



LORD CHIEF JUSTICE
OF ENGLAND AND WALES

THE RIGHT HON. THE LORD BURNETT OF MALDON

DINNER FOR HER MAJESTY'S JUDGES 2019

3 July 2019

My Lord Mayor, Lord Chancellor, my Lords, Ladies and Gentlemen.

Much attention in the media and political world is paid to the senior judiciary because that is where the more newsworthy, high-profile and ground-breaking judicial activity tends to occur. But this is not where the overwhelming majority of judicial decisions are made. Thousands of salaried and fee-paid judges dispense justice at first instance in Her Majesty's Courts and Tribunals, in decisions of acute importance to those involved in them.

For the countless thousands in society who get caught up in legal proceedings each year, the only judge they see may be a circuit judge but more likely a district judge, judge of the First-tier Tribunal or a magistrate. They deal with the majority of proceedings. The experience in their courts is the window through which many come to view the administration of justice. They are the real showcase of the justice system; and the rule of law depends upon the decisions they make.

We owe those judges a profound debt of gratitude, as they labour tirelessly with increasing workloads to safeguard the administration of justice, often in a poor physical environment. I wish particularly to thank those judges, as well as the judiciary as a whole, for their dedicated public service.

Events such as this evening's magnificent dinner serve as a potent reminder of the importance of the justice system to our society and economy, and of a strong, independent judiciary to

uphold the rule of law. Last year I spoke of the critical need to have enough judges of the highest quality. This year, we are seeing the problem in filling vacancies in the High Court and the circuit bench, extend to the district bench.

The Senior Salaries Review Body made clear in its report last autumn that the single most important factor was the impact of pension changes that affect most new judges and many already in post.

The Government announced their response to the SSRB report last month and have committed to legislative change to deal with the fundamental problems. Following the decision of the Supreme Court last week the Ministry of Justice and HM Treasury are accelerating the work on changes to judicial pensions.

That commitment together with the accompanying interim settlement, which affects a small minority of judges, will help to secure the strength and quality of our judiciary. Nobody should underestimate the intensity of work undertaken in the Ministry of Justice and elsewhere in Whitehall to secure this outcome, nor the personal effort of ministers. I want to take this opportunity to express my thanks to the Lord Chancellor, who with the Prime Minister and Chancellor of the Exchequer, took the steps necessary to secure collective agreement to bring this about.

The health of an independent judiciary depends not just on the quality of its judges, but also on how judges contribute to the improvement of the justice system. The core job of judges is to deal with the cases that come before them. That is a demanding job, but the reality is that enormous numbers of judges at every level are engaged in additional activities which focus on ensuring the smooth running and improvement of the administration of justice. The vital part the judiciary plays in helping to shape the reform programme, essential for the future of the courts and tribunals, has attracted more attention. But the reality is our activities extend much more widely and are not well known.

Let me give some examples.

First, criminal justice. In 2015, Sir Brian Leveson carried out a wide-ranging review of efficiency in criminal proceedings to which dozens of judges contributed. The Better Case Management project was a judicial cross-agency initiative to encourage early guilty pleas and reduce hearings. Changes in practice and procedure are constantly being piloted in Crown Courts across the country, and adjustments are made to the rules. Judges have been leading reviews on disclosure. All these initiatives lead to improvements in the administration of justice.

The same is true with civil justice. The comprehensive work of Sir Rupert Jackson and Lord Briggs's Chancery Modernisation and then Civil Courts Structure Reviews were supported by many judges and have led to significant improvements in the way the civil courts function. A comprehensive project on disclosure in the age of mass digital records is underway.

And judicial led pilots in the Immigration and Social Security Tribunals have delivered substantial efficiencies without compromising justice.

Today the President of the Family Division has published detailed reviews of the work of the Family Court. They are the work of judicial and expert committees relying on family judges at all levels and are designed to improve the way in which cases are dealt with to the benefit of all involved. These reviews will build on the reforms in public law and the establishment of the Family Court, both of which were judicial initiatives.

Finally, the strength of the judiciary depends on how we, as senior judges, lead and support judges throughout our jurisdictions. The significance of the responsibilities conferred by the Constitutional Reform Act for the leadership of the judiciary are also not widely known. Since 2005, we have been putting in place systems that would have been taken for granted in any conventional organisation, but simply did not exist for the judiciary. This work continues with vigour.

Examples could be multiplied. But all should appreciate that judges lead the way in improving our courts and tribunals and will continue to do so.

For now, My Lord Mayor, it is my pleasure to be able to thank you and the Corporation for your continued support to the judiciary and for your generous hospitality tonight to the judges and your other guests.