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**TECBAR Response to**

**Transforming Legal Aid: Delivering a more credible and efficient system**

1. This is the response of the Technology & Construction Bar Association ('TECBAR') to the Ministry of Justice's Consultation "Transforming Legal Aid: Delivering a more credible and efficient system".
2. TECBAR is the specialist Bar Association for barristers who regularly practice in the Technology and Construction Court ('TCC'), both in London, where the TCC is part of the new commercial court, the Rolls Building, and the provinces, or who do similar work before other Courts and tribunals, including arbitration and adjudication. There are about 350 members of TECBAR. The areas in which our members are active in disputes include infrastructure projects, construction and engineering, energy and natural resources, utilities, IT and telecommunications, and shipbuilding. These practice sectors as major areas for international dispute resolution, involving projects where there are frequently parties from different countries, whether as contractor, employer, funder, insurer, sub-contractor or professional.
3. As a result, many of our members are involved in work which has an international dimension, whether relating to an international project where the parties choose to come to England and Wales to resolve their disputes, whether through our courts or in

arbitration, or where our members are instructed by clients to represent them in disputes which are heard overseas, most commonly in international arbitration.

4. We are aware that the Bar Council of England and Wales will be responding in detail to this consultation on behalf of the Bar as a whole. Accordingly, TECBAR does not respond to the detail of the issues raised. TECBAR supports the Bar Council's response, but does not repeat the same here. We do, however, consider it helpful and important to make an additional contribution on behalf of our members in one regard, namely the potential impact of the proposed reforms on international work coming to the UK, and in particular, London, as a dispute resolution centre of choice and on the export of legal services.
5. Our legal system today, where skilled and experienced advocates are eligible to appear, and regularly appear on either side in Crown Court cases, is the envy of the world. We understand that the Bar Council's response sets out in detail the damaging consequences of the proposed reforms to our system. We share those concerns.
6. TECBAR is also concerned that a side effect of substantially undermining of our criminal justice system, and our independent criminal bar, will be to appreciably damage the reputation of our justice system as a whole. The impact of this damage has the potential to be substantial and to undermine the attraction of the UK as a dispute resolution centre for international disputes.
7. Given the intense competition now existing on the world market for international legal services and for the international dispute work, it could not, from the perspective of attracting such work to these shores, be a worse time to undermine our legal system. TheCityUK's Legal Services 2013 Report highlighted the important contribution of legal services to the UK economy - providing some 340,000 jobs, 1.6% of GDP and generating a trade surplus of £3.4bn. For our members an increasingly important element of our earnings relates to work with an international element.

8. Much of the international legal work that comes to the UK, in particular the dispute resolution work, comes to the UK, because of its reputation as a respected and admired independent justice system. This reputation has been built over time and is by no means based purely on the excellence and integrity of our commercial courts and commercial lawyers. At the heart of any justice system sits the criminal and family justice system. Overseas clients and lawyers who select English law and who select London, or other cities in the UK, for the resolution of their disputes do so because they trust the system. If the proposals are implemented, we believe that there is a significant risk that this trust will be undermined, with the consequence that less work will come to the UK from overseas.

**Chantal-Aimée Doerries QC**

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**4 June 2013**