

Reply for guests 25 Jan 06

Master, Wardens, Lord Mayor Locum Tenens, Lord Chief Justice, Master of the Rolls, Sheriffs, Ladies and Gentlemen:

I am sure that I speak for all the guests when I say what an honour it is to be the guest this evening of the senior branch of the judicial profession – the senior branch because you are the branch which the junior branch, the judges, always aspire to join. Ask any judge – ask any judge you like – what do you want to be when you grow up? and the answer – if you get one – will always be: an arbitrator. On the High Court bench, in the Court of Appeal and the House of Lords they sit, practising their judicial skills so that in due course, after many years, they may feel themselves duly qualified to step up into the ranks of the arbitrators. And some of them, the more modest and self-doubting among them, even continue well into their seventies before they are confident that they have made the grade.

Most of you arbitrators, I know, will have decided to dispense with this tedious training, and will have taken instead the fast track. I have to say I don't blame you. It's not easy being a judge these days. In the past a judge would go into court, cap counsel's hexameter from Virgil with a pentameter by Ovid, and everyone would be happy – not least the defendant in the dock, who felt it an honour to be in such elevated company. But now the judge who is not au fait with the latest developments in every television soap is liable at any moment to become the object of ridicule and obloquy. It's hard work keeping up. Peer any evening through the curtains of those villas in Hampstead and Wimbledon and you will see earnest figures hunched in front of television sets, judges notebooks on their knees, noting in detail what is happening in East Enders, Coronation Street, Celebrity Big Brother and Footballers Wives – until, round about midnight, they are free to begin reading the papers for next day's case. You arbitrators, on the other hand, have no such burdens. Confronted by something you suspect may be an allusion to some popular entertainment, you simply say to counsel, "Perhaps you'd like to move on to Schedule 5," and no one complains.

It is not as if judges crave admiration for such modern learning – any more than they do for their intellects or the soundness of their judgments. That is not what judges want. No, judges just want to be loved. It's all right for you arbitrators. You are often able to look out across the roomful of people in front of you and reflect that they are there because they have chosen you to decide their case for them. Not so the judge. He knows that he is regarded by the parties as a piece of judicial jetsam, cast up before them by the chances of the listing process. Indeed he sometimes senses that they would strongly have preferred anyone but him to hear their case. Because of this, Master, it could have been very uncomfortable for us all if you had invited as guests judges who might be thought to be among the unloved of their number. But you took no chances in this respect. You invited, as the representatives of the junior branch of the judicial profession, the lovable trio from Birmingham, to whom you have referred; the much doted on President of the Family Division; the Master of the Rolls, the darling of the Court of Appeal; and the utterly adorable Lord Chief Justice.

You are to be congratulated on this, and I thank you on behalf of all your guests for including us tonight. We realise that this is no more than a snack to an arbitrator, but it is a feast to us. Thank you very much.