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Information Pack:

00380: Recorder, Midland Circuit, 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 July 2008. There are 65 vacancies on the Midland Circuit, across a number of different jurisdictions. The JAC expects to run a further Recorder selection exercise to fill vacancies on the South Eastern Circuit, provisionally planned to start in January 2009. Any changes to this provisional plan 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 six of the Civil posts will need to be suitable for early authorisation under s.9(1) of the Supreme Court Act 1981 to hear High Court matters in general Queen's Bench cases, as well as Technology and Construction and/or Chancery cases, to support the specialist work on the Circuit.

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 Civil/Family posts will need to be suitable for authorisation to hear Private Law Cases. Authorisation to hear Private Law cases is given 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 70. 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).

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. Such 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 in the 'Deployment' section below.

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. If you made a declaration of a character issue in a previous selection exercise, you must still declare it again in this exercise.

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 not able to sit as Recorders in Crime work (or in any matter 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. However, in this case, candidates' attention is particularly drawn to the information relating to place of residence in the 'Are You Eligible?' section above.

CIRCUIT	JURISDICTION	NUMBER OF VACANCIES
Midland	Crime	51
	Civil	9
	Civil/Family	5

THE SELECTION PROCESS

Application form

Applications for Civil, Crime, and Civil/Family vacancies will be assessed against the qualities and abilities set out on page 5 of the Application Form. Applicants for the Civil vacancies will also be assessed against the additional qualities and abilities set out at the bottom of page 5 of the Application Form, to see which of them may be suitable for recommendation for those Civil posts that require early s(9)1 authorisation.

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 July 2008
Provisional date for qualifying test	29 September 2008
Provisional dates for selection days	3-13 November inclusive

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. It is important that you look at the information available on this link, as it not only describes the qualifying test, but also provides an example paper that includes fictional legislation. The test will be based around the same fictional legislation. Prospective candidates will therefore benefit from reading the previous material.

Other than for exceptional reasons, all candidates will sit the test on a single day. We would ask that you indicate on the Application Form your preferred choice of venue. It is intended that in every venue a candidate will have the choice to complete the test either in manuscript, or using a word processing package (MS Word) on a laptop supplied by us.

Following the test, if you are shortlisted, you will be invited to a selection day in London. You will be assessed on your first choice of jurisdiction, in accordance with the preference that you have indicated in your application form.

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 at the selection day, 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: 00380 (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 (from 11/8/08: 020 3334 0123)

2. Selection Exercise Team:

Tony Bellringer 020 7210 0553 (from 11/8/08: 020 3334 0553)
Selection Exercise Manager

Kate Williams 020 7210 0336 (from 11/8/08: 020 3334 0336)
Deputy Selection Exercise Manager

Geoff Hall 020 7210 0380 (from 11/8/08: 020 3334 0380)
Team Leader

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

Fax: 020 7210 0300 (from 11/8/08: 020 3334 0300)

3. Director:

Jane Andrews 020 7210 0508 (from 11/8/08: 020 3334 0508)

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 District Judge (Magistrates' Courts) or Deputy District Judge (Magistrates' Courts), the Senior District Judge (Magistrates' Courts).

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).

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 OBE

District Judge Charles Newman

His Honour Judge David Pearl

Mr Francis Plowden

Ms Harriet Spicer

Mr Jonathan Sumption OBE QC

Lord Justice Roger Toulson