

# THE NATURE OF THE ROLE OF A HIGH COURT JUDGE

1. The full complement of High Court Judges in Northern Ireland is ten. Normally, the deployment of these judges is as follows:
  - (a) There is a Senior Queen's Bench judge who has responsibility for organising the work of the Queen's Bench Division.
  - (b) Family Division: one judge.
  - (c) Judicial Review Court: one judge.
  - (d) Commercial List: one judge.
  - (e) Chancery Division: one judge.
  - (f) Crown Court: one judge.
  - (g) The unassigned judges are deployed according to the requirements of the various Courts and Divisions.
2. It is also possible for a High Court judge to be assigned to hearings in the Court of Appeal. Once again, this is a matter for the discretion of the Lord Chief Justice.
3. The volume of work for every High Court Judge is fairly constant. There is business to be transacted in every Division of the High Court and the Crown Court daily. This includes the Bail Court. Under present arrangements, those bail cases which appear in the High Court lists are mainly appeals from the decisions of District Judges refusing bail.
4. Self-evidently, advance reading, the hearing of cases and the preparation of judgments is the stock in trade of every High Court judge. There are, however, other responsibilities. High Court Judges must serve on committees, be prepared to write and deliver legal papers, engage in sundry activities such as moots involving second level school pupils or law students and assist senior judges and the Lord Chief Justice in other matters. These may include contributions to the programme of continuing education in which judges are constantly involved. The modern High Court Judge also has increasing administrative responsibilities. In the main, these revolve around trial progress and court lists. In every Division, these responsibilities are most evident in review hearings, case management hearings and associated orders and directions. Responsibilities of this kind are also reflected in the paper workload of the judge. A High Court Judge will be expected to make use of technology both in chambers and in court. A High Court Judge is expected to check their judicial email inbox regularly, and communicate with judicial colleagues and others by email. Moreover, in every case, it is essential for the judge to approve the final order of the court, a responsibility which can involve drafting and redrafting.

5. As this is a small jurisdiction, there is limited scope for specialisation amongst High Court Judges. Members of the High Court Bench must be prepared to work in all Divisions, including the Crown Court. While this is undoubtedly demanding, it nonetheless provides much stimulation and a range of challenges, intellectual and otherwise.
6. Any High Court Judges assigned to the Crown Court conduct those trials (both jury and non-jury) selected by the Lord Chief Justice as appropriate. All remaining Crown Court business is conducted by County Court judges. Every judge of the High Court is liable to be assigned to conduct a Crown Court trial from time to time. It is possible for approximately four High Court Judges to be assigned to Crown Court trials at any given time. Such trials typically involve the most serious charges – such as murder, manslaughter, serious fraud and major terrorism offences.
7. Unquestionably, there is a substantial difference between non-jury litigation and cases involving juries. In the High Court in practical terms, a jury will feature only in defamation actions. The present arrangements for the active and intense judicial management of defamation cases have resulted in the expeditious resolution of a substantial percentage of these. In the present climate, a contested jury hearing in the High Court is a rarity.
8. This stands in marked contrast with the Crown Court, where most cases are tried with a jury. This provides a very different challenge for the presiding judge. Matters of jury selection and the handling and supervision of jury members generally lie within the superintendence of the presiding judge. It is essential to be alert to the needs and requirements of the jury at all times. Thus proactive intervention in matters such as the presentation of evidence and the preparation and dissemination of items of documentary evidence is necessary. Summing up a case to the jury at the conclusion of the trial presents its own particular challenge. It requires intensive reflection and meticulous preparation by the judge. In many cases, a summing up will encompass detailed and complex legal directions.
9. In the sphere of criminal trials, there have been many changes during recent years, largely as a result of concentrated legislative activity on the part of Parliament. Many of the relevant statutes have significantly reformed the law of evidence. Furthermore, these reforming statutes have themselves been the subject of subsequent modification and amendment. It is the responsibility of the judge to be fully conversant with the current state of the law relating to such matters as the admissibility of hearsay evidence, special measures for vulnerable witnesses, the reception of bad character evidence, the relevance of venue and the impact of an accused person's decision to say nothing of substance during police interviews and to decline to testify at the trial. In these and related matters, there is something of a legal minefield, requiring the most diligent application and attention on the part of the presiding judge.
10. The sentencing of a person found guilty is another particular responsibility of the High Court Judge assigned to try serious criminal cases. Sentencing is an onerous task, requiring detailed and thoughtful reflection, infused with humility and an appropriate measure of compassion. As a result of intense legislative

activity during recent years, the exercise of sentencing a guilty defendant has become progressively intricate and complex, demanding of the presiding judge the most careful research and preparation, coupled with the responsibility of being fully conversant with periodic statutory reforms and changes. The judge must also be conversant with the relevant decided cases, in particular the so-called “guidelines” judgments of the Court of Appeal. The judge will be assisted by the Judicial Studies Board in this and other areas through its training programme.

11. In this jurisdiction, every High Court Judge is a member of a small team. It is essential to be a good team player. The necessary attributes include a willingness to assist fellow judges and the active maintenance of team morale. This extends to external activities such as extra-judicial engagements at seminars and like matters.
12. Bearing in mind that judges are appointed to serve the public – they are public servants in the true sense - the public *visage* of the modern judiciary is of ever-increasing importance. This requires the highest standards of conduct on the part of High Court Judges, in both professional and private life. Another aspect of this is the need to be acutely aware of who is present in the courtroom at any given time. The judge is not simply addressing an audience of lawyers or litigants, victims or witnesses. Frequently, the audience will be altogether broader and may include academics, law students, schoolteachers and schoolchildren, representatives of the press and others. In criminal cases, large groups of family members may gather, in circumstances where heightened sensitivities and emotions may be prevalent. The ability to address everyone in the courtroom, whether directly or indirectly, is a vital attribute. Communication skills are obviously of great importance and these skills must include the careful and tactful selection of words on all occasions. These skills are also a matter of great significance in the compilation of legal rulings and judgments. Constant discretion, restraint and tact are essential attributes.
13. Fundamentally, the modern High Court Judge is appointed to an office which, while imposing heavy responsibilities, is a challenging, stimulating and rewarding one.