

Annex A

Example of the revised criteria for judicial appointment

Circuit Judge

The Lord Chancellor will recommend for appointment to each judicial office the candidate who appears to him to be best qualified, regardless of ethnic origin, gender, marital status, sexual orientation, political affiliation, religion, or disability, except where the disability prevents the fulfilment of the physical requirements of the office, by reference to the following criteria.

The Lord Chancellor will have regard to the comments (which are given to him in confidence) received from judges and members of the profession who have been consulted about the individual's qualities and suitability for appointment. Applicants will have demonstrated possession of the following skills and attributes in their professional careers and in their service in part-time and/or full-time judicial office.

All successful candidates will have attained:

- a comprehensive knowledge and understanding of criminal, civil or family law as appropriate for the jurisdiction(s) to be exercised on first appointment;
- a comprehensive knowledge of the rules of evidence and of court practice and procedure.

Practitioners will in addition have attained:

- a high quality of effectiveness and performance as a Recorder;
- a high level of professional achievement in the areas of law in which they have been engaged whilst in professional practice.

N.B. The Lord Chancellor does not regard advocacy experience as an essential requirement for appointment to judicial office.

Successful candidates will have:

1. Intellectual and analytical ability

- the ability to concentrate for long periods of time, and to understand and assimilate facts and arguments, and the ability to recall such evidence and information speedily and accurately;
- the ability to apply legal principles to particular facts and to determine from a large body of information those issues and facts which are relevant and important and those which are not;
- the ability to weigh relevant issues and matters of law in order to be able to formulate them for reasoned and coherent presentation either to a jury or in giving judgment;
- the ability rapidly to assimilate and apply new areas of law, evidence, practice and procedure.

2. Sound judgment

- the ability to exercise discretion effectively; to apply his or her knowledge and experience to make decisions in compliance with the law and appropriate to the circumstances of the matter in hand; to consider and marshal facts and competing arguments and reason logically to a correct and balanced conclusion.

3. Decisiveness

- the ability to reach firm conclusions (often at speed), to think, decide and act independently of others, and to rely on their own judgment.

4. Communication and listening skills

- the ability to communicate effectively with all types of court user including lay people (whether defendants, witnesses, victims, members of a jury, litigants in person or children), giving instructions, listening actively and attentively, explaining complex issues and giving decisions or judgments clearly, concisely and promptly, whether orally or in writing.

5. Authority and case management skills

- the ability to command the respect of court/tribunal users and to maintain fair-minded discipline in the court/tribunal and chambers without appearing pompous, arrogant or overbearing;
- the ability to manage cases actively and promote the expeditious despatch of business, handling people effectively to prevent unnecessary repetition and irrelevance, whilst ensuring that all participants (whether represented or not, and including children) are able to present their case or their evidence as fully as possible.

Successful candidates will possess the following personal qualities:

1. Integrity and independence

- they will have a history of honesty, discretion and plain-dealing with professional colleagues, clients and the courts;
- they will possess independence of mind and moral courage, being prepared to take and maintain unpopular decisions when necessary;
- they will have generated the trust, confidence and respect of others.

2. Fairness and impartiality

- they will be open-minded and objective, having the ability to recognise and discount any personal prejudices;
- they will deal impartially with all matters which come before them and will seek to ensure that all who appear before them have an opportunity for their case to be clearly presented and that it is then considered as fully and objectively as possible.

3. Understanding of people and society

- they will respect and have understanding of people (including children) of different backgrounds. They will be sensitive to the influence of different ethnic and cultural backgrounds on the attitudes and behaviour of people whom they encounter in the course of their work;
- they will have and convey understanding of, and sympathy for, the needs and concerns of court users and be sensitive and humane.

4. Maturity and sound temperament

- they will display a maturity of attitude and approach;
- they will be firm and decisive while remaining patient, tolerant, good-humoured and even-tempered.

5. Courtesy

- they will be courteous and considerate to all court users and court staff.

6. Commitment, conscientiousness and diligence

- they will be committed to public service and to the proper and efficient administration of justice, which they will pursue conscientiously, with energy and diligence and a due sense of responsibility.