

THE HONOURABLE SOCIETY OF LINCOLN'S INN

RULES OF LINCOLN'S INN BAR REPRESENTATION COMMITTEE (Approved at the EGM on *30 July 2019*)

Introductory

1. There shall be a committee of Lincoln's Inn known as the Bar Representation Committee ("the Committee") and these are the rules of the Committee ("the Rules").
2. The Rules may be altered or replaced by a two-thirds majority of Members of Hall present and voting at any General Meeting convened for that purpose.

Functions

3. The functions of the Committee are:
 - a. To provide representation on behalf of those who have been called to the Bar by the Inn and who have not been elected Masters of the Bench (i.e. "Members of Hall") in relation to:
 - i. the Bench Committees of the Inn, and
 - ii. assisting the Treasurer, the Masters of the Bench, and the staff of the Inn in the running of the Inn's affairs.
 - b. To disseminate information on the running of the Inn to the Members of Hall.
 - c. To bring to the notice of the Bench Committees and working parties any matters of complaint or suggestions, from either the Members of Hall or from the Committee.
 - d. To recommend to the Treasurer and the Masters of the Bench suitable Members of Hall to take part on such other committees and working parties as are thought appropriate, whether within the Inn or on behalf of the Inn on other professional or advisory bodies.
 - e. Generally to collaborate with the Treasurer and the Masters of the Bench in securing a happy and contented atmosphere throughout the Inn.

The Committee

4. The Committee shall comprise: Elected or Replacement members (up to 24), Co-opted members (up to 10), and a Chair (up to 1).

The Memberships

5. Elected Members
 - a. Posts: At any one time there shall never be more than 24 Elected Members of the Committee.
 - b. Term: An Elected Member's full term of office is 4 years, from the 1st January immediately following their most recent election through to the 31st December 4 years after that.

c. Standing: The elected membership of the Committee consists of four subdivisions. Any Member of Hall may stand for election (or re-election) to any of the subdivisions that they qualify for on the date that they are due to take up office, save that members can only stand for election to one subdivision per election. If a member qualifies for more than one subdivision then the individual must indicate which subdivision they are standing for in their nomination form. The subdivisions are:

i. Members of Hall of 7 years call and under with a current practising certificate in England and Wales,

ii. Members of Hall of over 7 years call practising at the employed Bar with a current practising certificate in England and Wales,

iii. Members of Hall of over 7 years call practising at the self-employed Bar with a current practising certificate in England and Wales, and

iv. Members of Hall with no practising certificate in England and Wales

d. Schedule: In the autumn of each year a cohort of six vacancies will fall due for election to the Committee for terms starting on 1st January in the following calendar year. That cohort will be made up of one post for each of the subdivisions set out in Rule 5(c)(i), 5(c)(ii) and 5(c)(iv) and three posts for subdivision 5(c)(iii). Each election will therefore consist of four separate subdivision elections.

6. *Co-opted Members*

a. Posts: At any one time there shall never be more than 10 Co-opted Members of the Committee.

b. Term: A Co-opted Member's full term of office runs from the date of the Committee resolution making the appointment through to 31 December of the second year following that (though the Committee may provide for such terms to start later than the resolution concerned and/or finish earlier).

c. Standing: Any Member of Hall may be appointed by the Committee to serve as a Co-opted member. In considering Members of Hall to appoint to the Committee, it shall have regard to the desirability of having a Committee membership that reflects to a reasonable extent the diversity of identities and interests of Members of Hall.

d. Schedule: The Committee may from time to time appoint Co-opted Members as it sees fit in line with the rules and having regard to the desirability of vacancies at the start of each calendar year.

7. *Chair Membership*

a. Posts: At any one time there shall never be more than 1 Chair of the Committee.

b. Term: A Chair's term of office is 2 years, from the 1st August immediately following election through to the 31st July 2 years later.

c. Standing: Any Member of the Committee may stand for election (or re-election) as Chair of the Committee provided that at both the date of close of nominations and at the date when voting closes they are a member of the Committee.

d. Schedule: In the summer of every other year, an election for the post of Chair of the Committee shall be held.

e. The Chair membership may be held concurrently with any other membership, and individuals remain members of the Committee as long as they have at least one unexpired membership term (be this the Chair membership or any other kind).

f. In the event of the Chair resigning or ceasing to be a member of the Committee for whatever reason during their term of office, the Committee shall appoint an Acting-Chair from amongst its number to serve until such time as an election can be held either for a new chair on the standard cycle or, if the vacancy arises more than six months before the end of the current Chair's term of office, for a replacement chair to complete the term.

8. Replacement Members

a. Posts: A Replacement Membership only arises if:

- i. an Elected Member ceases to be a member of the Committee prior to the expiry of their full term, creating a vacancy, and
- ii. the Committee resolves to appoint an individual Replacement Member for that vacancy, and
- iii. If the replacement member was appointed the total number of Replacement and Elected Members would not exceed 24.

b. Term:

- i. The full term of a replacement member is the period between the date of the Committee resolution making the appointment and the expiry date of the full term of the Elected Member they replace.
- ii. Where a Replacement Member during their term becomes an Elected Member, the former terminates upon commencement of the latter.

c. Standing: Any Member of Hall may be appointed by the Committee to serve as a Replacement member as long as on the date of the appointment the individual meets the standing requirements of the Elected Member subdivision that relates to the vacancy the relevant Replacement Membership is intended to fill.

Disqualification and Termination of Membership

9. Members of the Committee are disqualified and cease to be Members on:

- a. their election as a Master of the Bench; or
- b. their death, disbarment or suspension from practice; or
- c. their failure to participate in three meetings of the Committee within a 12-month period without reasonable excuse.
 - i. It shall be for the Member to satisfy the Chair in the first instance that their excuse is reasonable but the Chair's decision may, at the request of the member concerned, be reviewed by the Committee (which shall decide by a simple majority vote).
 - ii. In this event, the disqualification shall take effect at the conclusion of the next meeting following the third meeting at which the member has failed to participate without reasonable excuse.

10. An individual is prohibited from standing for election, or from being either appointed or elected to any membership of the Committee if:

- a. they would be disqualified from Membership under Rule 9 (a) or (b) above, or
- b. they do not meet the standing requirements of the relevant membership (or in the case of the standing requirements of the subdivisions of Elected Members, did not meet those standing requirements on the day nominations opened).

11. Any membership of the Committee (including that of the Chair) may be terminated on a 'qualifying vote' of the Committee.

- a. A qualifying vote requires every member of the Committee to be polled.
- b. The quorum for a qualifying vote is 75% of the Committee.
- c. A qualifying vote requires the approval of at least 75% of those who cast a vote, with the percentage determined solely by the ratio of positive to negative votes (excluding all abstentions or spoiled votes).

Business

12. The Committee shall meet and conduct its business in such manner as the Chair may from time to time direct. This shall include the power to create, supervise and terminate sub-committees of the Committee.

13. When the Chair is temporarily unavailable or indisposed, any power or duty of the Chair shall be executed by the Vice Chair(s). Where the Vice Chair(s) is or are also unavailable, these powers and duties are to be vested in the most senior member of the Committee (determined by Call) who is available and not indisposed.

14. The quorum for meetings of the Committee and for General meetings of Hall (and votes therein) shall be 8.

15. Voting Rules

a. References herein to votes, and to any majority thereof, shall exclude those who do not vote or who abstain, but no decision shall be effective unless the number of those voting equals or is greater than the quorum.

b. Where a vote of the Committee is tied the Chair may cast an extra deciding vote.

16. There are two types of meeting: Committee meetings and General meetings of Hall.

a. Committee meetings shall be open to all Members of Hall to observe, save that the Chair or the Committee may in their discretion decide that part or all of any meeting shall be 'closed'. Even where a meeting is 'open', those who are not members of the Committee shall have no right to participate in or address the meeting.

b. General meetings of Hall shall be open to all Members of Hall.

i. Once every calendar year the Chair shall arrange for the Annual General Meeting of Hall, and such meetings may never be more than 15 months apart.

ii. The Chair or the Committee may convene an Extraordinary General Meeting of Hall as necessary but must convene an Extraordinary General Meeting of Hall within a reasonable period following the written request to the Chair or the Committee of at least 30 Members of Hall. The request must set out the purpose for and agenda of the meeting.

- iii. Reasonable notice of both the date and agenda of all general meetings shall be given by such method as the Chair or the Committee may from time to time direct.
- iv. The Chair (or failing him, such other member of the Committee as the Committee shall nominate for the purpose) shall act as chairperson of any General Meeting, and at Annual General Meetings the chairperson must give a report of the work of the Committee during the preceding year.

Additional powers of the Chair

17. The Chair may propose for appointment up to two members of the Committee to the post of Vice Chair, who will take office if approved by a simple majority vote of the Committee. The term of a Vice Chair shall be determined by the Chair but shall not in any event extend beyond the end of the Chair's own term of office (whether this is a full or part term).

18. The Chair may, from time to time, appoint members of the Committee to sit on Bench Committees for such period as the Chair thinks fit or until the Chair directs otherwise. Members of the Committee appointed to Bench Committees by the Chair shall commence their membership of those Bench Committees at the next meeting following their appointment, unless otherwise instructed by the Chair.

Elections

19. Both the Chair Membership and Elected Memberships shall be filled by election by means of secret ballot using the Single Transferable Vote method.

20. All Members of Hall are entitled to vote in elections for Elected Members.

21. Those who are members of the Committee on the date when their ballots are cast are entitled to vote in elections for Chair of the Committee.

22. The elections shall be conducted at such time and in such manner as the Chair shall from time to time decide, save that;

- a. the results shall be declared in the same year as the election was held,
- b. in the case of Elected Memberships, the term of the candidate(s) elected shall not commence until 1 January of the next year, and in the case of the Chair Membership, the term of the candidate shall not commence until 1 August immediately following the election,
- c. the voting procedures and counting method will be identified in the notice that opens nominations for candidates.

23. In the event that two or more candidates poll the same number of votes and the number of vacancies for those candidates to fill is less than the number of candidates polling the equality of votes, lots or an equally random equivalent shall be drawn in order to determine the winner(s).

Transitional Period

24. Until 1 January 2021 the Rules set out above will apply with the following modifications listed below, after that date this whole provision expires and is to be removed from the text of the rules.

- a. The Rules are modified with the effect that of the 15 memberships elected in 2016 and beginning on 1st January 2017:
 - i. Six memberships will expire on 31 December of the fourth calendar year following

the commencement of this membership term (i.e. 31/12/2020) and these memberships will be awarded to the first through to the sixth placed candidates,

ii. Five memberships will expire on 31 December of the second calendar year following the commencement of this membership (i.e. 31/12/2018), and these memberships will be awarded to the seventh through to the eleventh placed candidates, and

iii. Four memberships will expire on 31 December of the first calendar year following the commencement of this membership (i.e. 31/12/2017) and these memberships will be awarded to the twelfth through to the fifteenth placed candidates.

25. Until 1 January 2024 the Rules set out above will apply with the following modifications listed below, after that date this whole provision expires and is to be removed from the text of the rules.

a. Individuals whose Elected Membership or Replacement Membership term began prior to 1st January 2020 are not bound by Rule 5, Rule 8(c) or Rule 10(b) as set out above, but rather by the previous version of these rules dated 1/8/2018 (NOTE: These are set out below).

b. These rules and in particular Rule 5 shall be reviewed by the Committee prior to the AGM in 2023.

Rules dated 1/8/2018 of relevance to members whose Elected Membership or Replacement Membership began prior to 1st January 2020:

The Memberships

5. Elected Members

a. Posts: At any one time there shall never be more than 24 Elected Members of the Committee.

b. Term: An Elected Member's full term of office is 4 years, from the 1st January immediately following their most recent election through to the 31st December 4 years after that.

c. Standing: Any Member of Hall may stand for election (or re-election) to the Committee.

d. Schedule: In the autumn of each year a cohort of six vacancies will fall due for election to the Committee for terms starting on 1st January in the following calendar year.

8. Replacement Members

c. Standing: Any Member of Hall may be appointed by the Committee to serve as a Replacement member.

Disqualification and Termination of Membership

10. An individual is prohibited from standing for election, or from being either appointed or elected to any membership of the Committee if:

b. they do not meet the standing requirements of the relevant membership.

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