

**CHAIRMAN :- MARK MULHOLLAND QC**

Mr Paul Givan MLA  
Chairman, Committee for Justice  
Room 242  
Parliament Buildings  
Stormont  
Belfast  
BT4 3XX

23 February 2012

Dear Mr Givan MLA

**Review of the Judicial Appointments Process in Northern Ireland**

The Bar Council is the representative body of the Bar of Northern Ireland. Our members specialise in the provision of expert independent legal advice and courtroom advocacy in this jurisdiction. As the leading provider and source of legal expertise and advocacy in the courts, we welcome the opportunity to assist the Committee for Justice in the Review of the Judicial Appointments Process in Northern Ireland.

The Bar Council strongly endorses an independent judicial appointments process. It is of fundamental constitutional importance in a democracy governed by the rule of law that there are effective guarantees to the independence of the judiciary. The separation of powers must not only be endorsed but strictly adhered to in order to ensure the process remains free from political interference. The independence of the judiciary is therefore reliant on the maintenance of the independent referral bar as the recognised and natural source of current and future judicial appointees. Sustaining the integrity of the legal system is of supreme importance and any challenge to the independence of the Judiciary or the Bar will ultimately cause harm.

The Northern Ireland Judicial Appointments Commission (NIJAC) has established a selection process which members of the Bar support. It is imperative that merit is the sole criteria for appointment. We believe that the recent High Court and County Court appointment process demonstrates the work conducted by the Commission to improve the appointment process. Firstly, the adopted criteria were well drafted and appropriate for the appointment. Secondly, through the considerable commitment of the individual commissioners, the appointment process was expeditious and efficient. Thirdly, there was a marked improvement in the confidentiality surrounding the process and fourthly, the efforts of the Lord Chief Justice and the Commission to improve confidence in the process must be recognised.

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We strongly welcome the commitment from the Commission to engage with the Bar. To that end, the Council is proactively encouraging senior female members of the Bar to apply for appointment in the higher courts. Members who have participated in previous recruitments have raised concerns regarding the delay involved in the appointments process. This has been addressed by the Commission who have moved expeditiously in the most recent assessment; however, the length of time involved in the confirmation of Crown appointments can have a serious impact on the professional and personal lives of candidates. The Bar Council would also highlight the impact of judicial vacancies on the smooth running of the courts, the current judicial caseloads and the avoidable delay created due to the lack of court time.

The Bar Council recognises the substantial work and progress which has been made in improving the process for appointing judicial officeholders and will continue to work constructively with the Commission.

If the Bar Council or I can be of further assistance in this or any matter, do not hesitate to contact me.

Yours sincerely

Mark Mulholland QC

**Chairman**