

## Contempt of Court – where are we heading?

On 9th July 2024, the Law Commission launched a consultation in relation to proposed reforms to the law on contempt of court. The consultation will run for 4 months and will therefore end on 8th November 2024.

The consultation documents runs to 499 pages. This short article will aim to highlight the main proposals and comment upon them.

### Are reforms needed?

Before examining the proposals suggested by the Law Commission, it is worth firstly considering why proposals for reform have been made. The Law Commission describes the development of the law in relation to contempt of court as 'unsystematic', resulting in 'incoherent' and 'disorganised' law.

In the author's view, there is force in what the Law Commission says. The power to imprison for contempt of court derives from the common law. However, there

have been a number of Acts of Parliament which have legislated both in terms of substance, procedure and sentencing for contempt of court. It is certainly true that reforms and modifications have been made on a piecemeal basis. Indeed, the Law Commission published a consultation in 2012 dealing with discrete areas such as court reporting. This is the first time a wholistic review has been undertaken.



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Currently, there are two types of contempt of court, criminal contempt and civil contempt. Within each type there are a number of sub-categories. The distinction between criminal and civil contempt is, in the author's view, unhelpful. Whether the contempt is criminal or civil does

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## Advocate: The highs and lows of being pro bono counsel

I am a barrister at New Park Court Chambers, with chambers in Newcastle and Leeds. I practice predominantly in Family Law, as well as Criminal Law.

Many of you will need no introduction to the difficulties those who do not have the funds, or are not eligible for legal aid, have in navigating Court proceedings, no matter which area of law they find themselves in.

The test for eligible for Legal Aid has not been updated in line with inflation since 2009. As we all know, the cost of living generally has continued to rise, by as much as 40% on average. This means fewer people are eligible for this support each year and are unable to access justice. Unfortunately, the Government in March

2024 again delayed the changes to legal aid, now until 2026\*.

In a High Court judgment\*\* as recently as 31st January 2024, Lord Justice Singh and Mr Justice Lay stated: 'In short, the evidence from solicitors working at grass-roots level is that the system is slowly coming apart at the seams.' This is something we all are very alive to.

Research from the University of Loughborough, commissioned by the Law Society\*\*\*, showed that people on incomes below the minimum standard were being excluded from legal aid, meaning families living below the poverty line were failing to meet the thresholds for such assistance. Currently, the value of someone's property is also being taken into account in the means test, even though they cannot access this money.

Advocate, formerly known as the Bar Pro Bono Unit, is the national pro bono charity of the Bar. Since 1996,

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Publishers: **media management corporation ltd**  
Design and Production: **Jeremy Salmon**

# Managing a Chambers While Working Full-Time as a Barrister Balancing Leadership and Practice

*Managing a chambers while maintaining a full-time practice as a barrister is a challenging and rewarding endeavour. It requires a balance between the responsibilities of leadership and the demands of a thriving legal career. Success in this dual role requires a mix of strong communication, transparency, empathy, and a willingness to learn.*

By **Anarkali Musgrave**, barrister and **Anna Walsh**, barrister, Coram Chambers



Most people don't set out to become managers: this is especially true of barristers, the majority of whom were probably attracted to the profession for the independence and self reliance it appeared to offer. Why then is there, as we argue, a compelling case for barristers to consider holding management positions in chambers? From 2019 to 2022 we worked closely together as executive board members along with 2 other members of chambers. Having finished those roles we look back together at what we learnt and what we would advise anyone else contemplating these sorts of positions.

Perhaps the most helpful quality to develop is a sense of perspective. Most issues are temporary: the skill is to see them off with as little fuss as possible. Sometimes you'll succeed; other times you won't; and then need to reconsider how better to approach something which may have grown legs in the interim. Many issues are irresolvable and just require managing when issues

flare up. Others will require a disproportionate amount of effort to rectify and the question there is whether it is really worth it. Only a few problems justify a wholesale restructure. The best skill you will ever develop is to learn to identify what sort of issue requires which type of action. Wise decisions are rarely dramatic.

Likewise, not every situation requires a decision. Few people like to feel managed and barristers particularly dislike it: if something's working then try to leave it alone as much as possible. In organisations which rely on members volunteering for essential roles such as pupillage it is really important to empower and cherish healthy leadership within those volunteers groups rather than to micro manage them and dictate how to carry out specific tasks.

The quality of your relationships within chambers is probably going to be the most effective way to manage the business. So much of leadership boils down to whether others feel that they can trust you to honour both what you

have promised and the relationship you have with them. This is typically the bottom line when it comes to moving groups of people who argue for a living towards a common goal. One particularly barristerial conceit is that good arguments lead towards good decision-making. That is not always true, although plainly there is a correlation. Decision making as a manager is less about arguments and more about navigating a way through and around the reality of the fabric of your chambers: ie. egos and values. It's also based significantly on identifying what values you want to promote, and what goals you wish to achieve during the time you hold this position.

Clear and consistent communication is the backbone of effective chambers management. As a leader, it's crucial to keep members informed about developments, policies, and any issues that may arise. We found that regular updates, especially around critical times like the COVID-19 pandemic, were essential. These updates should cover not only operational aspects but also the welfare of members. Addressing concerns about health, safety, and financial stability during uncertain times can help foster a sense of community and security within the set.

However, communication should not just be top-down. As a manager, it's equally important to be approachable and open to feedback. A lot of feedback requires contextualisation but two-way communication builds trust and ensures that members feel heard and valued. Whether it's through regular meetings, emails, or informal check-ins, staying in touch with all those in your chambers and being curious about what is going on really helps to prevent small issues from escalating into larger problems.

Transparency is a powerful tool in leadership. Being open about the challenges the chambers face and the decisions being made can build trust

among members. This doesn't mean sharing every detail, but providing enough information so that members understand the rationale behind decisions, especially those that affect their work or income. Effective management is not about having all the answers but about being prepared to listen and learn. Each member of chambers brings unique perspectives and insights; tapping into this collective wisdom can be invaluable. Regularly seeking input and considering diverse viewpoints tends to lead to better decision-making and a more inclusive environment.

In times of crisis, like the COVID-19 pandemic, transparency becomes even more critical. Clear communication about the financial health of chambers, any changes in policy, or the introduction of new safety measures helps alleviate uncertainty. It also shows that the management is both competent and caring, qualities that are vital during difficult times.

Leading with empathy can make a significant difference too. Understanding that members are not just professionals but also individuals with personal lives, families, and challenges can guide you in making decisions that are compassionate as well as practical. We found that being generous with our time and support, offering help where needed, (whether that's through flexible working arrangements, mental health resources, or just being a listening ear) paid off in spades. Kindness in leadership really sets the tone of the set and often leads to loyalty and a more cohesive, supportive community.

Moreover, managing a chambers offers a fascinating opportunity to gain insight into the business side of the

legal profession. From financial management to strategic planning, the skills you develop in this role can enhance your overall career, providing a deeper understanding of the workings of a legal practice beyond the courtroom. Managing employees brings a better understanding of the pressures on them and what the issues are at their end.

Accept that managing a chambers will sometimes impact your earnings. Time spent on management duties is time not spent on billable work. However, this trade-off can be worthwhile if it leads to a well-run chambers that supports your career and the careers of your colleagues.

One of the most important lessons in managing a chambers while practising law is recognising that you cannot be all things to all people. It's vital to set boundaries and prioritise tasks. Trying to please everyone or take on every issue personally can lead to burnout, reducing your effectiveness both as a barrister and as a manager. Finally, maintaining professionalism is key to successful chambers management. Avoid gossip and keep confidences, as trust is essential in any leadership role. A reputation for discretion and integrity will not only strengthen your position as a leader but also contribute to a positive and professional environment within chambers.

Managing a chambers while maintaining a full-time practice as a barrister is no easy task, but it can be deeply rewarding as we both discovered. The most positive thing to come out of our time as leaders was the enduring and solid friendship we formed with one another and our fellow leaders.

*Anarkali Musgrave, barrister and Anna Walsh, barrister, Coram Chambers*

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