



The Needs of a 21st Century Judge

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by

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For the last few years the justice system in this country has been subjected to unprecedented change. I sometimes think that the only thing that has not either changed, or is in the process of change, or the subject of a proposal for change, is the robes we wear. The *system* has stood up to the process extraordinarily well. The *judiciary* has also coped extraordinarily well with the changes imposed upon them. Remarkably, they have taken in their stride a fundamentally different approach to family law, civil procedure and an ever more complex process of sentencing. They have also absorbed an entirely new tier of the judiciary. It is early days yet but the omens are encouraging for saying that the domesticating of human rights has been achieved astonishingly smoothly.

That this has been possible is undoubtedly in part due to the Judicial Studies Board (JSB), an institution which some feared and others regarded as unnecessary when it was established, but which is now recognised as being an immense success. It is an institution which is already of fundamental importance to the judiciary at all levels. Its beneficial influence has been immense.

It was established, thanks to a recommendation contained in a report of Lord Justice Bridge, in 1979, a year after I was appointed a judge. The initial remit was confined to the full- and part-time judiciary of the Crown Court and it made no impact on a newly appointed High Court Judge such as myself. Even when it was recreated in 1985 to provide Family and Civil training, it was not directly concerned with the senior judiciary. If you were appointed to the High Court bench, it was assumed that the fact that you had been meant that you must know how to perform your responsibilities.

When Lord Lloyd was appointed High Court Judge in 1978, I remember how his fellow junior judges admired his courage when he confronted the then Chief Justice, Lord Widgery. Lord Widgery was a forbidding figure. He looked the image of the brigadier that he had been during the war. The newly appointed Lloyd J told the Chief he was not prepared to travel forthwith to Liverpool to try a murder case. He pointed out, I thought not unreasonably, that it just would not do for his

first experience of having to address a jury, or witness a jury trial, to be as the trial judge in a murder trial. On reflection, the Lord Chief Justice did not disagree and Lloyd J was allowed to spend three or four days at the Bailey before he presided over his first jury trial. I believe that this incident would never happen today. This is because the judge would almost inevitably have been a recorder or possibly a Section 9 judge and would have attended at least one residential JSB course.¹

The JSB has become, so far as its present role is concerned, a centre of excellence. Its remit has been continuously expanded. It now includes Crown, Family and Civil Court induction and continuation courses for full- and part-time judges. It also covers ticketed family judges, stipendiary judges and tribunals. In the year 2000, it included among its participants High Court, District and Deputy Judges. It does not purport to be a law school but it in fact provides excellent publications which have a huge influence on the way the judiciary works. It does all this with an administrative staff of 26 and just one virtually full-time Circuit Judge Director (previously two) operating under a Board chaired by an LJ and respective committees. The cost last year was a modest £5 million, a sum far exceeded by the savings it helped to generate through reduced numbers of appeals and more efficient conduct of trials.

I have no doubt that all who have been involved, particularly the successive judicial chairman and directors, deserve our unqualified gratitude. I welcome this opportunity to publicly offer my congratulations to them for this immense contribution which they have made to our legal system. It would have been impossible to successfully introduce the civil justice reforms without the training which the JSB provided, under the wise stewardship of Lord Justice Henry, or implement the Human Rights Act without the equally constructive contribution of the JSB under Lord Justice Waller, and their respective Directors of Studies, Christopher Sumner, Paul Collins, Christopher Pitchers and David Pearl.

However, it is my thesis that the time has come for the role of the JSB to be significantly expanded. I regard this not as an

¹ Consider the position in Australia, where newly appointed judges attend a week-long orientation programme run by the Australian Institute of Judicial Administration. Similar programmes are run in America by the Federal Judicial Center and in New Zealand by the Institute of Judicial Studies which was established in 1998 to assist professional development, promote judicial excellence and foster awareness of judicial administration, developments in the law and social and community issues.

option. It is essential. Its present role does not include valuable features that similar institutions in other common law and civil jurisdictions are providing. This must now be remedied. However, my contention is more fundamental. This is that the JSB is the most obvious body to perform a vital role (which I will explain) which is not performed elsewhere.

Part of the reason the JSB is a success story is the fact that it is based on judges training judges. At present, we totally lack any institution that acts as a think tank. The type of issues we need judges to consider include:

- The qualities we should be seeking in the judges we appoint and promote
- How we appoint judges
- Their terms of appointment
- Their deployment
- Their career development
- Management of judges
- The support which the contemporary judge requires
- The role of the judiciary in promoting mediation.

These are all subjects of interest to the Lord Chancellor's Department but at the present the judiciary's contribution is entirely reactive. It should be proactive. The fact that it is reactive means that many of the subjects do not receive the consideration they should. This results in decisions which are neither in the interest of the judiciary nor the public and decisions *not* being taken which would be in the interests of both.

The judiciary has grown in size but the senior judiciary, with notable and distinguished exceptions, are recruited by very much the same process and from the same section of the practising profession as when I became a judge 22 years ago. Furthermore, at least to the casual onlooker, the way in which the judiciary performs its role has not altered. The QB judges still travel on circuit in much the same way as they did. We still have the distinction between the Divisions. Non-chancery practitioners are appointed to the Chancery Division. While a Chancery practitioner has prosecuted a very serious fraud trial (*Saunders and Others*), and although that counsel is now an LJ, as far as I am aware neither he nor any other Chancery judge has conducted a criminal fraud trial. Should this happen?

There are new court buildings but the courts in those buildings are contemporary reproductions of the courts in the old buildings. The furniture may be lighter but the layout is basically unaltered. Are the designs still correct? Should they be based on the United States concept of the multi-door court so as to reflect the new responsibility of the judiciary to support ADR?

So far I have been talking of the past. But the dimension of the changes which the judiciary has had to absorb up to now diminishes dramatically when compared with the scale of change with which it is faced in the foreseeable future. The scale of this change is daunting but it should be welcomed. I have repeatedly said that although this may not be as widely accepted as it should be, we have the finest judiciary in the world. However, if we are going to maintain this position, it is essential that the judiciary itself presses energetically for the resources which it needs if it is to perform its role effectively in the future.

Why do I believe the changes are going to be so dramatic? Well, first of all, there is the impact that IT will have on the way in which the justice system works. If any confirmation of this is required, it is provided by the consultation paper issued by the Lord Chancellor's Department in January under the title '*Modernising the Civil Courts*' (MCC) as part of the Modernising Government Programme. The Lord Chancellor's parliamentary secretary, in launching the report said this:

"The way we run our courts has not in essence changed for 150 years. Almost every court still operates as both a hearing centre and administering the cases under its control. While other services in the public and private sector have centralised administration and gain tangible benefits from IT to benefit their services, investment in the civil courts has been very limited.

'It is not necessarily right to run our civil courts in the 21st century using the systems developed in the 19th century. Just as banking, insurance and many public services have modernised, so our courts can and must take advantage of new technology and new ways of working and deliver the benefits to those who use the courts.

‘Modern technology allows the “front office” to leap beyond the doors of the court on to the personal computer and the digital TV and to develop partnerships with solicitors and advice agencies so that everyone has the opportunity to benefit from the new ways of working. This is an exciting concept.’

I wholly agree.

Modernising the Civil Courts is an inspirational and visionary document. It is only a consultation paper but it makes a serious attempt to demonstrate what should be the long-term objectives for the civil courts. A document of this sort is essential if the modernisation of the civil court is to be efficiently programmed. I am pleased that it acknowledges that the ‘support to the judiciary is central to the success of MCC and to the purpose and objectives of the Court Service’. I am also delighted that Lord Justice Brooke is a member of the Programme Board charged with the task of taking forward the initiative. The work of the Board is also supported by a judicial working group led by Cresswell J, which has among its members judges who are highly experienced in judicial work at different levels. The programme does not deal with the modernising of the judiciary but it makes clear that the manner in which the judiciary works will be transformed.

I am immensely grateful to the members of the judiciary who have contributed to its thinking. It takes forward what was recommended in my civil justice report and reflects the thinking of Richard Susskind, who was the consultant to the report and has been both Tom Bingham’s and my IT adviser. However, neither I nor any other of the Heads of Division or their deputies could have taken on the task of providing the substantial judicial input required, which meant that the needs of the modern judge are properly reflected in what was recommended. Instead, a group of judges under Cresswell J who had the necessary knowledge ensured that the needs of the modern judge were properly taken into account. Judges made this contribution, involving many hours work, in addition to their normal judicial duty. This is the story of the introduction of IT so far for the judiciary. We know there have been hiccups: the IT of clerks is not compatible with that of their judges; training has not been properly focused; but we are making

progress thanks to the help of judicial volunteers. In the end we will muddle through. But in the public interest, this is not the way that we should be looking at what the modern judge needs. It is obvious that we have to do better. To help bridge the gap, Brooke LJ has taken on yet another task: he is the Judge in Charge of Modernisation.

So far as the criminal justice system is concerned, the government has produced proposals in its paper ‘*Criminal Justice – The Way Ahead*’. It is intended to be a blueprint for the modernisation of the criminal justice system. Like the MCC, it deserves careful study. It should, however, be regarded as being subject to a warning: ‘subject to revision in the light of the Auld report’. Nevertheless, it is a radical document.

Sir Andrew Leggatt’s report on the tribunal system is also on the horizon. I expect it to be equally far-reaching in its impact as the reports to which I have already referred. The Crown Prosecution Service is already in the process of change as a result of the report of Sir Iain Glidewell. There is also the report on modernisation of the Commercial Court. This by no means exhaustive list of consultation documents provides compelling support for my conclusion as to the scale of change that lies ahead. They also confirm the amount of thought being given to the changes that are needed to the justice system. However, the area on which the reports are silent is the strategic changes which may need to take place in the judiciary if we are to have a modern judiciary capable of performing their role in a manner which inspires public confidence.

The explanation for the inactivity in this area is probably a laudable desire to protect the independence of the judiciary. However, it is my belief that an in-depth examination of the way we use our judiciary is now overdue. The judiciary will have to be fully involved in any such review but it would be assisted if the contribution it makes was masterminded by a properly resourced think tank, constituting part of the JSB.

Fortunately, the JSB has not been oblivious to this need. In March, it decided to conduct an analysis of the training needs of the senior judiciary and the first part of that review, namely the self-completion of a questionnaire distributed to all members of the senior judiciary, is completed. The response to

the questionnaire reveals interesting information as to the relationship between the judges' current work and their previous experience in practice. The survey indicates that there is, in the case of some judges, a substantial distinction between their previous expertise and the work which they now perform as judges (48 per cent). It also indicates that most judges would welcome having regular feedback on their performance. The survey will also identify the tasks the judiciary find most difficult and how they think their skills can be developed. I have no doubt that it will provide useful guidance to the JSB as to the additional tasks that they should be performing and for which they should have the necessary resources.

The JSB survey is a most valuable start. It is supported by a questionnaire which I have asked all High Court Judges to complete indicating their areas of interest and the categories of work which they would prefer to do, the period which they would like to spend on circuit and so on. This is a useful start. We have been remarkably slow in seeking to find out the individual views of our judiciary.

However, a great deal more needs to be known before decisions can be taken. Let me give one example. At the moment the whole judicial system is dependent upon the contribution of the part-time judiciary.² Our use of part-time judges in the United Kingdom is far greater than any other jurisdiction of which I am aware. I am in favour of a part-time judiciary because of the contribution which it makes to the selection and training of the permanent judiciary. However, the use of such a part-time judiciary far exceeds what is required for this purpose. The Cause Lists indicate that deputy judges are sitting as full-time judges. We are considering giving the deputies security of tenure. Is this desirable?

We are not aware of the reaction of the parties to having a deputy rather than a full-time judge. No survey has been conducted. However, I strongly suspect the impression is adverse. The fact is that the volume of work which has attached to it the label 'High Court' and so gives the impression that it will be heard by High Court Judges is far in excess of that which High Court Judges can hear. A solution is to appoint a great

many more High Court Judges. I would not favour this approach because of the potentially detrimental effect that it may have upon the calibre of the High Court Judge. The quality of our High Court judiciary is critical and I would not wish to see it watered down. The only alternative is to accept that a great deal of the work which is now labelled as being suitable for a High Court Judge should in fact be relabelled in some cases as 'Circuit Judge' work and possibly in other cases as 'Circuit Judge unless a High Court Judge is available'. The fact is that there are a great many more cases in the system now than previously which are extremely complex and raise very difficult issues. It is to the determination of these cases that High Court Judges should be confined. There is a need for greater selectivity in the allocation of cases.

The need for the reassessment of how we use High Court Judges is not confined to the Royal Courts of Justice. Nor is it confined to civil work. At present, Queen's Bench judges travel to circuit centres for set periods of time. Attempts are made to match those periods of time to anticipated need but it is predominantly a time-, rather than a work-, dominated system. I have no doubt that it would be preferable if we could move to a system where the visits are matched to cases that really require a High Court judge to try them.

Grading cases by predetermined criteria is almost impossible. It requires sophisticated consideration. But an in-depth examination of the subject would be most valuable. The Lord Chancellor's Department can commence the work but judicial input is essential. After all, the judiciary is best qualified to identify the manner in which scarce High Court Judge resources should best be deployed. Especially if we have the ability to use the advance video-conferencing facilities which are coming on stream, it may well be desirable for High Court judges to spend less time on circuit. Whether this is right or not will, however, depend on a careful survey of the work actually performed by High Court Judges on circuit at the present time. It is my belief that we need to perform a careful analysis of the potential of our different tiers of judges. The use of High Court Judges should, however, only be dictated by the complexity and importance of the cases waiting to be tried.

² As at 1 February 2001, there were 2,379 part-time members of the judiciary. This figure comprises 1,344 Recorders, 764 Deputy District Judges and 171 Deputy District Judges (Magistrates' Court).

There are undoubted benefits of judges travelling out of London to different parts of the country, quite apart from the number of the cases which require determination. The visits play a very important role in maintaining collegiate judicial relations and standards. However, if it is recognised that this is the primary purpose of a visit, rather than the case work, then the visit can be tailored to meet this parochial agenda. A reassessment of the requirements of High Court Judges on circuit would not mean that any less work remained to be done. The shortfall between the work presently performed by the High Court Judges on circuit and that which would be performed in the future would fall to be dealt with by Circuit Judges. However, the success achieved by District Judges suggests that it would be very useful to reassess the relationships between the three tiers of the judiciary, at least as to civil work.

As to criminal work, there is the complication of the use of juries. It is, however, at least open to consideration that there is scope for raising the level of work done by Circuit Judges, or at least certain Circuit Judges, to cover much of the High Court work and for elements of their existing work to be performed by District Judges. The proposals already on the table of having larger court centres supported by satellite small courts are supportive of this approach. The contemplated IT is also supportive.

We are provided with the vision of paperless courts: documents entering the court system electronically and being distributed around the court system electronically. A system with an electronic basis of this nature can reassess the needs for judges to travel. Electronic files can be opened wherever the judge is for the time being and can revolutionise case management. They can also affect Listing. These are all subjects which require in-depth analyses.

At the present time, we are obtaining nothing like the benefit that we should from case management. The primary reason is that we have not been able to co-ordinate sittings with pre-reading time required by the judge. In the High Court, it is not uncommon for a judge to commence a hearing and then be forced to adjourn for a period of time in order to complete the reading. The parties are entitled to expect that they come before a judge who is fully prepared to hear their case. In

return, the court is entitled to expect the parties to provide the judge with the material required in sufficient time to allow him to carry out this preparation.

What happens at the beginning of a case is mirrored by what happens after the case is completed. The ideal time to write a judgment is immediately following the conclusion of a case. However, the manner in which we work means that unless the individual judge is prepared to insist upon time being made available at the end of the case for judgment-writing, in the interest of the system as a whole he moves on to the next case before he is able to do more than scribble a few notes as to his views.

What is needed, then, is a study as to the minimum time requirements of judges if they are to work efficiently and effectively. Judges practices and needs of course differ but there are basic minimum needs which should be clearly defined and set out as guidelines for those who are responsible for listing. A modernised court system must be one in which a judge is provided with the time to work efficiently.

The inroads on the judge's time are not only caused by the judge's court work. At all levels there are burdens of administration. The appointment of silks and the appointment of the part-time and full-time judiciary are only as effective as they are because of judicial input. The Court Service only works as effectively as it does because of judicial input. Judges have to take on increasingly administrative roles. The process of change is dependent upon judicial input. You do not need to perform my job to know that unless the judiciary are prepared to make these contributions, the system would not work, or at least work as well as it does.

The partnership which has developed between the Lord Chancellor's Department and the Court Service on the one hand and the judiciary on the other is happily based on a satisfactory working relationship. Probably, it is much better than ever before. However, the judicial contribution is also more necessary than ever before. It is no reflection on the Court Service or the Lord Chancellor's Department that many of its senior posts are staffed by officials who have not grown up within the court system. They have therefore less instinctive

understanding of what is or is not appropriate in the performance of judicial functions. This does not mean that I disapprove of their involvement. On the contrary, I am an enthusiastic convert to the need to have those with broader and varying experiences and backgrounds introduced into both the Department and the Court Service. However, if the talents which they bring are to be constructively used, they have to be supported by judicial input, in particular input from those who have the background experience which they lack. To make their contribution, the judiciary in turn needs skills which they currently lack. They need to learn about management, they need to know about administration. We need to be able to quantify the amount and complexity of the work involved and the staff and training support that is needed to complete that work.

Our judiciary must not operate in isolation and in ignorance of what is happening in other parts of the world.³ We do have a limited number of very successful judicial exchanges at a high level. However, seminars in other jurisdictions can make a substantial contribution to the career development of our judges. The Lord Chancellor has announced an important initiative to assist the overseas judiciary and arrange visits to this country. Our senior judiciary strongly support this initiative. However, this is an area where so far our contribution depends entirely upon invitations extended by the judiciary of overseas jurisdictions to particular members of our judiciary who it is thought can assist the development of that overseas legal system. I would like to see, on a systematic basis as part of the career development of the judge, encouragement to attend seminars organised by the JSB in both this country and abroad. It should be part of a judge's professional entitlement.⁴ At present, we have been parsimonious in our willingness to release our judges because of short-term need to staff our courts. We have to be prepared to spend time to save time. A judge who has been intellectually refreshed by attending a seminar or, dare I use the words, taking a sabbatical, could

make a contribution on a different level than if he is ground down by unremitting toil at the coalface.

What about our terms of service? The Senior Salaries Review Body is undertaking an in-depth review once again this year. With the valuable help of the Vice-Chancellor and the Senior Presiding Judge, I will do my best to ensure the judiciary's concerns are properly represented. Regrettably, our role is again reactive. We do not have the resources to be proactive. The Lord Chancellor will certainly, in his contribution, take our interests into account but he also has to consider the interests of the government, which may not be identical. We need to be able to mount our own researched and well-documented contribution. It would, for example, be interesting to know how judges feel about our pension provisions, which are proportionately small by comparison with comparable jurisdictions.

All that I have said so far emphasises the importance of a broader role for the JSB, including as a 'think-tank' for the judiciary. The sort of issues which I have identified should be part of its agenda but the JSB has to be properly resourced to perform this task. We need a long-term strategy for the judiciary to match the strategy being provided for the courts and the civil and criminal justice systems. The judiciary must play a leading role in the creation of such a strategy. If the government is serious about modernising the justice system, as I am sure it is, then it should provide the resources to the JSB to enable it to play the role which I foresee will be increasingly necessary.

So far, we in the judiciary have been remarkably fortunate in not having more reform thrust upon us. We cannot, however, be complacent. The public has the right to demand not only a highly professional judiciary but also a judiciary that is more representative of the population than it is at present. The changing needs of society which has enhanced our role makes this justified. It is essential that we take steps to ensure that criticism is not justified. We have to recognise when appointing

³ Cf. France. The National School for the Judiciary maintains links with a large number of foreign states through its International Sub-Division, which since 1960 has trained 3,600 judges and prosecutors from around 100 countries.

⁴ Consider, for example, the model of Mauritius, where although no formal institution comparable to the JSB exists, judges attend specialised conferences and seminars on a rotational basis, usually outside the jurisdiction. On average, a judge may attend such conferences twice yearly, spending two to four days per visit. Expenses are met by the government or the sponsors of the Conference. Another useful model is provided by the Family Court of Australia, which conducts four-day National Conferences every three years. These conferences are attended by judges, court staff and international speakers. In addition, the Court organises training in gender and indigenous issues, family violence and, from 2001, will offer a week-long intensive revision programme to one third of all Family Court judges annually.

and promoting judges that their skills should not be confined to those traditionally thought necessary to preside at trials. The need for judicial administration and management skills must be acknowledged and taken into account when recruiting and appointing judges. We need to pay greater attention to management and career development issues. We place too much reliance upon the small group of our most senior judges to express the views of the judiciary as a whole to the Lord Chancellor and his department. As a judiciary, we have so far neglected to develop a voice which can authoritatively speak for us all. The Judges Council could play this role but it has yet to develop as it should. This is hardly its fault. It has no resources, no dedicated staff or any terms of reference. Equivalent bodies in other jurisdictions have proper public status and issue annual reports. They have a programme of work.⁵

We need to build lines of communication between the Judges Council and the JSB. The Judges Council must be able to speak for the judiciary as a whole. The judiciary must support the Judges Council as its spokesman so that it carries conviction when it speaks to the public at large. It needs to become a pro-active body. It requires terms of reference which clearly identify its responsibilities. The Judges Council has recently recruited a senior representative of the Council of Circuit Judges and the Association of District Judges. This is a step in the right direction. However, now is the time for it to expand its role so that it becomes the voice-piece of the judiciary. It needs to have the ability to set up committees and working parties. It needs to be a driving force spearheading the modernisation of the judiciary.

The Judges Council must not however become a voice of conservatism with a small 'c'. It must not see itself as seeking to protect the status quo. Instead it should be encouraging judicial evolution. It should be exploring the issues which face the judiciary as part of the modernisation programme. It should be closely involved in an enhanced JSB.

The Judges Council should also be taking the lead by embracing the requirement for performance appraisal. One of the

interesting facts which has emerged from the JSB survey is that the majority of members of the judiciary would welcome feedback on their performance. I can well understand this. It is extremely lonely sitting as a single judge. Even when sitting with colleagues, judges are remarkably circumspect about commenting on each other's performance. Of course, except for the House of Lords, our decisions are subject to the appraisal of an appeal court. Even in the case of the House of Lords, the speeches of their Lords are subject to the most critical academic scrutiny. At least in crime, the marking of their speeches by a professor with the initials JS suggest that even the most sympathetic admirer might not be surprised if the judges' overall marks indicated room for improvement. But there is more to being a judge than giving a decision that is 'appeal proof'. What needs to be assessed in addition to our decisions is our inter-personal skills, our listening skills and our skills in expressing ourselves orally. We all need a totally honest mentor to comment on our performance. The problem is that once we are appointed, we acquire bad habits of which we are not aware. Even if we start off as the model judge, it is easy to allow our standards to slide and to be unaware that this has occurred.

I see so reason why we should not be prepared to subject our efficiency as judges to scrutiny by judges. A judge who is taking demonstrably longer than others to progress his work is a matter of concern. Without in any way subjecting him to criticism, he might need help and support. For a colleague who has the necessary skills and experience to talk the issue through with the judge in question can only be helpful for the individual judge and the system as a whole.

One of the consequences of the civil justice reforms is to significantly extend the discretion of the judiciary as to case management decisions. This creates new demands and new techniques but it also requires a degree of consistency and the use of training and discussion to promote consistency is clearly (extremely) important.

We should also be prepared to measure our performance against the standard of throughput, efficiency and costs in

⁵ Compare the Canadian Judicial Council which is accorded properly acknowledged public status and terms of reference and publishes an annual report providing a public statement of the activities of the Council in promoting the status of the Canadian federal judiciary. The Council also has responsibility for setting policies for judicial training (for example, it launched a programme of social context education for judges three years ago) which a dedicated judicial training institution then implements.

other jurisdictions. My pride in our judiciary does not mean that we cannot learn from others.

I would eschew any idea of annual appraisal of judges even by colleagues. However, I would not be adverse to a culture developing where each member of the judiciary has the expectation that a more senior colleague would, once a year, discuss what can be done by way of training or otherwise to promote greater effectiveness and job satisfaction. Certainly my recent foray on circuit, where I sat at first instance, brought home to me how difficult it is to be a judge today and engendered within me an enthusiasm for the safety of the Court of Appeal Criminal Division!

While I regard this limited form of appraisal as justified in its own right, I do not lose sight of the fact that public perception is also important. In a world where appraisal in almost every activity is a matter of course, it does not necessarily help to win friends and increase trust and confidence of the public if the judiciary regard any form of appraisal as an anathema. Certainly I do not believe that what I have proposed would interfere with the independence of the judiciary.

I am afraid that we must be concerned about our image. Anything which helps this is important. You know of my enthusiasm for the schools programme. It has also been suggested that we establish a judicial website. The Lord Chancellor has already devised his website, so too has the JSB. There could be merit in the judiciary, under the umbrella of the Judicial Council, having its own website as a means of promoting the image of the judiciary.

Finally, I come to the question of personal support for the judiciary. Seminars organised by the JSB are a critical part of that support. So is the correct IT. But in addition, judges, particularly those who have an administrative and managerial role, are badly served by secretarial and other support. In the Court of Appeal, we have judicial assistants. I am sure they should be available to High Court Judges as well. High Court Judges have their clerks. Their role has not been appreciated as it should. Most judges are full of praise for their clerks. However, the character of the clerk is changing. They are becoming younger. There are many more women. Appoint-

ment is no longer at the end of an individual's career path. Their present role is well known to us all and I need not repeat it. The question is, should it be different? I believe that this question deserves careful examination.

As an example of what clerks can achieve, I cite my own clerk who, with the support of the Court Service, is well on her way to becoming qualified as a Fellow of the Institute of Legal Executives. In addition to her ordinary duties as my clerk, she has the responsibility of providing leadership to all the other judges' clerks. This involves a commitment to 144 clerks. I would like to see all the judges' clerks having the opportunity to train to be Legal Executives or to complete an NVQ course designed by ILEX to meet their needs. With this qualification, they could be entrusted with more responsibility in relation to the management of their judge's work than at present. They could become an all-round assistant to their judge. With the introduction of the IT that we have been promised, clerks would be able to monitor the case load of their judge. They could play a more pro-active role in discussing cases with the parties. Any in-depth examination of the future role of the judiciary must include the role of the judge's clerk. As the judicial role evolves, so should that of the clerk. The services of a clerk are after all guaranteed by statute.

By comparison to the High Court Judge, Circuit and District Judges are very badly served in terms of support, particularly where they have an additional administrative role, such as that of Resident Judge. Assessment of their needs and methods of adequately fulfilling this need is long overdue.

This may appear to be an over-ambitious shopping list. But it is in fact no more than a plea for an enhanced role for both the JSB and the Judges Council to enable the issues I have raised to be more fully explored. My comments are but the thoughts of a single judge. My expectations are limited to persuading my audience, who may otherwise not have had to endure this talk, that in this jurisdiction we are not currently devoting sufficient time and resources to the long-term needs of our judiciary. What is more, if this situation is not soon rectified, it is the public and the reputation of our legal system at home and abroad which will be the losers.

