

NICK GREEN QC REVIEWS PUBLIC ACCESS AND THE WIDER FUTURE OF THE

BAR

Nick Green QC, Vice Chairman of the Bar Council, addressed a meeting of the Public Access Bar Association on 3rd November 2009. In a wide-ranging talk, he spoke of the constitutional debate which is currently taking place between the role of the Bar and the CPS and discussed some of the other problems which many at the Criminal Bar face.

Bar Standards Board

He then went on to explain that the Bar Standards Board recognises that change will occur on the extent of public or direct access. "There is a movement to permit greater flexibility with public access work", he said, and he announced that on 19th November 2009, the BSB would meet to review further rule changes. [It has since done so and approved major reforms].

In response to questions, Nick Green explained that there would be a fairly lengthy period during which a number of changes will take place, probably over about two years. He speculated that as legal aid cuts feed through there was a risk that the publicly funded Bar might shrink.

Public Access Changes

Changes to public access include a relaxation on rules to allow criminal, family and immigration cases to be undertaken by way of public access. Also the conduct of correspondence, (a reform conceived and promoted by the Chair of PABA, Marc Beaumont) would now be permitted. Nick Green said that the Legal Services Board should be able to sanction these changes within approximately a two month timescale from January 2010, resulting in necessary amendments to the Code of conduct.

Individuals and Entities

One specific stumbling block remains the role of regulators dealing with "entities". At present, the BSB regulates individuals but cannot regulate entities, so a rule change will be required. Following on from that, the role of a "ProcureCo" was raised, a by-product of which may be that barristers might be able to employ paralegals and others to assist in the preparation and delivery of public access work.