



**Judicial Appointments & Conduct
Ombudsman**

Postal Area 9.53
9th Floor, The Tower
102 Petty France
London
SW1H 9AJ

DX 152380 Westminster 8
T 020 3334 2901

www.judicialombudsman.gov.uk

Our ref: 15-2415

Mr Mark Anthony Taylor
Kalamata, Billington Lane
Derrington
Stafford
ST18 9LR

mark.anthony.taylor@gmail.com

11 May 2016

Dear Mr Taylor

Your correspondence dated 28 April 2016

I have received your letter of 28 April 2016 which raises a number of issues; chief among these is your concern that neither the Judicial Conduct Investigations Office (JCIO) nor my office obtained a transcript of the hearing of your claim against the CEO of Deutsche Bank and others, when we investigated your complaints.

My remit, as set out in the Constitutional Reform Act 2005 allows me to consider whether a first tier body, in this case the JCIO, has properly investigated a complaint of misconduct against a judicial office holder. If I believed that there were any failings in the JCIO investigation or its findings I can set aside the decision and require a re-investigation of the complaint.

Having considered your complaint I concluded that although there were some minor failings in the JCIO's communication with you, it had properly investigated and dismissed your complaint in accordance with legislation and guidance.

The majority of your complaint to the JCIO concerned judicial decisions and judicial case management which did not raise an issue of misconduct. These were dismissed without further investigation in accordance with Rule 21(b) of the disciplinary rules. Claimants who believe that their court proceedings have been unfairly considered and decided by the court can often use the appellate route to seek a remedy for any perceived failing. I understand that you have already done so. Complainants cannot use the disciplinary process to challenge judicial decisions.

Your complaint that the Judge patronised you was dismissed by the JCIO under Rule 21(f) because, even if the Judge had spoken as you claim this could not amount to misconduct. The JCIO found that your complaint that the Judge was politically biased was not supported by any evidence and was dismissed under Rule 21(a) on the grounds that it was not properly particularised to enable an investigation to take place.

I was content that the JCIO was not required to obtain a transcript or to listen to a recording of the hearing because it had established that there was nothing further to investigate.

My role was not to re-investigate the original complaint but to consider whether it was properly investigated by the JCIO. My investigating officer Mr Rose could not obtain a transcript of your hearing as this would be acting outside remit. His investigation was limited to a review of the process followed by the JCIO. Since the JCIO did not consider this material he could not do so. I note your observations about the time that has elapsed since you sued Deutsche Bank in February 2015. I identified a number of minor concerns in the JCIO's process, including delay but did not conclude that this amounted to maladministration. I have no reason to alter this view. It is also the case that it can take a number of months to investigate complaints made to this office. I do not believe that the time taken was unreasonable and Mr Rose kept you updated regularly throughout the investigation process.

In my investigation I considered whether the JCIO should have obtained a transcript of the hearing. You have suggested that this was necessary to look into your allegations of bias. However it is clear that the allegation was that the Judge had been biased in his consideration of the evidence and his determination of the claim. This is something that the JCIO cannot do as it is specifically required to dismiss complaints that are solely about judicial decisions and judicial case management.

As you are aware I was content that the JCIO had followed a proper process and was not required to obtain a transcript or recording of the hearing.

I previously concluded that there was no evidence of maladministration in the JCIO's investigation. I have no reason to alter this view, and I cannot agree with your comments on Ms Murrell's actions; nor is there any substance to your concerns about Mr Rose's actions.

I appreciate that it has been difficult to act as a litigant in person, and that you feel justice has eluded you in the courts; however, I can assist you no further. I am content that my decision not to uphold your complaint is soundly based and I will not revoke it. I must conclude matters and now inform you that any further correspondence on this subject will be filed without acknowledgement.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Paul Kernaghan', written over a large, faint, circular watermark or stamp.

Paul Kernaghan CBE