

AN INTERVIEW WITH ANDREW CORLETT

SECOND DEEMSTER OF THE ISLE OF MAN HIGH COURT

Written by **Leanne Chen**

Andrew Corlett is an esteemed legal professional residing in the Isle of Man and currently holds the prestigious title of Second Deemster, the second most senior judge on the Island. Deemster Corlett is an alumnus of Pembroke College, Oxford where he studied law (jurisprudence), having matriculated in 1978 before being called to the English and Manx Bars in 1984. Since his time in Oxford, Mr Corlett has enjoyed a diverse and exciting legal career and during our conversation he imparted many pearls of wisdom.



What was it that made you choose the Bar after graduation?

Well, I went to the Inns of Court School of Law in London to do my barrister's training but I didn't practise at the English Bar. I was called to the Bar but then I came to practise in the Isle of Man (or back home, as it were!) because the Isle of Man was just taking off as a financial centre in 1982-3 and the job opportunities here were very good at that time. I wasn't particularly attracted by the London Bar – some of them could be rather pompous at times and not always particularly friendly! I then practised Manx law.

How does practising law in the Isle Man differ from in the rest of the UK?

We have a fused profession here – you become an advocate of the Manx Bar but a lot of advocates do not actually go into court, although some do essentially perform both the roles of a barrister and solicitor. This is very common in many small jurisdictions. You could move very readily from doing commercial work and you do not have to requalify to do court work.

What kind of law did you practice after you joined the Bar?

Initially my work was very general. I worked in the Attorney-General's office here and I then moved into private practice at a firm named Dickinson Cruickshank. I did a huge variety of work there, for instance, commercial transactions, civil litigation, criminal law and family law. This was because the Bar was very small and I suppose you had to do a bit of everything! Then I moved back into Government and in 1995 I became the Government Advocate, which was like the Deputy Attorney-General. During my career I have moved backwards and forwards between private practice and government work which has been very interesting. In 2001 I went to a firm called Simcocks where I mainly did civil litigation and in 2007 a job as Deputy Deemster came to be advertised. I thought I'd have a go and I'm glad I did!

What sort of work was involved as Deputy Attorney-General?

A wide variety – a lot of court work, European Community work, mainly public law based. Well, public law was always my favourite subject at Oxford! And when I started working in the 80s and 90s, administrative law was developing very quickly.

Why was administrative law developing so much in particular in that period?

Judicial review became quite a well-developed remedy and the judges became a bit more proactive in intervening, whereas they'd been a bit more timorous beforehand! Then of course we had the Human Rights Act on the horizon. In the Isle of Man ours was enacted in 2001 and I did quite a lot of work in connection to implementing that for the Government here.

So now you're the Second Deemster, how has the diversity of work changed?

I do a large variety of work from complex civil cases to adoptions and the full gamut of family work. The only thing I don't do (rather disappointing perhaps for your readers!) is criminal work. I'm glad I took the gamble in moving from private practice though. I'd chaired a couple of tribunals before but apart from that I didn't have that much experience of being a judge. The volume of work now is very considerable – I really hadn't realised how hard judges work.

You mentioned before the fact that you practise Manx law – have you found much of a difference between the Manx law system and the English Common law system in practice?

There's not much difference. We use English cases as precedents – they are persuasive, or even highly persuasive, particularly when they are Privy Council decisions. We do pass our own Acts of Tynwald though, since we have a lot of devolved powers. Essentially we can make our own law. Where there's a gap in the statute, we rely on English common law. So an English lawyer would feel quite at home here!

Now, this may be a bit controversial, but do you have any comments to make on the recent Panama Papers scandal since the Isle of Man is an offshore centre?

I think the Isle of Man should not be put in the same category as the likes of Panama. We have been, for many years now, a very well-regulated jurisdiction. It is undoubtedly the case that the British Government and the OECD [Organisation for Economic Co-operation and Development] has a very high opinion of the Isle of Man in this regard. We are seen as being one of the leaders in this area. We're not a jurisdiction which allows people to use instruments of fraud or hide terrorists' money or anything like that.

Do you face any challenges being a judge now?

Well, being a judge in a small community means that you have to be very conscious of your position. In comparison, as an advocate in private practice you perhaps have a little more freedom to express yourself or to behave in the way you want to behave.

But apart from that, it's intellectually very stimulating and you feel like you're doing something valuable – something that really makes a difference to people.

Have you ever had to make a particularly difficult decision?

The most difficult to make are probably in the area of family law because you're making momentous decisions about the future of the child. But at the end of the day the decisions are actually quite easy to make. After I have come to a decision, I am confident that I have got it right and I try not to worry about it. From a practical view, much of the time there is evidentiary difficulty rather than problems of law.

How much do you think your Oxford law degree has helped you in your career?

Well it certainly has helped me. I look back on the course and I think undoubtedly that it was a very rigorous degree. That was a very good foundation. I was very lucky in that I had two very good tutors at the time. My only complaint was the quality of the university lectures! Nothing really seemed to be coordinated with what you were doing at the time!

Did you enjoy your time at Pembroke?

I did. It took me a while to settle in, particularly into law. I recall that after the first term I felt that this wasn't for me at all and I thought I really didn't want to do it. I wanted to change to philosophy and a modern language. But I think when Mods were out of the way I felt a lot more confident, although I seem to remember doing particularly badly in criminal law! It took a while to get used to the language of law; the way things were put and the way that judges expressed themselves.

And how was your experience of Oxford in general?

It was lots of good fun. I ended up sharing a house with 6 other people in my final year, which was entertaining to say the least. I wasn't a rower though. It was quite out of the question for me to get up at 6am or whatever ridiculous time it was! I was much more into the music scene – punk rock and new wave. I perhaps wasn't the typical Oxford student. I didn't spend that much time punting or that kind of thing.

Do you have any final words of advice for students who are considering advocacy?

I think it's a mistake to specialise too early. Now the big law firms seem to want you to be pretty much pigeon-holed in one area for almost the whole of your career. But I think people should get as much experience in as many areas as possible. You never know what kind of thing will take your fancy! The elusive work-life balance is also a tricky one. The amount of hours worked now by people I think is terrifying. Oh and mobile technology is another thing – I'm not sure I would like to be starting off as a junior advocate now with a Blackberry in my pocket all the time. Before, when you went on holiday, you were on holiday. The difficulty with the Bar is that it can be all-consuming. Don't go into it unless you are of good mental and physical health, I would say!