

Master Harvey

Master King's Bench & Appeals (High Court)

Appointed 21 September 2022

Professional background

Master Harvey was educated at St Columb's College, Derry. He holds an LLB Honours degree in Law and Politics from Queen's University Belfast and qualified as a Solicitor in 2002. He was a Law Society accredited Solicitor Advocate and holds a Postgraduate Certificate in Health and Social Care Management from the University of Ulster. He worked in private practice for several years before joining the Directorate of Legal Services (DLS) in 2009. From 2013-2016 he was seconded to the role of Head of Counter Fraud and Probity for the Health Service and went on to become Assistant Chief Legal Advisor in DLS in 2018. He was a member of the management board and Vice-Chair of the Clinical Negligence Practitioners Group. In April 2022 he was appointed as a legal member to the Troubles Victim's Payment Board before being sworn in as a High Court Master in September 2022.

What attracted you to apply for a position in the judicial office?

Having worked in both the private and public sectors as a solicitor and in a leadership/management role for some years, I wanted a change. I have always enjoyed taking on new challenges, working in areas I feel passionate about and in positions that I can make a real difference. I had enormous respect for my predecessor in my current role in the High Court and having regularly appeared in his court and worked with him on various committees it gave me some insight into the breadth of the role. When the advertisement was issued, having recently been successfully appointed to a fee paid judicial role through a separate NIJAC process, it gave me the confidence to apply.

What is a typical day like as a Master and what does the Master of King's Bench and Appeals do?

No two days are the same. A typical day starts the night before; reading papers, checking emails and getting organised for the day ahead. For more complex cases, the hearing bundle can often run to several hundreds of pages, including written submissions and authorities which you must get to grips with in advance. Each morning, the priority is preparation for the day ahead including reading any last minute material which may have been submitted by the parties or late applications.

Although it can vary at times, a typical week as King's Bench Master runs roughly as follows; interlocutory hearings are usually listed Monday to Wednesday. This includes complex commercial actions, legacy matters and defamation claims. I also hear assessments of damages claims under Order 37 with no monetary limit where appeal lies directly to the Court of Appeal. I deal with the case management of all clinical negligence claims which are generally listed for review on a Wednesday afternoon and all day on a Thursday (although I tend to hear them on other days also). Friday mornings vary but include hearing the undefended divorces list and the busy summons court, followed by writing up decisions in cases which may have been reserved and then preparing for the week ahead.

One thing you quickly discover is that the role is so much more than what appears in the court list. On a daily basis, emails are voluminous with various requests from the legal representatives including proposed directions, requests for extensions of time, disputes arising between parties and other matters requiring attention. I also deal with ex-parte applications on an almost daily basis and approve payment out requests as I am responsible for the supervision of minor's funds in court. In the larger fund cases, this requires a case conference with the legal representatives and families along with appropriate experts.

I am a member of six different committees which meet periodically and require preparation and follow up actions, including the shadow civil justice council. I also chair the council subcommittee on preaction protocols. I regularly attend CPD events and occasionally speak at conferences. As with the other Masters, I sit as vacation Master during recess periods, covering other divisions in the High Court. I have additional duties of a quasi-judicial and judicial nature under the Criminal Appeals (NI) Act 1980 and the Criminal Appeals (NI) Rules 1968 and sit as a member of the Crown Court Rules Committee. I am also Registrar of Deed Polls and Bills of Sale.

How challenging is your work?

There are challenges on a daily basis as technical legal points or disputes can arise in any case, often during a hearing, meaning you must stay sharp, composed, and exercise sound judgment. The legal representatives are obviously skilled at presenting compelling arguments and it is undoubtedly a challenge to listen to lengthy submissions and then give ex-tempore decisions on important issues under time pressure. It is sometimes necessary to reserve your decision to be delivered on another day or there may be the need for a written judgment which is time consuming. It is important to remember that ultimately someone is going to leave court disappointed, but at the very least they are entitled to expect that their case was dealt with fairly, promptly and a decision made which was clearly and decisively communicated.

Which aspects of your professional experience as a Solicitor and in other roles have proven most useful when carrying out judicial duties?

Prior to taking up this judicial role, my previous job was in an environment that was high volume and fast paced, with the added pressure of constrained resources. I was required to advise clients, think strategically, build networks and manage staff while also seeing the bigger picture in terms of political and media scrutiny. My current role has some similarities in terms of the qualities required as well as the demands and intensity of the work. The experience of having been a solicitor, dealing with a wide variety of legal issues in diverse areas throughout my career, including complex litigation such as clinical negligence was a good grounding to equip me with the skills needed to deal with the technical aspects of the job. Having worked in several senior management roles running various complex service areas, has proved useful in the King's Bench Division which is an extremely busy environment and requires strategic, leadership and organisational skills as well as working collaboratively as part of a wider team including the court staff. In many ways there is a need to take a businesslike approach to judicial case management as it is vital in ensuring things run as efficiently and effectively as possible.

Is the job what you imagined it would be?

It is even more varied than I imagined but overall it has not disappointed and is really enjoyable. No one can hand you a manual before you start on how to do the job. You inevitably have to learn as you go and develop your knowledge and experience. It would be impossible to envisage every scenario in advance of taking up post, but the information issued by NIJAC as part of the application pack was a huge help. On taking up the post the support on hand from the dedicated court staff and wise counsel from the Presider and my fellow Masters has been invaluable.

With the luxury of hindsight is there anything you wish you had known before applying?

I took on the role knowing it would be very demanding and I don't feel there have been any surprises. I recall someone telling me doom and gloom stories that being a Judge is isolating and lonely. I have not found that to be the case at all and thoroughly enjoy the job. There are seven Masters in the High Court and I find the atmosphere very collegiate. We meet regularly both formally and socially. From a pastoral perspective, the presider Master Kelly is incredibly supportive. I have also found the office of the LCJ, court staff and IT support all really helpful and deal with issues promptly even when under pressure themselves. The judicial intranet and the resources available online are of assistance in helping you to carry out your duties. Moreover, the Judicial Studies Board run helpful training events to keep us all updated on legal developments and there is a genuine focus on judicial wellbeing.

What would you say to prospective applicants for a judicial role?

I would recommend that before applying, research the role or gain experience perhaps by seeking a fee paid/part time role as legal member of a panel or similar and give the process of actually applying for a judicial post a try. The recruitment process is daunting and incredibly challenging. There are many practitioners out there who may not have entertained applying to the judiciary and sadly sell themselves short. Many of them are highly talented and skilled lawyers and people of integrity, common sense and sound judgment who would thrive in the judiciary but perhaps see it as beyond them. Nothing could be further from the truth. There is a lot to be said for focusing on doing a good job in your current role, build your knowledge and experience, attend CPD events, join relevant committees in your area of interest, apply to legal panels, be patient and when an opportunity arises that you are interested in, go for it. The work NIJAC has done in changing the demographic in the judiciary mean it is more diverse than ever before and there is no barrier to applicants. The NIJAC staff do a fantastic job in making an undoubtedly challenging process run very smoothly for all applicants.

Would you say it is conducive to a good work life balance?

For the most part it is. While at times the demands can be considerable, the control you have over your diary and the listing of cases helps if, like me, you have a young family or unforeseen life events arise. The key is to be organised and plan your working week in advance as much as possible, but it is important to make time for exercise or hobbies away from the day job. Recess periods help to catch up on emails, write up reserved judgments and allow time to take leave in order to recharge the batteries. It is also a time which corresponds with the school holidays which helps with family life.