

IN BRIEF

Family courts open

Calls for greater transparency in the family justice system have been heeded: the media will be able to access and report legal proceedings in all levels of family courts, following Justice Secretary Jack Straw's announcement last month. Parties cannot be named, but there should be no restriction on naming social workers or medical experts unless it could lead to the identification of the parties, Straw told the *Times*. Courts will be able to restrict or relax reporting rules if an individual case allows this.

'Lottery' on contact

Family lawyers group Resolution is warning of a "post-code lottery" on child contact, following new powers for courts to order contact activities. Under s 1 of the Adoption and Children Act 2006, judges can order parents to attend mediation, workshops or abuse prevention programmes but there is a "disturbing lack of clarity" about what is available.

DNA decision

The Government's DNA sample retention policy is being reviewed following *S and Marper v UK*, in which the European Court of Human Rights ruled that retaining samples from innocent people was incompatible with the right to a private life. Although Home Secretary Jacqui Smith insisted the ruling would not "undermine" the DNA database, she has committed to consult on a "differentiated approach" based on age, risk, or nature of offence. DNA of children under 10 years of age will immediately be removed from the database.

Direct access opportunities

Direct access provides "huge opportunities" for the Bar in light of Clementi and the Legal Services Act but is currently under-used.

About 1,200 barristers are qualified to provide direct access—clients can instruct them directly without going through a solicitor—and about 800 barristers actually take part in the scheme.

Professor John Flood of Westminster University, who co-authored the report *Straight there, no detours: direct access to barristers* with Avis Whyte for the Bar Council's Access to the Bar Day last November, says the scheme is under-used.

"This provides a golden opportunity to move forward in light of all the changes that are coming in with Clementi, but barristers are not as visible to the general public as solicitors. I think more needs to be done in terms of marketing and advertising on this. Barristers could be more entrepreneurial about it."



Beaumont: advocating direct access

Prof Flood said: "Clients thought it great value for money—they are paying for one lawyer instead of two."

"The rules do not always make it as easy as it could be, for example, barristers cannot write letters on chambers headed notepaper but must draft letters for the clients to use on their own notepaper."

He said there is also scope to streamline the two routes of public access and licensed access—about 200 professional bodies have licences to instruct barristers—rather than have two routes side by side.

Marc Beaumont, co-Vice Chairman of the Access to the Bar Committee, said he hoped that the Access to the Bar Day "will create a ripple effect conducive to greater awareness of the opportunity for business clients and members of the public to come straight to the Bar, where it is appropriate to do so, and thereby substantially to reduce the cost of accessing legal services."

Second consultation on legal services reforms

Barristers should be allowed to become managers of Legal Disciplinary Partnerships (LDPs) and to supply legal services to the public when employed by LDPs regulated by the Solicitors Regulatory Authority (SRA).

The Bar Standards Board launched its second consultation on the implications of the Legal Services Act, last month.

It recommends that barristers

be allowed to enter partnerships with other barristers and that the cab-rank rule, and the prohibition on handling client monies, be retained for self-employed barristers. It proposes to change the Code of Conduct in relation to barrister involvement in SRA regulated bodies.

The consultation closes at the end of February. The BSB launched its first consultation on the reforms in February 2008.

Legal aid awards

Doughty Street Chambers' Robert Latham has won this year's Legal Aid Barrister of the Year award for his work in housing, homelessness and disability discrimination during a 30-year career. He is a leading authority on the housing allocations and homelessness aspects of the 1996 Housing Act. He is a prolific writer and educator and has acted as a mentor to dozens of housing lawyers.

Criminal law practitioner and vice-chair of the Young Legal Aid Lawyers Group Felicity Williams, of 6 King's Bench Walk, won Young Legal Aid Barrister of the Year. Cherie Booth QC presented the awards. Outgoing Bar Chair Tim Dutton QC said the awards are "an important way to recognise those who might otherwise remain unsung heroes".

Bar data theft

Data has been stolen following a break-in at the Holborn offices of the Bar Council and Bar Standards Board last month. All the data stolen are covered by a high level of protection and cannot be accessed readily. The protected data stolen comprises: the contact details and basic factual data records of all practising, and some non-practising, barristers; the records (name, bank account number and sort code) of 3,000 direct debit payers; the contact addresses of lay committee members; and approximately 1,500 complaints records being used for new IT system testing. A helpline has been set up on 020 7611 1418 for anyone with specific concerns about the implications of this crime.