

COMBAR CONSULTATIONS REPORT 2020 – 2021

Throughout 2020-2021, COMBAR has continued to contribute as fully as possible to consultations which fall within its remit and where its membership has the expertise to assist the relevant decision-makers.

To this end, COMBAR has undertaken a series of collaborative consultation responses in which it has worked with other Specialist Bar Associations and interested parties to provide co-ordinated joint responses.

For example, in early 2021, COMBAR collaborated with the Chancery Bar Association to provide a joint response to the Law Commission's extensive call for evidence on various legal issues relating to "smart contracts" and with the Financial Services Law Association to provide a joint response to Her Majesty's Treasury's consultation on proposed "safe harbours" in the context of the proposed wind-down of LIBOR and other standard international benchmarks. COMBAR was also pleased to endorse the Bar Council's response to the wide-ranging review of the operation of the Human Rights Act 1998.

COMBAR has also consulted widely amongst its membership and formulated detailed responses to the Law Commission's request to identify potential areas of legal controversy or uncertainty which it might investigate, the Legal Services Board's consultation on quality indicators, the Ministry of Justice's consultation on how, and where, EU law should continue to be regarded as binding in UK Courts, and the Queen's Counsel's Appointments' team's proposals for various changes to the operation of the QC appointment system.

And, of course, COMBAR has continued throughout 2020-2021 to take a lead in the ongoing analysis and feedback relating to the two crucial procedural reforms instituted in civil law in recent years – the Disclosure Pilot and the new system relating to factual witness statements.

COMBAR has conducted four membership-wide surveys during the currency of the disclosure pilot, some unilaterally and some at the request of the relevant Disclosure

Working Group and members of the judiciary responsible for the pilot. It has provided repeated and detailed feedback which has led to a number of important modifications and proposed amendments to the operation of this scheme.

COMBAR was also represented on the Witness Statement Working Group, and contributed extensively to the wide-ranging debates concerning how and to what extent the current system required reform. COMBAR looks forward, once the new system has been in operation long enough for sufficient experience to have been gathered, to once again surveying its members and providing its full and frank feedback to those responsible for monitoring and implementing the new scheme.

Andrew George QC

Niamh Cleary

COMBAR Consultations Committee

23 June 2021