



LORD CHIEF JUSTICE
OF ENGLAND AND WALES

THE RIGHT HON. THE LORD THOMAS OF CWMGIEDD
LORD CHIEF JUSTICE OF ENGLAND AND WALES

SPEECH TO THE CITY OF LONDON SOLICITORS' COMPANY

31 MARCH 2014

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1. My Lord Mayor and Junior Warden, Master, Senior Warden, Alderman and Sheriff, Your Excellency, My Lords, ladies and gentleman it is a pleasure to have the opportunity of thanking the Worshipful Company on behalf of all its guests. It gives me the opportunity to congratulate the Master and celebrate his achievements in many different positions of great responsibility.
 2. It is a privilege to do so in what has long been a centre for law and justice, government, and commerce in this country. That it has been and is home to all three should surprise no one.
 3. Law is the province of the courts as it is of government. Without good government we would have neither courts nor effective commerce. Without courts we would have neither good government nor effective commerce. Without effective commerce we would lack means to provide either good government or accessible courts. Through a combination of the three we develop good law, know our bargains will be honoured, and, if they are not, can use the courts.
 4. As members of this Worshipful Company you are as concerned with questions of commerce as you are with questions of law. We share a common view on the need to ensure that our courts are accessible, that they have proper facilities, those fit for the 21st Century, and judges who can fairly and impartially decide cases. Let me say something first about the facilities.
 5. The development and opening in 2011 of the Rolls Building, as a new home for the Commercial Court, the TCC, the Patents Court, the Companies Court and the other specialist courts of the Chancery Division was an important starting point. These courts play an essential role in maintaining London as the worldwide centre for legal business. They not only add to the prosperity of the nation. They – and those who use them – promote our social values, our commitment to the rule of law, both at home and abroad.

6. But this was just a starting point. I am particularly pleased to be able to thank publicly the Lord Chancellor, Chris Grayling, for persuading the government and Her Majesty's Treasury to provide HMCTS with the very significant investment announced on Friday 28 March. That investment will at last produce long overdue improvements in court infrastructure, and particularly IT. It will help reinforce a world class court and tribunal system throughout England and Wales.
7. The reform programme will be carried out by HMCTS, established by a previous Lord Chancellor, Lord Falconer. It has a unique constitutional role. It is a partnership between the government and the judiciary; between two branches of the State. In this it exemplifies that good government and the courts are but two parts of a wider whole; one which serves society.
8. We all know the pitfalls of the procurement of large scale IT and the disasters that have occurred. Tonight is not the occasion for opening that Pandora's box, save in one respect – to thank the City of London firms for their help in 2003 in the joint work done to put in place what was intended to be a full scale IT system for the Commercial Court. The work was invaluable, so invaluable in fact it not only tempts me, but leads me to an “ask” of Your Company. We, that is HMCTS and the judiciary, need your active help in ensuring that the investment is well made and will serve those who use the courts. We cannot have anything other than an IT success.
9. If we are properly to serve society, investment on its own will not be sufficient. Capital investment, modern IT and modern processes and buildings are essential; they are not however sufficient. The justice system, and ultimately the rule of law, rests on the active participation of society and public confidence in it. This arises in a number of ways. I want to focus on one, one which I believe to be of fundamental importance.
10. Let me ask you to cast your minds for a moment to the Mansion House's website as, like many modern homes, it has one. Never let it be said that judges don't know how to use technology; some of us even know the difference between an Apple and an android, or should that be Apple and android? If you have chance to look at the website, you may well come across a number of interesting facts, but time permits reference only to two – the wine cellars and the suffragettes.
11. Wine was not originally stored in the cellars. When the Lord Mayor dispensed justice from the Mansion House, the prisoners at the bar had to be held somewhere on the premises. That somewhere was where the wine cellars are now. In October 1920, Sylvia Pankhurst was tried here and convicted for publishing what were held to be seditious articles in *The Workers' Dreadnought*. As that was the in-house journal of the Communist Party, it was hardly

surprising in those times. Sylvia Pankhurst was, of course, Emmeline Pankhurst's daughter and like her mother a campaigner for women's suffrage.

12. We have come a long way since the early part of the last century: universal suffrage, equal pay legislation and anti-discrimination legislation are all now long established aspects of our society. They both reflect, and embody, our social values. But what of those of us in the practice of law?
13. In 1992, my predecessor as Lord Chief Justice, Lord Taylor, said that the gender and ethnicity imbalance [in the judiciary] would "be redressed in the next few years".¹ We have made significant progress, but not the progress that Lord Taylor had hoped. It is not comfortable to accept this, but accepted it must be. Our lack of progress, as perhaps Sylvia Pankhurst, and her mother Emmeline, might well have reminded us, must be overcome.
14. The reasons for doing so are obvious, but let me single out one in particular – what diversity tells us about our society – that we are an inclusive society, where all have a stake, and where all can be represented amongst its institutions. If we want to have strong institutions, committed to the rule of law, membership of those institutions must be equally accessible to all.
15. As I have said, positive steps have been taken over the past twenty years. The proportion of women in the legal profession and the judiciary has increased. The proportion of Black and Minority Ethnic membership has also increased, although, it is important to stress, only slightly. We all know the figures, not least you my Lord Mayor, given your long-standing championing of the role and progress of women in the legal profession. They represent some progress.
16. We must also recognise the efforts that have been made here in the City. Law firms have played a key role in developing outreach and mentoring programmes; the City Solicitors' Educational Trust has played an important role; as has diversity training; and, most recently the introduction of CV blind interviews. The Bar and CILEx too have played their part.
17. From the judicial perspective, we have introduced judicial work-shadowing, mentoring and moved to an open application process for judicial appointments. Appointments up to and including the Court of Appeal, and Supreme Court, can now be made on a part-time basis.
18. A considerable amount of work has been and is being done. But – and there is always a "but" - more needs to be done and done by all of us.
19. We are engaged in a strategy to deliver greater diversity. Within this strategy, we are planning steps to help actively those within the professions to enable them to undertake a judicial career. However, a co-ordinated approach is needed. I therefore turn to my second "ask", if I

¹ Taylor (1992) cited in Neuberger Report at 59.

,as your guest on this occasion, can be allowed not merely one but two “asks” for your help in this co-ordinated approach.

20. This will first require changes at the top of the profession to ensure that genuine opportunities exist for your associates and partners to pursue judicial careers. If the judiciary is to attract increasing numbers of women and BME applicants, you will need to ensure that the pool from which the judiciary is drawn is increasingly diverse. The static figures for the judiciary and the profession are not good enough.²
21. I therefore seek your help, particularly in encouraging social mobility not just into, but within the profession. I welcome the steps that have been taken, but we need to work together. We need, for example, to develop legal apprenticeships and to provide clear paths to partnership and judicial appointment.
22. As lawyers we pride ourselves on coming up with innovative solutions. Whether it is, as I have just mentioned CV blind interviews, or programmes which identify students each of whom are the first members of their families who are planning to go university (as is being done, for example, by the Lord Edmund Davies Legal Education Trust Summer Scheme), or whether it is the creation of working environments, such as those which have enabled some law firms to become a preferred employer by Stonewall, the point is the same. We are innovators, and these and other innovative solutions are within our grasp.
23. I have no doubt that with your help we can do what is necessary to ensure the profession and the judiciary is properly inclusive. We will all prosper not if, not when, but *as* we achieve a more diverse and inclusive profession and judiciary.
24. City Solicitors have always been bold in achieving innovation. We all must be bold in relation to the issues I have raised and on which I have sought your help, because it is only by being bold that we will succeed.

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² The figure for women partners in the City hovers around 20%; around 20% of High Court judges are female and 17% of Court of Appeal judges.