Lord Chief Justice

Counsel General

My noble ladies

My noble lords

Honourable judges

Looking around I could carry on introducing individual offices but there are so many, dare I say, deliciously important people here that it would take all day. Thank you each and every one of you for the honour you do CILEx and our members by being here.

My thanks too Haberdashers Hall and all the staff who are looking after all of us so well today. I'm sure you agree these are splendid surroundings bettered only your splendid company.

If the word 'delicious' seemed surprising, let me confess I chose it deliberately. This may be the Chinese year of the Snake but it is the CILEx year of the Cake. Or many cakes. Perhaps even as many as 50 cakes. Each of which is, as unfortunately my ever expanding waist bears testament, delicious.

This year, 2013, sees the legal executive turn 50 and I suspect that those men, and it was men, who in 1963 took the brave decision to abandon the Solicitors Managing Clerks Association which was then 70 years old, I suspect that they would not recognise the Institute and the legal executives of 2013.

Gender is a good place to start. It was, as I say, men who formed the institute in 1963, men who comprised its Council and men who formed most of its membership.

How that has changed. Our membership now is 74% female, our Council is 50% female, and we had our first woman President nearly 25 years ago, back in 1989 (which I should perhaps mention is 9 years before our colleagues the Bar Council and 13 years before the Law Society) and our current DVP, Fran Edwards, will be our 10th woman President.

The work, the opportunities and the standing of the legal executive would also be unrecognisable.

The goal of the Solicitors Managing Clerks Association and then of the Institute itself at its inception was to improve standards of the legal support staff. Unashamedly, the original legal executives professed simply to be employees, to be employed by solicitors.

Those expectations have been greatly exceeded. Chartered Legal Executives (I hope you can hear the capitalisation) are recognised as a distinct branch of the legal profession and affirmed by the Supreme Court as bearers of the cloak of legal professional privilege.

There are now over 240 Chartered Legal Executive partners employing solicitors and other Chartered Legal Executives. There are even chartered legal executive judges. Well, I am sure we shall soon attain plurality …

Like Charles Dickens who was famously (or infamously?) a Solicitors Managing Clerk, legal executives have gone on to much bigger and better things.

As my waist line is to cake, so that progression is testament to the character, skill and professionalism of our members. That progression is also a reflection of the nature and ethos of the Institute itself. The grant of a Royal Charter recognised the professionalism of the Institute and its membership and its dedication to the public interest, but it goes deeper than that. It is about the heart and soul of CILEx.

I love CILEx. Not just because it gave me the freedom to train and develop as a lawyer when no other profession would do so, but because it grants everyone that liberty.

I love CILEx not just because it offered me a level playing field where the only boundaries were those I set myself, but because it treats everyone equally. CILEx is unequivocally inclusive, not exclusive, it’s genuinely accessible to everyone regardless of social, economic or academic background. The only barrier to progression is competence and integrity.

I love CILEx not just because of the friendship it has shown and the friends it has given me but because of the invisible thread which binds all of our members. Through our Council, through our branches, through the entire membership there is that palpable sense of joinder which comes from having shared a difficult journey. However diverse our backgrounds may be, and our routes to CILEx we all struggled through and so have the innate knowledge that we are part of a brotherhood, a sisterhood, a fraternity.

Fraternity. Those of you who spotted the Dickens signpost earlier may be ahead of me again.

Having delivered some of my inauguration speech in French perhaps it should come as no surprise that when I try to articulate what CILEx means to me I come up with Liberté, Egalite, Fraternité.

And having had that Eureka moment, it occurred to me that not only do those once revolutionary concepts encapsulate the heart of CILEx, it seems to me they can and should apply more widely.

Just over 2 months ago CILEx submitted an application to the Legal Services Board for the right to delegate to our regulatory arm, ILEX Professional Standards, the power to grant and thereafter regulate independent practice rights.

We do not consider that there can be any serious objection to the principle that our members are capable of providing legal services on their own account.

IPS and ILEX before it has a long and proven history of successfully accrediting and regulating our members and we have put in place the principles, the procedures and the people to regulate effectively and proportionately.

Perhaps it goes without saying but the application is not about more regulation; it is about different regulation and about increased and improved consumer choice.

So in making the application we ask for no special treatment; we ask only the freedom, the liberty, to compete on a level playing field with equality of arms.

Equality should apply not only to CILEx but to the wider population. Equality lies at the heart of the rule of law. Equality before the law and equality of access to the law.

Equality of opportunity to obtain independent legal advice and representation. Entitlement not only to basic human rights but also the ability to enforce those rights.

Speaking at the close of the Commonwealth Lawyers Association Conference in April, the Lord Chief Justice stressed the importance of lawyers being vigilant to discern and oppose encroachments to the rule of law.

Doubtless he had in mind jurisdictions such as Sri Lanka whose treatment of judges, lawyers and of the rule of law itself led to a call from the Conference to suspend Sri Lanka from the Commonwealth.

But if I were to mention say;

• removal of legal support aid from those areas of work of critical importance to the most vulnerable members of society

• government moves to block challenges to the exercise of power by the executive, or

• state intervention into private and state funding arrangements which are calculated to reduce or even deny freedom of choice of lawyer

You might be forgiven for thinking all those things are happening elsewhere. Not here. Not in England and Wales … but you'd be wrong.

I'm referring of course among other things to recent changes in personal injury fixed costs and to the proposals in the 'Transforming Legal Aid' consultation paper.

Were the Lord Chancellor or the Minister here, I would have told them that we are friends and we will always strive to work with them, but we can't always agree with them. These actual and proposed changes promote inequality not fairness and equality. They undermine the rule of law and risk irreparable damage to access to justice. They are wrong.

Our vigilance needs to start right here, right now.

Which leads neatly to fraternity. There may be different branches of the legal profession, we may not always agree on everything and we may at times be in competition.

But there is much more that unites us than divides us. We share the commitment to our clients, we share the commitment to the rule of law, we share the commitment to access to justice.

For all our diversity, we still stand as one. Bound by our ethics, bound by our duty and bound by our principles. A fraternity.

Liberté, Egalite, Fraternité

I believe those fundamental concepts to be at the heart of CILEx, I believe they can and should be reflected in the legal profession as a whole and I believe they should be our watchwords in the future.

At any rate those are my principles. And if you don't like them, well ... Unlike Groucho Marx I don't have others I can offer but I could invite you to form an orderly queue outside just in front of the guillotine which is being erected …

Thank you for enduring the serious bit. I'll let you have something to eat very soon but first of all there is a very pleasant task to perform which is to award this year's Pro Bono Medal.

It is a special privilege for me to do so this year as I am lucky enough to be one of the trustees of CILEx Pro Bono Trust which has selected this year's winner.

In terms of pro bono provision, the main activity of the Trust is the JIB Scheme. JIB is the mercifully simple acronym for what was, when it started a little over 2 years ago, the Joint ILEX Pro Bono Forum and Bar Pro Bono Unit Scheme.

What the JIB Scheme does is link CILEx volunteers with barristers appointed by the Unit so they can provide support by doing those bits of work which Counsel can't.

From sorting papers to taking statements, the range of activities is extremely broad and the Scheme has proved to work very well for the Unit, for the barrister, for the CILEx member and, above all of course, for the client.

This year's Medal winner joined the scheme barely a year ago but in that time has responded to no less than 10 requests for help from the Unit. In 2 of those cases, the clients were especially vulnerable and so needed special care and support.

The Unit's case workers have described her work as exceptional and her commitment as astounding. Pro Bono help is needed more than ever at the moment, so as a wonderful example of the worth of the JIB Scheme and an inspiration to us all, please welcome this year's winner of the CILEx Pro Bono Medal, Patricia White.