

Authorisations for Recorders to sit as judges in the Chancery Division of the High Court

Expressions of Interest are sought from serving Recorders, with at least 7 years experience in Chancery work (either as a Recorder or in practice), to sit in the High Court to meet business requirements. It is envisaged that there will be in the region of 20 applicants that will be authorised.

Section 9(1) of the Senior Courts 1981

Section 9(1) of the Senior Courts Act 1981 provides for the Lord Chief Justice, or his nominee (usually the Heads of Division) to authorise Circuit Judges and Recorders, if requested, to sit in the High Court to meet business needs. The Constitutional Reform Act 2005 requires the concurrence of the JAC to any designation under the provision.

Process

- Applicants are invited to apply by completing the Expression of Interest form (see below)
- Officials will then write to relevant Chancery Supervising Judges, Presiding Judges and Designated Civil Judges seeking comments on the applicant's suitability for authorisation.
- Applicants may nominate up to two referees of their choice, which the Chancellor of the High Court may decide to seek references from.
- Applicants should provide details of their sitting pattern in the last two years listing when, where and for how long they have sat as a Recorder.
- The judicial consultees provide comments to the Chancellor of the High Court on the applicants who have expressed interest. They may make extended enquiries of other judges as appropriate.
- The Chancellor considers each application individually with reference to the applicant's written application. In addition to the views submitted to him from the judicial consultees, it is open to him to seek additional views from appropriate judges, for example judges of the High Court or Court of Appeal, should further evidence be required against the qualities sought. During the selection meeting he will be assisted by Mr Justice Peter Smith and Alexandra Marks (a lay Judicial Appointments Commissioner).
- The Chancellor seeks the concurrence of the Judicial Appointments Commission, providing the information referred to in paragraph 14 of

the protocol¹, and consults the Lord Chancellor in writing. Once concurrence is obtained and consultation undertaken, the Chancellor will be able to make the authorisation.

- If a Section 9(1) authorisation for another Division of the High Court is already held, then a formal application for authorisation in Chancery is not necessary. Please contact Siobhan Mahoney at siobhan.mahoney@judiciary.gsi.gov.uk in the Judicial Office, who will refer the matter to the Chancellor of the High Court for consideration.

Person specification

Applicants for this selection exercise will be assessed against the following criteria:

1. Expertise and legal knowledge in chancery law at a senior level, or the potential to sit in chancery law at a senior level
2. An established reputation for sound judgement (i.e. analysis and independent decision making)
3. A fair and balanced approach to litigants and court users, showing sensitivity to the diverse needs and backgrounds of all who appear in court, including court staff as well as wider society
4. An efficient and vigorous approach to the conduct of all proceedings
5. The capability to deal with cases that would otherwise be dealt with by High Court Judges, by reference to the JAC Qualities and Abilities for selecting candidates for the High Court Bench (**Annex A**)

Guidance to candidates

The self-assessment form

The selection panel places considerable weight on the quality of the individual's self-assessment. Candidates are therefore advised that their application should provide explicit evidence for claims which are made in support of their abilities and experience. When completing the form, candidates are recommended to be concise, but at the same time provide appropriate detail. If the self-assessment is too sparse, it will weaken the case in support of authorisation. In completing the self-assessment, candidates should in particular address the JAC qualities and abilities.

Candidates should also ensure that they give precise information as to their sitting pattern over the past two years, e.g. which courts and jurisdictions.

¹ The protocol concerns the process by which authorisations for Recorders and Circuit Judges to sit as judges of the High Court under section 9(1) of the Senior Courts Act 1981 should take place. The full protocol can be found at the following link;
<http://www.judiciary.gov.uk/Resources/JCO/Documents/Protocols/section-9-1-protocol.pdf>

Referees

Candidates are reminded of the importance of nominating appropriate referees, in particular individuals who are in a position to comment on their ability and performance as judges e.g. the judge in charge of the court where candidates have sat most frequently.

Terms and conditions

Location

London and other Civil Justice Centres in England and Wales.

Start of Authorisation

The authorisation will take effect immediately.

Financial Pay

Recorders will receive the current daily fee for a Deputy High Court Judge of £793.00.

Eligibility

All serving Recorders in England and Wales, with at least 7 years experience in Chancery work (either as a Recorder on in practice), are eligible to apply.

The selection process

Anyone interested in applying should complete the expression of interest



EoI Form (Chancery
Division) - May 2013.c

form, available at: and mail it to:

JudicialExpression@judiciary.gsi.gov.uk

Or by post to:

Toyin Owolabi
Chancery Division Expressions of Interest
Courts and Tribunal Judicial Appointments Team
Judicial Office for England and Wales
10th Floor Thomas More Building
Royal Courts of Justice
Strand
London WC2A 2LL

Closing date for expressions of interest is **noon 31 May 2013**.

Expressions of interest will be considered by a panel chaired by the Chancellor of the High Court, Sir Terence Etherton. The other members will be Mr Justice Peter Smith and Alexandra Marks (a lay Judicial Appointments Commissioner); this will be done via a paper sift.

It is currently anticipated that candidates will be informed of the outcome of the exercise in July 2013.

Contacts and further information

If you have any questions on the authorisation process, please contact:

Toyin Owolabi: 020 7073 4807, toyin.owolabi@judiciary.gsi.gov.uk

Person specification

Applicants for this selection exercise will be assessed against the following qualities and abilities:

1. Outstanding Intellectual Capacity

- High level of legal expertise
- Ability quickly to absorb and analyse information
- Appropriate knowledge of Chancery law and its underlying principles
- The ability, where appropriate, to master unfamiliar areas of law.

2. Personal Qualities

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

3. Ability to Understand and Deal Fairly

- An awareness of the diversity of the communities which the courts and tribunals serve and an understanding of differing needs
- Commitment to justice, independence, public service and fair treatment
- Willingness to listen with patience and courtesy.

4. Authority and Communication Skills

- Ability to express and explain clearly and succinctly to all concerned matters of procedure and judgement
- 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.