Bench, they both shared a deep sense of fairness and justice, appreciating the roles performed not just by the advocates but by all those that worked in the Court system. They were admired and respected by all. Whilst we will miss them both, we wish them the very best.

Chris Paxton QC. Chris heads the Red Lion Chambers Chelmsford Annex, and is an active member of the East Anglia Bar Mess.

ESSEX

Following the election of Christine Agnew QC as our new, glorious Leader, I am delighted to have been elected as the new Essex Bar Mess Chairman. It is, as is universally acknowledged, the finest of all Bar Messes!

As with many Bar Mess areas, it has been a strange and quiet time for us and the courts. The last year has seen some judicial musical chairs, with the departure of John Lodge from Bas Vegas to the rather more noble surroundings of Kingston-on-Thames and the consequent appointment of our very own 'Essex Girl', Samantha Leigh as the new Resident Judge. Her deputy, Ian Graham has also been licensed to kill.

In Chelmsford, we thought we would be bidding a fond farewell to Charlie Gratwicke but I am delighted to say that he is remaining on the bench for a further year. Having stood down as the Chelmsford Resident (to be replaced by the youthful Chris Morgan), he can be found roving the South East as a peripatetic murder judge, although he is currently back on home turf, refereeing a match between, amongst others, your glorious Leader and yours truly! Johnny Seely has left Essex for the more rarified air of Cambridge, where we wish him well. His place has been taken by Tim Walker, appointed to the Circuit Bench having practised at Sonn McMillan Walker, a criminal firm in London. We look forward to getting to know him better.

The Mess was delighted to see the appointment of our very own Allan Compton to silk. It is a thoroughly deserved appointment and we all look forward to celebrating with him (in a way that only he can!) when circumstances allow.

We are all getting used to the restrictions in place at both courts in Essex. Both Resident Judges have been extremely proactive in communicating with the Bar and seeking our views on what can be done to assist us: nearby courts, take note!

As the end of lockdown appears on the horizon we are, with great excitement, tentatively planning the annual Essex Bar Mess Dinner; without doubt, THE social event of the year. Pencil in the date please: Friday 19 November 2021. Details to follow.

My thanks to the Mess Junior, Nick Bonehill, for helping make the transition from Christine to me so smooth and for agreeing to stay on as Junior for a year to complete the process. Thanks too to the Misses Bailey, Carey, Hussain and Kenyon, without whom the Mess would simply not be the same!

Finally, a timely reminder that the Mess is here for YOU, its members. Do please contact us if there is anything that we can help with, especially in these strange times.

Simon Spence QC, Red Lion Chambers, Chair of the Essex Bar Mess

HERTS & BEDS

In November 2019 we held a large and well attended dinner for the hugely popular HHJ Foster, then a few months later Covid19 hit and all changed.

Since March 2020 the courts at St Albans and Luton have struggled to get capacity back up and, but for the efforts of the staff, little progress would have been made.

In the same period HHJ Bright QC retired after many years service sitting as Judge and Resident Judge at St Albans. Sadly, we could not arrange as much a lunch for him.

HHJ Mensah has also left Luton to sit at Wood Green CC and again we could not arrange for this learned and popular Judge to have a proper send-off.

It is hoped that, once things return to "normal", we will arrange a function of some description towards the end of summer, in the hope that both Judges and Bar Mess members can attend..

Kevin Molloy, Church Court Chambers,
Chair of the Herts and Beds Bar Mess

KENT

Jason Dunn-Shaw – Defence Barrister. Polymath. Iconoclast. Unpretentious.

A few weeks ago, we learned of the tragic news that Jason Dunn-Shaw had passed away. We were all shocked by his sudden death.



The description under Jason's photo above was taken from his own Twitter profile. We would add: *Sorely missed.*

There have, of course, been numerous tributes:

"Jason was indeed very mischievous and an extremely funny guy. I enjoyed every minute I spent in his company."

"This is so sad and the loss of a real character."

"Jason was an absolute star of the Bar and brightened every room he entered."

"Having sat with Jason at Maidstone during the last decade, I felt he was a great loss to the modern judiciary."

"He was darling mad annoying and utterly loyal to his friends. He will be greatly missed."

"He was a deeply kind and empathetic man, who was loved by Chambers. He was, for many of us, a mentor and a friend."

"What a painful and tragic loss of an immense talent. Jason was an extraordinary advocate. He was a game changer."

Jason was indeed a stalwart of the Kent Bar Mess and his passing is a huge loss to us all. He was such a humane, funny, brilliant, mischievous person and a fearless advocate.

Our thoughts are with Jason's husband, Martin, his family and friends.

The Kent Bar Mess will, in due course, mark Jason's passing in an appropriate way and further details will be circulated. If possible, we would like to hold a social event this summer, and if so this will be held in Jason's honour.

In other news, we bid a fond farewell to HHJ Tony Baumgartner who has transferred from Maidstone to Southwark. Judge Baumgartner's friendly Aussie accent, courtesy, kindness and patience always made him a pleasure to appear in front of.

We also send our thanks and best wishes to HHJ Stephen Thomas, who is transferring from Maidstone to Wolverhampton. Again, we shall miss Judge Thomas's understanding, ability and the sound of his two Labradors snoring over the CVP. We are very sorry to see both HHJ Baumgartner and HHJ Thomas go but they are most welcome back in Kent at any time.

We are very grateful to all the Judges and court staff at Maidstone and Canterbury for their continued support during this difficult time and for keeping us informed of the latest developments as we move slowly back to some sense of normality.

On a final note, we have booked Leeds Castle for Friday 26 November 2021 and hope that our annual dinner can take place on this date.

Don Ramble, 5 St. Andrew's Hill, Kent Bar Mess Junior

NORTH LONDON BAR MESS

The NLBM committee has been joined by Jessica Peck, Shabeena Azhar and Jonathan Mole.

Wood Green Crown Court

Nightingale Court/Annex – Hendon Site

Wood Green Nightingale Court/annex is scheduled to open on Thursday, 8 April 2021. The Court is taking over courts 1, 2 and 5 of Hendon Magistrate's Court. The Magistrates' Court will no longer sit as one from 26 February 2021. Magistrate's Court work will be distributed amongst other Magistrates' Courts, including City of Westminster Magistrates' Court. Court 1 and 2 have secure docks. Currently they can accommodate 2 defendants in each dock. The court is looking into see if it can increase to 3 defendants in the dock in court 1. Court 5 has no secure facilities but can accommodate up to 4 defendants on bail using Perspex screening. Court fibres on the 1st floor. Facilities will include rooms for conferences, robing rooms, cells and rooms for probation, CPS and administration. Court 4 will be used as a jury room. Court 3 will remain in use for immigration hearings. There will be visiting days on 29, 30 and 31 March 2021.

HHJ Lucas QC asked that Circuit Leaders be told about the Hendon site for Wood Green Crown Court. There will be an opening of the new court on 8 April 2021. This is a new court site in London rather than merely a temporary use structure.

Wood Green Crown Court Main Building

Regarding the original building in Wood Green – up until the end of 2020 the court was able to accommodate 4 trials at a time. Since the New Year active trials have been reduced to 3, but this can increase to 4 if a jury is in retirement. Bail defendants are not in the building unless they are pleading guilty and the court has been notified of such by their solicitors. This is all to reduce footfall. The position is under review.

Harrow Crown Court

Dock capacity This is improving. The court can now have 5 defendants in courts 3 and 5. The court does not have a date, however, for the screens in counsel's row to allow for up to 9 counsel in these court rooms.

Cells capacity This is still limited to 7 men and 2 women (or a child/young person) a day.

Juries/Trials The court is using courts 4 and 6 for deliberations and only jury room 2 – the largest. Only 3 juries can be sent out at any one time.

The court can, however, manage 4 -5 jury panels at any one time. There may be the need to stagger departure times, particularly at lunch to avoid congestion on the stairs. Harrow will carry on listing some floating trials as CVP counsel only. The court doesn't want parties coming to court unless and until it has a panel ready for them.

Interpreters There are headsets for all interpreters so there is no need for an interpreter to go into the dock.

Custody sentences Most cases are listed via PVL and this is the general default unless it is a difficult or sensitive case. Where no PVL slot is available in a simple case, the defendant may be produced at court if there is capacity in the cells. The defence advocate will need to attend court. The advocate can apply to attend via CVP but this application may well not succeed. HHJ Dean has said that it is hard to see how it could be in the interests of justice as there is no mechanism to allow pre and post court conferences.

Bail sentences The default is CVP for the crown and attendance in person by defence advocate.

Custody PTPHs The default is PVL and where the court cannot get a link the hearing remains listed so that a trial date and the CTL can be identified. The court does not have the capacity for defendants to be produced for a conference.

There will always be the odd case where a defendant needs to come – particularly where there are communication difficulties and/or an exceedingly difficult defendant who needs time. In such cases the court says that the prosecution will need to be flexible. "It is no point having a defendant produced who needs time and kid gloves only to discover that the prosecutor has gone off to do another CVP."

Bail PTPHs

HHJ Dean reports "very reduced engagement pre PTPH and the from is rarely completed in advance as is the requirement (see BCM)".

Harrow's approach is the following:

- Bail PTPHs remain listed on their sending day but with the defendant excused and the hearing is CVP.
- The defence can request at the start of the hearing that the defendant join the hearing by CVP – the Judge will decide.

HHJ Dean asks for the following:

- Please discuss whether there should be an extended time for stage 1 to allow early engagement,
- Please identify the remaining stage dates with the view to a late Feb case reaching stage 4 by July and a March case reaching stage 4 by August.
- A trial date will be set. It will be Spring 2022.
- Please id if the case could later be sent to a Nightingale court or if it is a priority bail case.

Finally, the court will set a date in July or September (the clerk will have a date) which will be a Monday when the defendant and both the defence and crown will need to attend court. This will be for pleas to be entered (if the defendant did not join on CVP) and for 45 mins to be set aside to give the case "the of shake up we used to give pre pandemic."

PVL Slots The court does not have PVL slots whenever it wants. Thursday is our day with the Scrubs. There are also slots on Monday am, Tuesday pm, Wednesday am and Friday pm.

PSRs Probation stand-down reports are not happening at the moment.

Witness requirements Witness care warn from the witness table not DCS.

Stage dates The parties should agree variations of stage dates between themselves. The court only wants to know if there is no agreement and if anything impacts on the trial date.

Problems The court has had a problem with users of the robing room having CVP hearings in the robing room. HHJ Dean points out that conference rooms are private and can be used for CVP hearings.

A further problem has arisen whereby users of the bar mess are not wearing masks (there is a notice up requiring this) and have been rude to court staff asking them to mask.

Snaresbrook Crown Court

No news

Philip Misner, 4BB, Chair of the North London Bar Mess

SURREY AND SOUTH LONDON

We have elected a new Junior Member, Shannon Revel, and a new Secretary, Harry MacDonald.

Ryan Richter, our Treasurer, has reported a healthy balance for the year. Unsurprising as we have done very little! Ryan will be the S&SLBM rep for the new SEC/CPS Sub-committee.

All 4 courts are running trials and seem to be working effectively.

Croydon has worked hard to achieve the new Nightingale Court at Jury's Inn. There may be a queue getting in as MyBar entry is not facilitated. We would encourage users to report to us if queue is silly so that we can lobby for MyBar entry. The "court use" is on floors 1 and 2. Robing floor 1. There are hotel guests on the other floors so we need to respect that. Due to security issues only single D bail cases will be tried there. Alex dos Santos reported that a main attraction will be coffee machines and plush loos!! Alex and Susan Meek attend user meetings and Alex inspected the Nightingale court and assisted with the mock trial.

Isleworth is running well and HHJ Edmunds QC has been instrumental in keeping courts going and assisting the Bar. There has been a recent contravention notice in respect of COVID breaches but this has been dealt with. Neil Griffin attends meetings and keeps me well informed.

Kingston has no reported difficulties. Keith Hadrill continues to attend user meetings.

Guildford - I have personally been in touch with HHJ Fraser and he reported as follows to me:

"We are running all 5 courts from 15 March; We will return to running 5 jury trials simultaneously from the end of April when we will have the trained staff to do so (we have been down 40% of our Court Clerks); The next Court User Meeting by CVP will be 8 Apr 21; We are investigating how we can encourage participation by Defence Solicitors/advocates in TRAM meetings to improve trial effectiveness; The Bar have been fantastic in the way they have coped with the enormous difficulties of the last year and we much look forward to seeing more in person as restrictions allow but we will continue to use CVP where it can. In particular, as we have restarted listing bail defendant cases, we will much look forward to seeing defence counsel in person where their client is physically attending court"

The Mess is planning to set up a website and we are looking at the cost of this. Nothing fancy and the main aim being to facilitate recruitment on-line and the set-up of DDs.

We also hope to have a subsidised social function when the restrictions are no longer in place to reward our members for the lack of anything much in the past year!

Pippa McAtasney QC, Furnival Chambers, Chair of the Surrey and South London Bar Mess

THAMES VALLEY BAR MESS

At the TVBM Committee Meeting on 27.2.21, the Committee appointed Adam Williams of 4KBW as Junior in order to replace Jane Brady.

We would like to welcome HHJ Nawaz, a highly experienced judge, who will join Reading Crown Court from Wolverhampton shortly.

When Covid lifts the Committee, propose to have a drinks party in order to re-connect with members as well as inviting all Judges in order to re-connect with them also. We hope that this will be able to take place in September.

In the meantime, we are keen to recruit new members of the Mess. If you attend court at Aylesbury, Oxford, Reading, Milton Keynes or Slough, please do get in touch with Adam at aw@4kbw.co.uk to find out more about how you can benefit, or download a copy of the application form: <https://southeastcircuit.org.uk/bar-messes/thames-valley>

Adrian Amer, The 36 Group, Chair of the Thames Valley Bar Mess



SEC TRAINING AND EDUCATION PROGRAMME 2021

Court Observation Scheme:

Wednesday 21st and 28th April and 5th May

The SEC is aware that, during the last year, there have been very few opportunities for Pupils and junior Juniors to watch hearings as part of their professional development. To that end, we are putting in place a scheme which will allow Pupils and Juniors of 3 years call and under to have access to a Crown Court, on CVP, to observe hearings and learn from others.

This scheme will be piloted at Cambridge Crown Court where HHJ Jonathan Cooper has also very kindly offered to hold a Q&A on MS Teams at the end of the court day, in order to further help your learning. The first sessions will be held on 21st and 28th April and 5th May. There is a limit to how many people can access the hearings in this way, so the slots will be allocated on a first-come, first-served basis. We hope to then expand this scheme to other Crown Courts on the Circuit. If you would like to participate, please email the SEC Administrator (aaron.dolan@southeastcircuit.org.uk) with a completed copy of this form:

http://southeastcircuit.org.uk/images/uploads/Court_Observation_Scheme_Form_FINAL.docx

We are very grateful to the judiciary for being so supportive of this idea, and enabling it to go ahead. We expect you to abide by the undertakings you will need to give and use the opportunity as wisely as possible.

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SEC/Silk Interviews:

Wednesday 12th May, 18.00 – 19.30

This session will adopt an intensive focus on the interview process itself. A panel of eminent QC's will discuss common questions, how to answer questions in a manner that meet the selection criteria, interview techniques and how to prepare for the big day. This session is offered to applicants free of charge and has been frequently requested in previous years. As a result, it is expected that there will be a high demand for places, so please reserve a space as soon as possible. Full details and to book:

<https://southeastcircuit.org.uk/events/sec-event-silk-interview-training-seminar>

Section 28:

May/June 2021

A combination of a recorded training session and questionnaire, to be followed later in the year by a live Q&A. This will include identification of cases, procedure, timetable, and conduct of hearings.

SEC/Recorder Application & Exam Guidance:

Wednesday 7th July, 18.00 – 19.30

This session aims to provide candidates with a clear outline of what to expect in their recorder interview. The session will target all aspects of the final interview, including how to approach questions, issues of law in unfamiliar practice areas and how to target answers to address the selection criteria.

Full details and to book:

<https://southeastcircuit.org.uk/events/sec-event-recorder-interview-training-seminar>

**All courses can be booked by emailing the
SEC Administrator – aaron.dolan@southeastcircuit.org.uk
naming the course/s you wish to book on to.**



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SEC/Silk Interviews (part two):

Wednesday 15th September, 18.00 – 19.30

This session will build upon the earlier Silk Training; a refresher. These two courses are now fixed in the education programme and will take place each year. A training course on Silk Applications will take place in February 2022.

Full details and to book onto this refresher:

<https://southeastcircuit.org.uk/events/sec-event-silk-interviews-part-two>

RASSO Refresher:

Saturday 25th September, 09.30 – 13.30

Our Annual Refresher is confirmed however we are unsure whether it will take place 'in-person' or virtually – either way, a course will be available on this date; details to follow this summer. Full details and to provisionally book onto the 'in-person' course:

<https://southeastcircuit.org.uk/events/rasso-training-seminar1>

Further details on the following courses will be published as details are confirmed:

SEC/CPS Forms and Grading: 2021

Dame Ann Ebsworth Memorial Lecture:

Autumn 2021

SEC/ Pupils:

Autumn 2021

SEC/Diversifying your Practice:

Autumn 2021

SCHOLARSHIPS

Florida Advanced Advocacy Civil Course 2021:

Tuesday 18th May – Saturday 22nd May 2021

Orlando, Florida – Venue tbc

Four Junior Scholarships available

Closing date for applications is Thursday 1st April 2021

Full details and how to apply for Junior Scholarships:

<http://southeastcircuit.org.uk/events/florida-civil-course-2020-junior>

Full details and how to apply for Silk Faculty Placement:

<http://southeastcircuit.org.uk/events/florida-civil-course-2020-silk>

Florida Advanced Advocacy Crime Course 2021:

July 2021

Orlando, Florida – Venue tbc

Four Junior Scholarships available and one Silk Faculty Placement.

Closing date for applications is to be confirmed.

Further details will be released once Florida (crime div) confirm and travel restrictions are known for Summer 2021, on both sides of the pond.

WELL-BEING

Recordings are available for the following recent Well-being seminars:

'Resilience – Part Two'

Recorded on Thursday 4th February 2021

A copy of the recording can be accessed here:

<https://vimeo.com/512960628>

'Parental Talk – Part Two'

Recorded on Thursday 25th February 2021

A copy of the recording will be made available later this month.

'Persistent Musculoskeletal Pain Talk'

Recorded on Wednesday 10th March 2021

A copy of the recording will be made available later this month. Presentation Slides accessed here:

http://southeastcircuit.org.uk/images/uploads/Slides_for_G.Oldfield_talk_about_chronic_pain.pdf



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

