
Editorial

Carry On Talking

In any mixed economy, public sector and private sector continually interact with one another across an indistinct and constantly shifting boundary. Government needs to tap both the expertise and the support of industry and commerce; industrialists and businessmen have a deep vested interest in steering public policy in directions beneficial to themselves. An elaborate web of consultative arrangements develops to facilitate the dialogue.

What part if any does the business lawyer play in all this? Hazardous though it is to generalise, it is clear that no commercial undertaking of any size could thrive or even survive for long without an adequate flow of expert legal advice about the current state of company law, tax law, industrial relations law, etc. The complexity and hostility of the legal jungle through which modern commercial organisations have to struggle their way to profitability elevates the in-house lawyer to a high pinnacle of indispensability. In any negotiations with government, the company lawyer cannot be far away.

But do such lawyers talk directly to their opposite numbers in Whitehall? There are more than a thousand lawyers in the Government Legal Service. One may surely assume that mutual exchanges on a professional basis — a facility to

pick up the telephone and have informal chat, off the record, with an experienced solicitor in, say, the Department of Trade about a current problem — must be to everyone's advantage. There are, admittedly, two serious barriers to be overcome. First, the pervasive reticence of the civil service as a whole. Secondly, the generalist traditions of that service: only a handful of departmental lawyers will be in a position to take a rounded view of the sort of problem about which the company lawyer wants authoritative advice. But, barriers or not, the effort is surely worth making. Where does the process begin?

It may have begun on April 15, when the Royal Institute of Public Administration held a one-day conference entitled, "Whitehall — the Lawyers' Contribution". The proceedings were chaired by Lord Templeman, and an audience of some forty public and private sector lawyers (contrary to the organisers' hopes, there were more of the former than the latter) had a rare opportunity to engage in dialogue with experienced civil service lawyers, including senior figures from the Treasury Solicitor's Department, the Law Officers' Department, the DHSS, and the Home Office. It is understood that the exercise will be repeated next year: it deserves every encouragement and support.