

Speech by Jo Sidhu QC

I address you on behalf of the Society of Lawyers and as Vice Chair of the Equality and Diversity Committee of the Bar Council, to say a few words about what I think the consequences will be of these changes for my lawyers and practitioners up and down the country.

... (introductory comments)

What I see in front of me are a thousand people, drawn from the length and breadth of this country, representing every community. I see an enormous number of minority practitioners who have made the effort to be here today, to have their voice heard and to hear the voices of others, because they are, and let's face it, looking at these changes that are proposed, likely to become the principal victims of these changes, if indeed they are allowed to come in. And why do we think this? We think this because we know and we recognise minority lawyers, and particularly solicitors, who have worked so hard, so so hard, to build up their practices and their firms in the face of adversity, in the face of obstruction, trying to make a living doing something that they believe in. Operating in the hearts of their communities, serving the people around them, acting responsibly for those who have no voice, sometimes those who can't even speak the language. These changes are targeted at small firms and we all know, don't we, that it is small firms who will bear the brunt, it is small firms where most minority practitioners are in practice. That's sadly no accident. It is no accident because it is difficult for anyone in publicly funded work to find their place. It's difficult for anyone doing legal aid to make a decent living, but it's that much more difficult when you come from a background which historically is not recognised as a place from which lawyers were drawn. They had to work hard to overcome those disadvantages . . . The first generation, the second generation and now, as I look across courtrooms around London where I see the third generation taking their place. But what will happen to them?

I came from a trial this morning, and the judge was decent enough actually to let me come and address this conference, a trial in which uniquely, extraordinarily, we had four silks of whom 3 were minority practitioners. We had four juniors, three of whom were also from minorities. Are we doing better than expected? Or is it because, colleagues, people who have to work hardest find eventually their recognition. They find their place and, now, confronted as they are with the prospect of utter desolation.

This government has produced the most pompous of declarations. If any of you have read Annexe K in the consultation document you will know what I am talking about.

The most pompous of declarations which goes something like this:

“The Government is mindful of the importance of considering the impact of legal aid proposal on different groups. In accordance with our duty to the Equality Act 2010, we have considered the impact of the proposals on individuals sharing protected characteristics, in order to give due regard to the need to eliminate unlawful conduct, advanced equality of opportunity and foster good relations” . . . no less!

Pompous and misconceived declaration number 2, at paragraph 4.5: “We have considered the implications of the proposals for the advancement of equality of opportunity and the need to foster good relations. Our view is that .. the proposals do not undermine attaining those proposed objectives and are justified in all the circumstances for the reasons set out.”

What are those reasons? Because legal aid cuts are a necessary means by which public expenditure can be brought back under control. As blithe as that. And yet this government and Mr Grayling himself recognises, almost in the same breath, what the impact is going to be – the impact on minority practitioners up and down the land, because they say this at paragraph 5.6.4, dealing with the introduction of competition: “To the extent that any majority managed firms are more likely to be small, the proposal may have a disproportionate impact on them. Providers with majority BME and male managerial control are over-represented among legal aid providers in comparison with the population as a whole. The proposals therefore may (may, he says!) have a disproportionate impact on them and we consider any such impact to be justified for the reasons set out below.”

This is not a possibility, colleagues, this is not a prospect. This is a reality, where the livelihoods of people all around this hall are going to be stolen from them despite the contribution that they have made all these years to serve the criminal justice system. Four years ago there were 4,000 firms who had the right to practice in criminal legal aid work. More than 40% of those firms in London alone were BME. A stunning figure you may think. That 4,000 has been depleted through a cull down to some 1,600 today. Where has that burden fallen hardest? Amongst BME firms. And how much does Grayling insult us, that from the 1,600 he will cull another 75% and bring it down to 400.

Colleagues, small firms are not a vice. Small firms, in fact, we contend are more economically efficient than large firms. Small firms are the lightest burden on the public purse. They consume the smallest part of the legal aid budget. They take the fewest of the

duty solicitor slots. They operate to the lowest overheads, sometimes they don't even call on legal aid funds, because they speak the language, they don't need interpreters. You can imagine, if you think about it, where minority practitioners are located in small firms, the value for money for the British taxpayer is extraordinarily good. They play a vital role, not just as part of the criminal justice system, but as part of the community in which they are located. They offer those communities not just a voice; they give them access to justice. How many cases have we become wearily familiar with of injustices perpetrated against minority communities that aren't resolved for years until the intervention of a firm of solicitors that took it upon itself to fight, to fight against injustice. Only recently, Sean Rigg's case came to light. Prior to this Zahid Mubarak, and prior to him, Stephen Lawrence. Where did these cases come from? They came from lawyers who were prepared to work for free, pro bono; that fancy latin word that means working for nothing. They work for nothing because there is a business from which they could operate. You take the business away, you take away the free work. Who is going to look after these people? Who is going to look after these people in the community who turn to those lawyers when they need support?

Colleagues, diversity is not an aspiration, it is an intrinsic good. We need diversity within our solicitors' profession, we need it within the Bar. We need it because if we don't have it, those clients who can't make choices any more will find themselves completely at sea. The colleagues who are sitting next to you today who have a different coloured skin are playing their part. We need to support them. This is why the legal community made up of solicitors and barristers, some more successful than others, but don't forget, those small practitioners working away assiduously day after day, out of hours and weekends, for little or no reward, because they will fall by the wayside if this happens. If we want community cohesion, we have to pay for community cohesion. It doesn't come for free. David Cameron calls it the Big Society, where you do something for nothing. We've been doing it for years!

If you take us away from these communities, you have nothing but the tensions which are bubbling underneath exploding within this. I lived through the 1979 riots, I lived through the 1981 riots and I saw the riots in 2011. If it wasn't for the solicitors, the small solicitors working in those High Streets, those riots wouldn't have stopped. It was because those solicitors understood their communities that they were able to act as a buffer between them and the executive.

Finally, a word for the youngsters who are coming into the profession. I meet many. I meet them at conferences, I meet them through the Inn, I meet them at their colleges, and I know

that burning desire that many of them have to make a career for themselves in the way that we all have. That desire remains strong, despite all the challenges that they are fully aware of. We owe them a chance of having the sort of life that we had. I met a young man at court yesterday who said that he had seen me three years ago at a Society of Black Lawyers conference. He heard me speak and he was a student at the time. And he is now a pupil barrister with a very well known criminal set of chambers. And I looked at him and said congratulations – you made it! This young black guy of Nigerian origin – he made it! And then I looked at him and thought, hang on, for how long will you be around?

Conference, I thank you for your attention and there is no more to say than that. I very much hope that when you go back to where you come from and you think about all these issues, that you remember we operate together, all of us, of all colours, together. Don't leave them behind. Thank you very much.