

A VIEW FROM THE BENCH

Daily life for a working judge

The Editor asked me for 'something lively, readable and concrete ... offering insight into the daily life of a working Judge'. One of the interesting things about the work of most Judges is that there is no long-term routine. When I write about myself I describe what most Judges like me do.

First some thoughts about our work. We must think about the authority which enables us to do it. It is an authority which means that we can change peoples' lives profoundly - not just the person immediately before us but those who are close to him or her. We assume it when we are sworn in; we no longer hold it when we stop. It belongs to the office we hold for the time being and not to us. It is good to remind ourselves of that. We must remember too that we are always learning - daily. There is always something new - there always will be no matter how long we hold office. When I speak to magistrates after they have been sworn in I ask them to give me a silent promise that if the day arrives when they no longer feel the need to learn more, they will offer their resignations. It makes the point.

Consultation and liaison

In addition to the formal work in the Court there is much for the Judge to do. Frequent consultation is needed with the administration staff. The workload of the Court and the distribution of cases between individual courts must be agreed and settled. The problem of the volume of work waiting to be done is aggravated by the uncertain length of any case. Sometimes shorter; sometimes longer than was anticipated. Defendants have the right to change their pleas so a long trial may 'go short'. Conversely many things may arise during a trial making it longer than the original estimate. Listing Officers face these uncertainties as part of their job but they are entitled to the help and cooperation of the Judges.

A 'liaison Judge' is the point of contact between the Magistrates Court and the Crown Court. This provides a two-way exchange of information benefiting both. The Liaison Judge helps in the training of magistrates; assists to set sentencing

policies and is in touch with the Clerk to the Magistrates. There is a channel of communication. It is necessary both ways.

There is regular contact between the Judges and the Probation Service; not about individual cases but about policy and approach. Each then knows what the other wants and is trying to do. Communication in all these areas is essential.

If I was to reduce this to a typical day it might mean before the Court sits, a meeting with the Listing Officer or Chief Clerk of the Court about the work to be done; a discussion with the Court Probation Officer about pre-sentence reports and a telephone conversation with the Clerk to the Magistrates. This out-of-court work is essential because the



complex and difficult problems of running the judicial system can only be solved by an 'open-door' policy by every part of it. It enables each to appreciate the problems of the others; it allows differences to be identified and not hidden to simmer and it encourages confidence. No more or less than good management of people. The system needs it.

The Judge must also, of course, prepare for the work in court. Judgements must be written, summings-up prepared and papers read. Developments in the law must be followed.

The Judge and the public

Our work in court is very public - some are quick to pick up every commercially saleable comment. We must expect that and at all times be careful to be accurate in what we say and do. Many areas of life are sensitive today. We must make sure that we recognise them. It is important for us to be aware of public concerns. There are always those who are ready to

condemn the System and Judges as part of it. Criticism can be helpful and of course justified; sometimes it is destructive and ill-intentioned. We must expect that too. We must never be deflected from making just and appropriate decisions as we see them. That is what we are appointed to do.

The Judicial Studies Board provides training for Judges. We meet and discuss and are talked to. The suffering of victims; the suffering of prisoners in overcrowded prisons; the effects of custody on the young; public attitudes to different kinds of offending behaviour; levels and types of sentencing; drugs; alcohol are some examples. This is not Judges talking amongst themselves but contributions are made by experts and operators in these fields of activity. There is now a seminar for all Judges about ethnic minority issues. Judges want to take part. We consider these sessions necessary and constructive.

A look ahead

What of the future? The judicial system is showing that it can respond to contemporary concerns. It can be flexible. It will always be susceptible to criticism: positive, accurate criticism and informed debate are its life-blood. The Royal Commission has made a major contribution and many of its recommendations are a reflection of today's thinking on many issues. I raise a question which does not necessarily come from all Judges so I speak for myself. I wonder if the terms of reference of the Royal Commission were wide enough. It seems to me that there is at least room now for a debate about the structure of the court system. I have ideas, as others have, but without a debate I do not know the answers. I suspect that, if at all, it is a long way ahead.

Judge Michael Astill is a circuit judge on the Midland and Oxford circuit who sits for the most part in Birmingham, for some time at other courts on the circuit and for some time in London. He is the liaison judge at the Birmingham Crown Court and one of the Lord Chancellor's representatives on the West Midlands Probation Committee.