

## **How to address Judges and others**

A note by Master Jacob

History has given us not only the court system, but a bizarre and far from self-evident system of naming judges. Some judges are pompous enough to take umbrage if you get it wrong: certainly it does not give a judge confidence that you know what you are doing if you get it wrong or depart from convention. You may well think that a judge who takes umbrage over this sort of thing is a silly old ... You will be right – but your job is to represent your client so there is no point in annoying the old codger.

Incidentally the same goes for people's names. Make sure you spell them right because it shows you are treating them properly as human beings – and are careful. I always, for instance, feel a twinge of annoyance about people who add an 's' to the end of my surname. If a name is difficult to pronounce, practice if you can. If you are not sure how to pronounce a name it is polite and courteous to say something like "forgive me but I don't know how to say your name."

### **House of Lords Judges**

These are easy – they are real members of the House of Lords and are naturally addressed as "My Lord". When you refer to such a judge you say, for instance, "Lord Luvaduck" or "Lady Luvaduck"

Judicial members of the House of Lords have all been made Privy Councillors, as also many ministers. The correct full title of a Privy Councillor is "The Right Honourable .....". And that is how you would address an envelope to a judicial member of the HL – "The Rt. Hon. Lady Luvaduck". The letter itself would begin "Dear Lady Luvaduck".

We do not know the titles new Supreme Court judges will have.

### **Court of Appeal Judges**

Their full official title is "Lord [or Lady] Justice of Appeal." You address them in court as "My Lord" or "My Lady." You refer to a member of the Court as "Lord Justice" or "Lady Justice". If you were addressing the court as a whole you could say "My Lord and My Ladies" (for a mixed court) or "My Lords" or "My Ladies" for a single sex court. A neater and acceptable way to address a mixed court is simply to call it "The Court" e.g. "The Court will find the contract at page 121 of Volume 2"

If you are writing about a professional matter you address the envelope as "The Rt. Hon. Lord [or Lady] Justice Lovaduck." You start the letter "Dear Lord/Lady Justice," or simply "Dear Judge."

### **High Court Judges**

You address these as "My Lord" or "My Lady". You refer to them as "Mr Justice Bugginwallop" or "Mrs Justice Bugginwallop." Sometimes there are judges with same surname – then one often adds their first name to distinguish between

them as in “Mr Justice Peter Smith.” Men have been knighted, women made “Dames of the British Empire”.

Sometimes a Deputy High Court Judge (usually a senior QC) may sit on the High Court Bench. They are still called “My Lord” or “My Lady” in Court.

By tradition High Court Judges are called “Honourable”, e.g. “The Hon. Mr Justice Bugginwallop.” They are not Privy Councillors and are not called “Right Honourable.”

If you are writing about a professional matter you address the envelope as “The Hon. Mr Justice ...” or “The Hon Mrs Justice ..... DBE.” You can begin the letter “Dear Judge” or “Dear Mr or Mrs Justice ....”

For non-professional matters when writing it is common just to use their title: envelope “The Hon. Sir Kevin Bugginwallop” or “The Hon. Dame Tracey Bugginwallop DBE”. The letter starts “Dear Sir Kevin” or “Dear Lady Tracey.”

### **Circuit Judges**

These may sit in crime or in civil – if the latter in the County Court. They are addressed in court as “Your Honour”. When referring to a circuit judge one says “His/Her Honour Judge Snooks”

When writing to a circuit judge the envelope says “His/Her Honour Judge Snooks” This can be shortened to “HHJ Snooks”. You start a letter “Dear Judge,”

### **QB or Chancery Masters**

These are addressed and written to as Master ....

### **District Judges (civil and criminal) and tribunals**

These are addressed as “Sir” or “Madam”...Quite nice if there are more than one, when referring to the court as a whole is either to call it “the court” or say “you sir and you colleagues”. They are written to as “Dear Judge.”

### **Your opponent**

Almost invariably “my learned friend”. Once upon a time only barristers were referred to as “learned” but nowadays it is probably better to use it for any opponent.

### **Starting**

In our courts the judges will have your name supplied by the usher or court clerk (make sure you write it out clearly and hand it in before the case starts). You do not introduce yourself. The practice is to open shortly, as “I appear with my learned friend Mr X for the claimant, Miss Y and Mr X appear for the defendant”.

Notice no “good morning”. You can say that to a witness to help put them at ease, but quite a lot of judges do not like “good morning” addressed to them. One Court of Appeal, only a few years ago, was addressed “good morning my lords”

whereupon the presiding judge said “we are here to listen to your submissions, not a weather report.”

It is a good idea to write down your opponents’ names in your note – the moment of terror when you start can cause them to evaporate from your mind even if you know them well. Where the court has more than one member, make sure you know the names of all of them – and where they are sitting. If necessary (e.g. addressing a large court) make a map of who is where.

### **“Justice .....**”

Increasingly journalists and some solicitors have taken to using “Justice Bugginwallop”. This is plain wrong. No judge in this country is called “Justice .....

Some mooters make this mistake.

### **Judges abroad**

Judges of the European Court of Justice and the European Court of Human rights are simply called “Judge Bugginwallop.”

In Scotland a first instance “High Court” (actually called a judge of the Outer House of the Court of Session) is called “Lord [or Lady] McBugginwallop” even though he/she is not a lord. If promoted to the “court of appeal” (actually called the Inner House”) the same title is used.

In the US Judges the title “Justice ....” is reserved for Supreme Court judges only. Judges of Federal Appeal Courts and of District Courts are called “Judge ....”. Both are called “Honorable”

In most Commonwealth countries, broadly, first instance judges of a position equivalent to our High Court are called “Mr (or Mrs Justice .....)”. Australia changed a few years ago to the title “Justice ....” for all levels of the Federal Courts and State courts too. A similar change has taken place in the Republic of Ireland.

Continental Judges often have no official title but it is customary to refer to them as “Judge .....

### **When in Grays Inn**

You can forget all the above – all Benchers, male and female, are referred to as “Master .....

(unless of course they are taking part in a moot, when they should be referred to by the titles used for the notional court they are sitting in).