



The Bar Council

**Sam Townend KC, Chair of the Bar  
Opening of the Legal Year  
Monday 30 September 2024**

Lord Chancellor, Attorney General, Ministers, my Lords, Ladies and Gentlemen, I am Sam Townend KC, Chair of the Bar Council of England and Wales, representing nearly 18,000 barristers, specialist advisors and advocates, across the country. On behalf of the Bar Council, can I welcome you to Lincoln's Inn, my Inn, for our amity dinner prior to the Opening of the Legal Year tomorrow.

We welcome tonight Bar leaders from 65 different jurisdictions brought together to celebrate and honour the role that the legal sector plays in safeguarding the rule of law.

It is wonderful in that regard to see so many female Bar leaders and, of course, we also have our first ever Lady Chief Justice in this country and present tonight our first woman lawyer as Lord Chancellor in Shabana Mahmood. Before I embark upon the main theme of the rule of law can I just identify that as well as being the Opening of the Legal Year here in England and Wales, today is also the 75<sup>th</sup> anniversary of the first appointment of a woman as King's Counsel. This truly special occasion has just been marked with a photograph of all female living KCs who were able to attend in the Royal Courts of Justice, some 350 in all.

Lawyers and judges are under pressure in many countries right now. They face governmental takeovers of Bar associations, arbitrary disbarments, detention or even physical violence whenever there is a crackdown on the rule of law.

Populist doctrines, combined with the sometimes-malign effects of social media, have taken their toll. Just last month they have resulted here in the targeting of nearly 50 immigration and asylum lawyers during racist riots. It was thanks to the work of law enforcement authorities and Bar associations, including our co-hosts, the Law Society of England and Wales, that fortunately no physical injury to any of those targeted resulted.

Throughout the world there are challenges to the rule of law. I was fortunate to attend the International Bar Association conference in Mexico earlier this month, a country which truly does have very current rule of law challenges with the outgoing Mexican President, Andres Manuel Lopez Obrador, set on replacing

there the independent and professional 7,000 strong judiciary with a judiciary elected by the popular vote from a ballot selected by government officials.

The IBA conference was addressed by Norma Pina Hernandez, the Chief Justice of the Supreme Court, and former President Zedillo, both castigating the government for their disgraceful undermining of judicial independence. I am delighted that representatives of the Bars of Mexico are here for this Opening of the Legal Year, and we stand with the Mexican Bars as they seek to resist this flouting of basic constitutional norms.

The negative economic and social effects in countries, including Hong Kong, as the rule of law is gradually replaced by rule by diktat of the executive, arbitrary and unlimited executive power sadly causing the respect and authority rightly accorded to that once great legal jurisdiction to seep away. Our sympathy and solidarity is with those judges and barristers in Hong Kong that stand up for impartiality and independence, holding the line for as long as may be possible.

There are other examples around the world that should provide reason for optimism. In Ukraine, there is a deliberate and careful attempt by independent prosecuting authorities, with international support, to collect evidence of crimes of war, and to maintain domestic civil and criminal due process, even as war rages. This greatest attempt ever in seeking to collate evidence of war crimes while conflict is ongoing is bringing success with, to date, 131 Russians having been convicted by Ukrainian courts exercising what we would regard as ordinary legal and procedural measures. We welcome Valentyn Gvozdiy of the Ukrainian National Bar Association and Ana Ogrenchuk of the Ukrainian Bar Association to our dinner tonight.

Turning to nearby Poland, on 25 May this year I was privileged to give the address on behalf of the international Bars at the annual assembly of the Warsaw Bar Association. The new government there, under Donald Tusk and Minister of Justice, Adam Bodnar, together with the Polish legal professions, are striving to reverse ten years of systematic emasculation of legal and constitutional norms by the previous governing party so mis-named the Law and Justice Party. The Bars of Poland through their consistent advocacy for judicial independence, pursuing legal challenges against unconstitutional laws and government actions, and individual and collective acts, showed enormous bravery and resilience which we all admire. I am glad that the Polish Bars, too, are represented here tonight.

Here in the United Kingdom, we have had our own difficulties in this regard, important though not of the same scale. It was eight years ago, in 2016, that one of our major tabloid newspapers, disagreeing with a decision of the Court of Appeal, pictured our three most senior judges, with the headline "Enemies of the

People". All lawyers agree that it was to the disgrace of the then Lord Chancellor that she failed even to speak in protest against that newspaper headline.

Following that incident it sadly became routine for parts of the media to attack lawyers for acting for clients that they did not like and for certain political leaders to target other lawyer politicians for clients they advised 25 years ago.

This is, of course, contrary to the 1990 UN Basic Principles on the Role of Lawyers, that lawyers are not to be associated with the causes or character of their clients.

It is welcome, indeed, that the new government here has called out this kind of behaviour, stated that "the rule of law is back", and committed to adherence to our domestic legal obligations and the international rules-based order. There will, no doubt, be tests to that commitment, but a restoration of orthodox government adherence to the rule of law will be both reassuring and desirable. We will hold them to their promise.

One development that should be of interest to all of the Bars here present is that on 12 September the Committee of Experts of the Council of Europe agreed the draft of a convention on the protection of the profession of lawyer. This draft convention aims to put into treaty law a strengthening of the protection afforded to lawyers to allow them to freely practise their profession without prejudice or restraint.

This draft convention now goes before representatives of each European Council member and then finally to the Council of Ministers next May. Thereafter it will be available for ratification by all members of the Council of Europe and, indeed, any country that wishes to opt in. I shall be lobbying our government here to ratify this important treaty and urge you to do the same in your respective jurisdictions.

We must collectively be vigilant. The rule of law stands against the forces of populism and autocracy. But together we can share expertise, resources, camaraderie, and hope, standing together for what we know is right.

I hope that you enjoy the dinner tonight and the opening of the legal year. Thank you.