

# Analysis of judicial diversity



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As much as genetic diversity is praised to be a key factor determining an individual's performance and survival; the much is judicial diversity regarded in acutely deeming efficiency of judiciary. Such is the stance of Lady Hale who was the first women to be appointed as a ' Lord of appeal in Ordinary' in 2004 and had witnessed the court replacing itself without reaching a more diverse collegium.

She is a staunch supporter of diversification in Judiciary and hence displayed her stance very effectively in the case of Radmacher Vs Granatino, where she proved that a male dominated judicial collegium would not help reach justice at certain instances where they don't have the correct expertise and lack ability to understand a women's psych and emotions. Her stance gets further cemented by the book ' feminist judgements' which significantly prove how a case can change if approached from a women diverse vision. In recent years, to reach such diversity the courts have slowly started to expose out of the grip of former appointment procedures that placed Lord chancellor and the Queen with total autonomy over judicial appointments, resultantly the courts started to appear all men and white. Hence, in last decades there have been a visible change in making a diverse judiciary more than just a dream.

Lord Irvine contributed in formalizing this intention of having a diverse judiciary by making a committee to check the appointments. However, he later submitted the matter in hands of Sir Leonard peach who showed his satisfaction with the appointment methodology and subsequently the matter was subsided. Later on, in April 2003 his proposal of JAC lead him to be dismissed, forestalling his service in way of a diverse Judiciary. The

importance of such judiciary is slowly being realized by the situation and by the Judges on the apex of Judiciary. The old mechanism of appointments that totally rested in hands of the Queen and Lord chancellor increasingly became prone to objections over its transparency and credibility of appointed people as such system contained elements exploitable for bias. As centuries, have passed and the role of monarchy in UK has merely reduced to just a symbolic post, similarly the Judiciary is increasingly inquisitive about the appointments and so is the general public. Diversity in judiciary can enable a country to represent more than just a fraction of its populace rather than just appearing to be holding a certain fraction, as professed by its quite homogenous panel of judges. Certainly, it's evident that a diverse judiciary, equal in ethnic representations and in gender representation can lead to a very different decision than what it could be as there are certain issues where a upper hand in terms of ability to judge a certain situation can lead to justice and also in building of precedents that can improve the general level of legal development. Moreover, a diverse judiciary can up the moral of public and make them more confident in the legal system and a diverse panel of judges can also eliminate appellants fear of potential bias. This would also represent the actual structure of society in modern world where women have proved their abilities in every aspect of life and in different professions and hence a diverse judiciary can eliminate the impression that judiciary is not coping up with the society and its needs where women go under different types of contracts. As a current presumption in domestic contract cases remain that husband and wife can't legally intend a contract; even that presumption is getting reduced over time as in modern world women are getting more autonomy and there is more a

concept of relations catering different types of considerations from both parties. As matter of fact, there have been no female Lord Chancellors and none from ethnic minorities. The judicial representation from minorities in courts is minimal while the majority of the apex of justice system belongs to judges who are graduates of Cambridge and Oxford who neither had the restraints of commoner they deal with and neither had experience of their typical life backgrounds and ideologies. This proves to be a hurdle in effectively interpreting and enacting the law to citizen fairly and efficiently. It could also be difficult for the judges as they may not be able to relate to some of the situations put before them. Thus the judiciary direly needs to level with the modern world and presence of more women and ethnic minorities in judiciary can up the confidence of certain appellant's in various cases, especially domestic cases and the taboo cases of rape, violence, discrimination or harassment which often don't get reported. Moreover, it can also enable people to aspire to be judges and not think of judicial posts as a profession exclusive for the cult. People from other than purely law background i. e. non-barristers can also prove to improve that confidence and the variety of profession at apex of Judiciary will improve the quality of decisions and Stare-Decisis as there would be technocrats and experts of different professions present to enable that.

Therefore, there have been gradual improvement in the appointment process as its now not totally in hands of the Queen or Lord chancellor but the JAC is giving the recommendation for appointment's. However, it's still a compromise as initially the constitutional reform act 2005 made JAC responsible for appointing magistrates up to the supreme court members.

The later agreement between JAC and Lord Chancellor retained the recruitment and selection powers. The statistics show that women percentage in Judiciary is gradually increasing but the process is very slow. Number of women in Court of appeal increased by one women, while stayed same in High court even after two new appointments; and in circuit judges by sixteen women. The overall increase in April 2014-15 is by 0. 7 percent in courts and 0. 8 percent in Tribunals. In the regard of gradual and clumsy increases Lord Sumption's words can be cited. He said '*rushing for equal representation of women at the top of legal profession can inflict appalling consequences on the quality of British Justice*'. Concludingly we can say that the British Justice system is keen to reach the gender equality in legal profession as well as on its apex but is doing so gradually in order to not open a gate to incompetent judges in the system that can inflict harm to overall judicial system.