

## THE GUERNSEY BAR

Minutes of the Annual General Meeting of the Guernsey Bar held at St James' Concert and Assembly Hall, St Peter Port, Guernsey on Thursday 20 October 2022 at 4.00pm

<b>PRESENT</b>	<u>Guernsey Bar Committee</u> Simon Davies (Bâtonnier) (SHD) Robin Gist (Deputy Bâtonnier) (RG) Christian Hay (Secretary) (CJH)* Anthony Williams (Treasurer) (AW) Gordon Dawes (GD) Alasdair Davidson (AD) Gemma Campbell (GC)	
	<u>In person:</u> Alison Antill Raymond Ashton Darren Bacon Tim Bamford Tom Carpenter Russell Clark Elizabeth Couch Ian Davis Sandra Duerden Candy Fletcher Chris Green Jason Hill Simon Hodgett Alex Horsbrugh-porter Simon Howitt Martin Jones Hollie Le Cras Abel Lyall	Sandie Lyne Alan Merrien Patricia Montgomery Sarah Morgan Mathew Newman Victoria Pratt Mark Priaulx Megan Pullum KC Kate Rabey Mike Riddiford Heidi Sandy Samuel Steel Mark Torode Fay Warrilow Alison Wood Peter Harwood Ian Kirk
	<u>By Proxy:</u> Michael Adkins Annette Alexander Christopher Anderson Wayne Atkinson Jon Barclay  Martyn Baudains Gareth Bell Quentin Bregg Abby Brown	Jason Green Matthew Guthrie  Alastair Hargreaves Benedict Havard Alex Horsbrugh-porter Christopher Jones David Jones Tony Lane John Lewis

	<p>Angela Calnan Nigel Carey Tom Carey Paul Chanter Leonie Corfield Tim Corfield David Crosland Thomas Cutts-Watson Rachel de la Haye</p> <p>Piers Dereham Bryan De Verneuil-Smith Rachel Donaldson Gavin Farrell Gavin Ferguson Simon Florance Rob Fullman Wendy Garrard</p>	<p>Andrew Lister Sarah Mallett</p> <p>David Moore Benedict Morgan Andrew Munro David O'Hanlon Jamie Oldfield Victoria Pratt</p> <p>John Scanlan Julia Schaefer Tania Shires Helen Shorey Emma Taylor James Tee</p> <p>Diana Thompson</p> <p>David Thompson</p> <p>Sarah Wallis</p>
<b>CHAIRMAN</b>	The Bâtonnier chaired the meeting.	
<b>WELCOME</b>	The Bâtonnier welcomed those present. The meeting was declared quorate with the minimum requirement of 20% of the practising Bar in attendance in person or by proxy.	
<b>1. APOLOGIES FOR ABSENCE</b>	<p>Michael Adkins Edwina Casebow Sean Cheong Kathryn Christie Gavin Farrell Elaine Gray John Langlois Andrew Laws Jemma Le Sauvage</p>	<p>Kerrie Le Tissier Tonia Leigh-Morgan Sam Maindonald</p> <p>Annaliese McGeoch Phillip Nicol-Gent Alison Ozanne William Simpson David Thompson Lisa Upham</p>

2. APPROVAL OF MINUTES FROM PREVIOUS AGM	The minutes of the Annual General Meeting of the Guernsey Bar held on 20 October 2021, having previously been circulated, were proposed by SHD, seconded by AD and approved.
3. BÂTONNIER'S REPORT	<p>The Bâtonnier's Report for the year 2021/2022, having previously been circulated, was noted. The Bâtonnier then summarised the contents of his report and the following points were highlighted:</p> <p><u>King's Proclamation</u> – The Bâtonnier said that he was grateful to the 54 members of the Bar who had expressed an interest in taking part in the proclamation of King Charles III, especially as it was at such short notice. He apologised to the fourteen advocates who could not be included in the allocated numbers for this event.</p> <p><u>La Chambre</u> – The Bâtonnier said that "multiple dozens" of complaints had been considered by himself as Bâtonnier and the President over the last two years. He noted that as the amount of work that the administration of complaints had generated had become very burdensome, the Bar Council had taken steps to pay for assistance in the early administration of complaints which should ease the burden on future Bâtonniers and Presidents.</p> <p>The Bâtonnier was pleased to note that at the present time, there were no unresolved complaints so that any successor Bâtonnier would start with a completely clean slate.</p> <p><u>Reforms to the Bar</u> - The Bâtonnier explained that a huge amount of work had been done over the last two years in order to advance the intended reforms to the Bar. He said that if those Bar reforms went through as he hoped they would, the Bâtonnier and President would have no role to play in the early administration of complaints. This meant that the role of any future Bâtonnier dealing with complaints would be greatly reduced.</p> <p><u>Bar examinations and Caen</u> – The Bâtonnier referred to the emails recently circulated by the Bar Secretary, inviting the Bar to a meeting in Court 3 at 12.45 on Monday, 24 October 2022, at which the Bailiff wished to talk to the Bar about the reforms to the Bar exams. The Bâtonnier encouraged everybody to attend this meeting so that they could raise any questions they or their firms might have.</p> <p><u>Diversity and Inclusivity</u> – The Bâtonnier thanked Advocates Sarah Brehaut and Helena Lavin in particular for organising the <i>Women in the Law</i> event that took place in May 2022. He added that the Bar had been delighted to sponsor that event.</p> <p><u>Future of the Guernsey Bar</u> - The Bâtonnier noted that he had</p>

	<p>spent a lot of time working on the future of the Guernsey Bar over his two year term and reminded the meeting of the diagrams that he had circulated with his report ahead of the previous year's AGM.</p> <p>He reported that those diagrams had since been translated into a draft policy letter which was currently with the Law Officers for finalisation. Initial indications were that P&amp;R would support the initiative and that the MONEYVAL visit in 2024 was likely to be a good enough reason to give the Bar reform some priority at States level. He said that the working group was hoping to go out to consultation with various interest groups later this year.</p> <p>He added that he had informed the current Bar Council that he was happy to continue to work with the new Bar Council on the reforms before he went on sabbatical at the end of the year, and again when he returned in May 2023.</p> <p>He pointed out that, again, this would be another burden that could be lifted from any successor Bâtonnier.</p> <p><u>New Bâtonnier</u> – The Bâtonnier said that, despite the various steps that the Bar Council had taken to alleviate the current burdens of the office of the Bâtonnier, no candidate had yet been found to take over from him which was hugely disappointing as he had announced at the previous year's AGM that he would be stepping down at the conclusion of the 2022 AGM.</p> <p>He reiterated that the absence of a Bâtonnier sent a poor message out that the Bar couldn't even look after itself. He noted his concern that some members of the public may use the absence of a Bâtonnier to attack the Bar, arguing that it should not be permitted to have any role in the regulation of Advocates.</p> <p>The Bâtonnier asked those present to earnestly consider being prepared to take on the role, especially now that, at a time of great change in reasonably short order, there would be more support available than any prior Bâtonnier had ever enjoyed.</p> <p>The Bâtonnier reminded the meeting that the new Bar Council would need to call an EGM of the Bar in order to elect a new Bâtonnier.</p> <p>Having received no comments from the meeting regarding the Bâtonnier's Report for 2022, the Report was proposed by the Bâtonnier, seconded by CJH and approved.</p>
<p><b>4. APPROVAL OF ACCOUNTS FOR THE GUERNSEY BAR</b></p>	<p>The accounts for the year 2021/2022, prepared by Cleland &amp; Co, having previously been circulated, were tabled for consideration.</p> <p>The Bâtonnier thanked AW for his input over the year.</p> <p>The Bâtonnier asked if there were any further comments or questions. There being no comments or questions, it was agreed</p>

	that the accounts for the year 2021/2022, proposed by SHD and seconded by AW, be noted and approved.
<b>5. ELECTION OF AUDITORS</b>	<p>The Bâtonnier noted that Cleland &amp; Co Limited had been the elected auditor in accordance with section 11 of the Guernsey Bar (Bailiwick of Guernsey) Law, 2011 for the past seven or eight years.</p> <p>At this stage there was no reason to consider changing the auditors as there were no issues with the quality of their services. However, the caveat was raised that come next year or the year after, the Bar could look very different to how it does at present and perhaps that would be the time to change auditors.</p> <p>The reappointment of Cleland &amp; Co as auditors, proposed by SHD and seconded by AW, was agreed by those present.</p>
<b>6. ELECTION OF BÂTONNIER</b>	As there were no candidates for the position of Bâtonnier there was no need for a vote.
<b>7. ELECTION OF MEMBER OF THE BAR COUNCIL FROM A SMALL PRACTICE</b>	<p>The Bâtonnier noted that there was one candidate for re-election as the small firms representative on the Bar Council. He expressed his gratitude to David Thompson (DT) for his nomination and to DT's wife for allowing him to stand again.</p> <p>Advocate Mark Prioux had proposed that DT be re-elected to the Bar Council as small firms representative and Advocate Mark Torode had seconded that nomination.</p> <p>There being no objections, the nomination was approved and the Bâtonnier offered his congratulations to DT.</p>
<b>8. ELECTION OF 7 MEMBERS OF THE BAR COUNCIL</b>	<p>The Bâtonnier noted that seven candidates had been nominated for the remaining seven positions on the Bar Council, each having been proposed and nominated by a practising advocate as required by the Rules, and he thanked Advocates Alison Antil and Mathew Newman for coming forward as new candidates.</p> <p>These positions being uncontested and there being no objections from those present, the following seven candidates were duly elected to the Bar Council:</p> <ul style="list-style-type: none"> <li>• <i>Alasdair Davidson</i></li> <li>• <i>Gordon Dawes</i></li> <li>• <i>Robin Gist</i></li> <li>• <i>Anthony Williams</i></li> <li>• <i>Gemma Campbell</i></li> <li>• <i>Alison Antil</i></li> <li>• <i>Mathew Newman</i></li> </ul>

	The Bâtonnier offered his congratulations to the new Bar Council and suggested that they met briefly immediately after the AGM as Rule 19 of the Bar Rules required that the Council elect the three non-Bâtonnier officers of the Bar – namely the Secretary, the Treasurer and the Deputy Bâtonnier.
<b>9. TO SET THE MINIMUM AMOUNT OF INSURANCE COVERAGE</b>	The proposal to set the amount for which practising members shall maintain insurance cover against their professional liabilities arising from practice for the purpose of rule 32(1) of the Guernsey Bar Rules, 2010 at the unchanged amount of £2,000,000 aggregate cover above any excess was proposed by SHD, seconded by AD and approved without any objections.
<b>10. INSURANCE COVER REQUIRED OF EMPLOYED ADVOCATES</b>	The proposal to maintain at £0 the amount of insurance cover required of Employed Advocates (i.e. those not employed by law firms) against their professional liabilities arising from practice for the purpose of rule 32(1) of the Guernsey Bar Rules 2010 provided only that the Employed Advocate is satisfied that their employer has adequate insurance or that there is statutory immunity from such liabilities was proposed by SHD, seconded by GC and approved without any objections.
<b>11. SUBSCRIPTIONS</b>	After due consideration it was agreed that the Bar levy would remain at the same rate of £800 per practising Advocate and £400 per non-practising Advocate for the coming year. There being no objections, the Bâtonnier proposed that the Bar levies for 2022/2023 remained unchanged. AW seconded the proposal and it was approved.
<b>12. AOB</b>	<p>The Bâtonnier asked the meeting if there was anything else to be raised under AOB. There being no further items to raise, the Bâtonnier said that he wished to say three things:</p> <p><u>Lieutenant Bailiffs</u> – The Bâtonnier reminded the meeting that the Bailiff mentioned at Chief Pleas the Court's intention to appoint more Lieutenant Bailiffs.</p> <p>The Bâtonnier confirmed that he had met with the Deputy Bailiff the previous Friday and that she had confirmed that the Court wished to appoint Lieutenant Bailiffs on a part-time basis (including some who would remain in private practice) to sit in judgment on appropriate matters when there was no conflict.</p> <p>The Deputy Bailiff asked the Bâtonnier to inform those present at the AGM that the Court was inviting expressions of interest from members of the Bar. Accordingly, the Bâtonnier advised that those interested should contact the Bailiff's secretary, Adrian Nicolle, within the following two weeks as the Bailiff and Deputy Bailiff would then be meeting to consider how to take matters forward.</p>

Consultation Letter on Minimum Standards for Lawyers – The Bâtonnier invited HM Procureur to address the meeting on this item. HM Procureur noted that, with the upcoming Moneyval visit, the Director of Financial Crime was keen to progress this consultation letter so that the minimum standards for lawyers met with the equivalent Moneyval standards. She pointed out that this was no different from the regulation of other professionals, e.g. accountants. She hoped that the policy letter would be released in the following fortnight.

Thank you – The Bâtonnier said that he could not finish this meeting without saying a few thank yous:

He thanked the Bar for entrusting to him its affairs for the previous two years. He noted that it had been an interesting and challenging time, but that fundamental reform was required and he hoped that the new Bar Council would prioritise those reforms which had progressed to such an advanced stage.

He also thanked everyone who had assisted the Bar over the past two years. He said that there were too many people to name but that their help and assistance in literally dozens of projects was enormously appreciated by him.

The Bâtonnier went on to thank all of the members of the Bar Council and noted that every member had had a part to play and all had played that part very effectively. He apologized if he had worked them too hard!

In particular, he noted his thanks to the other officers of the Bar: Robin Gist (Deputy Bâtonnier), Christian Hay (Bar Secretary for the past two years) and Anthony Williams (Treasurer for many years).

Lastly he said a special thank you to Natalie McLagan for all that she had done to keep the Bar running for the last 2-years. He imagined that, as he had noted in his report, it had been rather like herding cats.

There being no further business to discuss, the meeting concluded at 16.25.

