



EUROPEAN LAWYERS ASSOCIATION

# NEWSLETTER

OCTOBER 2014

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## A WORD FROM THE EDITOR

Welcome to the autumn issue of your newsletter. We hope you enjoyed your summer break.

This issue has been shortened due to unforeseen circumstances beyond our control.

We simply provide an update on the latest from the organisation and once again, we call for ELA members to contribute articles for the newsletter on matters of interest within their jurisdictions. Please address any emails to [asunsueiro@hotmail.com](mailto:asunsueiro@hotmail.com).





Our colleague Henna Kinnunen has resigned from the Board due to personal and professional commitments.

The whole Board will be up for re-election in May 2015 at the next annual meeting. It is anticipated that any new board members will have to take on substantially more responsibility in their roles than what has been the case up to now. This will be discussed at the next Board meeting in Zagreb to be held from 24 to 26<sup>th</sup> October. All ELA members are welcome to attend whether or not they are Board members.

The ELP programme held in 2014 has now been successfully concluded. We wish to express our heartfelt gratitude to the Edinburgh Bar and Judiciary and our board members, Charles Mullin and Sabrina Jenquin, for all their hard work and effort. None of this would have been possible without them.

The 2014 ELA annual meeting in the beautiful capital of Latvia was a resounding success. We thank Peteris and his team for their hard work in putting it together.

It is with dismay that we heard the news from our contact at the Bar that some ELA members were abusing the trust on which the programme is based by continuing to use their library passes to access facilities and resources within the Faculty of Advocates. Such behaviour is embarrassing and wholly inappropriate. It also damages the relationship between ELA and the Edinburgh Faculty which is based on goodwill. We reiterate that no member is allowed to use the facilities once the course has concluded.

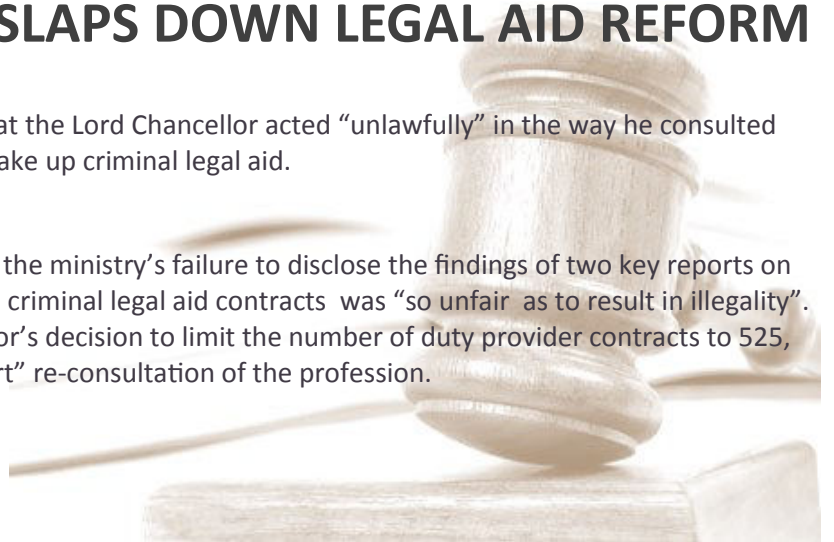
Finally we congratulate Philip Jadoul, our colleague and sponsor, on the birth of his first child. A new addition to the ELA family!



## HIGH COURT SLAPS DOWN LEGAL AID REFORM

The High Court has ruled that the Lord Chancellor acted “unlawfully” in the way he consulted on controversial plans to shake up criminal legal aid.

Mr Justice Burnett said that the ministry’s failure to disclose the findings of two key reports on plans to introduce new dual criminal legal aid contracts was “so unfair as to result in illegality”. Quashing the Lord Chancellor’s decision to limit the number of duty provider contracts to 525, he advised a “relatively short” re-consultation of the profession.



# NUMBER OF DISBARRED AND SUSPENDED BARRISTERS SOARS

The number of barristers disbarred or suspended almost doubled in the past year, according to latest figures from the Bar Standards Board.

Nineteen barristers were disbarred in 2013/14, in 23 cases –up from 13 in the year before – the regulator said. The number of barristers suspended from practice rose from 8 to 20

Overall, the number of complaints about barristers fell from 491 in 2012/13 to 408 in 2013/14, largely due to the shift in regulatory focus by the BSB and a change in the way CPD compliance is monitored.

Over the year, the BSB received 300 external complaints – from members of the public, solicitors or other professions and organisations. The most common complaints related to discreditable or dishonest conduct (50%) followed by allegations of misleading the court (33%)

The BSB itself raised 108 complaints, 40 of which concerned working without a practising certificate.



Sara Jagger, director of professional conduct, said: "Focusing our resources where they are most needed and best used is helping us to conclude cases more quickly. The increase in the number of disbarments and suspensions shows that we are identifying and taking appropriate action against those barristers who pose the greatest risk to the public. It indicates that a targeted and robust system of enforcement is in place."

Meanwhile, the BSB's independent observer Isobel Leaviss reported that the decisions of the professional conduct department, which deals with complaints about professional misconduct by barristers, are "fair, consistent and well-reasoned"

However, Leaviss set out a number of recommendations for improvement noting that "much more could be done to promote wider understanding among the profession and consumers of legal services of the BSB's enforcement role" and that a project to improve the website "must be given the resourcing and priority it deserves in order to achieve greater transparency and accessibility"

Welcoming the report, the BSB director Vanessa Davies said the regulator had accepted all the recommendations and has already implemented many.

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