

Reform of bar practices

by Francis Bennion

Sir, Lord Lester of Herne Hill QC (30 August 2011) rebukes the Irish legal profession as 'over-ripe' for reform. I too am an English barrister, though with an Irish wife, born and raised in Limerick. However, I would not be so presumptuous as to criticise my Irish colleagues or tell them how to run their profession.

Having been much longer at the bar than Lord Lester (I was called in 1951 and have worked in the law ever since) I will answer some of his criticisms of his fellow English barristers. I do so as the author of *Professional Ethics; the Consultant Professions and their Code*¹, the last book on the subject to be written before the revolution Lord Lester so much delights in.

The historic code of the professions is denigrated by Lord Lester as a set of restrictive practices which are archaic, self-serving and contrary to the public interest. But there is another way of looking at it.

The old professions thought their fiercely-guarded independence served the public interest rather than harming it. They despised ambulance-chasing and touting for business, believing in word of mouth recommendation and letting the work come to you.

They did not need state compulsion to keep themselves up to date, because they believed in individual responsibility. They did not despise oral argument as 'prolix'; and held counsel responsible for deciding for themselves on how to present their case in court and which cases to cite.

When they became judges they considered their competence to be their own responsibility and did not expect to be sent on state training courses or otherwise nannied. They believed that for the good of the community the state and all its interfering manifestations should be kept at arm's length. They were proud of their historic profession, which is plainly not the case with Lord Lester. - Yours, etc,

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The Irish Times, 7 Sep 2011

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For full version of abbreviations click 'Abbreviations' on FB's website

References:

None

¹ Charles Knight, 1969, <http://www.francisbennion.com/1969/001.htm>.