I will start with a bold statement; I think the law is one of the most fantastic, wondrous achievements in the history of human civilization! Even lawyers often don’t recognize this. Sometimes lawyers can be ground down by the day-to-day minutiae of a particular matter. But stop and think about it for a moment. Our civilization has evolved to a point where it is possible to follow a purely abstract philosophical concept by which all our lives can be governed. That system is based on reason (in the logical sense of that word), reasonableness (in the utilitarian sense of that word), and a broad based consent (in any sense of that word you like). It is truly amazing.

To that I would add that we are discussing a subject that delivers peace, prosperity and advancement wherever it is strongly felt. I hope, that after reading this, you will feel the urge to get your company involved in advancing the Rule of Law around the world.

Before delving into the subject I want to make a brief comment on the notion of Justice (as distinct from the “Rule of Law”). There are so many aspects of the notion of Justice I can’t possibly cover them here. But that is not my subject of today. Justice is a notion that can depend on the type of law passed. This article will presume that a law, whatever it is, is a just one for the purposes of discussing the “Rule of Law”.

I will summarize the areas to be covered by this piece.

I will cover;

- What the phrase means – in other words, to define the “Rule of law”
- The beneficial *economic* impact and impact to society;
- What business can do about it (the “Business for the Rule of Law” project);
- And, as it is the 800th Anniversary of Magna Carta (and for those of you of an academic mind, interested in the subject and still with me by that point!), I will briefly recap on the origins of the Rule of Law as a topic in its own right;

I have been made aware that the expression “Rule of Law” can leave many people scratching their heads thinking “but it’s obvious! We have laws. What’s the issue?” I will answer that question in two ways; first, by going through the points I’ve listed above. Second, by discussing a point I will come to a little later which is to explain the difference between the “Rule of Law” and “Rule *by* Law”.

**Definition of the Rule of Law**

There are, in fact, many definitions of the Rule of Law.¹ At the United Nations, the Rule of Law appeared in the Preamble to the Universal Declaration of Human Rights (1948).

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¹“a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty,
Then 2 subsequent reports on the subject issued by the UN in 2002 & 2004 discuss the point.

However, both of those reports demonstrate the difficulty in defining the subject. The first report refers to:

- an independent judiciary,
- independent human rights institutions,
- defined and limited powers of government and fair and open elections, (I will return to the subject of democracy a little later).

Whereas the second report focuses on elements of:

- quality of legislation,
- supremacy of law,
- equality before the law,
- accountability to the law,
- legal certainty,
- procedural and legal transparency,
- avoidance of arbitrariness,
- separation of powers.

Further to this, a 2005 Resolution of the UN Human Rights Commission focused on separation of powers, the supremacy of law and equal protection under the law.

So I will try to break all of that down to some very simple concepts. The Rule of Law, in the definition that we work with at LexisNexis in the “Business for the Rule of Law” project, basically means “everyone is equal under the law”. It means that the law applies to everyone in the same way no matter who you are. This is sometimes also referred to as “The Absence of Arbitrary Power, or Supremacy of Law.”

The law should be above everyone and everything. However, that is only part of it. To have a system where the Rule of Law functions effectively a number of additional things are required.

avoidance of arbitrariness and procedural and legal transparency.” (Report of the Secretary-General: The rule of law and transitional justice in conflict and post-conflict societies” (2004))

2 Professor A.V. Dicey in his classic book “Introduction to the Study of the Law of the Constitution” – 1885. Another element Professor Dicey refers to is the principle that nobody can be punished for anything other than a breach of law which is already established; in other words, a rule against retrospective liability. Not being prosecuted for breaking a law that did not exist at the time you committed the acts complained of seems to fit in with most people’s sense of natural justice, or fairness.

Always an interesting point that caused lawyers some philosophical problems at the Nuremberg War Crimes Trials in 1946, when the Nazi leaders were put on trial for “Crimes Against Humanity”. This was probably a crime that had no existence prior to the charter that created the Nuremburg International Military Tribunal. On May 24, 1915, during the 1st World War, the Allied Powers, Britain, France, and Russia, jointly issued a statement explicitly charging, for the first time ever, another government of committing "a crime against humanity".

An excerpt from this joint statement reads:

“In view of these new crimes of Turkey against humanity and civilization, the Allied Governments announce publicly to the Sublime Porte that they will hold personally responsible for these crimes all members of the Ottoman Government, as well as those of their agents who are implicated in such massacres”.

At the conclusion of the war, an international war crimes commission recommended the creation of a tribunal to try "violations of the laws of humanity". However, the US representative objected to references to "law of humanity" as being imprecise and insufficiently developed at that time and the concept was not pursued.
The law must;

**Be administered by an impartial judiciary** – that means judges who have no interest in which side wins as long as it is according to the law. They have nothing personally to gain by the outcome and are not compelled, as a result of external pressure by any outside party, to come to a specific decision. A subset of this might be the fight against corruption or political interference;

**Be properly published and accessible** – Without knowing what the law is, you can’t enforce it. Without knowing what the law is, you can’t demand its protection. It can be argued that access to legal advice, which remains privileged as between clients and legal advisor, is an important part of this element.

**Provide Remedy** - That seems to me simple logic; not having a remedy for your grievance means the law can be ignored. If there are no consequences to ignoring the law, you don’t really have any law. This also means having a remedy against the government, or any other people, whoever they are - connected to the principle of equality under the law.

Different words can, and very often are, used to describe it, but I think they all mean roughly what I’ve just said. In the interests of being provocative, I will address a couple of points that you may find surprising to see left out of the definition;

* **Human Rights; and**
* **Democracy**

First, I will address Human Rights and explain why they don’t appear in the definition. In part, I think it is implicit in the establishment of the rule that everyone is treated the same under the law. I also think that “Human Rights” is a fascinating subject all on its own that could take up a whole book. So all I can do here is give you some issues as high-level explanation and for further thought.

There may be a small element of “Human Rights” that can be universally agreed in all cultures and systems. The right not to be killed. The right not to be imprisoned without fair trial (or “due process”). The right not to have your property seized without process of law. But what about other things beyond that? Abortion? The right to a home? I note, for example, that Article 47 of the Spanish Constitution states: "All Spaniards have the right to enjoy decent and adequate housing”.

What about the right to education? Is that a Human Right? If so, Human Rights are things that develop and change like the wind through time. They are not absolutes. If you had asked someone if the right to education was a Human Right in the 1500’s the answer would almost certainly have been no. But now? Will the right to access to the Internet become a Human Right in future? President Obama said something that goes perilously close to that when talking about “net-neutrality”!

Now let me turn to the second of my controversial exclusions - democracy. I suggest that democracy is not a crucial, or necessary element, of the Rule of Law. In Plato’s Republic, for example, he envisages a system of government where enlightened people rule for the benefit of all and there is no need for democracy. Is it possible to imagine a hereditary ruler (or some kind of unelected sole ruler) who rules in accordance with the Rule of Law? I think it is possible to imagine it.3

We might not have actually seen it in modern times, and it may be that democracy is the only practical, ultimate, well tested environment for the most effective Rule of Law we

3 See Code of Hammurabi later.
Ian McDougall

can have, but you can certainly imagine the contrary. So I will follow a rule of philosophy known as Occam’s Razor⁴; anything that isn’t strictly necessary to support a proposition, or axiom, can be discarded. I discard democracy as not being a strictly necessary element of the Rule of Law.

Let me be clear, *I am not arguing that democracy is a bad thing.* That would be a different point completely. I’m just making the point that democracy is not strictly philosophically necessary for the Rule of Law. In this respect, I will quote from “Corruption, Good Governance & Economic Growth” by Kranjska Gora who said

“Democratization and political stability are clearly not enough to allow for development, therefore democracy as such does not represent a guarantee for the development of a particular society, as is shown by some of the Latin-American countries, and as it probably will be shown by some, or most, of the Central and Eastern European societies...”

**Economics and the Rule of Law**

I propose that there are three reasons why the Rule of Law is crucial. Crucial to our understanding of the subject of law and crucial to the advancement of people everywhere.

*The first reason* is that it is a logically sound and fair basis upon which a society and system of government should be based. In other words, “it’s the right thing to do!”

*The second reason* is a foundational reason; the Rule of Law is the foundation of all other rights. Many organizations have Corporate Social Responsibility programs; Anti-Human Trafficking policies, Environment Policies, anti-corruption policies etc. etc. But without the elements of the Rule of Law I have outlined, those policies are just words on a piece of paper, without any real effect or power. You can’t actually achieve anything in all those other areas without having the foundation of the Rule of Law in place. Or, at the very least, progress in those other areas is delayed or obstructed.

No Rule of Law - no contract system. No Rule of Law - no land law process. No Rule of Law - no protection against personal injury. No Rule of Law - no environmental protection, and so on.

*The third reason* is one I will turn to now; the economic argument. I have to make a quick point here. I am not looking at the “economics of laws”, which is an entirely different subject. I’m looking at the economic effect of the Rule of Law.

Douglass North, winner of the Nobel Prize in economics in 1993, wrote about the importance of the Rule of Law in his book "Institutions, Institutional Change and Economic Performance." He wrote that a major consequence of the absence of the Rule of Law is the inability of societies to develop low-cost effective institutions that are able to reduce transaction costs. High transaction costs causes economic stagnation. An excellent documentary by Hernando de Soto called “Unlikely Heroes of the Arab Spring” shows how the breakdown of such institutions by reason of corruption was a cause of the “Arab Spring” uprisings and how high cost institutions force people out of legal commercial activity and therefore out of investment opportunities.

Economists Daniel Kaufmann and Aart Kray wrote a paper called "Growth without Governance", published by the World Bank Institute. They showed a 300 percent dividend returned by a strong Rule of Law environment. Over the medium term they

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⁴ William of Occam – Philosopher
showed a country's income per capita rises by about 300 percent more if its governance is improved only by one standard deviation point (which is defined in the paper). There is a logical point to consider as well. Where instability of a legal system reaches high or endemic levels, investment is reduced or disappears because the investment is incapable of being protected. Low investment results in low economic growth. Another way of saying this is that if you can’t get your contract enforced, why would you contract? If you can’t protect your investment, why would you invest? Of course, we should acknowledge that short-term gain is possible by the corrupt few. But over the medium term, the risk is high that the reward will be removed or the gain taken away and overall economic performance is lower. There is always someone who can bribe higher! Whenever I connect low growth to low Rule of Law I already know the first question that springs to mind! If the Rule of Law is so good for the economy, why is one of the fastest growing world economies, China, growing so fast? Why does economic growth soar in some places seemingly lacking the Rule of Law and quality governance institutions?

The answer can partly be explained by the fundamental laws of macroeconomics, such as “the law of diminishing return” or “catch-up effects”. In other words, a country lacking the Rule of Law, but with low per capita GDP, attains higher growth rate than another country with higher per capita GDP simply because of the lower base starting point. However, in the long run, this growth differential gradually disappears.

In response to the China example, there are over 1 billion people and an extremely low per capita GDP. So the growth rate starts from a low base. However, China’s economy is gradually slowing over the medium term. The Chinese authorities have accepted previous growth rates are now unattainable. China is developing an ever-larger middle class who cannot be economically exploited to the same degree. The Chinese elite are currently seeking to “square the circle” of how to maintain power while at the same time improving on the Rule of Law for economic reasons. I am further supported in this conclusion by an excellent paper called “CHINA AS A TEST CASE - Is the Rule of Law Essential for Economic Growth? By Kenneth W. Dam, Professor Emeritus and Senior Lecturer at the University of Chicago Law School.

He says, “The fact that Chinese leaders and thinkers have expressed an interest in Douglass North and his work [see earlier reference] suggests that they know that their institutions are not sufficiently strong for indefinite sustained growth.”

One crucial element that holds back economic development is corruption. We can see the additional influence of perceived corruption on economic growth as illustrated in the United Nations Human Development Report 2003. The correlation is absolutely clear. Corruption also removes capital from efficient investment and is therefore both high risk and not effective at generating economic returns over the medium term.

So, in summary, there is economic evidence that strong Rule of law pays back a long and high dividend from an economic perspective. This means that there is a strong economic incentive for the Business community to be involved with, and directly advocating for, the advancement of the Rule of Law.
The Graph below illustrates the stark correlation between the Rule of Law and per capita GDP.

Business for the Rule of Law

We need not go into the details of how various governments around the world have to thrown away their credibility in matters relating to the Rule of Law. But the fact remains that they have. A huge gap has been left in world leadership on the subject.

On September 19, 2013, LexisNexis and the Atlantic Council presented the United Nations Secretary-General, Ban Ki-moon, with the first iteration of the Global Rule of Law Business Principles—a set of principles to guide the observance of the Rule of Law across all business interactions. The September event kicked-off a global initiative, Business for the Rule of Law — now led by the United Nations Global Compact, to engage businesses in supporting the Rule of Law, with the Global Rule of Law Business Principles as a foundational element.

To quote Ban Ki-moon, “Now we are joining forces through the UN Global Compact, the world’s largest corporate sustainability effort, to develop an international initiative that will further engage and harness the influence of the private sector in building stable and fair societies, where business can flourish.”

To help develop the Framework, the UN Global Compact engaged in a global consultation process with business, government, academia, the legal profession, non-government organizations and intergovernmental organizations. Of the 20 worldwide in-person consultation workshops, LexisNexis led, or co-hosted, half and engaged 200+ stakeholders as participants.
All of this work will culminate with the June 2015 UN Global Compact launch of Business for the Rule of Law. Rollout plans are focused on building awareness with stakeholders globally, mobilizing the business community to take Business for the Rule of Law business actions forward within their organizations, encouraging the development of plans by companies, and building a community of business leaders committed to broadly sharing their B4ROL plans, examples, and key success metrics.

Amazingly, it is estimated that about 57% of the world’s population live outside the shelter of the Rule of Law. This means approximately 4 billion people for whom the absence of the Rule of Law is not an academic subject. The absence of the Rule of Law for them means struggling for their basic survival and human rights on a daily basis.

We can add to that the huge, missed, opportunity for economic growth that this represents.

I therefore call upon all of the business community to recognize the good that the Rule of Law does for societies and I, unashamedly, say to the business community that your self-interest should also drive you to be interested in advancing the Rule of Law.

Origins of the Rule of Law

Sometimes, it is possible to give the insulting impression that this is another example of the “West” telling the “Rest” what is good for them. In this next section, I hope to explain why this is very far from the truth. Examining the origins of the Rule of Law shows what a truly universal concept it is. The origins of the Rule of Law date back far into history.

The Code of Hammurabi, promulgated by the King of Babylon around 1760 BC, is one of the first examples of the codification of law, presented to the public and applying to the acts of the ruler. In the Arab world, a rich tradition of Islamic law scholarship embraced the notion of the supremacy of law.

Core principles of holding government authority to account, and placing the wishes of the populace before the rulers, can be found amid the main moral and philosophical traditions across the Asian continent, including in Confucianism.

Plato stressed the importance of law in both “The Republic” as well as his other works. For example, in “The Crito”, Crito offers Socrates a way to escape his impending execution. Socrates refuses, explaining that when a citizen chooses to live in a state, he “has entered into an implied contract that he will do as . . . [the laws] command him.”

In another of Plato’s books, “Laws”, he summarizes his stance on the rule of law:

“Where the law is subject to some other authority and has none of its own, the collapse of the state is not far off; but if law is the master of the government and the government is its slave, then the situation is full of promise …..”

Plato describes the worst possible form of state as the state of “Tyranny” (in “The Republic”). He states that

“In a tyranny, no outside governing power controls the tyrant’s selfish behavior.”

Aristotle said, "The rule of law is better than that of any individual."

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5 “And Justice For All” - Authors: Gary Haugen, Director, International Justice Mission, and Victor Boutros - “Foreign Affairs” May/June 2010
6 You may recall my earlier comment on democracy not being a requirement of the Rule of Law. Is this a real example, albeit in ancient history?
In India, the concept of Rule of Law can be traced back to the Upanishad series of writings. It provides that Law is the “King of Kings. It is more powerful and higher than the Kings and nothing is higher than law.

An important influence on Continental European legal thought was the Justinian Code, produced by the Roman Emperor Justinian (482 – 565), Byzantine (East Roman) emperor from 527 to 565. Justinian stands out in history because of his judicial reforms. He attempted a complete revision of all Roman law, which had never been tried before. That body of work is known as the “Corpus Juris Civilis”. Not strictly “Rule of Law” in the sense that I have mentioned above because, as Emperor, he could still stand above and outside the law. But I mention it because of its importance to the development of the Code Napoleon, which was heavily based upon it.

We then move to the UK where we find the first known constitutional style document, Magna Carta – 800 years ago this year! The origins of the document are not proud! But they certainly confirm why Plato was right in his dislike of Tyranny! The origins of Magna Carta are based around a rebellion against a king who wanted to levy taxes! Money, money, money! But some good came out of it.

Magna Carta was the first document imposed upon a King by a group of his subjects (the feudal barons or early aristocracy) in an attempt to limit his powers by law and protect their rights. Until that time, only god or gods limited the power of Kings and Emperors in Europe. The Charter was the start of a long process that led to the rule of constitutional law in England and its influence was, and is, still felt far beyond that windy field in Southern England. As an example of this document’s influence, that particular section of Magna Carta influenced the so-called “Due Process” clause in the US Constitution.7

The important point is that, expressly in a document for the first time, King John was required to proclaim certain liberties and accept that his will was not arbitrary (or “tyrannical” in Plato’s language). He was forced to accept that he was not the “source” of ultimate power and authority. It established that no "freeman" (land owner) could be punished except through the law.

In the thirteenth century in England, a clerk to a judge in the reign of Henry III called Henry de Bracton wrote:

"The king himself ought to be subject to the law, because law makes him king."

Edward Coke (1552 – 1634) wrote an early encyclopedia of English Law. He also wrote that the king must be under God and law, and he championed the supremacy of law over the power of the executive ruling in the king’s name.

So you can see that the subject is one that has been recognized in all parts of the world and through many different cultures.

**Comparative European expressions of the theory**

However, it is important also to address the reality that the expression “Rule of Law” can be misunderstood. I suggested at the start there was a difference between Rule of Law and Rule by Law. If someone says “the law rules”, the answer is usually, “well, of course”. So let me just say that although the expression may be open to misinterpretation, I think the concept travels around quite well.

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7 Section 1, 14th Amendment; ‘nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws’.
In Spain, the Rule of Law is mentioned in the Preamble to the Constitution where it says (if I have the correct translation!!) the constitution “consolidate[s] a state of law which insures the Rule of Law as the expression of the popular will”.

There is also an excellent provision in Spain’s constitution, where article 106 states;

“(1) The Courts control the regulatory power and the legality of administrative acts as well as its compliance with the objectives which justify it.”

In Switzerland (roughly translated!) “the State's activities shall be based on and limited by the rule of Law”. That effectively means that the state derives its authority only from law and is limited by law. Nobody is higher than the law.

In Germany, the term Rechtsstaat is found in the German Fundamental Law. However, some theorists argue that this refers mainly to the nature of the State and not to the Rule of Law as such. But, even if that is right, I also note that Article 3 of the German Fundamental law guarantees that “all are equal under the law”.

The problem of translation is also apparent when we move the expression into French concepts and language. In this respect there is a very helpful paper by Duncan Fairgrieve, at the British Institute of International and Comparative Law & Université Paris-Dauphine called “ETAT DE DROIT AND RULE OF LAW: COMPARING CONCEPTS”.

Very often, he says, the words “Rule of Law” get translated into French as “Etat du droit”. He says that instead of using ‘Etat du droit”, a phrase common in discussions about the subject (but which I think translates very poorly back into English as meaning simply a “state of law”), he suggests we look at what Canada did in its dual language system. In Canada they use the term “la primauté de droit” or the primacy of law, or supreme nature of the law.

In the Council of Europe, different terminology is used. The Rule of Law is referred to in many places including the Statute of the Council of Europe and the European Convention on Human Rights. In the French-language version of these instruments, the concept used is that of “prééminence du droit.” So in that sense you can use the same term in English, “preeminence of law”.

My point in this summary of expressions is the problem is not with translating the concept of the Rule of Law. People everywhere get the concept once we define it. The problem is one of expressing the notion easily so that the same concept is communicated correctly. We have to avoid the situation where, simply by translation, we end up talking about different things.

It is important to remember that, whatever expression is used, in whatever language, the important concepts are;

- Nobody is above the law;
- independent judiciary;
- Knowledge of the law must be accessible or attainable and not be secret or unknowable by anyone (awareness/publishing/transparency); and
- Accessible remedy.

Which leads me to the difference between Rule by Law and the Rule of Law. I hope to be able to provide you with a simple answer to that. I suggest to you that Rule by Law is a system where there are laws, but where one or more of the criteria I have just set out above are missing.

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8 Article 5.1 of the Swiss Constitution “Le droit est la base et la limite de l’autorité de l’Etat”.
Let me give you some examples. Under the Justinian Code, the Emperor had a codified system of laws. However, as Emperor he was above them and could, if he chose, either ignore or unilaterally override it. Thus, the requirement that nobody is above the law was not satisfied. It had an arbitrary element to it. One of the criteria is missing.

In China, many laws are “administered”, or actually interpreted (and compliance determined) not by an independent Judiciary but by the government minister who issued the law. The government minister is not subject to any other authority except his own decision. So, in this case there is the absence not only of equality before the law but also the risk of arbitrary decisions not subject to review by an independent judiciary. In fact, given the legal structure in China, it is difficult to see how the judiciary can be described as independent.

That is not to say other systems can claim to be perfect! Let’s take the US system of appointing Supreme Court judges only after they have gone through a process of interrogation by politicians looking for a judge who fits their own political views! Is that an independent judiciary in the true sense? Maybe it is, but I ask the question.

When you see news reports of YOUR Government taking some arbitrary action, or trying to exclude the courts from reviewing the decisions of those in power, or denying access to justice, remember that it isn’t just a problem for those involved. It is a problem that easily becomes an economic problem for us all.

It is perfectly possible to have a system where you have laws and those laws are intended to govern. That is Rule by Law. But without all of the elements I have described above, you cannot have the Rule of Law.

**Summary and Conclusion**

I hope, in summary, that I have illustrated a number of interesting points but, more than this, I hope I have showed you compelling reasons why the Rule of Law is probably one of the most important of legal philosophical concepts in the world today.

When you think of the Rule of Law, at least before today, you may think it is a highly academic topic with little relevance to real world issues. I hope you have seen from the evidence presented that it is far more than that. It is a fundamental platform upon which all other legal notions depend for effect. It is the “right thing to do”, in an academic or moral way, but it is also an imperative for economic development and growth.

With the final words of this piece I want to leave you with a quote from Lord Atkin, who spoke words that still speak through the ages. The case concerned the right of Ministers, during the desperate times of the Second World War, to hold someone in detention simply because he thought they might be dangerous. Lord Atkin said;

“….amidst the clash of arms, the laws are not silent. They may be changed, but they speak the same language in war as in peace. It has always been one of the pillars of freedom, one of the principles of liberty…. that the judges are no respecters of persons, and stand between the subject and any attempted encroachments on his liberty by the executive, alert to see that any coercive action is justified in law.”

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9 Liversidge v Anders [1942] AC 206
Mr. McDougall joined LexisNexis in 2004 as Vice President and Legal Director for LexisNexis International (LNI), where he oversaw the legal function for the group, including Regulatory Compliance, Commercial Agreements, IT, Intellectual Property and Litigation. Mr. McDougall was also involved in business strategy, acquisitions and general business planning. At LexisNexis, Mr. McDougall has stepped into varying roles, including Interim HR Director for LNI and Interim Managing Director for LexisNexis New Zealand. In addition, he led the LexisNexis implementation of the U.K. Bribery Act compliance and created the organization’s first broad regulatory compliance review program.

Before joining LexisNexis, he led Legal, HR and Facilities departments at Telco Global Ltd., previously one of the largest U.K. independent telecom providers. Mr. McDougall also acted as Chief European Counsel and Group Company Secretary for Hughes Electronics, a former subsidiary of General Motors Corp. Prior to that, Mr. McDougall served in various legal leadership roles for a number of technology and finance organizations; he also has extensive private practice experience.

Mr. McDougall sits on the United Nations Rule of Law Steering Committee and is a member of the UN General Counsel Advisory Board. Until Mr. McDougall’s move to New York he was a Board Director and Trustee for U.K. charity Peaceful Place, which is dedicated to providing support to sufferers of early-onset dementia. He was also appointed as judge in the Barrister’s Disciplinary Tribunal and is a broadcast cricket commentator in association with the Royal National Institute for the Blind. Mr. McDougall is based in New York.

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