

The Honourable Mr Justice McAlinden

High Court Judge

Appointed 15 June 2018



Professional Background

The Honourable Mr Justice McAlinden is a High Court Judge who has served since being sworn into office on 15 June 2018.

Mr Justice McAlinden was educated at St MacNissi's College near Carnlough and graduated in Law from Queen's University Belfast in 1985. He was called to the Bar in the same year, and went on to be Junior Counsel up until 2011 when he took silk and became Queen's Counsel (QC). In 2014 Mr Justice McAlinden was elected Chairman of the Bar Council of Northern Ireland, serving for two years.

Over his career Mr Justice McAlinden specialised in personal injury work, for Plaintiffs and Defendants and public enquiry work for various Health Trusts. He also represented Trusts and acted for the Coroner in various high profile inquests. Mr Justice McAlinden was also a Legal Member of the Mental Health Appeal Tribunal from 2012, a role which he gave up on appointment to the High Court.

Why did you seek appointment at High Court?

I sought judicial appointment because I considered that appointment to the High Court Bench would expose me to new and fresh challenges, and would provide me with numerous opportunities to make a real difference.

What aspects of your background has proven most useful when performing day-to-day duties?

A good grounding in terms of legal knowledge and expertise coupled with well-honed forensic advocacy skills are the core requirements for senior judicial appointment. I acquired and refined these skills as Junior and Senior Counsel at the Bar. Additionally, my experience as Chairman of the Bar Council gave me a wider perspective in terms of policy issues, which was an added advantage. Holding a role at that level prepared me well for dealing with the sensitive issues which arise in a lot of decisions I have to

make. As Chair of the Bar Council I dealt with a raft of difficult issues and that experience has helped me frame decisions in terms of wider policy considerations. In other words, it is not just a matter of law, it is also to do with the bigger picture. In addition, sitting as Legal Member of the Mental Health Review Tribunal gave me an invaluable insight into the judicial role including judgment writing and the importance of teamwork.

Is the job what you imagined it would be?

The role has lived up to expectations. It has been challenging, but highly rewarding.

What is the biggest challenge you face in the post?

There is a heavy workload, and you have to stay on top of your case workload, whilst simultaneously ensuring your decision making is of high quality and reasonably prompt. The demanding workload is an issue for many, so one has to be highly organised in order to be efficient and effective in the role.

What would you say to someone considering applying for judicial office?

The applicant must have a deep desire to make a difference. As I mentioned before, there is a heavy workload, and there is less financial reward than when working as an independent barrister, but if you want to put something back into the justice system, then I would highly recommend applying.

Many of the legal issues at the High Court are highly complex, and many of the decisions you make regarding people's lives have the potential to deeply affect those lives in many different ways. In addition to the skill sets referred to above, you have to have innate confidence in your own decision making ability. If you have confidence in your own decision making, and are able to perform under pressure then you will do well in the role. Simply put, you need to work hard and ensure that you have mastered the papers; you need to be able to see the wood for the trees; you need to forensically probe advocates and witnesses to rigorously test the arguments and evidence that is being presented to you and tease out the core issues in a case; and having carefully considered the evidence and submissions, you then have to have the courage to make a decision, without undue delay and you must rationalise that decision in the form of a judgment which is comprehensive, authoritative and clear.

I am certainly not suggesting that judges should in any way rush their decision making but I would be concerned that some applicants could potentially come unstuck in the role if they question their own judgement over and over again. A High Court Judge needs to have the confidence in her or his own decision making ability to make a decision and move on - the idea of revisiting decisions over and over again will prevent you from doing the job efficiently and effectively.

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

I don't think I went into the role in any sense with my eyes closed. I think I was told about most - if not all - of the potential draw backs. The only thing that, possibly, I wasn't completely aware of was the learning curve, moving from being self-employed, to working in the public sector. For myself, moving into a judicial role, having not worked in the public sector before took some time to get used to, but the genuine warmth and kindness of judicial colleagues and Court Service staff made it is easy enough to acclimatise.

How have you found your experience with NIJAC?

I think it's important for potential applicants to be aware that the process is difficult, challenging and stressful but that the individuals you will encounter in NIJAC are very helpful, very understanding and a real support. They treat everybody very fairly, and they treat everybody with a great deal of humanity. I have always considered those involved at NIJAC as decent individuals who try their very best to make you feel as comfortable as possible in what is an uncomfortable process.