



LORD CHIEF JUSTICE
OF ENGLAND AND WALES

¹

THE RIGHT HON. THE LORD BURNETT OF MALDON

LAUNCH OF THE BUSINESS AND PROPERTY COURTS IN BRISTOL

12 JANUARY 2018

As many of you know I was Presiding Judge on the Western Circuit between 2011 and 2014 and so spent a good deal of time in this great city, including sitting on cases in this building. For that reason, it is a pleasure to be here this morning to launch the B & P courts in Bristol.

Our laws and legal system have recently and very properly been described as '*a vital national asset*'. Our courts are central to that system. They contribute to our global influence and our national wealth. They secure that surest public good: the rule of law.

No system can, however, rest on its laurels. That is as true of our justice system as it is of any other endeavour. Competition between justice systems is increasingly common, not least where commercial and business disputes are concerned. Choice of law and choice of venue make such disputes truly international. Increasingly choice of venue involves taking account of the courts, the judiciary and the legal profession of a jurisdiction before a choice is made.

¹ The CityUK, UK Legal Services Report 2017 at 5 <<https://www.thecityuk.com/assets/2017/Reports-PDF/Legal-excellence-internationally-renowned-Legal-services-2017.pdf>>

Barely a month goes by without a report of another jurisdiction establishing or considering whether to establish an English-speaking commercial court. And the question of venue becomes ever more competitive. The English and Welsh courts may have an historic advantage. Such advantages can, unless care is taken, fade away when faced with new competition.

Increased competition can also – and, perhaps, should also – act as a spur to innovation and improvement. We have a long tradition of both innovation and improvement in our courts.

Since its creation in the late 19th century, our Commercial Court has been a market leader. Its rules and procedures are generally recognised as a gold standard. But they are constantly under review to make changes that secure improvements. The scope, and thus cost, of disclosure remains an enduring source of concern. A working party led by Lady Justice Gloster, a former judge in charge of the Commercial Court, is considering how to improve the disclosure process. Change is driven by ever more sophisticated electronic searching technology, which can deliver disclosure at proportionate cost while maintaining the central role it plays in ensuring a fair trial and reliable outcomes.

Innovation in both the Commercial Court and the Technology and Construction Court, then of course the Official Referees' court, introduced effective case management long before it was an integral part of court reform in the 1980s and 1990s. And the TCC also pioneered, in the first half of the 20th century, judge-led encouragement of settlement through a nascent form for early neutral evaluation. More recently we have innovated through the introduction of the Financial List, the Financial Markets Test Case scheme, and the Shorter

and Flexible Trials pilot scheme. These are developments intended to ensure that our courts keep abreast of legal and commercial developments, but – importantly – are also able to deliver justice at the right pace and at the right cost.

The Business and Property Courts creation is our most recent innovation. It brings together judicial expertise in finance, business and markets, property, intellectual property, and technology and construction law. It offers an excellent forum for court-based dispute resolution. The Rolls Building, at the heart of legal London, is the flagship court. It is not an island unto itself. The real strength of the Business and Property Courts is the fact that it has centres across England and Wales, of which Bristol is one.

The establishment of these centres is of great importance to the delivery of justice across the country. It means that litigants should not feel it necessary to issue in London or use London lawyers, however complex or large the litigation. It means we can develop judicial and professional expertise across the country, increasing the attractiveness of each of the Business and Property Courts' centres. It means that claims will be capable of being resolved locally in the best possible forum. And, regional centres working in close connection with the Rolls Building will ensure that our courts can, through effective judicial deployment and case allocation, enable claims to be managed and tried in the most cost-effective and efficient manner. In this way, the Business and Property Courts working together across the jurisdiction will enable our courts not only to meet the challenges it faces, but also play their part in providing access to justice in support of the rule of law.

Just as we have built our justice system on firm foundations laid down over centuries, Bristol, its courts, judges and legal profession, is an integral part of the foundation upon which our justice system's future success is to be built. It is a real pleasure, therefore, to be here to mark the official opening of the Business and Property Courts in Bristol. Might I invite the Chancellor of the High Court, Sir Geoffrey Vos, to give you a more detailed explanation of the Business and Property Courts and their place in our Justice System.

Thank you.

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