In 1962, six days after becoming the first American to orbit the earth John Glenn, addressed the US House of Representatives in the following terms:

“Knowledge begets knowledge...the more I see, the more impressed I am, not with how much we know...but with how tremendous the areas are / that are / as yet unexplored”

“Exploration, knowledge and achievement are good, only in so far as we apply them to our future actions. Progress never stops.... We are now on the verge of a new era.”

The era for us, ladies and gentlemen, is the fastest moving in living history...the technological age. The challenges and changes, the advancements and opportunities are happening around us in our private and professional lives, on a daily basis.

Some of those changes, Lord Kerr has demonstrated. Some of the challenges and opportunities in practice, Peter and Keith have touched upon. We will shortly hear from Richard Susskind, author of Tomorrow’s Lawyers that technology is something we must embrace as a profession and use to our business advantage in all its forms.

At a time when the impact of unending and relentless cuts in so many areas of work for both the Bar and Solicitors, challenges the very concept of Access to Justice, my message is simple:

- We must look to technology to meet those challenges.
- We must embrace change and innovation.
- We must not lose sight of the fundamental necessity to retain an independent and robust legal profession available to all.

When I first took on the post as Chairman of the Bar – a century or so ago – I said that as a profession, we need to embrace technology and tell the world that we are open for business.

That message remains true today - as the world gets rapidly smaller, the potential opportunities continue to get bigger - the Bar must be open for business nationally, internationally and globally.

In the last year, I have represented this Bar around the world from South Africa to North America and have come away certain of one thing. We have internationally marketable skills and we need to recognise that the legal profession can be an export sector as strong as any other in Northern Ireland.

Other legal systems recognise the talent we have to offer - members of the Bar of Northern Ireland are currently practising in Paolo Alto CA, Bermuda and Banbridge.

Certainly, we must not lose sight of the bread and butter issues that affect our profession and our clients and I will return to that, but while the manufacturing, engineering, bio-sciences, health, agri-food, IT and knowledge economy sectors are in growth and export mode – the legal sector must also see itself in that light.

There has been a great deal of talk and certainly controversy around the development of the Maze Long Kesh site but we all have a duty to look positively at what is possible and potentially acceptable to all.
In the next number of months I want to explore the possibility of an International Mediation and Arbitration Centre in Northern Ireland. A place where some of the most intractable international legal issues can be addressed and resolved by some of the finest legal minds in the world.

In that way, we build our international reputation, take our services out into the world and compete as a vibrant and successful business sector in all areas including criminal, commercial, industrial, financial, employment and human rights.

We are already working with Invest NI to explore these opportunities and of course embracing technology and this concept in all its forms, will give our young Bar the kind of future they need to prosper through the rest of this century.

Last month in Boston along with Michael Robinson and senior representatives of Invest NI, we addressed over 100 international lawyers on the excellence of the legal profession in Northern Ireland - solicitors and barristers and the services we can provide from Belfast, the world over, by exporting our services through utilising technology.

We must not lose sight of talent we have nurtured and can promote on a world stage. The utilization of technology for everything from electronic filing, communications, e-discovery, digital pleadings, and teleconferencing makes this a very small world in which global business can be done.

For the Bar the art of advocacy, negotiation, mediation, advice and expert drafting of legal pleadings and opinion work presents an attractive array of talent and ability.

We recognize that we have to reach out, communicate to the external legal market and actively promote our unique skills and vast experience.

In these times of change, we recognize that technology in the courtroom, in the Bar Library and the home study has a key role to play in ensuring that we continue to deliver the highest quality level of advice and representation.

Similarly in the delivery of the services, the Bar Library must provide to its members, to the client and to the court the means. Later this afternoon, we will touch upon the innovation of the Bar in ensuring we are ahead of the game in the use of technology to that end.

With change always comes challenge and in many forms.

Recently, the US Economic Envoy, Declan Kelly, addressed the Northern Ireland Chamber of Commerce. He felt that despite the current economic crisis, businesses in Northern Ireland were living through the greatest opportunity that they would ever see in their careers, yet he consistently came across pessimism.... and I quote

“Every time I’m interviewed in this place or any meeting I have, every conversation starts with a negative: “Why aren’t we doing this? Why aren’t we doing that”

He emphatically made the point

“Are we really spending enough time together focusing on the fact that, at this time in the world when many nations are struggling to compete, you have some of the greatest advantages anyone could ever hope [for] or possess?”

But I will return to this - I would like to say something about the practical problems technology can cause in the courtroom. There is much to be said for the responsibility of technology in expediting and assisting in the smooth and efficient operation of the justice system. However, with such benefits, it is vitally important that the risks and dangers are properly considered and addressed.
In a lecture to the Northern Ireland Judicial Studies Board in 2010, the then Lord Chief Justice of England and Wales, Igor Judge, spoke of the need for vigilance in the courtroom in the context of technological advancements at an astonishing rate.

“...to allow court-based tweeting is likely to increase the potential for prejudicial material regarding defendant or a witness to become available on the internet..... If jurors look at such material, the risks to the fairness of the trial will be very serious, and ultimately the openness of the trial process on which we all rely, would be damaged.”

Of course these challenges are multi-jurisdictional. Locally we had tweeting in the Haddock trial which passed off without controversy. The same could not be said of elsewhere.

In the same year the Court of Criminal Appeal in England & Wales in 2010 dealt with several appeals, necessitating incursion into the forbidden territory of the jury deliberations to consider the ramifications information being derived from the internet by jurors.

It seems this is no by means limited to the British Isles.

The New York Times1 reported that a juror in a large federal drug trial in Florida admitted to the judge that he had conducted internet research about the case despite being warned not to. When the judge questioned the remainder of the jury, no fewer than 8 jurors admitted to doing the same.

Well is this all the fault of technology?

Communications with jurors in the course of deliberations started long before the advent of Facebook, Twitter and Google and have gone from the sublime to the ridiculous as the Court of Appeal found out in the appeal against conviction of Stephen Young some years back for double murder of Harry & Nicola Fuller.

In the course of the appeal, it came to light that as the sequestered jury failed to reach a consensus, some of their number felt there was only one solution and a Ouija board was produced and not long after the guidance they needed appeared. The first ever case of jury tampering.

In the recent past, we have seen juror Joanne Fraill being sentenced to a term of imprisonment for contacting a defendant on Facebook during a fraud trial and even more recently a conviction being quashed when a juror exchanged text messages with her fiancé seated in the public gallery including one which read “GUILTY” after the jury had retired to consider their verdict.

Publication of materials in cyberspace is always a risk. Despite all, Lord Judge maintained that technology must be welcomed,

“provided that we are its masters, and it is our tool and servant.”

The freedom of the press or freedom of expression may at times be a competing interest with the fair trial rights of an accused. There is therefore a heavy onus on the media to report responsibly, accurately and in measured fashion, particularly prior to the trial.

What may interest the public has to be balanced against what must be in the public interest. The ramifications for the administration of justice with competing privacy issues, freedom of expression and fair trial rights are endless.

Perhaps enough of the challenges back to the opportunities.

At the Bar Conference last year, we talked about investing in the future of Northern Ireland as also meaning investing in our talent and above all else in ensuring that a truly independent Bar remains the fundamental bedrock upon which justice in this community can flourish and survive.

This call to arms has been taken up by the Bar Council not least through innovation and technology. To touch upon but a few:

Our dedicated team of researchers was presented with the Halsbury’s Award for the use of electronic research facilities within the Bar Library. These research facilities, the best in the British Isles, provide up to the second electronic law reporting and prepare electronic bundles or presentation in any courtroom.

Cameras in the Supreme Court have become de rigueur. Lord Thomas last week called for skyping defendants from their home. In Scotland the cameras have been allowed in to follow a murder trial. We too in the Bar Library in Belfast have had the cameras in for the past year. The BBC has commissioned a five part series aptly entitled “Barristers” which will be broadcast in February 2014. Our rationale was to educate the public on how the legal system works and to promote the talents and qualities that exist within our Bar.

Our entire computer support system has been in the process of being updated and Paddy Rooney the IT manager will update you on this later this afternoon.

In May we hosted the Academy of American Trial Lawyers who delivered a fabulous seminar on the use of technology in the court room.

And of course, our new brand and website which will be previewed this afternoon.

The Susskind world of tomorrow’s lawyers may not be light years ahead of where we may be at the moment. I return to John Glenn and his address to the US Congress. Explaining that the Kennedy Space programme was still in its infancy, he said

“*We are taking small steps ... steps in the right direction*."

In embracing change and technology, we too have started down that road. Today is as much about looking at the steps we have taken, those we are about to take and debating those that may lie ahead in the future but never losing sight of our past ...

In the past few weeks the Inn of Court was home to the launch of the History of the Bar and Inn of Court of NI by Sir Anthony Hart. The virtues, principles and values encapsulated in that publication for Bar and Bench resonate throughout the chapters of its 90 year history. In a time of challenge for the Bar, this is an important text for every practitioner as a reminder of the values and principles held dear by our profession. It is a beacon that will serve to guide the next 90 years as a reminder that the Bar has always faced and met challenges and change, this is nothing new.

In particular for the young members of the Bar here today - the future generation - there will always be a need for excellence in advocacy - and this publication should epitomise our resolve to meet and overcome challenges now and in the future.

A future embracing the technological age, continuing innovation and above all, the experience and expertise of an independent referral Bar, that remains open for business today, tomorrow and beyond.