

## **Justice First Fellow's dinner, Monday 8th February 2016**

Ladies and Gentleman

The purpose of tonight's dinner is to celebrate TLEF's Justice First programme and to recognise the achievement of those of you who have been appointed fellows. It is also an occasion for us to thank the many people who have worked with TLEF to make this programme go from being an idea to a practical reality.

### **Why do we need JFF?**

Many of you will be familiar with Lord Bingham's Sir David Williams lecture given in Cambridge, and then expanded into his book "The Rule of Law" in 2006. Bingham holds to Dicey's principle that the Rule of Law means "all persons and authorities within the state, whether public or private, should be bound by and entitled to the laws publicly made, taking effect (generally) in the future, and publicly administered in the Courts".

Bingham unpacks this, brilliant, but dense statement of principles into 8 sub-principles, the first of which is that "law must be accessible and so far as possible clear and intelligible". Dwelling on the first "sub-rule" he suggests that the principle is satisfied if law is accessible through lawyers who may be required to interpret it for their non-lawyer clients. Art 6 of the ECHR is redolent of this first sub-principle.

From 1947 we in the UK broadly satisfied this requirement for the Rule of Law for those - who could not afford to pay for lawyers - charged with offences or having problems in family, or housing or social welfare through the Legal Aid Act, through CABs and other organisations funded often by local councils.

But we have witnessed over the last decade:

- A freezing or decline in legal aid funding.
- A reduction in CABs and funding for specialist Law Centres and advice agencies.
- A decrease in social mobility into the professions including law.
- A more complex statutory regime for the criminal law, social security, welfare and housing such that a law degree is required and even then may be insufficient for an understanding. Have you ever tried to work out quickly whether bad character is actually admissible and if so under what gateway under the Criminal Justice Act 2003? My experience as a Recorder on a training seminar demonstrated the problem – a group of 8 senior lawyers with 8 different answers to the same factual scenario.

It cannot be the function of TLEF to act as the State's proxy for Legal Aid: after all it is the State that must guarantee access to legal advice for those who cannot otherwise gain access to the Law so as to comply with its Treaty obligations and the duty of fair process in the common law. But nor can we ignore the risk that lawyers of high talent, a sense of social justice, and moral commitment may not be able to train in the areas of social welfare law where help is so desperately needed and on such a wide scale, unless an organisation such as ours steps into the ever widening breach. Without your commitment in this vital area we

really do risk a skills desert. You are therefore going to be absolutely central to the provision of skilled advice and counsel for years to come.

JFF has got off to an excellent start. We have spent just on £1m on the scheme so far and a further 500k has been raised through our co-funders. Where a fellow is being financed local law firms and other partners are working out ways for greater collaboration. Bristol is but one excellent example of this.

## **Thanks**

I cannot in this short speech thank everyone: of the 70 of you here there is no one who has not made a real contribution to the programme.

So let me give a public thank you to all of our Host organisations – there are 8 in Round 1, 9 in Round 2: we never thank a host virus for its contribution to humanity but TLEF does warmly thank the Hosts for the JFF. Without you the programme cannot work.

And our co-funders: Unbound Philanthropy, Esmée Fairbairn Foundation, Herbert Smith Freehills, Allen and Overy, TLT, Osborne Clarke, DAC Beachcroft, Burges Salmon, RBS, Brodies, CMS Cameron McKenna, Pinsent Masons and BPP.

And finally: all 18 fellows. Every law student says that he or she is interested in human rights and bettering the lot of the disadvantaged. That idealism becomes dented in most as the demands of life, or the attraction of commerce, take over. You 18 demonstrate that the ideals are there to be held onto, and that conviction matters.

Lastly we must thank Matthew Smerdon and the TLEF team. It would be impossible to have the JFF scheme and this dinner without him and them!

Thank you all for joining us tonight. Fellows stay seated as we toast: the Justice First Fellows.

TJD. 08.02.16