

BOOK REVIEW

**BALLOT BOX TO JURY BOX:  
THE LIFE AND TIMES OF AN ENGLISH CROWN  
COURT JUDGE**

*John Baker* (Waterside Press Winchester 2006) Pp 210, Paperback, ISBN 1 904 38019 0, Price £20.00

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John Baker's autobiography is a personal history and narrative of an interesting and successful legal career - embracing practise as a solicitor and at the Bar, and also the Bench. It is a story told with candid honesty and charming humility. A short review, such as this, prevents me from summarising the enormity of the wealth of biographical information and insightful comments and observations on the law drawn from personal experience, but I hope to give something of the flavour of John Baker's life and contribution to law before focusing on the final two chapters, where Judge Baker tells the story of his judicial career.

The opening two chapters are, as one might expect of an autobiography, predominantly personal. Born in 1925 in India, we learn of John Baker's family background, including his father's abandonment of the family, a great shock to his mother. He would never see his father again. We learn of his education (and his grandfather's generous financial support of that education), all the way through to professional qualification as a solicitor, his National Service in the Navy, and his time at Oxford University (Wadham College), where he read law and eventually graduated with a third, a not wholly auspicious start to what blossomed into a varied and highly successful legal career. John Baker's talents of oratory were to take him in several directions, one of which to the hustings, standing three times, (albeit unsuccessfully), as Liberal MP, in 1959, 1964 and 1970.

The next three chapters detail his legal career first, as a solicitor and his work both in crime and libel, and time spent in politics and the Liberal party and second, with his switch from a career as a solicitor to one at the Bar.

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Chapter 6 takes up the story of his time at the Bar, where he predominantly practised criminal law.

Chapters 7 and 8, the final two chapters, tell of John Baker's time as a judge. John Baker decided in 1972 to apply for the newly created post, (by the Courts Act 1971), of part-time recorder, and on 1<sup>st</sup> January 1972 he was appointed. From this beginning, John Baker would go on to become a circuit judge, and eventually resident judge at Kingston Crown Court. He regularly sat as a judicial member of the Queen's Bench Division of the High Court, and ruled, *inter alia*, on criminal and family matters. At a time when the government is exercising ever more control over judges in their sentencing decisions, John Baker subscribes firmly to the notion that discretion in such matters is a vital function of a judge:

“What is important is to have a wide judicial discretion so that the punishment is right for the particular case, balancing the crime, the offender and the victim.”<sup>1</sup>

There is certainly much common sense in this statement, but if John Baker's book suffers from any shortcoming, it is that this is an area left somewhat under analysed. The book however is not without controversy; Baker argues that the incorporation of the European Convention of Human Rights into English law may well result in the criminalisation of standing by whilst a woman is raped;<sup>2</sup> he is concerned too about inconsistency in parole decisions.<sup>3</sup> He is critical as well of how drunk driving was dealt with prior to the introduction of breathalysers and reveals the process to have been amusingly archaic.<sup>4</sup>

From Chapter 7 we are to discover something of the mildly anarchic quality of the judicial work allocation system that operated whilst John Baker was on the Bench. For example, John Baker had always done a certain amount of family work and makes clear that he never wanted to do criminal work predominantly. Yet, out of the blue in July 1991, he received a letter from Mrs Justice Bracewell, who had, the year before, been appointed to the Family Division, informing him that his name would not be amongst those sent to the Lord Chancellor to do family work. John Baker's attempt to explain that he might well be qualified to do some Family work seems to have

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<sup>1</sup> p 154.

<sup>2</sup> p 105.

<sup>3</sup> p 171.

<sup>4</sup> p 35.

fallen on deaf ears.<sup>5</sup> In light of experiences such as these, the reforms of the Constitutional Reform Act 2005 are to be welcomed. It is also worth noting John Baker's reference to what he terms his "somewhat unsmooth relationship"<sup>6</sup> with the former Lord Chancellor's Department, with whom he would, on occasion, find himself in conflict, for example, over questions such as the maximum number of days lay magistrates could sit.<sup>7</sup> Such matters may seem trivial, but in fact are of vital importance for the daily functioning of the courts.

Chapter 8 concludes the story of John Baker's judicial career. There are more accounts of the criminal law cases that John Baker dealt with, from the very serious, such as abuse by those caring for the mentally handicapped,<sup>8</sup> to the more amusing, such as John McVicar defending himself in an assault case.<sup>9</sup> It also relates a growing interest in the relationship between sport and law, and describes his desire to get a course on this subject off the ground at Kingston College for Further Education, where John Baker is President of the Law Department and where he gives occasional lectures.<sup>10</sup> His full time judicial career came to a close on the 3<sup>rd</sup> of April 1998, but he was able, at the discretion of Lord Irving, to sit part-time until just before his seventy-fifth birthday.<sup>11</sup> Perhaps this exercise of discretion in his favour by the then Lord Chancellor was smoother than his relationship with the then LCD.

It is not possible to do justice to the wealth of interesting legal insight in John Baker's autobiography, not least his discussions, inter alia, of the effect that should be given to guilty pleas and the treatment of young offenders. This book is both interesting and entertaining. It is a testament to what is possible, a life in law and in politics, and careers as a solicitor, barrister and judge.

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<sup>5</sup> p 175.

<sup>6</sup> p 188.

<sup>7</sup> p 188.

<sup>8</sup> pp 180-181.

<sup>9</sup> p 182.

<sup>10</sup> p 187.

<sup>11</sup> p 198.

