



The Law Society

Pen portrait

Her Honour Judge Frances Kirkham

25 February 2010

supporting
solicitors

1. Please describe your current judicial role and the route you have taken to get there

In October 2000 I was appointed a senior circuit judge, to sit as the designated Technology & Construction Court judge in Birmingham. I deal with case management and trials of cases in that court. I also sit in the Administrative court, the Mercantile court and the Chancery Division.

I followed an untraditional route to appointment as a judge. I read modern languages at university. For about five years after graduating I worked for the Bank of England then the Bank of London & South America. I then decided to change to the law. I qualified as a solicitor in 1978 and worked initially in commercial litigation and on professional indemnity disputes. After a while I began to specialise in construction law – both contentious and non-contentious. At that time, the contentious work comprised mainly arbitration, rather than court work.

In June 1994 I was appointed Assistant Recorder (a role which no longer exists) and in January 1999 Recorder. In these roles I sat in court on a fee-paid basis, for between 20 and 60 days a year, mainly in the county and family courts but also in the Crown Court. None of this work was similar to the work I was doing in my role as partner in a big firm.

2. Why did you choose to join the judiciary?

I had sat as an arbitrator and enjoyed the challenge of deciding disputes. I enjoyed construction law, but was increasingly finding that, for a partner, there was much emphasis on managing a team and practice development so that I had less time to concentrate on the law. Becoming a judge enabled me to concentrate on what I had really enjoyed about being in practice as a solicitor.

3. What skills did you bring to the judiciary as a solicitor and what skills do you think you have developed/improved as a result of being a judge?

Sitting on a fee paid basis improved immeasurably my practice as a solicitor, and I wish that I had begun earlier. I learned not only what a court or tribunal needs to make a decision but also, at a more general level, much about cost-effective dispute resolution.

The skills I was able to bring to the judiciary and develop include the following:

- to listen patiently (solicitors develop this skill early in their training!)
- to communicate
- to read and master quickly a large volume of documents
- to chair and effectively manage a meeting
- and a complete lack of desire to wade in and take over the advocacy!

4. What qualities do you think are important for judges today?

- Intellectual capacity
- Personal qualities, namely integrity and independence of mind; sound judgement; decisiveness; objectivity; the ability and willingness to learn and develop professionally
- An ability to understand and deal fairly
- Authority and communication skills

- The ability to work efficiently

5. What barriers still remain to solicitors considering entering the judiciary and what should be done to tackle those barriers?

Firstly, solicitors need to see themselves as potential judges. Exercise your imagination and don't set your horizons too low.

Solicitors will often not have day to day experience of the jurisdiction where they are applying. At the JAC we find that some solicitor applicants have undertaken insufficient research into the post for which they are applying and so have a poor understanding of the nature and demands of the role. So, take time to do some careful research.

Many firms are not supportive of their partners and staff who want to sit on a fee paid basis or prepare for a full-time judicial post. This is a real barrier, as many would-be applicants fear career blight if they express an interest in sitting, or even in applying for a full-time post. Firms need to understand the great benefits to them of having their people sit as fee-paid judges or tribunal members, and the expertise this experience brings to the firm.

6. What would be your three 'top tips' for a solicitor thinking about joining the judiciary?

1. Preparation, preparation, preparation – to adapt a modern cliché! Consider the very wide range of jobs in both tribunals and courts. Find out as much as you can about the job which interests you (eg by sitting in to observe the tribunal or court and speaking to a judge who is doing the job).
2. Prepare your application to the JAC carefully and give it the time and attention it needs. Read all the information provided by JAC. Have proper regard to the qualities and abilities identified for the job in question. Identify any skills which you consider to be transferable. Make sure that your self assessment is more than just an assertion that you possess a quality or ability, and is based on evidence of how you have demonstrated the skill required. Ask your referees to do the same.
3. Above all, be realistic: don't apply for jobs for which you have no real aptitude or prospect of success. But if you find the right job at the right time, go for it.