

# Judges' 'old boys' faces axe after historic ruling



## JUDGES' 'OLD BOYS NETWORK' FACES AXE AFTER HISTORIC COURT OF APPEAL RULING

The secretive way judges are appointed via an 'old boys' network could be at an end after an historic Court of Appeal ruling.

Kate Thomas, a judge with 30 years' experience in the legal profession, successfully challenged the Judicial Appointments Commission (JAC) over its use of 'secret soundings' in the Court of Appeal.

Under the current system, the JAC takes 'secret soundings' before appointing a new judge – essentially comments and views which the prospective candidates can neither read nor respond to.



The Court of Appeal rejected the JAC's longstanding practice of withholding negative consultation material from candidates except in 'exceptional circumstances', finding this to be an unlawful fetter on discretion.

Several of Judge Thomas's central arguments about the lack of fairness and transparency in the JAC's consultation process, including:

- The law does not prohibit disclosure of consultation material about candidates in certain circumstances.
- The JAC cannot maintain a blanket policy against disclosing such material and must consider a range of fair options.
- The JAC is required to inform candidates in advance of the categories of people from whom feedback may be sought.

**Stuart Fegan, GMB National Officer, said:**

"This is an incredibly important ruling and a victory against the old boys' network that's dominated our judiciary for too long.

"Although the Court did not quash the JAC's decision in Judge Thomas's specific case—largely due to insufficient information and late disclosure—she can feel truly vindicated.

"The court upheld her central arguments about the lack of fairness and transparency in the JAC's consultation process.

"These rulings that are likely to reshape how judicial appointments are handled in future – and not before time." ENDS

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