



the global voice of  
the legal profession

# Bar Executive Exchange

ISSUE 24 MAY 2021

## Paul Mollerup

*Managing Director, The Association of Danish Law Firms*

*Co-Chair, Bar Executives Committee*

## Merete Smith

*Secretary General, Norwegian Bar Association*

*Co-Chair, Bar Executives Committee*

## Onwards and upwards



Smiling faces at the Bar Executives Committee meeting at the IBA Annual Conference, Seoul, South Korea, September 2019

### CONTENTS

<b>From the Immediate Past Co-Chair, Ken Murphy</b>	<b>1</b>
<b>Bar Executive spotlight</b>	<b>2</b>
<b>Bar Associations and Attorney Wellbeing: breaking taboos to build healthy workplaces</b>	<b>4</b>
<b>Bar Executives programme</b>	<b>6</b>
<b>BIC Project Feature: Globalisation Conference Series, Fiji</b>	<b>7</b>
<b>IBA Annual Awards</b>	<b>8</b>

It's spring – at least in the Northern Hemisphere where I am based. The trees are coming into leaf; nature decrees that these months are a time for renewal and fresh beginnings.

The appointment of Paul Mollerup, in succession to me, as Co-Chair of the IBA's Bar Executives Committee provides a renewal and fresh beginning which I greatly welcome. I've known Paul for many years. He has been an outstanding Chief Executive Officer of the Association of Danish Law Firms and a valuable contributor at many levels of the IBA over the years.

Merete Smith, CEO of the Norwegian Bar Association and also, like Paul, a personal friend as well as a valued colleague for a great many years, is continuing as Co-Chair of the Bar Executives Committee. She and I were the first Co-Chairs when the Committee was created by the IBA at a meeting in Brussels in May 2014. We have together, patiently and persistently, built up the Bar Executives Committee since then, providing a focus of specialised activity for the many bar executives attending IBA conferences, to a level at which, remarkably, in excess of sixty bar executives attended our last business session in Seoul in September 2019.

A key instrument in this development has been the twice-yearly production of this very publication, the Bar Executive Exchange Newsletter, which was originally founded by Margery Nicoll of the Law Council of Australia who went on to become the only bar executive to be elected Chair of the IBA's Bar Issues Commission and who continues to sit at the top table of the IBA as a member of the Management Board.

In Merete and Paul, the Bar Executives Committee is in the hands of two extremely able and energetic leaders. I wish them continued success.

For my own part, while I plan to remain close to the Bar Executives Committee, I have moved on to other IBA responsibilities. In the most recent round of IBA elections I was honoured to become the Vice-Chair of the Bar Issues Commission. In addition I have been asked and have agreed to take on the onerous role of Vice-Chair of the BIC Policy Committee.

Fortunately I now have a little more time for IBA committee work as on 22 March 2021 – my 65th birthday – I retired after 26 years as the Director General of the Law Society of Ireland. I believe I was probably the longest-serving CEO of a national bar or law society anywhere in the world.

At the conclusion of my final Law Society of Ireland Council meeting, following very warm tributes from Council members and former presidents, I addressed the Council for the last time and concluded with the following lines which end Philip Larkin's poem 'The Trees'. The poem begins 'the trees are coming into leaf' but the concluding lines seem to me to be appropriate to the IBA's Bar Executives Committee also:

'Yet still the unresting castles thresh  
In full grown thickness every May,  
Last year is dead, they seem to say,  
Begin afresh, afresh, afresh.'

**Ken Murphy**

*Immediate Past Co-Chair, Bar Executives Committee  
Vice Chair, Bar Issues Commission*



Merete Smith, Secretary General, Norwegian Bar Association Co-Chair, Bar Executives Committee and Ken Murphy, Vice-Chair, Bar Issues Commission at the IBA Annual Conference, Seoul, South Korea, September 2019.

## Bar Executives Committee – Remit

The Bar Executives Committee will be directed to those involved in the day-to-day management and administration of a bar association and those involved in international liaison on behalf of a bar association. Typically, membership will include Chief Executive Officers of bar associations, bar association staff and international liaison officers. The Committee will provide opportunities for its membership to address issues and administrative matters which

are of common interest. The Bar Executives Committee will provide substantive meetings and training at the bar leaders' conference and IBA Annual Conference, and where possible, at regional events. By working closely with those who work within a bar association, the BIC will help them to enhance their skills and abilities and exchange knowledge and ideas on administration, structure and promoting the rule of law worldwide.

Of special interest to this group will be the BIC Programme for Excellence, which has been designed for member bar organisations that are keen to achieve organisational excellence. This Programme offers the benefits of a structured approach in identifying organisational strengths and areas of improvement and recognises successful efforts to implement excellence and best practice.

## In the light of what we know

It is my pleasure to have taken on the role as Co-Chair of the Bar Executives Committee (BEX), but I do so with some trepidation. On the one hand, I did not hesitate to accept, given that my Co-Chair is Merete Smith, who is founding Co-Chair of the Committee. On the other hand, I take over after Ken Murphy – one of the most experienced, knowledgeable and brilliant bar executives I have ever met.

I have benefitted from the bi-annual BEX meetings for many years, and I really value the good and lively discussions at the meetings and the fantastic exchange of best practice that often takes place. It is – therefore – only natural that I do my share to continue these meetings together with Merete.

The Association of Danish Law Firms is a voluntary organisation covering roughly 70 per cent of all lawyers working in independent law firms in Denmark. With a staff of 30, we lobby and represent the independent legal profession in Denmark, and we provide continuing legal education and a range of services to our members – services that are available to all staff categories at the member firms, not only the lawyers. We also take a keen interest in legal tech and the development of the legal sector in general. We cooperate closely with the Danish Bar and Law Society, where the regulatory obligations are located.

In the Light of What We Know is the title of a brilliant debut novel by the Bangladeshi author Zia Haider Rahman – a novel I urge you all to read. But it is also a very pertinent sentence to describe the regulatory challenges that we face in many jurisdictions, including Denmark. We see a clash between competition authorities and the legal profession, where we are struggling to make the competition authorities – and indeed a number of politicians – understand that they are tampering with something incredibly dear to democracy and the rule of law, when they challenge the independence of the legal profession. It is as if they do not recognise this, because they make their recommendations ‘in the light of what they know’.

We are given to believe that most lawyers are no more than any other business consultants and should be treated as such. At the same time those lawyers that take on hard cases – often representing citizens challenging the decisions of the authorities – are being chastised for



Paul Mollerup, Managing Director, The Association of Danish Law Firms Co-Chair, Bar Executives Committee

representing certain clients. In Denmark, which I used to consider an enlightened country with above-average politicians, a current case concerning the non-repatriation of Danish minors from camps in Northern Syria has led an MP from the party in power to refer to a lawyer appointed by the state to represent the interests of the children as a ‘lawyer for ISIS’. I hope he speaks ‘in the light of what he knows’ – but unfortunately, I am not so sure.

We, who comprise BEX, know the importance of the rule of law, and of the independence of the legal profession, and we are in positions to do something to uphold these values. I look forward to working with Merete Smith and all of you to ensure that we can continue the exchange of views, knowledge and best practice that is at the heart of the BEX meetings.

### Paul Mollerup

Managing Director, The Association of Danish Law Firms  
Co-Chair, Bar Executives Committee

# Bar Associations and Attorney Wellbeing: breaking taboos to build healthy workplaces

Is the wellbeing and mental health of their employees and members a priority for bar associations, law societies and law firms around the world? Two recent global surveys – the first and largest of their kind – commissioned by the IBA suggest that it is.

The surveys form part of the work of the IBA's wellbeing taskforce, established in 2019 by then President Horacio Bernardes Neto. As he said at their launch:

'When I became president of the IBA in 2019, I made addressing mental wellbeing within the legal profession one of my main priorities. I had become increasingly concerned with all too frequent reports of substance abuse, severe depression, and suicide within the profession. Little did I or any of us know of the events that were to come. The devastating effects of depression, stress, addiction, and other such attacks on our wellbeing may have preceded the Coronavirus pandemic, but there is no question that it has exacerbated their impact.'

Substance abuse and suicide are some of the most extreme and tragic consequences of not recognising or acting on these issues, but there are more general reasons why it makes sense for the IBA to be engaging with this subject. The results of the surveys, as well as other published data, demonstrate that the culture and practice of law can often have a negative impact on the mental health and wellbeing of those working within it. It seems obvious that a healthy, engaged and resilient legal sector is more productive, effective and sustainable. Wellbeing should therefore be of central importance to the international legal community, and the profession as a whole.

In terms of the IBA's unique international role, while existing initiatives by membership and regulatory bodies, legal practices and educational establishments to address mental health and wellbeing at a jurisdictional level are positive, there is also an opportunity to achieve more by working together cross-jurisdictionally and internationally. This was confirmed by the results of the taskforce's surveys, which showed that:

- The wellbeing challenges faced by lawyers are similar across jurisdictions.
- There is low awareness about wellbeing support and services that are available.
- In some jurisdictions there is no such wellbeing support or services.
- Stigma is a major problem: it is very difficult

for practitioners and students to acknowledge they may have problems and seek help without worrying that it will damage their career or livelihoods.

- There is a general lack of knowledge in the legal community about good practice to tackle these issues, and what that looks like.
- There is currently no forum for sharing information and good practice at an international level.

The Bar Issues Commission played a major role in the promotion of the surveys, and continues to help lead the taskforce via the work of Co-Chairs Deborah Enix-Ross (Vice-Chair, BIC) and Steven Richman (Senior Officer, BIC), and project coordinators George Artley (BIC Project Lawyer) and Sara Carnegie (Director, LPRU). Together, they hosted a showcase session at the IBA's Virtually Together Conference 2020 in November entitled 'Attorney wellbeing – what it is and why it matters to the legal profession'. This event was one of the most popular of the entire conference, attracting nearly 500 attendees from around the world.

In the end, over 3200 individual lawyers responded to the surveys, as well as 186 bars, law societies and law firms. In terms of legal institutions, the surveys revealed that most who answered do have initiatives in place to support wellbeing, with many increasing the scope of those initiatives due to the pandemic. However, while four out of five institutions state that mental health is a priority, in only two out of five are the majority of partners or senior managers involved in implementing policies, and fewer than one in five institutions have specific wellbeing training for all in management positions.

What next for the taskforce and the BIC on these issues? As the title of this article suggests, the main activity of the taskforce is now two-pronged. First, within jurisdictions where recognition around wellbeing issues is not well-developed, raising awareness of their importance and destigmatising the discussion of them will be key. In particular, identifying and raising awareness of appropriate support available within individual jurisdictions, and/or working on developing a model for the roll-out of appropriate external support will be essential. BIC members can help with this at an individual and organisational level by circulating the results of the IBA's surveys



**George Artley**  
IBA BIC Project Lawyer

(which can be found [here](#)), and wellbeing taskforce report scheduled for publication in early October 2021.

Second, and particularly within jurisdictions where discussions on wellbeing have evolved further, the focus needs to be on how institutions can translate wellbeing awareness into effective interventions, both in the workplace, but also at the regulatory level. For bars in particular, this might mean following the example of the Bar Council of England and Wales' Certificate of Recognition scheme, details of which can be found [here](#).

Whatever happens, the issues identified by the IBA's work on lawyer wellbeing are not going to go away. As we hopefully near the end of the Covid-19

pandemic, and many of us return to the office, now is the perfect time for firms and regulators to be thinking about the sort of working environment they want to return to, and how to make sure that the wellbeing of members and employees can be safeguarded to ensure the future health of the profession itself.

Anyone interested in these issues and the work of the taskforce can contact George Artley at [george.artley@int-bar.org](mailto:george.artley@int-bar.org).

**George Artley**  
IBA BIC Project Lawyer

# IBA App – additional functionality now added

– available from the App Store and the Google Play Store

The IBA app has been updated to become even more user-friendly, providing you with the latest legal news, updates and content while on the move.

All new functionality is now available for the app in both the Apple Store and for the Android version in the Google Play Store.

## New functionality:

- Access to IBA Digital Content – with new articles, stories and items of interest available and updated daily
- The ability to download PDFs and podcasts from the IBA Digital Content library to your mobile device

## How do I access the App?

- Simply download the App (search for International Bar Association and download the IBA Members' Directory) via the Apple App Store or Google Play Store
- Login with your IBA membership user ID and password
- Search the full IBA Member Directory or update your My IBA profile



the global voice of  
the legal profession®

**Don't let valuable contacts pass you by, update your profile today!**

# Bar Executive Officers Committee

## virtual meetings

**Friday 28 May 1300–1430 BST**

### Bar Executives Programme

Invitation only

This programme is for CEO's, bar association executives, international liaison officers and others who are responsible for the day-to-day running of their association and international project work. It is a programme created by the BIC's Bar Executives Committee, of which you are automatically a member as you have been designated as your organisation's 'Bar Executive Officer'.

### Access to the courts during Covid-19

*Moderators*

**Paul Mollerup** *Managing Director, The Association of Danish Law Firms Co-Chair, Bar Executives Committee, Denmark*

**Merete Smith** *Secretary General, Norwegian Bar Association Co-Chair, Bar Executives Committee, Norway*

*Keynote Speakers*

**Heidi Chu** *Bar Executive Officer, Law Society of Hong Kong, Hong Kong SAR*

**Ciara Murphy** *Bar Executive Officer, General Council of the Bar of Ireland, Ireland*

**Anthony Pillay** *Bar Executive Officer, The Law Society of South Africa, South Africa*

**Janet Welch** *State Bar of Michigan – International Law Section, Michigan, USA*

Throughout the world, access to the courts has been hampered by the effects of Covid-19. In some jurisdictions courts have been closed for extended periods with profound effects on access to justice. Some courts have remained open, posing a potential health risk to clients and the judiciary, while others have had to learn to cope with digital courts, which also poses challenges to both lawyers and the rule of law.

During this interactive session, a handful of colleagues from around the world will give their perspective on how Covid-19 has affected access to the courts and what the ramifications have been and will be of this to the rule of law – and indeed what our role as bar associations and law societies is in such a situation.

To register your interest for the Bar Executives Programme, please contact **Becca Verhagen** at

[becca@verhagen@int-bar.org](mailto:becca@verhagen@int-bar.org)

**Other events of interest that are taking place as part of the IBA Virtual Mid-Year Meetings are:**

**Wednesday 19 May 1100–1300 BST**

### BIC Bar Leaders' Forum

Click [here](#) for Zoom link

An open forum for all IBA member organisation representatives and BIC members.

**Tuesday 25 May 1100–1230 BST**

### IBA Open Forum

Click [here](#) for Zoom link

All officers of IBA sections, committees, fora and bar representatives are expected to attend this meeting. The leadership of the IBA including the President and Chairs of SPPI, LPD, BIC and IBAHRI will report on their priorities and activities within their respective Division. In addition to these reports, the IBA Treasurer and IBA Executive Director will also speak.

**Tuesday 25 May 1300 – 1400 BST**

### IBA Networking

Click [here](#) for Remo link

Following the IBA Open Forum there will be a networking opportunity for you to meet (virtually) with other officers for more informal discussions and interaction. The Networking will be held on the Remo platform used during the IBA 2020 Virtually Together Conference, which received much positive feedback.



**Jonathan Goldsmith**

*Consultant, Brussels  
Chair, BIC International  
Trade in Legal Services  
Committee*

## BIC Project Feature: Globalisation Conference Series, Fiji

In the September 2019 edition of Bar Executive Exchange newsletter, I wrote about one of the conferences sponsored by our committee, the Bar Issues Commission International Trade in Legal Services Committee (BIC ITILS), which was about to take place in Fiji, shortly before the IBA Annual Conference in Seoul.

That conference, called ‘Globalising your practice – opportunities and challenges’, took place in Fiji on 6–7 September 2019. It focused on the traditional issues raised by our committee in a series of conferences we have held around the world to assist lawyers in the developing world to deal with the consequences of the globalisation of legal services. More precisely, this means helping local lawyers to obtain a bigger share of the legal business generated by, say, large-scale international investment in their country. The Fiji conference attracted over 200 people, and was considered by all to be a great success.

The pandemic then ensued, with severe restrictions on global mobility. Nevertheless, BIC ITILS wanted to find the means to continue with its conferences, and the Fiji Law Society was keen to work with us again. Accordingly, the Bar Issues Commission again awarded funding to BIC ITILS for a conference on 8–9 January 2021 in Fiji, in cooperation with the Fiji Law Society.

This time, the conference was called ‘Business Interrupted: Law and Practice Beyond the Pandemic’. As previously, it was incorporated into the annual convention of the Fiji Law Society. This ensured that it had a large audience of 260 lawyers – 210 in person, and 50 via Zoom. The conference had a hybrid nature, allowing attendance either in person or online. All the IBA speakers came from abroad, and their slots were timed to suit their time zone best.

The topics, at the choice of the Fiji Law Society, were somewhat different to our usual globalisation series, with only a partial overlap.

Two of the session titles were taken directly from the IBA’s Virtually Together Conference 2020, since participants from Fiji were impressed by those sessions, highlighted by an asterisk below. The IBA speakers’ presentations were adapted to local needs. The topics relevant to the IBA funding included:

- Business interrupted: issues arising from Covid-19;
- Beyond the pandemic: exploring new areas of practice;
- Walking the tightrope: just because it’s legal, does that make it right?\*
- Litigation trends: global developments in litigation and dispute resolution\*;
- It’s OK not to be OK: lawyer wellbeing – strategies to manage stress in the legal profession and support your team’s mental health;
- Shaping our future: law firm management post pandemic; and
- Free speech or Censorship: lawyers and social media.

The feedback from the Fiji organisers and the attendees was consistently positive. The President of the Fiji Law Society said: ‘The Fiji Law Society has received very positive feedback from the delegates appreciating the standard and calibre of the speakers as well as the networking opportunities the conference provided.’

We are now planning our next similar hybrid conference in conjunction with a national bar, this time in Indonesia in mid-June.

### **Jonathan Goldsmith**

*Consultant, Brussels  
Chair, BIC International Trade in Legal Services  
Committee*



the global voice of  
the legal profession®

# International Bar Association

# ANNUAL

# AWARDS 2021

## Call for nominations

Supported by



---

### Annual IBA Pro Bono Award

Each year, the IBA Pro Bono Committee honour a lawyer who has shown an outstanding commitment to pro bono work as part of their legal career.

Nominees will be considered on the following criteria:

- **Dedication** – The Committee seeks to recognise pro bono work that exhibits an exceptional level of commitment and dedication to the provision of free legal services and access to justice.
- **Innovation** – The Committee seeks to recognise efforts and pro bono work that have been designed or carried out in an innovative fashion and might serve as a model for others in that jurisdiction and other jurisdictions.
- **Impact** – The Committee seeks to recognise work, including legislative reform, litigation, and transactional representation, that has brought about a significant impact – to an individual, community, group, or country, or to the provision of pro bono services generally.

**Online application form:** <https://www.surveymonkey.co.uk/r/IBAPROBONOAWARD2021>

---

### The IBA Outstanding Young Lawyer Award

Each year, the IBA Young Lawyers' Committee present an award to a young lawyer who has shown not only excellence in their work and achievements in their career to date, but also a commitment to professional and ethical standards as well as a commitment to the larger community.

The IBA Young Lawyers' Committee's goal is to identify, discuss and promote issues relevant to young lawyers. Its purpose is to provide a point of first contact for young lawyers to the IBA so that they can learn about the other IBA divisions and become further involved in the Association.

The award created in partnership with the IBA and LexisNexis is in recognition of William Reece Smith Jr. A former IBA President, William Reece Smith Jr, who passed away in 2013, distinguished himself as one of the finest and most respected legal experts. In a career spanning more than 50 years, he demonstrated leadership in the legal profession as an accomplished lawyer, an extensively published legal scholar and lecturer, a mentor and an outstanding community servant. In addition, Mr Smith exemplified a commitment to advancing many charitable and civic causes, most notably in his support for legal services to the poor. LexisNexis is delighted to sponsor an award in his name to recognise a young lawyer who has demonstrated outstanding professionalism.

**Online application form:** <https://www.surveymonkey.co.uk/r/IBAYOUNGLAWYERAWARD2021>





the global voice of  
the legal profession®

---

## IBA Award for Outstanding Contribution by a Legal Practitioner to Human Rights

Each year, the IBA presents an award to an outstanding lawyer in the world of human rights law.

The IBA has always been dedicated to promoting and protecting human rights and the independence of the legal profession under a just rule of law. The International Bar Association's Human Rights Institute (IBAHRI) was established in 1995 under the honorary presidency of Nelson Mandela. The IBAHRI is an independent entity within the Public and Professional Interest Division (PPID) of the IBA. The Section on Public and Professional Interest (SPPI) sits within the PPID and within that entity, there is also a Human Rights Committee.

The award will be made to a legal practitioner (whether in private practice, public interest, employment as a legal adviser, academia, bar leadership or other regulation of the profession) who, through personal endeavour in the course of such practice, is deemed to have made an outstanding contribution to the promotion, protection and advancement of the human rights of all, or any group of, people, particularly with respect to their right to live in a fair and just society under the rule of law.

**Online application form:** <https://www.surveymonkey.co.uk/r/IBAHUMANRIGHTSAWARD2021>

---

## IBA Outstanding International Woman Lawyer Award in recognition of Anne-Marie Hutchinson

The IBA Women Lawyers' Interest Group invite you to nominate a female lawyer who you believe is deserving of this prestigious award.

Nominees will be considered on the following criteria:

- Achieved professional excellence in her field;
- Influenced other women to pursue legal careers;
- Opened doors for women lawyers in a variety of job settings that historically were closed to them; and
- Advanced opportunities for women within their practice area or segment of the profession

**Online application form:** <https://www.surveymonkey.co.uk/r/IBAWOMENAWARD2021>

**All applications must be received by MIDNIGHT (BST) SUNDAY 20 JUNE 2021.**

For more information on all the Annual Awards, please click [here](#).  
or contact Rebecca Ruler at [rebecca.ruler@int-bar.org](mailto:rebecca.ruler@int-bar.org)