



St Philips Chambers Deloitte.

**MIDLANDS HIGH COURT PROJECT
SUPPLEMENTAL REPORT TO
HIGH COURT JUDGE RESIDENCY IMPACT STUDY OF
JANUARY 2006**

1. This report supplements the report prepared by Birmingham Forward, Birmingham Law Society, St Philips Chambers, Deloitte and No.5 Chambers (the Project Group) entitled "High Court Judge Residency Impact Study for the Midlands" dated January 2006 ('the Report') and has been prepared following a visit by Lord Justice May to Birmingham on 10 October 2006 (including his attendance at an open meeting) to assess the level of interest in having local administrative law cases issued and heard in Birmingham and generally for the development of High Court resources in the Midlands. Lord Justice May is the chair of a working group of senior judges established by the Lord Chief Justice to examine High Court resources outside London.
2. Accompanying this report is:
 - 2.1. a list of those who advised they were attending the open meeting and others who attended on the evening – appendix A;
 - 2.2. examples of some of the responses received from the parties who were unable to attend – appendix B;
 - 2.3. a press pack of the publicity which the meeting attracted – appendix C;
 - 2.4. a letter from Alistair Wyvill to Lord Clarke MR dated 8 February 2006 concerning sittings of the Court of Appeal in the Midlands – appendix D.
3. With respect to the specific proposals which were raised by Lord Justice May during the course of his visit:



Birmingham Law Society



Administrative Court

4. The Project Group strongly supports the foreshadowed proposed recommendation to establish an Administrative Court in Birmingham. We believe that given the massive support this proposal has generated in the Midlands this Court will be a valued (and necessary) addition to the High Court's resources in Birmingham and will be highly successful.
5. We note further that:
 - 5.1. the estimate provided by the Court Service (the reliability of which is acknowledged as doubtful) of circa 250 as the likely number of administrative court matters which would be commenced in Birmingham annually if an administrative court was created here is likely to be a serious underestimate:
 - 5.1.1. one solicitor who attend the meeting said that his Birmingham firm alone commenced "two to three" cases a week in the administrative court in London, which would otherwise be started in Birmingham if there was a court;
 - 5.1.2. Ian Dove QC pointed out that from his direct experience in planning cases, there is a lot of "suppressed demand" because many litigants are put off by the cost and inconvenience of commencing in London;
 - 5.2. acknowledging the pressure on funds in the Court Service at present, nevertheless if an Administrative Court is created in Birmingham and elsewhere then these centres and the taxpayer have the right to expect that appropriate savings should and will be made in London.
 - 5.3. care should be taken to ensure that this new court does not draw resources from the other specialist courts in the regions.
 - 5.4. concerns about the lack of full High Court judge time, whilst no doubt genuinely held, fail to take account of the significant inefficiencies generated by the exclusively travelling system which saw, for example, 36 different full High Court judges spend no more than an average of 7½ weeks each in the Midlands in 2005.

The Civil Courts

6. In relation to the foreshadowed proposed recommendation to introduce a liaison Judge system for Queen's Bench civil matters similar to that operated in the Chancery Division by appointing a full High Court judge to supervise these matters over several regions:
 - 6.1. the Project Group strongly supports any proposal that will see more full High Court judges sitting in the Midlands;
 - 6.2. however:
 - 6.2.1. any such proposal must operate such as to support rather than undermine the authority and autonomy of the local specialist judges. Cherry-picking of the best cases or interference with listing and management would not be helpful.
 - 6.2.2. this proposal does not address the underlying issues concerning the efficient use of full High Court judge time or the other issues identified in the Report concerning access to justice, leadership, diversity, administration of justice and competitiveness and accordingly should be seen as a short term solution only.

The Court of Appeal

7. In relation to local sittings of the Court of Appeal, the Project Group's position remains as set out in Alistair Wyvill's letter to Lord Clarke MR dated 8 February 2006 (appendix D).

Generally

8. Whilst greatly appreciative of the time and effort put in by Lord Justice May and his working group in considering the views we have expressed and looking at recommendations in relation to the most pressing issues, the Project Group would welcome a considered response from the senior Judiciary in relation to the more fundamental questions concerning the exclusively travelling system which are raised by the



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Report but which we understand will not be addressed in any detail by Lord Justice May's working group. These questions include:

- 8.1. Is the exclusively travelling system cost efficient? Is it accepted that having 36 different full High Court judges spend no more than an average of 7½ weeks each in the Midlands in one year is a demonstrably inefficient utilisation of High Court judge time?
- 8.2. Does the current system unfairly discriminate against those who live or are based in the regions in terms of access to justice?
- 8.3. Does the current system treat unfairly those persons (mainly women) who have or seek appointment as High Court judges who have significant family responsibilities, particularly if they are resident in the regions?
- 8.4. Does the current system give London legal practitioners an unfair competitive advantage over their counterparts in the regional capitals?
- 8.5. Does the current system properly provide for the interests of regional communities in continuing to enjoy the leadership and support of their most successful legal practitioners (i.e., those of a standing appropriate for appointment to the High Court)?
- 8.6. Does the current system provide a proper and coherent system for the administration of the judiciary and of justice outside London?

November 2006



Birmingham Law Society



High Court Residency Open Discussion
10-Oct-06

Please note: There was no official requirement to pre-register so the list below comprises those people who chose to register before the event and those who gave their details on arrival. We believe some 15-20 other people attended.

No	First Name	Surname	Company
1	Simon	Topman	Acme Whistles
2	Dan	Beddow	Aedas
3	David	Izatt	Amey
4	Jon	Lloyd	Anthony Collins Solicitors
5	Alex	Elphinston	Anthony Collins Solicitors
6	Julia	Bates	Anthony Collins Solicitors
7	Karen	Bailey	Bailey Wright & Co
8	Simon	Bradley	Beachcroft
9	Martin	Cannon	Beachcroft
10	Marcus	Thomson	Beachcroft
11	Anthony	Taylor	Beermat Online Ltd
12	Nick	Baker	Bentley Jennison
13	Andrew	Donaldson	Bentley Jennison
14	Adrian	Pym	Bentley Jennison
15	Adrian	Dagnall	Bevan Brittan
16	Neil	Woods	Bevan Brittan
17	James	Cassidy	Bevan Brittan
18	Robert	Cobley	Birmingham Business Forum/ Maybury & Co
19	Jane	Robson	Birmingham City Council
20	Helen	Dickins	Birmingham Civil Justice
21	Janine	Hall	Birmingham Civil Justice
22	Simon	Murphy	Birmingham Coventry & Black Country City Region
23	Richard	Brennan	Birmingham Forward
24	Jo	Sollom	Birmingham Forward
25	Diane	Benussi	Birmingham Forward Chair
26	Richard	Follis	Birmingham Law Society
27	Neil	Edginton	Birmingham Mailbox
28	Emma	Pinch	Birmingham Post
29	Guy	Barnett	Blakemores Solicitors
30	Andrew	Bond	Blakemores Solicitors
31	Susan	Harknett	Blakemores Solicitors
32	Richard	Winfield	Brefi Group
33	Geoffrey	Lewis	Buller Jeffries
34	Nick	Nelson	Buro Happold
35	Jim	Brown	Business in the Community
36	Trevor	Lee	Challinors
37	Peter	Lowe	Challinors
38	Jody	Kite	Challinors
39	Mark	Kenkre	Challinors
40	Andrew	Thomson	Challinors
41	Mark	Whitehouse	Clarke Associates
42	Martyn	Liberson	Cobbetts
43	Bernard	Singleton	Cobbetts
44	Chris	Johnson	Community Law Partnership
45	Michael	McIlvaney	Community Law Partnership
46	Sally	Earl	Core Marketing

No	First Name	Surname	Company
47	Madeleine	Reaves	Core Marketing
48	Geraldina	Mattson	Cromwell Solicitors
49	Paul	Farrow	Curry & Partners
50	Adam	Smith	Deloitte
51	Richard	Savage	District Judge
52	David	Cook	District Judge
53	Tim	Holder	Dudley City Council
54	Peter	Brewer	Else Commercial Solicitors
55	Neil	Pountney	Emprima
56	Robin	Horton	Eversheds
57	Charlotte	Digby	Eversheds
58	Claire	Moore	Eversheds
59	Jennifer	Pringle	Eversheds
60	Justin	Byrne	Eversheds
61	David	Feist	Eversheds
62	Edward	Carter	Freshwater
63	Anne	Parry	Freshwater
64	John	Griffiths	GBR Property Consultants
65	Steve	Reynolds	GBR Property Consultants
66	Jayne	Willetts	Hammonds
67	Peter	Davies	HBJ Gateley Wareing
68	Michelle	Davies	HBJ Gateley Wareing
69	Sarah	Davies	HBJ Gateley Wareing
70	Barry	Jervis	HBJ Gateley Wareing
71	Christopher	Moore	HLBBshaw
72	Mark	Bull	Illumine Consultancy
73	Leonora	Riesenburg	Illumine Consultancy
74	Joy	Bayliss	Learning & Skills Council
75	Stephen	Lissett	Legal Services Commission
76	Tim	Field	Lifestyle Future Ltd
77	Niall	Blackie	Manby & Steward
78	Sukhdev	Bhomra	Mandla Bhomra & Co
79	GS	Mandla	Mandla Bhomra & Co
80	Andrew	Holden	Martineau Johnson
81	Geraldine	Swanton	Martineau Johnson
82	Steven	Brown	MCD
83	Martino	Giaquinto	Mills & Reeve
84	Marc	Saunderson	Mills & Reeve
85	Paul	Slinger	Mills & Reeve
86	David	Lock	Mills & Reeve
87	Barbara	Anthony	Mills & Reeve
88	David	Whiting	Needham & James
89	Ian	Dove	No 5 Chambers
90	David	Mitchell	No 5 Chambers
91	Anthony	Crean	No 5 Chambers
92	Becket	Bedford	No 5 Chambers
93	Tony	McDaid	No 5 Chambers
94	Richard	Jones	No 5 Chambers
95	Paul	Joseph	No 5 Chambers
96	Nadia	Sharif	No 5 Chambers
97	Stuart	Smith	No 5 Chambers
98	Greg	Lowson	Pinsent Masons
99	Michael	Purcell	Purcell Parker
100	John	Saunders	Recorder of Birmingham

No	First Name	Surname	Company
101	Peter	Boynnton	Rubrick Legal
102	Peter	Wiseman	Rutherford's
103	Helen	Pickford	Shoosmiths
104	Lorraine	Adams	Shoosmiths
105	Rebecca	Sawbridge	Shoosmiths
106	Amanda	Richardson	Shoosmiths
107	Naomi	Candlin	St Philips Chambers
108	Matthew	Weaver	St Philips Chambers
109	Sean	O'Brien	St Philips Chambers
110	Thomas	Rochford	St Philips Chambers
111	John	Dewaal	St Philips Chambers
112	Lance	Ashworth	St Philips Chambers
113	Andrew	Maguire	St Philips Chambers
114	Andrew	Davies	St Philips Chambers
115	James	Burbridge	St Philips Chambers
116	Simon	Ward	St Philips Chambers
117	Jim	Tindal	St Philips Chambers
118	John	Randall	St Philips Chambers
119	Jonathan	Fox	St Philips Chambers
120	Simon	Clegg	St Philips Chambers
121	Angus	Burden	St Philips Chambers
122	Conrad	Rumney	St Philips Chambers
123	Charles	Harrison	St Philips Chambers
124	Vinesh	Mandelia	St Philips Chambers
125	Mark	Brown	St Philips Chambers
126	Catherine	Tucker	St Philips Chambers
127	Colin	Barrow	St Philips Chambers
128	Frances	Kirkham	TCC
129	Marc	Reeves	The Birmingham Post
130	Bernadette	Griffin	The College of Law
131	Jayne	Jeffcott	The College of Law
132	Colin	Cadman	The John Hughes Law Practice
133	Matthew	Barrett	The John Hughes Law Practice
134	Clive	Black	The Law Society
135	Philip	Steele	The Law Society
136	Alan	Lodge	The Warwickshire Law Society
137	Mark	Smith	Turner & Townsend
138	Kevin	Johnson	Urban Communications
139	Tim	Rudman	Urban Communications
140	Ross	Bendall	Vail Williams
141	H	Bhomra	West Midlands Magistrates Committee
142	John	Kibley	West Midlands Police
143	David	Croston	Withers & Rogers
144	John	Cooper	Wragge & Co
145	Ravi	Randhawa	Wragge & Co
146	Tom	Price	Wragge & Co
147	Simon	Baylis	Wragge & Co
148	Samantha	Holland	Wragge & Co
149	Kevin	Barrett	Wragge & Co
150	James	Ng	Wragge & Co