




Londoners on the Millennium Bridge. Lawyers fear that some problems will never again be prioritised after the pandemic
JUSTIN SETTERFIELD/GETTY IMAGES

Coronavirus and the law — issues that must not be forgotten amid crisis

Legal aid rates, non-disclosure agreements and, inevitably, Brexit: senior lawyers discuss their concerns for the profession's future

[Jonathan Ames](#)

Thursday March 26 2020, 12:01am, The Times

Share     Save 

To paraphrase a line uttered by Colonel Kilgore in the 1979 film epic *Apocalypse Now*: someday this virus is going to end.

It may be difficult for lawyers who are struggling with remote working — or even suffering from coronavirus — to look beyond the present crisis.

There is much to preoccupy their minds, from the broad Covid-19 picture to more esoteric areas. On the former level, lawyers are getting to grips with the detail of the Coronavirus Bill, which is working its way through parliament and could be fast-tracked to royal assent today. More niche areas are also being highlighted. For example, Neta Meidav, a consultant and a former Whitehall adviser, has warned that the rush to remote working could trigger a significant spike in online harassment.

Before the outbreak, she says, “in the workplace, up to 75 per cent of cases go unreported. These figures can be expected to peak during the pandemic, as increasing numbers of people stay indoors with the internet as their only route to connect with the outside world.”

But eventually the profession will return to something resembling normality. The fear among some senior lawyers is

that the Covid-19 panic will kick longer-term important issues into the long grass from which they may never be retrieved.

“It’s important that we don’t overlook the need to get more money into our courts system on a permanent — not just a temporary — basis,” says Sir Bob Neill, MP, a barrister and chairman of the House of Commons justice committee. He adds that the anti-virus measures have highlighted that the system needs to be funded “properly on an ongoing basis” and that doing so “only needs a fraction of a fraction of the extra public borrowing we are now taking on”.

Amanda Pinto, QC, the chairwoman of the Bar Council, which represents 16,000 lawyers in England and Wales, says that the government’s move to afford “essential worker” status to barristers this week was “an acknowledgment that the Bar provides a vital public service”. She hints that battles over legal aid rates and other issues around less affluent areas of practice have not disappeared.

Life in the Square Mile will also eventually return to normal. Edward Sparrow, the chairman of the City of London Law Society and a partner at Ashurst, even dares to mention the B word.

“Brexit apparently goes on,” he says, albeit acknowledging that coronavirus is likely to have slowed the pace of negotiations over the UK’s final departure from the bloc. “As things stand, it is not clear what deal the government is seeking for the services sector generally.”

He maintains that the UK needs to accede to the Lugano Treaty to assist civil justice co-operation and allow enforcement of the judgments of UK courts. Likewise, agreement with the EU is needed to allow UK lawyers to advise clients across the union. “For the sake of the UK economy one hopes that these enabling infrastructure deals will not be forgotten when any headline free trade agreement is concluded and will not fall victim to any disruption caused by the virus crisis,” he says.

Other issues lawyers are pressing the government not to forget include a promised recruitment drive for more judges and a broad review of access to justice. According to Sparrow, the economic effects of Covid-19 could “seriously damage the finances of the solicitors and barristers” in the criminal and public law fields. Those finances “are already in a critical state as a result of government underfunding of the criminal legal system”.

Specific but vitally important legal issues could also be overlooked in the welter over the virus, says Geoffrey Robertson, QC, a media and human rights specialist. As a case in point, he fears that any lessons from the farrago around

Operation Midland — the discredited police investigation into an alleged paedophile ring consisting of politicians and other elite figures — will disappear “just as the home secretary was about to take some action”.

“Secret applications for search warrants must be recorded and subsequently transcribed, so police cannot get away with misleading the court,” he says. “And they must lose their remaining immunity from civil actions for negligence.”

Robertson also fears that despite the conviction in New York of the Hollywood film mogul Harvey Weinstein, the “impetus has been lost for limiting the use of non-disclosure agreements so that victims and employees can speak out about misconduct”.



IN YOUR INBOX

The Brief

Sign up to receive The Brief newsletter, a weekly overview of the significant issues in law, drawing attention to expert analysis and commentary that is only available from *The Times*.

[Sign up here](#)

- Conservative Party
- Law
- Celebrity

Related articles

When it’s not business as usual

Locking down the country to lessen the impact of coronavirus has turned most lawyers into home-workers. Courts are getting to...

March 26 2020, 12.01am

Catherine Baksi

JONATHAN SUMPTION

There is a difference between the law and official instructions

The drive behind the growing power of the state is not power-grabbing politicians, but popular demand. As the technical and...

March 26 2020, 12.01am

Jonathan Sumption

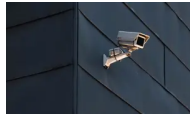
LAW IN THE TIME OF CORONAVIRUS

Bar humbug

It has not taken long for Covid-19 to trigger a row in the legal profession. Last week more than 200 Bar students wrote to...

March 26 2020, 12.01am

Jonathan Ames



Providing protection from the ground up



Insider secrets from small business owners

[^ BACK TO TOP](#)

GET IN TOUCH

[About us](#)

[Contact us](#)

[Help](#)

[The Times Editorial Complaints](#)

[The Sunday Times Editorial Complaints](#)

[Place an announcement](#)

[Classified advertising](#)

[Display advertising](#)

[The Times corrections](#)

[The Sunday Times corrections](#)

[Careers](#)

MORE FROM THE TIMES AND THE SUNDAY TIMES

[The Times e-paper](#)

[The Sunday Times e-paper](#)

[Times Currency Services](#)

[The Sunday Times Wine Club](#)

[Times Print Gallery](#)

[Times Crossword Club](#)

[Sunday Times Driving](#)

[Times+](#)

[The Sunday Times Rich List](#)

[Times Expert Traveller](#)

[Good University Guide](#)

[Schools Guide](#)

[Newsletters](#)

[Best Places to Live](#)

[Best Places to Stay](#)

[Sportswomen of the Year Awards](#)

[Times Appointments](#)

[Podcasts](#)

[Times Money Mentor](#)

© Times Newspapers Limited 2020.

Registered in England No. 894646.

Registered office: 1 London Bridge Street, SE1 9GF.

[Privacy & cookie policy](#)

[Licensing](#)

[Cookie settings](#)

[Site map](#)

[Topics](#)

[Commissioning terms](#)

[Terms and conditions](#)