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WOOLF AND AFTER

The Woolf reforms were introduced on 26 April 1999. Others are studying the effect they have had on the behaviour of litigation lawyers and their clients. The purpose of the reforms was to focus people's minds on the real issues in a dispute at an early stage. It was hoped that this would help them to settle their differences without exposure to the costs, delays and uncertainties of the litigation process. From the perspective of an appellate judge, the reforms have worked. We are troubled much less often with interlocutory disputes, or appeals about trivial matters which are heard by a lower court. From the coalface, the prospect is less pleasing. Staff cuts and a deluge of paper are making creaky machinery creak even more.

This is where the modernisation programme comes in. In January 2001, a consultation paper was published on the reform of the civil courts. It deserves close study. Its theme is the streamlining of court process from start to finish. No longer 220 civil courts with large back offices, each replicating the same function, each costing the taxpayer a bomb. Instead, a smaller mix of primary and secondary hearing centres, with the back office business function hived off to a few business centres. The business of the hearing centres will be the resolution of defended cases, and the judges' managerial function in driving these cases forward will be supported by appropriate electronic tools. A judges' working group has nearly completed its task of specifying judicial requirements in this very new world.

This programme will be complemented by a similar programme on the criminal justice side. The combined effect of these reforms will be far bigger than Woolf. I have seen little evidence yet, as a judicial member of both programme boards, that the academic world has so far understood the scale of what is afoot. In Kate Malleson's seminal work, *The New Judiciary* (1999), one looks in vain in the index for references to computers or managerial skills for judges, even though she acknowledges correctly that the 'new judiciary is a body in transition'.

We are moving into a world of e-filing from home, of the electronic court file, of tele-conferencing and e-mail conferencing. Of consultants giving expert evidence from the video suite at their hospital. Of the expensive contested hearing, with people giving oral evidence in court, being a remedy of last resort, not of first resort. Of advisory services traditionally provided by staff at the court counter being switched to law centres and CABs and other advice outlets. Of judges making their orders and having them printed out for litigants before they leave court, as they do at the Parking Adjudicator's office today, instead of the orders being delivered by post six weeks later, often after the time for compliance has expired.

The recent practice direction on neutral citations is just one outward and visible sign of the acceleration of the reform process. I am in regular contact with editors of law reports and practitioners and others about the way we can harness the potential of IT without submerging ourselves in information overload. Public access to an electronic court file raises phenomenally difficult security issues. We have got to find sensible answers to them. New skills will be required of many of our judges. There will have to be greater investment in judicial training. The two sides of the legal profession will have a lot to learn. Academia will have plenty to talk about.

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