

Changes at the Bar in an age of IT and outsourcing roles

JOHN STURROCK

I SPENT some of the happiest times of my professional life as a practising member of the Faculty of Advocates. Although I moved to non-practising status nearly five years ago to pursue a change of career, colleagues at the Bar remain among my closest friends.

When I joined the Faculty 21 years ago, I was rather in awe of the place and the people. But I discovered real collegiality, characterised by a willingness to help and support a young advocate starting out. Junior and senior counsel, whatever their background, status and personal burdens were nearly always willing to give time to help another member. This extended well beyond professional assistance. On many occasions, advocates who had experienced some personal misfortune would be the beneficiaries of financial and emotional help, often organised by the busiest of colleagues. Years before corporate social responsibility became fashionable, leading QCs would organise outings for disadvantaged youngsters or fund-raising events for an important medical cause. In recent years, such activities have become more prominent in faculty life.

Contrary to the caricature often painted of the faculty as a refuge for public-school alumni, during my time the backgrounds of those joining were diverse and embraced most social, cultural and economic groups. Most advocates are well acquainted with the realities of modern life. In my experience, the intellectual abilities of leading counsel are often more impressive than many a leading captain of industry.

However, like many long-standing institutions, the faculty has been wrestling with its role in the 21st century, often with uncomplimentary comments from the outside. Over the past ten to 15 years, much has been done to modernise the delivery of advocacy services but, of course, the pace of change is unrelenting. Now internal change is occurring. After last year's launch of new chambers by two members, recent weeks have seen the formation of specialist units of advocates in what is perceived as the first significant move towards exclusive groupings. Inevitably this is a painful time for some.

Viewed from the outside, some realignment is perhaps inevitable. With an active membership of more than 500, collective decision-making is not easy and perhaps a crisis is necessary to achieve adjustment to modern conditions and to free up new thinking. In Chinese, it is said, the word for crisis denotes both danger and opportunity. There are dangers for the faculty at a time like this. But there is also great opportunity.

We live in an age of information technology and outsourcing, where the employment of highly skilled and specialist consultants is attractive to many users of professional services. With a relatively low cost base and some of the most astute and intellectually creative minds available, advocates offer a great resource to other lawyers, business, government agencies and ordinary folk.

How have other institutions responded to similar challenges? An essential first step is to identify a purpose or purposes: what are we doing - and why? Often, this will entail

finding out what customers really want or need - and that requires real engagement with those customers. These days, you must get out and about in order to learn and to educate. So, what is the key message that advocates want to convey? What is unique about the bar or differentiates the faculty from the bright young things in solicitors' firms or at the English bar? How can diversity within the faculty be promoted as a positive strength and how can standards of service be maintained at a high enough level of excellence?

Undoubtedly, Scotland benefits from strong and independent advocacy services. No organisation or individual can assume that the status quo will continue. It may take radical and visionary thinking to ensure that the Faculty of Advocates maintains its important position in the Scottish legal structure.