

Lord Justice of English Court of Appeal Gives Seminar

-Grace Chen

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Sir Bernard Rix

On December 7, 2011, The Rt Hon Lord Justice Sir Bernard Rix of the Court of Appeal of England and Wales gave a seminar to the Law School staff and students on *The Role of Judge and Counsel in the Common Law System*. Also present at the seminar was Neil Kaplan, CBE, QC, SBS, a distinguished Hong Kong arbitrator, who also made some insightful comments during the seminar.

The Lord Justice started the seminar by illustrating the duties and role of counsel or advocates. He emphasized that courage is an essential quality of the advocate. He added the advocate is required to do substantial groundwork in order to be fully prepared for the case. He observed that this preparation required counsel to focus on analysis, clarity and simplicity and explained the importance of these points for preparation as well as presentation of the case. Researching the law was also noted as being a significant duty of counsel. As for their performance in court, he noted that counsel should be able to engage the bench (e.g. by looking into the eyes of the judge) and be chronological when explaining the facts of the case.

The Lord Justice indicated that a judge should be polite and courteous, be a patient listener, and decide cases on the basis of law. He urged that judges should deal with the case before them and not fear what an appeals court would think about the decisions they make.

Further, the Lord Justice shared his understanding of the rule of law. He noted that the rule of law should be public, accessible, written as simply as possible, predictable, non-arbitrary, with substantive content and fair balance. The essence of the rule of law, he said, is that "the law rules." He also advised that all present should never forget that power has the ability to corrupt. One of the

many gems of wisdom that he left with the seminar participants was that “Justice is a delicate flower that is easily bruised”.

The conference room in which the seminar took place was full, with only standing room left. Many of the Chinese judges undertaking the LLM Programme were present and gained considerable inspiration from what was discussed. Students and staff actively engaged in discussions with the Lord Justice. He, as well as Neil Kaplan, answered a series of questions about how to gain courage, how judges face criticism from press and academics. He suggested to the Chinese judges to have faith in themselves, be humble and open to the advice from the veterans.

Sir Bernard Rix has served as a Lord Justice of the Court of Appeal of England and Wales since 2000. He was appointed to the bench in 1993, spending much of his time until 2000 as a judge of the Commercial Court, of which he was judge in charge in 1998/99.

Sir Bernard was born in 1944 and educated at St Paul’s School, New College, Oxford, of which is an honorary fellow, and Harvard Law School, where he was a Kennedy Scholar. He was called to the Bar by the Inner Temple in 1990, and in practice specialised in commercial and arbitration law. He was appointed Queen’s Counsel in 1981 and a Recorder of the Crown Court in 1990. He was chairman of the Commercial Bar Association in 1992/93, and Treasurer of the Inner Temple in 2005.

Sir Bernard is or has been a member of various boards or committees: as chairman of the Advisory Council of the Centre for Commercial Law Studies at Queen Mary College, University of London, a director of the London Philharmonic Orchestra, a trustee of Bar Ilan University, president of the Harvard Law School Association of the UK, a trustee of the British Institute of International and Comparative Law, vice-chairman of the British Insurance Law Association, a patron of the Wiener Library, and a trustee of the Hearts Cell Foundation.

