

PRESS CONFERENCE

THE LADY CHIEF JUSTICE OF ENGLAND AND WALES

(Sue Carr, Baroness Carr of Walton-on-the-Hill)

on

Tuesday, 18th February 2025

Transcribed from the Audio Recording by
Apple Transcription Limited
Suite 204, Kingfisher Business Centre, Burnley Road, Rawtenstall, Lancashire BB4 8ES
DX: 26258 Rawtenstall – Telephone: 0845 604 5642 – Fax: 01706 870838

THE LADY CHIEF JUSTICE: Good morning everybody, you're very punctual this morning. Very good to see some old faces. Welcome back from last year, and also very good to see some newcomers here. You are all very welcome. I hope you have enjoyed walking along the red carpet. I think we have three and a half miles of red carpet in this building.

I also hope that some of you have popped into the new press room that I'm extremely excited about. There's going to be a lick of paint, and I understand from Lisa we're even going to have drinkable running water *[laughter]*, which is a first and which, I would hasten to add, is more than they have at Inner London Crown Court. *[Laughter]*

So I thought I might say a few opening words, if I may, before I take your questions, to which I'm very much looking forward. Can I start by thanking you for covering the work of the courts and tribunals this last year?

It has not gone unnoticed that justice has been the subject of more media inquiry and more media comment in the past year, and this really raises the profile of justice with the public, and for me, that is very important because it can improve the understanding of the justice system by the public. I said last year and I remain of the view, of course, that a free, strong press is fundamental to democracy. We need and we value fair, accurate, and objective reporting.

As you all know, I am now well past the milestone of my first year in post. I'm not counting, but I think it's 15 or 16 months now. It has been an exceptionally busy year. I think there have been hundreds of engagements, international and domestic. There have been many ceremonial events, speeches, lectures. I enjoyed coming to speak to the Society of Editors and, of course, many important hearings in Court 4. Thank you for coming along to Court 4 in particular. It's always nice to see a friendly face. I have also, of course, had to deal with some fairly important leadership issues, including judicial security and, of course, we have greeted the arrival of a new administration, all in the context of a lively global and political environment.

Court 4 is just down there. I don't know which way you came in, but it's there that I swear in many new judicial office holders. I think since last February, I have sworn in eight or nine new High Court judges. This year, we are going to be saying goodbye to some pillars of the judiciary, of the senior judiciary, including the Chancellor and the Senior President of Tribunals, to name but a few.

Of course, as you would expect, I have not just been focused on London. I have visited courts and tribunals across all the circuits, and I'm now on round two, in fact. It's really important for me regularly to take the opportunity to visit the courts so I can see for myself what is going on, and, in fact, just a fortnight ago, I was in Cardiff, and I bumped into Sarah Edwards from the BBC in Court 1, which I think surprised both of us.

Anyway, there is no substitute for seeing things first hand. As I think you know, I have been encouraging our new MPs to visit their local courts as part of their induction processes. Again, it's not just been England and Wales. We deliver a huge international programme that includes training for judges abroad, and it includes a reverse mentoring scheme, and we do it all on a tiny budget of about £170,000 a year. So we have visited Qatar, India, Gibraltar, Strasbourg, Jersey, the Gambia, the Hague, Paris, and Rome. We have trained magistrates in Nigeria, we have trained the Jamaican judiciary, we have trained Ukrainian judges, and I'm planning a big event in May of this year to celebrate this international work, because I think people don't know enough about it and they don't perhaps understand its importance and its value.

Turning very briefly, if I may, to the future. Reflecting, I remain positive and I remain committed to my three headline priorities: recognising and promoting our strengths, building judicial unity, and reducing backlogs, improving timeliness and performance. In what can sometimes seem a difficult environment, it's important to emphasise that there still is a lot of really good, really exciting work going on. We, you, know about the Transparency Board, a refreshed diversity and inclusion strategy, a refreshed international strategy, AI projects, the Online Procedure Rule Committee,

Pathfinder in Family, Family Drug and Alcohol Abuse Courts. Of course, we are also in the middle of two independent reviews in the sphere of criminal justice, and we just got phase one of David Gauke's independent review on sentencing this morning. You know that I agree, as I must, that change is needed but, equally, that I emphasise change will need to be carefully thought through, fundamentally modelled and properly funded. In addition, big ideas, big changes for the future cannot be allowed to mask underfunding in the present. So whatever comes through down the line, we need investment for the here and now. I have not been shy in saying that we now face a very challenging situation in several jurisdictions, following decades of underinvestment and short-sighted planning.

For judges up and down the country, there are daily hurdles, their relentless and ongoing commitment to justice and their sheer goodwill is often keeping the system afloat. That, I think, is not sustainable, nor is it sufficient for the long term, and I worry about the future. Our latest Judicial Attitude Survey shows how much stress judges presently feel that they are under.

We need investment to support and improve the administration of justice in all jurisdictions. The justice system is relevant to every aspect of an individual's life – divorce, planning, mental health, probate, special education needs. There is, frankly, a huge economic advantage to resolving disputes quickly, efficiently, and at proportionate cost. The link between the rule of law and economic growth is now well established. The UK legal services sector, as you know, brings in billions. The total revenue last year, 23 to 24, of £47.1 billion to the economy. Our business and property courts deal with parties from around the world, 78 countries I think were litigating over here last year, and think if you would for a moment of the counterfactual. The rule of law crumbles, courts and tribunal systems cease to function properly. They will not be able to respond as they did, for example, to events such as the riots of last summer. There will be more threat to all aspects of society and there will be more expense in all aspects of society, not just financial, societal, and moral.

It's really important, I think, to emphasise what is at stake by not funding the system properly. It's not just in terms of a daily impact, but it's also a distraction from what should be the real task, planning for a modern, digitised, court and tribunal environment fit for the 21st century, and truly reflective of our international standing as a global centre of legal excellence.

Now, my thinking a few weeks ago had been to pause there and go straight on to questions, but in the light of recent media coverage, it is right that I should say a few words about what appears to be a mounting campaign of attacks on judges. We, you, and I, have a shared responsibility to uphold basic principles of our democracy of which we are rightly proud. It is not acceptable for judges to be the subject of personal attacks for doing no more than their jobs. Their jobs? To find the facts on the evidence before them and apply the law as it stands to those facts. If they get it wrong, the protection is a challenge on appeal. If the legislation is wrong, it is Parliament's prerogative to legislate. It is really dangerous to make any criticism of a judgment without a full understanding of the facts and the law. The judgment is the only accurate source of information. Judges are public servants acting independently. They do not court publicity and they cannot speak out to defend themselves. They speak only through their judgments and, frankly, judges deserve better.

A directly related issue is security. Concerns over judicial security are at an all-time high. Unfair or sensational negative reporting creates real, everyday risks to the safety and lives of judges and their families. I am, as you know, fully committed to open justice and transparency in the justice system. I would hate to see the drive for transparency compromised or threatened through inaccurate reporting and unfair public comment. Thank you.

So now Lisa you're going to open the floor.

CHAIR: We're going to move to questions now. Catherine at the back was first with her hand.

THE LADY CHIEF JUSTICE: Catherine.

CATHERINE BAKSI: Thank you, Lisa. Catherine Baksi, freelance.

THE LADY CHIEF JUSTICE: Catherine.

CATHERINE BAKSI: Looking at the Leveson review, which is due this season, sometime this spring, it seems that the government's favoured option is this two-tier or extra layer of magistrates with a deputy district judge or a district judge sitting with some lay magistrates. Can I ask what preparation the judiciary is making for that? How soon it will be up and running after Leveson reports, and also how concerned are you about the impact that that will have on the backlog in the magistrates' courts, and actually the number of magistrates and district judges and deputy district judges to actually be able to man or woman those courts?

THE LADY CHIEF JUSTICE: Yes, they are really good questions. Lots in there, and I'll try and cover everything, let me know if I haven't. So far as your questions about backlogs and the magistrates are concerned, spot on. I think the open case load of the magistrates is over 330,000 at the moment, and it's why I said that modelling will be critical, because you have to look at the impact of any proposed change and if there is a proposal – and of course it's not for me to anticipate what Sir Brian will report – but if there is a proposal to use more magistrates for Crown Court trials or use in the Crown Court, then of course you need to have a really close look at what impact that will have on the magistrates' courts. Remember, magistrates sit in youth, not just crime, in youth courts and family courts. That is really important, and you will have to look at the available pool. Have we got enough magistrates? If we haven't, where will we find new magistrates from? Will the quality of that pool be adequate? So there is an awful lot to think about.

In terms of judicial engagement, actually I'm seeing Sir Brian this afternoon. As you would expect, we have established a judicial response group, and that group will stand on hand to respond to and provide Sir Brian with as much information as we properly can. Because we can't get involved in policy matters and Sir Brian's review, phase one, will really be about policy, should we recalibrate offences, should we have a different type of trial, should we have trials by jury for all offences? All of those questions are policy questions. But what we can really do is help him on the practical nuts and bolts. So just the sort of questions you're raising, Catherine, if you want to use magistrates in this different way, how will that impact on the current workload of the magistrates and the availability of magistrates?

There's a lot to think about. I have been working very hard, as you know, to improve the diversity of the magistracy so we have got younger magistrates and we have got a more diverse pool of magistrates. That can mean they are more busy, they have jobs as well. So, for example, that means that they may not be able to sit for more than a day at a time because they can't take more than four days away from work. So all of those points of detail, and I do think that when it comes to modelling any proposals that Sir Brian may be coming forward with will be absolutely key. It's not one of those situations where you can say, "Well, here's a great idea, let's go with it."

In terms of timing, a lot will depend on what is recommended. Some changes may be capable of very fast implementation, but radical change will take time, and it will take money. So I am concerned that everybody in the process should understand, and I believe that Sir Brian understands this very well. There are no solutions here that are cost neutral or immediately cost saving. There may be savings down the line, but here and now it's going to cost money to do it properly, and if we are going to make radical changes they have to be done properly. Obvious examples, training, you know, giving magistrates proper computers to take home, all sorts of things that will need to be looked at in some detail.

All of that said, as you know, I'm on record. I'm very pleased to see this independent review chaired by Sir Brian. He will do an excellent job and I am keen, as he knows, to help him in any way I properly can, and we will, I think, once his proposals begin to take shape, the more we will be able

to engage with practical comments and guidance as to what issues might arise on the back of those proposals.

LIZZIE DEARDEN: Hi, Lizzie Dearden.

THE LADY CHIEF JUSTICE: Yes.

LIZZIE DEARDEN: Freelance for The Observer.

THE LADY CHIEF JUSTICE: Yes, hi, Lizzie.

LIZZIE DEARDEN: Looking at the most recent statistics, they show that ineffective trials, both in the Magistrates and at Crown Courts, have stabilised a record high rate after COVID. I was wondering if you had done any research or analysis of what is driving that, and whether the unavailability of judges is becoming an issue, as well as the longer-standing issues we've seen?

THE LADY CHIEF JUSTICE: Yes, so in the Crown Courts, at the moment, the issue is not availability of judges. It's much more likely to be an availability of sitting days or, when it comes to delays, delivery of prisoners late to court and all the rest of it. But, beyond that, the ineffective trial rate is something that we monitor very closely. Different courts have very different rates. That's the first thing to identify. You will find that across the country there are different statistics for different courts. Some of that will be because the courts are of a different size, or because they are less well served by local agencies. What judges are trying to do, as you know, judges in the Crown have been working their socks off, trying to get through the extraordinary level of backlogs that we are currently seeing and it is an art, not a science, to try and identify what should properly go in lists. So, on the one hand, you don't want a trial collapsing because somebody pleads guilty and can be sentenced immediately, and the rest of the day is then freed up. You don't want that day standing empty. At the same time, you don't want cases waiting to be heard that never come on. So it's a juggling exercise. It requires a great deal of skill. Resident judges work very closely with their listing officers. But the ineffective trial rate is something that we monitor very, very closely.

I don't know whether you have picked up that His Honour Judge Martin Edmunds KC, has been conducting a huge listing project and he is going to be reporting to me quite soon with a final report with some ideas on best practice in listing criminal cases. I am confident that it will never be a case of one size fits all, which, for the reasons I've identified, different sized courts and different areas will require different treatment. But there may be some headline themes that we can roll out nationally to promote consistency while preserving fairness and flexibility within individual court centres.

JONATHAN AMES: Thanks, hello.

THE LADY CHIEF JUSTICE: Hello.

JONATHAN AMES: Just bringing you back to security.

THE LADY CHIEF JUSTICE: Yes.

JONATHAN AMES: Just remind us what you're doing about judicial security, and do you ever anticipate that there would be a case where anonymising judges would be appropriate?

THE LADY CHIEF JUSTICE: Well, the law on anonymisation, as we know, is now clarified by the Court of Appeal and I don't think you could ever say never, because that's what the Court of Appeal judgment says. There is no blanket ban on anonymising judges. But, clearly, such a situation would be exceptional, as identified by the Court of Appeal in the Sara Sharif case.

On security, I mean, obviously, judicial security has been an issue ever since I took up office. It really came to a very dramatic and concerning head, didn't it, last November/December with the very serious physical attack on Patrick Peruško in Milton Keynes, where the assailant was convicted in due course, but it was an incredibly serious attack. The silver lining of a very dark cloud was it made everybody really sit up and make sure that we were doing everything with HMCTS to ensure that their responsibility to preserve the safety of judges in courts and tribunals was being met.

So, since the assault on Patrick, we have seen a rolling national programme of improvements to courts, and it's sometimes as simple as moving a witness box from left to right so the witness isn't blocking the judge's exit. It can be making sure that the wooden barrier is working. We have much more regular tests of panic alarms. We have blind tests. We have a new potentially violent person protocol. We have better engagement with local police stations. All of that I'm really engaging with, and trying to get judges to realise many of them do have a police station next door, make contact with the chief constable, make contact with your local police officer so that it all comes to life a bit. So better understanding, I think, and I hope more understanding on the part of judges that their safety is paramount. The DNA of a judge is to say, "Well, I'm a bit uncertain, but this is a really important case, there isn't another court available, I'll just get on with it," and I'm trying to make them understand that, against their better nature, actually, they've got to be safe and they've got to make a fuss if they need to because it is so important.

Since then, so that was at the back end, wasn't it, of 23 into 24? That work has still been ongoing. The rolling programme of security improvements is vast and it will need to continue, and I'm not going to waste time today, but you all know about the issues about some of the size of these courts when you'll have a judge sitting in a room a quarter of the size of this room with no usher, no clerk, doing a very heated family dispute, taking a parent's child away in a tiny room with no physical barriers at all. So you can understand how problems occur.

Since then, and partly fuelled by events arising out of the riots in the summer, I have become increasingly concerned in particular about online abuse, and I have started to look abroad, for example, I've been looking at Canada, where I believe they have a dedicated police unit devoted to judicial security. And I think that we are, at the moment, potentially behind the curve, and so I've set up the new security task force headed by Mrs Justice Yip to gather together not only the judges that she wants, but also to draw on expert, I hope, if necessary, external advice to work out what we can do, because I am sure there is so much more that we could be doing to look after our judges.

Sometimes when judges are the subject of devastating social media attacks, they have a sort of fairly stark option. One is to disengage completely, but that means you may be missing really credible attacks on your friends and family or yourself, or to engage, in which case you're traumatised. I mean you're just sitting there reading this absolutely horrendous material. So I would like to look at whether or not there cannot be some more expert support for monitoring that sort of activity so that judges don't have to read these dreadful things; threatening sexual, physical, violent attacks on the judges, on their families, on their friends, on their children, on their children going to school, et cetera, et cetera. So more protection.

As I say, I'm no expert in this field, but I have a good instinct that there is more we need to do and I'm determined that we should do that.

CHAIR: Dominic?

DOMINIC CASCIANI: Hi, Dominic Casciani from the BBC.

THE LADY CHIEF JUSTICE: Yes.

DOMINIC CASCIANI: I recently saw a case listed for February 2027 at Southwark. I mean, what's the worst or longest delay case you're currently seeing? And then, allied to that, has there been any research done into whether the delays in various regions is playing out in differences in guilty pleas? There's a constant suggestion that maybe some defendants are dragging out inevitable guilty pleas in the hope that the delays will mean they [inaudible 00:25:17].

THE LADY CHIEF JUSTICE: The honest answer, Dom, is I don't know if there's any research, but I absolutely... I think, as human beings, we can identify the attrition rates through delay and we're talking about crime at the moment. Delay in family, by the way, is a whole different story. The President of the Family Division describes it as like dough proving on the shelf, because every week's delay in a family case is going to create more complications within the dynamics of a family, et cetera, et cetera. But I think you're focusing on crime.

DOMINIC CASCIANI: Yes.

THE LADY CHIEF JUSTICE: There are all sorts of reasons why delay is toxic to the administration of justice in crime. You get complainants falling out. You get defendants, as you were saying... Well, I'm sure if there isn't research, as a matter of common sense and experience, a defendant who's faced with a trial the next day is going to have to concentrate more, isn't he or she, than if they're facing a trial two or three years down the line? There are also questions of the quality of justice that is administered two or three years down the line in crime, because memories fade, and all of that is then obviously in the context of increasing expense, because cases have to be worked up again, advocates have to get up to speed, rates will have increased, and all the rest of it. Did you mention 26, 27?

DOMINIC CASCIANI: February 27 was the one I saw...

THE LADY CHIEF JUSTICE: This is not chapter and verse, but I believe that some courts are looking at 28. Does that answer your question on the on the research point on the attrition rate? I mean, it will—

DOMINIC CASCIANI: Do you know which courts or particular regions? Are there some regions which are worse than the others?

THE LADY CHIEF JUSTICE: London is bad. Snaresbrook, for example, is bad.

DOMINIC CASCIANI: Yes.

THE LADY CHIEF JUSTICE: When I say "bad", the judges are doing a great job. I mean, literally doing a great job, but where the handbrake on sitting days and the inability to sit has had a really acute effect.

CHAIR: Charles?

CHARLES HYMAS: Hi, Charles Hymas from the Daily Telegraph.

THE LADY CHIEF JUSTICE: Charles, yes.

CHARLES HYMAS: You mentioned, obviously, your concerns about media and reporting of cases.

THE LADY CHIEF JUSTICE: Yes.

CHARLES HYMAS: But, equally, you've had politicians who have been quite vociferous.

THE LADY CHIEF JUSTICE: Yes.

CHARLES HYMAS: Not least the prime minister himself, who said that a judgment was wrong.

THE LADY CHIEF JUSTICE: Yes.

CHARLES HYMAS: And also he said Parliament, not judges, should dictate laws, and so there's two points there: One is whether you are concerned about politicians and how they're behaving, and then, secondly, this issue about what is called "judicial overreach" and the argument about Parliament should set the laws, not judges, which the prime minister said. What's your view on that?

THE LADY CHIEF JUSTICE: I was deeply troubled to learn of the exchanges on the 12th of February at Prime Minister's Question Time. I think it started with a question from the opposition suggesting that the decision in a certain case was wrong and, obviously, the prime minister's response to that. Both the question and the answer were unacceptable. It is for the government visibly to respect and protect the independence of the judiciary, where parties, including the government, disagree with their findings they should do so through the appellate process and, of course, MPs, just like the governing body, also have a duty to respect the rule of law. I have taken this up, as you would imagine and expect.

CHARLES HYMAS: When you say "taken up", with him personally?

THE LADY CHIEF JUSTICE: I have written to the prime minister and the Lord Chancellor, yes.

CHARLES HYMAS: To say?

THE LADY CHIEF JUSTICE: To say broadly what I have just indicated.

CHARLES HYMAS: Okay.

JONATHAN AMES: Have you heard back yet?

THE LADY CHIEF JUSTICE: *[No audible response]*

CHARLES HYMAS: Thank you.

CHAIR: Bianca?

BIANCA CASTRO: Hi, Bianca from the Law Society Gazette.

THE LADY CHIEF JUSTICE: Yes.

BIANCA CASTRO: You mentioned court infrastructure.

THE LADY CHIEF JUSTICE: Yes.

BIANCA CASTRO: Obviously, we all know from experience how some courts are needing a little bit of TLC. Can you specify courts that you've seen through your tours of the country that are in desperate need of help, and how is that impacting on listing on the judicial sitting days and things like that?

THE LADY CHIEF JUSTICE: Yes. Well, one of the things that is really valuable when I go out actually is because the judges have often lived with something so long, they're just keeping a stiff upper lip and I go in and I go, "Are you serious?" We've got the RAAC issues, haven't we, with Harrow Crown Court being shut? That's a separate issue. Honestly, there are probably too many courts to mention, but I will give you some. I've mentioned Inner London Crown Court, also got

RAAC, by the way, as well as no running tap water. I've just been to Cardiff, Cardiff Civil Justice Centre. I was in one room where the air conditioning was knocking so loudly I had to move, it was a chamber. In the courts themselves, there are huge sections where the roof has come down, so they have got tarpaulins catching the rain. The rain is then channelled through a tube, which is stuck to the side of the wall and then literally, somebody has bought, they've got blue plastic dustbins, and somebody has cut a hole in the dustbin, and the tube goes into the dustbin. And there were, I think, at least two or three courts with that arrangement in place.

There was another court that I went into which has got a very serious fly infestation. To combat that, they have sprayed it so strongly that I thought it was unsafe to sit in. The fumes were just toxic. Nottingham has lost 100 sitting days in January because the roof has gone. I think somebody in the room wrote about this this week or last week, and the resident judge there has had to write to court users to apologise. Where else? So Cardiff, Nottingham, Inner London, that's where I'd probably start. But there are many, many equal situations around the country.

JESS GLASS: Hi, Jess Glass, Press Association. So, I would follow up from Jonathan's question about judicial security. Why, in your view, did it take a family court judge being assaulted with a radiator in Milton Keynes for there to be more attention on judicial security, for people to "sit up and take notice", in your words?

THE LADY CHIEF JUSTICE: So I think it was always on everybody's radar, and it shouldn't take such a serious incident or indeed any incident for there to be a change. So I wouldn't want to give the impression that nothing was being done before, we had panic alarms and all the rest of it. I think it was probably a wake-up call for the judges as much as anything else because, by nature, they are doers, they are get on with it, they want to help the people in front of them, they can't tolerate or countenance any delay, and so I think it's a number of things coming together, and of course the world is changing. We are all moving into a different, online world where the attacks change. People become more sophisticated, you can find out where somebody lives much more easily than you could. So the threat is spreading, and it's spreading fast.

ALISTAIR GRAY: Hi, Alistair from the FT. If you might indulge me a slightly bigger picture, or a bit bigger picture question, comparing the courts to other fields, so the private sector that's harnessing the power of technology. To what degree is there resistance to change in your profession? Just sort of thinking off the top of my head, some examples like difficulty obtaining documents from the Administrative Court, the ongoing prohibition in using recordings in all courts, blanket ban?

THE LADY CHIEF JUSTICE: So I don't think that there is judicial resistance to any of that. By the way, the Administrative Court example that I read about recently was the idea that an order on paper would not be a public document. I think actually that's, for what it's worth, a misreading of CPR 5.4C1. So I think orders are publicly available documents. There's no resistance to technology, and I'd like to talk about technology in a moment, because it's something that I think has great promise for the future of the judiciary. But, in terms of recordings and the like and access to documents, access to documents I absolutely understand, particularly for this audience, is key, because, without knowing what a case is about in advance, you don't know how relevant or interesting it's going to be and it's something that the Transparency Board is looking really closely at, as it is looking at the question of recordings.

So I don't think there is any lack of judicial appetite. We are sometimes hamstrung by a lack of finances to do it properly, and the procedural landscape is perhaps not as simple as I would like it to be because we are working in lots of different jurisdictions and trying to bring them all together. But there isn't any resistance that I'm aware of. Indeed, I think we're all excited to work forward with it because, although I've spoken a lot about the need to invest, I don't want to give the impression that the judiciary is not ready to do anything other than be progressive and change and bring in great new ideas.

So we think that there are all sorts of opportunities of invest to save, new things that we could be doing, harnessing technology that would improve the administration of justice very significantly. I mean you haven't mentioned AI, but that's something where I think we're leading the world in terms of legal jurisdictions. We've got an advisory group, we've got guidance. We were almost the first to come out with guidance in December 23. We're going to be refreshing that. We're going to be looking at obvious ways of how AI could improve the delivery of justice. We're never going to have robot judges, I am quite sure about that. But I absolutely equally think that there is scope for bringing AI in carefully, cautiously, to look at chronologies or triaging, for example, just to give some examples.

On access to documents, just because it may be very helpful for you, Alastair, we are about to pilot in the Court of Appeal Civil Division the access to documents electronically, are you all aware of this? It's about to come in, so there's a lot of work that's gone into that, and that's going to be up and running in February, March I think. So you'll be able to get the skeletons and the judgment below without further ado. Good bedtime reading. *[Laughter]*

TRISTAN KIRK: Can I ask... Tristan Kirk, sorry, from The Standard.

THE LADY CHIEF JUSTICE: Yes, Tristan, hi.

TRISTAN KIRK: A question in two parts that aren't necessarily related. *[Laughter]*

THE LADY CHIEF JUSTICE: So two questions? *[Laughter]*

TRISTAN KIRK: The first is related, I think, directly to the online plea and allocation system which has been on the books for a couple of years, but has not been brought into—

THE LADY CHIEF JUSTICE: Online plea and allocation system?

TRISTAN KIRK: Yes.

THE LADY CHIEF JUSTICE: In the Mags.?

TRISTAN KIRK: Yes, in the Magistrates Court.

THE LADY CHIEF JUSTICE: Mm-hmm.

TRISTAN KIRK: So it was in the 2022 bill that went through Parliament, so it's been passed into law but it hasn't been brought into effect, and I just wondered if you knew whether that was actually going to happen or not? And the second thing is to do with Nightingale Courts, people on the outside might think it's a bit weird that there are court rooms sitting empty, that there is money being essentially poured into hiring conference centres and hotels still—

THE LADY CHIEF JUSTICE: Yes.

TRISTAN KIRK: Sort of something from a by gone era. Today, Snaresbrook has seven empty court rooms; the Old Bailey has four empty court rooms, and yet, between them, they're using a Nightingale Court. Do you think that that time has passed and we should maybe wind up that project?

THE LADY CHIEF JUSTICE: So if I can take Nightingale Courts first, that they do all have a finite timeline. So I've got a list somewhere, so some, I think, are finishing this summer; some, I think, are finishing next year. If they are still being used, there will have been careful modelling to justify their need and the timing of their closure. The reason why the Old Bailey has got four courts sitting empty, and the reason why there are courts empty in Woolwich has got nothing to do with there

being an over usage of, or an unnecessary usage of Nightingale Courts. That's because we've had this handbrake for the last quarter of 24-25, so the sitting days aren't there. So when the arrangements for Nightingale Courts were made, nobody would have anticipated the handbrake on sitting days is what I'm trying to say.

In relation to the online plea and allocation system, I don't know the answer to that I'm afraid. I thought you were going to ask me about the single justice procedure, Tristan. And actually to thank you for what you've done there, because I think that your scrutiny has been invaluable and has borne fruit, but I don't know about the online plea and allocation system or when it's coming in. You think it's magistrates not Crown Court? Must be Magistrates.

TRISTAN KIRK: It's a system that was approved by the MPs to be able to deal with the first appearances of, as I understand it, thousands of cases that enter in the Magistrates Courts behind closed doors.

THE LADY CHIEF JUSTICE: Right, so you have concerns about it?

TRISTAN KIRK: Deep concerns.

THE LADY CHIEF JUSTICE: Right.

TRISTAN KIRK: We've been waiting for now almost three years—

THE LADY CHIEF JUSTICE: Right.

TRISTAN KIRK: —with no real information as to whether it's going to actually happen.

THE LADY CHIEF JUSTICE: Well, it doesn't sound as if you're going to get much more out of me.

TRISTAN KIRK: No.

THE LADY CHIEF JUSTICE: *[Laughs]* Not because I'm withholding anything, but because maybe that means nothing's happening about it. I mean the things that are going through my mind is, one, it's a resourcing issue. It's to do with extending the common platform, or there's some sort of IT hitch, or it's being parked because people don't think it's a good idea anymore, or it's a combination of the two. I don't know.

CHAIR: We can follow up on that.

THE LADY CHIEF JUSTICE: Yes, would you like us to follow that up?

TRISTAN KIRK: Well, of course. Yes, yes.

THE LADY CHIEF JUSTICE: Yes.

TRISTAN KIRK: Thank you.

CHAIR: Sian.

THE LADY CHIEF JUSTICE: Hi, Sian.

SIAN HARRISON: Hi, Sian Harrison, freelance. I just wanted to ask a question about transparency, which is wonderful, and *[inaudible 00:39:51]* justice, as you know, *[inaudible 00:39:53]*. There were slight concerns that not everybody is on board, and I just wondered what

you would have in place or in mind to address that. For example, since it's been mentioned, the judge who was attacked, the attacker was originally not named, and there are some concerns that I have as a court reporter that judges are making decisions sometimes with an absence of all the information, or without asking if anyone has any objections. And I know from the experience in the family courts that not everybody was on board, as we've seen in quite public terms.

THE LADY CHIEF JUSTICE: Yes, one way to put it is have they all got the memo?

SIAN HARRISON: Hm, have they all got the memo, and because I think one of the things that would frustrate a drive for more openness, which we're all kind of broadly agreed is the right direction of travel, is that judges obviously have their own discretion and they are the ones who are making decisions on the ground. So is there a sort of programme of information [inaudible 00:41:02] that they're kind of making decisions with all of the information available at the time? Because, as we all know, media organisations don't really have the resources to fund expensive legal challenges. There sometimes isn't going to be a reporter who is experienced in court these days, in the ways of standing up and making challenges.

THE LADY CHIEF JUSTICE: Yes. I mean, as you would expect... you're absolutely right, Sian. The obvious thing is to repost and say, "Well, why don't you stand up and tell the judge and make your objection?" But in the real life, in the real world, I know that there just aren't the resources for that to happen. I think consistency in approach, you talk about judicial discretion, consistency in approach is really important. I think that the Court of Appeal decision will help establish some ground rules again for that, and I think the Transparency Board will be really good at sort of setting out the basic principles. As to whether everybody sort of got the memo, I mentioned in my opening remarks the fact that actually the greatest threat to people "getting it", or getting what I believe in, is understandable concern about their own safety. So when I said at the end I would hate to think that the drive for transparency is compromised by those concerns, that's what I was talking about. So, in order to make sure that everybody is with me on the same piece of paper, I need to be able to reassure judges that they're going to be looked after. But I think, in terms of my position, it is very, very well known, I am leading, and people are hearing me. The judges get it, and they know that it is, broadly speaking, all going in one direction. I do think consistency is important, and that's I think sort of part of your point, that we need to... it can't be reliant on the quality of counsel or the presence of a party, it needs to sort of come from within as it were.

SIAN HARRISON: Yes, and I do have a sort of second part which is related, unlike Tristan's second.

THE LADY CHIEF JUSTICE: Oh. *[Laughs]*

SIAN HARRISON: I think one of the problems that we all see, quite clearly, is in certain cases there is misinformation and misreporting and it's not necessarily any of the people in this room. It's quite new... well, I say "new" but it's been with us a number of years now, sort of online reporting or discussion of cases, and there's a real disconnect, potentially, between what the courts are doing and what the public understands. Since people are turning away from legacy media, as it is called, they're not necessarily going to pick it up, even if there was a court reporter in every court, which would be a dream. So do you think it's time for a public programme of education into the work of the courts? I know that the judiciary does a lot of work on that front, but it's quite [inaudible 00:43:59]—

THE LADY CHIEF JUSTICE: I think it's something that the Attorney General's mentioned, hasn't he? Sort of teaching law in schools. Absolutely, and we do an enormous amount with universities and schools and all the rest of it. I think, in terms of the disconnect, and where you started from, lots packed in there, Sian, but I think that it's often partial reporting that is the problem, and you need full and complete reporting to understand the true position.

I think the second point to make is that actually, if you have read any of the decisions about which people are writing, I have, if you have read them, you will realise that it is complex. Their facts are detailed, the law is complex. So, actually, saying anything may be dangerous, unless you really get it right.

The third thing is that, despite that complexity, I think we as judges need to make it as accessible as possible. Now, I'm very lucky, I can always do a press summary. I'm not sitting in court doing six cases a day, every day of the week. That's not practical. So we have to rely, we have to rely on the rule of law. We have to rely on government visibly protecting us. We have to rely on fair, objective social media, and media reporting, and then we have to rely on ourselves to do as good a job as we can to make it comprehensible. But when you're doing... I mean if you have read these cases, yes, the law is tricky and the facts are detailed. Sometimes you're making incredibly... well, you are very often making incredibly important life decisions.

CHAIR: Just a few more, Jonathan?

JONATHAN AMES: Sorry, can I just follow up on Charles' point about politicians and their comments? Several of your predecessors have claimed, have argued that political decisions have resulted in sentence inflation and, indeed, you refer to David Gauke's initial report yesterday.

THE LADY CHIEF JUSTICE: Yes.

JONATHAN AMES: Do you agree that political... what some have described, indeed what Gauke described as "knee jerk reactions" to criminal offences have created sentence inflation?

THE LADY CHIEF JUSTICE: So David's phase one report is a very helpful setting out of the platform explaining out, you know, why we've got to where we've got to. His references to knee jerk reactions are not references to knee jerk reactions by judges, but knee jerk reactions by politicians, and I wouldn't be commenting on the rights and wrongs of that. But there's no suggestion in his phase one report that the judges have been doing anything other than basically applying the guidelines following Section 59 of the Sentencing Act 2020, et cetera, et cetera.

JONATHAN AMES: But do you think there has been sentence inflation?

THE LADY CHIEF JUSTICE: We can see it. We can see it.

DOMINIC CASCIANI: One of the things that David Gauke does say, for instance, is that in some situations, Parliament has put in place minimal terms for various offenses, and almost... these are my words not his, there's been a halo effect around that, where other sentences have then got longer as a result.

THE LADY CHIEF JUSTICE: Hm, yes.

DOMINIC CASCIANI: And that sounds to me that he's suggesting that judges have read the political mood and decided to lock people up for longer because they feel the political pressure.

THE LADY CHIEF JUSTICE: Yes, no, I don't think there's any sense of political pressure. I think that there is a sense of—

DOMINIC CASCIANI: A soft pressure.

THE LADY CHIEF JUSTICE: No, well, I read it in different ways. I don't see any soft pressure. I don't see that myself. I certainly see that if you make amendments to Schedule 21, where the numbers have rocketed high, that is going to have an entirely legitimate effect, perhaps unintended, but nevertheless, yes, not a sort of pressure effect, will have an effect on other sentencing for

similar offenses of physical violence, for example. Schedule 21 is the murder minimum term schedule.

DOMINIC CASCIANI: So it's a natural consequence of what Parliament has asked—

THE LADY CHIEF JUSTICE: Yes, but whether intended or not, it's got to be looked at holistically, so yes. So I think I see that in David's report.

CHAIR: Okay, Jess?

JESS GLASS: If I may, throwing back to actually this time last year.

THE LADY CHIEF JUSTICE: By the way, congratulations on your promotion.

JESS GLASS: Oh, thank you very much. Thought you were going to congratulate me on the new press room.

THE LADY CHIEF JUSTICE: *[Laughs]*

JESS GLASS: So if I may throw back to this time last year.

THE LADY CHIEF JUSTICE: Yes.

JESS GLASS: Where we were sitting in the same room and you were still only a few months into your promotion.

THE LADY CHIEF JUSTICE: Yes.

JESS GLASS: You said back then that you wanted to be a voice for the judges, raise the profile of the judiciary, among other kind of goal. How do you think you've done? How do your peers think you've done, and what do you think has stopped you [inaudible 00:48:37]?

THE LADY CHIEF JUSTICE: Well, you'll have to have a different audience to answer the second question, Jess.

JESS GLASS: *[Laughs]*

THE LADY CHIEF JUSTICE: I think I'd start by saying it has gone, for me personally, as I had hoped for. It's just been an incredible year. I have loved every minute of it, the opportunities and the challenges. But it is an extraordinary role, and I have really enjoyed it, and I have spent a lot of time not only engaging with the new administration, but a lot of time, I hope, garnering the confidence of the judiciary and the courts and the tribunals across the board, with the support of the Senior President of Tribunals. When I look at my three priority areas, I think I can look at achievements in each of them. I think I have promoted the judiciary's strengths, both internationally and here. I have certainly defended the rule of law. I have certainly worked on transparency, and I have spent a lot of time. One of the benefits of my background is, as you know, that I was a Commercial Court Judge and a Technology and Construction Court judge and I sat occasionally in Chancery. That puts me in a very strong position to speak to the commercial strength of our jurisdiction, the fact that English law remains the global law of choice, and so I have had the opportunity to make some pretty heavy weight lectures including, for example, to BIICL, I can't remember, two or three or four weeks ago; last year to London International Dispute Week and all the rest of it. So, promoting our strengths is something that I am still... I think that has gone well.

Judicial unity, we have made great strides in some areas of diversity, not as many as I would have liked, but I think an area of real challenge, but progress, is looking at bringing the working practices of tribunals and courts together, bringing the judges of courts and tribunals together. We have

been disappointed not to get the legislation we wanted into either... The election came just as we were getting a bit of a head of steam there, and we didn't get it through into the first round of legislation. But I'm still really keen to work on that.

Then, in terms of performance and timeliness, well, it's been a bit of a year, but we are expanding the Crown Court Improvement Group now into a criminal court improvement group, so we are bringing the Magistrates into the holistic view that we are doing. We're setting up new subcommittees on a cross-agency basis to look at video hearings, to look at AI, to look at all sorts of things.

So I can't say that we have succeeded in reducing the backlogs, but I can say that I think we have been working our socks off to improve performance, and there are lots of other initiatives in civil and family, Jess. Automatic referral to mediation in small civil claims, Pathfinder, Public Law Outline, all of these things going on, all judge-led initiatives that I think we can be really proud of. The judges have been pretty amazing. It's not easy. I mean, we can talk about morale, we can talk about funding. The news is all pretty bleak economically. But we have to, and will do, carry on doing what we're doing.

CHAIR: I think we've got time for one more question. I'll go to Catherine.

CATHERINE BAKSI: Thank you. You mentioned, right at the beginning, the stress that many judges are under.

THE LADY CHIEF JUSTICE: Yes.

CATHERINE BAKSI: You will be aware the Nauru Declaration on Judicial Wellbeing is an initiative that has been led and formed [including? 00:52:14] a British judge. Is that something that the British judiciary is backing formally?

THE LADY CHIEF JUSTICE: I think we're not formally backing it. I think that its priorities and objectives chime exactly with all the work that we are doing in this area on wellbeing and support. It is incredibly important. I mean, there are a couple of things to say. First of all, being a judge, particularly at the moment, is a stressful job, and there is no avoiding that. It's difficult, and it's stressful. The law can be difficult, and the subject matter can be sensitive and distressing, but we are, I think, working really hard at a new well-being strategy. We have a lot of support available for judges, not just critical incident support, but also helplines. We have nominated welfare judges. We have judicial associations. So it is really important. I have a feeling, Catherine, though, that at the end of the day, removing stress from a job like this is almost impossible.

CATHERINE BAKSI: Why is the British judiciary not backing the Nauru Declaration, which is, you know, to support judicial wellbeing and safety and all of the [inaudible 00:53:29]?

THE LADY CHIEF JUSTICE: It's not crossed my radar in that environment and, as I say, one of the concerns I actually have in the wellbeing and diversity and inclusion field is that we don't spread ourselves too thinly, that we focus on what we're doing, that we have streamlined, effective arrangements that will enhance our prospects of the maximum delivery. So, focusing on what we're doing now, I think, is really important.

CHAIR: Go to one more from Alistair.

THE LADY CHIEF JUSTICE: Yes.

ALISTAIR GRAY: Cheekily, costs of litigation, are they out of control? If so, what more can be done about it?

THE LADY CHIEF JUSTICE: That's such a broad question, Alistair. I couldn't possibly answer it in one go. I would emphasise though in response that the costs are always at the forefront of a judge's mind. I don't know whether any of you have read the Thames Water judgment that's just been handed down, where there's reference to eye watering costs of some of the professionals involved there? And litigating at proportionate cost is, of course, front and centre of the overriding objective in all jurisdictions. So costs are extremely important. The simple answer, Alistair, is to say that I am a firm proponent of early resolution, early dispute resolution, in all its forms. So, to avoid coming to court as far as possible, whether it's mediation, whether it's Family Drug and Alcohol Abuse Courts, anything that front loads and avoids parties having to go through not only the upset, disruption, but also the expense of litigation.

CHAIR: We are over time.

THE LADY CHIEF JUSTICE: Are we?

BIANCA CASTRO: Can I just cheekily ask about diversity? Is that okay?

THE LADY CHIEF JUSTICE: Sure.

BIANCA CASTRO: I'm so sorry, I know you're super, super busy. You mentioned diversity last year. You mentioned it again in your beginning speech, and last year you mentioned that there was a particular concern that there weren't enough black judges being recruited, how is the recruitment drive for black judges going?

THE LADY CHIEF JUSTICE: So I'm going to keep this as a particular focus for the next year. You know the rate remains stubborn at around 1% of black judges, which is extremely disappointing. I'm not going to rehearse the fact that we're a pipeline profession. You know that. If you've looked at this year's silks list, you will see there isn't a single black person on the silks list.

I am looking forward to working hard this year with Barbara Mills KC who, as you know, is the first black female chair of the Bar Council, which is wonderful, and I know we're going to work very well together. I think, together with Lady Justice Whipple, who is a fantastically energetic new lead for D and I, we need to do some more listening. I think she's thinking about setting up a black judges network. We are engaging with the Black Crown Prosecution Solicitors Association. We are reaching out through our targeted outreach programme where we help both black and also disabled applicants, who you know are my other second area of focus over the last 12 months, to improve the position. But it is work [in hand? 00:56:43] and nobody seems to have the golden key to unlock the problem at the moment, but we will not give up, and persist in our efforts.

CHAIR: I think we're done, yes?

THE LADY CHIEF JUSTICE: Thank you all.

[Ends]