



The Bar Council

Chair of the Bar, Amanda Pinto QC

Welcome speech: Annual Bar and Young Bar Conference, 18 November 2020

Forward thinking: Bar of the Future

****Check against delivery****

What an extraordinary year to be Chair of the Bar and what a privilege to welcome you all to an extraordinary Annual Bar and Young Bar Conference.

I need hardly say that this one is like no other. It is the most accessible, with the most comfortable seating, and the best food, ever! What it loses in human interaction with the camaraderie of our colleagues, it gains in breadth and insight. It has its eye very firmly on the future, but what that future might look like is inevitably informed by the present and recent past, over-shadowed as it has been by Covid 19.

This is the most diverse, far-reaching conference in terms of speakers and attendees from right across the world. Never before have we had such a high proportion of women or ethnically and socially diverse panellists – and as a result, we are in for a real treat over the next few days.

Coronavirus has undoubtedly been a shocking and enormous challenge to the justice system, not only bringing about unexpected short-term changes in the way we work and live. Its effects will last far longer.

The economic landscape across all sectors remains unpredictable and potentially bleak. The government Spending Review being announced next week should have been a 3-4 year outlook but will now only cover a year. So, no mid-term planning can happen for justice and our underfunded justice budget remains at risk of inadequate investment, but also grave uncertainty about the future. Add to that the unpredictable impact of leaving the EU.

Covid-19 has been a high-resolution magnifying glass – it has brought into sharp focus the failings, weaknesses and precariousness of our system but it has also, equally sharply, allowed us to see and capitalise on the advantages.

In the next few minutes, let me speak about access to justice for the public and the rule of law, because these must be the lens under which we measure our success or failure as a nation going forward:

1. **Courts open:** After a brief period of chaos, the court and tribunal system proved remarkably resilient in keeping justice going, at first at a trickle and, more recently, at a steady flow of cases across almost all jurisdictions. The Bar Council was involved with many others in helping to get work going safely again. Invidiously, perhaps, I single out the family Bar, courts and judiciary for getting important child safety and other cases heard throughout the pandemic's early period by using whichever platform they could, to try those urgent, life-affecting issues.
2. **Technology:** The use of technology has expanded at an impressive rate. Sometimes you need an unavoidable hurdle to take a difficult step. Covid-19 provided that crucial impetus. The enforced greater use of technology must be capitalised on but it must not be a shortcut to decision-making that reduces access to justice once the pandemic's threat has abated. We must keep recalibrating the balance between hearings where the public can benefit from the use of technology, and those where technology is not in the interests of justice because it disengages or even excludes litigants and interested parties. Justice must be done, seen to be done and felt to be done.
3. **Backlogs:** during the pandemic, inevitably, backlogs have grown because hearings could not take place; but that only tells part of the story. Serious backlogs of cases existed in almost all jurisdictions pre-Covid. I am pleased that the Bar Council has been a significant contributor to discussions about how to reduce them. Remote hearings are *not* the way when life-altering, controversial decisions are being made. Nor is sitting extended hours with great pressure on court staff and users, including barristers and judges. We need more court rooms, more judges, more court staff, improved and more robust technology, better listing and more access to legal advice, if the backlogs are to reduce to acceptable levels.
4. **Modernising the Bar:** The Bar Council has made significant progress in developing a Bar that better reflects society, though there is still much more to be done. This year alone, we have made huge strides in supporting women and those from different backgrounds through the Accelerator Project,

helplines and the TalkToSpot app. Our new Race Working Group has already made an impact and produced positive action guides. Looking forward, we are concentrating on ways to ensure everyone has the best career they can - fair allocation of work, anti-bullying structures, fair policies for pupillage, tenancy and retention. We launched the Bar Council's Leadership Programme to bring many more people into the frame as leaders at the Bar. We have modernised the Bar Council's structures so that more talented people can influence our profession. These are all positive signs for a Bar that will better reflect and serve the public. This is the way to improve credibility and confidence in our justice system and to ensure the best possible access to justice.

5. **Maintaining England and Wales as a global leading dispute resolution centre.** We have the most business-friendly legal system, along with some of the most experienced specialised judges and one of the most open legal markets in the world. Let's keep it that way! Legal services are a huge contributor to the national economy - £26.8 billion in 2017, the latest figure, and has a trade surplus that has more than doubled in 10 years. In 2021 and beyond we must keep our market accessible and our legal services world leading.
6. **One more essential ingredient:** proper, sustained funding from the beginning to the end of the justice system.

These are great foundation stones for the future of a Bar that is of all and for all. Opening the floor in the coming days for debate on these issues is the sign of a confident, healthy profession and I look forward to lively and interesting conversations.

And now

Five things I did not foresee in 2020:

1. I certainly didn't envisage Brexit being rudely shoved from its starring role.
2. I also didn't foresee the government admittedly breaching international law in a "specific and limited way".
3. Was I expecting our Government ministers to refer to us as lefty, activist lawyers, laying at our door, the problems in the criminal justice system? I was not! It matters. The public must have confidence that the justice system is devoted to making the best, impartial decisions after fair hearings. Language – inaccurate at best – that undermines that, is in no one's interest.

4. I did not expect that the Government would lack confidence in its own decision-makers to the extent that it would seek to limit judicial review – in the Internal Market Bill, in questioning the place of judicial oversight of administrative law decisions and the role of the Supreme Court.
5. But there is one aspect of life this year which has already proved itself a huge advantage to the Bar, to the justice system, access to justice and the rule of law more generally, which I am confident will continue into the future: and that is an extraordinary desire to collaborate and listen to each other in the interests of justice and the public, even in a pandemic. We have forged relationships across the Bar and the legal sector at its broadest including the Law Society and Inns, across Parliament, Government and political divides that, I am sure will help to create a stronger justice system in which the Bar Council, led by Derek Sweeting QC and the Young Bar led by Joanne Kane will be a vital voice of calm and reason.

I am so pleased that we have joined together with the Young Bar again, because this conference is about the future: the future of the Bar, of justice, of working practices; and, without the young Bar at the table, it really would be an empty title for the Conference. And my year as Chair has been intertwined with the young Bar and the future of the profession with justice at its heart. So it is my pleasure to ask Katherine Duncan, who has been an exemplary leader of the Young Bar, to speak on behalf of the Young Bar Committee.

Finally, a very big thank you to LexisNexis and BMW, our Conference sponsors, for their great support and thank you to everyone who has been involved in putting together this conference which brings together such a vibrant group of people and ideas for the future.

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