



Enjoying the occasion at the Bar Leaders' Conference Dinner in Helsinki were, from left to right: Olumide Akpata, BIC Officer; Almudena Arpón de Mendivil, IBA President; and Ken Murphy, BIC Chair

## We'll always have Paris

**W**e'll always have Paris', Humphrey Bogart assures Ingrid Bergman towards the end of *Casablanca*. It's an iconic line from one of the most romantic and popular movies ever made.

Movie-style romance and a legal conference, in the real world, are as far distant from each other as the Moroccan city of Casablanca is from the capital of France. But there's another possible meaning of Rick's immortal line to Ilsa back in 1942, delivered when the ultimate outcome of the Second World War – in reality as well as in the movies – was far from certain. It's about the power of human relationships to remain fresh and unimpaired despite separation and distance. For how long? Rick's word is 'always'.

Those who participated in the IBA Bar Issues Commission's annual Bar Leaders' Conference,

held in Helsinki in May 2023, will recall the variety of topical and thought-provoking issues affecting Bars and law societies worldwide that were expertly analysed in the business programme.

But if you were present in Helsinki you will no doubt have also experienced the value of informal discussions and information sharing between colleagues met during coffee breaks, on bus transfers and at the social events.

The invaluable and long-lasting connections, fostered by the BIC, between the world's legal professional bodies are based on the human relationships we forge together. We'll do it again in 'the City of Lights'.

We'll always have Paris.

**Ken Murphy**  
*Chair, IBA Bar Issues Commission*

# What are Bars doing about the public image of the profession?

**A**mong the findings in a recent landmark study of public perceptions of the legal profession, conducted by the American Bar Association, were the following:

- Seventy-four per cent of those surveyed agreed that 'lawyers are more interested in winning than in seeing that justice is served';
- Sixty-nine per cent believed 'lawyers are more concerned with making money than in serving their clients'; and
- Fifty-one per cent agreed that 'we would be better off with fewer lawyers'.

Of course, different countries have different cultures and histories as far as the legal profession is concerned. Therefore, the public's perception of the profession is not the same everywhere.

Surveys in many different jurisdictions, however, have consistently revealed a much lower public esteem for lawyers, and what we do, than the profession would like. But it's not just lawyers' hurt feelings that are at stake.

Reputation and image are vitally important in the modern world. Negative perceptions of lawyers shape not just the attitudes of commentators and of consumers of legal services. They also shape the policies of governments towards the profession.

Lawyers are professional communicators. We are excellent advocates for our clients' interests. Ironically, we appear to be very poor at advocating for ourselves and at communicating to the public the value of what we do.

'What efforts are Bars making at present to improve the public image of the legal profession?' That was the topic addressed by the presidents of four leading Bars and law societies, with numerous valuable contributions from the floor, at the BIC's Bar Leaders' Conference in Helsinki.

Following an introduction to the 'image of the profession' topic by the Chair, Ken Murphy, in which he emphasised the expectations that Bar members may reasonably have that their leaders would seek expertly to address this problem in their jurisdiction, the President of the Finnish Bar Association, Hanna Räihä-Mäntyhärju presented details of the innovative approach her Bar has employed in recent years.

Following professionally conducted research on the public's attitudes to the legal profession, and the reasons for these attitudes, the Finnish Bar commissioned a series of TV advertisements, which they

paid to have broadcast last year. She then showed the intrigued audience some of these advertisements on video screens, with English translations from the original Finnish.

The audience noted the simple and direct messaging. They also observed that the usual public image of the profession, as stuffy and self-important, had been cleverly undermined.

The TV advertising campaign, Räihä-Mäntyhärju confirmed, had been expensive. However, the profession had approved the cost in advance and it continued to support the Bar's efforts on its behalf.

Murphy took this cue to play to the meeting a number of the 30-second advertisements that the Law Society of Ireland had been using on national – and sometimes local – radio since as long ago as 2007. These sought to 'tell stories' in which ordinary people found a variety of the more widely used services provided by solicitors to be valuable, even vital. All ended with the tagline 'Talk to your solicitor. From the Law Society of Ireland'.

The public's attitudes to the legal profession are very deep-rooted, he believes. To 'move the needle' even slightly required a lengthy advertising campaign with the audience potentially hearing thousands of repetitions over a great many years. Radio advertising is relatively inexpensive. Irish audiences listen to the radio constantly.

The strategy had two objectives: to encourage the public to use solicitors, and to lift the morale of the profession itself through members regularly hearing positive public messages about the value of their work. New advertisements were introduced from time to time to refresh the campaign. After more than a decade and a half, the advertisements remained popular with the profession.

Julie Couturier, the Bâtonnier of the Paris Bar, also used the screens to display to the Helsinki audience numerous examples of a major campaign her professional body had launched across a range of social and mass media platforms. The campaign is designed to explain to the public how important the rule of law is to them, and the key role that lawyers play in upholding it.

The campaign was partly prompted by a number of political attacks on aspects of the rule of law and the justice system. The legal profession viewed it as essential to respond and to defend these values in the public interest.

President of the Law Society of England and Wales, Lubna Shuja, sympathised with her Paris counterpart and reported that her organisation had also long been spending much of its time refuting criticism of lawyers, frequently also attacks on judges, from the government and other critics in the media.

There had been a notorious instance in which, following an appeal court striking down as illegal an aspect of the government's planned measure in relation to Brexit, a national newspaper in the UK had published photos of the judges on its front page with the chilling headline 'Enemies of the People'.

More recently there had been political and media denunciations of the lawyers who have sought to ensure that asylum seekers and economic migrants crossing the English Channel in boats should have access to the courts to uphold their legal rights. Shuja outlined the communications campaign that she and her colleagues had been undertaking to explain publicly why these lawyers are simply doing their job and commendably providing access to justice for people in need.

American Bar Association President Deborah Enix-Ross pointed out that in a country as vast, varied and populous as the United States, with innumerable media outlets and markets, it was impossible for her organisation to undertake media campaigns to seek to improve the public image of the legal profession.

The profession must be proactive, however, and participate in the public debates of the day. The legal profession's voice must be heard and, perhaps even more importantly, its core values promoted to anyone who is prepared to listen.

Throughout Enix-Ross' presidential year she had used every opportunity to promote 'civics, civility and collaboration' as core values of the legal profession and, in addition, of a democratic society.

She acknowledged with great regret the negative views of the profession that had been identified in the American Bar Association survey – and in numerous other studies – of the esteem in which her profession is held in her country. It's not all negative, however. There are some aspects of the profession and its work that the public views as positive. But perhaps the most worrying conclusion of these surveys is the evidence that the public's image of the profession is not just negative but continuing to deteriorate.

Some of the negativity is unavoidable, she observed. It's inherent in the nature of the work that lawyers do. But it's not all unavoidable. We must engage with the many false impressions that the public have of lawyers. We should engage with our critics, speak well of each other and constantly promote values such as civics, civility and collaboration.

Thanking all the distinguished speakers and the many other contributors from the floor, Murphy agreed with Enix-Ross that much of the public's ambivalence about lawyers is a consequence of the nature of lawyers' work.

In his reading on this topic many years ago he had come upon an observation – in fact by an American lawyer – that had struck him as probably universally true: 'Lawyers are known for their capacity to argue that black is black, or that black is white, depending on who is paying them. People admire the skill with which it's done. But they think it lacks integrity.'

The public will always have at least ambivalence, and probably if we are honest with ourselves, suspicion and negativity about the legal profession. It's in the nature of what lawyers do. But we must more effectively, expertly and professionally use the tools of the modern world to promote a better public image for the legal profession. We must do it for ourselves. No one else will do it for us.



Image conscious: a stellar line-up of Presidential speakers in Helsinki. Left to right: Hanna Riih -M nt harju (President of the Finnish Bar Association); Lubna Shuja (President of the Law Society of England and Wales); Ken Murphy (Chair of the BIC); Julie Couturier (B tonnier of the Paris Bar); and Deborah Enix-Ross (President of the American Bar Association).



## Successful Helsinki summit with the CCBE



IBA–CCBE summit in Helsinki. From left to right: Simone Cuomo, CCBE Secretary-General; Almudena Arpón de Mendiivil, IBA President; Panagiotis Perakis, CCBE President; and Ken Murphy, BIC Chair

**H**elsinki is the capital city closest to the North Pole. But, as always, there was nothing in the least frosty in relations between the IBA and the Council of Bars and Law Societies of Europe (CCBE) when the leaders of the two international organisations met in Finland in May – quite the contrary.

The CCBE is the representative organisation for the national Bars and law societies in no fewer than 45 countries in Europe. Headquartered in Brussels, it has a special status as interlocutor on behalf of the legal profession with the institutions of the European Union with which it is in constant contact.

The member Bars of the CCBE are also member Bars of the IBA, with the BIC as their point of contact. Accordingly, the BIC was delighted this May, as previously, to welcome

CCBE President Panagiotis Perakis and Secretary-General Simone Cuomo to the BIC Bar Leaders' Conference.

As is now a fixture each May, Ken Murphy, Steven Richman and Berit Reiss-Andersen, as leaders of the BIC, spent a number of hours in Helsinki in constructive information exchange and insight sharing. This is to ensure the two organisations remain as fully aligned as possible in the interests of their mutual members.

Among the many topical issues covered were the increasing impact of artificial intelligence (most recently, ChatGPT) on the profession, continuing support for Ukraine and other countries suffering aggression or challenges to the rule of law and, in general terms, the drivers of change for lawyers in Europe and worldwide.

## Rule of law session in Helsinki

*'How did you go bankrupt?' Bill asked. 'Two ways', Mike said. 'Gradually and then suddenly.'*

This famous exchange from Ernest Hemingway's 1926 breakthrough novel *The Sun Also Rises* could also be applied to the erosion of the rule of law in a great many parts of the world.

According to the most recently published edition of the *Rule of Law Index* published by the World Justice Project, more than 4.4 billion people live in countries where the rule of law weakened in the past year. This is equivalent to 56 per cent of the world's population.

One of the BIC's key business sessions at the Bar Leaders' Conference in Helsinki focused on some specific instances of this pernicious erosion of the rule of law as reported by colleagues from countries on the front line of such struggles.

Chaired by Berit Reiss-Andersen, BIC Vice-Chair, the first speaker was SPPI Representative Alessandra Nascimento S F Mourão, who described what had occurred just a few months previously in the capital of her native Brazil.

On 8 January 2023, following the general election defeat of then-President Jair Bolsonaro, a mob of his supporters attacked, took over and vandalised federal government buildings, including the Supreme Court and the National Congress Palace. TV footage of this outrage shocked Brazil and the world. Alessandra outlined the process of decline in respect for the rule of law in Brazil and what was being done now by the legal profession, among many others, seeking to restore that respect.

Gábor Damjanovic, Chair of the IBA Professional Ethics Committee, spoke next on the vice grip – which had strengthened continuously over many years – that the governing regime now had on almost all the

levers of power in his native Hungary. Most people, even most lawyers, who might be privately critical of the regime's repression, seemed too intimidated to challenge it publicly.

Baroness Helena Kennedy KC, the Director of the IBA's Human Rights Institute, outlined the challenges to the rule of law in a number of jurisdictions, with a focus on what had occurred in Afghanistan since the Taliban takeover. She spoke of the struggles of the IBA, in which she played a key role, to get numerous supporters of the rule of law – including women judges, who were and are at risk of their lives from the Taliban – out of the country to safety.

The final speaker was the veteran representative of the Israeli Bar Association on the IBA Council, Eytan Epstein. He described various measures being introduced legislatively by the current government. He and the Israeli Bar Association believed that the government's planned measures, if implemented, would undermine the independence of the judiciary in Israel and the separation of powers required in a democracy. He described how he personally, and vast numbers of concerned Israeli citizens, were taking to the streets, week after week, in peaceful protest and opposition to this threat to the rule of law in their country.

Many then contributed from the floor, including the Chair of the Bar Council of Hong Kong, who outlined the courageous resistance that he and his professional colleagues are making to the undermining of the rule of law there.

The BIC is available to provide whatever support it can to Bars and law societies struggling to preserve the rule of law from erosion. Intervention is most likely to be effective when the erosion is at the 'gradual' rather than the 'sudden' stage of the process.





# A host of happy faces at the BIC's Bar Leaders

Sonja Stewart, Edward Mapara and Merete Smith



Kimitoshi Yabuki



George Artley and Sara Carnegie



Thomas Kaiser-Stockmann, Gábor Damjanovic and Paul Keane





# Conference in Helsinki

Myra Garrett, Ken Murphy and Geraldine Clarke



Massimo Audisio and Ricardo Cajola



Stefan Dimitrov, Emily Griffin-Saunders, Lowri Williams, Suzie Jaklova



# A host of happy faces at the BIC's Bar Leaders

Claudio Visco, George Artley and Steven Richman



Hanna Räihä-Mäntyharju, Berit Reiss-Andersen and Margery Nicoll



Jonathan Herman and Diane McGiffen





# Conference in Helsinki

Sara Carnegie, Kimitoshi Yabuki and Peter Köves



Lubna Shuja and Naeem Shahzad



Alessandra Nascimento Mourão and Steven Richman



# Bar Leaders' Conference Helsinki: roundtable discussion report

The Bar Leader's Conference in Helsinki this year saw the trial of a new type of session: six roundtables, hosted by a variety of bar leaders, executives, project staff and members of the IBA's Legal Policy and Research Unit.

Each table focused on a different topic, ranging from good governance, the IBA's 'lawyers as ethical gatekeepers' project and the importance of wellbeing, to diversity and inclusion initiatives, the role of bars in upholding the rule of law and current trends in the provision of international legal services.

The session was a resounding success, which we look forward to repeating in Bucharest next year. A summary of the results of the conversations can be found below.

## Good governance and role clarity

The roundtables on this subject focused on the objective for bar associations and law societies to ensure that there is a clear understanding of the respective roles played by (1) the organisation's members; (2) the governing bodies or Boards of Directors of the organisations; (3) the volunteer Presidents or Board Chairs; and (4) the Chief Executive and other senior staff officers involved in the daily operation of the organisations.

Despite the variety of perspectives offered, there was a consensus among all participants that good governance and role clarity are essential prerequisites to (1) effective decision-making and (2) confidence by members in the ability of leaders to deliver results in accordance with an organisation's mission.

Some participants spoke of a number of challenges to achieving good governance practices. Among them were the following: (1) the length of presidential terms (either too short or too long); (2) the lack of strategic planning; (3) the practice of presidents having their own agendas that may or may not be aligned with the organisation's priorities; (4) confusion of board members over their fiduciary role and the interests of the members; and (5) confusion over the role of board members as providing strategic oversight of the organisation, rather than being involved in operations which is the responsibility of staff.

Key takeaways of the discussions included the recognition that good decision-making can be helped by having a strategic plan within which all priorities are set and aligned. The groups also agreed that clear written governance policies that set out the roles of the key people in the

organisation can eliminate misunderstandings about expectations and responsibilities. Finally, it was agreed that there ought to be a regular programme of orientation and education for everyone involved in the organisation in order to remind them about optimal governance practices.

## Lawyers as ethical gatekeepers project

It would be fair to say that the IBA's lawyers as ethical gatekeepers project provoked a strong and animated response from our member bars. In brief, the conversation centred around a number of key issues, none of which have easy answers:

it is clear that there is an overwhelming demand and expectation from clients and wider society in relation to the ethical standards maintained by lawyers and law firms;

- lawyers are also coming under attack for being 'enablers' of certain types of activity that governments and wider society currently disapprove of (aggressive tax planning, strategic lawsuits against public participation (SLAPPs), anti-environmental industry etc);
- in addition, and particularly in the UK and US, lawyers are now frequently labelled as 'activists' when they are seen to defend clients whose behaviour may frustrate the ambitions of politicians or business. As a result, threats are being made to the independent regulation of the profession by these groups;
- some bars argued that, in response to lawyers being made scapegoats when governments have insufficient control over certain issues through hard law, it is vital that the profession engage actively in the crafting of soft law solutions;
- however, other bars noted that in response to these demands and attacks, it is also clear that lawyers cannot merely surrender themselves to abstract notions of 'the public interest' without there being some threat to the independence of the profession;
- as we know, ethical rules can change very quickly within society. If public opinion changes, who decides what is in the public interest? This was of particular concern for lawyers operating within autocratic jurisdictions;
- one common challenge is in educating the population about what the lawyer's role in society is;
- this challenge is added to by the different perspectives on these issues brought by the



common and civil law traditions. In some jurisdictions, lawyers are officers of the court, while in others, they are not. For some, duty to 'the law' comes above everything, including the interests of the client. Yet for others, the client's best interests are synonymous with the rule of law; and

- what was ultimately agreed upon was that, as a self-regulated profession, we have a huge amount of responsibility to ensure any transgressions by our members are addressed, but also that our independence is not undermined in our efforts to maintain that self-regulation.

### Diversity and disability in the legal profession

This table explored the topic of disability as one strand of the wider long-term conversation around diversity and inclusion.

An observation made by many of the Bar Leaders taking part was that the debate about disability within their jurisdictions was much less advanced than the debates around other aspects of equality, diversity and inclusion (EDI). Many of those taking part in the discussion had expected a diversity table to be focussed on gender equality, which was an issue of focus in all jurisdictions, or around ethnic diversity, which was the next most prominent issue in many jurisdictions.

Although relatively few bar leaders were working actively on disability issues, a number were doing so and some brought their own lived experience of disability issues, which enriched the discussions.

A lack of data was seen as an issue by many contributors. Some data was available in England and Wales from which it could be seen that disabled people were underrepresented in the profession when compared to wider society. Bar leaders at the table discussed why that might be the case and identified several factors that might be relevant.

Categories of disability were explored and those in the discussion recognised that many might not be visible or obvious. Indeed, there were a number of examples mentioned where lawyers had not felt able to speak about a disability for many years.

Neurodiversity was explored in the course of the discussion, with delegates recognising the barriers that might be faced by neurodiverse lawyers, which would not be faced by neurotypical colleagues.

Taking a view over time, it was clear that disabilities presented obstacles at each main career stage for legal professionals, from the education and entry phases, through to the building of experience and achieving promotion to senior ranks within the relevant profession.

Discussion turned to the role that firms, law societies and bar associations might play in

removing barriers to progress. In some cases it would be necessary for firms to make changes to physical layouts or to introduce particular forms of flexible working. Law societies and bar associations had the ability to lead conversations around the topic, to gather relevant data, to shape education requirements, to issue guidance and to raise the visibility of prominent role models. Many other useful suggestions and approaches were shared in the roundtable discussion.

### Revitalising the rule of law

The rule of law is the keystone of our society. It is vital for the maintenance of peace, security and business. It ensures everyone is equal before the law, that legal certainty is guaranteed and it also ensures the protection of human rights and promotion of sustainable development. It is only when you have rule of law that democracy can operate.

Unfortunately, the rule of law is being gradually eroded, and illegal and unconstitutional changes in governments are now proliferating. When there are jurisdictions where lawyers are unable to carry out their legitimate duties or professional work because of fear of arrest or intimidation, they cannot properly uphold the rule of law.

This panel focused on where we stand in our respective countries regarding the rule of law, and how to revitalize the debate about it.

In terms of erosion the following factors were considered:

- economy control/media control/fake news;
- digitalisation of justice/technology;
- rigged elections;
- identification of lawyers;
- separation of powers;
- groundless charges;
- biased image of lawyers;
- use of law to justify unjust actions;
- false narrative about lawyers;
- mediation abuse preventing access to justice;
- commoditisation of legal services;
- extraordinary situations (eg, Covid-19);
- legislative due process;
- lawyers representing unpopular people exposed;
- EU patent proceeding languages – are they a barrier to access to justice?;
- lack of respect; and
- impartiality of prosecutors/fair trial principle.

The following feedback and experiences from participants about risks to the rule of law in their jurisdiction can be summarised as follows:

- Northern Ireland: immigration challenges, lawyers representing migrants exposed;
- Cyprus: attacks from government on passport issues blamed on lawyers;
- Scotland: regulation proposal of unlimited fines for lawyers;

- South Korea: no rules about attorney client privilege/prosecutor trying to collect evidence from lawyers;
- Norway: attack on attorney client privilege for tax challenges, and less funding for justice;
- Denmark: lack of funding for courts eroding the system;
- Zimbabwe: court challenging lawyers' professional regulation;
- New Zealand: restructuring of Law Society (division between regulator and representative bodies and regulator members appointed by government);
- UK: illegal migration bill undermining authority of judges;
- Belgium: proposal about government decisions being subject to appeal;
- Switzerland: waivers for conflict of interest, and no secrecy obligation;
- Germany: court case about seizing law office material appealed (ie, Jones Day versus the state) heading to EU Court of Human Rights;
- Italy: separation of careers, funding of justice leading to reduction of cases;
- France: special laws about terrorism;
- Finland: lack of rule of law in the constitution;
- Australia: no codified constitution in Australia, issues around indigenous rights and around lockdowns;
- Taiwan: vitalising the rule of law (as it's a young jurisdiction) more than revitalising. Little trust of people in judiciary;
- Canada: anti-money laundering (AML) and terrorism financing versus rule of law, the Supreme Court upheld rule of law;
- India: strong government used AML legislation to attack opposition politicians. Imprisonment and acquittal only after a number of years;
- Estonia: during Covid the speeding up of legislative process rolled over the opposition; and
- UK: lawyers representing unpopular people exposed and attacked in the press and parliament.

### Mental wellbeing in the legal profession

From being a fringe issue around ten years ago, wellbeing has become an increasingly central concern for the legal profession. This increased awareness of the importance of wellbeing has been exacerbated by the impact of Covid, as well as problems many jurisdictions are now facing in terms of recruiting and retaining younger

lawyers, women and minority groups. Indeed, the intersectionality between wellbeing, workplace culture and diversity and inclusion is becoming increasingly obvious, and is something that nearly all bars are taking notice of. A summary of some of the points raised on this table would need to include the following observations:

- the sustainability of the current law firm business model was raised repeatedly, particularly in terms of the numbers who leave firms soon after training;
- huge salaries are not enough on their own to retain talent;
- a number of substantial European jurisdictions have seen lawyer numbers fall for the first time. Much of this is put down to the poor work life balance that working in the law provides;
- gender diversity remains an issue, but in a variety of ways. In Finland, for instance, 70 per cent of law students are now female. At senior levels though, female representation remains persistently low, with many women leaving after about five years;
- many noted that younger lawyers no longer have the ambition to be partner. They'd rather remain at senior associate level, but firms have not caught up with this as a potential career track;
- many senior lawyers are being put under intense strain to pick up slack left by junior lawyers who are unwilling to work the longer hours;
- clients are key in any wellbeing discussion: their expectations need to be managed. But, if anything, clients are becoming more demanding, not less. The marketplace for legal services is more competitive than ever. Firms are very nervous about losing clients;
- many bars and law societies have taken pioneering steps to provide support for lawyers suffering with depression, alcoholism and other issues;
- however, in many jurisdictions, including in Europe, there are still huge cultural and professional taboos surrounding these issues;
- it is still important for bars to do more though to address the needs of lawyers, and address issues (to the extent they can) in workplace culture. This includes better management training for senior staff; and
- leaders and senior members of the profession speaking up about their own experiences, and showing vulnerability, is vital.



## LPD introduction



I am pleased with the opportunity to introduce the IBA Legal Practice Division (LPD) to the members of the BIC and want to thank Ken Murphy for his ongoing efforts to increase collaboration between the IBA's constituencies.

The LPD's objectives are to promote an interchange of information and views among its members as to laws, practices and professional responsibilities relating to the practice of law throughout the world; to facilitate communication among its members; to provide the opportunity to all its members to be active in the division through its 18 sections, 51 committees, six fora and other groupings; and to undertake such related projects as may be approved from time to time by the division's council.

The LPD leadership in 2023–2024 consists of Daniel del Rio as Vice-Chair, Pascale Lagesse as Secretary-Treasurer and IBA Treasurer, Amir Singh Pasrich as Assistant Treasurer and me as Chair.

During our term we want to assist our many committee, section and fora officers in their activities for their members through offering projects, webinars, requests for articles, surveys, newsletters and virtual meetings and sessions. They have continued to be engaged and enthusiastic during the pandemic through online offering including the virtual meetings for officers and members, networking opportunities and webinars. The LPD has contributed to close to 400 online events since the start of the pandemic, which has greatly enhanced the IBA's membership offering. We continue to encourage our committees to generate and provide online content as well as return to the pre-pandemic levels of in-person activities.

We are especially grateful to the committees who have put together an impressive programme

of in-person conferences for 2023. Well over 50 specialist conferences have or will be organised during 2023 which contributes hugely to the engagement and involvement of our members, and obviously also the IBA's financial situation.

Just to highlight a few:

- 11th European Corporate and Private M&A Conference, total attendance: 568
- 7th Asia Pacific Regional Forum Biennial Conference, total attendance: 351
- Biennial IBA Latin American Regional Forum Conference, total attendance: 680
- 20th Annual International Mergers & Acquisitions Conference, total attendance: 564
- Asia Pacific Mergers & Acquisitions Conference, total attendance: 222

I am also delighted to see an impressive range of sessions being offered by LPD committees for the forthcoming 2023 IBA Annual Conference in Paris.

We continue to ensure there is collaboration and cross-divisional support for the events taking place, and I can already report that yet again there will be over 200 sessions across all five days of the conference week run by LPD committees, including the support of others.

We look forward to the LPD Showcase session which is being organised by the IBA Intellectual Property, Communications and Technology Section, 'Fashionably metaverse: high technology meets high fashion', which we feel is very timely and a natural tie-in for the location of the Annual Conference this year. We invite all BIC members to attend this impressive session, which takes place on Tuesday 31 October from 1430–1730. The LPD Lunch will be held on Wednesday 1 November at 1245 and we are pleased to confirm Chris Oldknow, one of Amazon's general counsel, as our keynote speaker, and hope to see BIC members there as well.

Carola Van den Bruinhorst  
*Chair of the LPD, 2023-24*

## SPPI introduction



The IBA Section on Public and Professional Interest (SPPI) is a constituent of the IBA Public and Professional Interest Division, which is made up of the SPPI, the BIC and the Human Rights Institute (IBAHRI).

While the missions of the BIC and the IBAHRI are self-evident from their names, this is not the case with the SPPI. Thus, many members of the IBA scratch their heads when the SPPI is mentioned, wondering what exactly it is.

Well, the SPPI is the portion of the IBA that deals with the structural and foundational issues that are essential to the practice of law and that make the practice of law a profession, and not just an occupation. Issues such as legal education and training; law firm management; the welfare of judges, young lawyers and women lawyers; diversity in the profession; the protection of human rights; and, most importantly, the supremacy of the rule of law.

The SPPI presently has 18 committees and fora that are all active, the most prominent and populous of these being the IBA Law Firm Management Committee. However, there are several others covering a wide range of other professional and public interests. The full list of SPPI committees and fora can be found on the IBA website.

The SPPI is the engine room and heartbeat of the IBA. While it is not as glamorous as the LPD, it deals with issues of great significance to the profession – issues without which the growth and development of the legal profession would not be sustainable.

In line with the IBA's strategy to ensure greater collaboration between its constituent parts, the SPPI works very closely with other divisions and sections of the IBA, in particular the BIC and LPD on topics such as those affecting the future of legal services, and with the IBAHRI on projects concerning upholding the rule of law and the defence of human rights. Thanks to the efforts of Ken Murphy and the current BIC leadership we are looking forward to even greater collaboration with the BIC going forward.

Our committees and fora are leading over 55 panel sessions at the 2023 IBA Annual Conference in Paris, and Thursday 2 November is SPPI Thursday. We will be hosting the SPPI Awards Breakfast, the SPPI Showcase session on 'Law as a lifelong and rewarding profession' and the SPPI Lunch. We invite BIC members to join our events at the Annual Conference.

Members of the IBA are entitled to join one SPPI committee or forum for free and we invite members of the BIC to join one today.

Myra Garrett  
*Chair of the SPPI, 2023-24*



## BIC dinner at Angelina restaurant, Paris

The BIC's annual conference dinners are an IBA institution. The company is always special because it comprises colleagues and friends from Bars worldwide. This year the venue is Restaurant Angelina. A Paris institution since 1903, it is located overlooking the Tuileries Gardens, beside the Louvre, on the fashionable Rue de Rivoli. A legendary tearoom by day, whose patrons over the years included figures such as Marcel Proust and Coco Chanel, by night it is a restaurant that can be booked by special groups such as ours.





## BIC meeting with African Bar leaders in Kigali



As part of its focus on Africa, the BIC organised a very special roundtable meeting of African Bar leaders on 13 September 2023, in the capital of Rwanda, Kigali.

The meeting was co-chaired by the BIC Chair, Ken Murphy, and the President of the Rwanda Bar Association, Moise Nkundabarashi.

Bar leaders from a wide variety of African countries participated in a lively and thoughtful interactive discussion on the many issues affecting the legal profession in different parts of Africa today. The focus was on what the IBA, and the Bars themselves, could do collectively to advance the rule of law, together with the legitimate interests of their members, in Africa.

The meeting was held in the office of a law firm in Kigali. It immediately preceded the IBA's Biennial African Regional Forum, which attracted lawyers in impressively large numbers from all over Africa and which was being held in Rwanda for the first time.

Among the IBA participants at the African Bar Leaders meeting were the two Africa-based Officers of the BIC, namely Tshepo Shabangu (South Africa) and Olu Akpata (Nigeria). Other senior IBA figures who contributed to the discussions were the IBA's Immediate Past President, Sternford Moyo, the IBA Secretary General, Jörg Menzer, and the IBA Deputy Director, Tim Hughes.'



Jörg Menzer



Moise Nkundabarashi



Ken Murphy



## BIC in Kazakhstan to support an independent legal profession

It was an honour for the Chair of the BIC, representing the IBA, to be the opening international guest speaker at a high-level conference held on 6 October 2023 in the Kazakhstan capital, Astana, entitled 'Strong Legal Profession is the Basis for Rule of Law'.

Organised by the National Bar Association of Kazakhstan, under the leadership of its new President, Aidyn Bikebayev, the Bar Association arranged this very impressive conference with a specific purpose. It was an important part of the Bar's campaign urging the Government to create a single legal profession in the country under a single regulatory system.

In the presence of holders of the most senior legal offices in Kazakhstan, including the Justice

Minister, the Chief Justice, the Chief Prosecutor and many others, and with his words being simultaneously translated into both Kazakh and Russian, Ken Murphy described the organisation and regulation of the legal profession in other parts of the world.

He described the many advantages for the rule of law, in the interests of the public and of the profession itself, of having a single legal profession operating under a single regulatory system.

Support for the National Bar Association of Kazakhstan's campaign was also expressed subsequently by the Presidents of the Bars of neighbouring countries including Azerbaijan, Georgia, Turkey, Uzbekistan and many others.



Chair, IBA Bar Issues Commission, Ken Murphy, with the President of the National Bar Association of Kazakhstan, Aidyn Bikebayev

# The Paris Bar: a bar association open to the world

**W**ith 32,700 registered lawyers, including around 1,500 foreign lawyers and almost 3,000 lawyers practising in Paris and abroad, the Paris Bar is a very dynamic and international one.

Thanks to a centuries-long tradition of legal excellence and the presence of numerous international law firms, Paris is one of the world's leading legal hubs and a major business centre. Furthermore, Paris has also been home to the Court of Arbitration of the International Chamber of Commerce since 1923. The Paris Bar has also developed expertise in all alternative dispute resolution methods, including mediation, with proceedings adapted to international matters and parties. The city has also set up specialised chambers dedicated to international business litigation within the Paris Commercial Court and the Paris Court of Appeal.

And the Paris Bar's international commitment does not stop there. Indeed, throughout the latest crises, the Paris Bar Association has, more than ever, renewed its commitment to the protection and promotion of human rights and the rule of law.

Ever since the Covid-19 pandemic hit the legal profession on all continents, attacks on the rule of law have multiplied, even in France, and lawyers working on sensitive cases are now more exposed and isolated than ever. This has prompted the Paris Bar to create a shelter programme for lawyers under threat all over the world as part of its tradition to welcome and defend endangered lawyers. Cases deemed 'sensitive' or dangerous may vary from country to country but there are nevertheless similarities: the defence of journalists and bloggers; the representation of human rights

activists, political opponents and trade unionists; and large expropriation cases or cases involving victims of inhumane and degrading treatments at the hands of state authorities.

Launched in 2021, the Répit Programme was designed to offer beneficiaries the opportunity to move away from their respective countries for a period of time in order to escape the stressful and difficult environments in which they practice, and to protect them from immediate danger for those most at risk.

Moreover, the Paris Bar Association is a founding member of, and chairs, the International Observatory of Lawyers in Danger, whose aim is to identify colleagues throughout the world who are victims of threats and all kinds of attacks because of their profession. Once identified, the Observatory's second mission is to provide these individuals with legal, moral or material assistance.

The Paris Bar will have the opportunity to present these initiatives during the Bar Executives Exchange Meeting at the IBA Annual Conference in Paris.

Moreover, the Paris Bar is always devoted to ensuring everybody's equal access to justice and the law, helping more than 50,000 people gain access to a lawyer. Indeed, the Paris Bar has partnered with the City of Paris and other governmental actors to organise free drop-in sessions and legal consultations (with 5,720 meetings organised each year). In addition, the Paris Bar has created an endowment fund, *Barreau de Paris Solidarité* (the Paris Solidarity Bar), which organises permanencies on a voluntary basis.

**Anne Souleliac**  
*Paris Bar Association*



# Bar Executive Exchange meeting, Paris



Dear BEX colleagues,

We look forward to our upcoming BEX meeting, which will take place during the IBA Annual Conference in Paris. We will be hosted by the Paris Bar. The meeting will take place on **Tuesday 3 October 0930–1330 at the Paris Bar**. There will be bus transport to and from the conference centre with departure at 0900 and return to the conference centre before 1400.

In the past years there has unfortunately been an increasing focus on **‘threats against lawyers’**. As we are in Paris – and as the Paris Bar is at the

very forefront of this agenda and has some very inspiring programmes in this area – we have decided to make this the theme of the next BEX meeting. We hope you will join us in Paris. We will hear from the Paris Bar on this topic followed by a presentation by Christopher H Stephens, Legal Senior Vice President and General Counsel of the World Bank Group on ‘Lawyers and the rule of law in the global development agenda’. Both during the introductory ‘tour de table’ and during lunch there will be ample time to network.

The programme outline is:

## PROGRAMME

0930 – 0945

Welcome and presentation of the role and activities of the Paris Bar

0945 – 1030

Tour de table – presentation and look at the current issues in the various bars

1030 – 1115

‘Threat against lawyers’, representatives from the Paris Bar talk about the Paris Bar Lawyers Shelter Programme; the International Observatory of Lawyers at Risk; and the Marianne Initiative.

1115 – 1130 Break

1130 – 1215

‘Lawyers and Rule of Law in the global development agenda’, Christopher H Stephens, Legal Senior Vice President and General Counsel of the World Bank Group

1215 – 1330 Lunch

**BEX is open to people involved in the day-to-day management of a law firm or bar association, specifically:**

1. CEOs;
2. heads of international;
3. other senior staff members attending the IBA; and
4. if the bar association or law society is not represented at the meeting by representatives falling into the first three categories above, elected officials responsible for international liaison work may attend.

**Paul Mollerup**

*Co-Chair, IBA Bar Executives Commission*

# Upcoming attractions at the IBA Annual Conference 2023, Paris



## BIC REGULATION COMMITTEE

### Monday 30 October

1430 – 1545

#### Going green? Lawyer regulation and climate change

Chair: John Guerin

The climate crisis is affecting all of society and the delivery of legal services within this ever-changing world is a huge regulatory and ethical issue. The panel will discuss three distinct areas in relation to lawyer competence, lawyer discipline and ethical rules surrounding the delivery of legal services against a backdrop of 'greenwashing'. The conflict between the client's interest and a lawyer's ethical obligations will be discussed.

## BIC ITILS COMMITTEE

### Tuesday 31 October

1115 – 1230

#### Dynamics between domestic and international interests in international arbitration

Chair: Mickael Laurans

The session will discuss the impact of international arbitration on the trade in legal services, highlighting the creation of and growth within regional arbitration centres, competing with each other to attract legal services to their region (for example, Dubai, Kazakhstan, London, Mauritius, Paris, Rwanda, Singapore, etc). We are thinking of inviting representatives from several such centres to speak, plus a neutral speaker who can speak about all of them.

## BIC

### Tuesday 31 October

1430 – 1545

#### Diversity: focus on disability

Chair: Fiona McLeod

Diversity remains front and centre of the goals of any bar association. One of the areas where attention is not always focused is on disability. This Bar Issues Commission programme addresses this component of diversity in terms of discussing current definitions of disability, issues facing further inclusion of the disabled in achieving diversity in the workplace and volunteer organisations, and recommendations for the future.

## BIC

### Wednesday 1 November

1430 – 1730

#### BIC Showcase: If the client wants it and its legal, what's the problem?

Chair: Ken Murphy

A debate of fundamental importance to the legal profession is emerging about the difference between what some call 'thick' and 'thin' interpretations of 'the rule of law'. The thinner approach to the rule of law limits the responsibility of the lawyer in providing the client with what the client wants, provided it's legal and the lawyer is not aiding or abetting any fraudulent conduct. In the thicker approach to the rule of law the lawyer acts not only as the representative of a client, but also considers the public interest in advising the client and in determining whether to represent the client. The debate puts into play competing concepts of ESG (environmental, social and governance) issues as part of the overall public debate. The ethical obligations of lawyers remain paramount, but as part of fulfilling those ethical obligations, lawyers are under pressure at both ends of the thick and thin spectrum.

What are the consequences for legal practitioners if compliance with the wishes of the client, and with the law, are no longer the only considerations?

## BIC

**Thursday 2 November**

1115 – 1230

**A SLAPP in the face: human rights or the end of defamation**

Chair: Steven Richman

A 'SLAPP' suit is a 'strategic lawsuit against public participation,' with the asserted purpose of attempting to silence freedom of expression by subjecting the speaker to an expensive and intimidating lawsuit. To this extent, protection of freedom of expression is seen in the human rights context. On the other hand, freedom of expression had never been absolute; other interests, such as protection of reputation from defamation, must also be balanced. As various governments have enacted or are considering 'anti-SLAPP' statutes or regulations, designed to offer protection in order to preserve public dialogue on newsworthy issues, there have also been instances of abuse. The issue crosses common law and civil law boundaries, and in some jurisdictions may have criminal law implications. The panel will discuss these issues in substantive terms and address the challenges facing bar associations in their role as defenders of the rule of law for their diverse constituencies.

## BIC

**Thursday 2 November**

1430 – 1545

**IBA projects – what's in it for you, besides money?**

Chairs: Steven Richman and Sara Carnegie

Many lawyers are active in the IBA because they want to make an impact on legal issues as well as on public policy issues affecting their practice areas. This is an interactive session on key projects of the Bar Issues Commission and the Legal Policy and Research Unit that span a wide range of areas from legal ethics (the 'Gatekeepers' project), climate and gender representation, to artificial intelligence, legal tech competence and professional wellbeing. This is an opportunity for you and for your Committee, firm, bar or organisation to participate, voice your thoughts and apply innovative ideas for potential future collaborations.