



# The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

## ANNUAL REPORT 2018



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## Introduction

Welcome to the Annual Report of the Bar Tribunals and Adjudication Service ('BTAS').

BTAS is the body responsible for administering Disciplinary Tribunals, Fitness to Practise and other Hearings for barristers. It also organises Inns' Conduct Committee Hearings to consider the conduct of applicants to, and students of, the Inns of Court before they are called to the Bar.

This Report is composed of three parts, each prepared by one of the key committees that oversee aspects of our work. Additionally a number of case studies are provided to illustrate the nature of the work that BTAS undertakes. The Report forms part of our commitment to openness and accountability in all we do, and is intended to provide a summary of all key developments and data on our activities during the course of 2018. We hope you find it both interesting and informative.

In addition to a small and committed administrative team, well over a hundred individuals assist BTAS with its work, including serving as panellists or clerks at hearings, and acting on committees or working groups. Many of these do so on a pro-bono basis and their contribution is deserving of special recognition.

BTAS is a constituent part of the Council of the Inns of Court ('COIC'), a charity that exists to advance education in the sound administration of the law, including by promoting high standards of advocacy and enforcing professional standards of conduct. COIC supports the work of the four Inns of Court who provide the majority of COIC's funds.

If you would like any further information about BTAS please visit our website at [www.tbts.org.uk](http://www.tbts.org.uk).

## The Strategic Advisory Board's Report

1. The Strategic Advisory Board provides BTAS with independent advice, information and support on its strategic and operational activities and risks.
2. Its Membership is composed of lay and legally qualified professionals who are appointed because of their expertise in disciplinary and regulatory work, and includes representatives of both BTAS Disciplinary Pool Members and the Bar Standards Board (BSB). As at 31 December 2018, its membership was as follows:

Clare Dodgson (lay Chair of the SAB)

Vanessa Davies (Director General of the BSB)

Louise Clements (lay Disciplinary Pool panel member)

Robert Walton (legally qualified Disciplinary Pool panel member)

Joan Martin (lay member of the Tribunal Appointments Body)

Ian Clarke QC (Chair of the Inns' Conduct Committee)

Lara Fielden (lay Board member of the BSB)

Stuart Sleeman (Chair of the Disciplinary Tribunal Service)

James Wakefield (Director of COIC)

3. BTAS and its Pool of panel members are wholly independent of the BSB. Its relationship with the BSB is governed by a Service Agreement which defines the standards and performance expected by one party of the other. Both the SAB and the BSB monitor BTAS' performance against Key Performance Indicators (KPIs), which are set out in the Service Agreement. The SAB is pleased to record at the outset and is very content with the consistently high standards achieved.

4. The SAB's Report covers hearings delivered by BTAS under the terms of its Service Agreement with the BSB, which are as follows:
  - i. **Disciplinary Tribunals** for barristers facing charges of professional misconduct by the Bar Standards Board. Tribunal Panels are made up of three persons (referred to elsewhere in this report as '3P DT'), or for the most serious cases five persons ('5P DT');
  - ii. **Interim Suspension Panels** ('ISP') which take place when the BSB believes that it is in the public interest that a barrister be immediately suspended;
  - iii. **Fitness to Practise Hearings** ('FTP'), where the BSB has concerns about the capacity of a barrister to act on medical grounds; and,
  - iv. **Appeals against Administrative Sanctions** ('AAAS') imposed by the BSB on barristers for matters which are deemed not serious enough to amount to professional misconduct.
  
5. Where necessary BTAS also administers hearings to determine any costs that may be awarded to either party in a Tribunal.

### Case Study 1:

'A', a barrister, informed his client that they had – as requested - lodged an application in the courts and sought a date for the case to be heard. Over a number of months following this, 'A' sent a series of emails intended to reassure the client about the progress of the case.

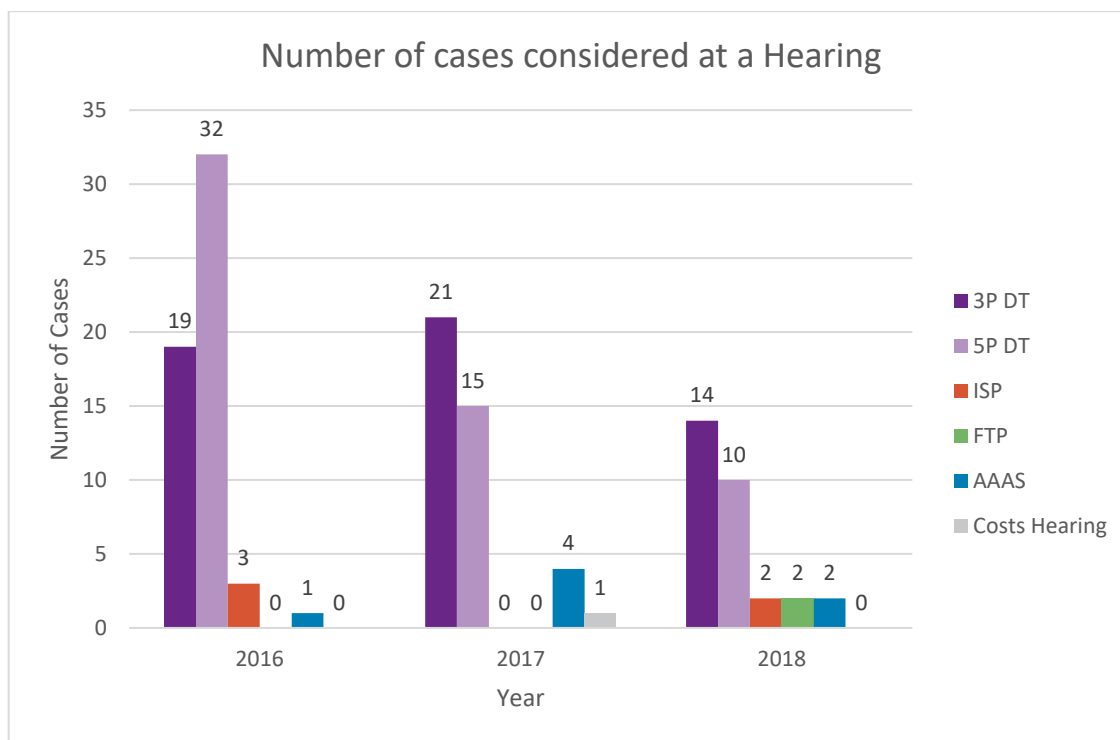
However, 'A' had not, in fact, issued any such proceedings, nor sought a hearing date. The emails 'A' had sent had given his client a misleading impression regarding the progress of the case for over a year.

'A' was charged by the Bar Standards Board with acting dishonestly and in a way that was likely to diminish the trust and confidence which the public places in the profession.

The charges were found proven and the Tribunal imposed a sanction of disbarment.

## Number of Cases considered by BTAS Panels in 2018

6. The following chart sets out the total number of Tribunals and Hearings that took place in 2018. Data is also provided for the two previous years for the purposes of comparison:



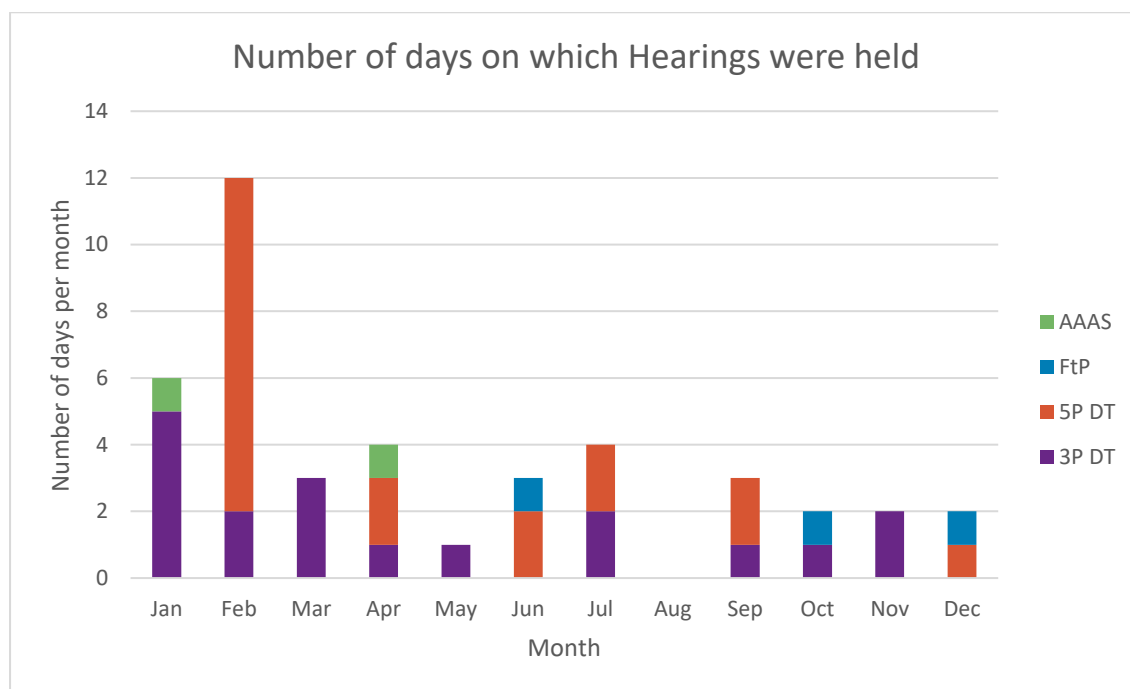
[Key: 3P DT: 3-Person Disciplinary Tribunal  
 5P DT: 5-Person Disciplinary Tribunal  
 ISP: Interim Suspension Panel  
 FtP: Fitness to Practise Panel  
 AAAS: Appeal against Administrative Sanctions]

7. A total of 30 hearings took place at BTAS in 2018, continuing the trend of reduced year-on-year activity levels compared with 41 in 2017, which in turn was a drop from a noticeable “peak’ in cases in 2016.
8. While there were lower overall case numbers, 2018 did conform to the pattern established in 2017 whereby three-person Tribunals made up the majority of cases heard at BTAS. The decision as to whether a three- or five-person panel should be convened in each case is made by the Bar Standards Board rather than BTAS, and so by implication the BSB must have identified that a lesser proportion of its cases in 2018 involved the most serious

misconduct and so did not require the greater sanctioning powers (including disbarment) that would be available to a five-person panel.

### Number of Days on which Hearings were held in 2018

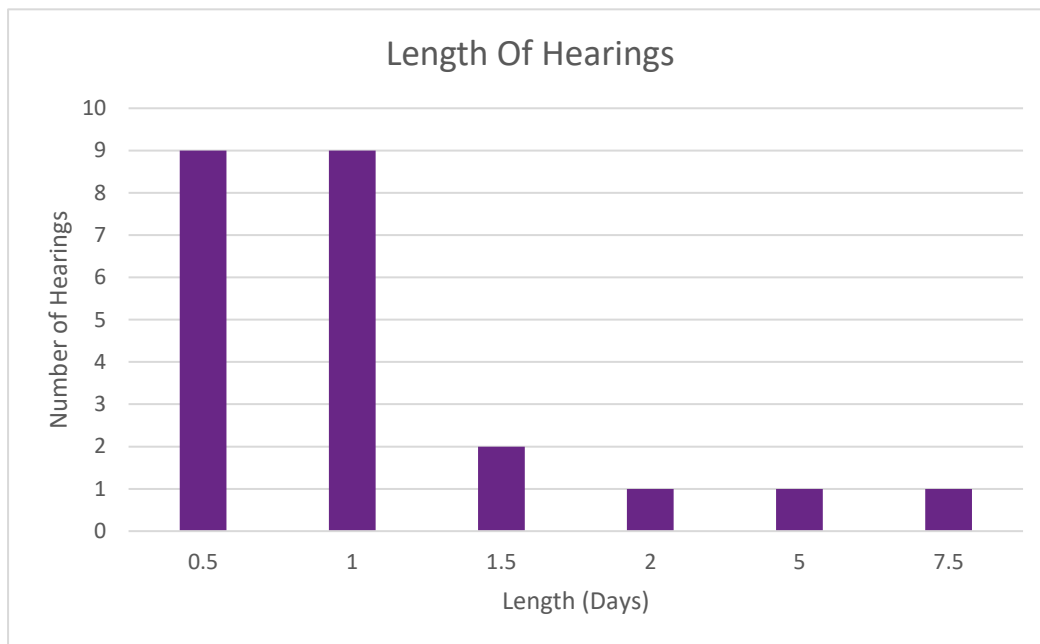
9. While many cases can be concluded within one day, others are more complex and are scheduled to take place over several days, while others have to be adjourned and be concluded at another date. The following chart sets out the number of days (broken down by month) on which Hearings took place in 2018:



10. As always, BTAS activity in August is greatly reduced due to the summer closure of the courts. Also notable in the chart above is an apparent 'spike' in the number of five-person hearings during February. In fact this is largely the result of one particularly complex hearing which required over 7 days to be heard, that took place in February 2018.



11. In 2018 Hearings took place on a total of 42 days, representing an average of 1.4 days per case. This compares with a total of 52 hearing days and an average of 1.3 days per case in 2017. It is important to bear in mind however that this is an average figure, so more detailed information on the length of individual hearings is as follows:



12. This is the first time that such data has been presented, and comparison data for other years will be accumulated and presented over time.

## Panel Outcomes in 2018

13. The table below sets out information on the outcomes of all Tribunals and other Hearings that took place during the course of 2018:

Outcome	3 Person	5 Person	ISP	FtP	AAAS
Adjourned*	2	2			
Appeal Upheld					2
Case Dismissed	4				
Disbarred		3			
Fined £500 & Reprimanded	1				
Fined £750 & Reprimanded	1				
Fined £1000 & Reprimanded	1				
Fined £1500	1				
Referred to 5PT for Sanction	1				
Reprimanded & Prohibited from Public Access work		1			
Suspended & prevented from applying for a Practising Certificate until 1/2/19 & Fined £2500	1				
Suspended 4 Months, 6 Weeks [concurrent], Fined £1000 & Reprimanded	1				
Suspended for 1 Month & Reprimanded	1				
Suspended for 3 Months	1	1			
Suspended for 6 Months		1			
Suspended for 7 Months	1				
Undertaking not to practise until the conclusion of full FTP hearing				1	
Undertakings				1	
Vacated - Undertaking not to practice			2		

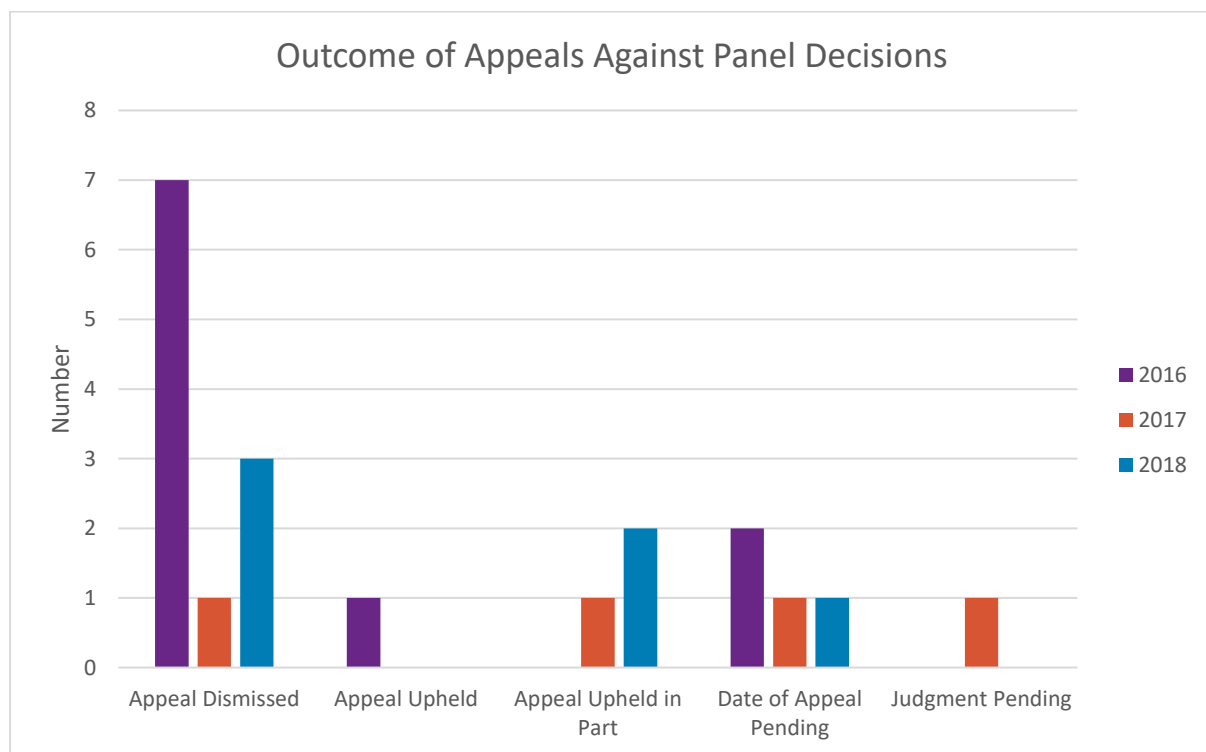
\*= The relatively high level of unresolved adjourned cases all concerned the same issue. It came to the BSB's attention during the course of the year that it was progressing several cases where there was jurisdictional uncertainty over its right to do so or whether they had been correctly referred to a 5 person tribunal, and it was therefore agreed that these cases should be adjourned until their questions were put beyond doubt.

14. In 2018, three of the 30 Hearings (10%) resulted in the respondent's disbarment. This compares with 20% in 2017 and 31% in 2016. However, as only five-person Disciplinary Tribunals can impose a sanction of disbarment, it is appropriate to highlight that this equates to 30% of such Hearings resulting in an outcome of disbarment. This compares with 53% in 2017 and 31% in 2016.

15. In addition to Tribunals, the two Appeals against Administrative Sanctions imposed by the BSB were both upheld.

### Outcomes of appeals in 2018 against the decisions of Disciplinary Tribunals

16. Barristers have the right of appeal in the Administrative Court against the decisions and sanctions imposed by Disciplinary Tribunals. The chart below sets out the outcomes of appeal hearings that were heard in 2018 (although the Tribunals in question may have taken place in previous years). Numbers for the last two years are provided for the purposes of comparison:



17. BTAS carefully considers the outcomes of all appeals, and particularly those where the actions or decisions of a Tribunal may have been called into question, with a view to further improving the training, guidance and resources available to those who serve as members of Disciplinary Tribunals. A summary of the appeals that were heard in 2018 is as follows:

- i. **Appeal 1.** A BTAS Tribunal found one charge of professional misconduct proved and imposed a sanction of 3 months suspension. The barrister appealed against the Finding and Sanction submitting that the barrister's obligations were satisfied when the Legal Ombudsman made its decision on the complaint and that the Tribunal was in error in finding that, in not complying with the Legal Ombudsman's directions, the barrister's conduct amounted to professional misconduct. The appeal was dismissed, with the Judge commenting that the Tribunal's decision-making was "lawful, reasonable and rational".
- ii. **Appeal 2.** A BTAS Tribunal found five charges of professional misconduct proved and imposed sanctions of (in relation to three of the charges) a six-month suspension, and (in relation to the remaining two other charges) a fine of £1,250 and a reprimand. The barrister appealed against the sanction of suspension submitting that the Tribunal were in error in doing so as it was unjust, disproportionate and excessive. The appeal was upheld in part in that the sanction of suspension was quashed and a fine of £5,000 was substituted. The Judge commented that in the absence of specific guidelines for the particular conduct, the sanction was not proportionate to the misconduct. BTAS will accordingly take steps to ensure that guidelines for the particular conduct are developed and added to the *BTAS Sanctions Guidance* when it is reviewed during the course of 2019.
- iii. **Appeal 3.** A BTAS Tribunal found three charges of professional misconduct proved (on the admission of the barrister) and imposed a sanction of seven months suspension. The barrister

appealed the finding (although the barrister admitted the charges, the barrister submitted that they did not amount to professional misconduct) and also the sanction. The appeal against the finding was dismissed, and the appeal against sanction was upheld in that the sanction of seven months was reduced to a sanction of three months. The Judge commented that although the sanction of suspension was correct, seven months was not proportionate to the misconduct and “out of kilter with the [BTAS Sanctions] Guidance”, as insufficient weight had been given to mitigating factors. BTAS will deliver face-to-face training to all members of its Disciplinary Pool on sanctioning in 2019, and will ensure that this includes assessment of mitigating and aggravating factors.

- iv. **Appeal 4.** A BTAS Tribunal found one charge of professional misconduct proved (on the admission of the barrister) and imposed a sanction of a reprimand and gave advice as to the barrister’s future conduct. The barrister appealed the finding and sanction, submitting that they had been pressured into admitting the charge and that the sanction should be substituted with no further action. The appeal was dismissed, with the Judge commenting that the Tribunal had properly taken into account all the relevant factors and had given a reasoned decision.
- v. **Appeal 5.** A BTAS Tribunal found one charge of professional misconduct proved and imposed a sanction of three months suspension. The barrister appealed against the sanction. However, the barrister subsequently informed the BSB that they were withdrawing the appeal and it was accordingly dismissed.
- vi. **Appeal 6.** A BTAS Tribunal found two charges of professional misconduct proved and imposed a sanction of disbarment. The barrister is appealing the sanction; and the case is yet to be listed.

18. Full details of these and all other appeals relating to the outcomes of BTAS Tribunals appear on the [BTAS website](#).

### Case Study 2:

During a meeting 'B', a barrister, shouted at a solicitor in an aggressive manner and briefly prevented them from leaving the room in which the meeting was taking place by holding the door. Immediately after this had taken place, 'B' approached their lay client and informed them that 'B' was withdrawing from the case. This caused the client considerable distress.

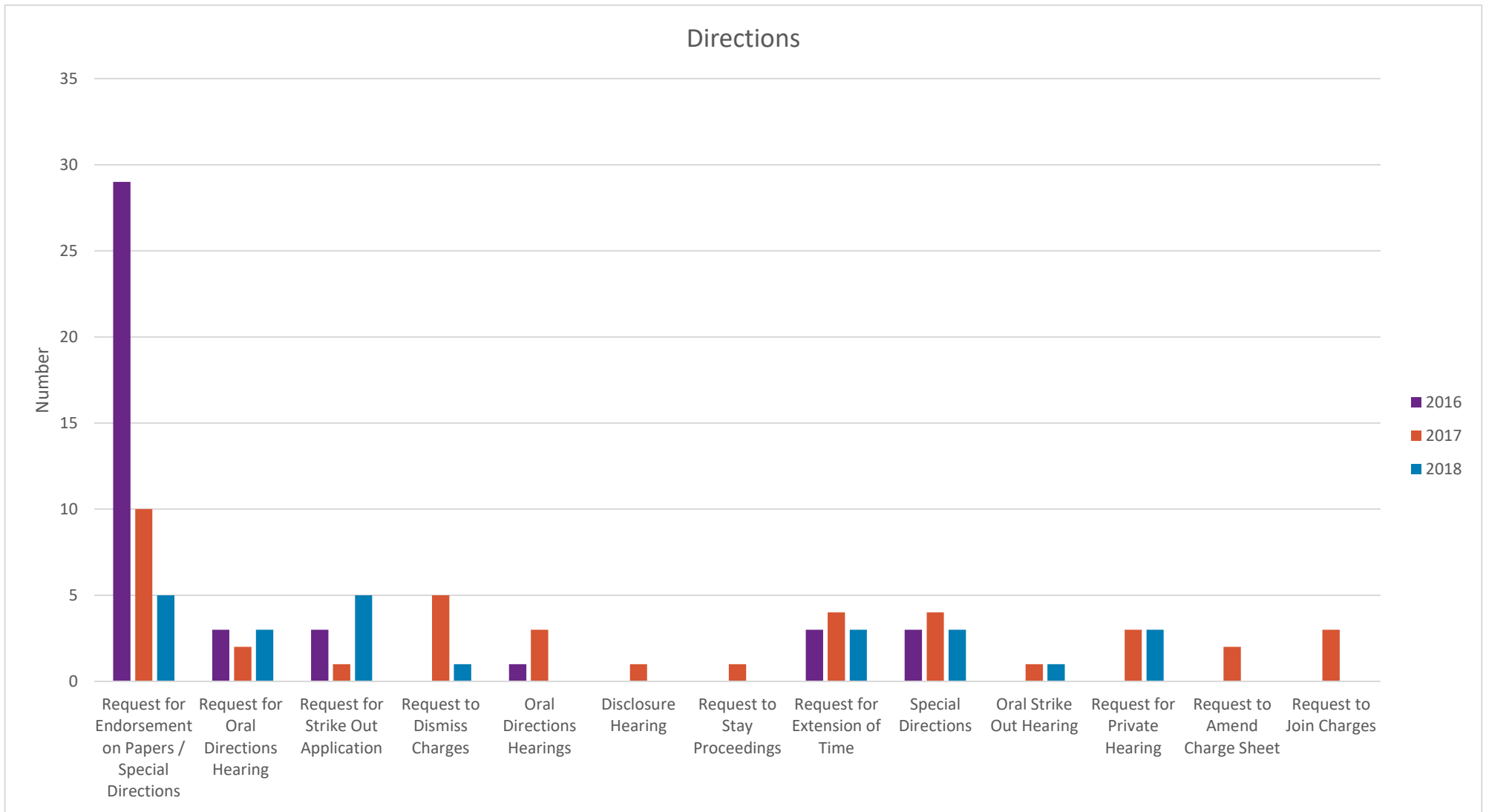
'B' was charged by the Bar Standards Board with acting in a way that was likely to diminish the trust and confidence which the public places in the profession.

'B' admitted the charges, showed genuine remorse and provided details of exceptional mitigating circumstances. The Tribunal reprimanded 'B' and imposed a fine of £750.

### Directions

19. In addition to the Hearings themselves, BTAS is also responsible for arranging the giving of Directions by appointed Judges or QCs, establishing the procedures and timetable for Hearings to both parties where necessary. The following chart sets out data on the number and type of Directions given in 2018, with figures for the last two years provided for the purposes of comparison:

## Directions



## Disciplinary Tribunal Panel Costs 2018

20. Panel members and Clerks are entitled to claim reasonable expenses, and in some cases fees, for their attendance at Hearings. Full information about the fees and reimbursement of travel and subsistence expenses for Panellists can be found in the Expenses Policy on the BTAS website. In the interests of transparency and openness, information on payments to Members and Clerks of the Panel in 2018 were as follows:

### Hearings Costs

Fees to lay members for attendance at hearings	£18,075
Fees to clerks for attendance at hearings	£8,460
Fees to barristers for attendance at hearings	£3,060
Expenses to lay members for attendance at hearings	£6,867
Expenses to clerks for attendance at hearings	£1,661
Expenses to barrister members for attendance at hearings	£670
Expenses to QC Chairs for attendance at hearings	£694
Expenses to Judicial Chairs for attendance at hearings	£590

21. In addition to these fee and expense payments, BTAS also incurs standard operational expenditure such as staff costs, rent and IT infrastructure etc. In total BTAS's annual expenditure is approximately £600,000, which is funded in entirety by grants from the Inns of Court.

## Policy and Other Developments

22. During the course of 2018, and at the SAB's recommendation, COIC agreed to introduce fee payments for barristers and QC members of the Disciplinary Pool. Payments will be offered at the rate of £300 per hearing day, the same as for lay panel members, with effect from 1 April 2019.

This step was in recognition of many factors:



- i. that it simply was not reasonable to require the legally qualified members of hearing panels to act on a pro bono basis, particularly given that some cases will last several days (as mentioned above, one five-person panel in 2018 involved eight hearing days, plus several days pre-reading in advance and then deliberating afterwards);
- ii. that there was increasing evidence that this pro-bono requirement was dissuading barristers from the publicly-funded Bar from applying to be Pool members; and,
- iii. that this was the final outstanding recommendation of Desmond Browne QC's [Review into the Disciplinary Tribunal Service](#).

23. Desmond Browne's review was completed in 2012 and contained no less than 82 recommendations regarding the operation of the Tribunal Service. The review made fundamental and far-reaching recommendations that included the creation of BTAS (and indeed the SAB itself), the need for a dedicated facility for hearings, as well as numerous recommendations to improve and safeguard the standards and operating procedures for hearings.

24. The SAB is grateful to the Inns of Court for funding the introduction of payments to barrister members; and to the Inns, COIC and the Bar Standards Board for their unstinting support while the various recommendations of the Browne Review were put in place.

## The Inns' Conduct Committee Report

25. The Inns' Conduct Committee (**ICC**) is the body responsible for considering applications for admission to an Inn of Court where there is any matter which might affect whether the applicant is a 'fit and proper' person to become a practising barrister. It is also responsible for considering disciplinary cases for 'serious matters' involving student members of an Inn of Court and hearing appeals by student members against disciplinary decisions of their Inn with regard to more minor matters.
26. The ICC's role is referred to in the Bar Training Rules (Part 4B of the Bar Standards Board "[Handbook](#)") and its procedures are set out in the [ICC Rules](#). The ICC also publishes a [Statement of Principles and Guidelines](#). The Bar Standards Board has confirmed that this regulatory framework will change from 2019 onwards, as outlined further in 'Policy Developments' below.
27. Applicants wishing to join an Inn of Court must disclose information about themselves, as required in their Admission Declaration. This includes information about criminal convictions, bankruptcy proceedings and disciplinary matters. Student members of an Inn are also subject to obligations to disclose matters to their Inn, including as required in their Call Declaration and by the Bar Training Rules. Where a relevant matter is disclosed (or comes to light), the Inns must refer it to the ICC for consideration. An ICC 'Screening Panel' considers whether the matter referred needs to be considered by an ICC 'Hearing Panel'. All ICC Panels include lay and legal members.

### Membership of the Inns' Conduct Committee

28. As at 31 December 2018, the membership of the Inns' Conduct Committee was as follows:

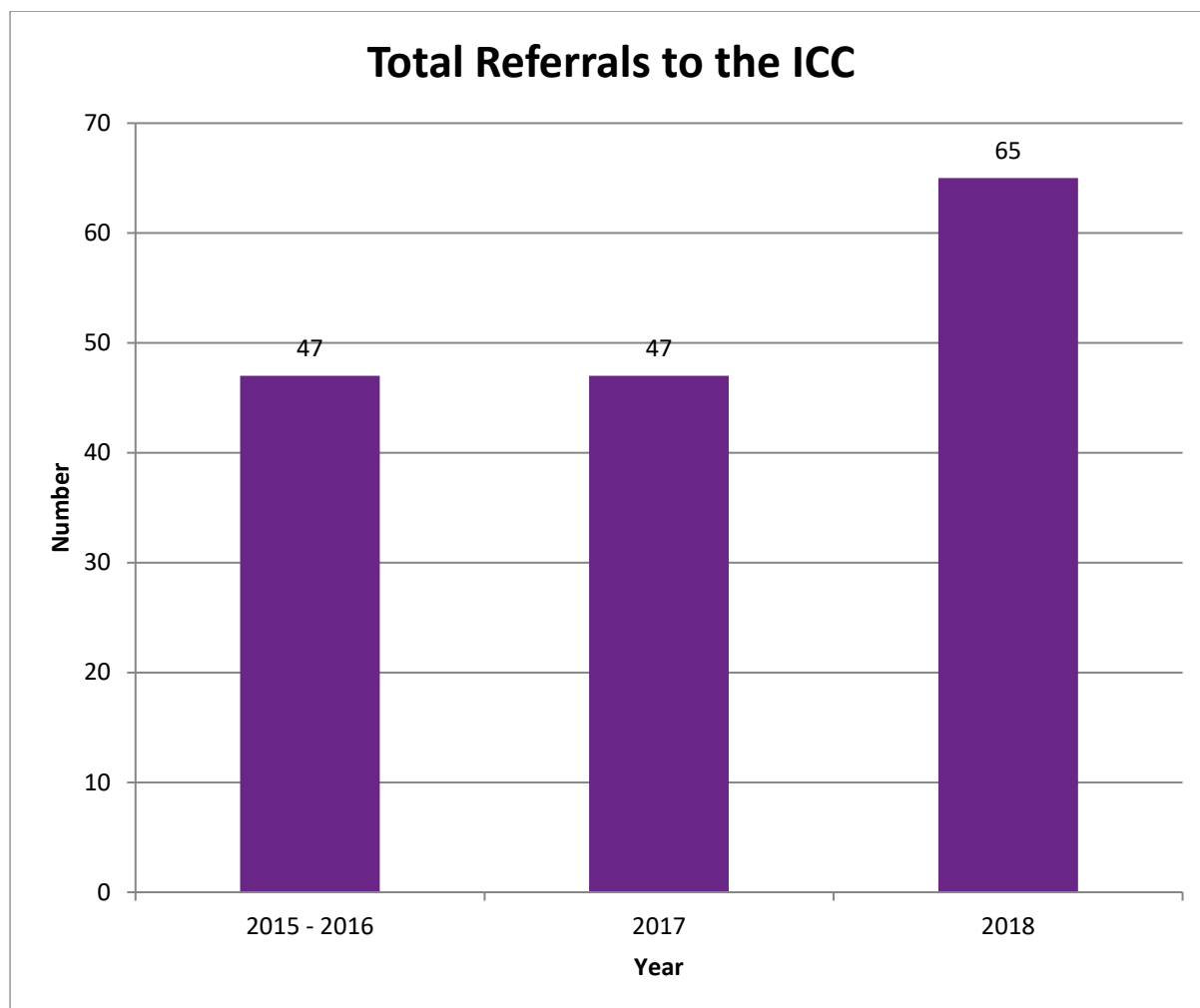
Ian Clarke QC (Chair)  
Colin Wilby (Vice-Chair – Lay)  
Janice Brennan (Barrister member)  
Helen Carter (Lay member)  
Howard Freeman (Lay member)  
John Hamilton (Barrister member)  
Jennifer Jones (Barrister member)  
Catherine Taskis (Barrister member)

29. On 1 March 2019 Claire Lindley was appointed as Vice-Chair (Barrister) of the Inns' Conduct Committee.

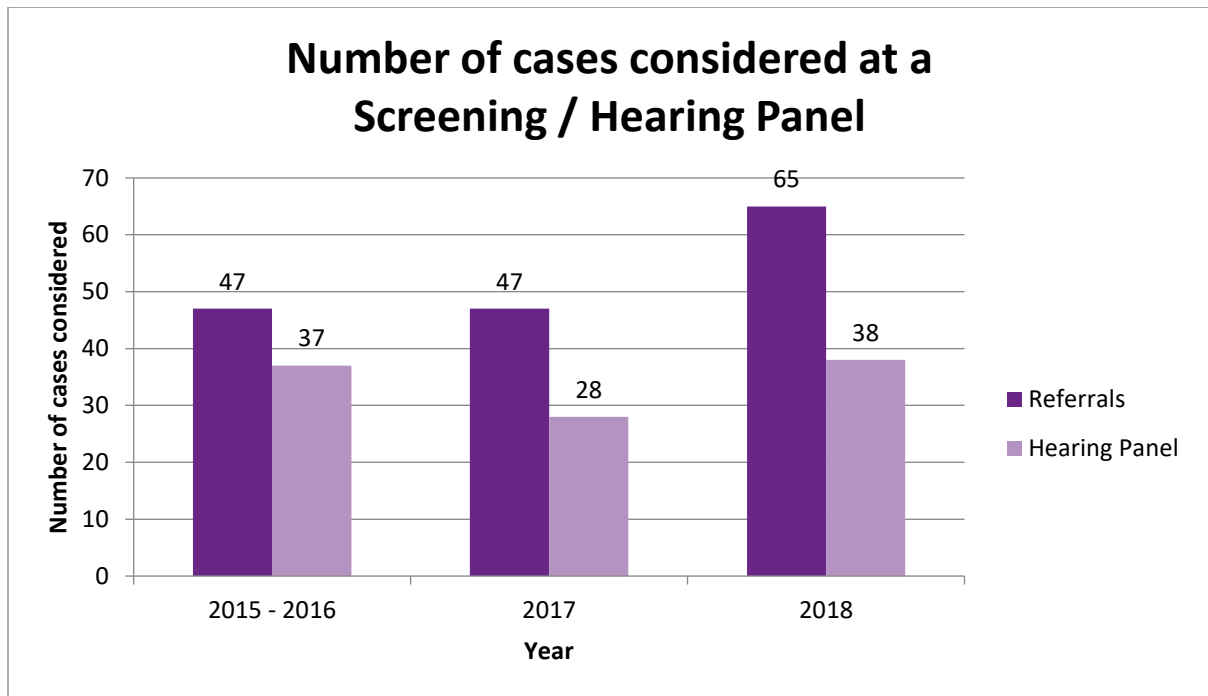
30. During the course of 2019, the Inns' Conduct Committee will initiate steps to ensure ongoing consistency and expertise in its membership. This is necessary as the Inns' Conduct Committee in its current format was established on 1 July 2017, such that not only are seven of its nine members consequently due to complete their terms of office in June 2021 but six of them are ineligible for re-appointment. To address this significant loss of collective talent, the Inns' Conduct Committee secured the agreement of the Tribunal Appointments Body that two of those seven members (one lay, one legally qualified) resign midway through their current term of office in 2019, and then be immediately reappointed (in accordance with all applicable rules) to the Inns' Conduct Committee for a second four-year term of office. In addition, one legally qualified member (Janice Brennan) has resigned with effect from 30 June 2019, such that half of the ordinary committee members should now complete their terms of office every 2 years.

## Referrals to the ICC

31. During 2018, a total of 65 individuals were referred to the ICC by the four Inns of Court:

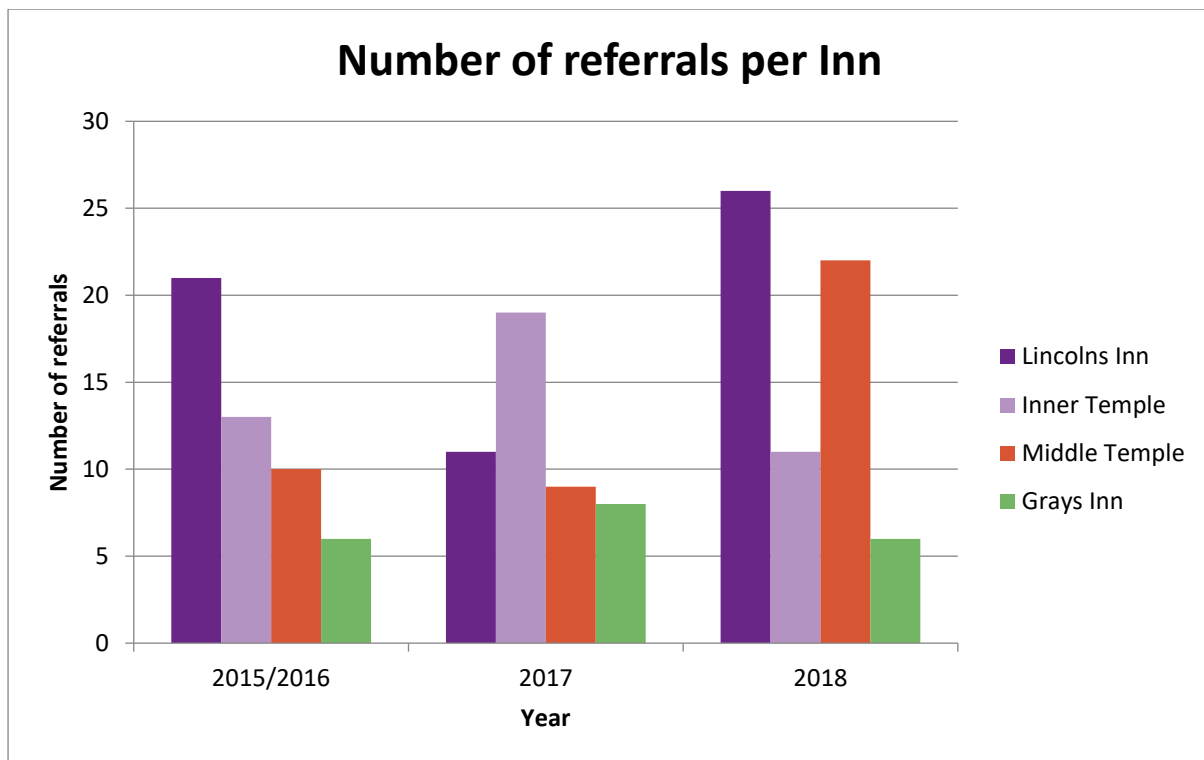


32. This represents a 35% increase in referrals year-on-year. This is matched by a corresponding increase in the proportion of those cases referred to the ICC and subsequently passed to a Hearing Panel for consideration:



33. The consistency of this increase, evidenced in both referrals to the ICC and then onto a Hearing Panel, suggests that this represents a genuine increase in ICC ‘business’, and is not, for example, indicative of an increase in ‘unnecessary’ referrals from the Inns, or alternatively of an ‘over-cautious’ referral rate from the ICC Screening Panels to Hearing Panels. The cause of such an increase is not clear and, given the total numbers involved, may well represent a simple statistical quirk rather than representative of a significant trend. This will be monitored in future years.

34. The proportion of referrals, as according to the Inn of Court that made them, is as follows:



### Case Study 3:

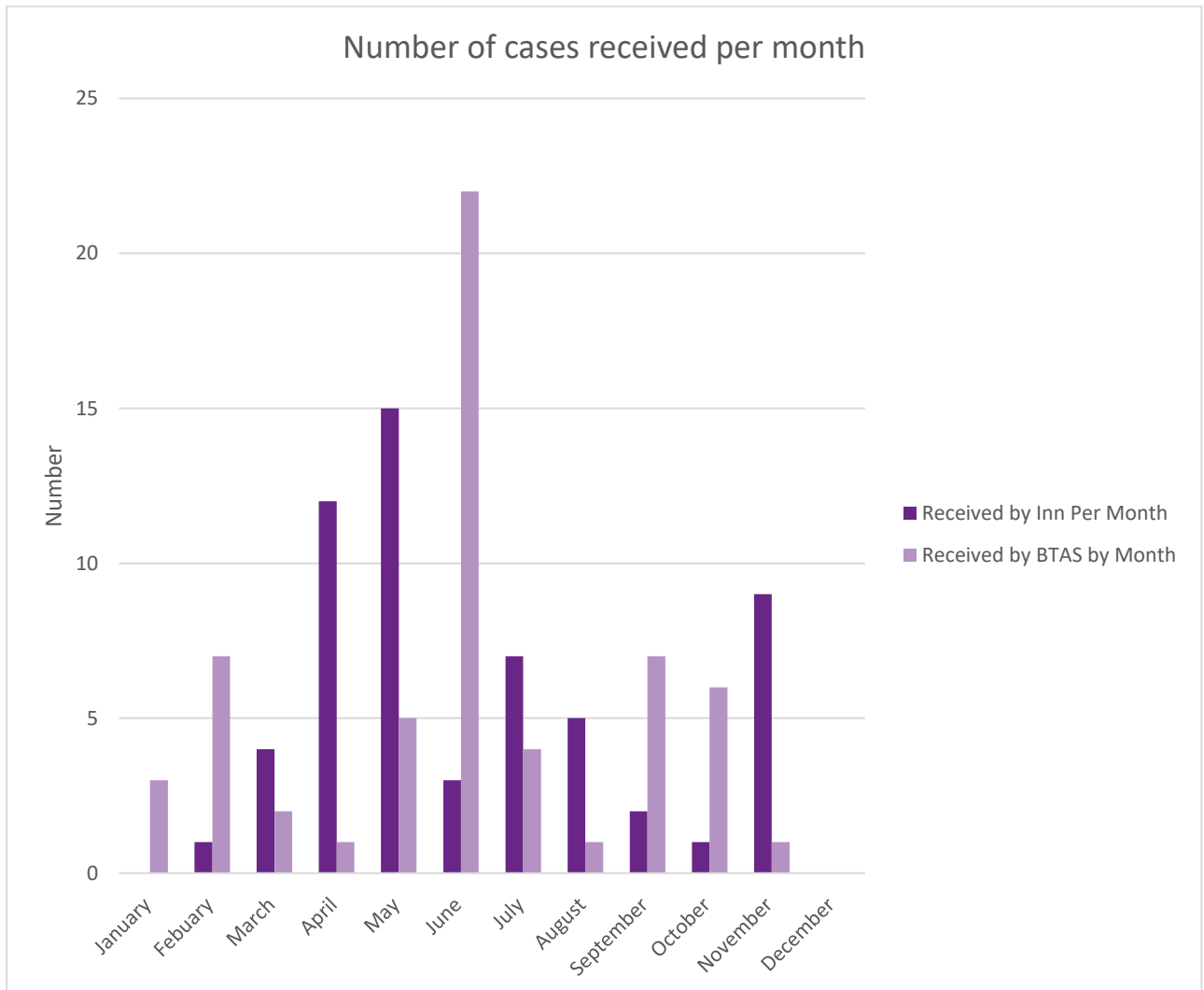
‘C’, a student, had been found convicted of criminal offences for a battery committed two years ago (which resulted in a Caution) and found guilty one year ago of two charges of assault by beating.

‘C’ claimed that they had been wrongly convicted and that they had intended to appeal the convictions but had not done so. ‘C’ expressed no remorse, apology or assurance that something like this would not happen again.

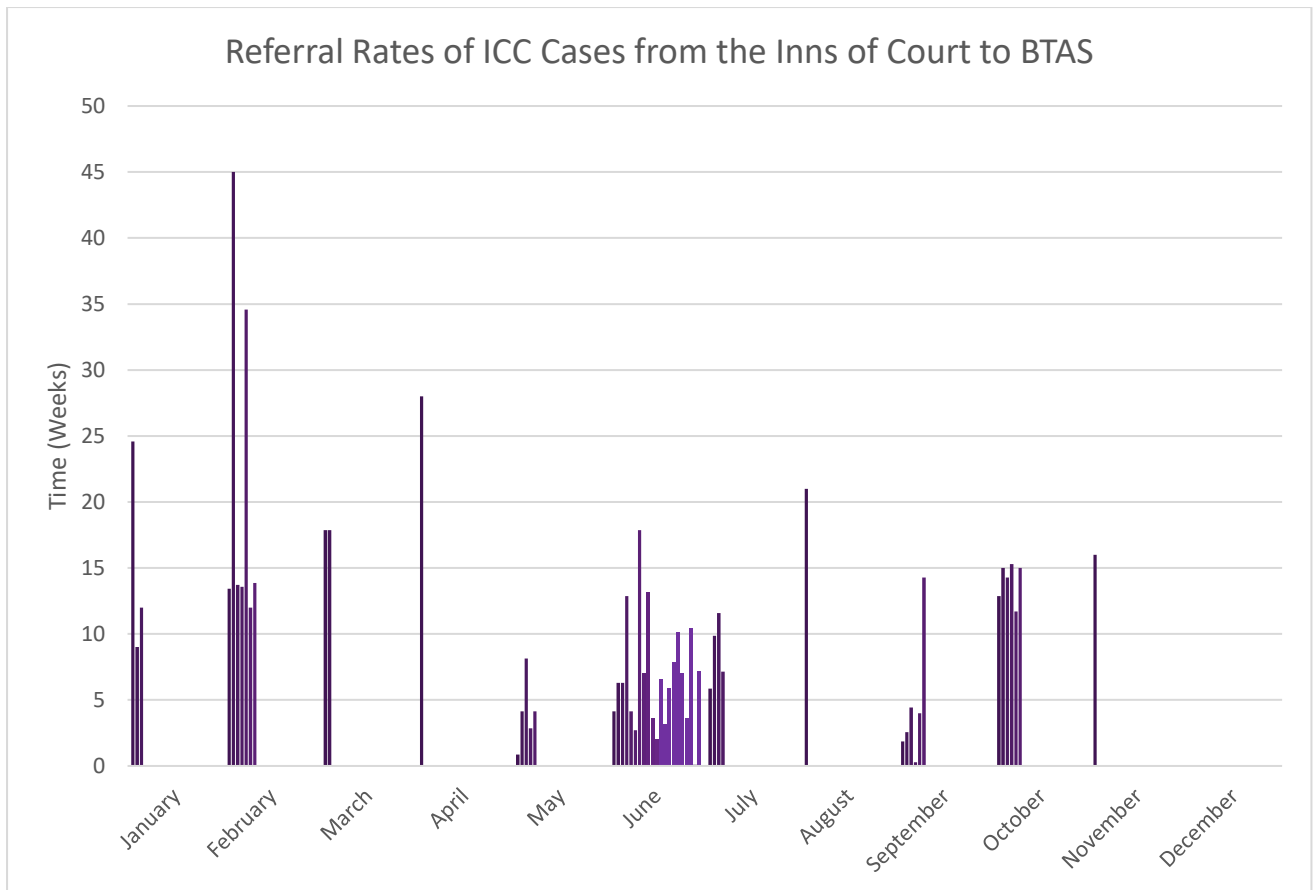
The Panel concluded that a serious matter had been proved against ‘C’, that merited the student being expelled from their Inn.

‘C’ subsequently appealed this decision to the Bar Standards Board. The appeal was dismissed; and the ICC’s decision upheld.

35. The following graph show the number of ICC cases received per month by the Inns of Court, in comparison to when they were subsequently passed on by the Inns to BTAS. Clearly the Inns' experience a peak of activity in April and May, which is then echoed at BTAS in June as cases are forwarded to it in time to meet the deadline for students to be Called to the Bar.



36. As this hints at possible delays or backlogs in the referral of cases to the ICC, the following graph sets out, at the point a case was received by BTAS on the ICC's behalf, how long it had been since the matter had been brought to the Inns' attention:



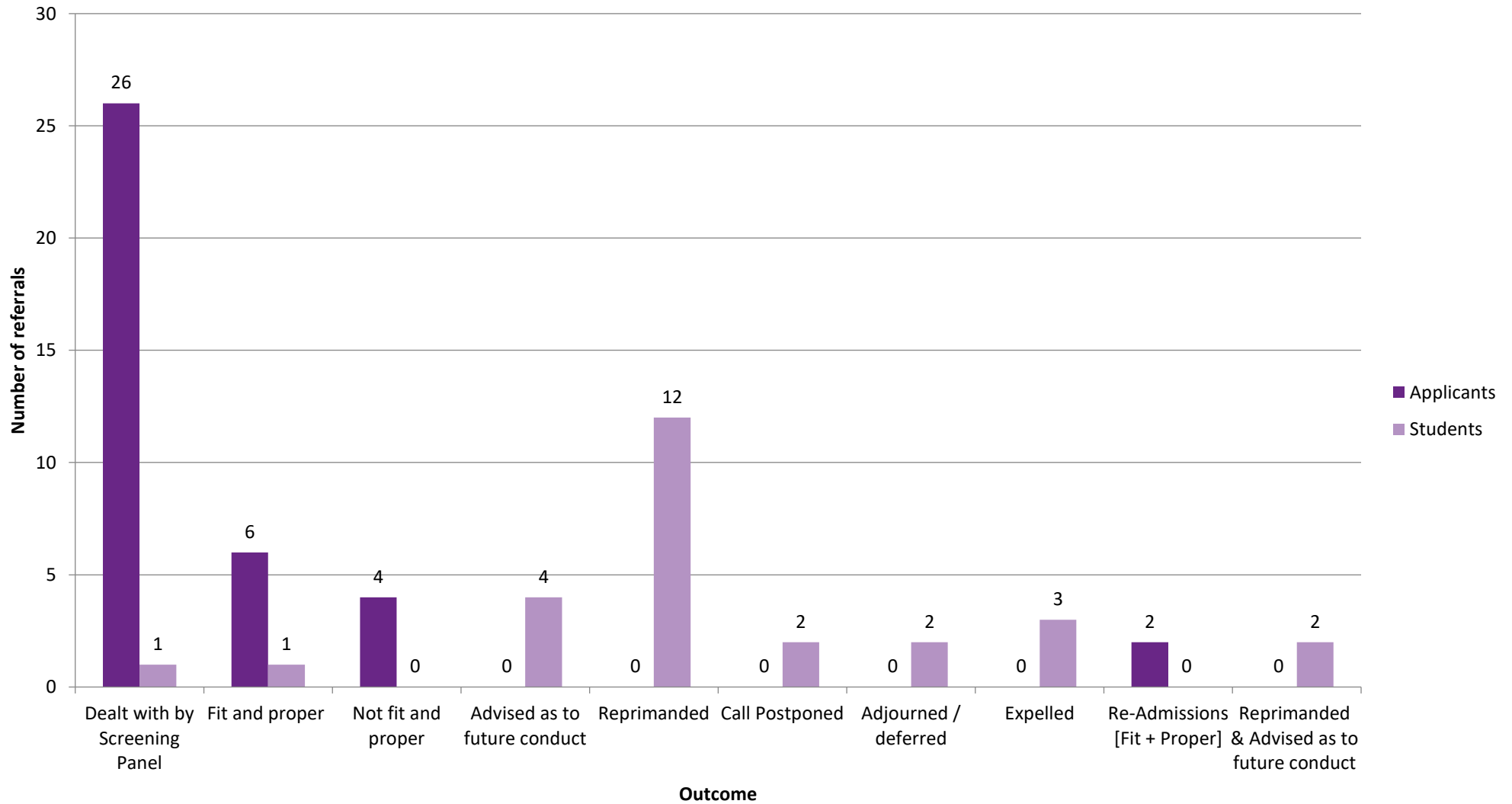
37. By way of a key for the above graph, each line represents an ICC case received at BTAS, with thicker lines representing a number of cases being received simultaneously. The height of the line indicates the number of weeks it took before a case was referred to BTAS.

38. As this is the first year such data has been collected it is not possible to draw any firm conclusions at this stage. The data will continue to be collected in future to determine its possible value.

39. The detailed outcomes of the cases dealt with by the ICC in 2018 were as follows:

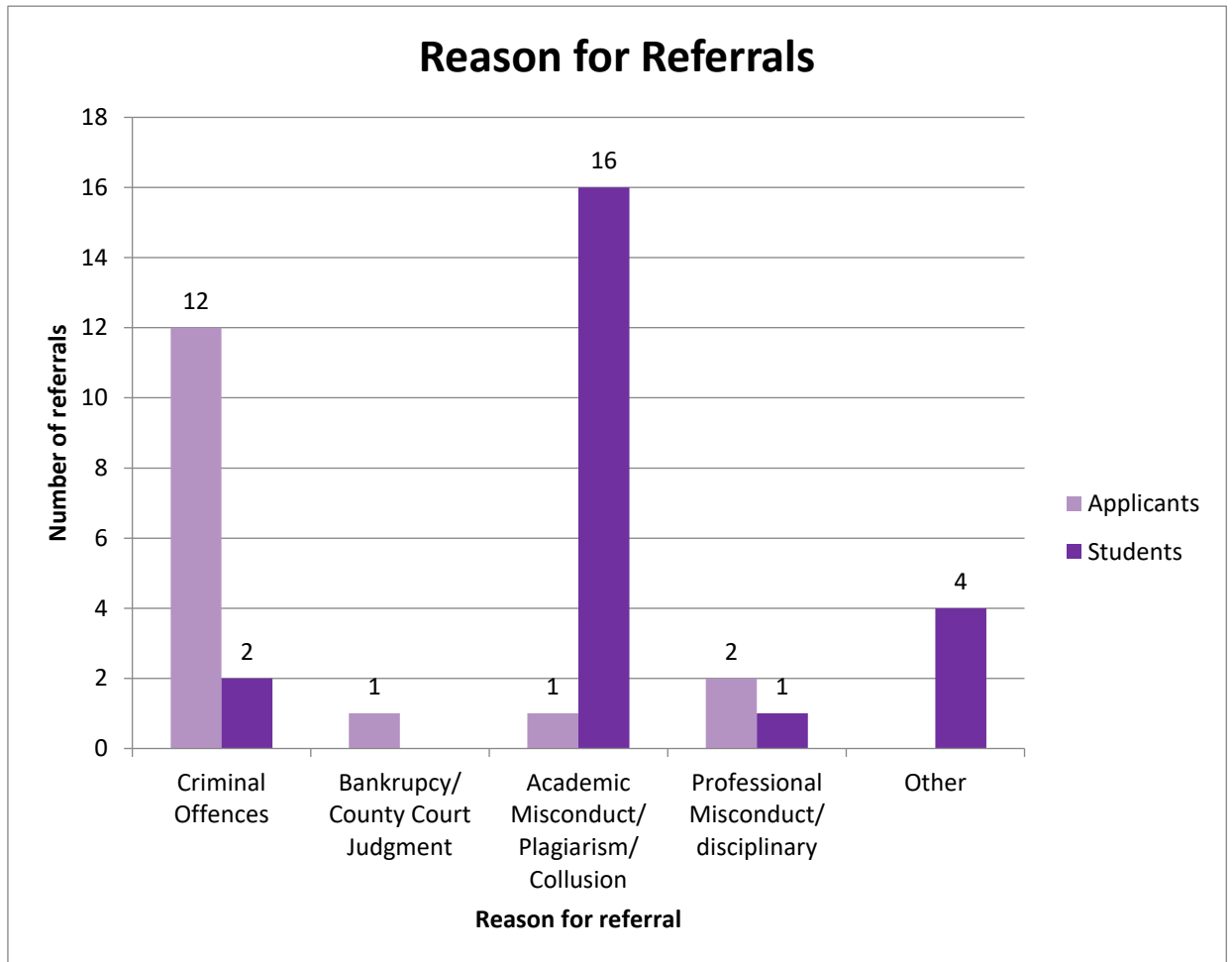


## Outcome of Referrals to ICC



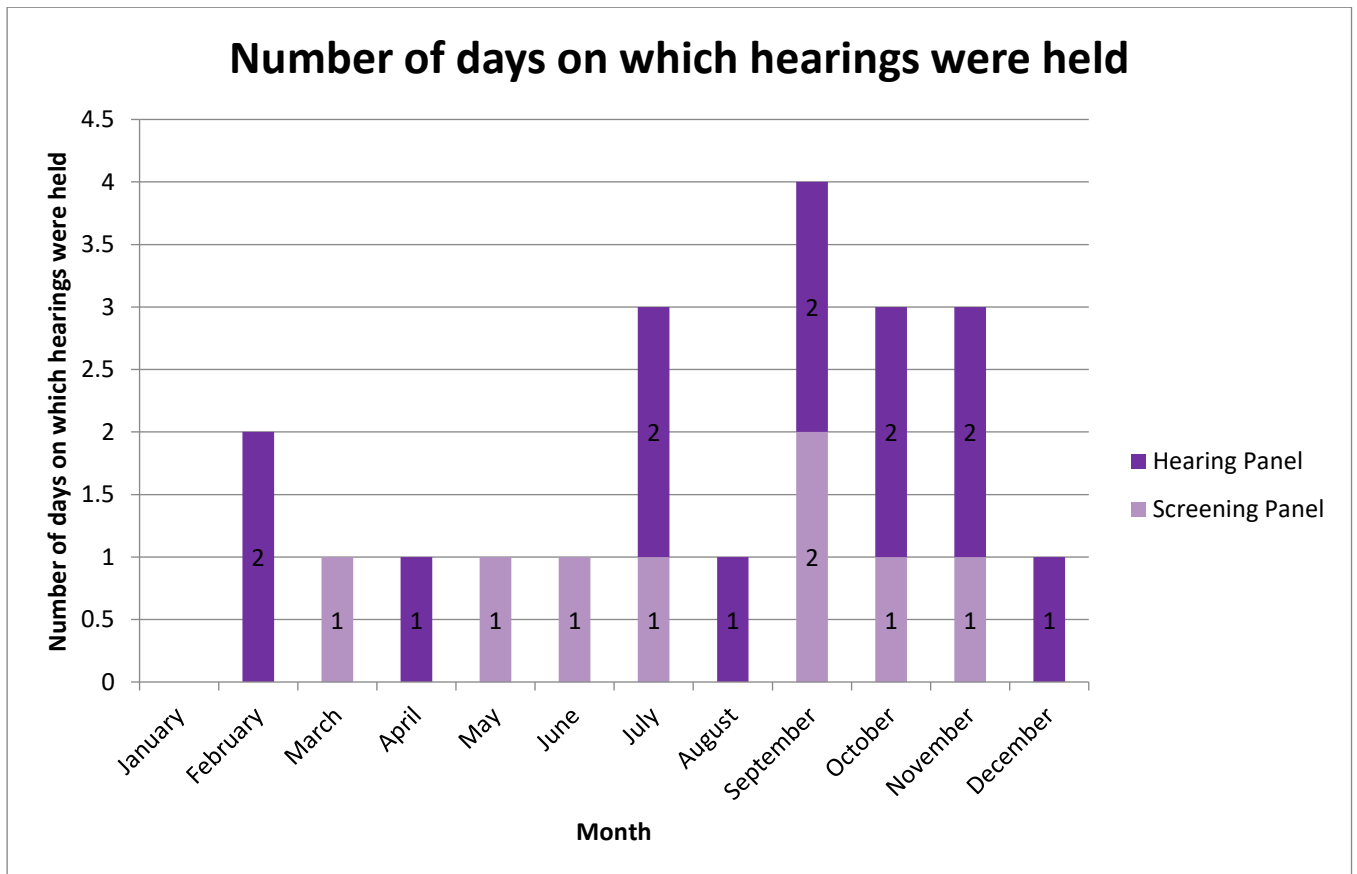
- (1) **38** were **applicants** to join an Inn. As to these:
  - (a) The Screening Panel found in **26** instances that a referral to a Hearing Panel was not required in order to determine whether the Applicant was 'fit and proper' to become a practising barrister. Each of these Applicants was returned to the Inn to which they had applied, to be admitted as a member.
  - (b) **12** were referred to an ICC Hearing Panel.
    - (i) **6** individuals were found to be 'fit and proper'. Accordingly, they would be admitted as a member of the Inn to which they had applied.
    - (ii) **4** individuals were found not to be 'fit and proper'. Accordingly, the referring Inn was instructed not to admit them as a member.
    - (iii) **2** individuals' were found to be 'fit and proper' to be readmitted as members of an Inn, having previously been disbarred (either voluntarily or following a Disciplinary Tribunal).
  
- (2) **27** were student members of an Inn. Of these:
  - (a) In **1** instance, the Screening Panel found that it was not necessary to refer the person to a Hearing Panel. The Inn was so informed.
  - (b) **26** individuals were referred to an ICC Hearing Panel for determination.
    - (i) In **1** instance, the individual was found to be 'fit and proper', and remained a member of their Inn.
    - (ii) **2** individuals' cases are not yet completed.
    - (iii) In **3** instances individuals were expelled from their Inn.
    - (iv) In the remaining **20** cases, where a Serious Matter was found proved, the student was either reprimanded and/or advised as to their future conduct and, in **2** instances, their Call to the Bar was delayed. These students remained a member of their Inn.

41. The Table below gives a break-down of referrals to the ICC by subject-matter, in relation to applicants and students:



42. It is evident that a large proportion of the ICC's time in 2018 was spent considering cases of academic misconduct. It should however be understood that many of these cases involved two or even three students colluding on a piece of academic work (which they were meant to complete independently). Such cases would be counted in the above graph according to the number of students involved, rather than the number of incidents themselves.

43. The following chart sets out the number of Screening Panels and Hearing Panels which took place each month. Over the course of 2018, there were **8** Screening Panels and **13** Panel Hearings. For efficiency purposes, both Screening Panels and Hearing Panels usually consider more than one individual referral.

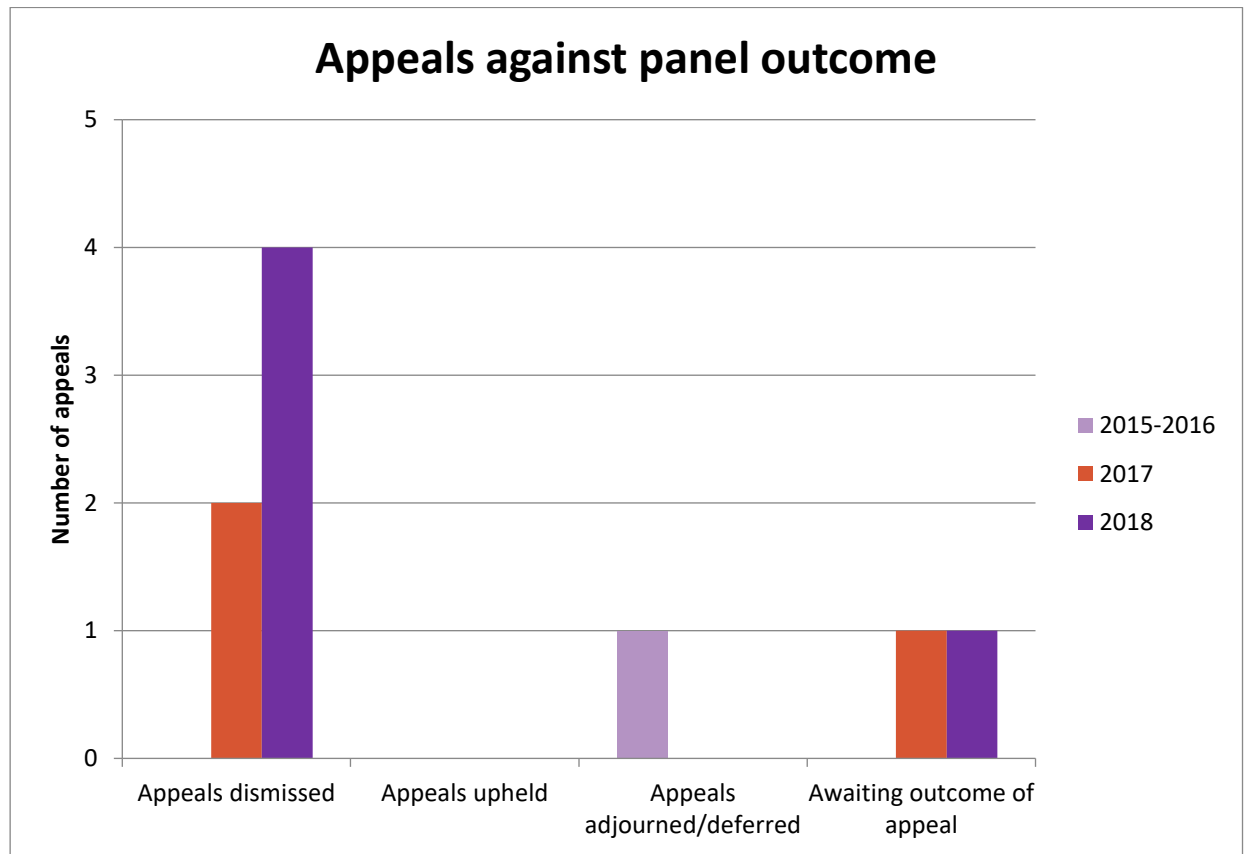


### Applications for review of ICC decisions

44. An applicant or student who is dissatisfied with the outcome of a referral to the ICC may apply to the BSB for a review of the ICC decision. Applications for review have been dealt with, on the basis of consideration of documents submitted to it, by the BSB's Authorisations Department.

45. In 2018 five applications for review were submitted to the BSB. This compares with three in 2017 and 1 in 2015-16. However, it should be noted

that all students have the right of appeal, and that four of the appeals were dismissed and the ICC is currently awaiting the outcome of the fifth.



## Policy Developments

46. Commencing in 2019, the regulatory environment in which the ICC operates will change.

47. At present, the BSB's *Bar Training Rules* sets out the role and core duties of the ICC. The ICC then develops and maintains *Rules* that elaborate on the *Bar Training Rules*, and provide a comprehensive and transparent framework in which the ICC conducts its business. To ensure consistency in its decision-making and outcomes, the ICC then developed and maintained its *Statement of Principles and Guidelines* for its panels to follow.

48. During 2019, the BSB will replace the *Bar Training Rules* with *Bar Qualification Rules*. In addition it will issue *Guidelines for determining if a person is fit and proper to become a practising barrister*. These will broadly adopt the content and format of the ICC's current *Guidelines*, but have been developed and updated by the BSB, in consultation with the ICC. The ICC will then be required to develop *Rules* to give effect to the BSB's *Guidelines* and provide a clear and transparent reference to how the *Guidelines* will operate.

49. It is not clear, at the time of writing, exactly what impact (if any) the above changes will have on the day-to-day operations of the ICC, and what (if any) difference will be experienced by applicants and students of the Inns.

#### Case Study 4:

'D', an applicant to an Inn, was referred to an ICC Hearing Panel due to two criminal convictions that took place over ten years ago. The first conviction was for failing to notify a change in circumstances in relation to benefit payments, the second for possessing a controlled drug or substance thought to be a drug with the intent to supply.

'D' explained to the Panel that, following the convictions, they had relocated to start a new life and enrolled at university. 'D' provided excellent testimonials from senior lecturers of the university, which also confirmed 'D's commitment to a voluntary scheme assisting litigants in person with practical advice.

The Panel agreed that 'D' had put the criminal convictions behind them. 'D' understood the full gravity of the offences and had showed remorse and contrition. The Panel were reassured that 'D' was very unlikely to reoffend and concluded that 'D' was a fit and proper person to be admitted to an Inn and become a practising barrister.

## The Tribunal Appointment Body's Report

50. The Tribunal Appointments Body ('the TAB') is the independent body responsible for appointing barrister, lay and QC members of the Disciplinary Tribunal Pool; and barristers to act as clerks at hearings. It is also responsible for ensuring that those appointed are fit and proper to act, both at the time they were appointed and throughout the entirety of their term of office.

51. Members and clerks of the Disciplinary Tribunal Pool serve at Hearing Panels for barristers convened to hear Disciplinary Tribunals (both three and five-person Panels), Interim Suspension Panels, Fitness to Practise Hearing Panels and Appeals Against Administrative Sanctions (imposed by the Bar Standards Board). They also hear cases considered in accordance with the Rules of the Inns' Conduct Committee (ICC) to determine whether prospective barristers are fit and proper persons to undertake this role.

52. During 2018 several members of the TAB completed their terms of office and stood down from the Body. The TAB would like to record its debt of gratitude for the important contributions made by Chris Jeans QC and John Steel QC since they first took up the role in 2012.

53. From October 2018 the membership of the Tribunal Appointments Body was:

Inn	Members
<b>Chair</b>	Lord Justice Underhill
<b>Lincoln's Inn Member 1</b>	Margia Mostafa
<b>Lincoln's Inn Member 2</b>	Keith Morton QC
<b>Middle Temple Member 1</b>	Hugh Jackson
<b>Middle Temple Member 2</b>	Brie Stevens-Hoare QC
<b>Inner Temple Member 1</b>	Caroline Willbourne
<b>Inner Temple Member 2</b>	Ian Stern QC
<b>Gray's Inn Member 1</b>	Marie Spewyn
<b>Gray's Inn Member 2</b>	Tim Ward QC
<b>Lay Representative 1</b>	Joan Martin
<b>Lay Representative 2</b>	Ann Kelly
<b>Lay Representative 3</b>	Dean Riggall

54. Additionally, and following his appointment as Vice-President of the Court of Appeal (Civil) in summer 2018, Lord Justice Underhill determined that he should step down from his responsibilities as Chair of the TAB. From 1 March 2019 the Chair of the TAB was Lady Justice Simler.

55. For information and transparency, the TAB's 2018 operating costs (fees and expenses for meetings and interviews) amounted to £2,793. This is funded by the four Inns of Court as part of their annual grants to COIC.

### **Pool Members and Clerks in 2018**

56. As at 31 December 2018, the membership of the Disciplinary Tribunal Pool was as follows:

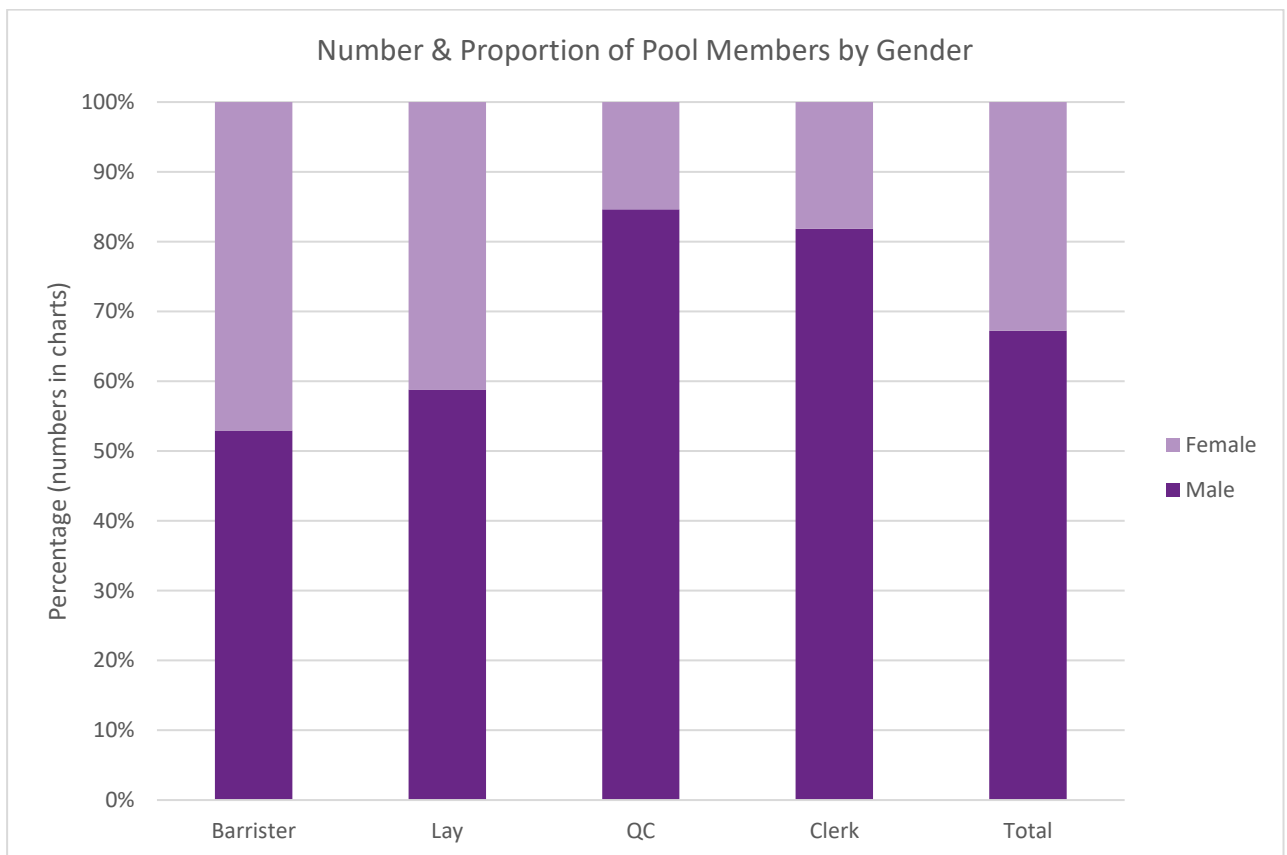


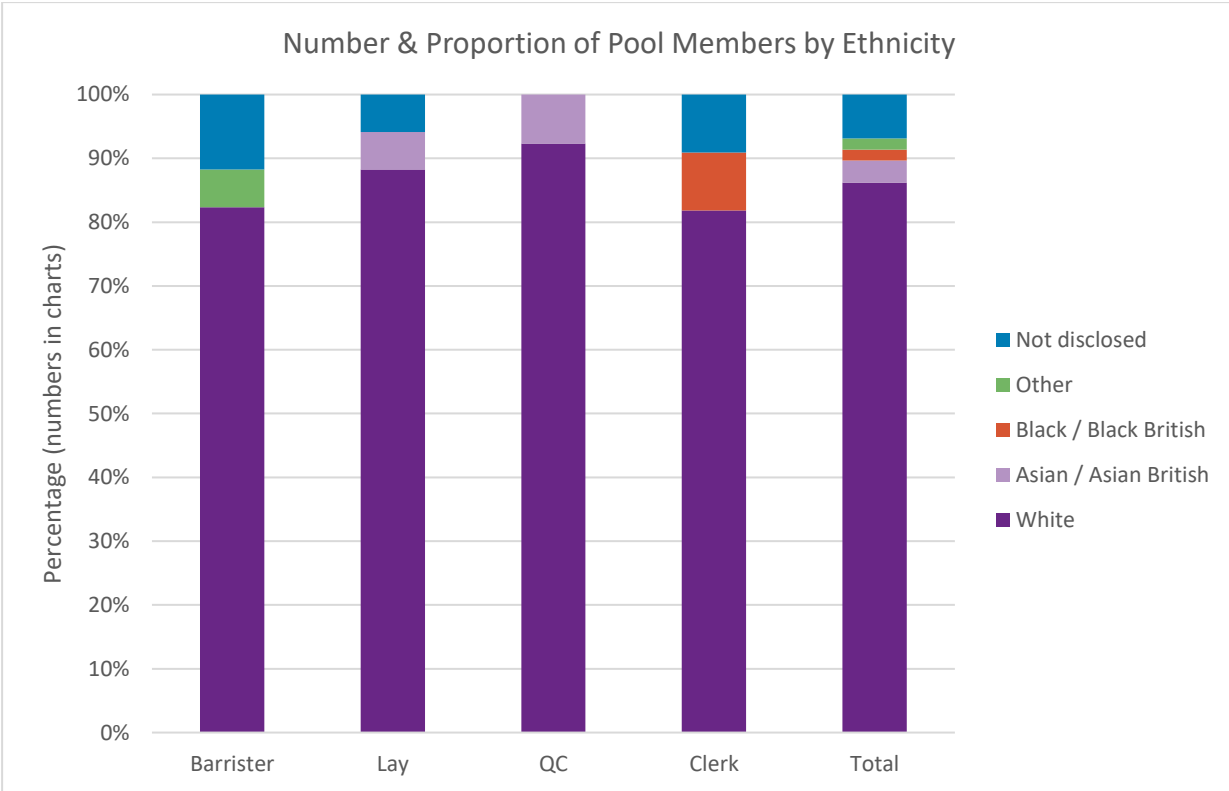
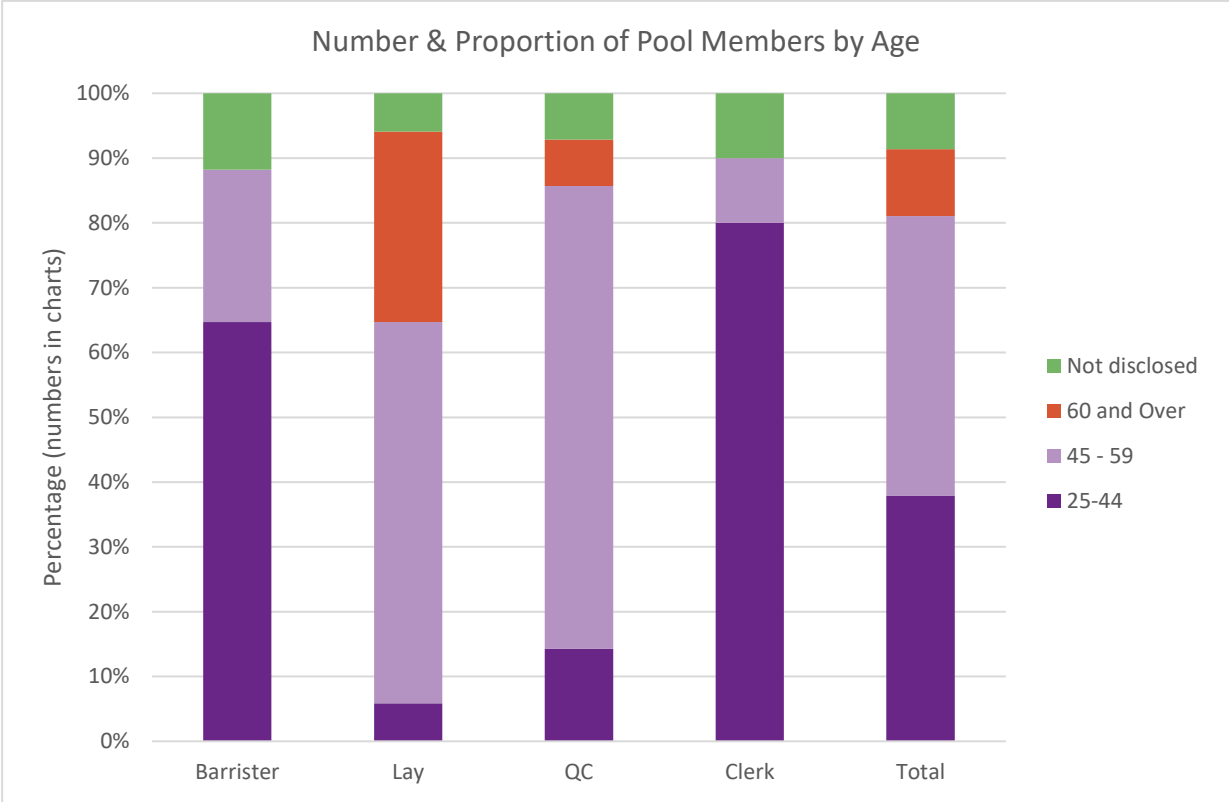
Role	31 December 2018
<b>Barrister</b>	17
<b>Lay</b>	17
<b>QC</b>	13
<b>Clerk</b>	11

57. Full details of the current membership of the Disciplinary Pool are available at (<http://www.tbta.org.uk/about-us/who-we-are/panel-members/>).

### Composition of the Pool in 2018

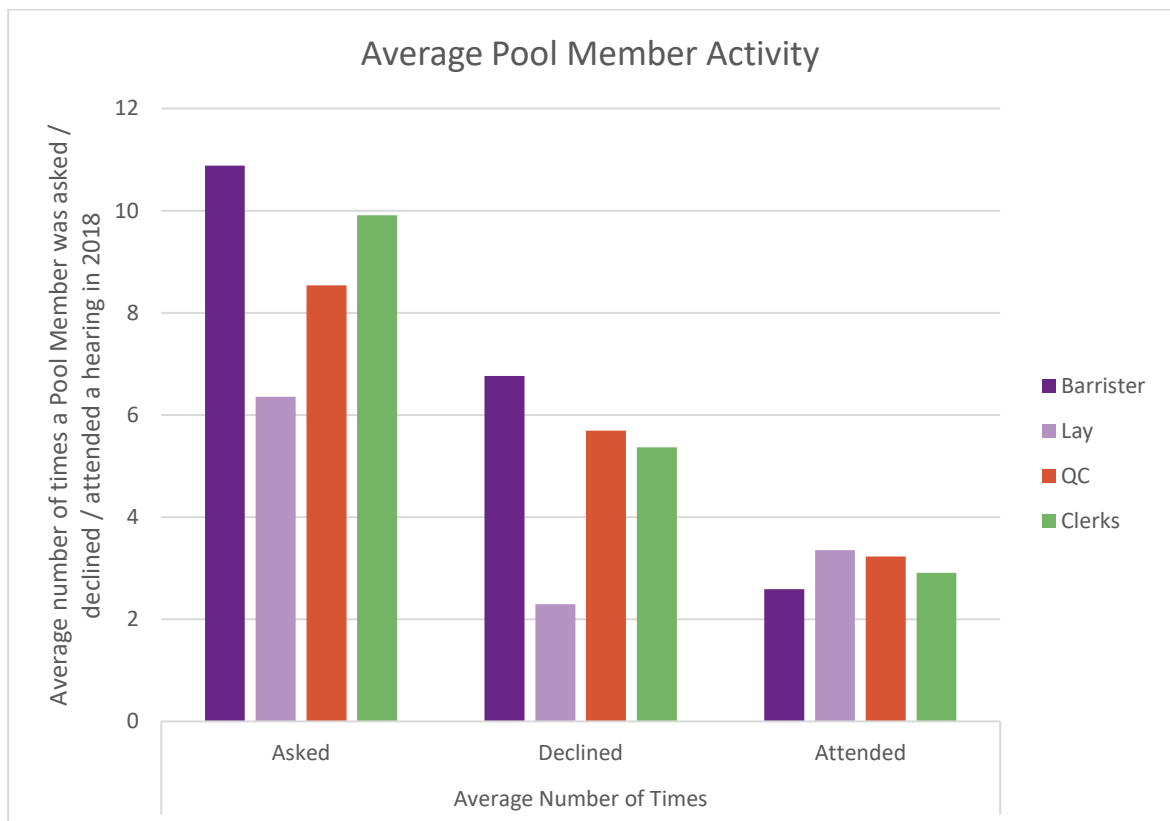
58. The following charts sets out information about the composition of the Pool by gender, ethnicity and age (as at 31 December 2018):





## Panellist Activity in 2018

59. Given that in 2018 a total of just 30 disciplinary and other hearings for barristers, and 13 days of ICC Hearings for prospective barristers, took place, the number of Tribunals which the average Pool member had the opportunity to serve in the year is inevitably low. This is set out in the chart below:



60. As in previous reports, as well as the number of hearings attended, the chart also sets out the average number of times members were asked to serve on a Tribunal, or declined a request to serve on Tribunals. For the avoidance of any confusion, please note that the number of hearings 'attended' is not necessarily the number 'asked' minus the number 'declined' - inevitably some hearings (which members of the Pool had agreed to attend) were adjourned or did not take place for other reasons.

61. While the TAB's priority is ensuring that the Pool is large enough that sufficient members will always be available to serve on a Tribunal whenever one needs to be convened, it is always mindful that Pool members should if possible sit sufficiently often to maintain familiarity and expertise in the role. The TAB would ideally like to see the average number of hearings attended by a Pool member each year to increase to about five. In 2018 this number was 3.0.

**The Bar Tribunals & Adjudication Service**

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