

Her Honour Judge McCaffrey

County Court Judge

Appointed 5 September 2016

Professional Background

Her Honour Judge McCaffrey was admitted as a solicitor in Northern Ireland in 1984 and in the Republic of Ireland in 2002. She is a graduate of Queen's University, Belfast and the College of Europe, Bruges.

From June 2007 to February 2013 Judge McCaffrey was a member of the Law Society Council, where she chaired the Law Reform Committee, the Access to Justice Committee and the Non-Contentious Business Committee.

Judge McCaffrey's most recent role was as a full time Employment Judge in the Industrial Tribunals and Fair Employment Tribunal (ITFET), which she held from March 2013 to September 2016. While in practice as a solicitor, she had served as a part-time Employment Judge from 1998.

What attracted you to apply for the role?

The challenge of doing something different! I had worked in general practice for 30 years, focussing on non-contentious business and for the last 20 years, I had built up our employment law practice. It was an opportunity to update and expand my knowledge of other areas of the law.

What is a typical day as a County Court Judge?

I don't think there is a typical day. The days can be long, you have to be prepared to travel to any venue that you are sent to within Northern Ireland, so you can be leaving home early. A big percentage of our work is criminal trials so before you go into court to start or resume a trial at about 10:30 in the morning, you will spend time dealing with sentencing matters and case management for future trials. The trial usually will run from about 10.30am until 4pm or shortly after that.

There is the work in court but there is also the work outside of court. You will hear legal applications in the course of the trial and you may spend time preparing rulings for those, or perhaps preparing sentencing remarks for a different case. Towards the end of trial you have quite a lot of work to do drafting the summing up – when you prepare a summary of all the evidence and directions on the law to the jury. This is a big part of our work because some trials can run for a number of weeks so when you are summing up, the jury will need a recap of the evidence and you need to summarise that for them. It all takes time and you need to be prepared to work in the evenings and at weekends to get the work done.

I also do family care work, which involves reading detailed reports from the parties and experts and that is time consuming, but must be done to prepare properly for the hearing.

What are the biggest challenges you face in the role?

On one hand you can have really happy occasions, like making final adoption orders, when you have the opportunity to see children with their new families. On the other hand you have the cases where you have to decide whether to make an order for children to be removed from their parents for the children's safety and these are fraught with emotion.

Moreover, in criminal cases, there will be times when there is no question that a person should go to prison, the only issue is for how long. In other cases, sentencing can be particularly difficult because the decision whether to send someone to prison can be less clear and you need to strike the right balance between punishment and encouraging the person not to re-offend.

Which aspects of your professional experience have proven most useful when carrying out judicial duties?

As a solicitor you talk to a wide range of people from all backgrounds, and as a result you develop the ability to assess what a person is able to grasp their level of understanding of complex issues you may need to explain to them. As a Judge this is something that has proven useful when delivering explanations to non-lawyers – I always try to tailor the explanation to the individual in a way that they can best understand what is happening.

I think that as a solicitor you develop compassion for clients and their circumstances. As a Judge you are dealing with individuals and their futures, so it is important to have bear that in mind when hearing their case. You will come across cases which need to be handled with particular sensitivity, for instance, you may meet a child to hear their point of view on the care proceedings which will determine their future. Showing some empathy and understanding for their situation gives them the reassurance that they are being heard.

Prior to becoming a County Court Judge I did not have an extensive background in criminal law so there was a learning curve for me, but this also made me aware that jurors have to absorb a great deal of information and legal jargon orally and I think that can be quite difficult. A substantial part of my role in summing up at the end of the trial is to draw all the evidence together for them and give them directions on the law, bearing in mind they are not familiar with legal jargon or the criminal justice system. A Judge must be entirely neutral and so my summing up must reflect in a balanced way the evidence given in order to give jurors the information they need to arrive at their decision. I believe my experience as a solicitor was crucial when developing this skill.

Is the job what you imagined it would be?

I would say it's even more demanding than I thought it would be, and you need to learn to distance yourself emotionally from a lot of the things you are dealing with, particularly in family law. That can be hard because you know children are particularly vulnerable and you want to do what is best for them.

There is a great working relationship and camaraderie amongst the Judges at the County Court tier, which makes for a positive working environment

Would you recommend a judicial role to others?

I would highly recommend applying for a judicial role. There is high level of job satisfaction, but on the other hand, I would emphasise that County Court Judge is not a role for the faint hearted because you need to be prepared to work hard and to take difficult decisions.

Do you have any advice for those considering applying for judicial appointment?

Don't be discouraged about applying for a judicial appointment and be prepared to try more than once. Taking up a fee-paid post initially would be a good training ground. One of the advantages I had going into the county court was that I had acted as an Employment Judge (both fee paid and full-time) for quite a long time and that gave me great insight and experience, so dealing with parties in a case and conducting hearings was familiar to me. Doing a fee-paid role allows you to acquire those Judge craft skills and discover whether a full-time role is for you.

I would also encourage solicitors and those from non-contentious backgrounds to apply, because they will have acquired crucial skills such analysing arguments and documents and drafting decisions which are readily transferable to a judicial role.