

Competencies required of a judge

Any list of qualities must represent a counsel of perfection. However, there are (a) certain basic skills and attributes which all judges must have, and (b) other personal qualities which are desirable, but which all judges could not be expected to display in their totality. As regards appointments to the Supreme Courts, candidates will be expected to have conspicuous ability in legal matters and to display the skills and attributes under (a) to the highest degree.

Candidates for judicial office should display the following:-

(a) Basic skills and attributes

(1) Law

A high level of understanding of the principles of law and jurisprudence.

A sound knowledge and understanding of the law of Scotland including the laws relating to jurisdiction.

A sound knowledge and understanding of the laws and rules of evidence and procedure.

Professional achievement in the areas of law in which they have been engaged while in professional practice.

An extensive experience of litigation, and familiarity with the courts.

Previous judicial experience is also desirable though not essential.

(2) General

- Integrity and honesty

Having a history of honesty, discretion and plain dealing with professional colleagues, clients and courts.

Possessing independence of mind and moral courage, being prepared to take and maintain unpopular decisions when necessary.

Having and being able to retain the trust, confidence and respect of others.

- Fairness and impartiality and the appearance of impartiality

Being open minded and objective, with the ability to recognise and discount any personal prejudices.

Being able to deal impartially with all matters which come before them, and a desire to ensure that all who appear before them have an opportunity for their case to be clearly presented and that it is then considered as fully and dispassionately as possible.

Intellectual and analytical ability

A logical and relevant mind

The ability to concentrate, to absorb and assimilate arguments.

The ability to master complex legal and factual issues, to evaluate the facts, and to apply legal principles to the facts of a case.

The ability to marshal facts and summarise the law when giving judgment or addressing a jury.

The flexibility of mind necessary when called on, often at short notice, to adjudicate on cases in unrelated areas of law and practice.

- Sound judgment

The ability to exercise discretion effectively and in a fair and balanced manner.

The ability to apply their knowledge and experience to make decisions in compliance with the law and appropriate to the circumstances of the matter in hand.

The ability to consider and marshal facts and competing argument and reason logically to a correct and balanced conclusion.

- Commonsense
- Respect for the law, and awareness that justice must not only be done, but must be seen to be done
- Decisiveness

The ability to reach firm conclusions (often at speed), to think, decide and act independently of others, and to rely on their own judgment.

- Communication skills including command of language

The ability to communicate effectively and authoritatively with all appearing in court (practitioners, parties, accused, witnesses, members of the jury, party litigants, children, and court staff) both orally and in writing.

- Understanding of people and society

Having respect for and understanding of people (including children) of different backgrounds.

Being sensitive to the influence of different ethnic and cultural backgrounds on the attitudes and behaviour of people whom they encounter in the course of their work.

Having sensitivity and humanity, and a demonstrable understanding of, and sympathy for, the needs and concerns of court users.

- Awareness of the need to avoid discrimination on the grounds of gender, race or colour or on any other ground
- Commitment, conscientiousness and diligence.

A commitment to public service and to the proper and efficient administration of justice, which they will pursue conscientiously, with energy and diligence, and a due sense of responsibility.

- Ability to produce written work speedily and efficiently

- Authority and case management skills

The ability to command the respect of court users, and to maintain fair minded discipline in the court and chambers without appearing pompous, arrogant or overbearing.

The ability to recognise when steps are required to stop disruptive or disrespectful behaviour in court.

The ability to manage cases actively and promote the expeditious despatch of business, and the ability to handle people effectively to prevent unnecessary repetition and irrelevance whilst ensuring that all participants (whether represented or not, and including children) are able to present their case or their evidence as fully as possible.

- Good time keeping
- Keeping abreast of the times

(b) Personal qualities

- Dignity without arrogance
- Courtesy and consideration to all court users and court staff
- Patience and the ability to listen
- Stamina and a willingness to work long hours when appropriate
- Maturity and sound temperament, including self restraint and even temper

Displaying a maturity of attitude and approach.

Being firm and decisive while remaining patient, tolerant, good-humoured and even-tempered.

Exercising restraint when that is appropriate.

- Sense of humour and the ability to keep it under control
- Being alive to the likely reaction of the media, but not being swayed by it
- Extra mural interests
- Willingness to undergo training both initially and throughout their judicial careers
- Studying the law so as to keep up with changes in the law and new laws
- Having basic IT skills, and being willing to improve on them