

## The Judges ... 1

Prior to the delivery of this Lecture you should have read and préciséd ILEX 'The Legal Environment'

## No chatting in this Lecture 2

- Switch OFF mobile telephones
- Take notes
- If you wish to ask a question raise your hand ...

## The Judges... 3



Generally Judges are either barristers or solicitors, but the Courts and Legal Services Act 1990 does enable appointment of academic lawyers.

Lord Chancellor's Department involved in all appointments.

Judges chosen from among practitioners and do not have a trained career path.

## Two Types of Judges 4

### Inferior Judges

These are all Judges below those that serve in the High Court  
*Posts are advertised – Lord Chancellor appoints*

### Superior Judges

All judges who serve in the High Court and above  
*Lord Chancellor invites and appoints.*

## District Judges 5

Often former solicitors – with at least seven years practice.

Sit in the County Court

Woolf reforms resulted in more DJ's being appointed

*Vacancies advertised - Appointed by the Crown on the recommendations of The Lord Chancellor*

## Assistant Recorders and Recorders 6

Part-time judges who sit in the Crown Court

Must have been in practice for at least seven years

Appointment renewed every three years

*Lord Chancellor appoints*

## **Circuit Judges 7**

Sit in County Courts or Crown Court

*Appointed by the Lord Chancellor from Solicitors or Barristers*

At least 10 years experience

Deal with more difficult or important cases

## **High Court Judges 8**

Appointed from advocates of at least 10 years experience

Sit in High Court, Crown Court for very serious offences, also Divisional Court to hear appeals

*Appointed by Crown after PM's recommendation - on advice from the Lord Chancellor*

Knighthood on appointment

## **Lord Justices of Appeal 9**

Sit in the Court of Appeal and Divisional Court

Usually appointed from among High Court Judges, but can be appointed from among practitioners with fifteen years experience

*Appointed by Crown after PM's recommendation - on advice from the Lord Chancellor*

## **Lords of Appeal in Ordinary 10**

Usually appointed from among Lords Justices of Appeal, but can be appointed from among practitioners with fifteen years experience

*Appointed by the Crown on PM's recommendation*

Sit in the Judicial Committee of the H of L and Privy Council

Made Life Peers on Appointment

## **Removal from Office 11**

All Judges now retire at 70

District Judges, recorders and circuit judges can be dismissed by the Lord Chancellor for incapacity or misbehaviour

High Court Judges, Lord Justices of Appeal and Lords of Appeal can only be removed from office at the request of both Houses of Parliament (only happened once)

## **Role of the Judge in a Criminal Trial 12**

Primary duty - To ensure a fair trial

This is done by following the rules of evidence and procedure - which ensure that each party has its case heard and is not allowed to act unfairly

In criminal trials – cases are adversarial with proof beyond reasonable doubt

Must ensure that any jury understands the evidence.

Judge only deals with points of law and will determine any sentence if D is found guilty.

## **Role of the Judge in a Civil Case 13**

**Less adversarial since the Woolf Reforms**

**Judges now have to be active in managing cases – agree timetable etc**

**Judges must encourage alternative dispute resolution**

**Judge hears the case and decides whose evidence is most compelling applying the law to the facts**

## **Role of the Judge in any Appeal Case 14**

**In Appeal Cases, Judges do not usually have to concern themselves with issues of fact**

**They interpret the law and decide whether the trial judge got the law right and applied it correctly to the facts**

**They may also have to decide if the sentence or award was appropriate**