

Under embargo until 1am on Wednesday 29 January 2020



JUSTICE launches report “Increasing Judicial Diversity: An Update”

On 29 January 2020, JUSTICE launches its latest working party report, ***Increasing Judicial Diversity: An Update***. This Update builds on JUSTICE’s 2017 *Increasing Judicial Diversity* report, which explored the structural barriers faced by women, BAME communities, solicitors and those from lower socio-economic backgrounds in reaching the bench. It assesses the progress that has been made since 2017, outlines areas that remain of critical concern and makes further recommendations for improving judicial diversity.

Analysing appointments data since 2017, the Working Party has found that despite the clear case for increased judicial diversity, progress has remained slow.

Although there have been some welcome headline achievements – including two more women Justices appointed to the Supreme Court, the appointment of four more solicitors to the High Court and the appointment of Sir Rabinder Singh to the Court of Appeal – most appointments to the senior courts have continued much as before. There has been some improvement in the percentages of women appointed to the Circuit and High Court bench, however the overall numbers remain low meaning that progress is fragile. The data demonstrates that there has been negligible improvement in respect of other underrepresented groups.

The Working Party welcomes the adoption of some of its minor 2017 recommendations and ongoing efforts by the Judicial Appointments Commission. The Update concludes that the current approach to judicial diversity is not working. It urges large scale structural and cultural change to deliver a more diverse judiciary. To this end, our recommendations include:

- A system of proper accountability to ensure that the commitment to change is backed up by practical steps and, importantly, results. We continue to call for the introduction of **“targets with teeth”** and the creation of a permanent **“Senior Selections Committee”** for appointments to the Court of Appeal, Heads of Division and the Supreme Court.
- Establishing a meaningful **internal judicial career path** where judges can begin their career in the more diverse Tribunals, or as District Judges. The Working Party found that the de facto career path into the senior judiciary remains via the fee-paid roles of Recorder and Deputy High Court Judge.
- **Cultural change led by the judicial leadership.** Any substantial and sustained improvement in the diversity of our judiciary will require those in leadership positions to prioritise and commit to a cultural change, whereby judicial diversity is seen as fundamental to the quality of judging, rather than tangential.
- **Tackling affinity bias** and ensuring **merit is not used as an unconscious proxy** for the characteristics, qualities and experience of the current cohort of judges. We welcome the JAC’s recent efforts to better understand and define merit, however we call for further efforts to be made to ensure that the appointments process tests for judicial potential and not prior advocacy experience.

Press release

Andrea Coomber, Director of JUSTICE, said:

‘Nearly three years since our last report there has been only modest progress towards a more diverse senior judiciary. Our senior judiciary continues to be dominated by white men from the independent Bar. We are continually assured that change is right around the corner and yet the homogeneity of appointments to the key feeder roles of Recorder and Deputy High Court judge give little reason for optimism. The judiciary play a critical role in our democracy and hold immense power in society. They can take away people’s liberty, their children, their rights and more. That such power is held by such an unrepresentative group of people – however meritorious – should be of concern to us all.’

The full *Increasing Judicial Diversity: An Update* report and its annexes will be available on the JUSTICE website following the launch event on Wednesday 29 January 2020 at Bryan Cave Leighton Paisner LLP in London.

Notes for editors

1. JUSTICE has a long history of using Working Parties of its membership to effect systemic changes within the legal system. For example, the Ombudsman system and Criminal Injuries Compensation Board were set up on the recommendation of previous JUSTICE Working Parties.
2. This Working Party was supported by Bryan Cave Leighton Paisner LLP.
3. This Working Party, set up and supported by JUSTICE and drawn from its membership, included experts from the legal profession and beyond. The Working Party members were: Yael Levy Ariel (PhD), Policy Lead at Solicitor Judges Division – the Law Society; Diane Burleigh OBE, former CEO at the Chartered Institute of Legal Executives (CILEx); Kate Cheetham, Group General Counsel of Lloyds Banking Group; Andrea Coomber, Director of JUSTICE; Dame Laura Cox DBE, former High Court Judge of the Queen’s Bench Division; Simon Davis, President of the Law Society of England and Wales; Professor Rosemary Hunter, University of Kent; Sir John Goldring, former Lord Justice of Appeal, President of the Cayman Islands Court of Appeal; Rachel Jones, barrister at Blackstone Chambers; Christina Liciaga, Head of Customer Service at HSBC; George Lubega, Partner at CMS; Ruchi Parekh, barrister at Cornerstone Chambers; Geoffrey Robertson QC, founder and joint head of Doughty Street Chambers; Karamjit Singh CBE, Chair University Hospitals of Leicester NHS Trust; Tim Smith, Partner at Bryan Cave Leighton Paisner LLP.
4. This is the fourth JUSTICE report raising concerns about the demographic make-up of the judiciary. It follows [The Judiciary](#) (1972), [The Judiciary in England and Wales](#) (1992) and [Increasing Judicial Diversity](#) (2017).
5. JUSTICE is an all-party law reform and human rights organisation working to strengthen the justice system in the United Kingdom. For more information, please visit www.justice.org.uk.
6. Please direct queries to Andrea Coomber, Director on ACoomber@justice.org.uk.