



Conferência Internacional Os Novos Desafios da Advocacia Europeia

Jornadas em Memória do Bastonário Coelho Ribeiro

LECTURE "THE PROFESSION OF LAWYER"

23RD OCTOBER 2010- LISBON

"I have spent all my life under a communist regime, and I will tell you that a society without any objective legal scale is a terrible one indeed. But a society with no other scale but the legal one is not quite worthy of man either".

Alexandra Solzhenitsyn

President Carlos Pinto de Abreu, Vice President and colleague Jaime Medeiros, fellow lawyers and friends

It is a great honour and privilege to be part of this International Conference to honour my old friend and Partner Coelho Ribeiro. We were together at legal meetings throughout the World and my life was the richer through knowing him,

This Panel, with two very distinguished lawyers, will be addressing fundamental issues including what is the profession of lawyers, what are the core values and can we improve or contemplate fundamental change. Many years ago, Coelho Ribeiro espoused for his firm what the core values should be. He said they should have:

"consistent quality and effectiveness, strict adherence to the professional code of ethics and the rules of conflict of interest.

The fundamental relation of trust and confidentiality - which distinguishes the legal service it provides from other consulting services"



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I, we should agree totally with those sentiments and aspirations!

The views I express today are only my own and do not necessarily represent the views of the Law Society of England and Wales. I have, however, had great assistance in understanding the official views of this body from its Director of Government Relations, Russell Wallman and will be quoting some of his views in due course.

I have read, with interest, other views and also the analysis, now no doubt a little out of date in the research undertaken by Nuno Garoupa into the Portuguese Legal & Medical professions.

For good or ill in England, one of the main precursors to the arrival of Alternative Business Structures in relation to Law came about by the adoption of the cult of competition.

In the 80s, my old Law Tutor, who was then Sir Gordon Borrie (now Lord Borrie) the Director of Fair Trading, asked to see me because I was Chairing the appropriate Law Society Committee. He told me that if the Law Society did not agree to accept advertising, it would be imposed on us by statute. I said to him that that meant that those with the deepest pocket or loudest voices would attract the client, not those lawyers who demonstrated professional competence and ethics. It was clear we could not win the argument. We therefore set about establishing objective evidence of competency over and above being qualified lawyers. Specialist Panels were established. Four of us set up the Association of Personal Injury Lawyers (membership is now 5,000) and my firm had the idea of ISO 9001. I became a member of the British Standards Institute and a further kite mark of Lexel (Legal Excellence) was developed, to which my firm has now been accredited.

In Britain, a debate started about self regulation and again I regret lawyers lost the argument (Medics already had lost it). Many myths about "fat cat" Lawyers emerged, the vocal and able minority of Members of Parliament who were Lawyers were viewed by the majority with a mixture of envy, jealousy and mistrust and regulation was taken away from the Law



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Society to reside in the Solicitors' Regulatory Authority, now Chaired by a good friend of mine Charles Plant who succeeded me as Chairman of the College of Law.

At the same time, the Blair Government commissioned the Clementi Report which suggested the formation of Alternative Business Structures, legislation followed and next October ABS's are likely to emerge.

José Maria Dávon is better placed to speak to the CCBE's views and I look forward to his address, including the role of Article 11 of the Establishment Directive.

There are of course at least two types of Law Firms. Those who concentrate on Commerce and Company Law, who may be interested in outside investment and MBA type efficiencies and those we call the High Street Practitioners. Access to justice for the men and women of England has been severely restricted by the destruction of Legal Aid and many firms are no longer able to provide a service, which I find deeply worrying and will address this a little later,

What is the stance of the Law Society - to quote Russell Wallman:

"the Law Society believes that it should be possible for solicitors to provide legal services to the public through any entity, provided that the public and consumer safeguards associated with existing Solicitors' Practices were maintained. The Law Society will support the introduction of Alternative Business Structures - as long as this over-arching principle is met - ABSs should in principle be subject to all the regulatory requirements governing other Law Firms. Any rules which are thought to be unduly cumbersome should be removed or relaxed for all firms, not just ABSs"

The first step is already in place with Legal Disciplinary Practices in which Lawyers work together with non-Lawyers but where the Practice is owned by the Managers of the Practice rather than an external body.



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The English Legal Services Board is actively now working on the new business models, which brings me to organisations like Co-operative Legal Services and consideration of how we train our Lawyers and the skills we teach.

It was interesting to note that Nuno Garoupa's Report, as with the UK, noted that joint Economic & Law Training is rudimentary in Portugal. Law training in Europe has changed over the years but still concentrates on the same core subjects. Rightly, a number of faculties has been established in our older Universities to study Law & Ethics. Has the time come to construct a full blown legal MBA? Should we all stand back and question whether after hundreds of years the time is right to consider a new profession with the same core values and ethics as we have to serve a better society?

This is a vast subject which we can only touch on today. May I leave you with the opportunity and possible demand that organisations like the Co-operative offer society or perhaps more fundamentally the men and women in the streets of Manchester or Lisbon.

The Co-operative Group has 90,000 employees and over 3million members. Its gross sales in 2009 were £13.7billion and capital expenditure was £1.3billion. It was jointly owned and democratically controlled by its members. Its values and principles are totally in accord with those values articulated by Coelho Ribeiro.

The Co-op operates a bank, financial services, a pharmacy, life planning, legal services, travel, farming and much more. It is one of the World's leaders in Fair Trade.

Should we be moving towards organisations who protect and provide professional services from the cradle to the grave? Should this be provided by a conglomerate of professional services or one profession with all the necessary sub-divisions society requires?

President, friends thank you for inviting me. May we all remember Coelho Ribeiro with respect, love and affection.

Rodger Pannone



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CV

Rodger Pannone was President of the Law Society of England and Wales during 1993/1994. He was for many years Sénior Partner of Pannone LLP, a firm with over 100 Partners, The firm has consistently been the highest rank Law Firm in the Sunday Times List of the 100 Best Companies in the UK.

He was a founder of the Pannone Law Group, the first legal EEIG in Europe, which now has over 1,200 Associated Lawyers and Rrms throughout the World, including the honour of having CRA Portugal as its Portuguese member.

Mr Pannone holds and has held a number of legal appointments, including being Adviser to successive Lord Chancellors on Civil Justice, a member of the Supreme Court Rules Committee and Vice President of the Academy of Experts. He was for many years Chairman of the Forensic Science Service and has recently retired as Chairman of the College of Law and of Manchester University.

He is currently Chairman of the Renovo PLC, a FTSE quoted company, and a Director of the Co-operative Legal Services. The Co-op Group has 90,000 employees and over a million members.

He has been married to Patricia, a Magistrate, for 40 years and has three children and 3.3 grandchildren. His interests include walking, food and wine.

He has received many Legal and Honorary Awards, including Doctors of Law from the College of Law and Manchester University. He was a Fellow of the Institute of Advanced Legal Studies and Adviser to the British Council on Law and Governance.



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CONFERÊNCIA “A PROFISSÃO DO ADVOGADO”

23 DE OUTUBRO DE 2010 – LISBOA

“Vivi toda a minha vida num ambiente de regime comunista, e digo-vos que uma sociedade sem um sistema jurídico objectivo é, de facto, uma sociedade terrível. Contudo, uma sociedade sem qualquer outro sistema que não o jurídico também não é digna do Homem”

Alexandra Solzhenitsyn

Presidente Carlos Pinto de Abreu, Vice-Presidente e Colega Jaime Medeiros, Colegas advogados e amigos.

Constitui uma honra e um privilégio poder tomar parte nesta Conferência Internacional em honra do meu velho amigo e companheiro Coelho Ribeiro. Estivemos juntos em reuniões jurídicas por todo o mundo, e a minha vida ficou mais rica por tê-lo conhecido.

Este painel, com dois advogados muito distintos, abordará assuntos fundamentais, incluindo o que é a profissão de advogado, quais são os valores essenciais e se podemos melhorar ou considerar uma mudança estrutural. Há muitos anos, Coelho Ribeiro adoptou o que considerava serem os valores essenciais para o seu escritório. Disse que deveriam incluir:

“Qualidade inabalável e eficácia, seguimento rigoroso da ética profissional e das regras de conflito de interesses.

A relação fundamental de confiança e confidencialidade – que marca a diferença entre a prestação de serviços jurídicos do escritório e outros serviços de consultoria”