

PE1458/BBB

Judicial Complaints Reviewer letter of 17 February 2017

Thank you for the opportunity to comment further in the light of evidence given to the Committee by Professor Alan Paterson.

As I have said, I am in favour of those in public life, whether paid or unpaid, being required to maintain a register of all interests including financial. This means that full transparency about interests and activities is available to the public.

In the context of my work as the Judicial Complaints Reviewer, bearing in mind that my role is solely to review whether the Complaints About the Judiciary (Scotland) Rules have been followed in considering a complaint, I have noted that complaints made about the conduct of judges often stem from a belief that the judge was biased in reaching a judgement. Of course I recognise that every judicial decision leaves a party that is dissatisfied and that a complainant may feel he or she did not get a fair hearing because the decision went against them. Although I have no evidence to support my view I do believe that if court users felt that judges were transparent in their publication of interests there might be a drop in such complaints.

Professor Paterson refers to the use of an annual return made by the US Supreme Court Justices seemingly without causing any particular problems within the system. He also notes that Law Lords completed a register of interests as members of the Lords but as UK Supreme Court Justices declined to do so. I imagine that members of the public might have some difficulty in squaring the latter and might point to the former as being examples of good, open, practice.

In relation to Professor Paterson's remarks about the Register of Recusals I am happy to add my support to his observations.

I hope this is helpful in the Committee's consideration of petition PE1458.

Finally, I have updated my register of interest which is attached as Annex A.

Register of Interests

Currently in addition to my appointment as Judicial Complaints Reviewer for which I am paid a daily fee of £217 I am also;

a Non Executive Director of the Scottish Public Pensions Agency with a daily fee of £232;

Trustee of Stepchange Debt Charity (unpaid);

I provide advice as requested by Tomorrow's People in relation to its operation in Scotland (unpaid).

I am a member of the English Speaking Union Scotland and Treasurer of the Scottish Dachshund club.

I make monthly payments in support of Cancer Research, the RSPB and the SSPCA.