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Information Pack:

00408: District Judge Civil (including posts for the
PRFD and the CoP) Selection Exercise
2008/2009

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INTRODUCTION

The Judicial Appointments Commission (JAC) is now inviting applications for the post of District Judge in the Civil jurisdiction which include many opportunities for part-time working. The closing date for applications is **18 December 2008**. Posts are available across the country on all Circuits, as well as specialist posts in the Principal Registry of the Family Division (PRFD), (South East only) and in the Court of Protection (CoP) (South East only).

With the exception of the CoP, the Ministry of Justice has confirmed that salaried part-time working options are available (including one post in the PRFD that is **only** available for 50% part-time). This is dependent on the successful candidate seeing through any cases assigned to them and having a working pattern that accommodates Court business. If you are interested in part-time working, you should read the Ministry of Justice's "Judicial Salaried Part-time Working: A Practical Guide (as amended)" which is available on our website. Final working patterns will need to be discussed and agreed between the successful candidate and the relevant Circuit Secretariat at the time of appointment.

The Ministry of Justice has asked us to recommend a list of 78 people suitable for appointment for vacancies expected to arise over the next two years. Of those names, 13 will be for immediate appointment to vacancies in County Courts, one for the PRFD and one for the CoP.

Full details of the opportunities available are set out overleaf:

CIRCUIT/SPECIALISM	NUMBER REQUIRED IMMEDIATELY	NUMBER FOR FUTURE APPOINTMENT	SALARIED PART-TIME WORKING AVAILABLE
Midlands	2	7	All posts available to sitting packages that equate to full time equivalent e.g. 50:50
North Eastern	0	9	2 posts available to sitting packages that equate to full time equivalent e.g. 50:50
North West	4	5	All posts available to sitting packages that equate to full time equivalent e.g. 50:50
Wales	1	4	1 future post available to sitting packages that equate to full time equivalent e.g. 50:50
South West	0	5	No
South East/London	6	27.5	20% of posts available to sitting packages that equate to full time equivalent e.g. 50:50
PRFD (SE)	1	2.5	All posts available to sitting packages that equate to full time equivalent but would have to be in week blocks
CoP (SE)	1	3	No

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 (www.judicialappointments.gov.uk) along with outline terms and conditions of service for these posts. You will also need to demonstrate the qualities and abilities required for this office.

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?

District Judges are appointed by Her Majesty on the recommendation of the Lord Chancellor. To be eligible for appointment as a District Judge, you must meet the following requirements:

Statutory requirement

Under section 9 of the County Courts Act 1984, as amended by the Courts and Legal Services Act 1990 and para 15 of Schedule 10 of the Tribunals, Courts and Enforcement Act 2007, no person shall be appointed a District Judge unless he satisfies the judicial-appointment eligibility condition on a 5-year basis.

In order to meet the statutory qualifications for appointment, a solicitor (or a salaried judicial office holder who was formerly a solicitor) must appear on the Roll.

The Tribunals Courts and Enforcement Act (TCE) 2007 has introduced the '**judicial-appointment eligibility condition**'. Where this applies, eligibility for judicial office is no longer based on possession of rights of audience for a specified period. You will have to show that:

- you have possessed a relevant legal qualification;
- for the requisite period; and
- that whilst holding that qualification you have been gaining legal experience.

Relevant Qualification

You have a relevant qualification if you are a solicitor or barrister.

Legal Experience

In order to be eligible for judicial appointment, you must not only be in possession of the relevant qualification, but must also have been engaged in 'law related activity' whilst holding that qualification.

An activity is considered to be a law related activity whether or not it is undertaken for remuneration, and whether or not it is undertaken on a full or part-time basis.

Meaning of Law Related Activity

Each of the following is a relevant law related activity:

- a) The carrying out of judicial functions of any court or tribunal
- b) Acting as an arbitrator
- c) Practice or employment as a lawyer
- d) Advising (whether or not in the course of practice or employment as a lawyer) on the application of the law
- e) Assisting (whether or not in the course of such practice) persons involved in proceedings for the resolution of issues arising under the law
- f) Acting (whether or not on the course of such practice) as mediator in connection with attempts to resolve issues that are, or if not resolved could be, the subject of proceedings

- g) Drafting (whether or not in the course of such practice) documents intended to affect persons' rights or obligations
- h) Teaching or researching law
- i) Any activity that in the relevant decision makers opinion is of a broadly similar nature to an activity within paragraphs (a) to (h)

Category b) is intended to cover arbitrations where legal disputes are resolved on a reasonably formal, structured basis. For example, it would cover arbitrations governed by the Arbitration Act 1996, and carried out by a person who is accredited by a body such as CEDR (Centre for Effective Dispute Resolution).

Categories d) – g) are also intended to cover activities which are carried out on a reasonably formal, structured basis, for example volunteers who give legal advice in a law centre, or citizens advice bureau. However, it is not intended to cover (say) a person who gives informal advice to friends and neighbours.

Category (e) is intended to cover legal assistance, rather than other kinds of support.

Category (g) is intended to cover drafting which involves legal judgment and skill, such as drafting contracts and leases. It is not intended to cover drafting which may affect rights or obligations, but are essentially administrative tasks, e.g. filling in enforcement orders, or penalty notices.

The purpose of (i) is to cover the possibility of some kinds of law-related activity that might not quite fit within (a) – (h).

Your engagement in law-related activities during a period will be disregarded if the engagement is 'negligible in terms of the amount of time engaged'.

PRFD

In addition to the above criteria, you are also eligible to apply for posts in the PRFD if you are:

- A district probate registrar who either—
 - (a) is of at least 5 years' standing, or
 - (b) has, during so much of the 5 years immediately preceding his appointment as he has not been a district probate registrar, served as a civil servant in the principal registry or a district probate registry.
- A civil servant who has served at least 7 years in the principal registry or a district probate registry.

Previous service in a judicial office

The Lord Chancellor expects applicants to have normally served in a judicial office in a fee paid or salaried capacity for at least two years or to have completed 30 sitting days before the closing date for applications.

Age

There is no upper or lower age limit for candidates apart from the statutory retirement age of 70. The age at which someone is appointed to District Judge Civil must allow for a reasonable length of service before retirement, 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.

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.

Disqualification

You should note that the House of Commons Disqualification Act 1975 applies to this office.

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. 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

The following information has been provided by the Ministry of Justice:

District Judge

PURPOSE OF OFFICE

1. The purpose of judicial office is to administer justice in accordance with the laws of England and Wales.
2. District Judges swear the judicial oath (or affirm) that they will well and truly serve our Sovereign Lady Queen Elizabeth the Second in the Office of a District Judge & do right to all manner of people after the laws and usages of this Realm without fear or favour, affection or ill will.

MAIN ACTIVITIES

3. The activities of a District Judge include hearings in open court, hearings in the judge's chambers and making decisions on paper:
 - Ensuring that parties, whether represented or not, are enabled to have their cases presented and considered as fully and fairly as possible;
 - In civil cases, actively managing defended claims to trial, applying the overriding objective of the Civil Procedure Rules 1998, which is to enable the Court to deal with cases justly;
 - Preparing for trials or hearings including reading and assimilating case papers before the hearing commences;
 - Deciding issues of fact, law and procedure which may arise during the management of a case and at a trial or hearing;
 - Giving reasoned judgments;
 - Controlling (in accordance with the relevant law and High Court or county court procedure) the manner in which all cases are conducted with a view to ensuring that parties, whether represented or not, are enabled to have their cases presented and considered as fully and 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 at all times.

(In family cases, most hearings take place in chambers, where a more informal approach is normally adopted and a District Judge takes a more direct role in eliciting the facts and issues from the parties).

FURTHER INFORMATION:

- Terms & Conditions and
- A more detailed job description including notes on jurisdictions and other responsibilities

are available on our website (www.judicialappointments.gov.uk).

THE SELECTION PROCESS

Application form

Details of the qualities and abilities against which you will be assessed are set out in 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	18 December 2008
Provisional date for qualifying test	4 March 2009
Provisional dates for selection day	11 June – 2 July 2009

Shortlisting

All eligible applicants assessed to be of good character will be invited to a written qualifying test, which is the first step in the process. You will be expected to make yourself available on the single day selected for the test. You may indicate on the Application Form your preferred choice of venue, this will be taken into account but we cannot guarantee availability of places.

The qualifying test will be the sole method used to shortlist applicants for selection days for this selection exercise. Shortlisting is a competitive process, so the test is designed to be challenging, with time pressure. It will be sat under examination conditions.

Please note that although all of the qualities and abilities set out in the Application Form will be assessed as part of the selection process, not all will be assessed at the shortlisting stage. The test is designed to assess:

- Intellectual Capacity – ability to quickly absorb and analyse information;
- Personal Qualities – sound judgement and decisiveness;
- Authority and Communication Skills – ability to explain the procedure and any decisions reached clearly and succinctly to all those involved;
- Efficiency – ability to work at speed and under pressure, ability to organise time effectively and produce clear reasoned judgements expeditiously.

The test has been devised and will be marked by judges. It is designed to be accessible to applicants from all backgrounds. It will consist of 2 case studies and you will be expected to make a judgement in both cases. Relevant statutes and case law will be provided. For further information about the test, please see our website at www.judicialappointments.gov.uk.

The selection of applicants for interview will be based solely on the results of the qualifying test. We are sorry that we are not able to provide written explanations or feedback to candidates who are not shortlisted. Following the written test, if you are shortlisted, you will be invited to a selection day in London. Further details will be sent with your invitation to attend.

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 after the qualifying test but before the selection day takes place. If you are already a Deputy District Judge, your most recent appraisal may be requested. The material provided by referees will usually inform decisions by the selection panel 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. **We strongly recommend that you check with your referee that they are not conflicted.**

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.

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

Recommendations for appointment will be made on merit taking account of statutory consultation comments and references. As far as possible, account will be taken of any preference expressed by those applying for more than one vacancy. You will be advised of the outcome of your application in writing. If you are unsuccessful at interview, 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.

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 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: 00408 (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 3334 0123

2. Selection Exercise Team:

Chris D'Souza

020 3334 0548

Assistant Director

Vicki Heath

020 3334 0199

Deputy Selection Exercise
Manager

E-mail: Chris.D'Souza@jac.gsi.gov.uk

Fax: 020 3334 0300

3. Director:

Jane Andrews

020 3334 0508

JAC NOMINATED REFEREES

The JAC may also request references from those categories listed below.

Judicial referees

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 Recorder, the Resident Judge, the Designated Civil Judge or the Designated Family Judge in the court(s) where you sit most often.

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

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

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

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

If the candidate is a Sheriff, the Sheriff Principal (Scotland only)

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 a barrister, your senior member of the Bar Library (Northern Ireland only)

If you are an advocate, the Dean of the Faculty of Advocates (Scotland only).

If you are employed, your line manager or equivalent.

JAC COMMISSIONERS

Chairman of the JAC

Baroness Usha Prashar CBE

Members

Mrs Justice Jill Black DBE

Dame Lorna Boreland-Kelly DBE

Professor Dame Hazel Genn DBE QC

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