

## JUDGECAST (SYLLABUS) – TOPIC GUIDE

### JUDGECAST – MODULE ONE

#### **Exercising authority in court/tribunals**

- Understanding the lay perspective as to how courts/tribunals work
- Ensuring everyone in court knows what is happening
- Entering and leaving court
- How much to speak and how much to let the parties (advocates, witnesses etc.) take their own course
- Ensuring simplicity and clarity in questions
- Ensuring witnesses can give their evidence entirely freely so that they are understood
- Identifying and addressing vulnerability in any participant
- Keeping focus on the issues
- Dealing with the public who attend court consistently within the needs of open justice and, where appropriate, private proceedings
- Asking questions (when it is/isn't appropriate to ask your own questions)

---

#### **Managing contempt in the face of the court**

- Discussing examples of possible contemptuous behaviour e.g. shouting at the judge, abuse of an officer of the court, security issues
- Identifying behaviour that cannot be dealt with by rebuke or direction alone
- When to act immediately and when to refer the matter to another judge or to a regulator
- Keeping your temper and not acting in haste
- Where to find support

---

#### **Decision making**

- Identifying the real issues: what needs to be decided and what is extraneous
- Understanding how important it is not to delay making a decision
- Understanding reasonable expectations in this regard

	<ul style="list-style-type: none"> <li>• Decision making (what needs to be decided and what doesn't)</li> </ul>
<b>Judgment writing</b>	<ul style="list-style-type: none"> <li>• The elements of a clear judgment – History/Issues/Witnesses/Findings of fact/Conclusions on the relevant law/Holdings</li> </ul>
<b>The use of friends of the court and interveners</b>	<ul style="list-style-type: none"> <li>• Understanding when it is possible to seek a friend of the court (amicus)</li> <li>• When interveners might be permitted</li> </ul>
<b>Dealing appropriately with LIPs</b>	<ul style="list-style-type: none"> <li>• Understanding how litigants in person (LIPs) see the court</li> <li>• Understanding the extent to which the court/tribunal can assist a LIP without becoming partisan</li> <li>• Advising on possibilities for pro bono assistance</li> <li>• How to deal with McKenzie Friends, Intervenors and Friends of the Court</li> </ul>
<b>Avoiding the appearance of bias</b>	<ul style="list-style-type: none"> <li>• Understanding the rules on actual bias and the appearance of bias</li> <li>• Discussion of situations in which bias issues can arise</li> <li>• Developing good judgment in dealing with such issues appropriately</li> <li>• Discussion of the risks of too readily giving in to applications for recusal and too easily feeling personally affronted.</li> <li>• Developing good personal introspection</li> </ul>
<b>Dealing with the Press</b>	<ul style="list-style-type: none"> <li>• Considering the possibility of press applications in cases heard under reporting restrictions</li> <li>• The role of the press in assisting justice</li> <li>• Dealing with misreporting and unfair or ill – informed criticism</li> </ul>
<b>Working with a Jury</b>	<ul style="list-style-type: none"> <li>• Understanding the democratic role of the jury</li> <li>• Being alive to the potential problems of bringing 12 random people together</li> <li>• Ensuring sensible working conditions for the jury</li> <li>• Broad understanding of the separation of roles</li> </ul>

### Supporting families

- Understanding the limits of the judicial role when families appear in need of support

## JOB FRAMEWORK – MODULE 2

### Separation of powers

- General understanding of the constitutional doctrine of separation of powers
- Acting apolitically
- Acting in due good faith to the doctrine of precedent
- The importance of the judicial oath

### Court & Tribunals & judicial structure

- General outline of the whole court structure to be able to consider whether a matter is within or without the specific jurisdiction
- Understanding appeal routes and judicial review routes

### Role of LC, SPJ, JO and JCIO

- General understanding of the role of each of these bodies

### Court Modernisation Programme

- General understanding of aims, time line, limitations, expectations etc.

## JUDICIAL ETHICS – MODULE 3

### General judicial ethics

- The importance of maintaining the independence and impartiality of the judiciary as a whole
- Relationships that might affect the role, memberships of single – sex or other potentially controversial clubs and the Masons, maintaining full probity in personal life (tax etc.)
- Dealing with issues arising from family members' or friends' conduct
- Support from other members of the judiciary
- Judicial Code

## RESILIENCE – MODULE 4

### Dealing with stress

- Identifying typical stressors – money problems, relationship problems, drink/drug problems, impact of sex cases and cases involving children.

- Understanding the importance of acting before the stress becomes a problem

---

**Judicial Wellbeing**

- Understanding all the resources available for dealing with wellbeing issues

**EQUALITY & DIVERSITY – MODULE 5****Current positive action measures**

- Understanding all the current measures open for positive action (section 9 appointments, work shadowing etc.)

---

**E&D good practice**

- Full E&D course in line with the Equal Treatment Handbook
  - Discussion of the role of the judiciary in supporting and encouraging social mobility
  - Stereotyping and unconscious bias
  - Special consideration of the duty to make reasonable adjustments for disabled litigants and advocates and the judicial role in meeting this
- 

We have asked sitting judges (fee paid and salaried) in both the Courts and Tribunals to provide further information on the themes identified in our topic guide through blogs and articles which we hope you will find useful. More resources will be added over time.

We welcome tips and comments and if you want to provide information email: [smercer@barcouncil.org.uk](mailto:smercer@barcouncil.org.uk)