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Embargoed until Tuesday 9 December 12:01 AM

BAR COUNCIL INAUGURAL SPEECH

Bar Council Chairman-elect, Alistair MacDonald QC

8 December is a truly special day. On this day there were first performances of Beethoven's 7th symphony, famously described by Richard Wagner as the "apotheosis of the dance", the Damnation of Faust by Berlioz, which is one of my favourite works, and Luisa Miller. On this day in 1896, Sherlock Holmes began his "Adventure of the missing three quarter." I know he had a brilliant mind but how did he know about LASPO? And finally, it may surprise some of you to know that it was as late as this day in 1854 that Pope Pius IX proclaimed the Immaculate Conception, and declared Mary free of original sin. I am very glad that I stand before you today merely as a result of an election!

I say these things partly as an echo of the recent past but also to emphasise that I see my role this of course to take new initiatives but also to continue the excellent work that began under the chairmanship of Maura McGowan, and was so ably continued last year by Nick Lavender.

I want to speak tonight about three important areas, which will, in my view, dominate 2015. The first, which occupied very large resources this year, and is likely to do so again in 2015, is criminal legal aid.

In the face of fast-moving events, it is difficult sometimes to remember exactly how things stood, even just a relatively short time ago. But I think, in order to see what we have achieved this year but also to inform us as to how I see events developing in 2015, a little historical perspective is necessary.

The paper, "Transforming Legal Aid," was published in April 2013. It set out its aims in relation to criminal legal aid quite clearly as follows: "To restructure the current Advocacy Graduated Fees Scheme to encourage earlier resolution and more efficient working through a harmonisation of guilty plea, cracked trial and basic trial fee rates to the cracked trial rate, and a reduction in and tapering of daily trial attendance rates from day 3. Second, there is a proposal to reduce all VHCC rates by 30%. Third, there is a proposal to tighten the rules governing the decision to appoint multiple counsel."

So there we had it: the implication being plain first that it was counsels' fee structure that failed to encourage early resolution, and by that rather transparent code, they meant of course, persuading the lay client to plead guilty. Second, it was clear that the underlying

thesis of the proposal was that, in the unlikely event of counsel not having persuaded his or her client to plead guilty at an early stage, and the client having the temerity to stand his trial, we would all get on with the trial so much more efficiently if our fees were sequentially reduced. Finally, there was the reduction in fees on top of other reductions about which no-one will need reminding.

It is fair to say that, in other parts of the paper, there were references to the value of the Bar to the overall effectiveness of the criminal justice system. But it may be thought that the proof of the pudding is in the eating, and that pious sentiments are valueless when set against the harsh reality of fee cuts, as high as 30%, tapering provisions and the other measures.

Now, I have as much respect in my heart whenever I see a white van, particularly if it is draped in the Cross of St George, but I do not remember my plumber charging a successively lower rate for each day he is working at my home. Nor have I heard of a consultant surgeon being paid by the minute, their fee diminishing as they operate on the patient.

At various points in discussions between the leaders of the Bar and the Lord Chancellor and his officials, those representing the Government have expressed considerable puzzlement at the vehemence of the response of the Bar to these proposals on the basis that the economic situation was grave and that we must all take our medicine.

In expressing those views, what they signally failed to acknowledge was that the Bar had, in the form of significant and deeply damaging cuts imposed in recent years, taken enough medicine to empty the pharmacy. But what they also failed to recognise is that you cannot unsay what has already been said. Thus it is that, a proud and independent profession, whose members routinely work long into the night, get up early and work weekends, preparing skeleton arguments, precisely so that trials can proceed without delay, took huge, and understandable offence to the propositions that they were not giving their lay clients the proper advice and were spinning cases out for their own financial advantage.

In saying these things, I recognise that the Bar does not have a monopoly on hard work. There are many people, particularly those who are self-employed or who are engaged in starting or promoting their own companies, who work long hours. Many in other professions do too. But the difference is that no-one in Government accuses them of systemic irresponsibility, or makes insinuations upon their probity. Nor have hard working doctors, for example, had their pay cut, as we have in recent years.

And all this is against a background of defendants routinely being produced late from prison. Where interpreters failed to turn up. When cases have been forced into the list when they were simply not ready in order to meet spurious targets imposed from above. When the parties have to serve experts' reports on the day of trial or later because, despite immediate attempts to instruct experts, the LAA took weeks to approve the funding or imposed ludicrously unrealistic caps on the hourly expert rate. And when, as a result, the parties had to spend unpaid hours searching for an expert prepared to work at rates, far above those paid to the barristers in the case, but considered by most reputable experts to be derisory.

Well, that was how things stood in April 2013. I pay tribute to the determination and courage of the Bar in resisting what would have been disastrous changes, had they been implemented. The united voice of the profession in the form of the CBA, the Bar Council, and the Circuit Leaders, arguing the Bar's corner in many meetings with the Lord Chancellor and his officials met with success. It was the application of reason and persuasion together with an implacable courtesy throughout. But this time, unlike the many previous occasions upon which we have fought similar battles, the persuasive words were backed up by action.

The unprecedented action by the criminal bar of refusing to attend court, and the no returns policy, had the effect of making the Government realise that the Bar was in deadly earnest. To many, the cuts would have meant the end of the profession as they knew and loved it, so there was nothing more to lose. That is how seriously they viewed the effect of the proposals. Those measures worked.

It is equally important to realise what didn't work. Personal vilification should play no part in our strategy. After all, which one of us who does criminal advocacy would dream, in our opening speeches of telling the jury how stupid they were? Would we rush out to produce caricatures of them as Shrek and other monsters, wave them in their faces and ridicule them? It is unlikely to have the effect of persuading them to our line of argument is it? But that is what happened. For a profession whose daily work is founded upon the presentation of rational arguments in an attempt to persuade the tribunal of the merits of our case, or the demerits of the case presented by the opposition, I find it amazing that there are those who think that we can persuade by vilification and insult.

So what is the position now? Well, I would suggest that it is wholly different. Negotiations with Government officials are proceeding in an atmosphere of cordiality and calm engagement. We have cut the Gordian knot so far as VHCCs are concerned. We are proceeding on the basis of individual contracts tailored to the needs of the case. We have a system now in which the chosen barrister is actively involved in the decision about the rate to be paid for the case. It is therefore perfectly simple. If they are prepared to do the case at the rate offered, they take it. If not, there is negotiation. And so it is that, through this interactive system, an accord is reached.

And, all the while, discussions are taking place with officials with a view to the replacement of the old VHCC system with a new one. Let it never be forgotten that the Bar opposed the introduction of the labyrinthine, costly and time-consuming VHCC scheme. We are hopeful that through reasoned discussion and negotiation, a better, more efficient and certainly streamlined process, will be put in place.

So far as the AGFS system is concerned, that too is the subject of discussion. The Chairman has put in place panels from the CBA and the circuits, comprising barristers of all levels of seniority, who will be consulted should any proposals be made with a view to a re-structuring or re-ordering of fees. Never again will we hear the complaint from the Bar that it was not consulted about new fee schemes until it was much too late. The new system brings a representative selection of barristers into the process as active participants in the negotiation process. In my judgment, this is a major step forward in giving

conclusions reached as a result of negotiations between the Bar Council, the Circuits, the CBA, and the Government added legitimacy and broad acceptance throughout the profession.

In addition to these benefits, the new system should help to persuade those who do not practice in London, that the Bar Council is not a metro-centric organisation, out of touch with real life on Circuit. In fact, now is not the time to deal with the topic in any detail, but I will have things to say about the relationship between the Bar Council and the Circuits in the course of my year as Chairman.

But this new system of active consultation will be of no lasting benefit whatsoever, unless we are able to negotiate with the Government, a new and enduring means by which bar fees can be reviewed. What I promise, therefore, is that in 2015, I shall use every means at my disposal to put in place a mechanism by which our fees are calculated fairly, and are reviewed in such a way that they do not become a political football every time a Government wishes to curry favour in the media.

The vast majority of those at the publicly funded Bar are realists. They understand the difficulties any Government faces in times of economic stringency. It is vanishingly unlikely that the criminal justice system is likely to receive increases in its allocation. On the other hand, as I have said, unsung and largely unrecognised by the general public, the Bar has endured successive fee cuts, and we have done our bit. There is, I believe, a growing recognition that rock bottom has been reached. If fees were maintained at current levels, for example, but no provision made for reconsideration, inflation itself, without more, will have, as it has in the past, an insidious effect on the real income of the Bar. That is why it is so important to find a way of ensuring that this does not happen.

There are a number of ways in which this could be achieved fairly. Index-linking, which sounds so comfortable, would be entirely fair in the light of the fact that we are at rock bottom, as I say. But we live in the real world. Another mechanism that works in the area of judicial pay, for example, is to have a pay body which at regular intervals reviews pay for the Bar, so that a fair settlement is reached to which both parties can subscribe. I have no doubt that the Bar would be perfectly happy to be bound by such a system. No-one wants damaging and upsetting disputes. The publicly funded Bar simply wants to get on with its job. The will exists on our side to help in devising a fair system so that state of affairs can be reached, and so that we can continue to assist the Government in finding new ways of working that save public money through more efficient procedures, for example. We have made a very active series of submissions to the review of procedure being conducted by Leveson LJ. I just hope that the political will exists too, at the Ministry of Justice, to achieve a lasting solution for the benefit of everyone.

In addition to that approach, we will have discussions with the LAA about a means by which the Bar can be fairly treated in the allocation of work. It is only necessary to have in mind some of the comments taken from the report of Sir Bill Jeffrey to understand what I mean.

He said this: *"as it exists now, the market could scarcely be argued to be operating competitively or in such a way as to optimise quality."*

> *"The group of providers [i.e. barristers] who are manifestly better trained (if not always more experienced) as specialist advocates are taking a diminishing share of the work, and are being beaten neither on price (in a system where fee rates are fixed) nor on quality."*
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> Sir Bill found when he visited Crown Court centres and spoke to circuit judges that *"the main area of concern"* was:
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> *"relatively inexperienced solicitor advocates being fielded by their firms (for what were presumed to be commercial reasons) in cases beyond their capability."*
>
> Sir Bill described the judges' views as *"remarkably consistent and strongly expressed"* and said that:
>
> He concluded that: *"It would in my view be a mistake to discount them."*

I am a great believer in the proposition that, however apparently intractable the problem, there is always a way of resolving the difficulty: it just takes a lot of hard thinking before a way is found. It also takes the goodwill of all parties to the negotiations.

In the light of my earlier remarks about the contents of the Transforming Legal Aid paper, and the way in which it was met by the Bar as a whole, you will imagine that the initial meetings between the Lord Chancellor, his officials and the Bar pulled no punches and were, at times uncomfortable and combative.

It is testament to the progress we have made that the current talks are being conducted in a completely different, I am cautiously hopeful that we will be able to find common ground with the Ministry and plot a way forward. Of course I realise that there is a long way to go, but the tone and content of the discussions could not be more different than they were in 2013.

The next area I wish to focus on, and surely no-one will be surprised about this, is the crippling effect upon justice of the implementation of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, otherwise known as LASPO. Again, I make no apologies for the recital of some history in relation to this Act of Parliament. As soon as the Bill was published, the Bar Council set up a LASPO bill committee. Their task was to persuade parliamentarians of all shades of opinion of the faults and dangers of this legislation, and warn of the manifest injustices that were simply bound to occur should the bill be enacted. That committee comprised barristers giving their time for nothing, together with Bar Council staff, who, in addition to working tirelessly through the working day, attended meetings and briefings with peers and MPs, out of normal working hours, throughout a gruelling period of months as the bill made its way though the House of Commons and then to the Lords.

They knew full well, as they reasoned, argued, cajoled and persuaded, that any amendments to the bill made in the Lords were likely to be reversed when it came back to the Commons. And so it proved. It should not be overlooked, however, that there were some permanent successes, one of which was a major achievement. You may remember that there was a plan to apply a means test to police station representation and advice.

That was defeated in the Lords and not re-instated later. However, the vast majority of the Lords' amendments were later reversed.

Now, the more cynical may have asked what was the point of expending thousands of hours, as the members of the committee and others did, when the result was, in effect, a foregone conclusion? The answer to that is clear. It is the duty of this Bar Council, when it perceives that injustice may flow from proposed legislation, to do everything in its power to point out to Government why it is that the legislation is flawed, how it is flawed and the consequences of enacting such legislation.

It has always been the role of the Bar to give the less fortunate in society a voice they would not otherwise have. We owe it, not only to those whom we know will suffer as a result of the enactment of poor legislation, but also to society at large, and, indeed, to the Government itself, to speak out and to articulate our criticisms to the very best of our ability. After all, we are the experts. We do the work day in and day out. We see the people who will be affected by legislative changes not only as the judge sees them in the courtroom, usually for a relatively short time, nor yet as the politician sees them, perhaps occasionally in a Friday surgery. We live and breathe their cases. We talk to them in private, we share their worries and concerns: we get to know what they are really like.

And finally, our carefully argued and articulated opposition gives us complete legitimacy when, as has happened with LASPO, the iniquities about which we were so concerned and fought so hard to prevent, have come to pass. We can say, not in a childish way: "We told you this would happen!" And having predicted the future accurately, all sensible people would recognise that, coming as that prediction does from a deep understanding of how the system works, we are more likely to be right about the remedies we prescribe for the future.

Meanwhile, we have the cases with which the President of the Family Division has had to deal. The mother and father of limited intellectual ability who are unable to obtain legal aid to fight the desire of the Local Authority to take their child from them, to speak of but one. The refusal, now reversed, to provide legal aid in the case of a father charged with raping the mother of the child in respect of whom he was making an access application, to name another.

How can it ever have been thought right to permit a Local Authority to have solicitors, family and legal professionals of their choice to represent their cause, funded, let us not forget, by revenues derived from the taxpayer, and, at the same time, to have the couple on the other side, educationally challenged as they were, representing themselves without any help with which to challenge the complex case brought against them?

The very idea should make every person who has the slightest desire to see the rule of law prevail, shudder in distaste. To suggest, as some critics of our position who should know better have done, that all we are concerned about is the loss of work to the Bar as a result of LASPO, is a disgrace. We all know that it is a tactic of those who have no intellectual argument capable of persuasion, to cast clouts, but it simply will not do. Our opposition to these provisions has been unrelenting, vocal, and founded on principles of justice and fairness to all. You have my assurance that I will do everything in my power in 2015, to

argue that LASPO should be amended in order to abrogate these injustices. As an absolute minimum, there simply must be a relaxation of the exceptional case provisions. Only a handful of cases have been given funding under them. That was not the idea when they were enacted. But I am not confident that the relaxation of those provisions will be sufficient to cure the fundamental problem.

I have already started to speak to designated civil and family judges about the effects of LASPO. They have all spoken of the chaos caused by the vast rise in litigants in person, the unmanageability of the lists, and the lack of assistance from qualified legal professionals. This even extends to the Court of Appeal. We simply have to continue to voice our concerns. Gloster LJ spoke out in November about being, and I use the very word she used, "horrified" at the number of litigants in person "clogging up" the court system. When you have a senior member of the Court of Appeal using language like that, there really is a problem. And if that is the situation in the Court of Appeal, how much worse for those in the county courts up and down the country, deprived of their security for reasons of cost, dealing with so many litigants in person in such emotive cases. No wonder fewer than 83% of lawyers polled in a recent survey, were of the view that justice was no longer accessible to all.

I have just reminded you of just two of the high profile cases in which manifest injustice would have been the result if the LASPO provisions had been worked out as intended. It is important to remember, when looking at statistics, as we are now going to do, that each case is not just a number, it represents the embodiment of the hopes, the fears and the futures of at least two people. Of course in family cases, it also frequently has a significant impact children too. So may we think of these figures in that light.

The figures come from the National Audit Office and they are as authoritative they come. Their report published on 20th November 2014 makes unhappy and disturbing reading. One of the cardinal features the committee noted was that the MoJ failed in many areas of inevitable impact, to do their homework before the Bill was published. In particular, they failed even to provide an estimate of the scale of the wider costs of the reforms, for example the increase in the costs to the Courts and Tribunal Service flowing from the increase in litigants in person. It got the numbers hopelessly wrong. They ended up funding 17% fewer cases than they had estimated. Let me make that clear what that means. These are cases that remained eligible for legal aid. But saying 17% is one thing. When you reduce it to the actual number of cases, it is 61,000. That means 122,000 direct litigants.

In 30% or 18,519 family cases which actually started, neither party was legally represented. So we have over 37,000 direct litigants without any legal representation at all. If we think that the vast majority of those will involve children, and let us ignore the 0.4 and allocate 2 children to each case, that means that there were likely to be 37,000 children whose direct interests were also engaged. In other words, a crowd the size of one watching Manchester United playing at Old Trafford every week has been deprived of legal help as a result of these cuts.

But, it gets worse. The ministry thought that all these people would attend family mediation sessions to obviate the need to go to court and engage in the wicked adversarial system promulgated by solicitors. But hold on. Not everyone behaves like a middle to higher ranking civil servant. So what are the real figures? Well, the Government expected 9,000 more family mediation assessments to take place as a result of LASPO. But in reality, the numbers of couples attending mediation information and assessment meetings fell by 57% in 2013 compared with 2012. And why was that? Well, the committee was in little doubt it was because the usual reason why people attended mediation was that they were advised to by their legal advisors. But, of course there are no legal advisors.

And finally, whereas 64% of family contact cases fought when there was legal advice, once legal advice was no longer available, 89% of cases went for a contested trial.

So we have excellent evidence of what is happening in reality as a result of LASPO. However, the Bar Council has a part of its website dedicated to the accumulation of evidence about the effects of LASPO. So that we can get away from the inevitable criticisms that our approach is anecdotal. We need chapter and verse: everything you can say about the case so that we can accumulate as authoritative a record as possible. Please help as much as you can and spread the word. If you speak to Charlotte afterwards, she can give you the exact address.

There is something else we can do to help as well. The rise of the McKenzie friend beyond any function they were supposed to meet, is of great concern. The position is that, in certain circumstances, the fees of a McKenzie friend, who has been permitted by the court to represent a party, are recoverable from the other side in the litigation.

This is a very worrying situation. None of these people are regulated. Isn't it an irony that, when we as a profession have to pay for and abide by the regulatory requirements, not just of the BSB but also of the LSB, there is category of remunerated representatives who can act in cases without any sort of regulation. And, in addition, many, if not most are uninsured.

There is a web site setting out the details of their fees. They range, as a stated maximum from £25 an hour in Cornwall to £100 in London with the majority at about £50 to £60 per hour.

I believe that many of the litigants currently paying McKenzie friends would prefer to employ the services of a fully insured and regulated junior barrister who has carried out pupillage and has the benefit of operating from chambers if they did but know that they had that option.

Of course, that would involve the barrister being direct access accredited. I urge barristers, particularly at the junior end of the profession, to become qualified to accept instructions directly from the litigant. What I undertake is that, in 2015, we will act with vigour and energy to make it clear to the general public that the Bar can be instructed directly and to

seek to do everything in our power to promote the instruction of barristers qualified to receive such instructions. By doing that, I am sure we can make a substantial difference.

I know that there are some who are concerned about the effect on solicitors who brief chambers of taking direct access cases. I am not unmindful of those worries. However, I do not believe that we would be taking work away from solicitors in many of these cases. We must remember that a substantial part of this work is likely to come from those who would otherwise have obtained the help of McKenzie friends. By definition, they had decided not to employ a solicitor in any event.

I am also aware of cases in which a barrister instructed on a direct access basis, has persuaded the client that it would be in their interest to instruct a solicitor for part of the case, thus generating work that the solicitor would otherwise not have had.

In the same way, there is also the ability for the Bar to assist with only parts of the case. In other words, to give advice only to the litigant with a view to helping them to concentrate on the points that really matter. Or it may be that the barrister can be instructed only to prepare the bundles for trial, or appear without having performed the earlier work. After all, that is not dissimilar is it to what we have done for centuries.

All I am saying is that we must not be hidebound by old fashioned restrictions. We must live in the world as it is. We will make every effort for it to be a world in which we are given a fair chance to express our abilities and make a proper living. But, as one door closes, another opens and we must be astute to take advantage of every opportunity that presents itself.

Finally on this point, we must take our courage in our own hands. Of course, we should not be picking fights with solicitors for the sake of it. But I am satisfied that, if handled well and sensitively, there is considerable scope for the Bar to gain new areas of work. The advantage, too, is that this sort of work is likely, disproportionately, to benefit the younger members of the profession. It helps to break the chicken and egg effect of how to get into new work without substantial experience of it.

That brings me to the question of how the profession is structured. As everyone here will know, the rules on what we can and cannot do have recently been much altered. There is considerable debate to be had about how we adapt to these changes. Indeed, it has already started with a team at the Bar Council looking into available structures with a view to providing soundly based guidance to the profession.

This is a complex subject. Alternatives have been put forward, for example, in which one only becomes a specialist advocate after a period working in general practice. The problem with that is the inability of such a system to incorporate pupillage. I am convinced that the ability to engage with a pupil supervisor for 12 months of concentrated advocacy and ethical training, and the ability to see the job being performed with real lay and professional clients, real ethical dilemmas and real judges is utterly invaluable. Whenever I sit, it is immediately apparent to me, when I see a young barrister for the first

time, whether they have had a good pupillage, and thankfully, almost without exception they have.

I also think that, in the formative years, doing nothing but advocacy and advisory work, there is absolutely no substitute for the ability to ask around chambers if a really difficult question arises. And, of course, when you link that to the ability to ask your pupil supervisor, with whom you have forged a close and mutually supportive partnership, there is simply no substitute that I can think of for keeping the inexperienced barrister on the right track. I would be loath to lose all that.

But the counter argument is that we cannot go on with the boot of the solicitor's foot when it comes to allocation of work. That system worked when the solicitor had no choice other than to pass the advocacy work to the Bar. But in the situation in which we now find ourselves where the solicitor can, if given higher rights, do everything we do, but, whatever the theory may be, we are simply not set up to do the solicitors' job, we are at risk of losing more and more work. And that is not because the lay client wants that to happen, it is because it is simply in the solicitor's financial interest that it should happen in that way. The quotes from the Jeffrey Review are apposite here too.

I do not pretend that these issues are easy to resolve. There is very unlikely to be a one size fits all solution. What will suit one set of chambers, working in their specific environment, may not suit a different set. But the least we can do at the Bar Council is to provide the profession with sound and well-researched material about the models and structures that can be made to work. In that way, each set will be fully informed and will be able to take decisions about their future ways of working in possession of the most authoritative and rigorous analysis.

Finally, I want to do everything I can to ensure that England and Wales remains the jurisdiction of choice for those who desire to have international and transnational disputes resolved. In addition, it seems to me to be vital that we have a substantial share of burgeoning markets abroad. To that end, there will be delegations to Brazil and Azerbaijan, amongst others.

In addition to this, there will be the Global Law Summit in London in February. This will involve a huge array of legal leaders coming to London from all over the world for three days of intensive discussions and lectures on a wide range of different issues. The Bar Council is a full partner in this endeavour and we will be well represented at the Summit.

One of the reasons why it is in London is because of the co-incidence of the celebrations of the 800th anniversary of Magna Carta. The Government has been particularly active in pursuing this link. In fact, the charter was sealed on 15 June 1215. On one view, it may be thought that the celebrations in February are a little premature. However, for reasons which I cannot fathom, the Government wished to have them in February, rather than June!

Now, there is a certain irony here. One of the three clauses of Magna Carta still remaining on the statute book is this:

> No Freeman shall be taken or imprisoned, or be disseised of his Freehold, or Liberties, or free Customs, or be outlawed, or exiled, or any other wise destroyed; nor will we not pass upon him, nor condemn him, but by lawful judgment of his Peers, or by the Law of the land. We will sell to no man, we will not deny or defer to any man either Justice or Right.

In the light of my earlier remarks about the effects of LASPO, there is a delicious irony, one might think, in the timing of the Magna Carta celebration. And I have already mentioned that, in a recent poll, 83% of lawyers said that access to justice was no longer available to all. And that is all because of an Act given the royal assent 797 years after that promise was made in a meadow by the Thames.

In my role as Vice-Chairman, one of the delights has been to meet so many legal leaders from around the world. Indeed, the ABA will be coming to London in June to celebrate the anniversary. They consider that Magna Carta was the bedrock of their constitution.

One thing that the world leaders to whom I have spoken share is a respect, bordering on reverence, for our legal system, considering it to be the very epitome of access to justice and fairness. Those are the irreducible elements upon which the reputation of our system is founded. In concluding that our legal system is so blessed, they look at the system of justice as a whole.

But this is not about basking in the warm glow of self-congratulation. There is a more tangible aspect to this. The benefit to the Exchequer of foreign legal fees is an annual one of £2 billion. But there are a number of other jurisdictions circling like sharks determined to eclipse our jurisdiction as the world's leading forum for resolution of their disputes.

Our pre-eminence has been hard won. It can so easily be lost. I am really concerned that the changes brought about by LASPO both in terms of access to justice and also to restrictions on the ability of the citizen to challenge, by judicial review, the rectitude of Government decision, will have far reaching consequences on the reputation of the justice system of England and Wales. Again, how can it be right to appoint oneself judge and jury and then deprive those seeking to challenge the fairness of decisions of the paymasters, of a voice with which to make their challenge. I am concerned that there is no proper understanding in Government circles of these reputational risks. I undertake to everything in my power to bring home the realities to them.

At the Bar, we have so much of which we can be proud. In my year as Chairman, I want to focus on the primacy of the advocate in the constitutional settlement, and the absolute necessity of having skilled advocates to put the case for each party. It is, I believe by that forensic process before an impartial judge or jury that the fairest result is achieved. The first mention of a barrister as such was in 1466. It is idle to suppose that the Bar would have survived and flourished since that date unless it had something unique to offer,

something that no-one else could provide and unless, one way or another, it provided value for money to those who had need of the services of a barrister.

I am confident that the intellectual resilience, the sheer ability to think our way through changes in the way legal services are offered, which assisted our predecessors as they charted their way through centuries of social and political reform, will stand us in good stead as we move through another period of substantial change.

It is to this Council that the Bar as a whole has entrusted its government and its representational voice. I believe that we are at a critical point in the development of legal services in this country. We must not fail the Bar in all its forms. We are, as Nick Lavender said, in his valedictory address, one Bar. That was demonstrated as never before in Lincoln's Inn Hall in 2014. If this Council is to function as envisaged by those who have voted us onto it, all voices must be heard. However junior, however specialist your area of practice, I urge you to consider with care the issues that will arise in 2015 and make your voice heard. We cannot leave it to someone else. I look forward with great anticipation to working with you all in the year to come.

We are all in this together. You may be assured that I shall do all I can to ensure the profession speaks with a united voice about the issues we face, and that the resources of the Bar Council are harnessed to protecting and promoting a strong and independent Bar. That is in the public interest as well as the profession's interest. The Bar Council's strategic plan reflects those interests. It is underpinned by a restructured executive team and the resources needed to represent the Bar. We have the capability to deliver the programme I have outlined and to do so efficiently and effectively. Working together with the Bar Council staff, I am confident we can meet the challenges ahead.