

World Bar Conference 2024
Belfast Session: Opening Remarks
Lady Chief Justice of Northern Ireland
16 May 2024

On behalf of the judiciary of Northern Ireland, it gives me great pleasure to welcome you to the International Council of Advocates and Barristers World Bar Conference 2024.

I am delighted that the Conference is returning to Belfast and Dublin. Since the Conference last visited this island in 2008, inspired by the vision of former Chair of the Bar, Noelle McGreenera, the independent referral Bar has encountered numerous new challenges, and the legal community is now asked to deal with emerging technologies and growing threats to the international rule of law. Yet, despite these challenges, it is a sign of a healthy profession that we can meet with our colleagues from across the globe to promote unity and discussion, in turn strengthening the global Bar's commitment to the rule of law and the administration of justice.

Coming together to discuss these pertinent issues, we are proud to be welcoming delegates from across the jurisdictions that make up the International Council, with representatives from England and Wales, Scotland, Australia, New Zealand, Hong Kong and South Africa joining our own advocates from Ireland and Northern Ireland. I am very much looking forward to participating in the panel tomorrow with my judicial colleagues from these jurisdictions. We are fortunate to have this

opportunity to share our global perspectives on the challenges facing the independent judiciary and the Bar.

More generally, it gives me great pleasure that the Conference is being hosted in two diverse and dynamic cities. Belfast is a fantastic place to practise law. I don't think my bias is showing when I say that some of the most impactful legal work in the United Kingdom emanates from Northern Ireland. This sentiment is reflected in Lord Kerr's observation that Northern Ireland consistently "punches above its weight" in its contributions to the jurisprudence of the United Kingdom. Although I trust today's debates will take place in a less adversarial setting, I hope that the discourse might be regarded as similarly thought-provoking and impactful.

The six key themes to be discussed represent the most important conversations that the profession must have. As pithily put by our Conference hosts, Moira Smyth KC and Sara Phelan SC, "our rules-based legal order ... continues to face disruption from a variety of factors including; advances in technology, geo-political instability and environmental issues, to name just a few." Today, we turn to the increasingly pertinent issues of cancel culture, the rule of law in times of conflict and the advent of artificial intelligence – and ask how barristers and advocates influence and respond to developments in these areas. There is no easy answer to that question, so I look forward to hearing for myself what discussions are to be had.

So, as I open today's session, I asked myself how I could best frame the debate. In truth, I can do little better than to draw on the inspiration of two of Northern Ireland's finest minds: the Nobel Laureate Seamus Heaney and Lord MacDermott, a predecessor of mine as Lord Chief Justice of Northern Ireland.

First, the poet.

When the new Bar Library opened in November 2003, Seamus Heaney provided the opening address. As one might expect, his words beautifully expounded what it means to be a jurist in modern society. I would happily retell the entire speech, but I adopt instead the following passage:

"It seems appropriate to remember how fundamental to civilised life is our agreed respect for the workings of law, and how fragile."

I am struck by how apt Heaney's words are. In the UK alone, we have witnessed a new wave of attacks on the profession, culminating in a leading media outlet running a headline calling judges 'Enemies of the People'. Similarly, pointed new phrases have been coined to describe such independent advocates who seemingly frustrate the will of government. That this derision has become more commonplace in the modern vocabulary (although I would say it is widely recognised as unacceptable) shows that the agreed respect that Heaney speaks of has become more fragile indeed.

On this point, I am encouraged by and support initiatives, such as those championed by the Law Society of Northern Ireland, to pledge to uphold the rule of law and the independence of the legal profession in the face of corruption, political interference and persecution of legal professionals.

So, as this conference progresses, let us remember Heaney's wisdom: that respect for the workings of the law is fundamental, but fragile. We must ask, with some introspection, how we can engage as a profession with the issues before us in a manner that promotes respect and understanding.

Second, I reference the jurist.

I often find myself turning to Lord MacDermott's writings. He was, during his twenty years as Lord Chief Justice, the dominant legal figure in Northern Ireland. In 1957, he delivered the Hamlyn Lectures on the subject of "Protection from Power under English Law". Reading back over that lecture, it is remarkable how relevant his words remain today, nearly 70 years later.

The introduction to the Hamlyn lecture is essential reading for any barrister. It sets out Lord MacDermott's vision of law, which I summarise in the following way:

“(1) The law in its substance and procedure should preserve public order effectually.

(2) The law should also enshrine the ‘rule of law’ [which is] the badge of a free people. [...] It stands for equality [...] before the law, for the independence of the courts, for the absence of arbitrary government and for established sources of law.

(3) The law as a whole should stand for what is morally superior. Its purposes and consequences should contain a substantial element of what is fair and just and of good report. [...] We should not expect a vigorous community to think alike about all the purposes of the law [...] however, I believe it is true to say that when everything that is contentious and debatable is taken out of the way, there remains a remarkably wide and firm unanimity as to what is fair and just and good.”

Whether Lord MacDermott’s philosophy amounts to the ‘basic truths’ of the legal system, as he made out, would require a seminar on jurisprudence. But I maintain that his vision sets out a constructive way to consider the issues at hand today.

The panellists will cover a broad spectrum of views on their topics of expertise. Alongside that range of views will come some disagreement, with some reactions possibly being stronger than others. Of course, as

advocates, we are well-versed in the language of disagreement. That is why I encourage you all to participate fully in the ensuing discussions, and I am sure many questions will be fielded, including those questions which might be considered submissions in disguise.

My hope is that this robust discussion will allow us to develop new insights into the topics with which we will grapple. Indeed, I think it will be a great benefit to hear voices and perspectives on these issues from across the globe. The Bar is a truly diverse profession in this respect, and I hope that by engaging with different legal and cultural backgrounds, we will come to more insightful and nuanced conclusions.

As I have already said, the six key themes that this Conference engages with speak to the most pressing issues facing the Bar. I do not want to presuppose the discussions that will be had, but I think a general overview of today's themes might be beneficial and set the tone of the conference. Our first panel will engage with the issue of free speech and the 'right to offend'. Mr Justice Scoffield and Joanna Cherry KC MP will be joined by the Advocate General of Scotland, Lord Keith Stewart of Dirlerton, and the Attorney General of Ireland, Rossa Fanning SC in what will be a closely argued overview of how the Bar responds to an age-old issue that has taken on a modern (digital) character.

From there, Peter Coll KC will chair a discussion on the Rule of Law in an Age of Conflict. He will be joined by Victoria Prentis KC MP (Attorney General for England and Wales and Advocate General for Northern Ireland), Blinne Ní Ghrálaigh KC, Professor Fionnula Ní Aoiláin KC Hon

and Yurii Bielousov from the Office of the Prosecutor General in Ukraine.

Finally, after lunch, we will hear from industry experts as they ask to what extent will the integrity of our legal systems be strengthened or weakened by the adoption of artificial intelligence.

These panels grapple with heavy issues (the reception in Dublin this evening will definitely be merited), but it is timely to seek answers to these questions now. So today, as we in this room become what Lord MacDermott called the ‘vigorous community’ unlikely to think alike, I urge you to think also of the bigger picture. It is true that the public at large are not generally gripped by or are fully cognisant of the issues facing the legal profession, or by its structure and how it works. However, the questions that we will ask and hopefully answer will doubtless have implications far beyond the profession and should inform the people lawyers serve. To take the examples of our three topics, just about anyone could be cancelled, AI could in theory replace any number of jobs, and, in an increasingly volatile world, attacks on the rule of law will affect the public in no small manner.

In combining my two sources of inspiration I conclude with the following thought. Lord MacDermott warned in the lecture I referenced that “history may find ... that, at a time of rapid growth and change, we allowed our laws to develop on wrong lines and so as to imperil the health and strength of the whole body politic.” As in 1957, we are at a crossroads that require us to think not just of the profession, but of the

profession's responsibility to the wider public. We should remember, as Heaney said, how fundamental to civilised life is our agreed respect for the workings of the law, and how fragile. What matters in considering this responsibility is that we play our own part in strengthening that fragile bond and maintaining the eternal flame that is the rule of law.

I wish you all a pleasant and invigorating Conference.