

RECORDER COMPETITION – 2015 SELECTION EXERCISE

THE OUTCOME: THE PROFESSIONAL BACKGROUND OF THOSE WHO WERE APPOINTED

This information supplements the information already provided to the Judicial Appointments Commission in the ChBA's "Feedback Report" dated 25 September 2015 in relation to the qualifying test which took place on 7 May 2015 and the ChBA's "Supplementary Feedback Report" dated 25 November 2015 in relation to the second stage of shortlisting.

The outcome of the 2015 Recorder selection exercise was that:

1. Only 11 (17%) of the 64 recorders appointed to sit in crime have non-criminal practices, whereas 53 (83%) have criminal practices. However, of those 11 who now have non-criminal practices, 3 have had significant criminal practices in the past, and a further three have had some experience of criminal practice. It appears that only 5 (8%) of the 64 recorders appointed to sit in crime do not have any experience of criminal practice.
2. Only 2 (5%) of the 35 recorders appointed to sit in family have non-family practices, whereas 33 have practices in family law.

This information is derived from the published list of recorders at <https://www.judiciary.gov.uk/announcements/recorder-appointments/>. The analysis, which is appended hereto, was carried out by one of the officers of the ChBA by reference to individual profiles available on a chambers or firm website and the Bar Directory (2015).

The outcome of the 2015 Recorder Competition for civil practitioners wishing to sit in crime or family is therefore broadly similar to the 2011 Recorder Competition (when the qualifying test was based on the actual jurisdiction of criminal or family law). This outcome is, however, in marked contrast to the 2009 Competition (when the qualifying test was not based on criminal law). This is because:

1. The result of the 2009 competition was that 66 (51.6%) of the 128 recorders appointed had non-criminal practices, whereas 60 (46.9%) had criminal practices (1.6% unknown).
2. The result of the 2011 competition was that 11 (13.6%) of the 81 recorders appointed to sit in crime had non-criminal practices, whereas 69 (85.2%) had criminal practices (1.2% unknown). In 2011 all the 27 recorders appointed to sit in family had practices in family law.

PENELOPE REED QC and AMANDA TIPPLES QC

Chair and Vice-Chair of the Chancery Bar Association

14 January 2016





APPENDIX

Recorder Appointments - 21 December 2015

KEY

C: Criminal or predominantly criminal practice.

F: Family

N: Civil or predominantly civil (ie non-criminal practice).

The Queen has appointed 99 Recorders on the advice of the Lord Chancellor, the Right Honourable Michael Gove MP, and the Lord Chief Justice of England and Wales, the Right Honourable The Lord Thomas of Cwmgiedd. The appointments will take effect from 11 January 2016. The Lord Chief Justice has deployed the Recorders as follows:

Crime (64)

Midland Circuit


Carey, Jacqueline Anne C
Ellenbogen QC, Naomi Lisa N
Hallam, Jacob William C
Herbert, Rebecca Mary C
Kubik, Heidi Marie C
Mills, Benedict John C
Sjölin, Catarina Marianne C
Smith, James Alastair C
Thompson, Anupama C
Walker, Timothy Robert N
Warburton, Julie C

North Eastern Circuit

Eckersley, Simon Richard C
Greaney QC, Paul Richard C
Harrison, Rachael C
Kidd, Joanne Teresa C
Singh, Dapinderpaul C
Smith, Christopher James C
Thackray, John Richard Dominic C

Northern Circuit

Brandon, Louise Ann C
Brown, Anne Margaret C
Brown, Michelle Diane C
Clemitson, Julie C
Duck QC, Michael Charles C



Grey, Philip John C
Jefferies QC, Andrew C
Jewell, Matthew C
Johnston, Sarah Louise C
Kennedy QC, Christopher Laurence Paul N
Loram, Mary Caroline C
Magennis, Olivia Anne F
Pierpoint, Katherine Anne C
Potter, David Andrew C
Presland, Samantha Louise N
Shaw, Andrew David F
Swinerton, David Michael C
Woodhall, Gary C

South Eastern Circuit

Bridge, David Stephen N
Cohen, Samantha Louise C
Davies, Claire Suzanne C
Deacon, Emma Rebecca C
Deal, Katherine Alison Frances N
Duncan, Hannah Gillian Isabella C
Elliott QC, Sarah Julia C
Farbey QC, Judith Sarah N
Higgs QC, Jonathan Alexander Cameron C
Howard, Nicola C
Laws QC, Eleanor C
Lowe, Elizabeth Helen C
O'Sullivan QC, Thomas Sean N
Rajah QC, Eason Thurai N
Shannon, Nicola Elizabeth Jane C
Weekes, Mark Vincent C

Wales Circuit

Crowther, Lucy Ellen C
Rees, Caroline Elizabeth C
Richards, Catherine Mary C

Western Circuit

Agnew QC, Christine C
Bussey-Jones, Elisabeth Barbara C
Butt, Matthew Paul C
Casey, Noel C
Martin, Joanna Margaret C
Midgley, Anna Victoria Jane C
Rose, Timothy John C
Taylor, Jason C





Willcocks, Hannah Leahcim C

Analysis of 2015 Recorder (Crime) Competition

64 (100%): Total number of recorders appointed.
53 (83%): Criminal practice.
11 (17%): Civil practice.

Further analysis: The 11 appointees with a civil practice

Of the 11 appointees with a civil practice, the following points are relevant. The 11 are Naomi Ellenbogen QC, Timothy Walker, Christopher Kennedy QC, Olivia Magennis, Samantha Presland, Andrew Shaw, David Bridge, Katherine Deal, Judith Farbey QC, Sean O'Sullivan QC and Eason Rajah QC.

However, when you look at the information on the individual websites for these appointees it is clear that at least 3 have had significant criminal practices in the past. They are:

1. Olivia Magennis is now a family barrister but advertises that she has appeared in criminal cases in the Court of Appeal and attended various criminal advocacy courses.
2. David Bridge is a commercial litigation professional support lawyer at Simmons & Simmons but is a qualified solicitor advocate with higher courts advocacy rights (criminal) and is a member of his firm's "Crime Fraud and Investigations" team (among others).
3. Katherine Deal is a personal injury specialist but advertises on her website her involvement in a number of criminal appeals in the Privy Council.

That leaves 8 people. However, three of them have had some training in criminal law:

1. Christopher Kennedy QC advertises on his 9 St John's Street Chambers website that he had a criminal practice for the first 5 years of practice;
2. Andrew Shaw is a family barrister. However, he advertises on his New Court Street Chambers website that that he did criminal, civil and family law in his second six pupillage (2001/2002) and moved solely into family law in 2005.
3. Eason Rajah QC is a chancery barrister who completed a criminal pupillage.

It does not appear that the remaining five appointees (Naomi Ellenbogen QC, Timothy Walker, Samantha Presland, Judith Farbey QC and Sean O'Sullivan QC) have any experience of criminal practice – that is a total 8% (5 out of 64) of those appointed. However, it does not follow that they did not.



Family (35)

Midland Circuit

Holland QC, David Moore **N**
Norton, Andrew David **F**
Picken, James Edward **F**
Weir, Olivia **F**

North Eastern Circuit

Campbell, Diane Eva **F**
Grundy, Madeleine Jane **F**
Hayes QC, John Allan **F**

Northern Circuit

Afzal OBE, Fayyaz **F**
Baker, Clive Adrian **F**
Cains, Linda Hilary **F**
Davies, Rhiannon Laura **F**
Greenan, Sarah Octavia **N**
District Judge Harris (aka Harris-Short), Sonia
Ruth **F**
Henley, Carly Elizabeth **F**
Heppenstall, Rachael Elizabeth **F**
McCabe, Louise Anne **F**
Moore, Andrew David **F**
Murden, Claire Elizabeth **F**
Smith, Eleanor Rachel **F**
Stonor QC, Nicholas William **F**

South Eastern Circuit

Allen, Nicholas Paul Thomas **F**
Briggs, Laura Judith **F**
Bugg, Ian Stephen **F**
District Judge (Magistrates' Courts) Dawson, Celia
Anne **F**
Foulkes, Rebecca **F**
Jones, Oliver Egerton **F**
Reardon, Madeleine Jenny **F**
Trowell QC, Stephen Mark **F**
Williams QC, David Basil **F**
Youdan, Charlotte Louise **F**

Western Circuit

Barlow, Melissa Emma Benson **F**
Calway, Mark Edward **F**
Miller, Richard James **F**



District Judge Ralton, Alexander Julius F
Wicks, David Charles F

Analysis of 2015 Recorder (Family) Competition

35 (100%): Total number of recorders appointed
33 (95%): Family practice.
2 (5%): Non-Family practice.