

OPENING OF THE LEGAL YEAR 2026

CHIEF JUSTICE'S SPEECH

Some 40,000 years ago, Neanderthals found in Gibraltar one of their last places of refuge, surviving here after they had disappeared from much of Europe.

There is perhaps a modern judicial parallel. Gibraltar remains one of the few jurisdictions where its resident judiciary are true generalists. In the Supreme Court, between four of us, we exercise the full range of jurisdictions which in England and Wales are exercised by specialist judges. In much the same way, the Gibraltar Courts Service staff process and deal with work which in England and Wales is managed in a dozen or so dedicated registries.

Those who appear before me will know that, in my exchanges with counsel, I am sometimes inclined to draw analogies, some more apt than others. In the present context, I have another analogy which springs to mind, our health service.

Some of us are old enough to remember the old St Bernard's Hospital. My recollection of it, as a very occasional user, is that in the mid-1980s there were perhaps one or two medical consultants, a general surgeon, an orthopaedic surgeon and an anaesthetist. At much the same time, the Supreme Court consisted of a Chief Justice and one additional judge, as the post of Puisne Judge was then known.

Since then, the GHA has, quite rightly, developed enormously. It now has a multitude of specialists, practising in increasingly specialised fields, and our community is very much better served as a result.

The contrast with the courts is striking. It is true that we now have three Puisne Judges rather than one. But, in terms of how we organise ourselves and divide our judicial work, remarkably little has changed. Whilst medicine has seen a growing number of specialists working in ever narrower fields, we remain a handful of generalist judges covering the full breadth of an increasingly complex body of law.

For many years, I held the view that having generalist judges was the model best suited to Gibraltar. I like to think that thanks to an incredibly dedicated judicial and administrative team, we make it work. But not without challenges.

In terms of raw numbers, over the past few years our volume of work has remained broadly constant. But those statistics do not tell the whole story. The increasing complexity of the work means that cases which might once have been disposed of in a day now take three, and those which might have taken five days now take ten. This across virtually every jurisdiction in which we sit. In crime, for example, we used to organise the calendar on the basis that the great majority of jury trials could be dealt with in five days. In recent times, time estimates are invariably becoming longer.

When circumstances change, there comes a point at which it is sensible to reconsider positions. That does not mean that the generalist model has ceased to have value. In a jurisdiction of our size, the breadth of experience which it gives us, and the flexibility which it allows, remain important. But there is also much to be said for the familiarity with a particular area of work which comes from dealing with it regularly.

I do not pretend to have all the answers. But, in my view, there is a case for a gradual move towards greater specialisation.

A first step might be to look at how we allocate our work. That may involve moving towards a lead criminal judge and a family judge, each taking primary, but not exclusive responsibility, for the work in that jurisdiction.

In commercial matters there may be advantages in having a designated judge dealing with high-value litigation. Whether that should, in time, develop into a distinct commercial jurisdiction is something which merits detailed consideration. The aim would be to deal with those cases more efficiently and contribute to Gibraltar remaining a jurisdiction in which parties have confidence for the resolution of their disputes.

Of course, in a court of our size, judges cannot deal exclusively with one area of work. There is a need for cover and to respond to the demands of whatever work comes in. We do not have

sufficient numbers to create rigid divisions of work, nor would that necessarily be desirable. But there is, I think, a balance to be struck between the flexibility which our size requires and developing a greater degree of specialisation.

Over the forthcoming year, I will want to explore how far we can usefully move in that direction, taking account of the competing demands across all our jurisdictions and the resources available to us. In doing so, I will be particularly mindful of what is at stake in cases concerning the liberty of the individual; the interests of victims of crime; and cases affecting the lives of children. They, perhaps more than any other group, depend upon the effective administration of justice.

I also think that any changes of this kind need to go hand in hand with consideration of how we digitise our court processes. Commercial work might provide a starting point for that. This matters not only because of the efficiencies which digitisation could bring, but because, if we fail to keep pace, there is a real risk that in a few years' time those engaged in high value litigation may increasingly perceive our court system as something of a backwater.

But always clear about what our needs are; what we want to achieve; and what will work in a jurisdiction of our size. Software systems can promise a lot and sometimes deliver a lot less. We therefore need to take the time to get this right. And, of course, whatever we choose must be fit for purpose and cost effective.

I have not previously pressed for investment in digitisation of our civil/commercial jurisdiction because, in my view, the time had not come. I now think it has, or at the very least that the time has come for us to explore it very seriously.

I make that clear because I would not want what I have said to be taken as criticism of the funding which we receive, or of the absence of investment in digitisation to date. Indeed, I am particularly grateful for the substantial investment in the renewal of the roofs and façades of our court buildings.

I also would not want any of this to remotely give a negative impression of the courts. We are stretched and sometimes the pace at which we have to work feels relentless, but my sense and

it is one that I hope is shared by the legal profession and other court users, is that we continue to provide a reasonably high level of service.

Our work features in the GBC headlines or on the front page of the Chronicle almost daily. That gives some indication of how much work we get through and, in particular, brings our work in the criminal jurisdiction to the public's attention. In that regard, the average time from a case being sent to the Supreme Court to its trial date is of the order of 13 months. Once a case is ready to be listed for trial, we are providing trial dates within a window of three to six months. Is there room for improvement? Of course. But compared to other jurisdictions we are doing well.

All that is about our day to day and how we can go about improving it. But as we look to the future, we should do so against the background and traditions that have shaped our legal system. One of the great custodians of those traditions is the Middle Temple, which only this week paid an amity visit to Gibraltar, which included the provision of advocacy training for junior lawyers and trainees.

There is of course, a particular connection between Gibraltar and the Middle Temple, much of it owing to the late Sir Joshua Hassan. For many of us who had no connection with the law, when the time came to join an Inn of Court, it was to Sir Joshua that we went for a reference. He was a Bencher of the Middle Temple and, perhaps unsurprisingly, many of us followed him there. And of course it is a particular pleasure to have with us Middle Temple's most recent Bencher, Gillian Guzman KC, who was only made a bencher less than 48 hours ago, together with other Benchers who are with us in court today.

Tradition is also about remembering those who have gone before us. Right therefore that I briefly mention those retired members of our judiciary whom we have lost during the past year. Three Justices of the Peace passed away, all of whom I came to know very well during my time as Stipendiary Magistrate. Elio Victor, the epitome of understated dedication; Brenda Soiza, calm, measured and with a profound sense of public duty; and Irene Stagnetto, to all of us "Tita", a force of nature who served as a Justice of the Peace for 22 years retiring in 2005 at the age of 70, and who, until the year before last made a point of attending every Opening of the Legal Year.

This year also saw the passing of Judge Felix Pizzarello, as I said earlier this year when we paid tribute to him, the obituary which was published in The Times recalled in some detail his role as Coroner in the IRA inquest and how he presided over the proceedings with integrity and fairness. Those of us that knew him would recognise that as entirely characteristic, it was not merely a professional approach, but a reflection of the man himself, a man who was steady, principled, and, above all, a man of the greatest integrity. And humble almost to a fault.

Today we also recognise those who have retired during the past year. Margaret Hutchinson Smith and Andrew Hoare are here with us today and I thank them both for their service. Both retired on reaching the age of 72. Ms Hutchinson-Smith served as a Justice of the Peace for five and a half years, bringing to the role a strong sense of public duty and commitment to the administration of justice. Andrew Hoare served with great distinction for 23 years. What distinguishes Andrew is not only the length of service, but the quality and breadth of his contribution. He consistently went well beyond the minimum requirements of the role, presiding over a wide range of cases, many involving sensitive and challenging circumstances. His has been a contribution, which, I know, is widely respected. More generally, I take this opportunity to thank all our Justices of the Peace for the valuable work they undertake, voluntarily on behalf of the administration of justice and our community.

I also take this opportunity to very warmly welcome Sir Nicholas Underhill to our judiciary. The Court of Appeal is not a distant appellate court, but one which is fully integrated within our justice system and committed to Gibraltar. That is reflected not simply by its regular bi-annual sittings, but in its willingness to come to Gibraltar whenever the need arises. Indeed, only some six weeks ago the Court came over for a special sitting. I do not wish to make them blush, although I am not entirely sure that they would, but I want to say how much I value their commitment to Gibraltar. It really is a privilege to have them as members of our judiciary.

And finally, and I make it clear that there is absolutely no connection with anything I have just said about our Court of Appeal, let me return to where I began: Neanderthals.

Recent findings show that Neanderthals were not the primitive, brutish humans depicted in cartoons and low budget films, rather they had complex behaviour, cultural traditions and abstract thought. It is reasonable to suppose that a community of that kind would have had ways of managing conflict, enforcing norms and maintaining cohesion. At its most basic level

that is what a justice system seeks to do. But for certain one thing that Neanderthals would not have had are samosas.

With that, I declare the legal year open.

A E Dudley

Chief Justice

25 September 2026