



JUDGES' COUNCIL
OF ENGLAND AND WALES

Annual Report

2008

CONTENTS

FOREWORD	5
THE JUDGES' COUNCIL	7
STANDING COMMITTEES	8
JUDGES' COUNCIL WORKPLAN AND SUB COMMITTEES	10
WORKING GROUPS	12
OTHER ACTIVITIES	13
APPENDIX 1: MEMBERSHIP IN 2008	15
APPENDIX 2: THE CURRENT CONSTITUTION	17
APPENDIX 3: JUDGES' COUNCIL COMMITTEES AND WORKING GROUPS	20

FOREWORD

From the Chairman, Lord Judge, Lord Chief Justice

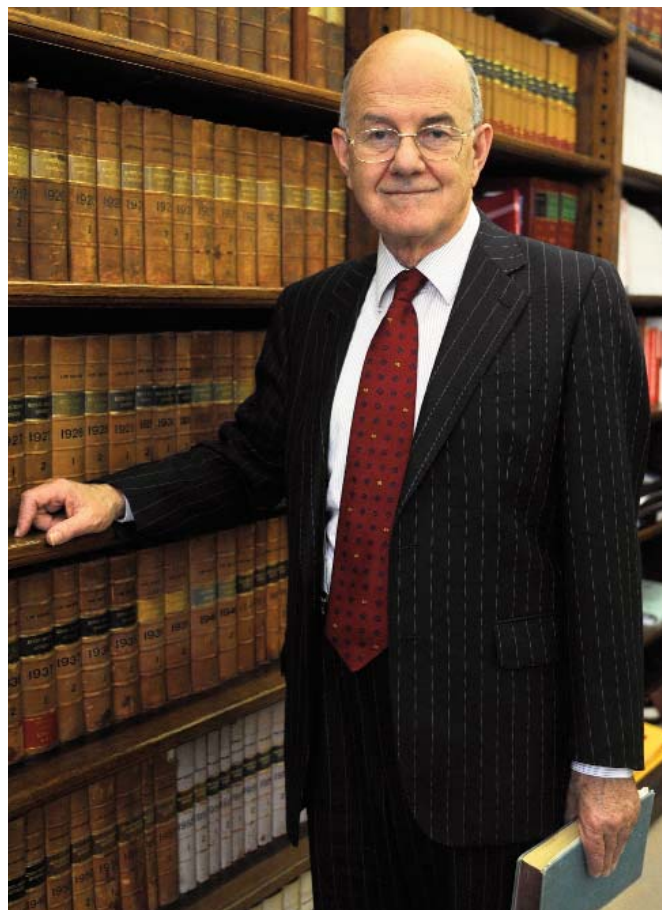
I HAVE great pleasure in introducing the Fourth Annual Report of the Judges' Council of England and Wales and my first report as Chairman.

I have seen a large number of changes to the composition and work of the Judges' Council since I was appointed to the High Court Bench in 1988. I have been lucky to serve as a member of the Council in a number of different guises since then and I now feel privileged to have been appointed as Chairman.

Through its regular meetings and the work of its Standing Committees, the Council continues to play an important role in protecting and promoting the administration of justice and the working of the court system. 2008 has been a particularly interesting year in that respect, as we have seen the introduction of the agreement between the Lord Chief Justice, then Lord Phillips, and the Lord Chancellor as to the governance, financing and operation of Her Majesty's Court Service. The negotiations which led to that agreement, and to the publication of the Framework Document in April, are an important landmark for the judiciary.

Members of the Council provided invaluable advice and encouragement throughout the negotiations and, since April, the Council has continued to discuss and advise on the workings of the agreement. The three judicial Directors of the new HMCS Board are all members or co-opted members of the Council and its Executive Committee, so that the Council now receives regular updates on matters under discussion. This also ensures that the directors are aware of concerns from the wider judiciary. This dialogue is proving to be useful.

Some of the most valuable contributions we see from the Council come from their consideration of judicial conduct and welfare. This work is done through the Standing Committees for the Guide to Judicial Conduct and for Judicial Welfare and Support. The latter Committee has a wide area of work to consider and has produced two excellent reports, the first in 2006 and the second in December 2008. There is much work to be done to provide administrative support, a system of performance management, health care and pastoral support that are sufficient and necessary for a judiciary in the 21st century. The current financial climate means we might



**Chairman of the Judges' Council,
The Rt. Hon Lord Judge**

face more of a challenge to achieve all this but the work is important and must go on.

A new and important Standing Committee has also been set up to monitor the impact of the Ministry of Justice's (MOJ) new "Protocol for the Provision of Publications and Information for the Judiciary and the Courts" published in April. The Committee will ensure that the Protocol continues to reflect judicial requirements and will advise the Council and the MOJ accordingly.

The Council has agreed a new Work Plan for 2009/10. This builds on the work of its earlier Plan, which was agreed in 2006. There are a number of streams of work, including communications, especially in relation to the functioning of the media panel that has already been set up; the drafting of

a policy document setting out my responsibilities for judicial welfare; the promotion of a positive working relationship between the judiciary of the courts and the tribunals; the provision of greater support in responding to the increased EU influences on our laws and procedures and addressing the increasing concerns over judicial security.

I would like to thank all those judges who have served the Council in 2008 and who have so generously given their time to provide advice and support. The links with the Council of HM Circuit Judges, the Association of HM District Judges, the Magistrates' Association via their respective Secretaries, Presidents and Chairmen and the links with Tribunals via their three representatives remain of crucial importance to the Council and I am immensely grateful to them all.

I look forward to an interesting year ahead.

A handwritten signature in black ink that reads "Jgn Judge". Below the signature is a long, slightly curved horizontal line.

**Lord Chief Justice and Chairman of the Judges' Council of
England & Wales**

THE JUDGES' COUNCIL

The Judges' Council comprises 18 members of the judiciary and is chaired by the Lord Chief Justice. Two members serve ex officio and the other members usually serve between one and three years. The Council has the power to co-opt members and currently has two such members: one member who deals with relations with Europe and another member who serves as a judicial director of the HMCS Board. Six Judges' Council meetings were held in the Royal Courts of Justice during 2008 and took place on 5th February, 2nd April, 10th June, 8th July, 7th October and 2nd December.

The Executive Committee comprises seven members of the Council and is chaired by the Senior Presiding Judge. The Committee meets monthly to discuss current concerns, to decide on Agenda items for the full Council, the setting up and co ordination of working groups and committees and other work mandated by the Council.

A list of the members of the Judges' Council and the Executive Committee can be found at **Appendix 1** (p15).

The present Council was set up in 1988 by Lord Lane, the then Lord Chief Justice, to express the judges' views on the administrative side of court functions and especially as to the deployment of resources. It was agreed that such a body would provide a valuable safeguard for the independence of the judiciary and should have an independent and loyal secretariat. This Council has met regularly since that time and its constitution has been regularly reviewed so that it now represents the whole of the judiciary. The latest changes were made following the coming into effect of the Constitutional Reform Act 2005. A copy of the current Constitution can be found at **Appendix 2** (p17).

The detailed work of the Council is carried out by Standing Committees, Sub Committees and Working Groups. A list of the current committees and groups and details of their membership may be found at **Appendix 3** (p20).

Website: The Judicial Communications Office maintains the website for the Judges' Council which can be viewed on the judicial internet. Details may be viewed relating to the current membership, constitution, history and publications. The site can be accessed via

http://www.judiciary.gov.uk/about_judiciary/governance_judiciary/judges_council.htm

STANDING COMMITTEES

The Guide to Judicial Conduct

This Standing Committee was set up to keep under review "The Guide to Judicial Conduct" published by the Council in October 2004. The Committee is chaired by Lord Justice Pill and met in January, April and July 2008. A copy of the Guide is now one of the documents included in the new Welcome Pack for Circuit and District Judges.

The Committee meets to consider recent events relating to discipline and conduct and any points of principle that arise which may require the Guide to be revised.

The Chairman liaises with the judges to whom the Lord Chief Justice has delegated disciplinary functions and informs the Committee whenever any disciplinary issues have arisen that may affect the contents to the Guide. He also provides an important link with the Standing Committee on Communications to explore all aspects of judicial communication, including communications with the Press and the media.

In May, a member of the Committee led a weekend workshop on judicial ethics set up by the Trinidad and Tobago Judicial Education Institute with a view to producing an agreed code of conduct. It is hoped that this can be followed up with further visits and discussions.

The Bar Standards Board (BSB) has been reviewing the Bar Council's Code of Conduct and has sought judicial comment

upon its consultation papers. In March, the Judges' Council invited the Committee to provide the judicial response to the BSB's Consultation paper "Implications for the Regulation of the Bar of England and Wales". The Committee met in April 2008. The general view expressed was that the proposed arrangements would change the Bar out of all recognition but that the Bar should make up its own mind. The Judiciary could not object to the changes "but would flag up issues of concern and the possible impact of changes in Bar practices upon the administration of justice". The Response was approved by the Judges' Council and sent to the Bar Standards Board in May 2008.

Two Amendments to the Guide had been agreed in 2007 relating to participation in public protests and Guidance on reporting minor offences issued by the Lord Chief Justice in December 2007. These amendments were published in March 2008 and the Guide has been updated to include both of them.

A copy of the Guide to Judicial Conduct is available from the Judges' Council website on

http://www.judiciary.gov.uk/about_judiciary/governance_judiciary/judges_council.htm

A Second Progress Report will be presented to the Council in February 2009.

Judicial Support and Welfare

This Standing Committee was set up in December 2006 to advise the Council on judicial support and welfare and to follow up the research and recommendations set out in the "Report of the Working Group on Judicial Support" (The 2006 Report) published in October 2006.

The Committee is chaired by Mr Justice Forbes, who will continue as Chairman, following his retirement on the 12th January 2009, having been formally requested to do so by the Lord Chief Justice. The Committee met on seven occasions in 2008. It is working on the recommendations set out in the 2006 Report including the new pre retirement courses, a retirement pack for the judiciary, the provision of medical

facilities in courts, the use of Law Care and the Atos Helpline, insurance schemes covering bodily injuries, property protection and legal expenses, salaried part time working and the granting of authorisations to hear particular types of case. One of the recommendations in the 2006 Report is that all judges with an administrative workload- in particular Presiding, Liaison, Designated and Resident judges, should be given regular time from sitting commensurate with their workload. The lack of firm evidence had prevented the Committee from taking this forward and so a Questionnaire was circulated in April, with the backing of the Judicial Executive Board (JEB) to judges with administrative responsibilities with a view to providing that evidence. The

Committee has considered the results of that survey and reported to the Council on the 2nd December with further recommendations. The Council has approved the Report and referred it to the JEB with a request that the recommendations be taken forward as a matter of urgency.

A commitment has been given by HMCS and set out in Paragraph 3.2.3 of its Business Plan for 2008/09 that by March 2009 it will have agreed a framework for "providing support to all judges and justices who have leadership, administrative or representative responsibilities and have taken significant steps to deliver that support. This assistance may take the form of non-sitting time, administrative support or provision of IT or similar equipment". The Committee has agreed that it

will have a scrutinizing role in the carrying out of this aim and will be reporting to the Judges' Council in due course.

At the request of the Lord Chief Justice and with the backing of the JEB, the Committee is working with the Judicial Office to produce a Policy document for judicial health and welfare by the spring of 2009. Two Meetings have already been held and further meetings will be fixed in early 2009. A magistrate has been co-opted onto the Committee for this particular project and the final document is expected to be published on the Judicial Intranet. This work is included in the Council's Work Plan for 2009 /10.

Communications

This Committee, chaired by His Honour Judge Cutler, was originally set up as a Sub Committee in 2007 to put forward recommendations on external communications between the judiciary and the media and internal communications within the judiciary to ensure correlation in responses to government papers and any other consultation from other groups or bodies. The Sub Committee met on three occasions in February, May and June 2008.

In June 2008 the Sub Committee presented a Report to the Judges' Council seeking approval of a Media Panel set up to respond to press or media comment. The Council

sanctioned the Panel and agreed that the Panel should be called upon as required by the Judicial Communications Office or the Senior Judiciary. The Panel has been called upon a number of times since then and this has resulted in Circuit and District Judges appearing on television and speaking on the radio. The Council also agreed to convert the Sub Committee into a Standing Committee with a remit to ensure that the Media Panel Judges are trained, selected and replaced as necessary and that the Panel is managed, developed and used appropriately. The Standing Committee met in October and November.

Tribunals

A new Standing Committee has been set up, chaired by Sir Stephen Oliver QC, to replace the former Sub Committee. It is due to meet in January 2009 and the terms of reference will include bringing to the attention of the Judges' Council any issue which might affect tribunals and their judiciary, or

which may be of more general interest or concern to the judiciary as a whole and to encourage and promote a positive working relationship between the judiciary of the courts and the tribunals.

Review of Library Provisions

This Standing Committee, chaired by Mr Justice Henderson, was set up to continue the work of the original working group, chaired by Mr Justice Etherton (as he then was). That working group undertook a review of all law reports, text books, journals and other library material provided to the judiciary and to the courts by the DCA (now the Ministry of Justice (MOJ)) Library Information Service (JLIS). New arrangements for the allocation and distribution of books and publications to the judiciary and a Protocol document were approved by the Council on the 12th December 2007. This Protocol was subsequently distributed to the judiciary

by JLIS and the new arrangements began on 1st April 2008 with JLIS organising appropriate book packs and lists. The Committee will aim to ensure that the Protocol continues to reflect changing judicial requirements. It will also act as a forum to enable the Judiciary and JLIS to discuss matters and to make recommendations and decisions, with the full authority of the Judges' Council, relating to the Protocol.

The Committee met on 8th December and agreed terms of reference and its future agenda.

JUDGES' COUNCIL WORK PLAN

A Work Plan for **2007/08** was agreed in July 2006 to assist and advise the Lord Chief Justice on important and current areas of work, over the next 12 months. Accordingly four Sub Committees were set up to consider communications, the provision of resources, judicial management and tribunals and to report to the Judges' Council on issues of concern or change, either for noting or, as appropriate, for debate. The

Sub Committees on Communications and Tribunals have been converted into Standing Committees and are referred to above. The Sub Committee on the provision of resources has been taken over by the Financial Liaison Committee (see below) comprising representatives from the judiciary, the MOJ and HMCS and has been disbanded.

Judicial Management

This Sub Committee was set up to examine the issue of performance management of judges by judges, keep under review existing appraisal schemes and the possibility of a comprehensive appraisal system for the judiciary. Its Report was presented to the Judges' Council on 10th June 2008.

The Report set out the historical background, current appraisal schemes and the pilot scheme for Recorders, discussed the scrutiny of and support for the judiciary, the case for appraisal schemes, governing principles, the use of

appraisal for career development and appointments and other proposals for improving judicial standards. It recommended that a scheme should be developed in tune with the pastoral and monitoring roles of judges with relevant management responsibilities and supported the proposals put forward in the Report of the Working Group on Performance and Efficiency (see below). The work of this Sub Committee has been concluded and its recommendations will be taken forward by the Working Group on Performance and Efficiency (see below).

WORK PLAN FOR 2009/10

In December 2008 a **new Work Plan for 2009/10** was agreed.

A Judicial Welfare Policy

Section 7 (2) (b) of the Constitutional Reform Act 2005 provides that the Lord Chief Justice is responsible for the maintenance of appropriate arrangements for the welfare of the judiciary of England and Wales within the resources made available by the Lord Chancellor. In October 2008, the Lord Chief Justice invited Mr Justice Forbes, as the judge with portfolio responsibility for welfare, to oversee work on providing a health and welfare Policy Document in

collaboration with the Standing Committee for Judicial Support and Welfare. The final Policy Document would then be published on the Judicial Intranet in the form of a Guide.

The Judges Council agreed that the creation of such a Policy document was an important piece of work and that the Standing Committee should take it forward with the aim of publishing a Report by the end of March 2009.

Monitoring and Improving Judicial Performance

In October 2008, the Judges' Council agreed that the recommendations put forward in the Reports of the Sub Committee on Judicial Management and the Working Group on Performance and Efficiency were of particular importance in the current climate and that further work should be done

to take them forward, The recommendations will be taken forward by the Working Group on Performance and Efficiency with a view to setting up a formal structure and to report further to the Judges' Council in 2009.

Communications

The Judges' Council agreed that the work of the Communications Standing Committee, in relation to the setting up of the Media Panel remained topical and important and that there was scope for further work to be done in this area. The work should include providing better information on the work being carried out by the Media Panel members and the Judicial Communications Office, and

the setting up of a network for Media Panel members to exchange information and finding better ways to obtain the views of the senior judiciary and the Judges' Council on current issues.

The Standing Committee will be taking this forward and reporting to the Judges' Council in 2009.

Europe

The Council continues to be a member of the ENCJ but, in the main, only receives reports and updates on what is happening in Europe within the context of the work of the ENCJ. In order to support Lord Justice Thomas in his role as the co-opted member of the Judges' Council for European

issues, the Council agreed that a small Sub Committee should be set up to look at specific areas of work in detail and to advise the Council and the Lord Chief Justice as required. This Committee will be chaired by Lord Justice Thomas and report to the Judges' Council at regular intervals.

Judicial Security

The Judges' Council agreed that the current situation called for a more proactive and co-ordinated approach to judicial security that would be proportionate to the level of threat, the financial resources available to meet it and how judges wished to conduct their judicial business. The Council agreed that a Sub Committee should be set up that would include the work formerly carried out by the working group chaired by Mr Justice Holman and by His Honour Judge McGregor

Johnson. This Sub Committee will be chaired by a High Court judge who will also be responsible for considering what action to take on individual security threats as and when the need arises. The Sub Committee will be required to report to the Judges' Council by May 2009 on what it sees as the various issues relating to judicial security and how they might best be addressed.

WORKING GROUPS

Performance and Efficiency

Following the Joint statement made by the Lord Chief Justice and the Lord Chancellor in January 2008 on the partnership model for the operation of HMCS, a small Working Group of the Sub Committee chaired by Mr Justice Andrew Smith was set up in March 2008 to consider the contribution that could be made by the judiciary to improving performance and efficiency across all aspects of the operation of the courts. A Report was presented to the Judges' Council on 10th June 2008.

The Report recommended that it was consistent with judicial independence for the judiciary *“to contribute, within a judicial context, to improvements in court-efficiency and the justice system generally”* and that although the judiciary *“should respect administrative targets in individual cases they are not bound by them since the overriding duty of a judge is to do justice in the particular case. Indeed the imposition of administrative targets or any targets which are set by the executive as seeking to control the throughput of judicial work is unacceptable.”*

The Report further recommended that individual judges

should be supported in their work *“by a positive system of appraisal and mentoring, a constructive relationship with the senior judiciary and any necessary element of welfare and pastoral support, as outlined by the reports from the Standing Committee for Judicial Support and Welfare.”*.... *“It would be an essential ingredient of this structure that monitoring and related matters remain a solely judicial task, undertaken by the Lord Chief Justice and his delegates”*. Where necessary the Lord Chief Justice, either personally or through his delegates, *“should be able to take such steps as are necessary to ensure that under-performing members of the judiciary and magistracy respond effectively to requests to improve their performance and to change, for instance, sitting patterns and locations.”*

The Judges Council have agreed that the Working Group should take forward the above recommendations together with the recommendations set out in the Report of the Sub Committee on Judicial Management and that this should form part of the Council's **Work Plan for 2009/10** (see above).

Performance Standards

In March 2008, the criminal, civil and family targets Working Groups were reconvened to look at the revised proposed criminal, civil and family targets for the year 2008/09. These revisions occurred as part of the usual planning arrangements surrounding the setting of Public Service Agreements across government departments and agencies. Comments were reported to the Lord Chief Justice but there was insufficient time for discussion due to the need for HMCS to settle its Business Plan before the end of March. As a result, a caveat was published alongside the targets featured

in the HMCS Business Plan which stated that those standards and targets would not apply where it was inconsistent with the interests of justice to do so.

The Council has agreed that no new issues have been raised relating to the HMCS Performance Framework and the relevant targets for 2009/10 and that it will be seeking a more substantial and timely report from HMCS regarding options and targets to improve the HMCS Performance Framework for 2010/11.

Appointments to the Judicial Appointments Commission (JAC)

In July 2008, the Judges' Council reconvened this Working Group and recommended to the Lord Chancellor, pursuant to Paragraph 7(7) of Schedule 12 of the Constitutional Reform Act 2005, that Mrs Justice Black, be appointed as a new judicial member of the JAC. The recommendation has been confirmed.

OTHER ACTIVITIES

The Concordat and Resources including the Estate

Further to its responsibilities under paragraph 24 of the Concordat, the Judges' Council, in 2007, set up a joint Working Group chaired by Lord Justice Leveson and comprising Members of the Council, other judiciary, and officials from HMCS and the DCA (later the Ministry of Justice). This Working Group met to discuss funding for the courts, HMCS forecasts and budget allocations for 2008/09.

The publication of the HMCS Framework Document in April 2008 changed the position as originally devised under the Concordat of January 2004 in that, although the allocation of resources for HMCS remains ultimately the responsibility of the Lord Chancellor and of Parliament, finance became an area where both the Lord Chancellor and the Lord Chief Justice have interests as the two partners under the

Framework Document for the governance, financing and operation of HMCS. Their respective responsibilities must be exercised at certain points during the financial planning cycle, as set out in Chapter Nine of the Framework Document.

The Group has continued to meet (albeit renamed the Finance Liaison Committee), and is now a mechanism by which the judiciary at all levels can discuss the development of HMCS financial plans. Judicial membership of the Committee is approved by the Lord Chief Justice following discussion by the Judges' Council. The Chairman of the Committee (who remains Lord Justice Leveson) provides regular reports to the Judges' Council.

HMCS Board

The HMCS Framework Document places the leadership and broad direction of HMCS in the hands of the HMCS Board. It includes three members of the judiciary namely the Senior Presiding Judge for England and Wales and two other judges nominated by the Lord Chief Justice.

At its meeting in April, the Judges' Council expressed concern that due to the speed with which developments had taken place and specifically the insistence by MoJ that the new partnership arrangements must begin on 1st April, there had been no time to undertake the desirable and democratic process of seeking expressions of interest from across the whole of the judiciary for the two judicial members (the third member being ex officio the Senior Presiding Judge). The Council nevertheless wholeheartedly agreed to the nomination by the Lord Chief Justice of Mr Justice (soon to

be Lord Justice) Stanley Burnton and District Judge Michael Walker as the judicial members of the new HMCS Board until June 2009.

The Council also agreed that a Working Group should be set up in early 2009 to consider how all members of the judiciary might express interest in becoming judicial members of the new Board so that it could advise the Lord Chief Justice (in whom the decision vests) as to suitable nominees.

In June 2008 the Judges' Council agreed that Lord Justice Stanley Burnton should be co-opted onto both the Judges' Council and the Executive Committee so that all three judicial members of HMCS Board would be able to answer concerns from the judiciary and take them away to the Board as necessary.

European Network of Councils for the Judiciary (ENCJ)

The Council has continued to take forward its interest in Europe as a member of the ENCJ now jointly shared with Scotland. This interest is led by Lord Justice Thomas, who has been co-opted onto the Council for this purpose. Following the offer of EU funding, the ENCJ decided to change its constitution and set up a permanent but independent secretariat in place of the present administrative support provided by the Netherlands. A small working group, including District Judge Michael Walker, was set up to draft

new statutes. These were considered and adopted at a special General Assembly held in November 2007 at The Hague.

The links with the Judicial Council for Scotland have been strengthened by meetings of the secretaries, exchanges of Agendas, reports and information on mutual issues such as welfare, conduct, salaried part time working and Criminal Justice in Europe. Correspondence has been exchanged between the Lord Chief Justice, Lord Justice Thomas and the

Lord President. In March, Lord Justice Thomas met the Lord President at the Sheriff's Association conference in Peebles for further discussions. His Honour Judge David Wood attended a meeting of the Scottish Judicial Council on 20th June and Lord Osborne attended a meeting of the Judges' Council on 2nd December.

Mr Justice Fulford, His Honour Judge Cutler, District Judge Michael Walker and the Secretary attended the ENCJ General Assembly in Budapest from 21st to 23rd May 2008. The representatives from Scotland were Lord Osborne and Andrew Normande. The Assembly elected Lord Justice Thomas as President of the ENCJ and a new Steering Committee under the terms of its new Statutes; they will both serve until May 2010.

A meeting of the new Steering Committee (chaired by Lord Justice Thomas as President) took place on 7th July 2008 at Gray's Inn, preceded by a welcome dinner on the Sunday evening. Later meetings have been held in Brussels.

Lord Justice Thomas has since attended, as President, three meetings of the EU Judicial Forum in Brussels held on 30th May, 10th and 17th November 2008 respectively, to discuss issues relating to criminal justice. On 24th October the judge was in Warsaw speaking about the ENCJ at the *2nd Congress of Polish Judges* and later that day attended a meeting of the ENCJ Steering Committee in Brussels, where it was agreed that Marc Bertrand (Belgium) and Monique Van der Goes (The Netherlands) would be the Director and Deputy Director (respectively) of the new ENCJ office, formalising roles which they had already been undertaking for the last two years. A bilingual assistant would also be recruited.

On 8th November, Lord Justice Thomas spoke in Frankfurt to the *Symposium on Judicial Independence in Europe* which included attendees from the German judicial, academic, executive and political spheres. The following day he was in Berlin attending a ceremony led by the Vice President of the German Parliament to commemorate the 70th anniversary of 'Kristallnacht'.

On 11th November, Lord Justice Thomas attended the Consultative Council of European Judges (CCJE) 9th Plenary Meeting and, on 11th December, attended the European Commission for the Efficiency of Justice (CEPEJ) 12th Plenary Meeting, both held in Strasbourg. On the 1st December he chaired the ENCJ Working Group 'Mutual Confidence II' in Brussels.

Mr Justice Fulford jointly chairs (with Italy) the ENCJ working group on Criminal Justice. The group met in London

on 26th September in Lincoln's Inn and the next meeting is planned for Rome in 2009. Lord Justice Thomas chairs the ENCJ working group on Mutual Recognition which met on 1st December.

The European Judicial Training Network (ETJN) agreed to provide EU funding for an ENCJ judicial exchange programme for 2008, but, following the suspension of the programme in late 2008 because of financial difficulties, the visits to London by judges from Scotland and Belgium in October and November did not proceed. Lord Justice Pill and District Judge Michael Walker were, however, able to visit the Danish Council and Peter Hildebrand, Regional Employment Judge, was able to visit the Italian Council in Rome.

APPENDIX 1: MEMBERSHIP IN 2008

Name	Position
Lord Phillips of Worth Matravers until 30th September 2008 / Lord Judge since 1st October 2008	The Lord Chief Justice & Ex Officio Chairman of the Judges' Council
Lord Justice Leveson	The Senior Presiding Judge and ex officio Chairman of the Executive Committee. Ex officio Judicial member of HMCS Board from 1st April 2008
Baroness Hale of Richmond	A member of the House of Lords / Supreme Court
Lord Justice Waller / Lord Justice Scott Baker	A Member of the Court of Appeal
Mr Justice Bennett	A High Court Judge (Family Division)
Mr Justice Butterfield	A High Court Judge (Queen's Bench Division)
Mr Justice Warren	A High Court Judge (Chancery Division)
Mr Justice Owen / Mr Justice Royce	A Presiding Judge
His Honour Judge David Wood	President of the Council of HM Circuit Judges
His Hon Judge Keith Cutler	The Honorary Secretary of the Council of HM Circuit Judges
Senior District Judge (Chief Magistrate) Tim Workman CBE	A District Judge (Magistrates' Courts)
District Judge Michael Tennant (until March 2008) / District Judge Edwina Millward from 1st April 2008	President of the Association of HM District Judges
District Judge Michael Walker CBE	The Honorary Secretary of the Association of HM District Judges and co-opted Judicial Member of HMCS Board from 1st April 2008
The Chief Chancery Master, Jonathan Winegarten	A member of the High Court Masters' Group
Peter Hildebrand , Regional Employment Judge (until 31st March 2008) /Derek Searby TD, District Tribunal Judge from 1st April 2008	A Tribunal Member
Paul Shaerf , Designated Immigration Judge	A Tribunal Member
Sir Stephen Oliver QC, President of the Finance and Tax Tribunals,	A Tribunal Member
Cindy Barnett JP (Chairman) until 17th November 2008 / John Thornhill JP (Chairman) from 18th November 2008	A Member of the Magistrates' Association
Lord Justice Thomas	Co-opted member for European issues
Lord Justice Stanley Burnton	Co-opted Judicial Member of HMCS Board from 1st April 2008

Members of the Executive Committee for 2008

Lord Justice Leveson, Chairman

Lord Justice Thomas

Lord Justice Stanley Burnton (co-opted since 1st April 2008)

Mr Justice Owen/ Mr Justice Royce

His Honour Judge Keith Cutler

Sir Stephen Oliver QC

District Judge Michael Walker CBE

Cindy Barnett JP until 17th November 2008 / John Thornhill JP from 18th November 2008

APPENDIX 2: THE CURRENT CONSTITUTION

A copy of the present Constitution adopted in March 2006 is set out below.

General principles

1. The Judges' Council is a body broadly representative of the judiciary as a whole; it should be composed of persons in whom the whole body of judges has confidence.
 2. Detailed work is carried out through sub-committees or working groups. An Executive Committee is responsible for bringing all relevant matters before the Judges' Council, appointing and coordinating the work of the sub-committees and working groups, coordination with the Judicial Executive Board and carrying out such functions of the Judges' Council within guidelines set by the Judge's Council, specifically mandated by the Judges' Council or in an emergency.
 3. The Judges' Council will inform and advise the Lord Chief Justice. It:
 - a. is consulted to obtain a wide perspective on matters which go wider than any discrete judicial grouping;
 - b. considers and conveys views, ideas or concerns of the wider judicial family;
 - c. provides detailed analysis and consideration of specific matters on which judicial views are sought; and
 - d. develops policy in matters within its areas of functional responsibility;
- The functional responsibilities are informing and advising the Lord Chief Justice on matters as requested from time to time
4. It is not intended that the Judges' Council should interfere with the existing Associations of judges or their present functions.

Composition of the Judges' Council

5. The list of members is set out below.
6. With the exception of the Lord Chief Justice and Senior Presiding Judge (and any co-opted member), a member should be selected (directly or indirectly – e.g. through an Association or Council) by the Judicial group, or constituency, which he (or she) represents; the period of membership will be three years, with the power to extend for about a year in specific circumstances.
7. The Lord Chief Justice, or such person as may be nominated for the time being by the Lord Chief Justice, shall be Chairman.
8. The Judges' Council shall have the power to co-opt a member for such period and for such purposes as seems appropriate.

Objects

9. The objects of the Judges' Council are:
 - a. to preserve the independence of the Judiciary
 - b. to protect and promote the due administration of justice
 - c. to co-ordinate the views and actions of the judges to those ends
 - d. to promote the professional and pastoral interests of the judiciary
 - e. to provide guidance to the judiciary on questions of ethics, and other matters of relevance to the due administration of justice
 - f. to facilitate communication between the various levels of the judiciary and collect and collate their views
 - g. to advise and inform the Lord Chief Justice so that he may be aware of the views of the judiciary on matters falling within his responsibilities.
 - h. to deal with all matters of concern to the Judiciary.

Meetings

10. The Judges' Council will meet six times a year, and on such other occasions as, having taken the advice of the

Executive Committee, the Lord Chief Justice considers appropriate.

Executive Committee

11. The Judges' Council has an Executive Committee chaired by the Senior Presiding Judge.

12. The membership of that Committee is not to exceed seven and shall consist of members of the Judges' Council. Its members are selected by the Judges' Council to reflect the

composition of the Judges' Council. The Judges' Council or the Executive Committee may co-opt further members as it considers appropriate

13. The Executive Committee shall meet monthly and at such times as it shall consider appropriate.

Sub-committees or working parties

14. The Judges' Council or the Executive Committee shall be entitled to appoint a sub-committee or working group to consider any matter of relevance. Members of the same shall

be persons selected by the Lord Chief Justice, the Judges' Council or Executive Committee

Secretariat

15. The Judges' Council and its sub-committees and working parties are supported by its own independent Secretariat.

Publication of dates, minutes and annual report

16. The dates of meetings of the Judges' Council shall be publicized amongst the judiciary as a whole through the Judicial Communications Office. A web conference will be set up by virtue of which any judge may bring to the attention of the Executive Committee any matter which it is suggested should be brought to the attention of the Judges' Council. It will be within the discretion of the Executive Committee what matters are brought before the Judges' Council.

17. Minutes of the Judges' Council will be available in the above conference. It will be open to the Lord Chief Justice to rule that any section of the minutes may not be published either for the present, or at all if in his complete discretion he feels there is good reason for taking that step.

18. The Judges' Council shall publish an annual report.

Membership of the Judges' Council

Ex Officio

The Lord Chief Justice

The Senior Presiding Judge

Representative Judiciary

A member of the House of Lords / Supreme Court

A member of the Court of Appeal

A Presiding Judge

A High Court Judge of the Chancery Division

A High Court Judge of the Family Division

A High Court Judge of the Queen's Bench Division

The President of the Council of Circuit Judges

The Honorary Secretary of the Council of Circuit Judges

The President of the Association of District Judges

The Honorary Secretary of the Association of District Judges

A member of the London High Court Group

A District Judge (magistrate)

A Tribunal member

A Tribunal member

A Tribunal member

A member of the Magistrates Association

APPENDIX 3: JUDGES' COUNCIL COMMITTEES AND WORKING GROUPS

Standing Committees

Members

The Guide to Judicial Conduct

Lord Justice Pill (Chairman); Lord Justice Gage; Mrs Justice Macur; His Honour Judge Michael Brodrick; Her Honour Judge Elisabeth Fisher; District Judge Michael Walker CBE; Designated Immigration Judge Paul Shaerf

Judicial Support and Welfare

Mr Justice Forbes (Chairman); Mr Justice Sumner; Her Honour Judge Jackie Davies; The Chief Chancery Master, Jonathan Winegarten; Senior District (Chief Magistrate) Judge Tim Workman CBE; District Judge Michael Walker CBE; Deputy President AIT Elizabeth Arfon Jones (since December 2008)

Communication

His Honour Judge Keith Cutler (Chairman); Lord Justice Pill; Mr Justice Butterfield; Mr Justice Bennett; Mr Justice Calvert Smith; Designated Immigration Judge Paul Shaerf; Cindy Barnett JP/John Thornhill JP since November 2008

Tribunals

Sir Stephen Oliver QC (Chairman); Baroness Hale; Lord Justice Scott Baker; Mr Justice Hickinbottom; District Tribunal Judge Derek Searby TD; Designated Immigration Judge Paul Shaerf

Review of Library Resources

Mr Justice Henderson (Chairman); Lord Justice Stanley Burnton; Her Honour Judge Isobel Plumstead; District Judge Paul Mildred; Senior District Judge (Chief Magistrate) Tim Workman CBE; The Chief Chancery Master, Jonathan Winegarten; Nick Watson (Justices' Clerk).

2007/08 Workplan Sub Committee

Members

Judicial Management

Mr Justice Andrew Smith (Chairman); His Honour Judge Christopher Tetlow; District Judge Terence John; Regional Employment Judge Peter Hildebrand; Cindy Barnett JP

2008/09 Workplan Sub Committee

Members

Europe

Lord Justice Thomas (Chairman); Mr Justice Fulford; His Honour Judge Keith Cutler; District Judge Michael Walker CBE; District Tribunal Judge Derek Searby.

Security

To be confirmed

Working Groups

Members

Appointments to the JAC

Sir Igor Judge (as he then was); Lord Justice Leveson; Mr Justice Warren; His Honour Judge Keith Cutler; Sir Stephen Oliver QC; District Judge Michael Walker CBE

Performance Standards

Crime

Lord Justice Leveson (Chairman); Mr Justice Henriques; His Honour Judge Peter Ader; Senior District Judge (Chief Magistrate) Tim Workman CBE; Cindy Barnett JP/John Thornhill JP as from 17th November 2008

Civil

Lord Justice Moore-Bick (Chairman); Mr Justice Goldring; His Honour Judge Charles Harris; Master Nicholas Bragge; District Judge Michael Walker CBE

Family

Mr Justice Hedley (Chairman); Her Honour Judge Isobel Plumstead; Senior District Judge Philip Waller; District Judge Martyn Royall; Margaret Wilson JP

Performance and Efficiency

His Honour Judge Keith Cutler (Chairman); Mr Justice Adrian Fulford; His Honour Judge Roger Dutton; District Judge Terence John; District Judge David Oldham; Senior District Judge (Chief Magistrate) Tim Workman CBE; Employment Judge Peter Hildebrand; Designated Immigration Judge Paul Shaerf; Senior Immigration Judge Peter King; John Thornhill JP
