I am happy for the following to be appended in full to the report. [redacted]

I have a good deal to say about how the problem should be addressed, but I would not be able to do so within the next two weeks owing to pressure of work.

[redacted]

The problems faced by resident judges

Resident judges have a very substantial number of things to balance including the needs of victims, jurors and other witnesses, the massive backlogs which have accumulated, defendants in custody, trials cracking at the last minute with the listing difficulties that that causes, and many other aspects of court lists which have to be taken into consideration and balanced when working out how to deal with particular cases or types of case.

At the same time, judges have to recognise that the current situation is one that has been foisted on them by a government that gives little value to the criminal justice system. The massive backlog is itself inherently inimical to the welfare of court users and, most importantly, to victims, witnesses and defendants.

Appalling as the disregard of the government for the welfare of, not to say callousness towards, these court users, resident judges have to recognise the limitations of their powers. They cannot take on the system that the government has landed them with. They can attempt to manage their lists efficiently and in such ways that will give the least miserable outcomes to court users. But the juggling and balancing that this involves have to be done within the perspective of the overall situation.

But it is a lot worse than what I have just described. Courts are confronted not only with the massive backlogs but with the acute problems, sometimes amounting to breakdown, of the various organisations and agencies which are relied upon to get cases up and running. The police, the CPS, other legal services, the prison service, the probation service, and, indeed, in many cases the court listing offices themselves, are in serious disarray. All of these bodies are underfunded; and in many instances what is required of the employees of these services stretches their capabilities to, if not beyond, the limit.

I practice in the [redacted] and one can readily see the difficulties that Courts have with these problems. It is against this background that I write in relation to [redacted]

Judge [redacted]'s response to the problems

To my mind, he sticks out amongst the resident judges (I have experience of most of them) in the [redacted] He appears to be waging a one-man assault on the difficulties the courts are facing by management of his court lists. In doing this, he pays very little regard to the pressures which the CPS, solicitors and counsel are under. Myopically, in the face of all the evidence to the contrary, he repeatedly treats court lists as if everything around him, and all the agencies I have referred to, should still be running like clockwork and without any problems. Again and again, in order to ensure that cases are not ineffective, he heaps upon counsel the need to do preparatory work a long way in advance of cases coming to court. This raises particular difficulties for prosecution counsel who already have a heavily frontloaded agenda in that prosecution counsel have to advise on evidence, which includes a thorough evidential assessment and a public policy assessment. Such an advice has to take into consideration a great deal of detail much of which, in days gone by, would have been sifted out by instructing prosecution solicitors.

As if this weren't enough, [redacted] routinely gives directions for the prosecution to prepare agreed facts and an opening note at an early stage. That is, surely, excessive.

<u>Bullying</u>

His manner towards counsel is frequently critical and pays little regard to the pressures we are under. Judges get into the habit of using certain phrases and if I had to identify the phrase which is characteristic of [redacted] it would be "This is totally unacceptable". One might have expected that a resident judge whose listing office wastes as much Court users' time as the [redacted] office would be tolerant of the failings of others, but not [redacted] when it comes to advocates.

But it gets much worse than that. I understand that he is particularly critical, and indeed abrasive, towards two particular groups of counsel. One group is young counsel, especially those who do not appear regularly in [redacted] Crown Court. Another group is women. And, of course, a substantial proportion of the younger barristers are women. If it is understandable that judges have a tendency to give a little more latitude to counsel whose work they are familiar with and who have demonstrated their reliability, judges should surely guard against any favouritism. But his attitude towards women is, to use his own catchphrase, totally unacceptable. It should not be tolerated for one moment.

However, it is very difficult for young counsel to stand up to judges. Not only is a Court a very formal setting in which we counsel have to do our work in public, not only do the judges have vastly more experience and knowledge of procedure than young advocates, but young advocates always have to keep eye on the risks of displeasing a judge. And, when defending, they have to be extremely careful not to alarm their clients by appearing to get on the wrong side of the judge. On top of that, barristers have to take account of the fact that they may some day apply for silk or judicial office. They are likely to be reliant on the good will of judges. Those considerations are what make the behaviour of [redacted] towards young advocates in his court contemptible. That he picks on women in particular is in itself appalling. His behaviour can properly be described as bullying. A member of the bar has told me that appearing in front of him is "incredibly deflating" and indeed that her aim when appearing in front of him is "…to get in and out of the court room without being personally criticised or undermined in front of my client." I understand that his behaviour towards junior female counsel includes belittling them in front of other counsel and in front of their clients. It frequently includes suggesting that, because their client has not pleaded guilty, they must have inadequately advised their client. Such behaviour is calculated to undermine the confidence of the defendant in defence counsel. It is the clearest example of the triumph of the drive to cut lists over propriety and consideration for counsel. Recently [redacted] was doing a PTPH list and in one case the defendant entered guilty pleas on a basis which was not accepted by the prosecution. Judge [redacted] said it would make a difference to sentence without allowing the advocate to make submissions. He then told the advocate that he required her client to be properly advised as to the loss of credit and sent her back out to advise her client. Here we have a good example of [redacted] pressurising an advocate (as often, a woman) as well as her client, and suggesting in front of the defendant that the advocate had not properly advised her client. That sort of behaviour is unacceptable and every more senior barrister who appears in [redacted]'s Court should look out for such conduct on his part and be prepared to take him on if they see it. [redacted]' s attitude hardly makes the criminal bar an attractive forum for the young advocates, including female advocates, that we so desperately need to swell our numbers.

[redacted]