

LAW REPORT

[Writer Name]

[Institute Name]

[Date]

**XXX Solicitors**

[Address]

**Private & Confidential**

Mr. XXXXXXXX,

[Address]

[Date]

Dear Mr. XXXXXXXX

The following report uses current statistical data in combination with relevant legal sources. The report elaborates your issue and presents facts and issues about the judicial diversity in the English judicial system in the context of the legal framework which governs judicial appointments.

The English judiciary system was virtually literally 100% male dominated from 1950s to the 1980s<sup>1</sup>. After 2008<sup>2</sup>, some changes have been made, but only at the lower levels. At present, the UK Supreme Court is nearly completely Oxbridge and UK does badly by comparisons of supreme courts at the international level<sup>3</sup>.

However, diversity is a fact developed by individuals and groups from an extensive range of demographic and ethical conflicts. It is imperative to promote and protect diversity as by respecting individuals and groups in a way free from discrimination, and by developing and

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<sup>1</sup> Judiciary.gov.uk, 'Courts And Tribunals Judiciary | Judicial Diversity Statistics 2014' (2014) <<http://www.judiciary.gov.uk/publications/judicial-diversity-statistics-2014/>> accessed 18 August 2014.

<sup>2</sup> Erika Rackley, 'Judicial Diversity, The Woman Judge And Fairy Tale Endings' (2007) 27 Legal Studies.

<sup>3</sup> Jennifer M Piscopo, 'Rethinking Descriptive Representation: Rendering Women In Legislative Debates' [2011] Parliamentary Affairs.

maintaining an environment where fairness and mutual respect are inherent, we develop an open-minded society, which is necessary for a country to progress well.

### **The Facts and Figures**

From the inception of the UK judiciary system, the appointments of the judges at the top level have incorporated mainly white males belonging from the elite class, with barely any female judges from any minority or ethnic community. In the profession, the major development for female judges was by Baroness Hale as she became the first female UK'S Lord of Appeal in Ordinary in 2004<sup>4</sup> and the first Supreme Court justice in 2009<sup>5</sup>.

Statistical figures of the number of non-white and woman judges reveal a misrepresentation of minority groups. Data gathered from the 2014 Judicial Diversity Statistics reveal that there are no female heads of divisions, ethnic minorities make up 2 heads of divisions, and females make up 18.4% of the Lords Justices of Appeal, 17.9% of the high courts, while ethnic minorities make up 3.3%, 12.5% of the Judge Advocates while no any appointment is there from minority groups. Nevertheless, the representation of ethnic minorities and females in the lower courts is better to some extent. In the District Judges (County Courts), women make up around 28% of the data while the ethnic groups just make up 7%. In the County Courts of Deputy District Judges, 36.2% are women while almost double are men, and with only 6% are from ethnic communities.<sup>6</sup>

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<sup>4</sup> Erika Rackley, 'Judicial Diversity, The Woman Judge And Fairy Tale Endings' (2007) 27 Legal Studies.

<sup>5</sup> Terence Etherton, 'Chancellor Of The High Court 8 October 2013' [2013] Birkbeck Law Review.

<sup>6</sup> Judiciary.gov.uk, 'Courts And Tribunals Judiciary | Judicial Diversity Statistics 2014' (2014) <<http://www.judiciary.gov.uk/publications/judicial-diversity-statistics-2014/>> accessed 18 August 2014.

Appointment name	Total in post	Gender			Ethnicity <sup>1</sup>									
	Male	Female	% Female	White	Asian or Asian British	Black or Black British	Mixed	Any other back-ground	Total BME <sup>2</sup>	Known ethnicity	Unknown <sup>3</sup>	% BME	Total in post	
Heads of Divi	5	5	0	0.0%	2	0	0	0	0	0	2	3	0.0%	5
Lords Justice	38	31	7	18.4%	28	0	0	0	0	0	28	10	0.0%	38
High Court Judges <sup>4</sup>	106	87	19	17.9%	87	1	0	0	2	3	90	16	3.3%	106
Judge Advoc	8	7	1	12.5%	8	0	0	0	0	0	8	0	0.0%	8
Deputy Judge	4	3	1	25.0%	2	0	0	0	0	0	2	2	0.0%	4
Masters, Regi	39	28	11	28.2%	28	0	0	0	0	0	28	11	0.0%	39
Deputy Maste	60	37	23	38.3%	31	0	1	0	1	2	33	27	6.1%	60
Circuit Judges	640	509	131	20.5%	558	4	1	4	5	14	572	68	2.4%	640
Recorders	956	785	171	17.9%	683	21	14	17	7	59	742	214	8.0%	956
District Judge	438	316	122	27.9%	384	17	3	5	4	29	413	25	7.0%	438
Deputy Distric	721	460	261	36.2%	552	16	8	6	6	36	588	133	6.1%	721
District Judge	142	98	44	31.0%	109	4	0	0	0	4	113	29	3.5%	142
Deputy District	125	86	39	31.2%	82	5	1	3	1	10	92	33	10.9%	125
<b>Grand Total</b>	<b>3282</b>	<b>2452</b>	<b>830</b>	<b>25.3%</b>	<b>2554</b>	<b>68</b>	<b>28</b>	<b>35</b>	<b>26</b>	<b>157</b>	<b>2711</b>	<b>571</b>	<b>5.8%</b>	<b>3282</b>

## Concerns

Obviously, this does not reveal the diverse population of the UK, as national figures reveal; Britain is now becoming increasingly diverse because the country has diverse people having different languages and races. If it is true, then a majority of the population are from minorities or ethnic groups<sup>7</sup>. Moreover, females are the above 50% of the total population<sup>8</sup>, so why do females make up less than 20% representation in the upper level of the UK's judicial system? It means how poorly treated these communities are in the UK Judiciary System<sup>9</sup>. This may indicate their privileges are not being appropriately protected, and may ultimately lead to the breach and ruin of such privileges<sup>10</sup>.

<sup>7</sup> Leslie J Moran, 'Judicial Diversity And The Challenge Of Sexuality: Some Preliminary Findings' (2006) 28 Sydney L. Rev.

<sup>8</sup> Judiciary.gov.uk, 'Courts And Tribunals Judiciary | Judicial Diversity Statistics 2014' (2014) <<http://www.judiciary.gov.uk/publications/judicial-diversity-statistics-2014/>> accessed 18 August 2014.

<sup>9</sup> Erika Rackley, 'Judicial Diversity, The Woman Judge And Fairy Tale Endings' (2007) 27 Legal Studies.

<sup>10</sup> Erika Rackley, 'Judicial Diversity, The Woman Judge And Fairy Tale Endings' (2007) 27 Legal Studies.

If the judicial system of the country is employing a weak construction towards legal interpretation, then a small number of homogeneous groups of upper middle class older white males are not unavoidably going to reveal the values and thoughts of the entire society, mainly on the concerns that involve diverse cultural and generational issues as they would require more viewpoints, as the adjudicators would interpret and apply the law on the basis of their own background. Moreover, this lack of diversity in the judicial system can also lead to the racial discrimination mainly when it comes to immigration matters.

### **Legal Advice**

A majority of women and ethnic minority people is there who are suffering discrimination acts in the UK's judiciary system. So, the system should develop laws and policies so that the underprivileged people appoint in the system on the basis of merit and the factor of diversity is improved in the system.

However, my advice to my client who may raise the issue of judicial diversity is that he must make up his mind to raise this hot issue in the court with all the current statistical figures. He may give strong arguments against the issue and emphasise the development of new improved policies. The policies should be made to remove the barriers which can limit the factor of diversity in the judiciary system.

My client can raise this issue and stress to change the policies and regulations to extend part-time working modes for senior level of judges, to assist balance professional work and personal lives, and enabling 'positive action' for appointments. It means that if there are two applicants who are absolutely equal in their qualifications and expertise, a selection can be made on the basis of merit and improving diversity.

The client can argue that the developments should not transform the over-riding standard of selections and appointments on the basis of merit. However, these changes in the policies should enable clear career development, promote applications from an extensive talent pool and continue to develop a judicial system which represents a diverse society as the UK government claims.

My client may argue that such great changes should be the part of the process to bring more diversity in the system, which is being conducted in partnership with the Judicial Appointments Commission (JAC).

Moreover, it is my advice to client he can argue that the respected Advisory Panel on Judicial Diversity should promote people into the judicial system, mainly those from under-privileged communities, females and minorities.

### **Summary**

To sum up, based on the given facts and figures as I have narrated them in this report, it is my belief that the court would hear you and pay attention to your issue.

I hope this is supportive, and would be pleased to discuss this issue with you further. Please feel free to contact me at [contact number] if you have further concerns, or would like to get an appointment to meet.

Yours sincerely

[Name of solicitor]

[Name of firm]

## References

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