

LADY CHIEF JUSTICE OF NORTHERN IRELAND, DAME SIOBHAN KEEGHAN

VISIT TO ISLE OF MAN COURTS – THURSDAY 4 JULY 2024

TRANSCRIPT

Opening Remarks by His Honour Deemster Corlett

Good afternoon everyone, please take a seat.

Minister for Justice, Honourable Members of Tynwald, Mr Attorney, Mr Bailiff, Your Honours, Your Worships, Members of the Isle of Man Law Society, it is my pleasure to welcome you to this event which has been made possible with the particular assistance of the Judge of Appeal and the Isle of Man Law Society.

A brief introduction from me and then in a moment I shall invite the Lady Chief Justice of Northern Ireland to address you. There will then be an opportunity for the audience to ask questions and thereafter we shall adjourn to the concourse outside this room for you to enjoy a more informal chat with the Lady Chief Justice and to partake of refreshments and bonnag.

Dame Siobhan Keegan is the first female Chief Justice to be appointed in the British Isles. England and Wales have followed, with the appointment of Dame Sue Carr in October 2023. Dame Siobhan was appointed as Lady Chief Justice in September 2021 having been elevated to the Northern Ireland judiciary as a High Court Judge in October 2015. She was presiding Coroner for Northern Ireland from 2017 until 2020. She was born and educated in Northern Ireland, studied law at Queen’s University Belfast, was called to the bar of Northern Ireland in 1994 and as a barrister specialised in family law, having attained the rank of Queen’s Counsel in 2006. Nowadays as you may have noticed she sits regularly as a member of the UK Supreme Court which, as we all know, has the same composition as our Island’s final court of appeal, the Judicial Committee of the Privy Council.

Dame Siobhan has in recent years kindly invited me to the Opening of the Legal Year in Belfast and I have greatly enjoyed the events and hospitality which have been on offer. I found her address to young barristers whom she called to the bar on those occasions particularly inspiring and maybe we shall hear a flavour of that today. It has been fascinating to see how what is classified as a “small” jurisdiction such as Northern Ireland organises its judiciary and legal profession. We are, in comparison of course, a “micro” jurisdiction but I believe we have much to learn from how we both deal with common challenges.

It has however struck me that the links between our two jurisdictions are not as close as would be expected from our geographical location, although it has to be said that travelling across the Irish Sea nowadays has become rather challenging. Dame Siobhan has had to fly from Dublin to be with us today.

Dame Siobhan is here first and foremost as a guest of Tynwald and I am sure that she will enjoy the various events of the Tynwald Day celebrations and weekend. I am very grateful to her for making time in her very busy schedule not only to visit the Isle of Man (I think for the first time) but also to talk to us today about her fascinating career and the particular challenges of being a barrister and a judge in Northern Ireland.

Could I now invite you to give a warm welcome to the Lady Chief Justice.

Address by the Lady Chief Justice

Thank you very much for that very kind introduction. It really is a pleasure to be with you all today. I do have to admit at the outset, albeit I hail from Northern Ireland and we are very close neighbours, that I have never been to the Isle of Man before, to my shame. So this is really special for me to be here. I do believe that we have very close links. I am going to talk a little bit about that throughout my address and I am going to tell you a little bit about my career path. But firstly I do want to thank Deemster Corlett for inviting me to be with you. He has been a very valued part of my opening of terms for the last number of years, so I have got a flavour of the Isle of Man before coming here, but I know over the next number of days I am really going to enjoy the experience.

I was struck, and this happened fairly quickly when I got into a car to be taken from the airport, by the fact that many of you have Irish links, be they north or south, including my driver who told me a lot more about County Antrim than in fact I knew myself. So my staff had pointed this out to me whenever I told them I was coming to the Isle of Man. They reminded me of the Irish legend, you are a country I think of folklore as well as Northern Ireland. Let me say I had to nod my hat to the fairies on the way in as a result of the driver's urgings. But our Irish legend I will remind you of, probably you all know this, but the Isle of Man according to Irish legend owes its existence to an Irishman, the notorious giant Fin McCool. It is said that Finn McCool, in hot pursuit of a Scottish rival, scooped a mass of earth and rocks out of the Irish ground and threw it at him. He missed his target and the chunk of earth and rocks landed in the Irish Sea creating the Isle of Man. So you all believe that of course, it's highly accurate. But if the legend is correct we are actually

standing/sitting on Irish soil right now and I will be adding to it when I lay a pebble I have brought with me on the cairn in Cooil y Rhee gardens tomorrow. So I do feel at home on the basis of that legend.

I have been asked to share my story with you in terms of my career as a lawyer, and I hope you gain something from this, as I do when I talk to people wherever I travel. Firstly, as I think I say to the new recruits that I call to the Bar every year in our main court in the Royal Courts of Justice in Belfast, I didn't come from a legal background myself. Why I say that is I see all the parents at the back of the court thinking am I stuck with this pupil/new barrister for years on end and are they going to succeed? My father used to say to me quite regularly "when am I going to get you off the books?". It was a while. We all need support in life. My parents owned a grocery shop in a small town in Northern Ireland on the Irish border, or near the Irish border, called Newry. So that is where I grew up. I went to Queen's University in 1989 to study law. Law was an option that was not high on my radar from any type of experience. It was simply the careers teacher saying, well you are good at languages, you are not bad at history and I think as a debater you might be able to prove yourself in the legal world. So you know, the power of a good education system puts through people like me to get to where I am today. This year it will be thirty years from my call to the Bar by the Lord Chief Justice who was Lord Hutton then and I am going to share that with the pupils and really make them think, the young people sitting in front of me on 5 September, that one day they might be the Lord or Lady Chief Justice of Northern Ireland.

After I graduated from Queens in 1993, on a four year course, I went on the treadmill I would say. Against my better judgment I didn't go travelling. Against my better judgment I didn't take up a Masters in Edinburgh which I had a place for, for a Masters in European Law. Maybe that's alright now that I didn't take it up! But I decided to continue and go to the Bar. In Northern Ireland I should tell you there are twenty places at the Bar every year for students, there are about one hundred for solicitors, so it is a highly sought after place. I got a place and I always wanted to be a barrister as opposed to a solicitor. You may have a fused profession here but in Northern Ireland we don't and I always wanted to be the advocate. A distinguishing factor I think, or characteristic of my class was that of the twenty I mentioned there were sixteen men and four women. But yet now when I come to call the new recruits it's probably the other way around, which is an indicator of the progression that we have made within the legal profession. It is also reflective of the amount of young women who are going through university and taking law degrees. So that has changed.

So I became a barrister in 1994 and there is a quotation from the former President of Ireland and also Queen's graduate, Mary McAleese, who talks about her career path when she qualified as a barrister. She called it the start of professional unemployment, which I think is a bit harsh. It wasn't that bad but it was difficult to start with, as I have said I didn't know any solicitors, I had to make my own way and I think I perhaps chose a career path in family law that wasn't, let's say, recommended to me. My master, I'm sure you have the same concept of a senior lawyer who trains you, my master was a civil lawyer. He was an excellent civil lawyer, he taught me a lot in relation to evidence and ethics and good advocacy. But the one thing he said was "don't do any family law". Now I didn't take his advice and I'm glad I didn't because I consider family law to be probably the most challenging and difficult area of law that I have actually ever tackled. Now from somebody who is President of the Court of Appeal, Civil and Criminal, in Northern Ireland, that may sound strange. But these are the cases that keep you up at night. These are the cases that really matter. These are the cases that I think if you are a lawyer, and particularly a judge, draw most on the rudimentary aspects of law and judgment and areas of discretion. So I don't for a moment regret being a family lawyer. Whenever judges are called in my jurisdiction to the High Court, they will always have to take a period of time in the Family Division along with other Divisions, because I think it is a really important aspect of work and I think it also hones your skills as to what is actually happening to real people in the real world. That is not to denigrate any other areas of law which are obviously extremely important to people, but it is to fly a flag for practice which I sometimes think is underestimated.

So going back to my story, as I reached a landmark of twenty years in practice, I did begin to think about another challenge and that is when I decided that I would apply to be a High Court judge. In Northern Ireland we have a Judicial Appointments Commission, so it is an independent commission that appoints judges. The Chief Justice, me now, is the Chair of it, but judges are appointed by a panel including judges and lay persons. I was appointed in 2015 and as I think you have heard, I was one of the first two women to be appointed to the High Court in Northern Ireland. Our jurisdiction started in 1921 so this was a milestone and I think in other jurisdictions similar statistics are apparent. But happily we I think got somewhere at that milestone with the appointment of myself and another female judge. I will come back to that in a moment because I know that there are probably here plenty of young women and young men in the profession who are thinking about what the road

blocks are, what the impediments are, about career pathing. I will talk a little bit about that in a moment.

But I spent six and half years on the High Court bench. That I will tell you about briefly, in that I did experience lots of different types of work including, criminal work, family work, coronial work, judicial reviews. In Northern Ireland we have cases that stem back to our troubled times unfortunately. So I particularly recall an inquest call that I had to deal with which was about events in Northern Ireland in 1971. So that was the year of my birth and I was hearing a case about what had happened in West Belfast. That continues and our law is a mix of the current and the past and that is why it is particularly challenging but invigorating. I did do a bit of family law, I wouldn't say that I did none when I came to the bench, and that was my comfort zone in a sense. All of the mix of law led me to think that I would in 2021 apply to be the Chief Justice and that was the next step in my career path.

So I mentioned about the appointments system and the independent appointments system we have. I think you might be interested in some of our statistics on this which I extracted. I told you about the fact that most of the young people coming to the profession are female, or the majority are now. That translates when you get to judiciary into a rather worrying statistic I think. Because the number of women comprising the senior positions in the judiciary in Northern Ireland is 21.2% of office holders, so that is not actually hitting the target of the number of women within the profession or at the lower levels of the judiciary. Appeal Judge Cross has spoken to me about gender balance among the Isle of Man judiciary and how it is not yet reflective of your society. You are not alone, we are in a similar position. But the corollary to that is, I think, this is a conversation that can now be had. In times of old, conversation about diversity within the judiciary was not necessarily top of the agenda. What I do note in your jurisdiction, as well as my own, is the good and necessary work that is going on to identify the factors that might be acting as barriers to change and to put in place strategies to help remove or reduce barriers. Why is this work necessary you might ask.? Well I am clear that such work is necessary because it is important for public confidence to have a judiciary that reflects all of society. Put simply, women are part of that society just as men are. Different ethnic groups are part of that society. There should be a judiciary that is reflective of all of that.

So that is the aim that we have and I am unapologetic about continuing to speak about it as I progress in my career. In 2022, 51% of all the solicitors in Northern Ireland were female but women made up only 32% of partners in private practice. Whilst at the bar only 21% of King's Counsel are female. Now this year I called the highest number of female silks ever to

the bar, and I think we are on the right career path in relation to this. I don't tend to be overly optimistic or overly pessimistic. I think it is important to just highlight issues and ultimately make sure that there is a level playing field for people who are talented and who are good at their job.

Law has changed even since I started thirty years ago. It is more complicated, it is more demanding, it has more of a public aspect. But it is still obviously, on the flip side, rewarding and a brilliant career. For me being self employed as a barrister was a brilliant part of my life. I do enjoy the bench. I do enjoy my current role. But I will, I think, never forget the fact that I was a barrister. I do understand what it is like when you are down there as opposed to up here. I went to the World Bar Conference in Dublin this year and after giving an address, and there were seven Chief Justices on the panel, we talked about the things that judges talk about and there were questions from the floor. One woman stood up and said, well I had two questions that I thought were interesting. One woman stood up and said why are your judgments so long? Not mine particularly, but I thought that was refreshing and I thought in my own head, and I said well sometimes they have to be long. And she said, well I think they're too long. That was a bit of Irish forthrightness. But the second person really was asking, well it wasn't really a question it was a comment. Can you remember, and she was saying this again to the entire bench, can you remember what it was like some days when you were a barrister, when you were on day one, when you were a solicitor, when things weren't going quite so well? I think that was actually a good indicator of how people feel. I do understand what it was like when I first started, how demanding it was, how nervous I was, how I didn't win every case, how I did go home if I thought the judge was being unfair to me, and that is something within the judicial infrastructure that we do have to remember. So I hope I remember where I came from and I actually valued that women standing up and asking me that question.

I also, I should say, went to a primary school to speak to five hundred primary school pupils about a month ago. My office had said this is going to be a bit of a risk, they are going to be really unruly. I brought my wig and gown which I thought was going to ripped apart at the back because that is all they wanted to see. It was in a gym and I again opened questions to the floor. What I got from that was that young people are actually tuned in to law. I had these children up to the age of eleven, asking me about the difference between civil and criminal law, they were asking me about important criminal cases. And then one young man at the back, and I could see that he was a child who was slightly on the edge, the teacher was worried what was he going to say. So he put his hand up and she almost

was trying to put his hand down. Then he said, "what do you get paid?". In the usual judicial way I decided not to answer that. But, it was very refreshing to see what young people think about law. I am big on the fact that we need to bring law into the classrooms. I think it is all very well to critique young people, when they come before the justice system, about their morality maybe, or their use of social media or their understanding of law if we don't go out and tell them what law is about. So there is a two way street there and I got a lot out of that when I went back to school.

Mentoring schemes are another area that I think are important. I mentioned the statistics in relation to women in law which aren't good. But we do have a mentoring scheme which I think has been effective in terms of incentivising people to take on opportunities throughout their career. Put their head above the parapet, not be afraid of disappointment and not think that say, a judicial post, isn't for them. So we do informal mentoring and we also do reverse mentoring. Reverse mentoring is quite a revolution I would suggest. So that is junior people speaking to senior people about very simple things like trying to be heard, or how they feel within the legal world. Now where we got reverse mentoring from was it was utilised in the City in London. Some City executives took it on, I think quite bravely, and heard from younger people around the table. The senior executives didn't know this was happening but the younger people were saying but you didn't ask me my opinion around the table and you asked everybody else. So I am open to that, I think that is important. I think mentoring in a way is key. You cannot be what you cannot see is another issue so you need to be able to tap into people who have got there, who can tell you how it was for them.

One question that I am asked quite frequently, I think fairly predictably, as a female in my role, is do you think women and men judge differently? Do you think that is part of the spectrum of the discussion on diversity? Lots of senior female judges have been asked about this and I think probably there is not an easy answer to this. I am not sure that your gender will dictate an outcome particularly. Sandra Day O'Conner, who you may know was the first woman to be appointed to the US Supreme Court, is credited as saying a female judge will decide the case in the same way as a wise male judge. However, what I do think is, that different people, be they male or female, bring their own life experiences to the bench, and that is extremely important. So I am not going to say too much more on that issue. I am going to have to think a little bit more for an answer after I have served more than the three years that I have served to date, on that issue.

So I am going to finish with a couple of reflections. Thank you for listening to me by the way, you have been a lovely attentive audience. Firstly, as a student growing up in Queen's in the late eighties, as a newly qualified barrister in the mid nineteen eighties and as my legal career progressed in the early two thousands, I didn't have a plan to be the first female Chief Justice of my jurisdiction. I am immensely honoured to be so. I want us to be progressing towards a world in which it is though unremarkable that a judge or a Chief Justice or a Deemster is a woman. So it is my hope that my appointment as Lady Chief Justice serves to demonstrate to each of you regardless of gender or background, that judicial office including at the most senior level is achievable for both men and women on the basis of merit. I know that there is a tremendous pool of talent in legal practice on the Isle of Man, I have met some of you before, and that is really strong. You also have a small jurisdiction and collegiality is I am sure the key to how you operate. But we just remember sometimes, and this may sound grand, but it is important to remember, that justice and society stand to benefit if regardless of gender you are inspired to see judicial office as a feasible option, one that you might even enjoy. I do enjoy it.

Second reflection finally. I am going back to Sandra Day O'Connor who I have told you about. For me she encapsulated the importance of inspiring others to understand and value inclusion to forge a better world. She said this. Society as a whole benefits immeasurably from a climate in which all persons regardless of race or gender may have the opportunity to earn respect, responsibility, advancement and remuneration based on ability.

So those are my final words. Thank you very much for listening and having me with you. I have enjoyed my stay thus far and I am sure I will enjoy the next few days.