

**JUDICIAL APPOINTMENTS COMMISSION (JAC) MEETING**  
**12 JULY 2012**  
**MINUTES OF MEETING**

**PRESENT**

**Commissioners**

Chris Stephens (Chairman)  
Jill Black (Vice-Chairman)  
David Bean  
Malcolm Birchall  
Martin Forde  
Noel Lloyd  
Alexandra Marks  
Alison McKenna  
Andrew Ridgway  
Ranjit Sondhi  
Valerie Strachan  
Deborah Taylor  
John Thornhill  
Alan Wilkie

**Staff**

Chief Executive  
Selection Exercise Director  
Operational Services Director  
Assistant Director, Programme & Candidate  
Services Team (for item 4)  
Assistant Director, Change Programme  
and IT Support (for item 6)  
Private Secretary to the Chairman  
Board Secretary

**Guest Attendees:**

John Wotton (former President), Lucy Scott-Moncrieff (President) and Mark Stobbs (Director of Legal Policy) of the Law Society (for item 4 only)

**1. Apologies and matters arising**

1.1 Apologies were received from Stella Pantelides.

1.2 The Chairman welcomed Mr Justice Alan Wilkie to his first Board meeting as a Commissioner.

1.3 All Commissioners confirmed that they had no personal interest in any matters to be discussed on the agenda.

1.4 Minutes of the 14 June meeting were approved with the last sentence of paragraph 9.1 amended as follows:

*"In order to be fair to candidates remaining on the section 94 list until the point of closure, Commissioners agreed to provide those candidates assessed as selectable for crime posts with the opportunity to be 'passported' through to selection day on the new exercise to launch in 2012, without the need for competition at the short-listing stage. Commissioners also agreed that candidates assessed as selectable for family-only posts, if not selected at the point of closure when the recommendations for the 2012 exercise are sent to the Lord Chancellor for consideration, would be similarly*

*'passported' in the next exercise where there is a post including family as part of the requirement".*

1.5 The Board Action Register was noted.

## **2. Chairman's Update**

2.1 The Chairman provided an update on his activities since his last report at the June Board. He had met Howard Riddle, the Senior District Judge (Chief Magistrate), had held an introductory meeting with Lord Justice Gross, the Deputy Senior Presiding Judge, and had met with the Director-General, Justice Policy Group, at the Ministry of Justice.

2.2 He had also sat on the selection panel, with Stella Pantelides, for three Court of Appeal appointments and had attended the inaugural meeting of the Judicial Appointments Steering Group.

2.3 The Chairman reported that for the remainder of the month he would be meeting separately with Lady Justice Arden, Baroness Jay and Lord McNally. He would also be meeting with Lord Justice Sullivan, the new Senior President of Tribunals, and attending the Judicial Diversity Taskforce meeting. He was also due to take part in a small private seminar organised by Professor Robert Hazell of University College London to discuss judicial appointments.

2.4 In addition, the Chairman suggested that from the next Board meeting in September he may ask Commissioners to also report briefly to the Board on any activities of interest. Commissioners agreed to do so.

## **3. Chief Executive's Report**

3.1 The Chief Executive provided an update to the Commission on the current status of the budget and forecasts for the coming year.

3.2 He reported on the inaugural meeting with the Judicial Appointments Steering Group and also the meeting of the Programme Board. He indicated that work would be progressing over the summer, and it was proposed that a small core of Commissioners be available for a telephone conference on a fortnightly basis. The Crime and Courts Bill team would take forward the arrangements accordingly.

3.3 The Chief Executive also reported on the successful staff event held on 2 July which provided the opportunity to look back at JAC achievements in 2011/12 as well as to discuss current issues such as the transforming justice strategy, the corporate change programme and the Crime and Courts Bill.

#### **4. Board Guests**

4.1 The Chairman welcomed and introduced John Wotton, Lucy Scott-Moncrieff and Mark Stobbs of the Law Society.

4.2 The Assistant Director, Programme and Candidate Services Team, presented an overview of the data on the number of solicitor applications and recommendations for appointment made by the JAC.

4.3 John Wotton thanked the Assistant Director for the helpful presentation and data. He then commented how he had been a strong supporter of the JAC and expressed his appreciation for its engagement with the Law Society. With the support of the JAC and others including the Lord Chief Justice, the Society had developed several initiatives to encourage and facilitate solicitors applying for judicial appointment. These included the new Advocacy Section, the recently launched Solicitor Judges Division, and a 'declaration of support' for solicitor applications which the top law firms were being asked to adopt.

4.5 Lucy Scott-Moncrieff then added that many solicitors did not consider the possibility of joining the Bench, and outlined some of the further steps that the Law Society was taking to address this. These included holding events with the JAC and other partners, devising training on how to apply for judicial roles, linking solicitors with judges for informal mentoring, and continuing to look for new ways to work with the JAC.

4.6 The Chairman then opened a discussion with Commissioners, who took the opportunity to ask for the Society's views on a range of issues, such as how to reach firms across the country and how to raise the prestige attached to judicial appointment within firms.

4.7 The Chairman asked what more the JAC could do. The Law Society suggested that perhaps the JAC might consider whether advertising or application forms could be more explicit about the requirements for vacancies, in order to manage solicitors' expectations. The Chairman noted this, adding that that the JAC were also already emphasising on its website and application literature the need to only apply when ready.

4.8 The Chairman concluded by expressing his appreciation to the Law Society for making the time to meet with the Commission. He indicated how much he had enjoyed working with John Wotton, acknowledging the good will between the organisations, and emphasised that he very much looked forward to working with the new President, Lucy Scott-Moncrieff, over the coming year.

## **5. Judicial Appraisal System**

5.1 The Director, Operational Services, presented a paper which sought the Commission's endorsement of the current policy regarding the use of judicial appraisals within the JAC selection process, as previously approved by the Commission in December 2011.

5.2 The Commission debated this at length and endorsed the policy being applied. It was suggested that the guidance provided to panel members be reviewed to ensure it is clear how to approach judicial appraisals provided in lieu of references when assessing candidates. This policy would be reviewed in late 2013 following the District Judge upon which the policy is being piloted.

## **6. JAC Change Programme**

6.1 The Assistant Director, Change Programme presented a paper to the Commission which provided an update on the progress of the Corporate Change Programme. It also sought approval to proceed with online testing for planning purposes, pending a policy decision, which would be brought to the Board in September, when a full analysis of the pilots was completed.

6.2 The Commission agreed to proceed on this basis.

6.3 The Assistant Director also provided an update on the current status of the new IT system. He reported that the preferred solution would not proceed on grounds of escalating cost and a further options paper was expected from the Ministry of Justice at the end of July.

6.4 It was proposed that a small working group be set up, headed by Noel Lloyd and including JAC staff members, to provide regular update reports on the IT system at Board meetings. The Commission agreed to this proposal.

## **7. Commission Response to further downward budgetary pressure**

7.1 The Chief Executive presented a paper to the Commission which set out the implications of further downward budgetary pressure resulting from tight controls on Government

spending, and how the Commission might respond.

7.2 The Chief Executive sought the agreement of the Commission for him to consult the Ministry of Justice with regards to future options.

7.3 The Commission discussed the suggestions and ideas set out in his paper and agreed that the Chief Executive could approach the Ministry of Justice at this stage. However, the Commission requested that further consideration be given to the options for charging, and that appropriate governance mechanisms are put in place.

7.3 The Chief Executive agreed to this and would report back to the Commission in due course.

## **8. Composition of High Court Panel**

8.1 The Selection Exercise manager presented a paper to the Commission setting out a proposal to alter the composition of the Selection Panel for the 2012 High Court Exercise.

8.2 It was proposed that the panel would be composed of one JAC Lay Commissioner, one JAC Judicial Commissioner and one JAC Panel Member, together with a judicial member. The Commission agreed this proposal.

## **9. Selection exercise processes**

9.1 The Selection Exercise Director, introduced a paper which sought the approval to proceed to shortlist by method of a paper sift in the District Judge (Magistrates' Courts) 2012 selection exercise which was due to launch in July 2012.

9.2 The Commission discussed this issue in detail and agreed that a paper sift should be used on this occasion, in light of the very specific non-statutory eligibility criteria required by the Lord Chancellor for this exercise. A paper sift would allow this aspect to be considered in parallel with short listing. The Commission agreed to this procedure for this exercise only.

9.3 In addition, as this was a large exercise, it was agreed that Alan Wilkie would undertake the role of an additional Assigned Commissioner.

9.4 The Selection Exercise Director also presented a paper which sought the agreement of the Commission to streamline the application process for voluntary posts of Landowner, Farmer and Drainage Panel Members of the Agricultural Land Tribunal.

9.5 It was proposed to amend the qualities and abilities and also remove some content from the application form such as reducing the length of the self-assessment page, replacing career history with relevant experience and reducing the number of referees required. The changes were intended to encourage interest and applications for these voluntary roles by reducing the complexity of the process. The Commission endorsed this proposal.

## **10. Reports from Working Groups**

10.1 Valerie Strachan, Chair of the Audit and Risk Committee, commended to the Commission the Report from the Audit and Risk Committee 2011/12 to the Accounting Officer.

10.2 The report summarised the committee's work during the year and provided the Chair's views on JAC's risk management, internal control and governance arrangements, and also formed part of the formal assurance process. The Commission noted the report.

## **11. Directors' Reports**

11.1 The Selection Exercise Director referred Commissioners to her Directorate report included in the papers. In addition, she provided the Commission with an update on a candidate complaint to the Judicial Appointments Conduct Ombudsman (JACO). As a result Commissioners discussed whether it would be useful to circulate JACO reports to Commissioners routinely.

11.2 The Chairman agreed that he was content for reports to be circulated for a 3 month trial period to gauge the value of so doing. The Director, Operational Services, added also that it was the established practice to provide a formal paper to the Board every six months on complaints analysis and the resulting lessons learned.

11.3 The Operational Services Director updated the Commission on key issues within his Directorate.

## **12. Any other Business**

The Chairman confirmed that the **December 2012 Board meeting would be held on 6 December** in line with the Selection and Character Committee which had already been brought forward to this date.

### **Date of next meeting**

The Chairman confirmed that the next Board meeting would be **held on 13 September**.