



FINAL JUDGMENT

THE LAST LAW LORDS AND
THE SUPREME COURT



ALAN PATERSON

Final Judgment The Last Law Lords And The Supreme Court

Hélène Tyrrell



Final Judgment The Last Law Lords And The Supreme Court:

Final Judgment Alan Paterson, 2014-07-18 Winner of the Inner Temple book prize 2015 and the Socio Legal Studies Association Book prize 2014 15 The House of Lords for over 300 years the UK's highest court was transformed in 2009 into the UK Supreme Court This book provides a compelling and unrivalled view into the workings of the Court during its final decade and into the formative years of the Supreme Court Drawing on over 100 interviews including more than 40 with Law Lords and Justices and uniquely some of their judicial notebooks this is a landmark study of appellate judging from the inside by an author whose earlier work on the House of Lords has provided a scholarly benchmark for over 30 years The book demonstrates that appellate decision making in the UK's final court remains a social and collective process primarily because of the dialogues which take place between the judges and the key groups with which they interact when reaching their decisions As the book shows the forms of dialogue are now more varied yet the most significant dialogues continue to be with their fellow Law Lords and Justices and with counsel To these new dialogues have been added namely those with foreign courts especially Strasbourg and with judicial assistants which have subtly altered the tenor and import of their other dialogues The research reveals that unlike the English Court of Appeal the House of Lords in its last decade was only intermittently collegial since Lord Bingham's philosophy of appellate judging left opinion writing concurrences and dissents largely to individual preference In the Supreme Court however there has been a marked shift to team working and collective decision making bringing with it challenges and occasional tensions not seen in the final years of the House of Lords The work shows that effectiveness in group decision making in the final court turns in part on the stages when dialogues occur in part on the geography of the court and in part on the task leadership and social leadership skills of the judges involved in particular cases The passing of the Human Rights Act and the expansion in judicial review over the last 30 years have dramatically altered the two remaining dialogues those with Parliament and with the Executive With the former the dialogue has grown more distant with the latter more problematic than was the case 40 years ago The last chapter rehearses where the changing dialogues have left the UK's final court Ironically despite the oft applauded commitment of the new Court to public visibility the book concludes that even greater transparency in the dialogue with the public may be required The way appellate judges at the highest level behave to each other to counsel with other branches of government and with other courts is brought under closer scrutiny in this book than ever before The remarkable width and depth of his examination has resulted in a work of real scholarship which all those who are interested in how appellate courts work all over the common law world will find especially valuable From the foreword by Lord Hope of Craighead KT Alan Paterson's knowledge and interest in the Supreme Court coupled with his expertise as a lawyer who understands the legal system and the judicial process make him a perfect chronicler and assessor of what the Court's role is and what it should be and how it functions and how it might improve Lord Neuberger President of the Supreme Court *The Work of the British Law Commissions* Shona

Wilson Stark, 2017-07-13 The Law Commission of England and Wales and the Scottish Law Commission were both established in 1965 to promote the reform of the laws of their respective jurisdictions. Since then they have each produced hundreds of reports across many areas of law. They are independent of government yet rely on governmental funding and governmental approval of their proposed projects. They also rely on both government and Parliament and occasionally the courts or other bodies to implement their proposals. This book examines the tension between independence and implementation and recommends how a balance can best be struck. It proposes how the Commissions should choose their projects given that their duties outweigh their resources and how we should assess the success or otherwise of their output. Countries around the world have created law reform bodies in the Commissions' image. They may wish to reflect on the GB Commissions' responses to the changes and challenges they have faced to reappraise their own law reform machinery. Equally the GB Commissions may seek inspiration from other commissions' experiences. The world the GB Commissions inhabit now is very different from when they were established. They have evolved to remain relevant in the face of devolution, the UK's changing relationship with the European Union, increasing pressure for accountability and decreasing funding. Further changes to secure the future of independent law reform are advanced in this book.

The Law-Making Process Michael Zander KC, 2025-08-07 This book presents a critical in-depth analysis of the law making process. Now in its 9th edition, this leading textbook presents a complete overview of the law making procedure in the UK. Written by Michael Zander KC, one of the foremost authorities on the workings of the legal system, it combines critical and clear commentary with a well-chosen and wide-ranging selection of materials so that students have at their fingertips everything they need to know about the law making process. Dealing with every stage and all forms of law making, it looks at the preparation of legislation, its passage through Parliament, statutory interpretation, the operation of the rules of precedent in judicial decision making, the many facets of judicial law making and the machinery of law reform. The 9th edition has been updated to include the latest information and commentary about government action, case law, legislation, official reports and a great range of legal and political journals. It provides extensive coverage of the law making process post-Brexit and analysis of the changing character of the Supreme Court.

The Common Law of Obligations Andrew Robertson, Michael Tilbury, 2016-01-28 The development of the law of obligations across the common law world has been and continues to be a story of unity and divergence. Its common origins continue to exert a powerful stabilising influence, carried forward by a methodology that places heavy weight on the historical foundations of legal principles. Divergence is however produced by numerous factors, including national and international human rights instruments, local statutory regimes, civil law influences, regional harmonisation, local circumstances and values and different political and legal cultures. The essays in this collection explore the forces that produce divergence, the countervailing forces that generate cohesion and consistency in the common law of obligations and the influence that the major common law jurisdictions continue to exert over one another in this area of law.

The chapters in this book were originally presented at the Seventh Biennial Conference on the Law of Obligations held in Hong Kong in July 2014 A second collection entitled *Divergences in Private Law* ISBN 9781782256601 will focus on particular departures from the common law mainstream and the causes and effects of those deviations

Legal Systems & Skills J. Scott Slorach, Judith Embley, Peter Goodchild, Catherine Shephard, 2017 This innovative text offers a combined approach covering legal systems skills and employability to provide an academic and practical foundation for the study of law and life as a professional

Commitment and Cooperation on High Courts Benjamin Alarie, Andrew J. Green, 2017-07-25 Judicial decision making may ideally be impartial but in reality it is influenced by many different factors including institutional context ideological commitment fellow justices on a panel and personal preference Empirical literature in this area increasingly analyzes this complex collection of factors in isolation when a larger sample size of comparative institutional contexts can help assess the impact of the procedures norms and rules on key institutional decisions such as how appeals are decided Four basic institutional questions from a comparative perspective help address these studies regardless of institutional context or government framework Who decides or how is a justice appointed How does an appeal reach the court what processes occur Who is before the court or how do the characteristics of the litigants and third parties affect judicial decision making How does the court decide the appeal or what institutional norms and strategic behaviors do the judges perform to obtain their preferred outcome This book explains how the answers to these institutional questions largely determine the influence of political preferences of individual judges and the degree of cooperation among judges at a given point in time The authors apply these four fundamental institutional questions to empirical work on the Supreme Courts of the US UK Canada India and the High Court of Australia The ultimate purpose of this book is to promote a deeper understanding of how institutional differences affect judicial decision making using empirical studies of supreme courts in countries with similar basic structures but with sufficient differences to enable meaningful comparison

Values in the Supreme Court Rachel Cahill-O'Callaghan, 2020-02-20 This book examines the significance of values in Supreme Court decision making Drawing on theories and techniques from psychology it focuses on the content analysis of judgments and uses a novel methodology to reveal the values that underpin decision making The book centres on cases which divide judicial opinion Dworkin's hard cases in which the result is not clearly dictated by statute or precedent In hard cases there is real uncertainty about the legal rules that should be applied and factors beyond traditional legal sources may influence the decision making process It is in these uncertain cases where legal developments can rest on a single judicial decision that values are revealed in the judgments The findings in this book have significant implications for developments in law judicial decision making and the appointment of the judiciary

Constitutional and Administrative Law Hilaire Barnett, 2023-08-31 Hilaire Barnett's *Constitutional and Administrative Law* has consistently provided students with reliable accessible and comprehensive coverage of the Public Law syllabus Mapped to the common course outline the Fifteenth

edition equips students with a thorough understanding of the UK constitution's past, present and future by analysing and illustrating the political and socio-historical contexts that have shaped the major rules and principles of constitutional and administrative law as well as ongoing constitutional reform. This edition has been fully updated throughout, including a restructure to Chapters 22 and 26 as well as additional pause and reflect sections in order to aid student understanding of this complex area of the law. The online digital content also includes updates to the Multiple Choice Questions Instructor Test Bank and Web Links. Ideal for students studying constitutional and administrative law for the first time, this is an indispensable guide to the challenging concepts and legal rules in public law.

Public Law Mark Elliott, Robert Thomas, 2020. This market-leading textbook covers the essential topics of the public law module in an insightful and interesting way. The book guides students through key themes which help them to understand how the many strands of public law are interlinked. The authors have a real flair for capturing both the vibrant nature of public law in practice and the key contemporary debates in the field. They use practical examples to bring this subject to life and include expert commentaries on each chapter to allow students to see academic debate first-hand. Online resources: This book is accompanied by a range of online resources. Updates from the authors to help students stay up to speed on this fast-moving subject. Extensive self-test questions with instant feedback give students the opportunity to test their learning. Videos of the authors introducing the key themes and issues discussed in each chapter. A library of web links and advice on which websites students should use when planning their own research. Online versions of the diagrams featured in the book.

The Heroes of the Judicial Periphery Alan Uzelac, Stefaan Voet, 2025-05-01. This book assesses the role of court experts, court clerks and court staff and other actors on the judicial periphery who play an important role and often co-determine the pace, outcome and tone of the judicial process. In national civil justice systems, the limelight is all too often cast on the main actors: judges, lawyers and parties, but the court's support staff can sometimes be overlooked. This book explores their role. The knowledge and skills of experts may be indispensable at times, but it is among the most expensive, complicated and time-consuming means of evidence. The judges adjudicate, but where experts are involved in the process, they have a decisive impact on the outcome of litigation. Therefore, a principal focus of the book is on experts and how they are appointed, managed and remunerated across Europe and the world. Other ancillary professions may also be decisive for effective provision of court services. Different jurisdictions have different rules and habits, but inevitably recognise the need of adequate support for judges. Sometimes judges command the whole team of clerks and lawyers; sometimes they share a secretary or a clerk. But in all cases, those who assist judges in their daily work have a significant impact on the effectiveness and quality of the judicial process and its outcome. The book considers the contribution of different actors, including clerks, secretaries, advisors, counsels and reporters. It focuses on cooperation and the interplay between judges and other professional actors in litigation.

The Oxford Handbook of Comparative Judicial Behaviour, 2024-10-18. These are momentous times for the comparative analysis of judicial behaviour. Once the sole province

of U S scholars and mostly political scientists at that now researchers throughout the world drawing on history economics law and psychology are illuminating how and why judges make the choices they do and what effect those choices have on society Bringing together leading scholars in the field The Oxford Handbook of Comparative Judicial Behaviour consists of ten sections each devoted to important subfields fundamentals providing overviews designed to identify common trends in courts worldwide approaches to judging data methods and technologies staffing the courts advocacy litigation and appellate review opinions relations within between and among courts judicial independence court and society and frontiers of comparative judicial behaviour dedicated to expanding on opportunities for advancement Rather than focusing on particular courts countries or regions the organization of the individual chapters is topical Each chapter explores an important topic critically evaluating the state of that topic and identifying opportunities for future work While the forty two chapters share a common interest in explaining the causes and effects of judicial choices the range of approaches to comparative research is wide inclusive and interdisciplinary from contrasts and similarities to sophisticated research agendas reflecting the emerging field of judicial behaviour around the world

Human Rights in the UK and the Influence of Foreign Jurisprudence

Hélène Tyrrell, 2018-09-20 Longlisted for the 2022 Inner Temple Main Book Prize Human Rights in the UK and the Influence of Foreign Jurisprudence represents the first major empirical study of the use of foreign jurisprudence at the UK Supreme Court This book focuses on the patterns of use and non use of rulings from foreign domestic courts in human rights cases before the UK Supreme Court Results are drawn from quantitative and qualitative research presenting data from the first eight years of Supreme Court activity The evidence includes interviews with active and former members of the senior judiciary as well as a focus group including some of the Supreme Court Judicial Assistants It is argued that foreign jurisprudence is more intimately woven into the fabric of judicial reasoning and serves a wider range of functions than the term persuasive authority might imply Foreign jurisprudence is used mainly as a heuristic device providing judges with a fresh analytical lens Foreign jurisprudence is also important when interpreting a common legislative scheme supporting dialogue between the Supreme Court and supranational courts such as the European Court of Human Rights The perspectives offered by foreign jurisprudence can also support a stronger conception of domestic human rights In these ways this book addresses a broader political question about the source of human rights in the UK

Constitutional and Administrative Law Neil Parpworth, 2020 Constitutional and Administrative Law is a clear and concise text which allows students to easily get to the heart of the subject

Public Law and the UK Supreme Court Lewis Graham, Jenny Russell, 2025-08-15 This volume brings together expert commentators across different fields of public law to comment on key decisions by the UK Supreme Court UKSC Each author explores their case s content as well as its broader implications for public law as a field and the Supreme Court as an institution The work is divided into the following areas constitutional law administrative law and judicial review human rights and criminal law and criminal justice Providing expert commentary on

recent authorities of the highest level in one place the collection will enable readers interested in these areas to conveniently locate analysis that will aid them in their work Taken together the contributions enable identification of persistent themes within subject areas As such it will be an invaluable resource for academics researchers practitioners judges and policymakers

The Judicial Mind Brice Dickson, Conor McCormick, 2021-11-11 This collection of essays is a tribute to Lord Kerr of Tonaghmore who died aged 72 on 1 December 2020 after having retired from the UK Supreme Court just two months earlier Brian Kerr was appointed as a judge of the High Court of Northern Ireland in 1993 He became the Lord Chief Justice of Northern Ireland in 2004 before being elevated to a peerage and appointed as the last Lord of Appeal in Ordinary in June 2009 Four months later as Lord Kerr he moved from the Appellate Committee of the House of Lords to the UK Supreme Court where after exactly 11 years he concluded his distinguished judicial career as the longest serving Justice to date During his career he established an exceptional reputation for independence of thought fairness and humanitarianism Lord Kerr s judicial mind has inspired and influenced a significant number of scholars and jurists throughout the UK and beyond In this book his unique brand of jurisprudence is examined alongside a catalogue of broader issues in which he displayed a keen interest during his lifetime The volume includes topical contributions from a range of legal experts in Britain and Ireland Lord Kerr s particular interest in public law human rights law criminal law and family law is featured prominently but so too is the importance of his dissenting judgments some influential jurisprudence of the Judicial Committee of the Privy Council where he sat on many occasions the legacy of his influence on the law and legal system of Northern Ireland and the significance of his place in the historical development of judicial roles and responsibilities more generally

Law, Judges and Visual Culture Leslie J Moran, 2020-11-12 Law Judges and Visual Culture analyses how pictures have been used to make manage and circulate ideas about the judiciary through a variety of media from the sixteenth century to the present This book offers a new approach to thinking about and making sense of the important social institution that is the judiciary In an age in which visual images and celebrity play key roles in the way we produce communicate and consume ideas about society and its key institutions this book provides the first in depth study of visual images of judges in these contexts It not only examines what appears within the frame of these images it also explores the impact technologies and the media industries that produce them have upon the way we engage with them and the experiences and meanings they generate Drawing upon a wide range of scholarship including art history film and television studies and social and cultural studies as well as law and interviews with a variety of practitioners painters photographers television script writers and producers as well as court communication staff and judges the book generates new and unique insights into making managing and viewing pictures of judges Original and insightful Law Judges and Visual Culture will appeal to scholars postgraduates and undergraduates from a variety of disciplines that hold an interest in the role of visual culture in the production of social justice and its institutions

The Judge, the Judiciary and the Court Gabrielle Appleby, Andrew Lynch, 2021-04-29 Revealing analysis of how judges

work as individuals and collectively to uphold judicial values in the face of contemporary challenges Justice for Everyone Rosemary Hunter, Erika Rackley, 2022-05-26 Featuring original research this collection celebrates the remarkable career of former Supreme Court President Brenda Hale *Judicial Individuality on the UK Supreme Court* Lewis Graham, 2025-02-06 This book presents an empirical analysis of the UK Supreme Court's output over its first ten years with a specific focus on each individual judge's contribution to each case. It shows that judges like all of us are human; it would be difficult to imagine that any of us even in our most professional capacity could act completely independently of our predilections, motivations and biases. The same is true for the judges sitting on the UK's highest court. Drawing on insights from a bespoke dataset of judgments, this work discerns trends and tendencies across each judge's voting patterns and the reasoning they adopt when disposing of cases. It not only highlights areas of divergence but also shows how each of the judges tended to vote in different contexts, including which were more likely to overturn appeals from lower courts, side with certain parties such as the state or underdogs, and find liability in various areas: tort, contract, criminal, EU immigration and tax law, with a special focus on human rights cases. Another section illustrates the differences between the judges when it comes to judicial reasoning, such as their approach to precedent and preferred methods of statutory interpretation. This work shows that different judges exercise their power in different ways. Some are more comfortable with pushing boundaries, whilst others are more restrained. Some grant the state a lot of leeway, whilst others apply heavy scrutiny. Some are as Lord Denning suggested, bold spirits, whilst others are timorous souls. It shows at least when it comes to the Supreme Court that it matters who our judges are The Three Paths of Justice Neil Andrews, 2018-05-08 This revised second edition takes account of developments in the field of dispute resolution, including mediation and arbitration. The book presents a concise account of the English system of civil litigation, covering court proceedings in England and Wales. It is an original and important study of a system which is the historical root of the US litigation system. The volume offers a comprehensive and properly balanced account of the entire range of dispute resolution techniques. As the first revised book on this subject to be published in the USA, it enables American lawyers to gain an overview of the main institutions of English Civil Procedure, including mediation and arbitration. It will render the English system of civil justice accessible to law students in the US, practitioners of law, professors, judges and policy makers.

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