

Me and my shadow

After three days of shadowing, **Ian Ashley-Smith** finds the life of a district judge both busy and appealing

I started my career in law in 1969 as an outside clerk. In those days, virtually no business with the courts could be done by post. Instead it required personal attendance and that is what I did. Issuing writs, attending before the practice master in the High Court, issuing interlocutory summonses and attending hearings.

I became a Fellow of the Institute in 1981 and went on to qualify as a family mediator and gain membership of the Law Society's family law panel.

The law has given me a good living, and when it became possible for Fellows to apply for judicial appointment, I decided to apply. There were two main reasons. I have learned and gained a lot from my years in the law and perhaps now was the time to give something back. Secondly, I've got this far – let's see how far a Fellow can go!

I checked out the Judicial Appointments Commission website, put my name down for e-mail updates on forthcoming selection exercises, and signed up for the judicial work shadowing scheme.

It was not long before I was given the opportunity to shadow District Judge Adam Taylor at Horsham County Court. I had agreed to a three-day stint spread over a couple of weeks in June.

Time pressure

On the appointed day I reported to the court manager at Horsham, passport and letter of appointment at the ready.

I was duly ushered in to the district judge's room and introduced. DJ Taylor is an affable man and made me very welcome. I was shown around the building, given the combinations of the door locks and introduced to one of the most important people in the place – the usher, Ron. I soon learned that Ron was the man – he was the one who sorted out the list, got the files, managed the attendees and generally provided the lubricant to the wheels of justice.

I was expecting to learn from the DJ and I did, but it was Ron who told me that Holy books have to be kept above shoulder height, that you have to be

careful as to how both he and the deponent handle them, and a dozen other practical matters that I had never even heard of – and that was before we got any where near the day's business.

I was given that day's files to read before the list started. The first thing I realised was that in a busy list there is no time to waste. The DJ has to grasp the facts, consider the law and make his mind up quickly. There was every kind of application: summary judgment, mortgage possession, ancillary relief, Housing Act cases, *ex parte* applications for occupation orders, Children Act applications, small claims – you name it.

One moment the DJ is faced with a litigant in person, maybe a McKenzie friend, and the next a solicitor or a barrister. Novel points, bum points, tears, anger, disappointment – the DJ has to deal with them all.

My first day went on till about 4.45pm and used up most of lunch time, and in between the DJ was doing 'box work' (paperwork). Hmm, harder than it looks!

Different perspective

Day 2 and when I got to court at nine o'clock, the DJ was already into his box work. An hour later, the list kicks off. Small claims are followed by directions hearings, more applications for summary judgment, applications to set aside judgment, charging orders. It's already 1.30pm and we haven't stopped yet.

At 2pm, it is the first part of an ancillary relief claim set down for two days, with counsel on both sides. The DJ has to manage this case, trial timetable, evidence in chief, whether to allow supplementary questions to written witness statements – oh yes and what supplementary questions would they be?

The wife gives her evidence, and all sorts of issues come out. I find it very interesting to observe rather than to be representing one party. You get a completely different perspective. And at the end of the day: 'So, Ian, what would you have done?' Oh oh. 'Same as you, of course.'



Ashley-Smith:
Legal executives
have the tools

My third and last day. Every case threw up a novel point, there was a hectic pace, we had half an hour for lunch, and before you knew it, we have reached the end of the list.

Well qualified

Did I enjoy it? Yes. Did I learn anything? You bet. If nothing else, I feel my advocacy skills will have improved because of the insight into how a DJ wants a case presented.

Do I still want to apply for an appointment as a DJ? Yes I do.

In my fairly long career, I have been involved in many different areas of the law. Though I currently specialise in family, I do my fair share of general litigation. The DJ, however, must be able to cope with anything that the litigants can throw at him. In a busy list there is not much time for looking it up. However, successful applicants are given adequate training and this, coupled with a good grounding in law he or she will have, will provide the necessary tools for deciding these often complex matters.

I am under no illusions. It is a difficult job. You have to know your stuff and you have to be able to apply your knowledge effectively, and there will no doubt be plenty of very good competition. But I am a fully qualified lawyer – I am, after all, a Fellow of the Institute of Legal Executives by examination – and thanks to that, I can do it.

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