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Information Pack:

00435: Deputy District Judge (Civil) 2009/10

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INTRODUCTION

The Judicial Appointments Commission (JAC) is now inviting applications for Deputy District Judge (Civil). The closing date for applications is **22 October 2009**. Posts are available across England and Wales on all Circuits.

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.

There are 193 vacancies available across the following circuits:

Circuit	Number of Vacancies
Midland	25
North Eastern	25
Northern	25
South Eastern	100
Wales	16
Western	2

Welsh language is essential for 4 out of the 16 vacancies within Wales. For these posts, an additional reference will be required, to attest to your ability to conduct a hearing in Welsh.

Before you can be considered for appointment, there are eligibility requirements that you must meet. The JAC is also required to assess your character and will do so at the same time as it makes its final selection decisions. 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 (including details of the jurisdiction), and outline terms and conditions of service for this post. You will also need to demonstrate the qualities and abilities required for this office which can be found on the Application Form.

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?

The following are not the only criteria and candidates will need to demonstrate the qualities and abilities required for this office.

Deputy District Judges (Civil) are appointed by the Lord Chancellor under s8(1) of the County Courts Act 1984 as amended.

To be eligible for appointment you must meet the following requirements:

Statutory requirement

A person is eligible for appointment if he/she is qualified for appointment as a District Judge or holds, or has held, the office of District Judge. Under Section 9 of the above Act, as amended by the Courts and Legal Services Act 1990 and paragraph 15 of Schedule 10 of the Tribunals, Courts and Enforcement (TCE) Act 2007, the statutory requirement for appointment as a District Judge is to satisfy the judicial appointment eligibility condition on a 5-year basis.

The TCE 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 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 Qualifications in England and Wales

'Relevant qualification' means:

- a solicitor;
- a barrister; or
- a Fellow of the Institute of Legal Executives (ILEX)

A solicitor (or a salaried judicial office-holder who was formerly a solicitor) must appear on the Roll of Solicitors in England and Wales, kept under section 6 of the Solicitors Act 1974.

You will be considered eligible as a barrister:

- a) when you have completed pupillage in connection with becoming a barrister; or
- b) if you are not required to undertake pupillage in connection with becoming a barrister, when you are called to the Bar of England and Wales.

When applying for a judicial appointment under b), you will need to provide details in the application form of why you are not required to undertake pupillage.

Legal Experience

The meaning of 'gain experience in the law' is set out in section 52(2) to (5) of the TCE Act 2007. 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.

Meaning of Law Related Activity

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.

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)

The Ministry of Justice has provided the following guidance:

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'.

Age

There is no upper or lower age limit for candidates for this post apart from the statutory retirement age of 70 for all judges. The age at which someone is appointed must allow for a reasonable length of service, usually about two 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

Government Lawyers

It is the Lord Chancellor's policy that lawyers working in the Government Legal Service will be able to apply for appointment as Deputy District Judge (Civil), but not able to sit on cases involving their own Department.

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.

Candidates 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.

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 post of Deputy District Judge is fee-paid, at a current rate of £468 per day. There is a requirement to sit for a minimum of 15 days and maximum of 50 days per year.

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

PURPOSE OF OFFICE

1. The purpose of judicial office is to administer justice in accordance with the laws of England and Wales without fear or favour, affection or ill-will.

JURISDICTION

2. The jurisdiction of a Deputy District Judge is similar to that of a District Judge save for the jurisdiction in family proceedings. Please see separate detailed Job Description for information on jurisdiction of District Judges and Deputy District Judges dealing with Family Law. Not all county courts and District Registries have identical jurisdiction. All county courts exercise the general jurisdiction of the county courts and most exercise the family jurisdiction. Some county courts exercise the insolvency jurisdiction and District Registries exercise High Court jurisdiction.

MAIN ACTIVITIES

3. The activities of a Deputy District Judge are conducted both in public and in private, in court or in the judge's room. Some applications are dealt with on paper.
 - a) **Preparing for trial and hearing actions**
 - i) Reading and assimilating case papers before the trial or hearing commences;
 - ii) Controlling (in accordance with the relevant law and procedure) the manner in which civil actions are conducted with a view to:
 - Allocating cases to the small claims track, the fast track or the multi track and generally exercising the powers of case management set out in the Civil Procedure Rules 1998;
 - 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;
 - iii) Maintaining the authority and dignity of the Court. (In the Judge's room a more informal approach is normally adopted; in small claim hearings a Deputy District Judge takes a more direct role in eliciting the facts and issues from the parties.)
 - b) **Applications in the course of proceedings**
 - i) Hearing interim applications where appropriate, ensuring that directions are given to prepare cases for trial or small claim hearing in order that the issues between the parties are identified and relevant documents and witness evidence disclosed;
 - ii) Hearing applications in respect of the enforcement of judgments;

- iii) Examining the amount of costs claimed by parties and their legal representatives in detailed assessment proceedings, or conducting a summary assessment of costs where the rules so provide;
 - iv) Granting interim relief where appropriate.
- c) Determining applications on paper**
- i) A significant proportion of a Deputy District Judge's work consists of determining applications (including applications for consent orders, requests for enforcement of judgments, applications for special procedure directions in divorce applications relating to arrangements for children) and detailed assessment of costs by consideration of the papers and by applying the law to the facts of the case.
- d) Judgment**
- i) Deciding claims by finding facts, applying the relevant law to them and giving a reasoned judgment;
 - ii) 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;
 - iii) Assessing and awarding damages and costs, and deciding the amount and manner of payment;
 - iv) Making orders relating to property and maintenance, granting injunctive relief and making possession orders.

TRAINING AND KEEPING ABREAST OF LEGAL DEVELOPMENTS

- 4. Deputy District Judges must attend Judicial Studies Board residential induction course (5 days) and sit in for 5 days with experienced District Judges before they are authorised to sit. Candidates successful in applying for the vacancies on the Wales and Western Circuits (where there is special dispensation for deputies to hear limited family work) will also be expected to attend a JSB Private Law training course as soon as practicable after appointment.
- 5. As a condition of continuing appointment, Deputy District Judges are required to attend refresher and continuation seminars from time to time.
- 6. Deputy District 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.

FURTHER INFORMATION

The following more detailed information in relation to the post of Deputy District Judge has been provided by the Ministry of Justice, and is available on the JAC's website:

- Detailed Job Description (information on jurisdiction of District Judges and Deputy District Judges dealing with Family Law); and
- Outline Terms and Conditions of Service

To access this information from the homepage of the JAC (www.judicialappointments.gov.uk), click on 'Selection exercises', then 'Selection Exercises in Progress', then 'Deputy District Judge (Civil)', then the document you wish to view.

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	22 October 2009
Provisional date for Qualifying Test	13 January 2010
Provisional dates for Selection Day	22 March 2010 to 16 April 2010

Shortlisting

The next step in the process is a qualifying test. The qualifying test will be the sole method used to shortlist candidates for the selection day 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.

All eligible candidates will be invited to a written qualifying test, provisionally set for 13 January 2010 (although an additional test date may be added if the number of applications is sufficiently high). There will be more than one sitting during the day. We anticipate that there will be a number of test venues located around England and Wales. **You will be expected to make yourself available on the day selected for the test.** Candidates will want to think seriously about what time of the day they would prefer to sit the test. Eligible candidates will be provided with more detailed information prior to booking the test.

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.

For further information about tests and a previous example, please visit our website at www.judicialappointments.gov.uk. To access this information from the homepage of the JAC, click on 'Selection exercises', then 'Open for applications', then 'Deputy District Judge (Civil)', then the document you wish to view.

Outcome of the qualifying test

The selection of candidates for the next stage will be based solely on the results of the qualifying test. All of the qualities and abilities set out in the Application Form will be assessed at the next stage. 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 qualities and abilities. Referees are usually approached after the qualifying test but 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 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.**

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.

Selection days

If you are shortlisted you will be invited to a selection day. The selection day for this exercise will consist of a panel interview and role-play. Further details will be sent with any invitation to attend. The overall assessments made by the panel are provided to Commissioners when they make their selection decisions.

Statutory consultation

As required by the Constitutional Reform Act 2005 (CRA), the overall panel assessments of candidates likely to be considered for selection by the Commission will be sent to the Lord Chief Justice and a second person who has held the office or has other relevant experience. For this exercise the second consultee will be the Senior Presiding Judge, Lord Justice Goldring.

Character checks

The JAC is required to select only persons of good character. The JAC will carry out checks on all candidates likely to be considered for selection and the results of these checks, together with information declared by candidates in the Application Form, will be assessed.

Selection decisions

The Commission, sitting as a committee, will consider the information gathered about candidates, which includes the overall assessment report from the selection day panel, to select those candidates to recommend to the Lord Chancellor.

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 20 working days.

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.

Further information

For further information about the selection process and the requirements of the CRA, please consult our website www.judicialappointments.gov.uk

CONTACTS AND FURTHER INFORMATION

Obtaining an application form

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

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: 00435 (Please use this reference on all communications)

Judicial Appointments Applications Service (JAAS)
3rd 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

E-mail:

tony.bellringer@jac.gsi.gov.uk

Telephone:

020 3334 0553

Kate Williams, Deputy Selection Exercise Manager

E-mail:

kate.williams@jac.gsi.gov.uk

Telephone:

020 3334 0336

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 sit on a Tribunal, the Tribunal President or equivalent.

If you hold any other judicial office, please contact the JAC so that we can consider who should be nominated as your judicial referee.

Professional referee

If you are a solicitor or an ILEX Fellow working in a firm of solicitors, 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