

Baroness Usha Prashar

Speech at the

Solicitors Initiative Event

*Simmons & Simmons, City Point, London
11 July 2006*

1. It is a great pleasure to be here and it is a particular pleasure to share the platform with Harriet and Kevin as we will only succeed in our aim of widening the range of applicants for judicial office if we pool all our efforts and work hard together. I would like to join Harriet in thanking Simmons and Simmons for hosting this welcome occasion.

2. I very much support what Harriet has said about creating a new world of judicial appointments where the traditional divides no longer apply. I will say more about this in a moment.

3. But first let me tell you a bit about the JAC. We are still a very young organisation and in fact we are celebrating being 100 days old today. But in that time we have achieved a lot.

4. There are fifteen Commissioners including myself. Membership is drawn from the judiciary, the legal profession, the tribunals, and the magistracy and includes five lay people all of whom are highly distinguished in their respective fields. Some of the Commissioners are here this evening as well as senior staff from the Commission. I hope that you will take the opportunity to speak to as many of them as possible.

5. We are a selecting Commission and not an appointing Commission. So for each vacancy the Commission will select one candidate to recommend for appointment by the Lord Chancellor. As a new organisation we have

decided that in carrying out our duties we need to thoroughly review and revise current ways of working and decision making. So we have set ourselves 3 tasks:

one: defining merit that is what makes a good judge;

two: determining effective and fair methods for assessing merit; and

three: how best to encourage a wide range of applicants.

By the autumn we will have achieved the following:

- A definition of the qualities which will make a good judge to be applied to all JAC selection exercises
- A new High Court selection process ready to launch by November
- Agreed policies for new selection processes for appointments with good progress on planning for their implementation.

6. We also want to communicate the wide range of appointments which are open to those eligible. The High Court needs little advertising but the majority of the legal appointments are fee paid, where successful applicants would be expected to sit for about 20 days a year. These range from posts in the Crown and County Courts to a huge number of tribunal appointments including employment, immigration and social security.

7. Until comparatively recently, the pattern has been for solicitors to sit as District Judges or tribunal chairs, but rarely to apply for appointment as Recorders or to the Circuit or High Court Bench. That pattern is changing.

Solicitors are applying for appointment to a wider range of judicial office, and are doing so successfully. Judicial appointment is no longer perceived to be available exclusively to the Bar.

8. However, the number of solicitor judges is still small. And that number is unrepresentative of the profession as a whole. We are conscious that there is a very large pool of talent as yet untapped. We want to help solicitors to think about the possibilities of judicial office and encourage solicitors to apply.
9. What do you perceive to be the barriers which prevent or discourage solicitors from applying? Is it the case that solicitors believe that they are not eligible because they are not engaged in advocacy before the courts? That is a misconception - advocacy is not a requirement. Some excellent solicitor judges, when they were in practice before appointment, were not engaged in litigation; rather, they specialised in non-contentious work.
10. Is there a belief that there is no point in solicitors applying because they are not known to judges? Again, that is a misconception - being known to a judge is not a requirement; it is not necessary to have a judge as a referee.
11. Or are the barriers more to do with the nature of the relationship between a solicitor and her or his firm? We know of some firms which are very supportive of those partners and members of staff who have ambition for

- judicial office. These firms encourage those who show interest and are supportive of those who are sitting on a fee-paid basis. They recognise that there are benefits not only to the individual but also to the firm.
12. So far as firms are concerned, they can enjoy prestige if some of their members sit as judges. Encouraging your partners and staff to take up fee-paid judicial appointment can be seen as part of a firm's pro bono contribution. A member of your firm who sits as a judge gains great insight into dispute resolution processes and can make an invaluable contribution to staff and training and client development.
13. The Commission will be encouraging applicants from wider groups including City and High Street Solicitors, academic lawyers and employed lawyers and barristers. We need to guard against the impression of lack of clarity and at worst lack of confidence that merit is the basis for selection. So our core message is that the JAC selects on merit drawn from the widest range of eligible candidates. It was used recently when advertising the District Judge selection exercise - a new style concept advertisement for a new approach. Feedback so far has been very positive.
14. The benefit of widening the range of applicants has a powerful simplicity, providing merit remains the bedrock. If more well qualified people apply to be judges, the merit of those selected will either remain the same as now or be enhanced.

15. I hope what I have said tonight explains how I and my fellow Commissioners will work with Harriet and Kevin in breaking down old perceptions and build a modern judiciary for the 21st century.

16. Many thanks for listening to me.