

Thought leadership from the lectern

By Guy Fetherstonhaugh | 30-05-2024 | 13:42

When I started in practice at the bar, the Bar Council forbade barristers from advertising their services or entertaining solicitors, such conduct being deemed to be unworthy of dignified professionals. Indeed, when our regulator got wind of a two-page brochure that my chambers had had printed at the end of the 1980s, simply listing our names and specialities, with a view to sending these out to our instructing solicitors, we were ordered to have the lot pulped (I kept one for the chambers scrapbook).

Appearing in court and giving good written advice made for a limited amount of professional development, but it was nevertheless hard to make one's name with a wider audience. However, lectures were not seen as advertising, and accordingly it became commonplace for barristers (with solicitors and surveyors) to speak at academic conferences. One of the first of these was the Blundell Lecture Series, devised by Ronald Bernstein QC DFC, in honour of Lionel Blundell QC, the champion of the property bar.

The Blundell series

From the earliest lecture (delivered by Bernstein himself in 1976), the aim of the Blundell series was for those at the top of the property professions to deliver considered talks within their expertise on the most pressing topics of the day, with profits from the lectures being divided between the Bar Benevolent Fund, the Law Society Benevolent Fund and Lionheart. As Bernstein's obituary noted, this "annual series of multi-disciplinary lectures on property law... remains the most prestigious series of lectures on the topic".

The reasons for that prestige are not hard to find, and lie in both the quality of the speakers, and the depth, breadth and interest of the topics. In a foreword in 1977, Sir Leslie Scarman, later Lord Scarman, said: "The lectures are for the instruction and delight of the whole profession... not only as an appropriate memorial of a great lawyer but as a vision guiding the profession along difficult paths towards a better and simpler law." He was referring then to the bar, but, from their earliest, the audience of the lectures, as well as their speakers and chairs, has been drawn from solicitors and surveyors too. In a marked departure from all other lectures, which tend to aggrandise the organising institution, the Blundell lectures spread their net wide, embracing speakers from across the bar, and not merely those from the organising chambers. For this reason, the lectures attract practitioners both from the property professions, and the judiciary. Last year, we were fortunate to hear from Dame Sue Carr, now of course the Lady Chief Justice; and this year the lectures will be graced by talks from Mr Justice Adam Constable and Tribunal Judge Diane Martin FRICS. This is thought leadership indeed.

The 2024 programme

And now, the topics on offer this year. These include, first, the assembly of land and securing rights for renewables projects, which will examine the current challenges as well as the legal principles underpinning the granting of suitable land rights, including consideration of the shortcomings of those commonly granted to accommodate infrastructure. These first two talks will be given by two leading practitioners, drawn from the bar and the solicitors' profession.

Secondly, we will be privileged to hear how the topic of impartiality of expert evidence in the context of UK civil proceedings is central to the fair administration of justice, with thought-provoking views concerning the issues relevant to maintaining the expert's independence and avoiding bias delivered both by leading counsel with vast experience in the field and a surveyor member of the Upper Tribunal (Lands Chamber). Our first speaker on that topic will review the expectations and experience of expert evidence from the point of view of the tribunal, addressing the ways in which potentially biased evidence is approached by the tribunal within case management, at the hearing and in the final determination. Counsel will examine the law concerning an expert's obligation to remain independent and the challenges arising in practice. She will present a principled and pragmatic approach to preventing or defusing situations where the expert may profess independence, but is in reality biased.

Thirdly, with again a leading silk and hugely experienced solicitor presenting papers, we will hear about the hot topic of how climate change, extreme weather events and the resultant increased risks of flooding and erosion, fire and overheating, are causing novel difficulties for landowners and occupiers. How are the challenges presently met, and is the law on the measured duty of care fit for purpose? When is a landowner liable for damage to others caused by something that was naturally on their land which they did not take steps to control? What other private and public law remedies are available where damage has natural causes?

And finally, again with current topic relevance firmly in mind, another leading silk and a High Court judge will consider the recent considerable increase in the number of protests concerning environmental and other issues, some of which encroach on public and private property rights; and to what extent the available legal remedies are appropriate.

All four of the topics this year thus embrace Bernstein's vision for the Blundell lectures of an innovative and evolving project that, by harvesting the talents of the best in our property field, would create an ever-growing focus for learning and study, for the good of us all, offering not just problem analysis, but practical solutions too. Can there be any finer way of continuing with our professional development?

Tickets for this year's series, which runs on Monday evenings in June, are available from <https://blundell-lectures.org/book>

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