



**INVEST IN THE FUTURE**

**Inaugural Bar Council**

**Speech by Michael Todd QC, Chairman-Elect**

**Monday 5 December 2011**

As the time approaches, rapidly for me, when I will take over the Chairmanship of this Council, colleagues at the Bar, from other sections of the legal profession, and from outside the profession, have been asking me:

- What is the theme of my year going to be
- What are my messages for next year
- What do I want to achieve during the next 12 months, and
- What is going to be different?

I have thought long and hard about each of those questions. Who, in my position, would not have done so?

Of course:

- I will talk about the excellence and quality of the Bar, of the services it provides, and of its independence and its integrity
- I will talk about why an independent Bar is essential to the maintenance of the Rule of Law
- I will talk about how the Bar is vital to the promotion of access to justice
- I will talk about how I value, and will fight to maintain, the existence of the independent Bar
- I will talk about how the proposed cuts in the public funding of legal services, resulting, as these cuts inevitably will, in DIY justice, in cut price justice, in a denial of access to justice, and

- I will talk about how the Bar is accessible, adaptable, cost effective and efficient.

Powerful and compelling as those messages are, and, in a sense, they are the irreducible minimum, they have not persuaded this Government, nor society as a whole, of the real value of the independent Bar.

They have not persuaded this Government, or the public, that the proposed cuts in legal aid fees, cuts in the scope of provision of legal aid, and hence cuts in legal services and access to justice, will not, in truth, save money, but, in the longer term, will prove to be more costly to the Exchequer, to business, and to society, than the money sought to be saved.

Previous chairmen have conveyed those messages, and I will continue to do so.

That is what we all must do. Indeed, we must not just talk about them; it is my intention to get things done.

Consistently, we have engaged the Government in relation to both the financial and social costs of the proposed cuts. But on cuts they do not listen; and if they do listen, they do not hear.

So my message is simple. It is short. It is that we all must “invest in the future.”

And I will make sure that that message is heard!

A secure future can, and will, only come from intelligent fully informed investment decisions that we make in relation to the resources we have at our disposal. There are lessons to be learnt from all around us.

Mindless cost-cutting is not the answer. How many businesses have thrived simply through massive cost-cutting without an adequate investment programme to take them into the future?

And when one looks at the business case for that investment in legal services, we must ask ourselves “how attractive to businesses, to investors, and to others, is an economy in which access to justice is neither a priority, secure, nor certain?”

Why is it that the Russian Oligarchs have chosen to have their legal disputes determined in the UK? Is it possibly something to do with the integrity of our justice system?

It is only by investing that we will ever achieve the justice system which serves all of us who come into contact with it, efficiently and effectively.

But do not get me wrong. I do not sit in an ivory tower.

I am well aware of the dire financial straits in which we find ourselves, as a result of the political and economic decision making of the last Administration, and of administrations before that one; just as I am aware of the devastating effect of the political and economic policies on manufacturing in, and the economy of, the West Midlands in the 1970s and 1980s, the area and the economic environment in which I spent my childhood.

I am aware of the limited resources available to the Government. How could we be unaware? After all, they tell us often enough!

So this is not just a blind call to politicians to spend money they do not have.

It is a call to all of us, to the Government, to individual barristers, to chambers and to the Bar Council to marshal our resources; to invest our available resources wisely to produce the greatest returns; to invest more strategically, more intelligently and more transparently.

I pose this question, and I will ask it of Government, of the general public, of the Bar, and of this Council:

“What is your investment strategy:

- For a secure future
- For the promotion of access to justice
- For the cost effective and efficient delivery of the highest quality legal services, and

- For the benefits, both financial and otherwise, which are dependent on, and accrue from high quality advocacy and advisory legal services?”

So “invest in the future” is my message to Government, to business, and to society as a whole.

But it is also my message to the Bar and to this Council.

We all have our part to play in the future. We have an opportunity now to shape our future. We must seize that opportunity.

### **A profession worthy of investment**

This profession, of which I am immensely proud to become Chairman, is worthy, in my view, of more investment.

Wherever, in London or on Circuit, in whatever field of law we practise, and whether employed or self-employed, excellence and quality are bywords for the Bar of England and Wales.

We each have different strengths. But we are bound together by common values:

- Our support for the Rule of Law
- Our commitment to access to justice
- Our maintenance and preservation of the highest ethical and professional standards, and
- Our commitment to the efficient and effective delivery of legal services

Unalterable values and commitments, to which we have always adhered, and to which I hope we always will. It is a profession worthy of further investment.

To most of those who have had cause to employ our services, the Bar is a profession of specialist advocates.

But we are more than that. We are also a profession of specialist advisers providing services in specialist areas of law:

- From crime to chancery
- From commercial to family
- From admiralty to immigration
- From personal injury to regulatory
- From intellectual property to asset recovery
- From professional negligence to housing

and the list goes on.

We are a diverse profession with diverse specialisms. But we are “One Bar”.

Our diversity means we can learn from each other. Our strength lies in our unity.

But we also need to invest in our future.

- We must be lean, cost effective and responsive
- We must adapt to meet the challenges we face, and
- We must adapt our business models, better to fulfil the needs and expectations of our clients, to optimise the delivery of our legal services.

To assist in that endeavour, the Member Services Team of the Bar Council, so ably led by Paul Mosson, and reporting into the Member Services Board, under the energetic and creative leadership of Richard Atkins QC, has pioneered and promoted training courses and events in the profession's interests.

- One such course is the Public Access training course, launched earlier this year
- It is both cost effective, and of the excellent quality that the Bar expects and demands, and
- It has been a huge success.

Of a Bar of about 15,000 members, nearly 5,000 are now “Public Access” trained. They have made an investment in their future.

To complement that initiative, I am chairing a Working Group, essentially led again by the Member Services Team, to look at the feasibility of a service which would provide BSB-regulated entities and Public Access barristers with an escrow account facility in which can be placed 'client monies' and which will be administered centrally from one location by a third party.

Already considerable interest has been displayed by a number of potential providers of this service.

On a different theme, many sets of chambers I have visited or talked to are establishing different ways of delivering legal services, be that through contracts with other legal service providers, through pairing arrangements with other chambers, or through block contracting arrangements; and they are looking at the types of vehicle through which they can most effectively and efficiently deliver those services.

They too are investing in their future. And by those investments they are securing their position as independent providers of legal services.

During this last year I have been chairing a working group considering proposals for the affiliation to the Bar Council of barristers' clerks, practice managers and chief executives.

It is many a decade since it was one of the duties of a barrister's clerk to make up the coal fires in the rooms of members of chambers. Clerks, managers, and chief executives have become our business managers. They run our businesses. Much as we love to be part of a profession, we are also SMEs (small and medium-sized enterprises), some of which have substantial fee incomes. Our business managers are an integral part of those businesses. Over the years they have contributed much to the work of this Council, in relation to remuneration, regulation and business structures.

It is right, in my view, that they should be given an opportunity to be affiliated to this Council. So my working group has prepared a report for submission to, and consideration by, the GMC and this Council in the early part of next year, with a view, I hope, to facilitating such an affiliation.

An investment decision, which is likely, at worst, to be cost neutral, but will almost certainly bring even greater returns.

Let me just say a few words about last Thursday's Written Ministerial Statement by the Ministry of Justice. As you know, that statement announced substantial postponement of the implementation of planned price-based competition for criminal defence services. The immediate need for further work by the groups established by Nick Green QC, and continued by Peter Lodder QC this past year, under the banner 'Prepare for Change', in relation to criminal work, has receded.

But, we are led to believe, it is merely a postponement. If a more competitive approach to the delivery of criminal defence services (and possibly thereafter family services) is to be pursued by the Government, as appears to be likely, there is a lot more which needs to be done by the Bar.

There is also the Bar's response to Alternative Business Structures, introduced by the Legal Services Act 2007, to be considered. Is there more we need to do to ensure that the Bar will thrive in the new legal landscape?

My view is that, for the Bar, investment in possible new ways of working is an imperative. We have no entitlement to work. We must compete for it. We must invest better to adapt, to change, and to flourish. The returns on such investment are, in my view, undeniable.

On the other hand, and in another sense, investment is optional. We are, largely, a profession of self-employed individuals. It is for us to determine how best we think we can compete in the legal market. I, for one, do not say that you must change. I will not force it down your throats. But if you want to change, I will seek to ensure that the Bar Council will facilitate that change.

Early next year, therefore, I will be meeting with the existing Bar Council groups to consider how best, we should take their work forward.

But whatever we may decide as members of the Bar, as chambers, to do as regards the vehicles through which we provide our services, my message to the Bar is simple and unequivocal: "invest in your future".

But it is for you to decide your future, and we, the Bar Council, will help you, where we can.

## **Relevance**

In order to get the Government to invest in the legal services sector, and in particular in the Bar, we have to persuade and convince them, and the general public of our worth, of our essential role in the administration of justice, that we are a profession in which investment is not only desirable, but essential.

Some may think the Government is a lost cause. Indeed, prior to last Thursday's Written Ministerial Statement we could all perhaps have been forgiven for thinking that this Government does not listen to anything we say.

But how do we persuade the general public? Let's be honest with ourselves, to the majority of the population of England and Wales the Bar is irrelevant. Irrelevant that is, in the sense that they never use our services. Indeed, they never have call for our services. They don't really understand what we do, what our values are, what our role is in the Justice system, and what our value to society is. Putting it simply, they don't really understand our relevance.

So it is incumbent on us to demonstrate our relevance to them. We cannot rely on any one else to do that for us.

And in demonstrating our relevance, we have to demonstrate that we are not simply some elitist profession resistant to change, drawn from a tiny and privileged section of society, providing services for the benefit of the few people who can afford them.

And that I see as a major challenge for us.

## **Our social responsibility**

As we become more business-like in our outlook, so too must we continue to be mindful of our values, and of our responsibilities. With our values there has never been a problem. We have certainly articulated those loudly and clearly. Whether the importance of those messages has been appreciated is, perhaps, another matter. What I am sure of, however, is that there is certainly more that we can do.

Corporate Social Responsibility (CSR) is a watchword in business, in commerce, in finance and in industry.

At its heart lies an understanding that for altruistic, or indeed for selfish reasons, businesses need to engage with the communities in which they operate, ethically and responsibly; not just profitably. It is about enlightened self-interest.

It is about values, but it is also about the image that is projected, that is portrayed to the outside world; to clients and to consumers.

I was being interviewed just the other week and I expressed my firmly held view that if there is a perception by businesses of a denial of access to justice resulting from the legal aid cuts, that will be inimical to the interests of the UK, in terms of business undertaken here, and hence to our financial and legal services sectors. I was met with the, perhaps rhetorical, question “surely businesses are only concerned with whether they can get their disputes resolved effectively?”

Some say it makes no difference. Some say clients don't care.

But I suggest that you take just a moment to look at the websites and promotional literature of any of the large law firms or corporations, and ask why they advertise their commitment to CSR. The answer is simple. CSR is expected by industrial, commercial and financial clients alike:

- It attracts clients and consumers
- It attracts and retains talent
- Responsibility matters to their clients; and it matters to ours, and
- It is simply good business.

Just last week, one leading law firm published its annual Corporate Responsibility Report. Alongside a plethora of initiatives, it listed an investment, across its office network, of £8m in pro bono, volunteer work and cash in its local communities. We must not underestimate the importance of CSR in modern businesses.

But it requires investment.

### **Pro bono**

Our commitment to our social responsibility is manifest in our values and in the ethical standards we employ in delivering our services. And I have already talked about those.

But it is also manifest in the Bar's commitment to the pro bono work it undertakes, through the Bar Pro Bono Unit and through FRU. Work of the Bar undertaken by many, without payment, without advertisement, without congratulation; work undertaken in the public interest, and in most cases without recognition. I believe that commitment to pro bono work, both as to its execution and as to its funding, is in the Bar's DNA.

There can be no doubt whatsoever that the Government's cuts to legal aid will result in more litigants in person; DIY justice as I have called it. This can only serve to impose yet further pressure on the pro bono work undertaken by the Bar, upon the Bar Pro Bono Unit, and upon FRU.

Last month, we celebrated the 10th annual National Pro Bono Week. It is right to say that we celebrated it; for it is worthy of celebration. But Pro bono work faces increasingly challenging times ahead.

Just as the pro bono work of the Bar is praise-worthy, so too is the work of those who administer that work at the National Pro Bono Centre, and at FRU.

Under the impressive leadership of Rebecca Wilkie at the Bar Pro Bono Unit and at FRU, for little money, they eke out the meagre resources available to them to provide the greatest assistance to the largest number of people. Not only do they administer the pro bono work, they are also charged with raising the funds to enable them to do so.

One cannot help but be moved by the difficult job they perform, always with eagerness and enthusiasm, and always with a smile, in the most challenging of environments.

For pro bono, genuinely, to be an intrinsic part of what we do, there needs to be an infrastructure to facilitate the service. It has that in the National Pro Bono Centre in Chancery Lane.

Some have commented, adversely, on the fact that the Centre is located in a modern office block in Chancery Lane. Such comments are truly unworthy.

The Centre is very professional. The Unit made its move to the Centre when rentals were at their very lowest. It was achieved with no material increase in overheads. The entire fit-out costs were raised through additional donations. Rightly, the concept captured the imagination. From this single site, and with the smart use of IT, the Bar works alongside solicitors and legal executives to deliver pro bono access to justice across England and Wales. People from around the world have come to see the operation; and visits from our own profession are received every day. The Centre gives important visibility to the Bar's contribution, in the public interest.

The work of the Bar Pro bono Unit and the establishment of the National Pro Bono Centre are a credit to the entire profession.

But pro bono doesn't come for free.

The Bar's existing commitment to, and investment in, pro bono, already yields dividends for those who otherwise would be unrepresented before our courts. The further benefits which could be achieved, were the Bar Pro Bono Unit to be independently financially sustainable, so work could be focused entirely on delivery of the services, are almost beyond imagination.

If each practising barrister gave the Bar Pro Bono Unit just £20 each year, its present costs would be covered.

At a time of increasing vulnerability for those who benefit from the Bar's pro bono services, provided in the public interest, what greater statement could this profession make than to say that it will ensure that the pro bono work of the Bar, and the administration of that work, is independently financially sustainable?

Such an investment can only bear fruit.

Next year I will be working towards that end. An ambitious target which, with the right investment, is clearly achievable.

### **Diversity and social mobility**

We are often characterised as fat cats. Not just fat cats, but all male, white and posh fat cats from privileged backgrounds. We know differently.

We recognise that investing in our future is not just about new business models, and it is not just about providing pro bono services. It is also about investing in those coming into the profession and those capable of entering the profession.

We have been investing, and we have been making a difference, in some areas more than in others. But there is further investment to be made, to make ours a more diverse profession.

Investment in students at the university stage is incredibly valuable. But it means we do not reach out to children to whom a university degree, let alone a career in the law, is not even an option. We need to target our resources at the earlier years:

- We need to broaden the horizons of children from all backgrounds, and
- We need to support 'Speakers for Schools' and other such programmes.

We need to be, and to be seen to be, an accessible profession, in which we never take our eyes off the importance of, and benefits that can be gained from, social mobility and diversity.

We know the stereotypes; we know the clichés. Many will sneer and doubt the sincerity of our ambitions in this regard. Let them. But we cannot afford to be deflected. We must attract the very best, and, to do that, we need to be open to all.

The Chancery Bar Association has a strap line "Where you come from does not matter, where you are going to does."

That sentiment must drive our programmes:

- To ensure that we provide opportunities
- To ensure that we get the best, and
- To ensure that we do not exclude many from consideration, whether wittingly, or unwittingly.

But those programmes need to be co-ordinated. How often does one Inn produce an initiative and then another Inn, shortly thereafter, produces a similar initiative; all that to be followed by an initiative of an SBA, or of the Bar Council? With the best intentions, we are guilty of initiative overload and of insufficient action. Not only does one organisation not know what the others are planning or doing, but how much wasted effort must there be?

It is time for a co-ordinated approach, for focused investment. We are all seeking the same goal. We will get there more quickly, more efficiently and more cost effectively if we work together.

I have invited representatives of all of the Inns, the SBAs, the Circuits and of the Bar Council, to attend a meeting early in the new year, which I will host, to learn:

- What initiatives each is pursuing
- How we can collaborate
- How we can target the uses to which our resources are put, and
- How to avoid the inevitable and costly duplication in terms of effort, time and money.

I will be asking the Bar Council to focus, and to concentrate, on just a few of Lord Neuberger's 57 initiatives, and to report regularly throughout the year on the achievements made.

Targeted investment, in that way, will bring the returns we all are seeking.

We have come a long way. As a profession we are now much more representative, in terms of our composition, of the society we serve. We still have more to do.

## **The young Bar**

The young Bar is the future of the profession. It is amongst our most junior members that we have made particular strides in terms of diversity. They are more reflective of our society. We simply cannot allow them to be undermined.

It is a young Bar to be proud of.

It is a young Bar to be supported.

Many of us were heavily subsidised when we came to the Bar. With increasing debt burdens for those entering the Bar, and with the constant downwards-pressure on publicly funded fees, such subsidisation for many has become a real burden.

Nevertheless, in my view, we owe it to the young Bar, to the future of our profession, to provide similar subsidy, if we are able to do so, to that which we enjoyed. I recognise the ever increasing financial pressures faced particularly by those who undertake publicly funded work, in the public interest. Their ability to provide subsidy inevitably diminishes as the pressure on their fee income increases. This has to be addressed from all angles. But we should seek not to deter able applicants, from wherever they may come, from entering the profession simply because of the costs of doing so.

As I have indicated, that, of course, cannot be an open-ended commitment. Our investment decisions must be rational, and they must be targeted. We must direct resources to those most in need, and to those most deserving.

But, I have no doubt that we need to invest in potential applicants to the profession, and in our young Bar.

To do so, is to invest in the future of the Bar, in our future.

## **PCF Consultation**

At the same time as we seek to protect the young Bar, we have to be alive to the financial pressures on those more senior members of the Bar, and on those who are particularly financially disadvantaged by the public funding cuts. Public funding cuts which have seen reductions in earnings of as much as 40% in some cases and which come on top of successive waves of cuts year-on-year, imposed by Parliament in the dying days of the last Administration.

At a time of calls to change the basis on which the Practising Certificate Fee (PCF) is levied, I have promised a full and open consultation on how those fees should be levied in the future. I urge all members of the Bar to participate in that consultation, so we can make informed investment decisions.

## **Communication**

There is no such thing as too much communication; we need to do more. We also have to communicate our messages more persuasively. We are, after all, a profession of advocates. We must bring together our specialist skills to ensure people understand our relevance, and the essential role that we play in the administration of Justice.

Communication must be at the heart of Bar Council activity, both next year and further into the future.

It is not only with Parliament, Whitehall and the media that we need better communication.

We also need:

- Better communication between all sectors of the Bar, employed and self-employed, publicly-funded and privately-funded, in London and on the Circuits, between the various practice areas; we are one Bar, not a series of disparate Bars, and that gives us our strength
- Better communication between the Bar and the Bar Council; to ensure that the Bar Council is relevant to the profession as a whole

- Better communication within the Bar Council
- Better communication between the Bar Council and its secretariat; to ensure we have clearly defined and consistent messages, and
- Better communication between the Bar and our clients; to showcase our efficiency, adaptability, accessibility and cost effectiveness.

We must communicate domestically and internationally to ensure our messages are widely understood.

On that wider front, we need to demonstrate the commitments that I have been talking of this evening. We need to be an outward facing and outward looking profession.

Just last month, at the Bar's most successful Conference ever, brilliantly chaired by Taryn Lee, in an entertaining and informative keynote address, Robert Webb QC called on the Bar to make its voice heard.

I intend to pick up on that challenge.

## **The Bar Council**

I have mentioned the need for greater communication:

- Between the Bar and the Bar Council, to ensure that the Bar Council is relevant to the profession as a whole, and
- Between and within the Bar Council and its secretariat, to ensure we have clearly defined and consistent messages.

That is essential. The Bar Council has many detractors, not only from outside, but also from within, the profession. It is a much maligned organisation. "What does the Bar Council do for me?" is a familiar refrain.

But I have seen, first-hand, the excellent work that the secretariat does on our behalf, and the energy and commitment which they bring to their work. But we must ensure that the work they are doing is relevant to the profession's needs. And that is our responsibility. It is, after all, our Council.

I am determined that the Bar Council should become more efficient, more cost effective, and more responsive. Notwithstanding the efforts of the BSB to operate in a way that is proportionate, and to deliver value for money, with the Legal Services Board seeking an increasingly active role, there is a growing cost of regulation and constant pressure on the PCF; all against a backdrop of financial uncertainty for many at the Bar.

How effective and efficient are our committees, some of which have memberships in excess of 20 people? Are we doing the right things, the important things? In my view, we simply cannot do, and cannot afford to do, everything, all of the time. That is why I applaud the efforts that have been made this year to introduce a three-year strategic plan for the Bar Council's representative activity, to give us tighter focus and become more business-like in the way we do things at the Bar Council. We have made a start but there is more to be done.

In order to become more efficient, cost effective and responsive:

- We have to review the role of the Bar Council and its interaction with the SBAs and with the Circuits:
  - To ensure that what the Council does is relevant to the Bar and its needs, and
  - To avoid duplication of effort.
- We have to review the relationship between the elected members of the Bar Council and the secretariat:
  - to ensure that the committees are fit for purpose, efficient and cost effective:
    - In their composition
    - In the work they undertake, and
    - Their use of the Secretariat, and of Bar Council resources.
- We must invest wisely
  - We must harness our limited resources

- We have to be focused in what we undertake, and prioritise what we do and when we do it
- We have to ask ourselves, in all that this Council does:
  - What is on our agenda for the next year
  - What will it achieve and what value is there in doing it, and
  - What would happen if we do not do it?

I have talked about efficiency and investing wisely. These are traditionally overseen in any commercial organisation by a chief executive. The Bar Council has been without a chief executive for most of this year. The Green Review has considered the role of chief executive within this organisation, which has informed the debate, but which has not led us to a final conclusion. A decision needs to be made in the near future as to whether we should commit a substantial proportion of funds to the appointment of a new chief executive. An alternative may be to employ outside consultants to review our existing structure with a view to providing us with the optimal organisational structure for our needs. I need to be satisfied that whatever decision we reach will provide value for money. I am treating this as a priority.

### **Investment in legal services**

In the privately funded sector, the Government has seen the benefit of investment. Even the last administration saw the benefits of proper investment. It commissioned the development of a new “business” Court Building, the Rolls Building, which formally opens its doors later this week.

It also published an International Action Plan, which provides a roadmap for how the Government, the profession, UKTI and TheCityUK can work together to continue to grow.

We make no complaint about that investment, and why should we? Indeed, we should applaud it:

- Proper investment strategically placed brings returns
- The last administration demonstrated that by commissioning the Rolls Building

- This Government has supported that approach, and
- Investment of that nature fits with the UK Growth Plan.

But that strategy must also determine this Government's approach to publicly funded work.

World class justice requires world class facilities:

- Those facilities are not confined to Court Buildings, but to the Judges, to the advocates, and to the other providers of legal services
- The Government understands that in relation to privately funded work
- Why can the Government not see it in relation to publicly funded work?

Do we want a justice system which is the envy of the world:

- Which commands respect from overseas
- Which attracts inward investment and instils confidence in those looking to do business and to invest in the UK, and
- Which commands respect when we, through Government or otherwise:
  - Pronounce on other legal systems, and
  - Seek to promote the rule of law and access to justice in those other countries, nations and states?

It is not just about operating from modern, purpose-built courts. It is about investment in the justice system, in the services provided, and in those who provide those services.

Following the national meeting of the family Bar in September of this year, it was apparent that the Attorney General recognises the effects of under-investment in publicly funded work. He has written to the Lord Chancellor expressing concerns that a multitude of unrepresented litigants in family cases have the potential seriously to clog up the Justice system, leading inevitably to inefficiency and additional expense. Of course, the Bar has been warning of that for some considerable time.

Earlier this year, with the backing of the Chairman, I established a "Bar and the City" Working Group, the purpose of which is to forge stronger links between us. A significant outcome has been

the development of the Unlocking Disputes initiative; the campaign to promote London as the world's leading dispute resolution centre.

That campaign, led by the Bar Council (and, I say parenthetically, driven by Toby Craig, the Bar Council's Head of Communications), the Law Society and TheCityUK, supported by the judiciary, the Government, the City of London and Mansion House, and sponsored by SBAs, sets of chambers and law firms, was a testament to our collective strength and presence, when we collaborate. We have more to do.

The message I hear consistently, is that clients require quality, cost-effectiveness and speed in the resolution of their disputes. I have raised this with senior members of the judiciary. I will be establishing a working group early in the New Year to investigate how better to meet clients' needs, requirements and expectations.

Just last month I was talking, with the Chairman, to Lord Green, the Minister of State for Trade at the Foreign and Commonwealth Office, as I have talked, previously, to Ministers and officials in the MoJ, about the Bar's relationship with the City of London, in particular, about the Bar's International work, and the scope for its development.

I am also looking forward to working with the new Lord Mayor of London, David Wootton, who has a strong understanding of the value of the legal services sector.

Investment in those relationships, strengthens our capital base, and ultimately results in substantial returns.

When I recently addressed a session on commercial advocacy at the International Bar Association's Annual Conference in Dubai, the esteem in which the English legal profession is held was clear. There can be no doubt, the common law world looks to us. It looks to us, to see the developments which are taking place here, and to see how we react to them. We lead the common law world. That leadership brings undeniable benefits, but it is also brings responsibilities.

## **Working with Government**

I have criticised the Government's inadequate financial support of publicly funded work, and the short-sightedness the, apparently, ill-informed pursuit of that approach. On the other hand, I have talked about the benefits that can be achieved from collaboration, and proper investment in legal services.

So where do I stand on this, on working with Government?

In my view, we need a constructive relationship with Government. But it works both ways.

Relationships, be they business, social or domestic, require some "give and take" to make them work. Personally, I would like to see a bit more "give" on the Government's side, for we, on our side, have certainly been giving a lot.

I would like to see Government truly listening to, and taking account of what we have to say. We are a substantial stakeholder in the delivery of legal services. We have an entitlement to be heard and to be heeded. The public interest requires that that be done. The forthcoming Triennial Review of the Legal Services Board, to be undertaken by the Ministry of Justice, with input from the Bar Council and other stakeholders, provides us with an opportunity to ensure our voice is heard in Government.

Clearly, we cannot simply oppose everything. But we do not seek to do so.

To those at the Bar who say we do not lobby hard enough, I say engage with the Bar Council and you will see just how much we do on your behalf.

Many of us will have welcomed the news that there is to be a significant delay in consulting on and implementing price-based competition in the Criminal Defence Service, thereby postponing any prospect of its implementation until 2015 at the earliest.

There can be no doubt that this decision has been heavily influenced by the sustained pressure which the Bar, through the CBA, Circuit Leaders and Bar Council, have placed upon Government

in opposition to these reforms. I was present with Peter Lodder QC at the meeting last Thursday with the Director of Access to Justice, Catherine Lee at the MoJ, when she handed Peter a copy of the proposed Ministerial Statement, and made clear that this decision was a reflection of the sustained effort by the Bar to persuade the Government of the risks in pressing forward with price-based competition.

It is testament to the continued hard work of this Council, the Circuits and the CBA that our arguments have been recognised and acted on. However, this is a delay, not a cancellation. There is much more to be done. There are many more conversations to be had.

Welcome though those developments may be, our message to Government has not changed. It is that we must invest in value, not simply in price.

On the Legal Aid Bill, this Council has also been working tirelessly on behalf of the profession. Our Working Group, impressively led by Stephen Cobb QC, includes representation from the Circuits and a range of SBAs. We have not given up the fight and our lobbying activity continues undiminished.

When we take our stand, we do not do so exclusively on the basis of private self-interest. We do so, on what we genuinely, and sincerely, believe to be in the interests of the due administration of Justice.

Many at the Bar are, truly, public servants. We serve the public. We are a profession which acts in the public interest.

## **Conclusion**

As I said at the start of this address, people have asked me what I want to achieve during the next 12 months and what is going to be different?

I have set out my agenda, and what I want to achieve. I am passionate about our profession, about what we do, and about how we deliver our services, our ethics and our professional standards. I have established a good working relationship, I believe, with the BSB, and in particular with

Vanessa Davies, its Director. We will never agree on everything, but there are many things on which we can and do agree. We share a common interest in the continued existence of a strong and independent Bar. Along with my fellow officers, Maura McGowan QC and Stephen Collier, with whom I have already established a warm and close working relationship, I am dedicated to the continued existence of a successful and vibrant Bar.

Thank you for electing me to the office of Chairman and for giving me this opportunity to serve our profession.

You can rest assured, I will get things done.