

## Reception World Bar Conference

By the Rt. Hon Colin Boyd, the Lord Advocate  
Opening Reception  
World Forum for Barristers and Advocates  
Edinburgh 27 June 2002,  
Edinburgh Castle.

Welcome to Edinburgh.

This is the first formal event of the inaugural World Bar Conference.

It is an honour and privilege for me to welcome you here.

First of all, I would like to pay tribute to those who conceived the idea of this body and to the organisers – the Faculty of Advocates and Australian Bar Association.

In a time of many international law associations and conferences one is tempted to ask – do we need another?

Or is this just excuse to visit Scotland! I am sure that the Minister for Tourism would think that sufficient.

But I would argue that there is a place for an international grouping of referral bars. They face many similar issues and problems and there is much that can be gained from shared experience.

Our own bar, the Faculty of Advocates dates from before 1532. It has contributed much to national life over the centuries and many prominent citizens have been members of Faculty. We have produced many fine jurists, scholars, literary figures (Robert Louis Stevenson, Sir Walter Scott), politicians and even a revolutionary.

From the union with England in 1707 the Faculty contributed much to keeping alive a separate Scottish identity and nationhood. And it is very much a democratic tradition based on learning and ability rather than patronage. And it is one which was in tune with and part of Scottish society – rather than separate from it.

With the restoration of a Scottish Parliament with a wide responsibility for the legal system I believe that the Faculty with its history and tradition and its wealth of experience and collective knowledge is once again well placed to make a significant contribution to national life in Scotland.

But this is a time when the place of referral bars in our legal system is under question and indeed under threat. Many question whether in an age of competition referral bars offer value for money.

I believe independent bars do have a future. They provide excellence in pleading and advocacy and a source of specialist advice which is available to all. Moreover the commitment to independence acts as a bulwark against injustice and promotes civil and human rights.

However, we cannot be complacent. There is no automatic right to an independent bar – most countries manage perfectly well without one. The case for an independent bar has to be argued and won. And we must beware of elevating the virtues of independent bars beyond defensible limits.

Most of the countries represented here have professional rules which protect the bars from the full rigours of competition by limiting rights of audience in court and limiting the right of advocates or barristers to combine with others or with other professionals. These may be justified if they protect the consumer but they can only exist in that environment.

Similarly members of bars often enjoy privileges and status within the community. They may, for example, enjoy greater access to judicial and other official jobs. But to the extent that we do enjoy such privileges and status it must be justified on merit.

Equally, however, we also have duties and responsibilities. We are part of a more complex legal system and process which is the foundation of our democratic systems and freedom under the law. Protection of these rights and freedoms is, I believe, a constant duty on all of us. Fortunately in many countries we can do that through the power of our advocacy both in court and in the wider public arena. Occasionally, however, these protections require more in the way of physical and mental courage where lawyers and judges face regimes prepared to use violence and intimidation.

We need to support each other in resisting such attempts to curb freedom and democracy. We do so by promoting high standards of advocacy, by ensuring individual integrity and defending independence.

I am delighted to see that these form the core of the topics that you will discuss over the next two days and I look forward to participating with you.