

Judicial Communications Office

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SPEECH BY THE LORD CHIEF JUSTICE AT THE OPENING OF THE NEW LEGAL YEAR

The Lord Chief Justice, Sir Declan Morgan, today gave an address to mark the opening of the new legal year. It was attended by members of the judiciary and senior figures in the justice system. The aim of the speech is to explain the work of the judiciary as a means of increasing the transparency of the justice system and the public's confidence in it.

The Lord Chief Justice said that the legal landscape is facing challenges to the way it operates from the financial crisis, developments in technology, and the public's changing expectations. Judges, however, must remember that their commitment is to deal with each case fairly and promptly according to law and to play their part, working together with others, to build a justice system of which everyone can be proud. Sir Declan commented that the legal profession is an honourable one, and deserving of respect. He added that the system of justice must also promote the respect of the public for the judiciary:

“Everyone who comes to court must be able to trust that the judge is independent of government and impartial between the parties. Those are the fundamental components of the rule of law and an independent judiciary is there for the benefit of the community, not that of the judges themselves.”

The Lord Chief Justice said that public confidence in the justice system requires understanding of the system and engagement. Listening and working together have been two key themes of the work of the judiciary in the past year. Sir Declan cited a number of examples, including engagement with the Minister of Justice and elected representatives, the key participants in the justice system, the legal profession and the public. He said he is determined that the judiciary should interact with the community they serve to the greatest extent possible:

“To that end, in the past year the judiciary has been involved in explaining our role, listening to the community's experience of the legal system and engaging in debate with people from

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outside Northern Ireland about how other jurisdictions meet the same challenges that we face.”

The Lord Chief Justice then went on to speak about the specific achievements in the past year:

- He said that the judiciary, recognising the stress that is caused to victims, litigants, witnesses and defendants, by the delay and uncertainty of the court process, have led a major initiative with the PSNI and PPS to **reduce avoidable delay**. The measures put in place will benefit those attending court as well as creating efficiencies and, hopefully, cost savings in court time and police resource.
- The Lord Chief Justice referred in his address last year to the judicial **Sentencing** Group which he had set up as a means to ensure consistent, transparent and fair sentences. Sir Declan reported that a First Programme of Action on Sentencing has been drawn up and work on this is well underway. The Court of Appeal has issued sentencing guidelines manslaughter, social security fraud and dangerousness. A sentencing event for the judiciary was held on road traffic offences with another planned for later this month on environmental crime. Comprehensive guidelines on the most common offences in the Magistrates’ Courts are well underway. The guidelines will all be publicly available on the Judicial Studies Board website. The public will be consulted every two years in order to keep the programme relevant to issues of concern.
- The Lord Chief Justice said that he is very supportive of the work which is being done on how **victim and community impact statements** can best be used to enable those who have been injured by offending to have a voice in proceedings. His office is working with an inter-agency group established by the Minister of Justice to explore how victims of crime can best be supported.
- Sir Declan noted that the courts are seeing increasing numbers of **personal litigants** coming to court. This may be because they cannot afford legal advice or because they feel able to represent themselves. The Lord Chief Justice said that for all these people, the case is about important issues in their lives, with important consequences for them and their family. He has therefore set up a Judicial Personal Litigants’ Committee which will address some of the difficulties associated with giving access to justice to unrepresented litigants. Examples of work being taken forward include providing accessible and easy-to-understand information for those facing common types of proceedings such as repossession proceedings, bankruptcy, divorce and ancillary relief. The Lord Chief Justice noted that the judiciary are in discussions with the Bar Council and Law Society about setting up a small pro

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bono pilot scheme to provide advice on practice and procedure for those who find themselves involved in key types of High Court litigation without legal representation:

“Pro bono is an established part of the legal world elsewhere. It offers valuable experience to young lawyers as well as those with more experience. Most importantly, it is a route to access to justice for those who could otherwise face real problems. I am excited by the potential for pro bono work in Northern Ireland and look forward to working with the profession to see how it might be developed here.”

The Lord Chief Justice concluded by recognising that the judiciary have an important role to play in building confidence in the justice system and the rule of law among everyone in Northern Ireland:

“At a time of economic and social uncertainty around the globe, a gold-standard, transparent and respected legal system is a reassurance of inestimable value. All of those are reasons for us to continue working with others, in an atmosphere of mutual respect, to build a justice system that we can all be proud of and I look forward to working with all the people in this room in the year ahead to do just that.”

NOTES TO EDITORS

1. The full address will be published on the Northern Ireland Courts and Tribunals Service website (www.courtsni.gov.uk).
2. The First Programme of Action of Sentencing will cover the following topics:
 - Domestic Violence
 - Serious sexual offences (ie those dealt with in the Crown Court) including offences against children
 - Human trafficking
 - Attack on public workers, including police officers
 - Attacks on vulnerable people, including the elderly
 - Duty evasion and smuggling
 - Environmental crime in the Crown Court
 - Honour based crime
 - Tiger kidnapping
 - Intellectual property crime

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- Road traffic offences
- Hate crime
- Health and safety offences causing death
- The recently reformed law of manslaughter
- Child cruelty and neglect and serious assaults on children
- Offences taken into consideration
- Breach of a court order or licence
- Developing the law on extended and indeterminate sentences for dangerous offenders.

3. Sentencing guideline cases and guidance is published on the Judicial Studies Board's website (www.jsbni.com).

ENDS

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