

# Chair's Letter

It is a continuing pleasure to chair the Chancery Bar Association. Throughout 2023 our proactive engagement has made a difference in so many areas.

One of many personal highlights this year was manning the Association's stand at the Bar Council Pupillage Fair on 14 October 2023. 48% of attendees identified as women and 51% identified as being from minority ethnic communities, statistics which reflected my experience on the day: many keen and talented individuals from a wide variety of backgrounds came to ask about Chancery work.

This is most encouraging, but diversity will only be increased by improving opportunities for people at the start of their career. We have put initiatives in place to try to achieve that. The Association has contributed £100,000 to establish a fund to provide social mobility bursaries and I am delighted that the first beneficiary of such a bursary started the ICCA Bar Course in September 2023. At the AGM in July 2023 the Rules of the Association were amended to accommodate Student Membership for the first time. We currently plan to enrol the first Student Members early in 2024. This will enable undergraduates to attend certain events free of charge to learn about who we are and what we do, hopefully encouraging them to consider a career at the Chancery Bar.

Another personal highlight of 2023 was the Association's conference in the BVI. What a fabulous destination! We were warmly welcomed by the local legal community, including members of the judiciary who kindly joined our reception at the Brandywine Estate. There were over 80 attendees at the conference, which showcased a broad variety of topical Chancery



subjects, including insolvency, proprietary injunctions, trusts, crypto-currency and good faith. It was obvious that there is much good-will towards the Chancery Bar and real opportunities for our members to develop overseas practices.

Closer to home, I was delighted to join several members of the Association on the London Legal Walk 2023. We raised a triumphant £3,923 to support free legal advice agencies in London and the South East, substantially exceeding our target and making it well worth the tired feet.

I also much enjoyed the Annual Lecture given jointly by Lord Justice Nicholas Green and Mr Justice Fraser, the outgoing and incoming chairs of the Law Commission respectively. Their work is crucial in developing and simplifying the law, including in areas which are central to Chancery work. In recent years, the Commission has conducted projects relating to, amongst other topics; charities, pensions, leasehold reform, electronic signatures, electronic trade documents and intermediated securities. As a part of its important work, our consultations sub-committee has regularly engaged with the Commission, most recently at a workshop in November 2023 concerning electronic wills and whether a will should be revoked by marriage or civil partnership.

One of the Association's activities which attracts much praise is, of course, the CLIPS scheme. I extend my sincere thanks to all those who have volunteered throughout 2023, whose enthusiasm has ensured that there has been advice or representation available to LIPs in the Applications Court on almost every possible occasion during the year. I am delighted that a new scheme is being launched in early 2024 to assist LIPs responding to Bankruptcy Petitions on the Monday of each week. The rota for this scheme will shortly be available on the Association's Website.

Speaking of the Website, I hope the fully updated site will have been launched by the time you read this. Do check it out and make use of the wealth of information available to you. I hope you enjoy our new branding.

None of this could happen without the support and dedication of everyone on the Association's main committee or sub-committees, or the many other people who speak at seminars, volunteer for CLIPS, or help in so many ways. You all make the job of Chair an easy and enjoyable one and I am extremely grateful.

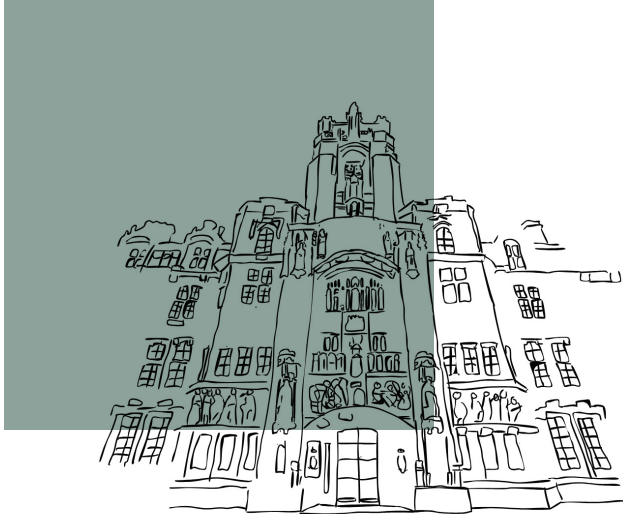
I would like to finish by expressing many thanks to Francesca on behalf of myself, the committee and all of those who are chairing and serving on sub-committees, for all her hard work and brilliant organisation.

I wish you all a happy and prosperous 2024.

**Andrew Twigger KC**

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## Junior Chancery Bar

The Junior Chancery Bar has had another good year. We are very fortunate to have the support of the Association and many speakers who generously give up their time to share their expertise and experience for the benefit of the JCB.

2023 saw the first instalment of our Anatomy of Litigation series, with a session on statements of case, further instalments are planned throughout 2024. We were also delighted to collaborate with the International sub-committee with a seminar on presenting to international audiences.

Equally importantly, a JCB drinks party in the Lincoln's Inn MCR gave us the chance to catch up with one another in a relaxed setting. It was very encouraging to see lots of pupils at the event and we hope to see this trend continuing, as it provides a great introduction to incoming members of the profession.

**Albert Sampson**



## Equality & Diversity

The E&D Sub-Committee started the year by taking action to implement as many of the recommendations as possible from the 2022 report "The Specialist Commercial Bar, and Black Inclusion – First Steps". In collaboration with COMBAR and TECBAR we organised a recorded online event: "Silks Application and Life as a Junior Silk". Our wonderful panel at that event made significant progress in dispelling some myths and encouraging applications for King's Counsel from as diverse a cross section of the Chancery, Commercial and Technology and Construction Bar as possible.

In March 2023, the Association became an official supporter of the Black Talent Charter (BTC) and in 2024 we will be exploring ways in which we can collaborate with them and other networks to bring about the recruitment of more practitioners from Black African and Caribbean ethnicity to the Chancery Bar and to encourage Chambers to support such recruitment.

Together with the Bar Council we staged a Fair Allocation of Work Roundtable discussion. Chancery barristers shared information on the processes in place in relation to the fair allocation of work and analysis of earnings in their chambers. Providing insights drawn from practical experience and exchanging information led to an enlightening and productive session, with many valuable points to take forward.

We held two events dedicated to student outreach; Ethnicity and the Chancery Bar in March, and Women and the Chancery Bar in December. Both events were successful, but the latter, which was held in person for the first time since 2019, was especially vibrant and inspiring.

The Association continues to be at the forefront of development in relation to the impact of menopause on the progress of the careers of female practitioners. We attended a Bar Council Roundtable discussion on menopause and the Bar with Rt Hon Caroline Nokes MP in June. It was an important opportunity to discuss how the profession can give greater prominence and attention to menopause-related issues. We are proud to be hosting a menopause café early in the new year to provide a space, open to all ages and stages, to have relaxed, friendly and supportive conversations – an idea spearheaded by Brie Stevens-Hoare KC and Lyndsey de Mestre KC.

**Yasmin Yasseri**





## Pro Bono

2023 was a special year for the Pro Bono Sub-Committee as CLIPS celebrated its 10<sup>th</sup> birthday in December. The occasion was marked by a workshop held as part of National Pro Bono Week which saw not only a room full of potential new volunteers but a guest appearance (as a Fairy Godperson no less) from one of the original volunteers and originators of CLIPS, Penny Reed KC. The Sub-Committee also hosted a well-attended joint event with the Judges of the Chancery Division in the Rolls Building in March. At this event the liaison Judge for CLIPS, Mr Justice Fancourt, emphasised just how beneficial the scheme is to the Judges and volunteers were able to speak to the benefits they have felt from their volunteering.

This year, yet again, there were more than 100 different volunteers from more than 40 sets of chambers and firms of solicitors, and the Association is grateful to each of them for their time and application in representing LIPs for whom the court process is particularly daunting. At the time of going to press, there had been only one day on which a volunteer could not be found! Those who volunteered three times or more were well-deserved recipients of the Pro Bono Champion Award for 2023.

Beyond CLIPs, and thanks particularly to the sterling efforts of Faith Julian and the support of Chief ICC Judge Briggs, 2024 will see the launch of a new scheme for bankruptcy petitions in the Insolvency and Companies Court. Once the scheme has been tested in a soft launch, volunteers will be sought to represent litigants in person facing bankruptcy petitions on Fridays. Separately, the sub-committee has continued to oversee the pro bono mediation scheme which was launched several years ago. It offers up 4 hours of free mediation for suitable cases. There is a ready pool of volunteer mediators from the Association. So, if members are involved in cases where there is a litigant in person, we would ask them to consider taking advantage of the offer of free mediation assistance.

**Andrew De Mestre KC**



## Academic Liaison

The main activity of the Academic Liaison Sub-Committee this year has been attending the Bar Council Pupillage Fair which took place in two parts again this year. A remote panel session where the panellists discussed Life at the Chancery and Commercial Bar and where the many students who logged in engaged in a thoroughly animated Q & A with some enjoyable and lively discussion.

The second part of the event was in person in London on Saturday 14 October 2023. As stated by Andrew Twigger KC in the Chair's Letter, 917 students attended (at various stages of their progress to the Bar) of which 449 expressed a particular interest in Chancery/Commercial work. Once again, the atmosphere at the event was really positive and the calibre of attendees very good.

**– Lesley Anderson KC**



## Annual Conference

It is a nerve-wracking proposition (as well of course as a great honour) to be asked to chair the Chancery Bar conference but I need not have worried. Armed with a committee with some veterans and some enthusiastic new additions the programme was pulled together with remarkable efficiency. It is always heartening how much time members are prepared to sacrifice to help running workshops but the contribution non or former members are prepared to make is very much appreciated. I was delighted that the Treasury solicitor and Lord Neuberger were prepared to speak. It is also gratifying that busy Judges give up their time to come and speak to us – not least the Chancellor with his annual slot.

The theme of the conference is “practice makes perfect” and is aimed at exploring issues both on the main stage and in workshops which should resonate with delegates in whichever area of the Chancery bar they practise. Few of us can avoid topics such as limitation, privilege and disclosure and hopefully we will emerge from the 2024 conference better equipped to deal with them.

**Penny Reed KC**







## International

This year was marked by a popular trip to the BVI. We had over 20 of our members make the journey (and brave the Antigua-BVI connection – all made it, albeit not all their luggage joined them). We held an afternoon conference, drinks at a beautiful venue overlooking the sea and islands, and an advocacy event the next day. It was well received by the local lawyers, who turned out in large numbers for each event, and invited us to the ‘Thank GT It’s Friday’ drinks. This was a really worthwhile trip, which has turned into active work opportunities and cases in the BVI.

The trip marked the end of Michael Gibbon KC’s chairmanship of the International Sub-Committee, and what a way to go out with a bang! We owe huge thanks to Mike for such a successful job, including putting on some fantastic events. His talk in the BVI on advocacy techniques was masterly with a physiological analysis of what makes good advocacy that was totally different to anything that has come before. Thankfully Mike has agreed to stay on the Sub-Committee, so we will still benefit from his expertise.

Next year we look forward to one, perhaps two, overseas trips. Cayman is looking likely as the long-haul destination. We are due a visit and by all accounts we will be warmly welcomed as we were in the BVI. I would encourage as many of you as possible to come – not only is it a fantastic place to visit, these trips really do turn into work and nothing beats travelling there in person. For junior members, there are grants available (with full details available online from Francesca in due course).

There is also the potential of a short-haul trip to Geneva. We are looking into dates for that now. This would be a new destination for us and a move away from the more traditional local offshore jurisdictions. We think there is the potential for really good connections to be made in Geneva, in respect of trusts work, arbitration, and also wider litigation. We conducted a survey to seek members’ views about this possible trip, and received some very encouraging responses.

**Iain Quirk KC**







## Education & Training

It has been another busy year for the Education and Training Sub-Committee with many excellent speakers covering a broad range of topics.

The year had a high-flying start with a talk in January from the Chancellor, Sir Julian Flaux, on “Disclosure in 2023 and Beyond” in an event held with COMBAR and the London Solicitors Litigation Association. We were particularly grateful for Simmons & Simmons offering to host both the talk itself and the drinks after.

Another highlight took place in March with the first in a series of advocacy masterclasses in a seminar entitled “Advocacy in Different Tribunals” with a star panel comprising Geraldine Andrews LJ, Michael Green J, Master Clark and Judge Daniel Dovar. It was a dynamic and interactive presentation which was enjoyed by all. Details for the second in the series are to be announced shortly.

The Association held its first joint seminar with the PNBA and PIBA on the niche area of Personal Injury Trusts and STEP Standard Provisions led by Master Sullivan. The event was well attended by all three associations and reminded us of the importance of working with other associations and indeed other divisions of the High Court.

As ever, however, the highlight of the year was the Annual Lecture presented by outgoing chair of the Law Commission, Nicholas Green LJ and incoming chair, Peter Fraser J. Both gave remarkable insight into the workings of this important and relevant statutory body.

We look forward to an equally informative and entertaining 2024.

**James Pickering KC**

## Wellbeing & CSR

This year the wellbeing and CSR Sub-Committee has worked on the following:

- A revised joint Chancery Bar/IBC (Institute of Barristers' Clerks) Best Practice Policy which was launched at a joint event in September 2023. The revised policy reflects the changes in how barristers and chambers work post-pandemic and can be found on the Association's website.
- The launch of the Mindful Business Charter in March 2023. The Charter aims to provide guidance on conducting litigation in a more mindful way with the aim of reducing unnecessary stress in the dispute resolution process.
- With the Bar Council and Advocate on their CSR awards (one for sustainability projects and the other for community projects). The next awards will be given in May 2024.
- Bar Council's Sustainability Network, promoting that network and in particular seeking to encourage the Inns to be more sustainable.
- Planning an event on promoting better sleep due to take place in January 2024.
- Investigating new social action projects for members of the Association to become involved in during the course of 2024.

**Gary Blaker KC**

## Mentoring

After several years' sterling service Janet Bignell KC has stepped down from her role of Chair of the Association's mentoring scheme. She is due our thanks for her warm and enthusiastic commitment in this role. It is tribute to her that the Association has been approached by the Administrative Law Bar Association who want to set up their own mentoring scheme. The words “imitation” and “flattery” remain as apt as ever. Meanwhile, I have (metaphorically) big boots to fill. Mentoring remains a vital part of the Association's work and ethos. It enables people of different calls, locations and background to make contact with others and seek confidential guidance. It is clear how valuable mentees perceive the scheme and I have little doubt that it is beneficial to mentors too. To date, I am happy to report that all requests for a mentor have been met speedily. All those who would like to mentor but are not yet on the system are asked to make contact with Francesca. Our plan is to have a mentoring event in the new year to promote and demystify the process. Please watch this space.

**David E. Grant KC**





# The Interview

## Lady Chief Justice Carr

### Who has inspired you during your career and why?

Two female icons spring immediately to mind: Elsie Bowerman and Ruth Bader Ginsberg.

*Elsie Bowerman* was a survivor of the Titanic tragedy, friend of the Pankhursts, witness to the Russian Revolution, first woman barrister at the Old Bailey, and first head of the United Nations Commission on the Status of Women. Her papers are deposited at the Women's Library in London. Elsie also happened to go to my old school.

*Ruth Bader Ginsberg* will be well-known to readers: she became a mother before starting to study law at Harvard, where she was one of the few women in her class. She spent much of her legal career as an advocate for gender equality and women's rights. She went on to become the first Jewish woman and the second woman to serve in the Supreme Court of the United States. Upon my appointment to the office of Lady Chief Justice, the American Inns of Court kindly gave me a brooch in the shape of Ruth's famous collar.

### During the course of your career has anyone given you a great piece of advice and what was it?

My leadership judge in 2013, the President of the then Queen's Bench Division, Sir Brian Leveson, advised me in no uncertain terms that life is a marathon and not a sprint. (Although when my appointment was announced, he left a note on my desk, saying that he was wrong – it was a sprint after all!)

Great advice from Van Gogh: success is simply the product of a string of failures.

### Name two of your most memorable cases as an advocate?

*Twinsectra v Yardley* and another

This was a leading case on constructive trusts and solicitors' dishonesty, in which I acted as junior for the solicitor defendant at all three stages: High Court; Court of Appeal and the House of Lords. I was led by Justin Fenwick KC, and together we crafted a very elegant and accurate set of questions to encompass what we suggested should be a two-stage subjective/objective dishonesty test. My client was one of several defendants, including a number of companies which were represented by the wonderful Sue Prevezer KC. Her clients' defences involved a number of legally and factually complex (constructive) trust arguments. Imagine my horror when her clients reached a settlement between the hearings in the Court of Appeal and the House of Lords, leaving me to do the heavy lifting, not only on solicitors' dishonesty, but also on the trust submissions in the House of Lords.

*Munro-Wilson v Wiggin & Co*

This was a solicitors' negligence case in which the claimant's credibility was key. I cross-examined him for three days, sitting on



what I knew was a killer point. It was worth the wait. I will never forget the look on the face of the trial judge, Goldring J, when – Columbo-like – I launched the missile in my final question.

### During your career has something changed beyond recognition – what was it and was it an improvement?

Female barristers being allowed to wear trousers in court – mid 1990s. Very much an improvement....

### What hasn't changed which you think should?

I am keen that there should be greater understanding of and appreciation for the contribution that judges, magistrates and lawyers make to the everyday life of citizens. Sometimes there is insufficient weight given to the value of an independent Bar and an independent Bench. They are the cornerstones of the rights and freedoms which we all enjoy – and perhaps taken too much for granted.

### What tips would you give advocates appearing before you?

Be scrupulously fair and balanced at all times. Signpost your submissions. If you have a persuasive answer to the best point against you, get it out early. Avoid drama and hyperbole.

### What do you regard as the biggest challenge that you will be facing over the years ahead, and how do you hope to resolve it?

The biggest challenge will be the great unknown. Think of the pandemic. Whilst I obviously hope that we never have to face a challenge of that magnitude again, there will, of course, be a crisis of some sort ahead, and it will be unexpected. What will be important in resolving it will be good relationships, leadership and communication. The justice system can sometimes feel like a flotilla of small ships, but we know that collectively – and particularly in times of adversity – the fleet can be far greater than the sum of its parts.

### What do you view as the most important change that you can introduce to improve conditions for litigants or Judges?

Two very different questions.

For litigants: I think that we must continue to strive towards efficiency within the system so that the public can be confident that, not only do they have the benefit of a world class judiciary and a world class profession, but also that they can expect to have their disputes resolved timeously, and in ways that feel accessible and straightforward.

For judges: well, a complete absence of leaky ceilings would be a good start. On a different level, I hope to make "One Judiciary" a reality, bringing a sense of unity between judges at all levels and in all jurisdictions. I am keen to cultivate a learning environment





where hierarchies are broken down and sharing of good practice is welcomed.

**Do you think any additional measures need to be introduced to increase diversity in the judiciary? If so what measures do you think would assist?**

We have, of course, been working very hard on this for some time, and seen some promising results in some areas, including gender. Increasing the visibility of a diverse judiciary, for example through the broadcasting of sentencing remarks, helps to encourage people from all backgrounds to consider a legal career. Better data collection on ethnicity, socio-economic background and disability would be a big step forward in analysing barriers to advancement and finding solutions. One thing that I am very clear about is that progress will only be achieved through a combined effort, with the judiciary and the professions working together.

**Judicial bullying has become more widely discussed recently; one view is that this may be partly a symptom of excessive workloads on judges. What can you do to help judges?**

Judicial bullying is of course unacceptable, and I take all allegations of such behaviour very seriously. Judges are expected to comply with the Guide to Judicial Conduct, and the associated Statement of Expected Behaviour.

Extreme stress can cause judges, like anyone else, to act out of character. Judges are human too. I encourage judges to be open about and discuss with their leadership judges any difficulties that they may be encountering with workload. Communication, as is so often the case, is key. I also encourage judges to watch out for – and act on – the signs of stress. There is a great deal of support now available, including from the Judicial HR team, online resources and the availability of confidential support judges.

**You have a reputation as having always been a courteous tribunal, what qualities do you think helped you to remain courteous?**

Thank you. I cannot see any advantage to being anything other than courteous at all times. Amongst other things, being polite (and patient if necessary) tends to elicit the best points, which

is of course the ultimate goal. It promotes fairness and is conducive to a professional and collaborative relationship between the parties, which is always to be encouraged.

I remind myself of what it was like to be an advocate, sometimes acting on instructions that were entirely proper but nevertheless ones with which I did not necessarily agree (or think tactically wise). I remember the demands and pressures of a heavy practice, late nights, endless emails and the increasing expectations of clients.

So, in short, and to answer your question: an ability to put myself in counsel's shoes as far as possible, respect and recognition for the fact that the parties are entitled to a hearing before a fair and impartial tribunal, and a desire to create an environment most conducive to bringing out the best of everyone in the courtroom.

**Is there something in your daily or weekly routine that you could not do without?**

Choir rehearsals on Monday evenings. Followed by the occasional performance.

**What would your Desert Island book and luxury item be?**

My Desert Island book would be “Les Fleurs du Mal”, a collection of poems by Baudelaire. Baudelaire was and remains my favourite French poet. It is a wonderful collection of words, emotions and sounds – an assault on the senses. It reminds me of my European roots (my mother is German), my love of language and my happy times studying French at school and university.

My Desert Island luxury item would be a good piano.



## Publications

The Publications Sub-Committee has been busy working on the rebranding of the Association this year and the associated redesign and relaunch of the website. The old website, while much used, was admired chiefly by those nostalgic for a different online era. The new one should not merely be more beautiful but should also be more navigable and more functional, allowing easier access to online resources and bookings for our members, and providing a smarter public face of the Association to the wider world.

Over the course of the year we have continued our usual work on various other publications, culminating in this Annual Review. In the coming months, as part of a wider review of our online presence, we intend to move away from X (as Twitter has become) and to launch the Association onto the more professionally-focussed LinkedIn social network.

**Oliver Marre**



# Consultations

Title	Consultor	Close Date	ChBA Team
Estate administration: law governing disposal of a deceased's body	Law Commission	Ongoing – scoping phase	Alex Learmonth KC Amy Berry Faith Julian
Personal injuries trusts and STEP standard provisions	Master Sullivan Master Dagnall	9 January 2023	James Kessler KC James Pickering KC
Judicial pensions – follow up consultation	HMCTS	10 February 2023	Keith Bryant KC David Grant KC
Compulsory mediation (intervening in Churchill v Merthyr Tydfil)	Bar Council	16 April 2023	Andrew Twigger KC
Reform of the Arbitration Act 1996	Law Commission	22 May 2023	Andrew Holden James Bradford James Kane
Supporting earlier resolution of family law arrangements	Ministry of Justice	15 June 2023	Sarah Egan Sophia Hurst
Proposal for regulation of barristers in Chambers	BSB	Ongoing – Roundtable 9 November 2023	Ian Clarke KC Sophia Hurst
Wills	Law Commission	8 December 2023	Penelope Reed KC Constance McDonnell KC Alexander Learmonth KC Georgia Bedworth James Kirby

The Consultations Sub-Committee has responded to the above consultations this year. Additionally, the Committee has met with Eleena Misra KC, the new chair of the Bar Council's Law Reform Committee, with a view to greater collaboration on law reform proposals within the Association's purview.

**Alexander Learmonth KC**  
**Sophia Hurst**