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YOUNG BARRISTERS' COMMITTEE

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**“What the Young Bar needs from Chambers”:**

**Speech to the LPMA Biennial Conference, 9 February 2018<sup>1</sup>**

**Richard Hoyle, Chair of the Young Bar**

I was delighted to be invited by Robin Jackson to speak to you this morning. At least, I assume that, by virtue of not being a clerk, Robin’s name is actually Robin. What he did not tell me until I accepted, of course, was that I would have to speak following professional after dinner speaker and all round raconteur Richard Atkins QC! So apologies if that’s your lot with the humour this morning!

My assigned topic is “What the Young Bar needs from Chambers”. That is not exactly a narrow subject, and will be hugely variable from practice area to practice area. So I will be focusing on three main themes.

First, proper support in the transition from pupillage to tenancy.

Second, involvement of juniors in Chambers decision making.

And third, active consideration of new ways of working and how best to respond to the opportunities and challenges that are presented by them.

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<sup>1</sup> With the usual caveat that there were minor differences in the delivered version.

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Support in the transition from pupillage to tenancy is extremely important. No doubt the person in question will be ecstatic to have heard that they are being taken on in Chambers, but that feeling is quite likely to be replaced, rapidly, by feelings of uncertainty about a great number of issues – personal finance and tax, how Chambers really functions, how to engage with the clerks, to name but a few.

It is easy to assume that whilst pupils are clearly and obviously vulnerable, those who have made the cut are somehow just ok to get on with things. A Chambers getting its approach to support right, does not make those assumptions. It goes without saying that barristers are subject matter experts, but despite what they might occasionally try to bluff at the pub, they are not expert at everything!

A proper Chambers induction is a good place to start, whether your new tenants have been on their feet for the previous six months or whether they will be engaging with clients and clerks directly for the first time.

To start with, this probably involves:

- an explanation of a range of Chambers policies, such as fair allocation of work, Equality & Diversity, and Grievance processes,
- the type of case mix and case load that will be typical (and at what point the barrister can expect to start shaping those things more actively) and
- whether you might want or be expected to go out on secondment.

Secondments are of course a fact of life for many young barristers, and so recently I was happy to see Bar Mutual recognising that. They have formally amended their terms of cover so as to clarify that self employed barristers who go on a secondment not exceeding six months are covered. That can only be reassuring for those thinking about their insurance position, and should bring with it some peace of mind.

The position regarding international secondments is not yet clear, but I am fortunate indeed that the redoubtable Carolyn McCombe, who will be well known to many of you as the CEO of 4 Pump Court, is on the case and so there may well be progress in that area as well. If you are asked for your views in this area, please do support clarifications and extensions to cover that are related to secondments.

A second big area that you might expect to see in an induction relates to the dark arts of fee collection, Chambers rent and pay more generally. For the last year, the Young Bar has been concerned about poor payment practices which can have a particular impact on the lives of young barristers and whether their chosen career remains a viable one. Whilst our main focus has been on payment, or rather non payment, of fees for work in the Magistrates' Court, it seems quite likely that this is not just an issue affecting the Criminal Bar. A business model which farms out the most junior barristers on cut price rates in order to bring in more lucrative work for senior members of Chambers is wrong, unless there is a mechanism in place to cross subsidise them internally. When starting out, barristers are likely to be pretty financially exposed, and this can be compounded if fees are delayed and Chambers requires room rent, or Chambers contributions based on fees billed rather than fees paid. These are areas in which changes of policy can provide a real benefit to new tenants, and in which the attention of those responsible for chasing payment of fees is particularly welcome. A builder would not expect to go months and months without being paid for a job already completed. There is no reason why a barrister should.

Financial management and tax are also not obvious matters – I was going to say for new tenants but I think that might also apply a bit further up the chain! Protocols or explainers, or references to external sources of information are always welcome – and that could include our website, [www.youngbarhub.com](http://www.youngbarhub.com) .

A third important area, which is receiving increasing recognition, is wellbeing. Barristers work in a high stress, often solitary environment, which has historically

favoured a ‘stiff upper lip’ approach when dealing with those who are going through personal or professional challenges. I am pleased to say that this is changing, but it will change faster if Chambers encourage conversations in this area. This might be something that can be assisted by a mentoring scheme, with either a senior clerk who does not directly clerk a junior barrister, or a more senior barrister, as someone to turn to. In terms of resources, the Bar Council has a brilliant wellbeing portal, at [www.wellbeingatthebar.org.uk](http://www.wellbeingatthebar.org.uk) which gives guidance on how to recognise wellbeing and mental health issues in colleagues, and indeed in yourself.

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Turning to my second point – the involvement of juniors in Chambers’ decision making. The Bar generally has a feel of being quite flat, quite non hierarchical, on a social level. And yet, when it comes to Chambers governance, it is much the opposite. How many times do you see the Chairs and Vice Chairs of Chambers Committees being occupied by aging QCs for years on end? The Bar Council is of course a notable exception, and allows me to come here and sound off immediately following our esteemed Vice Chair. Dare I say it, perhaps Chambers have something to learn from us here. In 1783, William Pitt the Younger became Prime Minister aged 24, so having a young barrister or two as a Committee Chair or Vice Chair is hardly revolutionary! These people are dynamic, flexible and thinking carefully about the future. They are assets to Chambers. Use them.

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My third point flows quite nicely from that. It is that Chambers should be giving active consideration of new ways of working and how best to respond to the opportunities and challenges that are presented by them.

Whilst self employed barristers are members of Chambers, they are also small business owners. They are entitled to think about the risks and rewards of what

they do, and to demand that the structure within which they work is doing that as well. At a bare minimum, this involves regular practice meetings and informal discussions about what the barrister has been doing previously, whether they are enjoying it, whether they would prefer to be doing something different or to try to break into a new area in future. The clerking and senior management team can present their thoughts on where Chambers as a whole is headed, drawing on a deep pool of experience and expertise. It is only through this kind of process that both the macro and the micro parts of Chambers life can properly be considered and understood.

However, I would go further than that. Now, more than ever, is the time for more strategic thinking. New and flexible ways of working present great challenges for those managing Chambers. To take one example – should remote working be encouraged? It might improve retention rates for barristers with children as it offers greater flexibility, but it leads to empty rooms and increased isolation, as well as a potential loss of a valuable pedagogical aspect of Chambers, where more junior members can just pop in and ask more senior members a question. This of course plays into questions about whether Chambers footprint can be reduced, whether a new lease should be entered into and for how long. And none of that, of course, is really meaningful without actually thinking about the general direction of Chambers – are the fields of work of the past still desirable, or even sustainable? Are there new areas which Chambers should push to enter?

In conclusion, I think that what the Young Bar needs from Chambers is support and nurturing as a new tenant, increasing involvement in Chambers decision making as young barristers become a little more senior, and real engagement in the opportunities and challenges of the future in a more strategic way. However, what is crucial, in relation to all of the points that I have made today, is proper communication between everyone who plays a part in the management of Chambers – whether you call them by their real name or not!