

THE ROLE OF THE DISTRICT JUDGE

There are four District Judges, three of whom are assigned to circuits, each comprising two County Court Divisions and one to the County Court for the Division of Belfast

The jurisdiction of the District Judge covers a broad spectrum of civil work with the District Judges hearing a majority of all civil cases in the County Court.

The general civil jurisdiction of the District Judge is £10,000. In assessment of damages where interlocutory judgment has been marked, the limit is £30,000 being the civil jurisdiction of the County Court. The Small Claims Jurisdiction is £3,000 and ancillary relief applications are unlimited.

As all District Judges in Northern Ireland also hold a concurrent appointment as a Deputy County Court Judge, this allows them to exercise the jurisdiction of the County Court Judge. Thus, District Judges regularly hear Civil Bills up to £30,000 and petitions for divorce.

The variety of the work of the District Judge means that no two days are the same and that every week a District Judge is likely to come across something completely new.

Before hearing any case, the District Judge reads the relevant case papers which may include pleadings, medical reports and expert reports. It is crucial that the District Judge is fully familiar with the papers before a hearing and most preparation takes place the night before. Most cases are heard in open court and the District Judge decides them by reaching findings of fact and applying the law to those facts. The District Judge ensures that all parties involved are given the opportunity to have their cases presented and considered as fully as possible. During the hearing the District Judge may ask questions on any point s/he needs clarification. The District Judge also rules on all matters of procedure and evidence which may arise during a hearing.

There may be considerable argument about what the law is and, after hearing submissions, the District Judge gives a reasoned judgment. It may be necessary to reserve judgment if there are complex issues. If the District Judge finds that the Plaintiff/Applicant is entitled to damages s/he will decide the amount. If an injunction is sought, an order in the appropriate terms will be made or, a declaration e.g. an order specifying the precise boundary between two properties. The task of the District Judge is to decide on what is the appropriate remedy, if any, and on the precise terms of it.

District Judges also play an active role in managing civil cases both at COR review stage when a certificate of readiness has not been lodged within a period of six months and thereafter until the final hearing. This is to ensure that cases proceed as quickly and efficiently as possible. This includes:

- *encouraging the parties to co-operate with each other in the conduct of a case
- *helping the parties to settle the case
- *encouraging the parties to use an alternative dispute resolution procedure
- *controlling the progress of the case.

A TYPICAL WEEK IN THE LIFE OF A DISTRICT JUDGE

DAY 1 CIVIL BILL LIST

- 9.30am Cases listed 'For Mention Only' may include case management issues and directions.
- 10.00am Interlocutory Applications, minor's petitions/approvals and assessment of damages.
- 10.30am Defended Civil Bills which may include contractual disputes, professional negligence claims, road traffic claims [where liability is often determined on the hearing of the damage only claim and will then apply to all passenger claims], cases against the security forces for assault, battery and unlawful imprisonment, employer's liability claims, claims of discrimination on the grounds of race or disability and land disputes. Many of these cases will involve expert evidence.

DAY 2 SMALL CLAIMS LIST

- 10.00am Directions list e.g. to decide on procedural issues and disputed applications for a stay of proceedings.
- 10.15am Assessment of damages in non-disputed applications where judgment in default has been entered.
- 10.30am List of disputed cases which may include contractual disputes including consumer claims, debt cases, landlord and tenant disputes, building disputes, professional negligence against accountants, veterinary surgeons, dentists, and claims in respect of a breach of data protection. The majority of the parties are not legally represented and in many cases do not have their proofs in order. It is necessary for the District Judge to give detailed guidance and directions before hearing any disputes.

DAY 3 ANCILLARY RELIEF LIST

- 9.45 am Divorces
- 10.00am New applications for directions to include fixing a date for filing of replying affidavits and mutual discovery.
- 10.15 am Review List - case management to ensure that the Application is capable of being listed for full hearing and that matters such as discovery and joint valuations are in order.
- 10.30 am Full hearings to determine the adjustment of income, capital and pension provision.

DAY 4 HP AND EJECTMENT DAY

- 9.30 am Consumer Credit Applications. Ejectment applications by private and social housing landlords seeking possession arising as a result of rent arrears and /or anti-social behaviour in breach of the terms of the tenancy agreement. The majority of the Defendants are not legally represented although there is now a greater awareness of the role of the Housing Rights Service. Many of the Defendants represent the most vulnerable in our society.
- 11.30 am Civil Bill List

DAY 5 TAXATION AND CIVIL LIST

- 9.00 am Taxations of Costs, paper only interlocutory applications and directions.
- 9.30 am Minors Petitions/approvals and COR Review.
- 10.00 am Assessment of Damages.
- 10.30 am Contested application on a preliminary issue based on limitation issues.

11.00 am Two day Defamation Hearing.

An extensive programme of training by way of seminars is provided by the Judicial Studies Board locally and the Judicial College in England & Wales. There is also a mentoring system in place to assist newly appointed District Judges.

District Judges also serve on a range of statutory committees including the County Court and Family Proceedings Rules Committees. In addition, there are numerous other committees at tier level and in the Divisions e.g. Court Users Groups. District Judges are also appointed to the Judicial Studies Board and the Judges Council.

Out of court activities include lecturing at the Institute of Professional Legal Studies, providing CPD training to both branches of the legal profession and engaging in outreach activities organised by the Court Service.

All District Judges are members of the Northern Ireland Association of District Judges and the Association of District Judges of England and Wales. Both associations meet formally on a number of occasions each year to discuss issues which may impact on the work of the District Judge's bench. A varied social calendar also exists to maintain a strong spirit of collegiality.

The variety and richness of the role of the District Judge is difficult to capture in any formal description of the work.