Judicial Leadership

READING GIVEN AT BARNARD'S INN

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The following is an abridged version of the Reading. The full text is available on the Inn's website and in Gray's Inn Library.

The central theme of the Reading* – the changes in judicial leadership – has a number of facets, in and outside court, all vital to the success of our justice system, both domestically and internationally. The range and extent of judicial leadership activity is striking; some aspects are traditional, of very long standing and taken effectively for granted; others involve little short of a sea change. There is no reason whatever to suppose that the need for judicial leadership will diminish; in some areas it may well increase. The aspects of judicial leadership I wish to explore are: developing the law; developing procedure – case management; reform of the justice system – HMCTS reform; and domestic society and foreign relations.

Before turning to these issues, let me be clear about one matter: the most important task of any judge is trying cases or hearing appeals. Securing justice as between the parties to litigation is the central, irreducible core of the judge's role.

I should state the obvious: the views I express are my own.

Developing the law

At first blush, the central feature of our uncodified constitution – parliamentary sovereignty – might suggest that developing the law is a matter for Parliament and not for the Judiciary. No leadership role for judges here you might think. Such a view would fail to appreciate the genius of our common law system and that our constitution has always accepted that the courts have as central a role in the development of the law as Parliament. Again, we should not forget that this role is subject to Parliament's constitutional right to amend, revise or correct the common

law through statute. How then did and do the courts play this role?

What method do the courts use? The answer has most recently been furnished by Sir John Laws in his outstanding 2013 Hamlyn Lectures, published as *The Common Law Constitution*. In short, the courts develop the common law through a 'fourfold method': evolution; experiment; history; and distillation. Here lies its genius. It is not static; the product of a moment in time. It is capable of evolving as society, and its needs, mores and conditions evolve. It is capable of developing in new, previously untried ways. If they work, they are built on. If not, they are not, and further change can be made. As Lord Judge put it recently [*The Safest Shield* (2015) at 276]: 'In the common law it has been accepted for a thousand years, indeed it is of the essence of the common law, that judges may develop the law by applying its fundamental principles to new conditions and declaring them.'

It is one thing to talk about the common law method; it is another to discuss what it has produced. For that, we look to our body of case law. Anyone looking at any area of our law will see the extent to which the courts have led the way, developing, shaping and refining the law. From contract, including commercial, shipping, insurance and international trade, tort to equity and trusts and the work-in-progress on restitution, to the development of civil rights long pre-dating the Human Rights Act 1998, the list goes on.

There is little, to no, area of our law that is not the product of judicial decision-making. The courts weave out of individual disputes, precedent, statute and, where appropriate, decisions and developments from other jurisdictions, a system of law that is capable of adapting to the needs of a changing society. As such it calls for creativity, judgment and sometimes restraint.

In the latter regard, it is sometimes helpful to see ourselves as others see us. As Professor Anthony King has recently put it [*Who Governs Britain?* (2015)], the courts have been innovators but in a tempered way; one which has seen them 'given half a chance … inclined to render unto Parliament the things that are Parliament's'. This is perhaps not always straightforward as a consequence of the enactment of the European Communities Act 1972 and the Human Rights Act 1998, both of which led Professor King to the following observation: 'If the position of the courts has become controversial, it is overwhelmingly because Parliament has invited judges to make controversial decisions.

Parliament … has chosen to outsource to the courts a good deal of its power …'

Difficult decisions need to be taken as to striking the right balance; the more that controversial areas are 'outsourced' to the Judiciary, the greater the challenge for individual judges and judicial leadership.

Developing procedure: case management

The Judiciary's role in formal procedural reform can be traced from, at the least, Lord Eldon LC, who chaired a Chancery Reform Commission in the 1820s. Other judges played similar roles throughout the course of various Royal Commissions on reform during the 19th and 20th centuries. More recently, we are all familiar with the Woolf, Jackson and Briggs reforms to civil procedure and the Leveson reforms to criminal procedure.

One of the most significant recent areas of judge-led reform has been the introduction of active judicial case management across all our jurisdictions from the late 1990s; a reform which, as Lord Clarke MR noted, Lord Eldon LC's Commission may well have suggested should be introduced in the 1820s – albeit it took some 180 years to take hold fully. Although I confine myself here to civil and criminal case management, it can safely be said that case management is now embedded in all our jurisdictions. It is difficult to over-emphasise the cultural sea change which has taken place in this regard. Though it could not have occurred without the active support of the professions and other agencies involved, it would not have happened without active, determined and sustained judicial leadership.

Traditionally, the role of the judge in court, at least at common law, was essentially passive – acerbic interventions aside. There was limited scope for pre-reading and the parties set the pace. Within very generous limits, the conduct of the trial was in the hands of the parties' legal representatives, subject, of course, to directions or rulings on the law. Because of case management, now codified in all our procedural rules, that description is no longer recognisable.

It, and the philosophy that underpins it, are taken for granted in civil proceedings generally, as well as specialist jurisdictions such as the commercial court where it has long been the practice, in family proceedings, and in criminal proceedings. The judge now 'grips' the case,

both pre-trial and at trial. In criminal cases, for instance, trial by ambush is largely a thing of the past, and interminable and repetitive cross-examination will not do. The culture change in criminal proceedings has been particularly striking. The rationale was outlined by Judge LJ (as he then was) in *R v Jisl* [2004] EWCA Crim 696, [114], [116], [118]:

> 'The starting point is simple. Justice must be done. The defendant is entitled to a fair trial: and, which is sometimes overlooked, the prosecution is equally entitled to a reasonable opportunity to present the evidence against the defendant. It is not however a concomitant of the entitlement to a fair trial that either or both sides are further entitled to take as much time as they like …'

> 'The objective is not haste and rush, but greater efficiency and better use of limited resources by closer identification of and focus on critical rather than peripheral issues. When trial judges act in accordance with these principles, the directions they give and, where appropriate, the timetables they prescribe in the exercise of their case management responsibilities will be supported in this court …'

The Criminal Procedure Rules now enshrine and reflect this philosophy, requiring cases to be dealt with justly, taking account of the need to conduct trials efficiently and expeditiously, the need to be fair to parties, victims, witnesses and jurors, and to acquit the innocent and convict the guilty; requiring the court to manage cases actively to that end; and requiring the prosecution and defence to ensure they assist the court in the active case management process.

It may be observed that the art of case management is more complex in criminal cases than it is in civil cases. The reason is simple: in a civil case, remedies by way of costs, summary judgment or strike out are ordinarily amply sufficient to deal with a recalcitrant party. For obvious reasons, the question of sanctions in criminal cases is much more problematic. It is, in fact, a continuing source of concern and unfinished business. There are inherent limitations on the utility of costs orders in criminal cases and, plainly, it would be unthinkable to strike out a defence and impose a custodial sentence on a defendant for some procedural failing. That said, huge progress has been made in this area, reflecting, if I may say so, judicial leadership and responsible legal professionals and other agencies. Case management is now just as firmly a part of the culture in

criminal cases as it is in civil and family ones, even granting that, from time to time, a case emerges highlighting the difficulty as to adequate or appropriate sanctions.

Judicial work in the area of case management has been extensive; I highlight three major exercises, in which I have been privileged to have personal involvement.

Disclosure

The first, chronologically, relates to the problem of disclosure in document heavy cases, especially now cases where vast quantities of electronic materials have been generated. The principal (and grave) concern was that the burden of disclosure should not render the prosecution of economic crime impractical. The upshot was a review which I conducted, the Review of Disclosure in Criminal Proceedings (September 2011), followed by the Further Review of Disclosure in Criminal Proceedings: Sanctions for Disclosure Failure (November 2012), conducted by Treacy LJ and me.

For present purposes, the judicial role in case management was emphasised in the Judicial Protocol on the Disclosure of Unused Material in Criminal Cases (December 2013), which incorporated the recommendations contained in the 2011 Review. Judges now have the power and the duty to manage disclosure actively (and robustly) in every case; the perception that this was a matter to be resolved between the parties was wholly out of date. The relevant principles, relating to this most important case management exercise – crucial in large cases for giving effect to the overriding objective of the Criminal Procedure Rules – have now been given effect and the force of authority by a specially constituted Court of Appeal in *R v R* [2015] EWCA Crim 1941; [2016] 1 Cr App R 20. In a nutshell, the culture has changed – and it has changed because of judicial leadership supported by professional best practice.

Transforming summary justice (TSJ)

The second initiative is a criminal justice system wide project, implemented nationally in May 2015. It reflects the conclusions more or less simultaneously reached by the Judiciary – following a review of disclosure in magistrates' courts – and the CPS and police as to the need for improved efficiency in magistrates' courts. It aims to enable guilty

pleas to be taken and dealt with in one hearing and for contested cases to be properly case managed at the first hearing, actively progressed thereafter and disposed of at the second hearing. It has called for a fundamental change by the CPS and police, involving the front loading of work to permit early review of cases and their division into those where guilty pleas are anticipated and those where not guilty pleas are anticipated.

Learning from previous experience of judicial initiatives – which initially flourished and then withered – a continuing governance structure has been put in place. Having regard to constitutional principle and practical reality, the structure involves parallel arrangements for the Judiciary on the one hand and the CPS and police on the other. On the judicial side, every magistrates' court 'judicial business group' reports on a quarterly basis to the 'judicial oversight group', chaired by the senior presiding judge. In this way, regular performance monitoring has been established.

These are still early days but the initial signs are promising; performance in the magistrates' court has been maintained or improved with an increase in the number of cases in which the plea has been correctly identified by the police, a reduction in the number of hearings per case, a reduction in the number of cases set down for trial and an increase in the effective trial rate.

Better case management (BCM)

Whereas transforming summary justice relates to magistrates' courts, better case management is principally Crown Court focused. I say 'principally' because the drive for efficiency in the Crown Court can be derailed if things go awry in magistrates' courts; hence a real linkage between progress on TSJ and BCM enjoying success. BCM started in eight 'early adopter' Crown Court centres in late 2015 and was implemented nationally from 5 January 2016. It is incorporated in the Criminal Procedure Rules and the relevant Criminal Practice Directions and brings together a number of complementary initiatives, including the introduction of a nationally uniform early guilty plea scheme and (in document heavy cases) the work done on disclosure.

The aim is to dispose of guilty pleas as early as possible and to manage those cases destined to go to trial robustly. A feature is the abolition of preliminary hearings and plea and case management hearings and the

introduction of 'plea and trial preparation hearings' and 'further case management hearings'. The change was not of course purely semantic; the former is intended to be an effective first hearing and will sometimes be the only pre-trial hearing. Wherever possible, the number of pre-trial hearings will be reduced, to the benefit of all concerned.

It may be noted that plea and trial preparation hearings are more efficient and effective when conducted digitally – a process now ensured by the phased implementation of the Digital Case System in all Crown Court centres. As with transforming summary justice, there has been an intense focus on implementation, involving the closest cooperation between the Judiciary, CPS and police – and the engagement of the professions. Implementation has been national. Continued judicial governance is again a feature, this time building on reporting structures between resident judges, presiding judges and the senior presiding judge and the work of the judicial Crown Court Performance Group – a group which includes amongst its accomplishments the notable development (jointly with Ministry of Justice analysts) of the 'Crown Court performance tool'.

Reform of the justice system: HMCTS reform

Judicial leadership is not confined to developing the law, procedure, or case management. 19th century judges were engaged in leading the fundamental restructuring of our courts and, more broadly, the effective, administration of justice. I concentrate on more recent reforms.

Prior to 2003, the Lord Chancellor was head of the Judiciary and administration was very largely in the hands of the Lord Chancellor's Department (LCD). In the event, the Constitutional Reform Act 2005 saw the Lord Chancellor shorn of his judicial role, as well as the Speakership of the Lords. To the Lord Chief Justice went the leadership of the Judiciary of England and Wales, as well as a vast swathe of powers and responsibilities that previously lay with the Lord Chancellor. The LCD became the Department of Constitutional Affairs and then, in 2007, the Ministry of Justice. Just like the old equity court, when we do reform, we don't do it by halves.

These reforms have been of profound significance for the Judiciary. On the one hand, they have provided a greater degree of constitutional and institutional independence from the Executive than was previously

the case. Now we have a quasi-department, the Judicial Office, which provides the administrative and policy support to the Lord Chief Justice fulfilling a significant amount of the work the LCD would once have carried out. And the Lord Chief Justice represents the Judiciary's views to the Government and Parliament.

On the other hand, the Judiciary has become subject to greater scrutiny, and without the previous political shield and representation that the Lord Chancellor used to provide (with a senior voice in Cabinet). Another consequence of these reforms has been the emergence of what is, I believe, unique in our constitutional framework: Her Majesty's Courts and Tribunals Service (HMCTS), the body that administers the courts and tribunals. Unique because it is a partnership between the Lord Chancellor and the Lord Chief Justice and Senior President of Tribunals, thus a partnership between the Executive and the Judiciary.

The upshot, which cannot be underestimated, is the massive expansion of judicial leadership, management and administration roles: the 'day job' in court is now just the tip of the iceberg. As Lord Judge noted: 'the modern judge is likely to be involved directly or indirectly with many responsibilities out of court, which have nothing whatever to do with his or her judicial judgments. All this is new, but the burdens are likely to increase rather than diminish. Do not get me wrong: they add greatly to the interest of the job, but the time in which to do it does not increase.'

The proliferation of judicial leadership roles includes: the Judicial Executive Board (JEB), the LCJ's 'cabinet'; the Judges' Council; the Master of the Rolls, Heads of Division, Senior President of Tribunals and Vice-Presidents of Divisions; the Senior Presiding Judge and Deputy Senior Presiding Judge; the Chairman of the Judicial College; the Presiding Judges; Family Division Liaison Judges; Chancery and Administrative Court Liaison Judges; Resident Judges, Designated Civil and Family Judges – the list could easily continue and I have not even touched on other leadership roles in the Tribunals.

In my role as Senior Presiding Judge (SPJ) 2013–2015, I had the privilege of a unique vantage point from which to observe – and in many ways to help shape – the changing demands now placed on judicial leadership. 'Business as usual' for the SPJ now means spending far more time out of court than in – the one downside of the role. Had we an organisation chart, it would show that the Presiding Judges' reporting line is to the SPJ, who is largely responsible for the administration of judicial business in courts outside the RCJ. The SPJ is

involved in deployment, promotions, training and, sadly from time to time, health and disciplinary matters. He also (a most rewarding part of the role) is responsible for liaison with the magistracy.

The SPJ works very closely with and reports directly to the LCJ, is a member of the JEB and has a seat (ex officio) on the HMCTS Board. He is often the first port of call for dealing with government departments and policy initiatives in both the criminal and civil jurisdictions – though none of this should be thought of as downplaying the importance of and demands on the other leadership roles. The SPJ has regular – ordinarily, daily – contact with senior officials in HMCTS.

Thus far, I have described 'business as usual'. In the event, three additional matters loomed largest in my time in office: HMCTS reform, performance and support for judicial leadership roles. Because of it being a truly once in a generation opportunity, I want to devote most time to HMCTS reform, but performance and support for judicial leadership roles are both of such importance that I must mention them.

Performance

Performance, does not of course mean 'outcomes' in individual cases; that is a matter for the judge concerned, subject only to the appellate process. Performance does mean doing what we can, as a judicial leadership, to ensure that courts operate efficiently, making optimal use of the limited resources available. To some extent there is an overlap with the embedding of case management in the civil and criminal jurisdictions. In the County Court, for example, a focus on performance entailed devising new management information, replacing a plethora of unfocused data. This was a paradigm example of joint working between the Judiciary and HMCTS officials. As HMCTS reform and the Briggs reforms develop, this will likely lead to a re-examination of the performance measures in the County Court.

In the magistrates' and Crown Courts, TSJ and BCM could not take root without a judicially-led culture change which emphasised the relevance and importance of improved performance.

Getting a grip on performance has involved a very substantial exercise in judicial leadership. None of this can be accomplished by diktat from the senior Judiciary at the RCJ; it requires and has obtained support from the Judiciary at all levels across the country, who have overall proved notably willing to embrace change, subject to very understandable and

proper probing of the practicalities involved.

Support for judicial leadership roles

This was a topic which very much developed during my time in office. It was realised that we could no longer simply leave those in leadership roles to their own devices and the benefit of encouragement from the senior judiciary. The demands were simply too great, not least at a time when frustrations over pay and pensions have threatened judicial morale. It is important to realise that, unusually at least, most of our leadership roles are not rewarded with a salary increment. I pay warm and grateful tribute to some of the true 'heroes' of the system: up and down the country Resident Judges – and Designated Civil and Family Judges – for no extra pay, display conspicuous leadership skills in dealing with judicial colleagues, court staff and others, to keep the system afloat. Absent salary increments, we have implemented arrangements across the jurisdictions for both time out of court and administrative support; neither is an indulgence; both are necessary to enable leadership judges to fulfil their roles.

Additionally, a more complex world has meant that, while still very small in number, time consuming, sometimes corrosive and emotionally draining HR issues have been on the increase, requiring early recognition and intervention by leadership judges; we have taken steps to provide leadership judges with the relevant training and support – including much wanted leadership training – though I apprehend that there is still some way to go.

HMCTS reform

Following years of salami sliced reductions in resources, it has been apparent from late 2012 (if not before) that strategic reform was an imperative. The only alternative was decline. Reform has proved as daunting as it is exciting – truly a once in a generation opportunity to provide an improved justice system. Subject of course to the LCJ and the JEB, the SPJ has been the judicial lead on reform. In my time, Fulford LJ, then Deputy SPJ (now the current SPJ) led on IT and the SPT has throughout occupied a pivotal position.

HMCTS reform involves an integrated programme with three strands: transforming our IT; modernising our estate; changes to our working practices. To emphasise: this is a transformational programme (truly so

called) and an integrated programme. With the support and agreement of both the Treasury and the Ministry of Justice and of successive Lord Chancellors, funding of some £700m plus has been agreed. Moreover, the Treasury has agreed various flexibilities and the ring fencing of the proceeds of asset sales, so that these can be reinvested in the programme.

It needs to be emphasised that this is not 'reform done to' the Judiciary; quite the contrary. HMCTS reform can only be successfully accomplished with judicial participation, nationally, at Circuit level and locally – hence the establishment of Local Leadership Groups. By its nature, much of the programme must be judicially led. Because of the need for engagement by the judiciary across the country, much judicial leadership time has been invested in road shows; my deputy and I undertook more than 30 in 2015 and found them, without exception, valuable and stimulating. Communication between the SPJ and judges across the country is an essential part of the process. Judicial involvement and leadership must also be jurisdictionally based; proposals for reform must satisfy those with practical experience of the jurisdictions in question. For this reason, Judicial Engagement Groups (JEGs) were established and have already repeatedly proved their worth.

Even this brief outline of the reform programme serves to illustrate the sheer scale of the judicial leadership task, perhaps best exemplified by the tireless commitment, drive and energy displayed by the LCJ personally to ensure its progress. That said, judicial leadership is a necessary, but not sufficient, condition for success. HMCTS reform could not be accomplished without the closest cooperation between the Judiciary and HMCTS – joint working at its best – involving the complete commitment of the HMCTS senior management team, together with support and guidance from the HMCTS Board, under its universally respected and independent Chairman. Importantly, this is an HMCTS programme, as reflected by the governance arrangements under the overall aegis of the HMCTS Board, always subject of course to the Board needing to report to its principals: the Lord Chancellor and the Lord Chief Justice, together with the SPT.

Significant progress has already been made; the reform programme is real, not aspirational or theoretical. By way of examples only, our criminal courts are now largely equipped to work digitally. For certain traffic offences, there is the facility for online pleas. The first automated rotas for magistrates have been introduced. The 'Divorce Online' project has commenced. The crime wi-fi solution will in due course be extended

to civil, family and tribunal hearing venues. The rationalisation of the estate has begun, with the close and continuous involvement of the Judiciary, both nationally and locally. This is exciting; it is also daunting. We need to get it right. If we do, it will be a legacy for the future, both for the Judiciary and a reforming Lord Chancellor. The foundations are sound; we need to press on, full ahead, to implement the programme as a whole.

Domestic society and foreign relations

Finally, I want to touch upon two other areas where the Judiciary's leadership role may be explored, even though they are largely the preserve of Parliament and the Executive.

First, domestic society. It is axiomatic that the two primary functions of the State are defence of the realm and the provision of law and justice. If the State succumbs to its external enemies, all is lost. If it does not uphold law and justice, no other rights can be enforced or entitlements enjoyed. Against this background, it is impossible to overestimate the importance of the Rule of Law and an independent Judiciary to our society. As often said, the Judiciary is the guarantor of the rule of law and, as such, its domestic role is crucial. It serves to define the society we are.

Here too, there are significant leadership demands, calling for principled but finely tuned judgment. The key point is that the Judiciary is not simply another group of senior officials; it is a branch of the State, distinct from and independent of both Parliament and the Executive. Its task is to achieve the right combination of judicial fearlessness and independence with an appropriate sense of restraint, recognising and respecting the proper sphere of the other two branches of State. Not entirely straightforward then! What it plainly calls for, to adopt Lord Judge's word, is 'fortitude' – fortitude from individual judges and fortitude from the judicial leadership.

Then, foreign relations. English law and our courts and arbitration tribunals are world leaders. It follows that, subject to constraints (budgetary, time and the proper limits of judicial conduct), our Judiciary has a significant role to play in this sphere and the task of judicial leadership is to set the goals and prioritise accordingly. The unifying principle for the Judiciary here is upholding or building the Rule of

Law internationally. In part, this role involves working in the national interest, in coordination with the FCO – the Judiciary cannot freelance on foreign policy – while of course preserving judicial independence throughout.

In further part, this principle complements underlining and promoting the leading role of English law internationally and London's world leadership in dispute resolution. Our approach in this latter regard should be principled and should seek to build comity between courts – as flagged by the LCJ's recent initiative to establish a worldwide forum of Commercial Courts, aiming to learn from one another, to ensure that the Rule of Law is upheld in international markets and that the development of the law keeps pace with changing commercial practices.

Conclusion

The leadership demands on a good many judges have changed beyond recognition. Judicial leadership is a necessary condition for case management, the reform programme and for getting a grip on court performance. All this is in addition to the role taken for granted in developing the law, in helping to define the society in which we live and seeking to boost the Rule of Law, English Law and London, internationally. Still further, the Judiciary's leadership role now requires engagement to a significantly greater extent than in the past with the Executive and Parliament.

The range and scale of judicial leadership is now striking. But every additional leadership demand on judges comes at a cost in terms of time and the need to deal with cases in court, not to mention the pressures on individual judges. Hard choices need constantly to be made. We do not want our most senior judiciary to become detached from the business of judging; but extensive involvement of this same group is indispensable to shaping the justice system of the future.

I cannot foresee any lessening in the demands for judicial leadership – the opposite is more likely to be the case; there is no going back and no easy answer to ensuring the right balance between time in court and leadership time out of court. Realistically and for the time being at least, we may need to accept this feature of judicial life and structure senior roles accordingly.

One measure which should assist would be a significant strengthening

of the support available to the Lord Chief Justice, the JEB, the SPJ and other leadership judges. This is not – and should not be misinterpreted as – a criticism of officials currently in post. It is instead setting a new benchmark. In my own experience as both a Presiding Judge and SPJ, I have had the pleasure of working closely with a number of officials who can truly be described as excellent; and what a difference it made. But if we are to free judicial leaders from some of the work which currently and necessarily (in my view) falls upon them, then we should be exploring a step change in the support available. A number of role models from both the Judicial Office and HMCTS spring readily to mind.

To be clear, one variant which we must at all costs avoid is a model where 'managers' rather than judges hold sway. Unfairly or not, that is the perception many have of the NHS – a perception that clinicians answer to managers rather than vice versa. Managers answering to judges, subject to appropriate public accountability, is one thing: judges being directed by managers is another and would be, in my view, flatly unacceptable.

The Judiciary's extensive involvement in leadership means that we are entitled and bound to think more about the optimal structure for the justice system as a whole and, in particular, whether the constitutional reforms of 2005 and the following years comprise an unfinished journey. Is it right that HMCTS should form part of a larger Ministry, which has responsibility for prisons? Would the governance arrangements for HMCTS and, hence, the reform programme and our ability to implement it be simplified and improved if HMCTS reported to a single shareholder (the Judiciary)? Would that assist in attracting dedicated, high calibre support from HMCTS, which could reduce the burden on the Judiciary that I have sought to describe? What governance, budgetary and accountability mechanisms would need to be put in place? None of this is novel, still less heretical, internationally. Is there attraction in a system such as that in the US where the Administrative Office of the United States Courts supports the Federal Courts and is independent of the Executive Branch? Likewise as to Scotland, where the creation of the independent Scottish Courts Service has led to the transfer of the authority for the administration of the courts from the Executive to the Judiciary; it is said that the 'mindset' has altered and for the good. While such considerations should not distract from the immediate imperative of implementing the reform programme, I would

be surprised if we avoided discussing them in the future – not least because they have a very considerable bearing on the framework within which judicial leadership operates.

We live in interesting times. They make for a more interesting, if more demanding, judicial world – one that calls for more reflection on judicial leadership and what it means in the 21st century.

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