

AN INTRODUCTION TO JUDICIAL APPOINTMENTS

1. INTRODUCTION

Lucy Scott-Moncrieff:

Welcome to this Joint Judicial Appointments Commission, Law Society Outreach Event Video.

My name's Lucy Scott-Moncrieff - I'm the Vice President of the Law Society and I am chairing this afternoon's event.

The JAC appoints lawyers and non-lawyers to judicial posts for most courts in England and Wales, and The Law Society is delighted to collaborate with the JAC today. We recognise that solicitors are under-represented within the judiciary for reasons unconnected with their ability or suitability. We therefore strongly support initiatives which seek to encourage solicitors to consider joining the judiciary and which support them in making a high quality application when they decide that the time is right to take the plunge.

Today you're going to hear straight from the horse's mouth about the approach to the JAC, the application process and the experience of applying as a judge.

Carol Morgan, JAC Selection Manager, will be talking about the JAC matters and District Judge Middleton-Roy will be telling you about his experience of the process.

After both the presentations we will have a Question and Answer Session where I will put questions arising out of their presentations and I hope they will be the questions that you would have wanted to put if you'd had the chance. And I will now invite Carol to kick off.

2. SELECTION PROCESS

Carol Morgan:

Thank you Lucy.

The JAC opened its doors in April 2006 with a remit to make judicial appointments independent, transparent and fair. We have a statutory obligation to select on merit only those of good character and to encourage applications from as wide a range of candidates as possible. Only by widening the pool of candidates can we ensure that we are receiving the best applicants from the best candidates.

We want to see more successful applications for under-represented groups. These will be women, solicitors, disabled people and those from a minority ethnic background, but we do need people to apply – you do have to be in it to win it – but we strongly recommend that you consider when you are ready to apply.

We select through qualities and abilities and these are on our website. They are reviewed periodically and sometimes slightly changed for individual selection exercise. We do not care what your legal background is, where you went to university – if you went to university – where you practice, your gender or your ethnic origin. People are appointed in accordance with Equal Opportunity Principles.

So how do you prepare yourself? It's a competitive process and it is tough, but there are things you can do to get ahead of the game.

We advertise in key legal publications and through our key interested parties, depending on the role and the location for the vacancies to be filled. Budgets are shrinking so there are now fewer advertisements, so the best place to find out about selection exercises that we have coming up is via our website. And you can sign up for free e-mail alerts on 'Judging Your Future' – our monthly newsletter.

When completing the self-assessment, which is a major part of the application form, please use examples that clearly demonstrate each of the qualities and abilities that have been identified for the role. Thoroughly read the information pack that goes with the application form and don't just rely on the instructions in the form.

You get to choose three suitable referees and we get to choose one, or if you have already held a fee paid post, then two.

Please choose them well. Ask yourself – do they know you well enough to give us the specific examples that we require.

We do ask for a professional referee, but we do understand that in some circumstances that will be difficult, so we ask you to name them but we do give you an opportunity to provide another one who could equally comment on your competence at work under the Qualities and Abilities headline.

The final part of the application form asks you to complete a Good Character Declaration. Again, see our website for details and the guide. It is quite clear what we're asking you to declare, but if in doubt, keep it in – tell us about it. We do external checks and we will find out, so the worse thing you can do is actually not declare something.

Shortlisting: You send an application form to us and providing you meet the statutory eligibility requirements for the post, you are likely to be invited to sit a Qualifying Test. There are a few exceptions to this when a paper sift takes place.

The JAC uses qualifying tests as a fair and open mechanism to shortlist candidates to progress to Selection Day.

Qualifying Tests provide objective evidence of candidates' abilities compared to a paper sift. Hence your references will only be sought if you're successful at the Qualifying Test Day. Each test is different to fit in the particular nature of the post being advertised.

There are no pre-defined pass or fail test scores – we cut at the point where we need to decide how many people go through to interview – normally between two and three per post that's available.

We have some previous Qualifying Tests available on our website and two Examiner Feedback Reports so do look at the website – it gives you a lot of information about what will help you to pass these tests.

And going forward, we will be publishing an Examiner's Feedback Report that will help candidates to understand what errors they are making when they don't actually make the cut off point. A lot make similar mistakes and we think these reports will really help.

You can also apply to sit a mock test – that will give you valuable experience about what it feels like. If you do do this, you will actually not be able to apply for that exercise on a live situation.

The other way as I said is to shortlist by paper sift. This will be a more traditional route where the Panels look at the application forms and the references, but as you can appreciate when

you get a thousand applications for example for a selection exercise, a paper sift is really too difficult to carry out.

If you're successful at shortlist stage, you'll go through and be invited to a Selection Day, and they will normally take place at the JAC offices in London. Typically they involve both a role play, which will recreate a scenario similar to what the post involves, and also an interview. There is a mock role play available – a video available on the website - but it will give you an idea of the sort of situation that you'll be faced with.

And we aim to complete the whole part of our process – the JAC part of the process – from advertising to recommendation – in around about 19 weeks. The time will vary depending on the selection exercise.

What happens after we make the recommendations to the Lord Chancellor does vary in complexity and speed, and the wait can be frustrating. We will inform you of the outcome as soon as we possibly can – whether they're successful or unsuccessful – we think this is the fairest approach.

So I'd just like to end on ten top tips:

Subscribe to judging your future.

Read the case studies from judges on our website.

Get a feel for it if the judiciary is for you.

Be honest with yourself before applying. Are you ready? Is this the right role?

Decide what vacancies interest you and sign up for an email alert to those that do.

Find out more about the vacancies you are thinking of applying for – spend time in the jurisdiction you are applying to, and speak to the judges already working there – get a real flavour for the role.

Look at previous application forms – they are also available on our website. These largely follow the same layout for each exercise.

Pay particular attention to the self-assessment as I said earlier, and try to think of examples of how you have demonstrated the qualities and abilities.

Apply to be a mock candidate for a qualifying test and/or the role play.

And the final tip - watch the film of a mock role play on our website.

The website address is jac.judiciary.gov.uk.

Lucy Scott Moncrieff:

Carol that was really interesting. Thank you very much.

2. TIPS FOR SUCCESS

Lucy Scott Moncrieff:

We're now going to turn from the general to the particular, and I will invite District Judge Middleton-Roy to give his presentation

District Judge Middleton-Roy:

Thank you. Well I've been asked to say how I prepare for the Selection Process and I think, without wishing to reiterate everything that's already been said very helpfully today.

The first thing I asked myself is – why I wanted to apply, and I think that's a question that everyone should really ask themselves. It may seem obvious but private practice is one thing but applying for a judicial appointment is something very different, and I think to ask yourself, first of all why you want to apply is really the first, the starting point. Second is really to carry out as much research as possible – to visit public hearings if you can, especially if it's a jurisdiction you're not familiar with – and even if it is a jurisdiction that you're familiar with, to perhaps shadow a judge – it's very different sitting behind the bench in the judge's chair compared with appearing before a judge – and if at all possible to shadow a judge for at least one day – if you can for longer – I think is a very good experience and prepares you well for the application process. It's something that I did in a variety of jurisdictions, shadowing a District Judge and also attending a public hearing for the Immigration Tribunal, of which I had no previous experience.

I think the next thing that I did, and I encourage people to do this, is ask others who've previously applied for judicial appointment, and to find out their experiences. I had the advantage of having some friends who had applied both successfully and unsuccessfully, and it was a great advantage to me to be able to discuss matters with them and find out their experiences, both good and bad, and to learn from those.

I think the next thing that I did, and I think it's essential for everybody, is to look at the Judicial Appointment Commission website because of course that's a wonderful source of information. It's to identify from that the range of appointments that are available because it may be that you have particular experience in one field – for example practising in civil jurisdiction - and you may not have considered a range of appointments perhaps in tribunals, rather than simply the County Court or indeed Magistrates Court. So do look at the JAC website – find out the appointments that are coming up – find out what perhaps might be most suitable for you.

Next thing is the application form itself. Now again, as has already been said, copies are available on the Judicial Appointments Commission website, and I think it's essential to study that application form before you fill it in and allow sufficient time. The application form itself may appear to be fairly short but the questions that are asked involve a great deal of preparation, and I think to allow yourself sufficient time to do that – to fill in the answers – to then put it to one side and go back again – look at the answers you've given – perhaps even if you can get somebody to look over it for you, because it's amazing the number of mistakes you can make that somebody else could point out for you. But allow sufficient time to fill in that application form, and – as I say – go back and if necessary do it over again.

The next thing I think in filling in the application form, but also preparing for the application process, is to study the competencies. They're again all set out in the application form in the application process, but collect as many examples perhaps as you can of your experiences either in private practice or in your social life – in terms of volunteer work that you might have done – and collect as many examples that you can that will assist you in filling in the application form, but also to have some spare examples up your sleeve which will be helpful when it comes to the Interview process itself.

The next thing that I did before submitting the application is to contact possible referees – I think to do that in advance is essential. Potentially one of your referees may be applying for a similar post and it would be embarrassing if you were to put their name on your reference form – on your application form – without approaching them first – it's simply going to be a waste of

time. So contact them in advance – ask them if they are willing to be a referee for you, and that will save any future embarrassment.

The next thing that I did - and I think it's another advantage of the JAC website - is to look at previous Qualifying Tests because many of the previous tests are available on the website and they're essential I think in preparing yourself for the test itself. It may be that you think you're completely familiar with your jurisdiction, but I think it's essential to look at the previous tests – look at the answers that are being given – or the guidance that has been given on previous tests – and read up on your jurisdiction even if you're familiar with it. You will be surprised the sort of questions that might catch you out on the Qualifying Test if you haven't read up on the subject.

The next thing is preparing for the Assessment Centre itself, and the Assessment Centre is a challenging process – it's a challenging day – it's something that is difficult I think to understand unless you've been through it. There are various different parts of the Assessment Centre Day, including role play, where you have to perform as if you were a judge, and also the interview, and I think if I have any advice to give it's to – when both acting in the role play and also in the interview itself – put yourself in the position of the judge – to imagine that you are the judge – that will put you in the right frame of mind to get through both of those aspects, the role play and the interview.

The interview itself – it's essential I think, going back to one of my earlier points, to have some other back up examples available. Know what's already in your application form – know that inside out – know the examples that you've given as evidence to satisfy the competencies, and have some other back up examples just in case.

That's the process that I went through to prepare myself for various applications that I've applied for, but in terms of why one should apply, perhaps the advantages over professional life as a solicitor. I think it's a wholly different matter to be a judge than it is to be a solicitor. Wholly different in terms of the way you approach the day but one would hope not wholly different from the actual work that you carry out as a solicitor – I think that solicitors are extremely well placed for applying for all judicial appointments because of the type of work that they do. But the advantages over private practice are, I think, first and foremost, work/life balance, because there is a culture in most practices still of long working hours – that's very different working in the Court System – the Tribunal System. You can get your family life back, which is always an advantage. There are no time targets – no billing targets – no demanding clients – they're all very strong advantages of becoming a judge. There is also no rivalry between colleagues – your other judicial colleagues are very supportive of one another –

there's a great camaraderie, and there is perhaps an absence of rivalry that one might experience on a day to day basis in private practice. There is also of course the satisfaction of being able to decide real issues at the end of the litigation process – managing the litigation process – and in some cases in Immigration and Asylum Tribunal, deciding real issues that could involve a matter of life or death.

There are disadvantages perhaps in the judiciary as opposed to private practice and, first things first, judicial work is not an easy option. There may be a shorter working day but it's not the 10 to 4 hours that the court is usually open – there's obviously a lot of work that goes on before and after the cases are decided. It can be a very intense day sitting as a judge. It can be very demanding – you're sitting in a very pressurised environment. Having said that the rewards as far as I'm concerned far out-weigh the disadvantages, and certainly, in my experience I have no regrets in becoming a full time judge, and I'm sure that anyone who takes the plunge and makes an application and is appointed will similarly have no regrets. Lucy.

Lucy Scott-Moncrieff:

Paul - thank you so much, that was really fascinating. It's really very interesting to hear what it's like to actually go through the process.

4. Q & A

I now have some questions arising out of what you've been saying, and some of the things that I was thinking about actually in response to your presentation have now been answered by yours – so I'm not going to ask those. But let's start off with something that I am sure exercises a lot of people and perhaps Carol you're best placed to answer this. Isn't the system biased in favour of barristers?

Carol Morgan:

Well actually I can probably only answer in relation to our part of the process – the Selection Exercise process is not biased towards barristers. I think there are some skills that solicitors particularly can bring to the post of judge, and we are doing our best to encourage them to apply.

Lucy Scott-Moncrieff:

So it may be that barristers are more likely to think of a judicial career because of the way that they're trained and their own career development but that doesn't mean to say that they'd be any better at it than

Carol Morgan:

Absolutely – and through out outreach we do our best to try and engage and encourage people, as we said, in terms of diversity – we really want a really diverse judiciary and we do our best to try and achieve that.

Lucy Scott-Moncrieff:

What examples from outside professional practice will be taken as proving the competencies – I mean, will you take seriously examples from outside professional practice? Did you have any examples from outside your professional practice?

District Judge Middleton Roy:

I did – in that in addition to working in private practice I held a chair post on the General Medical Council, for example, and sat as a lay person – it wasn't a formal judicial appointment but it was something that assisted me in being able to give evidence that I satisfied some of the competencies that were relevant to the application. But I think in terms of outside experience, I think any work in the voluntary sector or even perhaps as a school governor or something of that nature would be, I think, of assistance in demonstrating that the competencies can be satisfied. I don't know what Carol's view is on that?

Carol Morgan:

I would agree with the judge. For us it's actually the quality of the example. It's about evidenced based examples – and what I mean by that is you might think of a very complex situation that you were in – be it in work practice or in voluntary work or wherever you choose it from – but you actually spend some precious moments of the interview explaining the complexity of the situation and forget to say your role in it – and that's what we're interested in – that's what the Panel want to know – what did you do – how did you overcome the difficulties – how did you manage the people? Show them that you meet the qualities and

abilities through your examples, rather than concentrating solely on the specifics of the circumstances themselves.

Lucy Scott-Moncrieff:

And does it follow that because some of the competencies are to do with, as it were, avoiding difficulties, that people could give examples where they had prevented something from getting out of hand, or prevented a problem arising?

Carol Morgan:

Absolutely – it's not about managing or conflicting the highest level for example - a riot – or everybody's left court not talking to each other or whatever – your skills can be just as evident by keeping it – not reaching that level – so it's just about showing the Panel through your actions. Sometimes it's actually baby steps you're explaining – how you reached the point where the worst – in that situation – the worst conflict was avoided.

Lucy Scott-Moncrieff:

Most people I imagine who are interviewed have very little experience of competency based interviewing. What's the most common mistake that people make – where people who are obviously very able spoil their chances by fluffing the interview?

Carol Morgan:

I think we can probably both answer that. I would say it's being too general, and thinking that the Panel can take, from what you're describing, your role – what you did – what your skills were – and actually that's quite difficult. I think in general terms we talk in assertion – we know the situation – we know what we did - and we know the outcome. But it's really spelling it out. I don't know whether.....

District Judge Middleton Roy:

I think that's absolutely right. It's one thing I think most lawyers are used to say, I'm good at this, I'm good at that, but to provide evidence of that by way of examples in your day to day practice I think is something that is perhaps alien or unfamiliar to most people going through that process. And I think one of the huge advantages of this process is that the competencies are spelt out in advance. You know the sort of questions that are going to be asked in

interview, you know the sort of competencies or evidence that you're required to provide, and that's a huge advantage over the average interview that one would have in applying for a position as a partner or solicitor in private practice. You know in advance what they're asking for – you just need to provide the answers for that.

Lucy Scott-Moncrieff:

I suppose people might get hung up on this idea of evidence base, and I think that they have to explain a lot of detail about the background as evidence, but I mean what you're saying, as I understand it, is that you could say – well there was this really difficult situation in court where my opponent was being very difficult and the judge didn't appear to be paying very much attention to what I said, and this is how I dealt with it. And you don't actually need to explain that it was this sort of case or that sort of case or anything like that. That's what you're talking about.

Carol Morgan:

Absolutely. If the Panel don't feel they've quite understood the background, they can always probe a little bit more for that. In your preparation think about what your role was, what you did, what skills it's showing and how you achieved the outcome.

Lucy Scott-Moncrieff:

Right. You were talking about referees. Obviously some people are not going to want to give their line manager or partner in their firm as a referee, at least at the early stages, because it might make things a bit awkward. How do you deal with that if what you need experience of somebody's work?

Carol Morgan:

Well first of all, read the application form and read the information pack and that will tell you at what point we call for references, because it is different. If you're sitting a test then we won't call for any references until you've successfully passed that test, so anybody who doesn't get through that first hurdle doesn't get – we don't ask for references. If it's a sift – if it's a paper sift – then we will call for them early in the process. So it's about timing initially. We do ask for a professional referee – we do need to know about your professional work, and I think you would expect that, but we do allow you to say – as long as you give us the details so we know

clearly who the person is, you can say why, if you don't want us to contact them and you give reasons why, we can work with that provided you give us an alternative professional reference.

Lucy Scott-Moncrieff:

You deal with people applying for part time posts and full time posts, but within that to what extent does the system allow flexible working. For instance if somebody just wanted to work in term time or only in the mornings because of caring responsibilities? Can that be accommodated?

Carol Morgan:

It depends on the post and what the requirements are on the court side for a particular circuit – so a particular area – and the same on tribunals. It will be specified in the information so do read it carefully. Again if you do have a query then phone us but actually it should explain, for that particular post, what is on offer.

Lucy Scott-Moncrieff:

Paul – do other judges support you? I know you said that it's fairly friendly, but do they really support you and do you get good training?

District Judge Middleton Roy:

Very much so on both fronts. In terms of the camaraderie, I've already mentioned that there is a great deal of support amongst judicial colleagues because we're all in the same boat – we all face the same problems. There's no competition to see who can get promoted above the other. We all know how much we're earning – in that respect it's a level playing field - and there is a great deal of support. It's, in that sense, extremely different from private practice where you can sometimes feel that you're in competition with your neighbour. In terms of the training – the training is excellent. If you've applied for a post in a jurisdiction you've never sat in before and you've been successful, you will get full training to prepare you for that – not just in terms of the law but particularly in terms of judicial skills and how to develop those skills. And even if it's an area of jurisdiction you're completely familiar with, there is regular and on-going training in addition to regular appraisals, and you have a mentor that's assigned to you – you can ask questions confidentially, and the training and the support that's offered generally will prepare you for judicial life, even if you've had no experience of sitting in any jurisdiction before.

Lucy Scott-Moncrieff:

Well just following on from that – you say regular appraisals. Judges are meant to be independent – how do you feel affected by appraisals and performance review – do you feel it limits you in any way, or do you find it helpful?

District Judge Middleton-Roy:

Not at all. In terms of – if you're appointed perhaps as a deputy or in a fee paid post, the appraisals, depending on the jurisdiction, could be once a year or once every couple of years. In terms of their value, they're extremely constructive, they're not intended to pick holes in your performance, but they're there to help you to develop and to learn from any mistakes, and to give you praise for good work that you've done. So I don't think that it limits one in one's practice or performance, but it's another way of supporting the judicial role.

Lucy Scott-Moncrieff:

I would like to thank our two Panel members very much indeed, both for their contribution and for giving up their time, and I'd like to thank you for watching.