

RESOLUTION ON ACCESS TO JUSTICE
OPENING OF THE LEGAL YEAR, LONDON, SEPTEMBER 2009:

We, the undersigned leaders of the legal profession, met in London on 30th September 2009 to discuss ways of maintaining and improving access to justice.

We start from a common understanding that the citizen's right to legal aid is essential to ensure universal access to justice. The state's duty to provide legal aid stems from the commitment to the rule of law and to the protection of human rights; but the rule of law means nothing if individuals cannot obtain effective access to justice. Such access means not only legal advice and representation, but public education about legal rights and liabilities.

We also recall the international legal norms articulated with the establishment of the United Nations and the development of international human rights law. Those norms emphasize equality before the law and the right to a fair and impartial hearing in both criminal and civil matters.

In the 60th anniversary year of the establishment of the legal aid system in England and Wales, we recognise the enormous contribution which the development of legal aid systems has made in many jurisdictions to the welfare of citizens. That contribution is as important a right as the right to social insurance and health care.

At a time of mounting economic pressure, it is more vital than ever that ordinary people can enforce and defend their rights. Cuts to legal aid budgets impact disproportionately hard on the poorest and most vulnerable in society at the time when they need protection more than ever. Nor do such cuts achieve the savings in public expenditure that many Governments believe they will: The lack of early advice can often lead to a spiral of ever-increasing legal and social problems that need far greater expenditure of public money to resolve. In the absence of competent legal advice and representation, cuts in legal aid tend to increase costs by prolonging trials and increasing

the need for appeals and re-trials. Last, but not least, they create an intolerable risk of miscarriages of justice.

We have therefore today resolved as follows:

(1) To renew our commitment to the fundamental principle that no one should be unable to enforce or defend a right for want of the resources necessary to obtain legal advice and representation

(2) To urge governments to provide adequate funding to ensure access to justice for all, regardless of social or ethnic background, gender or the nature of their cause.

(3) To encourage the members of our professions to continue to undertake fairly remunerated publicly-funded work, as well as *pro bono* work – recognising that the latter can never operate as a substitute for properly funded legal aid by the state.

(4) To commit ourselves, in the public interest, to work together with governments and state agencies to explore ways in which access to justice can be improved for the benefit of all including taxpayers who fund the justice systems we serve.

Signed

Robert Heslett, President, Law Society of England and Wales

Desmond Browne QC, Bar Council of England and Wales

Axel Filges, President of the German Federal Bar

Huen Wong, President, Law Society of Hong Kong

Sam Okudzeto, Ghana Bar Association

F. Lübbers, German Bar Association

Josephat Tshuma, President, Law Society of Zimbabwe

Alan Shonubi, President, East Africa Law Society

Ikeazor Akaraiwe, Vice-President, Nigerian Bar Association

Carolyn B Lamm, President, American Bar Association
Biola Adimula, Nigerian Bar Association
Berit Reiss-Andersen, Norwegian Bar Association
Fernando Pelaez-Pier (in a personal capacity)
Manon Mardemootoo S.A., President of the Mauritius Law Society
Mohamed Junaid Husain, President, Commonwealth Lawyers Association
Wilfred A Abrahams, President, Organisation of Commonwealth and Caribbean Bar Associations
Radoslav Prochazka, Member of Council, Slovak Bar Association
Miroslav Lehotsky, Member of Council, Slovak Bar Association
Antonin Mokry, Czech Bar Association
Soren Jenstrup, President, Danish Bar and Law Society
Linda Lee, Vice-President, Law Society of England and Wales
Ian Kelcey, Chair of the Criminal Law Committee, Law Society of England and Wales
Andrew Caplen, Chair of the Access to Justice Committee, Law Society of England and Wales
Maciej Bobrovich, Poland
Russell Coleman SC, Chairman, Hong Kong Bar Association
Michael M.Collins, Chairman, Bar Council of Ireland
John Corcoran, President, Law Council of Australia
Brenno Brunoni, President, Swiss Bar Association
Alberto Toron, Under Secretary General, Brazilian Bar Association
Ramon Mullerat OBE, Spain
Gaston Stein, Batonnier, Luxembourg Bar Association
D Kevin Carroll QC, President, Canadian Bar Association,
Glenn Ferguson, President, LAWASIA
Michael Hwang, President, Law Society of Singapore