

## Chairman's letter

The Association has had a busy year. None of our activities would be possible if it were not for the time and hard work of the committee and sub-committee members, and those many others who help the Association, as well as our excellent administrator, Francesca. My thanks go to all of them.

Diversity has been high on the agenda of the Association for many years, and this year was no exception. We need a Bar which is representative of the society it acts for. It is a basic fairness that people of merit do not face unjust impediments to entry or progress at the Bar. We also need a judiciary that is representative of the society it serves. If we hope that the Bar will be the primary supplier of the judiciary, we need to ensure that we provide a diverse pool of suitable candidates from the Bar from whom those who appoint judges can choose. A failure to do so will eventually have consequences. For example, there is discussion from time to time of the imposition of targets and positive discrimination in judicial appointments – something which will be contentious and divisive.

In January 2018 the BSB published its latest diversity report on the Bar. There is a continuing imbalance in the selection of women and BAME candidates for pupillage and tenancy and there is a continuing issue with the retention of women who commence a career at the Bar. While frustrating, none of this is new. Previous BSB diversity reports have shown a similar picture. If anything, the statistics show that the position is improving, albeit painfully slowly.

What is new is the suggestion from certain quarters that on all these issues the Chancery Bar is doing worse than the rest of the Bar. On a preliminary evaluation of the statistics by the Association, there is enough to provoke concern. It would be intolerable for the Chancery Bar to be doing worse than the rest of the Bar on any of these issues. If this is so, then why is something we must investigate.

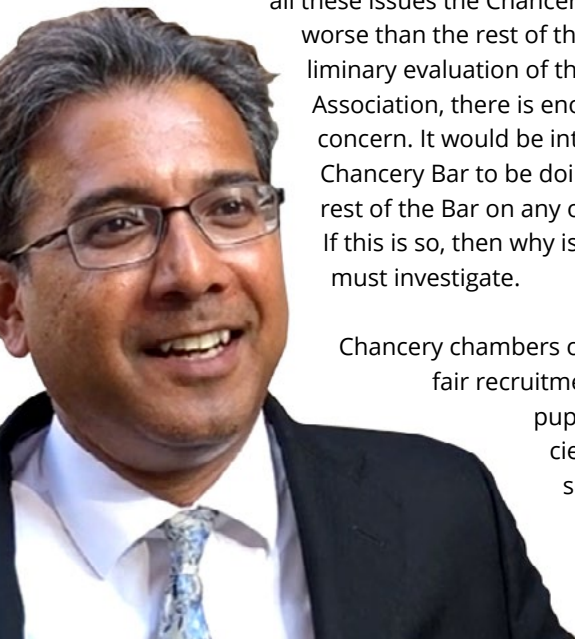
Chancery chambers operate rigorously fair recruitment policies for pupillage and tenancies, don't they? If so, how can it be that we do worse

than the rest of the Bar in the selection of women and BAME candidates? At this stage it is guesswork, but perhaps our systems are not as fair as we think. Perhaps we are not as immune to unconscious bias as we may think. Or perhaps the Chancery Bar is not attracting a fully diverse pool of applicants of merit, because of an outdated perception of the Chancery Bar. In other words, perhaps some meritorious women and BAME candidates do not apply to the Chancery Bar because they fear they will not fit in. (There is a similar theory as to the imbalance in Afro-Caribbean students at Oxford and Cambridge.) If that is the problem, then some of the things which the Association is doing will help. We will be supporting the Bar Council Outreach programme at Law Fairs around the country so that University students can speak to real chancery barristers. At the pupillage fair this year the Association launched its app (a first by any SBA) so students can access information in a way which they will hopefully find more accessible and which demystifies the Chancery Bar. We are sponsoring a number of events designed to encourage BAME and women applicants to come to the Bar. We are also sponsoring students on bursaries to attend career development events from which they would otherwise, on the basis of means, be excluded. Work will continue on a social mobility initiative targeting school students to encourage them to set their sights high, and to consider a career at the Chancery Bar.

The poor retention of women at the Chancery Bar is even more perplexing. Difficulties in the retention of women are not unique to the Bar. Similar problems exist in solicitors' firms as well as in many non-legal careers. Some of the difficulties may be said to be inherent in a self-employed bar (for example in the limits to support for those on, and returning from, maternity leave) and may require some progressive thinking by chambers to resolve. But how can it be that Chancery barristers, likely to have a more lucrative, paper based, and less court intensive practice, than criminal barristers, are more likely to leave the Bar if they are women than their counterparts at the Criminal Bar? The Association will be running a series of round table meetings over the next year with women at the Chancery Bar and those who have left, which will be focused on information gathering to try and answer this question.

One of the tasks of the Association over the next year, and the coming years, will be to look hard at these issues and try and grapple with them. I would encourage those with ideas, insight, or simply interest, to get involved, and to engage on these issues within their own chambers.

Eason Rajah QC





# WINTER CONFERENCE

We held 'Bar for the Future', the Association's 2018 Winter Conference, at the Royal College of Physicians on 19 and 20 January. Professor Sarah Worthington QC (Hon) got us off to a flying start with her thought-provoking address, What's Equitable and Equitable Property? Professor Dame Hazel Genn QC (Hon) then proved a worthy contender for Newsnight when she interviewed Lord Neuberger about his life and times in the law. Lord Neuberger charmed us all and provided a fascinating glimpse into the workings of the Supreme Court. We welcomed Marcus Smith J to the Conference for the first time. We very much hope he will become a frequent visitor after the excellent, 'New labels and old tins? The importance of history and progress in legal development'. We were also grateful the Chancellor was able to join us again, giving a rousing update on the Chancery Division. Thomas Grant QC provided educational light relief with Jeremy Hutchinson and the Art of Advocacy, before the champagne reception.

On Saturday, we were fortunate to secure the skills of James Pereira QC and Zita Tulyahikayo of 'Loving Legal Life', with Working Smarter, Staying Well. Jacqueline Reid, Anne Fairpo and Lawrence Akka QC of the Bar



Council's IT Panel continuing the vital practical work of the day by initiating us into What Every Barrister Really Needs to Know about IT. The Conference ended on a high note with Lord Justice Lewison's magisterial lecture, By-passing the veil of incorporation. During Friday and Saturday we also ran in-depth workshops on aspects of professional liability, property law, trusts, company law, civil fraud, interim remedies, contentious probate, and insolvency. Many thanks to all those who took part and led discussions.

Janet Bignall QC

# Summer Conference

This year's Summer Conference was held at the De Vere Connaught Rooms in Holborn and was the first to sell out. The programme, which was aimed at junior members of the association, and which focused not just on black-letter law but also advocacy skills, began with an entertaining session on effective cross-examination in hard cases with international advocacy trainers Sarah Clarke QC and David Dabbs. This was followed by two workshops, one on ethics and one on how to access assets in wealth-holding structures such as trusts and companies. After a short session on Chambers Social Responsibility, Professor Ben McFarlane gazed into his crystal ball to predict how the law of proprietary estoppel might develop over the next 50 years. The conference finished with an illuminating talk from Fancourt J on written advocacy, before delegates enjoyed drinks on the De Vere roof terrace. I am grateful to all those who took part.

William East



## ALSC

The main focus of the Academic Liaison Subcommittee in 2018 has been the preparation and launch

of the Chancery Bar Association's new careers "app". It had become clear that it was time to update our careers brochure, which had been in place for about ten years, to take account in particular of the advent of the Business and Property Courts rebrand. In an effort to communicate directly with students, particularly those from non-traditional backgrounds that the ChBA has struggled to reach in the past, the replacement for the brochure takes the form of an app, which students can download directly onto their phones or tablets. The app itself contains video interviews with a range of Chancery practitioners, who each talk about their particular routes to the Chancery Bar and their experience of it. It is accompanied by a much smaller printed leaflet, which contains simple instructions for accessing the app. The beauty of the app is that – unlike a printed brochure – it can be updated easily and at comparatively low-cost as required. We launched the app at the Bar Council Pupillage Fair in October 2018, to considerable acclaim.

We have also supported the Bar Council's attendance at individual university law fairs and in November 2018 the ChBA hosted a very enjoyable dinner for our academic members.

Many thanks to all those members of the ChBA who have given up their time throughout the year to help at individual university law fairs and the Bar Council Pupillage Fair, as well as those members who were interviewed or photographed for the app.

Joseph Curl

# Equality and Diversity

On 26 February 2018 we ran a workshop, led by Rachael Crasnow QC on "Shared parental leave", a particularly important issue and a timeous event having regard to the rule changes introduced in October 2017.

On 22 May 2018, following last year's successful event, we held again (jointly with ComBar and TechBar) a Women's Networking Drinks event in Quadrant Chambers. On 27 June 2018 there was a training session at Wilberforce Chambers (led by Sam Mercer of the BSB) on "Tacking Sexual harassment and Inappropriate Behaviour".

We repeated last year's hugely successful "Women at the Chancery Bar Event" in October, this time at the Manchester Civil Courts Centre, targeting students in the Midlands, North East and North West. The event was organised by Lesley Anderson QC and Anja Lansbergen-Mills and was very well attended. The Vice-Chancellor, Mr Justice Barling, gave a short address and other members of the Manchester judiciary also attended, including HHJ Hodge QC.

Our other focus is retention of female practitioners. Nicola Rushton QC and David Drake produced data (distilled into an admirably succinct and clear report which has been circulated to the main committee members) derived from statistics going back some 15 years. We plan to stage a series of round table discussions with female members and former members, starting in December 2018 operating under "Chatham House Rules" in order to explore why it is that women leave, or are considering leaving, the bar, and the particular challenges they face in maintaining their practices. The objective is to explore, in the light of the information collated, strategies to address and diminish the problem of retention. The results will also be fed back to the Law Society which is also staging a series of round table discussions.

Marcia Shekerdemian QC



# International Conferences

The International Subcommittee has continued to broaden the horizons of the Association eastwards and we were the first SBA to hold a conference in Shanghai. The Bar Council has long had links with Shanghai and that gave us the opportunity to venture out there. The one-day conference took place in the beautiful Peace Hall in the historic Fairmont Peace Hotel right on the Bund where we also hosted a spectacular reception in the roof top bar. We were given an extremely warm welcome by the Shanghai Bar Association, whose President, Mr David Yu, gave a welcoming address, and by all the Chinese lawyers who attended the conference.

The event was fully subscribed with over 100 delegates from more than 40 different firms in Shanghai, Hong Kong and the Caribbean, together with 28 of our own members including at least 3 Chinese speakers, who regaled the audience with some Chinese jokes (at least I assume that's what the laughter was about). Building on our successful Hong Kong conference in 2017, we were able to showcase the depth of expertise at the Chancery Bar in relation to commercial dispute resolution with some really excellent talks and panel sessions and the Association has now established very strong relations with lawyers in China, particularly important at a time of increased co-operation between China and the UK including in respect of China's global "Belt and Road Initiative".



There was significant interest in our trip from the Foreign Office, the Great Britain China Centre and the Department of International Trade and it looks likely that the Association will be given the opportunity of being involved in further UK-China events later this year. On the day before the conference, our members were treated to a fascinating tour of Shanghai by a barrister from Hong Kong called Douglas Clark, the author of a series of books called Gunboat Justice, about the history of justice in Shanghai. Who knew that there were British Judges dispensing British justice in Shanghai for 100 years from the mid-19th century?

Michael Green QC

This November, the Association hosted the very first half day conference in Douglas with eleven UK members speaking on topics such as dishonesty, capacity and undue influence, shadow directors, sham trusts and trustee liability, chaired by Penelope Reed QC. This was followed by a champagne and canape reception. 60 IoM practitioners signed up to attend, including the Deemster, and the feedback from the island was overwhelmingly positive with many requests for a return visit.

Francesca Compton



## Pro Bono

CLIPS continued to dominate the work of the Pro Bono sub-committee, with many volunteers assisting many litigants-in-person. On behalf of the Association, I pay tribute to their commitment and energy especially those who are repeat volunteers. Among a variety of developments and improvements, we have undertaken work on updating the protocol materials in the CLIPS room and this is now nearing completion, including amendments to the insolvency crib sheet and to update the "phone a friend/specialists" lists.

I am delighted to report that CLIPS was nominated for an award at the revamped Pro Bono Awards, the winners of which were announced at a ceremony on 24 October 2018. CLIPS is now five years old and celebrated its birthday at a party for all



its volunteers and friends held at the Inner Temple on Tuesday 4 December 2018. Among our distinguished guests was Sir Terence Etherton, the Master of the Rolls.

Finally, some wider initiatives/cross-over activities in which the Sub-Committee is involved. First, there is to be a mediation pilot which, subject to final approval, is to go ahead on a trial basis for one year using experienced mediators. Second, we have

been working to support the Access to Justice Foundation's ("AJF") initiatives in promoting and encouraging members of the Bar undertaking pro bono work including ensuring that the helpful AJF flyers/information including a form of order are placed in the CLIPS room. Third, we have continued to promote pro bono work as an aspect of chambers' social responsibility. The Chancery pupillage checklist has been amended to include reference, for pupils in Chambers situated in London, that the pupil should attend with the pupil supervisor while s/he is acting as volunteer on CLIPS in Court 10 of CLCC.

I would like to pay sincere thanks to everyone at the RCJ Advice Bureau - but especially to Seymona Cole, who has moved on to another project within the RCJ Advice Bureau - and to welcome James Cairns, who is already proving to be a worthy successor.

Lesley Anderson QC

## Junior Chancery Bar

Throughout 2018, the Junior Chancery Bar continued its busy schedule of organising events and working behind the scenes to promote the interests of ChBA members of under 10 years' call. As usual, the committee ensured that the calendar offered a combination of educational and social events for its members.

A Business Development and Practice Management workshop offered a range of perspectives on the directions in which a career at the Bar can develop, with contributions from a silk, a full-time mediator, a part-time recorder and a chambers practice director. We are currently looking forward to our next workshop, which will discuss approaches to collaborating as part of a legal team.

Continuing a trend from previous years, the JCB also supported the Young Bar Council Annual workshop and sent a number of delegates to the event.

The marshalling scheme (which is operated in tandem with CLIPS) continued, offering JCB members the opportunity to see the logistics of the applications court and a variety of styles of advocacy from the perspective of the judge.

Members of the JCB committee have also been engaging with other ChBA sub-committees, most recently with respect to mentoring and chambers social responsibility, with a view to developing new initiatives.

Eleanor Holland stepped down as chair of the committee in March. The committee is extremely grateful to Eleanor for her unwavering dedication to, and enthusiasm for, the work of the JCB.

Albert Sampson

## Mentoring

Members, whatever the stage of their career, continue to take advantage of the mentoring scheme.

This summer we asked existing mentees to provide feedback on their mentor/mentee relationships. These are some responses:

*"I have been able to talk to someone outside chambers, which has offered a valuable perspective on some of the challenges I have been facing."*

*"... it has been good to connect with another working mother who specialises in Chancery litigation."*

*"It really helped me to get through the initial stage of practice at the Bar as it was very helpful to have someone to ask questions that it might not be as easy to raise in chambers ..."*

To find out more about the scheme, please visit our website pages at [www.chba.org.uk](http://www.chba.org.uk).

Janet Bignell QC

## WELLBEING

Promoting members' wellbeing is an increasingly important part of the Association's work. We continue to work closely with the Bar Council's excellent Wellbeing Working Group, ably chaired by Rachel Spearing. The Bar Council Wellbeing Website has had an incredible 200,000 hits since its launch (from a profession of only 15,000 barristers), illustrating how important wellbeing issues are for the current Bar.

In addition, we have held regular events, including the recent seminar on 17th October 2018, chaired by Nigel Jones (former partner at Linklaters) of the City Mental Health Alliance and featuring the brilliant Dr Bill Mitchell (who teaches at Kings College, London on the MSc programme on Mental Health Studies and is a visiting lecturer at the London Business School) who gave practical advice for practice enhancement.

Michael Todd QC, ex-Chair of this Association and the Bar wrote to all heads of chambers saying how impressed he was with the event and urging consideration of wellbeing issues more widely. We have also updated our Wellbeing Best Practice Policy in conjunction with the Institute of Barristers Clerks and



relaunched it at our October event. We continue to run our popular pilates sessions on Tuesday lunchtime at the Central Health Clinic on Chancery Lane.

Finally, part of our remit this year has been launching our project on the increasingly important issue of Chambers Social Responsibility. We are looking at collaborating with a national charity to assist in encouraging social mobility and promoting the Chancery Bar to a wide range of young people from diverse backgrounds.

Amanda Hardy QC

## Thanks to Amanda Tipples QC

The beginning of July marked the end of Amanda Tipples QC's term as Chairman of the Association. This was the culmination of a long stint on the committee during which time she had also served as Hon Secretary and Vice Chairman.

It was while she was Vice Chairman in 2015 that Amanda wrote the Association's detailed paper on the failings of the Criminal and Family Recorder selection process. This was relevant to the Association and its members because by 2015 becoming a Criminal or Family Recorder had become the necessary gateway for any barrister wishing to sit as a Civil Recorder in the County Court or as a Deputy High Court Judge. Amanda's scathing analysis of the statistics, the unfairness to non criminal/family practitioners of the process and the history of broken promises to the Association, was read by, and provoked concern at, the highest levels of the judiciary (alongside the observation that it could only have been written by a chancery practitioner). The Association has actively engaged with the JAC on judicial selection throughout her chairmanship. My personal view is that it has led to a sea change in judicial selection. Across the board, there is

now an approach which recognises that the identification of judicial qualities is a different exercise to identifying expertise in a particular area of law, and particularly at entry level amongst the judiciary, those who have the necessary judicial qualities will be able to pick up the necessary law. And, of course, there are now other routes to becoming a Civil Recorder in the County Court or a Deputy High Court judge.

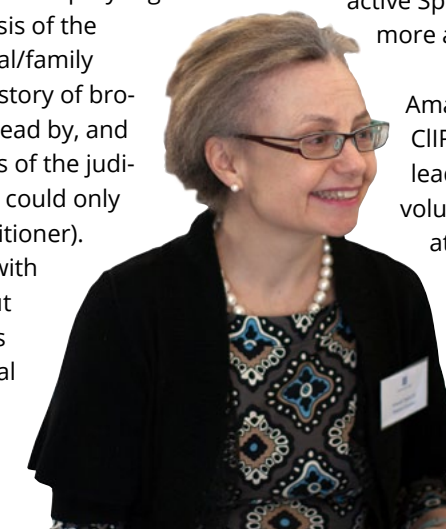
Against that background, it is no surprise that Amanda brought to her Chairmanship an unwavering drive and determination. She has given more of her time to the Association than could reasonably be expected of someone in full time practice.

Under her Chairmanship, the Association, already a highly active Specialist Bar Association, has become even more active.

Amanda has led by example, volunteering for CLIPs every term and charming and cajoling the leaders of the other civil SBAs whose members volunteer to do the same and promoting and attending overseas conferences.

So it is with sadness that we say farewell to Amanda. We will all miss her charm and energy on the committee.

Eason Rajah QC





## Druids and Diversity: an interview with Lady Arden

A month after she took up her appointment to the Supreme Court, we find Lady Arden happily ensconced in her new room and hard at work.

"I very much enjoy being here," she says, commenting on the commitment of those around her – fellow judges and staff – to working for the administration of justice, and doing so "in such delightful surroundings, though they may be less well-equipped than your modern Chancery chambers."

After 18 years in the Court of Appeal, for ten of which she was a presiding judge, she is getting used to "sitting for now at the edge" of the bench of the country's highest court: "I've been doing my best to keep quiet."

She brings with her an acute sense of the importance of diversity and hopes to see continued growth in the numbers of under-represented groups in the judiciary. "Not just women," she explains, "but people with disabilities and ethnic differences." This is not, Lady Arden makes clear, a question of tokenism. "It means you find different points of view feeding into the law and, unless you hear differing points of view, the answer reached without them may be unjust to some areas of society. With a more diverse judiciary, you can also get a much richer answer."

Lady Arden has long been keen on encouraging female applicants to the judiciary to start young; but she is also aware that promoting equality needs to start in the professions if it is going to end on the bench. She says that pioneers and visible champions are essential. "The Chancery Bar Association has a mentoring scheme, which is very good," she notes. "I also think we need to encourage people to argue for women. The present Master of the Rolls is very good at speaking up for diversity, as was his predecessor. It is very important that there are champions for women."

Mary Arden was born in Liverpool, the daughter and granddaughter of solicitors. After Girton College, Cambridge, where she read law and earned a starred first, she went to Harvard Law School and was called to the bar by Gray's Inn in 1971. She subsequently joined Lincoln's Inn ad eundem

and is now a bencher there. She says that her own career benefitted from the "indirect influence" of Rose Heilbron, the first woman to win a scholarship to Gray's Inn, one of the first women to be appointed silk, the first woman to lead in a murder case, the first woman recorder, the first woman to sit at the Old Bailey and the first woman Treasurer of Gray's Inn. Although Lady Arden does not mention it, she was herself a Chancery pioneer, being the first female Chancery Division High Court judge.



"I come from the North West of England. When I was growing up there was no televising of court proceedings or social media. The name of Rose Heilbron was in the local paper almost every night. 'Miss Heilbron said this, Miss Heilbron said that... and the defendant was acquitted!'

The huge following that she had made you take it for granted that if you worked hard the bar was accessible to women. I think she made me aware how much a role model for women matters. Seeing someone do the job really is important. It follows that it is important that we have women who are chairs of the Chancery Bar Association, senior silks, Deputy Judges in the High Court and, of course, High Court judges. Have you noticed how many of the early female High Court judges were from the North West?"

Asked about others who have had an influence on her career, she mentions her two pupil supervisors, Richard Sykes QC and John Macdonald QC, and also Lord Nicholls, who, as Sir Donald Nicholls VC, asked her (as a newly-appointed judge) to draft the first Chancery Guide with its distinctive red cover, for the use of litigants in person and people at the very start of their careers. "It was known as Chairman Mary's Little Red Book," she recalls.

Lady Arden was appointed as the first female Chairman of the Law Commission of England and Wales in 1996. She explained that she is particularly pleased that the Commission's work on the Company Directors project resulted in the duties of directors being reflected in a statutory statement, making them more accessible to directors, particularly those in smaller companies, in line with views expressed in a survey of directors. The question of a statutory statement had been debated for well over one hundred years. Lady Arden is pleased also that there has

subsequently been practically no litigation about the statutory statement.

For those currently in practice, Lady Arden is full of advice, in particular when it comes to drafting skeleton arguments and oral submissions. "I think the skill with which they are written matters. They should if possible identify the relevant principle and the answer at the start. You are unlikely to be able to write that part until you have worked out the arguments. Then you can summarise them in a clear way at or near the top. Written submissions where you find out the answer at the end may be correct, but they are less effective at communicating the point." And the best skeletons are often under the Court of Appeal's 25-page limit, she says. The same principles apply to oral advocacy. She echoes Lady Hale's advice in her interview a year ago, that clarity and simplicity are the best traits in an advocate. "Oral argument is really important and I wouldn't underestimate it at all. There is a grave risk that arguments will not be properly understood if hearings are too short or counsel do not make accurate estimates of the time they will need and then discover during the course of the hearing that they need much more time and by then it's usually too late to get more time. Then, counsel have to make hard choices as to what points to make orally and what to leave to the written argument." She adds that it is sensible to be reasonably brief in following up the court's points.

Lady Arden explains that many of the traits of a good written argument are also applicable to judgment writing. She actively encourages brief judgments with the principles clearly set out and "not too discursive". It is, she says, an "iterative exercise; and it often involves working on the structure." Judgments that are clear and relatively brief will be more likely to be those used in developing the law.

Clear judgments, she thinks, are also likely to help as the law increasingly turns to artificial intelligence. "Immediately, I am very interested to know more about the role for AI in disclosure," she says. "I understand e-disclosure is used in the Commercial Court. The idea is that you programme a computer under a protocol agreed between the parties and load onto it all the conceivably disclosable documents. I understand the e-disclosure is quicker and more cost-efficient and more accurate if you build up the right parameters for your search. Junior counsel need not then plough through every document."

"I'd like to see these systems progress so you can interrogate the case law databases using AI, too. Rather than the current system of asking just for all the cases that use the word 'conversion', say, it would be useful to be able to ask a question, for example: 'give me all the cases in which the concept of source in revenue law has been applied, and state what principles have been established.' It's all going to take time, of course, but AI should speed up legal research and enable the highly trained lawyers simply to examine the result of their search, check whether they had the right

parameters for their search and, if so, then decide whether the answer is acceptable or whether there needs to be a further process for resolving a dispute as to the legal answer in a particular situation."

For those worried that the Supreme Court is about to welcome robots in suits, she has some words of comfort, however. "AI cannot do everything, but it could save a lot of labour and lead to a better researched answer. We are so dependent in this system on the bar." She pays particular thanks to Chancery Bar Association members who offer their time on a pro bono basis not just in the High Court, but on appeal too. She also suggests that the judges themselves are unlikely to be replaced by, or even make very significant use themselves of, AI software, as "that would raise issues of judicial independence and impartiality."

Lady Arden clearly adores being a judge. Quite apart from her robust views on judgment writing, she says she sees sitting in the appellate courts as providing the opportunity to "refine and nuance" the law. "As a judge, you need an interest over and above what is being presented to you. The law to me is not just what you do on a specific case, but it gives the opportunity to think about issues and to look at society more widely and see what is changing and what we need to do to make the legal system more just or more efficient," she explains. She recalls meeting Lord Hoffmann in Middle Temple Lane shortly after her appointment to the High Court. "He said: 'now you'll be able to do what you want to do and not just have to persuade a judge to do it,' and he was right. You have the privilege of being able to do what you think is right and fair in a particular case and I think that is very rewarding and very satisfying. I do see judging as a privilege." Later, she adds that judging "involves looking beyond the cases sometimes and that is what interests me". In particular, in the Supreme Court, she is very aware that the judgments will "set a precedent that is likely to be there for quite some time". She sees the ability to move with the times as an advantage that common law systems have over civil law. "With the common law, you are not invoking some norm put together by a 19th century philosopher, as may happen in civil systems," she laughs. "Rather you are able to look at the facts of an individual case and approach the law through the lens of that case; and that enables you to produce a highly focused, and generally up to date, result."

For this reason, she says, "the common law will always do very well." Although she resists commenting on the politics of Brexit, she does note that "the common law model is respected in Europe and I think it will continue to be successful in the international commercial context." She welcomes the introduction of the umbrella term for the "Business and Property Courts", into which the Chancery Division was folded in July 2017. "It makes sense internationally. The words "Chancery Division" did not travel well," she says.

Lady Arden hopes that Chancery practitioners will continue

## Interview continued

to want to become judges and strongly encourages applications to sit as Recorders and Deputy High Court Judges, even from those who have no full-time judicial aspirations: “until you sit as a judge you don’t always realise what part of the oral presentation will really strike home. When you have sat for a few times, you do actually learn more about what matters in a case and how to present it and what sort of considerations are likely to go through a judge’s mind.”

There is also a diverse case load, which leads to some unexpected encounters. Lady Arden remembers one occasion, when she was a High Court judge. “A fellow judge rang me up and said, ‘are you a member of English Heritage?’ I wasn’t at the time (although I am now), so I was able to take a case he had had to recuse himself from. There was what was then called a motion – an application on notice – brought by English Heritage against protesters who were preventing them from removing a pre-historic structure, now known

as Seahenge and consisting of some 55 oak posts arranged in a circle around an upturned oak, from sand dunes in the sea off the coast of Norfolk.” The case started as one about property rights, as English Heritage had a licence to remove the structure from a local landowner who, unusually, owned the foreshore. The motion ended up taking an entire day, and included a debate about Druidic rites because it was claimed that Seahenge was an important Druidic monument. “The Druids were - I know not how - allowed into the RCJ carrying long pointed staffs or tridents,” says Lady Arden. “They came in their flowing white robes with photos and poetry.” In the end, English Heritage completed the removal, following Arden J’s extempore judgment, “but they apologised profusely to the Druidic section of the community involved for damage they had unthinkingly done to the upturned oak. That part of the Norfolk coast is very beautiful,” she adds.

**Katherine McQuail & Oliver Marre**

Title	Consultor	Closing Date	ChBA Team
Transparency Standards	BSB	05.01.18	Andrew Twigger QC, Richard Dew, Oliver Philips, , Oliver Mishcon, Elizabeth Houghton, Anthony Pavlovich
Future Bar training	BSB	08.01.18	Andrew Twigger QC, Joe Curl, Will East, Rosanna Foskett
Lands Chamber Rules – costs	Tribunal Procedure Committee	01.02.18	Christopher Heather QC
Judicial Salary Structure	Senior Salaries Review Body	28.02.18	Andrew Twigger QC, Amanda Tipples QC, William Trower QC, Douglas Campbell QC, Mark Cawson QC, Paul Girolami QC, Mark West, Richard Dew
Commonhold	Law Commission	19.04.18	Janet Bignell QC [Agreed not to respond]
Enfranchisement	Law Commission	Ongoing	Christopher Heather QC, Janet Bignell QC.
A Housing Court	MHC & LG	22.01.19	Janet Bignell QC
Judicial Salary Review	Senior Salaries Review Body	14.05.18	Andrew Twigger QC, Joe Curl
QC Appointments	QCA	31.07.18	Andrew Twigger QC, Amanda Tipples QC, Eason Rajah QC, Tom Robinson, Alex Learmonth, Steven Barrett, Siân Mirchandani
Confidentiality Agreements for Under 18s	Bar Council		Andrew Twigger QC, Richard Dew
Sexual orientation and religion or belief monitoring	BSB	19.07.18	Mark Mullen
Transparency	BSB	10.08.18	Andrew Twigger QC, Richard Dew
Cases appropriate for silk	QCA	12.10.18	Andrew Twigger QC, Richard Dew
CPR Part 39	MoJ	23.08.18	Andrew Twigger QC, Richard Dew
Electronic Execution of Documents	Law Commission	23.11.18	Leigh Sagar, Alex Learmonth, Jenny Seaman
Transparency	BSB	14.12.18	Andrew Twigger QC, Richard Dew, Elizabeth Houghton, Anthony Pavlovich
Considering the case for a Housing Court	Ministry of Housing, Communities and Local Government	22.01.19	Martin Young
Inheritance tax and trusts	HMRC	30.01.19	Amanda Hardy QC, Richard Dew, Oliver Marre, Alexander Drapkin

*ChBA Responses 2018*

We are grateful to all those who contributed to these responses. **Andrew Twigger QC**

We would like to thank the contributors, photographers and editors for all the time and effort devoted to the ChBA Review 2018

Please direct any enquiries to the ChBA Administrator:

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**www.chba.org.uk**

**CHANCERY BAR ASSOCIATION** ■■