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Information Pack:

00349: Recorder Selection Exercise (Northern,
North Eastern, and Wales Circuits) 2008

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INTRODUCTION

The Judicial Appointments Commission (JAC) is now inviting applications for the post of Recorder. The closing date for applications is 29 January 2008. There are 76 vacancies on the following three circuits: Northern, North Eastern, and Wales. The posts to be filled are across a number of different jurisdictions. The JAC expects to run separate selection exercises to fill vacancies on the Midland Circuit (provisionally planned to start in July 2008) and on the South Eastern Circuit (provisionally planned to start in January 2009). Any changes to these provisional plans will be shown on our website www.judicialappointments.gov.uk.

This pack contains the information that you need about the appointments. It includes eligibility criteria and the job description. It also describes the selection process that the JAC will follow, with relevant dates and advice on how to prepare for the various stages of this process.

Before you can be considered for appointment, there are eligibility requirements that you must meet. The JAC is also required to assess your character. Before applying you should read these requirements and the guidelines that the JAC uses to assess character. These can be found on our website along with outline terms and conditions of service and terms of appointment for these posts.

The independent JAC selects candidates for judicial office. It does so on merit, through fair and open competition, from the widest range of eligible candidates.

ARE YOU ELIGIBLE?

To be eligible for appointment as Recorder you must meet the following requirements.

Statutory requirement

Under s.21(2) of the Courts Act 1971, as amended by the Courts and Legal Services Act 1990, no person shall be qualified to be appointed a Recorder unless he has a 10 year Crown Court or 10 year county court qualification within the meaning of s.71 of the Courts and Legal Services Act 1990.

The JAC has been advised that in order to meet the statutory qualifications for appointment, persons who wish to rely on their qualifications as solicitors, including those holding salaried judicial office, must appear on the Roll of Solicitors.

Non-statutory requirements

Appointees to Chancery posts will need to be suitable for early s.9(1) authorisation to hear High Court Chancery matters, if not already authorised. S.9(1) authorisations are made by the Lord Chief Justice with the concurrence of the JAC and having consulted the Lord Chancellor.

Appointees to the Family posts will need to be suitable for early authorisation to hear Public Law Cases, if not already authorised. Authorisation to hear Public Law cases is made by the President of the Family Division.

Age

There is no lower age limit for candidates for the office of Recorder. It is the Lord Chancellor's policy for Recorders that they shall retire at 65. The age at which someone is appointed to the post of Recorder must allow for a reasonable length of service, usually about three years.

Nationality

You must complete a declaration of your nationality in the Application Form. In order to qualify for this post, you must be a citizen of:

- the United Kingdom; or
- another Commonwealth country; or
- the Republic of Ireland.

Place of residence

The Terms and Conditions of the office of Recorder state that an offer of appointment after 1 January 2008 is conditional on the Lord Chancellor being satisfied that a person will reside, when he/she has taken up his/her appointment, in a place which is usually reasonably convenient of daily access to the courts at which he/she will normally sit (please see paragraph 49 of the Terms and Conditions which are reproduced on the JAC website at www.judicialappointments.gov.uk). Further information relating to the Terms and Conditions can be obtained from Helen Williams at the Ministry of Justice (020 7210 8934).

Welsh language

The ability to speak Welsh is essential for two of the posts in the Crime and two of the posts in the Civil/Family jurisdictions on the Wales Circuit. The ability to speak Welsh is desirable for the remaining six posts on the Wales Circuit. The JAC has been advised that the ability to speak Welsh means, for this exercise, the ability to speak and understand Welsh to a basic level.

All candidates who are invited to selection day events and who have indicated that they are able to speak Welsh will be contacted by the JAC and asked to nominate an additional referee to confirm their ability.

Crown Prosecution Service, Serious Fraud Office and Government Legal Service lawyers

Lawyers working in the Crown Prosecution Service, Serious Fraud Office and Government Legal Service are eligible to apply and their applications will be considered on merit alongside other applications. The Lord Chancellor's policy relating to the deployment of such lawyers who are appointed Recorders is set out on page 6.

Character

The JAC is required by statute to appoint only persons of good character. In order to make these assessments we have developed Good Character Guidance which you can find on our website at www.judicialappointments.gov.uk. You can also write to us to request a copy (see the 'Contacts and Further Information' section of this Information Pack for our contact details).

The Good Character Guidance gives you some indication as to whether anything in your past conduct or present circumstances might affect your application for judicial appointment. You should read it carefully before completing the Application Form.

Good character questions and declarations

You are required to answer a number of questions related to good character in the Application Form and must make appropriate declarations as requested.

Applicants for judicial appointments are not protected by sections 4(2) and 4(3) of the Rehabilitation of Offenders Act 1974. Any convictions which would normally be regarded as having expired under that Act should therefore be declared in writing (Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975). You must provide details of all offences for which you have been convicted or cautioned. Details should include the nature of each offence, date of conviction or caution and the penalty imposed.

Where proceedings of any kind are pending, you should give details of the offence with which you have been charged or the disciplinary process you are subject to and, if known, the date when the case or action may be heard. It is important that you inform us of the outcome of any case or action concluded while your application is under consideration. Similarly, if you are charged with any offence or any action is brought against you after submitting your application you should inform us immediately (see the 'Contacts and Further Information' section of this Information Pack).

In all cases, please provide as much detail as you can and indicate if there are any mitigating factors that you think the JAC should take into account in assessing your good character.

Good character checks

The JAC will also carry out checks on all candidates whom it intends to recommend for appointment. Further information about these checks will be provided separately to relevant candidates.

Failure to have declared any matters that come to light from these checks may prejudice the outcome of your application.

REASONABLE ADJUSTMENTS

The JAC is committed to considering any reasonable adjustments needed to ensure that you can participate in the selection process fairly. The Application Form asks you to identify any arrangements and adjustments you may require. Requests will be considered on a case-by-case basis and the information given will not be used in selection decisions.

If you are recommended for appointment, reasonable adjustments will be considered if you have a disability under the meaning of the Disability Discrimination Act, as they are for serving judges who develop an impairment or long-term health condition. Any reasonable adjustments to enable you to take up appointment will be discussed separately with you by Her Majesty's Court Service after the JAC has made its recommendation.

JOB DESCRIPTION

This information has been provided by the Ministry of Justice.

MAIN ACTIVITIES

The main duties of Recorders are as follows:-

Preparing for trial and case management

In the Criminal Jurisdiction

- Reading and assimilating papers before a case commences, including the indictment, witness statements, documentary exhibits and (in respect of known guilty pleas) pre-sentence reports.
- Playing an active role as appropriate in determining the way in which a case is to be handled from commencement to sentence.

In the Civil and Family Jurisdictions

- Reading and assimilating case papers before a hearing, or the trial, commences.
- Furthering the overriding objective of the Civil Procedure Rules by actively managing cases to a conclusion. Active case management includes -
- Encouraging the parties to co-operate with each other in the conduct of the proceedings.
- Identifying the issues at an early stage.
- Deciding promptly which issues need full investigation and trial and accordingly disposing summarily of the others.
- Deciding the order in which issues are to be resolved.
- Encouraging the parties to use an alternative dispute resolution procedure if the court considers that appropriate and facilitating the use of such procedure.
- Helping the parties to settle the whole or part of the case.
- Fixing timetables or otherwise controlling the progress of the case.

- Considering whether the likely benefits of taking a particular step would justify the cost of taking it.
- Dealing with as many aspects of the case as possible on the same occasion.
- Dealing with the case without the parties needing to attend at court.
- Making full use of technology.
- Giving directions to ensure that the trial of a case proceeds quickly and efficiently.

Presiding over court proceedings

In All Jurisdictions

- Controlling (in accordance with the relevant law and practice) the manner in which cases are conducted.
- Ensuring that parties are on an equal footing, and that, whether represented or not, they are enabled to have their cases presented, and have them considered, as fully and as fairly as possible.
- Promoting in each case the most expeditious dispatch of business compatible with the interests of justice.
- Maintaining the authority and dignity of the Court.
- Deciding issues of law and procedure which may arise during a case.

In the Criminal Jurisdiction

- Taking an accurate note of the relevant parts of the evidence.
- Summing up to a jury.
- Sentencing convicted defendants according to the law and the circumstances of the case.
- Other duties include, for example, deciding issues of costs (including wasted costs orders); dealing with bench warrants; and hearing bail applications.

In the Civil and Family Jurisdictions

- Allotting to each case an appropriate share of the court's resources, while taking into account the need to allot resources to other cases and dealing with the case in ways which are proportionate to: -

In the Civil Jurisdiction

- the amount of money involved;
- the importance of the case;
- the complexity of the issues, and
- the financial position of each party.

In the Family Jurisdiction

- the importance of the case; and
- the complexity of the issues.

Judgment

In All Jurisdictions

- Deciding actions by finding facts, applying the relevant law to them and giving a reasoned judgment.
- Determining contested applications and other issues by consideration of the papers and evidence presented at any hearing and making findings of fact, applying the relevant law and, where appropriate, giving a reasoned judgment.
- Supervising the wording of the judgments and orders of the Court.

In the Civil Jurisdiction

- Assessing and awarding damages and costs, deciding the amount and manner of payment and making possession orders.

Other responsibilities

- Recorders need to keep abreast of legal developments. This entails a substantial amount of reading not directly connected with the cases that they are trying.
- Newly-appointed Recorders will have to attend a Judicial Studies Board residential induction course in either criminal, civil or family procedure before receiving a Royal Warrant which will enable them to sit in those jurisdictions. They also attend periodical continuation courses and one-day Region-based events such as sentencing conferences.

DEPLOYMENT

It is the Lord Chancellor's policy that lawyers working in the Crown Prosecution Service, Serious Fraud Office and Government Legal Service are only able to sit as Recorders in civil work (except in civil matters involving their own Government department). If appointed, opportunities for CPS, SFO and GLS lawyers to sit as Recorders may be severely limited.

FURTHER INFORMATION

Further information relating to the jurisdiction of Recorders and the Terms and Conditions of the office of Recorder is available on the JAC website at the following address:

www.judicialappointments.gov.uk.

It is the Lord Chancellor's policy that Recorders should normally be in active practice (i.e. as a barrister or a solicitor) or hold a salaried judicial office. The Commission will consider every application on its merits in the light of all the available information.

LOCATION OF VACANCIES

You will need to indicate on your Application Form which vacancy or vacancies you are applying for. You will only be considered for appointment to the vacancies for which you have applied. Candidates can apply for vacancies in more than one jurisdiction on more than one Circuit. But please see the information relating to place of residence provided earlier in the 'Are You Eligible?' section of this Information Pack.

| CIRCUIT | JURISDICTION | NUMBER OF VACANCIES |
|----------------|---------------------|----------------------------|
| North Eastern | Chancery | 7 |
| North Eastern | Crime | 22 |
| | Civil | 8 |
| | Civil/Family | 2 |
| | Public Law (Family) | 9 |
| Northern | Crime | 8 |
| | Family/Civil | 10 |
| Wales | Crime | 7 |
| | Public Law (Family) | 3 |

THE SELECTION PROCESS

Application form

Applications for Civil, Crime, Family/Civil and Public Law (Family) vacancies will be assessed against the qualities and abilities set out on page 5 of the Application Form.

Where a candidate applies for a Chancery vacancy, and because appointees to these posts are required to be suitable for s.9(1) authorisation to hear High Court Chancery matters, their application for these vacancies only will be assessed against the second set of qualities and abilities set out on page 6 of the Application Form.

You can draw on your full range of work and personal experience to demonstrate these qualities and abilities including, for example, voluntary work or any publication to which you have contributed. Please be specific in giving information.

Timetable

| | |
|---------------------------------------|---|
| Closing date for applications | 29 January 2008 |
| Provisional date for qualifying tests | A single date in the week commencing 10 March |
| Provisional dates for selection days | 28 April – 14 May |

Shortlisting

The first step in the process is a qualifying test. A description of the qualifying test is on our website at www.judicialappointments.gov.uk. You will be able to sit the test on a single day and you may indicate on the Application Form your preferred choice of venue. It is possible that we may not be able to offer completion of the test in writing in these locations, in which case candidates wishing to complete the paper in writing are likely to be invited to a location in central London.

Following the test, if you are shortlisted, you will be invited to a selection day in London. You should indicate on the Application Form the jurisdiction against which you wish to be assessed on the selection day (you may select only one).

References

We may seek information from people who are well placed to comment on how you meet the qualities and abilities. Referees are usually approached before the selection day takes place and will be encouraged to draw on appraisal material if it is available. The material provided by referees will usually inform decisions at selection day, and final selection decisions by Commissioners.

Candidate nominated

You are invited to nominate up to three referees who know you well either personally or professionally. If you appear regularly before a court or tribunal, one of your referees must be the Resident Judge or equivalent at the court or tribunal before which you appear most often.

JAC nominated

The JAC may also request references from those identified in the section of this pack titled 'JAC nominated referees'.

Please provide the name, title, position and address of your relevant judicial and professional referees. You may also tell us if you do not wish us to approach the relevant professional referee now, but you must give reasons. If you do not currently hold a judicial office and have excluded

your relevant professional referee, you must suggest an alternative referee who is familiar with your work.

Conflict of interest

The Judicial Appointments Commissioners are listed at the back of this pack. You should not nominate a Commissioner as a referee. You should also state in the Application Form if you are in any way related to, or known to, any of the Commissioners and give details.

Outcome of the selection exercise

Separate lists will be drawn up for each vacancy and recommendations for appointment will be made on merit drawing on those separate lists.

You will be advised of the outcome of your application in writing.

If you are unsuccessful, you can request a written explanation. You should make this request within six weeks of the date of the letter informing you that you have not been successful. We will aim to respond to your request within four working weeks.

Complaints procedure

If you are dissatisfied with any aspect of the way your application has been handled, please refer to the JAC's published complaints procedure, which is available from our website, or in writing on request.

CONTACTS AND FURTHER INFORMATION

Obtaining an application form

All the information about applying for this selection exercise is available at www.judicialappointments.gov.uk (current selection exercises).

The Application Form for this selection exercise can be obtained electronically by downloading it from the website.

Please contact the Judicial Appointments Applications Service (JAAS) team at the JAC if you wish to request a hard copy of the Application Form or Information Pack, or if you have any questions about eligibility or about submitting your application.

If you need the form and/or pack in a different format, for example Braille, please contact the JAAS team.

Acknowledgement of your application

You should receive an acknowledgement of your application within five working days of receipt. If you do not, please contact the JAAS team by telephone or e-mail.

Contact details

1. JAAS

Reference: 00349 (Please use this reference on all communications)

Judicial Appointments Commission
2nd Floor, Steel House
11 Tothill Street
London
SW1H 9LH

DX 149822 WESTMINSTER 6

E-mail: jaas@jac.gsi.gov.uk

Telephone: 020 7210 0123

2. Selection Exercise Team:

| | | |
|------------------------------------|--------------------|------------------------------------|
| Jane Pickering and Tony Bellringer | 020 7210 8957/0553 | Assistant Directors |
| Andrew Digby and Kate Williams | 020 7210 0341/0336 | Deputy Selection Exercise Managers |
| Ron Brady/Anne-Marie Harris | 020 7210 1481/8974 | Selection Exercise Administrators |

E-mail: Courtsteama@jac.gsi.gov.uk

Fax: 020 7210 0300

3. Director:

Jane Andrews 020 7210 1484

JAC NOMINATED REFEREES

The JAC may request references from those categories listed below.

Judicial referees (if applicable)

If you hold a judicial office not in this list, please contact the JAC so that we can consider who should be nominated as your judicial referee.

If you sit on a Tribunal, the Tribunal President or equivalent.

If you are a Master or Registrar of the High Court, or a Deputy Master or Registrar, the relevant Senior Master or Registrar.

If you are a Costs Judge or Deputy Costs Judge, the Senior Costs Judge.

If you are a District Judge or Deputy District Judge, the local Designated Civil Judge.

If you are a District Judge of the Principal Registry of the Family Division or Deputy District Judge (PRFD), the Senior District Judge (PRFD).

If you are a District Judge (Magistrates' Courts) or Deputy District Judge (Magistrates' Courts), the Senior District Judge (Magistrates' Courts).

Professional referee

If you are a solicitor, your managing partner or relevant equity partner.

If you are a barrister, your Head of Chambers.

If you are employed, your line manager or equivalent.

JAC COMMISSIONERS

Chairman of the JAC

Baroness Usha Prashar CBE

Members

Dame Lorna Boreland-Kelly DBE

Professor Dame Hazel Genn DBE QC

Mr Justice John Goldring

Lady Justice Heather Hallett DBE

Her Honour Judge Frances Kirkham

Sir Geoffrey Inkin OBE

Mr Edward Nally

Ms Sara Nathan

District Judge Charles Newman

His Honour Judge David Pearl

Mr Francis Plowden

Ms Harriet Spicer

Mr Jonathan Sumption OBE QC

Lord Justice Roger Toulson