



Legal Wales Conference XXI 2024

The Pembrokeshire Archives Building, Haverfordwest

Chair's Opening Remarks

(including introduction of the Counsel General)

9:30am to 9:45am

Good morning and welcome to the 21st Legal Wales Conference.

It is, I am very proud to say, the first time that the Legal Wales Foundation has held the Conference in West Wales, and beautiful Pembrokeshire in particular.

At the very outset, I would like to thank Pembrokeshire County Council for providing us with a fantastic venue today in the Pembrokeshire Archives building. Although not designed as a conference centre, it has leant itself perfectly to the task, with a fantastic space here in the main room, great IT facilities, and a superb location. We are joined this morning by the Chief Executive of Pembrokeshire County Council, Mr William Bramble CBE, and I would like to express my thanks to him personally on behalf of the Foundation.

Although this is the first occasion that the Legal Wales Foundation has held the Conference in West Wales, it is not the first time that the community of Legal Wales has

gathered in these parts. Indeed, it might be said that the Legal Wales Foundation has returned its regular assembly to the natural home of Legal Wales.

What was perhaps the very first, and certainly most enduring, gathering of Legal Wales occurred very near to where we are today, in a place called Hendygywn-ar-Daf, or The Old White House on the River Taf, also known as Whitland (which many of you will have passed on the A40 as you travelled here).

At a spot, some 16 miles or so from where we are today, around the year 945, King Hwyl ap Cadell – Hwyl Dda or Hwyl the Good – convened an assembly of lawyers to promulgate laws for his kingdoms of Deheubarth, Ceredigion, Powys, Gwynedd and Brycheiniog – a jurisdiction which spanned the greater part of Wales (the West, the North, the East and the Middle).

Hwyl summoned six men from every *cantref* to his assembly. [Each *cantref* consisted of one hundred *trefi* and was formed of two *cymydau*, each of fifty *trefi*. Each *cwmwd* would have had its arglwydd, or Lord, who would have been responsible for the administration of justice within its bounds, with a *llys* or court.] Blegywryd, possibly the archdeacon of Llandaff, was to act as the Secretary to the Assembly, and he was assisted by twelve commissioners.

Hwyl, seeking to harmonize the laws across his territories, sought to modernize and systematize the laws of his kingdoms, and record them in writing.

The delegates, the Secretary and the twelve commissioners met to examine the old laws, to continue some, to amend others and to abolish the remainder, occasionally agreeing on the introduction of new laws.

The published Laws of Hwyl Dda, as they became known, were surprisingly modern, and included:

- The criminal law focused on the importance of intention;
- In relation to property rights, in many instances, men and women, sons and daughters, were treated with equality;
- No fault divorce was recognised;
- A father's responsibilities towards his children were the same irrespective of whether he was married to the child's mother or not;
- The Laws prohibited parents using force to discipline their teenage children; and
- The Laws took a welcoming approach towards immigration, requiring the provision of accommodation to those in need and free legal aid for immigrants before the courts in Wales.

In another progressive provision, the Laws formally recognised that the King's most senior political and judicial officer was to be his Queen.

The Laws as established were not thereafter to be changed other than by an enactment of a similar constituted assembly.

In the centuries following this assembly at Whitland, the Laws of Hwyl were regarded as a major focus of unity for the Welsh people.

After Hwyl's time when the kingship across Wales fractured again, Hwyl's Laws remained a common touchstone, which kept the different kingdoms connected in a form of legal commonwealth (albeit that they were subject to adaptations in the different jurisdictions from time to time).

In the twelfth century, a new version of the Laws, known as *Llyfr Blegywryd*, was compiled under the Lord Rhys, then Prince of Deheubarth, and justiciar of South Wales.

We have our own modern version of the Lord Rhys with us today, Mr Justice Nicklin, who we welcome to his role of Presiding Judge for Wales. Mr Justice Nicklin, originally from Haverfordwest itself I believe, is the latest in a very long line of Justices from, and for, this part of Wales.

A memorable predecessor was Justice John Hoskyns, Justice of Carmarthenshire, Pembrokeshire and Cardiganshire between 1621 and 1638. Justice Hoskyns, a man known by his peers as a poet and a man of considerable talent and humour, also had a thing for getting himself into trouble, and an interesting way to get out of it. He had been expelled from Oxford University as a student after publishing a satirical poem about the authorities there. Having recovered his reputation to the extent that he became an MP, he was taken to the Tower for one year after teasing some Scottish favorites of the King whilst attending Parliament. He later managed to get himself back in the good books with the King by inviting him to his home near the Black Mountains and putting on a morris dance with ten dancers whose united ages exceeded a thousand years. It is recorded that the King was 'greatly amused'.

I cannot promise you such royal entertainment, but I am very confident that you will find today's programme both absorbing and fascinating in its own right.

Today we bring together judges, jurists, lawyers and constitutional commentators not only from across Wales, but from across the United Kingdom too; and across the Atlantic even.

I am very proud and delighted to welcome all our stellar speakers and chairs across the programme, including, to name but a few:

- Judge Barry Clarke (President of Employment Tribunals for England and Wales),
- Sir Gary Hickinbottom (President of Welsh Tribunals),

- Professor McAllister (Chair of the Independent Commission on the Constitutional Future of Wales),
- Sir Peter Fraser (Chair of the Law Commission),
- Mrs Justice Morgan (Family Presiding Judge for Wales),
- Lord Lloyd-Jones (Justice of the Supreme Court and President of the Law Council of Wales),
- Ambassador Stephen Rapp (Former US Ambassador at Large for War Crimes Issues),
- Mr Justice Griffiths (Presiding Judge of the Wales Circuit),
- Lord Reed of Allermuir (President of the Supreme Court), and
- Baroness Carr of Walton-on-the-Hill (Lady Chief Justice of England and Wales).

It is my further pleasure to introduce to Conference our first Keynote speaker.

Julie James AS/MS was born in Swansea but spent significant portions of her youth living around the world with her family. Julie spent her early career in London and moved back to Swansea with her husband to raise their 3 children and to be closer to family.

Before becoming a Member of the Senedd, Julie was a leading environmental, constitutional and public lawyer.

Since being elected, Julie has sat on the Constitutional and Legislative Affairs Committee, Enterprise and Business Committee and the Environment and Sustainability Committee in the Senedd.

As Chair of the Enterprise and Business Committee's Procurement Task and Finish Group, Julie published the 'Influencing the Modernisation of EU Procurement Policy' Report. Julie also sat as Chair of the Environment and Sustainability Committee's Common Fisheries Policy Task and Finish Group.

Following a series of ministerial roles in Welsh Government, across a number of different portfolios, Julie was appointed Counsel General by His Majesty the King on 20 September 2024.

As Counsel General, Julie's responsibilities include:

- Provision of legal advice to the Government
- Oversight of the work of the Legal Services Department and Office of the Legislative Counsel
- Oversight of prosecutions on behalf of the Welsh Government
- Oversight of representation of the Welsh Government in the courts
- Consideration of whether Bills passed by the Senedd need to be referred to the Supreme Court for determination as to whether they are within the Senedd's competence (exercised independently of Government)
- Instituting, defending or appearing in any legal proceedings relating to functions of the Welsh Government (exercised independently of government)
- Ensuring Access to Justice

Conference, please give a warm welcome to the new Counsel General, Julie James MS.

Introduction of Ambassador Stephen J Rapp

Conference, our next Keynote Speaker, Ambassador Stephen J Rapp was the United States Attorney for the Northern District of Iowa from 1993 to 2001.

From 2001 to 2007, he served as senior trial attorney and chief of prosecutions at the International Criminal Tribunal for Rwanda, heading the trial team that achieved historic convictions against the leaders of Radio Télévision Libre des Mille Collines radio station and the Kangura newspaper, for the crime of direct and public incitement to commit genocide.

From 2007 to 2009, Ambassador Rapp served as prosecutor of the Special Court for Sierra Leone, where he led the prosecution of former Liberian President Charles Taylor for atrocities committed during the country's civil war. While at the SCSL, his office also achieved the first convictions under international law for the recruitment and use of child soldiers for sexual slavery and forced marriages. Prior to this position, Ambassador Rapp served as senior trial attorney and chief of prosecutions at the International Criminal Tribunal for Rwanda, heading the trial team that achieved the first convictions against leaders of Radio Télévision Libre des Mille Collines radio station and Kangura newspaper for the crime of direct and public incitement to commit genocide.

Between 2009 to 2015, Ambassador Rapp served as US Ambassador-at-Large for War Crimes Issues, heading the Office of Global Criminal Justice at the U.S. State Department.

In this position, Rapp was responsible for advising the Secretary of State and the Under Secretary for Civilian Security, Democracy, and Human Rights on issues related to war crimes, crimes against humanity, and genocide, and formulating U.S. policy related to preventing, responding to, and securing accountability for mass atrocities. In that role he coordinated US government support to international criminal tribunals, including the International Criminal Court, as well as to hybrid and national courts responsible for prosecuting persons charged with genocide, war crimes, and crimes against humanity. He was credited with arranging for the United Nations Commission of Inquiry and other prosecutorial authorities to gain access to a cache of 55,000 photos documenting torture by the Assad regime.

During 2017-2018, Ambassador Rapp was the Father Robert Drinan Visiting Professor for Human Rights at Georgetown University. He is presently:

- the Sonia and Harry Blumenthal Distinguished Fellow for the Prevention of Genocide at the U.S. Holocaust Memorial Museum's Simon-Skjodt Center;
- Senior Visiting Fellow of Practice with the Oxford University Blavatnik School's Institute for Ethics, Law, and Armed Conflict's Programme on International Peace and Security; and
- Chair of the Commission for International Justice and Accountability (CIJA), which has collected and analysed more than 750,000 pages of documentation from Syria and Iraq to prepare cases for future prosecution.

Stephen is also a Senior Peace Fellow of the Public International Law and Policy Group, and on the boards of Physicians for Human Rights, the Syrian Emergency Task Force, the IBA Human Rights Institute, the ABA Rule of Law Initiative, the Siracusa International Institute for Criminal Justice and Human Rights, and the Center for International Law and Policy in Africa (CILPA).

Conference, please welcome Ambassador Stephen J Rapp.

Closing Remarks from the Chair

Conference, that brings an end to our conference programme for 2024, but it does not of course bring the day to an end. We have a wonderful drinks reception and dinner to look forward to beginning 7pm at the Ty Milford Hotel, right on the marina in Milford Haven. The wonderful legal journalist John Hyde is our guest speaker during the drinks reception, and he will be giving us his thoughts on the Post Office Inquiry and its implications for lawyers.

Conference, the Laws of Hwyl provided an early form appeal which consisted in the right of a litigant to challenge the correctness of a judgment. Rather like our schedule today, the time limit was strict – the challenge had to be raised before the judge left his seat.

A specially constituted court would then be convened to consider the challenge. Such a challenge was a serious matter – if established, the texts record that the erroneous judge would lose his tongue.

This may have made life harder for those tasked with finding speakers for the Whitland assembly. Fortunately, that was one factor that the fantastic volunteers on our programme sub-committee did not have to consider.

In practice, it actually seems that the erroneous judge was offered the opportunity to make a payment equivalent to the value of his tongue to redeem it. I have not been able to find out how many judges chose not to pay. One man who might know, is our wonderful Professor Thomas Watkin KC - any further questions, including how much a judge's tongue was valued at, please direct his way.

Thomas, together with his colleagues, Kelly Byrne, David Gardner, Helen Snow, Tomos Lewis and Paul James, formed the programme sub-committee, that was lead superbly again by the indefatigable Huw Williams. We are all of us indebted to Huw and his sub-committee.

Let me also thank Hannah Menard, our Treasurer. We made the decision this year not to use a commercial ticket operation and deal with ticketing in-house. In practice that has meant lots more work for Hannah - but it does mean that the Foundation can keep more of the proceeds generated by the Conference for its other projects. And the fact that both the Conference and the dinner have been sold-out speaks to a booking system organised by Hannah that has outperformed any commercial outsourcing. So, thank you Hannah and very well done.

Thank you and very well done also to our very special Conference co-ordinator Emma Waddingham. As many of you here know, Emma's skills in marshalling an event like this are superlative – there is no one better. Again, the fact that the Conference and the dinner have been sold out speaks for itself. Emma, you are a star. Shine again for us next year, please!

Finally, and most dearly, Conference please join me in both congratulating and thanking our Secretary, Elisabeth Jones. This year the LEDLET-Legal Wales Access to Law Summer Scheme, of which Elisabeth is the Cardiff Co-ordinator, won the award for Equality, Diversity and Inclusion at the 2024 Cardiff & District Law Society Dinner.

Please do read more about the Summer Scheme, which provides a week of opportunities within the legal sector of the highest calibre, to state school sixth form students from Wales, who have do not enjoy the advantage of family connections to the legal profession, in the delegate pack, with details as to how you can help financially or in other ways with the scheme. This year those organisations which assisted with the

Scheme, include the Sion Mullane Foundation, Acuity Law, Apex Chambers, Blake Morgan LLP, Capital Law, Civitas Chambers, Geldards LLP, Lewis Silkin LLP, Martyn Prowel Gartside, the Senedd Cymru Legal Service, Watkins & Gunn, 9 Park Place, 30 Park Place, Brightlink Learning Limited, Cardiff University, the University of South Wales and Eversheds Sutherland. I thank each and every one of those organisations, and I ask everyone to consider helping again – or for the first time – in 2025.

The one person, who pulls everything together that week, is Elisabeth. The time, commitment and passion that Elisabeth puts into the Summer Scheme – on top of her other commitments as Secretary of the Foundation, not least her contribution to making this Conference such a success – is humbling. Thank you, Elisabeth. You richly deserve your award.

The only thing left for me is to announce the date and venue for next year's 22nd Legal Wales Conference - Friday 10 October 2025 at Bangor University.

Planning is already underway and the conference theme will be the bicentenary of the Law Society of England and Wales 1825 – 2025. I hope to see many of you there.

The 21st Conference is closed.