

Instructions for Panellists on Telephone Assessments

1. The panel chair should telephone the candidate at the agreed time and should start with introductions and a brief summary of how the assessment is going to proceed. Please start by doing a sound check.
2. After the introduction and opening remarks by the panel chair, the judicial member should put the main question relating to Lord Neuberger's lecture to the candidate.
3. There are also four supplemental questions. You can ask all or some of these depending on the time available. The telephone assessment should last for 15 minutes in total and should be drawn to a close once the time has elapsed. You should take it in turn to address the candidate, and please remember to make it clear who is speaking each time you address the candidate on the telephone.

The Main Question:

- **“In the light of what Lord Neuberger says, should those judges who sit in the High Court make law?”**

The Four Supplemental Questions:

- Lord Neuberger suggests in paragraph 48 that the judicial power of legislation is necessary if the rule of law is to prevail. Do you agree?
- What types of judicial bias are there and how should they be managed?
- What alternatives route of reasoning to a judgment does Lord Neuberger identify? Which route do you think you would be likely to adopt as a judge and why?
- Greater judicial transparency exposes the judiciary to greater criticism. What are the positives and negatives of such public criticism?