

Court Working Dress in England & Wales

Public Consultation by the Department for Constitutional Affairs

Submitted to

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1 Executive Summary & Conclusions

1.1 Summary of dress preferences

Overall, respondents who chose to respond to the public consultation were less in favour of changing court working dress than those who were surveyed for the public opinion survey on the subject carried out in Autumn 2002. Table 1 shows that members of the public (non court users and court users) who responded to the consultation were just as conservative in their preferences, if not more so, than the court officials and others who responded.

Table 1: Preference for retention of the ‘status quo’ (option A) for court working dress

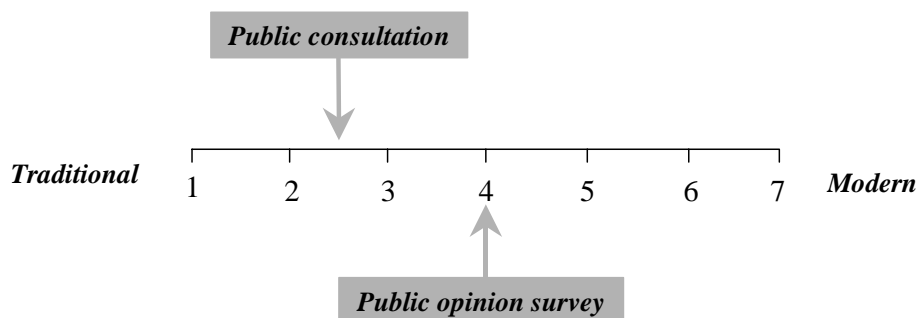
	Public opinion survey	Consultation		
		Non court users & Court users	Court officials & all others	Total
	%	%	%	%
High Court judges (criminal proceedings)	42	67	70	69
Circuit judges (criminal proceedings)	42	66	74	70
Judges in civil or family proceedings	31	64	50	56
Barristers in criminal proceedings*	34	74	72	73
Barristers in civil or family proceedings*	34	59	47	52
Court clerks	15	54	27	39
Court ushers	31	73	78	76

* The public opinion survey asked just one question, in relation to “barristers in courts in England and Wales” and did not differentiate between criminal and civil / family proceedings

These differences may be explained by the fact that respondents who were surveyed for the public opinion survey were chosen to be statistically representative of the population of England and Wales, in terms of their gender, age and ethnic profile. Conversely, people who chose to respond to the consultation were self-selected and therefore compose a “biased” sample.

It would appear that people with more traditionalist views chose to respond to the consultation. This emerged through responses to the question ‘*How modern or traditional would you like court working dress to be?*’. On a scale of 1 (most traditional) to 7 (most modern), Figure 1 shows that respondents in the public opinion survey gave a mean rating of 4, whilst respondents to the consultation gave a mean rating of 2.5.

Figure 1: How modern or traditional would you like court working dress to be? (mean scores)



The different profile of respondents to the consultation and the public opinion survey is further demonstrated through the words chosen to describe courts in England and Wales. Therefore, not only do the two sets of respondents have differing preferences for court dress, it appears that they also hold different views of the courts.

Most commonly, across all respondents, courts were described as *traditional* and *formal*. However, respondents to the consultation more often used the following adjectives: *fair*; *accessible*; *formal*; *efficient* and *user-friendly*. Conversely, respondents to the public opinion survey were more likely to use the following words, with more negative connotations: *intimidating* and *unapproachable*.

1.2 Summary of comments

Reviewing the preferences for different dress options, it would be easy to conclude that responses to the consultation demonstrated overwhelming support for retention of the status quo. However submissions included an extensive number of comments. These showed some discomfort with aspects of the questionnaire and with usage of the term ‘modern’ – which was interpreted by many as synonymous with ‘casual’ and ‘informal’. There was a widespread belief that modernisation would involve a loss of formality and would jeopardise the solemn, dignified atmosphere within courts – which was felt to be fitting and proper.

Consideration of the comments made highlighted nuances of opinion that might be lost through reliance on the dress preferences expressed alone. Overwhelmingly, comments showed that respondents supported current dress because it is authoritative, traditional and distinguishes the wearer. Conversely, respondents who favoured change felt that current dress was anachronistic and they preferred dress to be formal, less intimidating and less antiquated.

Many proponents of change urged more ‘practical’ dress. Comfort; expense; logistics of transportation; and laundering were all viewed as important considerations. Similarly, many respondents who favoured traditional attire and chose current dress as their preferred option, commented that they were in favour of simplification. For instance, more than one in ten respondents who made comment urged simplification of dress: such as removal of detachable wing collars, bands and wigs and a re-styling of robes (such as use of an alternative fabric).

1.3 Conclusions & Recommendations

In considering the responses to the public consultation, it is necessary to assess the relative weight of opinions expressed. In addition, these views need to be balanced against the findings of the national public opinion survey on the subject of court working dress, which was carried out on behalf of the Department for Constitutional Affairs in Autumn 2002.

Trained professionals working within courts may argue that lay members of the public are ill placed to advise on dress, since they may have no or limited experience of legal proceedings. Indeed comments to this effect were made by some in response to the consultation:

“A survey of 1,500 people most of whom have never been to court does not provide any justification for the potentially wide ranging changes proposed.” (Judge)

However, counter to this, others have argued that if anything the views of court users and potential court users should carry more weight than those of legal professionals:

“These issues could be seen as purely cosmetic changes and hardly worthy of such wide-spread need to consult, but this issue does centre on who ‘owns’ the courts – the community at large or the profession? (Court staff)

Returning to the central question posed in the consultation: *“Is court working dress, as worn in the courts of England and Wales, suitable for the task?”* it is necessary to consider what is meant by suitability. It is easy to reduce the question to a dichotomised debate about traditional Vs modern and a more useful approach might be to assess how ‘fit for purpose’ current dress is perceived to be.

Comments made by respondents of all persuasions covered issues of comfort; expense; practicalities of transportation; and laundering – issues which cut across

the traditional / modern divide. This is not to trivialise the issue of court dress, but rather to temper any reactive opposition to ‘modernisation’ (understood as casual and informal dress), which almost unanimously is considered inappropriate.

2 Background

This report summarises responses received from a public consultation exercise that was carried out between May and August 2003 on the subject of court working dress in England and Wales.

2.1 The consultation process

On 8th May 2003 the then Lord Chancellor, Lord Irvine, published a consultation paper on court working dress that was designed to test public, judicial and professional legal opinions on the relevance and importance of the traditional attire worn in courts in England and Wales.

The aim of the consultation was to canvass the views of as wide a range as possible of people in England and Wales about the *working dress* worn in criminal and civil courts in England and Wales by judges, barristers and other advocates, solicitors, court clerks and court ushers. The central question asked was:

"Is court working dress, as worn in the courts of England and Wales, suitable for the task?"

The consultation paper was circulated to a wide range of stakeholders (see Appendix A) and published on the Department's website. Printed copies were also available from all courts in England and Wales. Responses could either be submitted to the Department in writing or sent to a dedicated email address.

The consultation period lasted 14 weeks and closed on 14th August 2003.

2.1.1 The consultation questionnaire

A structured questionnaire (included in Appendix B) was adopted as the most suitable method of establishing people's views on the subject of court working dress. It was intended that the questionnaire format would provide an empirical response to the questions; however supplementary views were also welcomed. In order to keep the consultation accessible, questions were kept simple and their scope relatively broad.

Questions were kept consistent with those used for a recent public opinion survey on the subject of court working dress (see 1.2 below) in order to allow comparison of responses with the views of a representative sample of the general public. Respondents were asked to state their preferred court dress from a series of photographs depicting different options (included in Appendix B). The

consultation asked respondents to state their preferred dress option for the following:

- High Court judges hearing criminal proceedings
- Circuit judges hearing criminal proceedings
- Judges hearing civil or family proceedings
- Barristers or other advocates taking part in criminal proceedings
- Barristers or other advocates taking part in civil or family proceedings
- Court clerks
- Court ushers.

2.2 Public opinion survey

Prior to the public consultation, in Autumn 2002, the Lord Chancellor commissioned ORC International to undertake a public opinion survey¹. The aim was to gather information on the public's views on court working dress, to act as the starting point for the public consultation exercise.

Similar to the consultation, respondents were asked to select their preferred dress option from a series of photographs (included in Appendix C) for:

- Criminal judges
- Civil judges
- Barristers
- Court clerks
- Court ushers.

Over 2,000 in-street interviews were carried out: 1,571 with members of the public and 506 with court users throughout England and Wales. The survey's key finding was strong support for some modification of court dress, with more than 60% of respondents believing that current dress should be changed in one form or another.

¹ *Public Perceptions of Working Court Dress in England and Wales*, ORC International (October 2002)

2.3 Analysis of responses

Responses to the consultation were analysed independently by ORC International during Autumn 2003. Preferred options for court dress were analysed quantitatively using *SPSS* software – both overall preferences and for different types of respondents. Supplementary comments were entered into a database and analysed using *Max QDA*® (*Qualitative Data Analysis*) software. Each comment was reviewed and similar remarks were grouped into themes to allow assessment of the views expressed in terms of the diversity of views and the number of respondents sharing a particular perspective.

This report details the findings from the consultation. It includes analysis of both completed questionnaires and written submissions. Results are depicted in charts and tables and illustrative quotations are included to indicate the views expressed.

Results of the public opinion survey have also been incorporated into the report and are compared with the responses from the consultation.

3 Profile of Responses to the Consultation

A breakdown of the responses to the consultation is presented in Table 2.

Table 2: Breakdown of responses to the consultation

Classification	Respondent Type	Number of responses
Non court users (966)	Not involved in a court hearing	966
Court users (498)	Juror	217
	Witness	125
	Claimant	53
	Defendant	31
	Expert witness	27
	Victim	26
	Police officer	19
	Judge (308)	High Court judge (or deputy) / Lord Justice of Appeal
Circuit judge (or deputy)		195
District judge (or deputy)		64
Recorder		29
Lawyer (812)	Barrister	558
	Solicitor	149
	Solicitor advocate	87
	ILEX member / advocate	18
Court staff (445)	Court clerk	161
	Court usher	163
	Other member of the Lord Chancellor's Department	121
Organisations (212)	Judicial	31
	The legal professions	88
	Government departments / agencies	70
	Police / probation interest groups	7
	Legal interest group	16
Other (165)	Involved in legal training	97
	Involved in witness support services	19
	Magistrate / JP	24
	Not stated	25
Total responses		3,406

The following charts outline the profile of respondents to the consultation in terms of their type (as classified in the table above); location of residence; age; gender; and ethnicity.

Figure 2 shows that 28% of respondents were non-court users – i.e. had not been involved in a court hearing. Fifteen percent were classified as court users and had attended a court either in the capacity of a juror, witness, claimant, defendant, expert witness, victim or police officer. The majority of the remaining respondents were professionals working in courts.

Figure 2: User type of respondents

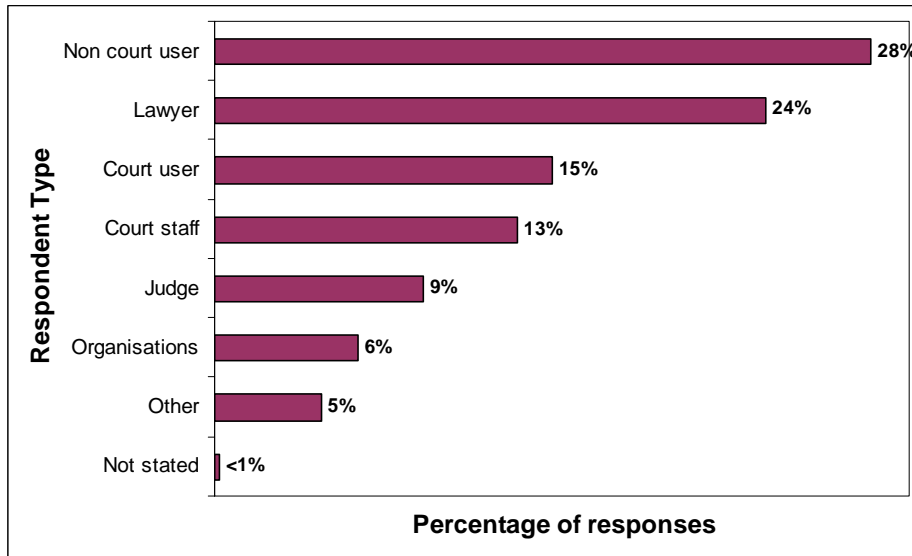


Figure 3 shows the areas of residence of the respondents. London and the South-east were the areas with the highest numbers of respondents. More than one in ten (11%) respondents were resident outside of England and Wales.

Figure 3: Area of residence of respondents

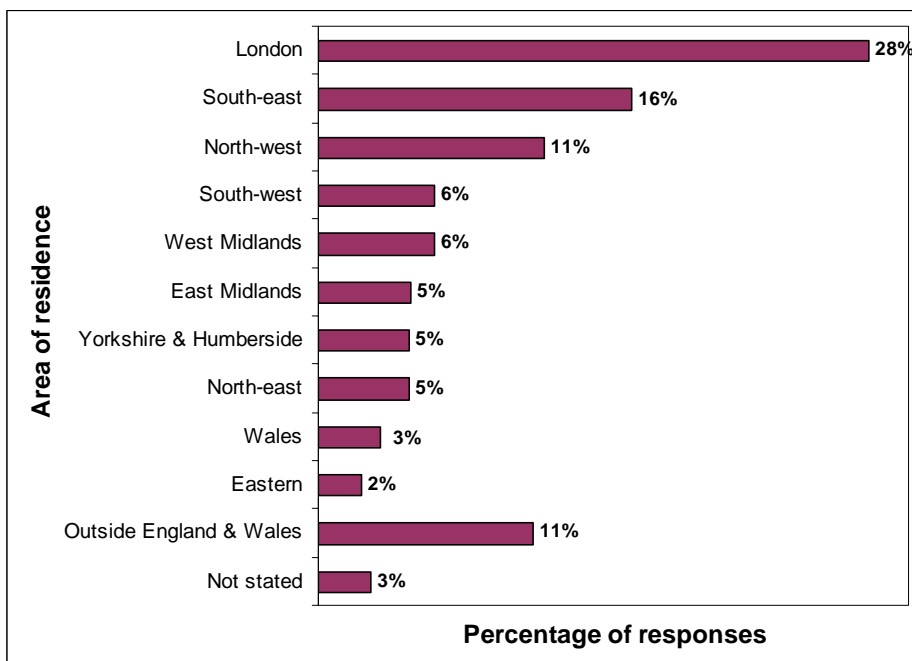
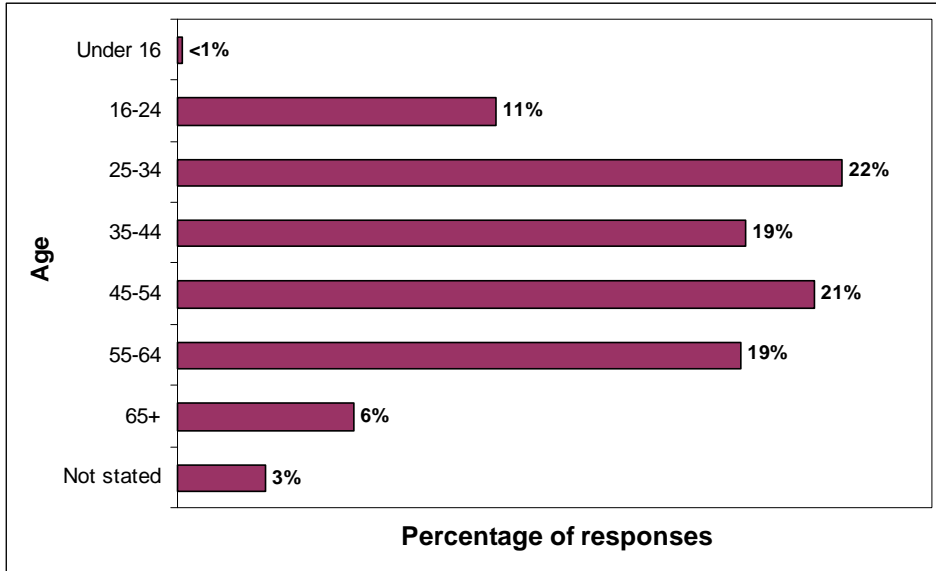


Figure 4 shows the age group of the respondents. Over three-quarters (81%) were aged between 25 and 64 years.

Figure 4: Age of respondents



Sixty-two percent were male and 36% female (Figure 5).

Figure 5: Gender of respondents

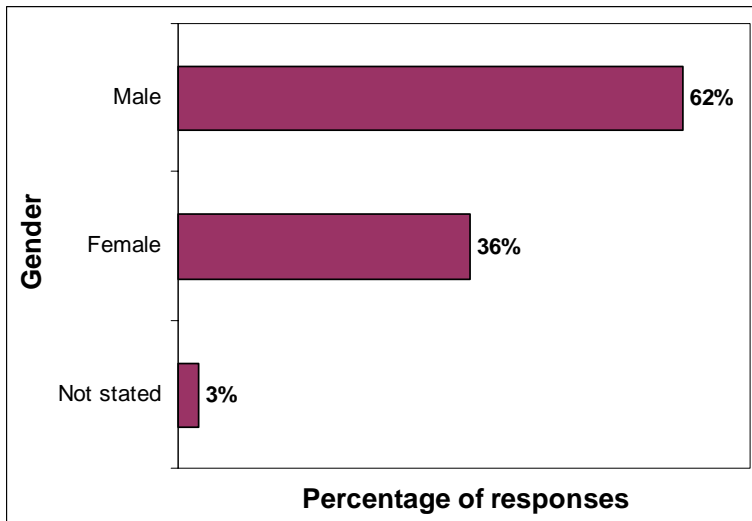
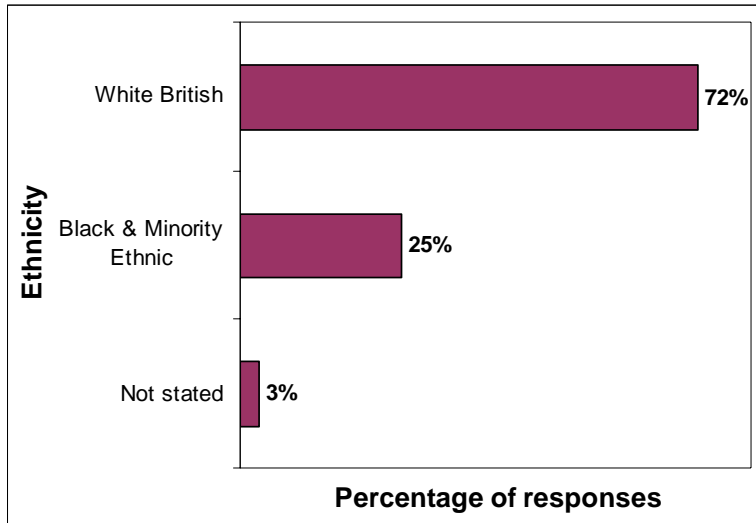


Figure 6 shows that overall, 72% of respondents were white British and 25% were black & minority ethnic groups (BME). Excluding those living outside of England & Wales, 78% were white British and 19% BME.

Figure 6: Ethnicity of respondents



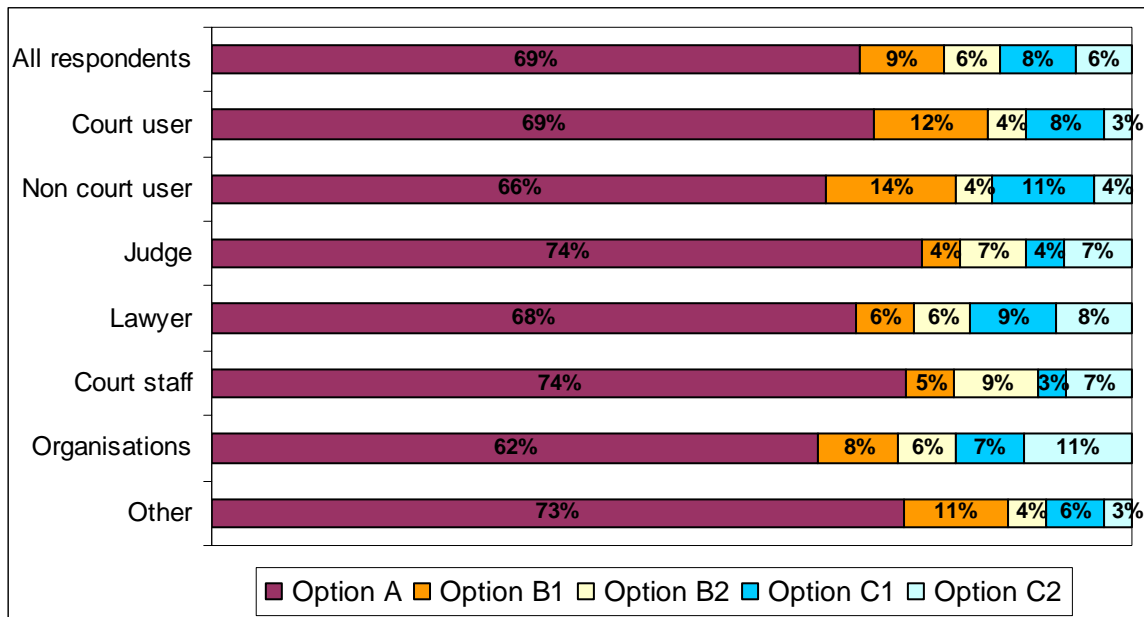
4 Preferred Working Dress Options

4.1 High Court judges

Over two-thirds (69%) of all respondents wanted to retain current court dress for High Court judges hearing criminal proceedings. This was significantly higher among the court staff who responded to the consultation and significantly lower for the organisations that responded.

Comparing the options with black robes (B1 and C1) and the options with red robes (B2 and C2), it is apparent that black robes were preferred by a slightly higher share of respondents overall. However this was not the case for judges and court staff who responded, where a higher proportion opted for the options with red robes.

Figure 7: Which option matches most closely what you think High Court judges hearing criminal proceedings should wear in England and Wales? (Chart excludes ‘don’t know’ / ‘not important’ / ‘not stated’ responses: 91 respondents / 3% in total)



4.1.1 Comments

Comments made in relation to the working dress of High Court judges are shown in Table 3 below. The total number of comments made by respondents choosing each option is shown at the bottom of the table as the base and the five most

popular topics mentioned for each option are shown ranked 1-5. Alongside this, the percentage of comments this represents for each option is in parentheses.

Table 3: Five most popular comments made in relation to each option for High Court judges in criminal proceedings

<i>(Column percentages)</i>	Option A	Option B	Option C
Should show the judge’s authority	1 (16%)	=3 (11%)	=5 (7%)
Should distinguish between officials in court	2 (13%)	=3 (11%)	=5 (7%)
Other option would be preferred			2 (16%)
Should be formal / solemn / dignified	=3 (11%)	2 (13%)	4 (8%)
Against bands / wing collars			3 (13%)
Retain tradition	=3 (11%)	=3 (11%)	
Against wigs			1 (25%)
In favour of wigs	5 (8%)	1 (22%)	
Base (all comments):	482	104	152

Option A – current dress

Respondents who opted to retain current dress (option A) most often commented that they felt the clothes worn rightly show the judge’s authority. Court users were even more likely to express this view than other respondents. The following quotations are indicative:

“High Court judges need some sort of stamp of authority.” (Non court users – option A)

“Judges should be seen as a figure of authority to be revered.” (Court user – option A)

At a practical level it was deemed important to differentiate between different officials within the court, and those who opted to retain current dress sometimes felt the alternative options risked confusion with barristers and others:

“The scarlet robe distinguishes the ‘red judge’ from the advocates present.” (Court user – option A)

“Option B1 or C1 would lead to confusion with barristers.” (Court user – option A)

Furthermore, the dress of the judge was felt to be key in setting an ‘appropriate’ atmosphere within the court. For most, this was regarded as an atmosphere that

was “solemn”; “formal”; “dignified”; and “intimidating” for some. The following comments are indicative of the views expressed:

“High Court judges hearing criminal proceedings are usually dealing with very serious matters. As such a court dress that reflects the solemnity of the court and the serious circumstances is essential.” (Organisation – option A)

“Formality of dress and the weight of tradition are a vital part of the atmosphere ... it should be a bit intimidating.” (Court user – option A)

Retention of tradition was felt to be desirable for its own sake and was given as justification for retaining current dress by non-court users in particular:

“[Court dress is] an item of our national tradition and culture that should be kept to celebrate our proud national heritage.” (Other respondent – option A)

“Elaborate court dress is one of the attractive traditions that make Great Britain unique and should be preserved.” (Non court user – option A)

Many respondents stressed their desire to retain the wearing of wigs for High Court judges. Not only was this linked to authority, it was seen as necessary to maintain anonymity, which was considered important for various reasons:

- To indicate the impartiality of the judge

“A wig concentrates attention on the judge as judge rather than on them as an individual with idiosyncrasies.” (Court user – option A)

- To aid security in terms of:

- De-personalising the decisions made by the judge
- Acting as a ‘disguise’ to avoid recognition of judges by defendants outside the courtroom

“The wig is essential for anonymity – not so easily recognised outside of court.” (Lawyer – option A)

- To act as a symbol of justice.

“Judges should be entitled to anonymity and respect as personifications of the justice of the Crown.” (Lawyer – option A)

The sentiment that to change the dress worn by High Court judges would be “*change for change’s sake*” was reiterated many times, and in particular by judges:

“If it’s not broken, don’t try to fix it!” (Option A)

Options B and C – changes to court dress

Interestingly the rationale for adopting a change in dress for High Court judges (options B or C) did not differ markedly. Similar considerations were taken into account whether the respondent ultimately preferred current dress or a change to that dress.

In terms of option B (simplified robes with a wig), reasons given mirrored to a large extent those given in relation to option A. Clearly the assessment of what constitutes ‘appropriate’ dress – even when defined broadly as “*formal*” or “*dignified*” differs. The following comments are indicative:

“Formal, not decorative.” (Organisation – option B)

“Sombre colours indicate these are serious proceedings.” (Court user – option B)

“Very plain and straightforward dress preserves the dignity of the role without making it look like a throwback to the 1700s.” (Non court user – option C)

What emerged as critical in differentiating between option B and option C was the view of the wig. Comments made most frequently mentioned the wig: 22% of respondents who opted for option B mentioned they supported retention of the wig, and 25% of those who opted for option C stated they were against the wig.

“I think black and wigs represent the solemnity of the duty of the judge.” (Court user – option B)

“I think in criminal jurisdiction judges should continue to wear wigs and be robed.” (Judge – option B)

“The wigs are an anachronism.” (Non court user – option C)

“I think the wigs are out of date but some dignity must remain so retain the robes.” (Other respondent – option C)

Respondents who selected option C were likely to prefer a simplification of aspects of dress in addition to removal of the wig. For instance, more than one in ten commented they would like bands and wing collars to be removed:

“Definitely no wig. The silly collars could go too.” (Non court user – option C)

“The most important reform is to do away with the uncomfortable and unnecessary wing collar and bands.” (Judge – option C)

Many respondents selected option C but commented that a different option to that depicted would be preferred – often a suit:

“Ties and suits in any material to suit taste and pocket of judge and to remove the 'Them and Us' feelings of some of the public. Swathes of silk are unnecessary.” (Judge – option C)

“I see no reason why a judge in any court cannot simply dress smartly – e.g. a suit, but not necessarily so formal. The uniform is an unnecessary barrier.” (Lawyer – option C)

“There needs to be some sort of court uniform but in my opinion it should have no obvious remnants of the past.” (Non court user – option C)

Red or black robes

Seventy-six comments were made in relation to the different colour options for the robes. These remarks usually described a preference for one colour over the other on aesthetic grounds:

“The simple black gown is very dull and from an aesthetic point of view the colourful dress looks better. It is useful to be able to distinguish between types of judges by the colour of their clothes.” (Lawyer – option A)

“The plain red makes the judge look like a member of the clergy.” (Court user – option A)

“The red is perhaps a little old fashioned: modern formal dress is usually black.” (Lawyer – option B)

Many respondents noted that black was more solemn and therefore in keeping with the tone of criminal proceedings:

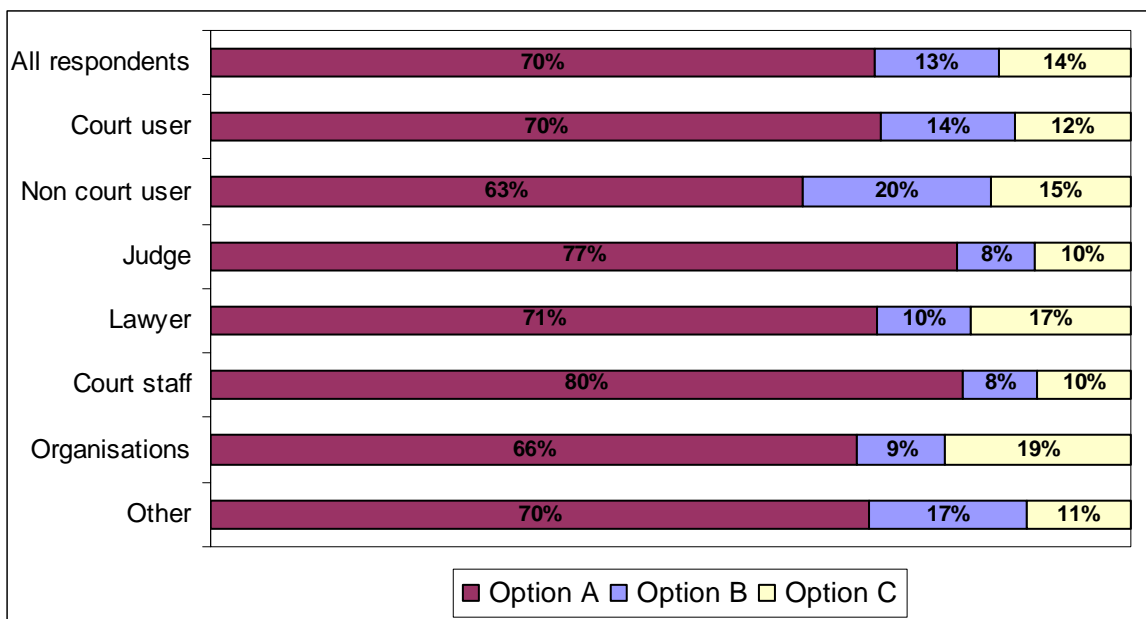
“I think the black robe is very appropriate as it conveys the gravity of the role of a judge.” (Court user – option C)

“Black seems more appropriate than red – red reminds me of festivities.” (Non court user – option C)

4.2 Circuit judges

Similar to the results for High Court judges, 70% of all respondents wanted to retain current court dress for Circuit judges hearing criminal proceedings. This was significantly higher among the judges and court staff who responded to the consultation.

Figure 8: Which option matches most closely what you think Circuit judges hearing criminal proceedings should wear in England and Wales? (Chart excludes ‘don’t know’ / ‘not important’ / ‘not stated’ responses: 96 respondents / 3% in total)



4.2.1 Comments

Comments made in relation to the working dress of Circuit judges in criminal proceedings are summarised in Table 4. The five most popular themes are shown, together with the percentage of all comments this represents for each option.

Table 4: Five most popular comments made in relation to each option for Circuit judges

<i>(Column percentages)</i>	Option A	Option B	Option C
Should distinguish between others inside (and outside) courts	1 (18%)	=2 (12%)	
Shows the judge's authority / status	2 (13%)	=1 (14%)	
Against wigs			1 (28%)
Has gravitas / commands respect for law	3 (10%)		
In favour of wigs	4 (9%)	=1 (14%)	
Against bands / wing collars			2 (20%)
Should be formal / solemn / dignified	5 (7%)	=2 (12%)	
Retain tradition		=2 (12%)	
Other option would be preferred			3 (12%)
Simplify robes			=4 (8%)
No need for special 'court dress'			=4 (8%)
Base (all comments):	301	42	50

Option A – current dress

Respondents who opted to retain current dress (option A) most often commented that the clothes worn should distinguish the judge – both from other officials within court and from others outside of court, such as clerics. In particular, comments made indicated a widespread belief that the other options presented could be confused with barristers and others within the court:

“Judges must be differentiated from advocates.” (Non court users – option A)

“The colour of the robes should set the judge apart from the advocates and others in the court and thus should not be changed.” (Other respondent – option A)

Reasons given by respondents who favoured the status quo for Circuit judges were similar to those given in relation to High Court judges. They felt it was appropriate for Circuit judges to wear clothes that set them apart and imbued them with authority, creating an atmosphere of formality:

“The current attire ... gives the court its proper formality and engenders respect.” (Non court user – option A)

“Wigs and gowns contribute to formality and dignity and should be retained.” (Judge – option A)

“The colour marks out the judge’s rank and unique position in court.”
 (Judge – option A)

Options B and C – changes to court dress

Respondents who favoured a switch from traditional coloured robes to all black robes (option B) again alluded to issues of respect and dignity; however the terms *“sober”* and *“professional”* were used more often to describe the dress. The retention of the wig was a key reason for the selection of option B.

Respondents who selected option C most often commented on their preference to see an end to the wearing of the wig. Some commented that they would actually prefer traditional coloured robes (as depicted in option A) with no wig. These people often called for an end to wing collars and bands also:

“Why can’t the judge wear option A without the wig?” (Court user – option C)

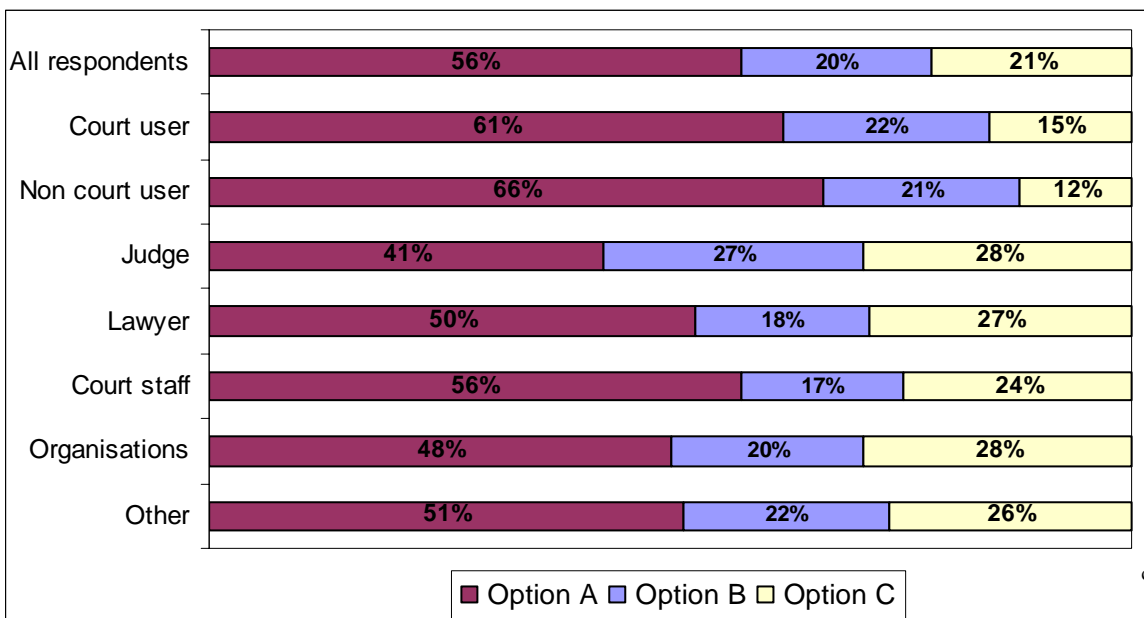
“Prefer a gown and no bands.” (Lawyer – option C)

“Do we really need winged collars and bands? They are not comfortable. There are better options.” (Judge – option C)

4.3 Judges hearing civil or family proceedings

A smaller majority (56%) of respondents overall opted for judges hearing civil or family proceedings to wear a wig and gown (option A). Members of the public, as opposed to those working in courts, showed stronger support for this option (Figure 9).

Figure 9: Which option matches most closely what you think judges hearing civil or family proceedings should wear in England and Wales? (Chart excludes ‘don’t know’ / ‘not important’ / ‘not stated’ responses: 89 respondents / 3% in total)



4.3.1 Comments

Comments made in relation to the working dress of judges hearing civil or family proceedings are summarised below. The five most popular topics mentioned in relation to each option are shown, with the percentage of all comments this represents in parentheses.

Table 5: Five most popular comments made in relation to each option for judges hearing civil or family proceedings

<i>(Column percentages)</i>	Option A	Option B	Option C
Favour different options for civil and family proceedings	1 (30%)	2 (12%)	1 (21%)
Should show the judge's authority / status	2 (10%)		
In favour of wigs	3 (9%)		
Against wigs		1 (23%)	4 (9%)
Should be formal / solemn / dignified	=4 (9%)	3 (9%)	
Has gravitas / commands respect for law	=4 (9%)		
Should be less formal		=4 (8%)	2 (15%)
Should not be intimidating		=4 (8%)	3 (13%)
Criticism of questionnaire combining civil and family proceedings			5 (7%)
Base (all comments):	211	130	121

A quarter of all the comments made criticised the grouping of civil and family proceedings in one question and expressed a preference for different forms of dress in different cases. This means that interpretation of the preferences expressed in the questionnaire should be treated with some caution. The following comments were typical:

“Different criteria apply to civil and family cases.” (Judge – can’t decide)

“I would draw a distinction between matters heard in private (such as family matters), where I believe option C is appropriate, and matters heard in open court, where I believe option B is appropriate (without bands).” (Lawyer – option C)

Generally where respondents wished to differentiate between civil and family cases, they favoured more “relaxed” or “informal” dress where children are involved:

“Simplicity of dress is more desirable in family hearings in order to make them more conciliatory.” (Other respondent – option A)

“Those in the family court are there without ‘fault’ – we should do what we can to allay apprehension and fear about being in court.” (Lawyer – option C)

Conversely, other respondents maintained that children actually expect and prefer judges to wear full court dress:

“I think a child in court expects a judge to look like a judge and will feel protected by that.” (Non court user – option A)

“I have experienced adoption proceedings where teenagers asked for the court to be robed to mark the importance of the occasion to them.” (Judge – option A)

Some respondents observed that many civil and family cases are currently heard in private / chambers, where court working dress is not worn, and this was supported by most.

Some respondents urged that judges should use their discretion to decide which clothes to wear for different types of civil and family cases. A minority noted this was current practice for family cases:

“Existing practice includes discretionary removal of robes / gowns in appropriate cases – e.g. family cases.” (Judge – option B)

Others called for this discretion to be extended to civil cases. For instance, some differentiated cases where there was a committal to custody:

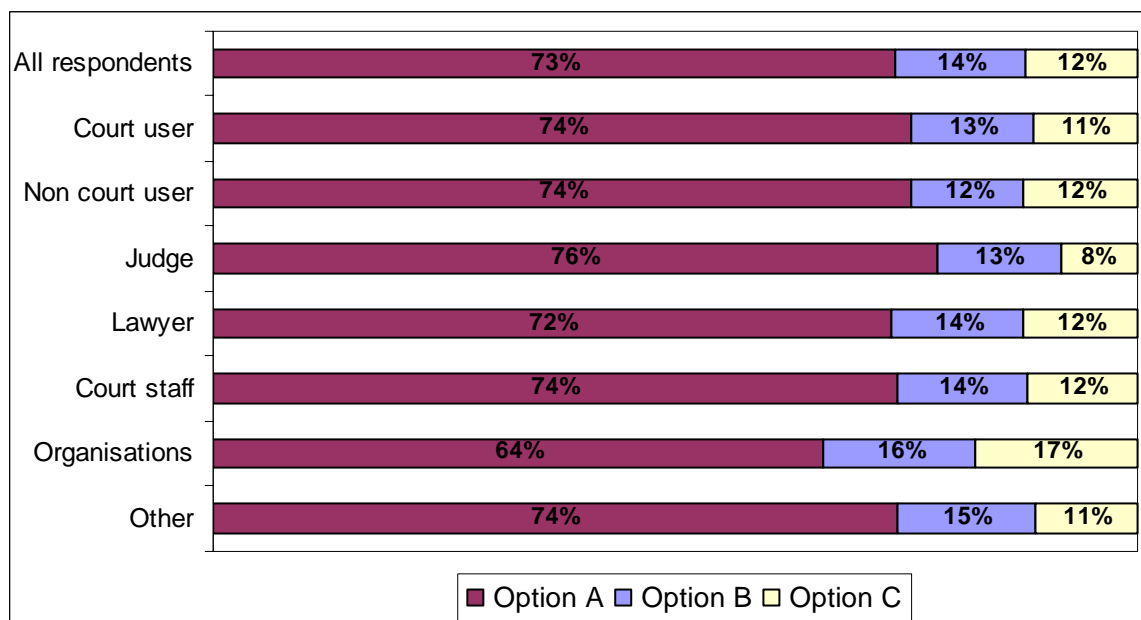
“I consider it more appropriate for only suits to be worn in family proceedings – save for committal proceedings.” (Lawyer – option C)

“For less grave occasions options B and C should be available for the judge to select in consultation with counsel.” (Organisation – option A)

4.4 Barristers and advocates taking part in criminal proceedings

Almost three-quarters (73%) of respondents overall wanted to retain current dress for barristers and other advocates taking part in criminal proceedings. There was little variation in the views of different types of respondents, although one-third (33%) of organisations supported change, which was significantly higher than other groups.

Figure 10: Which option matches most closely what you think barristers or other advocates taking part in criminal proceedings should wear in England and Wales? (Chart excludes ‘don’t know’ / ‘not important’ / ‘not stated’ responses: 46 respondents / 1% in total)



4.4.1 Comments

Comments made in relation to the working dress of barristers hearing criminal proceedings are summarised in Table 6. The five most popular topics mentioned are shown, alongside the percentage of all comments in relation to each option that represents. Four in ten comments made were from barristers and advocates.

Table 6: Five most popular comments made in relation to each option for barristers hearing criminal proceedings

(Column percentages)	Option A	Option B	Option C
In favour of wigs	1 (14%)		
Against wigs		1 (25%)	=1 (10%)
No need for any special dress			=1 (10%)
Has gravitas / commands respect for law	2 (11%)		
Comments about differences in dress between barristers and solicitor advocates		2 (16%)	5 (9%)
Gives anonymity / less ‘individual’	3 (11%)		
No wing collar / bands		3 (9%)	
Acts as a disguise to protect identity	4 (9%)		
Need to look different from others in court		4 (8%)	=1 (10%)
Should show responsibility / status	5 (7%)		
Need to update the dress		5 (7%)	=1 (10%)
Base (all comments):	560	92	69

Option A – current dress

Respondents who opted to retain current dress (option A) often made comments stressing their preference to retain the wig for advocates in criminal cases. Reasons for this mirrored those given to justify the wig for judges. For instance:

- To appear authoritative:

“Reflects the seriousness of the situation and adds an air of authority to the barrister.” (Court user – option A)

- To appear less ‘individual’:

“Wigs and robes prevent the fickle jury from sub-consciously making decisions based on the cut of counsel’s suit or the style of his hair – robed counsel are equals.” (Court user – option A)

- To act as a disguise, for protection:

“The wig affords a measure of protection to barristers from the unwanted attentions of disaffected court users, their families and friends et al. It does this by providing a degree of anonymity.” (Option A)

- As a symbol of status and responsibility:

“I feel, as a young female practitioner, that they reassure clients that I have the requisite qualifications to act for them.” (Lawyer – option A)

“I don’t think one should discount the enhanced feeling of duty to the court and to justice that comes from dressing for the occasion.” (Lawyer – option A)

Options B and C – changes to court dress

Respondents who favoured removal of the wig and alternative dress, whether robes only (option B) or a dark suit (option C), made comments that showed a preference for simplification. These people often considered wigs, wing collars and bands unnecessary. The following comments made are illustrative:

“A gown to separate from the rest of the court. No wig though – that makes them aloof from the jury.” (Court user – option B)

“On balance the wigs now alienate more people than they impress.” (Lawyer – option B)

“I would actually favour a simple black gown, no wig and no bands.”
(Lawyer – option C)

The need to appear distinct from others in court, and in particular from the judge, was an important consideration for many:

“I believe that wearing a suit will help differentiate barristers from judges while still keeping their look professional.” (Non court user – option C)

“Gown and wig outdated, plus arguably desirable to distinguish the advocates from the judge.” (Lawyer – option C)

Parity of dress between barristers and solicitor advocates

More than one in ten of all comments made in response to this question alluded to current differences in dress between barristers and solicitor advocates. Regardless of which option was selected, many respondents chose to air their views on either:

- A preference for consistency in dress; or
- A preference to preserve the current differentiation in dress.

Whilst there were 58 comments calling for parity of dress, 27 respondents called for retention of the distinction between barristers and solicitor advocates.

Examples of the types of arguments made for parity of dress are presented below:

“I am very firmly of the view that solicitor advocates are treated by judges and barristers very differently than wig wearing members of the Bar. Members of the public often think we are court ushers as we dress the same. There must be parity of dress.” (Lawyer – option A)

“Wigs for non-barrister advocates would prevent any misunderstanding on their client’s part that their representation is of another quality.”
(Lawyer – option A)

“There is no good reason for the current discriminatory practice.”
(Lawyer – option A)

In contrast, comments in relation to retaining a distinction between barristers and solicitor advocates included:

“Solicitor advocates should not wear wigs. If wearing a wig is important to them then they should study for the degree of barrister ... A client will

only feel at a disadvantage if his advocate ... is poor.” (Lawyer – option A)

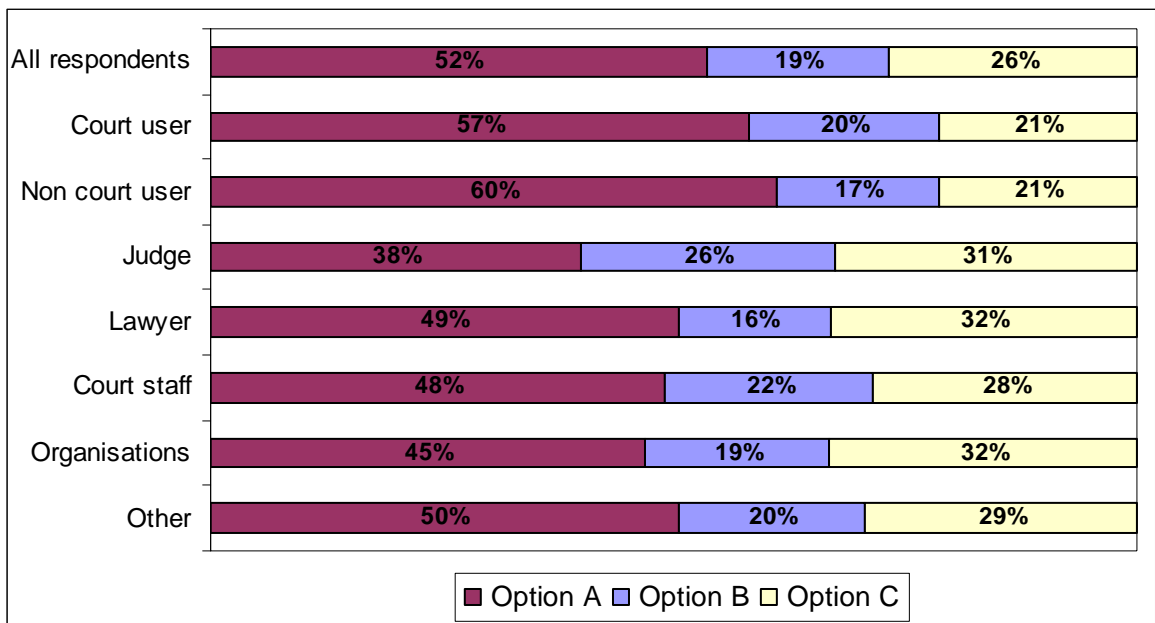
“Option A should be retained for all barristers, option C should apply for all other advocates.” (Organisation – option A)

“Solicitors must not wear wigs – they are not equal.” (Lawyer – option A)

4.5 Barristers and advocates taking part in civil or family proceedings

A lower share of all respondents (52%) supported the wearing of wigs and gowns for barristers and other advocates taking part in civil and family proceedings. Support for option A was higher among members of the public, as opposed to those working in courts. Less than half of judges, lawyers and court staff supported this option.

Figure 11: Which option matches most closely what you think barristers or other advocates taking part in civil or family proceedings should wear in England and Wales? (Chart excludes ‘don’t know’ / ‘not important’ / ‘not stated’ responses: 78 respondents / 2% in total)



4.5.1 Comments

Comments made in relation to the working dress of barristers hearing civil and family proceedings are summarised in Table 7, which shows the five most popular topics mentioned in relation to each dress option.

Table 7: Five most popular comments made in relation to each option for barristers hearing civil and family proceedings

<i>(Column percentages)</i>	Option A	Option B	Option C
Different dress for different types of cases	1 (38%)	1 (30%)	1 (20%)
In favour of wigs	2 (10%)		
Against wigs		2 (16%)	=2 (8%)
Comments about differences in dress between barristers and solicitor advocates	3 (6%)		
Need to look different from others in court	=4 (5%)	3 (7%)	5 (7%)
Should be less formal / intimidating		=4 (6%)	=2 (8%)
Has gravitas / commands respect for law	=4 (5%)		
Need to update the dress			=2 (8%)
Against wing collar / bands		=4 (5%)	
Base (all comments):	188	69	85

In response to this question, one-third of all respondents chose to comment on the need for different forms of dress for different cases – civil and family.

Commonly, respondents who selected option A urged more relaxed dress for family cases:

“Civil robed, family unrobed.” (Lawyer – option A)

“The presence of children would make full robes and wigs inappropriate. Such decisions should be made at the time and at the individual’s discretion.” (Non-court user – option A)

“Option A for the more legally important, complex cases; option C for remainder and family cases involving children.” (Organisation – option A)

Likewise, respondents who selected option B often commented that they favoured a suit for family cases:

“There is a case for ‘C’ in family matters, save for enforcement proceedings – i.e. injunctions and committals.” (Judge – option B)

Conversely, where respondents selected option C they sometimes commented that they favoured robes for more serious civil proceedings:

“I do however consider that full court dress should be worn in committal proceedings, to emphasise the seriousness of the occasion, where up to two years’ imprisonment could be imposed.” (Lawyer – option C)

“There is no justification for the retention of robes in most civil and family cases. The exceptions are: a) civil jury trials and b) civil contempt proceedings.” (Lawyer – option C)

Option A

Respondents who were in favour of current dress – wig and robes – cited the need to appear authoritative and distinct from others in the court.

“The need to focus on solemnity and the giving of truthful evidence is as important here as in a criminal trial.” (Judge – option A)

“A wig for all judges and advocates would provide consistency of dress and appearance and assist public recognition of advocates without confusion arising from differential dress codes.” (Lawyer – option A)

“The wig and gown assist clients in identifying who the various parties are and also ensure that a sense of occasion is maintained.” (Lawyer – option A)

Options B and C

Respondents who favoured either option B or C believed there was no purpose in retaining the wig. Preferences for court dress were dictated by a perceived need to be “*formal*” and “*professional*” and be easily recognised:

“I am opposed to the idea of retaining wigs. They are anachronistic, uncomfortable and serve no useful purpose.” (Lawyer – option B)

“I support the maintenance of some formality in civil cases.” (Lawyer – option B)

“Responsibility and professionalism are well represented by this look.” (Non-court user – option B)

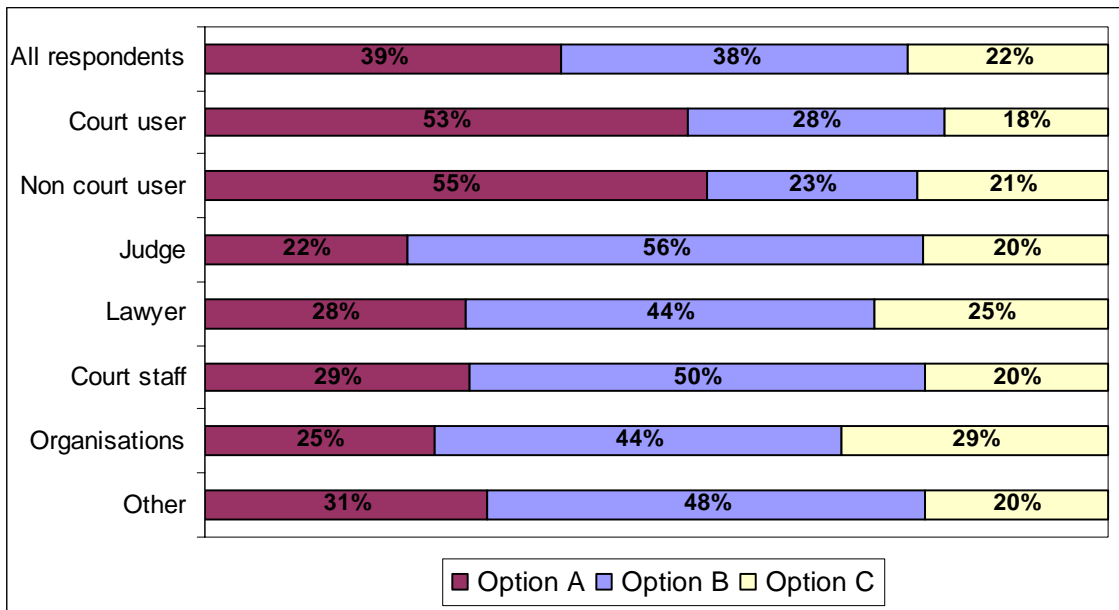
“We aim to provide a modern, professional service, and we should be dressed in a modern, professional way when providing that service.” (Lawyer – option C)

4.6 Court clerks

Overall, just over one-third of respondents supported a wig and robe (option A) for court clerks. A similar proportion supported a robe only (option B). In terms of the preference for a dark suit (option C) there was some variation between

different respondents. Compared with the 22% in favour overall, fewer court users and more lawyers and organisations were in favour of option C.

Figure 12: Which option matches most closely what you think court clerks should wear in England and Wales? (Chart excludes ‘don’t know’ / ‘not important’ / ‘not stated’ responses: 60 respondents / 2% in total)



4.6.1 Comments

There were fewer comments made in relation to the working dress of court clerks than other officials. These are again summarised in the table below. The five most popular topics mentioned in relation to each option are shown, with the percentage of all comments this represents in parentheses.

Table 8: Five most popular comments made in relation to each option for court clerks

	Option A	Option B	Option C
Should be formal / solemn / dignified	1 (20%)	4 (6%)	
Other option would be better			1 (15%)
Need to look different from others in court	2 (18%)	1 (33%)	=3 (8%)
Against wigs		2 (21%)	=3 (8%)
No need for special 'court dress'			2 (12%)
Different dress for different types of cases	3 (12%)	=5 (6%)	
Should look 'user friendly'			=3 (8%)
Should show their authority / status	4 (10%)	3 (8%)	
Has gravitas / commands respect for law	5 (8%)		
Against wing collar / bands		=5 (6%)	
Base (all comments):	60	160	52

Options A and B - current dress

Respondents who favoured option A or option B for court clerks made similar comments. The most popular comments were that the wearing of a robe (and wig) is rightly formal and in keeping with the solemnity of court proceedings:

“Court proceedings should have a significant air of formality. This should extend to court staff.” (Lawyer – option A)

“Court clerks as servants of the Crown and qualified professionals should have the dignity of traditional dress.” (Court user – option A)

“In criminal proceedings the gravity of the situation must be shown in the dress worn and the current formal style is most suited to such situations.” (Non court user – option A)

“They need to be easily identified and respected.” (Organisation – option B)

“Some degree of formality is called for.” (Lawyer – option B)

Another common remark was that current dress asserts authority and commands respect:

“The court clerk performs a very important role in criminal proceedings and should be given the authority of a uniform.” (Lawyer – option B)

“They should wear the wig and gown to reflect their fundamental importance to the court system and to preserve their anonymity.” (Court user – option A)

At a practical level, traditional attire was seen to serve to distinguish court clerks and make them instantly recognisable by members of the public:

“Option A ensures they are clearly identifiable as court officials.” (Court users – option A)

However some who favoured option B considered the wig inappropriate for a court clerk precisely because of potential confusion with other court officials:

“A wig does not appear necessary, and may lead to confusion on the part of court users.” (Lawyer – option B)

Others who were against wigs for court clerks considered them a status symbol that was not befitting:

“No wig necessary as these people are impartial observers and recorders of information.” (Court user – option B)

“I do not feel that the clerk of the court, unless a qualified lawyer, should wear [a wig], especially as under the present rules, solicitor advocates cannot do so.” (Court users – option B)

Many respondents observed that the current practice of clerks wearing wigs only in certain circumstances should be continued:

“Clerks should continue to wear wigs when a High Court judge is sitting and not wear them when a Circuit judge is sitting.” (Lawyer – option A)

“Court clerks sitting before judges other than High Court judges need not wear wigs.” (Other respondent – option B)

Option C– changes to current dress

Respondents who favoured a dark suit (option C) commented that it was unnecessary for court clerks to wear robes. There were calls for clerks to appear up-to-date, “*approachable*” and “*business like*”, and to be distinguished from advocates:

“They are out-dated and do nothing to engender respect or aid identification. I get mistaken for a barrister and find a name badge a far better way to ensure court users know who I am.” (Court staff – option C)

“The clerk is the mediator between the court and the people. It is therefore important that they should be approachable.” (Other respondent – option C)

“Gowns confuse them with barristers.” (Court user – option C)

A high proportion of comments from respondents who selected option C called for an alternative option to those depicted – some sort of uniform with name badge:

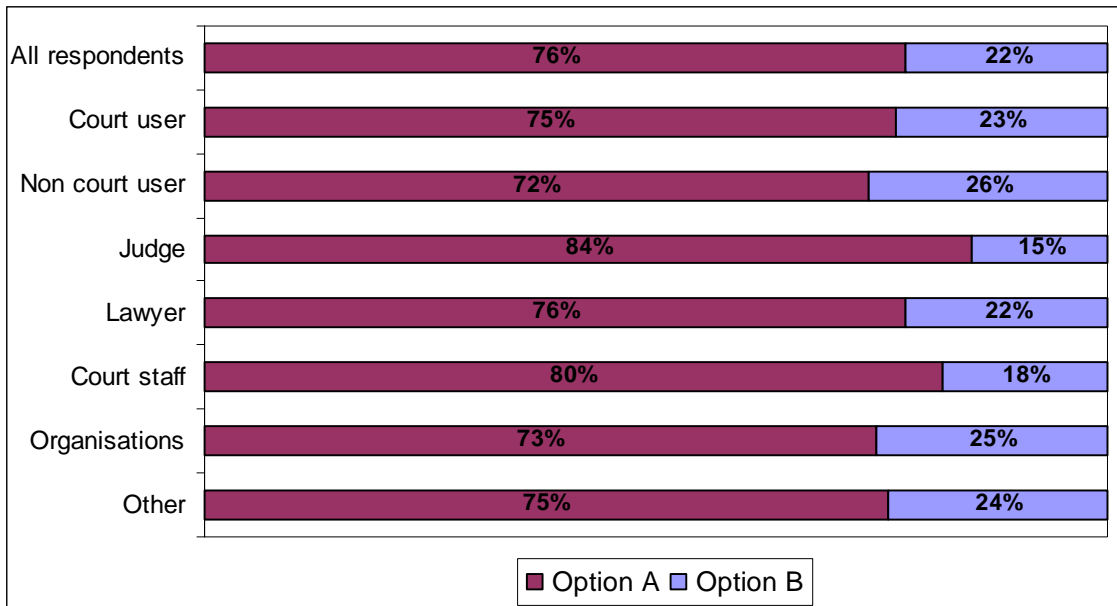
“I think these uniforms should identify the clerk as a member of the court – perhaps a badge or patterned shirt.” (Non court user – option C)

“A suit and badge would suffice.” (Organisation – option C)

4.7 Court ushers

Just over three quarters (76%) of all respondents wanted to retain current dress for court ushers. Analysed by different types of respondents, support for current dress was significantly higher among judges (84%).

Figure 13: Which option matches most closely what you think court ushers should wear in England and Wales? (Chart excludes ‘don’t know’ / ‘not important’ / ‘not stated’ responses: 62 respondents / 2% in total)



4.7.1 Comments

Comments made in relation to the working dress of court ushers are summarised in Table 9. The five most popular topics mentioned in relation to each option are shown, together with the percentage of all comments that represents.

Table 9: Five most popular comments made in relation to each option for court ushers

	Option A	Option B
Need to look different from others in court	1 (69%)	1 (25%)
Should show their authority and encourage cooperation	2 (10%)	=3 (7%)
No need for special ‘court dress’		2 (11%)
Has gravitas / commands respect for law	3 (5%)	
Should look approachable		=3 (7%)
Should be formal / solemn / dignified	4 (4%)	=3 (7%)
Need to look different from people outside courts	5 (2%)	
Base (all comments):	250	28

Option A – current dress

Two-thirds of all comments made described a need for court ushers to be easily identifiable by members of the public.

“I believe that it is particularly important for all court ushers, regardless of the jurisdiction, to be easily identifiable to all court users.” (Court staff – option A)

“The gown makes this person recognisable from the rest of the suits on the day.” (Court user – option A)

“The court usher is the link between the court and the witnesses and jurors. He/she should be gowned to indicate his/her status and to emphasise that he/she is an essential part of the criminal process.” (Judge – option A)

Robes were also considered a way to show ushers’ authority – thereby facilitating the smooth running of proceedings.

“The gown is a good reminder that these people are servants of the court who should not be abused or mistreated.” (Lawyer – option A)

“A court uniform of some sort identifies the usher, allows him or her to command a degree of respect and therefore to more easily control the court.” (Organisation – option A)

Option B – changes to current dress

There were few comments made in relation to changing court working dress for ushers. The need to easily identify ushers from members of the public was again the most common observation; however these respondents tended to consider robes to be inappropriate:

“A court usher badge is probably sufficient and is less confusing for some members of the public who think that ushers are legally trained.”
(Lawyer – option B)

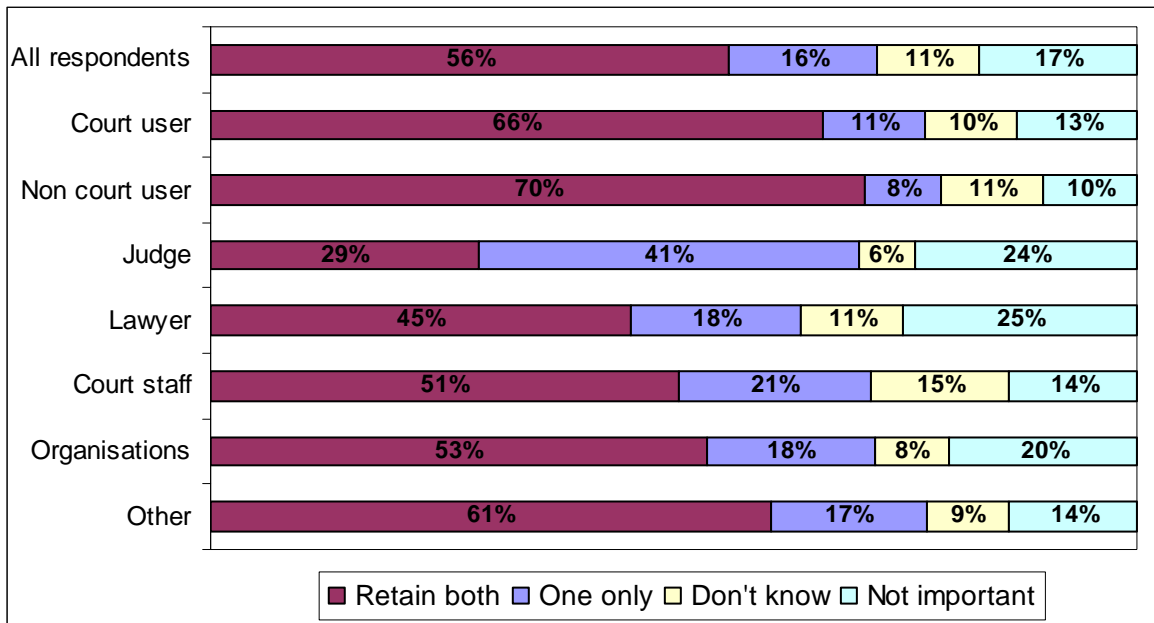
“As mediators between the world of the court and the general populace, they should be less formal than lawyers and judges.” (Other respondents – option B)

4.8 Summer and winter dress

When asked whether they felt there was a need to retain both summer and winter forms of court working dress, over half (56%) of all respondents felt there was. However there was considerable variation between different types of respondents. Seventy percent of non court users wanted to retain both summer and winter dress, whilst just 29% of judges wanted to retain both.

The preference to retain one form of dress only was a minority response, except among respondents who were judges. For all respondents however, a relatively large share believed that having seasonal dress was unimportant or felt unable to respond to the question.

Figure 14: *Do you think that there is a requirement to retain both summer and winter forms of court working dress; or would one form suffice?*



4.8.1 Comments

Comments made go some way to explaining the relatively high share of respondents who felt unable to answer the question. Most comments (made by almost one in five respondents) stated they were unaware of any seasonal differentiation in court dress:

“I was unaware that there were two forms of working court dress at the moment.” (Court staff – retain summer form only)

“I didn't know there was a difference. However if courts are air conditioned then I don't see a need to change.” (Court user – not sure)

“I wasn't aware there were summer and winter forms.” (Lawyer – retain both)

“I am aware of no difference in the Crown Court. I would make no change elsewhere.” (Organisation – not important)

The diversity of options selected by the respondents quoted above shows the somewhat arbitrary preferences expressed in the questionnaire. Comments made in relation to this question provide useful additional insight into respondents’ views; the five most popular comments are shown in Table 10.

Table 10: Five most popular comments made in relation to summer and winter dress

<i>(Column percentages)</i>	Comments
Not aware of seasonal dress	1 (17%)
Unnecessary as courts have air conditioning / heating	2 (12%)
Retain one type only (either summer or winter)	3 (12%)
Seasonal dress to suit the season / weather should apply	4 (9%)
Dress should be comfortable	5 (8%)
Base (all comments):	310

Around a quarter of comments made were from respondents who felt that seasonal dress was unnecessary and that one form would suffice. The justification for this was that courts have modern temperature control facilities – air conditioning / central heating.

“If it is a modern heated and air conditioned building should it matter?”
(Court user – not important)

“If the court heating / air conditioning system works properly then the indoor temperature should be reasonably constant.” (Judge – retain summer form only)

“The uniform should be comfortable and suitable for indoor work whatever the season.” (Court user – not important)

“Keep one form but I do not have a view as to which.” (Lawyer – not important)

In contrast, around one in ten respondents who chose to comment expressed a preference for two types of court working dress, on the basis that it is necessary to account for variations in season and climate. A few respondents expressly noted that not all courts have effective temperature control facilities.

“Different weather requires different dress.” (Non court users – retain both)

“It seems obvious that both are required in line with seasonal climate change.” (Organisation – retain both)

“Many court buildings are not so well air conditioned that the same dress could be worn comfortably all year round.” (Court user – retain both)

5 Overall Perceptions of Courts

5.1 Perceptions of courts in England and Wales

Respondents were presented with a list of words and asked to select three that they would use to describe how they view courts in England and Wales.

Responses are shown in Table 11.

Table 11: Select 3 words that most appropriately describe how you view the courts (shows total percentage stating each word)

	All respondents %	Court user %	Non court user %	Judge %	Lawyer %	Court staff %	Organisations %
Formal	69	68	73	63	71	55	70
Traditional	64	69	75	43	52	69	62
Fair	63	61	61	82	73	41	56
Efficient	30	27	30	38	25	39	25
Accessible	29	25	21	34	33	34	33
Intimidating	17	20	21	6	15	10	22
User-friendly	13	10	3	11	12	37	15
Modern	6	5	3	5	9	4	8
Unapproachable	6	8	8	2	6	2	8
Not stated	6	7	3	16	4	9	1
Base:	3,398	498	966	308	812	445	212

Over half of all respondents chose *formal* (69%); *traditional* (64%); and *fair* (63%). However, there were significant differences between the words most commonly chosen by different types of respondents. Compared with respondents overall:

- **Judges** were:
 - more likely to describe courts as *fair* and *efficient*
 - less likely to describe courts as *traditional*.
- **Court staff** were:
 - more likely to describe courts as *user-friendly* and *efficient*

- less likely to describe courts as *formal*.
- **Non court users** were:
 - more likely to describe courts as *traditional*
 - less likely to describe courts as *user friendly*.

5.2 Overall views on the modernisation of court dress

In order to gauge general support for change to working court dress, respondents were asked to rate how modern or traditional² they felt court dress was, as it currently stands, and then how modern or traditional they would like court working dress to be, using the same scale.

Table 12: How modern or traditional do you believe court working dress is in England & Wales?

	Traditional						Modern
	1 %	2 %	3 %	4 %	5 %	6 %	7 %
All respondents	55	30	9	4	1	<1	1
Court user	54	29	10	6	1	<1	<1
Non court user	60	27	8	4	1	<1	1
Judge	55	33	8	2	1	-	<1
Lawyer	49	31	12	5	1	<1	2
Court staff	59	29	8	3	2	-	<1
Organisations	55	31	10	3	-	1	<1
Other	45	37	11	5	1	1	1

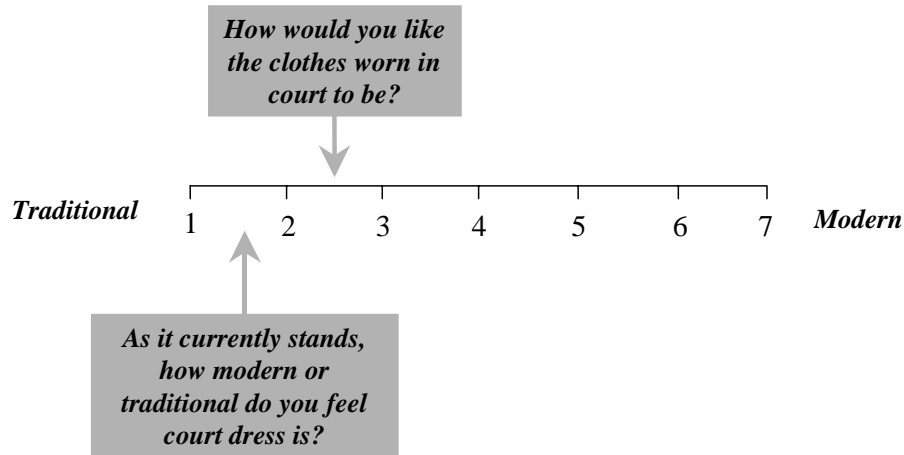
Table 13: How modern or traditional would you like court working dress to be?

	Traditional						Modern
	1 %	2 %	3 %	4 %	5 %	6 %	7 %
All respondents	42	22	12	9	6	4	5
Court user	46	23	11	7	5	4	4
Non court user	52	19	10	7	5	3	5
Judge	30	27	19	12	6	3	4
Lawyer	32	24	13	12	7	6	6
Court staff	46	22	11	6	6	4	4
Organisations	34	23	11	11	10	6	6
Other	37	24	17	13	4	2	3

² On a 7-point scale, where 1 is traditional and 7 is modern.

Overall, the average (mean) rating given for current dress was 1.7 – indicating that most people perceived current dress as traditional. The average (mean) rating given for how respondents would like the clothes worn to be was 2.5.

Figure 17: Average ratings for court working dress (all respondents)



A summary of the general comments made overall is included in Table 10 below. It shows that 71% of comments urged no change to current dress. Conversely, 11% of comments supported minor change to current dress (for instance loss of wigs / bands); and 5% supported wholesale modernisation.

Table 14: Summary of general comments made overall

<i>(Column percentage)</i>	General comments
Do not change	71%
Minor change to court dress (e.g. wigs / bands)	11%
Modernise courts in ways other than through court dress	6%
Modernise court dress	5%
Miscellaneous comments	6%
Base (all comments):	3,139

Comments: against modernisation

Around 3% of the general comments made by respondents criticised the traditional / modern dichotomy presented in the questionnaire and showed a degree of discomfort in supporting ‘modern’ court dress, which was commonly interpreted as synonymous with ‘casual’ and ‘informal’:

“‘Casual’ is the word I would use rather than ‘modern’.” (Court staff)

“The court is not supposed to be an informal place ...” (Lawyer)

A selection of quotations is presented which contextualise the responses to this question.

“The consultation does not ask any question regarding the definition of ‘modern’, and appears to proceed on the basis of a dualistic argument between ‘modern’ and ‘traditional’. It is possible to be both modern and traditional at the same time, and any new dress code which is established will become traditional in due course.” (Lawyer)

“Whether court dress is modern or traditional is neither here nor there ... The issue is whether it is practical and does it serve the purpose intended.” (Lawyer)

“No attempt is made to explain what is meant by ‘modern’. Does it extend to punk and orange dyed hair or is it meant to involve a minimum degree of formality? But if so, what degree?” (Judge)

Further comments made showed that some respondents equated a change in court dress with ‘dressing down’. In turn, “*informal*” or “*casual*” attire was associated with declining standards and therefore retention of current dress was considered necessary to maintain professionalism and public confidence:

“The seriousness of law should never be undermined by comfort, as it has in America.” (Organisations)

“A more casual look will only lead to a casual, and not always efficient, way of dealing with customers.” (Court staff)

“I am fed up with the ‘dumbing down’ in the UK.” (Court user)

“I personally believe that a court official dressed in traditional attire inspires more confidence in the public than an official who is not.” (Non court user)

Comments: in favour of modernisation

Around 5% of respondents explicitly stated they were in favour of more ‘modern’ court dress. Comments made avoided intellectual arguments over definitions of ‘traditional’ and ‘modern’ and rather stressed the practical aspects of the uniform, as illustrated below:

- Comfort:

“Comfort is essential and dressing up serves no useful purpose.” (Judge)

“I suggest a zip-up gown along the lines of existing gowns worn by such judges but with a velcro fastened stock rather than wing collar (outmoded and uncomfortable) and bands (cannot be easily laundered).” (Judge)

- Expense:

“I think that the wig should be done away with as soon as possible. It is impractical, expensive and hot to wear.” (Organisation)

- Practicalities of transporting and wearing robes:

“Robes are uncomfortable to wear, particularly in the summer, and a burden to carry to distant courts.” (Lawyer)

“... from a practical point of view it is inconvenient trailing the things on and off trains around the country.” (Lawyer)

“[Court working dress] adds time and delay for those who have to wear it and to the expense of users including the State. Some extra space / facilities at courts ... would be available by the closure of robing rooms.” (Organisation)

- Laundering:

“All this should be scrapped completely. All judges and counsel should wear is a simple easily fastened black robe which is machine washable.” (Judge)

In addition to practical considerations, respondents in favour of modernisation perceived traditional dress to be outdated. Wigs and wing collars, in particular, were singled out as being “*anachronistic*”:

“Wing collars and bands are an historical anachronism. A simple unisex gown that covers one's ordinary clothes, including the collar and tie in the case of males, is all that is required.” (Judge)

“I think that bands and wigs are outdated and archaic and should therefore no longer be worn.” (Lawyer)

The view that court working dress should be updated was supported by a belief that current dress is actually damaging to perceptions of the justice system:

“Using modern dress will do more to improve people’s perception of the courts than any other innovation. It will reinforce the concept of fairness and judgment by peers, rather than the elitist and anachronistic impression it gives now.” (Judge)

“The period court dress as it is today is out of touch with the 21st Century ... The usual wig and gown worn by judges, barristers and other officers of the court is intimidating and out of touch and unapproachable for defendants and members of the general public.” (Non court user)

“The public perception in my view is that the justice system is seen to be out of touch with reality and managed by stuffy superior people.” (Court user)

6 Comparison with Public Opinion Survey

Comparing the responses to the consultation with those from the public opinion survey that was carried out to be representative of the population of England and Wales, there were significant differences across all types of court officials.

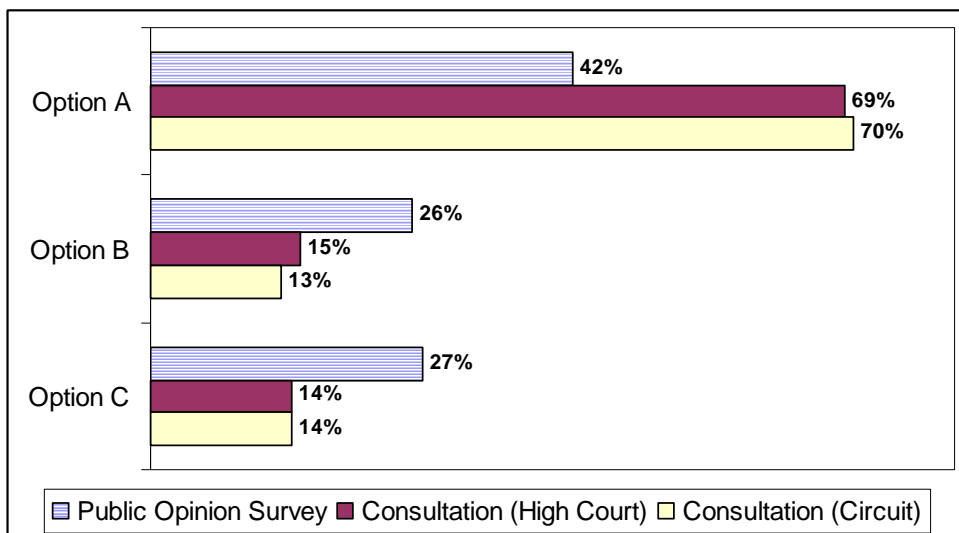
In every case, the proportion of respondents that supported option A was higher for responses to the consultation than the public opinion survey. These differences were statistically significant.

6.1 Criminal judges

The questionnaire used for the consultation included two questions about judges hearing criminal proceedings: one in relation to High Court judges and the other in relation to Circuit judges. The responses were consistent however, with 69% and 70% of respondents respectively opting to retain current dress (option A).

In the public opinion survey, respondents were asked just one question relating to ‘criminal judges’ generically. Figure 16 shows that less than half (42%) of respondents opted to retain current dress.

Figure 17: Comparison of preferred options for criminal judges



The views of members of the public (court users and non court users) who responded to the consultation were in line with other respondents to the consultation. However, their views were significantly different to those of court users and non-court users who were included in the public opinion survey (see Table 15).

In both cases, more court users were in favour of retaining current dress than non court users. However those who responded to the consultation were significantly less open to change.

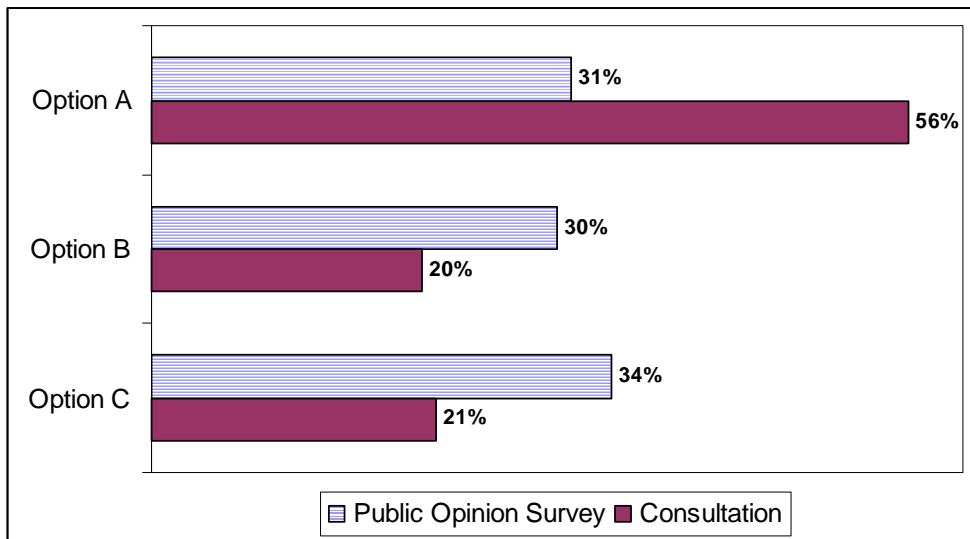
Table 15: Comparison of responses from court users and non court users: preferred options for criminal judges

	Court users			Non-court users		
	Consultation		Public opinion survey	Consultation		Public opinion survey
	High Court %	Circuit %		High Court %	Circuit %	
Option A	69	70	47	66	63	40
Option B	16	14	22	18	20	27
Option C	11	12	24	14	15	28
Base:	498		506	966		1,571

6.2 Civil / family judges

Almost two-thirds (64%) of respondents in the public opinion survey supported change in the clothes worn by ‘civil judges’. However, the majority (56%) of responses to the consultation opted for retention of current dress for ‘judges hearing civil or family proceedings’.

Figure 18: Comparison of preferred options for civil / family judges



Among responses to the consultation, those from members of the public showed that support for current dress was even stronger: 61% of court users and 66% of non court users opted for option A (see Table 16).

Table 16: Comparison of responses from court users and non court users: preferred options for civil / family judges

	Court users		Non-court users	
	Consultation %	Public opinion survey %	Consultation %	Public opinion survey %
Option A	61	31	66	31
Option B	22	27	21	31
Option C	15	36	12	34
Base:	498	506	966	1,571

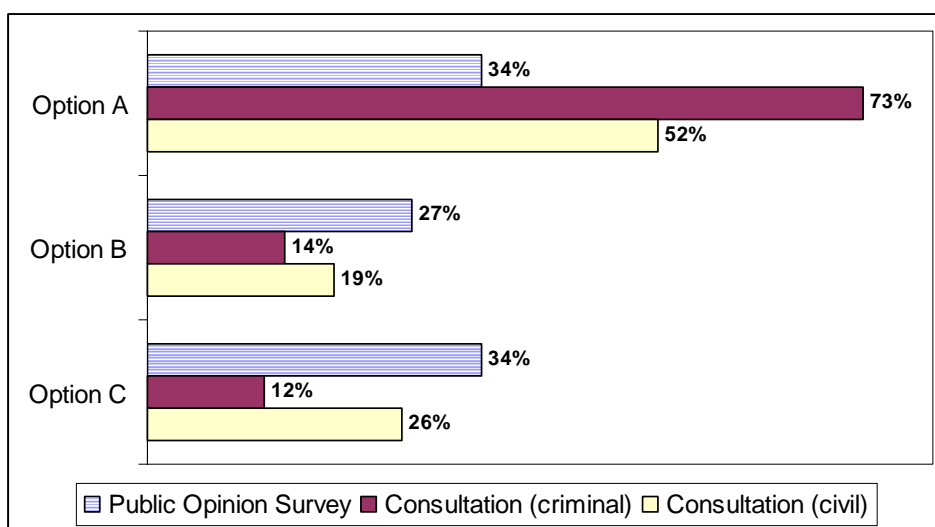
6.3 Advocates

Whilst the public opinion survey asked respondents for their preferred dress option for ‘barristers’ overall, the questionnaire used in the consultation posed the question in relation to ‘barristers or other advocates taking part in criminal proceedings’ and those ‘taking part in civil or family proceedings’ separately.

Figure 19 shows that there were significant differences in the share of respondents who would like to retain current dress. In particular there was:

- Stronger support for retaining current dress among respondents to the consultation; and
- Stronger support for retaining current dress for advocates in criminal proceedings compared with civil / family proceedings (among respondents to the consultation).

Figure 19: Comparison of preferred options for advocates



Consistent with other questions, the preferences of court users and non court users differed between the consultation and the public opinion survey, with respondents to the consultation more in favour of current dress.

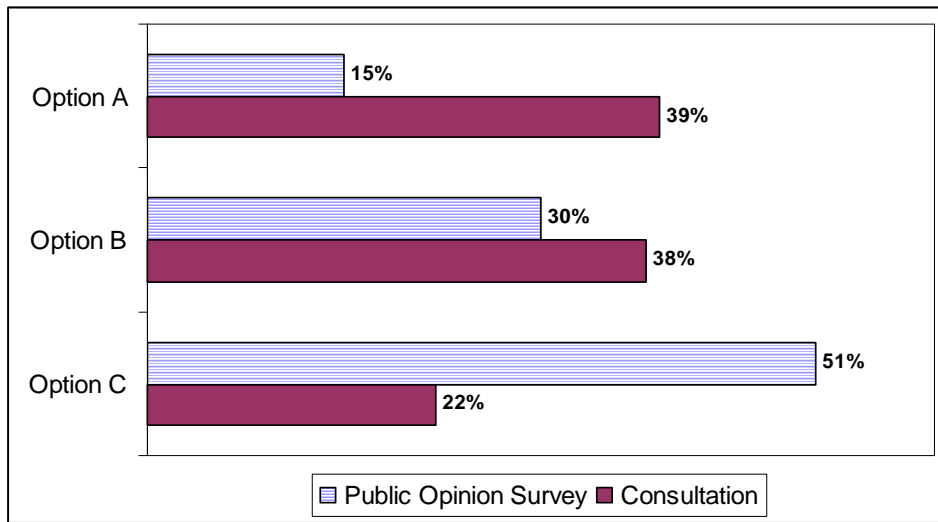
Table 17: Comparison of responses from court users and non court users: preferred options for barristers and other advocates

	Court users			Non-court users		
	Criminal %	Civil / family %	Public opinion survey %	Criminal %	Civil / family %	Public opinion survey %
Option A	74	57	37	74	60	33
Option B	13	20	25	12	17	28
Option C	11	21	32	12	21	35
Base:	498		506	966		1,571

6.4 Court clerks

The share of respondents who opted for option A was lower for court clerks than for other court officials; however once again respondents to the consultation were less supportive of change than respondents to the public opinion survey (Figure 20).

Figure 20: Comparison of preferred options for court clerks



Compared with court professionals and other stakeholders who responded to the consultation, members of the public who responded to the consultation were less in favour of change. Therefore, when compared with people who were interviewed for the public opinion survey, their views are even more disparate (Table 18). Whilst over half of members of the public who responded to the consultation were in favour of retaining current dress for court clerks, this was the view of just over one in ten respondents to the public opinion survey.

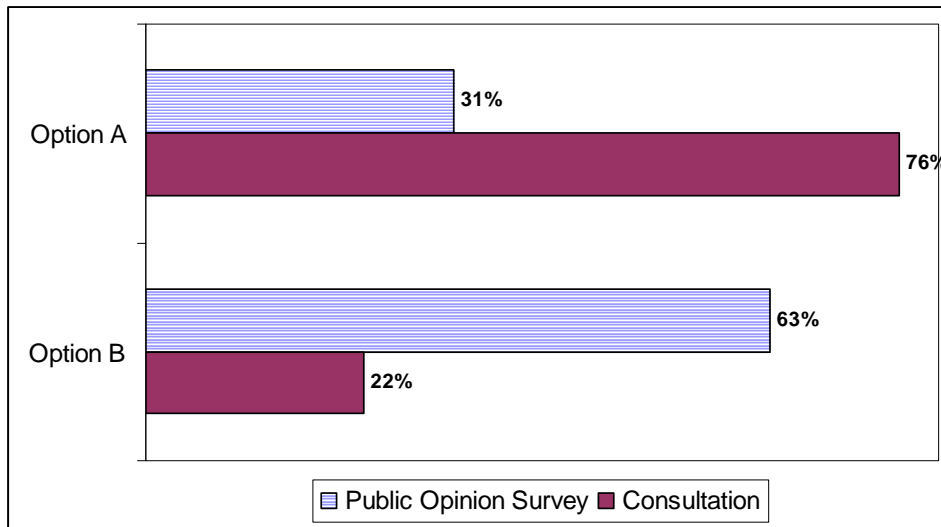
Table 18: Comparison of responses from court users and non court users: preferred options for court clerks

	Court users		Non-court users	
	Consultation %	Public opinion survey %	Consultation %	Public opinion survey %
Option A	53	14	55	15
Option B	28	32	23	29
Option C	18	48	21	52
Base:	498	506	966	1,571

6.5 Court ushers

The differences of opinion expressed in relation to preferred dress for court ushers were similar to those for other court officials. Whilst less than one-third (31%) of respondents to the public opinion survey favoured retaining current dress, this was 76% of respondents to the consultation.

Figure 21: Comparison of preferred options for court ushers



Comparing the responses of court users and non court users from the consultation and public opinion survey respectively, people who have used a court within the past two years were relatively more in favour of current dress than those who have not used a court during the past two years. Nonetheless, respondents to the public opinion survey consistently showed more enthusiasm for change (Table 19).

Table 19: Comparison of responses from court users and non court users: preferred options for court ushers

	Court users		Non-court users	
	Consultation %	Public opinion survey %	Consultation %	Public opinion survey %
Option A	75	40	72	29
Option B	23	52	26	66
Base:	498	506	966	1,571

6.6 Perceptions of courts in England and Wales

When presented with a list of words and asked to pick the three that best described their perception of the courts in England & Wales, there was significant variation between the words most commonly chosen in the public opinion survey and those selected by respondents to the consultation (Figure 22).