

**Court Tribute to the memory of  
His Worship Thomas Michael Moyle**

**19.01.22**

Address by Deemster Needham

Thank you First Deemster.

Mr President, Chief Minister, Your Honours, Your Worships, distinguished guests, Ladies and Gentleman.

On Thursday last I had the honour of presenting the Eulogy at Michael's funeral and in it I remarked upon the enigma that was Michael, the prominent public figure not afraid of challenging anyone, be it: prosecution, defence, reticent witnesses, difficult defendants, sloppy officialdom or inaccurate reporters; and the caring, gentle man at home, away from the lime-light - the loving husband, brother and uncle, and generous humorous friend.

Today's focus is rightly upon Michael the respected advocate and judge, and his 36 years of service to justice over a time when the law and the legal profession on the Island saw remarkable change.

Deemster Corlett has given an insight into those days of Michael in his prime as Government Advocate. Not just as the successful prosecutor but representing the government in all sorts of civil cases back then.

The Manx Law Reports of the late 70's and 80s tell that tale and, in advance of this fixture, I set about flagging the cases in which Michael appeared. I didn't get beyond 2 volumes and, as the pink post-it-notes testify, it would have been easier to flag the ones in which Michael did not appear.

In anyone's book – such is a sizeable amount of case-law and the tip of the iceberg in terms of Michael's practice. Fear not though, I won't refer to such tomes any further. Indeed, one of Michael's pet hates was the spouting of too much law and he remarked to me, somewhat pointedly later that things would be much better if the higher courts just said what the law was rather than quoting from all the cases on the point since the time of the Ark. I do often think of Michael's wise words when writing judgments - but sadly the flesh is weak.

Michael, of course, possessed huge intellectual ability to understand the most cryptic of jurisprudence but that didn't really interest him. He was far happier dealing with facts - who was telling the truth, who should have done what and the common sense principles of justice.

Michael's own reminiscences, that he kindly shared with me over our regular morning cup of tea in my office in the time when Michael was High Bailiff and I was Justices' Clerk, were so much more vivid than the content of the law reports. Michael regaled me with tales from the fixed lists of Deemsters Moore, Eason, Luft and Corrin with entertaining anecdotes of judicial complexions turning puce at the specific inefficiencies amongst the characters appearing at bar in those days and the directed wrath of the relevant judge. The general view from Michael, over his tea cup, was that advocates didn't know they were born in appearing before the sympathetic and kindly Mr Moyle rather than the judges of old!

The reality of course was that Michael expected high standards of those professionals appearing before him. Michael's pursuit of those responsible for incompetence or inefficiency regarding court dealings, or indeed anything else, was legendary.

On one occasion I found myself in hot water as legal advisor to the justices when I very carelessly allowed the renewal of an offender's bail without reapplication of the High Bailiff's well-crafted bail conditions.

I knew things were bad when Mr Moyle dispensed with the usual preliminary of "Ah Mr Needham, the very man ..." and instead cut to the chase with all guns blazing.

It was a stupid mistake on my part and, although I was very tempted to unjustly fudge matters by suggesting it was the prosecutor's fault or that the interpretation of the hieroglyphics that passed as His Worship's notes had let me down, I thankfully didn't grasp such straws and I pleaded "*mea culpa*".

Michael's countenance was instantly transformed into a kindly and supportive uncle.

*"Don't worry John we all make mistakes. I'll sort things out the next time the fellow's up before me."*

Which is what he did, with, thankfully for me, no unpleasant consequences flowing from the Defendant's increased liberty in the meantime.

The moral of the tale was of course clear. No one could pull the wool over Mr Moyle's eyes. If someone tried to put the blame elsewhere, particularly on a subordinate, Michael very quickly pointed out the error of their ways with the usual summation - "*The fish rots from the head down*".

As a judge Michael was unique. I will not quote today the written views of the late Deemsters Corrin, Cain or Kerruish given at the time of Michael's retirement in 2010 on the abilities of Michael both as a prosecutor and a judge. It is sufficient to say high praise indeed was given from those three discerning authorities about Michael.

Deemster Corlett has referred to the loyalty to Michael amongst his staff and I can testify first hand to that. The late Fiona Robinson, Moira, Lisa, Lynn and Liz and others, were devoted to him and all were attuned to Mr Moyle's mood and could tell his disposition from the particular sound his footsteps made along the corridor and whether, by the stomp, he was on the warpath.

The clerks were expert too at keeping track of Mr Moyle when not in court. Indeed when Michael and Junemary went off on their world holiday a map of the globe was specially displayed in the Summary Court Office with Mr Moyle's smiling photo attached to the head of a pin which would traverse the map in step with his itinerary.

Michael had firm views and opinions and could be strict but he was committed to improving standards in everyone and would look to help others in that regard where he could. I was very gratified and impressed when Michael freely gave his time each year to conduct the most popular fixture in the magistrates' training calendar. On those evenings Michael excelled in explaining the principles, usually of sentencing, in his humorous and down to earth way and was a great hit with the justices. But of course Michael's ability to communicate was what made him the one-off judge respected and admired by advocates and clients alike.

The judicial role in which Michael excelled to the greatest extent in my opinion was as Coroner of Inquests. In that office he truly was a trailblazer. Anyone who knows anything about coronial law will be aware of the relatively recent advent, well in last fifteen years or so - under the Human Rights Act, of the so called "Article 2 inquest" which placed on the state an enhanced duty to investigate a death where the death involved the state itself or an emanation thereof.

However Michael's inquests conducted long before such human rights legislation was thought of were always of the wider Article 2 variety. He would leave no stone unturned to assist the families to get at the truth of how and in what circumstances their loved ones died and, when the situation required, Michael always made very clear and precise recommendations to prevent a similar fatality.

At the eulogy last Thursday I referred to the care Michael gave to the Solway Harvester Inquest. Another example was his inquiry into the racing accident at the 26<sup>th</sup> milestone of the TT course which led to 3 deaths and serious injuries to others. As Coroner, Michael fearlessly rooted out what had gone wrong and made important recommendations which have been adopted by the race organisers and relevant Department regarding the proper process of identifying and putting in place prohibited areas - excluding spectators for their own safety. I am sure this will have saved lives since.

Plainly, recognition must be given to the fact that Michael's long service to justice and his success were only made possible by the unstinting support and love of Junemary over their many years of happy marriage.

Junemary, it does not need me to tell you what a marvellous team you and Michael made but I would wish to acknowledge your contribution to justice through your support of him.

As Deemster Corlett has said, Michael and Junemary were productively busy and fully occupied in retirement but Michael was never too busy to be tapped by his successor as a source of knowledge on the more obscure areas of the High Bailiff's jurisdiction and I regularly sought Michael's wise counsel on things like information commissioner, social security appeals, immigration adjudicator, Mental Health Review Tribunal and the dreaded and arcane Land Court. Michael imparted the necessary information freely and willingly and usually, with a smile and twinkle, he would conclude by saying "*Oh you'll enjoy that John!*".

Well what I certainly did enjoy was Michael's wise counsel, mentoring, lightning wit, funny stories and most of all his friendship.

As the First Deemster has said, Michael is and will be much missed by all who knew him at the Courts of Justice.