



JUDICIARY OF  
ENGLAND AND WALES

SIR PETER GROSS

JUDICIAL LEADERSHIP AND REFORM

BAHRAIN, FEBRUARY 2017<sup>1</sup>

**Introduction**

1. It is a pleasure to be in Bahrain and to have the opportunity to address the Supreme Judicial Council. This visit speaks to the warm relations between our two countries, dating back some 200 years – evidenced by the fact that in recent months you have had visits from the Prince of Wales, the Prime Minister and the Foreign Secretary. I express the hope that closer links between our Judiciaries will add a further dimension to these. Equally, I am confident that closer links between our two Judiciaries will serve to strengthen Human Rights and the Rule of Law.
2. My theme today is Judicial Leadership and Reform. I speak from my own experience which I am delighted to share with you, for your consideration. Please bear in mind that no system is perfect, including our own. My views are my own; Judiciaries very seldom speak with one voice on any topic! My experience suggests a simple proposition: judicial leadership is indispensable to reforming the justice system, though reform cannot be accomplished by judicial leadership alone. Judicial leadership is thus a necessary but not a sufficient condition for reform. To achieve reform, cooperative working with others is essential.
3. To place my views in context, I regard it as axiomatic that the two primary functions of the State are Defence of the Realm and the provision of law and justice. If the State succumbs to external enemies, all is lost. If it does not uphold law and justice – and that requires and includes properly resourcing the justice system - no other rights can be enforced or entitlements enjoyed. Against this background, it is impossible to overestimate the importance of Human Rights, the Rule of Law and an independent judiciary to our society. A good working definition of the Rule of Law was provided by the late Lord Bingham in his excellent book, *The Rule of Law* (2010), at p.8:  
*“The core of the .... Principle is...that all persons and authorities within the state, whether public or private, should be bound by and entitled to the benefit of laws publicly made, taking effect (generally) in the future and publicly administered in the courts.”*  
While an independent judiciary can depart from or neglect the Rule of Law, there can be no rule of law without an independent judiciary.
4. The judiciary is the independent third branch of the State (the others being the legislature and the executive); the Judges are not simply just another group of officials, albeit very senior. As a US Supreme Court Justice, Justice Frankfurter, once said of the Supreme Court – but he could have been speaking of the Judiciary as a whole:  
“The Court’s authority possessed neither of the purse nor the sword ultimately rests on sustained public confidence in its moral sanction.”<sup>2</sup>

---

<sup>1</sup> I am most grateful to John Sorabji, Principal Legal Adviser to the Lord Chief Justice and Master of the Rolls, for his assistance with the preparation of this Lecture.

Central to such public confidence and the Judiciary's moral authority are its independence and impartiality. Independence involves *institutional* independence from the other branches of the State. It also involves *individual* independence. This means that no Judge can be told how to decide a claim. No politician or official can do so. Nor can a more senior Judge tell a junior Judge how to decide an individual case. Great care must be taken to ensure that judicial leadership does not impinge on individual judicial independence.

5. At first blush, some might question the concept of “judicial leadership”. Judges sit alone or in constitutions of 2, 3, 5 or whatever number to hear a case. They decide for themselves on the law and the facts. Where, it might be said is the scope for judicial leadership?
6. The question is understandable but misplaced. Certainly in England and Wales, the range and extent of judicial leadership activity is striking. Some aspects are traditional and of very long standing. Others involve little short of a sea change. So, in the common law system, it is taken for granted that Judges develop the law; that is, indeed, the genius of the common law. Such controversy as there is turns on the balance to be struck between legitimate judicial development of the law and judicial legislation on matters best left to Parliament. Plainly, development of the law and the decision when to innovate and when to draw back must be and can only be judge-led. So too, the decisions of the Courts serve to define the society we are. That aspect of the role calls for principled but finely tuned Judicial leadership and judgment, in achieving the right balance between fearless independence (as the independent third branch of the State) and restraint - recognising and respecting the proper sphere of the other two branches of the State. Yet a third area is international relations, where the Judiciary – while independent of the executive but not free-lancing on foreign policy - can assist in promoting the rule of law internationally and encouraging contact and comity between judiciaries, as indeed I hope we are doing here. All this too calls for judicial leadership in setting goals and prioritising accordingly. One example, is the initiative of the current Lord Chief Justice (LCJ), seeking to establish a worldwide forum of Commercial Courts - I know that there is an invitation on its way to Bahrain and we look forward to seeing Bahrain represented in London.
7. Each of the topics which I have just mentioned would itself justify a discussion of some length. Today, however, I propose to focus on three other practical aspects of judicial leadership. They all involve judicial leadership in bringing about a change of culture. They further go to show the scale and scope of judicial leadership. None sullies judicial independence. The three areas are:
  - (i) case management;
  - (ii) the leadership of the judiciary;
  - (iii) reform of the justice system and the administration of the Courts.In each case, in our experience, leadership is something which has evolved rapidly since the turn of the millennium.
8. A final preliminary – but one to which I shall return: the first task of any Judge is to sit in Court and decide cases. When Judges are asked to take on leadership roles, there is inevitably a tension: how to balance the leadership role out of Court with the demands of hearing cases or appeals in Court. There is no easy answer. Conversely, however, the simple view that Judges should do nothing other than decide cases in Court does not meet the demands of today's justice system – or at least that is our experience.

### **Case management**

9. My starting point is case management. The traditional picture of English courts places all action in the hands and under the control of the parties. Judges were simply there to ensure that the proper process was carried out, that both sides had a fair opportunity to present their claims in a way in which they chose, and then decided the claim based on

---

<sup>2</sup> In *Baker v Carr* 369 US 186, 267 (1962)

what the parties had put before the court. It is the image of a judge as umpire. As two famous legal historians described an English court and judge,

*'We are often reminded of the cricket-match. The judges sit in court, not in order that they may discover the truth, but in order that they may answer the question, 'How's that?'. This passive habit seems to grow upon them as time goes on and the rules of pleading are developed.'*<sup>3</sup>

The image drawn may seem slightly facetious. It makes an important, now historic, point, as to party autonomy, a feature of English court process. Much of this was and is good. But it also left control of the pace and conduct of a claim in the parties' hands too. This last aspect was identified as a source of unnecessary cost and delay in litigation.

10. This was a problem not only for the parties but also for the court system itself. Judicial time and court resources – which are necessarily limited - cannot be allocated disproportionately to some litigants at the expense of others. A badly run claim that requires numerous hearings and large amount of court time that would not have been necessary if it was managed more effectively, is a claim that reduces the court's ability to secure a fair allocation of its resources to other claims. It introduces unnecessary delay. And it introduces the unnecessary cost that such delays visit on all litigants and the court itself.
11. The answer to this problem was to replace party control of the litigation process with active case management by the Court. This reform, reflecting long established practice in the Commercial Court<sup>4</sup> was introduced into civil proceedings in 1999. It is now firmly established in family and criminal proceedings as well. As a consequence, the judge now 'grips' the case both pre-trial and at trial. Case management is really applied common sense: a determination to identify and narrow the real issues at the earliest possible stage; thereafter, to manage the case with those in mind. Properly done, it should reduce the number of witnesses required, speed the progress of the case through the pre-trial stage, reduce the number of pre-trial hearings and cut down the length of the trial. It should also, of course, promote settlements in civil cases.
12. Examples are readily at hand. In civil cases, amendments, leading to adjournments resulting in the loss of trial dates are most unlikely to be allowed – even if the matter is 'curable in costs' between the parties; costs do not cure the problem such matters create for other litigants and their right to receive justice in a timely and proportionate manner. In criminal cases, "trial by ambush" is largely a thing of the past<sup>5</sup> and interminable and repetitive cross-examination will not do – the more especially when the complainant, victim or witness is vulnerable. The rationale which underpins this now no longer new judicial leadership role was outlined by Judge LJ (as he then was) in *Jisf*<sup>6</sup>

*'114. The starting point is simple. Justice must be done. The defendant is entitled to a fair trial: and, which is sometimes overlooked, the prosecution is equally entitled to a reasonable opportunity to present the evidence against the defendant. It is not however a concomitant of the entitlement to a fair trial that either or both sides are further entitled to take as much time as they like, or for that matter, as long as counsel and solicitors or the defendants themselves think appropriate. Resources are limited. The funding for courts and judges, for prosecuting and the vast majority of defence lawyers is dependent on public money, for which there are many competing demands. Time itself is a resource. Every day unnecessarily used, while*

---

<sup>3</sup> F. Pollock & F. W. Maitland, *The History of English Law*, (Vol. 2) (2<sup>nd</sup> ed) (CUP) at 670 – 671.

<sup>4</sup> And inspired by similar reforms in the US and Australia amongst other common law jurisdictions.

<sup>5</sup> See, for instance, *per* Thomas LJ (as he then was) in *R (DPP) v Chorley Justices* [2006] EWHC 1795 (Admin), cited in *Blackstone* (2016) at para. D4.10. See too, CPD I, 1A.1.

<sup>6</sup> [2004] EWCA Crim 696, esp. at [114] – [118]

*the trial meanders sluggishly to its eventual conclusion, represents another day's stressful waiting for the remaining witnesses and the jurors in that particular trial, and no less important, continuing and increasing tension and worry for another defendant or defendants, some of whom are remanded in custody and the witnesses in trials which are waiting their turn to be listed. It follows that the sensible use of time requires judicial management and control.*

...  
*116. The principle therefore, is not in doubt . . . its practical application depends on the determination of trial judges and the co-operation of the legal profession. Active, hand on, case management, both pre-trial and throughout the trial itself, is now regarded as an essential part of the judge's duty . . . cases must be prepared and conducted accordingly.*

...  
*118 . . . The objective is not haste and rush, but greater efficiency and better use of limited resources by closer identification of and focus on critical rather than peripheral issues. When trial judges act in accordance with these principles, the directions they give, and where appropriate, the timetables they prescribe in the exercise of their case management responsibilities, will be supported in this Court. Criticism is more likely to be addressed to those who ignore them.'*

13. These changes provide examples of the leadership role played by the Judiciary in developing and promoting procedural reform. Thus, in the area of civil procedure, there are the reports by Sir Rupert Jackson and Sir Michael Briggs; their work developed proposals to reduce the cost of litigation and to see the introduction of a new online civil court for low value claims respectively.
14. In the field of criminal procedure, I would highlight three major exercises in which I can speak with personal knowledge.<sup>7</sup>
15. First, *Disclosure*. In an English criminal trial, broadly speaking, the prosecution is under a duty to disclose to the defence any material it has which might support the defence case or undermine the prosecution case. In some cases there are now millions of electronic documents and the burden of disclosure is very heavy. The grave concern was that the burden of disclosure should not render the prosecution of economic crime impractical. Following judicially conducted reviews, judges now have the power and the duty actively (and robustly) to manage disclosure in every case; the perception that this was a matter to be resolved between the parties was wholly out of date.<sup>8</sup> In a nutshell, the culture has changed – and judicial leadership has been the catalyst for change, supported by the legal profession accepting the change as reflecting professional best practice.
16. Secondly, *Transforming Summary Justice (TSJ)* was a Criminal Justice System (CJS) wide project, implemented nationally in 2015, designed to improve efficiency in the Magistrates' Courts, where more than 90% of our criminal cases are dealt with. TSJ aims to enable guilty pleas to be taken and dealt with in one hearing and for contested cases to be properly case managed at the first hearing, actively progressed thereafter and disposed of at the second hearing. It has called for a fundamental change by the prosecution and police, involving the front loading of work to permit an early review of cases. TSJ was implemented by way of joint working and close cooperation between the Judiciary, the prosecution and the police. Much attention has been focused on implementation and governance, learning from past experience where judicial initiatives had initially flourished and then withered. Overall, we are very pleased with the results so far achieved.
17. Thirdly, *Better Case Management (BCM)*, which is focused principally on the Crown Court – the Court where more serious crime is tried. BCM was implemented nationally

---

<sup>7</sup> Further and generally, see The Rt Hon Sir Brian Leveson, *Review of Efficiency in Criminal Proceedings* (2015)

<sup>8</sup> The Protocol, at para. 56.

from January, 2016. The aim here too is to dispose of guilty pleas as early as possible and to manage those cases destined to go to trial robustly. Again, BCM would not have happened without judicial leadership but implementation has involved the closest cooperation between the Judiciary, CPS and police – and the engagement of the legal professions. Results to date have been very encouraging.

18. Pulling these threads together, case management reform is a striking example of judicial leadership in action. It is nothing short of a cultural change driven by judicial leadership. The Judiciary could not have done this on its own but judicial leadership has been critical. Learning from our own past errors, we have focused on planned implementation and continued governance. We have also devoted attention to ensuring that appellate courts support robust case management by judges at first instance. In terms of using available resources efficiently, clearing the decks and providing an improved public service, the importance of case management cannot be over-stated. Lastly, it must be remembered that delay undermines the rule of law; in eliminating or reducing delays, case management assists in upholding the rule of law.

### **The leadership of the Judiciary**

19. I come next to a change in our constitutional settlement in 2005. Historically, the head of the judiciary was the Lord Chancellor who was also a member of the executive (as a Minister) and of the legislature (as Speaker of the House of Lords). That came to an end as a consequence of the Constitutional Reform Act 2005.
20. The 2005 Act achieved a number of reforms. It separated our final appellate court from the House of Lords, moving it across the road from Parliament and renaming it as the Supreme Court of the United Kingdom. It stripped the office of Lord Chancellor of its Parliamentary function, by creating a new office of Speaker of the House of Lords. It also stripped the office of its judicial role. The Lord Chancellor would become, and remains, solely a cabinet minister, the head of the Ministry of Justice. The judicial role was transferred to the Lord Chief Justice, who since 2005 has been the head of the judiciary.
21. Where the Executive used to lead through the Lord Chancellor, the Judiciary must now lead, given the transfer of responsibility to the Lord Chief Justice. A small quasi-department, the Judicial Office (JO), now provides the administrative and policy support to the Lord Chief Justice fulfilling a significant amount of the work the Lord Chancellor and his department would once have carried out.
22. An inevitable consequence of these reforms, which cannot be underestimated, is the massive expansion of judicial leadership, management and administration roles: the “day job” in court is now just the tip of an extremely deep iceberg. As Lord Judge noted,

*‘. . . the modern Judge is increasingly involved in . . . administration. The days are over when the judicial function was performed by the judge turning up at court at 9 o’ clock, reading the papers for the day’s work, going into court at 10 or 10.30, sitting the court hours, adjourning at 4.30 or thereabouts, working on the day’s work in preparation for the summing up or the judgment and then going home . . . the modern judge is likely to be involved directly or indirectly with many responsibilities out of court, which have nothing whatever to do with his or her judicial judgments. All this is new, but the burdens are likely to increase rather than diminish. Do not get me wrong: they add greatly to the interest of the job, but the time in which to do it does not increase.’<sup>9</sup>*

23. By way of the briefest of outlines of our judicial leadership structure (it would otherwise be a very long talk indeed):
  - The Lord Chief Justice (LCJ) is the Head of the Judiciary – depending on personal style, a CEO or Executive Chairman.
  - The Master of the Rolls (MR) is the head of civil justice and of the Court of Appeal.

---

<sup>9</sup> “Being a Judge today” (2013) in *The Safest Shield* (2015), at pp. 290-1.

- The Judicial Executive Board (JEB) is, in effect, the LCJ's cabinet, dealing with policy issues, practical matters affecting the Judiciary as a whole and providing over-arching leadership (in support of the LCJ) for the proper functioning of the Judicial pillar of the State. Its membership is small but includes the principal leadership judges in the system.
- Our system is then divided, both by the work we do (*a jurisdictional* division) and geographically (in terms of *Circuits*). In terms of the jurisdictional divide, we effectively have a split between (1) crime, common law, public law and various most important specialist Courts – the Commercial Court and the Technology and Construction Court; (2) Chancery and equity work, some of which overlaps with the Commercial Court; (3) the Family Division, dealing with the work its name suggests. Each division is run by a Head of Division (HOD), each of whom sits on JEB. We also recognise the vast amount of work done by Tribunals, dealing with the relationships between citizens and various government departments; their head is the Senior President of Tribunals (SPT), a very major leadership role. He too sits on the JEB.
- In terms of the geographical split, the country is divided into Circuits. Each Circuit has Circuit leadership Judges who fulfil very major leadership roles - Presiding Judges (PJJ) and others. At a local level, there are in many ways the true heroes of the system – local leadership Judges in Crime, Civil, Family and Tribunals' work.
- I held the office of Senior Presiding Judge (SPJ) for the period 2013-2015. It provided a unique vantage point from which to observe – and in many ways to help shape – the changing demands now placed on judicial leadership. The SPJ is largely responsible for the administration of judicial business in the courts outside of the Royal Courts of Justice (RCJ). The SPJ is involved in deployment, promotions, training and, sadly, from time to time, health and disciplinary matters. He is also responsible for liaison with the magistracy, who have two representative bodies to represent some 20,000 members. The SPJ works very closely with and reports directly to the LCJ, is a member of the JEB and has (*ex officio*) a seat on the Board of Her Majesty's Courts and Tribunals Service (HMCTS), to which I shall come. The PJJ report to the SPJ. He is often the first port of call for dealing with government departments and policy initiatives in both the criminal and civil jurisdictions. The SPJ has regular – ordinarily, daily – contact with senior officials in HMCTS. The role of SPJ is a significant, demanding leadership role at the centre of our justice system<sup>10</sup> – in some ways akin to a COO – and, so far, I have only described business as usual. The consequence for the SPJ is that his time is largely spent out of Court.
- The Judges' Council (JC) is a consultative body, including representatives from every level of the Judiciary, spanning the LCJ, the HODs, the Circuit and District Bench, the Tribunals and the Magistracy (and, as I have said, in our jurisdiction we have some 20,000 lay magistrates, trying over 90% of the criminal work).
- We strongly believe that judicial training must be judge-led. Until a few decades back we did not have training and when it was first introduced not all judges wanted it. Some thought it would affect their independence. Now we have the Judicial College, which provides training courses both for our own judiciary and internationally and, we would like to think, is highly regarded internationally. We regard training as important throughout a judicial career.
- We also have our own conduct and investigations office (the JCIO) which investigates complaints against Judges and operates with suitable “Chinese walls” to preserve its independence.

---

<sup>10</sup> This is not to diminish the huge roles played by the other senior leadership Judges already described – it is simply to focus on my personal experience.

- Last but anything but least, supporting all this is the JO, which reports and is accountable to the LCJ and SPT. It is our own (small) civil service, if I may put it that way. It includes amongst its many tasks, the provision of HR and welfare support, an international team<sup>11</sup> and a Judicial Communications Office (JCO) which is immensely useful for both internal and external communication.
24. It is therefore clear that the Judiciary now has a significant leadership structure, with (for better or worse) a proliferation of judicial leadership roles. A huge amount of work is done by leadership Judges of every description. Across the board, we are loyally supported by the JO.
25. By way of examples only, I would like to mention two matters relating to leadership of the judiciary, which loomed large in my time as SPJ. The first is *performance*. By that I do not of course mean “outcomes” in individual cases; that is a matter for the Judge concerned, subject only to the appellate process. Instead, performance means doing what we can, as a judicial leadership, to ensure that courts operate efficiently, making optimal use of the limited resources available. To some extent, there is an overlap with the embedding of case management in the civil and criminal jurisdictions. Getting a grip on performance – which we now have more than ever before – has involved a very substantial exercise in judicial leadership. It involves putting in place and systematically utilising reporting structures; capturing the right data and management information; inevitably also, follow-up and implementation. A striking feature has been the development of the Crown Court Performance Tool (“CCPT”), which includes data as to workload, trials, Guilty Pleas, case mix and timeliness. Performance management cannot be accomplished by *diktat* from the senior Judiciary; it requires and has obtained support from the Judiciary at all levels across the country, who have, overall, proved notably willing to embrace change, subject to very understandable and proper probing of the practicalities involved.
26. Secondly, *support for judicial leadership roles*. Responding to the increased demands of these leadership roles at Circuit and local levels, we have implemented arrangements for both time out of court and administrative support. Neither is an indulgence. Both are necessary to enable leadership Judges to fulfil their roles. Additionally, in a more complex world, we have taken steps to provide leadership judges with leadership training, together with HR training and support.

### **Reform of the Justice system and the administration of the Courts**

27. Finally, I want to look at one more consequence of the 2005 Act reforms, which has been the emergence of what is, I believe, unique in our constitutional framework: Her Majesty’s Courts and Tribunals Service (HMCTS), the body that administers the courts and tribunals. Unique because it is a partnership between the Executive, in the form of the Lord Chancellor, and the Judiciary, in the form of the Lord Chief Justice and Senior President of Tribunals, as reflected in the *Framework Document*<sup>12</sup> which contains its governance arrangements. It has a management board, on which are representatives of the principals, together with various executive and non-executive directors. As already mentioned, as SPJ, I was one of the Lord Chief Justice’s representatives on the board.
28. In terms of HMCTS, the central issue over the recent past, and until at least 2020 and beyond, is HMCTS Reform. Reform to improve the service it provides, to make it more efficient, more economical, and more accessible. Subject of course to the Lord Chief Justice and the JEB, the SPJ has been the judicial lead on Reform. In my time, the then Deputy SPJ (now the current SPJ) led on IT reform.<sup>13</sup> The SPT has also paid a key leadership role here.

<sup>11</sup> Whose head, Ben Yallop, is here with me

<sup>12</sup> HMCTS Framework Documents (2014)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384922/hmcts-framework-document-2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384922/hmcts-framework-document-2014.pdf).

<sup>13</sup> See, most recently, *The Modernisation of Access to Justice in Times of Austerity*, by Sir Ernest Ryder, the current SPT (5<sup>th</sup> Annual Ryder Lecture, the University of Bolton, 3<sup>rd</sup> March, 2016)

29. HMCTS Reform involves an integrated programme with three strands: (1) transforming our IT; (2) modernising our estate; (3) changes to our working practices. To emphasise: this is a transformational programme (truly so called) and an integrated programme. With the support and agreement of both the Treasury (HMT) and the Ministry of Justice and of successive Lord Chancellors,<sup>14</sup> funding of some £700 million plus<sup>15</sup> has been agreed. Moreover, HMT has agreed various flexibilities and the “ring fencing” of the proceeds of asset sales, so that these can be reinvested in the programme.
30. It needs to be emphasised at once (as the LCJ has put it) that this is not “reform done to” the Judiciary; quite the contrary. HMCTS Reform can only be successfully accomplished with judicial participation, nationally, at Circuit level and locally – hence the establishment of Local Leadership Groups. By its nature, much of the programme must be judicially led. Hence, there is not, in my view, any question of judicial independence being compromised by the Reform Programme; the Judiciary is not doing the executive’s bidding; it is instead leading a programme which it has promoted throughout. Because of the need for engagement by the judiciary across the country, much judicial leadership time has been invested in road shows; my Deputy and I undertook more than 30 in 2015 and found them, without exception, valuable and stimulating. Communication between the centre and judges across the country is an essential part of the process. Judicial involvement and leadership must also be jurisdictionally based; proposals for reform must satisfy those with practical experience of the jurisdictions in question. We did not want reform which looked good on paper but did not work in practice. For this reason, Judicial Engagement Groups (JEGs) were established<sup>16</sup> and have already repeatedly proved their worth.
31. Even this brief outline of the Reform programme serves to illustrate the sheer scale of the judicial leadership task, requiring commitment, drive and energy from the LCJ down to ensure its progress.
32. That said, judicial leadership is a necessary but not sufficient condition for success. HMCTS Reform could not be accomplished without the closest cooperation between the Judiciary and HMCTS – joint working at its best - involving the complete commitment of the HMCTS senior management team<sup>17</sup>, together with support and guidance from the HMCTS Board, under its universally respected and independent Chairman.<sup>18</sup>
33. Significant progress has already been made; the Reform Programme is real – it is not aspirational or theoretical. By way of examples only, our criminal courts are now largely equipped to work digitally. A new online civil court – a product of the reforms recommended by Sir Michael Briggs that I mentioned earlier – is in the process of being established. These and very many other aspects of the reform programme are exciting; they are also daunting; reform and particularly leading reform is never easy, which is why effective leadership is so very important. We need to get it right. If we do, it will be a legacy for the future, for the Judiciary, the Lord Chancellor and, most importantly, for our citizens.

## **Conclusion**

34. It will be apparent from even this brief outline that the leadership demands of a good many judges have changed beyond recognition. All this is in addition to the role taken for granted in developing the law, in helping to define the society in which we live and seeking to promote the Rule of Law and contact between Judiciaries internationally. The Judiciary’s leadership role now requires engagement to a significantly greater extent than in the past with the Executive and Parliament. Independence from the other branches of

---

<sup>14</sup> The Rt Hon. Chris Grayling MP and the Rt Hon. Michael Gove MP.

<sup>15</sup> The figure rises to £1 billion plus if various other criminal justice reform moneys are aggregated as well.

<sup>16</sup> Civil (CJEG), Tribunals (TJEG), Family, Magistrates and Crime and, more recently still, a “Delegated Case Officer JEG”.

<sup>17</sup> Under its Chief Executives, in my time, Peter Handcock and Natalie Ceeney.

<sup>18</sup> Mr Robert Ayling, another to whom I owe a great debt.

the State does not mean or require splendid isolation. We do need to work with the other branches of the State, while doing so always alert to and within constitutional bounds.

35. The range and scale of judicial leadership is now striking. Hard choices need constantly to be made. We really do not want our most senior judges to become detached from the business of judging; but extensive involvement of this same group is indispensable to shaping the justice system of the future. We must remain clear that the most important task of any judge is trying cases or hearing appeals. That is the central and irreducible core of any Judge's role. For many judges, however, securing justice now involves going beyond doing justice in individual cases. Realistically and for the time being at least, we may need to accept this feature of judicial life and structure senior roles accordingly. I hope this outline has shed some light on the changed judicial leadership landscape, highlighting the need for such leadership in the cause of reform, its scope and the challenges to which it gives rise, from which we cannot shrink. I look forward to the Supreme Judicial Council's consideration of this topic.

---

**Please note that speeches published on this website reflect the individual judicial office-holder's personal views, unless otherwise stated. If you have any queries please contact the Judicial Office Communications Team.**

---