GRAY'S INN, THE CITY AND THE PUBLIC INTEREST

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Introduction

1. It is a very great honour to give this inaugural lecture of the Gray's Inn and the City Working Group. The Working Group was set up last year. The background to this working group is the view of Alderman Vincent Keaveny and Alderman Emma Edhem that there are benefits to widening contact between the Mayoralty/ the City and the Inn. Both are Benchers of the Inn. Alderman Keaveny is a partner in DLA Piper and, being a solicitor, is an Honorary Bencher.

2. The Working Group comprises members of the Inn and The City of London Law Society. Its mandate involves looking at areas of mutual benefit and interest such as promoting the Rule of Law, the position of the City in the provision of legal services, promoting access to justice and *pro bono* work and social mobility and diversity. The Working Group is Chaired by the Vice Treasurer of the Inn, Sir Peter Gross and meets on a regular basis.

3. In this evening's lecture I propose to look at the role of the Inn. I will look at the areas of mutual interest that have been identified by the Working Group and consider where the Inn fits in. The focus of what I say is directed to the Inn but much also applies to the legal profession more generally.

4. The Inn is an institution that goes back many centuries – it provided lodging for lawyers as early as the 14th century. By history and by design, it has focused on the education and training of barristers. The aims of the Inn are detailed in its Standing orders in these terms:

> *"The Honourable Society of Gray's Inn exists to support, educate and develop its student barrister members and to provide continuing professional development to its qualified barrister membership in accordance with its historic traditions. The Inn has a pastoral responsibility for its members and seeks to be a source of wisdom and support when needed."*

5. Call to the Bar by an Inn of Court is the gateway to practise as a barrister. The role of the Inns in calling individuals to the Bar is embodied in the Legal Services Act 2007. The Inn provides not

only education and training but also financial support: a large part of its available income is spent on scholarships, support to legal charities, and awards.

6. Although it is right to record these more traditional aims of the Inn, I propose to look at what else the Inn does and what values it represents. For it to attain a wider relevance, the Inn's aims ought to be expressed in broader terms than the training and education of aspiring barristers. These are sufficient justifications for the Inn's existence – but the Inn can and must represent more than that. By its nature, the education and training of barristers does not involve all the Inn's members, who together comprise a group of professionals with the ability to enact real and desirable change in the world.

7. Moreover, now is an appropriate time to reflect on what the Inn represents: what it was, what it is, and what it might yet become. Although we may not fully appreciate it now, the world in which the Inn is operating is changing. The new world will present new challenges. There is no evidence of an existential threat: there is no Black Swan camped in the Gardens of the Inn, and in any event, an institution that has survived for some six-and-a-half centuries is *ex facie* adaptable. But adaptability is the product of vigilance. The Inn and its custodians must keep up to date and to take up new challenges. None of us is protected from change.

8. How is the world changing? There are a least 4 matters that are relevant here.

9. First, COVID-19. Because of the Pandemic, for over a year, the courts have been conducting virtual hearings in a way that no one could have contemplated before. Remote proceedings are now the norm forcing judges and lawyers to do cases from home. Consequently, we are rapidly moving away from a paper-based justice system. Digitization and the death of the photocopier will result in substantial costs savings and a significant environmental dividend. The Internet, moreover, has allowed the public to access proceedings with previously unheard-of ease. This allows greater public access than would happen with persons physically in Court. One apprehends the onset of a completely digitised justice system replete with new opportunities and new challenges.

10. Put differently, the way we practise law has probably changed for good. Even after the Pandemic has ended, remote working of some kind is likely to remain. A hybrid future is foreseeable with hearings being conducted virtually while attendance in person takes place

where it is necessary. Remote hearings have shortcomings: they tend to be more tiring and so more breaks are required and the spontaneous interaction between counsel and the Bench that takes place in Court is more difficult to achieve. But none of these problems is insurmountable, and they are outweighed by the clear advantages. Clearly, there are costs savings in relation to remote hearings particularly where international travel is avoided. There are also clear environmental advantages for the same reason. There are, however, some disadvantages, especially for younger lawyers who learn so much by working alongside those who are more experienced. This benefit is reduced when derived virtually.

11. We do not know what will happen when the Pandemic is over, but it is likely that some of the coping mechanisms, that have developed will also remain after it has been seen off. Our relationships, both professional and social, have been reconfigured. There is a greater awareness of the importance of wellbeing issues. This is of particular benefit to the legal profession, which has historically demonstrated great insensitivity – even antipathy – towards matters of human frailty. It is not always advantageous to blur too much the boundary between work life and home life.

12. Secondly, alongside these changes to the legal profession, business is also changing. There are new technologies. Blockchain now operates globally, as do crypto assets and smart contracts. There is every reason to think that English law will play an important part both as the proper law of these contracts and the jurisdiction where disputes will be determined, whether in court or arbitration. English judges and lawyers are rightly keen, in the face of foreign competition, to put English courts and English arbitration at the centre of those disputes, just as historically they took the lead on commercial disputes that, in their day, were just as novel. For example, the UK Jurisdiction Taskforce, the body responsible for the 2019 Legal Statement on Crypto assets and Smart Contracts, which is chaired by the Master of the Rolls, Sir Geoffrey Vos, has just last week published its new Digital Dispute Resolution (arbitration) Rules tailored to blockchain disputes and other novel technologies.

13. Artificial intelligence (or AI) is likely to change the way we operate and is already being used in large disclosure exercises in both civil and criminal cases – although the role that this will play is far from clear, and the concept of the AI judge or arbitrator unlikely to materialize concretely for many years, if at all. The challenge as always is to take advantage of the technology without being overwhelmed by the data.

14. Thirdly, there is the globalisation that has made the legal world a much smaller place. There has been a florescence of international courts and arbitration centres, prompting new forms of inter-jurisdictional competition. The law has become increasingly commercialised and the risk here is that traditional and honourable values will be put under strain.

15. Finally, there is a growing awareness of the importance of diversity and inclusion, and of our social responsibility to promote the same. A legal system that does not reflect the society it seeks to regulate is not fit for purpose. The Black Lives Matter movement in particular has highlighted the need to address racial inequalities and injustices. The students of today want to join organisations that take these issues seriously. It would be hard to find a barristers' chambers or law firm that does not have a section on its website dealing with these issues. Clients rightly demand it. The Inn must – as it has always done – meet the challenge so posed.

16. As we become more vulnerable to global influences, it becomes necessary to revisit core values which guide us, such as the rule of law and access to justice.

17. What I propose to look at are some issues that affect the Inn within this narrative. These issues affect the broader legal profession and are therefore relevant to all lawyers. Many of the issues are ones that the Working Group is considering. I will look at the issues from the perspective of the Inn. If there is anything that is unifying in what I discuss, it is that the Inn and its members serve a public interest that is beyond simply the education and training of aspiring barristers.

<u>The Rule of Law</u>

18. The first issue I cover is the role of the Inn in promoting the Rule of Law. It is in the public interest that the Inn and the legal profession are required to support the Rule of Law and their own integrity – the integrity of the legal profession. That is all well and good as an abstract proposition. The real issue is what this means in practice.

19. In the time available it is not possible to go into the meaning of the Rule of Law other than at a high level. The literature on the Rule of Law is extensive. There is no universally agreed meaning. It is sometimes dismissed as an elusive and vague concept that is resorted to without thinking. This criticism is unjustified. It is recognised by Statute. For example, the

Constitutional Reform Act 2005 stated that it did not adversely affect "*the existing constitutional principle of the rule of law*". The Legal Services Act 2007 (that followed the review of the regulation of legal services by Sir David Clementi in 2004) provided for a new framework for regulation of legal services and those who provide them. Among the regulatory objectives is the constitutional principle of the rule of law.

20. The Rule of Law is an organising principle without which civil society cannot peaceably exist. It is of daily relevance, even when we do not notice it. When we do notice it, it is usually in response to something serious. Since the beginning of this year, it has been central in discussions about contesting the results of the United States Presidential Election (and the consequent storming of the Capitol), in relation to events taking place in Hong Kong and Myanmar and in the United Kingdom in the context of the Covid laws.

21. No state is immune from Rule of Law concerns. The *World Justice Project (WJP) Rule of Law Index 2020* is the latest report in an annual series measuring the rule of law based on the experiences and perceptions of the public and in-country legal practitioners and experts worldwide. It presents a portrait of the rule of law in 128 countries and jurisdictions by providing scores and rankings based on eight factors: Constraints on Government Powers, Absence of Corruption, Open Government, Fundamental Rights, Order and Security, Regulatory Enforcement, Civil Justice, and Criminal Justice.

22. Lord Bingham's work, *The Rule of Law*, suggests that the rule of law has eight features:
    1. the law must be accessible, and so far as possible intelligible, clear and predictable;
    2. questions of legal right and liability should ordinarily be resolved by the exercise of the law and not the exercise of discretion;
    3. the laws of the land should apply equally to all, save to the extent that objective differences justify differentiation;
    4. ministers and public officials at all levels must exercise the powers conferred on them in good faith, fairly, for the purpose for which the powers were conferred –without exceeding the limits of such powers and not unreasonably;
    5. the law must afford adequate protection of fundamental Human Rights;
    6. Means must be provided for resolving, without prohibitive cost or inordinate delay, bona fide civil disputes which the parties themselves are unable to resolve;

7. the adjudicative procedures provided by the state should be fair – one of the most important rights is the right to a fair trial; and
8. compliance by the State with its obligations in international law.

23. It is clear from this list that some of the features that Lord Bingham has identified are formal aspects of the Rule of Law – for example the feature of accessibility and clarity. But he was also concerned with more substantive notions that the law should apply equally to all and that fundamental human rights are to be respected.

24. Although all these features are important, I want to focus on two: independent legal advice and the independence of the judiciary. These concepts are linked. The independence of the judiciary is important because if the executive or legislature exceed their authority there must be an independent court to determine that excess and the consequences of the same – on an objective and principled basis. If there is no independent court or if it is subservient to other branches of government, then political power could run unchecked.

25. In this context I want to look at four aspects: first, the cab rank principle and its importance; secondly, the role of the Bar in supporting the independence of the judiciary; thirdly, the importance of recognising appropriate limits to politics out of any discussion about the Rule of Law and, finally, the role of the Inn and what it can and cannot do in discussions about the Rule of Law.

26. The first matter I want to discuss is the Cab Rank principle. It is a principle that is well known. It receives a mixed press. Some regard it as fundamental to the way barristers act. Others say that the principle is a voluntary one because it is easy to find a way of avoiding it. I belong to the first school of thought.

27. This is because the Cab Rank principle forms part of the ethical duties of a barrister. These duties are well known and established but they are worth repeating. A barrister owes special duties to the court that override their duties to the client. This requires the barrister assisting the court to reach the right result in each individual case. This means making sure that the court is properly assisted in understanding the law and has all the materials that are relevant to its decision, even if they are contrary or damaging to the client's case. These distinctive duties to

the Court reflect the barrister's particular role in the court. They are linked to the administration of justice. They involve a public service that goes beyond earning fees through acting for a client. The barrister's job is not winning at all costs.

28. A barrister must act fearlessly and without regard to his or her own interests. A common misunderstanding is to equate the lawyer with the lawyer's client. It is an aspect to the Rule of Law that a lawyer is not to be equated with a client and is not to be subject to pressure to reject an unpopular brief. This is not simply a rule that applies to barristers. Article 18 of the Basic Principles on the Role of Lawyers states "*Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions*". These principles were adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba 27 August to 7 September 1990. In the same year (1990), the International Bar Association Standards for the Independence of the Legal Profession were adopted. Article 7 provides that "*The lawyer is not to be identified by the authorities or the public with the client or the client's cause, however popular or unpopular it may be*". Article 8 is connected to this principle and provides that "*No lawyer shall suffer or be threatened with penal, civil, administrative, economic or other sanctions or harassment by reason of his or her having legitimately advised or represented any client or client's cause*".

29. The idea that a lawyer is not to be connected to a client or its cause, gives rise to and also follows from the Cab Rank principle. This means a barrister must take a case that is within their knowledge and expertise provided they are free to do so and that their professional fees will be paid, no matter how unpalatable the case. Without the Cab Rank principle, a barrister would feel entitled to refuse to act for someone based on moral judgments about that person or the nature of the case or the conduct they are accused of – whether formed by themselves or others. It is therefore a rule that is firmly rooted in the public interest. Subject to practical exceptions, it reflects the right of every person to find a voice in the courts and ensures that those who govern are not able to deny access.

30. There has been recent discussion about how the principle applies in relation to work outside England and Wales. The Bar Code of Conduct indicates that it does not apply "*if accepting the instructions would require you to do any foreign work*" [rC30.5], which "*foreign work*" is defined as: *[L]egal services of whatsoever nature relating to:*

a) court or other legal proceedings taking place or contemplated to take place outside England and Wales; or

b) if no court or other legal proceedings are taking place or contemplated, any matter or contemplated matter not subject to the law of England and Wales" ({Part 6 (Definitions) of the Bar Code of Conduct).

31. What this means in practice is that the cab rank principle would apply if a barrister were acting for a party in proceedings in London but if the same party was involved in related proceedings in, say, Cayman or Hong Kong, it would not apply.

32. When one considers the recent growth of international courts (which I will review in more detail shortly) where barristers have the right (or can seek the right) to appear, and the substantial international arbitration work done outside England, it strikes me that the distinction between English and foreign based work so far as the application of the Cab Rank rule is concerned is unprincipled and dated. This is even more so in the age of remote hearings where international work can be done without any international travel.

33. The point can be considered in relation to proceedings involving states where there are allegations of Rules of Law or human rights violations. Barristers are instructed on matters where there may be serious allegations against a State or State Actors. Barristers are not fact finders or detectives. They present the client's case on the information that they are provided with. They can request further information or instructions but that does not change their role.

34. It is the case that a barrister's duty requires on occasions the making of serious allegations provided that the evidence exists to support those allegations. I will give three examples of this in a litigation and arbitration context. In a forum non conveniens context, it might be argued that proceedings should take place in London and not in its natural forum before a foreign court because the defendant would not get a fair trial in the latter because of judicial corruption or improper state interference in the trial process or the risk of assassination. In the context of investment treaty arbitration, allegations may arise of a similar nature when a claim is made by an investor against a State for loss of an investment: expropriation, denial of justice, lack of fair and equitable treatment. In this context the barrister will be making serious allegations that may have adverse reputational issues for the foreign state concerned. Finally, in the inter-state context, such as before the International Court of Justice, a barrister may be

making the most serious accusations imaginable – of genocide, war crimes or crimes against humanity, or complicity in or facilitation of torture. Consider, for example, the cases of Pinochet, *Belhaj v Straw*, and *Jones v Saudi Arabia*.

35. It is also the case (where a State is a defendant) that the State may instruct a barrister to resist the allegations. Whether for a claimant or defendant, the barrister will present arguments and will not be personally associated with the allegations other than as advocate representing his or her client.

36. It is hard to see why a barrister should be put at risk of criticism or of being bullied for accepting a brief that involves the making or the resisting of allegations of unlawful or illegal conduct by a state. It should be a matter of professional duty and honour. The barrister is not to be equated with the client whether in the context of proceedings in England and Wales or whether the proceedings are taking place outside the jurisdiction.

37. I would not exclude the Cab Rank principle in relation to foreign courts. To disapply it to all foreign courts is arguably chauvinistic. When one considers the number of courts and arbitration tribunals outside England where the English common law or principles developed from or influenced by the English common law are relevant, it is unfortunate to make a distinction between those courts and the courts of this country.

38. I suggest that a better rule is that the Cab Rank principle applies to all foreign courts or arbitral tribunals provided those tribunals are genuinely independent and apply Rule of Law principles. On this basis it would not apply to courts that act at the behest of the executive as when, for example, there is what is known as “telephone justice” or directed decisions. Or, taking that one step further, where the executive appoints the “friendly” judges to get the result it wants in an individual case. Or where the laws being applied in the foreign court are morally repugnant or contrary to international law.

39. The public interest that underlies the cab rank principle should be applied more broadly than under the current rules. There is no good reason why it should be territorially bounded. Rather, it seems preferable to apply the principle to foreign proceedings where the courts are operating independently rather than saying that in relation to foreign proceedings the barrister has a discretion whether to appear. The problem with seeing the matter as a discretion is the risk of

different perceptions as to whether a brief should be declined. This, in turn, gives rise to a risk of unfair criticism from those who consider that a barrister should not be representing a particular client in the foreign court, by restricting the scope to which the barrister can legitimately deploy the cab rank argument 'I had no choice as to whether to represent my client'. I will return to this concept later in addressing a related issue concerning the position of judges in foreign courts where there are concerns about possible Rule of Law or human rights violations.

40. The second matter is the clear public interest in an independent Bar upholding the Rule of Law and supporting an independent judiciary. It is self-evident that the Rule of Law cannot exist without an independent judiciary as its custodian. Judicial independence has many aspects including independence from anything that endangers decisional impartiality, independence from the executive government and special interest groups and generally resistance to corruption. In modern times, it must be considered to encompass diverse judiciary, which ensures that all interests in society are represented when judicial decisions are made – and, more personally, that litigants feel that justice is not dispensed by only a subset of the community.

41. Judges are frequently criticised and subject to unfair remarks, particularly where matters before them are politically charged. A classic example is abuse from a powerful, but "bad loser". Perhaps the best-known occurrence of recent vintage this is the bitter turmoil that followed the Brexit vote when senior judiciary were described as "Enemies of the People" by a tabloid newspaper for insisting that Parliament should be given a say on whether to withdraw from the EU – a curious complaint for a group of people supposedly intent on 'returning' sovereignty to Parliament. But, of course, the criticism goes beyond that particular dispute: judges doing their job can never be enemies of the people.

42. The Rule of Law requires that the people deciding disputes, whether in arbitrations or court hearings, are up to the task. Much has been written about the importance of finding the best judges to sit and of retaining them.

43. Because judges are independent it is difficult for them to get engaged in debates. They deliver judgments and these judgements are the last word. The losing party may be able to appeal to

a higher court. But the judge cannot personally defend his or her decision. All the judge is doing is applying an understanding as to the law having received adversarial argument from the parties.

44. The question then arises as to who will defend the judges. It must be for all of those involved in the law including practitioners and academics. The legal system relies on confidence in the system.

45. The third point I want to make is the importance of making sure that the Rule of Law is not to be confused with politics when it comes to the ethical duties of lawyers. It is important that Rule of Law issues are kept out of differences between governments and that lawyers do not get caught up in the crossfire between states. All that judges can do is discharge their judicial duties in an apolitical manner.

46. This issue is one of real concern, especially in the context of economic sanctions. Sanctions have become increasingly popular as a tool to implement the foreign policies of states. They can have severe adverse consequences for the sanctioned party, whilst being low cost to implement for the sanctioning state. Sanctions can come in various forms such as asset freezes directed to named persons; restrictions on access to financial markets and directions to cease conducting business with named persons, groups, or states. Sanctions are sometimes applied on a "*tit for tat*" basis between states.

47. Lawyers can be affected by sanctions. It is sometimes difficult to obtain expert advice on foreign law in the context of proceedings in England where States have engaged in intimidation against lawyers who might act contrary to their interest by threatening them with sanctions or even criminal prosecution if they give evidence. Such steps are an attack on the Rule of Law and the freedom of the legal profession.

48. It is not only individuals who are affected. What about barrister chambers or law firms?

49. There ought to be no place for sanctions against barrister chambers or law firms. This is particularly the case where the barrister is simply presenting a client's case as an advocate in the values of the Bar. To target a chambers as a whole undermines the principle that barristers practice as independent practitioners each under their own name, and with a corporate identity

in only the loosest sense, sharing costs but not revenues. This explains why it is common for barristers in the same set to appear against each other using information barriers to preserve confidentiality. The idea of a collective responsibility for members of a chambers is therefore misplaced, and caution is required to avoid any misunderstanding in this respect. It is important that when chambers are marketed for business purposes that the notion that barristers are acting as individuals is not lost. Marketing when it refers to cases done must be factual and in neutral terms. There is a risk that someone who does not know the system will be confused. But any confusion can be corrected once the position is explained. Although I have focused on barrister chambers, the same principle applies to law firms, despite the fact that law firms typically share a greater collective responsibility and corporate identity in a partnership.

50. The final Rule of Law issue I want to address is the role of the Inn in speaking on such issues more generally. This is a difficult issue because the interests of its members may conflict. Its members include judges and barristers. Its members are not only based in England and Wales, and some may live and work abroad. Take for example the issue of whether the Inn should take a position on sanctions that have been imposed by a foreign state. Some members will be wholly unaffected by the steps where they have no assets, or presence or family in the State seeking to apply sanctions. But where members are affected, it is difficult to take steps that might have adverse consequences for those members.

51. It seems to me that there are two reasons that suggest a cautious approach is appropriate when handling this type of issue. First, when a person joined the Inn they did not do so on the understanding that they were joining a body that was politically active or would take a position that might have adverse consequences to them.

52. Secondly, there are bodies that represent the Bar in the sense I just mentioned. The main one is the Bar Council. It has several committees and is best placed to make statements on behalf of the profession, it nevertheless being understood that it does not and cannot claim to literally represent the views of every one of its over 16,000 members. At a level below, there are the Specialist Bar Associations like COMBAR, the Commercial Bar Association. They have a mandate from its members to make statements on behalf of their members when the interests of all members are the same or closely aligned. Where the interests of the membership differ, it may

be impossible to take any position, especially because the specialist bar association is more likely than the Bar Council to be identified with its more limited membership.

53. As far as the Inn taking a public position, where there is a doubt as to what is appropriate, the Inn ought not to take a position unless and until it is approved by its governing body, Pension, and that would only be after due reflection on the potential implications for its members.

54. In summary, upholding the Rule of Law is a core value (or, perhaps more accurately, a set of values) that is rightly taught as part of the education and training of barristers. It is a core value that needs to be applied by all members as a duty throughout their membership of the Inn. I would argue that promoting the Rule of Law should be one of the aims of the Inn. The Working Group is right to focus on the Rule of Law. Others have done so too. A good example is the Slynn Foundation, whose President is Sir Peter Gross. It works across the globe to improve justice systems, provide judicial training, and foster human rights and the rule of law.

Diversity

55. I now turn to the important subject of diversity. This topic covers a whole range of issues. Diversity as a term covers various characteristics – gender, race, ethnicity, sexual orientation, disability and social mobility. Tonight, I want to focus on race and ethnicity. The Black Lives Matter protests in the summer of 2020 is one of the driving movements for change in this area. My remarks are directed to everyone but particularly those seeking to enter the profession and those who have just joined. This group has ability to make the profession it wants. This must be a profession that involves welcoming people from all walks of life and backgrounds. The public interest here is in a profession that is going to best serve and reflect the society that we live in and this can only happen if it is diverse and inclusive.

56. I do not consider I have any particular expertise in discussing the diversity issue, although my background is multicultural.

57. The starting point must be an appreciation that diversity matters. This is for many reasons. Let me briefly identify what I consider are the main ones.

a. First, there is moral and ethical reason: as a matter of decency we should treat each other equally. The Inn describes itself as part of an Honourable profession. There is a strong moral argument to operate in a fair and just manner.

b. Secondly, there is the question of merit: the Bar is more likely to operate in the public interest and to preserve its reputation and role in society if it attracts the most able advocates, whatever their background.

c. Thirdly, there is an economic reason: bodies that are diverse tend to outperform entities that are not diverse. Diversity results in the best use of human resources. The promotion of diversity has become a business priority.

d. Fourthly, there is self-interest: the users of legal services increasingly want to know how its legal advisers deal with social responsibility and diversity issues. Many clients hold their advisers accountable for their diversity performance. Diversity also raises regulatory issues as recently pointed out by the Financial Conduct Authority. One of the competencies that must be shown when applying to become a Queen's Counsel is on diversity and is as expressed as "*Demonstrates an understanding of diversity and cultural issues, and is proactive in addressing the needs of people from all backgrounds and promoting diversity and equality of opportunity"*.

e. Finally, there is the matter of improving the job itself. Experience shows how rewarding it is to work with people of different backgrounds. At the commercial bar, clients are truly international. We benefit from understanding how other cultures work. Individuals from diverse backgrounds approach issues differently. They may come up with unconventional and often better solutions.

58. I am going to focus on racial diversity. There is an issue of terminology. It has been common to use the term BAME (Black Asian Minority Ethnic). The fundamental problem with the term BAME is that there is a risk that it disguises the problem. It categorises persons of colour with different characteristics as if they are facing the same issues and challenges. It is deeply troubling that although progress has been made on some sections of BAME, people of Black background are particularly underrepresented.

59. The particular under-representation of black lawyers in the legal profession is deeply troubling. I have heard accounts from black barristers saying how they know of persons who have been put off from seeking to be become barristers. It is said that Hall in the Inn is full of paintings of distinguished lawyers but no black faces. They feel this shows they do not belong here. They see the lack of black barristers and solicitors who have made it to the senior judiciary. Becoming a judge is the pinnacle of a legal career. This gives the message that even if you get to the Bar, you are not going to get far. Clients may see the underrepresentation as an indication that black barristers should not be retained. Horror stories are given as to how black barristers are searched when they enter a court building and white barristers simply walk through security: that they are treated as defendants and not members of the Bar. They are the victims of direct and casual racism.

60. Another barrier to entry is a perception that in order to become a practising barrister it is necessary to have gone to Oxbridge, and wherever you went, you need to have achieved a first-class degree; that the Bar is for those who fit a particular type in terms of colour, background and accent and that the publicly funded Bar is the place for those with ethnic minority backgrounds.

61. It is not only the Bar that has issues but also the City. It has recently been reported that the number of black executives at the top of Britain's biggest listed companies has fallen to zero despite public commitments to increase diversity in leadership. No black chairs, chief executives or chief financial officers remain in any FTSE 100 company. This is very damaging because it can signal to prospective candidates that their prospects of reaching the highest levels of an organisation are poor.

62. The Pandemic has also had a disproportionate effect on minorities in terms of education, economic inactivity and unemployment. Entry into the profession has also been affected. The BSB has reported that there was a 35% fall in pupillage numbers for 2020. There is every reason to think that the Pandemic will affect the number for 2021.

63. All this had led a recent concern about an apparent reluctance to accelerate action on these race issues, in spite of the spotlight that has been shone on them following the death of George Floyd last year.

64. The question then arises as to what the Inn and the legal profession should be doing to promote the entry and advancement of talented people of colour – and particularly to increase the number of Black lawyers. There are a number of general points that can be made before I look at specific measures.

65. First, there needs to be an awareness that there is a problem that needs to be fixed. It is no good saying that you deplore racism. You have to be proactively anti-racist. You cannot sit in on the fence. It is not enough to say that you are someone who cares and is appalled by the lack of diversity: the issue is what are you going to do to make sure that the Bar is a genuine and open meritocracy and fully representative of society.

66. If you are affected by racism, you should speak up about it, and you should feel able to do so in the confidence that your career will not be harmed if you do so. It needs to be accepted that It is never "*overreacting*" to discuss concerns. Nor does it reflect bad judgement. Some individuals may be not comfortable about discussing discrimination but that is not a reason for staying silent. You should feel free to share your experiences. You may even regard it as an obligation to do this. You are not a "*troublemaker*" for doing so. We should remember that it is not the black person's job to 'fix' racism or tutor the majority in effective anti-racist practice. We all have work to do to achieve that goal.

67. Second, it must be recognised that being "*colour blind*" is not a solution. Frequently this term is used with good intent, but it shows a lack of understanding of the challenges that exist for people of colour. Being colour blind also means being blind to the significant structural challenges that persons of colour face in reaching the same position in life as their white peers. This must be taken into account when making decisions about recruitment, work allocation, and promotion.

68. It is important that those who are making decisions that affect the livelihood of individuals form a diverse interview panel and understand the issues that need to be considered when making those decisions. For example, unconscious bias takes place when talented persons are overlooked because preference is given to those who share the same characteristics or views of the persons who are running the interview. This is unconscious or unintended because it

reflects the natural tendency to place reliance on one's own background and experiences in deciding who is the right candidate for the position or award.

69. So being "*colour blind*" is not a solution but I would argue that it is right, if you so choose, to bring out your own cultural experiences and differences. There is nothing wrong in being different. As I mentioned above, our clients are often different and many of us operate in different countries. By being confident in discussing your background, this gives confidence to those thinking of joining the discussion; and joining a profession that it is open to all. The widespread use of social media makes it easier to tell your story and give insight into the issues.

70. Third, there must be an open discussion of the issues. They will not go away if there is no discussion. Many will go through their careers without any serious discussion of the issues. There has to be an acceptance that the discussion of the issues is not always easy. Innocent mistakes can be made when issues are discussed. There is a concern about using the wrong language or offending people. It is counter-productive to criticise someone for making these kinds of mistakes. Instead, conversations should be conducted with an open mind, even when difficult or uncomfortable, so that we can all learn and develop our thinking.

71. Fourth, some form of positive action may be required, in order to accelerate change. The Bar Standards Board in its Anti-Racist Statement published in November 2020 indicated that there are circumstances where evidence-based positive action measures targeted at a specific group (e.g. Black Caribbean) may be required and an intersectional approach should be taken (e.g. Black Caribbean women). There is need for a well-thought out strategy that is likely to include targets (but not quotas) and regular reviews of whether goals are being met. When advertising for lateral hires and pupillage, chambers should be prepared to say that it encourages applications from underrepresented groups.

72. It is important that even if positive action measures are taken, ultimately decisions have to be merits based. No one wants to get a job or position because of 'tokenism'. But this does not mean that decisions on recruitment should not consider context. The Bar requires intellect, emotional intelligence, open-mindedness, good judgement, and an ability to handle difficult issues. All of these qualities should be part of a merits-based assessment.

73. Fifthly, members of the Inn should regard themselves as anti-racist and actively support those who have been affected by racism. The message that should be given is the desire to do better. It is not about waiting to be approached before you do something. It is being proactive, listening and showing empathy. It is about investing time in the future of our profession. In this respect the BSB's Race Equality Taskforce was right to launch the pilot of reverse mentoring scheme in which Bar students and pupil barristers from black and ethnic minority backgrounds mentor senior barristers from white backgrounds.

74. Genuine anti-racism also requires social contact. One of my concerns about the long-term effects of the Pandemic is that there might be a movement to work at home whether for most of the time or part. There are clear advantages of being able to work at home for some. For example, those with child responsibilities. It means that there is greater flexibility to carry out conflicting demands on time and duties. But one of the important experiences of the Bar is for the younger members to gain experience by personal contact and watching how barristers perform and interact with each other. The ability to walk into someone's room in chambers to discuss a problem is lost in the virtual world.

75. Efforts to bring about change should not be limited to measures concerning students and members of the Inn. This is too late. One of the weaknesses that exists is that because of perceptions many do not get as far as becoming students with an interest of pursuing a legal career or career at the Bar. They give up or are discouraged from showing interest in the first place. This means that it is necessary to engage with pupils in schools and academies.

76. It would be wrong to come away with the impression that nothing is happening in relation to diversity. Steps have been taken but more needs to be done.

77. The Inn is aware of the importance of diversity and is addressing the issues. For example, it has established an Equality & Diversity Review that involves a review of Outreach, Scholarships, Training, Recruitment, Committee composition, as well as the general environment of the Inn. It has changed the process by which the Masters of the Bench are elected to ensure it does not unfairly discriminate or exclude. It has reviewed the methodology by which Inn scholarships are awarded.

78. The inn recently joined as a supporter of the Charter for Black Talent in Finance and the Professions. The impetus behind the Charter is the recruitment, career progression and promotion of Black Talent in the financial and professional services sector needs to be accelerated by committed action after years of inertia. The Charter is modelled on the Women in Finance initiative what was launched several years ago by the Treasury, and which has had a major and measurable impact on the promotion of women to senior grades in the financial sector. The Charter stresses the importance of collecting data on which organisations can assess progress on this agenda. There will be independent monitoring. It points out that in October 2020, out of 593 barristers in the six sets described by The Lawyer magazine as the 'Magic Circle' sets at the UK Commercial Bar, there were only 5 Black barristers. All the Inns are major supporters of the Charter as is the City of London Corporation, the Commercial Bar Association, the Bar Council, and others. A number of leading law and accountancy firms have agreed to become signatories to the pledges in the Charter.

79. But work on ethnic diversity is not confined to Black under-representation: the net is cast wider. But too often people elide the serious problem of socio-economic deprivation with that of racial disadvantage: one is not a true proxy for the other. Many Black and other ethnic minority professionals who have had the advantages of solid, middle-class upbringings with excellent educational attainments face racial discrimination and unconscious bias when they embark on professional careers. Having said that, the data shows that there is undoubtedly a major overlap – or intersectionality – between race and socio-economic deprivation.

80. So social mobility is important if diversity is going to be achieved in a meaningful way. This involves contact with schools. Griffin Law (Law and Advocacy Workshops) is the Inn's vehicle for promoting social mobility and access to the Bar. The workshops introduce secondary and sixth form students to the legal profession, build their knowledge of the rule of law and develop their skills in advocacy and persuasion. The students are identified by their schools as having aptitude and potential, but insufficient access to opportunity. The course is delivered by students of the Inn who have successfully completed the Inn's training programme. The programme culminates in the Griffin Mock Trial where the students play the role of counsel in a mock trial at the Royal Courts of Justice or the Old Bailey.

81. The Inn operates a "Griffin Access Programme" (GAP), which was realised by an initiative of the City Working Group. GAP is in its second year with Newham Collegiate 6th Form (NCS) by way of a pilot course. There are 27 students from NCS on the course. The strategic aims of GAP are to identify talent and promote social mobility and diversity at the Bar. It has a curriculum and allocates sections of this curriculum to "*partner organisations*". The programme seeks to develop understandings of the employment opportunities at the Bar, the training pathways and assistance provided by the Inns, the skills and attributes of a barrister the experience of working life at the Bar and the role of the judiciary. It provides access to advice and mentoring including careers advice, CV development and other work experience opportunities.

82. The Working Group has a common interest in Outreach. The Group can find ways of reaching out to more schools. One positive aspect of the Pandemic is that it is easy to put on webinars at low cost. There is no travelling time, cost or hassle in getting to an event. There is no restriction on the number of attendees. This opens the possibility of communicating with schools and getting across the message of the importance of diversity and inclusiveness. The Inn takes pride in the comradeship and the interest of its members one in another. It needs to get this message across to students who may have no contacts or support. This will involve giving the opportunity to shadow barristers in court, in mentoring, and encouraging barrister chambers in giving paid work. Ideally it will involve modest scholarships to assist in paying living expenses during university. It is all about giving confidence and familiarity about the way the Bar operates to young people who have no legal networks.

83. It is also right to record other initiatives which deserve support. "*Bridging the Bar*" was launched just over a year ago to support students from non-traditional and underrepresented backgrounds to access the Bar.

84. Six commercial sets have set up a scheme called "*Mentoring For Underrepresented Groups: a scheme run by Commercial Barristers' Chambers"*. It runs between November 2020 and June 2021 and was open to all undergraduates and graduates from groups that are underrepresented at the Bar and who do not yet have a pupillage offer. Successful applicants have been allocated a mentor, who is a member of one of the participating sets of Chambers. As part of the scheme, mentees are offered: between three and five one-on-one

meetings with their mentor; a workshop on applications for pupillage; and, subject to developments in relation to the Pandemic one or more social events for mentors, mentees and members of the participating sets of Chambers.

85. Mentoring is important. It is something that has a place at the time of entry into the profession and also in the early years of practice. There is a good argument to say that the mentor should not be in the same set as the mentee. The Inn should consider setting up a scheme for those who will benefit from it.

86. There is also the need to increase the number of pupillages. This is a matter of considerable importance. There is no point encouraging students to become barristers if the prospects of getting the pupillage are too low. Thought needs to be given as to how this can be done and, in particular, whether it is possible to increase the number of pupillages at the employed bar by encouraging arrangements between employers and chambers. The Working Group is considering working with chambers being able to provide more advocacy training opportunities if this is needed. The same goes for tenancy.

87. The impact of the Pandemic is not the same across the Bar. The impact has been severe on the publicly funded bar where pay levels have been too low for too long and where the Pandemic has made it difficult to conduct jury trials because of the needs of social distancing. Many commercial sets have been able to maintain work levels as they have mastered the use of virtual hearings. It is right, therefore, that several commercial sets have agreed to fund criminal pupillages which otherwise would have been lost because of the Pandemic. This is all consistent with the one Bar philosophy and the public interest in a strong criminal Bar.

88. The Inn and the City Group has a common interest in promoting diversity especially in relation to underrepresented groups. This involves making public commitments to diversity but also action along the lines referred to above. It involves gathering data that will show what is being achieved. Attitudes need to change and attention needs to be focussed on pupils in 6th form, on students, and those starting their careers. And in all of this, it must be remembered that diversity and inclusion are fundamental, not only as important business requirements, but also as necessary features for the proper development of the common law in the modern world.

Access to Justice

89. Access to justice is the next topic to consider. Again, this is a large subject and I want to cover briefly 3 aspects of it. First, the relationship of access to justice to the Rule of law; secondly, the impact of the Pandemic; and what we can be doing domestically and internationally to improve access to justice.

90. Access to justice in a broad sense means that legal institutions are available to ordinary citizens so that disputes can be peaceably settled, rights can be vindicated, and protection be provided against abuses of public and private powers.

91. An important aspect of the rule of law is access to justice. If ordinary people cannot access justice, then the law is irrelevant for them. Those who may have wronged them will escape the legal consequences. Access to legal services by those who need them is fundamental to the Rule of Law and the preservation of liberty. A legal system that serves some groups of people better than other groups is unlikely to command public confidence and respect. It is worth recalling that matters relating to family, homes and life savings, which might be perceived by commercial lawyers as low-level are not to those involved. These kinds of issues will have considerable importance and relevance to those affected.

92. The case for pro bono work is compelling. Pro bono work helps people to access justice. Often these people will be in very difficult circumstances, for example facing bankruptcy or the loss of their home. They will not be able to afford lawyers. But expert legal advice and representation in legal proceedings can help them to achieve a just outcome.

93. Without lawyers, litigants may not focus on the essential points. The judge is then left to deal with the case with little assistance. With pro bono lawyers, the process is more efficient and more just.

94. There are also wider benefits. Someone who cannot access justice may become more dependent on the state, perhaps for housing and other benefits. With access to justice, that person is more likely to become socially and economically productive.

95. The case for supporting pro bono is overwhelming. Barristers have an obligation to make sure that legal services are available (which is in conjunction with, though not a substitute for the Government's role). They are given rights of audience and this gives rise to special obligations to help the have-nots. Here again the public interest is in play in the commitment to public service, which enhances the reputation of the profession.

96. Before he assumed a seat on the US Supreme Court, Louis Brandeis was celebrated for combining his profitable law practice with pro bono service. "Some men buy diamonds and rare works of art," Brandeis observed, but "[m]y luxury is to invest my surplus effort ... to the pleasure of taking up a problem and solving or helping to solve it for the people without receiving any compensation."

97. It cannot be doubted that the Pandemic has made matters worse for many persons. In recent years there has been a substantial reduction on overall spending on criminal and civil state funded advice. The budget for criminal defence legal aid has fallen dramatically. The effect of the Pandemic has not been fully felt with the existence of furlough schemes. There is little doubt that we are in a financial crisis and unemployment will increase. Many will not be able to afford the costs of legal representation and this will lead to injustice. Pro bono work and legally aided work are closely linked. If legal aid rates are reduced, lawyers struggle to be able to afford the time for pro bono work.

98. One of the themes of this lecture is the international reach of the Inn and the legal profession. An example of this is the International Advisory & Dispute Resolution Unit (IADRU) at 3 Verulam Buildings, the chambers where I practice. This unit has been set up to provide advisory, dispute resolution and pro bono services in developed and emerging markets. Social responsibility is at the core of IADRU's outlook and this includes pro bono work around the world for states. IADRU's focus is complementary to Goal 16 of the United Nations Sustainable Development Goals: Peace, Justice and Strong Institutions, including promoting the rule of law and access to justice.

99. It is right to record the important work of Advocate (formerly the Bar Pro Bono Unit) and LawWorks (the Solicitors Pro Bono Group) in the provision of free legal advice. The four Inns make a substantial payment to Advocate.

100. The case for members of the Inn to be involved in pro bono work, whether domestically or internationally, is a strong one. There is the debate (particularly in the United States) as to whether it should be compulsory for members of the legal profession (with a buyout option for those who lack the time or inclination to participate). To be admitted to the New York Bar, an attorney first must have completed 50 hours of pro bono work. I do not believe it is right to force lawyers to do pro bono work. However, it is consistent with the values of the Bar and the public interest that this work should be done. The Inn should set the example by encouraging those sets in the Inn to set the example and create a culture where some pro bono work is done during pupillage.

The International Reach of English law

101. The position of the UK in the international market for legal services is well established. The UK is a leading international financial centre. The Courts and the City operate together. English common law provides the legal framework which is reliable and respected. It provides for legal certainty and in the main it is up to the parties to agree how they wish to regulate their relationships. English law is the law of choice for business and cross-border contracts. The independence, integrity and legal excellence of the English judiciary are undoubted. London is also a leading arbitration centre. The Arbitration Act 1996 has worked well. It respects the autonomy of the parties and there is a light touch to judicial supervision which aims to support arbitration with limited grounds for challenging an award because the parties want finality. However, remaining the leading centre for dispute resolution cannot be taken for granted.

102. The focus of this concluding part of the lecture is on the international reach of English law. Globalisation has made the world a much smaller place, and a much easier place to do business on a huge international scale. Recent years have seen a substantial increase in the founding of international commercial courts and arbitration institutions. What is driving the creation of these bodies is the desire to encourage investment. The rule of law comes into play whenever there is increasing investment because businesspeople want their cases tried according to the rule of law and by independent judges.

103. The growth of new court and arbitration centres brings intense competition to a field which is commonly thought to be very staid. That is no doubt a good thing for the parties, judges and states concerned.

104. For parties, this means that there are more options as to where and how disputes can be resolved. Judicial interest in the topic is clear. An example of this is the Standing International Forum of Commercial Courts which was launched in 2016 by Lord Thomas, the then Lord Chief Justice of England and Wales. It enables Commercial Courts to swap ideas – its explicit aims are sharing best practices to promote *positive* competition and the rule of law for the benefit of all. States also see the benefit of a healthy legal sector, through court fees, taxes, hospitality, investments and international prestige and leadership.

105. This growth of competition provides an impetus to change. The English courts are undergoing a £1 billion modernisation programme to bring them up to date, particularly to make better use of technology. There is Online Dispute Resolution for small claims, and it is likely to become available for commercial disputes.

106. Over the past 10 years there have been important reforms which have affected hearings and have improved access to justice. As far as the City is concerned there is the Financial List for cases generally worth more than £50m and needing expert judicial knowledge of the financial markets. The service to international financial markets is exceptional. The Financial Markets Test Case scheme was seen in action in the litigation concerning insurers' liability for business interruption caused by the Pandemic. The case was decided by the Financial List and (leapfrogging the Court of Appeal) the UK Supreme Court in a period of 6 months between July 2020 and January 2021. Other developments worth mentioning are the creation of the Business and Property Courts and the Shorter and Flexible Trials scheme. Steps have been taken to reduce the cost of litigation with reforms on disclosure and this year, witness statements. There is little doubt that effective steps have been taken to ensure that disputes are resolved as quickly as possible and at proportionate cost although many international clients regard English law as very expensive for dispute resolution – but my response is that is reflects the level of expertise and service, and is felt in the quality and authority of the ultimate decisions.

107. At the same time as the Court system is improving in England, there has been a growth of international courts. In Europe, English-language chambers have emerged in Frankfurt, Hamburg, Paris, and Amsterdam.

108. In Asia, the Singapore International Commercial Court has shown that a top-quality Commercial Court can go from zero to up and running in two years from its announcement. The Singapore International Commercial Court has a mix of judges from common and civil-law jurisdictions. China has launched the China International Commercial Court, which includes an advisory International Commercial Experts Committee chosen by the Supreme People's Court of China. In Kazakhstan the Astana International Financial Centre Court (the AIFC Court) provides a common-law court system based on principles of English law. It has exclusive jurisdiction over disputes arising out of the activities and operations of the AIFC and jurisdiction in the case of other disputes by agreement of the parties.

109. In the Middle East, the Dubai International Financial Centre (DIFC) Courts have shown that a common-law court can be created within a civil-law and even Islamic law state if that is what businesses need. Qatar has the Qatar International Court and Dispute Resolution Centre, which offers both court proceedings and purpose-built arbitration facilities. In Abu Dhabi, the Abu Dhabi Global Market Courts operate a legal framework which involves the direct application of English common law.

110. What do these developments mean to the Inn and the legal profession. First, it is important to recognise the existence of a competitive global legal market. Positive competition between courts, as opposed to a turf war, is a good thing. No court system can afford to be complacent. Courts need to watch out for new developments and be looking for ways to improve. This must be good for the rule of law and for business. London prides itself as a leading arbitration centre. This is unaffected by concerns about Brexit. The Inn and City Working Group has an interest in promoting English law and jurisdiction.

111. Active consideration needs to be given to how this can be done. It is often said that the choice of law and jurisdiction clauses in a contract tend to be agreed at the last minute. Although there

is a tendency to focus on the role of barristers as advocates in Court or before the arbitral tribunal, there are many barristers who are employed by companies and they may have an influence on advising their employers on these issues. It is important that the Inn engages with all its membership.

112. Second, the direct or indirect influence of English law is ever present in the new courts. The procedural framework under which some of these courts operate refers to principles reflecting the Overriding Objective. Barristers and other English advocates can appear in some. As I mentioned at the outset of the lecture, virtual hearings are likely to become the norm for routine hearings. There may be challenges in terms of time zones but there is every reason to think that proceedings will be conducted efficiently by participants who are based in the UK. For longer hearings, the Court and the parties may want an in-person hearing. Hybrid hearings with some attending in person and some remotely are also likely. The wishes of the parties are likely to drive the form of the hearings in the new foreign courts.

113. One of the features of these courts is that English judges who have retired from fulltime judicial office are frequently appointed because of their skills and standing. By accepting an appointment in a foreign court, the judge is required to operate within the legal framework of that jurisdiction.

114. English judges sitting in the new foreign Courts will expect the same standards from advocates as if the cases were being argued in London. This can only be good for the reputation of English law and English lawyers. It should not be overlooked that it is a privilege to be able to appear in courts outside the UK.

115. One issue that has been discussed is whether if there are Rule of Law concerns in the State where the foreign court is located, it is wrong for an English judge (even if retired) to sit. The concern is that by sitting, the Judge is condoning or turning a blind eye to issues that go to the Rule of Law. Clearly each judge will have to make up his or her mind as to what is appropriate and those who choose to sit deserve support.

116. As I mentioned above, no state is immune from criticism that it breaches principles of the Rule of Law. As far as I am concerned the critical issue is whether judicial independence is respected.

If there is judicial independence the fact that the State may be subject to Rule of Law criticism is unlikely to be relevant. The Rule of Law is not confined to democratic states. By serving as a Judge, he or she is not condoning the State's other activities, or the practices in different unrelated courts within the State.

117. Although judicial independence is critical, it may not be enough. The example that comes to mind here is where the judges are required to enforce laws that are so morally objectionable that it would be against good conscience to apply them. In the new foreign courts whose jurisdiction is limited to commercial disputes (and there is no criminal jurisdiction) it is difficult to see how this could ever arise.

118. A criticism that has been made of these foreign courts is that the State concerned is presenting a two-tier system where the quality of judicial decisions is very different. One tier is concerned with the national judges and the other is made up of judges from abroad. This criticism is not unfounded. But this criticism is met by ensuring that the courts abroad which apply English law engage national judges to sit with the judges from abroad. The shared experiences between judges appointed outside and within the State are important. All can learn from each other and all can benefit.

119. It is important to engage with lawyers in the foreign jurisdictions. With the benefits of the new technology, this can be done without international travel. It is easy to arrange webinars of mutual interest. We have a lot to learn from each other. As to judges, consideration should be given whether it is possible to arrange for them to come to London and gain experience that they can apply in their own courts. They will be welcome in the Inn.

120. For students, the ability to communicate virtually means that it is possible to do events with other students around the world. In the Inn we recently had a debate with the American Inns of Court. The William C Vis international commercial arbitration moot took place virtually earlier this month. The Inn was represented by students: Joslyn Lim, Matthew Innes, Caspar Ramsay, Alice Horn, Emma Kelly, Ingrid Griffiths and Jonny Pilkington. There were honourable mentions for best team and also best Oralist for Alice Horn and Matthew Innes. Contact by students across borders is exciting and can only be good.

Conclusion

121. In conclusion, I hope I have been able to show that the role of the Inn and its members goes beyond its historical function concerning the education and training of aspirant barristers. I have suggested that there are broader moral values and a public interest that are in play. This can be seen in the Rule of Law, diversity and inclusion, access to justice and the international reach of English law.

122. I suggest that the time has come when we should affirm these values by recording them in the Inn's standing orders. There are many advantages of doing this. For one, it reflects what is already happening. In particular, it will confirm the Inn as an institution that operates in the public interest beyond the education and training of aspirant barristers. It will bring together all its members in respect of shared values. This must be good for all.

123. The notion of members of the Inn working with The City of London Law Society is extremely positive and welcome. I hope this lecture will give some ideas on what can be achieved going forward.

124. Many thanks for your attention.