those who suggest that the Bar is set against the court reform programme are wrong. There is much that we support, but not all.

When they speak of court reform, many think only of technology or investment in infrastructure, and that will be my focus here, but there are strands to the programme that have little, if anything, to do with these. The aim, for example, to broaden the range of judicial decisions that are made by non-judges (and even non-lawyers), under the ‘supervision’ of judges, is more concerned with greater centralisation of services and with savings in the judicial salaries budget. Whether or not this is truly a matter of reform’, it is critical that judicial decisions should continue to be made by judges, independently from the executive branch of government.

So far as technology and infrastructure are concerned, a sum of around £1.1bn is being spent on this, across many different projects. Significant investment is welcome and much is long overdue. The Bar has long adopted new technology, and barristers tell me that they want to see more of it in everyday use. Most would not now be without their tablets or laptops in court, and the Digital Case System in the Crown Court has been embraced. If the technology can be made to work effectively for hearings by video link, then many can also see potential advantages that outweigh the disadvantages for a range of more modest procedural hearings. The Bar is still wary, though, for a number of reasons.

Lack of consultation

First, there has been a lack of proper consultation. Large sums are being spent on projects before they have been the subject of any real discussion, particularly with the legal profession. In some areas, ambition seems to have been allowed to outstrip reality and practicality. There is a lack of clarity of aims, beyond the saving of money, and no clear vision of what a reformed system will look like, and how it will improve the quality and accessibility of justice. This seems to us to be compounded by an inadequate understanding of how the reforms will all fit together, of how they will work with longer-standing projects (such as Better Case Management), and of how they will deliver the end-to-end savings that the Treasury requires rather than add to costs elsewhere in the system. All this may result in the wrong decisions being made, and in money being wasted. The lack of consultation is starting to change, but we are still some way from where we need and ought to be. We should not be spending first, and asking questions later.

The judiciary, HMCTS and the legal profession have a shared interest in ensuring that our system is fair, accessible, efficient and effective. We should all be involved, working co-operatively in pursuing reforms. As a nation, we need to get this right, so that we can continue to benefit from a legal system that truly justifies its reputation and sets the standard internationally.

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