

New South Wales Bar Association Strategic Plan

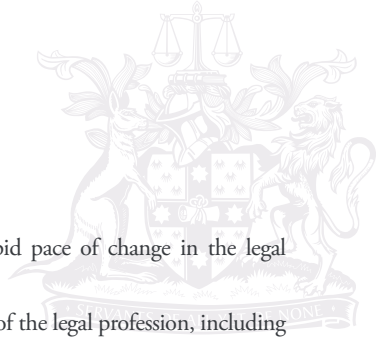


NEW SOUTH WALES
BAR ASSOCIATION

New South Wales Bar Association Strategic Plan

PREAMBLE

1. This strategic plan sets out the objectives of the New South Wales Bar Association over the next three years. It has been drafted at a time of disruption and change in the provision of legal services, which raises three key questions for the independent Bar of New South Wales:
 - a. What will be the work of the Bar in 5-10 years?
 - b. What are the areas of practice at the Bar which are at risk during the next 5-10 years?
 - c. What will influence the structure of barristers' practices over the next 5-10 years?
2. While the answers to those questions will emerge over time, it is necessary to engage strategies that will allow the Bar to deal with the challenges it faces as they arise and take advantage of opportunities as they arise. This plan addresses those strategies.
3. The New South Wales Bar Association is a voluntary association, comprised primarily of barristers with their principal place of practice in NSW. It also has as members some academics, judges and retired practitioners and judges.
4. The Bar Association operates at a number of levels. It is a body which seeks to :
 - a. promote the public good in relation to legal matters and the administration of justice viewed in the broadest context;
 - b. promote collegiality and mutual assistance among its members;
 - c. represent the interests of its members in dealings with government, the broader legal profession, the media and the community;
 - d. promote fair and honourable practice amongst barristers;
 - e. promote the continuing education of barristers;
 - f. promote, maintain and improve the interests and standards of local practising barristers;
 - g. help members grow their practice either locally or internationally through education and the development of commercial opportunities;
 - h. (through the statutory role of its Council) assist in matters of professional discipline of members and the resolution of complaints against them.



5. As at 2017, the Bar Association recognises that there is a rapid pace of change in the legal environment, as well as in the broader community, specifically:
 - a. The move to greater national regulation and integration of the legal profession, including barristers, within Australia;
 - b. Increasing internationalisation of the law;
 - c. Increasing use of bodies other than the courts to resolve disputes, whether tribunals, administrative bodies, arbitration, mediation etc;
 - d. Changing relations with those who might brief counsel, including solicitors briefing barristers less or later in a matter, and the rise of corporate counsel;
 - e. The economic and personal challenges for barristers who must, under the Uniform Barristers Conduct Rules, operate as sole practitioners, and not in partnership or companies;
 - f. Rapid changes in technology and communication in society;
 - g. Continued community and court concern about the cost of litigation, and drives for efficiency, including greater use of written submissions instead of or to reduce the role for oral advocacy;
 - h. Continuing moves towards equality of opportunity in the workforce, and reducing differences such as those based on gender, race or social background, not currently fully reflected in those coming to or at the bar;
 - i. In the public domain of legal affairs, there are many other competing voices which often overshadow that of barristers.
6. The Bar Association will continue to carry out its core functions and seek to continually improve performance. However, the focus of this strategic plan is to identify strategies that enhance the objectives of the Association identified in 4 above and address the features and changes in the legal and community landscape noted in 5 above.

STRATEGIC OBJECTIVES

National profession

Rationale: Enhanced consumer protection and benefit to members from greater flexibility (admission and appearance in particular) and the removal of unnecessary regulatory burdens. Maintenance of the independence of the legal profession by retaining control over the development of practice, conduct, and continuing professional development rules.

1. To increase collaboration with other Bars to identify specific opportunities for resource and cost sharing.
2. That Bar Councillors should be actively involved with, and, where possible, hold positions within the ABA and LCA.
3. To achieve a national uniform system.

Internationalisation of the law

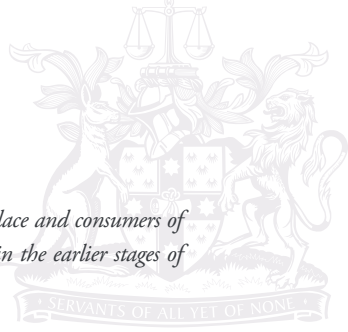
Rationale: Increasingly disputes and litigation are not limited to NSW – either geographically or the parties involved. The New South Wales Bar must respond to the increasing globalisation of litigation and the provision of legal services. The Bar Association should seek to promote the New South Wales Bar as a provider of legal services beyond NSW, focussing initially on Australia/NZ and South East Asia.

1. To establish the New South Wales Bar, and Sydney in particular, as a local hub of excellence for international disputes.
2. To increase the presence of the New South Wales Bar at leading international meetings.
3. Facilitate ad hoc admission for NSW barristers to the courts of Hong Kong and Singapore and potentially other Commonwealth jurisdictions.
4. Provide educational opportunities for members to develop transformational knowledge and skills to take up international practice opportunities.
5. Convene meetings of specialist practice areas to create strategies for developing international practice opportunities.

Dispute resolution outside courts

Rationale: Effective dispute resolution encompasses choosing the most appropriate and effective process for resolving a dispute between parties. Traditional litigation is now complemented and augmented by numerous alternatives. The Bar Association should ensure members are able to offer a full suite of services to consumers.

1. To increase the number of barristers as mediators and arbitrators especially for complex matters.
2. Establish a committee to foster the work of barristers who regularly appear in, or sit on, tribunals or administrative bodies.



Marketing and promoting the work of barristers

***Rationale:** To ensure Bar Association members remain engaged in the marketplace and consumers of legal services perceive the Bar as a viable and cost effective option – especially in the earlier stages of litigation.*

1. Closer collaboration directly with corporate counsel.
2. Promotion of the Bar as a highly cost efficient part of the litigation process.
3. Encourage, by subsidy or otherwise, educational activities by barristers, including but not limited to teaching advocacy overseas.

Assisting barristers with the economic and personal challenges of a sole practitioner

***Rationale:** One of the objectives of the Bar Association is to promote, maintain and improve the interests and standards of local practising barristers. The Bar Association should look for ways to assist barristers in their practice, easing administrative burdens where possible, and promoting a culture that values and encourages a reasonable work / life balance.*

1. To assist barristers in relation to recovering counsels' fees by providing clear and actionable mechanisms to recover unpaid fees.
2. To establish an escrow service provided by the Bar Association to its members in conjunction with a financial institution.
3. Establish mechanisms to allow members to take a short to medium term break from chambers work, whether for personal leave (including carer and parental leave) or other reasons, should they wish to do so.
4. Promote to members the advantages and benefits of a balanced lifestyle, appropriate stress management, and improved physical fitness.
5. Provide greater assistance to members in relation to financial management. Appropriate financial planning including the management of debt, superannuation and insurance.
6. To establish mechanisms to assist members in the transition from the Bar to retirement or other fields of endeavour.

Promoting the administration of justice by controlling and reducing the cost of litigation

***Rationale:** Mechanisms have been put in place by the courts to reduce the costs of litigation. The Bar Association should take a proactive, leadership role in identifying further areas for cost saving and working with the courts and solicitors to identify additional savings.*

1. Establish a committee to engage with the courts and government to reduce costs and increase productivity.
2. Review and progress legal assistance schemes with relevant courts and tribunals as required.

Equity and diversity of membership

Rationale: In order to assist society the Bar must represent and reflect society. A vibrant Bar will support and encourage equal opportunity in respect of gender, race, disability, sexuality and human diversity.

1. Improve diversity at the Bar and promote and ensure equality of opportunity irrespective of age, physical disability, class, gender, ethnicity, sexual orientation and religion.
2. Identify and remove barriers to entry to the Bar, practice and advancement at the Bar. Promote and ensure equality of opportunity for barristers and for any person wishing to come to the Bar.
3. Increase the adoption of and ensure the implementation of the Equitable Briefing Policy for female barristers by clients, solicitors, government, barristers' clerks and barristers.

Supporting readers and the junior Bar

Rationale: To provide all the information required for a new barrister to make an informed decision about chambers and areas of practice. Information should be made available to prospective readers on the Bar Association's website. It will also allow all chambers to compete equally for new members.

1. To survey all chambers regarding: their availability to provide reader accommodation; the cost (floor fees and other charges); whether the floor / tutor undertake to provide work for the reader.
2. To provide a central register recording the results of an annual survey and additional information, such as relevant floor policies and tighter monitoring of tutors.

The Bar Association website

Rationale: To provide a more efficient and convenient service to members; to deliver timely and accurate information to members of the Bar Association and public. Increase the visibility of the Bar and accessibility of the Bar's services.

1. To continue to revise the Bar website to improve member services (login section); information about coming to the Bar and details about accessing services provided by members.

Contribute to public debate

Rationale: Informed public debate and the provision of legal expertise to law reform proposals is crucial to the maintenance of the rule of law in society and the administration of justice.

1. To continue the role of the New South Wales Bar Association, collectively and through individual members, as a voice on issues relating to the administration of justice.



Corporate governance

Rationale: To ensure that best practice in corporate governance is implemented by the Bar Association and the Bar Council.

1. To establish a Corporate Governance Committee of Bar Council to review current corporate practices to implement best practice in this area.

Provision of services to members

Rationale and objective: To provide members of the New South Wales Bar Association with services to assist them in the operation of their practices and enable them to maintain links with the Bar Association once they have ceased to practise.

1. To maintain and develop library services for the benefit of practising and non-practising members of the Bar Association.
2. To create a 'member benefits and services' cluster to plan, co-ordinate and develop member benefits and services taking into account the needs of the city and regional bars.
3. To work towards the provision of amenities and resources for practising and non-practising members of the bar Association.

Adopted by Bar Council on 27 July 2017



NEW SOUTH WALES
BAR ASSOCIATION