

## **STATEMENT FROM THE JUDICIAL CONDUCT OFFICE OF THE ISLE OF MAN**

**13<sup>th</sup> APRIL 2022**

The conduct of Acting Deemster Hazel Smith has been investigated following a complaint that she has breached paragraph 2 of the Code of Conduct for Members of the Judiciary of the Isle of Man which provides that:-

“Members of the judiciary shall decide cases assigned to them within a reasonable time, according to the means and resources placed at their disposal by the Government of the Isle of Man and to the volume of work assigned to them.”

The substance of the complaint is that on 4<sup>th</sup> June 2021 the Acting Deemster conducted a hearing in a contested financial application case following a divorce. Having heard legal argument from both sides’ advocates, the Acting Deemster indicated that she would deliver judgment within 4 to 6 weeks. Unfortunately, and despite promptings from the parties and court administration, judgment was not delivered until 30<sup>th</sup> March 2022, some ten months after the hearing.

The complaint by one of the parties to the case was made to the Judicial Conduct Office on 1<sup>st</sup> February 2022 and referred to the First Deemster by the Judicial Conduct Officer on 10<sup>th</sup> February 2022. In her written response dated 24<sup>th</sup> February 2022 the Acting Deemster stated that there is no defence to the complaint, other than pressure of work. She accepts that she has not managed her time well and has apologised to the parties. She accepts that “the solution is in her hands”.

The First Deemster has read the judgment of 30<sup>th</sup> March 2022 and taken into account the nature of the issues at the hearing on 4<sup>th</sup> June 2021 which were far from straightforward and relate to an agreed court order made in December 2017 which it appears ought not to have been sanctioned by the court, a matter which was unfortunately not noticed by the advocates then advising the parties. The issues before the Acting Deemster have arisen due to a defect in the legislative framework relating to pension sharing after divorce.

Nevertheless, a delay of the magnitude in this case is plainly unacceptable and leads not only to frustration and added anxiety for the parties but also more generally to a loss of public confidence in our justice system.

The First Deemster notes that steps have recently been taken to reallocate cases in the High Court family justice system from the Acting Deemster to a permanent member of the judiciary as a consequence of a recent increase in the complement of the Manx permanent judiciary. He is therefore confident that delays of this nature are most unlikely to re-occur. He accepts that Acting Deemster Smith's workload and other commitments in private practice and elsewhere were too great and led to the delay in delivering judgment but that, as an Acting (i.e. non-permanent) Deemster who may to a large extent control her own workload, the primary responsibility for the severe delay in this case rested with the Acting Deemster.

The First Deemster is satisfied that Acting Deemster Smith has taken steps to ensure that there will not be a repetition of the delay in giving judgment which occurred in this case and has concluded that, while the complaint is upheld, no further action is merited. He has considered that the sanction of "arranging words of advice to be given to the judge" might be appropriate, but that in light of the Acting Deemster's response to the complaint and the administrative steps referred to above, this would not be either useful or appropriate.

**Isle of Man Courts Of Justice**

**Deemsters' Walk**

**Douglas**