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**Information Pack:**

00351: High Court 2008

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## INTRODUCTION

The Judicial Appointments Commission (JAC) is now inviting applications for the office of High Court Judge. The closing date for applications is 4 March 2008. The JAC has been asked to select twenty-one candidates for appointment to the High Court from about October 2008. This selection exercise is to provide 15 candidates for the Queen's Bench Division and 6 candidates for the Chancery Division. Those selected for Chancery vacancies will also be selected as members of the panel of Chairmen of the Competition Appeal Tribunal. All posts will be based at the Royal Courts of Justice in London.

<b>Division</b>	<b>Specialism</b>
Queen's Bench	Crime – 3 vacancies
Queen's Bench	TCC – 1 vacancy
Queen's Bench	Public Law – 3 vacancies
Queen's Bench	Defamation – 1 vacancy
Queen's Bench	General QB – 7 vacancies
Chancery	IP Specialist – 1 Vacancy
Chancery	Company Specialist – 1 vacancy
Chancery	Competition Specialist – 1 Vacancy
Chancery	General Chancery - 3 vacancies

The Lord Chancellor has agreed that all successful applicants will be guaranteed an offer of appointment. However, candidates are asked to note that the timing of any offer will be dependent on when posts become available. Those successful in this exercise are currently expected to be appointed in the period from about October 2008 to around October 2009, although there may be some later appointments.

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](http://www.judicialappointments.gov.uk)) 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 a High Court Judge you must meet the following requirements.

### **Statutory requirement**

Candidates must have either:

- A 10 year High Court qualification within the meaning of s.71 of the Courts and Legal Services Act 1990 (i.e. a right of audience in relation to all proceedings in the High Court), or
- Held the office of Circuit Judge for at least two years (s.10 of the Supreme Court Act 1981 as amended by s.71 (1)(b) of the Courts and Legal Services Act 1990)

A High Court qualification means a Right of Audience in relation to all proceedings on the High Court. In order to meet the statutory qualifications for appointment, persons who wish to rely on their qualifications as solicitors, including those holding full time judicial office, must appear on the Roll of Solicitors. Every solicitor of the Supreme Court of England and Wales is deemed to have been granted by the Law Society a Right of Audience before every court in relation to all proceedings (s.31(2) of the Courts and Legal Services Act 1990). For example, if you are a solicitor – entry on the Roll for at least 10 years in total; if a barrister – call to the Bar by one of the Inns of Court and membership of the Bar for a period of at least 10 years in total. Periods where rights of audience were not exercisable for disciplinary reasons are excluded.

### **Previous service in a judicial office**

The Lord Chancellor expects applicants to normally have 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. Such service is not the only criterion. You will also need to demonstrate the qualities and abilities required for this office.

### **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 the High Court 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 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](http://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 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.

### **Purpose of Office**

The purpose of judicial office is to administer justice in accordance with the laws of England and Wales.

### **Jurisdiction**

The structure and jurisdiction of the High Court are governed broadly by the provisions of the Supreme Court Act 1981. There are three High Court Divisions - the Queen's Bench Division, the Chancery Division and the Family Division. It should be noted, however, that the jurisdiction of the High Court is indivisible in law and belongs to all Divisions alike. Irrespective of the Division to which they are assigned, all Judges of the High Court possess equal power, authority and jurisdiction. Judges may be required to sit in a Division other than that to which they are assigned, as the business of the court demands. (The formal transfer of a Judge from one Division to another however requires the consent of that Judge and a direction made by the Lord Chancellor with the consent of the Head of the High Court Division which the Judge concerned is leaving.)

The High Court sits at the Royal Courts of Justice and at a number of provincial centres. High Court Judges of the Queen's Bench and Family Divisions also sit in the Crown Court at the Central Criminal Court and at a number of other provincial centres. Most Judges assigned to the Queen's Bench Division spend some time sitting on Circuit and this can have an impact upon their working patterns. Queen's Bench Division Judges also sit frequently in the Court of Appeal (Criminal Division) at the request of the Lord Chief Justice and, less frequently, in the Civil Division of the Court of Appeal.

### **Queen's Bench Division**

The main activities of a Judge of the Queen's Bench Division are as follows:

#### **A. Preparing for trial and case management**

- Reading and assimilating case papers before a hearing, or the trial, commences
- The court is required to further the overriding objective of the new case management procedures by actively managing cases. 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 any particular step 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 use of technology
- Giving directions to ensure that the trial of a case proceeds quickly and efficiently

In the Crown Court:

- Conducting preliminary hearings to identify and to determine procedural issues
- Determining bail applications
- 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 fairly as possible
- Promoting in each case the most expeditious dispatch of business which is compatible with the interests of justice
- Dealing with the case in ways which are proportionate -
  - to the amount of money involved
  - to the importance of the case
  - to the complexity of the issues, and
  - to the financial position of each party and allotting to it an appropriate share of the court's resources, while taking into account the need to allot resources to other cases
- Maintaining the authority and dignity of the Court
- Taking an accurate note of the relevant parts of the evidence

- Deciding issues of law and procedure which may arise during a case
- Summing up to and directing a jury

### **C. Sentencing**

In the Crown Court:

- Sentencing convicted defendants according to the law and the circumstances of the case

### **D. Judgement**

In the High Court:

- Deciding actions by finding facts, applying the relevant law to them and giving a reasoned judgment (which may be reserved, if necessary)
- 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
- Assessing and awarding damages and costs, deciding the amount and manner of payment, making possession orders and punishing for contempt or breach of court orders
- Supervising the wording of the judgments and orders of the Court

### **E. Appeals and Applications**

In the High Court:

- Hearing some appeals from Circuit Judges and appeals from Masters and District Judges
- In Administrative Court cases, hearing applications for judicial review, appeals from lower courts by case stated, and appeals from tribunals

In the Court of Appeal (Criminal Division):

- Determining applications for leave to appeal as the single Judge or as a member of the full court
- Determining appeals as a member of the full court

### **F. Other work**

Other duties include, for example:

In the High Court:

- Determining applications for permission to appeal

#### Other Responsibilities

### **G. Keeping abreast of legal developments**

- High Court 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
- High Court Judges attend Judicial Studies Board refresher seminars and similar events

## **H. Other judicial and public duties**

- Some High Court Judges sit from time to time in the Employment Appeal Tribunal (and one High Court Judge serves as President of the Tribunal)
- High Court Judges may, if so requested by the Lord Chancellor, sit in the Court of Appeal (Civil Division) as additional Judges of that Court
- Under s.72(1)(3) of the Courts and Legal Services Act 1990, some High Court Judges are appointed by the Lord Chief Justice (with the agreement of the Lord Chancellor) to serve as Presiding Judges. The responsibilities of Presiding Judges include the exercise of broad supervision over the running of the courts on the Circuit to which they are assigned, the deployment of High Court and Circuit Judges in the Circuit and attending to the well-being of the Circuit judiciary
- High Court Judges may from time to time serve on committees, inquiries and other bodies where the services of a senior member of the judiciary are required (e.g. the Parole Board, Judicial Studies Board, etc). The Chairman of the Law Commission has always been a High Court Judge who is seconded to the Commission for the period of his or her term of office

## **Chancery Division**

The main activities of a Judge of the Chancery Division are as follows:

### **A. Preparing for trial and case management**

- Reading and assimilating case papers before a hearing, or the trial, commences
- The court is required to further the overriding objective of the new case management procedures by actively managing cases. 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 any particular step justify the cost of taking it
- Dealing with as many aspects of the case as it can on the same occasion
- Dealing with the case without the parties needing to attend at court
- Making use of technology
- Giving directions to ensure that the trial of a case proceeds quickly and efficiently

## **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 fairly as possible
- Promoting in each case the most expeditious dispatch of business compatible with the interests of justice
- Dealing with the case in ways which are proportionate -
  - to the amount of money involved
  - to the importance of the case
  - to the complexity of the issues and
  - to the financial position of each party - and allotting to the case an appropriate share of the court's resources, while taking into account the need to allot resources to other cases
- Maintaining the authority and dignity of the Court
- Taking an accurate note of the relevant parts of the evidence
- Deciding issues of law and procedure which may arise during a case

## **C. Judgment**

- Deciding actions by finding facts, applying the relevant law to them and giving a reasoned judgment (which may be reserved, if necessary)
- Determining appeals contested applications and other issues by consideration of the papers and evidence presented at any hearing and where appropriate making findings of fact, applying the relevant law and giving a reasoned judgment
- Assessing and awarding damages and costs, deciding the amount and manner of payment, making possession orders and punishing for contempt or breach of court orders
- Supervising the wording of the judgments and orders of the Court

## **D. Appeals**

- Hearing appeals from Masters, Bankruptcy Registrars and District Judges
- Hearing appeals from other lower courts and tribunals

## **E. Other work**

Other duties include, for example

- Determining applications for permission to appeal

### Other responsibilities

## **F. Keeping abreast of legal developments**

- High Court 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

- High Court Judges attend Judicial Studies Board refresher seminars and similar events

### **G. Other judicial and public duties**

- Judges of the Chancery Division are appointed as members of a panel of chairmen of the Competition Appeal Tribunal
- Two Judges of the Chancery Division serve as Chancery Supervising Judges, exercising administrative responsibility for Chancery work outside London
- Some High Court Judges sit from time to time in the Employment Appeal Tribunal (and one High Court Judge serves as President of the Tribunal)
- High Court Judges may, if so requested by the Lord Chancellor, sit in the Court of Appeal (Civil Division) as additional Judges of that Court
- High Court Judges may from time to time serve on committees, inquiries and other bodies where the services of a senior member of the judiciary are required (e.g. the Parole Board, Judicial Studies Board, etc). The Chairman of the Law Commission has always been a High Court Judge who is seconded to the Commission for the period of his or her term of office

Further information relating to the jurisdiction of High Court Judges in the Queen's Bench and Chancery Divisions and their Terms and Conditions of Service is available on the JAC website at the following address: [www.judicialappointments.gov.uk](http://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	4 March 2008
Provisional date(s) for interviews for the Queen's Bench Division vacancies	22-24 and 28-29 April 21-22 May
Provisional date(s) for interviews for the Chancery Division vacancies	6-7 and 19-20 May

### **Shortlisting**

If you are shortlisted, you will be invited to an interview. 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 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 referee

You are invited to nominate up to six referees who know you well either personally or professionally. Your application will not be disadvantaged if you nominate fewer than six referees.

### JAC nominated referee

The JAC may also request references, including from those identified in the section of this pack titled 'JAC nominated referees'.

Please provide the name, title 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, 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.

The Lord Chancellor has agreed that all successful applicants will be guaranteed an offer of appointment. However, candidates are asked to note that the timing of any offer will be dependent on when posts become available. Those successful in this exercise are currently expected to be appointed in the period from about October 2008 to around October 2009, although there may be some later appointments.

### **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.



# JAC NOMINATED REFEREES

The JAC may request references from those categories listed below:

## Judicial referees

If you sit on a Tribunal, the Tribunal President or equivalent.

If you are a President of a Tribunal, the Senior President.

If you are a Recorder, the Resident Judge, the Designated Civil Judge or the Designated Family Judge in the court where you sit most.

If you are a Circuit Judge, the relevant senior Presiding Judge.

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

## **For applicants for the Queen's Bench Division:**

The President of the Queen's Bench Division, the Rt. Hon Sir Igor Judge, or if he does not have knowledge of your work, the most senior judicial office holder in your area who does.

## **For applicants for the Chancery Division:**

The Chancellor of the High Court, the Rt. Hon Sir Andrew Morritt, or if he does not have knowledge of your work, the most senior judicial office holder in your area who does.

## 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

District Judge Charles Newman

His Honour Judge David Pearl

Mr Francis Plowden

Ms Harriet Spicer

Mr Jonathan Sumption OBE QC

Lord Justice Roger Toulson