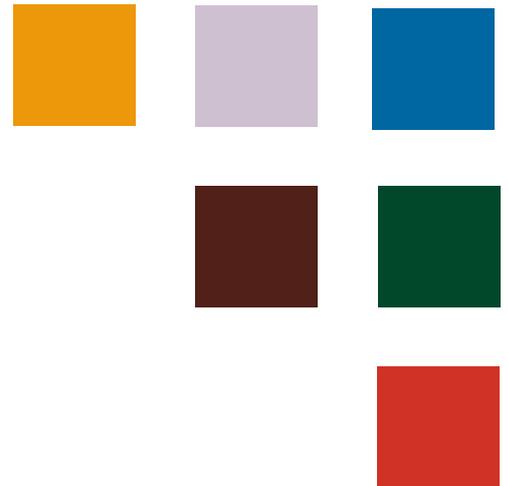


# ChBA

## Review 2012



### THE CHANCERY BAR



The Chancery Bar Association has come on by Olympic-sized leaps and bounds over the last 5 years. The credit for that goes mainly to my immediate predecessors as Chairman, Michael Todd QC and Malcolm Davis-White QC. In particular, we have expanded our international outreach by trips to Dubai, the Channel Islands and Cayman, and by electing more overseas members. We plan a Conference in Singapore and a return to Guernsey for 2013.

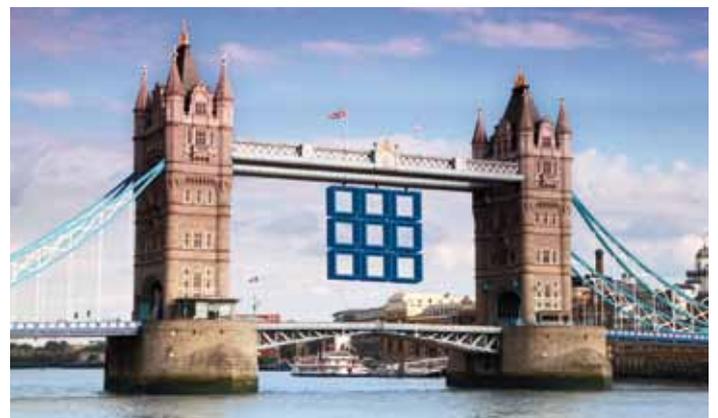
We put on more seminars than ever before, provided more guidance and workshops to help our members navigate the regulatory rapids, and responded to numerous consultation papers from various sources, some of which are of considerable weight and real importance. We also have what I hope you will agree is a splendid new website. All of this work makes considerable demands of the main Committee and Sub-Committees and I am grateful for their support and efforts, for the dedication of Francesca, our Administrator, and those members who volunteer their help from time to time.

Increased regulation and consultations are seemingly unavoidable in the modern world. We do what we can to help members deal with the issues. There is no end in sight; indeed there are those who consider the self-employed Bar to be an anomaly that needs to be corrected. They are slow to appreciate that what we have is strongly in the public interest. We will need to remain vigilant and responsive to deal with threats as they arise.

I would like to make the Association even more representative of our members' interests. That means better liaison between the Committee and sets of Chancery chambers, more use of the website, and encouraging individual members to provide feedback or to get involved. Please feel free to contact me or our Administrator, Francesca Compton, with any matters that concern you.

The following pages describe what we have done in 2012. I hope that in a year's time I am able to report that we have achieved even more, with your help.

Tim Fancourt QC  
Chairman, Chancery Bar Association



## ANNUAL CONFERENCE

Many of you attended the 2012 annual conference and many of you have been kind enough to say that it was a success.

This is a very welcome opportunity to thank all those who gave up their valuable time to take part. One of the unexpected pleasures of organising the conference was witnessing first hand the enormous fund of goodwill towards the Association, from the Chancellor, the Bench and practitioners. We are extraordinarily lucky that people with such demands on their time are willing to give up their time to share their knowledge and experience. Space does not permit the naming of all, but you and they know who they are.

I am also particularly grateful to Malcolm Davis-White QC and Francesca Compton for providing us with their support with such charm and good humour and to my fellow Committee Members for all their hard work.

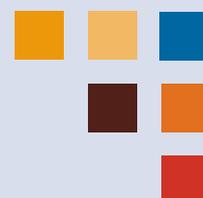
For my part the most striking quality of the conference is its atmosphere. I was relieved and grateful that it felt as friendly and welcoming sitting on the stage as it has in the past in the audience. Although the light-hearted touch that is a feature of our conferences is not guaranteed to be to everyone's taste, the

*We are extraordinarily lucky that people with such demands on their time are willing to give up their time to share their knowledge and experience.*

Committee and I are proud to be members of an Association which so clearly combines intellectual rigour, expertise and excellence with an ability to enjoy ourselves. Anyone whose idea of the Chancery Bar is old-fashioned, stuffy and pompous would quickly have had those misconceptions dispelled if allowed a glimpse of our conference – perhaps Mrs Justice Proudman's "pink fluff" joke, the "bunga bunga" photographs of Mr Justice Briggs, Master Marsh's rendition of a Spice Girls song or the full and frank debate with the panel helping us to understand "What Judges Want."



**Zia Bhaloo QC**





## LONDON LEGAL WALK

Early summer drizzled and poured; every day would dawn colder and wetter than the one before. And then, on the day that over 6,000 lawyers took to the streets for good legal causes, the sun peeked out, the rain dried up and the legal world put on a cautious smile (along with rarely used sneakers).

We donned our rather dapper royal blue t-shirts. Our erstwhile Chairman, Malcolm Davis-White QC, donned and repeatedly doffed a shell-encrusted fez in the exact same shade – very fetching! We all met up at the Royal Courts of Justice as usual, but they changed our route. All the parks were closed to us. They said “Olympics”; we muttered and spluttered. Little did we know how much joy the women’s volleyball in Horseguards’ would bring us all a short while later.

## SEMINAR PROGRAMME

Our seminar programme kicked off with an exotic twist when speakers Rachael Reynolds, Peter Hayden and Mark Forte flew in from the BVI and Cayman to provide members with an offshore update, joined by our own Richard Millett QC and chaired by Mr. Justice Vos. March saw three excellent talks by Jonathan Evans, Emily Campbell and James Rickards on Pensions chaired by Mr Justice Henderson.

The highlight of every year is the Annual lecture and this year we boasted the newly appointed Lord Sumption giving an enlightening speech on Illegality.

May saw not only a lively seminar on Trustees’ Decisions chaired by Mr Justice Warren and graced by Gilead Cooper QC, Michael Ashdown and Fraser Robertson but also a joint seminar with the PNBA on the knotty subject of Lenders’ claims, chaired by Lord Justice Patten with talks from Tom Grant, Joanne Wicks QC and William Flenley QC.

In June we paired up with the FLBA for a seminar on divorce and Inheritance Act claims with Tracey Angus QC putting our perspective and David Balcombe QC that of the family bar, refereed by Mrs Justice Eleanor King.

And so we set off along a ten kilometre (six and a third miles in old money) River circuit. I believe that being on the south side of the Thames was a fairly new experience for many Chancery barristers!

We stopped for ice-creams under the London Eye (thanks to Joanne Wicks QC and MDW) and nonetheless did the Association proud by finishing the walk in a two hours and eighteen minutes. We can be even more proud of the fact that we raised £4,618.51- thanks to our generous supporters.

The next day I was so distracted by a sore gluteus maximus that I didn’t notice it was raining again...

**Francesca Compton**

We ended the Summer term with fascinating talks on company and insolvency (the topic, not the financial demise of the Association) by Richard Snowden QC, Lexa Hilliard QC and Orlando Fraser, chaired by Mr Justice David Richards. We started the new legal year with property easements; Mr Justice Morgan chaired a panel of Stephen Jourdan QC, Katharine Holland QC and Edward Denehan.

November saw Tom Dumont, Henry Legge QC and Martyn Frost speaking on professional negligence with Mr Justice Norris in the chair and Leeds hosted a Chancery update seminar chaired by Mr Justice Briggs.

The year ended with the ever popular procedure seminar, Sharif Shivji, Master Bowles and Beverly-Ann Rogers shared their considerable experience with us with the chair taken by Mr Justice Hildyard.

New practitioners were also well served with seminars on possession actions, applications and bankruptcy.

The Association owes a huge debt of gratitude to Members and Chancery Judges as well as those who are not members who are so willing to participate in the seminar programme.

**Penelope Reed QC**

## INTERNATIONAL SUB-COMMITTEE PLANS FOR 2013

We have arranged two visits for 2013. The first will be to Singapore in April, for a joint Conference with the Singapore Academy of Law. It is likely to comprise sessions on (1) banking and insolvency, (2) trusts and proprietary remedies and (3) company, shareholder and joint venture disputes. It is clear that Singapore is a fast-growing centre of excellence for litigation as well as arbitration, and that there is an increasing role for overseas practitioners. The initial response to the proposed visit from our membership (including overseas members) has been very enthusiastic. The guest of honour will be the Chief Justice of Singapore and we hope that an English Court of Appeal judge will be involved.

Our second outing will be a repeat visit to Guernsey next June. The last Seminar was a great success and we hope to continue holding events in both Jersey and Guernsey.

It will soon be time to start planning events for 2014. Do we return to Cayman in order to deepen that relationship, or do we seek to broaden our connections by going elsewhere? We welcome the views of members.

I am fortunate in having an extremely strong Sub-Committee; the membership includes the Chairman of the Bar as well as the current and former Chairmen of the Association. The enthusiasm of the Sub-Committee is testament to the keen interest of the Association in developing links with offshore and other overseas

jurisdictions. Gone are the days when our Members rarely left Lincoln's Inn and certainly never crossed the Strand!

**David Halpern QC**



## JERSEY VISIT

The Association's second Channel Island event was held at the Royal Yacht Hotel, St Helier. A large contingent of Members and a good handful of Clerks attended. The weather was very kind and the vast majority of us enjoyed a delightful lunch in the sun overlooking the harbour before the start of proceedings. A number also took up the offer from the Deputy Bailiff of a tour of the Court and Parliament Room.

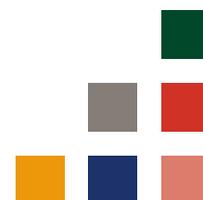
First off with the talks the delegates heard from David Ewart QC and Stephen Arthur on Topical Tax matters post Budget 2012. Guy Fetherstonhaugh QC, Caroline Shea and John Summers took the slot on Investment in the UK property market, Geraldine Andrews QC followed on about hidden pitfalls on Guarantees; Mark Hubbard and Robin Rathmell dealt with Access to Trust Documents with Martin Moore QC finishing the seminar with Derivative Actions. A drinks reception followed.

Among the guests at the dinner the Association hosted afterwards were William Bailhache, the Deputy Bailiff, and Jill Clapham, the Lieutenant Bailiff, who both appeared to enjoy themselves.

It appeared a number of Members and their guests did not want the day to end and many enjoyed a drink outside or on the roof terrace with our members from Bristol appearing to outlast even their London counterparts.

There can be no doubt that these Channel Island trips have been well received and enjoyed by all who attend.

**David Goddard**



## WEBSITE

On 9 October 2012 the Association launched its new website following a six-month project which finished on time and under budget.

A working party consisting of Amanda Tipples QC, William East and Francesca Compton ran the project.

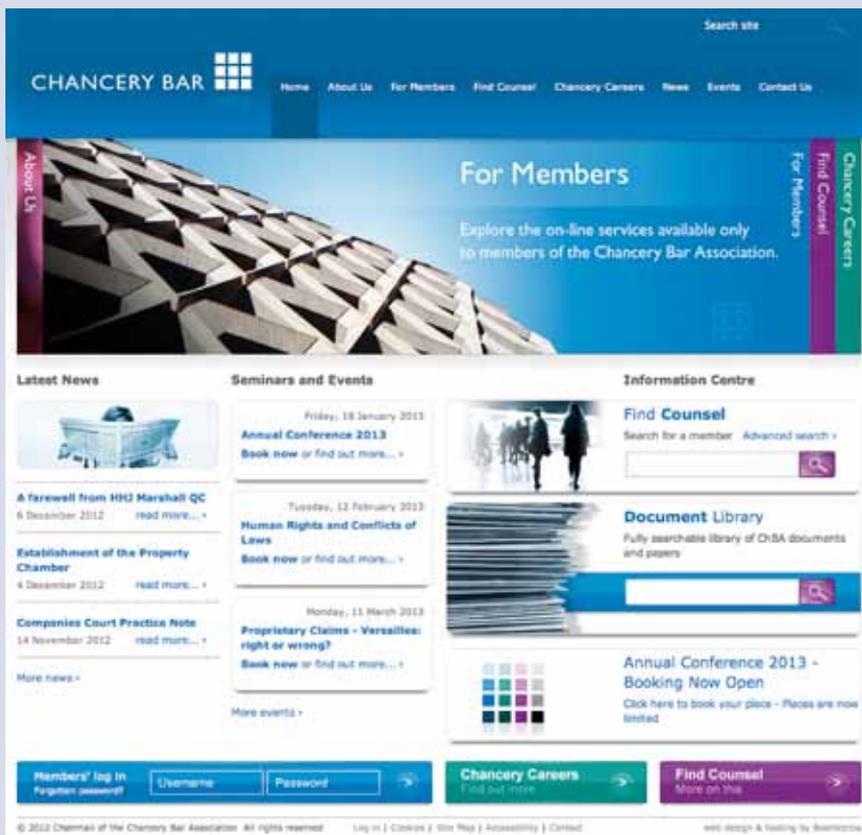
Following a procurement process which involved a formal tender and interview, Beetlebrow Limited were appointed ([www.beetlebrow.co.uk](http://www.beetlebrow.co.uk)) to design and run the new site. Beetlebrow worked with us to produce a completely new look and much-enhanced functionality for the new site, including:

- An overhaul of the content;
- Improved organisation of the content provided to the website's three audiences (members, external professionals and students);
- A fully automated booking system for seminars and the Annual Conference, an online application facility for prospective members and a portal for the payment of subscriptions;
- An overhaul of the organisation of the library of documents available to Members;
- A facility enabling users to search for Members of the Association (including mediators and arbitrators);
- An interactive calendar showing upcoming events.

Since its launch, the new website has been a resounding success. The number of unique visitors has trebled compared with the old site, and over £52,000 of online payments have already been taken in subscriptions and payments for the Annual Conference.

The website can be found at [www.chba.org.uk](http://www.chba.org.uk).

### William East



## CAREERS FAIR

Saturday 17th November saw the fourth Chancery Bar Careers Fair, in Gray's Inn.

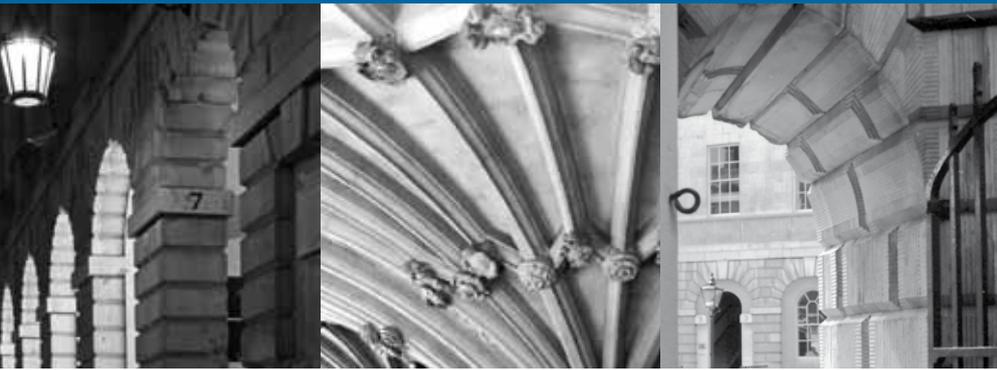
In previous years, the fair was held on a weekday. In response to feedback from students and universities about the cost of travel and disruption of studies, the organising Committee decided to move the fair to Saturday. Although this meant some chambers were unable to attend, the move was vindicated by the 51% increase in student attendance.

144 attendees came from over 40 different UK universities. The 20 chambers with stalls at the Fair had the opportunity to reach a wider range of potential applicants than would be possible (financially or logistically) by attending individual law fairs.

What marks our Fair out is the inclusion of a series of talks on various different areas of chancery practice, designed to meet many of the misconceptions of what chancery practice involves and to ensure that those who are considering an intellectually stimulating diverse career consider the Chancery Bar. The day kicked off with a particularly lively panel session entitled "Pathways to Qualification" where students were given the opportunity to ask questions about funding, the Bar course and applying for pupillage.

The feedback we have received has been overwhelmingly positive. One student wrote in her blog "the insight and advice gained was invaluable and I recommend anybody reading this to ensure they sign up for next year's fair". The event seems set to go from strength to strength.

### Georgia Bedworth



## CONSULTATION RESPONSES

The Association has continued to be very active in replying to consultation papers issued by government, regulatory bodies and the Law Commission.

In February Tim Fancourt QC and Mark West replied to the MoJ's consultation on Court fees. Later that month Amanda Tipples QC, Mark West, Ian Clarke and Ruth Hughes replied to the MoJ's consultation on judicial appointments and diversity, which dealt with issues including the future role of the Lord Chancellor in appointments, the use of positive action, the limitation of fee paid appointments to 3 terms and the composition of the Judicial Appointments Commission. Michael Gibbon QC, Catherine Addy and Fiona Dewar submitted a hard-hitting response to the Insolvency Service's consultation paper on the reform of bankruptcy and compulsory winding up recommending in the strongest terms that the proposals should not be proceeded with.

In April the Chairman endorsed and supported the Bar Council's report on the MoJ's triennial review of the Legal Services Board. In June the Association replied to the Bar Council's consultation on the proposed new Bar Business Mark. In the same month a team headed by Mark Cannon QC (and consisting of himself, Tim Fancourt QC, Marcus Staff, Jamie Riley and Ruth Hughes) worked in collaboration with TecBar to produce a substantial and searching critique of the BSB's consultation on the new BSB Handbook.

In July Peter Arden QC and Richard Arnold replied to the European Commission's consultation on the future of European insolvency law.

Also in July Eason Rajah QC, Elspeth Talbot Rice QC, Joanne Wicks QC and Catherine Addy penned the response to the Burton Pupillage Working Group's first Interim Report, noting that the real cause of the "pupillage shortfall" is the fact that many more BPTC students are being taken on by commercial training providers than will ever find careers at the Bar and that it is that problem which must be addressed. They produced a supplemental response in October.

Joanne Wicks QC, together with Tim Dutton, Georgia Bedworth and Ruth Hughes, in October considered the LETR's review on issues of equality, diversity and social mobility as they affect legal education and training.

In September Mark West and Tamsin Cox with, the assistance of Simon Sinnatt, produced the response to the MoJ's consultation on the proposed new First-tier Tribunal (Property Chamber) Rules 2013. In October Tim Fancourt QC, aided by Joanne Wicks QC and Adrian Jack, made further observations on the Joint Advocacy Group's consultation paper on proposed quality assurance for criminal advocates.

Finally Mark West, Katherine McQuail, Fiona Dewar and Wendy Mathers assisted Mr Justice Henderson in the revision of the Chancery Guide.

**Mark West**

## HATS OFF, MR CHAIRMAN!



In recognition of more than simply his very fine collection of hats (now including a Guernsey Toque), we should all be taking our hats

off to our former Chairman, Malcolm Davis-White QC. Why? Because under his chairmanship the Chancery Bar Association sailed apparently effortlessly through the waters of 2010 to 2012 with success, strength and good humour. That success should be chalked up in very large part to Malcolm's delightful stewardship and downright hard work, the latter of which may have gone largely unseen and uncredited.

The Association was in good shape when Malcolm took over in 2010, but Malcolm was not content simply to sit quietly and carry on. He took the solid structure which he inherited, crafted it into a fine vessel, welcomed fellow seafaring members aboard and set sail for foreign parts. A tremendously successful trip to Guernsey was first, then to the sun, sea and sand of the Cayman Islands, and finally an equally successful trip to Jersey. Malcolm's legacy lives on in this regard as the Association prepares for its forthcoming trips abroad.

So much else was achieved under Malcolm's chairmanship it is impossible to catalogue it all in this short piece, but perhaps two things can be singled out for a mention. First, his deft steering of the Association through the apparently seamless transitional period on the changeover of administrators; secondly, his personal generosity not only in the giving of so much of his time to Association affairs, but also the splendid parties to which he (and Michael) treated his officers and Committee members.

So we take our (I fear rather inferior) hats off to you, Malcolm, to thank you very much indeed for your magnificent chairmanship of our Association.

**Elspeth Talbot-Rice QC**



## EQUALITY AND DIVERSITY

The Sub-Committee recognises equality and diversity can be best promoted and the Association can make the most impact, if it works with other SBAs and organisations with similar aims. The Chair, Joanne Wicks QC, has had frequent meetings with the Social Mobility Committee of the Bar Council and the Sub-Committee has assisted in compiling an information pack for barristers who participate in the Bar Council's "Speak Up for Others" scheme. The Association also participated, with other SBAs, in a successful CV master class run by the Society of Black Lawyers in January and contributed to a UK Students Legal Association seminar concerning equal access to the legal profession.

One of the problems in addressing diversity issues is a lack of statistical information. Although the Bar Council gathers statistics on entry to the profession, these are not broken down by practice area. In order to improve the situation the Sub-Committee carried out a survey of junior Members of the

Association to which there was a good response.

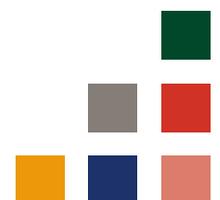
One major issue facing the Bar is retention. The Association's mentoring programme, is designed to provide a support network for its members and improve our retention record. Initially directed at female members of the Association, the scheme has now been rolled out to all members. In July, the Chancery Bar held a Careers Break workshop jointly with Combar. A number of issues arose which the Sub-Committee will endeavour to address, in particular the unhelpful approach of the BSB towards CPD exemptions for those who go on maternity leave and the difficulty of obtaining free CPD points other than at evening seminars.

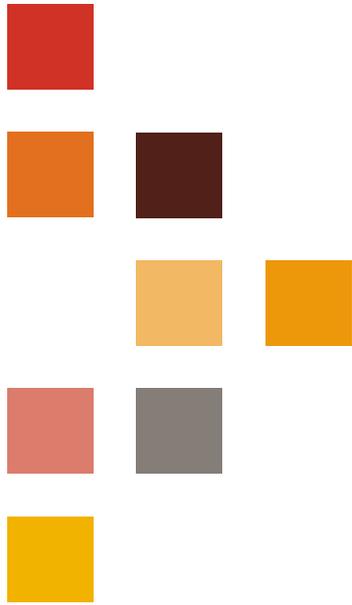
Workshops have also been held for Members wishing to apply for judicial appointments and membership of the Treasury panels with a view to promoting progression of Members in the profession.

With the introduction of the equality and diversity changes to the Code of Conduct from September 2012,

the Association swung into action and held a joint seminar with Combar at the start of the Michaelmas term which was extremely well attended. One of the principal issues raised by the code changes relates to recruitment. The Association had already facilitated meetings between pupillage contacts to discuss diversity issues. On 7 November, the Association joined forces with Combar for a training session on the Code changes for Members involved in recruitment. 50 Members benefited from the expert tuition and practical guidance of Catherine Rayner of Toaks Chambers. The interactive session was enthusiastically received and Catherine generously stayed to answer all the questions put.

**Georgia Bedworth**





### THE CHANCELLOR

The retirement of the Chancellor, Sir Andrew Morritt CVO, is a sad occasion for the Chancery Bar. However, the Association always seeks to put on a brave face in times of adversity. In light of Sir Andrew's achievements and the debt owed to him by the Association, it was only fitting that the Association should host a dinner for him in late November 2012 at the Pewterer's Hall. Many former officers and Committee members were able to attend, including a large number who are now Judges, and it was a pleasure to see John Mowbray, for many years Chairman of the Association. To enable Members of the Association to bid farewell, a reception was held in the Great Hall of Lincoln's Inn in early December 2012, which was attended by the Treasurer and many Members and former Members of the Association.

Tim Fancourt QC, made speeches at both the dinner and drinks events. He reminded his audience of Sir Andrew's distinguished professional career. Sir Andrew started in practice in 1962 and became a member of the Chancery Bar Association at the same time. He took silk in 1977 and was appointed as Attorney General to the Prince of Wales in 1978. He was appointed a judge of the Chancery Division in 1988, Vice Chancellor of the County Palatine of Lancaster in 1991 and to the Court of Appeal in 1994. Since 2000, originally as the Vice Chancellor and, since 2005, as Chancellor, he has presided over the Chancery Division.

Tim expressed the Association's gratitude for the Chancellor's support and encouragement over the years. He particularly noted the thanks due to the Chancellor: for fighting to retain and build up the Chancery Division, with its high quality Judges and broader than ever range of work; supporting the Association generally and specifically by attending and speaking at each Annual Conference and over-seeing what eventuated into a remarkably smooth move to the Division's new home in the Rolls Building; the largest specialist centre for the resolution of financial, business and property litigation anywhere in the world.

We wish Sir Andrew a very long and happy retirement.

**Malcolm Davis White QC**

*We would like to thank the contributors, photographers and editor for all the time and effort devoted to the ChBA Review 2012.*

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