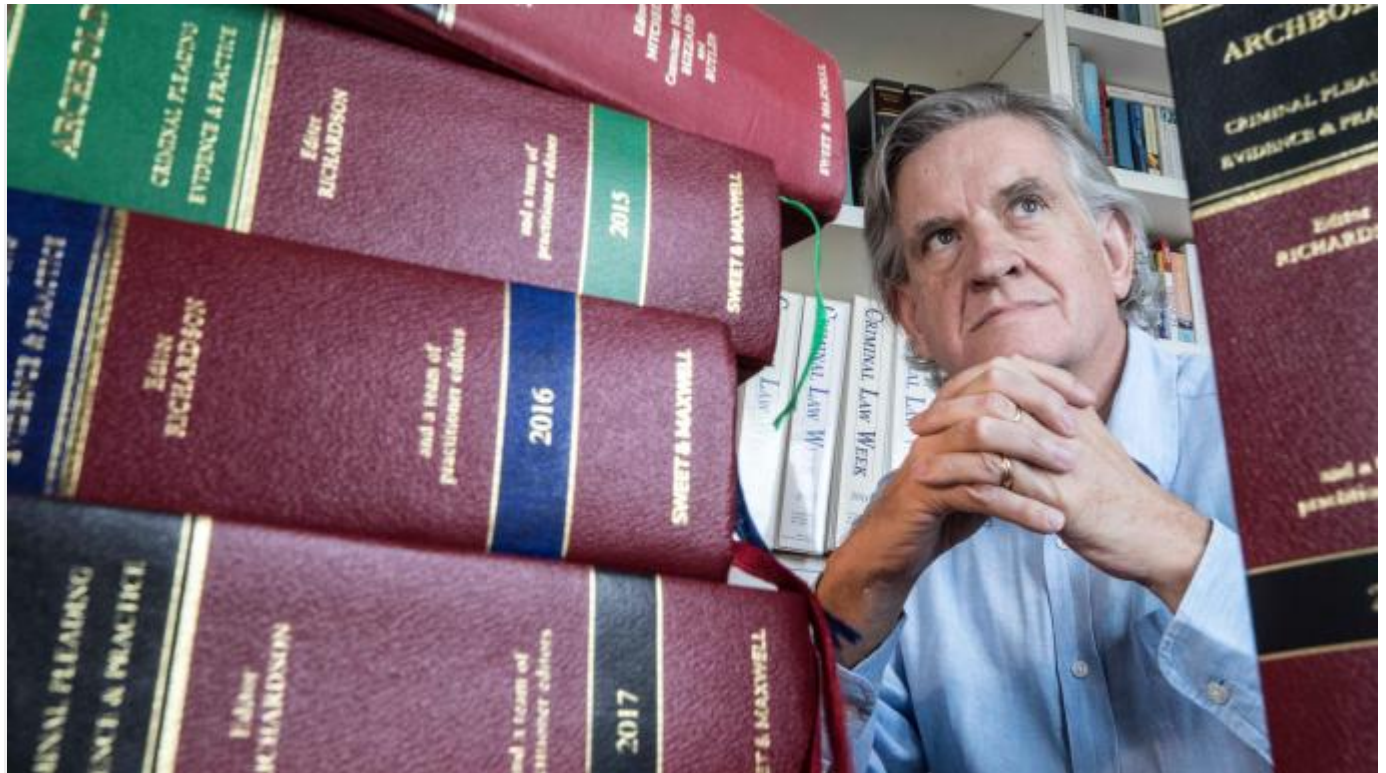


Decision between Archbold and Blackstone's legal reference books may end up in court

Sean O'Neill, Chief Reporter

January 3 2018, 12:01am, The Times

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James Richardson lost his job as editor of Archbold after the judiciary switched reference guides in 2016 RICHARD POHLE/THE TIMES

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The senior judiciary faces the embarrassing prospect of being hauled before the courts over a decision that has split the legal profession.

The Judicial Office is preparing for a possible High Court challenge to its declaration in 2016 that *Blackstone's Criminal Practice* rather than *Archbold: Criminal Pleading, Evidence and Practice* should be the standard legal reference work in the criminal courts.

Whether or not the case goes to court depends largely on James Richardson, who lost his job as editor of *Archbold*, the lawyers' staple reference work since 1822, as a result of the decision of the Judicial Executive Board to plump for *Blackstone's*. Mr Richardson, 68, has just edited his

final edition of *Archbold*, which is published by Thomson Reuters. The same publisher has also ended his contract to edit *Criminal Law Week*, a journal he founded in 1997 which is known for its trenchant critiques of judicial decisions.

He is understood to have sent a pre-action letter to the Judicial Office setting out potential grounds for a legal challenge. He believes that the decision to switch to *Blackstone's* was in part motivated by antipathy towards him because of his outspoken criticisms of senior judges. The judiciary has dismissed that claim and stresses the switch was made "to ensure consistency and on the basis of which was the better book". The switch also saved the judiciary about £100,000 on its annual book bill.

Circuit judges have complained that they were not consulted over the switch and many have used their personal book allowance to purchase *Archbold*, at £475 per copy. The Criminal Bar Association conducted a survey of its members in which 75 per cent declared their preference for *Archbold*.

A Judicial Office spokesman said it was unable to answer questions about the matter in case it should become the subject of legal action. "We can confirm that, as planned, a review of the choice of in-court criminal textbook will commence in the new year," he added.

Senior judges have refused to release the minutes of the Judicial Executive Board meeting at which the decision to declare a preference for *Blackstone's* was made. Despite effectively awarding a public sector contract worth £300,000, they insist that the board is "not a public authority subject to the Freedom of Information Act".

The minutes of the meeting could reveal what part was played by Sir Brian Leveson, president of the Queen's Bench Division. He attended the meeting and is a member of the editorial advisory board for *Blackstone's*.

The judiciary has denied that there was any conflict of interest in his attendance, insisting that his position was common knowledge.

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JoannaM 12 days ago

It is surprising that Judges do not want to disclose the minutes of the meeting that could surely determine the issue of whether or not a conflict of interest had occurred. By the mere presence of the QBD President it is prima facie case of conflict and perhaps a breach of the natural law principle of 'Nemo judex in causa sua' - no one should be a judge in his own cause! If the senior judges do not recognise that even the man (or in this case the woman) on the Clapham Omnibus thinks it looks like a conflict and a cover up then they should be dismissed for failing to do so.

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Mrs C E J Rogers 12 days ago
@janet watson Someone starting a legal career?

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Did You Ring Sir 12 days ago
@Mrs C E J Rogers @janet watson Ending more likely

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1RecommendReply
Simon57 12 days ago
I am puzzled by the idea that any one text book should be the standard reference work. A text book is only a text book - it is neither law report nor statute. I know that we have corrupted how our law is interpreted in order to accommodate the EU, but surely not to the extent of treating a text book as the single standard reference work on a subject.

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2RecommendReply
Sandy 13 days ago
Archbold is far more comprehensive. Blackstones tends to summarise and simplify where Archbold provides the black letter law. Professionals should be using Archbold.

And James Richardson's commentaries in CLW offer a valuable independent view on recent appellate decisions.

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3RecommendReply
James Lawson XIX 13 days ago
Hardly surprising Blackstone's became popular so quickly. When Sweet & Maxwell cornered the market, it brazenly continued to raise the price of Archbold every single year to to levels approaching the upper stratosphere.

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3RecommendReply
Donald Stickland 12 days ago
@James Lawson XIX ... as evidenced by *The Times* reporting today in part :

The switch also saved the judiciary about £100,000 on its annual book bill.

*Circuit judges have complained that they were not consulted over the switch and many have used their personal book allowance to purchase **Archbold, at £475 per copy**.*

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