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| SENIOR PRESIDENT |
| OF TRIBUNALS |

5th Annual Ryder Lecture: the University of Bolton
'The Modernisation of Access to Justice in Times of Austerity'
The Rt. Hon. Sir Ernest Ryder, Senior President of Tribunals
3 March 2016

Introduction

1. Good evening. I was honoured to give the inaugural lecture in this series some four years ago before I had the pleasure of being installed as your Chancellor. This is my third year as Chancellor in what has been for me a remarkable journey: discovering just how vibrant, diverse and optimistic our student population is and how important the University is and you are to the economic and social future of our region, the Northern Powerhouse. I was, and remain, very privileged to lend my name to the series.
2. On the occasion of my first lecture, back in the autumn of 2012, when the country was basking in its Olympic glories, I spoke about the importance of respect for the autonomy of our citizens and the opportunities then before us to modernise our family justice system. Since then, reports and speeches (in particular about public – including legal – policy) have become ever more sombre in focus. The word ‘austerity’ seems to creep into the titles and text of most major addresses we now hear. Following Sartre, I’ll follow the crowd in order to be different.
3. I take this approach for a very important reason. It’s one that I expect the Lord Chancellor and his colleagues in Cabinet would recognise and I would like to explore the point with you. It is in many ways a simple reason. The point about

‘austerity’ is this. What is right, is right; what is fair, is fair; and what is just, is just. Justice has no second class: even in an age of austerity.

4. Too often, though, we tend to continue with the established, the traditional way of realising these aims and objectives because they are the established, the traditional ways. We may tweak systems. We may revise aspects of our approach in the face of individual problems, but we tend to do so within an established frame of reference. We tend to examine fundamental questions only in the face of a crisis. In the 19th Century we reappraised our court structure – one that had evolved over some 700 to 800 years – in the face of a fifty-year long crisis of access to justice. We took what on anyone’s view was a bold step then; a radical step. We swept away our inheritance and created a single High Court and Court of Appeal for England and Wales.
5. Austerity, the product of the 2007-2008 financial crisis, provides a basis upon which we have had to scrutinise the ways in which we secure the rule of law and the citizen’s access to justice as part of that. It provides the spur to rethink our approach from first principles. As such we should not see austerity as the driver of reform. It is not a question of cutting our cloth. It is a question of austerity forcing us to do what it took fifty years of failure in the 1800s to do: look at our systems, our procedures, our courts and tribunals, and ask whether they are the best they can be, and if not how they can be improved.
6. Our goal, our objective, remains constant. Austerity has no impact on that, nor could it properly do so. A properly functioning justice system to which citizens have effective access in order to determine and vindicate their rights is a marque of a liberal democracy committed to the rule of law. That is as true now as it was

when Lord Diplock articulated the point in the famous *Bremer Vulcan* decision.¹

That is our goal now, as it has always been. Austerity makes us ask the question:

how do we better achieve it. That is what I want to focus on today.

Tribunals

7. When I was first here I was heavily engaged in reforms being effected to the family justice system. Rather than focusing once more on those reforms, which are now implemented and embedded, I want instead to focus on another, wider-reaching programme of modernisation. I am now the Senior President of Tribunals, and my primary focus is the tribunal system, and its reform programme which exists in a broader change programme affecting all courts and tribunals and which is the largest programme of change in any justice system in the world.
8. In one sense the tribunals provide a very modern system of justice, having evolved over the past hundred years, and having been substantively restructured in 2007 as a result of the Tribunals, Courts and Enforcement Act of that year.² Until that time, the tribunals 'system' (such as it was) represented a veritable patchwork quilt of specialist legal fora managed by Departments and Agencies across the public sector. Today, it is unified in one First-tier Tribunal and a senior, Upper Tribunal, with administrative and executive support from the Agency also responsible for running the courts: HM Courts & Tribunals Service.
9. Tribunals within that unified structure and it some that are not (for example employment), fall under the judicial leadership of the Senior President, in which office I am the third incumbent. Within that structure there are some five and a

¹ *Bremer Vulcan Schiffbau und Maschinenfabrik v South India Shipping Corp. Ltd* [1981] AC 909 at 979, "Every civilised system of government requires that the state should make available to all its citizens a means for the just and peaceful settlement of disputes between them as to their respective legal rights. The means provided are courts of justice to which every citizen has a constitutional right of access in the role of plaintiff to obtain the remedy which he claims to be entitled to in consequence of an alleged breach of his legal or equitable rights by some other citizen, the defendant."

² E. Jacobs, *Tribunal Procedure and Practice*, (2014) at 3.

half thousand office holders, judges and an extraordinary range of expert professional and lay members. To put things in context, across the courts in England and Wales, and excluding for one moment the magistracy, there are around three thousand, two hundred judges. Tribunals, therefore, are neither minnows nor in a minority.

10. The tribunals systems is, by statutory design as well as of necessity, specialist, innovative and (by comparison with most of the courts), where appropriate, less formal. Its processes are often inquisitorial or investigative, rather than the traditional model of adversarial justice. It is designed so that individuals can pursue their claims without having to resort to lawyers, although this is not to say that lawyers are absent from the system or that we seek to have a lawyer free zone. Far from it, lawyers will have an increasingly important role to play in design, development and facilitation.
11. In terms of workload, tribunals deal with claims, cases and appeals which enable citizens to hold the State to account for the daily decisions taken across a broad and diverse terrain. These are decisions which have a significant impact on people's lives, be they about welfare rights, immigration status, tax decisions or otherwise.
12. Tribunals deal with appeals about disability payments; special educational needs for children in schools; compensation for victims of crime; compensating those injured while protecting our country on military service; the determination of rents and charges by landlords in the rental sector; information being held back from public scrutiny; and detention in mental health institutions where vulnerable people lack the capacity to understand why.

13. In addition to our administrative law workload, we also determine private law disputes, for example between employers and their workers, which can involve claims for unpaid wages, accusations of discrimination, or compensation for redundancy or unfair dismissal. Our property and land jurisdictions deal with major infrastructure projects often involving millions of pounds, for example, on compulsory purchase.
14. Tribunals form an integral part of our country's justice system. They are and will continue to be an essential component of the rule of law; and must remain as accessible as possible. Accessibility is, however, not an unchanging construct. As society modernises, so must the institutions that serve it if they are not to degrade or fall into disuse.
15. One of the causes of the 19th Century crisis in our courts, setting to one side their outdated structure and forms of procedure, was that they failed to respond to changes in society. They were courts that had evolved as part of a largely agrarian society. As we all know, the 18th and 19th Centuries saw massive social changes across the United Kingdom: industrialisation and urbanisation – the dark Satanic Mills of Blake's vision, the growth of Cottonpolis in and around Manchester, and of Spindleton as Bolton was once described³ – of new forms of business structures, the limited liability company, widespread use of partnerships, and so on.
16. Those changes, married to population growth, placed pressures on the courts that simply could not have been met at the pace they were then evolving. They called for a different, a better way of delivering justice, one that was suitable for the Victorian Age. Broadly speaking, we live today with and within the terms of that

³ M. Williams & D. Farnie, *Cotton Mills in Greater Manchester*, (1992) at 20.

Victorian inheritance. Yet we do not live in a Victorian Age. We live in the Internet Age. Our justice system – and this is as apposite for Tribunals System notwithstanding the differences that exist between it and the courts system – needs to evolve. We need a Victorian approach to innovation to move us beyond our Victorian legacy.

Vision

17. What then are the hallmarks of reform? Coming into my Senior Presidency, now five months ago, I recognised hallmarks with which no interference was needed: specialist decision-making, using innovative and informal techniques, to provide effective and accessible justice for our users.

18. Without damaging those hallmarks, we can simplify the ways in which justice is done, empowering citizens to put their case forward when they think the State has got it wrong. If a citizen comes to the system, they should be able to negotiate it at their convenience, using the tools and technology they apply in other parts of their life.

19. We can at the same time improve and modernise the working environment for our judges and specialist members, creating a judiciary which is responsive to the varied and specialist nature of the diverse problems presented. The judiciary should have modern, flexible, digital tools and problem solving techniques to help them get to the heart of their cases quickly; resolving wrong decisions, or weeding-out the hopeless case. We should not forget that access to justice is an indivisible right: it is one that applies as much to defendants as it does to claimants. It is as important to ensure that meritorious claims are brought and rights are vindicated, as to ensure that unmeritorious claims are resolved quickly

and correctly so as to ensure the least interference with or disruption to the substantive rights of defendants.

20. Like the citizens it serves, justice can be delivered in many ways – by the most appropriate decision-maker; in modern hearing rooms, or in mental health hospital units, community halls or remote locations; by video links, on laptops, tablets and smartphones, and online with the citizen and decision maker coming together virtually. It might be said that the idea of delivering justice in such settings is in some sense wrong; that it traduces the majesty of the law. Such potential criticism misses one very important point: justice does not stand outside or above the citizen. To return to an earlier theme, the right to effective access to justice is an important corollary of the autonomy of the citizen and that citizen's responsibilities to and place in society.
21. Citizens, whether litigants or not, are not supplicants coming to the high hand of judgment. They are rights bearers. And our justice system should be capable of ensuring that as such they are able to access those rights in an appropriate setting. Justice, and access to it, should lie at the heart of the community. In this it is not the Victorian's legacy we need to learn from, but rather their predecessors who through the development of local justice in local courts, often involving – as it then did – local juries – ensured that the delivery of justice was a feature of the community. Do not get me wrong – this is not about local buildings or the court and tribunal estate – that would be an entirely superficial and simplistic way of characterising access to justice. This is about recognising the way that we live in a digital society and responding accordingly. With modern methods, effective use of IT, we ought to be creating – recreating – local justice. This will be a justice system where many sizes fits all; not one size for all. A much simpler system of justice, with the judiciary at it's heart, citizens empowered to access it, using innovation and digital tools to resolve these cases quickly, authoritatively and efficiently.

22. That is our aim and I would like to talk to you about the detail that underpins that vision; and demonstrate that progress towards it is not only possible, but also necessary, whether we live in times of austerity or not.

Developing our approach

23. Since becoming Senior President, I have explored the potential for modernisation under three key themes: one coherent and seamless justice system; one flexible and efficient judiciary; and a focus on better outcomes for users. The aim is to ensure that cases which end up before the system are dealt with fairly by the right person or people, with the right expertise, in a timely and efficient fashion. Let me take each point in turn.

One system

24. To serve the needs of a 21st Century society, the justice system must be *digital by default* and design. Some progress has been made towards digitising elements of process already. In employment tribunals, the vast majority of new claims are now commenced online. Our Immigration and Asylum appeals can also be issued through an online portal. There are portals for users in the courts, too: Money Claims Online has been in operation since 2001 and has over 180,000 users annually. But once the 'submit' button is pressed by the user or their representative, a civil servant at the other end has to print the e-form, and make up a paper file. From that point on, we are back to square one: almost back to the Dickensian model of justice via the quill pen.

25. The creation of online justice cannot therefore simply be a matter of digitising what might be called the frontline processes. It must go further than that. It must properly embrace what is described as Online Dispute Resolution. This concept can cover two distinct, but linked ideas. On the one hand it can refer to the creation of an online means to facilitate the settlement of disputes by agreement.

Online mediation or negotiation. Such a system exists, for instance, in the Netherlands: the Rechtwijzer 2.0.⁴

26. It can also refer to an online court or tribunal. Lord Justice Briggs is currently looking at this latter idea as part of his Civil Courts Review. It has been tried before. As I understand it the first such court was created in the United States. It was known as the Michigan Cyber Court, and it was created in 2002. It was to be entirely digital or online. The entire process would take place online. It was also a relatively inexpensive court to set up. It was not however a success.⁵ Its funding was withdrawn. Let me say straight away, that will not happen to us and there is a good reason why it will not.

27. Michigan's Cyber Court was a development ahead of its time. It is strange to think now, as I imagine you all have a Smartphone sitting in your pocket; that you are frequent visitors to Amazon; that you download music rather than buy CDs, that in 2002 the iPhone and the revolution it began was five years away. In 2002 the idea of a digital – a cyber – court was something more at home in Star Wars or Star Trek. The view from today is markedly different. It is an idea that is in tune with the *zeitgeist*. I doubt that any such court today would meet the same fate as that of Michigan's. It is a concept that will, I suspect, save money by requiring fewer court or tribunal buildings, fewer but better qualified support staff and reduced costs for litigants.

28. I am equally convinced that such an approach will improve the way we do justice. I have seen it do exactly that. There are examples that already work. Goods and services today are transacted virtually. Meetings are facilitated by technology making the globe seem a much smaller place. And documentation can be shared

⁴ <http://www.hiil.org/project/rechtwijzer>.

⁵ <http://jurist.org/dateline/2012/03/tony-niescier-personal-jurisdiction.php>.

and revised online between multiple parties, at times convenient to them, without 'opening hours' and the physical constraints of our existing systems and buildings.

We are exploring an application of this idea in the tribunals system. It is a concept known as the online continuous hearings I will soon be trialling this in my Social Entitlement Chamber, which deals with appeals against welfare decisions.

29. It works like this. Change your view of litigation from an adversarial dispute to a problem to be solved. All participants, the appellant, the respondent Government department, which in this case is the Department of Work and Pensions, and the tribunal judge, are able to iterate and comment upon the basic case papers online, over a reasonable window of time, so that the issues in dispute can be clarified and explored. There is no need for all the parties to be together in a court or building at the same time. There is no single trial or hearing in the traditional sense. Our new approach is similar to that already used in other jurisdictions, where the trial process is an iterative one that stretches over a number of stages that are linked together. In our model, however, we will not need those stages to take place in separate hearings or indeed, unless it is necessary, any physical, face to face hearing at all. We will have a single, digital hearing that is continuous over an extended period of time.

30. Again, and similar to the practice in other countries and the traditional approach of the tribunals, the judge will take an inquisitorial and problem-solving approach, guiding the parties to explain and understand their respective positions. Once concluded, this iterative approach may allow the judge to make a decision there and then, without the need for a physical hearing; the traditional model to which the system defaults at present. If such a 'hearing' is required, for example to determine a credibility issue, technology could facilitate that too. It may be a virtual hearing.

31. Digitising the system is a necessary but, on its own, not a sufficient step. If we simply digitised our existing courts and tribunals, and their processes, all we would do is to digitally replicate our existing system. Such an approach would fossilise our Victorian legacy. It would embed and continue into the future the systems of the past, and in so doing carry with it the prospect that we would simply carry forward the problems inherent in those systems.
32. Digitisation presents an opportunity to break with processes that are no longer optimal or relevant and at the same time to build on the best that we have to eliminate structural design flaws and perhaps even the less attractive aspects of a litigation culture. It also provides us with the opportunity to create one system of justice, a seamless system. I firmly believe that a digital by default system should not just strive to deliver something that is physically more accessible but also something that is better at solving problems that is, the ‘one stop shop’. If a litigant, party or user has a problem, they should be able to come to the system to have that problem resolved. They should not have to compartmentalise their own problem, and run to different parts of the system with each bit. In the 1870s the Victorians swept away the idea that a litigant had to use a distinct form of procedure, unique to each type of claim, each in a different court, some of which had overlapping jurisdictions and different remedies. It is time to complete their work and provide the user with the legal equivalent of a ‘one stop shop’.
33. Let me elaborate. At the present time different forms and processes apply across courts and tribunals. There are overlapping jurisdictions in a number of areas. The courts and the Employment Tribunal have jurisdiction over employment disputes. The courts and the First-tier Tribunal’s Property Chamber have overlapping jurisdiction for certain property disputes. Protected and vulnerable

people often need the help of the family courts, the Court of Protection and Mental Health Tribunals. There are other examples in other jurisdictions.

34. Such a situation is patently inefficient and a less than ideal way of delivering justice, both for the courts and tribunals and for those who need to have their disputes resolved. Digitisation and the development of online courts and tribunals ought to provide the means to eliminate such deficiencies. It should enable the creation of a single point of entry to the justice system. It should facilitate the direction of claims to the right part of the system, which should be shorn of unnecessary duplication. Resources and expertise should be directed to the right part of the system for a particular type of claim, rather than spread across different aspects of it. Rules and processes should be simplified as far as possible; they should be common to all parts of the system where that is justified, and they should be different and specifically tailored where that is necessary. Not one size fits all – but the right size for the right case – delivered through the right process.

One Judiciary

35. Systems design is not simply a matter of the best use of technology. It also requires the best use of the judiciary. By this I do not suggest that we should marry technology and the judiciary together and create an algorithm: the digital judge in a digital court. What do I mean?
36. Across the courts and tribunals we have a breadth and depth of judicial expertise that is in very many ways of unrivalled quality. Our judiciary is widely and rightly respected across the world. For its ability and expertise, its judgment and strength of character. It is something we are rightly proud of.
37. The question though is whether we are making the best use of it. Are we ensuring that the right judge, with the right experience is able to hear the right case? The power exists to enable this to happen. The Tribunals, Courts and Enforcement Act 2007 and the Crime and Courts Act 2013 provide wide-ranging powers to the

Lord Chief Justice and Senior President of Tribunals to enable this to happen. We are working on devising, and testing, the means to best use those powers.

38. I should stress here the need to test, as this applies across the board. One of the great flaws of our historic approach to reform has been to identify a problem, alight on a perceived solution and then implement it. No one group of people, judiciary, civil servants or even Ministers should believe that they have the monopoly on what works in a change programme. We must engage our users and our judges to ensure that we have identified the right problems and the sources of the same. We should scrutinise the range of solutions together and evaluate our strategy and our plan to ensure that in their implementation we achieve an effective and efficient system. We are taking this approach to reform. In terms of developing a system for the effective deployment of the judiciary, we are testing what we have discussed. We are, for instance, part-way through the development and use of a pilot scheme that will enable the deployment of a number of judges from the Employment Tribunals into the County Court. We await the outcome of the scheme to see what we can learn, and what improvements are necessary.
39. The pilot scheme is not simply an example of ensuring that we are able to use our powers to ensure that judges are deployed to the right court or tribunal. It is more than that. It is a means by which we can enhance judicial expertise. A judge who, on the basis of business need, is deployed from what could be called their home jurisdiction – the court or tribunal in which they normally sit – to a jurisdiction elsewhere, will gain valuable experience. They may be deployed into, say the Property Chamber from the County Court, because of their knowledge of property disputes or be concurrently authorised to sit in all employment jurisdictions or in both mental health and mental capacity jurisdictions.
40. Flexible deployment and concurrent authorisation will provide the opportunity to the user for a ‘one stop shop’ approach to problem solving and to the judiciary for career development by the enhancement of skills, knowledge and experience as

judges deal with a broader range of litigation and take back the good practice they find being used by their colleagues to their home jurisdiction. If expanded across the courts and tribunals system as a whole, such an approach will create – to use the language of Human Resources – significant ‘up-skilling’. Put more simply, we will produce a better qualified and experienced judiciary; one better able to deliver justice.

41. So far I have concentrated on the salaried judiciary; those that have permanent positions. The Tribunals, and the courts, make significant use of part-time, fee-paid judges. Individuals who, for instance, remain in practice as lawyers, or as practitioners in specialist areas. A more holistic approach to the utilisation of such fee-paid judiciary ought to facilitate the development of greater skills and experience both within individual jurisdictions and through multi-jurisdictional specialist groups.

42. In addition to the better use of both salaried and fee-paid judiciary, we have started to develop and evaluate another feature of the tribunals: the assistance that can be provided to judges by legally qualified Registrars and specially trained case officers to whom supervised functions can be delegated. Those familiar with the enhanced role of legal advisors in the Family Court will know of the benefits that delegated process monitoring can bring to speed and consistency. That is also our experience in the tribunals. But case management is not simply a matter of ensuring that a claim is ready for trial. Lord Justice Briggs has noted that our approach to case management should be one aimed at managing a dispute resolution process, and not one of managing to trial.⁶

43. That is surely right. Better use of skilled and appropriately trained Registrars and case officers will help us to implement such an approach. Their use, for instance, will facilitate access to justice by those who simply cannot access it at the moment any more than they will be able to access it in a digital system – and that is

⁶ M. Briggs, Chancery Modernisation Review at para 5.42.

important. They can help facilitate effective triage of claims so that each claim is allocated to the right process, and the litigants are given appropriate support to move towards an appropriate resolution. It will also enable far greater use of a so far under-utilised dispute resolution technique: early neutral evaluation.

44. In broad terms, the idea is simple. At an early stage of any claim, the parties outline their claim to a neutral third party, who then gives an assessment of the merits of the claim. The assessment is not binding (although the possibility always exists for the parties to agree to be bound by it). In general, the assessment is a means – and in many cases an effective one – to enable the parties to approach a settlement negotiation having received an objective, neutral view on the strengths and weaknesses of their respective positions. If the claim does not settle, and it proceeds to trial, the individual who carried out the assessment has no further role to play.

45. ENE is found in the family justice system, where it is known as Family Dispute Resolution. It has been around in the Commercial Court, the Admiralty Court and Technology and Construction Court for some time now, and more recently the High Court's Chancery Division has started to promote its use. The greater use of skilled Registrars, case officers, and fee-paid judges, ought to enable ENE to become an embedded part of the system, assisting parties to properly assess their positions. In so far as it promotes settlement, it secures a benefit to the parties through early resolution of their dispute. It equally enables the more efficient use of judicial resources, by enabling them to be concentrated on those claims that genuinely cannot be resolved consensually. And where the claim doesn't settle, it facilitates better use of both court and party resources, promoting better case management by enabling the parties to narrow the issues in dispute.

46. Of course, this comes at a price, although I do not mean that it calls for significant investment. The price is greater judicial training. If judges are to be deployed more widely than at present, and are to deal with a broader range of disputes,

they will need appropriate training. A key focus therefore of moulding one judiciary will be the work carried out by the Judicial College. Training will have to be matched by a commitment across the judiciary to implementing the new approach effectively. We will need to get the culture right, and will need to do so across the whole of the judiciary.

47. A new basis for developing real career progression across the judiciary will help secure for the medium and long term a more diverse judiciary; one better able to reflect society and maintain the confidence of society as a whole. The tribunals are assiduous caretakers of the most diverse part of the judiciary. We want to share what works with everyone.

Quality assured outcomes

48. Finally, I want to touch on the idea of quality assured outcomes. How are we to ensure that we improve decision-making, while also ensuring that the new deployment measures are carried out effectively. This has a number of aspects.

49. First, it will require the judiciary to share best practice across tribunals and courts. Different approaches are taken in different Chambers in the Tribunals, just as they are taken in different courts. In just the same way that different countries take different approaches to their court structures and procedures. We often examine best practices in other jurisdictions. Both Lord Woolf and Lord Justice Jackson, for instance, examined other common law jurisdictions when carrying out their civil justice reviews. We are presently learning from the Netherlands, as well as British Columbia and the United States about the development of ODR.

50. Best practice is not however just a matter of what goes on in other countries. It is something which arises much closer to home. We will examine and learn from best practice across our own jurisdictions, and our systems will be better for it. By sharing the best of what we know, we will all be better judges and our ability to deliver quality justice – the ultimate test – will improve.

51. Quality assurance is more than learning. It is a matter of putting into practice knowledge. I am sure that you have all heard the phrase ‘practice makes perfect’. It doesn’t. To make perfect assumes that you can identify the perfect to start with. It is one thing to teach new techniques, to broaden experience – but again the real test is in the delivery. Quality assurance therefore calls for appraisal. We must ensure that what has been learnt translates into practice; that practice is not embedding the imperfect. And by we I mean the judiciary, appraisals carried out by anyone other than the judiciary would be a stark infringement of judicial independence. Judicial appraisal is already embedded in tribunals practice as an important personal and career development mechanism that helps improve quality.
52. And, finally moving to the strategic and the practical. Effective planning and forecasting systems need to be implemented to support effective deployment. They will be necessary to identify: *how many of what kind of judges do we need in which places doing what and with what support?* We need better data and analytics to understand the business need if we are to deliver and administer effective justice by ensuring that the right judge is in the right place for the right case. We need to be able to forecast workloads to be able to plan for the deployment, recruitment and training of the judiciary. An effective justice system requires effective strategic and operational planning for the future.

Conclusion

53. Our vision is of *one system of justice*, supporting the needs of all our diverse users, without consigning any to a second class service; *one judiciary*, with specialist expertise, deployable across jurisdictions, flexibly and responsively, as caseloads require – supporting service delivery as well as career progression; and *better quality outcomes*, facilitated through innovative problem solving and

inquisitorial dispute resolution, supported by modern infrastructure, and backed by performance monitoring and appraisal.

54. Austerity has provided the impetus to develop and realise that vision, to take the necessary steps to modernise our justice system and bring it into the 21st Century.

But not just the 21st Century. In 1912, a Chief Justice – of Wisconsin not England and Wales – said this,

‘Equal justice . . . has been the dream of the philosopher, the aim of the lawgiver, the endeavour of the judge, the ultimate test of every government and every civilization.’⁷

As a judge and as a member of what that Chief Justice would have described as a branch of the governance of the State, it is my intention that – as far as we possibly can – the reforms that flow from the vision for reform I have outlined this evening help secure equal access to justice, to a justice that is the right of all.

55. Thank you.

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⁷ Chief Justice Winslow, cited in D. Rhode, *Access to Justice* (OUP) (2004) at 185.