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Information Pack:

00461: Senior Circuit Judge: Specialist Senior Circuit Judge (Chancery), Midland Circuit; Designated Civil Judge, North Eastern Circuit; and Designated Civil Judge, Northern Circuit.

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INTRODUCTION

The Judicial Appointments Commission (JAC) is now inviting applications for the position of Senior Circuit Judge. The closing date for applications is noon on 11 February 2010. The JAC has been asked to recommend three candidates - one candidate for each of the following three vacancies: a Specialist Senior Circuit Judge (Chancery) based on the Midland Circuit at Birmingham Civil Justice Centre; and two Designated Civil Judges, one on the North Eastern Circuit based at Leeds Civil Justice Centre and the other on the Northern Circuit at a centre yet to be determined.

Senior Circuit Judges are expected to carry out the full duties of a Circuit Judge together with additional leadership and administrative duties, and are expected to hear particularly demanding or specialist cases. There will also be some requirement for sittings at outlying courts. Successful candidates may also be considered for authorisation to sit as a Deputy High Court Judge in accordance with the provisions of section 9(1) of the Senior Courts Act 1981.

This pack contains the information that you need about the appointments, including the eligibility criteria and a description of the selection process that the JAC will follow, with relevant dates and advice on how to prepare for the various stages of this process. It also provides summaries of the job descriptions. If you are interested in making an application you are strongly encouraged to read the full job descriptions available on the JAC website (www.judicialappointments.gov.uk)

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. 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?

Circuit Judges are appointed by Her Majesty, as recommended to Her by the Lord Chancellor, to serve in the Crown Court and county courts and to carry out such other judicial functions as may be conferred on them.

To be eligible for appointment as a Senior Circuit Judge you must meet the following requirements.

Statutory requirement

Under section 16(3) of the Courts Act 1971, as amended by Schedule 10 of the Courts and Legal Services Act 1990 and by section 50, Schedule 10 of the Tribunals, Courts and Enforcement Act (TCE) 2007, no person shall be qualified to be appointed a Circuit Judge unless that person:

- (a) satisfies the judicial-appointment eligibility on a 7-year basis;
- (b) is a Recorder; or
- (c) has held, as a full-time appointment for at least 3 years, one of the offices listed in Part 1A of Schedule 2.

The Ministry of Justice has advised the JAC that 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 of Solicitors.

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**.

- You will be considered eligible as a solicitor when your name is first entered on the Roll 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

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 makers 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 arbitration where legal disputes are resolved on a reasonably formal, structured basis. For example, it would cover arbitration 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 a judicial office

Specialist Senior Circuit Judge (Chancery)

The Lord Chancellor expects that before being considered for most salaried posts individuals must normally have served as a fee paid judicial office holder for at least two years or have completed 30 sitting days since appointment in a fee paid capacity. On this occasion the Lord Chancellor has waived this non-statutory minimum entry requirement.

Designated Civil Judge

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 have completed 30 sitting days since appointment in a fee paid capacity.

The JAC recognises that experience as a judicial office holder can provide a valuable insight into judicial life and help candidates for salaried posts decide whether a full time appointment is likely to suit them. This is particularly useful as by convention salaried judges do not return to practice. The JAC therefore regards fee paid experience as a desirable, but not essential, criterion for salaried judicial office and this is consistent with the Lord Chancellor's policy.

In this case, candidates will also normally need to demonstrate having judicial experience at one of the following levels: Circuit Judge, Deputy High Court Judge, Recorder, or as a senior tribunal office holder.

Age

There is no upper or lower age limit for candidates apart from the statutory retirement age of 70 for all judges. However, any successful candidate who immediately prior to their appointment held another salaried judicial office to which they had been appointed prior to the commencement of the Judicial Pensions and Retirement Act 1993 (31 March 1995) will retain the compulsory retirement date applicable to them in the former office. It is the Lord Chancellor's policy that the age at which someone is appointed must allow for a reasonable length of service, usually about five 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 recommend 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 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 these offices.

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 1995, 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 Courts Service after the Lord Chancellor has accepted the recommendation made by the JAC.

JOB DESCRIPTIONS

Brief details of the vacancies are set out below.

Specialist Senior Circuit Judge (Chancery)

The main work of a Specialist Senior Circuit Judge (Chancery) will be chancery disputes (including insolvency); however, there may be some requirement to undertake Mercantile and other appropriate civil work.

Further key responsibilities will be to develop the business of the court, to ensure that it meets the needs of the business community and to establish and maintain good relations with practitioners using the court.

Designated Civil Judge

Designated Civil Judges exercise a leadership role in relation to all other judges who hear civil work within the designated court and area, including judges who are authorised to hear High Court civil work, other Circuit Judges and Recorders, and District Judges. The vast majority of sitting time will be devoted to civil work, hearing high profile and complex civil cases in the county court and possibly in the High Court. Designated Civil Judges will also be required to liaise with visiting High Court Judges and sit 'back-to-back' with these judges to dispose of heavy Queen's Bench work.

In addition to meeting with Her Majesty's Courts Service staff to discuss the administration of the court, including the allocation of civil judicial work, the successful candidates will also liaise regularly with the Presiding Judges on the business of the court or group of courts, informing them of any concerns or problems which cannot be dealt with locally.

Further Information

The full job descriptions for these posts and that of a Circuit Judge, and an outline of the Terms and Conditions of Service can be found on the JAC website www.judicialappointments.gov.uk. The information has been provided by the Ministry of Justice.

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.

Please note that the ability to work constructively with others (including leadership and managerial skills where appropriate) is particularly pertinent to the Designated Civil Judge posts.

Timetable

Closing date for applications	12 noon on 11 February 2010
Provisional dates for selection days	19, 20 and 21 April 2010

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 shortlisting 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 selection day and will be available to Commissioners at the final selection decision stage.

Please note if you are applying for the Specialist Senior Circuit Judge (Chancery) post you should not nominate **Mr Justice Lewison** as a referee. If you are applying for the Designated Civil Judge post(s) you should not nominate **Mr Justice MacDuff**. They are unable to provide references as they will be on the selection panel.

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 referees 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.

Shortlisting

The next step in the process is a paper sift. A selection panel will consider the information provided in your Application Form and any references received. If you are shortlisted, you will be invited to attend an interview. We are sorry that we are not able to provide written explanations to candidates who are not shortlisted.

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, which may include a short presentation. Further details will be included with invitations to attend which are scheduled to be sent on 26 March 2010. 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 Commission must consult the Lord Chief Justice and a second person who has held the office or has other relevant experience about those candidates it is minded to select. For this exercise the second consultee will be the Chancellor of the High Court for the Specialist Senior Circuit Judge (Chancery) vacancy and the Senior Presiding Judge for the Designated Civil Judge vacancies.

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.

Report to the Lord Chancellor

The Commission reports its final selections to the Lord Chancellor. The Lord Chancellor can accept or reject the recommendations, or ask the Commission to reconsider. The Lord Chancellor may not select alternative candidates.

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.

Medical examination

You may be asked to undergo a medical examination before taking up appointment.

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.

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.

Submitting your application

Once completed your Application Form should be submitted via our secure online process by going to www.judicialappointments.gov.uk and selecting 'Submit your Application'.

Acknowledgement of your application

When you submit your application by our secure online application process you will receive an **immediate** acknowledgement. You may also request an auto generated e-mail confirming successful receipt.

If you choose to submit your application by post, you should receive an acknowledgement of your application within five working days of receipt.

In either case, if you do not receive an acknowledgement within the specified time period please contact the JAAS team by telephone or e-mail without delay.

Contact details

1. JAAS

Reference: 00461 (Please use this reference on all communications)

Judicial Appointments Commission
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:

Assistant Director:

Sue Jones-Owen 0203 334 0303

E-mail: sue.jones-owen@jac.gsi.gov.uk

Deputy Selection Exercise Manager:

Hannah Lyon 0203 334 0316

Email: hannah.lyon@jac.gsi.gov.uk

Fax: 0203 334 0134

3. Director:

Jane Andrews 0203 334 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 relevant Chamber 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

Sir Geoffrey Inkin OBE

Her Honour Judge Frances Kirkham

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