

Amanda Pinto QC
Inaugural Speech 2020

****CHECK ON DELIVERY****

May I welcome everybody to the inaugural meeting of the Bar Council for 2020.

But before I begin, I want to recognise the people who are not able to be here tonight following the terrible events at London Bridge on Friday. Many of the people caught up in this tragedy were committed to improving the criminal justice system and, as well as the dreadful personal toll, the taking of two young lives is an enormous loss of potential to the justice sector and society more broadly.

Congratulations to all of you who have been elected or nominated to the Bar Council. I am pleased to see you, many friends and colleagues who have already served, and other new faces, whom I welcome to your first Bar Council meeting. Particular congratulations to Derek Sweeting QC who is Vice Chair for 2020.

I look forward to working with you all, hearing your opinions, benefiting from your experience and sharing the year ahead. You will all be vital to making the Bar Council as good as it possibly can be at representing our profession in the coming year.

Welcome also to all the members of the Bar who are here – every meeting of the Bar Council is open to our members and my door at the Bar Council, even during the building works, is open too. In fact, especially during the building works! Let's discuss issues over coffee elsewhere!

Welcome to our guests – many of whom have helped the Bar Council in our work to represent the public and our profession and, especially to our colleagues in other areas of legal practice whether very nearby, such as the Law Society, or from law associations across the globe. This year we have continued to develop good relations with many involved with justice here and overseas, across all levels of the judiciary, Parliament, the Government and those who support them. Even when we have not agreed on how to tackle important problems, we have remained open to listening to each other. I am sure this has benefited not just our profession, but the public more generally. And we have also strengthened our links with the media, reporting issues that we raise. We would not be as effective without each of the relationships we have with you. Welcome to you all.

I am also delighted that so many of the staff at the Bar Council who work so hard on behalf of the profession are here. Although you are small in number, you are huge in impact and reach! Without your dedication, drive and continual efforts, coordinating with the hundreds of barristers who give their help freely, the Bar would not be able to function so well. I am looking forward to working with you even more closely in the coming year. Thank you!

And good evening to many members of my chambers who benefited from the excellent Bar Council business development training this afternoon and who have kindly come to listen to this address, before testing out their newly acquired skills. Once I have finished, they will put them into practice: they are hosting a chambers wine tasting – business development, education and wellbeing rolled into one!

And a very big thank you and welcome, especially, to my family who have supported me throughout my career at the Bar, not because it has been easy for them, but because they know I love it.

So, welcome to everyone here, to Middle Temple's beautiful hall and the Inn of which I have been a proud member since the 1980s. You are all part of the reason why I am optimistic for the future of the profession and of our ability to improve justice over the next year.

Let me start by paying tribute to Richard Atkins QC who has enjoyed an extremely busy time as Chair of the Bar, not just engaging with government, the judiciary, Senior Law Officers and foreign law associations but, also with many practitioners around the country. In 2019, under his stewardship, the work of the Bar Council - with others - has undoubtedly benefited barristers. Highlights include: CPS fees going up for the first time in almost 2 decades; holding the first Bar Council meeting in Wales; rolling out the Bar's ID scheme for speedy access to over 50 court centres; and signing a Memorandum of Understanding with the Brussels Bars to enable barristers to work in the EU courts after Brexit. Congratulations to him.

I also want to pay tribute to the members of the Bar Council committees, especially the Chairs, who have come to the end of their terms of office. Each of you has made a huge contribution to the work of the Bar Council, some of you over many years. Thank you all.

I am both honoured and excited to be Chair of the Bar of England and Wales in 2020.

2019 has been a very special year for us, celebrating the 125th anniversary of the Bar Council and the 100th year of women being able to join the legal professions. And in marking these, we have tended to look backwards. Over those 100 years or more, we have celebrated many landmarks. Each is important. I am thrilled to be the 3rd woman Chair of the Bar in 8 years, the 4th in 126 years and the second with a family. But 2020 will mark the start of the next 100 years of women at the Bar and I want to

look forward. I feel privileged to be leading our profession at the beginning of a new century in our history.

Every year the Chair of the Bar has to confront and react to issues and challenges that they did not choose. And I know that my year will be similarly affected. I hardly need to say, we are in the most uncertain of times - with a general election to be held in a matter of days, the spectre of an unknown withdrawal from the EU, the growth of polarised politics across the world and the rule of law challenged, unexpectedly close to home. Our major political parties have signalled a willingness to increase public spending, but justice reform and investment are not central to their campaigns. Whoever wins the next election must maintain a properly funded justice system and recognise the value of legal services to our country - as set out in our manifesto - so that trust and confidence can be restored in this vital public service.

But this evening is an opportunity for me to set out my priorities for the next year. So, what is my starting point?

I believe that the independent Bar is crucial to the delivery of justice in this country, whether we are working from chambers or employed. The Bar Council's emblem is the scales of justice and the words "justice for all". How does the Bar seek to deliver that? For me, justice for all can only be attained if everyone has effective access to justice.

My aims for 2020 centre on effective access to justice in 3 ways:

1. Access to justice - for all
2. Access to our profession
3. Access to international markets

Effective access to justice must be considered in the context of a changing and developing environment. Of course, when we talk about access to justice, we must take account of technological advances and norms of behaviour. Of course, we must reflect the society in which we live. And, of course, we must take account of our current international situation. It may sound trite but each one of these is important.

The Bar Council's values are encapsulated in 3 words: integrity, excellence and justice; they are fundamental to:

- everything we do,
- everything we want to sustain, and
- everything we seek to achieve.

Each underpins my aims for the year ahead.

So let me address each in turn:

1. Access to justice - for all – that means: regardless of your wealth or circumstances, regardless of where you live, who you are or what problem you face, you can use the justice system effectively.

I strongly believe that there should be a properly funded justice system, accessible to all and I will do everything I can to help achieve that. In practice, this means having courts open and functioning, not sold to make a one-off sum for the government and then people having to travel 3 hours each way to their nearest court centre; nor courts lying empty, with ordinary people's cases being adjourned at great inconvenience, upset and cost, for lack of a judge, perhaps because the listing of trials, driven by statistics, is wholly unrealistic or the judge has been required to stay at home. It is simply unjust that a person ends up paying for a hearing that the court lists, but then fails, quite unnecessarily, to try.

A properly funded justice system, means reducing delays in hearing cases, not deliberately maintaining a backlog of cases to reach court: delays of such length that, even if people do report crimes, even if the police do investigate them, and even if the suspect is charged with offences, victims cannot bear the months of waiting for the trial to be heard; and so they withdraw from the process. Or there being so many unrepresented litigants in divorce cases that without independent, experienced, legal help, many cases end up needlessly in court, clogging up the list of cases that the family courts have to grapple with. What the Treasury may have saved by cutting legal aid, it has doubtless spent in extra court time and the fallout of extra stress to litigants, lawyers, judges, and to the whole system at the very same time. Whatever colour, the next government must surely be interested in spending money wisely across its entire budget.

A properly funded justice system means appropriate legal help for all. The Bar Council strongly argued against the drastic cuts to civil, criminal and family legal aid, and to an under-resourced Crown Prosecution Service. Recently, we have helped to reverse this trend – at long last it seems to be appreciated that to be effective, the system needs investment. With a fresh Government and upcoming Spending Review, I will try to help make that investment happen.

A properly funded justice system must value the part the judiciary plays. It must also invest in the fabric and facilities of the buildings where justice is dispensed.

Using technology to enable more people to access justice is a measure I welcome. I believe that the digitisation of the courts in the 21st century is vital. Justice that is too expensive to use, is not accessible. Using technology to reduce costs is obviously a good thing but technology must not be used as a substitute for justice. In some circumstances, technology can help, but in others, it cannot do the job of a judge and deliver effective justice. Our system has at its root three

concepts: justice, fairness and equality. For all three to be engaged, a judge very often needs to be the arbiter. Replacing judicial decisions which involve an evaluation of the merits of a case and the exercise of a discretion, with an algorithm, is not justice. I want to influence the proper direction of travel.

I believe that people should be represented by trained, regulated representatives, who understand the law, put their client's case forward in the best way possible, leading to the most just results achievable. We are very concerned at the growth in the number of paid McKenzie Friends who are unregulated, untrained and yet demand money for their intervention - often from the most vulnerable litigants. We are concerned at the increasing pressure and cost of regulation on all barristers, but particularly those trying to gain experience or maintain a practice in the law. Becoming a barrister is a huge commitment. To practise at the Bar takes years of study and ongoing ethics, education and professional learning. It involves incurring significant amounts of debt. In 2020 the Bar's independent regulator, the Bar Standards Board (BSB), will take almost 80% of the practising certificate fee. These fees are completely avoided by unregulated, untrained providers of legal services: I do not believe that is in the interest of the public.

I welcome the fact that over the past years the Ministry of Justice, the Legal Services Board, our senior Law Officers, the Director of Public Prosecutions and many of the judiciary, The Law Society and Cilex have been open to conversations with the Bar Council, the Specialist Bar Associations and the Circuits. I am pleased that, whilst Vice-Chair, Richard Atkins QC has included me in these discussions and I very much hope and expect these relationships to continue fruitfully in 2020.

The second aspect of access to justice that I will promote is:

2. Access to the profession – for everyone who is good enough, no matter who you are or where you come from. That means recruiting and retaining people who reflect the society which we serve; for 3 reasons:
 1. so that society can be confident that the justice system is for everyone;
 2. so that the Bar doesn't miss out on a huge amount of talent; and
 3. so that we provide a broad pool of the very best barristers - many of whom will go on to become our senior judiciary.

If we don't diversify, we will fail on each of these fronts.

Access to the profession for the best candidates, regardless of background is already encouraged by the Bar Council, through its schools and university outreach, the Bar Placement Scheme which gives practical experience of the life of a barrister, through the #IAMTheBar social mobility initiative and through the inspiring and lively annual Pupillage Fair. The Inns of Court provide crucial scholarships and bursaries to deserving candidates. It is a genuinely collective effort. We want to change the make-up of our profession for the better and are working in practical ways to attract the right entrants because, without funding and support, these are mere aspirations. I will work hard to make this not just the reality, but the norm.

Once at the Bar, we need barristers to stay. We must do more to retain and progress the careers of everyone who has the ability and drive to be a barrister. The Bar Council's initiatives, supported and mirrored by others such as the Inns, the Institute of Barristers' Clerks (IBC), and the Legal Practice Management Association (LPMA), promote equality and diversity; this year we have added confidential helplines and launched the TalkToSpot online reporting tool.

Whilst welcome, these initiatives alone are not enough. In 2020 we intend to do more. We must improve the fair distribution of briefs. I believe that with the leadership of the Bar Council, the IBC, the LPMA and with the help of solicitors and clients, we will make strides in ensuring briefs are fairly allocated to barristers. Luckily, we already have the support of many of our members, who as employed barristers, brief those in chambers. Equitable briefing will benefit all in the profession to develop a sustainable and gratifying practice but, most importantly, it will benefit the public at large.

And it must become normal to have a balanced home and work life at the Bar. Wellbeing is not an indication of weakness but a hugely important part of a successful, long and enjoyable career. The Bar Council has done a great deal with the Inns and others to promote wellbeing in a profession made up of high achieving, driven and competitive individuals.

As much as technology has benefited us by enabling us to work away from chambers and not to rupture your back by lugging vast quantities of papers and files around, it also has a tendency to isolate. We must encourage people to go into chambers regularly. Chambers provides camaraderie, instant access to the expertise and experience of other barristers, and the support of our closest colleagues. These are important features of our profession which I want to preserve. If practitioners don't go into chambers, particularly those who are suffering, it is far less likely that we will be able to offer the comfort and reassurance that we all need from time to time.

And flexible operating hours - if ever there was a misnomer, here it is! They are not flexible, but rigid and imposed. If the Government truly wants to have a diverse Bar, truly wants to sustain those with caring responsibilities in practice, truly wants to ensure a cohort of very accomplished senior practitioners of all

genders and backgrounds, and seriously wants to have diverse and excellent senior judges of the future, then it must stop the flexible operating hours scheme. It is an anathema to those with caring responsibilities.

The Bar Council recognises the challenge in retaining excellent barristers (particularly women with caring responsibilities). In this centenary year of women being able to join the legal professions, I will speak particularly of their position, but of course, all diversity is crucial if the Bar is not to be an anachronism.

Currently, some 50% of entrants to the Bar are women. But regrettably, less than 16% of Queen's Counsel are. But progress is being made! Next year, as well as having a female Chair of the Bar Council, I am pleased that almost half the Bar Council committees and, for the first time ever, a third of the Circuits, will be led by a woman, as well as many of the Specialist Bar Associations. We will continue to take positive measures to diversify the profession, so that we can attract and keep the very best, better to reflect the society we serve.

I want to extend the range of people who become leaders of the Bar. If we fail to do that, we miss out on huge talent. So, I am delighted to announce that in 2020, the Bar Council will launch "the Future Leaders of the Bar programme". Aimed at talented practitioners, who do not see themselves as future leaders of the Bar, we want to help raise their abilities, expectations and horizons, to forge links and make relationships, including professional friendships which are so important, to become great future leaders of, and ambassadors for, the profession.

And, if we succeed, as I am sure we will, we will not just influence the way the profession looks from top to bottom, but also the way the senior judiciary looks, because the Bar is the main source from which they are chosen. If we have a

broader range of potential candidates remaining in the middle and top echelons of the Bar, inevitably, those becoming senior judges will change too.

Currently, roughly a quarter of High Court, Court of Appeal & Supreme Court judges are women (although, in 16 days' time, with the retirement of Baroness Hale, it will go down). And whereas 19.5% of our population is BAME, there are no BAME Supreme Court judges, only 7% in the Court of Appeal and 3% in the High Court.

The reflection of the public at large in the judiciary is obviously crucial. As Baroness Hale, the President of the Supreme Court, said at the Annual Bar and Young Bar Conference just a week ago: 'Why do we need lawyers and the judiciary to be reflective of society? Because the rule of law is there to serve everyone and everyone must be confident that the law is there for them.' If one doesn't recognise the manifestation of justice as relevant to you, you will not truly believe you have access to justice; and that undermines the rule of law, the reputation of justice and the public's confidence in it.

My third aim is:

3. Access to international markets – Legal services make a huge contribution to our economy (some £26.8bn in 2017). I intend to promote the excellence of our global position and to press our advantage. English law has an exceptional reputation in international commerce. It is recognised to have many benefits – flexibility, reliability and practicality. England & Wales is the jurisdiction of choice for international commercial dispute resolution even when none of the parties has a connection with the UK. This is because of the expertise and skill of barristers and solicitors and the integrity, independence

and knowledge of our judiciary. These benefits must not be lost or reduced. Indeed, the issue is even more vital now for these reasons:

- I. We currently enjoy a unique position, which straddles the EU, the Commonwealth and Common Law legal services markets. Leaving the EU will adversely affect the ease with which UK judgments can be enforced in Europe and across the world;
- II. It will also restrict or even abolish rights of audience for barristers in EU courts;
- III. Commercial courts and alternative dispute resolution centres are increasingly being established around the globe. Many are conducted in English. In the face of growing competition, barristers must become the legal representatives of choice in these centres.

We must continue to press for English law to be the law of the contract in business around the world and at the same time work for England and Wales to remain the dispute resolution jurisdiction of choice.

During my time on the International Committee, the number of barristers building international practices grew significantly: now more than 2,000 have clients based abroad – doubling the number ten years ago. This is an area of practice which the Bar Council will continue to support in the interest of the profession and of the jurisdiction.

I aim to expand and solidify the areas of legal work for the Bar beyond international commercial disputes to include, for instance, work in public international law, serious crime, family and immigration.

Next year there is a very important international legal anniversary: the 75th anniversary of the Nuremberg Trials – the first international criminal justice trials, for the most heinous crimes, led by outstanding English and Scottish barristers. The exceptional advocacy of those British barristers remains a template across the world. I will continue to promote English law overseas; continue to be an ambassador for our legal system and to keep persuading other jurisdictions of the exceptional advocacy skills of our Bar.

Notwithstanding these three aspects of access to justice, I could not close without mentioning the great importance I place on pro bono work done by barristers at home and overseas. Many barristers fill the void caused by a lack of public funding by providing free legal services in courts and tribunals, giving advice to those who would otherwise not have any idea how to present, let alone make the most of, their case. One of the most impressive and humbling events one can attend is the Pro Bono Awards evening, hearing about the free work that hundreds of barristers do every year. In 2018, not counting the numerous other advice services barristers deliver, through Advocate, the Bar's pro bono charity, barristers dedicated some 11,000 hours of legal help to ordinary members of the public, worth just under £2.25 million in fees, had they charged for their work. And overseas help that the Bar provides, whether through the International Committee, the Bar Human Rights Committee, SBAs or individual efforts, is one of the pillars of our reputation as an ethical, outward looking profession, concerned with the rule of law.

Those practitioners and chambers supporting the most vulnerable are truly inspiring but they cannot be a substitute for a properly funded legal system:

One that provides effective access to justice for all

Access to the profession

And access to international markets.

So, all in all, not much to do in 2020! Seriously, I am honoured and excited to represent the profession I love and am optimistic for the future. I look forward to working with you all to achieve these goals.

Thank you.