

Supreme Court Justices

The Supreme Court is the final court of law and plays an important role in the development of the United Kingdom Law. The Supreme Court replaced the House of Lords in 2009 which was decided by the Labour Government June 2003. The Supreme Court is the highest appeal court on civil and criminal matters, and all other English courts are bound by it.

Elliott & Quinn's (2020/2021) English legal System

The role of the Supreme Court Justices is to listen to cases that have been considered by lower courts in any part of the United Kingdom to decide the outcome. Only Parliament can approve or cancel laws because the Supreme Court's role is to decide on the correct interpretation of those laws when there is a dispute. If the Justices think a law conflicts with human rights safeguard, it can tell Parliament it should reconsider the law, but the Government are under no legal obligation to act on act. **Alisdair Gillespie Siobhan Weare (2021) The English Legal System**

The Supreme Court Justices have the authority to make law, but this only happens in the higher courts which are the Supreme Court the Court of Appeal and the High Court. As an appeal, The Supreme Court cannot consider a case unless a relevant order has been made in a lower court but will hear appeals on arguable points of law on general public importance they also maintain and develop the role of the highest court in the United Kingdom as a leader in the common law world.

Martin Partington (2021) Introduction to The English Legal System

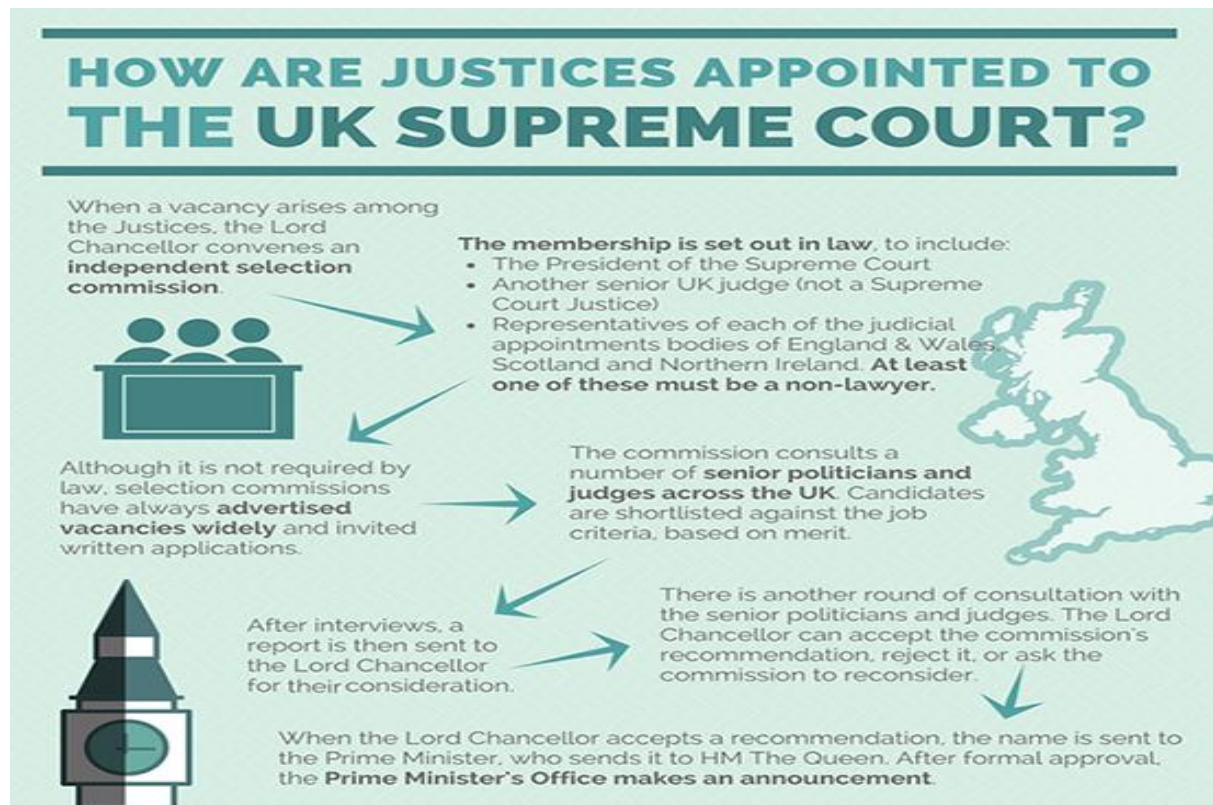
There is a selection process to go through so the appointments process will be overseen by an independent selection commission, convened by the Lord Chancellor under rules set by Parliament. The Justice will be selected under provisions set out in the Constitutional Reform Act 2005, as amended. The membership of the commission is prescribed in the statute and in the Supreme Court Regulations 2013. Applications are from the widest range of candidates eligible to apply, including those who are not currently full-time judges, and particularly those who will increase the diversity of the Court. **Elliott & Quinn's (2020/2021) English legal System**

In short, the steps undertaken by the independent selection commissions (once convened by the Lord Chancellor) are:

- Consultation with the Lord Chancellor on the position to be advertised and the process of selection
- The vacancy is advertised, with candidates invited to submit a personal statement, examples of work and details of independent assessors. The basic eligibility criteria are set by Parliament.
- The statute also requires that the Lord Chancellor, the First Minister of Scotland, the First Minister of Wales, the Judicial Appointments Commission in Northern Ireland and senior judges across the UK are consulted as part of the selection process.
- Candidates are shortlisted and interviewed by the panel. Under changes introduced by the Crime and Courts Act 2013, where two candidates are deemed to be of equal merit, the commission can give preference to one candidate over the other for the purpose of increasing diversity within the Court.

- After interviews, a report is sent to the Lord Chancellor for his consideration. There is another round of consultation with the senior politicians and judges. The Lord Chancellor then accepts the recommendation(s), or can reject it, or ask the commission to reconsider.
- When the Lord Chancellor accepts a recommendation, the name is notified to the Prime Minister and HM The Queen. The candidate is informed of the outcome, and the Prime Minister's Office then makes an announcement.

<https://www.supremecourt.uk/news/judicial-vacancies.html> (accessed 10/06/2022)



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From 1st April 2020 based on data covering 16,900 barristers, 148,300 solicitors and 8,100 Chartered legal executives, 37 exercises run by the JAC in 2019-2020 with 8,258 applicants and 959 recommendations for legal and non-legal roles. So there was 3,174 court judges and 1,826 tribunal judges in post as at 1st April 2020.

It's been over 100 years since women gained the right to enter the UK's judiciary, Britain's first ever female President of the Supreme Court and also the youngest Lord Chief Justice in 50 years Brenda Hale (Lady Hale) claimed that women should make up at least half of all UK judges. This target shouldn't be too far off given that the new structure for the legal profession is heavily female dominated – with over two-thirds of law undergraduates women. But the further up the UK's court system you go, there are fewer and fewer women – at the very top in Lady Hale's Supreme Court, only 32% of court judges and 47% of tribunal judges on 1st April 2020 are women it has increased in recent years but still remains the lowest in senior court appointments with 26% for high court and above posts.

Judicial Committee of The Privy Council website 2022
<https://www.supremecourt.uk/about/role-of-the-supreme-court.html>

The gender imbalance in Britain's Supreme Court is on the rise but new data collected from the Global Institute for Women's Leadership offers a comprehensive and up to date look at women's representation in Supreme Courts across the world. 71.8% of the average country's Supreme Court bench is made up of men and only 28.2% of judges are women. Oliver Martin 29th August 2019 available at <https://www.kcl.ac.uk/news/justice-can-only-be-done-when-we-have-equal-representation-in-the-judiciary> (accessed 11/06/2022)

Research has shown that the gender composition of Supreme Court benches can affect their decision making. A study found that female judges are more likely to find in favour of the plaintiff in sexual harassment and sex discrimination cases. It also revealed that the gender of judges was a better predictor of their decision than even their political ideology. Male judges' decisions were also shown to be impacted by the genders of those around them when on a panel with female judges they were more than twice as likely to decide for the plaintiff than on an all male panel.

Oliver Martin 29th August 2019 available at <https://www.kcl.ac.uk/news/justice-can-only-be-done-when-we-have-equal-representation-in-the-judiciary> (accessed 11/06/2022)

There are some really good signs of growth in some countries with Latin America and Caribbean being the highest with 39% and with the Middle East and North Africa being the lowest with 10.4% women representing but the steps towards equal representation are a very slow process. The fact that women only make up only 28.2% of Supreme Court judges globally an unfair system but also a positive rise. Speaking on the matter, the former Chief Justice of Utah Justice Christine M, Durham said women judges "bring an individual and collective perspective to their work that cannot be achieved in a system which reflects the experience of only a part of the people whose lives it affects". In short, for true justice we need a judiciary which reflects society
Oliver Martin 29th August 2019 available at <https://www.kcl.ac.uk/news/justice-can-only-be-done-when-we-have-equal-representation-in-the-judiciary> (accessed 11/06/2022)

So, to reflect on how gender has an impact on how decisions are made is basically because there is not enough female judges in the industry to balance things out but it is on the rise not just in the United Kingdom but Worldwide at a steady rate and should achieve its goal in the years to come.

The demographics of the Supreme Court Justices is made up with gender, ethnicity and for those with over 15 years' experience, 14% of barristers, 12% of solicitors and 3% of chartered legal executives identified as BAME (black Asian minority ethnic) but BAME individuals only represented 9% of the Queens counsel (barristers) and 15% of partners (solicitors) so this shows that the BAME representation is much lower for more experienced members of the legal professions. The overall proportion of BAME individuals in judiciary as increased but is still the lowest in the senior court roles the increase is 2% on last year (2018-2019) with 8% of court judges and 12% of tribunal judges identified as BAME on 1st April 2020.

Diversity of the judiciary 2020 statistics: report - GOV.UK available at (www.gov.uk) (accessed 10/06/2022)

President Lord Reed said to tackle the problem with getting more women and BAME people representing is a very slow process but is on the change and more needs to be done to increase the speed to demonstrate the commitment to increasing diversity at every level. He is committed to the strategy and wants the best qualified and most talented people to become justices of courts regardless of their race and ethnicity.

[Uksc-judicial-diverity-and-inclusion-strategy.pdf\(1.52mb\)](#) (accessed 13/06/2022)

References

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