

British Judges learn to do more than Judge

Judicial training centre opens as laws and practice change

Lord Irvine of Larig, as head of Britain's Judicial system, recently opened a judicial training centre located at Millbank Tower in London to provide training for all judges and magistrates.

In 1979 the British government established a Judicial Studies Board (JSB). From the outset it was decided that training, to be credible, must be by judges for judges. This was considered essential to maintain judicial independence. Lord Chief Justice Bingham emphasised this approach in a JSB lecture which he gave last year. He said: 'Control of the content and form of such training must be in the hands of judges themselves.' Today the JSB has a full-time director of studies. Training is recognised as a necessary part of every judge's career from the beginning. For more experienced judges, regular residential continuation courses are held to enhance their skills.

The JSB has moved a long way over the past 20 years. At the beginning training was restricted to full and part-time judges' work in connection with crime at the Crown Court. Since 1985 training has been extended to include judges of all civil courts, tribunal members and magistrates.

The work of a judge generally increases in complexity. In 1995, the JSB conducted a survey of the full and part-time judiciary to discover their views about JSB training. Overwhelmingly the principle of providing training was supported. The JSB controls an annual budget of 3.5 million (pounds). Its aims, agreed with the Lord Chancellor, include assessing and fulfilling the training needs of all judges, magistrates and tribunal members.

Proposed changes in the law may require training for judges if they are to be effective. The government can call

upon the JSB to advise on and provide any instruction thought necessary. Training has become less general by focusing on specific topics. Seminars on the handling of child abuse and rape cases have assisted judges to develop special expertise and sensitivity.

Special sessions on ethnic minority issues are attended by judges of the criminal courts. The topic is now included in civil and family seminars on equal treatment. Over 70 tribunals form a key part of the judicial system. With some 30,000 supporting members direct training by the JSB is not practicable. Instead tribunals are encouraged to undertake their own training.

Some tribunals do not have training schemes. For these residential training course is provided by the JSB. It aims to equip newly appointed chairpersons with the skills needed to conduct hearings effectively.

An immense task lies ahead in the reform of civil justice. Lord Justice Henry, and appeal judge and chairman of the JSB, has indicated a radical change in approach. He says that 'instead of sitting as umpires, judges will be more proactive and managerial.' The aim is to remove the control of the pace and cost of litigation from the parties alone. Instead, judges must intervene to ensure that effort involved is proportional to the issues at stake.

Reforms to achieve these aims were devised by senior judge Lord Woolf in his report *Access to Justice*. A guiding principle was expressed by Mr Justice Laws last year when he said: "The right to a fair trial, which of necessity imports the right of access to the court, is as near to an absolute right as any which I can envisage."

Already, introductory courses have been held on the Woolf reforms. The next stage entails instruction in working with a completely new set of civil court rules. This will include practice in running a case under the new regime.

Management of a case will depend on its category. A 'multi-track' is for actions which are complex or lengthy involving a claim of above 15,000 pounds. 'Fast-

track' is for those below this amount. Small claims procedure will apply to claims of 5,000 pounds and less. The Woolf report calls for an information technology (IT) strategy over the whole civil justice system.

Working with the judiciary and legal profession the Court Service is to develop future IT plans. The time is coming when IT will affect the work of all judges. Preparations are in hand to cope with a rapid advance in this field. The JSB is ready to help with the training which will be needed.

Internet services are already open. Judgements of a number of courts and other information are available. Practice guidance materials are now on the Web. A large number of court forms and leaflets of general interest are expected soon.

Another area which will concern domestic law is the incorporation of the European Convention on Human Rights. Every court and tribunal will be affected. Courts will be presented with novel questions involving interpretation of existing laws.

Human rights issues have been dealt with by the courts over the centuries. A fresh approach will be needed to ensure that the provisions of the convention are not infringed. This will be far quicker than leaving disputes to be resolved in Strasbourg. As Lord Chancellor Irvine explains: "The court will produce, in short, a decision on the morality of the conduct and not simply its compliance with the bare letter of the law." The JSB is planning training needed to see that judges are equipped to meet this 'cultural change'. Where unfamiliar issues arise problems can be anticipated. Appropriate training will then enable judges to deal consistently with arguments which lawyers are likely to put forward.

Much of what is said above is equally true, *mutatis mutandis*, of magistrates and the Magistrates Commission. It should never be forgotten that magistrates preside over the only courts which many citizens ever encounter.

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