

SOUTH-EASTERN CIRCUIT RESPONSE TO THE BAR  
STANDARDS BOARD DEFERRAL OF CALL CONSULTATION  
EXERCISE

1. It is now more than 10 years since the proposal for deferral was endorsed by the Bar Council and ratified by the Inns Council. Postponement and delay in implementation including further reviews led finally to the Bar Council in January 2004 re-affirming the principle that Call should be deferred but not be implemented until 2008 enrolment on the BVC.
2. In 2004 a round of Consultation led to various amendments to the proposed regulations to alleviate the concerns, mainly of the Inns. Further consultation in relation to overseas students was to take place when the issue as to timing of implementation and whether the principle was justified at all was again raised.
3. In response, in May 2005 "Deferral of Call: A Review", a report of Duncan Matthews Q.C. Chairman of the then Education and Training Committee was widely discussed and consulted upon. The document was a carefully researched and detailed paper. The South-Eastern Circuit responded to the paper in July 2005 supporting deferral of call as proposed in the Matthews' report.
4. As set out in the Matthews report the "protracted debate" of this proposal was criticised by Sir David Clementi in his final report. Now in 2006 yet further consultation is taking place upon the same issues. The Bar Standards Board seeks supporting evidence for the views of those responding. The cost of a widespread survey of the members of the South-Eastern Circuit, pupils and students within the South-East upon an issue already exhaustively discussed within the timescales of reporting is not felt to be an appropriate use of resources.

5. "Is it in the public interest to defer call to the Bar until after completion of pupillage, and what evidence is there which is relevant in answering this question?"

The title of Barrister is seen by those within the profession as an academic qualification and from outside the profession as a professional qualification. It is an anomaly that a member of the public would know that they were instructing a 'trainee solicitor', that they were being treated by a medical practitioner still in training to be a Doctor, but that they would not know from the title of those representing them in a Court of law that their representative was not yet fully qualified.

The level of training and qualification for those entitled to practice as a Barrister in England and Wales is extensive and should be marked with the title of Barrister.

It is vital that the Bar in England and Wales maintains and continues to justify its reputation for the highest professional standards. Transparency in respect of its training and professional qualifications is a vital step in ensuring the public's confidence.

The South-Eastern Circuit cannot see any justification in the interest of the public, those in practice and those seeking to practice in the future in seeking to delay the implementation of Deferral.

6. "If call to the Bar is to be deferred, what should be the future status of pupils?

In particular:

- a. Should pupils be temporarily called to the Bar for the second six months of pupillage?

If there is a clear reflection in title of the role of the pupil it would be unnecessary for this extra administrative burden and cost. Within the Matthews report there are proposals for a Call ceremony for those who have completed the pre-requisites to entering pupillage here. This was on the understanding of a clear status of the "Pupil Barrister". However, the circuit has no particular views in relation to this course.

- b. Alternatively, should a new title of 'pupil barrister' or 'trainee barrister' be created -- and if so, for how long should it be available?"

This title should only be available for the year of training. It is the nominal title to be awarded when the student has finished the year of BVC training which has given cause for concern in relation to those students, many of whom are from overseas who wish to gain the qualification, but not carry on to train in the profession in this country or at all.

7. If call to the Bar is to be deferred, should a new qualification be awarded by the Bar Standards Board or by the Inns on successful completion of the Bar Vocational Course – and if so, what should it be?

Previous consultation with the BVC providers and the Inns will assist with the nomenclature for those that will be affected by the change in the Rules but “Graduate of [Name of Inn]” or “Bar Graduate” would seem to be suitable.

8. If call to the Bar is to be deferred, are there any other changes to the rules and arrangements governing entry to the profession which it is essential to make at the same time?

There would need to be suitable recognition of those who had completed the BVC and then completed pupillage overseas, such as “Overseas/Honorary Barrister”. The other necessary rules in relation to status and Deferral should easily be capable of straightforward amendment.

9. If call to the Bar is to be deferred and any other associated changes made, what considerations should influence the timetable for implementing these changes?

A decision had been taken for the changes to be implemented for the 2008 BVC admission. There does not appear to be any reason why implementation cannot take place within the envisaged timescales.