

**Address of Deemster Corlett on the occasion of Deemster Montgomerie's  
valedictory – 16<sup>th</sup> December 2019**

Your Excellency, Mr President, Chief Minister, Your Honours, Your Worships, Mr Attorney, ladies and gentlemen.

Occasions of this nature provoke mixed emotions. On the one hand it is my genuine pleasure to pay tribute to Deemster Montgomerie on his retirement as a full time judge, yet on the other I am saddened at having to mark this event.

This is Deemster Montgomerie's last day, yet he has kept sentencing to the bitter end, having dealt with several cases this very morning at a very busy pleas court! I understand there has been a busy pre-Christmas rush by some offenders so that they can say farewell to Deemster Montgomerie in person. He has even received letters from Jurby Prison wishing him a happy retirement!

Let me then begin by outlining Deemster Montgomerie's career.

Alastair Aitken Montgomerie was born on 17<sup>th</sup> December 1952. He attended Tonstall Preparatory School, Sunderland and then, Fettes College, Edinburgh in company with one Tony Blair (I wonder what happened to him?).

He was awarded an LLB by Manchester University (I believe he was taught by Lady Hale (as she now is)) and thereafter qualified as a solicitor. He was articled to Mckenzie Bell & Sons in Sunderland and subsequently became a prosecuting solicitor in Cumbria, later rising to the office of Senior Crown Prosecutor for Northern Cumbria.

In 1991 when His Honour William Cain (who I am delighted to see is here today) was Attorney General, Alastair was appointed to the newly created post of Legal Officer (Fraud) in the Attorney General's Chambers. His main responsibilities were to head the then Fraud Investigation Group, conduct serious fraud prosecutions in the Court of General Gaol Delivery

and to deal with foreign assistance requests. He later became Chief Prosecutor with responsibility for the conduct of all prosecutions in the Court of General Gaol Delivery and appeals before the Criminal Jurisdiction of the Staff of Government Division. He conducted numerous trials of persons charged with offences such as murder, attempted murder, serious fraud, drug trafficking, sexual abuse and causing death by dangerous driving.

It was during this time that I got to know Alastair well, as I was appointed as Government Advocate in 1995. I witnessed at first hand his meticulous preparation and his ability to cope with a very heavy burden of advisory and advocacy work at a time when the Attorney General's Chambers was a mere shadow of what it now is.

In 2003 he was deservedly appointed to the office of Deputy High Bailiff and during this time, he was also the Island's Small Claims Arbitrator, dispensing justice in hundreds of civil cases. He also presided over many summary criminal cases and also regularly undertook Acting Deemster duties in the Court of General Gaol Delivery, combining these with his chairmanship of the Licensing Court and of the Criminal Injuries Compensation Tribunal.

On 1<sup>st</sup> April 2011 Alastair was sworn in as Deemster and took over full responsibility for the Court of General Gaol Delivery, an office in which he has presided with great authority and conspicuous success ever since.

Alastair self-evidently has the essential qualities which every judge in this jurisdiction must have. Those three qualities may be summarised as "Incorruptibility and Integrity"; "Quality" and "Independence".

#### 1. Incorruptibility and integrity

These are qualities which we simply take for granted in the Isle of Man but which in fact are sadly lacking throughout the world, including surprisingly many well-developed Western European countries. It is something we should be proud to celebrate, but never be complacent about.

## 2. Quality

Deemsters must obviously be experts in a wide field of law and be adept at what is called "judge craft". Alastair's expertise in criminal law and in conducting criminal trials is unrivalled and he has also throughout his career shown that he is able to deal most capably with many other areas of the law.

## 3. Independence

Anyone who knows Alastair, both professionally and personally, can be in no doubt of his conspicuous independence of mind – he will not be swayed by outside impermissible influences, or what might be the expedient or easy thing to do. He exercises totally independent judgment and is always concerned to do the right and just thing.

Independence of judgment is the duty of any judge, but it can sometimes be immensely difficult to fulfil that duty and it is something which Alastair has always succeeded in doing throughout his career.

I turn then to consider Alastair's key role since 2011, namely presiding over the Court of General Gaol Delivery.

The pressures on a Deemster sitting with a jury are immense – the cases are invariably weighty and are matters of great public interest, with attendant publicity. There is the need to give very quick decisions on issues which crop up without warning during a trial – issues of admissibility of evidence, various procedural rulings, questions from the jury. Particularly in such a small jurisdiction as this, decisions must invariably be reached without recourse to a discussion with judicial colleagues as might be the case in the adjacent jurisdictions. The midnight oil may often be burned preparing a summing up, which may several months later become subject to minute scrutiny by an appeal court which, unlike the trial Deemster, has the benefit of time to consider the issues.

Alastair is a great admirer of the jury system, even for the most complex and legally difficult cases and rightly places great faith in the verdicts of Manx juries..

Of course Alastair's record in the Appeal Division is much to be admired. Virtually no appeals against his decisions have ever succeeded. There has never been any valid criticism of the manner in which he has conducted a trial. He has always been a totally reliable judge and a very safe pair of hands in whatever area he has engaged in.

One must not forget also that jury trials frequently deal with conduct of the utmost depravity and require a resilient, well-grounded judge, such as Alastair, to preside over them.

Sentencing decisions, which in many cases have never been easy, have become more challenging due to the increasing complexity of sentencing law, yet Alastair has somehow succeeded in achieving the right balance between assuaging the desire for punishment and deterrence, and the need to tailor a sentence which will assist in the offender's rehabilitation. His judgments and rulings are as crisp and clear as the weather today - eminently readable, concise and thankfully devoid of legalese, qualities which we all would do well to imitate.

I was very pleased to see Alastair recently being invited to sit in the Appeal Division on appeals against conviction and sentence – something I hope he will continue to do post-retirement.

In carrying out all these onerous and stressful functions he has had the enormous benefit of Wendy's support and also of maintaining a healthy host of outside interests – in particular tennis in which he has represented the Isle of Man on many occasions and which he continues to play to a very high standard, I understand with great vigour and determination.

What then of Alastair as a friend and colleague?

The criminal courts are at times undoubtedly a rich source of humour, much of it unintentional, and Alastair often mines a seam of first class humorous tales and gossip about members of the Bar which is greatly enjoyed by his fellow judges.

Who can also forget his somewhat difficult relationship with emails? His clerks tell me that they telephone him to let him know he has received one! Or his justified annoyance at my frequent misspelling of his Christian name? We will certainly miss his "old school" manner of dictating to his clerks and secretaries while seated at their side in the general office.

His "Murder Mystery" evenings are well known. Alastair's ability to immerse himself in the role of those suspected of committing the dastardly deed in question has made me suspect that he would have enjoyed a career as an actor – maybe a second career beckons?

On a personal level I have greatly valued his support given in his usual forthright manner in fiercely defending the independence of the Manx judiciary and in supporting me in endeavouring to fend off (sometimes ultimately unsuccessfully) attacks on the judiciary's terms and conditions of service, which I might add, are in danger of affecting the future quality and hence the strength of the Island's judiciary. Without a strong, high quality judiciary able to attract in years to come the best talent from the Bar, the Island's reputation as a stable and reliable financial centre and place to do business is bound to be undermined.

I have already commented on Alastair's meticulous preparation when he was a prosecuting advocate. This attitude has been naturally carried through to his judicial work where he has set the highest standards for those advocates appearing before him. I know that he, like me, is perturbed by the current pressures on independent criminal practitioners who rely so heavily on a properly functioning and stable legal aid system to maintain their practices and their expertise in this vital area of legal work. Without such practitioners there will be no pool of talent from an independent Manx Bar from which to draw the Deemsters of the future to preside over the Court of General Gaol Delivery and deal with serious crime, whether it be drug trafficking, offences against the person, or financial crime, all of which strike at the heart of our community and put our way of life and our economy in jeopardy.

The esteem in which Alastair is held by the legal profession was very evident at the recent party which he so generously hosted for his colleagues and friends, and I know that he will

generously continue to assist the Law Society in providing advocacy training. The Law Society have in turn shown their appreciation by hosting a drinks party and dinner in Alastair's honour.

I very much hope that he will also be a frequent visitor to this building as a member of the panel of part-time Deemsters – his experience and expertise and indeed his passion for the administration of justice will be most welcome in assisting us to manage judicial workload.

As to retirement, as I have just said it is unlikely that we have seen the last of him as Deemster, but equally I am sure that he and Wendy will enjoy the greater freedom to travel, relax and enjoy more time together, and with their children. So it is *au revoir*, rather than a final farewell, Alastair.

I conclude by saying on behalf of each member of the judiciary, all the court staff, and indeed the Isle of Man, we thank you for your years of exceptional service to the administration of justice and wish you a long and happy (semi) retirement.