

## THE NATURE OF THE ROLE OF A FEE PAID DEPUTY DISTRICT JUDGE (MAGISTRATES' COURT)

A Deputy District Judge performs all the duties and has the same authority as a full time District Judge when they are sitting in the Magistrates' Court. Since 2008 a Deputy District Judge can preside over Youth, Domestic, Family Proceedings and Criminal Magistrates Courts. The majority of sittings will normally involve the criminal courts dealing with prosecutions brought by the Public Prosecution Service.

The annual commitment expected by the Northern Ireland Courts and Tribunal Service (NICTS) from a Deputy District Judge is a minimum of 30 days. Generally speaking the Judicial Services Group when arranging future court dates gives two-week notice to Deputies, allowing them to make the necessary arrangements to their diaries. However, it is not unknown for a request to sit to be made the day before the court in the event of the full time judge's unavailability. It should be noted that the NICTS, realise that Deputies also by their nature have commitments to their own practices, and at times it will not be possible for the Deputy Judge to accommodate the request.

It can certainly seem a strange experience when a Deputy is required to preside over a court for the first time. No doubt the courtroom itself will, for many applicants, be a familiar arena after many years experience gained as a practitioner. In my own case I came from a criminal defence background and I can certainly say that sitting as a judge is a completely different perspective to representing clients. The Deputy Judge, like every judicial office holder, has to ensure that all persons before the court are treated with fairness and according to the rules and procedures of the court.

In an average list before the Magistrates' Court there will, in the busier court areas, be approximately 80 to 100 cases per day. The vast majority of these being listed for mention, a number for plea and sentence and then a more limited number being scheduled for a contested hearing. It is usual for such hearings in the criminal courts to be heard in the afternoon. However, if a contest is not reached by 3.30pm it is normal practice in the Magistrates' Court for the matter to be re-listed for another day. There are exceptions to the rule and I have known some of my full-time colleagues to sit well into the evening hearing cases. Thankfully for all concerned, especially the court staff, such events are extremely rare.

All Deputies will, I am sure, testify that they have found the assistance of court staff invaluable in conducting their courts. The clerk of the court is always ready to answer any question posed by the new Deputy as to the normal practice of the resident judge and to issues of law such as the maximum sentence available to the court in a particular case. Indeed the prosecutor should have such information readily available on their file and there is no

embarrassment in making such enquiries, as the judge is not expected to know every facet of the law.

There will also be times when it is not possible for the Deputy Judge to give an instant decision and consideration will have to be given to the disposal of a case or an application before the court. It is not unusual for the judge to rise and give thought to his or her decision, consulting in the process case law and practice texts such as Blackstone or Archbold. Never allow yourself to be rushed into a decision either by the defence or the prosecution, if further time is required to make a reasoned decision, according to the law, then take the time. It should also be remembered that during the first year as a Deputy District Judge, a judicial mentor will be allocated to the new Deputy to give invaluable advice and support.

In respect of the Youth Court and the Family Proceedings Court, Deputies and fulltime judges are required to sit alongside two Lay Magistrates and decisions of the court are made on a collective basis. However, when it comes to matters of law the Lay Magistrates should follow the lead of their legally-qualified colleague and time should be spent ensuring that the entire panel of the court is aware of your thinking of how a particular case should be dealt with, so that agreement can be reached. There are also now Magistrates' Court Sentencing Guidelines which are of assistance when sentencing in court.

Probably the most emotive cases a Deputy will have to decide are those in the Family Proceedings Court involving the decision of the court to place children in the care of Social Services away from their parents. However, it is the practice for such cases to normally be dealt with by the full-time judges, who have case managed and timetabled the proceedings through directions, threshold and final hearings. Even where a Deputy has had limited experience of Public law cases in their professional career prior to appointment to judicial office, the training provided by the Judicial Studies Board is excellent and will fully cover the complexities of the subject. Indeed the lectures and seminars organised by the JSB across the full range of criminal and family law are comprehensive and insightful and a very good way of complying with the Law Society's and Bar Council's requirements for continued professional development.

In conclusion, I would recommend anyone in public or private practice to consider applying for the positions of Deputy District Judge as the demands of the office are challenging, professionally satisfying and will give you an entirely different perspective on the practice of law.