

Interview with Judge Burgess, Recorder of Belfast

(source The Writ (October 2006 edition) – reproduced with the kind permission of the Law Society and His Honour Judge Burgess).

NOTE – Judge Burgess retired as Recorder of Belfast in September 2012.

Appointment

Judge Burgess was appointed county court judge in 1992. He was the first Northern Ireland solicitor to be appointed to this position. In fact it is understood he was the first in the whole of Ireland and he may have been the first judge to have been appointed without prior experience of criminal practice.



He became Recorder of Londonderry and in 2005 he was appointed Recorder of Belfast.

He qualified in the mid 1960s and was apprenticed to his father Alexander G Burgess. In the early 1970s he joined Tughan & Co as a partner and headed their commercial and company law department – an area of law in which he increasingly specialized.

What attracted you to this post?

I had been a deputy county court judge (sitting part-time) but regularly on civil work for a couple of years, so I had a fair idea of the judicial function. The decision to accept full-time appointment and to give up other plans, which were at an exciting stage, was frankly a difficult one. But I have absolutely no regrets about my choice, and I am delighted also that we now have three other solicitor colleagues: Judge Derek Rodgers, Judge David McFarland and Judge Philip Babington serving with such distinction on the County Court Bench.

Is the job what you imagined it to be?

My time in the North West was invaluable and extremely enjoyable. It was the Division in which I settled down to the job, learning much about the responsibilities (also the rewards) of managing a diverse caseload covering civil litigation of all types, as well as criminal, family and licensing work.

The position of Recorder of Belfast has always tended to be regarded de facto as distinctive, if only because the amount of work transacted in Belfast has historically made it the busiest court venue.

In April 2006, however, a new dimension was added to my role with my appointment as Presiding Judge with responsibility for the County Courts. This was part of the restructuring of responsibilities for judicial business under the Justice Act 2004, with presiding judges appointed at each court tier accountable overall to the Lord Chief Justice.

Describe a typical day or week in your post

The practical outworkings of all this is that, I remain responsible for the administration of the county court work in Belfast specifically, but I am also responsible for the delivery of an efficient and timely disposal of the work of the County Courts across Northern Ireland. This involves working with my colleagues to ensure the best allocation of judicial resources, but also to develop good, standardised and consistent working practices and protocols aimed at managing cases from an early stage to hearing or trial.

I have other responsibilities in terms of sitting on Committees and chairing the County Court Rules Committee. I also have responsibility for working with the Court Service in the running of the Laganside Courts Complex, and chair the Users' Committee comprising a wide range of users of the court building and the court system.

What part of the job gives you the most satisfaction?

No matter how important efficient case management and technical aids are to the job, judicial work will always be fundamentally a people business. The intellectual challenge and stimulation are rewarding.

While achieving an efficient service will always bring a proper sense of satisfaction, the real work as a Judge is, that this must always be conducted at a human level. There is nothing as sobering but at the same time rewarding as discharging, to the best of your ability, responsibilities which you know have a significant impact on the present and future lives of others, victims and defendants, many being vulnerable human beings. This applies whether you are dealing with a finely-balanced question of guilt or innocence, length of custodial sentence, or the emotional devastation of a family break-up and determining the arrangements for children.

What is your view of a judicial career?

A judicial career will not be for everyone. Like any job it has its fulfillments and frustrations. But I am an enthusiast by nature, and I think that there has never been a more propitious time for solicitors to consider this as a serious career option. The fact that solicitors are now eligible statutorily for all judicial posts is important and welcome but is only part of the picture.

We also have young people, female and male, of ability and tremendous potential joining the solicitors' ranks, and a Judicial Appointments Commission which is keen to explore ways of maximising the attraction of able candidates.

My last word of advice and encouragement to any solicitor would be – if you get a chance to serve in a judicial capacity, whether full or part-time, take it! The prospect may be a little scary, but you never know where you may end up.