

## **Lord Mayor's dinner for Her Majesty's Judges: Lord Woolf, The Lord Chief Justice of England and Wales**

Thank you for your very generous remarks and the toast to the judiciary. It is a privilege to once more express the gratitude of the judiciary and your other guests for the outstanding hospitality that we have received this evening.

The Savorys and the Sheriffs have maintained the extraordinary standards of hospitality set by their predecessors.

I have been attending these great events for 26 years now. Over that period I have marvelled at the manner in which each year the Corporation has managed to elect one outstanding Lord Mayor after another. This year is no exception. Each in turn during their year of office has ensured that they have enriched the life and prosperity of this City. They have demonstrated how an ancient office can evolve so that it is able to continue to make a thoroughly contemporary contribution to the City while preserving the best of its traditions.

Those traditions are not to be casually discarded. They reflect the history of this country. They explain the very close links between your historic office and the ancient judicial offices held by many members of the judiciary present this evening. Their survival over the centuries demonstrate how deeply rooted are our legal system and our freedom. The long continuity they represent is also immensely reassuring and helps to explain why time after time this City responds so magnificently to dastardly events such as those that occurred last week.

Lord Mayor, the links between your Office and the judiciary are demonstrated daily at the three Courts which are particularly associated with the City. I refer, of course, to the Old Bailey, the Mayor and City County Court and the City of London Magistrates' Court. They each have an added lustre because of their association with your office. So I am glad you do not share your Great, Great Uncle's prejudices. It is my hope that the reason for your not doing so is because of the improvements in the quality of the judiciary in the intervening years. The judiciary of those courts, including the Magistrates among whom you are the chief magistrate, are among the finest in the country. They need to be so. Each court carries particularly heavy responsibilities for the administration of justice because of their location in this great City.

Of no court is this truer than the Old Bailey, which has itself in the past not escaped the attention of terrorists. Month after month and year after year the Old Bailey has the task of conducting the most demanding trials in the country. It does so in a gold fish bowl. Yet, the great majority of trials are completed impeccably. Each of its judges and each of the members of its staff deserve our gratitude for what they achieve. The Sheriffs are also to be warmly congratulated on their contribution. I am delighted that once more with the assistance of the City, we have been able to select in our new Recorder and the new Common Sergeant, two judges of outstanding distinction to provide the judicial leadership that the Court deserves.

I warmly congratulate them on their appointments and wish them many rewarding years in their ancient offices. It is not only during normal court hours that their contribution is made. They are much in demand and contribute with great style and humour at many City events. Among those events is the charming ceremony to which the Lord Mayor has already referred that takes place each year at the Royal Courts, which alas only a small number can witness. During the Lord Mayor's Parade, the Lord Mayor and his entourage stop at the (Royal Courts of Justice) RCJ for much needed refreshment. They make a short visit to the Lord Chief Justice's (LCJ) Court so the Recorder can introduce the new Lord Mayor to the LCJ and MR and the other judges on the Bench. After much doffing of strange head gear the Lord Mayor takes his oath of Office. Felicitous greetings are exchanged between the LCJ and MR and the Recorder. We compete to make the most apt quotation from John Milton.

Contrary to the impression that ceremonies like this could give, as in the case of the Mayoralty, my Lord

Mayor, the justice system has evolved dramatically over the centuries to meet the needs of the public. Today our judiciary is thoroughly contemporary and extremely hard working. They still can be compared favourably with the judiciary of any other jurisdiction.

I am personally particularly indebted to every member of the judiciary and their husbands, wives and partners who support them so well. However, I work most closely with what we call the extended family. They are the Heads of Division and the other judges who assist me with administration. Without their assistance and that of the presiding judges my task, even with the help of my outstanding staff, would have been impossible.

The same is true of many other members of the Court of Appeal and the High Court. Here I should make special mention of all those who have supported the sub committee on the constitutional reforms that has been so magnificently led by Lady Justice Arden.

I was reminded by the Treasurer of my Inn, a few days ago that it was the 50th anniversary of my call to the bar. His reminder brought back memories of the bar at that time. The bar was then less than a tenth of its present size. The earnings of most barristers were modest. So modest that many were giving up the bar. The bar was probably saved, at least in part, by a legal aid scheme that was run substantially by both sides of the profession with a remarkable economy on a pro bono basis. The amounts then spent on administration of the fund and in providing legal aid, were by comparison with the sums spent today, insignificant.

The circuit system was in its heyday and hedged by restrictive practices. If a barrister wished to appear on another circuit he had to have another barrister appearing with him from the circuit he was visiting. The client, naturally, had to pay for the extra barrister and a special fee as well. There was no Court Service. The circuit was run by the Clerk of Assize, the judge's clerk and a tiny staff. The overheads were minimal. The Borough Quarter Sessions were run by the Clerk of the Peace and a part time Recorder, who sat a few days at a time and was occasionally helped by an Assistant Recorder.

It was as an Assistant Recorder that I first sat as a judge. It was in Wolverhampton. I remember my first sitting well. The Recorder and I were in the same Chambers. On the day before the Recorder was due to sit he found he could not do so. The Recorder or, more accurately, the Clerk of our Chambers, without having to comply with any formalities, sent me to Wolverhampton to sit in his place. No one was in the least surprised when I turned up, and, with the help of the bar, Assistant Recorder Woolf survived the baptism, although there was then no Judicial Studies Board (JSB) to act as godfather.

What would seem strange practices today abounded. Not all traditions are worth preserving. To avoid the foul accusation of touting no respectable barrister would fraternise socially with a solicitor. Networking was unknown. I remember being led by the leader of the Oxford Circuit, Ralph Cussack, to defend a murderer. My leader said good morning to the client, shook him by the hand, wished him luck and never spoke to him again during the trial. This was justified as being necessary to avoid anything being said that would inhibit my leader running the defendant's case to the best of his considerable ability.

At that time the justice system was, by comparison with today, a cottage industry. It is so no longer. Instead it is now a complex organisation providing justice for the public, supported by a massive government department. Then there were not the tensions that can exist today between the government and the courts. Judicial Review was in its infancy. There was no Human Rights Act.

In the past we have celebrated the fact that in this country it was unnecessary for there to be set out in a document the separate responsibilities for the justice system of the government and the judiciary. It was inevitable that the time would come when this would be necessary. This has now happened. We have the concordat and the Constitutional Reform Act.

The two documents compliment each other. They constitute a new constitutional settlement between government and the judiciary. For the judiciary perhaps the most striking difference will be that my successor will be the first Lord Chief Justice who is not only the professional, but also in place of the Lord Chancellor, the constitutional head of the judiciary of England and Wales.

However, what is happening is no revolution. The new settlement largely reflects the changes in the relationship between the government and the judiciary that would have happened any way. As an example, I take appointments. As, I hope, Lord Mayor, is self evident from the quality of your judicial guests this evening, selection by the Lord Chancellor of the day produced first class judges. However, it was a closed, non-transparent system of appointment that was no longer acceptable.

In addition and importantly, the new settlement having been reached by agreement, its achievement has not damaged the hugely constructive relationship between the judiciary and Her Majesty (HM) Court Service and the that was already well established. If anything it has enhanced that relationship, so that the most successful initiatives are those that are supported by the Department, HM Court Service and the judiciary.

That so much was able to be achieved by agreement reflects great credit on the Lord Chancellor. The judiciary are certainly in this country the weakest arm of government, but the Lord Chancellor had the wisdom and the statesmanship to appreciate the need to fully protect the future independence of the judiciary. For this the Lord Chancellor has already earned the gratitude and respect of this, and he will earn that of future generations of the judiciary. He has also ensured that the interests of the public have been protected.

However, there is always a "but", and I am afraid, my Lord Chancellor, where in the scale of distinction history will place the last of the old Lord Chancellors and the first of the new, will, I suspect, depend on how you meet the different challenges with which you are now confronted. I acknowledge that they are as formidable as they are important to the administration of justice. I am afraid that like Tamino in the Magic Flute you must face and overcome further challenges in order to obtain your just recognition.

Your first challenge is to reduce the Treasury dragon to submission. Then and only then will you be provided with the finance necessary to remedy the Courts' present parlous state. To achieve this you must dispel the myth that civil courts can be self financing. This myth is totally inconsistent with equal justice for all.

Your second challenge also involves exploding a myth for which the Treasury dragon is also probably responsible since its source cannot be attributed to anyone familiar with the working of our courts. This myth is that it is possible to run our court system without ring fencing HM Court Services' resources to protect them from being regularly depleted as a consequence of the chronic and massive overspending in the legal aid budget. Today this is depriving the courts of the resources necessary to carry out even basic maintenance on our court buildings. It is impeding the commendable efforts of your Department and HM Court Service to provide the judiciary and our courts with the modern technology that is essential. It is undermining the ability of the judiciary to put into effect the procedural reforms which are needed to tackle one of the primary causes of the overspending. It is seriously undermining the relationship of cooperation that hitherto could be taken for granted would exist between the legal profession and the courts. This cooperation is absolutely essential for the efficient running of our justice system.

The third challenge I recognise involves crossing a bed of fire. It involves devising methods of funding criminal litigation, which encourage and support the proportional resolution of litigation, while at the same time providing reasonable but not excessive rewards for members of both sides of the profession. This is critical because unless it is provided, the advocates of the quality needed to conduct litigation and to be the first class criminal judges of the future will cease to exist.

I am afraid I cannot provide you with a magic flute or even Papageno's silver bells to assist you in meeting these challenges. Nor would it be an incentive, to offer you as the prize for success the hand of the beautiful Lady Pamina, blessed as you are already, in having the hand of the enchanting Lady Falconer.

Fortunately I am confident that this should not matter. I know that it will be a sufficient prize for you to be in a position to provide the resources that are essential if this country is to have the system of justice it deserves. Success in bringing this about will be more than sufficient to achieve for you your proper status in the Lives of the Lord Chancellors, of which, in view of the outcome of the reforms, we will not now be deprived of thrilling new chapters.

Furthermore in seeking to meet these challenges, you will have the pleasure of working with, and being supported by, the new outstanding team of Heads of Division who you have recently appointed. I have, however, to admit that they may not be imbued with the same magical powers as the ladies of the Queen of the Night.

My Lord Mayor and Lady Mayoress, I am sure that every one present shares my hopes that the Lord Chancellor will accept these critical challenges and be successful in meeting them. In the case of legal aid help is available to him to do so in the form of Lord Carter of Coles. I have the greatest respect for Lord Carter's magical powers. There can be no more intractable problem then sentencing but within a remarkably short time Lord Carter produced his enlightened report. He is now to inquire into legal aid. If he receives the help of everyone involved he may be able again to conjure up solutions. Let us hope so. The result could be an ending that is as happy as that in the final scene of the Magic Flute.

This would be a happy ending for this City, for London, the Government and the public, not only in this country but in many other countries as well.

As the global financial centre a properly resourced dispute resolution system is essential to the City's and thus the country's prosperity. A successful dispute resolution system is going to be critical part of both the preparations for and the London Olympics themselves. Most of the policies of the Government are dependant on an efficient justice system. It is an essential weapon in the battle against terrorists. We are close to the limits of what the courts can achieve, without greater resources to protect the public from crime. The protection of the environment will be, in part at least, dependant on the effectiveness of the courts. The same is true of the Government's policy on immigration and asylum. Countries of Africa need aid but they also need an effective court system. Many of those countries look to this country for the model for achieving this. If our system is not being properly resourced what message do we give their public?

My Lord Mayor, Lady Mayoress and Lord Chancellor, happy endings do not need to be confined to fairy tales.

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