

CHAIR'S LETTER

Ian Clarke KC



It hardly seems possible that 12 months have passed since the last newsletter, and we now find ourselves at the end of 2025. So, what has happened?

Well, I will leave it to the Sub-Committee Chairs to explain the extensive heavy lifting that they have been undertaking in the context of their respective portfolios; for me to attempt a précis would lead to culpable omissions and an unjustified stealing of their thunder. All I need to do, however, is to record, right at the outset, my gratitude to them, their sub-committee members and (of course!) the main committee members and officers who devote a substantial amount of time on your behalf to managing the Association and advancing its interests and objectives. In that regard, we have said farewell (in terms of committee membership, for the time being at least) to Elizabeth Atkinson and Elis Gomer, and have welcomed as new members, Ruth Hughes KC, Justin Kitson KC, Lara Kuehl, Giselle McGowan, David Mohyuddin KC and Charlotte Pope-Williams. Giles Maynard-Connor KC has taken over as chair of the Consultations sub-committee.

The breadth of the subject matter now being addressed by the Association would come as a surprise to those who chaired it 35 or 40 years ago. Significant resource is being deployed to the Association's engagement with EDI, earnings, fertility, neurodiversity, well-being and menopause, to name but a few.

One aspect that has taken up a reasonable amount of my time this year has been the progression of the formulation and publication of guideline hourly rates for counsel. During pupillage, I was told that it was beneath counsel to argue in support of their own certificate; the comparative brashness of costs budgeting will now soon be supplemented with guideline hourly rates for counsel, drawn from information collated by the Bar

Council through the Bar Working Lives' survey and through the Masters, who fill in 'returns' following any costs-budgeting hearing. Given its significance, members are encouraged not only to provide full information but also to remind the Court, should the need arise, that the calculation of brief fees simply by reference to a multiple of an hourly rates is wrong in principle. There is clear authority that this is not the appropriate methodology and it would behove us to be in a position to remind the Court of this, should the need arise, at every opportunity. (I should also add that the current stated intention of guideline hourly rates is to disavow any application in connection with the determination of brief fees.)

Michaelmas term 2025 has, in particular, proved to be significant in terms of welcome addresses and valedictorys. Whilst there has only been one valedictory (Sir Julian Flaux), I found myself in the position of giving it twice, on consecutive days, having warmed up (so to speak) with the welcome for Mr Justice Cawson at the beginning of term and concluding – somewhat later in the term – with the welcome for the new Chancellor, Sir Colin Birss. These events represent not only part of the traditions of the Chancery Bar but also provide an opportunity for some light humour; I would strongly encourage members to attend these sorts of events, if at all possible. Happily, Sir Julian saw fit to accept our offer of honorary membership, and I very much hope that he will take advantage of it in the years to come.

It only remains for me to express a hope that all members of the Association enjoyed a well-earned break over the Christmas vacation in order to be ready for whatever 2026 throws at us.

ACADEMIC LIAISON

The two main events of 2025 happened in close succession at the end of the calendar year.

The Bar Council Pupillage Fair took place on 18 October 2025 in Houndsditch, and the Association was well represented by a host of volunteers to fly the flag (or banner). Many thanks to Carmen Barragan-Lopez, Georgia Bedworth, Ahmed El-Husseiny, Thomas Keane, Arfan Khan and, above all, Francesca. To reinforce our numerical strength, we were positioned next to the Combar stand manned by one solitary figure.

The Pupillage Fair Attendee Analysis provided by the Bar Council confirmed that 841 prospective barristers attended the fair. The breakdown of protected characteristics is revealing but what was most striking to at least some of us on the ground was the huge discrepancy as to what people knew about Chancery work. Possibly the most asked question was, “what is the difference between chancery commercial and commercial?” Answers on a postcard please. Apart

from that, there was a mix of those with imposter syndrome belying their academic achievements and those with clearly little appreciation for how competitive the process is. Hopefully we educated the prospective barristers and encouraged some of them to apply to the Chancery Bar. On that note, I would encourage all to volunteer to assist in future years. It is a fun day and seeing Francesca in action is both a privilege and frankly should be compulsory CPD for all members of the Association.

This was followed by the Academic Forum that took place on 5 November in Outer Temple Chambers and then Brasserie Blanc. This was the Association’s second Academic Forum in recent years and was designed to continue the dialogue established by the first. We were fortunate to be joined by Professor Sinead Agnew (Cambridge), Jordan English (Oxford), Dr David Foster (UCL), Professor Jamie Lee (KCL) and Professor William Swadling (Oxford). Attendees from the Association were Janet Bignell KC, Georgia Bedworth,



Richard Dew, Harriet Holmes, Sophia Hurst, Philippe Kuhn, Lloyd Maynard, Joseph Ollech, and Francesca.

We discussed topics such as challenges for institutions and student liaison (including perceptions as to the difficulties of obtaining pupillage, especially without a first), and how the Association can make itself more attractive to talent given increasing training contract salaries at certain firms in the City. We are considering what steps might be taken by the Association. In 2026, potentially with other sub-committees, we shall look at continuing to improve the Association’s website with more video content for student members.

David E Grant KC

MENTORING

In 2025, we matched 13 full members and two pupils. We can only match those who volunteer and, for the avoidance of doubt, we have never failed to match someone. On a few occasions, the Sub-Committee has suggested a mentor who was not signed up but we thought would be ideal.

To anyone willing to assist but doubting whether they have requisite experience, one is never too young or inexperienced to be of real benefit. Someone of two years’ call clearly would not be appropriate to mentor a senior junior contemplating an application for silk but they are eminently able to mentor pupils. Ask yourself these questions:

- 1. Have you survived pupillage?
- 2. Have you survived court?
- 3. Have you dealt with difficult clients?
- 4. Have you learned from your inevitable mistakes?
- 5. Do you wish you knew some of what you do now when you were a pupil?

I would hope that that is true of everyone reading this and that those who are not signed up as mentors will do so with indecent haste. For anyone prevaricating whether or not to apply for a mentor, don’t. There is no downside. No matter how collegiate your chambers, there are demonstrable benefits to seeking external counsel and



having a mentor from a different set, a different inn and even a different geographical location.

That said, there are limits to our largesse. We have been approached by at least one student member who has asked for mentoring (Francesca explained that we offer mentoring schemes for pupils but not students), and others who have asked questions which we have had to politely explain are matters for individual chambers rather than the Association.

David E Grant KC

EDUCATION AND TRAINING



It’s been another busy year for the Education and Training Sub-Committee with a noticeable move to having more in-person seminars (not least thanks to Francesca’s discovery of the brilliant Thai Theatre within the LSE in Lincoln’s Inn Fields) as well, of course, as continuing with our online programme of events.

In January 2025, we had our first lunchtime session for some time with an online seminar on the high-profile *Johnson v FirstRand Bank* case. In March 2025, we then

had the third in our series of advocacy masterclasses, this time focussing on written advocacy, courtesy of an in-person presentation from Lord Justice Snowden, Mrs Justice Bacon and Penelope Reed KC.

In May 2025, Penny was back, this time with Alexander Learmonth KC, with their in-person insight into the Law Commission’s hot off the press report on modernising the law on wills. Then, in June, we held the long-awaited online seminar on the decision of the Supreme Court in *Hirachand v Hirachand* (with thanks to Brie Stevens-Hoare KC and Cameron Stocks) followed by, in September 2025, an online seminar on the important decision in *Bilta v Tradition Finance Services* with an insightful presentation from Professor Peter Walton and Andrew Westwood KC.

The programme for 2026 promises to be just as busy with talks planned on deceit, undue influence, AI and constructive trusts, and a further advocacy masterclass on the dos and don’ts of cross-examination.

Thanks, as ever, to the hard work of the E&T sub-committee.

James Pickering KC

INTERNATIONAL



The International Sub-Committee has had a busy and successful year. In June 2025 we held our short-haul conference in Gibraltar, hosted at the Sunborn Hotel – a unique venue aboard a decommissioned cruise ship. The event was warmly received and well supported by the local judiciary, including Chief Justice Dudley. Around 20 members of the Association attended, with most contributing as speakers. The programme was extremely well regarded, and the conference as a whole was a great success.

We are now in the final stages of planning the long-haul conference to the British Virgin Islands in February 2026, to be held at the BVI International Arbitration Centre. The programme is nearly finalised, and we expect 25 or more members of the Association to attend. The line-up of speakers is outstanding, covering trusts, probate, insolvency, company law and related cross-border issues. This promises to be an exceptional and truly memorable conference for the Association.

Iain Quirk KC



PRO BONO



One of the most rewarding aspects of looking after pro bono for the Association is that it is becoming increasingly hard to say something new. As has become the norm, the Association is on course in 2025 to provide a record number of volunteers.

By the time you read this in January 2026, the Association will have provided more than 300 days of volunteering through its three pro bono schemes: CLIPS, CLIPS at Central London, and the Bankruptcy Representation Scheme. It is also worth repeating that this is an achievement of which the Association can rightly be proud. CLIPS is the model for a whole host of schemes in other Courts and Tribunals, and both Francesca and I are regular recipients of emails from both litigants in person

and Judges expressing their heartfelt thanks for the assistance which our volunteers provide.

However, we always need more volunteers. We know that practitioners who are introduced to pro bono work early in their careers are more likely to continue to volunteer thereafter. I would therefore encourage members who deal with pupillage to build pro bono into their pupillage programmes and to ensure that all pupils in member sets get the opportunity to see the benefits of the schemes. In addition, if you have never volunteered, please do sign up for a day (or more). CLIPS at Central London continues to provide a good opportunity for more junior volunteers to assist, and gain advocacy experience, at the interlocutory stages of ongoing county court litigation.

Andrew de Mestre KC

SUMMER CONFERENCE 2025

This year’s Summer Conference was entitled “From Crypto to the Grave - developments in Chancery law and practice”. We were lucky enough to have a series of excellent and thought-provoking talks from Lord Sumption (on cross-examination), Lord Justice Zacaroli (on building pro bono into your practice), Master Kaye (on PD 51ZG1) and Professor Robert Stevens (on whether crypto is still not property). There were also two extremely useful workshops led by

Penelope Reed KC (on will challenges in light of the proposed changes after the Law Commission report) and Eleanor Temple KC (on standing issues in unfair prejudice petitions).

The conference chair was, due to litigation commitments overseas, unable to attend on the day itself. From the perspective of her vice-chair, the conference went off very smoothly and the talks were all of excellent quality. What really stood

out was the amount of preparation every one of the speakers had put into their presentations, as well as their natural compelling advocacy skills in action. There was not a dull moment and the pizza afterwards, in the sunshine, was great too.

Lara Kuehl (Conference Chair)
Oliver Marre (Conference Vice-Chair)



WELLBEING AND SOCIAL RESPONSIBILITY

Gary Blaker KC has stepped down from his role of Chair of the Wellbeing and CSR Sub-Committee, which he has held since 2020. We are very grateful to him for his superb chairmanship and he will be missed. We now welcome Ruth Hughes KC to the role of Chair and wish her the best.

The sub-committee held a Managing Stress and Overwhelm session at Selborne Chambers in March 2025, which was a practical workshop led by Shoshana Bloom. It was a successful event, and we hope that the attendees found it useful to explore ways in which we typically react to stressful situations and what we might be able to do make them more manageable and less isolating.

We have been working with the Promise Foundation,

a London based charity which provides one-to-one mentoring for underprivileged young people in six North-West London schools: Queens Park Community School, Harris Lowe Academy (Kensal Rise), Newman College (Harlesden), Paddington Academy (Maida Vale), Ark Elvin Academy (Wembley) and Hatch End High School (Harrow). Mentors are asked to give a small amount of their time on a regular weekly or fortnightly basis. The committee has been very pleased with the commitment of members to this project.

We continue to sit on and work with the Bar Council's Wellbeing at the Bar committee and to work with the Bar Council's Sustainability Network.

Ruth Hughes KC

PUBLICATIONS AND WEBSITE

The Sub-Committee completed the new website design and launch, and then enjoyed a well-earned rest, emerging only to commission artwork for new banners to be used at conferences and other events; and, of course, to continue general oversight of the public face of the Association and to put together this Review. The Sub-Committee Chair is very grateful for the ongoing support of all its members.

Oliver Marre



JUNIOR CHANCERY BAR

The Junior Chancery Bar has had another successful year. We hosted a number of seminars as part of our long running 'Anatomy of Litigation' series, focussing on Disclosure, Witness Statements, Expert Evidence and Trial Preparation. This series will continue in 2026 with seminars on the Trial and Appeal phases of the litigation process.

We also hosted a specialist banking seminar on commissions in the Spring. We hope to host a similar specialist traditional Chancery seminar in 2026. While there is vibrant engagement from new practitioners and pupils, we hope to broaden this out to more senior JCB members in the year ahead. JCB members of all levels are welcome and we hope to see more of you at our events in 2026.

Philippe Kuhn

EQUALITY AND DIVERSITY

This year saw the Equality and Diversity Sub-Committee hosting a wide variety of events and other endeavours aimed at promoting diversity within our profession and tackling inequalities. Just some of the highlights were as follows.

We continued our participation in a series of cross-SBA events together with Combar and Tecbar, aimed at prospective applicants. These include: 13 February 2025 – Pupillage Interview Tips; 3 December 2025 – 'Is the Commercial, Chancery or Construction Bar for me?' and 17 December 2025 – 'Application Tips and Workshop'.

There was also the Association's first event focussed on Neurodiversity. The event comprised a 1-hour interactive webinar in partnership with RightTrack learning, the session aimed to build awareness of natural variations in human cognitive functioning and a deeper appreciation of neurodiversity.

The Charter for Fairness scheme continues to operate with a revamped renewals process to ensure ongoing commitment to the aims of the scheme from all those with accreditation.



CHANCERY EVERYWHERE ANNUAL CONFERENCE 2025



I was delighted that we were joined by a first-class line up of mainstage speakers from academia, the judiciary, practice and beyond; all of whom, showcased the breadth of work under the Chancery umbrella. The workshops were all excellent and covered a wide range of topics. It was clear to see that Chancery work is everywhere.

Speakers and workshop leaders all put in a huge amount of time and effort, and I am very grateful to them all. The members of my committee made my life easy and, of course, there would have been no conference at all without the skill, experience and good humour of the indefatigable Francesca.

Thank you for the privilege of chairing this year’s Annual Conference. I enjoyed it immensely and I hope you did too.
David Mohyuddin KC

THE INTERVIEW

Chancellor of the High Court: Sir Colin Birss

Interview by Harriet Holmes

Sir Colin Birss was sworn in as the Chancellor of the High Court in November 2025, following the retirement of Sir Julian Flaux. His appointment followed a long and distinguished legal career; from specialist IP work at the Bar to a judicial career, first as a specialist Circuit Judge, then in the High Court and, later, as a Lord Justice of Appeal and Deputy Head of Civil Justice in England and Wales.

Colin Birss was born in Scotland, where he lived for most of his childhood. His family moved to England when he was 16, where he completed his A Levels. Whilst he has remained in England ever since, Scotland has not left him. As we meet in his office in the Rolls Building, in mid-December, we first discuss one of the paintings adorning the walls – a landscape of the Firth of Clyde with the Isle of Arran in the background, where he lived for a few years as a child.

As well as his Scottish roots, another theme of our discussion was public service. Sir Colin identifies it as both the reward of judicial work and what drew him to it, recalling having been told as a child to “use your gifts for your society and community”. That message seems to have stuck with him and influenced, at least in part, the decisions he has taken in his career.

We start by discussing Sir Colin’s path to the Bar. He read Metallurgy and Materials Sciences at Cambridge, having “thought I would be a scientist”. The idea of a legal career seems to stem from him happening upon Sir Oliver Popplewell giving a talk at Cambridge about a career at the Bar: “It sounded interesting and glamorous,” Sir Colin recalls. Though, in the event, it took a couple of years for him to convert to Law. That moment came after two years working in the IT consulting arm of Arthur Andersen (now part of Accenture). Faced with the prospect of being promoted to a managerial role, Sir Colin decided that was not for him: “I wanted to do advocacy, be self-employed, and be a professional,” he explains.

Of his career at the Bar, he says the thing he found most difficult was “feast or famine... veering from being too busy to thinking you’d never get

another brief”. But the reward was “great colleagues, the atmosphere in Chambers, and the clients.” He recalls “meeting people I didn’t think I would ever meet... from small business owners to multi-nationals, and from individual creative people to Nobel prize winning scientists... The variety at the Bar is amazing.”

Sir Colin was too modest to be drawn into a discussion about work he was most proud of. Instead, he recalled “not a big case” which had stuck with him, largely because it was a reminder of why we have an independent Bar and of the need to “trust your instincts”. He was instructed to obtain an Anton Piller (search) order against a former employee of his client with knowledge of a trade secret. The client was convinced the former employee was working for a competitor. He explains that it would have caused serious damage for the secret to be passed

on but that, inevitably, a search order would have had a dramatic effect on the life of the former employee. Sir Colin recalls having become concerned that the evidence did not firmly establish what, if anything, the former employee was actually doing. So, he insisted, in the face of resistance from his instructing clients, that someone take more steps to find out. On the day before they were due to be in court, they found out that the former employee had become a schoolteacher. So, the process was stopped.

He describes the transition to life as a Judge and how “having moved the chair ten feet makes [the courtroom] look completely different”. He says, “At the Bar, your client gives you a compass needle to measure the case against. But as a judge, that goes away. You listen to persuasive arguments on each side and then it is you who is left to decide.” For Sir Colin, this is part of the reward. Being part of that process of deciding cases means, as he puts it, “you are playing a part in society.” He notes the societal need for good judges to decide cases and how fortunate we are to have such high-quality judges in this jurisdiction.

Asked to name people who have had a particular influence on his development as a lawyer, Sir Colin identifies Antony Watson QC. “In his day, when I was working with him, he was the best cross-examiner, and he did it by listening and having empathy with the witness. You could see that, when he was cross examining, we got results. He never shouted at witnesses, but he had prepared, of course, and by listening and building a rapport, he would get the evidence he wanted.”

He singles out the late Terence Etherton (Lord Etherton) as a person who he particularly admired. “He was the Chancellor when I started in the High Court. He was so encouraging – a kind and thoughtful person – and a brilliant lawyer and brilliant judge.”

Sir Colin is happy to offer advice to junior practitioners today: “If you can find a way to get a judicial assistant role in your early years, you will see a variety of work you won’t see in pupillage. You will interact with judges and see how the court works in a way which you don’t see as a barrister or solicitor.”

For the more experienced barrister, his advice is this: “Sit as a Deputy. You learn so much. Being a Deputy Judge makes you a better advocate. You can see how it works the other way around. ...[T]hat is the advice I give the people I know. Apart from it being worthwhile for their own development, from the perspective of the system as a whole, barristers should do it.”

Sir Colin’s own decision to take a full-time judicial appointment came in 2010, only two years after he had taken Silk. He identifies two things which drew him to the judiciary, “public service and family life.” Having already told me about public service being a key motivator, he adds, “I got to the point with the Bar where I was working flat out, waking up in the night thinking about questions to ask... The rewards and motivation were there but I was not spending time with my family. Judging is different. It is intellectually demanding but a different kind of demanding.”

The aspect of the judicial role which was most unexpected was the solitary nature of the work. “When you’re a leader at the Bar, you are still part of a team, but, as a judge, you really are on your own. ... It was obvious in retrospect, but I hadn’t seen it coming to quite the extent it did. I got used to it when I was a High Court Judge and then was back in a team in the Court of Appeal.”

The trait he most values in an advocate when sitting in the Court of Appeal is the advocate “making sure they carry all three judges with them” – i.e. both the specialist and non-specialist members of the panel. He says that barristers too often address the specialist member of the panel but, in his words, “it is not helpful ... you may find you have not persuaded the other one or two people in a way which, ultimately, does not do your case any good. I have seen that happen.”

That advice brings us to something for which Sir Colin has been publicly noted for – the use of AI generated content in a judgment. He had asked ChatGPT to summarise some legal principles which he already knew and thus could readily check. He found the AI tool useful and says, “it saved a bit of time, but I knew the answer”. He highlights the introduction of judicial guidance on

AI, which emphasises that “you always have to take responsibility for what goes out in your name”, as well as advising on how to minimise the risks associated with using AI.

We discuss how AI could be regarded as a useful assistant but not a replacement. He likens it to “having a pupil or trainee – if you have a good one, then they can save you time, but you must always take responsibility.”

Looking to the future and his role as Chancellor, “it’s great fun being in the Division again. First instance sitting is more fast paced than appeals – it’s very interesting.” He notes the first month has “gone in a flash” and has been “very busy”. He has already visited five of the seven courts outside London and is getting to know the judges and staff who have joined the Division since he went to the Court of Appeal. “There are quite a lot of new judges in the Chancery Division which is in a brilliant building with first rate judges.”

We end by turning away from Sir Colin the judge to Sir Colin the person. Asked how he would spend his time if he unexpectedly found himself with a month off work, the answer comes as quick as a flash: “I’d live in Germany – I’m trying to learn German and would love to immerse myself in the language. I spent a lot of time there as a barrister but would like to spend more time there.”

The book he would take with him to a desert island is The Hitchhiker’s Guide to the Galaxy by Douglas Adams. But, since he is not about to be marooned, we end by discussing what he enjoys doing when he isn’t sitting or working. Nature, both being in it and cultivating it, are what Sir Colin enjoys doing in his own time. He is known to be a keen apiarist. Having started beekeeping because “it sounded interesting”, and in order to pollinate an orchard of apple trees, the hobby has developed an international aspect. “I now have a completely informal WhatsApp group with some international judges - in Texas and Australia – and we chat about bees. We can’t exchange honey, so we exchange labels.” At home, he can be found pressing apple juice, and making cider and cheese, in amongst the cat, dog and chickens.

SALVETE & VALETE

We congratulate.... **Sir Colin Birss** on his appointment as Chancellor of the High Court; **Miles LJ** on his appointment to the Court of Appeal; **Cawson J** on his appointment to the High Court (Ch.D); **Bacon J** on her appointment as President of the Competition Appeal Tribunal; and **Thompson J** for his appointment as President of the Upper Tribunal (Tax and Chancery Chamber).

Farewell to... **Sir Julian Flaux**, who retired as Chancellor of the High Court in November 2025; and **Sir Peter Roth** who retired from the High Court in July 2025.



CONSULTATIONS

| Title | Body | Close Date | ChBA Team |
|---|---|------------------|---|
| Law of Burial and Cremation | Law Commission | 9 January 2025 | Alexander Drapkin Timothy Clarke |
| Third Party Funding | Civil Justice Council | 31 January 2025 | |
| Guideline Hourly Rates | Civil Justice Council | 31 January 2025 | Ian Clarke KC |
| Business tenancies | Law Commission | 10 February 2025 | Joanne Wicks KC Nick Isaac KC Camilla Lamont Rahul Varma Cecily Crampin |
| Diversity in panel appointments | Government Legal Department | 30 June 2025 | Ruth Hughes KC |
| Digital Assets: which law, which court? | Law Commission | 9 September 2025 | Sophia Hurst Chloe Bell Peter Dodge Celso De Azevedo |
| Ratification of Singapore Convention on Mediation | Ministry of Justice | 29 October 2025 | Sophia Hurst |
| Chancel Repair Liability and Registration | Law Commission | 15 November 2025 | Janet Bignell KC Robyn Cunningham Anthony Verduyn |
| Fixed Recoverable Costs | Civil Procedure Rule Committee and Ministry of Justice | 5 January 2026 | Giles Maynard-Connor KC Emily Windsor Sophia Hurst and survey responders |
| Business and Property Courts Disclosure Survey | Disclosure Review Working Group | 16 January 2026 | Members responding to survey directly |
| Review of Judicial Salary Structure | Lord Chancellor's Review Body on Senior Salaries (SSRB) | 30 January 2026 | Members responding to survey directly |

*Giles Maynard-Connor KC
Sophia Hurst*