

Lord Chancellor's Speech: Opening of the Legal Year Service

It is such a pleasure to be here this evening, a pleasure especially given that we were only able to observe a scaled back service at Westminster Abbey earlier today to mark the opening of the legal year; I am grateful for this opportunity to thank so many of the judiciary and fellow lawyers as I would normally do in Westminster Hall.

I am very pleased as well that so many people have been able to join us virtually, both here and internationally. The only shame of it is that you cannot enjoy the tranquil, reflective surroundings of this, the Temple Church. It is, for me as an Inner Templar, a very familiar place. Whenever I am here, I am reminded that we walk in the footsteps of others who, in many ways, faced the same challenges that we do today.

As the order of service reminds us, William Marshal, 1st Earl of Pembroke, is interred here at Temple. A loyal supporter of King John, Marshal counselled his monarch to sign Magna Carta and end his dispute with the barons. Indeed, his name appears in the original charter, to which those of us living in democracies today owe so much. Marshal stewarded the country through the turbulent end of the reign of John and the early years of the young Henry III – it is down to him that Magna Carta became more than just a quick fix by a desperate king to buy off rebellion.

And as we walk into this church, we walk past the grave of John Selden, a celebrated jurist and parliamentarian in the 17th century and a fellow Inner Templar. Amongst his numerous contributions to law and politics, Selden was a key figure in a lively dispute with the Dutch in the 1620s concerning international maritime law. Some things you might think never really change!

The Rule of Law

As a new legal year begins, my mind turns to the enduring success of our legal system over the centuries, with judicial independence and the Rule of Law at its heart.

When I took my oath of office in both English and Welsh, I swore to uphold and respect these principles. Principles which act as guardians of fairness in our society. In many ways, my role is right at the frontline, where the law meets policy and policy meets the law. There will be tensions at times, which can be frankly, difficult to resolve. Those observing, who aren't privy to all the swirling issues, are naturally and understandably tempted to come to hard and fast conclusions. In my judgement, that can lead to error. When I sat as a part-time judge, I quickly learned that not every ruling that I was asked to make needed to be made at once, and that the fairness of proceedings was enhanced by making key decisions at just the right moment as the evidence progressed.

That is what I apply to my work as Lord Chancellor now. As Lord Chancellor I will of course tackle sensible criticism head on but, ultimately, my focus will remain on discharging my duties in accordance my oath. And when it comes to the professions – barristers, solicitors, legal executives – it is right and proper for practitioners to make the strongest cases possible and do their utmost for their clients within the confines of the law. Sometimes a lawyer will find the argument they advance to be at odds with the Government of the day – but it frankly it is a strength of our mature democracy underpinned by the Rule of Law that such debates can occur.

In a healthy democracy like ours it is inevitable that there will be criticism of both politicians and indeed of lawyers for the work they do. Sometimes that will be robust, tensions will arise, but it is wholly wrong for any professional to be threatened, harassed or worse, attacked simply for doing their job – we must call it out and deal with it. And make the point that those who attack people providing a professional service will be subject to that very same Rule of Law.

The Coronavirus Pandemic

That commitment to the Rule of Law was one of the driving forces behind the government's response to the coronavirus pandemic. As the true scale of the challenge became apparent, our primary concern was, of course, safety. The instinctive and understandable reaction might have been to halt the motors of justice – as many jurisdictions chose to do – but we were mindful that, in many instances, justice simply cannot wait; and that we were duty bound to keep the system moving as much as that was possible.

There has been a gargantuan effort to achieve that – from utilising phone and video technology to allow many hearings to continue happening remotely; to putting in place the necessary social distancing measures, so that some hearings could continue to take place safely in person. I pay tribute to everybody concerned – from the judiciary and those who staff our courts, to those who use and practise within them – for your patience, your resilience and your sheer determination to keep the wheels of justice turning.

We are also making progress across all jurisdictions, opening more rooms and adding capacity through Nightingale Courts.

I am, however, as keenly aware as you are that the restrictions that continue to be in place – and could require tightening as the course of the pandemic changes – mean that we will need to do more. The scale of the challenge is unprecedented, even if the current volume of cases is not, and it could be necessary to look at further creative solutions in the future.

A better system for a different future

The response of the justice system to coronavirus has demonstrated something else that has been so critical to its success through the ages: its ability to change and to adapt in order to meet the needs of our society.

The increased digitisation of our justice system was already a priority

before the virus arrived, because we know that, in our modern world, many users want the option to access the courts as they access other types of services. Continuing to modernise the system will be crucial to safeguarding its ongoing success, which is why I announced in July a major £142m investment to boost technology across our system and to upgrade the court estate. I think it is important that we look at the period ahead not just as a recovery from the virus, but as a renewal for justice in our country. We can use it as an opportunity to improve the system for everyone who uses our courts and tribunals; to create a better system and to continue the tradition of England and Wales leading the way where other jurisdictions follow.

This will make it possible to open up justice to more people and make our society fairer than it ever has been. That is what I believe is possible. There is no doubt that the time ahead of us looks very different than it did just a few short months ago, but I hope and trust we can all work together to realise a smarter justice system for what will be a very different future.

Thank you for listening and I wish everyone here and further afield the very best wishes for the legal year ahead.