



The Lord Chief Justice of England & Wales

Dinner for His Majesty's Judges Tuesday 18 July 2023 Mansion House

My Lord Mayor, Lord Chancellor, judges, ladies and gentlemen,

Thank you for your very generous words. I should say that it feels strange to know that I will not be standing here this time next year after 15 years as a judge and six as Chief Justice.

Unlike Lord Mayors, who by convention, serve a single year Lord Chief Justices for centuries could serve indefinitely and more recently to statutory retirement age. None now is likely to achieve the 34 years of Lord Mansfield. None, I hope, will come to the sticky ends of some of my predecessors: for example, Sir John de Cavendish, murdered in the Peasant's Revolt in 1381; his successor Sir Robert Tressilian executed for treason in 1388 or Sir Robert de Mablethorpe who in 1329 died of wounds following a duel – broadswords and chain mail – but at least he had the comfort of knowing that his opponent also succumbed.

Lord Chief Justices are more likely nowadays to choose when they retire.

After six years, six years not entirely free of difficulty, I thought it a good time to hand over the reins of office and look forward to an interesting but less pressured existence.

Lord Chancellors have no statutory constraints on the time they serve in office but are rarely free to leave office on a date of their choosing. Politics is a brutal business, figuratively bloody if no longer literally. I seem to have collected Lord Chancellors as others collect porcelain figures. David Gauke spoke at two of these dinners and Sir Robert Buckland managed two including the socially distanced broadcast from this room in 2020. The vicissitudes of political life will determine whether you too, Lord Chancellor, have a second opportunity. Good luck.

Now, what should a retiring Lord Chief Justice say at his final judges' dinner? Tempting though it might be, I shall not unburden myself of the things I have thought over the last six years but kept to myself; although I might reserve the right to do so in succinct interventions in the House of Lords.

Instead, I would like to look ahead at some of the big challenges that face the justice system.

Investment in justice

We all speak of the value of the justice system and of the rule of law to the country. But does that translate into the investment needed to sustain the Courts and Tribunals?

There have been positive steps. The Ministry of Justice budget is on a much more sustainable footing than it was. Investment in digitisation continues. The enormous damage done by the evisceration of judicial pensions a decade ago has been reversed.

I particularly welcome, Lord Chancellor, our recent agreement that secures additional resources for the maintenance of our buildings, not only for this year but also next. I am conscious that you fought hard on our behalf - not quite a duel with the Treasury and no one died – but all here should be grateful to you. It sends an important signal of the value the government places in justice and the rule of law.

We have come some way, too, in getting others to see the importance of the Courts and Tribunals in attracting international investment and supporting a flourishing legal sector.

When finances are tight however, it will be tempting for governments to trim expenditure on justice compared to those public services that attract more political interest.

Against that backdrop, we must all work even harder to ensure that decision-makers not only see the justice system as an essential underpinning for a growing economy and a stable society but also are prepared to make the investment needed to sustain and nurture it.

Capacity and modernisation

Even if we succeed in that task, money will always be limited. Over recent years, the volume of work has grown in many areas. It continues to grow and so we must do more with the same resources.

For good reason, we have also sought to refine procedures in ways that support those involved in hearings more effectively. Often, that means taking more time.

In the judiciary, we will continue to do everything we can to balance this by pursuing ever greater efficiency. But we are bumping up against the limits of the capacity of the system – including the essential players in all jurisdictions – to cope with increasing volumes of work.

Radical, long-term thinking is required, much of which would have started sooner were it not for the pandemic.

Continued modernisation must be part of the answer, using technology well and getting more disputes resolved before they ever reach a Court.

Proportionality must be another. A complex and lengthy process may be necessary for some cases; speed and ease will be more important in others.

In all jurisdictions there must be constant questioning of whether the current way of doing things best delivers justice to those we serve. That includes whether the structures of our courts and the distribution of business between and within them needs change.

Looking to the long term

None should underestimate the difficulty of creating the time and space to consider these long-term questions. The pace of change, the immediacy of media coverage, and the nature of the political cycle all reinforce a focus on the near term.

Many of us find our days dominated by solving the immediate problems that arise: It became obvious long ago that I should not expect to get to the end of a day having done what I had expected to do at its start.

I have expressed my view elsewhere that the structures that have evolved since the passage of the Constitutional Reform Act do not help. There is much to think about.

I have enjoyed working with all “my” Lord Chancellors and have great admiration for the energy they have brought to an office with such wide responsibilities. We should be grateful for their defence of the judiciary, and for the close partnership through which the Courts are led.

I must be realistic, though, that an immediate problem, for example, somewhere in the prison system will inevitably dominate their attention.

It is my belief that a Lord Chancellor’s primary interest should lie in nurturing the long-term health of the Courts and Tribunals, the legal system and the independence of the judiciary. But that debate is for the future.

Having touched on some difficulties, my task now is very simple. First, to say thank you. To you, my Lord Mayor, for your support and that of the City of London for the judiciary. To you, Lord Chancellor, and your officials in the Ministry of Justice for your stewardship of a fragile and precious system. To all the staff who support judges and magistrates throughout the country. And last, but not least, to all judges and magistrates. You are magnificent.

Second, to wish Lady Justice Carr well when she takes office in October. I will slip away quietly at the end of September knowing that the judiciary is in good hands.

Thank you all.

**The Rt Hon the Lord Burnett of Maldon
Lord Chief Justice of England and Wales**