

The Chancery Bar Association is active on a huge range of fronts. CLiPs is a fantastic advertisement for our values and the commitment of our members to the interests of justice. The enthusiasm and unstinting support of all of you who volunteer for CLiPs (475 at the last count) has made it a huge success. Education and Training in the shape of our seminars, New Practitioners Programme, and Winter and Summer conferences remains one of our core functions, as does responding to a vast number of consultation papers. But you can see the detail in the rest of the magazine. None of this would be possible if it were not for the generous time and hard work of the committee and sub-committee members, and those many others who help the Association when asked, as well as our excellent administrator, Francesca. My thanks to all of them.

Freed from the shackles of reporting on what we have done throughout 2019, I would like to return to the theme of my letter in the last edition and add some further thoughts.

In my letter last year, I commented on the importance of a Bar which is representative of the society it acts for, and a judiciary which is representative of a society that it serves. The latest BSB diversity report on the Bar published in January 2019 shows no significant change in the picture. Women, BAME and people with disabilities continue to be underrepresented at the Bar. We must also confront the suggestion from certain quarters, supported by credible evidence, that the Chancery Bar is doing worse than the rest of the Bar. It would be intolerable for this to be the case.

A major project of the Equality and Diversity Sub-Committee chaired by Nicola Rushton QC this year has been to explore, at a series of carefully organised meetings, the particular challenges facing female barristers and why it is that women leave, or are considering leaving, the Chancery Bar. A report of their findings is expected early next term, together with recommendations.

We will consider those carefully but no one expects a silver bullet or for change to happen overnight.

We also need to ensure that issues such as education, wealth, or other background factors do not become impediments to a career at the Bar. That is simply fair whether it affects the BSB statistics or not.

One needs to start with aspiration. So the work done by the Welfare and CSR committee chaired by Amanda Hardy QC is important. By way of example, the Association supports the Middle Temple and Inner Temple social mobility schemes and we are about to launch our own scheme in partnership with the national charity, Achievement for All, which will involve 90 members of the ChBA volunteering over a two year period to support severely disadvantaged children at three Inner London Schools. The Association is significantly more active on this front now, but we already have a success story – there is a pupil in a chancery set who came through one such scheme.

We need to ensure that the cost of entry to the Bar does not become an impediment. Students, already burdened with student debt, are facing fees of around £20,000 by providers of the Bar Practice Course. The Association is supporting the proposals for a new and cheaper Bar course to be run by the Inns.

We need to ensure that our system of pupillage recruitment is simple, transparent and fair. It is imperative that the Association supports efforts to make the use of the Pupillage Gateway and its timetable a level playing field for all participants.

We need to ensure that misperception or misinformation do not become impediments to a career at the Chancery Bar. I have grudgingly to accept the Chancellor's point that very few people understand what "Chancery" work is. Our website and publicity materials have been updated to reflect the modern Association, including

its connection with the Business and Property Courts. The publications committee is chaired by Oliver Marre. Joseph Curl (himself one of the Bar Council's social mobility advocates) ensures that the Association is powerfully represented at Law Fairs around the country and at the Bar Council Pupillage Fair. University students can speak to real chancery barristers about the work which we do, and be reassured that the Chancery Bar is modern, progressive and they will fit in, whatever their profile or background. The Association launched its app (a first by any SBA) last year so students can access information and video interviews of barristers in a way which they will hopefully find more accessible and which demystifies the Chancery Bar.

We need to ensure that those who enter the profession are supported. All Association members under 15 years call have been asked whether they would like to be matched with a senior practitioner as a mentor (and/or to mentor a more junior practitioner themselves). This is a scheme available to everyone, but its significance for the point I am trying to make is that it is also a means of making an indent in the number of women who leave the Bar and improves the prospects of progress to the rank of Queen's Counsel for everyone with a mentor (including women and BAME barristers). The mentoring panel, which is to become a sub-committee of the Association, is led by Janet Bignell QC. Similarly, I am not alone in believing that there is a link between wellbeing and retention/career progression. And so the work on that front by Amanda Hardy QC and her committee also moves us in the right direction.

I shall stop there. There is much to be done, but it will be done by others. This will be my last letter to you as I stand down as chair at the next AGM. It has been my honour and privilege to be your Chair.  
**Eason Rajah QC**







## Winter Conference

The Winter Conference, “All Bar None”, once again provided an opportunity for more than 240 members of the Association to get together and appreciate

On Saturday, Amanda Hardy QC and Sam Mercer form the Bar Council updated us on social mobility and the Chancery Bar, an area of increasing focus for the Association. Professor Birke Häcker then asked whether “substance over form” had got out of hand before the Conference was brought to a humorous and informative end by Beverly-Ann Rogers and her cast who highlighted issues in mediation. Who has not been troubled at a mediation by a muumuu wearing shaman/Supreme Court Justice?

not just the wide variety of work covered by the Association but also how much we all have in common.

We started the Friday afternoon session with Joshua Rozenberg QC interviewing Lady Black, who provided delegates with an insight into her journey from being a junior balancing travelling round courts in the north of England with family life, to her appointment as a Justice of the Supreme Court. Mr Justice Zacaroli then gave a lecture in which he questioned whether the trial process is fit for purpose in a world where Courts are being provided with ever increasing amounts of documentation to digest. Delegates were left to ponder whether a return to fuller opening statements would help. After an update from the Chancellor, we ended the first day with Robert Hunter introducing us to the Bavelas question in an intriguing talk about the psychology lying behind cross-examination, interviewing and interrogation.



Andrew de Mestre QC

We thank all of our speakers for the considerable time and effort they devoted to ensuring that the Conference once again delivered a valuable and extremely well-presented selection of talks on the main stage. Delegates also attended a wide range of workshops covering issues from insolvency to advocacy to trusts to disclosure, all delivered by distinguished panels of workshop leaders to whom the Association is also particularly grateful. As ever, the Conference was topped off by a well-attended and enjoyable evening reception.

## Equality & diversity

A major project this year has been running a series of Round Table meetings with female Chancery practitioners, to try to get to the bottom of why a disproportionate number leave the Bar.

been approached by Rachel Kryz, the Equality & Diversity Consultant recently appointed by the Bar Council to look at retention of women at the Bar, who wants to see how our conclusions can be shared and applied.

We ran a total of four sessions altogether, between March and June 2019, each with about 10 participants and led by two members of our sub-committee. This represents a sizeable proportion of all the female membership of the Association, and we were pleased to have a full range of seniority and practice types attending. The discussions, all under Chatham House rules and on the basis of anonymity, were intense, insightful and fascinating. They have given us a huge amount of material which we will be drawing together into a report in the New Year, on problem areas, good practice and recommendations for the future.

On 9 July 2019 we ran a very well received and well attended seminar on Achieving Racial Equality at the Bar, led by Amit Popat, who is head of equality and strategy on access to justice at the Bar Council. He highlighted some shocking statistics on the different rates of success in obtaining pupillage and tenancy between white and BAME candidates, even after controlling for academic achievement and other background factors. The session was thought-provoking and challenged us all to improve.

In December 2019 we repeated our successful outreach event aimed at encouraging female students to feel the Chancery bar is for them, and at demystifying chancery work.

Nicola Rushton QC



The Law Society has been undertaking a similar exercise, and we have also

## International

It is now around a decade since the Association started its programme of international visits. During that period we have built and strengthened links with many overseas jurisdictions, but one conspicuous gap in our list of destinations was Bermuda. We were able to put that right in May 2019 with a highly successful one-day conference held in the Hamilton Princess Hotel. We were privileged that Chief Justice Hargun agreed to give the Welcome Address, in which he spoke about the importance of key legal decisions to the economic success of Bermuda over recent decades. Twenty-two members of the Association spoke during the day, and their talks covered a range of topics, from corporate reconstruction to land registration. One of the key messages of the day was the breadth of specialism that comes under the chancery umbrella. Particular thanks are due to locally based members Keith Robinson of Carey Olsen and Alex Potts QC of Kennedys for their input into the arrangements.

Most UK members bookended the conference with longer stays for tourism. Bermuda was a beautiful destination, with a fascinating history evident (at one end of the island) in St George's, the oldest continuously inhabited English settled town in the New World, as well as (at the other end) in the impressive naval fortifications of the Royal Naval Dockyard. Beaches also proved



popular, and a lot of middle-aged men came back with Bermuda shorts.

Our short-haul trip in November was another island destination, this time a return visit to Jersey for a half-day conference at the Pomme d'Or in St Helier. Sunshine was unfortunately less in evidence than in Bermuda, and on the morning of the conference the rain turned into

a 10-minute hailstorm. Notwithstanding the elements, there was a very good turnout of local practitioners, many of whom had strong existing links with the Chancery Bar. Thirteen UK practitioners from a wide range of chambers were on the speaking programme, and of these eight were juniors.

Thanks are due to the International Sub-Committee for their work during the year, and in particular to Francesca Compton, who ensured that everything worked so smoothly.

UK members are warmly encouraged to volunteer to speak at and attend the overseas conferences, which are an excellent opportunity to advertise what the chancery Bar does to a wide international audience, and to develop personal experience and expertise. Also, members in their early years of practice are reminded that there are grants available to support attendance.

Michael Gibbon QC



## Academic Liaison

Following the launch of the Association's new online careers app and brochure last year, the Academic Liaison sub-committee's focus this year has been on continuing to reach out directly to students, particularly those from non-traditional backgrounds that we have historically struggled to reach. The flagship recruitment event for the year remains the Bar Council Pupillage Fair. Our stand this year looked most impressive, resplendent with our new branded (and recycled) highlighter pens and post-it notes, together with the ever-faithful tote bags. Support from our members was wonderful, with the stand staffed by at least two people at all times and wide chancery representation on the panel talks.

We have also continued to try to support the Bar Council's initiative in attending university law fairs around the country. Finding volunteers among our members for this has not always been easy and take-up this year has been especially disappointing. While some of these institutions might not be traditional hunting-grounds for chancery sets, in the era of heavy fees and unaffordable (for many) housing costs, lots of students now select their institution

based on how close it is to home rather than by reference to grades. Experience shows that there are some excellent candidates in surprising places – but there continues to be a noticeable gap in awareness, even among high-performers nearing the end of their studies, about the work of the Chancery Bar. We run the risk of missing out on real talent by not embracing these events and communicating effectively.

The final event of the year was the Academic Members' Dinner in December, which was hugely enjoyable and remains instrumental in maintaining and enhancing links with the academic world.

Many thanks to all those who have helped out this year, especially those who gave up big swathes of their weekends to help with the Bar Council Pupillage Fair, whether on the stand or participating in panel sessions, and to the happy few who have represented the ChBA at university law fairs.

Joseph Curl



# Wellbeing and CSR

It has been another busy year for the Wellbeing and Social Responsibility sub-committee. We are delighted that our work has become so closely integrated with other aspects of the Association's work, such as the attendance at the summer conference of Dr Rangan Chatterjee, and the continuation of our review of retention of women at the Chancery Bar, including round table discussions and evidence gathering by the Chair of the E&D Committee.

Other highlights this year included:

- the development and implementation of the Sexual Harassment Waiver Scheme for the Bar Council, in conjunction with the Property Bar Association;
- the development and implementation of our Social Mobility programme, including sponsorship and involvement in the highly successful Middle Temple programme in June 2019, placing students with chancery chambers for a week and then with chancery Judges. We had filled all our requests for judicial assistance within 48 hours! Sponsorships and involvement in the Inner Temple Pegasus Scheme in the autumn;
- our flagship partnership with the national charity, Achievement for All, which will involve 90 members of the ChBA volunteering over a two-year period (starting in the academic year 2020) to support severely disadvantaged children at three Inner London Schools. Professor Sonia Blandford, the CEO of Achievement for All is speaking at the Winter Conference launch;
- publication by Laurie Scher and Will East of an article in Counsel Magazine: 8 Ways for Chambers to be more environmentally friendly;
- a programme and infographic for the Bar Council CSR initiative

Sam Mercer, Head of Policy at the Bar Council, spoke at last year's Winter Conference on many of these issues, and we continue to sit on and contribute regularly to the Bar Council Wellbeing Action Group.

Amanda Hardy QC

# Summer Conference

It is traditional to tempt delegates to the summer conference with the promise of a rooftop reception for those who stay the course. This year, the drinks received external validation as attendees had just been informed by Dr Rangan Chatterjee that relaxing, whether through exercise, with a good book, or chatting to our friends, is essential to our wellbeing. The well-known doctor provided practical tips on how to achieve this as busy, self-employed practitioners.

The rest of the conference was rather more legal but no less interesting or helpful. Dr Jonathan Getzler visited from Oxford and presented a thought-provoking paper on Equity and Trusts in the 21st Century. We heard from three of the counsel involved (on different sides) in the recent Court of Appeal decision on privacy in trust variations (Robert Pearce QC, Guy Vassall-Adams QC and Susannah Meadway, chaired by Amanda Tipples QC) and Lady Justice Asplin spoke engagingly about the Financial List, in a talk containing detailed and fascinating insight. Workshops were on corporate insolvency (Marcia Shekerdemian QC and Tina Kyriakides) and how to represent those who cannot represent themselves (David Rees QC and Jenny Seaman).

Many thanks to all who gave up their time to contribute and to attend – and to my conference vice chair, Elizabeth Houghton, and Francesca Compton, without whom nothing would have gone to plan.

Oliver Marre



# Education and Training

I am constantly amazed that people who are so expert and knowledgeable, including leading practitioners, experts and High Court Judges, all of whom have very many calls on their time, are willing to volunteer to present talks and seminars to our members. The consequence is a very high-quality education and training programme.

This year saw seminars on a diverse range of topics, from pensions law to receivership, all arranged through the huge efforts of my predecessor, Fenner Moeran QC. It is invidious to single out any particular talk in such a high-quality programme but all will agree that the annual lecture by Lord Sales was a major highlight.

The great news is that for 2020 the Association will return to its home, Lincoln's Inn, with most of our regular seminars taking place in the new Ashworth Centre. In order to make the most of this and to ensure that our seminars appeal to as diverse a range of people as possible, we have surveyed our membership to discover what worked and what didn't, and to find out what seminars people would be most likely to attend. We are confident that the programme will appeal to everyone.

We are keen to make more of our fantastic NPP programme. In 2020 this will be re-launched as 'Back to Basics' breakfasts.

# ProBono

In the five years since it started, CLiPS has established itself not just as the Association's flagship pro bono scheme but as an essential part of the Applications Lists in both the Chancery Division and the County Court at Central London. As such, the majority of the work of the Pro Bono sub-committee has been focussed on ensuring the continued vitality of the scheme. In particular we have revised the protocols for Central London and relaunched that part of the scheme at a successful evening event attended by many of the CLCC Judges and a wide range of Association members. We were also pleased to combine with the Junior Chancery Bar at a Seminar on Interim Applications attended by no less than five of the

Chancery Division Judges, each of whom emphasised the importance of CLiPS.

The Association is hugely grateful to all of its members, who continue to give their time and expertise to provide an invaluable service to the increasing numbers of litigants in person in the civil justice system. We hope that, in the coming years, we can encourage an even wider cross-section of the Association to experience for themselves the benefits of CLiPS to LiPs, Judges and volunteers alike.

The sub-committee has also been involved with a number of other initiatives including the launch of a pro-bono mediation scheme, which has had its first "customers"

in 2019. We are working closely with the Chancery Masters to establish a clear route by which suitable cases can be directed towards this programme.

Finally, I would like to pay particular thanks to Lesley Anderson QC who stepped down as Chair of the sub-committee in July 2019 having played an instrumental role in the development of CLiPS as well as the other pro bono initiatives in which the Association is involved; and to James Cairns of the RCJ Advice Bureau who provided an invaluable link between the Association and the RCJ. We look forward to working with his successor, Cleo.

Andrew de Mestre QC



These will provide knowledge and practical tips in a range of fields, which will be aimed at both practitioners in those fields and those who wish to know more about an area which they may come across.

Finally, we are aware that a London-based programme provides only limited value to members outside of London. We are hopeful that it will be possible to obtain audio recordings of our seminars that will be made available from our website for everyone.

Richard Dew





# The Hon Mrs Justice Tipples

Maitland Chambers, in Lincoln's Inn, is in a state of excitement. The receptionists have just discovered that they have been invited to the swearing-in of Amanda Tipples QC as a High Court Judge, and a stream of members – old and new – pass through the waiting room discussing her news, which has only recently become public.

In some ways, Tipples' career appears to have led inexorably to the High Court. She was called in 1991, she sat on the General Management Committee of the Bar Council as a junior, has been a recorder since 2009, took silk in 2011, a Deputy High Court Judge since 2013, chaired the Chancery Bar Association 2016-18 and is a bencher of Lincoln's Inn. Yet she still has the ability to surprise. What, for example, has led this stalwart of the Chancery bar to sit in the Queen's Bench division, rather than take an appointment to the Chancery Bench?

"Those who know me well know how much I have enjoyed sitting as a Recorder," explains Tipples. "I have heard increasingly challenging cases. There is a ticketing system for more challenging things and last year I got a ticket to sit at the Old Bailey. Arriving there, I was certainly an unusual animal – the other judges were slightly amazed to see a Chancery practitioner, but I'd got there on merit. So, if I was to be a full time judge, I wanted to still do some serious crime and, at the same time, to pursue different opportunities and I thought that the thing that suited me best was to go to the Queen's Bench Division. So it may seem unusual but it was very much a conscious decision and something I have had in mind for quite some time."

Nor, she points out, is she the first ex-Maitland Chancery practitioner to sit in the QBD. McCombe LJ and Davis LJ set precedent.

Tipples talks with both admiration and affection about her chambers, where she feels "very lucky" to have practised for 27 years; but she believes that, beyond any chambers, there are two key planks to a successful career in practice. First, she is a keen advocate of extra-curricular activities for barristers. Tipples explains that engagement with specialist bar associations can be a very valuable way to gain experience ("through sitting on a sub-committee or CLiPS. There is nothing that senior practitioners like more than eager juniors and you learn so much") and friendship. She notes that she has made many close friendships through the ChBA. Secondly, she has long been a pioneer for wellbeing initiatives and talks compellingly about the need for work/life balance.

**"You have to learn to take control. I think the hardest thing when I started in practice was that I didn't know how to say no. I was desperate to do well, be successful, take on every new case, impress colleagues, clients, clerks. I worked weekend after weekend. But you can always tell a client, 'I can't do it next week but I can do it in three weeks' time,' and 9 times out of ten people will wait for you."**

On the bench, she intends to bear this in mind. "Especially during a long trial, you are all in it together and you have to make the process work. As a judge you have to be sensitive to people having a life outside. You should not expect counsel to send emails late at night. If you are all exhausted, it doesn't help anyone. I want to try and be attuned to that. You all need to go home and eat some supper, or take a brisk walk, or sit down for dinner with loved ones, that's very important. Some judges will ask about counsel's commitments in the course of a trial, and say the same to the jury, so if you have little Johnny's school play, maybe you can go to that."

Tipples herself spends time walking her fathers' dogs and enjoys the ballet, "and I am a complete fan of Strictly Come Dancing. I started watching at series 4 and we are now at

series 17. I love it." When it comes to judging, her favourite is Craig, "because I think he is always right". She is also an adventurous traveller. She spent two weeks over the summer ski mountaineering at Spizburgen in Norway. "I had to prepare for that trip. The guide had warned me that if I didn't get fitter, I'd be eaten by a Polar Bear for breakfast!"

Looking back over her time at the bar, Tipples says she has especially enjoyed the independence it has offered and believes that it is "a great career for women – there are many more women about and that is a real positive – and a very fierce meritocracy." She has also enjoyed the variety of work she has undertaken, from commercial cases to advancing the law on common intention constructive trusts by fighting over parking spaces on behalf of dentists in *Herbert v Doyle* [2010] EWCA Civ 1095: "in many ways, a classic Chancery case with wonderful clients."

For those who might want to follow in her footsteps, Tipples advises seeking as much judicial experience as possible. "While it isn't a requirement, you have to be able to demonstrate your skills with examples, so it is very helpful. You can start really quite early with an application to sit, for example, as a deputy district judge. Sitting as a recorder is fantastic experience in terms of learning about judging and judgecraft. You are getting thrown problems you have to solve and deal with, which you may well never have seen before, like a defendant who won't come to the dock or a witness who won't give evidence. So, you are dealing with practical problems and with people. You don't assume anything, but always ask questions. Counsel are there to help. You also get to watch so much advocacy and that makes you a better barrister."

She speaks fondly of the support offered to judges by court staff and the judiciary themselves. She singles out His Honour Judge Bright QC, until recently the resident judge at St Albans Crown Court. Other judges joked that he ran "a nursery" for High Court judges, as recently she is the fourth recorder from St Albans to be appointed to the High Court bench. Tipples says that she got to know Judge Bright QC very well and that "he showed really dedicated leadership and kindness and is a very wonderful judge."

Few of the interviewees featured in these pages seem keen on the prospect of being sent, in the style of the radio programme *Desert Island Discs*, for enforced rest and relaxation, but Tipples looks positively horrified. When pressed, she suggests her walking boots as her luxury item – "they'd be quite practical and bring back happy memories of trekking holidays with wonderful people" – and *Middlemarch* as her book of choice. It is, however, a good thing for English justice that Amanda Tipples has no intention of disappearing. Having dodged the Polar Bears of the Svalbard peninsula, she looks forward to her new role. Her parting advice, for anyone who appears in front of her is "clarity in terms of papers, navigation, facts and information. Just ask yourself, are you helping the judge?"

# Junior Chancery Bar

2019 was full of events for Association members of under 10 years' call.

We hosted a joint lecture with the Junior Property Litigation Association on the Supreme Court decision in *S Franses Ltd v The Cavendish Hotel (London) Ltd* and a well-attended seminar on developing an international practice. A highlight of the year was our seminar on the Applications Court and CLiPS. We were privileged to count Mr Justice Snowden and Mr Justice Fancourt among our panellists, as well as receiving some invaluable 'audience participation' from Mr Justice Mann, Mr Justice Nugee and Mr Justice Zacaroli.

We held an Autumn drinks party in the newly refurbished MCR. It was a fantastic opportunity for members to catch up with one another, and we were delighted to see pupils at the event too.

We have also been seeking to build relationships with foreign junior lawyers' associations, and the Association's conferences in Bermuda and Jersey provided the opportunity to make contact with the Bermuda Young Lawyers Group and the Jersey Junior Lawyers Association respectively. We hope to continue this trend in 2020 and to build on the relationships that we have forged.

Behind the scenes, the sub-committee has been collaborating with the Education & Training, Mentoring and International sub-committees to ensure that the Association continues to serve the interests of junior members as well as possible.

I would like to thank my sub-committee for their hard work and imagination over the last year.

**Albert Sampson**

Title	Consultor	Closing Date	ChBA Team
Housing law - dispersal of cases between courts and tribunals	Justice	29.01.19	meeting Martin Young
Chancery Pupillage Checklist	Bar Standards Board	N/A	Naomi Winston [Not a formal consultation, but a request for a point of contact]
Considering the Case for a Housing Court – Call for Evidence	MHCLG	22.01.19	Janet Bignell QC (and a team from Falcon Chambers)
Symposium on reform of commonhold	Law Commission	12.02.19	Martin Young
Trusts and Tax	HMRC	28.02.19	Amanda Hardy QC, Richard Dew, Oliver Marre and Alexander Drapkin
Future Bar Training – fees and charges for AETOs	Bar Standards Board	01.03.19	Andrew Twigger QC, Joseph Curl, Will East, Rosanna Foskett
Fixed Recoverable Fees	MoJ	06.06.19	Andrew Twigger QC, Richard Dew, Will East
Implementation of the 5th Money Laundering Directive	HM Treasury	10.06.19	Andrew Twigger QC, Richard Dew [decided no response appropriate]
Pupillage Gateway Timetable QC	BSB Feedback	03.09.19	Andrew Twigger QC, Joseph Curl, Rosanna Foskett, Eason Rajah
Limitation of Liability of Trustees	Trust Law Committee	11.10.19	Nicholas Le Poidevin QC, Andrew Twigger QC, Kathryn Purkis, Nicole Langlois, Richard Dew and Thomas Fletcher
Business Lease Renewals Pilot	CLCC User Group	13.11.19	Andrew Twigger QC, Joseph Ollech

We are grateful to all those who contributed to these responses. [Andrew Twigger QC](#)

*ChBA Consultations Responses 2019*

We would like to thank the contributors, photographers and editor for all the time and effort devoted to the ChBA Review 2019

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