

Chairman's Report for 2010

As members will know, I was re-elected for a second term unopposed, a further indication that the post of Chairman is not attractive to many. On the other hand, perhaps one term is not long enough – even if two terms might seem too long!

But let me say at once, I have for the most part much enjoyed both terms as Chairman, and I recommend it as an interesting thing to do, even if it swallows so much time. Indeed, the role eats up time which might otherwise be spent in real practice, or with family and friends, but there are interesting papers that would not ordinarily have come across ones desk, and I have had the chance to meet and talk with a large number of interesting people in Hong Kong and elsewhere. I also think I know far more about Hong Kong and the profession of barrister in Hong Kong.

Like my first term, the past 12 months has been a busy time, but I again have at least perhaps been spared some of the political hot potatoes which might have come round. This is not entirely by accident, as I and the Bar Council have been keen, and firm, that the Bar and its officers must not be seen as politicised.

As before, I have over the last 12 months sought to ensure that the existence and reputation of the Hong Kong Bar (as part of the Hong Kong legal system) is constantly reinforced very visibly internationally. Especially in these days of rapid communication and international travel, there is a real risk that if the Hong Kong Bar is out of sight, it will be out of mind.

As a result, I have again travelled to several countries to take part in ceremonies and conferences in the hope that Hong Kong is firmly in mind and well-regarded, and that the Hong Kong Bar and its members are recognized as the true profession and professionals that they are in fact.

In the course of last year I travelled as Chairman to Tokyo (March), Sydney (April), Paris (June), London (July), Shanghai (July), Kuala Lumpur (July), San Francisco (August), Singapore (September), London (October), Vancouver (October), and New Delhi (November). I have given papers or spoken on panels at many conferences overseas, and

I have taken all opportunities to speak with fellow Bar leaders from other jurisdictions. We have much in common, and many similar experiences of the pressures of practice, in privately and publically funded work.

Again, I would encourage members to travel to relevant conferences and similar events making the case for legal work in or from Hong Kong, including by barristers. It is certainly clear that the members of overseas professional associations are travelling to promote their own jurisdictions and their own services. If Hong Kong is to be a 'World City', it will in part be as a result of its legal system, and the players in that system must be seen on the world stage.

In Hong Kong, I have attended numerous events and conferences, sometimes as a speaker. I have also attended numerous cocktails and dinners, representing the Bar at the annual or special events of other professional and similar bodies. I have also visited and spoken at the universities, and have acted as a judge in many mooting competitions, here and overseas.

In Hong Kong too, it has been business as usual for the Bar Council. There has been the day-to-day administration and regulation of the profession. The reports of the various individual Special Committees can show the kinds of activities in which they are engaged. We have welcomed, conferred with and entertained many delegations of practitioners and judges from China, and from overseas.

I have pushed for consideration of reform in several areas. The Report on Pupillage is out, and I hope that certain changes will soon be made to improve the pupillage available to our new members. We owe it to them, as well as to the public, to ensure that pupils are well-taught in the practice of the law, and that the relevant administrative steps can be taken as smoothly and efficiently as possible.

Indeed, it seems to me that the profession has grown more quickly than the Secretariat which supports it. So, a small committee has been looking at the workings of the Secretariat to see what steps can be taken to ensure that it provides the profession with the back-up it deserves. This might require some radical changes, to put in place the administration capable of being in a position to deal with future matters affecting the

profession as well as those matters already faced. We cannot afford for our Secretariat to be just reactive to events.

But let me also say how much I have appreciated the diligent and professional way in which the Secretariat members support the profession. We are lucky that we have dedicated Secretariat staff. I pay tribute to them and their enormous efforts over the past 12 months. Again, I would express my personal thanks to all the staff for their enormous help (and their patience in providing the necessary reminders for me to do things!)

There has also been a small committee looking at disciplinary matters, and we will be making changes or recommendations for change to improve the disciplinary process. Some of the long delays in dealing with matters have already been removed, and I am pleased to say that the number of complaints made against barristers has not been very high recently. But when complaints are made, it is important to the complainant and to the barrister, as well as important as a matter of public interest, that the complaint and any disciplinary proceedings are dealt with fairly, efficiently and effectively.

The Code of Conduct special committee is nearly ready to report, and it is to be hoped that soon we will have a Code which properly reflects the appropriate approach to being a barrister in the 21st century, with all due regard to matters of historical and professional continuity.

The Bar has as usual been involved in a series of public consultations as regards potential or draft legislation on a wide variety of topics. The view of the Bar Council is also often sought in relation to a number of other matters. I am grateful to all those who have given of their time and expertise to allow the Bar to make such helpful public statements.

Considerable time has been spent in provoking Legal Aid reform, or at least updating. We have had considerable success, and the momentum is in favour of further improvement. We must keep up the pressure for raising the number of people eligible for Legal Aid in a wider variety of cases, as well as for seeking proper and fair remuneration for barristers doing work at the public expense.

This has also involved, as have many other topics, close dialogue with the Law Society and the Department of Justice. I am pleased that, at present at least, the Bar's relations with those other parts of the legal profession in Hong Kong are very good indeed. We continue to enjoy good relations with the Judiciary.

There was again a very successful Bar Mess held in May, and I hope that this event identified that our profession can be, as it should be, one of considerable collegiality and fraternity. I believe the collegiate atmosphere amongst our members is one of the most enjoyable aspects of this profession, and one of real practical benefit in the preparation and presentation of cases in the administration of justice.

There are almost 1,100 practising barristers, though the numbers are a bit down as there has been the usual delay in some people making all the payments necessary to obtain a practicing certificate. I rather hope that members can ensure in future that all payments are made in good time, as they are similar payments due at the same time each year: they can hardly take members by surprise!

I would, of course, like to express my thanks to all the members of the Bar Council, the members of the Special Committees, and other members of the Bar who have given their time and effort over the past year. Quite simply, without this unstinting volunteering of time and effort, only a small fraction of what has been achieved would have been possible. I would encourage more members to offer their time and expertise to deal with matters on committees and in response to consultations.

As I hand over the reins to a new Chairman, new officers and the new Bar Council, may I wish them smooth sailing in the coming year. It is undoubtedly a real privilege to be asked to represent the profession at home and overseas, and I hope the new team do not have to spend too much time correcting or apologising for things done during my term.

I would also wish all members of the Bar a happy and healthy, productive and prosperous, year ahead.

Russell Coleman SC

12th January 2011