

## **COMBAR AGM 27<sup>th</sup> July 2023**

### **Report from the Chair**

#### **Introduction**

1. I am delighted to deliver this report, my second and last at our AGM, which as with recent years has now settled into a hybrid format. Welcome everyone. Those Chambers' Representatives on the Committee who are unable to join us in person will again have to grapple with the challenges of voting online and will not enjoy the wonderful hospitality of my own chambers, Essex Court, for which many thanks as ever go to our Chambers hospitality team.

2. I said last year that it had been an exceptionally busy year for COMBAR and if it is at all possible, I think this year has been even busier. In this regard I need again and for the last time, formally to thank each and every single member of the Executive, each of the Officers, the sub-committee chairs and members and of course our wonderful Administrator Nic, for the tireless work in helping us progress the work that COMBAR is driving forward. In saying this I do also wish to thank individually Alex Gunning KC and Henry King KC who have been of immense support throughout and I have been the great beneficiary not just of their tireless energy but very good counsel. There is no question that COMBAR going forward is in very good hands. There is a great wealth of talent in the senior leadership that gives me great pride and confidence.

3. When I took over as Chair from Sonia two years ago I had earmarked five specific areas of work that I hoped we would be able to advance, building where possible on our past work:

- a. Equality, diversity and inclusivity;
- b. Addressing the gender pay gap;
- c. Assisting the Law Commission in its work in our field and particularly with regard to the review of the Arbitration Act;

- d. Reinforcing and expanding our international programme, particularly after the two-year enforced gap which we all saw as a result of Covid and lockdown;
- e. Developing tools and a programme of events to address the important issue of wellness at the Commercial Bar.

4. This was not a programme for the faint-hearted and very little, if any, of this could be achieved without the support of so many of you who have given up precious spare time to pitch in, to share workload, and nudge forwards each and every initiative. As you will read in the individual reports you will see we have made huge progress in each of these areas and we find ourselves in good shape to continue this work under the new Chair.

5. Before turning to the individual reports, I wanted to highlight a few aspects of our work that I believe will be of longer term importance and significance.

6. First as regards our international programme we have formed an entirely new Gulf Committee. COMBAR held its inaugural COMBAR Gulf Conference in February 2023. Thanks to the tireless work of many and in particular George Spalton KC the Committee Chair, it was a huge success. Indeed, I think as a first for a COMBAR international event, it was a sell-out and people had to go onto a wait list to attend. It is hoped that COMBAR will repeat this formula in January/February 2024 and I would encourage people to book early to avoid disappointment.

7. Sticking with the international side of our work, I wanted to mention a few other important matters. We held our annual COMBAR North America Conference in Boston at the very end of May and beginning of June 2023. Thanks go to our wonderful North America co-Chairs, James Willan KC and Anneliese Day KC and of course to Mr Justice Foxton who was our brilliant (and hard-working) judicial guest. Mr Justice Foxton not only gave two brilliant speeches but also took time to meet the juniors for a breakfast and hear their voices and concerns in junior practice. Many of you said it was one of our best conferences ever and a part of this also has to be down to the decision we made to bring together our North American and Offshore colleagues. Alex Potts KC, Rosalind Nicholson and Georgina Peters served as our brilliant Offshore Committee Co-Chairs. I think it is fair to say that going forwards we will seek to bring about these combined events as a regular event. It makes perfect sense and

was extremely enjoyable for all concerned. We have also re-formed and repopulated our India and Africa Committees more of which is set out below. The new co-Chairs of the India Committee are Sudhanshu Swaroop KC and David Brynmor Thomas KC. The new co-Chairs of the Africa Committee are Andrew Onslow KC and Abdul Jinadu. There is a wonderful India Roundtable planned for 15 – 16 September in Mumbai (with Lord Leggatt as our judicial guest) and which I would encourage you to go to if you can. These are always amongst the most fun events that COMBAR organises and Mumbai is one of the most extraordinary cities to visit replete with Victorian gothic architecture aplenty and shall we say a vibrant nightlife. The Africa Committee is working toward its inaugural event in 2024 in Mauritius.

8. COMBAR has also (with many thanks to the incredible work of the indomitable team assembled by Andrew George KC) been at the forefront of the response to the Law Commission's consultation on the review of the Arbitration Act. I think it is much to the credit of the work undertaken by COMBAR that in large measure the second Consultation raised by the Law Commission followed on from the recommendations made by COMBAR in our first substantive paper. It is fair to say that COMBAR's response delved into the many questions raised, in particular the governing law of the arbitration agreement and the proposals with regard to s67 of the Act in a level of detail simply not found in the other responses we have seen. It is apparent that the Law Commission was grateful to COMBAR for the assistance we have given. We now look forward to seeing the final recommendations and hopefully the passage of an amended Arbitration Act which will keep England and Wales at the forefront of international arbitration practice.

9. The many important lines of work with regard to equality, diversity and inclusivity are addressed in the individual reports below and enormous thanks must go to the joint chairs of the E&D Committee, Niamh Cleary and Sid Dhar KC, for driving these initiatives forward. From the start COMBAR has been keen to think and act creatively to address questions of under-representation at the Commercial Bar particularly of black barristers. Together with the University of Oxford we created a unique fully funded scholarship for two black students with an interest in a career at the Commercial Bar to attend the BCL at Oxford. Although a final decision will have to be taken next year, it is likely that COMBAR will in the future expand the reach of this innovative programme to other leading universities. This will of course require further work and collaboration with other academic institutions. The mentoring scheme for students from under-represented backgrounds is also a programme which we can be proud of and is expanding in

its numbers and reach from year to year. Alex Wright KC in particular has put in an enormous shift on this programme together with many others and I thank each of you for making this such a success. This is by no means all that COMBAR is doing. We have responded to the Black Inclusion Group Report and took part in a packed (standing room only) roundtable discussion at Grays Inn on the next steps. I spoke at this meeting and indeed was the only SBA Chair to do so. I told the meeting that there was a determination to make progress and that we would listen to practical ideas that can deliver in this area.

10. COMBAR's work in relation to the gender pay gap continues and at the moment is addressing the best and most accurate way to gather statistical data from which we can then proceed. I am certain that those who succeed me will take this hugely important work forward and address the concerns that have been raised by many at the Commercial Bar.

11. I also wanted say a word about the work in relation to wellness at the Commercial Bar. This has for many years been something of a taboo area as it is somehow thought to betray weakness, and perhaps even an unwillingness to put in a proper shift of work in what is and will always remain a hard job. These are all gross misconceptions. We can no longer put off an honest discussion as to how we can all do this job better; whether in terms of protocols for sending and responding to emails in the middle of the night, or the way we treat one another in and out of court or simply best practice for de-stressing and relaxing outside of work and at night. I have now spoken at a number of these events and the response has been remarkable on each occasion. In Boston I proposed that COMBAR for the first time work together with other Bar organisations in North America to develop guidelines of best practice in this field-applicable both in litigation and international arbitration. In a little over 48 hours I received more than a dozen emails volunteering help to take this work forward. This is clearly an area that gets through to a significant number of practitioners. I want to express my particular thanks to Thomas Munby KC, Chloë Bell (our committee Co-Chairs) and to Oliver Caplin for the huge drive, enthusiasm and work in the area. Further details are given in the report below, but it is sufficient at this stage to say that from the start I wanted COMBAR's work in this field to stand out as leading the debate. Although it is still early days, I think I can say with a measure of confidence that this aspiration is going to be met.

12. Finally, I wanted to thank Sir Julian Flaux for giving what was truly an exceptional Combar Annual Lecture in November 2022. Sir Julian spoke on the topic of; "*Is commercial*

*litigation going green? Environmental and greenwashing claims and how they will shape the law.*” As the lucky audience might have expected, the breadth of analysis and erudition was really exceptional. The subject matter of the debate will continue to challenge and fascinate us all in practice.

13. I have spent all in all twelve years working on COMBAR matters, on the Executive, chairing committees and then occupying the roles of the various senior officers. For those of you wondering whether to get involved all I can say is that I have enjoyed greatly not just the work, and the company but the variety of the important issues that we have been tackling. I would encourage anyone to take an interest in doing this work in order to ensure that the Commercial Bar continues to thrive in the future as it has in the past.

**DAVID JOSEPH KC**

**CHAIR, COMBAR**

**27 July 2023**

## **Education Programme**

1. This year's CPD committee has comprised Philippa Hopkins KC and Michael Ryan. As ever, the programme has been busy.
2. The Ashworth Centre at Lincoln's Inn continues to be our preferred venue for events. The majority of events have been hybrid (in person and online), with recordings being later made available for members on the COMBAR website. One event has been online only, and another was kindly hosted by 3 Verulam Buildings. The Annual Lecture continues to be held in Gray's Inn Hall.
3. The Annual Lecture took place on 16 November 2022, and was delivered by the Chancellor, Sir Julian Flaux. His title was, "*Is commercial litigation going green? Environmental and greenwashing claims and how they will shape the law.*" The large audience, both in person and online, greatly enjoyed his topical and thought-provoking paper.
4. The 2023 Annual Lecture will be held on 7 November 2024, in Gray's Inn Hall. The speaker will be Lord Justice Popplewell (lecture title to be announced).
5. Other COMBAR educational events in the 2022-2023 year were as follows:
  - 5.1. On 26 September 2022 (moved from a date in July 2022 because of train strikes), Maya Lester KC and Stephen Horan spoke on, "*Sanctions: issues for commercial lawyers*".
  - 5.2. Alex Potts KC, Rosalind Nicholson and Matthew Hardwick KC gave an online presentation on 20 October 2022 entitled, "*Offshore: everything an English barrister needs to know about the British Virgin Islands, the Cayman Islands, and Bermuda, but is too afraid to ask*".
  - 5.3. On 6 December 2022, Charles Dougherty KC and Patrick Lawrence KC gave a talk on recent decisions relating to the Civil Liability (Contribution) Act 1978: "*Contribution revisited: Percy v Merriman White and SSAFA v Viersen*".
  - 5.4. The first event of 2023 was organised in conjunction with the Wellbeing Committee, to highlight the importance which the COMBAR Executive attaches

to wellbeing issues. It was a seminar on “*Wellbeing at the Commercial Bar*”; we are most grateful to Mrs Justice Cockerill DBE, David Joseph KC, Lucy Burrows and Oliver Caplin, who made up the panel.

- 5.5. On 1 February 2023, Mr Justice Jacobs spoke on “*Are you Being Served? – Problems of service on the shop floor*” (with particularly entertaining slides).
- 5.6. On 9 March 2023, FTI Consulting kindly hosted a lecture by Dr Meloria Meschi of FTI, at 3 Verulam Buildings, on the topic, “*Assessing causation in crazy times – Demystifying statistics and econometrics*”.
- 5.7. On 5 April 2023, Professor Louise Merrett and William Day spoke on “*Fraud in private international law*”.
- 5.8. On 19 June 2023, Jack Baughman reprised his popular talk (delivered first at the North American Meeting) on “*The Art of Persuasion*”. We are particularly grateful to Jack for filling a gap, necessitated by the late postponement of another event, at short notice.
- 5.9. On 20 July 2023, Stephen Kenny KC chaired a panel of speakers from the Bar Council’s Ethics Committee, the subject being “*Ethical Questions for the Commercial Bar*”.

6. Mr Justice Calver’s planned talk on cryptocurrency fraud, which was scheduled first for May and then for June, had to be postponed twice; it is hoped that this can be rescheduled for the autumn term. In addition, Mr Justice Nicklin and Mr Justice Foxton have kindly agreed to speak, on 4 October 2023, on the subject, “*Article 10 ECHR - What Commercial Lawyers Need to Know*”.

7. Videos and/or written materials from the education programme can be viewed in the members’ area of the COMBAR website.

8. As ever, we are grateful to all those who have offered their time and expertise to speak to COMBAR. The professional education programme is at the heart of what we do.

9. Suggestions for speakers and topics are always welcome and should be made to Philippa or to Michael.

Philippa Hopkins KC  
Michael Ryan  
Co-Chairs Professional Education

### **Consultations**

10. COMBAR enjoyed its busiest year yet in consultations responses, spearheaded by its important responses to the Law Commission's long-awaited consultation on the Arbitration Act 1996, which was shortly followed by a supplementary consultation on 3 issues the Law Commission considered merited further consideration. COMBAR's expert team of specialist practitioners provided detailed and substantive responses which contributed to major developments in the Law Commission's proposals, particularly in persuading it to consider reforms in the highly-contentious area of the identification of the governing law of an arbitration agreement.

11. COMBAR produced equally expert contributions in response to two consultations concerning the linked areas of digital assets (Law Commission) and the future regulation of cryptoassets (His Majesty's Treasury). The legal challenges produced by these novel types of assets and the way they interact, often without human intervention, to create or modify obligations are some of the most complex currently existing. COMBAR was again able to assemble a team of highly-experienced specialist practitioners in the area and, building on previous joint arrangements in recent years, teamed up with similar experts at the Chancery Bar Association, in relation to Digital Assets, and the Financial Services Lawyers Association, in relation to the regulation of cryptoassets, to provide the most comprehensive and well-informed response possible from across the relevant areas of the Bar.

12. Notwithstanding these substantial projects, COMBAR continued to respond to all consultations where it considered it to be in members' interests to do so or that it could assist to inform the public policy debate. These included Ministry of Justice Consultations on adopting the Hague Convention 2019 for the recognition and enforcement of foreign judgments in civil or commercial matters and increasing the use of mediation in the civil justice system and a request for input by the UK Government on matters relating to export support services.

13. COMBAR looks forward to continuing to play its full part in responding to the increasing number of consultations which affect its members throughout the coming year.



Andrew George KC

Consultations Chair

### **Pro Bono**

14. In May 2023 Andrew Fulton KC and Alice Carse had a useful meeting with Foxton J and HHJ Pelling KC to consider ways of improving take-up for the Pro Bono advocacy scheme in the Commercial Court and London Circuit Commercial Court. The scheme is run in conjunction with Advocate. We understand that there are very few cases in either court involving a litigant in person who might benefit from pro bono assistance. It appears that the best way of encouraging take up of pro bono services for cases that would be entitled to it is by signposting Advocate's services. The court is looking into whether it is possible to signpost Advocate's services on CE filing and also considering how many upcoming hearings might be suitable for the scheme.

Andrew Fulton KC/Alice Carse

Pro Bono

### **Equality and Diversity**

#### **COMBAR E&D Committee: 2022/2023 Projects**

15. Below we set out the work that COMBAR's E&D Committee has been undertaking over the past year. Broadly, these projects have been aimed at (1) improving access to the profession; and (2) improving progression and retention of members once in the profession.

#### **Projects aimed at access**

16. **Oxford BCL scholarship.** In April 2022, COMBAR agreed with the University of Oxford to offer two scholarships for study on the BCL for a 3-year period. The Scholarships are available to graduate students ordinarily resident in the UK and declaring Black/Mixed Black ethnicity, who indicate a serious interest in commencing a career at the commercial bar. No applicants eligible for the scholarship have been offered a place on the BCL in the past two years. 2023-2024 marks the final year of the scholarship and the E&D committee is considering whether the scope of the scholarship could be widened, so as to extend it to post-graduate law courses in other universities.

17. **Inner Temple and Middle Temple COMBAR scholarship schemes.** These are existing schemes which COMBAR supports. They are administered by the Inns and look at under-represented groups, providing a week's mini-pupillage at a commercial set and ongoing mentoring. The scheme has returned to "normal service" following the pandemic. Middle Temple has increased the value of the stipend offered with the scholarship from £500 to £700, and COMBAR has increased its funding commitment from £5,000 to £7,000 (i.e., 10 scholarships) in line with that increase.

18. **Law Fairs.** As mentioned in previous reports, the Law Fairs Programme is now administered by the Bar Council. The Bar Council has confirmed that it will be running a hybrid programme this year with an online Pupillage Fair throughout the week commencing 10 October, and an in-person fair on Saturday 14 October 2023. COMBAR has confirmed its attendance at the latter. We will also be represented (ideally by two speakers) at a panel event, entitled 'Life at the Chancery and Commercial Bar' on Tuesday 10 October 2023. COMBAR has had requests for attendance at other Law Fairs and/or events including from the University of Exeter, Chester Student Law Society, and the University of Dundee. Some of these (for example, Dundee) were too far away, without facilities for remote attendance. Others were seeking attendance at events other than Law Fairs, which on closer inspection were, in effect, networking events for professionals and not therefore a platform for improving access to the profession (e.g. a Gala dinner organised by Chester). Otherwise, helpful feedback was collated by the Legal Outreach Partnership Group of the Bar Council on the 2022/23 law fairs, which is actively considering options as to how to improve outreach through strategic partnerships with universities and attendance at particular (well-attended) law fairs.

19. **Gray's Inn Griffin LAW Programme.** Gray's Inn have a programme called GRIFFIN LAW (Law and Advocacy Workshops) which is their vehicle for promoting social mobility and access to the Bar. The Griffin Access Programme ("GAP") forms part of the outreach programme and is an 18-month programme working with students in Years 12 & 13. This year the E&D Committee ran a session on the commercial bar. It was split into a panel discussion of commercial practitioners, a Q&A session and then break out to do a mock advocacy exercise.

### **Projects aimed at improving progression and retention of members**

20. **Black Inclusion Group ("BIG"):** The BIG is a cross-SBA working group, jointly commissioned by the ChBA, COMBAR and TECBAR in June 2020 to report on Black inclusion at the specialist areas covered by the three SBAs. The BIG published its report in

April 2022 setting out certain recommendations in respect of promoting the recruitment, retention, and progression of Black barristers. In addition to initiatives that were already underway at the time of publication of the BIG Report,<sup>1</sup> the E&D committee has hosted the following initiatives (jointly with TECBAR and the ChBA):

20.1 An event formally launching the report and discussion of its key recommendations was held in December 2022. The E&D committee hopes that this event and those held subsequent (see below) shine a spotlight on the issues raised in the BIG report and to assist in keeping Black inclusion on the agenda.

20.2 An event on the KC application process. This event was held on 30 January 2023. Representatives of the Judges of the Business and Property Courts, and the KC Selection Panel were joined by recent KC applicants to assist in explaining to practitioners the evidence required to support a positive reference for the KC Selection Panel.

20.3 On 27 June 2023, COMBAR hosted (alongside ChBA and TECBAR) an online panel discussion with the editors of both Chambers & Partners and The Legal 500, to consider issues of representation and inclusion and to encourage directory submissions from the most diverse pool of applicants. Penetrating questions were asked of the editors on a range of important D&I issues and the feedback from participants has been positive.

21. Further initiatives are under consideration, including joint initiatives with ChBA and TecBar.

22. **Income Disparity Working Group.** The Income Disparity Working Group was established to support member sets in their efforts to implement the Bar Council's guidance and to facilitate interaction between chambers who are undertaking work in this area. Georgina Peters, Niamh Cleary and Conall Patton led its first roundtable discussion on 21 November 2022. It was attended by both barristers and members of Chambers management, from a group of sets, who had volunteered to share their experiences in undertaking analysis into income disparity. Two common themes were recognised as being matters about which COMBAR might be able to take decisive action:

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<sup>1</sup> Some initiatives were already underway or well established before the publication of the Report: for example, the COMBAR mentoring scheme for underrepresented groups, the COMBAR practitioner mentoring scheme, the Oxford scholarship, and the work of the income disparity working group. However, notwithstanding the initiatives that are already underway, there is a lot to be done in promoting black inclusion, and it remains an ongoing area of work, along with other diversity initiatives.

22.1 First, it was recognised that fair work allocation was an essential element in taking any meaningful steps to address income disparity. However, a number of participants (particularly on the clerking or Chambers management side) identified deficiencies in the software used by the various member sets (Lex and MLC), which made it difficult accurately to monitor and address fair work allocation. It was agreed that COMBAR would send out a survey to all member sets, asking for their requirements from the Lex and MLC software. The survey is currently in draft and will be circulated to the sets who participated in the round table for their comments before being circulated more widely to the COMBAR sets.

22.2 Secondly, participants recognised that no matter what steps individual sets take to monitor/address fair work allocation, any such efforts might always be constrained by the originating instruction (i.e. from solicitors or clients). The Working Group is giving thought as to how this issue should be addressed.

23. **Disability.** Following the creation of a specific disability portfolio, a number of initiatives have been identified to pursue the following aims: (1) to encourage those with those disabilities to consider a career at the Commercial Bar; (2) to assist those with disabilities already at the Commercial Bar; and (3) to increase awareness and knowledge on the part of those at the Commercial Bar as to issues faced by disabled lay and professional clients and colleagues. As a first step, the E&D committee proposes to hold an event with Robert Hunter from City Disabilities on disability etiquette. It is hoped to hold this event in Michaelmas Term 2024. James McWilliams (the disability lead) has also identified a number of charities that COMBAR can work with to support their ongoing work, as well as developing initiatives to further the three aims identified above.

24. Finally, Siddharth Dhar will be stepping down as Co-Chair of the E&D Committee at the end of this year. As well as being Co-Chair, Sid is also a long-serving member of the E&D Committee. The rest of the committee would like to thank Sid for all of his work over the years.

Niamh Cleary and Siddharth Dhar

Co-Chairs of the E&D Committee

### **Wellbeing and Mentoring Sub-Committee**

25. Following a searching and frank discussion at 2022 North America conference in Florence of wellbeing issues facing the commercial bar, an initial discussion event open to the whole of Combar was held in London on 16 January 2023. Combar is very grateful to

Mrs Justice Cockerill, David Joseph KC, Lucy Burrows (Deputy Senior Practice Manager at 3VB) and Oli Caplin, who spoke on the panel and to all the members who contributed to the lively discussion under the “Chatham House rule”. The 2023 North America conference in Boston featured a further valuable discussion. The main focus of the panel on that occasion was to move past the identification of Wellbeing as an issue which needs grappling with, which is now a fairly well-established idea within COMBAR. The panel therefore began to explore a selection of possible solutions to different facets of the Wellbeing challenge. As part of the discussion David Joseph KC proposed that work begin on putting together a form of ‘advocate’s charter’, which would seek to lay down best practice for how advocates conduct themselves towards each other within the context of adversarial litigation.

26. The Wellbeing and Mentoring Sub-Committee is currently considering several potential projects (some following on from suggestions raised at those meetings) with a view to promoting awareness and understanding of wellbeing issues for the Commercial bar, and making a distinctively Combar contribution to adopting and furthering the existing work of the Bar Council’s Wellbeing at the Bar initiative. The current focus is on considering how best to ensure COMBAR adds something material to the wealth of information already ‘out there’ (perhaps via something in the nature of the proposed “advocate’s charter”), rather than producing further documentation in a somewhat saturated marketplace. Plans are under consideration to liaise with the Commercial Court in order to better understand how the Bar and Judiciary can work together to improve matters which might adversely affect the Wellbeing of both barristers and judges.

27. The next wellbeing event for Combar members will be a training session on Sleep Health with a distinguished external speaker, Dr Mike Farquhar (Consultant in Sleep Medicine at the Evelina London Children’s Hospital) which is due to take place in the Ashworth Centre in Lincoln’s Inn on 13 November 2023. It is the hope of the Wellbeing and Mentoring Sub-Committee to be able to schedule a mixture of internal discussion / panel events on wellbeing issues (on the one hand) and more concrete training / support events with knowledgeable external speakers (on the other). Thoughts for the next panel event in 2023/2024 include one concerned with the Wellbeing challenges faced by parents of young children at the Bar, to possibly be followed by talk focussed on good diet, and the impact that diet can have on the preparedness for hearings.

28. In parallel, the mentoring scheme for established practitioners continues to do valuable work. Thanks are due to David Mumford KC, who continues to superintend the scheme; and to Sa'ad Hossain KC, Charlotte Tan, Hannah Glover, Ruth Hosking and James MacDonald KC who continue to serve with him on the matching committee.

### **Mentoring Scheme - Social Mobility Mentoring Scheme (Students)**

29. This year marked the first completed year of COMBAR's mentoring scheme for potential pupillage applicants from groups who are under-represented at the Commercial Bar. It follows two years of a similar scheme being administered and undertaken by a number of individual commercial sets, to whom COMBAR is indebted for pioneering this important project. The objective of the scheme is to provide one-to-one mentoring support for applicants with the potential to pursue a career at the Bar who are in need of mentoring, particularly those from the most under-represented communities.

30. COMBAR has been delighted at the excellent uptake of the scheme by both member sets and prospective future pupils. Out of 316 applicants for mentoring, COMBAR was able to offer places to just over 250 of them with 22 member sets kindly providing mentors and covering reasonable travel expenses for their mentees. The participating sets for the 2022 – 2023 cycle were, in alphabetical order: Blackstone Chambers, Brick Court Chambers, Devereux Chambers, Essex Court Chambers, Fountain Court Chambers, Gatehouse Chambers, Henderson Chambers, Keating Chambers, 7 King's Bench Walk, 11 King's Bench Walk, Monckton Chambers, 4 New Square, One Essex Court Chambers, Quadrant Chambers, 4 Pump Court, Serle Court, South Square, 36 Stone, 2 Temple Gardens, Twenty Essex, 3 Verulam Buildings and XXIV Old Buildings.

31. In addition to individual mentoring pair sessions, a mentoring workshop was held on 24 January 2023 at Gray's Inn. COMBAR is grateful to them for hosting the event. The event was very well attended, with about 120 mentees in person and more than 50 further mentees joining remotely. A keynote introductory address was given by Mr Justice Foxton, the Judge in Charge of the Commercial Court, followed by a series of talks and panel discussions from commercial barristers across a range of sets covering topics spanning CVs to pupillage applications and interviews. This was followed by a drinks and canape reception in the Hall which saw about a further 50 barristers join and informally speak to the mentees. Thanks to James Thompson and Emily Betts for all of their hard work in organizing this successful event,

to Mr Justice Foxton, and to all of those who spoke at this event. Building on that success, the workshop and reception will be repeated this year, on 16 January 2024.

32. The scheme has now opened for its second year. Applications are currently open until 22 September 2023 with successful applicants notified in October 2023 and the mentoring cycle then running to July 2024. COMBAR is delighted to say that all of the 22 sets that participated last year have renewed that participation, and that Radcliffe Chambers has signed up as the 23<sup>rd</sup> participating set for this year.

33. As with last year, COMBAR has advertised the scheme widely through universities careers departments, and third sector organisations such as the Social Mobility Foundation and Sutton Trust. COMBAR is also grateful to its media partner, Legal Cheek, for promoting this important project and for organizing a special event over the summer to advertise the scheme directly to its readership.

Alexander Wright KC

Chair, Social Mobility Mentoring Committee

### **Junior COMBAR**

34. In early 2023, Owen Lloyd took over as Chair of Junior COMBAR, with Emma Hynes taking over as Vice-Chair. The Committee more generally was refreshed with junior members to replace those who were no longer within the Junior COMBAR constituency or fast approaching that threshold.

35. On 15 March 2023, Junior COMBAR run a panel event for International Women's Day. The event focused on the particular challenges facing female junior commercial barristers – including career development, caring responsibilities and career breaks along with health and wellbeing. The event was interesting and informative. Although physical attendance was less than hoped, this was likely due to strike action that day.

36. On 18 July 2023, Junior COMBAR held a canape and drinks reception hosted by Blackstone Chambers. This proved to be a well-attended event, with the maximum number of attendees registering in short order and good attendance on the night. Alongside this, COMBAR supported an event run with Gatehouse Chambers and the Bar Council concerning the development of an international practice at the Commercial Bar.

37. Following approval of its budget, Junior COMBAR has a programme of events to deliver for the remainder of 2023 and into 2024. Our intention is to run an event in early Michaelmas addressing the challenges facing very junior COMBAR members (i.e., those in the first three years of practice) and subsequently a series of events concerning junior advocacy (both oral and written). We also intend to commence a series of online seminars introducing areas of commercial law to junior practitioners.

38. More generally, we are also seeking to run events with the Junior London Solicitor Litigation Association and/or Young Arbitration Group as well as having greater involvement in diversity programmes.

### **International**

39. The international work of COMBAR has continued apace in 2022-2023. Each of the sub-committees that sits underneath the International Committee has reported on its own individual work below, and those reports speak for themselves. One more general point that can be added to those reports is this – it remains an ambition of the International Committee to increase the participation of more junior members of COMBAR in international events. COMBAR has made a number of grants in the course of the year under the “International Professional and Legal Development Grant Programme” jointly run by the Bar Council Scholarship Trust and various SBAs (including COMBAR). Junior members of COMBAR are encouraged to make use of the scheme in the coming year to attend future events.

Fionn Pilbrow KC

International Chair

### **Africa Committee**

40. The Combar Africa Committee was reconstituted about a year ago. The Committee Chairs are Abdul Jinadu (Keating Chambers) and Andrew Onslow KC (3VB). The Committee’s membership designedly represents a good spread of African jurisdictions and geography.

41. The Committee has held a number of meetings (essentially quarterly). Recent and current/future activities are:



41.1 A reception for a large delegation from the Ghana Bar Association, led by the President (Yaw Acheampong Boafu), was held jointly with the Bar Council International Committee on 14<sup>th</sup> June. A panel presentation and discussion on the subject of Mediation was followed by drinks and supper. The panel comprised Nania Owusu-Ankomah (Committee Member, Combar Honorary Overseas Member), Beverly-Ann Rogers (Serle Court) and Charles Hewetson (Partner, Reed Smith). Mr Justice Robin Knowles welcomed our guests. Other attendees included Barbara Mills KC, Bar Vice-Chair elect, Alex Gunning KC (Combar Chair elect) and Lord Briggs JSC. The evening was very convivial, and much enjoyed by all.

41.2 Plans for a “flagship” event in Mauritius, modelled on the North America and India events, are taking shape. The proposed dates for the event are 23-25 October 2024. These dates (over UK half-term), and Mauritius as the venue, have been chosen with a view to attracting Combar members, who may think of mixing their attendance with a family holiday on the Indian Ocean. A good attendance by members of the Mauritius Bar, its arbitral institutions and Government, is expected. It is also planned to invite leading practitioners from other African jurisdictions, in particular from East and Southern Africa. The themes and topics will be arbitration-related.

41.3 Members of the Committee have attended Africa-related events in London. Members will also be attending the East Africa International Arbitration Conference (Zanzibar, 23-24 August 2023), the Nigerian Bar Association Annual General Conference (Abuja, 28 August - 2 September 2023), and the African Arbitration Academy Conference (Cape Town, 12-14 October 2023). There will be 4 or 5 members of the Committee at the last of these, and a Combar breakfast meeting with select invitees is planned.

41.4 We are in contact with ILFA (International Lawyers for Africa) about again hosting their delegates for a week in the autumn. Members of the Committee will be asked to host, or arrange for the hosting, of individual delegates. As last year’s cohort showed, the ILFA delegates are of outstanding quality (12 of so out of some 5,000 applicants), with very promising futures ahead of them. It is hoped that Combar members and sets will assist in ensuring that their placements are enjoyable and productive.

41.5 We have recently advertised for new members of the Committee, in particular with a view to stronger representation for the North African commercial law sector. There was a healthy response and we are delighted to welcome to the Committee Tom Francis, Karim Ghaly KC and Jamsheed Peeroo.

Abdul Jinadu  
Andrew Onslow KC  
Africa Committee Co-Chairs

### **Gulf Committee**

42. The Gulf Sub-Committee was set up in 2022 and is made up of individuals from a range of chambers and different levels of seniority, all with extensive experience of work in the Gulf (whether DIFC, Dubai, Abu Dhabi or elsewhere).

43. The inaugural meeting took place on Thursday 23 February 2023 at The Capital Club in the DIFC. It involved two panel sessions – one chaired by Andrew Spink KC and the other by Anneliese Day KC, with an even split of speakers from COMBAR and practitioners from Dubai, both in-house and from a range of law firms. David Joseph KC and His Excellency Justice Shamlan Al Sawalehi both kindly agreed to speak. FTI sponsored the event and provided administrative support from Dubai. It was very well attended – both by English barristers and practitioners from Dubai – and I would like to pass on my thanks to Nic for all her incredible support and hard-work in setting up the event and making it a success.

44. We are currently planning a second event in Dubai and are looking at dates in January / February 2024. It will again involve a roundtable discussion followed by drinks – however we are aiming to hold the event at a slightly larger venue. Further details will be circulated in the early part of the autumn.

George Spalton KC  
Chair, Gulf Committee

## **India Committee**

45. The Combar India Committee was established in 2016 to promote links between the English commercial and arbitration Bar and their counterparts in India, taking advantage of the two jurisdictions' shared legal heritage and frequent opportunities for cross-border work.

46. Following the hiatus due to covid, the Combar India 4th Annual Roundtable Conference was held on Saturday 17th September 2022 in Edinburgh. The event was a great success, despite cancelling the gala dinner as a mark of respect to HM The Queen. The theme of the meeting was "*International Disputes and Public Policy*" and we were honoured to have The Hon'ble Justice Nariman join us as our distinguished Judicial Guest from India as a keynote speaker. We were also honoured to be joined by The Rt Hon Lord Justice Singh who gave the closing address to the conference. The event was organised by Charles Béar KC and David Joseph KC, the outgoing India Co-Chairs and our thanks go to them for all their efforts over the years establishing the India Committee and building the relationships with our Indian Colleagues.

47. The current Co-Chairs took over at the beginning of 2023 and are in the process of preparing for the 5th Combar India Round Table, which will move back to India where it is being hosted, once again, at the Taj Mahal Palace Hotel in Mumbai from the 15th-16th September 2023. There will be sessions on major issues in arbitration (including the applicable law of the arbitration agreement, the position of third parties and the role of emergency arbitrators); interim relief (including freezing injunctions and tips for effective advocacy); and global challenges (including technology and AI).

48. Lord Leggatt will be attending as the UK Judicial Guest and we are in the process of confirming our Indian Judicial Guest. We very much look forward to hosting the event in September.

David Brynmor Thomas KC

Sudhanshu Swaroop KC

Co-Chairs India Committee

## **North American Committee**

49. We had an extremely successful Combar NAM in Boston with 75 attendees at the conference and over 100 at the social events with partners and children attending. There was a wide range of US states/Canadian provinces represented, as well as colleagues from Mexico, with a diverse age range of attendees (something we were aiming for). The involvement of the Offshore HOMs also worked brilliantly, creating a natural link between North America and the UK and making the whole event even more cohesive.

50. The conference was of very high standard with a blend of representatives from varied jurisdictions on all panels. There were panel sessions on cryptoasset litigation/financial crime, cross-border litigation, misrepresentation claims and wellbeing. The latter generated much interest and debate, and has started an initiative by COMBAR to develop guidance on conduct of proceedings. Mr Justice Foxton was our guest of honour, who gave an excellent talk on trial advocacy. This was complemented by a talk from Jack F Baughman on the Art of Persuasion (which he then subsequently repeated in London). The conference was completed by an entertaining and thought-provoking debate on whether the trial process was fit for purpose, which also offered interesting perspectives on the different approaches in North America and England/offshore.

51. The Langham Hotel was a fantastic conference venue both in terms of facilities and because the vast majority of attendees stayed there. One of the many highlights was being able to have breakfast in a private space which started the day off with everyone together. Mr Justice Foxton also hosted a smaller breakfast one morning for the most junior attendees.

52. We had three fantastic evening events: a welcome reception in the Langham watched over by paintings of the founding fathers, drinks with a high rise view on Thursday evening at the magnificent Boston College club and then a more formal dinner at the John Joseph Moakley Courthouse hosted by Chief Judge Barron (complete with thunderstorm and collapsing table to liven up the evening!).

53. A huge thanks to all who were instrumental in organising and especially to all participants, David Joseph KC and Mr Justice Foxton and of course Nic who worked tirelessly and always cheerfully to make it happen.

Anneliese Day KC/ James Willan KC

Co-Chairs North American Committee

### **Off-Shore Committee**

54. The offshore committee was newly re-established, co-chaired by Rosalind Nicholson, Alex Potts KC and Georgina Peters. A very successful seminar was held in 2022 on the topic of building an offshore career. The committee began actively recruiting additional Honorary Overseas Members from offshore jurisdictions, and for the first time in some years, the North America Meeting was combined with an Offshore Meeting. A large number of offshore lawyers attended the meeting, which contributed greatly to its wider interest, success and warm atmosphere, and the intention is to continue to invite offshore lawyers to future meetings.

Alex Potts KC/Rosalind Nicholson/Georgina Peters

Chairs, Offshore Committee

## **Annex: COMBAR's Officers, Executive Committee Members and Sub-Committee**

### **Chairs and Members**

#### **Officers**

Chair: David Joseph KC (Essex Court Chambers)  
Vice-Chair/Treasurer: Alex Gunning KC (One Essex Court)  
Secretary: Henry King KC (Fountain Court Chambers)  
Chair, International Committee: Fionn Pilbrow KC (Brick Court Chambers)  
Consultation Chair: Andrew George KC (Blackstone Chambers)

#### **Executive Committee members**

Chloë Bell (3VB)  
Christopher Bond (3 VB)  
Niamh Cleary (Fountain Court)  
Anneliese Day KC (Fountain Court)  
Andrew Fulton KC (Twenty Essex)  
Philippa Hopkins KC (Essex Court Chambers)  
James MacDonald KC (One Essex Court)  
Georgina Peters (South Square)  
Jeremy Richmond KC (Quadrant Chambers)  
Michael Ryan (7 KBW)  
James Willan KC (Essex Court Chambers)  
Alex Wright KC (4 Pump Court)

#### **Sub-committees**

##### **Inclusivity, Equality and Diversity:**

Niamh Cleary (Fountain Court Chambers) and Sid Dhar KC (Essex Court Chambers) - Joint Chairs  
Lucy Colter (4-New Square) – Liaison with the Social Mobility Mentoring Committee  
Richard Fisher KC (South Square) – 25th Anniversary Scholarship Scheme  
Sara George (Sidley Austin LLP)  
Harini Iyengar (11 KBW)  
Zulfikar Khayum (Atkins Chambers)  
Owen Lloyd (Essex Court Chambers) – Liaison with Junior Combar  
James MacDonald KC (One Essex Court) – Liaison with Combar Executive Committee  
Georgina Peters (South Square) - Income Disparity  
Celia Rooney (Blackstone Chambers) – Law fairs  
James McWilliams (3 Verulam Buildings) – Disability  
Marlena Valles (Blackstone Chambers) - Liaison with FreeBar  
Rebecca Page (Maitland Chambers)

##### **Junior Combar:** Chair handed over December 2022

Kira King (XXIV Old Buildings)/Owen Lloyd (Essex Court Chambers) - Chair  
Owen Lloyd (Essex Court Chambers)/Emma Hynes (Gatehouse Chambers) – Vice Chair  
Sophia Dzwig (3VB)

Hannah Glover (3VB)  
Ravi Jackson (3VB)  
Andrew McLeod (One Essex Court)  
Bibek Mukherjee (Essex Court Chambers)  
Jessica Powers (New Square Chambers)  
Ajay Ratan (Blackstone Chambers)  
Alyssa Stansbury (One Essex Court)

### **International Sub-Committees**

#### **North America Committee:**

Co-Chairs: James Willan KC (Essex Court Chambers)  
Anneliese Day KC (Fountain Court Chambers)

#### **Africa Committee:**

Co-Chairs: Andrew Onslow KC (3VB) and Abdul Jinadu (Keating Chambers)  
Yash Bheeroo (3VB)  
Jane Davies Evans (3VB)  
Monica Feria-Tinta (Twenty Essex)  
Thomas Francis (4-5 Gray's Inn Square)  
Karim Ghaly KC (39 Essex Chambers)  
James Goldsmith KC (One Essex Court)  
Anna Greenley (Devereux Chambers)  
Julius Nkafu (Great James Street Chambers)  
Teniola Onabanjo (3VB)  
Nania Owusu-Ankomah (Bentsi-Enchill, Letsa & Ankomah) Ghana Honorary Overseas Member  
Jamsheed Peeroo (36 Stone)  
Iain Quirk KC (Essex Court Chambers)  
Oloade Saromi (Five Paper)  
Joel Semakula (Landmark Chambers)

#### **Gulf Committee**

Chair: George Spalton KC (4 New Square)  
Allan Cerim (Brick Court Chambers)  
Saima Hanif KC (3VB)  
Sophia Hurst (Serle Court)  
Timothy Killen (2 Temple Gardens)  
James Leabeater KC (4 Pump Court)  
Khadija Leuenberger (36 Stone)  
Philip Punwar (Outer Temple Chambers)  
Andrew Spink KC (Outer Temple Chambers)  
Tom Stewart Coats (XXIV Old Buildings)  
Zoe O'Sullivan KC (Serle Court)  
Justina Stewart (Outer Temple Chambers)  
Karishma Vora (39 Essex Chambers)

### **India and Asia Committee:**

Charles Béar KC (Fountain Court Chambers) and David Joseph KC (Essex Court Chambers) (Joint Chairs) handed over mid-year to:

David Brynmor Thomas KC (39 Essex St Chambers) and Sudhanshu Swaroop KC (Twenty Essex)

Andrew Pullen (Fountain Court Chambers)

James Howells (Atkin Chambers)

Joshua Folkard (Twenty Essex)

Karishma Vora (39 Essex Chambers)

Niranjana Venkatesan (One Essex Court)

Ravi Aswani (36 Group)

Sanjay Patel (4 Pump Court)

Vasanti Selvaratnam KC (36 Group)

### **Offshore Committee:**

Joint Chairs:

Rosalind Nicholson (Walkers Global)

Georgina Peters (South Square Chambers)

Alex Potts KC (4 Pump Court/Conyers)

### **Consultation, Policy and Reform Committee**

Chair: Andy George KC (Blackstone Chambers)

George Spalton KC (4 New Square)

Penelope Nevill (Twenty Essex)

Chris Bond (3VB)

### **Continuing Education Programme ;**

Co-Chairs: Philippa Hopkins KC (Essex Court Chambers) and Michael Ryan (7 KBW)

**Pro Bono Initiatives Chair:** Alice Carse (4 Pump Court) and Andrew Fulton KC (Twenty Essex)

### **Student Mentoring Committee:**

Chair: Alexander Wright KC (4 Pump Court)

Adam Baradon (Blackstone Chambers)

Emily Betts (Gatehouse Chambers)

Lucy Colter (Four New Square)

Stephen Du (7KBW)

Philippa Hopkins KC (Essex Court Chambers)

Adam Kramer KC (3VB)

Ben Lask (Monckton Chambers)

Angharad Parry (Twenty Essex)

Leonora Sagan (Fountain Court Chambers)

Nick Sloboda (One Essex Court)

James Thompson (Keating Chambers)

Ben Woolgar (Brick Court Chambers)



## **Wellbeing and Mentoring (Barristers) Sub Committee**

### **Wellbeing:**

Thomas Munby KC (Maitland)

Chloë Bell (3VB)

Oliver Caplin (Twenty Essex)

### **Mentoring**

David Mumford KC (Maitland Chambers)

## **Combar Chambers' Committee Representatives**

Matthew Abraham (South Square)  
Emily Betts (Gatehouse Chambers)  
Clive Blackwood (Lamb Chambers)  
Veronique Buehrlen KC (Keating Chambers)  
Edward Cumming KC (XXIV Old Buildings)  
Peter Dodge (Radcliffe Chambers)  
Anton Dudnikov (Essex Court Chambers)  
Andrew Feld (Twenty Essex)  
Harry Gillow (Monckton Chambers)  
Orlando Gledhill KC (One Essex Court)  
Hannah Glover (3 VB)  
Ben Griffiths (Erskine Chambers)  
Richard Harrison (Devereux Chambers)  
Simon Hattan (Serle Court)  
Richard Hill KC (4 Stone Buildings)  
Michael Holmes (7 KBW)  
Ben John (Maitland Chambers)  
Simon Johnson (Enterprise Chambers)  
Jennifer Jones (Atkin Chambers)  
Chirag Karia KC (Quadrant Chambers)  
Timothy Killen (2 Temple Gardens)  
Luka Krsljanin (Blackstone Chambers)  
Roger Laville (Five Paper)  
David Lascelles (Littleton Chambers)  
Kate Livesey (4 Pump Court)  
David Lord KC (Three Stone)  
Laura Newton (Brick Court Chambers)  
Shail Patel (4 New Square)  
Rosalind Phelps KC (Fountain Court Chambers)  
Richard Samuel (3 Hare Court)  
Daniel Shapiro KC (Crown Office Chambers)  
Justina Stewart (Outer Temple Chambers)  
Daniel Stilitz KC (11 KBW)  
Karishma Vora (39 Essex Chambers)  
Sarah Walker (Selborne Chambers)  
John Wardell KC (Wilberforce Chambers)  
Henry Warwick KC (Henderson Chambers)  
Hermione Williams (New Square Chambers)  
Emile Yusupoff (The 36 Group)