



The Law Society

Becoming a judge

opportunities
for solicitors

A strong sense of wanting justice to be done, independence, a large dose of common sense and an understanding of the realities of the world around us are, I believe, the foundation to a judicial career

*District Judge (Magistrates' Courts)
Tan Ikram*

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Opportunities for solicitors

Opportunities for solicitors to join the judiciary have improved considerably in recent years. In 2000 Lord Collins was appointed as a High Court judge and in 2009 he was the first solicitor to be appointed to the highest court in the land, the new supreme court. In tribunals almost half of the current senior leadership come from the solicitors' profession.

This booklet provides information on judicial appointments and explains the selection process. It also addresses some of the myths about judicial appointments. For example you do not need:

- experience appearing in the High Court as an advocate
- friends at senior levels of the judiciary
- an exclusive social or educational background
- to make judicial office a second career.

A more diverse judiciary

The government is committed to achieving a more diverse judiciary which is more representative of wider society.

The Judicial Appointments Commission (JAC) was established under the Constitutional Reform Act 2005 to recruit candidates to judicial posts in courts and tribunals in England and Wales. An independent organisation, it is required to:

- select candidates solely on merit
- select only people of good character
- encourage diversity in the range of people available for judicial selection.

Today an increasing number of women, black and minority ethnic applicants and solicitors are appointed across the range of judicial roles available.

For me, the route to becoming a district judge was the traditional one of sitting as a deputy district judge first. It gave me an invaluable insight into life on the bench, and made me realise that I wanted to be a judge full-time

*District Judge
Michael Walker CBE*

Is a judicial post right for you?

Reasons for becoming a judge include:

- the chance to make decisions that affect people's lives
- a desire to contribute to public service
- the opportunity to add value to a firm or employer
- a new personal and professional challenge
- a wish to gain new legal skills
- personal pride and social standing.

It's important to be clear about your career plans and your reasons for applying.

You may want to consider mixing legal practice with sitting on the bench part-time. Many judges report that their continued work in practice benefits from their experience on the bench and vice versa.

A fee-paid position can be an opportunity to decide whether a full-time judicial career is right for you.

Some people want to become a full-time judge, graduating through the levels of the judiciary. Others are happy with the role of district or tribunal judge, for example.

A wide range of opportunities

There are currently more than:

- 100 High Court judges
- 40 masters, registrars, cost judges and district judges in the Principal Registry of the Family Division
- 80 deputy masters, deputy registrars, deputy cost judges and deputy district judges in the Principal Registry of the Family Division
- 640 circuit judges
- 440 district judges and masters (county courts)
- 130 district judges (magistrates' courts)
- 1230 recorders
- 660 deputy district judges
- 20 posts in the Judge Advocate General dealing with military justice.

The Tribunals Service

In addition, the Tribunals Service employs more than 450 full-time tribunal judges and 2000 fee-paid tribunal judges across Great Britain, in jurisdictions ranging from special education to tax and welfare benefits.

Appointment as a tribunal judge is often attractive to solicitors because:

- tribunals do not require office holders to be available for long blocks of time
- fee-paid posts can be combined with other work and family commitments
- tribunal cases tend to be shorter
- the range and specialism of jurisdictions allows office holders greater control over the type of cases they deal with
- tribunals are often inquisitorial and some are relatively informal.

Fee-paid or salaried?

Judicial posts are either fee-paid or salaried. Fee-paid posts include:

- Deputy district judges (county courts)
- Deputy district judges (magistrates' courts)
- Recorders
- Certain tribunal judicial offices.

Fee-paid posts are part-time and judges are required to sit for a minimum of 15 days per year.

Among the salaried posts are:

- District judges (county courts)
- District judges (magistrates' courts)
- Circuit judges
- Masters, registrars and costs judges
- Justices of the High Court and the levels above
- Salaried tribunal judges.

There is far greater flexibility today for salaried posts to be held on a part-time basis, particularly in the tribunals. All

Firms need to understand the great benefits of having their people sitting as fee-paid judges or tribunal members, and the expertise this brings to the firm

*Her Hon Judge
Frances Kirkham,
Senior Circuit Judge*

judicial posts below the High Court must be considered for salaried part-time working. The Ministry of Justice (MoJ) decides whether posts can be held on a part-time basis. However once you have served as a salaried judge you will not be able to return to practice except as a consultant.



Who can apply?

You must be a citizen of the United Kingdom, the Republic of Ireland or a Commonwealth country to apply for a judicial appointment.

Post-qualification experience

Depending on the post, the minimum requirement is now five or seven years' post-qualification legal experience in a law-related activity. In addition to practising or being employed as a lawyer, that can now include experience such as teaching or researching law, acting as an arbitrator or mediator, or drafting documents affecting people's rights. There is no requirement for advocacy experience.

When solicitors have enough post-qualification experience the MoJ and the Law Society write to advise that they are now eligible for judicial appointment.

Meeting the minimum experience requirement is unlikely to be sufficient to gain a judicial appointment. When applying you need to work out how your experience meets the requirements and the qualities of the post. Solicitors tend to become deputy district judges and tribunal judges in their late 30s or early 40s. Candidates with less experience tend to be less successful.

Specific entry requirements

The application pack for each selection exercise specifies the minimum entry requirements for the vacancy. This includes whether specific legal experience or knowledge is required. For some of the more specialised tribunals there will be a statutory requirement for particular legal experience in that area, for example in the mental health jurisdiction of the First-tier Tribunal.

Sometimes the Lord Chancellor may ask for additional requirements, for example for two years' experience as a fee-paid judge to be eligible to apply to become a salaried judge (sitting as a fee-paid tribunal judge fulfils this

requirement for a salaried appointment). However, the JAC can still recommend the appointment of candidates without this experience.

Age restrictions

There are no minimum or maximum age limits for applicants but a reasonable length of service is expected to justify the costs of appointment and training. Most judges retire at 70.

Reasonable adjustments

Reasonable adjustments are made to accommodate disabled candidates. Requests are considered on a case by case basis in accordance with the JAC's Reasonable Adjustments Policy and the information provided by an applicant will not be used in the selection decisions. The policy is available on the JAC's website and in alternative formats.

On appointment the MoJ makes reasonable adjustments. Any reasonable adjustments required to enable you to take up an appointment will be discussed separately with you by the Ministry. The policy is available on the MoJ website.



How to apply

The JAC may recruit one individual to a specific post, or a number of candidates for a particular level of post, filling posts when vacancies occur. In the latter case successful candidates may have to wait some time to be appointed to a post.

Where are posts advertised?

Appointments are advertised:

- on the JAC's website
- on the Law Society's website
- in the Law Society's e-newsletter *Professional Update*
- depending on the vacancy, in *the Times*, *the Law Society Gazette* and other media.

You can also sign up on the JAC's website to receive an alert when a particular exercise is opened.

Preparation

The selection process is highly competitive. Consider

whether you have all the qualities and abilities required, at the right level, and whether you can demonstrate those during the selection process. Some candidates benefit from interview practice or the opportunity to develop time and case management skills.

If you are unsuccessful at the first attempt, don't be deterred from applying again in the future. A previous application is not taken into account and will not reduce your chances of success.

Expect tight deadlines

Information packs and application forms are available on the JAC's website and applications can be submitted online. However the deadline is usually tight - often three weeks from the date of the advertisement - and as well as the application form you will need to complete a self-assessment and identify referees. It is worth beginning the process before the selection exercise is launched.

Referees

The JAC seeks views on the suitability of candidates from third party referees. Referees are normally approached before the selection day but in some competitions they are approached to assist with shortlisting candidates for interview. It is advisable to ask a referee's permission before giving their details to the JAC.

You will be asked to nominate three or six referees depending on the post. They should know you personally or professionally and have knowledge of your work. They do not all have to come from your legal work. If you are a school governor, for example, you could nominate the chair as a referee.

Referees assist the selection panels by providing insights into your qualities and abilities. In addition the JAC may seek references from a list of referees that it will nominate. For example, if you are already serving on a tribunal, the JAC may ask the president of the chamber. The JAC provides further guidance on the choice and role of referees on its website.

Sitting on a fee-paid basis improved immeasurably my practice as a solicitor. I learned not only what a court or tribunal needs to make a decision, but also much about cost-effective dispute resolution

*Her Hon Judge
Frances Kirkham,
Senior Circuit Judge*



Tips from the JAC

- Plan ahead - think about the evidence you will need to submit and who your referees might be.
- Collect examples that provide evidence against the qualities and abilities to use in your application.
- Use real examples drawn from professional or private life rather than assertions.
- Nominate referees who know your work and can comment on your abilities.
- Read the selection exercise material thoroughly.
- Re-read the qualities and abilities before completing the self-assessment.
- Allow plenty of time to complete your application form.
- Type your application in at least 11 point print size.
- Prepare well for the selection day interview - at least re-read your application and the qualities and abilities.



The selection process

Qualities and abilities

As the basis for its selection process the JAC has developed five core qualities and related abilities which are required for judicial office. They are:

1. Intellectual capacity

- High level of expertise in your chosen area or profession
- Ability quickly to absorb and analyse information
- Appropriate knowledge of the law and its underlying principles, or the ability to acquire this knowledge where necessary

2. Personal qualities

- Integrity and independence of mind
- Sound judgement
- Decisiveness
- Objectivity
- Ability and willingness to learn and develop professionally

I consider my time sitting as a deputy as the best on-the-job training I ever had, and I would like to think it made me a better solicitor in the process

*District Judge
Michael Walker CBE*

3. An ability to understand and deal fairly

- Ability to treat everyone with respect and sensitivity whatever their background
- Willingness to listen with patience and courtesy

4. Authority and communication skills

- Ability to explain the procedure and any decisions reached clearly and succinctly to those involved
- Ability to inspire respect and confidence
- Ability to maintain authority when challenged

5. Efficiency

- Ability to work at speed and under pressure
- Ability to organise time effectively and produce clear reasoned judgments expeditiously
- Ability to work constructively with others (including leadership and managerial skills where appropriate).

Candidates are expected to provide evidence that they meet these standards in their application and, if called, before the selection panel. You do not have to restrict yourself to your professional experience - you can offer examples from other experience in your private life, for example working in an advisory service on a pro bono basis.

Good character

The JAC is required to recommend appointments on the basis of good character and merit alone. You can find guidance on the meaning of good character on the JAC's website.

In the 'character' section of the application form you must disclose:

- any criminal convictions including cautions
- motoring offences
- whether you are an undischarged bankrupt or have an outstanding Voluntary Arrangement
- county court judgments brought against you by HM Revenue and Customs (HMRC)
- any finding of professional negligence
- disciplinary action against you by your professional body.

The JAC runs checks on applicants with the Criminal Records Bureau, HMRC and professional bodies.

Qualifying test

The JAC receives a growing number of applications - there were over 1000 applications for 128 vacancies to be a recorder on the South Eastern Circuit at the start of 2009. Increasingly a qualifying test is used to shortlist candidates. Candidates attend a local centre and are provided with a scenario on which to answer a number of questions.

The paper indicates the number of marks available for each question so you can plan your time. It will also indicate whether it is appropriate to provide answers in bullet points. Increasingly candidates are using laptops provided by the JAC to complete the test, although you can complete it by hand.

If you haven't sat a written test since university it's a good idea to practise on a past paper. Past papers can be found on the JAC's website.

Some tips for success follow. These may seem obvious points but they are ones on which candidates are failing.



- Read the instructions thoroughly and do what you are asked to do.
- Don't recite the facts of the case in your answer.
- Deal with the material you have been given - don't say that you would need to adjourn to obtain further information or guidance.
- Don't summarise the differing sides to an issue without arriving at a decision.
- Where appropriate cite specific statutory provisions or case law to support your decision.
- Manage the 90 minutes allotted for the test in order to be able to answer all of the questions.

The JAC tests each written qualifying test with volunteer candidates. You can volunteer to do this, although if you sit a paper as a dummy run you cannot then apply in that selection exercise.

Solicitors out-perform barristers quite significantly in the qualifying tests.

The selection day

Successful candidates are invited to a selection day, which consists of either an interview, or an interview and a role playing exercise. The role playing exercise requires the candidate to act as a judicial office holder in a court or tribunal scenario. Candidates are given time to read background documentation before entering the room. The purpose of the exercise is to test the candidate's ability to control proceedings, while being sensitive to the needs of the persons appearing, and to arrive at a decision.

Solicitors have not always scored highly in the role playing exercise. To help solicitor candidates perform better the JAC and the Law Society have commissioned a video showing a candidate taking the part of a judge in a contentious family case. It can be found on the Law Society website along with an accompanying commentary.

The selection panel

The selection panel comprises a chair, a judicial member and an independent member. Having seen each of the candidates, panel members assess all the information they have received and observed and decide which candidate best meets the requirements for the post. The panel chair writes a report for the JAC summarising the panel's overall assessment.

The JAC obtains background checks on candidates' financial, criminal and professional records. The JAC is also required to consult the Lord Chief Justice or another office holder with relevant experience - circuit presiding judge or the president of one of the chambers in the Tribunals Service - and has to take account of their comments prior to the submission of recommendations for appointment to the Lord Chancellor.

The JAC is required by statute to encourage diversity in the range of people available for selection for appointments. It does not practise positive discrimination as a means of achieving a judiciary more representative of wider society: it recommends for appointment only the best qualified candidates.

I started my career advising on how to make decisions, spent most of my career persuading courts to adopt the decision I sought, and realised that the time had come when I would actually like the challenge of making the decisions

*District Judge
(Magistrates' Courts)
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After the selection process

The JAC's recommendations are only rejected by the Lord Chancellor in exceptional cases.

The MoJ writes to successful candidates offering appointments to judicial posts. If you accept an offer you will be asked to complete a health questionnaire. This is usually routine but occasionally a candidate will be asked to consult a doctor who will prepare a more detailed report.

You must not disclose your appointment until it has been formally announced.

Timescales

The average time between the publication of an advertisement for a judicial post and the receipt of an offer of appointment from the MoJ is between six and eight months.

Prior to sitting for the first time you will undertake training provided by the Judicial Studies Board, and sit alongside an experienced judge for a number of days.



Finding out more

If you don't often attend courts or tribunals, you may want to observe proceedings to assess whether being a judge would be right for you.

Work-shadowing

The Judicial Office's work-shadowing scheme enables lawyers to shadow a judge for up to three days. This is an ideal way of getting a better understanding of what is involved. Time spent on the scheme counts towards CPD. You can find details of the scheme and how to apply on the Judicial Office's website. To apply you must have two years' post-qualification legal experience or five years if you wish to shadow a High Court judge.

Regional events

The JAC organises candidate seminars across the country each year to introduce judicial appointments and the selection process to prospective candidates. They are

advertised in the JAC's e-newsletter *Judging Your Future* (you can subscribe on the JAC's website). The full year's programme is published on the JAC's website.

Some of these events are organised in conjunction with the Law Society and are advertised through the Law Society's e-newsletter *Professional Update*. Others are organised with local law societies or groups within the profession like the Association of Women Solicitors and the Black Solicitors' Network.

The Law Society organises training events for potential applicants and opportunities to meet solicitors who have become judges.



Key websites

You can find information about the role of judges on the following websites:

Judicial Appointments Commission

- www.judicialappointments.gov.uk

Judicial Office - www.judiciary.gov.uk

The Law Society - www.lawsociety.org.uk

Ministry of Justice - www.justice.gov.uk

Case studies of solicitors who have taken up judicial appointments can be found at:

Judicial Appointments Commission

- www.judicialappointments.gov.uk

Judicial Office - www.judiciary.gov.uk



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