# Critics challenge the cab rank rule but it remains pillar of fair justice in UK



The "cab rank" rule in the UK's legal system has sparked considerable debate regarding its fairness and implications for justice. Designed to ensure that every accused individual receives legal representation regardless of the nature of their case, this rule obliges barristers to take on cases within their competence. However, critics argue that it may compel legal professionals to defend individuals whose alleged actions they find morally indefensible. J McBride from Birmingham is among those questioning this principle, highlighting concerns over barristers defending clients that many would consider guilty.

In response to this critique, advocates of the cab rank rule assert that the role of a defence barrister is not to determine guilt or innocence but to rigorously challenge the prosecution's case. Every defendant has the right to have their day in court, where the onus is on the prosecution to prove guilt beyond reasonable doubt. Nicky Ottaway, a magistrate from Surrey, emphasises that the defence’s job involves testing the prosecution’s evidence and protecting defendants’ rights. This perspective is crucial in understanding that many wrongful convictions arise from evidence mishandling or procedural errors, where a proper defence can make all the difference.

Defending the indefensible, as some critics frame it, actually reinforces the integrity of the judicial process, ensuring that the law is upheld fairly. As noted by John Close and others, the real issue lies in the miscarriage of justice that could occur if defendants were left without representation. Moreover, the notion that barristers might choose clients undermines the very principle of fairness that the legal system prides itself on. Tasaddat Hussain, a barrister from Manchester, argues that it's vital for the integrity of the judicial process that no case is determined by public opinion or emotion, but rather by established legal standards.

Despite these arguments, personal sentiments about working with those accused of grave crimes do surface within the profession. Some barristers express discomfort at defending individuals they believe to be guilty. Martin Kurrein from Norfolk suggests that while the cab rank rule is theoretically upheld, many barristers might avoid cases they find distasteful, either through availability or inflated fees. This mirrors claims that in practice, the cab rank rule can be circumvented as specific chambers build reputations for either prosecuting or defending certain types of cases, potentially undermining the imperative of equal representation.

The current discourse is also shaped by recent statements from notable legal bodies. In May 2023, the leadership of the Four Bars across the UK reaffirmed their commitment to the cab rank rule, asserting its fundamental role in maintaining access to justice and ensuring that barristers are not judged by the conduct of their clients. Similarly, the Bar Standards Board has highlighted the potential ramifications of abolishing this rule, noting that without it, individuals facing serious charges may struggle to find suitable representation, thereby jeopardising fair trials.

Concerns about adequate legal representation extend to high-stakes cases, such as those involving terrorism or sexual offences. As Gary Blackwell articulates, a defendant without professional guidance might inadvertently exacerbate the trauma experienced by victims during legal proceedings. On the other hand, John Maxwell offers a reflective perspective, stating that the true aim of both defence and prosecution is to facilitate an accurate verdict, reinforcing the notion that the justice system's strength lies in its adaptability and the unwavering role of legal representatives.

Ultimately, the cab rank rule, despite its criticisms, serves as a cornerstone of the British legal framework. It encapsulates the idea that every individual, regardless of their circumstances, is entitled to a defence and that the justice system must function on principles of impartiality and fairness. Defending clients is not an endorsement of their actions but rather a necessary safeguard ensuring the rigorous proving of any criminal allegations. As such, the rule is essential not only for preserving individual rights but also for maintaining the rule of law in a democratic society.

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.theguardian.com/lifeandstyle/2025/jun/01/readers-reply-barristers-clients-indefensible-cab-rank-rule> - Please view link - unable to able to access data
2. <https://www.advocates.org.uk/news-and-responses/news/2023/may/statement-of-the-four-bars-the-cab-rank-rule> - In May 2023, the leadership of the Four Bars (England and Wales, Ireland, Northern Ireland, and Scotland) issued a joint statement reaffirming their commitment to the cab rank rule. This rule obliges barristers to accept any case within their competence, promoting access to justice by ensuring clients are not deprived of representation due to the nature of their case or personal beliefs of the advocate. The statement emphasised that barristers do not choose their clients and are not associated with their clients' opinions or behaviour by virtue of representing them.
3. <https://www.barstandardsboard.org.uk/resources/resource-library/removal-of-the--cab-rank--rule-a-major-threat-to-justice.html> - The Bar Standards Board published a report highlighting the potential consequences of abolishing the cab rank rule. The report suggests that removing this rule could make it challenging for individuals accused of serious crimes, such as rape and terrorism, to find appropriate legal representation. The cab rank rule ensures that barristers accept cases within their expertise, regardless of the client's identity or the case's nature, thereby safeguarding access to justice and protecting barristers from social stigma associated with representing unpopular clients.
4. <https://www.barcouncil.org.uk/resource/cab-rank-rule-statement-of-the-four-bars.html> - In May 2023, the Four Bars (England and Wales, Ireland, Northern Ireland, and Scotland) collectively reaffirmed their commitment to the cab rank rule. This rule mandates that barristers accept any case within their competence, promoting access to justice by ensuring clients are not deprived of representation due to the nature of their case or personal beliefs of the advocate. The statement emphasised that barristers do not choose their clients and are not associated with their clients' opinions or behaviour by virtue of representing them.
5. <https://www.barcouncil.org.uk/resource/the-cab-rank-rule-is-the-profession-s-cornerstone-bar-council-says.html> - In February 2025, Bar Chair Barbara Mills KC defended the cab rank rule, describing it as the profession's cornerstone. She stated that it is wrong to associate lawyers with their clients and that the cab rank rule ensures barristers do not and cannot choose their clients. Mills emphasised that the rule underpins access to justice, affirming that everyone has a right to legal representation and that it is for judges and juries to pass judgement, not advocates.
6. <https://www.barcouncil.org.uk/resource/the-cab-rank-rule-is-a-bedrock-obligation.html> - In April 2023, Bar Council Chair Nick Vineall KC reaffirmed the cab rank rule as a bedrock obligation for the profession. He stated that the rule requires barristers to accept any case within their competence, promoting access to justice by ensuring clients are not deprived of representation due to the nature of their case or personal beliefs of the advocate. Vineall emphasised that the rule is fundamental to the profession and should not be undermined.
7. <https://www.barstandardsboard.org.uk/resources/statement-by-mark-neale-the-director-general-of-the-bar-standards-board-concerning-the-cab-rank-rule.html> - The Bar Standards Board's Director General, Mark Neale, provided a statement concerning the cab rank rule, explaining that barristers are generally obliged to accept instructions from professional clients if the instructions are appropriate, irrespective of the client's identity, the nature of the case, or any belief the barrister may have about the client's character or cause. This rule is designed to ensure that everyone has access to legal advice, promoting fairness and impartiality in the legal system.