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Information Pack:

00421: Senior Circuit Judge (Resident Judge)
Birmingham

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INTRODUCTION

The Judicial Appointments Commission (JAC) is now inviting applications for a Senior Circuit Judge (Resident Judge) post on the Midland Circuit. The closing date for applications is **26 March 2009**.

Midland Circuit

There is one vacancy on the Midland Circuit based in Birmingham, starting as soon as possible.

The vacancy is a key leadership post with significant management responsibilities for one of the largest First Tier Centres and deals with some of the more lengthy and complex cases. The successful candidate will be expected to have criminal experience and will be required to deal with heavy crime cases i.e. murder, manslaughter, armed robbery and also some class 3 crime work.

This pack contains the information that you need about the appointment. 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 a full job description, general responsibilities, and outline terms and conditions of service for this post. 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?

To be eligible for appointment to this post you must meet the following requirements.

Statutory requirement

Under s16(3) of the Courts Act 1971, as amended by Schedule 10 of the Courts and Legal Services Act 1990, ss50-52 and Schedule 10 of the Tribunals Courts and Enforcement Act (TCE) 2007, no person shall be qualified to be appointed a Circuit Judge unless he or she:

- (a) satisfies the judicial-appointment eligibility condition on a 7-year basis;
- (b) is a Recorder; or
- (c) has held as a full-time appointment for at least 3 years in one of the offices listed in Part IA of Schedule 2, Courts Act 1971.

The Tribunals Courts and Enforcement Act 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 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 who is currently on the Roll of Solicitors;
- a barrister

In order to meet the statutory qualifications for appointment, persons who wish to rely upon their qualifications as solicitors, including those holding salaried judicial office, must appear on the Roll of Solicitors.

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 in 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 maker's 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'.

Previous service in judicial office

The Lord Chancellor expects that, before being considered for salaried appointment, individuals must normally have served as a fee-paid judicial office holder for at least two years or to have completed 30 sitting days since appointment in a fee paid capacity.

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 as a Senior Circuit Judge must allow for a reasonable length of service before retirement, usually about five years.

Nationality

You must complete a declaration of your nationality in the Application Form. In order to qualify for the 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 of which you have been convicted or for which you have been 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 the Ministry of Justice after the JAC has made its recommendation.

JOB DESCRIPTION

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

1 PURPOSE OF OFFICE

- a) The purpose of judicial office is to administer justice in accordance with the laws of England and Wales;
- b) Circuit 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 Circuit Judge and do right to all manner of people after the laws and usages of this Realm without fear or favour, affection or ill will";
- c) Senior Circuit Judges (Circuit Judges in Pay Band 5) are expected to carry out the full duties of a Circuit Judge together with additional leadership and administrative duties. They are also expected to hear particularly demanding or specialist cases.

2 MAIN ACTIVITIES OF A CIRCUIT JUDGE

The main activities of a Circuit Judge dealing with criminal cases in the Crown Court are as follows:

a) Preparing for trial and case management

- Reading and assimilating case papers before a hearing, or the trial, commences;
- Conducting preliminary hearings to identify and to determine procedural issues;
- Playing an active role in determining the way in which the case is to be handled and, as appropriate, managing its progress from committal to sentence.

b) Presiding over court proceedings

- 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;
- Summing up to a jury;
- Maintaining the authority and dignity of the Court;
- Deciding issues of law and procedure which may arise during a case.

c) Sentencing

- Sentencing convicted defendants (including persons committed for sentence from the Magistrates' Courts) according to the law and the circumstances of the case.

d) Judgment

- Supervising the wording of the judgments and orders of the Court.

e) Appeals

- Hearing appeals from the Magistrates' Courts (with lay justices).

f) Other work

Other duties include, for example:

- Assessing costs and reviewing detailed assessments;
- Determining applications for permission to appeal;
- Dealing with bench warrants;
- Hearing bail applications.

3 OTHER RESPONSIBILITIES

Keeping abreast of legal developments

- Circuit Judges need to keep abreast of legal developments. This entails a substantial amount of reading not directly connected with the cases which they are trying;
- Circuit Judges attend Judicial Studies Board refresher seminars, and circuit-based events such as sentencing conferences.

Other judicial and public duties

- One Circuit Judge acts as Resident Judge at each Crown Court Centre, overseeing the disposal of judicial business and listing at that Centre, offering support and guidance to the full-time and part-time judiciary at that Centre and providing links between them and (a) the Presiding Judges and (b) the administration;
- Some Circuit Judges may act as the Senior Circuit Judge for the county courts in a certain area;
- Some Circuit Judges sit as judges of the High Court under s.9 of the Supreme Court Act 1981;
- Some Circuit Judges preside over Mental Health Review Tribunals, or act for a period as Presidents of other Tribunals;
- Some Circuit Judges may from time to time undertake a variety of other public duties, e.g.:
 - a) To serve on Probation Committees;
 - b) To act as members or tutors of the Judicial Studies Board and to oversee Recorders in training;
 - c) To liaise with and/or train magistrates;
 - d) To chair Court User Committees;
 - e) To chair Area Criminal Justice Liaison Committees;
 - f) To sit as members of Rules Committees;
 - g) To serve on various advisory committees and other bodies.

Further Information

Further information, including details about the jurisdiction of this post, can be found on the JAC website www.judicial.appointments.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 note that leadership and managerial skills are particularly important for this post so evidence of your ability in these areas should be included in your Self-Assessment. Please be specific in giving information.

Timetable

Closing date for applications	26 March 2009
Provisional date(s) for interview	7 May 2009

Shortlisting

The first step in the process will be a paper sift. If you are shortlisted, you will be invited to an interview. Further details will be sent with your invitation to attend. We are sorry that we are not able to provide written explanations to candidates who are not shortlisted

References

We may seek information from people who are well placed to comment on how you meet the required qualities and abilities. Referees are usually approached before the sift 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 sift 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.**

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

You will be advised of the outcome of your application in writing. If you are unsuccessful at the selection day stage of the process, 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 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: 00421 (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: 0203 334 0123

2. Selection Exercise Team:

Tony Bellringer	Selection Exercise Manager	020 3334 0553
Kate Williams	Deputy Selection Exercise Manager	020 3334 0336

E-mail: kate.williams@jac.gsi.gov.uk
Fax: 0203 334 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 Circuit Judge, the relevant Senior Presiding Judge.

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 or Deputy District Judge, the local Designated Civil Judge.

If you are a Deputy High Court Judge, the relevant Head of Division.

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

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