



The Bar Council

**Sam Townend KC, Chair of the Bar**  
**Bar Conference 2024**  
**Saturday 8 June 2024, London**

CHECK AGAINST DELIVERY

1. Welcome to this year's Bar Conference. I am delighted that so many of you have chosen to spend a weekend day with us to hear from our line-up of expert speakers and to discuss and debate the issues facing the profession at this critical time, shortly before what may be a watershed general election.
2. The state of the legal services sector, and the Bar within it, is a real mixed picture. Justice in the private sector, where public funding and Government have the most limited role, is a real success story. Legal services contribute increasing sums to the economy - £34 bn in 2022- and the UK is the second largest legal market in the World, constituting 10% of the World's legal services economy. The legal sector contributes to the UK net exports of £5.7bn including £0.5bn by the Bar by itself, the profession punching massively above its numerical weight. The English and Welsh Bar, including that hallmark of quality of the KC system, is at the vanguard of this success. The pre-eminent reputation of our Judges and the specialist nature of our jurisprudence, along with the excellence of English and Welsh legal professionals are what gives the country this export premium.
3. The Bar itself is generally in a healthy state, with overall numbers increasing to nearly 18,000 and with over 650 pupillages on offer this year. The pupillage survey of earlier this year shows our pupils are professionally and personally content and the most junior end of the profession is as diverse as it has ever been. Work continues on equality, diversity and inclusion issues, especially on retention and progression, with the Bar Council, Circuits, SBAs, Inns, chambers and employers, together with our brilliant pro bono charities, FRU and Advocate, coming together to work on initiatives

such as bearing down on the gender earnings pay gap, the rolling out of returners and movers schemes across the Bar, a renewed focus on Race at the Bar currently ongoing, and the imminent launch of our bullying and harassment at the Bar review.

4. The Bar is working well with external partners such as the IBC and the LPMA, and where appropriate, with the judiciary, on EDI issues. While there certainly are issues for the profession, the outlook is one of many parts of the Bar working together leading to positive outcomes as is evidenced at entry to the profession. The Bar is and will continue to be a wonderful career.
5. Our regulator, the Bar Standards Board, has over many years been supportive of these initiatives, provided useful data and, rightly, largely stayed out of the way, something that I hope continues notwithstanding concerning references in their business plan to intended substantial changes in their approach on EDI. They have a substantial job on continuing to improve their performance on matters of conduct, including, of course, arising from the concerning findings of the Inquiry into the Post Office Horizon scandal, and in authorisations.
6. The health of the Bar is not reflected in the health of the justice system more generally. Every part of the justice system that depends upon public funding and that is particularly reliant on government support is in a parlous state. As a result, public confidence is shot.
7. This is where work must be done and, with that in mind and it being the short campaign prior to the General Election, earlier this week we issued our Manifesto for justice 2024.
8. We must look to a new government, of whatever political stripe, in a few weeks to do the right thing by the justice system and by the public. The Manifesto for justice contains eight specific requests we seek to be implemented by the next government under three themes of a strong, effective and properly funded justice system; access to justice; and upholding the rule of law.

9. On the topic of criminal justice, the subject of our first request, it seems clear that the existing policy has reached a dead end. The Crown Court backlog continues to creep up, heading up to over 68,000 cases, and the prisons are full. The increasingly elaborate, not to say, desperate operational measures being adopted such as Operation Safeguard, Operation Early Dawn, and early release of prisoners, 18 days, then 60 days, then 70 days early, are all symptoms of a failing system. We cannot continue like this.
10. Our first request in the manifesto is, therefore, a call for the establishment of a Royal Commission on the criminal justice system, to remove the issue from the hurly burly of daily politics and the reductive effect on policy thinking of the tired repeat accusation and counter accusation of “soft on crime”. The intention of such a Commission would be to inject both realism and seriousness into discussions of solutions for the problem, which ultimately will certainly require calm decision making and political courage.
11. Secondly, we ask that one of the basic aims of reforms in this area must be to ensure that serious crimes, those in the Crown Court, have a trial start date within six months of the first hearing. A court backlog, per se, is not the failing in the system, it is the time that it takes to reach the trial that is the real problem and, as we know, it takes far, far too long for criminal cases to get to trial. This has a whole host of negative consequences, in the confidence of reporters of crime, often the victims, in the justice system, the attrition of witnesses, the unreasonably oppressive nature of the months or years spent by defendants languishing under charges for which they are ultimately acquitted at trial.
12. Importantly, the failures in timeliness undermine the effectiveness of necessary incentives in the system, specifically discounts to sentence to encourage guilty defendants to plead guilty early. A plea of guilt is the first step on the way to rehabilitation and saves victims and witnesses from having to re-live their experiences in trial. It saves the state money both in relation to the trial process itself and in shorter

prison sentences. We know, however, that the overall guilty plea rate has ticked down from 64% to 59% and that the early guilty plea rate, that is pleading at the first hearing in the Crown Court, is down by a quarter. This piles ever more pressure on to the system. We must restore the target, one that government has previously accepted is appropriate, that a trial start date should be within six months of first hearing.

13. Our third call is for investment in all parts of the justice system sufficient to secure a sustainable and resilient system. One that commands public trust and confidence. Real terms funding for justice per person declined by 22% between 2010 and 2023. Yet the demands on the system, following the introduction of more offences, higher sentences and so on, have never been higher. According to the Institute for Government under current Treasury plans, the spending on the Courts is set to decline in real terms by 3.5% every year for the next five years. We, therefore, call for investment of around £2.5bn, less than a ¼ of 1% of public spending, to bring the whole of the courts and publicly funded justice system back to working order.
14. Our fourth request is complementary to the third. We will only succeed in securing the additional funds when government and parliamentarians recognise that the courts are a fundamental public service. A service that is the foundation stone of our society and upon which all other public and community goods are based. Whether it is public safety, productive commerce and trade, confidence in state institutions, all depend upon a secure and stable justice system.
15. Fifthly, we must reverse the tragic evisceration of the early legal advice sector. One of the greatest governmental errors of the last 14 years was the removal of most public funding for Citizens Advice and Law Centres. These substantially voluntary sector institutions played, and where they still exist, play a vital role in supporting those who are unable to access or afford legal advice from solicitors firms and barristers. The Access to Justice Foundation has identified the multiples of savings to the state purse that easily accessible and trusted early legal advice can bring compared to the cost. Quite apart from financial savings, there is also the misery avoided by members of the

public by having their legal or administrative problem identified in good time, and being put on the road to resolution before they end up in court.

16. Our sixth request is to widen the scope of legal aid eligibility across civil, family and crime. Over the past 14 years the amount the government spends on legal aid has reduced by 40% per person. This too has contributed to the sclerosis in parts of the justice system, not least in the family courts, where now in just one in five cases are all parties represented. Despite record numbers of sitting days the backlogs get larger and the waits to trial in child custody and in care cases get longer with the horrendous effects that has on the life chances of children.
17. Our final request is one that costs nothing, but is highly significant. It is a call for the next government and parliamentarians to uphold the rule of law and to respect the separation of powers in all that they say and the legislation that they bring forwards. Ever since the 2016 Tabloid headline of “Enemies of the People” above pictures of the three senior Judges of the land and the failure of the then Lord Chancellor to speak up for the judiciary, arguably contrary to her statutory oath, the Rule of Law has been chipped away. This has been so well documented in the September 2023 report of the leading think tank, Justice, “The State we’re in: Addressing threats and challenges to the rule of law”.
18. Just this year we have had legislation that, in one instance, reverses a finding of fact of the Supreme Court, and in another, removes from the Court of Appeal and gives to Parliament and a minister the power to determine the safety of criminal convictions. These are truly undesirable precedents. In one sense worst of all, as Parliament had no involvement, we have had a ministerial statement identifying an intention to appoint 150 more Judges for the specific purpose of administering the Rwanda legislation, including stating that those Judges are to work weekends and evenings- in effect treating Judges like cattle under the direction of the Executive.
19. Recent and repeated public attacks on the legal profession as well as Judges together with threats to basic domestic law rights and international legal obligations undermine

trust and confidence in the justice system at home and abroad. The damage this has on our global reputation, soft power and our ability to influence in the World should not be understated.

20. We, therefore, call upon the next Government to re-state its support for, and potentially to reinforce, the January 2004 Concordat between the Government and the Judiciary, and the framework agreement around it, with the aim of guaranteeing, for good this time, the independence of the judiciary.
21. We also demand that a new approach is taken across the board as to the language used about lawyers and Judges. Negative rhetoric should cease. Lawyers should not be associated with the causes and character of their clients and should not be disparaged simply for doing their jobs as we have seen so much recently.
22. For all this, if our prescription is followed, I believe that we can have a justice system that the public can once again have confidence in. One that will ensure public safety. And one that will expand the reach of our legal services abroad, increasing further the value of our exports and the contribution it can make to UK economic growth. A system of justice and rule of law that is again respected and a model for the World.
23. I hope that you enjoy today's Conference.

ENDS