

**SIR JULIAN FLAUX
SWEARING-IN CEREMONY - CHANCELLOR OF THE HIGH COURT
Thursday, 4 February 2021**

Mr Kealey,

We have just received the oaths of Sir Julian Flaux on his appointment as Chancellor of the High Court. We continue to struggle to organise these public ceremonies in the traditional way as a result of the Covid emergency. The swearing in of a head of division would normally be conducted in this court with a full bench including the other heads of division. This afternoon, I sit far removed at one end of the bench from Sir Geoffrey Vos, the Master of the Rolls, not because we have fallen out in the three weeks since he assumed office, but to remain appropriately socially distanced. Sir Julian stands equally distant from me for similar reasons. We have the pleasure of the physical presence of Mr Kealey QC, who in a few minutes will tell us much about Sir Julian which he might have hoped would remain obscured. Normally, the court would be full of friends, professional colleagues and many members of the judiciary standing on either side of the bench. Alas, none of that is possible today. Nonetheless, I welcome a vast array of participants who have joined this afternoon's occasion using our online platform, including Sir Julian's fellow heads of division and the President of the Supreme Court. The jury box immediately to my left would normally be fully occupied by members of the family. It is a particular disappointment that current restrictions make it impossible for Sir Julian's immediate family to be present in court with us. Nevertheless, I extend a warm welcome to a host of Flauchs who are with us remotely. In particular, may I welcome Tilly, Sir Julian's wife, and their sons and their wives: Toby and Davina, Hugo and Emily and Lori and Katie. I hope that Toby and Davina have with them their 19 month-old son

Henry and that Hugo and Emily have with them their son Alfie who is 13 months old. Our experience of having babies and toddlers in court during swearing in ceremonies, if truth be told, has been mixed. There are advantages to having microphones muted.

The title “Chancellor of the High Court” is one that would mystify all but those close to the heart of the legal profession. It tells us nothing of what its occupant does. In that it shares the mystery of, for example, the Master of the Rolls and the Queen’s Remembrancer. All on this call will know that the Chancellor of the High Court is the head of the Chancery Division and also now has leadership responsibility for the Business and Property Courts in London and in the major legal centres out of London. Unlike both the other judicial offices I have just mentioned, which stretch back to the Middle Ages, the Chancellor of the High Court is an office of new creation. The old Court of Chancery was the personal fiefdom of the Lord Chancellor but in the early 19th century an additional judge was appointed, known as the Vice Chancellor. The business of the court was too onerous for only one vice chancellor and so between 1841 and 1875 there were three ordinary judges all known as Vice Chancellors. The great reforms of the courts in the late 19th century saw the creation of the Chancery Division with its judges styled in the same way as all other High Court judges. The Lord Chancellor remained the titular head of the division. It was not until 1971 that the role of vice chancellor was recreated for the effective head of the division. The Constitutional Reform Act 2005 saw the judicial defenestration of the Lord Chancellor and as part of the tidying up then required, the head of the Chancery Division was re-styled as the Chancellor of the High Court.

But how is it that Sir Julian stands before us today as Chancellor? He was born and brought up in Worcestershire. He went to school in Worcester

and then to Worcester College Oxford. There he read law with great distinction and after his first degree stayed on to do the Bachelor of Civil Laws postgraduate degree. He was called to the bar by Inner Temple in 1978 and then spent his time in practice in 7 Kings Bench Walk. He took silk in 1994 and in 2002 became a bencher of his Inn. He developed a very substantial commercial practice both as a junior and as a leader. His first venture into the judicial world was as a recorder in 2000. He was soon after appointed a deputy High Court Judge in 2002 and joined the bench as a judge of the Queen's Bench Division in 2007. As a High Court Judge, in addition to sitting across all areas of that division's work Sir Julian undertook a number of significant leadership roles. He was presiding judge on the Midland Circuit between 2010 and 2013 and judge in charge of the Commercial Court in 2014 and 2015. He became president of the Special Immigration Appeals Commission in 2016 but served for a little less than a year before he was promoted to the Court of Appeal. More recently he has been supervising judge of the commercial court.

Sir Julian has also been lead judge for international relations since October 2019.

Both in his time at the bar and since then on the bench Sir Julian has demonstrated his extraordinary legal capacity as a real legal omnivore. In all his leadership roles he has shown enthusiasm, energy and the necessary sensitivity towards others with whom he dealt. Those skills will enable him to continue the work of his predecessor in leading the Chancery Division whilst maintaining the business and property courts as an international beacon of excellence not only in London, but across the country.

Sir Julian and I did not practise in the same fields at the bar and so did not know each other well before becoming judges. But I did have one memorable outing against him in the Commercial Court, at least memorable for me for its comparative rarity. He was able to point out to me that the botanical motif on the very expensive tie I had been given as a gift was in fact Cannabis, something of which I was naively unaware. It could have gone down badly with the judge, who I shall not name. As it happens, my submissions succeeded. This was at a time shortly after the introduction of summary assessments of costs. Mr Flaux was unable to dent the sums claimed for they were disappointingly modest by comparison with those set out in his own schedule. But the judge thought the figure ridiculous – but only for its precision. He rounded it up to the nearest thousand. That short encounter led me to learn how decent and good humoured the then Mr Flaux was, something which shines through all of the dealings which so many of those who are with us this afternoon will recognise.

But he has, on occasion, taken risks. On one outing as an advocate in the Court of Appeal he took one of his sons to watch. I suppose that he might have been seeking to encourage the then teenager to consider a career in the law or alternatively have greater insight into the formidable skills of his father. The court included Lord Justice Chadwick and Sir Julian's opponent was that then Jonathan Sumption QC. After the hearing Sir Julian asked his son what he had made of it. I'm told that the answer was “the guy with the eyebrows was really having a go at the guy with crazy hair.” A brilliantly pithy summary.

Happily, Sir Julian is not somebody who spends his whole life buried in his law books. His family come first and his pastimes include an enthusiasm for opera, walking and voracious reading. He is also a keen

gardener although my intelligence is that he does so under firm direction from Tilly and is left with little discretion.

The role of Chancellor and leading the Business and Property Courts is very taxing. Sir Julian has joined the Judicial Executive Board and will play his full part in the stewardship of the judiciary as a whole. For those reasons, relaxation and the pursuit of outside interests will remain vital.

Mr Kealey, we congratulate Sir Julian on his appointment and wish him well as he takes on his new role.