SEC
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News from the South Eastern Circuit

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EDITOR'S COLUMN

Hello dear reader.

Can I welcome you all to the new SE Circuit leader Claire Davies KC. Claire takes over from the indomitable Leon Kazakos KC. Claire has very much hit the ground running so do take time to read the following leaders report.

Since I last wrote an editorial, we have seen a new government elected. We may have been forgiven for thinking that politics generally would settle down, with a steady hand on the tiller so to speak. Then we were told in November 2024 that a second series of "Donald Trump does the White House" got commissioned. Whatever one's view, the second series is proving, at the very least, to be a ratings hit. Meanwhile in the UK, despite the change in government some things never change and by that, I mean words like "extra funding" remaining anathema to the Treasury.

The very first Muslim woman to become Lord Chancellor has arrived in post, which is to be celebrated. The new Justice Secretary arrived to find that the jails were operating at full capacity and the backlog of cases was running into the many tens of thousands. That was the gift the former administration left her. The lack of capacity in the prisons should be no surprise, we have the largest prison population in Europe and over the last 30 years there has been a steady increase in the length of the prison sentences handed down. We now have a prison population of around 88,000, which is the highest in Europe. Germany for example has a prison population of around 57,000. The cost of keeping so many people in prison is of course immense. There is no doubt that the public need protecting from dangerous offenders, but they make up a minority of those we imprison. The new Justice Secretary has at least attempted to ensure some inmates are released earlier than otherwise would be the case. The trial backlog is another pressing issue, although the causes may be slightly more complex in origin. But it is important to remember the backlog was foreseeable and was mostly created by policies implemented years ago. It is now argued that some sort of hybrid, intermediate court is the solution. I make the observation that to reduce the number of opportunities for people to sit on juries is not a positive development. Sitting on juries is a unique experience and the UK has a long tradition of jury trials. We should never forget the positive impact that being a juror has on those who perform this most important of civic duties. That important civic experience will never be reflected in any Treasury balance sheet, but for those who take part in that process it has real value. For that reason alone, I am reluctant to embrace any expansion of non-jury courts. That's not to say I can't see an argument for dealing with otherwise very complex and/or very long trials in another way. The recent decision to deliberately cut back on sitting days for recorders did not help the many full-time circuit Judges who are trying to manage the current backlog.

Many crown courts remain in a poor state of repair. Modest conference rooms remain few in number at courts up and down the country, yet it was always foreseeable that demand for conference rooms would increase with the introduction of CVP hearings.

In this bumper edition of the Circuiteer you will find an article by Nicola Shannon KC on wellbeing and another on mental health by Alex Matthews. Both are important subjects so please take time to take on board the contents of both articles. The pressures we are all under never seems to ease and unfortunately the days when we used to process our days at court in chambers, over a glass of wine are all but a distant memory.

St Clements High School took part in the Mock Trial final and Olivia Simms kindly took time to tell us about her experiences in her article. Advice for first six pupils was covered in a very popular talk organised by the former boss, Leon Kazakos KC and the irrepressible Fiona McAddy. I am grateful to Abd Al-Rahman Az-Zubair for telling us how useful he found the event. You will also read further articles on training events from Keble and Florida and I'm grateful to those who have shared their experiences with us.

William Hughes KC and Chloe Hudson took part in an advocacy training weekend in South Africa earlier in the year. William has kindly written a report on that trip and attached a few photos too. Clearly a very rewarding trip for all concerned. It is a tribute to them both that they took the time to undertake such a trip and pass on their knowledge to others.

Kate Parker has written an article on the School Consent Project, which she founded. The project runs workshops in schools for 11-18yo students discussing issues around consent, the age of consent, sextortion and bystander intervention. These are the sort of discussions young people need to be having so if anyone knows a school which would benefit from such a workshop then please reach out.

There is also an article covering the early release provisions, which many of us will find useful. I'm grateful to Guy Cecil and Maria Karaiskos KC for writing the article and shining some light on the recent legislative changes.

Finally, pages 11 and 12 are poignant reminders of those we have lost recently. Our thoughts are with the families, friends and colleagues of all mentioned in those pages. Personally, I knew Geoffrey Porter from seeing him regularly in court and was surprised to learn of his passing. I also knew Matthew Hardyman from my days as a pupil and was shocked to learn of his death, leaving behind as he did a young family. I was made aware Anthony Berry KC was unwell and I managed to message him to wish him a speedy recovery. His pithy and brutally honest reply left me in no doubt that he did not expect to make a recovery. I was fortunate to be led by "Tony" in three murder cases and over the course of those trials I grew very fond of him. As his junior I must have been doing something right as he asked me after the first murder case if I would like a "red bag". I managed to mull the question over for a whole three seconds before saying, rather too eagerly "yes please". All will be missed.

If anyone has an article they would like published in the Circuiteer then do drop me an email at k.molloy@churchcourtchambers.co.uk

Kevin Molloy

- Church Court Chambers
- Editor of *The Circuiteer*

If you wish to contribute any material to the next issue of The Circuiteer, please contact:
K.Molloy@churchcourtchambers.co.uk



LEADER'S REPORT

Claire Davies KC
LEADER OF THE SOUTH EASTERN CIRCUIT

As of the 1st January 2025, I have the privilege of leading this Circuit for the next two years and I hope that I will serve you well. I begin by thanking Leon Kazakos KC my predecessor to whom we all owe a great deal of thanks for his considerable work over his tenure.

In just the short period already passed, I have been greatly assisted by the Executive Committee and their hard work and commitment to continue to improve the lives of the members of the Circuit.

I am pleased to announce that the East Anglia Bar Mess has been reignited with Stephen Rose KC as Bar Mess Chair. I thank Edmund Burge for his service as Kent Bar Mess Chair and Nina Ellin KC who has taken over. In Surrey and South London, Philippa McAtasney KC steps down and William Hughes KC takes over; I am grateful to both.

The Circuit could not operate without the Bar Mess Chairs due to their close relationship with their courts both Judiciary and Bar. I encourage you all to join, not only for the social functions but to support the efforts they make on your behalf, often behind the scenes, to improve the lines of communication and everyone's working lives.

The Chair of Circuit's EDI Committee, Rebecca Tuck KC, continues to lead the way with her work with her committee into the Gender Pay Gap and how to improve matters – please watch her videos on the SEC website (https://southeastcircuit.org.uk/resources/the-gender-pay-gap) addressing the pay gap but also how to conduct effective practice reviews. All this follows on from the detailed consultation response that was submitted to the BSB's proposal on Core Duties.

A special thank you must go to Paul Cavin KC who as Treasurer works quietly in the background to ensure the future of the Circuit but also on committees providing his support.

Congratulations to Kevin Molloy for another excellent edition of The Circuiteer. If you wish to write an article for the next issue, please contact harriet.devey@southeastcircuit.org.uk.

I am delighted that my invitation to the Specialist bar associations to become more involved with the Circuit has been received positively, and we intend to host events over the forthcoming year that will be of benefit to all practitioners no matter their specialism.

Our education programme will run throughout the year, with Fiona McAddy at the helm and our Advanced International Advocacy Course will take place again at Keble College in August. I would like to thank Sarah Clarke KC who has concluded her term as Director of the Course, and HHJ Sarah Whitehouse KC who has taken on this role. If you have not attended the course do bear it in mind for next year, and consider taking up one of several scholarships available for this training.

I am pleased to say there has been a good uptake for the silks mentoring scheme again this year. You don't have to be applying this year to take advantage of the scheme so if you would like to benefit from advice from any of the mentors, please get in touch with harriet.devey@southeastcircuit.org.uk

Since the start of the year, I have had meetings with senior Judiciary, HMCTS, civil servants and Chief Crown prosecutors, all of whom are working alongside practitioners towards ensuring that the system keeps going. There is enormous goodwill to improve the working lives of counsel.

We are entering unknown waters as I write this message to you all, Sir Brian Leveson is due to report on the backlog in the criminal courts and make recommendations as to how to tackle it as Ministers talk of radical solutions and once in a life time changes. The cause is clear: the historic failure to invest in the court system, no matter who has been in power, has led to buildings in disrepair, lack of sitting days, and barristers leaving the profession because they see no way of surviving. It could not be more acute at this stage. The risk to the loss of jury trials is in the spotlight again. We also await the outcome of the Gauke review in relation to sentencing. Both of these may well bring about changes to the way we work.

Practitioners are working to the maximum of their capacity in all specialisms, making sacrifices. I encourage you all to take time to ensure your own wellbeing and that of others. It only takes a word of kindness to make the difference to someone's day.

This is your Circuit and I want your voice to be heard, please do get in touch if you wish to be involved with the Circuit or if you have any ideas of how the Circuit may assist you.

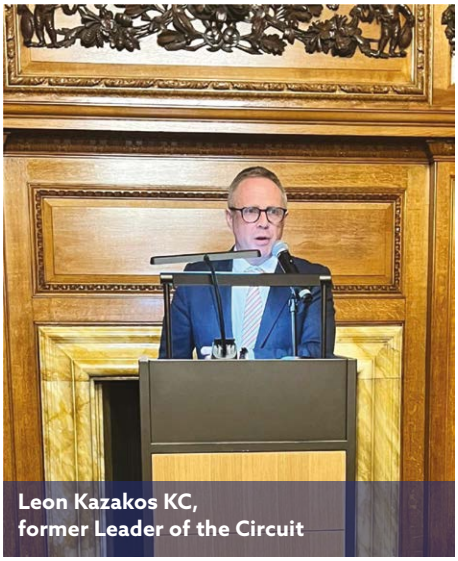
I look forward to seeing many of you at the Circuit Dinner on 3rd October 2025, this year to be held at Lincoln's Inn.

Finally can I add a note of thanks as ever to Harriet and Aaron without whom the Circuit would be at a loss.

Claire Davies KC

- Farringdon Chambers
- Leader of the SEC

Pupillage:

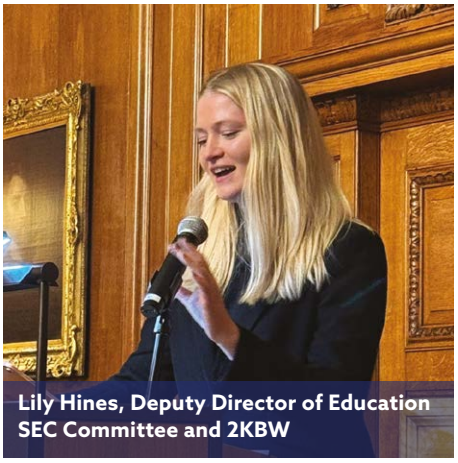


Leon Kazakos KC,
former Leader of the Circuit

On 1 November, the SEC held its second event for 1st 6 pupils. A wonderful opportunity for the pupils to meet each other across specialisms and chambers/employers, it was also enlightening. Four speakers, from 11 years call to pupil, talked about their experiences of pupillage and what lessons they could share about how to make the most of it. I am grateful to Inner Temple for hosting us and to our speakers, as well as to the Committee members who gave up their Friday evenings to chat to the pupils.



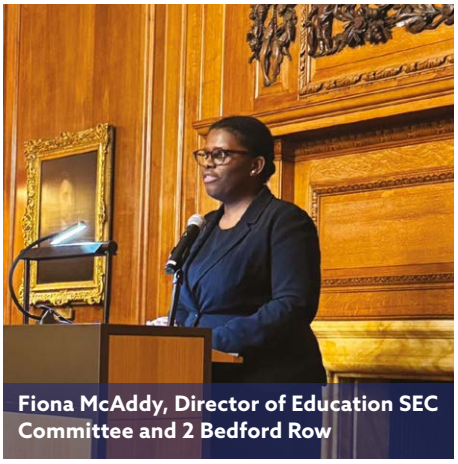
Rebecca Malczewski,
pupil at 2 Hare Court



Lily Hines, Deputy Director of Education
SEC Committee and 2KBW



Dominique Smith,
Deka Chambers



Fiona McAddy, Director of Education SEC
Committee and 2 Bedford Row

surviving, and thriving

There is a lot that makes the Bar truly unique as a profession. However, one trait that stands out to me above all others is its deep collegiate spirit. The mentoring offered by members of the Bar whom I had only met in passing, the access programmes they ran, the advice they provided when I sought feedback, and the unwavering support from my Chambers, have all ensured I have everything I need to thrive in such a special profession, I would not be a pupil without it. The South Eastern Circuit (SEC) First Six Pupils event reflected the very best of this ethos — embodying the principles, values, and generosity that made my journey to the Bar so worthwhile.

Two months into pupillage, I've experienced both fascination and uncertainty in equal measure. No matter what you've accomplished in a previous career, the steep learning curve is undeniable, especially when stepping into robing rooms where everyone appears to operate effortlessly. While my Chambers has gone above and beyond to make me feel welcome, there is a constant awareness that you are under a considerable spotlight. Therefore, the SEC First Six Pupils event was special because it was different from the usual programmes. It provided an invaluable opportunity to connect with others in the same position and reflect honestly on the challenges, struggles, and demands of the journey.

It also brought together remarkable speakers who offered candid, essential advice for navigating pupillage and the early stages of our careers.

Rebecca Wilkie, CEO of Advocate (https://weareadvocate.org.uk), explained the vital function that pro bono plays in ensuring the justice system remains accessible to as many as possible. As a former volunteer caseworker for Advocate myself, and someone motivated to join the Bar to represent underserved communities, her words resonated deeply.

Fiona McAddy provided a timely warning about the pitfalls of Chambers' drinks receptions and emphasized the importance of asking for help, noting the crucial role the SEC plays in supporting barristers at every stage.

Dominique Smith allayed every pupil's nightmare of making an irredeemable mistake. While recognising that mistakes have consequences, it's how you deal with them that matters. Her emphasis on the need to be upfront and utilise the breadth of resources and support available to you, will stick with me throughout my career.

Lily Hines, who had recently secured tenancy, was an enormous source of inspiration, reminding us that every pupillage is different. Her advice — to trust the process while taking control of our own learning — was both reassuring and empowering.

Rebecca Malczewski, a current pupil, shared insights that only someone who was in the same position as us a few months ago could. She reminded us of the risk of self-neglect and the importance of self-care amid the pressures of pupillage.

When I first decided I wanted to become a barrister, I thought the path was impenetrable. By chance, I was connected to Bridging the Bar (https://bridgingthebar.org), an incredible access-to-the-Bar scheme and was fortunate enough to meet Leon Kazakos KC, who gave me the confidence to believe in my potential. As I embark on the next stage of my journey, the parallels are clear; there is still so much to learn, and at times, it still feels overwhelming. But if there is one thing I took away from the event, it's that the SEC, led by a barrister who made such a difference in my own journey and that of many others, represents the best of what makes the Bar such a remarkable profession.



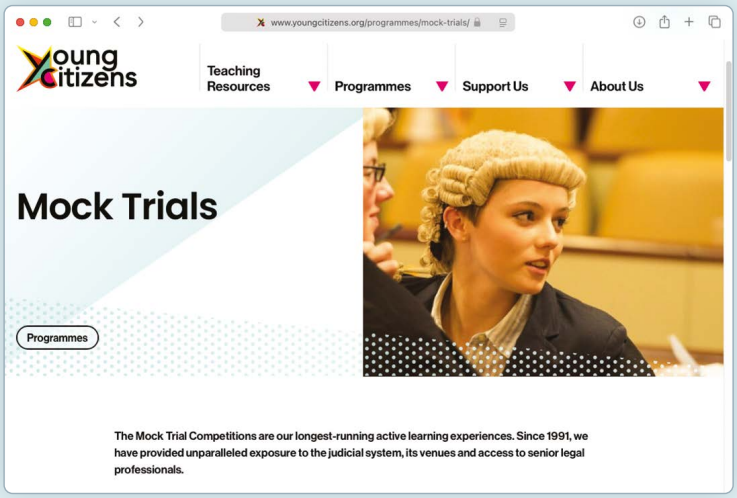
Abd Al-Rahman Az-Zubair

• Pupil at 36 Group

Young Citizen Bar Mock Trials Programme

The South Eastern Circuit is delighted to support Young Citizens' Bar Mock Trials Programme again this year.

The Bar Mock Trial Competition helps young people understand how the law touches every aspect of their lives, gaining an insight into how the legal justice system works.

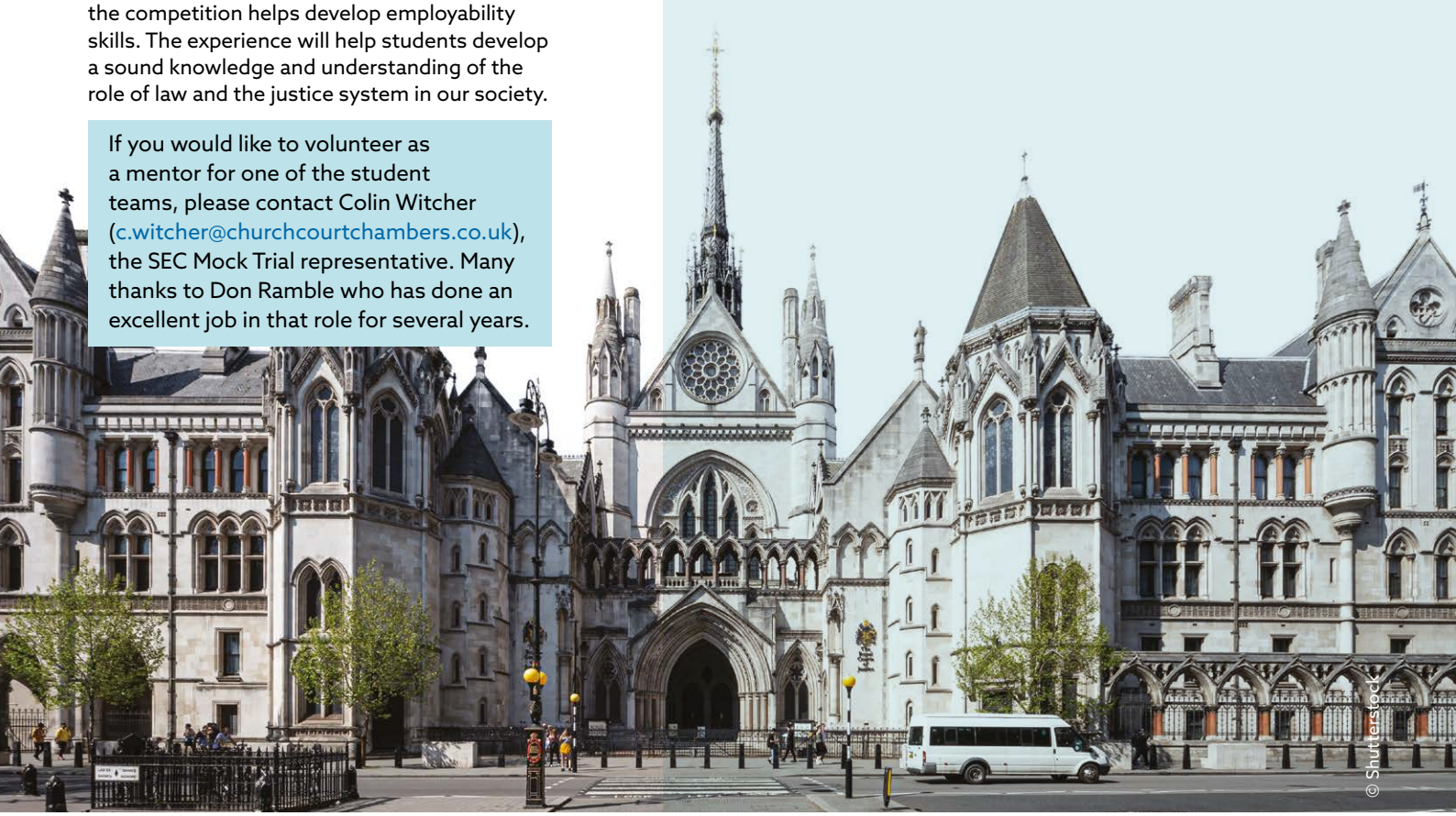


Young Citizens website

Schools will be given access to resources, including specially written criminal cases, to help teams prepare legal arguments. After preparation, teams take part in regional heats and go head-to-head with other schools to prosecute and defend the cases. Winning teams will then compete in a National Final.

Students who take part are encouraged to think critically, build arguments and oracy skills, and boost their confidence. Through enabling students to interact with legal professionals, the competition helps develop employability skills. The experience will help students develop a sound knowledge and understanding of the role of law and the justice system in our society.

If you would like to volunteer as a mentor for one of the student teams, please contact Colin Witcher (c.witcher@churchcourtchambers.co.uk), the SEC Mock Trial representative. Many thanks to Don Ramble who has done an excellent job in that role for several years.



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Here is an article from one of the teams who participated in the 2024 Final:

National Bar Mock Trial Final 2024

On Saturday 16th March 2024, our team of 12 Year 10 students from St Clement's High School competed in the Bar Mock Trial National Final 2024 which took place at the Royal Courts of Justice, London. We were one of 22 schools to compete in the National Final all of which won their way through regional heats, in which 186 schools competed across the whole of the UK. There were two cases being tried: R v Hynes (intentionally or recklessly causing public nuisance) and R v Newton (knowingly committing unauthorised access to computer material).

Each school competed in three intense rounds of prosecuting and defending the accused. Every team consisted of two Defence Barristers, two Prosecution Barristers, two Prosecution Witnesses, a Second Defence Witness, a Defendant, an Usher and a Court Clerk. The competition was open to schools and colleges/sixth forms of students aged between 15 – 18 (Year 10 – Year 13).

Despite being some of the youngest in the competition and never having participated in this competition before, we were extremely proud with our 2nd place finish and being awarded the 'Highest Scoring New Team' award.

Whilst we were new to Crown Court and the Bar Mock Trial Competition, we as a team had competed the previous year in the Magistrates Mock Trial Competition. This consisted of 2 regional heats; one was in Great Yarmouth & North Norfolk Magistrate's Court and the other in Manchester Metropolitan University (both of which we won). This gave us a taste of court and the legal word and sparked our interest in competing further. However, at this point we became too old to compete in this competition (aged 11 – 14) and with our new-found passion for court we all chose to take on the challenge of the Bar Mock Trial. Although we knew we were about to start our GCSE years and knowing how much time, work and effort went into being successful in the Magistrates Mock Trial, we all still wanted to take on the challenge of the next level.

Our journey to the final involved a significant amount of time, commitment and effort from all team members staying after school weekly and meeting up outside of school to ensure we were as prepared, polished and confident as we could be. This involved writing speeches, examination-in-chiefs and cross examinations; learning them all off by heart; preparing for possible cross examination questions and answers and continuous practice. Although we performed well in the Magistrates Mock Trial, we were aware that we were entering a different age category and would therefore be facing much stiffer competition from predominantly older students (some of which were studying law at the time). This preparation taught us time management, organisation, public speaking skills, how to analyse a situation highlighting the salient points in law and how to project a performance confidently. But, most importantly, the power of teamwork. This in turn helped bring us closer together as friends as well as teammates and we will always have a special relationship because of our shared experience. We were obviously nervous but the effort we put into preparation helped to combat some of these nerves.

The St Clement's High School Team	
Olivia Simms	Defence Barrister 1, Court Clerk and Team Captain
Tristan Chen-Bouskill	Defence Barrister 2
Lola Ward	Defendant
Ruby Hallifax	Defence Witness 2
Isla Bennell	Prosecution Barrister 1 and Usher
Ella Baker	Prosecution Barrister 2
Samuel De-Gol	Prosecution Witness 1
Mollie Whitehead	Prosecution Witness 2
Harry Wilcock	Jury
Finn Southerland	Jury

The team was split into prosecution and defence in which for our team prosecution competed once and defence competed twice. Each heat lasted roughly an hour and a half with all performers being scored out of 10, irrespective of the verdict. The judges would offer some constructive feedback on our performance but no details of scoring. Some of our team members received favourable comments based on our performance.

This experience has certainly ignited an interest in a career in law for some of our team members who are researching pathways to the legal profession. As a result of this competition, we have already made connections with law firms and chambers through seeking donations that enabled us to stay in London the night before so we could be at our best on the day. We sent over 70 emails to local law firms and chambers requesting possible donations and we were amazed by the generous response and the connections we have now made.

If we were to offer any advice to students who are considering entering the competition, it would be there is a link between hard work and results but mainly just go for it because it so much fun and you will never regret it.



Olivia Simms

- Young Citizens' Bar Mock Trials Programme



Lord Justice Edis and
HHJ Christopher Kinch KC

Valedictory for HHJ Kinch KC

Woolwich Crown Court – 3 July 2024

There was standing room only for the valedictory ceremony for the inestimable HHJ Christopher Kinch KC on his retirement as Resident Judge at Woolwich and Honorary Recorder of Greenwich.

HHJ Kinch KC retired as Resident after more than a decade, having led the Criminal Bar Association in addition to his role as Head of Chambers at 23 Essex Street. Many of you who have volunteered for the Bar Mock Trial Programme will know of his support for that important competition, as helper, judge, case writer and organiser since the early 1990s. His support for the Bar as a Judge could not have been greater and while the Circuit wishes him a long and happy retirement, the loss of a Judge of his calibre will be sorely felt.

IN THE CROWN COURT AT WOOLWICH

VALEDICTORY ON BEHALF OF THE BAR
HHJ CHRISTOPHER KINCH KC

1. My Lady, My Lords. On behalf of the Bar and the South-Eastern Circuit may I begin first with an admission and second with an apology. The admission is mine, but it is shared by the entirety of the Criminal Bar. That we knew eventually, that this day would come, but that we all rather hoped, privately, that it wouldn't. The second is an apology, that in the circumstances the Bar and the Circuit couldn't find, to address a Resident who is well over 6 foot tall, someone taller.
2. His Honour Christopher Kinch was born on 27 May 1953. After leaving school he was an undergraduate at Christ Church College Oxford before being called to the Bar by Lincoln's Inn in 1976. He joined, first, 6 Pump Court before moving to 23 Essex Street where he specialised in Criminal work – prosecuting and defending across the country. His excellence in advocacy was recognised in 1999 when he took silk.
3. My lord, I know that this Crown Court, its staff and its judges, are hugely grateful to you for your time as Resident but Woolwich is only one of any number of institutions that have benefitted from the intellect, patience and hard work that characterise your brand of Leadership.
4. The first of those institutions in time was 6 Pump Court. Now, as Resident Judges should expect of their leading counsel, I am inquisitive, and in considering how best to

address the Court today, have sought assistance from others. News reaches me from a source who must, for now, remain anonymous, of the work that was put into the design of a membership application system for Chambers. The committee, of which the junior Christopher Kinch as he then was, was a member decided that the panel would ask all the prospective applicants three questions. I'll ask them now and perhaps as I do we can all silently, see if we can answer then to discover how we might have fared as interviewees.

5. The first: Please complete the name of the following band: Dr Hook and ...

6. The second: Please name any album by Pink Floyd.

7. The Third: Please name the artist who is currently number one in the charts.

8. I am told that many an applicant looked crestfallen when they did not know the answer. They were told that not knowing was, in fact, the right answer.

9. 23 Essex Street received more by way of senior Leadership than 6 Pump Court. Practising in fraud, general crime and regulatory matters My Lord you took silk in 1999 not long after joining 23 Essex Street. Given how many members of the Bar and Bench have spoken to me, given how many of them have mentioned your patience and given how I've been the beneficiary of that patience on more than once occasion in this court as I've struggled to articulate my point – the only example of your patience ever having been tried comes from Cairns Nelson KC. You and he were against each other as juniors at Canterbury Crown Court, in an unpleasant but fairly straightforward case. You found out that you had been appointed QC in a call from your clerks that morning. Closing speeches lay ahead. Yours, for the prosecution, was precise, compelling, to the point. Defence Counsel's job was less straightforward and took a little time. As the speech wore on with no sign of the end in sight a note from you reached defence counsel. It read: "Would you mind getting on with it, I've got drinks booked in London for 4 o clock."

10. You took over from Charles Miskin KC as head of Chambers. While there is never an easy time to be head of a criminal set you inhabited the role at a time when changes were made to the senior clerking team. Members of chambers still recall how you handled a challenging situation with characteristic diplomacy, grace and aplomb. Those were skills that had been honed at the Bar.

11. You led Mark Fenhalls KC in one of your first cases in silk. The case was one where the prosecution had charged attempted murder. One can initially see why. Your client a big man, had stabbed the victim some 30 times. However none of the wounds was more than a millimetre deep. Mark had unsuccessfully tried to persuade the prosecution that none of this could really amount to an attempt to kill but the prosecution remained unmoved. Your instruction saw a handful of short submissions made to the Bench at the Central Criminal Court and very soon after the prosecution were being invited by the Judge to reflect on their indictment – a plea to s18 shortly followed. Your client, a man not given to expressions of emotion or joy, was delighted with the result, a delight that I understand survived the long sentence of imprisonment that followed.

12. Your leadership of that Set was not confined to excellence in Court. You brought to it considerable talent as a cricketer, as a fast bowler and late order bat. One match remains in their memories, of a fixture against a firm of solicitors in Norfolk on a pitch in Downham Market. In addition to hitting the longest six that anyone on the team had ever seen you were keen to ensure that all players were encouraged, verbally to give of their best. The star player that day was a pupil who was then favourite to be taken on as a tenant. As he came up to bowl my lord (witnesses remember) called "come on, wicket please, else no tenancy'. Despite a 5 wicket haul a young Louis Mably KC forged his career elsewhere – I understand he's done well.

13. You were Adam Chapman's first Head of Chambers when he started at 23 ES in 2008 as a junior clerk. Now senior clerk he remembers you as absolutely fantastic as Head of Chambers. Adam, a few months after joining, invited his proud father to watch him play cricket for the Cham ber team. The umpire – the Head of Chambers. A nervous batsman Adam was foxed by a very average slow ball which bundled into his pad. Hoping for some leniency from his head of chambers he soon realised that the umpire was a man not given to home bias. He was given out, but received a letter the following Monday, apologising for the decision and encouraging him to brush up on his batting skills.

14. Your dedication to the Criminal Bar throughout your career saw you first as Director of Education for the CBA between 2005 and 2008 then its Chair in 2010. As Director you were responsible for the first ever accredited training course for the prosecution of sexual offences. The work that the Criminal Bar Association and The Circuit does now on setting and maintaining the standards of prosecuting advocates, is the result of your imagination and foresight.

15. The life of a Head of Chambers is never straightforward but it pales beside the responsibilities of the Chair of the Criminal Bar Association. You led the Criminal Bar at a time when the profession and the system of criminal justice was (and I know it is difficult to imagine such a time) the subject of cuts by the then coalition Government. You warned of the danger of further cuts driving down quality, as good advocates might seek other areas in which to practise.

16. Writing in the Guardian in 2011 you noted that the investment that had been made by Government in the then recently opened Rolls Building appeared to be rather better than those in the Crown Courts where facilities are restricted: witnesses come into contact with defendants, their families collide; conference rooms are given over to storage or other use; equipment failures are too common; staff cuts are imposing increasing pressures on the long-suffering and unfailingly cheerful staff who keep the system going.

17. Those of us who appear at Woolwich know how hard you have worked to ensure that the problems that you identified over a decade ago as Chair of the CBA do not persist at this Court.

18. As Chair you were quick to come to the defence of members of the Criminal Bar who were criticised in the press, reminding the general public following the conviction of Levi Bellfield, "The causes that lawyers have to take up are not always appealing. But we should be very wary of inhibiting the proper defence of a subject, however unpopular. Barristers in the UK do not get to pick

and choose their cases or their clients. There is no forensic triage system that filters away nasty cases so that they can enjoy a diet of interesting and amusing work that is not emotionally draining".

19. At the CBA your abilities ranged from negotiation with government to leadership of the profession to, on one occasion, having to ensure that barristers who'd attended a residential educational weekend away in Cambridge didn't, having had a rather full and late Saturday night, make a break for home on Sunday morning to avoid that day's lectures.

20. In 2011 you were a prominent consultee in Lord Justice Gross's Review of of Disclosure in Criminal Proceedings later co-author of his review of disclosure in summary proceedings in 2014.

21. Given your practice, given your leadership of your set and the profession as a whole it was unsurprising that you were appointed a Circuit Judge in 2012, Resident at this Court in 2013 and were made Honorary Recorder of Greenwich in 2014. Publicly you are perhaps best known for being the trial Judge in the Hatton Garden safe deposit burglary case – which has now been the subject of a tv series and two feature films, one starring Michael Caine, Ray Winstone, Jim Broadbent and Michael Gambon. None of the productions sought to cast the Judge, one wonders if they were unable to find someone sufficiently tall and charismatic.

22. The work at this Court is demanding and it is serious. You have long held tickets to try Murder and Terrorist cases, which bring their own pressures – both to the Judge and to those who work in the building more widely. Members of the Bar who do long cases here remark on how efficient and happy the Court staff are. Your support for them they'll mark separately, but they are the ones who make the long cases bearable for the barristers involved.

23. The Bar owes a great deal of thanks to you for the enormous work that you (along with other Residents) put in as the pandemic struck in March 2020. You had to wrestle with closed courts, online only hearings and an ever increasing backlog. When the courts began to re-open you had to try to marry social distancing with jury trial. This Court was one of the first, if not the first to try a multi handed murder case. It was one where some defendants in custody were as young as 14. With seven defendants in custody, sixteen barristers, the trial took over two court rooms with video links between the two. All participants were all separated by Perspex. You recognised that although the trial would logistically be very difficult indeed, although there was no guarantee that it would conclude, and although the court room might look very different, it was important to the family of the young man who lost his life, important to the defendants and important for the Justice system generally to show that jury trial could continue. As one of the barristers in that trial I suspect that it would have tried the capacity and patience of any Judge, if it did, you never let it show.

24. You have served as a Tutor Judge for the Judicial College and have sat as a Judge in the Court of Appeal. You are, as I hope you know, held in the highest esteem by your fellow Judges. A member of the Bench at the Central Criminal Court wrote to me "He's a legend, that is all". Another Judge who's going to have to remain anonymous wrote "I have the highest respect for Chris Kinch. I would go so far as to describe him as the finest Resident Judge in England although other RJs might bridle at that. But, on being given a choice of courts when I was appointed, I chose Woolwich mainly because Chris Kinch was in charge of it. He'll be much missed".

25. Your promotion of Woolwich and its Crown Court has extended to bringing with you to a talk to the Criminal Bar Association a map of the new Elizabeth Line in planning, showing how easy it would be to travel here. That was the occasion, I'm told when you brought photos of judges' corridor to show to the barristers that conditions were not necessarily better for the Judges than they were for the Bar. Photos you may have taken yourself, prompting murmurings in some quarters about taking photos in court buildings and publication. Those murmurings didn't result in any finding of contempt, still less imprisonment – but it shows the lengths to which a Resident sometimes has to go to reassure the Bar that they are not alone.

26. Outside of the day job you have been a long-standing supporter and Trustee of the Young Citizens Charity. It runs the annual schools' Mock Trial Competition – with heats across the Country and the final held at the Royal Courts of Justice. You were first recruited in the early 1990s to the competition by Anthony Hooper QC as he then was and have been involved with the competition as case writer, helper, Judge and Organiser ever since. It's a competition that many people now at the Bar cite as the first time they realised they might be interested in a career as a barrister.

27. We hope that retirement will allow you a little more time with family, with your wife Carol, HHJ Atkinson, with your children Sam, Nell and Martha and with Alfie the labrador. It may also allow you to further pursue your sporting interests. While it has now been a little time since your victory in the first 15 inter college Rugby championship in 1974 its not been so long since your medal for the 100 length swimathon, raising money for cancer charities in 2019. You're a centenary life member of Beckenham Rugby Club and, in the other game, a Tottenham Hotspur supporter.

28. I don't think it is a secret that when not working you've long been a fan of the E Street Band. I don't know how many times the Bar are able to get away with quoting Bruce Springsteen to members of the Circuit and Court of Appeal bench so I'll take my chance now. With apologies to London in general and Woolwich in particular, rather than you retiring we'd like to think as the Boss says, in Thunder Road, that it's a town full of losers and you're pulling out of here to win.

Leon Kazakos KC

- 2 Hare Court Chambers
- SEC Leader 2023/4

IN MEMORIAM

Paul Darling OBE KC



In addition to his sparkling practice at the Construction Bar for which he was world-renowned, Paul was as dedicated a man to the Bar generally as it is possible to imagine.

Latterly, he was elected Treasurer of Middle Temple, a job which he was born to do, which he loved and which he did brilliantly.

In addition, he was a long-standing supporter and friend of the Kalisher Trust and the SEC Advanced International Advocacy Course at Keble.

The Bar has been in mourning for Paul's passing and the Circuit sends its love to Camilla and his wider families.

Matthew Hardyman



Matthew Hardyman was called in 1997 by Lincoln's Inn. He started at the Bar in chambers at 3 Temple Gardens before joining 15 New Bridge Street in 2010. Mat was to his core a criminal advocate. Predominantly a defence practitioner you'd find him brightening robing rooms across the country, from Leicester to Essex to London. He was passionate about justice and serious about doing the right thing. He understood the importance of legal aid, he was devoted to his Chambers and he supported others. Mat wanted people to do well in this profession and celebrated them when they did. Obviously bright and talented Mat was also decent, funny and kind.

His wife Suzy and his daughters Saffy and Freya have asked that donations be made to the Kalisher Trust in his memory, the aims of the trust being close to Matthew's heart.

Matthew's friends and family have been as generous as he was, the Kalisher Trust has raised over £20,000 thus far.

If you would like to join them and make a donation in Mat's name you can do so by clicking the link below.

https://www.thekalishertrust.org/donate/donate-form

Anthony Berry KC



The SEC mourns the passing of Anthony Berry KC and sends its love to Susan and his family. Those who knew him best, his friends and colleagues at 9BR, have written the following in his memory.

Anthony Berry KC died on 1st October 2024, following an illness which, uncharacteristically, he was unable to defeat.

Anthony was an early Secretary of the CBA. He fought tenaciously for the interests of the Association's members and placed it firmly in the public eye. He led the struggle for better recompense for the criminal bar and gave no quarter to those he had to negotiate with, arguing the case with tenacity and in the face of political and official obduracy.

He joined John Hazan's chambers at 4 Brick Court at an early stage of his career, rapidly forging a successful practice as a junior and taking silk at an early age and making homicide a speciality. In 2000, upon the appointment of Anne Rafferty to the High Court Bench, he became head of chambers and oversaw the move to premises at 9 Bedford Row. He held that position for an unparalleled 16 years, taking chambers to a prominent position as a criminal set and securing the respect and affection of its members.

In later years he also joined chambers at 7 Harrington Street and enjoyed great success there.

He was honoured to be elected a Bencher of Gray's, a mark of his loyalty to the Inn.

He will be remembered widely for the amplitude of his character, his characteristic humour, his gift of impeccable mimicry, his unfailing recognition of the absurd and the laughter that he brought into people's lives in robing rooms and messes across the country.

Privately, he was devoted to his wife Susan, their four children and his grandchildren. They have suffered a devastating loss."

Diana Ellis KC



It is with profound sadness that we share the news of the passing of our colleague, Diana Ellis KC. She was, quite simply, a class act, an inspiration to so many and a truly integral part of 25 Bedford Row and the Circuit. Her loss will be deeply felt.

Further information concerning a tribute to Diana will be circulated in due course.

The Circuit's thoughts are with her beloved husband, Geoff, her family, and her many devoted friends at this difficult time.

Gopal Hooper



The Circuit are saddened by the death of Gop Hooper, who passed away suddenly on 2nd February 2025, aged 78.

A Tribute by Bernard Eaton, Thomas More Chambers:

Gopal Hooper was a member of the Bar of England and Wales in its finest tradition. His personal backstory, involving his oppression and imprisonment by the then Southern Rhodesia's illegal apartheid regime, eventually had him arrive in the UK in the late 60s with his wife Manuela to make a fresh and free start. Gop was of mixed-race parentage with a white British father and an African-Indian mother. Gop's wider family was a metaphor for one of the driving forces of his life: race doesn't matter, who you are as a person does. He was a man of grace, fairness and courage. All his opponents spoke well of him and faced a man of real integrity and generous disposition. He was a master of his craft and taught dozens of pupils their trade. He had been a law lecturer in his time so was naturally patient and clear.

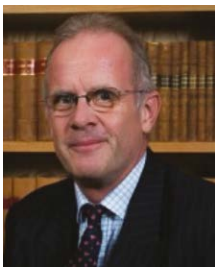
He was a founder member of the Chambers of the late Ronald Grey QC in the mid-70s (which evolved in time to 187 Chambers). At the time of his death he was a member of Thomas More Chambers which he joined in 2012, and though retired was still regularly seen in chambers. Both sets will miss his avuncular and loyal friendship as well as the hard work he put in after court – as a treasurer, a member of finance, pupillage and tenancy committees and as a level-headed strategist. Anyone who failed to say, inside or outside his chambers, 'Gop, do you mind if I run something by you?' looked a gift horse in the mouth; for he was a wise counsellor and a loyal friend.

He reached many great heights in his practice which was mainly, though not exclusively, criminal. He was a fair prosecutor and unflinching as a defender. He was so highly regarded that, following independence, he was seconded in the early 90s by the FCO to be number 2 to the AG in Zimbabwe to help develop a balanced criminal justice system in the western part of that country. Based in Bulawayo, he hosted many visitors from the UK in the 3 years he spent there – all of them able to testify how well thought of he was by lawyers and Judges alike there. He wasn't back in the UK long before he was tapped to do a similar job in Tanzania in the late 90s. It was sure he could have ridden that service to greater personal advantage. Gopal Hooper was absolutely not that man. He resented patronage and had little time for 'place men'. He had a thirst for social justice and fair play. Eventually, however, he succumbed to the blandishments of the LCD and in time applied for the role and sat regularly as a Crown Court Recorder. He did this for many years, thoroughly enjoyed it and had a good reputation amongst staff and practitioners, always welcomed back for repeat visits wherever he sat. He never took silk, though many believed he would have made an excellent occupant of the front row.

His wonderful marriage to Manuela ended early by her untimely death too many years before his own. He missed her every day. They had four wonderful children, Glynn, Ayesha, Stephen and David, a credit to them both and of whom he was very deservedly proud. He had a growing crop of grandchildren whom he also enjoyed. Gop retired from the Bar at 70 and from sitting as a Recorder at 72 but boy did he use his time well! He toured the world in his retirement visiting family and friends all over as well as places he had never seen. Naturally, he was in Malawi often and his roots drew him back to Africa regularly. Gop was a great conversationalist and a wonderful companion. He died unexpectedly on Sunday 2/2/25 watching his beloved Arsenal play. Being a lifelong Arsenal fan might be considered, by some of those who loved him most, as his only flaw. One cannot describe so rich a life and one so well lived as having been cut off early at age 78, but it was too soon for his many family and friends. Gop will leave a hole in many lives which will prove impossible to fill. May he rest in peace.

Funeral arrangements have not yet been confirmed, but will be announced when they are known.

Geoffrey Porter



Geoff's passing on the 8th February 2025 was an immense loss to all at 4BB both personally and professionally.

Whether through his understated dry sense of humour bestowed on those of us who were lucky enough to consider him a close friend or through his tireless commitment to our pupillage recruitment process and to the pupils within Chambers, his contribution to Chambers was immeasurable. For all who experienced it, Geoff's pride and satisfaction in helping the next generation find their feet was heart-warming to see.

We were delighted that the affection and regard in which he was held at the Bar was so wonderfully reflected by the large attendance at The Celebration of Thanksgiving at Temple Church on the 19th March 2025.

All who knew Geoff will mourn the passing of a kind, genuine, properly good bloke. We all miss him greatly.

Michael Hall



"Like a pebble dropped into water, he created beautiful ripples."

All at Garden Court Chambers and beyond were deeply saddened to learn of the passing of beloved colleague, friend, and comrade Michael Hall. Our deepest sympathies go to his family and to the friends and communities who loved him dearly.

It would be hard to find a kinder man of principle or of such generosity of spirit.

Garden Court intends to host a memorial to Michael in the coming weeks.

Lalith de Kauwe wrote a beautify tribute to Michael which you can find here https://gardencourtchambers.co.uk/like-a-little-pebble-dropped-in-to-water-he-created-beautiful-ripples/

2024 SUMMER RECEPTION

FOR RESIDENT JUDGES AND DESIGNATED CIVIL AND FAMILY JUDGES

The sun shone as the Bar enjoyed drinks and canapes with the leadership judges of the South Eastern Circuit on Friday 7 June on the Garden Terrace at Middle Temple. Always one of the highlights of the SEC calendar, this year was no exception.



Madeleine Deasy, Shauna Ritchie, Leon Kazakos KC and Azza Brown



Tomas McGarvey, Shannon Revel, Kevin Molloy, Fiona McAddy and Colin Witcher



Claire Davies KC, Jocelyn Ledward KC and Allan Compton KC



HHJ Casey and HHJ Payne



HHJ Dodd KC, Tom Little KC, HHJ Casey and Mark Fenhalls KC



Tomas McGarvey, Mark Fenhalls KC, HH Kinch KC, HHJ Edmonds KC, HHJ Lees, Tom Little KC, HHJ Hehir KC



Mark Fenhalls KC, Sarah Forshaw KC and HH Kinch KC



Tana Adkin KC, Christine Agnew KC and Leon Kazakos KC

ICCA International Training Report

POLOKWANE, LIMPOPO, SOUTH AFRICA | 20-23 MARCH 2025

In late March 2025, I attended Polokwane, Limpopo, South Africa together with Chloe Hudson of New Park Court Chambers, Leeds on behalf of the ICCA. We travelled to Polokwane, Limpopo in order to join fellow trainers from the General Council of the Bar of South Africa at their training weekend for advocates of 1-4 years' experience. Additionally, we were joined by David McNaughtan KC, from the Faculty of Advocates, Edinburgh, to complete the triumvirate of international trainers. The advocate participants to be trained by us had originated from throughout of South Africa, but were predominately from the local Limpopo Bar, as were many of the contingent of Senior SA Bar Council trainers.

The training was based at the Bolivia Lodge Conference Centre, Polokwane. After arrival on Thursday 20th March and were welcomed with an informal a dinner with the Faculty of fellow trainers. The dinner allowed the opportunity for all the trainers to share ideas and discuss the course timetable in anticipation of the participant trainees arriving the following day. It was also the first opportunity to exchange thoughts and discuss experiences with Judges, SCs, Junior Advocates and Judges from all of South Africa's provinces.

At 9 a.m. on the morning of 21st March the course began in earnest. The first plenary session introduced the course to all participants with particular emphasis of the (Hampel) method by course organisers Benny Makola SC and Mokgerwa Makoti. The remainder of Day 1 involved Case Analysis of 'slip and trip' civil case in which all the participants divided into five groups comprising of three trainers and eight trainees. Throughout the course, the trainers would move between each of the five groups of trainee Advocates.

Thereafter, all were treated to a masterclass on opposed motions and urgent applications by Sesi Baloyi SC and Bongani Manentsa of the SA Bar. The session was based upon one of the three (fictional) cases prepared for the course. The afternoon then put the lessons learned into practice, with a session on opposed motion and applications.

The remainder of Day 1 was spent reviewing the trainee Advocates 'Heads of Argument (Skeletons)' on a one-to-one basis, followed by an 'Opening Statement' exercise in groups. The review was aimed to assist in the oral submissions to be made on Day 3 during the trial exercise, as well as providing an opportunity to sit with participants and review their written work on a personal level.

Day 2 (22nd March) commenced at 8.30 and concluded at 18.45 – a long and intense day for all. Saturday began with a masterclass on witness handling by Sy Mphahlele SC and Connie Mokhare of the SA Bar together with David McNaughtan KC of the Faculty of Advocates.

The remainder of Saturday morning was spent in the breakdown groups, with each of the trainees undertaking examination-in-chief and cross-examination exercises. The participants were tasked with tackling the different parts of the civil 'slipping and tripping' trial, undertaking opening statements, examination-in-chief and cross examination of witness followed by closing submissions.

The trainers provided feedback to each trainee on their advocacy performance, as well as assisting by reviewing video recordings made of each advocate's performance using the Hampel method. All Trainers struck rigidly to 'the method' throughout these training sessions, an approach which was to positively benefit each trainee as the weekend moved on.

Saturday afternoon was equally intense, with a closing-address exercise busying the trainee groups and trainers until tea. After a short break, there was a masterclass in legal drafting for the both the trainers and trainees from Jean Mearing SC of 621 Group Chambers in Johannesburg, which was as entertaining as it was enlightening. Thereafter, the day's work concluded with an ethics session for all led by Judge President Mphahlele, Deputy Judge President Djaje, Judge Mfenyana and Sesi Baloyi SC.

A day of hard work concluded with an evening BBQ for all of the course participants. This allowed a further opportunity to discuss with colleagues and fellow lawyers the legal system in our respective Countries, as well as an opportunity to enjoy each other's company.



The Pillars of the Constitution at the Apartheid Museum part of the Gold Reef City complex in Johannesburg, opened in November 2001

The final day of the course, 23rd March, began with a plenary session on Appellate advocacy given by Chloe Hudson and Mahlape Sello SC of the SA Bar, followed by myself. Chloe and I prepared and delivered separate papers on Appellate advocacy based on our experience in the Appellate Courts of England and Wales, but with specific application to the Appeal case provided as part of the course preparation. This session as much as any other emphasised that the South African and England & Wales jurisdictions had much in common with the other. This in turn led to a fruitful question and answer session.

The day concluded with the (slip and trip) trial exercise, during which the trainees put into practice the hard work put in during the entire weekend. Without exception, all these junior Advocates had markedly improved over the three days, as rewarding for us as trainers as it was for them.

Conclusion

There are no juries in South Africa; this encouraged much discussion during our weekend about the different styles of advocacy that each system produced and how Justice Systems the world over face problems of under-funding and the retention of skilled advocates.

The training was intense for everyone involved. However, advocacy training of this nature is most beneficial to all when conducted intensively and thoroughly. International training provides a real opportunity for each trainer to re-evaluate his or her own thinking and approach to advocacy. Each session prompted new questions and opportunities for each trainer to reflect on how and why they the undertake the job and pass this on to our trainees. The value to the individual of explaining to others what you aim to achieve in your advocacy and how you complete that aim cannot be understated.

Without doubt all the participants on this intense but rewarding course learnt and improved their advocacy skills. All were enthused to return to their burgeoning practices at the conclusion of the weekend as improved Advocates.

We said farewell on Sunday afternoon and travelled homewards after a fascinating and memorable weekend, fostering close relations between all and the ever-important exchange of ideas. All in all, Polokwane provided a hugely rewarding and busy weekend for all that took part. It was apparent to all that those at the beginning of their legal careers had been keen to utilise every minute of the course in order to gain experience and knowledge from their more experienced advocacy trainers. They clearly did so.

Epilogue

David McNaughtan KC and I spent our final day of this visit in Johannesburg, visiting the Apartheid Museum and Soweto township, which included Nelson Mandela's former home and the memorial to Hector Pietersen, a 13-year-old boy murdered by SA police during the peaceful protests of 1976. For any decent human being, these visits were sobering, humbling, sickening and anger inducing in equal measure, but simultaneously life affirming in the progress that has been made since the end of Apartheid.

The day concluded with a visit to Constitution Hill, where the separate Prisons for Black, Coloured and White prisoners were located during the Apartheid era. The conditions the prisoners were kept in and the savage treatment of them, particularly those with Black heritage, was beyond comprehension.

The Constitution Hill site is now houses the Constitutional Court, opened in 2004 and built in part with brickwork from the old 'remand' prison. Additionally, the site now houses a museum commemorating the lives of those killed within Constitution Hill prison itself, and the lives of Nelson Mandela and Mahatma Ghandi, who practiced in South Africa for much of his legal career.

A sincere hope is that one or more of those young Advocates who I had the privilege to meet and train, will use to their advocacy to follow the path of those two great men. The combined experience of this legal-centric visit to South Africa reaffirmed my belief that fighting for Justice and being Advocates to that end must be at the forefront of any civilised and decent society.



William Hughes KC

• Foundry Chambers

MENTAL HEALTH IN CRIMINAL COURTS:

A YEAR ON FROM THE SEC PANEL EVENT

It will have escaped no one practicing in crime that mental health is an ever increasing reason that defendants find themselves before the courts. Indeed the impact is anecdotally apparent across immigration, family and many other areas.



It is however something that is particularly acute in criminal courts given the nature of the matters dealt with ranging from Magistrates' cases involving street drinking and violence all the way up to murders in which diminished responsibility comes into play. All of that only considers the crime itself. The process also often has to be adapted to cope with those defendants who are not well enough to be involved with the court's process and so are found 'unfit to plead'.

Many people with first-hand experience of the UK mental health system would agree that the system generally is near collapse. This means that now more than eve, many individuals suffering with mental illnesses find themselves entangled in the UK criminal justice system.

This is despite the government pledge in June 2023 which had aimed to reduce the crossover between mental health and the Criminal Justice System – that pledge in June 2023 was to invest at least 2.3billion of additional funding a year by March 2024.

Alongside their pledge, they announced the 'Right Care Right Person' initiative.

However, when the Chancellor of the Exchequer announced his spring budget in Mach 2024 there were no funding announcements for mental health.

A year ago on 21st March 2024 the South Eastern Circuit hosted a panel event in conjunction with that announcement.

Mrs Justice Cheema-Grubb gave a key-note speech at that event acknowledging the weight of problems with mental hill health on the system and the numerous ways in which funding cuts impact on the progress of cases, and on fairness to all parties involved whether the defendant, the complainant or the families of both or either. This is of course not to ignore the impact on listings, and indeed on counsel and judges of dealing with those in mental health crisis before the courts.



Those concerns raised in the key-note address were echoed and expanded upon by all parties on the panel from HHJ Geoffrey Payne from Luton Crown Court, Anita Arora of CPS, Kat Tsibouklis a defence solicitor, Dr Sophia Anwar a consultant in forensic psychiatry, Leon Lynch a defence barrister, and Kat Harrington of Isleworth Liaison & Diversion team.

Chairing the panel, I noticed above all else that there was little cause for optimism even a year ago of there being any easy solution to those problems raised, but above all else one issue remained key – more funding is needed to support those with mental health issues.

As of November 2024 the Autumn budget announced some further investment in the system. As ever, the scale of change needed in comparison to the funding made available remained a complete miss-match.

These minimal additional aspects of funding provision were adversely impacted by the Spring budget 2025.

While the government line relating to that budget is that "mental health spending is forecast to amount to £15.6 billion. This represents another significant uplift in real terms spending on mental health – £320 million"[1], if one looks at the proportion of spending on mental health within the NHS budget, it in fact is lower overall rather giving the lie to this characterisation of the position. As ever, depending how one cuts the statistics, figures can be friend or foe to the author of any article.

Importantly, however, looking merely at "mental health spending" does not consider the issue wholistically in any event.

As of March 2025 the government made deep cuts to welfare benefits, cuts which will naturally impact on those suffering abiding mental ill health issues. By way of example:

- Health-related Universal Credit for new claimants, set to be halved from April 2026 is frozen until 2030.
- A stricter eligibility test for Personal Independence Payments (PIP) is to be in force in November 2026.
- Young people under 22 will be unable to apply for incapacity benefit top-up of Universal Credit
- Social care was not even referred to in the spring budget.

It is in that context that various charities and professional bodies including the UK Council for Psychotherapy[2], Rethink[3] and Mind[4] issued statements decrying the cuts and raising their concerns about the harmful impact that these cuts will have on people who rely on these services.

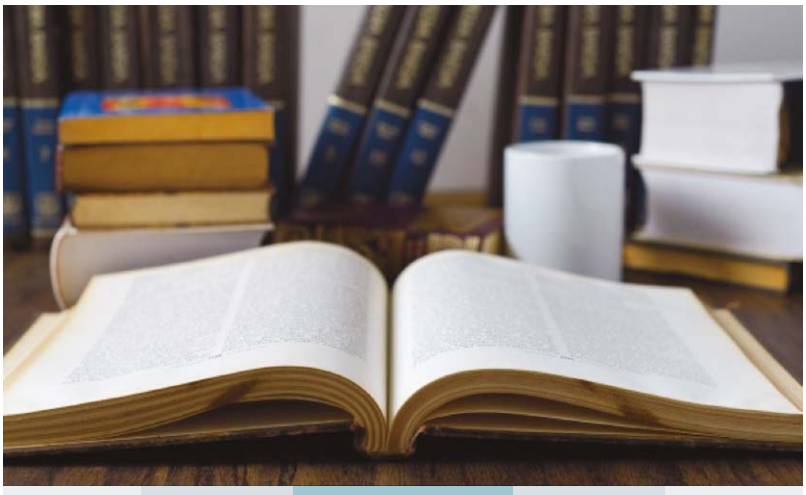


Alex Matthews

- Junior Counsel
- 9BR Chambers

[1] https://questions-statements.parliament.uk/written-statements/detail/2025-03-27/hcws562
[2] https://www.psychotherapy.org.uk/news/ukcp-s-response-to-rachel-reeves-spring-statement/
[3] https://www.rethink.org/news-and-stories/media-centre/2024/03/spring-budget-fails-to-prioritise-mental-health/
[4] https://www.mind.org.uk/news-campaigns/news/mind-reacts-to-spring-statement/

Release Provisions of Offenders



Following a recent Crown Court sentencing hearing, Maria Karaiskos KC and Guy Cecil outline why the Crown Court Compendium Part II needs to be updated in line with legislative changes on release provisions, and provide a summary of the current provisions for offenders.

I recently had the pleasure of shadowing Maria Karaiskos KC at a Crown Court sentencing hearing where she represented "D", an 18-year-old, following his conviction for manslaughter. D had been acquitted by the jury of murder. At the time of the offence, D was 17 years old.

The Judge imposed a determinate sentence of 7 years detention in a Young Offenders' Institution for the offence of manslaughter. When pronouncing sentence, the Judge indicated that D would serve half in detention and half in the community, on licence. Reliance was placed on wording in the Crown Court Compendium Part II that *"all children are released having served no more than half their sentence."*[1]

This pronouncement was incorrect. Maria rectified the position and all parties, including the Judge, agreed that D would, in fact, serve two-thirds of this sentence in detention with one-third on licence. As Maria and I later discovered, by researching the matter, the above reference in the Compendium needed to be updated in line with recent legislative changes on release provisions.

This article sets out the current position on those release provisions, in the hope that busy practitioners will be able to find a quick response to the question which inevitably arises at sentence from lay clients: how long until I am released?

GENERAL RULE: release after serving 40% if requirements are met

It is s.244 Criminal Justice Act 2003 (CJA 2003) that imposes a duty on the Secretary of State to release a fixed-term prisoner on licence and that general duty is to apply once the prisoner has served half of the sentence. Urgent changes in shorter sentences have been introduced recently by the new government's SDS40[2] policy to overcome the cumulative issues with prison overcrowding; under most circumstances where a sentence aggregates to less than five years and subject to certain date restrictions, a prisoner will be released on licence after serving only 40% of their sentence rather than one half[3].

This comes only a few years after legislation was enacted to keep prisoners in custody for more time rather than less time. The Release of Prisoners (Alteration of Relevant Proportion of Sentence) Order 2020 amended s.244 CJA 2003 such that for sentences of seven years or more for a relevant violent or sexual assault, two thirds of the sentence would be served in custody rather than one half. The relevant offences were those in Schedule 15 CJA 2003 which carried a potential life sentence, and the provision would only apply to adult offenders.

SENTENCES COVERED BY S.244ZA CJA 2003

The 2020 Order was fully repealed by s.130(9) Police, Crime, Sentencing and Courts Act 2022 (PCSCA

2022) and the PCSCA 2022 amended CJA 2003 by replacing the provisions of the Order with a more complex matrix of conditions[4] that consider not only the nature of the offence, but the offender and the sentence. This was achieved by inserting **a new section into CJA 2003, section 244ZA.**

General applicability of the new section is to prisoners on a fixed-term sentence that have not been released on licence, that are not of "particular concern"[5], not on an extended sentence[6], and not a terrorist prisoner[7]; see below for provisions relating to these categories. S.244ZA(1) requires the Secretary of State to release a prisoner on licence once they have served the requisite custodial period for their fixed-term sentence. The section then goes on to list three sets of circumstances where the provisions of the section apply, and where they do apply requires that the requisite custodial period is two thirds the sentence rather than a half[8]. The exceptions to the general rule created by s.244ZA are described below.

SENTENCES OF 7 YEARS OR MORE: OFFENDERS 18 OR OVER: entitled to be released after two-thirds if requirements are met

The first set of circumstances refer to Schedule 15 CJA 2003; where this is the case only Parts 1 (Specified Violent Offences) and 2 (Specified Sexual Offences) are relevant to s.244ZA.

Subsection (4) applies for a sentence of 7 years or more imposed after 1st April 2020 where the offence is one specified in either Part 1 or Part 2 of Schedule 15 and where a life sentence could have been imposed at the time of sentencing. The subsection can apply to adult offenders as well as those of age 18-21 serving detention under s.262 SA 2020.

SENTENCES OF FOUR YEARS OR MORE, BUT LESS THAN SEVEN YEARS: OFENDERS 18 OR OVER: entitled to be released at two-thirds if requirements are met

Subsection (5) applies for sentences of at least 4 years but less than 7 years, imposed on or after the 28th June 2022[9]. It applies to adult offenders as well as those of age 18-21 serving detention under s.262 SA 2020. Perhaps because it applies to shorter sentences, the subsection does not apply to the same broad range of offences in Schedule 15, but instead only to those listed in subsection (7). The violent and sexual offences included in the list are:

(a) manslaughter;

(b) soliciting murder;

(c) wounding with intent to cause grievous bodily harm;

(d) ancillary offences in connection with (a)–(c);

(e) inchoate offences in relation to murder; or

(f) specified in Part 2 of Schedule 15 (Specified Sexual Offences), and for which a life sentence was available at the time the sentence was imposed.

In the above circumstances, the offender is entitled to be released at the two-thirds point of the sentence. In multiple offence cases, this applies only where the individual sentence is seven years or more (and not to shorter consecutive sentences each less than seven years but where the cumulative total is more than seven years)[10].

SENTENCES OF 7 YEARS OR MORE: OFFENDERS UNDER 18: entitled to be released at two-thirds if requirements are met

The final set up circumstances, set out in subsection (6), apply to those sentenced under s.250 SA 2020, i.e. youth detention for an under-18-year-old. S.250 is only available for certain offences: those where the corresponding adult sentence is at least 14 years' imprisonment, a handful of sexual offences, and some firearms offences listed in Schedule 20 SA 2020. For subsection (6) to bite, the sentence must be 7 years or more, must have been imposed on or after 28th June 2022, and there is a further restriction to the types of offences covered, on top of those prescribed by s.250 SA 2020, as the offence must also be listed in subsection (7), as previously described.

OTHER SENTENCING TYPES

CJA 2003 provisions contain other types of sentence and these have their own particular defined requisite custodial terms.

EXTENDED SENTENCES: consideration for release at two-thirds, not entitlement, if requirements are met

Offenders serving sentences imposed under ss.254 (under 18), 266 (18–20) and 279 (over 20) will serve two-thirds of the custodial term before being considered for release by the Parole Board. The offender must be released at the expiry of the custodial term[11]. The balance of the sentence will be served on licence. This is subject to the exception in relation to certain terrorist offences.

OFFENDERS OF PARTICULAR CONCERN 'OPC': consideration for release at two-thirds, not entitlement, if requirements are met

Offenders serving sentences imposed under ss.252A (under 18), 265 (18-20), or 278 (over 20) will serve two-thirds of the custodial term before being considered for release by the Parole Board. The offender must be released at the expiry of the custodial term[12]. The balance of the sentence will be served on licence. This is subject to the exception in relation to certain terrorist offences.

TERRORIST OFFENDERS: consideration for release at two-thirds, not entitlement, if requirements are met

The general rule is also subject to an exception created by the Terrorist Offenders (Restriction of Early Release) Act 2020, which inserted a new s.247A into the CJA 2003. This applies to offences listed in Parts 1 or 2 of Schedule 19ZA of the CJA 2003. Unless the offender's sentence was:

(a) an extended sentence or serious terrorism sentence;

(b) imposed on or after 29 June 2021; and

(c) imposed for an offence specified in Part 1 of Schedule 19ZA, or Part 3 and determined to have a terrorist connection, the offender must serve two-thirds of the custodial period before consideration for release by the Parole Board and must be released at the expiry of the custodial term: s.247A(2A) – (8).

EXTENDED SENTENCES FOR TERRORIST OFFENDERS: no eligibility for release

For offenders who are serving extended determinate sentences for offences listed in Part 1 of Schedule 19ZA CJA 2003 or offences listed in Part 2 of that Schedule in respect of which the court has determined a terrorist connection, there is no eligibility for release; release is automatic at the expiry of the custodial term: s.247A(2A) and (7).

SERIOUS TERRORISM SENTENCE OFFENDERS: no eligibility for release

For offenders who are serving serious determinate sentences for offences listed in Part 1 of Schedule 19ZA CJA 2003 or offences listed in Part 2 of that Schedule in respect of which the court has determined a terrorist connection, under s.268A (under-18) or s.282A, there is no eligibility for release; release is automatic at the expiry of the custodial term: s.247A(2A) and (7).

LIFE SENTENCES: no eligibility for release

Offenders serving life sentences in respect of which the court imposed a minimum term order will be considered for release by the Parole Board at the expiry of the minimum term. There is no entitlement to release. If released, the offender will spend the remainder of their life on licence: C(S)A 1997 s.28.

Practitioners need to be aware that where determinate sentences are at least 7 years then these extended requisite custodial periods are likely to apply for a wide range of violent and sexual offences, and may also apply for sentences of just 4 years for the most serious offences within those categories. The provisions can also apply to youths, again where the offences are of the most serious types.

Maria and Guy are available to be instructed on all matters of criminal law.



Guy Cecil

• Church Court Chambers



Maria Karaiskos KC

• Church Court Chambers

[1] July 2024 version, paragraph 4-8
[2] The Criminal Justice Act 2003 (Requisite and Minimum Custodial Periods) Order 2024
[3] The SDS40 provisions are beyond the scope of this paper.
[4] S.130(1) PCSCA 2022
[5] S.278 Sentencing Act 2020 (SA 2020)
[6] SS.254, 266 or 279 SA 2020
[7] SS.254, 266, 268A, 279 or 282A SA 2020
[8] S.244ZA(8). Where there is a single custodial sentence. Where there are two or more custodial sentences then the period is determined under sections 263(2) and 264(2B) or (2E).
[9] The day that the PCSCA 2022 came into force.
[10] AB [2021] EWCA Crim 692; [2022] 1 Cr App R(S) 13; [2021] Crim LR 706, decided in relation to SI 2020/158
[11] S.246 A CJA 2003
[12] S.244A CJA 2003

SOURCE MATERIAL:

Archbold 2025, Blackstone's 2025, Sentencing Referencer 2025

https://churchcourtchambers.co.uk/article/release-provisions-of-offenders

The Schools Consent Project

The Schools Consent Project ('SCP') sends lawyers into schools to teach consent to 11-18 year olds, including the legal definition of consent and key sexual offences, the age of consent, bystander intervention, how to support a friend and options in the event of an assault. Increasingly, our workshop focuses on the impact of the online world: deepfakes, sextortion, the role of AI, etc.



Our aim is to normalise conversations about consent, so that young people are less likely to experience or perpetrate sexual violence in later life. We believe in prevention through education: if you bring consent literacy into the classroom, young people will grow up with a better understanding of what a safe, healthy interaction looks like.

Origin

SCP was born out of a conversation between the Founder, Kate Parker – a criminal barrister at 5 Paper Buildings – and a friend who had been sexually assaulted in the workplace. After discussing the legal definition of consent and sexual assault, it was difficult for her friend to brush the encounter off as a miscommunication or misunderstanding. At the same time, Kate's practice developed a somewhat grizzly emphasis on young people and sexual offending including the sending of indecent images. Time and again, it appeared as though the young person concerned would not have found themselves on the wrong end of a criminal prosecution had they had the right conversation at the right time.

Kate contacted a couple of local schools to see if there would be any interest in a lawyer-led conversation on consent. The appetite was enormous; the Schools Consent Project was born.

Successes

Having set a goal of educating 50 young people about consent (assuming these would be unwilling teenagers plucked from the Founder's old school), the charity in fact set up at a very particular moment in time. The #MeToo, and #EveryonesInvited movements were coming fast around the corner, followed by the tragic abduction, rape and murder of Sarah Everard by serving police officer Wayne Couzens, triggering widespread protests about the safety of women in public spaces. The demand for the charity went through the ceiling. Along came a string of high-profile arts partnerships (including the TONY/Olivier-award winning play *Prima Facie*, starring Jodie Comer, on London's West End, and the Bafta-nominated coming-of-age film *How To Have Sex*), and the SCP's profile grew.

What was once run on iPhone on the way to court, now employees a team of 7 people and – in the past 10 years – has amassed 300 lawyer volunteers from the UK's top firms (https://www.schoolsconsentproject.com/volunteers/corporates) who have taught consent to over 62,000 young people. In 2023, we brought a young adult version of our workshop to the Royal Air Force and the English Football League and, last Spring, we opened our first overseas arm in New York. Headquartered in Brooklyn, the charity has now spoken to over 12,000 students across New York City.







Why we're needed

When we talk to other adults about our memories of sex education at school, the common response is that it either focused exclusively on biology or all the negatives (STIs, unwanted pregnancies, etc). When asked what they learned about consent, most don't remember this featuring in the discussion at all.

The statistics around sexual assault and rape in the UK are horrifying. One in four women, one in six children, and one in eighteen men are the victims of rape or sexual assault. A joint research paper from the Crown Prosecution Service and Equally Ours found that:

- 47% of 18-24 year olds think that it is not rape if a victim does not resist or fight back;
- 50% of 18-24 year olds believe that the rules of consent apply differently online and offline;
- 58% of 18-24 year olds believe that consent is assumed within a relationship or marriage;
- 58% of 18-24 year olds believe that women either often or sometimes make up rape allegations.

You would be forgiven for thinking that this paper was twenty years old. It came out in January of last year.

Young people's views in these areas are not progressing. A lot of students today are informed by influencers such as Andrew Tate, who argue in favour of a misogynist world, and unfettered access to social media and online pornography.

At the same time, rapid advances in technology are creating new ways to sexually abuse others: with 'de-clothing' apps and AI-assisted technology enabling offenders to superimpose a young person's face onto a digitally-created or manipulated body. With advancements in virtual reality, courts are having to consider what it means to be raped in an online world (https://www.bbc.co.uk/news/technology-67865327). The Online Safety Act 2023 is already barely keeping pace.

How you can help

If you are interested in this work, the best way you can support us is as follows:

(1) Volunteer. We are always looking for clear, confident communicators, who are passionate about youth empowerment, ending sexual violence and widening access to the law. It does not matter if you are 2 years call or 20 years call, a seasoned defence counsel or someone who last came across criminal law at bar school: our students are desperate to hear from lawyers and to understand their rights and responsibilities in this area. We will train you on everything you need to hold these conversations.

(2) Connect us to a school. Whether that's your kids' school, your old school or the school down your road, we are always looking for more opportunities to bring consent education into classrooms nationwide. Our master list of schools can be found online here: https://www.schoolsconsentproject.com/schools/our-schools.

(3) Please consider donating. This goes into a pot that helps bring consent education to disadvantaged schools in low-income areas. (https://www.justgiving.com/schoolsconsentproject)

For more information, please contact our Director, Monica, on monica@schoolsconsentproject.com or visit our website, www.schoolsconsentproject.com

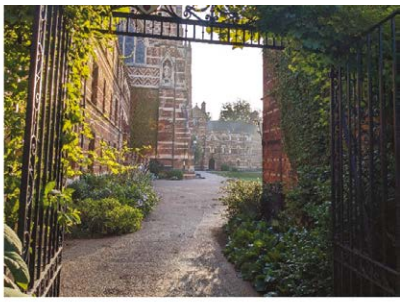
schools consent project

Advanced International Advocacy Course, Keble College, Oxford – 27–31 August 2024

KEBLE 2024: A REVIEW

The Bar is an unusual profession. Very few occupations would leave professionals practically to their own devices for thirty years. True, there are rigorous entry requirements, new practitioner courses and ongoing CPD obligations, but those aside, barristers in our jurisdiction may very well practise for decades without additional training, without pausing to reflect upon their skills and knowledge, and without receiving structured feedback (short of something going catastrophically wrong with a client or a judge). This is the critical omission in our mostly self-employed and relatively solitary profession which the South-Eastern Circuit's Advanced International Advocacy Course seeks to address.











The Course, taught over a week in late summer each year at Keble College, Oxford (hence being almost universally referred to simply as "*Keble*"), brings together approximately 80 participants from England and Wales and internationally, from Commonwealth and other jurisdictions. Most participants are relatively junior but several years into established practices. The Course divides participants into those with criminal and civil focuses, with some shared presentations where content is of mutual application.

The week began on a Tuesday. Mostly because Monday 26th August 2024 was a bank holiday, but perhaps also as a signal that this was not to be normal week for the participants arriving in Oxford to check-in to their assigned rooms (student accommodation, spartan but functional) before the first plenary session. This was an introductory talk from the Course director, Sarah Clarke KC, with a cheerful and optimistic delivery of the line "*by Thursday evening you will all be completely exhausted*". No one could claim we weren't warned.

The Course breaks the art of advocacy into distinct components: case analysis, examination in chief, cross-examination, legal submissions, expert witness handling and closing speeches, but opens, naturally, with closing. This is quite by design however. The closing speech gives an opportunity to highlight the importance of preparation with our end goals in sight: "*what do I want to be able to say in my speech? Where will that point come from? How am I going to get it into evidence?*" The start-as-you-mean-to-finish approach threw participants in at the deep-end of the Course too, as we launched into our closing speeches in front of our tutorial groups and advocacy trainers. Having at that point only read the case papers individually, it was immediately fascinating to compare approaches by those from different jurisdictions; a point discarded as trivial in one speech, was transformed and illuminated as crucial in another.

A hallmark of Keble is its deployment of the ruthless but efficient *Hampel method*: giving each performance a single point of feedback; always constructive but always something to be improved, before playback, explanation, remedy and demonstration. The twist however, was that participants then left the group to watch back a recording of their performance in a video review suite, with a different advocacy trainer unpicking the feedback received. This, I will confess, was far from enjoyable – but then who can say they enjoy watching recordings of themselves immediately after having flaws highlighted? Ultimately: a sobering, somewhat embarrassing, but vitally useful and dramatic method

to improve one's advocacy. Clarity of communication, quality of preparation, pace, tone, structure of argument: nothing escapes a roomful of peers, three trainers and a video camera. The video review process meant each participant slowly building a library of their performances on a personal SD card, just in case any of us ever wish to relive some of our most cringe-worthy moments on a bored day in Court.

Another twist on the typical Hampel approach was that there was often a break, a demonstration or a plenary lecture, occasionally simply overnight, before the 'replay' component: giving a chance to reflect upon the feedback received before trying the advocacy performance again.

The majority of the Course featured advocacy performances drawn from a single fact-pattern which would form the mock trials on the final day. For criminal participants like myself, this was a deceptively simple case involving alleged drug dealing, with identification of the defendant as the man involved at its heart. For civil participants, the exercise alleged a breach of contract by a former employee of the claimant company who was said to have poached business when leaving to work for a competitor. Each exercise had a number of witnesses to be called by each party (and unusually for the civil practitioners), witnesses who would need to be examined in chief.

After a day focusing on closing speeches, the Course dived into two days of witness handling, with advocacy trainers, among them eminent lawyers, Australian Silks, Crown Court Recorders, High Court Judges, to give some examples, playing the witnesses with varying degrees of difficulty and each no doubt having enormous fun living out their amateur dramatic dreams. The Thursday focused mainly upon submission advocacy on points of law (and appellate submissions for the civil participants). For this, each participant had been invited to provide a skeleton argument in advance for use during the submissions exercise and in order to receive feedback on both their written and oral work.

Another invaluable feature of the Course was the availability of voice and performance coaching sessions, offered one on one by vocal experts, each offering an honest review of speaking style, persuasion, posture, pace and tone. As recognised by participants during the Course, at what other point in our professional lives would barristers have access to such fascinating insight? Where else would any of us have even found voice coaches?

The penultimate day of the Course was Experts Day: the participants divided between a medical negligence case with real doctors playing the experts and a forensic accountancy problem featuring expertise from real accountants. The evening prior, participants attended a seminar set up as a panel discussion, with the opposing banks of experts discussing the issues in each case and enthusiastically getting into character as expert witnesses by tearing holes in their colleagues' arguments. Debate continued at the nearest pub, with the volunteer medical and financial experts accepting payment for their expertise and acting abilities in liquid form. Experts Day itself combined the difficulty of witness handling with our attempts to understand the subject material; the obvious danger being that simply because counsel understands (or pretends to understand) a difficult subject, it doesn't mean that the judge or jury do.

The final day put all of the pieces of the puzzle together with mock trials. These took place as realistically as possible, as though taking place in real time. In the criminal trial, this involved real Circuit Judges and members of the public drafted in to play jurors. Advocacy trainers and other participants played witnesses while teams of counsel for each side put into practice the lessons learned during the week. After closing speeches and only slightly abridged legal directions, the juries retired to consider verdicts while participants received a final round of feedback on this performance. Of particular interest in the criminal course and a rarity in England and Wales, was the opportunity to then sit down with the jury. What worked? What didn't? What could have been clearer? Interestingly, even a mock jury in this exercise disclosed that they would have quite liked more evidence – "*Can we see the CCTV?*", "*Why didn't the police ask the neighbours what they had seen?*", "*We saw no reason to disbelieve the police officers.*" Some things never change!

In this post-Covid era of digital case systems, CVP and virtual Chambers, a particularly enjoyable aspect of the week is spending time between the serious work enjoying the social life of the Bar with colleagues, course volunteers, trainers and judges, with old and new friends and sharing our successes and failures. Keble offers a real taste of the collegiate Bar which has perhaps been missing from our professional lives of late.

The Course would, of course, not be possible without the dedicated input of its directors, advocacy trainers, volunteers and – to single one person out – Aaron Dolan ("the man in the hat" as he became known during the Course). It is obvious that the faculty members who plan and run the Course, now in its 31st year, are proud of its successes, and deservedly so.

Keble is intense. No one signing up should make the mistake of thinking it will be an easy week. It is every bit as difficult as being engaged in a complex trial, but with all its opportunities for structured feedback, review and incremental improvement in a friendly, collegiate environment, it is the best advocacy training programme in England and Wales. It entirely merits the global reputation for excellence that it continues to enjoy.



Harry O'Sullivan

- Circuit Junior 2020-23
- Circuit Recorder 2024-26

Advanced International Advocacy Course, Keble College, Oxford – 27–31 August 2024

The 'Keble Course'

The South Eastern Circuit, Tim Dutton CBE KC Advanced International Advocacy course is held yearly at the Keble College, Oxford. The course, known worldwide as the 'Keble Course', is rightly regarded as the leading courtroom advanced advocacy course worldwide.

Timothy Dutton, CBE KC, created and founded the course in 1993. In his words, Tim Dutton CBE KC explains that there was no quality advanced advocacy training at the English Bar when the idea was formed. Compared to the United States, senior trial lawyers had appreciated the lack of high quality throughout the system and the need to put a training system in place.



Another compelling reason that sparked interest in creating the course was the competition that brewed when, in 1990, the rights of the audience were opened for solicitors to become higher rights advocates. City solicitor firms brought Tim Dutton CBE KC and a few others to train their solicitor advocates. Then, the idea came about for an advanced advocacy course for the Bar. The Keble Course is a one-week residential course held at Keble College, Oxford. Keble College was founded in 1870 and is known for its red-brick Victorian architecture. It is one of the largest of the 36 colleges at Oxford University.

Each year, each of the Inns of Court offers funding for up to five of its members (from any circuit) to attend the Keble Course. Similarly, the Hong Kong Department of Justice and other organizations offer scholarships to allow participants to attend the Keble Course at no cost. The scholarships provide the opportunity to expand accessibility to the Keble Course.

There are four categories of people who join to make the Keble Course a success on each occasion. The first category of people are the participants without whom the Keble Course would be ineffective. The second is Aaron Dolan (a.k.a. 'the man in the hat'), the South-Eastern Circuit administrator, who stands in his category. Aaron works closely with the course director and their deputy, providing all the administrative support to ensure that the Keble Course is perfectly organized. The third category is the faculty members, the trainers who teach the course and are on hand throughout the week to provide non-advocacy-related support such as career progression and other general advice. The faculty members consist of senior advocacy trainers from all over the world, including judges at the Court of Appeal, the High Court, Circuit judges and leading silks. The volunteers who work tirelessly to support the practical day-to-day running of the Keble Course, such as providing support with operating the video recording equipment and directing participants to their various seminar rooms according to the timetable, comprise the fourth category. Both participants and the faculty travel from all over the world to attend the Keble Course. Notable among the countries where faculty members and participants have travelled include the four countries of the United Kingdom, Australia, Hong Kong, India, Malaysia, Singapore, South Africa and the United States. The international element involving the faculty and participants makes the Keble Course outstanding as it offers different perspectives from different jurisdictions, making the training unique in its delivery.

The participants, faculty and volunteers reside between the new H B Allen Centre and the undergraduate halls of residence on the main site at Keble College. Throughout the course, participants, the faculty and volunteers sit together at dining times where they are served a variety of meals in Keble College's magnificent dining hall (which is said to be the longest of any Oxford College) where Tim Dutton CBE KC's wall painting hangs facing the podium in the hall. During the Keble Course, breakfast and lunch are served as a buffet-style service, whereas dinner is served as a formal dining



experience where the food is served to the table. Living together in the same residence halls and sitting together at mealtimes enhances the friendly collegiate atmosphere on the Keble Course, notwithstanding the intense work ethic.

At the Keble Course, joint lectures are held in the O'Reilly theatre. Group lectures for the Civil law participants are held in the seminar rooms in the Sloane Robinson Building, and those for the Criminal law participants are held in the rooms in the Arco Building. Training on the Keble course is delivered in workshop groups, where the participants are put into smaller groups to work among themselves with a group tutor and other faculty members. The workshop groups often remain the same throughout the week, and participants form great friendships among themselves, which survive many years after their attendance on the Keble Course.

The method of teaching used at the Keble Course is the Hampel method, which was developed by Professor The Honourable George Hampel AM KC, who sadly passed away on 08 October 2024, aged ninety-one. The Hampel method is a six-step methodology that gives the advocate feedback on a specific area of their performance. The trainer would identify one aspect of the advocate's performance to be addressed. The trainer will reproduce the identified element of the advocate's performance verbatim, explaining why this issue needs to be addressed.

The key feature of the training system used at the Keble Course is the feedback, which consists of a 'headline'. The headline is a form of critiquing the advocate's performance, which ensures that the teacher is focused and disciplined and can provide feedback on a single point that the advocate must improve upon. This method is pupil-focused; the advocate absorbs what is being said and has something specific to work on. This feedback style is provided for each exercise participants undertake throughout the course. The Keble Course reinforces the participant's ability as a capable advocate. It benefits the faculty by allowing them to hone their skills while imparting knowledge to the participants.

One month before the commencement of the course, Aaron Dolan circulates the course material, including the instructions, guides, case papers, a timetable, a map of Keble College and a welcome letter from the course director. The participant's pack includes additional resources, such as video recordings that are useful to watch before starting the course. Participants must prepare and submit two skeleton arguments a week before arriving at Keble College. The instruction informs the participant that the course involves thorough preparation before arriving at Keble College. It is recommended that participants spend no less than four days preparing for the course. Though this may seem extreme, it is an instruction that must be followed, as many who thought otherwise have struggled with keeping the Keble Course's pace and intensity.

The experience at the Keble Course is often referred to as a 'Baptism of Fire'. This is because of the strict military-style timetable, the intensity of all the exercises the participants undertake and the high level of criticism for each exercise. The experience would be challenging initially, but for many, the tension would have eased off somewhat by mid-week. Participants undertake several advocacy exercises, including examination in chief, cross-examining witnesses, practising medical and finance experts, and presenting closing and opening submissions. The exercises are completed with the participants running a full mock trial before practising judges with jurors present. The mock trials at the Keble Course are unique because the experts and the jurors are not actors, giving the training a close semblance to the real-life courtroom experience.

During each exercise, the advocate's performance is recorded on video, and immediately after, at least three faculty members critique the advocate's performance. The group tutor provides the headline and the reason and rationale and, using the Hampel method demonstrates to the advocate how to improve their advocacy by implementing the headline. Then, the other faculty members share their feedback, which is used to enforce the headline. The advocate then goes to a video room where they watch their performance. During the video review, the advocate is allowed to tell the faculty member whether they disagree or agree with the headline and to discuss further aspects of their performance, which illustrates why the headline is appropriate. The video reviewer then provides the advocate with additional feedback on their performance, which may include a critique of some artistic aspects of their performance. The lonely walk to the video room makes the Keble Course even more daunting. That short walk to the seminar room and the video review room can be psychologically intense as it is an opportunity for the advocate to reflect on their performance, and often, the advocate may feel very depressed in circumstances where they view their performance as substandard. However, it is always the case that when returning from the video room, the advocate feels confident in their ability to improve their performance, which makes a hugely positive outcome of the video room experience. A significant part of the training delivered on the Keble Course is the provision of voice coaching by theatre teachers who offer individual voice coaching sessions throughout the week.

On the penultimate night of the course, a banquet is held at the Keble College dining Hall, during which participants, faculty and volunteers are joined by the experts and the judges who conduct the mock trials. The banquet is akin to Oxford University's tradition, called 'Formal Hall,' a three-course waiter-served meal served by many college community members to round off the week. During Formal Hall, students and staff wear gowns and dress more formally. Similarly, the dress code for the banquet on the Keble Course is evening wear with a grand banquet reception on the Keble College's Liddon quad.

During the banquet, there is a music performance by members of the faculty, who play at the orchestra level. This year, the music performance was dedicated to a long-standing supporter of the Keble Course, Paul Darling OBE KC, who died suddenly on 02 August 2024. During the banquet, the guest speaker provides

a brief speech where they use the opportunity to congratulate participants on their tenacity and wish them luck in the mock trials on the last day of the course. This year, the Keble Course was fortunate to have Lord Justice Green, the Senior Presiding Judge, as its Guest Speaker. Lord Justice Green paid tribute to all four categories of people who made the Keble Course a success and shared his hope that the Keble Course will continue to provide world-class advanced advocacy training to advocates worldwide.

Arriving at the quintessential English county of Oxford for the first time or returning to the county can be an exciting experience. Still, for many participants heading towards Keble College for the Keble Course, it is often a mixed bag of feelings of anxiety and excitement.

The Keble Course begins with an opening address by the course director, who sets the tone for the week. In her speech this year, Sarah Clarke KC assured participants they would leave as better advocates were when they arrived, which all candidates attested to by the end of the gruelling week. She acknowledged that the course was intense but encouraged participants to have fun while at it.

What makes the Keble Course unique is the lectures that are delivered between exercises. Some of these lectures are offered as a joint session for civil and criminal law participants, while others are explicitly delivered in specific areas of law. As part of the instruction, participants are expected to prepare a closing speech for their respective case materials before starting any preparation on examining witnesses. The essence of starting with one's preparation with a closing speech is to provide the road map for the case, as this is the final speech an advocate makes in persuading the court to determine in their favour.

On the first day of the Keble Course, there is a talk and demonstration on closing speeches, followed immediately by the first workshops/ training. Then after, the participants swing quickly into a session on case analysis, where participants are led to understand the essential skills that underpin excellent case analysis. The session on case analysis is followed by a talk and demonstration on witness handling and a performance skills talk by the voice coaches.

The second day's exercises began with workshops on closing speeches and witness handling, giving those who had not participated the previous day a chance to do so. A session on written advocacy followed, along with more exercises in closing speeches and witness handling. Before dinner, there was a talk on appellate and submission advocacy. Afterwards, participants retired to their rooms, often spending the evening refining their written submissions in preparation for the next morning's workshops on appellate advocacy.

The following day was dedicated to practising appellate advocacy, with participants receiving personalized feedback on their written submissions. Before dinner, they attended a session on expert evidence and watched a demonstration of the examination-in-chief and cross-examination of experts. That evening, medical and financial experts arrived at Keble College and joined participants and volunteers for dinner, followed by a briefing on expert evidence. By this point, many participants were exhausted from the intense schedule and anxious about examining real-life experts.

The following day, participants held client conferences with their assigned professional witnesses, receiving feedback on their performance. Most of the day was spent examining and cross-examining the experts. In the early evening, formal teaching concluded, giving participants time to finalize their preparations for the mock trials.

The last day of the Keble Course is the day of the trials, where participants proudly demonstrate how much they have improved



Keble College Chapel, Oxford

in their advocacy skills over the week. It is humbling to see group tutors and faculty members watch participants with smirks of smiles and grin across their faces, proudly endorsing the participant's improvement and achievement in producing a much better advocate.

The week ends with a closing speech from the course director, who reminds participants about the vital role that each category of person brings to making the Keble Course a success and invites participants to return as volunteers or trainers.

It cannot be underestimated that the Keble Course is exhausting, but it can also be fun. For example, on Thursday evening, after the talk by the experts, participants and the faculty all troop down to the King's Pub nearby for a less formal networking and social evening. Additionally, on the night before the mock trials, the Keble College bar opens till 1 am, giving participants, faculty and volunteers a further opportunity to 'let their hair' down before the big event of the week, which is the mock trials.

At the end of the week at the Keble Course, some participants end up spending a couple more days in Oxford to enjoy a well-deserved rest, others book holidays immediately after before returning to work, and others treat themselves to a shopping spree at the designer outlet shopping centre at Bicester Village. In contrast, others simply travel home to rest from their labour.

This year, the Keble Course provided its world-class advocacy training to 82 participants from the UK and abroad, including Tim Dutton CBE KC's daughter, with the support of 14 volunteers, 45 faculty members, 22 medical experts, 15 accountants, over 60 jurors, and a number of judges the High Court and Crown, who specifically attended to take part during the mock trials.

Mr Justice David Nolan aptly described the Keble Course as the "crème de la crème" of advocacy training, and I wholeheartedly agree. Any advocate looking to master their craft must put themselves through the rigorous training it offers. They will emerge as more vigorous advocates — nothing worse than that!



Yaa Dankwa Ampadu-Sackey

• Four Brick Court

Florida – May 2024

FLORIDA ADVANCED TRIAL ADVOCACY PROGRAMME CIVIL

A great strength of the Bar and the South Eastern Circuit is our collegiality. Although opponents in court, we share the same obligations, duties and experiences of representing clients facing consequential decisions and looking to us for advice. We support each other, whether through Specialist Bar Association events, or the many mentoring and diversity schemes that exist. Barristers give many hours unpaid to foster this sense of collegiality, which never descends to 'clubbability.' It was heartening for four junior members of the Circuit, together with a silk, to see that this sense of collegiality exists in the trial lawyers of Florida.





In May 2024, Chelsea Sparks, Mathew McDermott, Tadhgh Barwell-O'Conner, and Alex Pritchard-Jones, together with Charles Bagot KC, participated in the Advanced Trial Advocacy ('ATA') Civil Programme in Florida. The South Eastern Circuit has a longstanding relationship with the Florida Bar Association, hosting junior civil and criminal lawyers in each jurisdiction. In May, we go to them; in August, they send some of their lawyers to the Keble College Advocacy Course.

The lawyers and judges of the 13th Circuit were excellent and generous hosts. All the barristers were collected from the airport by 13th Circuit Judge Claudia Isom and trial lawyer Woody Isom, who took us to our respective host families. Chelsea was lucky enough to stay with Christine Marlewski, a 13th Circuit Criminal Judge and one of the advocacy trainers on the ATA course who had a wealth of knowledge and was incredibly hospitable. Tadhgh and Alex stayed with Nancy Baumann, carrying on her late husband's tradition of hosting visiting barristers with enthusiasm.

Before the serious work of court visits and the ATA began, we were treated to paddleboarding and kayaking at the idyllic Weedon Island Nature Reserve in Tampa Bay. All eyes were peeled for manatees but none were seen. This was the only disappointment of the trip that was to follow. Following the kayak tour we were taken across the bay to St Petersburg, and introduced to some of the judges we would see in court on Monday.

From Monday, the real work began. We visited the State, Federal and Second District Appeal Courts in Tampa. We observed hearings across a range of civil and criminal matters, discussed the issues with the presiding judges, and compared the differences in our respective jurisdictions. Our group got to

split up at the state court and we were able to observe a wide range of cases, suited to our particular interests. Some observed a jury selection, in which jurors were asked about their like or dislike of insurance companies. The purpose of this process is to ensure that a fair and impartial trial takes place as the jury will be the ultimate decision makers. While this was unusual to us, we were later to find that our colleagues on the ATA were astounded that there were no juries in civil cases in the UK (with limited exceptions).

We were lucky to attend the last event of the 13th Circuit Equality and Diversity group. This was an event held at the law library. We were given the chance to learn about different ways the lawyers were promoting the success of a diverse Florida Bar and the ongoing hurdles and issues they are currently facing.

On Tuesday afternoon, we were invited to visit the Federal Court by Virginia Covington, a Federal Judge presiding over a criminal sentence. The judge kindly took the time, post sentence, to introduce us to the Alcohol Tobacco and Firearms Agent who was sitting with the District Attorney. We were able to ask questions about the crime, which was a felony charge for possession of a firearm, and the sentence.



On Tuesday night, we travelled to Gainesville, Florida, for the Florida Bar Association's Advanced Trial Advocacy course. The ATA was structured around a mock jury trial of a wrongful death damages claim following a collision between a cyclist and SUV. The course was a combination of lectures, practical demonstrations, and practice. Charles Bagot KC tackled a demonstration cross-examination of an accident reconstruction expert made challenging by the willingness of the expert to be unusually partisan; there may have been some playing to the gallery! All the attendees had to open the case, call and cross-examine lay and expert witnesses, and make closing arguments. Each performance was watched by the trainers, with a minimum of 2 but normally 3 in each classroom. The Hampel method of advocacy training is not used. This was good, in that praise could be given; but also testing, in that the trainers were not limited to one area of (constructive) criticism at a time. Following the in-classroom critique, each attendee went to the video review faculty where their performance was further dissected by another experienced lawyer willing to give additional feedback.

On the final afternoon, the closing arguments were performed before a real jury selected from members of the public. The jury deliberations were filmed and on Saturday morning the attendees were invited to view the film. It was instructive to see jury deliberations. The jurors considered verdicts on both liability and quantum. The jurors had scant regard for the evidence, especially when approaching quantum. The award of damages was arrived at by averaging out each juror's chosen figures, including those at the far extremes of low and high. There was swearing, bad temper, sulking, and inferences devoid of all logic. The monitor of the jury deliberations, who was in the room and then showed us the video, said that at moments he thought he would have to step in to break up fights. It makes one wonder what goes on in a criminal jury room in England and Wales.

The way in which we were hosted and welcomed by all the attorneys and judges we met demonstrated the collegiality that exists on both sides of the Atlantic. The facilities at the ATA, hosted by the University of Florida, were incredible and we were able to watch advocacy performances and demonstrations in the state of the art mock courtroom within the Levin College of Law building.

When exploring the wider campus we were particularly impressed with the size of the sports stadia for basketball, 'soccer', American Football, and even volleyball as they were all enormous. There was also a large lake on campus which was home to wild alligators which regularly appeared throughout the day to bask in the sun.

On the last night of the programme there was a formal dinner at the University of Florida President's House. We had been forewarned that the highlight of the week, or even the lawyers' year, was the barristers' skit. More time was spent preparing this than many real life cases. For our skit, we decided to do a whistle-stop tour of all the infractions that a hapless barrister might commit before a grumpy and reactionary judge. The crowd liked our effort, which was made easier when we realised how entrenched a rivalry exists between the University of Florida (UF) and Florida State University (FSU). Most of the lawyers at the ATA had attended one of these two universities. The case at the heart of the skit pitted the two universities against each other, and Charles did his best to be an impartial judge. This was undermined when, halfway through, he donned a UF baseball hat in place of his wig.

All in all, we enjoyed our time and recommend that junior members of the SEC consider applying for the ATA scholarship next year and that silks consider joining the teaching faculty.



Alexander Pritchard-Jones
Chelsea Sparks
Mathew McDermott
Tadhgh Barwell O'Connor
Charles Bagot KC

Florida – July 2024

FLORIDA ADVANCED TRIAL ADVOCACY PROGRAMME CRIME

Every year the South Eastern Circuit provides funding for 4 delegates and a silk [Kings Counsel] from the circuit to attend the Gerald T. Bennett Prosecutor/Public Defender Trial Training Program held at the University of Florida for a period of 5 days in late July. This year the juniors who attended from the circuit were Colin Wicher, Toby Roseman, Danielle Manson and Hannah Wilson. They were chosen following a competitive selection process. The delegation was led by Benjamin Aina KC.

Prior to travelling to Gainesville, the juniors spent some time in Miami, during which they were able to visit the State and Federal Courts to learn more about the day-to-day running of the Florida criminal justice system.

The juniors attended the Richard E. Gerstein Justice Building and meet with Chief Judge Nushin G. Sayfie and Senior Judge Gisela Cardonne Ely. After an introduction to the history of the court and discussions about the recent nomination of Kamala Harris as the Democratic Nominee, the juniors undertook a tour of the court building. It was fascinating to hear about the pioneering work of the circuit to tackle the key issues facing the court and the community such as the Eleventh Judicial Circuit pioneering the introduction of Adult Drug Courts, through which defendants who suffer from substance abuse issues receive treatment and support and could thereby avoid prosecution.

During the tour, the UK delegates were able to sit in on death penalty proceedings being heard by Judge De La O (anecdotally, in the courtroom where Ted Bundy faced trial in 1979). While the jury were deliberating whether the death penalty should be applied in a historic double murder, they sent a question for the advocates. It was fascinating to watch how this was dealt with, not least because, at the end of the discussion, the judge gave the answer to the jury in a very time-efficient manner- by just simply writing the answer and sending the paper into the jury room for them to consider! After the hearing, the delegates were able to chat to the advocates and were delighted to find that one of the advocates for the State, Abbe Rifkin, would be one of the tutors on the course in Gainesville.

After a short stop for coffee, the delegates observed a bond hearing being carried out via video link before Judge Glazer, before going to the closing speech by the State in a rape case. Seeing advocates in action before the court brought home the differences between the UK and US approaches to advocacy and gave a flavour of what was to come during the next week. After this, the delegates travelled downtown to see the beautiful 1920's Dade County Courthouse, and viewed the courtroom in which notorious mobster Al Capone was tried for perjury in 1930.

The next day, Colin Witcher attended the Federal Court House on behalf of the Circuit, where he met with a number of Judicial Clerks and interns, engaging them with stories and anecdotes of life at the Bar. Colin was invited to observe a complex sentence in a cartel case before then being invited to discuss sentencing procedure more generally with Federal Judge Williams over coffee in her Chambers. Colin also spent time with Judge Huck, whose Law Clerk later treated him to happy hour festivities.

The Gerald T. Bennett Prosecutor/Public Defender Trial Training Program, was held at the University of Florida, Levin College of Law. The course revolved around two fictious trials: a robbery in an American diner and a drug deal set up by a convicted criminal in exchange for a plea deal. The papers included witness statements, depositions and photographs, in an effort to replicate an American brief as closely as possible.

Each delegate was allocated either the role of State Attorney or Public Defender, based upon their preference or domestic experience, and allocated to different tutor groups.

The team of tutors included Judges, leading lawyers from the State of Florida, and Benjamin Aina KC leading the UK delegates.

The first day began with the meeting of tutor groups and undertaking case analysis, followed by pizza. The food was a major part of this course! The pizza was just what was needed as UK delegates adjusted to the time difference. Thereafter the hard work begun: four days of advocacy including opening statements, direct (examination in chief), cross examination, and closing arguments. The Florida tutors followed a fluid Hampel style of teaching.

The week began with UK delegates being very British: the Crown, as opposed to the State – the protection of the lectern as opposed to pacing the floors of the mock court rooms – the quiet tilt of the head and glare, as opposed to shouting objection. However, by the end of the week, egged on by newfound American friends, UK delegates were pacing the room, gesturing at the defendant, and screaming objection with the enthusiasm of an actor in a John Grisham film (or that may have just been Colin).

The difference in advocacy style was exposed during an objection made during a cross examination: "Objection,



The Dade County Courthouse is a historic courthouse and skyscraper in Miami, Florida

argumentative" was shouted, as one of the British contingent called an alibi witness a liar – not appropriate in Florida, even if you have the witness on the ropes and your case is, that he's definitely a liar. However, during a 20 minutes demonstration of cross examination [UK style and in full silk attire], Benjamin Aina KC was given an objection free pass to demonstrate a cross examination of a witness, who was played by a superb actor. The actor was one of many who were brought in specifically for the course. They were each well prepared and became their respective characters, often playing multiple roles seamlessly. It made for a realistic and credible training arena. The entire course was superbly well run. Further, the feedback was insightful and helpful. To that end, in addition to feedback in the room, every performance was videoed, which allowed individual tutors to meet one-on-one to dissect the performance. That process resulted in a number of attending lawyers to be awarded various advocacy prizes, including our very own Hannah Wilson!

It was a steep learning curve, but in truth, the Americans were eager to see how "the Brits performed" and both sides of the Atlantic were keen to partake in comparative analysis. The course, in addition to covering advocacy, also included for the American lawyers, ethics and the effective use of technology. The UK delegates politely took leave during the ethics session so that we could prepare to host the Annual SEC Florida Party.

Each year, the SEC contingent throws a party for their new American friends, and this year was no different. The party always has a British theme, and our spin on the festivities this year manifested in afternoon tea featuring a pub quiz.

The Hilton Hotel provided a space which we decorated from floor to ceiling in bunting, cake stands, balloons, masks of the Royal Family's faces and inflatable corgis…as we all know, all the usual quintessential accompaniments to any party in the UK. The University of Florida kindly arranged for food to be served, and the SEC delegates provided cakes to adorn the stands, various Cadbury's dairy milk chocolates and glasses of Pimm's which had been expertly mixed by Colin Witcher.

In addition to the decorations, a corner of the room held a selection of our own wigs and gowns for the American lawyers to see, try on if they wish, and have their picture taken in the garb of a barrister.

Following the food, and several litres of Pimm's having been served, Benjamin Aina KC addressed the room, where he thanked our American hosts and wove an amusing tale into the theme of the course material, before introducing the pub quiz. The quiz was made up of four sections: famous Brits; the law; British facts; and finally, The Price Is Right. Each of the SEC delegates presented a round of the quiz. The most perplexing question for the US contingent was:

After an initial long trial questionnaire, the Jury selection process in a double child murder case, in England, takes on average how long:

A: 8 minutes

B: 8 hours

C: 8 days

D: 8 weeks

The correct answer was 8 minutes. In the American justice system days may be spent on jury selection as American lawyers believe that the case is won or lost at this early stage.

The US lawyers were able to better handle questions such as '*which popular British meal is traditionally served with mushy peas and a wedge of lemon?*' and '*In which English city are Robin Hood and his Merry Men associated?*'. The Price is Right round saw them estimating the price of afternoon tea for two at the Ritz in London, and how much a large Big Mac Meal in England would set them back.

The pub quiz was a resounding success with the winning team being rewarded with a large bag of Cadbury's chocolates and some proper English Breakfast Tea. The SEC delegates enjoyed themselves just as much as the Americans; indeed, Hannah Wilson, discovered that her true calling may well have been as a quiz caller!

The evening finally continued on to the hotel bar where it remained until the small hours of the night. The event was confirmed to be a success by one of the US judges passing complimentary observations of the organisation of the party.

We recommend this course to all junior members of the bar and thank the SE Circuit for its financial support.

Colin Witcher
Toby Roseman
Hannah Wilson
Danielle Manson
Benjamin Aina KC

PLEASE MIND THE GAP


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2022 saw male and female barristers at the criminal bar talking about earning – and eventually, reluctantly, standing outside courts, wig to wig taking strike action. In October 2022 they agreed a deal which saw the government pledge an additional £30 million on top of the 15% increase in criminal legal aid fees which had been recommended by the Independent Review of Criminal Legal Aid.

How have earnings fared since?

The Bar Council report on earnings data published in 2021[1] showed 4092 barristers reporting as being "criminal bar". 66% men, 34% women. But the women were only earning 24% of the fees. The male average was £100,537 in 2020 (down from £150,000 in 2005), while the female average was £62,075 (down from £79,926 15 years earlier[2]). And I know readers will be acutely aware that out of these gross receipt figures significant expenses then need to be deducted before we get towards an income figure.

The figures published by the Bar Council in February 2025[3], shockingly (at least for those of us not in the criminal courts day in and day out) showed that the number of barristers declaring 80% of their income from criminal law has reduced to 3100. Men and women have been lost in similar proportions as women still make up 34% of the practitioners. But they're only earning 28% of the fees. While average gross receipts are higher the pay gap remains a significant issue in all call bands, with a 6% pay gap in 0-3 years PQE, 19% in the 16-20 year band and 10% for silks.

This of course is not impacting just on the criminal bar. Across the self employed bar the 2025 report shows that the male median earnings were higher than female median earnings in every PQE group, ranging from a 9% gap for those in the 0-3 year band, to 34% in the 16-20 band, very slightly higher than the gap for silks which was 33%. As stated in the report:

> "At junior level, men's average (median) earnings are just over £150,000, while women's are a little over £116,000. Women are earning 77% of men's earnings on average – over a fifth less. The earnings of junior women in the top quartile (the highest earning 25%) are significantly (35%) less than those of men in the top quartile. At KC level, men's average earnings are around £510,000, while women's are lower at around £340,000. Women silks are earning on average 67% of their male colleague's median gross earnings. The lower earning male silks are not earning much more than the lower earning women silks. However, the top range of earnings for male silks extends considerably higher. The highest 25% of male earners are earning on average over £937,000, while the highest earning 25% of women silks are earning over £630,000".

And the outliers are excluded – so the figures are not being skewed by the odd "super star" or those not really practising.

We have despaired at the slow improvements, and in some areas the backward steps. We have wrung our hands. The figures published in March 2024 are based on earnings data declared as part of our Authorisation



to Practice applications in 2024, providing our receipts for 2023. So we can hope that our focus in the last 18 months or so on this issue is going to show in the figures published in the next couple of years. But do not be in any doubt – we need to do more.

We have the figures on a bar level. We have them on practice levels – but to make real changes, we have to understand them on a chambers level. What this does NOT mean is that you must have complete receipts / billings transparency across chambers. Do see the bar council information on "box and whisker" charts – and listen to Rachel Krys of the Bar Council explaining it to me[4]. Yes it does depend on the size of chambers as to how you can have effective analysis; how to group together practitioners in relation to practice areas, over what periods of time and which call bands to compare. But, we should all now be having practice reviews at least annually, and part of that should always include looking at how a barrister is comparing to their peers in their chambers, in their practice areas.

What action also does NOT mean is that for women to improve, men must decline. Yes, we must look at the fair allocation of the more lucrative briefs and ensure that women are not only being put forward for – what one employment practitioner described as – washing up law. And I think we have to think more carefully about how those who instruct us monitor their fair allocation of work. But initiatives such as looking at billing practices and taking the best habits of our peers can benefit us all. I held a series of round table meetings in my chambers recently on billing habits – and despite being discrimination practitioners, very aware of gender stereotypes, we conformed, with more women than men rounding down their 'time spent', and men being more confident of their worth. One amazing young women told me she considered, when she had produced a piece of work, "how long a reasonable barrister would have taken"? I pointed out that she WAS and IS a "reasonable barrister" so she must have the confidence to record how long it actually took her!

So:

Step one – monitor... analysis... understand. Make sure chambers know about the Bar Council toolkit for calculating work distribution in chambers[5].

Step two – have your practice review. Check out the Bar Council's Practice Review Guide[6]. Build the practice you want and deserve. And get paid for it.



Rebecca Tuck KC

- Old Square Chambers
- Chair of Diversity and Equality Committee, SEC

[1] https://www.barcouncil.org.uk/static/814f8208-6eab-4564-b6da9f85d49a1ce9/c39f111a-0a40-4781-a3bea6a8ac961241/earnings-data-report-2021-appendix.pdf

[2] These figures were adjusted for inflation.

[3] https://www.barcouncil.org.uk/static/a1d026aa-d368-476e-9e29c0e32bc5b09f/Earnings-by-sex-and-practice-area-2024.pdf

[4] https://oldsquare.co.uk/wp-content/uploads/2024/12/Video-Project-1-1-1-1-1.mp4

[5] https://www.barcouncilethics.co.uk/wp-content/uploads/2023/10/Bar-Council-Guide_Earnings-Monitoring-Toolkit_October-2023-1.pdf

[6] https://www.barcouncilethics.co.uk/documents/practice-review-guide/

ANNUAL DINNER 2024



The diaries of the Circuit and its members are busy ones, but the re-emergence of the Circuit Dinner as a fixture in the calendar is an event that everyone makes time for. Once again, Inner Temple were good enough to host the Circuit for our annual dinner and, once again, tickets sold out very quickly.

In addition to (very nearly all of) the Resident Judges from the Circuit, we were pleased to welcome Lady Justice Whipple, Lord Justice Edis, the Attorney General Lord Hermer KC (whose journey to London from work saw his arrival only seconds before dinner was called), Sam Townend KC, then Chair of the Bar, Lucy Barnes CEO of Lawyers who Care (and now a practising barrister at East Anglian Chambers) and the Leaders of the Western and the Wales & Chester Circuits. Taking over from Edis LJ as Senior Presiding Judge, Lord Justice Nicholas Green was our after-dinner speaker. That he agreed to do so in addition to the series of other demands on his time shows the importance of making time for events like this, not simply to see old friends and make new ones, but as a chance for the Bar and Judiciary to come together without the pressures of our respective day jobs.

The Dinner was, thanks in no small part to Aaron Dolan's fabulous organisational skills, a complete success. Such a success in fact that at the end, a number of attendees left Inner Temple for nearby karaoke bars and other licensed premises.

I hope to see as many of you as can make it at this year's Dinner, it will be better than the last two years in one important respect – no one will have to listen to me make a speech.



Leon Kazakos KC

- 2 Hare Court Chambers
- SEC Leader 2023/4














THE SOUTH EASTERN CIRCUIT ANNUAL DINNER

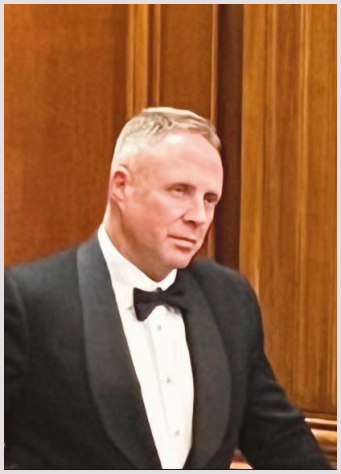













BAR MESS REPORTS

Bar Messes are a vital part of life on the Circuit, both for social and professional reasons.

Please do support your local Mess and get involved with their activities.

Cambridge and Peterborough Bar Mess

Chair: Azza Brown
Juniors: Emma Fielding and Sally Hobson

Central Criminal Court Bar Mess

Chair: Tom Little KC
Junior: Philip McGhee

Central London Bar Mess

Chair: James Thacker KC
Junior: Emilie Morrison
Woolwich Crown Court Rep: George Penny
Inner London Crown Court Rep: Peta-Louise Baggott
Central London County Court Rep: Gita Chakravarty
Southwark Crown Court Rep: Faras Baloch

East Anglia Bar Mess

Chair: Stephen Rose KC
Junior: Joanne Eley

Essex Bar Mess

Chair: Allan Compton KC
Junior: Marc Brown

Herts and Beds Bar Mess

Chair: Kevin Molloy
Junior: Fiona McAddy

Kent Bar Mess

Chair: Nina Ellin KC
Junior: Stacey-Lee Holland
Reps: Amy Nicholson and Emin Kandola

North London Bar Mess

Chair: Philip Misner
Junior: Jessica Peck
Snaresbrook Crown Court Rep: George Penny
Harrow Crown Court Rep: John Warrington
Wood Green Crown Court Rep: Joanna Staples

Surrey and South London Bar Mess

Chair: William Hughes KC
Isleworth Crown Court Rep: Neil Griffin
Kingston Crown Court Rep: Keith Hadrill
Guildford Crown Court Rep: Matt Ralston
Croydon Crown Court Rep: Kwame Sekyere

Sussex Bar Mess

Chair: Alan Gardner KC
Junior: Sarah Thorne
Criminal Rep: James Hay
Civil and Family Rep: Charmaine Wilson

Thames Valley Bar Mess

Chair: Daren Samat
Junior: Adam Williams

CAMBRIDGE & PETERBOROUGH BAR MESS

In May of last year we held our AGM and elected a new Bar Mess committee including:

a. Chair – Azza Brown (Drystone Chambers)
b. Secretary – Abigail Robinson (Fenners Chambers)
c. Treasurer – Giles Fleming (Drystone Chambers)
d. Circuit Bar Mess Rep – Sally Hobson (36Crime)
e. Circuit Bar Mess Rep – Emma Fielding (36Crime)
f. Ordinary Members: Melanie Benn (Fenners), Samantha Marsh (Fenners), Emma Rance (187), Gareth Frow (Regency Chambers), Adam Norris (Drystone).

We were pleased to welcome new leadership for the committee, but sad to say goodbye to Karim Khalil KC who led the committee for longer than most can remember and far exceeded his three-year term! He steered us through some very stormy waters and could always be counted on to make excellent speeches at the splendid events organised by the outgoing Treasurer, Caroline Allison. We will miss Karim's ability to act as a go-between for the judiciary and the Bar with his usual diplomacy as well as the support he provided to the Bar without complaint over his tenure. We also wish Caroline well in her career as a lecturer at Anglia Ruskin University; those who are on the receiving end of her expertise are fortunate indeed.

On the 12 September 2024 we held our Bar Mess Dinner at Christ's College Cambridge. Colleagues from the Family and Civil Bar joined a huge contingent from the Criminal Bar. Our resident judge HHJ Bishop had us in stitches with some very humorous observations from the bench about CVP and waiting for the 'conference host'. It is good to know that the Bench knows our pain! We look forward now to this year's dinner on the 12 September. Tickets are selling fast. Anyone wishing to join us for a memorable evening please contact Abigail Robinson.


Emma Fielding, Sally Hobson and Diane Mundill at the 2024 Dinner

We also welcomed HHJ Andrew Hurst to Cambridge Crown Court in the Autumn and he has settled in well to the Cambridge pace of life.

Emma Fielding (Bar Mess Rep)

CENTRAL CRIMINAL COURT BAR MESS

There have been no recent judicial appointments at the CCC.

There is a new CPS DCCP for London North responsible for the Homicide Unit – David Malone. So a former member of the self-employed Bar.

Since the autumn there are new more onerous security requirements. Please let me know how they are working and how problematic (or otherwise they are.

We held an EGM in April, and are delighted to announce that the following people were elected:

• Junior: Philiip McGhee
• Treasurer: Sarah Przbyiska
• Admissions Secretary: Nick Hearn.

We are very grateful to all of them for volunteering their time and to Jocelyn Ledward and Joel Smith who have been our Treasurer and Junior respectively for some years.

A long-overdue membership drive and recruitment for the Mess is intended to take place and in particular the appointment of reps in each set of Chambers.

Tom Little KC
(Chairman of the Central Criminal Court Bar Mess)

CENTRAL LONDON BAR MESS

GENERAL

The Mess has a new committee with all positions filled. However, we are always looking for willing volunteers to assist.

We continue to enjoy good communication and a good working relationship with the Resident Judges and court staff, and the Mess thanks them. We are stronger working together.

Should you have any court related issue(s) please do not hesitate in contacting the Chair or Junior of the Mess or the Bar Mess representative for the specific court. We are all here to help.

Please note that if you are appearing via CVP please ensure you have a good internet connection and are in a private location.

We intend holding a social event in September. Watch this space!

SOUTHWARK CROWN COURT

It is important for anyone practising at Southwark to be aware of the Southwark Practice Note No.1/2024, effective from 1 July 2024.

Southwark welcomed HHJ Weekes and HHJ Karu in January 2025, increasing their Judicial compliment to 15 with HHJ Hales KC having transferred from Woolwich.

WOOLWICH CROWN COURT

The Mess were out in force at the Valedictory for HHJ Kinch KC who retired in September 2024 following a stellar career at the criminal bar and thereafter led Woolwich as Resident Judge for 11 years. His professionalism, calm, good humour and support for the bar will be missed.

HHJ Heathcote Williams KC, another highly regarded judge, retired in April 2025.

HHJ Mann KC transferred to St. Albans Crown Court, and we wish him well.

The Mess welcomes HHJ Dyal and HHJ Yale and congratulates them on their appointments.

There are ongoing issues with availability for counsel to see their clients in the cells and late production. The judiciary have complained, and the Mess and SEC Leader would like specific evidence to present to the Head of PECS.

INNER LONDON CROWN COURT

HHJ Karu finished her term as Resident Judge in January 2025 and transferred to Southwark. There was a well-attended valedictory in courtroom 1 on 10 January 2025. HHJ Newbery is the acting Resident Judge.

The Mess welcomes HHJ Rudolf KC and HHJ Griffin and congratulates them on their appointments. HHJ Peters KC transferred to Southampton Crown Court, and we wish him well.

Inner is generous in granting attendance via CVP for non-trial hearings, save for PTPHs, but the court would appreciate advance notice and better information as to the reason for the request, particularly if the direction is all parties in person. That will enable a judge to make an informed decision.

CENTRAL LONDON COUNTY COURT

The Mess continues to enjoy a good working relationship and open communication with HHJ Dight CBE.

James Thacker KC (Chair of Central London Bar Mess), Emilie Morrison (Junior of Central London Bar Mess)

EAST ANGLIAN BAR MESS

We started 2025 by saying thank you and goodbye to HHJ Emma Peters, a great friend to the Bar. We wish her well with her appointment in the High Court in the Cayman Islands. The event on the 17th of January 2025 was a great success and well attended by the Bar and Judiciary.

Congratulations to Stephen Rose K.C as he has been appointed as Head of the Annexe at Red Lion Chambers in Chelmsford.

On Sunday 23 March, the Bar Mess Chair, Junior, Members of the EABM and judiciary were joined by the Leader of the Circuit at the Suffolk Justice Service held at the cathedral in Bury St Edmunds.

Norwich Crown Court hosted an Open Day on Maundy Thursday organised by HHJ Robinson and her enthusiastic team. The court welcomed many young people, law students, members of the public, and community leaders into the building. The event had strong support from the Mess who participated in mock trials and were available to answer questions throughout the day

We are seeking to broaden participation of the Bar in East Anglian Bar mess events. We are holding a summer BBQ and drinks at Dunston Hall in Norwich on 4 July. We look forward to welcoming all local practitioners, judiciary and the guaranteed East Anglian sunshine.

Stephen Rose KC (Chair), Jo Eley (Junior)

ESSEX BAR MESS

As 2024 came to an end so did the time in post of Bar Mess Junior, Chris Martin. Marc Brown, of 18 Red Lion Court, has taken over from Chris and. Laura Kenyon has taken over as Treasurer, we welcome them both and thank Chris.

The annual Bar Mess dinner took place on 29th November 2024 at the Mercer in Threadneedle Street. A wonderful time was had by all. This year it is Essex's turn to host the dinner.

2024 saw a change in judiciary at Basildon Crown Court. We said goodbye to HHJ Andrew Hurst, who has after a happy first few years as a Judge, transferred to Cambridge Crown Court. We welcomed HHJ Richard Conley in his place. HHJ Conley spent many years practising, initially as a solicitor and then more recently at the bar, in the Essex Courts. We are sure he will quickly get the measure of Basildon man (and woman) just as quickly as he will adapt to the special brand of self-defence that exists only in Bas Vegas (justifiable revenge...!). We also welcomed HHJ Siew Loke to Basildon.

2025 saw the departure of HHJ Graham, the longest serving Judge at Basildon, having arrived in 2008 (17 years). He will be sorely missed and we wish him the best for his retirement but look forward to his return for mess events. His retirement dinner will be held on 6 June 2025.

Many congratulations to Jane Oldfield and Shauna Ritchie for their appointments as Recorder. Both will sit on the South Eastern Circuit.

Allan Compton KC

KENT BAR MESS

On Thursday 14th November 2024, Maidstone Crown Court celebrated its 40th year since it was opened. Over 250 people were in attendance at an event arranged by the Court to commemorate its anniversary, including the Lady Chief Justice, Lord Reed, Lord Justice Green, Lord Justice Edis and Dame Sharp. There was a welcome held in court 7 of Maidstone Crown Court at which the Resident Judge, HHJ Smith, and the Lady Chief Justice both gave speeches to those in attendance in court 7, as well as to those sat in court 6 who followed proceedings via a video link. Chairman of the Mess, Edmund Burge KC, spoke on behalf of the Bar along with Richard Atkinson, president of the Law Society of England and Wales. The many achievements of Maidstone Crown Court, and in particular its staff and all court users over the 40 years it has been open for, were celebrated and remembered. Thereafter followed a procession to the nearby All Saints Church, and the evening concluded with a drinks reception held at the Court. It was a fantastic and well supported event – and a reminder of the Mess's close relationship with the courts and judiciary in Kent.

In January 2025, His Honour Judge Weekes commenced his new position as Judge sitting at Southwark Crown Court, having spent a number of years as a judge at Canterbury Crown Court. With His Honour Judge Weekes interest for fraud and paper heavy cases, Southwark have undoubtedly gained an experienced member of the judiciary.

Fortunately for Canterbury there have been two recent judicial appointments: HHJ Fowler and HHJ Counsell. HHJ Fowler started his full-time appointment on 29th October 2024, and in doing so vacated his position as Senior of the Mess. Of course, he is well known to those who practice in Kent and a friend to many, and it was very welcome news for the Mess and the bench alike when he was appointed. HHJ Counsell was formally appointed on 25thNovember 2024. She has sat in Kent regularly as a Recorder and so was already familiar to many who practice in Kent and her appointment to the bench in Kent is also a very welcome one. Those two appointments mean that Canterbury Crown Court now has six full time Criminal Judges.

In February 2025, the KBM AGM was held and the following people were elected to the Committee:

- Chair: Nina Ellin KC, 6 Pump Court
- Senior: Tanya Robinson, 6 Pump Court
- Junior: Stacey-Lee Holland, 2DRJ
- Circuit Reps: Amy Nicholson and Emin Kandola, both at 6 Pump Court.

Many thanks to Edmund Burge KC and Craig Evans for their time and energy as outgoing Bar Mess Chair and Junior respectively. We are grateful for all that you have done for the Bar Mess.

On Friday 14th March 2025 His Honour Judge Statman retired after an illustrious 50 year career, over 20 of those years spent on the bench. His valedictory was well attended by barristers, Judges and people whose lives he had touched, including Paula and Tony Hudgell. Resident Judge His Honour Judge Smith and His Honour Judge St John-Stevens paid tribute to his achievements both during his career at the Bar and as a Judge. Others paying tribute included Jeremy Dein KC and Danny Moore (now KC) on behalf of the Kent Bar Mess. This was followed by a speech from His Honour Judge Statman during which he reflected on his time as a Judge and thanked all of those who worked alongside him and appeared before him. He will be sorely missed.

We are looking forward to the forthcoming visit of the Bar Council Chair, Barbara Mills KC, to Maidstone Crown Court and she is looking forward to meeting judiciary and counsel there. Details of this event to follow soon.

This year's annual Kent Bar Mess dinner will be on the 21 November 2025 at the Dilly, Piccadilly.

Nina Ellin KC (Chair)

HERTS & BEDS BAR MESS

LUTON CC

HHJ Simon reports:

The workload remains high. The change more than 18 months ago to fixtures only for trials has proved to have been the correct one for the types of cases Luon CC deal with. Custody cases are still listed within the CTL and bail cases (that have no priority feature) that for example a PTPH in December 2024, will get a trial date in March 2026, which is longer than one would wish but, in the circumstances, better than one might expect. Luton still see a sizeable number of cases cracking on the day of trial, even with floating fixtures, and whilst appreciating the many factors that are at play, it is proving a little frustrating for the court that some of these cases do not resolve a bit earlier, freeing up valuable court space for other trials.

The sitting days cap has had an impact, but Luton are concentrating their available resources on their seven secure courts (Luton and Huntingdon) and sitting at Luton Magistrates Court and Bedford Shire Hall when possible. HHJ Dhaliwal-Thomas started with in May 2024 and, at the beginning of November, HHJ Wigin transferred in from St Albans. That means that Luon now has a full complement of six judges. A number of their regular Recorders have been authorised to try serious sex cases and Luton has been designated as the training court for four new Recorders from the recently announced cohort. Luton continues to benefit from an excellent cohort of staff and the onsite catering remains an additional positive feature of life at Luton. Luton remains a popular place to appear as counsel, and where physical attendance is not required the Luton Protocol remains popular in regulating automatically the entitlement to CVP, obviating the need for form-filling, filing, processing and judicial decision-making. The Resident Judge reports that his inbox is always open for feedback, positive and constructive.

ST ALBANS CC

HHJ Lana Wood

St Albans has had a high number of judicial arrivals. Judge Jonathan Mann KC joined from Woolwich in September 2024. Judge Caroline Wigin moved to Luton at the beginning of November. Judge Michael Roques has moved to Reading, to be closer to home. Judge Andrew Johnson started at the beginning of December. HHJ Choudhry who was appointed a circuit Judge in January is now sitting at St Albans. That will bring the total number of resident judges up to seven (Wood, Sheridan, Mann, Kainth, Siddique, Johnson and Choudhry). If everyone were well, they would be in a good position, but Judge Kainth remains away from work recuperating from a serious illness last year, and Judge Sheridan has been temporarily assigned to Aylesbury whilst he recovers from the major operation he had at the beginning of last year. St Albans has like many courts been quite heavily reliant on Recorders and thank them for their continued assistance.

That said St Albans has been particularly hard hit by the cap on sitting days. This means that St Albans may be only able to run a maximum of 4 trial courts and 1 list court each day. Staff illness has also impacted listings.

A few reminders:

Sadly there is no longer a canteen at St Albans.

St Albans cannot accommodate any defendant who uses a wheelchair. St Albans should be able to accommodate defendants with other mobility issues, but regular visitors will know that the custody lift in the main building has been out of order for months. Please let know of any mobility issues, and if your lay client is a wheelchair user, please ensure that your instructing solicitors provide medical evidence of their disabilities at the earliest opportunity, so that the court can liaise with the Resident Judge at Cambridge, which does have wheelchair facilities, to get the case transferred.

The Resident Judge knows how busy you are, and does not want counsel to come to St Albans unnecessarily. Their experience suggests that it is helpful if counsel diarise FCMHs and PTRs and check a couple of days in advance whether a hearing is really required. If you have a FCMH upcoming in a case, and Stage 2 has been complied with, no orders are sought of the court which cannot be dealt with administratively, and the possibility of resolution without trial has been considered and rejected, please do liaise with your opponent and email the list office asking them to vacate the hearing. Similarly with Pre-Trial Reviews: if the case is ready for trial, no orders are sought of the court which cannot be dealt with administratively, and the possibility of resolution without trial has been considered and rejected, please do tell those instructing you to tick the box on the Certificate of Trial Readiness saying that the PTR can be vacated, and if they haven't, but you are happy the case is trial ready and no hearing is required, please do liaise with your opponent and email the list office. If you need to contact the list officer, Lydia Gomez, for that reason

or any other, please email the list office on stalbanscrown.offersandavoids@Justice.gov.uk or ring on their direct line (01727 753245). Email is probably best: St Albans have a list officer assistant who monitors the email inbox. It is reported that the list office has been running smoothly and they have been getting their lists out promptly.

Kevin Molloy
Church Court Chambers

NORTH LONDON BAR MESS

HARROW CROWN COURT

HHJ Lodge states as follows:

Building works continue. We hope to be back in operation in February 2026 .

Southwark court going well and listed for large trials throughout 2025.

Otherwise, Hendon gives us five courts and Willesden two. We are doing our best to keep delays to the minimum. They are not perfect, but they are better than nothing.

So far as Harrow is concerned, I suspect that no news is good news. We continue to do the best we can over our three sites. No-one has told us of any further delays to the building. Our two new Judges, Lofthouse and Kinch who arrived in November have bedded in superbly. No other Judges have said they are leaving. We have not been told that any new Judges are arriving. Our door is always open for constructive suggestions. Nothing else to report.

SNARESBROOK CROWN COURT

HHJ Dean reports the news from Snaresbrook as follows, "our news is that our senior list officer, Lisa Hammon, is finally retiring on the 4th June 2025".

WOOD GREEN CROWN COURT

First, the good news! On 10 July 2025 the Mess will be putting on a party to welcome HHJ Dodd KC as Resident Judge. Please spread the news!

HHJ Aaronberg KC reports the news from Wood Green as follows:

"Our backlog is growing – we are now up to some 1,200 cases awaiting trial.

We are managing to try single defendant and two defendant cases within a week or two of CTL expiry, but multi-handers are several months later....

New bail cases are being given dates in 2 years' time if they are less urgent and in 18 months' time for 'priority' cases.

We are now told that we will not be getting the courts at Hendon back before February 2026.....

Those time estimates assume that we will have Hendon back next February, but if that proves wrong, there will be further delays.

We are presently relisting a whole load of cases which were given trial dates in the belief that we would be operating 16 courts (11 at Wood Green and 5 at Hendon), when we are in reality only sitting approx. half of that number, as a result of the lack of courtrooms and restricted sitting days.

SURREY AND SOUTH LONDON BAR MESS

Following recent elections at Surrey and South London Bar Mess, I am very grateful to now be the Chair of the Mess. Our huge thanks go to Pippa McAtasney and Harry MacDonald who have given their time and energy to the Mess for many years.

CROYDON

On 8th April I attended via Teams the Court user meeting, chaired by HHJ Mike Evans KC. Here are the main points from the meeting

- HHJMEKC was hopeful of increased sitting capacity for the (new) Current financial year
- PTPHs; General rule is P advocates attend in person, with an OIC attending at least by CVP. HHJ is very keen that lines of communication are kept open prior to and after any hearing. HHJ wants to cut the number of hearings per case. The Judge is open to communication with any party, and the Court will be amenable to matters being put back/moved if either the P or D are not ready for an effective hearing provided there is good reason for doing so.
- Ineffective Trials: CrCC has an 11% ineffective trial rate compared with 31-32% country wide. The major contributing factor to CrCC's ineffective trial figure is lack of Defence engagement. The SEC should encourage input from Defence Counsel, their Clerks and Solicitor Advocates
- Listing: LO, like other CCs, are prioritising CTL cases, and will then turn to the oldest Bail cases. If there are cases with 'wriggle room' they may list it a couple of days after the expected trial date. HHJ does not expect Counsel to wait for a CrCC to be listed if there is a professional conflict with other diary commitments. Communication and engagement is paramount. Obviously, the restriction in sitting days effects everything (as ever). Cases being listed in 2027
- HHJMEKC is open to any ideas to assist with any Court issues and welcomes input from all. Paramount is communication. The next Court user meeting is on 21/10/25

I will meet with HHJMEKC on a date to be arranged to discuss specifics.

GUILDFORD

On 9th April I went to Guildford and met with HHJ Patricia Lees. Here are the main matters arising

- Guildford is overwhelmed with work and does not have enough Courts. Chichester CC has been absorbed into the Guildford quota, and is being used for trials, usually custody. They are presently listing 'minor' bail cases in 2028.
- I was raised an issue on behalf of a member of the Mess who has recently returned to work after the birth of a child. She was anxious about child care arrangements and not sitting too late. HHJPL is sympathetic to this, as she is when any advocate has a personal issue worrying them, she encourages that any issue be discussed with the trial Judge at the outset of proceedings
- A CVP protocol will be introduced, based on one used at York Crown Court (draft attached)
- A GCC note for guidance on seeking extensions of time in complying with Court directions has also been introduced and is attached and for circulation
- HHJPL has organised the FREE use of the Court Car park for the Bar which is a very positive development (map attached and for circulation)
- A drinks party will be held on Thursday 3rd July.

KINGSTON

I have yet to meet in person with HHJ Peter Lodder KC, we are in contact and hope to meeting in the next few weeks. I have spoken to HHJ Mark Bryant-Heron KC in HHJPLKC's absence regarding a couple of matters

- They are currently using 10 out of 12 Courts due to sitting day restrictions.
- Bail cases are being listed well into 2027
- Court users party on Thursday 12th June.

ISLEWORTH

I have had email correspondence with HHJ Martin Edmunds KC and briefly met with him on Friday. There are two matters of differing importance

- HHJMEKC has made an announcement in writing dated 1st May outlining the issues as regards listing. This document is extensive, detailed and attached and for circulation.
- Court users party to be held on 10th July.

William Hughes KC (Mess Chair)

SUSSEX BAR MESS

We held our AGM on 1st May and elected a new Chair: Alan Gardner KC of 23ES. The other officials remain the same.

We had a very successful event on 28th Feb. It was a Fish and Chip Quiz held at Lamb Building Chambers in Brighton. It was well attended and enjoyed by all. We hope to put on more such events hoping to attract more junior members.

We are continuing to plan our Garden Party which will be on 29th June at The Hove Club. I am in the process of planning this event and have a meeting today to sort out menus so I can price the event and let people know the cost of tickets etc. We are hoping it will be cheaper than last year as we do not have to pay venue hire due to SBM member Jonathan Ray being a member there. My thanks go to him for helping with the arrangements.

We will be helping out at the Lewes CC Open Day on 13th September. We participated in this last year and it was very successful and lots of fun. We hope to have an informal social occasion following this event.

We are also planning a dinner this October. It's been a long time since the SBM have had a dinner so it is long overdue and seems popular when members are spoken to. It is likely to be in Brighton but Lewes venues are also being looked at.

Membership continues to slowly increase. Hopefully the Garden Party will bring in some new members. We all continue to strive to encourage new people to join, particularly those at the Junior end who will benefit from the social opportunities that are less readily available in these busy modern times.

Our aim also continues to be collaboration between crime and family.

Sarah Thorne (Junior)

THAMES VALLEY BAR MESS

2024 – Round Up

2024 was a good year for the Mess with stronger ties being forged between the Judiciary and Mess Members from closer working and in wonderful social gatherings.

We would like those who practice regularly or those who live in the area to get involved as whilst we are relatively small in number we cover a huge geographic area and always need eyes and ears on the ground. If you have some time please contact any one of the committee.

Kellie Enever has been the bar's link in Oxford; Adam Williams and Tom Godfrey in Aylesbury and Reading respectively. All have a worked tirelessly with the judiciary, court staff and colleagues to boost morale and goodwill to the Mess and our membership.

So to round up a little;

OXFORD CROWN COURT

- The Mess were delighted to host the second "annual" HHJ Pringle KC valedictory dinner held at Lady Margaret Hall in Oxford last September. It was well attended by the Judiciary (past and present) and by bar, solicitors and court staff from throughout the Thames Valley such was the desire to make sure HHJ Pringle KC really did step down this time!! Brilliant speeches from HHJ Lamb, Dave Lukom (Mr. OCC himself), John Simmonds and finally HHJ Townsend (Ian's old chambers roommate) – so no secret, tittle tattle or false story went untold – however the best was left to last when HHJ Pringle KC regaled the room with a shaggy dog tale. The event was a huge success and I hope enjoyed by all.

Business wise:

- We are delighted to welcome HHJ Maria Lamb as the new RJ at Oxford (as from October 2024) – we know that she will carry on the excellent work set by her predecessor, speaking of whom – and possibly seeking a third dinner – HHJ Pringle KC will remain at Oxford for the foreseeable future.
- HHJ Khan also moved to Oxford earlier in the year and HHJ Emma Nott has just followed suit to be HHJ Nigel Daly's counterpart. HHJ Daly is sitting reduced days and we sincerely hope he is back to full strength as soon as possible.

READING CROWN COURT

- There was a TVBM and Reading CC drinks event earlier in the year which was another great success. We aim to hold something similar soon.

Business wise;

In so far as Judges are concerned;

- HHJ Matthew Turner – transferred to Exeter at the end of October we wish him well for the future.
- HHJ Jane Rowley – transferred to Reading from Inner London at the same time and we are delighted to welcome her to the Thames Valley.
- (As stated above) HHJ Emma Nott transferred to Oxford as at the end of November and will sit in both the Family and the Crown Court (Family 60% and Crime 40%.)
- HHJ Michael Roques (erstwhile of RCC) transferred to Reading from St Albans at the beginning of 2025 – welcome back Mike!
- Two matters we have been asked to publicise for RCC:

(A) There is a new simplified CVP protocol, which as with the last one is in accordance with BCM and the LCJ Guidance, but which reduces the need to make applications to the court, and rather puts the onus on the advocate to make a professional decision about the appropriateness of appearing in that way, and;

(B) A new protocol that has been drawn up in conjunction with the Magistrates' Court to identify any Mental Health issues at the earliest stage, to require referral to L&D, and to encourage all parties to be proactive to

start the process of obtaining any necessary reports before the PTPH.

- Adam reports that a big development at Reading will be building work being undertaken to the bottom floor which will create 2 new Courts (one being a virtual Court room with a physical presence). There are also plans to revamp the robing room with the possibility of some form of canteen facility (rumours so far from Court staff are that Costa and (the excellent) "Sams Wraps" may provide facilities in the new canteen.

AYLESBURY CROWN COURT

- There were sadly no social events held in Aylesbury this year however for our future plans please see below.

Business wise;

- HHJ Francis Sheridan DL is currently sitting in Aylesbury due to reasonable adjustments following surgery, we are delighted to see him back and wish him well for a speedy recovery.
- HHJ Kate Tulk has returned from a period of leave and we are delighted to see her on a phased return to work. Any who know HHJ Tulk know what a powerhouse she is capable of juggling three jury trials at once.
- A development which needs to be flagged is that "warned lists" are to be used for sentence hearings at Aylesbury. Please keep us informed of how this works as HHJ Cooper the Resident at Aylesbury will want as much feedback as possible.

Morale...

- Despite the press – morale on circuit is not all doom and gloom there have been some great nights in 2024, and with that in mind the TVBM want to hold at least one annual dinner for Mess Members, Judiciary and Court Staff. Subject to available space we warmly welcome solicitors to all our events.
- We will aim to hold one annual dinner on a rotating basis through the Mess area and for 2025 it will be Reading's turn – watch the noticeboards throughout the TVBM area for details.
- For those who were able to attend, there was a wonderful turnout for the SEC Annual Dinner with tributes paid to Lord Justice Edis the outgoing SPJ, we also heard (for the last time as SEC Leader) from Leon Kazakos KC, who has been wonderfully supportive of the TVBM throughout his tenure – for which we extend our sincere thanks and send him our best wishes for the future.
- Finally my sincere thanks to all on the TVBM committee you have all worked really hard this year, however I am sure all of you will agree that Adam Williams (4KBW) and TVBM Mess Junior deserves a special mention for simply being Mr. TVBM – I am pretty sure without you Adam nothing would get done – many thanks.

Daren Samat, 7BR (TVBM Chair)

Circuit AGM

SEC
YOUR CIRCUIT.
YOUR VOICE.

28 November 2024



Our incoming and outgoing Recorders, Harry O'Sullivan and Alex Matthews

As the Leadership term of Leon Kazakos KC sadly came to an end, we were delighted that Claire Davies KC of Farringdon Chambers was elected as Circuit Leader for 2025 and 2026. You can read her column here https://southeastcircuit.org.uk

We also welcomed the election of Harry O'Sullivan of 5KBW (and formerly Circuit Junior) as our new Circuit Recorder.

Tomas McGarvey (2 Bedford Row) has taken over as the new Circuit Junior, supported by Danielle Buckett (Nexus Chambers) and Faye Rolfe (Red Lion Chambers) as First and Second Assistant Juniors respectively.

Our many thanks go to Leon, Alex Matthews (of 9BR Chambers) and Madeleine Deasy (employed at the Football Association) as outgoing Officers.

If you would like to get involved with the Executive Committee, please email Leader@southeastcircuit.org.uk or harriet.devey@southeastcircuit.org.uk

WELLBEING

I begin with a confession…. I have been meaning to write this article for some time. Having spent the last 6 years as SEC Wellbeing Director, a year in 2023 to 4 as Chair of the Bar Council Wellbeing Working Group and having co-founded 'Kindness at the Bar' with Valerie Charbit in 2021, professional 'wellbeing' in its many forms has been on my mind and in my diary for a long time. Yet every time I came to consider putting fingers to keyboard there was some new reason to wait until we knew more about the outcome of the latest great project or the next transformative scheme for 'making things better'. Breakthrough always seemed to be just around the corner.

I have come to realise that that was a mistake: while not losing sight of the bigger picture, it is the accretion of small shifts and the individual choices of barristers and Judges across the Circuit which make a real difference to our everyday working lives and so each deserves recognition and the embedding in our workplace culture which comes with publicity. This is an attempt to 'catch-up'.

In those last six years, 'Wellbeing' has shifted from being of peripheral interest – of interest to a few, but seen as irrelevant or indulgent by many, to being a core aspect of professional conduct and recruitment and retention. Evidence-based studies now back up anecdotal experience as to how we can together forge a workplace fit both for today and for the future. In short, Wellbeing is here to stay and in recognition of that fact last year the Bar Council 'working group' was upgraded to full-blown 'panel' status with a permanent place within the Bar Council's work and vision. The proliferation of 'Be Kind' posters across the London transport network shows that 'Kindness' too, and a call to decent, compassionate behaviour towards our colleagues, is no longer just an eccentric notion in a competitive world.

Wellbeing-focussed policies in professional conduct and working conditions are not just 'the right thing to do' but also represent hard business reality across the legal sector. How we treat each other is seen as a mark of our profession's standing, and the degree of respect which we can command from the outside world depends on it. Within the legal profession the Bar competes to attract and retain the best talent, and young lawyers in particular will judge us against those standards. Moreover, in the privately-funded sector, commercial clients increasingly demand evidence that both Solicitors' firms and Chambers are meeting those standards before instructions are settled. Admittedly, statistics are presently focussed mainly on diversity and equal pay and work allocation, but it is evident from developments both here and internationally that there is more to come.

All of those developments reflect how our understanding and definition of 'wellbeing' in the professional context has matured, so now seems a good time to survey the landscape and to consider what actually makes a difference to practitioners as we go about our respective day to day working lives across the Circuit.

The first thing to say, however, is to recognise the limits of Wellbeing initiatives. No amount of kindness or respect for each other, or of 'hinterland' enrichment activities can ultimately make up for poor pay and conditions, or inhuman and unrealistic performance expectations. Nor are wellbeing initiatives a substitute for tackling head-on bullying, harassment, racism or sexism in our profession. Even less should they mask the hard realities of unequal briefing: for that see Rachel Krys' excellent but shocking work for the Bar Council revealing gender disparities in pay at every level from pupillage onwards, and in every practice area, finally extinguishing the myth that maternity leave or parental breaks explain why women barristers are paid less than their male counterparts. Our own Chair of EDI, Rebecca Tuck KC is taking our response to those facts forward, with training for clerks and for individual practitioners planned and a SEC report authored jointly with Rachel Krys on how to tackle that gap. Those fights remain to be fought and with those victories will come obvious benefits to everyone's working lives.

The Wellbeing agenda is aimed at tackling those issues which fall below that level on the radar but are, arguably, equally insidious in their ability to undermine our experience of work and our physical and mental health. It is also, importantly, to look at the adjustments we might all make to improve our working lives and those of our colleagues – the small things that we can choose to change even when the big things are beyond our control.

Modern practice, of course, presents new and significant challenges.

When I was called to the Bar in 1997, in an (almost) pre-digital age, there were few mobile telephones to ring late at night, documents appeared in hard copy and were faxed rather than emailed and, with limited access to computers and typing skills, court orders for written documents in place of oral argument were few. One chambers in which I 'squatted' even had a



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Chambers' typist who typed up skeleton arguments and advices on request. Most legal argument took place within the span of the court day and thus attracted refreshers in the publicly-funded schemes. Court days were shorter too, and morning and afternoon breaks were standard practice. After court, time and circumstances permitted a return to Chambers to pick up new briefs and for tea or something stronger by way of celebration or consolation.

Pupils and junior tenants learned by watching and asking, with help never far away. Relationships with professional clients were closer too – solicitors generally attended court and no conference took place without at least an 'outdoor clerk' present. Difficult or violent clients could be managed and the scope for dissatisfaction and complaint diminished.

The scope of evidence was different too: the 'data explosion' has added to our workloads in every practice area, without, yet, the assistance that AI may bring being readily available. The profusion of visual evidence – indecent images, and CCTV and 'phone footage of murders and assaults for example has added to the vicarious trauma which seeps in for those engaged in criminal and family work. All this comes at a time when the protective buffers between us and mental injury afforded by in-person contact with our colleagues and those between us and burnout afforded by incomes which allowed for taxis home late at night and help with home and childcare responsibilities have become ever weaker.

None of that is to forget that there were horrors too – the casual acceptance of what would now be considered sexual harassment and the lack of transparency and diversity in chambers recruitment to name but two – nor to hanker after a mis-remembered 'golden age'. But the reality is that working life in general – not just at the bar – had changed immeasurably and with it have come new challenges. It is not that the modern barrister is less resilient that those of the generation before: he or she is simply employed in a wholly different job.

It is tempting to think that the problems are confined to the publicly-funded bar which wrestles with the worst of the court facilities and has none of the money present in the commercial to mitigate the pressures. However, a year as Chair of the Bar Council Working Group on Wellbeing swiftly disabused me of that notion. Representatives from the commercial bar spoke of juniors going 'AWOL' with burnout just a few years into practice, and tragically a few who had faced mental health crises which led to them taking their own lives faced with what they saw as overwhelming and insuperable pressures.

The key features are common to us all, and it is easy for pressures to mount up, for perspective to be lost, and for tempers to fray when all are overworked and many are underpaid.

The answers are not straightforward, but at least we are now asking the questions. Serious, longitudinal studies such as the Bar Council's Barristers' Working Lives Survey are providing data which cannot be denied. The wellbeing challenges of modern legal practice are not, as you might expect, confined only to advocates. The judiciary, when asked, recount similar tales of pressure and isolation which undermine their personal and professional wellbeing.

This last is important – because we have finally got to a stage when all involved in justice – the Bar, the Solicitors' profession and the judiciary, agree that we have to look at how we can do things better, and live and work better together. And because, the evidence would suggest, we have got to a stage where we will not keep recruiting and retaining the talent which makes our advocacy excellent and our standards world-class unless we make it a professional life worth having for its members. If we fail to do that both new and established barristers will simply go elsewhere.

So what of the solutions?

Valerie Charbit and I can testify to the beginnings of a newfound alliance across the justice and courts system in our desire to make life better for professionals in our courts. We started the Kindness at the Bar initiative in 2021 in conjunction with Professor Robin Banerjee of Sussex University who was pioneering the concept of kindness in the workplace as a tool for wellbeing and more effective work relationships. The Professor and his team undertook a series of focus groups for us at that stage with barristers of different stages and practice areas. A second tranche of research last year included solicitor advocates and the judiciary, both groups keen to work with us to make our

shared workplaces kinder and healthier. The Circuit has funded and facilitated the work at each stage, along with other SBAs and Red Lion Chambers. We look forward to presenting the latest findings and launching the initiate this summer.

In the family courts practitioners report that the Working Hours Protocol in place there is

rigorously enforced. It operates, I am told, as much to protect the judiciary and court staff as counsel and solicitors. A similar protocol drafted by the Criminal Bar Association has been commended by the Circuit, although we are yet to see any formal guidelines in the criminal sphere.

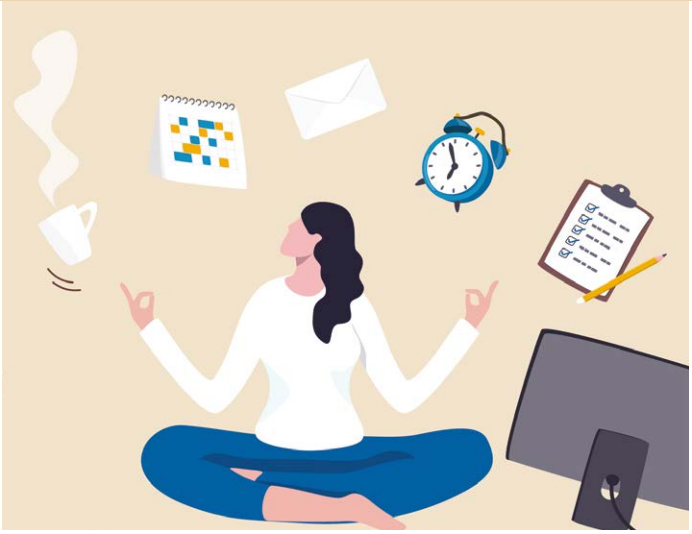
One particular issue is navigating a path through challenged which come, unintended, from wellbeing initiatives elsewhere in the system: flexible working in the CPS, for example, can mean unavailability of instructions on a Friday afternoon leads to an unnecessarily stressful weekend for counsel, or where 'email-only' contact makes it impossible for a barrister trying to get an answer to a time-critical question over a lunchtime adjournment or on the train back after court. Virtual hearings make 'cover' possible for criminal chambers struggling to retain counsel, or allow for 'case ownership' and retaining fees attached to a particular trial stage, but can be frustrating for judges when they don't work. Concessions for parents or dog-owners who choose not to accept work requiring them to travel can impose additional pressure on others to undertake train journeys to far-flung courtrooms for little reward. Interestingly, it was clerks' representatives who alerted the Working Group to the strain put on them by having to mediate such inter-chambers conflicts. All seem to agree that the way through is with communication, flexibility and mutual respect – focussing on the strength of collegiality in the traditional Chambers structure, by looking out for each other and for ourselves, and by re-thinking those structures and our working practices to ensure in each case the Chambers default-procedure promotes mutual good health and work progression.

There will be different solutions for different chambers according to particular dynamic, personnel and resources, but aiming to achieve the Bar Council's Wellbeing Certificate for your Chambers and taking advantage of the support and guidance provided by the scheme could be a good start.

"If you don't count it it doesn't count"

Not my words, but those of Rachel Krys in relation to why her work collecting data on allocation of work and the gender pay gap was so important – it had to begin and end with the numbers. Her report of November 2023 showed female silks earning 71% of the median earnings of male silks, while a year later the figures demonstrated a pattern of unequal pay emerging across all practice areas even in the first three years of practice. Those from last year show inequities in earning from the very earliest years in practice right through to a finding that women silks earn

We have, I would suggest, ample evidence from which to start taking a long, hard look at ourselves.



The work of Rachel Krys, and that of HHJ Emma Nott (whose latest assessment is set out in a recent edition of Counsel magazine) on unequal pay is precise and shocking in equal measure. The number of established practitioners leaving our profession or stopping undertaking certain types of work are plain to see. The contribution to the Crown court backlog of lack of counsel or lack of part-time judiciary to fill the gaps are unarguable.

Why should we do so? Because recruitment and retention matter. Because as a profession have often been inward looking and old-fashioned – while could have learned much from what is going on around us. Remember we compete for talent with that world – and young lawyers will measure us against those standards... And, simply, because it is 'the right thing'...

Crystalizing the financial and work -allocation evidence also allows us to make better representations to government, and, in the privately funded sector, to evidence the best standards that international clients now demand.

The same principle, I have come to believe, applies to wellbeing at work. If we are going to make meaningful improvements to our working lives we need to go much further than just 'making a start' and we need to start taking wellbeing, and the things which contribute to it, seriously. Fixing the gender pay gap, stopping bullying and harassment, addressing lack of diversity and ensuring equality of opportunity for progression are non-negotiable and they don't happen by accident or coincidence and they are foundational to our mental and physical health at work. Kindness and courtesy, thoughtfulness for others are no less important, but easier to forget or overlook. Equally so the practice of taking a step back from our busy practices to check how we are doing now and how we want to be in the future.

Crystalizing the evidence on wellbeing and workplace behaviour, however, is a little more nuanced. The numbers of those leaving the profession or expressing 'slow burn' dissatisfaction are a blunt tool for assessing the health of those still in it.

One of the lessons I have learned from participating in the Kindness at the Bar focus groups, for example, is how little I, from my own particular perspective, knew of what others

really experienced. The value of simply listening to each other is immense. It set out ethical dilemmas too. In an adversarial and litigious context, does a judge who apologises for a curt word or a harsh comment open him/ herself up to an appeal? Does counsel who treats his or her opponent with courtesy and respect undermine their standing in the eyes of their professional and/ or lay client? With professional directories so often valuing 'rottweiler' courtroom conduct how does one counsel buck the trend? The extent to which pupils and juniors feel compelled to replicate outdated aggressive or rude behaviour they see in senior counsel as being 'the way to win'? And, more positively, how more diversity seems to drive better, 'kinder' behaviour. I look forward to being able to share with you the full report and hope that those discussions can continue to bear fruit across the Circuit.

If all of those 'big questions' feel a little daunting, and you really just need to start with working out how you can get through another week/ month/ year at work, may I end by sharing my top ten tips for getting a grip on your own professional wellbeing – with credit to the many colleagues who have been kind enough to pass them on.

1. Assess (and be honest) – look at your practice, what it demands and what it gives, how it could be better. Could a small change make a difference? Could talking to your clerks make a difference? I was struck while chairing the working group by how concerned the clerk representatives were for the wellbeing of their barristers – many were generally distressed and bewildered by how they could help those who were obviously overwhelmed or 'stuck'.
2. Communicate – talk to your clerks, talk to each other. Talk to your friends and family – how do they see your work life?
3. Formalize – have procedures in place in Chambers, appoint a Wellbeing officer. Consider chambers paying for regular Supervision sessions for members undertaking traumatic or sensitive caseloads. (Supervision is professional coaching/ counselling each month to help you process the effect of what you've read and seen... already in place in some Chambers and the SEC is working on guidance to help others roll it out)
4. Get the work basics sorted: Consider regular practice meetings – feeling in control of business development and being able to assess and challenge instances of unequal briefing goes a long way to good relationships within chambers and personal work satisfaction. Being able to say what you'd like your practice to look like gives clerks the opportunity to point things in the right direction, and to point out if they think you're taking on too much or too little.
5. Use existing services – the Bar Council has schemes for assistance and support in partnership with agencies such as Law Care and Health assured – and publicise them. The Bar Council Wellbeing portal has details.
6. Connect – don't lose touch with friends, family, and the world outside work. Try to go to Bar Mess social events, Chambers drinks and the SEC Dinner.
7. Rest – even a short break away from the computer makes a difference, and a 'tea break' habit can be no bad thing. Think about having a pattern of not working at all on at least one day per week (easier said than done, but those who do say it works wonders)
8. Stay healthy – make room for exercise, get outside more – even a quick walk for some fresh air at lunchtime can lift the gloom of a windowless courtroom. Go to medical appointments and checkups: if you need to book out time or ask a judge to accommodate them in a court listing, do so. Get supervision if you find it useful.
9. Look out for yourself – Keep a check on how you're doing and recognise signs of stress, burnout and trauma in yourself. Be aware of life changes and challenges which make a difference. (There are lots of resources and signposts about mental health support on both the Bar Council and SEC websites).
10. Look out for each other.

I began with a confession and I will end with another... because I'm happy to admit that I'm still trying to break the bad habits, be kinder and work 'well' more of the time. I am no wellbeing expert.

But I do know what a difference it makes to me when someone is kind, or notices hard work and says thank you, or even just when my clerks tell me they've sorted my listings to make it physically possible for me to be in all the right places at all the right times. I am sure we all do. I also know that I daily encounter bright and dedicated young practitioners who, against all the odds, want to commit themselves to our profession and to our clients. We have it within our power to make ours a profession, and a Circuit, in which we can all live and work 'well'.

In that task, I know we have the full support of our new Circuit Leader.

As Director of Wellbeing I'd love to have your support and ideas too. Look out for the launch of Kindness at the Bar, Supervision and the SEC Dinner and more, but please do also let me know what would make a difference to you and what you think we could do to support you. We're here to listen and to help if we can and if you'd like to get involved with the Circuit's work on Wellbeing please do contact harriet.devey@southeastcircuit.org.uk



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