

ACCENTUATING THE POSITIVES

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The Bar Council is changing its emphasis, writes Nick Green QC. It wishes to communicate with the Bar's clients – and potential clients – the benefits, such as the cost effectiveness, of using the Bar

The only person who was more surprised than I when the new Lord Chancellor and Secretary of State for Justice was announced was Ken Clarke QC MP himself. Nonetheless, he looked resplendent in his robes when he was sworn in, at 9.30 on 14 May in Court 4 at the Royal Courts of Justice. The entire court was awash with finery since all available judiciary were present in full garb. The formality of the event was nicely counterbalanced by the Lord Chief Justice and the Lord Chancellor exchanging jokes about brown suede shoes. In addition, the Attorney General, Dominic Grieve QC MP, and Solicitor General, Edward Garnier QC MP, were also welcomed by the Lord Chief Justice to their roles. All three of the Ministry top team are barristers, as the Lord Chief recalled during the welcome when he reminded the Lord Chancellor of a divorce case in which they had been adversaries during the 1960s.

And when the welcomes end, and everyone gets down to work, then there is some really tough business to be conducted. The government has promised a legal aid review, there is the ever burgeoning cost of the prisons to be tackled, there are issues relating to civil liberties, human rights, and the continued implementation of the Legal Services Act 2007 to be addressed.

The Bar is ready and willing to engage in a constructive and positive manner with the new Ministry team. We know that there are really painful decisions to be made. We have put together a package of proposals to put to Ministers which are designed to enable budgetary savings to be made but without undue prejudice to the justice system. We believe that our proposals are sensible and can generate real savings.

New business models

The ProcureCo model documentation and guide is now published. We have been running extremely well attended breakfast and lunchtime workshops on the details of the model and we shall continue to do so until demand dies down. It is quite clear that many sets are now thinking deeply about the opportunities that this sort of vehicle provides.

At the Bar Council we are changing our emphasis. We wish to communicate to the Bar's clients and potential clients the benefits of using the Bar. A recent survey of over 150 directors, CEOs, COOs, Legal Directors and General Counsel reported that in terms of changes in the amount of work outsourced to different types of lawyers, a remarkable 48 per cent were using the Bar more.

As it was put "in house teams are increasingly seeking the flexibility and cost savings of going directly to the Bar". An economist's report in 2009 assessed that the average overheads of the Bar were about 14 per cent. I suspect that this is slightly (but not much) on the optimistic side but none the less it compares very favourably with the assessment of the equivalent figure for law firms given in the same report of 60–70 per cent. We are

cost effective and very high quality. The more that the Bar can, even in these difficult times, make ourselves accessible and flexible to clients the better we will do.

I have been writing recently to local authorities about the fact that in tender exercises they should not be excluding the Bar. This was prompted by a group of local authorities recently preparing a tender for a significant amount of legal work – that the Bar could very easily and well have performed – only for solicitors. When I write along these lines I generally get a positive response. I am certainly not seeking to be confrontational with potential clients of the Bar, but when they are public authorities there is a serious issue as to whether they can rationally and properly exclude the Bar from tender processes.

Real men at the Bar

Our heartiest congratulations must go to Tom de la Mare (and of course to Rosie, his wife) of Blackstone Chambers who successfully delivered his second son in the back of a taxi in mid-April as they were heading to the Portman Hospital in London. The cab driver was (I am informed by Tom) charming. The young de la Mare will forever be reminded of his auspicious entry to this world because his middle name is Albert, which happily is also that of the cabbie in question. This all goes to show that there is vitality in the good old cab rank rule.