

guardian.co.uk

16th March 2009

Names of misbehaving judges 'should be made public'

- Guardian brings freedom of information case
- More than 170 disciplined for misconduct in 10 years

Rob Evans and Afua Hirsch

The Guardian, Monday 16 March 2009

A [larger](#) | [smaller](#)

An attempt to force the names of misbehaving judges into the open will be launched tomorrow in a groundbreaking [freedom of information](#) case.

More than 170 members of the judiciary have been disciplined for misconduct in the last 10 years. Ministers and the judiciary have for years steadfastly fought to keep their identities quiet.

Jack Straw, the justice secretary, is insisting that the names must be concealed as publicity could "undermine the judge's authority and command" in the courtroom. He also says that judges' misbehaviour is a private matter.

A handful of the misconduct cases have seeped out, giving a glimpse of how and why members of the judiciary have been dismissed or admonished.

One, Judge Victor Hall, was "severely reprimanded" after he was convicted of drink-driving, while another, Judge Gabriel Hutton, was disciplined for falling asleep during a rape trial. Another judge, James Muir-Little, resigned from the bench after his affair with a married woman led her husband to kill the couple's three-year-old daughter.

A magistrate, Byron Butler, also resigned after making anti-gay comments, while another, Ian Murray, was reprimanded for refusing to sit in a case involving a Muslim woman because she would not remove the veil from her face.

The application to remove the secrecy will be made by the Guardian at a freedom of information tribunal in London.

One witness, Shay Clipson, will tell the tribunal that she was sacked unjustly as a magistrate, but persuaded a disciplinary panel to reinstate her. She believes that publicising her plight in the media helped to restore her to the bench, even though the Ministry of Justice had warned her that she could be disciplined again if she continued to speak out.

Straw, as justice secretary, and the lord chief justice, Igor Judge, are responsible for disciplining judges, magistrates, coroners and tribunal members if they are found to have misbehaved in the courtroom or if their personal conduct "tarnishes the reputation of the judiciary".

Complaints are investigated by a Ministry of Justice unit of 17 officials which costs around £1m a year to run. Its latest annual report shows that in the year up to March 2007, two judges were severely reprimanded, while 15 magistrates were dismissed and another 11 rebuked.

No further details of the offences were disclosed, although the unit - called the Office for Judicial Complaints - said the reasons for taking disciplinary action included "criminal proceedings or convictions", "misuse of judicial status", "motoring-related offences" and "failure to fulfil judicial duty".

18-Mar-09

Names of misbehaving judges 'shou...

Geoffrey Robertson QC and Anthony Hudson, counsel for the Guardian, will argue that the public is entitled to know whether those who sit in judgment on others are being disciplined correctly for their own misdemeanours.

guardian.co.uk © Guardian News and Media Limited 2009