



**Inaugural address by Andrew Langdon QC  
Chairman of the Bar 2017**

**Delivered in Middle Temple Hall, London on 14 December 2016**

[Tribute to outgoing Chairman, Chantal-Aimée Doerries QC]

Recently and true to that leadership, she has spoken for us all, articulating our disquiet at the ill-informed attack on our judiciary and the failure of the Lord Chancellor to deliver a swift and robust defence.

As you have kindly given of your time to attend to night, may I start by telling you something about where I come from? I grew up in Africa – in Ethiopia in fact. My parents were farmers. We became refugees when forced to leave our farm at gun point, during the revolution that overthrew Emperor Haile Selassie. We came to England. From the dramatic landscape of the highlands of Ethiopia I arrived with my family in the Cotswolds. We were refugees and my parents had no money. We had family here, and they helped. I cannot but contrast our soft landing on these shores with the way we treat refugees now, including from Ethiopia and Eritrea.

I went to a local school where I did not do very well. I went to a crammer, took some exams and won a scholarship to a public school in a stunning location but with an indifferent academic record. I went to Bristol University and read Law with no intention of becoming a lawyer. And then I went to court. I saw barristers at work. The fairness of the proceedings struck me immediately and forcibly. I took the Bar exams, went back to Bristol and have been in the same chambers – Guildhall Chambers - ever since. Except that after five years at the Bar I went back to Ethiopia with my wife, Caroline and we taught at a school for a year. I came back to the Bar. Having four children focused my mind on needing to earn a living. As a junior I had a mixed practice; crime family and personal injury. Like others in due course I specialised, in my case in crime. I prosecuted and defended in equal measure. I took silk 10 years ago. Three years ago the attack on Legal Aid prompted me to join the effort to try to protect the Bar and those we serve. I became Leader of the Western Circuit. Now I am here. It is of course an immense privilege and it feels like a very serious responsibility which I mean to take seriously.

As with many of you here tonight, I am motivated by my love of our profession. Why do I love the Bar? In a word: Advocacy. We are, first and foremost a profession of specialist referral advocates. We are drawn to the need for such advocacy, the use of it, the effect of it, the art of

it; some of it bound by eternal and unchanging rules, but at its heart, free, democratic, evolving and responsive to changes in society.

Barristers are at work in hundreds of daily contests up and down the country, where cases are presented and challenged, fearlessly but fairly, where the ethos of our profession, which hit me so forcibly when I first saw it, still prevails.

This is not some nostalgic or romantic vision of what we all do: it is at the heart, day-in, day-out, of the delivery of justice in our jurisdiction. Few outside the legal profession think of the Bar as providing a public service. In fact, our contribution to the delivery of justice is immense. It is largely unsung. It is when the contribution we make is forgotten that things go wrong. I don't just mean wrong for the case: I mean wrong for society.

Advocacy at its best challenges decision-makers; judges, magistrates, juries, tribunals, arbitrators, and others who exercise power, not just in relation to the instant case but in relation to any pre-conceptions they may hold. It challenges authority. History, including recent history, is littered with examples of what goes wrong if authority is not challenged. If in court cases, the challenge is made not by skilled professional advocates, but by frustrated litigants in person or by those masquerading as skilled advocates, like some paid McKenzie Friends; then not only is the risk of injustice in the particular case increased, but the administration of justice itself falls into disrepute.

Skilled advocacy requires training, integrity, judgement and hard work. It requires the ability to assimilate detail, and the ability to identify the core. Those barristers whose practice is paper-based or advisory give advice and plead their clients' cases based upon their experience of what is or is not achievable for the client if there is a contest at court: and they know what is achievable from their experience as advocates.

So we are a profession whose *raison d'être* is excellence in advocacy.

But, as Nick Lavender QC, now Mr Justice Lavender, was fond of saying when he was Chairman of the Bar, advocacy is personal. A speech formed by one advocate is leaden in the mouth of another. Every barrister develops a different style of advocacy - written or oral. Some incisive, short, efficient, even blunt. Others more charming, more seductive, more Art than Science, leading to a realisation that real justice can be delivered in a way quite different from where you started.

We pride ourselves on our differences. The fact that advocacy is personal has a number of consequences which are important and central to what I want to say tonight.

First, it is why I love the Bar. I love the honest endeavour and fiercely independent colleagues who work away at delivering excellent advocacy, who inspire others, who teach others. I love seeing the best of advocacy in our essentially collegiate profession being disseminated within chambers, within court centres, around the Circuits, through the Inns. I am inspired by the fierce competition which drives up standards of excellence. Barristers disagree about almost everything other than their desire to do whatever it takes to enable the best advocacy to flourish.

Second, by its very nature, being personal, advocacy is, or at least ought to be, open to all. All who are prepared to learn the law, all who are prepared to join the profession, to understand not just the rules but the ethos of the profession. It should not be open to all merely for the sake of those who want to enter: but for the sake of the rest of us and for society at large, because the better our profession reflects our society, the stronger the profession will be, and the stronger the voice of a profession of independent advocates, the stronger society will be.

Advocacy is personal. What is the third consequence? Because of our personal experience as advocates we are good at advocacy training. Anyone who doubts that should attend the training delivered by the Circuits and the Inns. Sir Bill Jeffrey, commissioned by the Government to report on Advocacy in the Crown Court, made no bones about the quality that we, the specialist advocate profession, the Bar, deliver by way of training and education.

But Advocacy being personal is not easy to regulate. Our Code of Conduct gives us our rules and guidance on how we barristers must conduct ourselves. But wisely it does not attempt to define what makes a good advocate nor does it try to prohibit from practice those who are unconventional or whose style of advocacy jars with some. Such things are beyond regulation and ought to remain so. I have spoken already of the freedom of advocacy in our jurisdiction. It is free in part because its form is unregulated. It is free to flourish: and that freedom creates, as it should, a heavy responsibility upon the advocate, towards all who are affected by the case.

So who are we, this profession of specialist advocates, and how do we organise ourselves?

I was called, in this very room, 30 years ago. We were a smaller profession then – about 6,000 of us in all. In fact, in the preceding 10 years the Bar had doubled in size. Despite that, many prophesied our imminent demise. In fact, in the last 30 years, we have more than doubled in size again. We now number nearly 16,000. But we are still, relatively speaking, a small profession (when compared to 170,000 solicitors).

How is that figure of 16,000 broken down?

13,000 of us are self-employed, the vast majority in chambers. But 3,000 of us are employed. The employed Bar has become a more vibrant and a more influential voice than it used to be, not just with the profession itself, but on its behalf in Government Legal Services, in the CPS, in respected law firms, in commerce, in business, in NGOs of every sort. In-house counsel have become a feature of the legal services provided to the community. Employed barristers are prized for the independent advice they give their employers. The self-employed Bar often misunderstand this. The fact of employment does nothing to the duty of a barrister to give independent advice. Indeed, their independence is their value, and maintaining it is the challenge they constantly rise to. The employed Bar are an asset to us. The versatility of our profession is manifest in the increased traffic in both directions – into employment but also from employment into private practice. The ethos which unites us at the Bar has accordingly percolated into a whole variety of work places. We have all become less insular in consequence.

But the bedrock of our profession remains the self-employed Bar who practise from chambers across the country. On my Circuit, the Western Circuit, there are 18 sets containing just under 900 members – an average size of about 50 members per set, a pattern reflected across the country.

And, as I speak, across the country, there is a shared pride in what we do well: but, and it is an important ‘but’, there is a shared frustration that the contribution we make is undervalued by policy makers and reformers. This has resulted in a lack of confidence in the future for the mainstream Bar.

I am struck by the fact that as a profession we are ageing. The statistics show that every five years since 1990 the size of the profession overall has increased, but in the last 10 years the number of those in practice under 10 years’ call has slightly decreased, more markedly so for those under five years call. The reasons may be complex but one suspects that the withdrawal and reduction of legal aid funding, the increased use of in-house Higher Court Advocates, the changes to the civil costs regime, and the increases in court and tribunal fees with a resultant diminution in the number of cases litigated, are some of the factors that have deterred the recruitment and retention of junior barristers.

We need to halt and then reverse this recent trend, not for the sake of the profession but for the sake of the country. A strong, diverse junior Bar is essential if we are to maintain the international reputation not just of the Bar of England and Wales, but of the judiciary still overwhelmingly drawn from our number. We must sound the alarm to all those who embark on piecemeal reforms; an overview demonstrates that the public interest is ill-served if the long term viability of the profession is put at risk by policies which hinder or deter junior barristers.

Let me deal in some specifics.

You will know that Lord Justice Jackson is formulating proposals that may extend Fixed Recoverable Costs for almost all civil claims up to £250,000. I fear that suggestions that solicitors will share the resultant (very much lower) fixed fees with the Bar are optimistic. We join with solicitors in doubting the wisdom of promoting ‘a one size fits all’ policy. But if I am right that the Bar risks being squeezed out of the process, what does that mean? Now is not a time to be diffident in asserting our value. Let me assert it: litigation without specialist barristers will be to deny the parties and the court the best advocacy. And who doubts that we, compared to other litigation costs, are value for money? Less of the Bar means less specialist legal analysis; less evidential focus; more satellite litigation and expense; more false starts; longer, less focused trials; more missed opportunities to settle claims at appropriate stages and for the right amount, and last but not least, less efficient use of court time.

So here is a critical piece of reform – piecemeal in the sense that LJ Jackson’s brief is not so wide as to consider how the reforms, when taken together with other pressures on the junior Bar, will affect the long term viability of our profession. Even viewed in isolation, I believe the case for accommodating within the scheme some mechanism or criteria for allowing the recoverability of costs reasonably incurred in the instruction of counsel at each critical stage

of litigation would be a compromise in the public interest. An overview, in terms of the impact of these changes on the future of the Bar, is critical.

Let me take another example. In crime, payment for legal aid advocacy in the Crown Court has been subject for years to piecemeal reform by salami slice cuts and contortions which has rendered the current beast, tied as it is to counting pages and many other absurd criteria, wholly unfit for purpose.

Here, the profession has responded. We have helped the Government design an entirely new Advocates' Graduated Fee Scheme (AGFS) which restores payment commensurate with the gravity of the case and the skill and responsibility required to defend it. It is a scheme less vulnerable to factors beyond the control of the advocate and it is a scheme which, if adopted, will better reward career progression. It has many other advantages over the current discredited scheme including in relation to diversity. I hope that this new scheme will soon be out for consultation. It is the product of about two years of unstinting effort by Circuiters and Criminal Bar Association (CBA) representatives, senior and junior. We owe a debt to Richard Wright QC in particular. I hope the new scheme will restore some confidence in the criminal Bar as a career choice for able advocates. If it does, it may go some way to encourage chambers to recruit and retain youngsters.

But, returning to my theme we need also to press for reform to ensure that the best advocates in the market are instructed. That does not happen at present. As Sir Bill Jeffrey in his independent report put it, *'As it exists now the market could scarcely be argued to be operating competitively or in such a way as to optimise quality.'* Every year the proportion of Crown Court Legal Aid spent on in-house advocates increases at the expense of the independent referral Bar. Very few would argue that this is a result of fair competition. There is an obvious strong public interest in public funds being spent on the best available advocates. We have suggested that the LAA ought to operate a 'purchaser's panel', with advocates graded according to training, skill and experience. Judges and leading representatives from both branches of the legal profession should assess and grade applications in a system akin to but more robust than the CPS grading system. This is not Bar-protectionism; rather it protects and enhances the best advocacy. If we can bring it about it will help restore confidence at the junior criminal Bar that those that achieve excellence will prosper.

Now, not only do we need to work to promote fair competition at the junior Bar, we need to continue to attract advocates with the greatest potential to join the Bar. To do that, we need to be open to all, and that requires social mobility. It requires those who have no financial support or security not to be deterred by the eye-watering cost of qualification.

We have an opportunity at long last to do something about our profession's entrance exam. We live in a time when aspiring barristers often approach the BPTC already heavily in debt. The current course providers charge too much and the failure rate is too high. It is plain that many who sign up for the course have little prospect of passing and an even lower prospect of obtaining pupillage. This is indefensible. The Council of the Inns of Court (COIC) proposal, supported by the Bar Council, is that a two-part exam, Part 1 of which can be taken relatively cheaply, with Part 2 only available to those that pass Part 1, is fairer, better value, and an

obvious way of improving social mobility. I encourage all who have not done so to respond to the BSB's consultation, open until the end of January.

So I want us to focus in 2017 on opening the door wider to young, socially diverse talent and to enabling fair competition for junior barristers, all of it undoubtedly in the public interest.

What about the Bar in general?

For the best of reasons, we have for years concentrated on trying to help those who want to diversify their practice: and on presenting alternative business models: and on enabling direct access. All these initiatives are important but as someone who has been aware of the effort expended on them I have joined those who eventually ask: 'What about the core?' The chambers model persists because it is economically efficient, and its ethos strong. Most barristers who work for public funds do not want to diversify: they believe in the value of what they do, they see the need for what they do, and they are extremely good at what they do. I fear that endless initiatives which push other models or suggest other fields of practice, well-meaning though they are, serve to alienate the core who feel, in consequence, left to their own devices.

It is important that we do not neglect the core. The self-employed Bar is 13,000 strong. Crime, family and PI probably adds up to about eight or 9,000 of those 13,000. Add those that do county court commercial or contractual disputes: and employment tribunal work, run of the mill chancery or insolvency work, and you begin to see what we are all up to. It is in those areas that we need to improve what we deliver. We should not neglect this, the bedrock of our profession. One of the missions of my Chairmanship is to try to provide leadership which focusses on the needs of this constituency; we need to be receptive to them.

Many of these core areas of expertise have suffered from a lack of investment by successive governments in Legal Aid and in the service provided by courts and tribunals across the country.

We are in a time of austerity. I am no economist but it seems to me that we are likely to remain in such a time for a long while yet. Although the language often seeks to disguise the fact, successive governments have made cuts or under-invested in justice. Why is that?

The big picture is that two thirds of our Ministry's expenditure is upon prisons. Since responsibility for prisons moved, 13 years ago from the Home Office to what became the Ministry of Justice, the budget for Legal Aid and for the courts is driven to compete with expenditure on prisons.

Successive governments have wholly failed to live up to the task of reducing the size of prison population. At 80,000 we have the highest prison population per capita in Western Europe. Almost twice, for example, per capita, the number imprisoned by France.

It costs an average of about £35K a year to keep someone in prison.

There is hardly a single respected commentator or expert whose advice is that we ought to

send more people to prison. Let me spell out what we all know: the failure to tackle the prison population amounts to a disappointing lack of statesmanship by our nation's leaders. There should be cross party support to do the right thing: the right thing is often something that runs contrary to current public opinion which is so often ill-informed by the media.

We need statesmanship: as for public opinion, as Churchill remarked, it is hard to look up to leaders who are adopting the ungainly posture of keeping their ears to the ground.

In the meantime, austerity and the cost of running failing prisons threatens the delivery of Justice.

So the competition within a shrinking budget which caters also for prisons, is intense.

Ludicrously, it pitches expenditure on Legal Aid against expenditure on the courts and judiciary. So as the prison population rises, Legal Aid and the delivery of justice suffers. We have been in competition with prison and probation service expenditure since 2003.

Do we say: 'Well that's how it is. Now, how can we make the most of what we are given?' Or should we lift our eyes up from the pie chart and the shrinking pie, and ask for a moment: 'Does Society as a whole not understand what is at stake?' At a time of austerity and increasing uncertainty and insecurity, is not starving the delivery of Justice a little shortsighted? If not, a complete reverse of the policies of the last 20 years, should there nonetheless not be some real attempt to recover the position caused by the worst ravages of LASPO<sup>1</sup> - not for the sake of lawyers and judges but for those who cannot access quality representation. A review of the effects of LASPO is now promised. It represents an opportunity to turn the tide.

If the tide is not turned, and we do not restore the availability of quality representation to those who cannot afford it, then the ground will begin to shift. That failure will amount to a loosening of foundation stones upon which the Rule of Law is based. A civilised society depends upon the confidence of its citizens that, whatever else happens to them, every citizen in need will find protection and such redress as the law provides.

In the meantime, how does the Bar, and in particular those whose work as advocates is funded by the public purse: not just the criminal Bar but also the family Bar, and those residual pockets of Legal Aid for the civil Bar: how do we respond to what successive governments have done?

We are adaptable and innovative. The publicly funded Bar will eventually, if it has no choice, react to market forces and shrink or diversify. We have done so before. So please do not misunderstand me. If public funds are in the long term reduced to the extent that a professional career in publicly funded work is not sustainable, the Bar will survive – blossom even, in other more verdant pastures. It has survived for 600 years and will continue to survive - flourish even - because you cannot keep a good idea down. The good idea is my theme: independent advocacy. There will always be a market for it.

---

<sup>1</sup> Legal Aid, Sentencing and Punishment of Offenders Act 2012

But the question for society is: who will advocate on behalf of those we no longer serve? Will they do it so well? Will the hallmarks of the Bar – its independence, its competitiveness, its low overheads, its striving for excellence, its unrivalled training - all of that, still be available? If not which part of it is to be sacrificed? What value is worth losing for the sake of the cost?

And does our society want that which will necessarily follow? A two-tier system in terms of the quality of representation?

I hope I only need to ask the question to know the answer. One Bar is no mere slogan. It means we all believe that the same standards of excellent advocacy should be available to all. But if policy-makers do not see it that way, what do we do?

For most of my career I had believed that it was not only unnecessary but in rather poor taste to trumpet the virtues of our profession: there was no need, because no-one could seriously doubt our value. I grew up in a culture when touting in any form - specifically or generally - was frowned upon.

Now, I am clear: as with society so with our profession. There is a dawning realisation that certain fundamental truths, obvious though we think they are, need to be defended, reasserted, not just in the face of hostile forces without, but perhaps more importantly, from complacency within. It is the Bar Council's role to give voice to this, and I intend to make that voice heard.

Inevitably, all this bring me on to the question of the court reform programme.

Two things are significant: one is the changes themselves amounting (not my word) to a 'Revolution'. The other is the way change is being effected. We are used to reform taking place by a formal process of consultation followed as appropriate by legislation.

What is happening with the current reforms seems more akin to an organizational 'change management' programme for a FTSE 100 company.

It feels as if we are in the hands of consultants. The process of change involves champions, some of them senior judges, and stake-holder leaders: and we are all encouraged to endorse the message.

Some of the language used by senior judiciary in describing what is coming our way has become almost evangelical in tone.

I am speaking of course of the 'Joint Vision', for 'Tomorrow's justice system'. The Vision enables the Lord Chief Justice, the Senior President of Tribunals and the Lord Chancellor to predict that:

*'...courts and tribunals will use online, virtual and traditional hearings as best meets the circumstances of the case.... more and more cases or parts of cases will be carried out virtually or online.' ..we will need fewer buildings, used more efficiently with courtrooms which are more adaptable.'*



Where has all this come from? I quote Lord Justice Briggs, the proponent of the Online Solutions Court, who gives '*Pride of place ... to Professor Richard Susskind, that voice crying in the IT wilderness....*'

Is all this merely blue sky thinking? No: Lord Justice Gross has said, '*In terms of the practical provision of resources to the justice system, in England and Wales, there is (to put it colloquially) only "one game in town": HMCTS Reform....*' And '*The stakes are high. There is no Plan B.*'

And many of you will have seen or heard the exhortations of the Senior Presiding Judge, Lord Justice Fulford to 'get with' the programme.

This, of course, is stirring stuff. No doubt it is felt that it needs to be, such is the scope and the challenge of the reforms.

For us independent professionals, this method of bringing about change poses a slightly vexing question. Do we jump aboard, make only constructive suggestions, ignore the doubters, and use such skills of advocacy as we possess to persuade all to join the march, led by Professor Susskind and his gathering body of disciples?

Or do we stand on the sidelines, express our anxiety and risk being depicted as Luddite, protectionist, or lacking vision?

Of course we should do neither. We should do our best to exercise judgement. We must not get carried away by revolutionary language. We do not of course. We attend meetings where we can and try to contribute to the process to ensure that the voice of the profession is heard by those that are designing Plan A. I myself have attended, as have other Bar Leaders, some of the Professional Engagement Groups and other steering meetings. The Bar Council is committed to continuing to do so.

Some of what is planned is not only sensible but long overdue. It need not be depicted in a revolutionary way – it is merely us catching up with the rest of society following years of under investment in technology. The Bar, far from being flummoxed by Digital Case working in the Crown Court, has readily and easily engaged with it, and has not been slow to point out how it could be improved, and how and in what critical respects it sometimes fails to deliver. But I emphasise much of what is being done is overdue – we are playing catch up. In the criminal courts none of this has sidelined the lawyers. Indeed, as always it is the co-operation of the lawyers that has enabled success where that has been achieved and where it is plainly sensible that success *is* achieved.

But, in the wider transformation programme, some of what is proposed is controversial, and the controversy is not around what is possible but rather what is desirable. It is important to emphasise that: the critics should not be sidelined on the basis that they lack vision. It may rather be that they see all too well, but they do not like what they see. If we are to have a proper debate, we need to air our views.

Let me articulate two concerns I have, straight away.

I am not persuaded that making revolutionary change when there is no Plan B is very sensible. Are we keeping courts open and resourcing traditional means of delivering justice sufficiently, while trying out Plan A? If not, it means of course that Plan A has to succeed whether or not it is a good idea. That was the serious point the current Chairman made, when pointing to the risk to the reputation of our senior judiciary engaged in actively advancing Plan A, if Plan A does not deliver the promised rewards.

Second; I am not convinced that moving to a world where the default position is that a hearing will be virtual as opposed to real, is a good idea. I am sure it is cheaper. I am sure it is more convenient. I am sure there are many who would rather not go to court. The question is: Should those factors: price, convenience and a disinclination to attend court, be the predominant considerations in the delivery of justice in an open society?

Most of us – lawyers or not – instinctively understand the solemnity or as it is sometimes put, the ‘majesty’ of the law. The historic prominence of a court building in the municipal setting demonstrates that our ancestors understood it also. Whereas no-one wants court users to be overborne or intimidated, neither will it be helpful if respect for those who administer the law is diminished by the very fact that those who come before the court are only in the virtual presence, rather than the actual presence of judicial authority.

And despite protestation to the contrary I for one am not sure that virtual courts feel like open court. However good the technology, when you are not in fact in the same room, you cannot in the same way judge the mood or the atmosphere. The humanity of physical presence is, I suggest, an important component in the delivery of justice. When a witness or a defendant or a lawyer or when members of the public are remotely connected to a court hearing, the remoteness comes at a price.

Of course for many years now certain victims or vulnerable witnesses have been better able to give evidence because they are able to do so in the relative privacy of a televised link. We support and encourage that, as we do the pre-recording of such cross-examination, as there must be of such witnesses, well in advance of trial.

But one size does not fit all. Many witnesses are comforted or find satisfaction or even a therapeutic value in overcoming their anxiety and in saying what they have to say in the physical presence of the opposing party and the judge. It is not just the advocate who needs to have the best sense of how the words in court are being received.

Being in the physical presence of a witness or a jury or a defendant or a judge or your lawyers, whether the cause be criminal, family or civil – isn’t that fundamental to our innate sense of how justice should be delivered? It springs, I suggest, from our roots in local communities. Justice delivered in a physical locality brings satisfaction – as near as that can be achieved, to a community. The community comes together in a physical place, a place of note. Grievances are aired and replied to and the communal process of justice begin. People talk to each other. They react together. They leave together. Sometimes they leave dissatisfied at the outcome, but rarely do they leave with any justifiable sense that all that need to see and hear and react and assimilate did not do so. The rich complexity of what happens during the interaction of

the community at court, presided over by a trusted judge we underestimate the value of at our peril.

We do it best when we are together in one place. Justice has a human face, and it's not a face on a screen.

Now of course those who are developing Plan A recognise this. That is why they go expressly out of their way to say that certain cases will always require a hearing in a physical court. But those of us who sense an overall direction of travel ought to articulate our concern, without fear of being castigated as Luddite or lacking vision. It is not only high profile cases which need physical courtrooms. Many smaller cases benefit from getting everyone together in one place. The dynamic between the parties becomes evident; whether one side is unfairly dominating the other, whether one party is as well-healed as the other. Let me ask: how often during a case does a judge, able to absorb atmosphere, nuance and interaction at close quarters, suddenly gain an insight: push aside the pleadings, the pre-court assertions: the penny drops. Will that be as frequent – or as accurate a perception, in virtual reality?

It would be naive of any of us to assume that the direction of travel has not be affected by the question of money. The sale of courts, the promise of cheaper, new, modern, flexible courts, investment in technology with anticipated savings, the Online Court, court case officers with enhanced powers doing what judges use to do.

It is all happening on our watch.

At the Bar Council we must, I believe, do two things. We must commit our best practitioners to help guide those trying to deliver Plan A as best we can, ensuring thereby that we see off some of the more, frankly, unrealistic ideas: and we must point to what will go wrong if certain practical realities are not sufficiently accounted for.

But those of us who understand the benefit of it must not be shy of standing up for the value of traditional human, physical, real, face-to-face contact in the delivery of justice by one of Her Majesty's Judges, seated one hopes not in a pop up or a mobile court but a place where the Majesty of the Law is still discernible.

So in summary when I am asked: 'What are your priorities as Chairman of the Bar for 2017?', I reply, 'to address the threats to the junior Bar; to attend to the needs of core practitioners'. Both those aims require me to do everything I can to promote the delivery of specialist advice and advocacy by the barristers of England and Wales here and abroad – everything the Bar Council does should be in line with that focus. It is, I am happy to say, a focus in line with the Bar Council's strategic plan. We are about to commence the third year of that plan: our seven policy aims do not merely permit but exhort us to act as I have said we must.

Now finally, I want to ask you to help us look beyond our profession. This brings me back to refugees.

We talk a great deal of the Rule of Law, Access to Justice, protecting the vulnerable, our

fearlessness, our independence. Many do more than talk and they are engaged though impressive pro bono work in trying to make a practical difference.

But let me ask a question. Given the time in which we live, should the Bar not be doing something to try to improve the plight of refugee immigrants held, against their will, in immigration detention centres in our midst, included amongst them, asylum seekers?

These are men women, and children, some of whom are detained in circumstances and conditions that are unacceptable. The overall numbers are surprising. In the mid '80s, we detained about 100 asylum seekers annually. Now on any one day there are around 4,000 immigration detainees.

Independent reports commissioned by Government make findings which express concern as to the number detained, the length of detention and the welfare of some vulnerable detainees.

For example this summer's report from HM Chief Inspector of Prisons<sup>2</sup> records that the Rule 35 process, intended to protect detainees with serious health problems and those who have been tortured or trafficked, is not working consistently well at any Immigration Removal Centre.

There are a number of recommendations made by those who have recently reported and there is some unanimity: for example that there should be a time limit on this 'administrative' detention.

I would like the Bar Council to bring its available expertise to bear on these issues. I make it plain I do not intend that we should join forces with all campaigning groups on all worthy matters. It is not our traditional role. We cannot take on world poverty, or the ravages of war. But ought we not to be backing calls for better protection of vulnerable immigrants in detention? Ought we not to back those who say that administrative detention within our jurisdiction should not be without time-limitation? These are in any other context, Rule of Law issues.

Given what is happening in the world the time seems apt. And it is good for us, the Bar to lift up our eyes, to look around, to see where we can and should be making a difference outside our usual habitat. I intend that we should work with those who have constructive and responsible proposals in this sphere, because I believe it amounts to a natural fit for the Bar and what we stand for.

Thank you all for coming: thank you for listening. Please tell others about what we do at the Bar Council. We have 12 representative committees. Today we publish the names of those who have agreed to chair those committees next year: I am delighted that the majority are women. We lead by example.

So, let us energise our profession to realise its potential for the sake of all we might serve.

---

<sup>2</sup> HM Chief Inspector of Prisons for England and Wales Annual Report 2015-16

**Ends**