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## JUDGING CIVIL JUSTICE

The civil justice system supports social order and economic activity, but a number of factors over the last decade have created a situation in which the value of civil justice is being undermined and the civil courts are in a state of dilapidation.

For the 2008 Hamlyn Lectures, Dame Hazel Genn discusses reforms to civil justice in England and around the world over the last decade in the context of escalating expenditure on criminal justice and vanishing civil trials. In critically assessing the claims and practice of mediation for civil disputes, she questions whether diverting cases out of the public courts and into private dispute resolution promotes access to justice, looks critically at the changed expectations of the judiciary in civil justice and points to the need for a better understanding of how judges 'do justice'.

DAME HAZEL GENN is Dean of Laws, Professor of Socio-Legal Studies and Co-director of the Centre for Empirical Legal Studies in the Faculty of Laws at University College London, where she is also an Honorary Fellow. In 2006, she was appointed an Inaugural Commissioner of the new Judicial Appointments Commission, established under the Constitutional Reform Act 2005. She was also a member of the Committee on Standards in Public Life from 2003 to 2008. She worked with the Judicial Studies Board for twelve years, serving as a member of the main board and the tribunals committee, closely involved in the design and delivery of training for the judiciary at all levels. A leading authority on access to justice, she has published widely in the field.

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CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore,  
São Paulo, Delhi, Dubai, Tokyo

Cambridge University Press  
The Edinburgh Building, Cambridge CB2 8RU, UK

Published in the United States of America by Cambridge University Press, New York

[www.cambridge.org](http://www.cambridge.org)

Information on this title: [www.cambridge.org/9780521118941](http://www.cambridge.org/9780521118941)

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First published 2010

Printed in the United Kingdom at the University Press, Cambridge

*A catalogue record for this publication is available from the British Library*

*Library of Congress Cataloguing in Publication data*  
Genn, Hazel G.

Judging civil justice / Hazel Genn.

p. cm.

ISBN 978-0-521-11894-1 (Hardback)

1. Justice, Administration of—England. I. Title.

KD7100.G46 2010

347.42—dc22 2009029829

ISBN 978-0-521-11894-1 Hardback

ISBN 978-0-521-13439-2 Paperback

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In memory of my dear sisters  
Rosemary and Angela

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#### THE HAMLYN TRUST

The Hamlyn Trust owes its existence today to the will of the late Miss Emma Warburton Hamlyn of Torquay, who died in 1941 at the age of 80. She came of an old and well-known Devon family. Her father, William Bussell Hamlyn, practised in Torquay as a solicitor and JP for many years, and it seems likely that Miss Hamlyn founded the trust in his memory. Emma Hamlyn was a woman of strong character, intelligent and cultured, well versed in literature, music and art, and a lover of her country. She travelled extensively in Europe and Egypt, and apparently took considerable interest in the law and ethnology of the countries and cultures that she visited. An account of Miss Hamlyn by Professor Chantal Stebbings of the University of Exeter may be found, under the title ‘The Hamlyn Legacy’, in volume 42 of the published lectures.

Miss Hamlyn bequeathed the residue of her estate on trust in terms which it seems were her own. The wording was thought to be vague, and the will was taken to the Chancery Division of the High Court, which in November 1948 approved a Scheme for the administration of the trust. Paragraph 3 of the Scheme, which follows Miss Hamlyn’s own wording, is as below:

The object of the charity is the furtherance by lectures or otherwise among the Common People of the United Kingdom of Great Britain and Northern Ireland of

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the knowledge of the Comparative Jurisprudence and Ethnology of the Chief European countries including the United Kingdom, and the circumstances of the growth of such jurisprudence to the Intent that the Common People of the United Kingdom may realise the privileges which in law and custom they enjoy in comparison with other European Peoples and realising and appreciating such privileges may recognise the responsibilities and obligations attaching to them.

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From the outset it was decided that the objects of the Trust could be best achieved by means of an annual course of public lectures of outstanding interest and quality by eminent lecturers, and by their subsequent publication and distribution to a wider audience. The first of the Lectures were delivered by the Rt Hon. Lord Justice Denning (as he then was) in 1949. Since



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then there has been an unbroken series of annual Lectures published until 2005 by Sweet & Maxwell and from 2006 by Cambridge University Press. A complete list of the Lectures may be found on pages xii to xiv. In 2005 the Trustees decided to supplement the Lectures with an annual Hamlyn Seminar, normally held at the Institute of Advanced Legal Studies at the University of London, to mark the publication of the Lectures in printed book form. The Trustees have also, from time to time, provided financial support for a variety of projects which, in various ways, have disseminated knowledge or have promoted to a wider public understanding of the law.

This, the 60th series of Lectures, was delivered by Professor Dame Hazel Genn at University College London and the University of Edinburgh. The Board of Trustees would like to record its appreciation to Professor Genn and also the two university law schools, which generously hosted these Lectures.

January 2008

**KIM ECONOMIDES**  
*Chairman of the Trustees*

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 1963 Crime and the Criminal Law by the Baroness Wootton of Abinger  
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 1965 New Law for a New World? by the Rt Hon. Lord Tanley  
 1966 Other People's Law by the Rt Hon. Lord Kilbrandon  
 1967 The Contribution of English Law to South African Law: and the Rule of Law in South Africa by the Hon. O.D. Schreiner  
 1968 Justice in the Welfare State by Professor H. Street  
 1969 The British Tradition in Canadian Law by the Hon. Bora Laskin

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## ACKNOWLEDGEMENTS

When Kim Economides, Chair of the Hamlyn Trustees, invited me to deliver the 2008 Hamlyn Lectures, I was honoured and daunted by the challenge of following such a distinguished list of predecessors. I am therefore very grateful to Kim for his support during the process of preparing the lectures. I am also grateful to Nicola Lacey, the 2007 Hamlyn Lecturer, for her encouragement and reassurance during the planning phase and to Sir Stephen Sedley for his advice. The first and last lectures were given at UCL and the second at Edinburgh University. I would like to thank Lady Hale for chairing the first lecture and Lord Clarke for chairing the final lecture. I am grateful to Professor Malcolm Grant, President and Provost of UCL, for making the time to preside over the final lecture, for his warm support throughout and for hosting the excellent final dinner. I am enormously indebted to Lisa Penfold of the Faculty of Laws at UCL for masterminding all of the invitations, replies, room bookings, receptions, menus and the thousand other things that needed to be done to ensure that everything ran smoothly. Lisa's quiet and calm efficiency was always reassuring, and her kindness hugely appreciated. Professor Sir Timothy O'Shea, Principal of Edinburgh University, graciously chaired the second lecture and hosted an excellent and enjoyable dinner. I would also like to thank Professor Douglas Brodie and Alison Stirling of Edinburgh Law School for taking charge of arrangements

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## ACKNOWLEDGEMENTS

there and for organizing the lecture in the beautiful Playfair Library.

I took over as Dean of the UCL Law Faculty a couple of months before the lectures and could not have completed the writing without the support and encouragement of my Dean's Team, in particular John Lowry, Joanne Scott and Andrew Lewis. I also had valuable help from Rob Williams and Marc Mason. Edie Browne at Hong Kong University provided me with equipment, support and much printing out of articles and I am grateful to her and to Pauline Tang for being so accommodating. Neil Andrews kindly sent me material and I benefited from comments on the book manuscript from Judith Resnik, Peter Graham Harris, Lord Woolf and Tony Allen. In June 2009 a seminar was held at UCL to discuss the issues raised in the lectures with a distinguished panel comprising: Lord Woolf, Professor Michael Zander, Tony Allen, Professor Richard Moorhead and Professor Judith Resnik. I am grateful to the panellists for taking the time to offer their own perspectives on the lectures.

Finally, I want to pay tribute to Bea and Matt Appleby for instilling a sense of proportion at demanding times and to my husband Daniel Appleby for his rock-like support and willingness, as ever, to read and comment on drafts in the middle of the night.

August 2009

**HAZEL GENN**  
*University College London*