

Statement5224



Judicial Conduct
Investigations Office

JCIO 52/24

STATEMENT

Date: 03 October 2024

STATEMENT FROM THE JUDICIAL CONDUCT
INVESTIGATIONS OFFICE

His Honour Judge (HHJ) Martin Davis

A spokesperson for the Judicial Conduct Investigations Office said:

“The Lady Chief Justice, with the Lord Chancellor’s agreement, has issued His Honour Judge (HHJ) Martin Davis with formal advice for misconduct.

Facts

The Guide to Judicial Conduct reminds judicial office-holders to be courteous and to respect the dignity of all. It also reminds them to treat others fairly and respectfully, be mindful of their authority, and aware of how their words and behaviour can affect others.

A complaint was made about HHJ Davis by a member of court staff. She made numerous allegations, primarily that he made overfamiliar and inappropriate comments while they worked together, which made her uncomfortable.

HHJ Davis’ representations

HHJ Davis denied the allegations. He claimed the complainant had misremembered or misrepresented his words. He explained that he takes an interest in his colleagues, with whom he enjoys conversations and has built positive relationships. However, upon reflection, he had learned to be more careful when sharing personal anecdotes and views and to always have regard to the powerful position he holds.

Investigating judge’s findings

Following an investigation carried out under the Judicial Conduct (Judicial and other office holders) Rules 2014, the investigating judge found that the majority of the allegations were not established. However, she found that HHJ Davis inappropriately and unnecessarily shared his strongly held moral beliefs with the complainant, a female member of staff who was subordinate to him, and therefore unable to object to

anything said, and who did not know him. He was overfamiliar in his conversations with her, for example through his ill-judged use of humour and excessive sharing of personal anecdotes. This was intended to be friendly but made the complainant uncomfortable. He was not sufficiently mindful of his position of authority and did not consider the effect of his words and behaviour on the complainant. He therefore did not treat her with respect.

In recommending a formal warning, the investigating judge considered the fact that HHJ Davis is an experienced office-holder who should have been mindful of his position of authority. Furthermore, while he had shown insight and reflection, he had not offered an apology.

Decision

Having considered the investigating judge's findings and the mitigation offered by HHJ Davis, the Lady Chief Justice and Lord Chancellor determined that the issue of formal advice, rather than a formal warning, was appropriate. A sanction of formal advice was more consistent with the findings made. In reaching their decision, they took into consideration that HHJ Davis did not intend to cause offence or discomfort to the complainant, and that he in fact intended to be friendly and approachable. They agreed with the investigating judge that the misconduct was at the lower end of seriousness. They also noted that the matter related to a brief period and that HHJ Davis had an unblemished record.”

ENDS

Notes for Editors

Media queries in relation to the JCIO should be made in the first instance to the Judicial Press Office - telephone 020 7073 4852 or via email - press.enquiries@judiciary.gsi.gov.uk (<mailto:press.enquiries@judiciary.gsi.gov.uk>)

Sanctions for misconduct by judicial office-holders are set out in the Constitutional Reform Act 2005. They are, in order of severity: formal advice, formal warning, reprimand and removal from office.

For more information about the Office, including details on how to make a complaint against a judicial office holder, you can visit the JCIO website at: [Judicial Conduct Investigations website](http://www.complaints.judicialconduct.gov.uk) (<https://www.complaints.judicialconduct.gov.uk>)