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LORD CHIEF JUSTICE
OF ENGLAND AND WALES

**THE RT HON THE LORD JUDGE, LORD CHIEF JUSTICE OF ENGLAND AND
WALES**

THE LORD MAYOR'S DINNER FOR HM JUDGES

MANSION HOUSE, LONDON

WEDNESDAY, 13 JULY 2011

My Lord Mayor, Ladies and Gentlemen.

2011 will not go down as one of our easiest years.

A couple of years ago I suggested the country was bust. That was my word. It caused something of a panic. That was not something anyone was supposed to say – certainly not one of HM Judges. But we were bust. And we are bust. And that has many knock-on consequences for the entire community, and that includes the administration of justice which cannot be ring-fenced or insulated. We shall of course do our best to handle any difficulties.

Shortly we shall have practical completion of the Rolls Building. Fortunately that started before the current economic crisis. It has been a long drawn out process that it has provided a major international centre for the concentrated administration of civil justice in the many different forms it can take. It is easy to overlook that work will come into the court building from all over the world for the simple reason that litigants believe that this is the court where their disputes or litigation will receive the most thorough, balanced, and skilled attention from incorruptible judges. This business is not here out of kindness or charity for the United Kingdom. It is not obliged to come here. But it does.

This is never lauded. The administration of civil justice in the Rolls Building reminds us that the administration of civil justice, no less than criminal and family justice, is integral to the rule of law. That indeed is its primary function in this country.

However it will also continue to produce a huge contribution to the national wealth. I am quoting from the Lord Chancellor's own documents. The Legal Service's sector generated £23.1 billion in 2009 and contributed £3.2 billion in exports.

Set that amount of invisible earnings, which underpins wealth creation and employment in this country, against the entire budget for the cost of running Her Majesty's Courts and Tribunal Service. This year that runs at less than £750 million. That of course, is for the administration of justice throughout England and Wales. That is not cheap, but the balance in financial terms alone is hardly disadvantageous.

And if I may quote the Lord Chancellor himself "people turn to us because they know they will find world class, highly specialised practitioners and expert judges in the specialist courts. They understand that a decision from a court in the UK carries a global guarantee of impartiality and integrity".

Of course a huge number of different men and women in the professions, and not just the legal professions, contribute to this remarkable story. But at the heart, around which everything else revolves and on which everything else depends is the quality of the judiciary. The survival of this pre-eminence of the United Kingdom in the provision of legal services internationally ultimately requires practitioners of the highest quality to be persuaded to give up successful practice as lawyers and take on the heavy burdens of judicial responsibility. It is as simple and difficult as that.

A very different problem we have had to confront this year has been the increased number of critical attacks on individual judges and the judiciary as a whole. This year there has been a steady flow, sometimes by those who should know better and sometimes by those who choose to ignore what they know. In essence, it comes to this, judges have been criticised for, in the immortal words of Sir Edward Coke (Chief Justice), doing what it is "appropriate" for the judges to do. That is, applying the law as they find it to be. That is what we shall continue to do. We do not act on or give judgement according to our personal whims and wishes. When we apply the laws as we find them to be we are independent judges. If ever we decided cases on the basis of what someone else wanted the law or the result to be, we would have forfeited the very principle of independence for which judges in this country stand.

Now, after all the criticisms, the country is in the middle of the crisis that has embroiled the press and the politicians and the police. Perhaps it is just worth noticing that there would not have been any crisis but for public revulsion at the breaches of the confidentiality involving the victims of crime and war. And now, notwithstanding the constant criticism of judges public revulsion has led to the public demand for a judge led inquiry.

That is not because anyone assumes that judges are infallible, or that the conclusions of judges will always carry universal acclaim. It is rather because the public knows that judges are men and women of independent mind, who can be relied to draw whatever conclusion from the evidence seems right and who, notwithstanding whatever pressures there may be, can be relied on to deliver a carefully considered, honest, but above all, an independent answer. The public understands that we are indeed independent. Not infallible certainly, but independent, always. It is a cherished quality.

So when we speak of judicial independence we are not discussing a piece of pleasant flummery or some insignificant summer ritual. Rather it is at the very heart of the way in which our country is served by HM Judges. That is how it must be. That is how it will be.

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