

to : Chair of the Bar, Mark Fenhells QC

20th June 2022

Dear Mark Fenhells QC,

We are writing to you to express our concern about legally qualified politicians playing an active role in undermining the rule of law and negatively impacting the public's trust in the legal professions.

The Law Society and the Bar Council have a special constitutional role in regulating the legal professions, protecting the rule of law, and maintaining the public's trust in our system of justice. We imagine that you will therefore share our dismay at the words and actions of a number of legally qualified politicians.

Among other things, you will note:

- The politicisation of the role of Attorney General, who has repeatedly expressed political support masquerading as legal advice.
- The significant diminution of the role of Lord Chancellor, and a failure of successive office holders to stand up for the independence of the judiciary and to defend the judiciary against political attack from government ministers.
- Overseeing a raft of constitutionally dubious legislation, including the so-called "Bill of Rights", the Internal Markets Bill, and the proposed legislation designed to violate the Northern Ireland Protocol.

It is clear that the government shares some of the features of authoritarian regimes in believing: its members can act with impunity and are above the law; that it should not be bound by international treaties it has itself signed; that it can flout international legal standards; that it can play fast and loose with constitutional norms.

We have learned from history that the slippery slope towards despotism begins with small steps. We have also learned that democracy and the rule of law can be saved when institutions outside the political realm stand up to defend them. We believe that the Law Society and Bar Council have a particular duty to defend the rule of law right now, when it is under threat from this government.

For these reasons, we are asking that you publish clear standards for how solicitors/barristers who are also politicians or other office holders must uphold their professional standards of honesty, integrity, and upholding the rule of law.

We would also ask you to consider whether voting for legislation that breaks international treaties would constitute serious professional misconduct and could therefore lead to their suspension from membership of your organisation.

Legally qualified politicians must not be able to use their status as lawyers to supply a veneer of respectability to their political machinations; and your profession should not offer harbour to those politicians who undermine the rule of law so willingly.

With best wishes,

*Adrian Ramsay.*

*Carla*

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Adrian Ramsay  
Co-leader

Carla Denyer  
Co-leader