

Civil jurisdiction

Candidates for the Circuit Bench are expected to be able to deal with the whole range of civil cases in the County Court. It is desirable therefore for candidates to have recent and significant practical experience of civil work, or the ability to demonstrate an understanding of practical civil work (whether in practice and/or through sitting in the civil jurisdiction either in a full or part-time capacity). The range of work covered within this jurisdiction includes but is not limited to:

- (i) personal injury and clinical negligence claims;
- (ii) consumer credit or other cases involving personal debt; and
- (iii) housing and possession disputes often involving actions by mortgage lenders or by landlords.

In the County Court it is the responsibility of the judge to achieve the overriding objective which involves:

- (i) exercising control over the proceedings, both during the pre-trial stage and when presiding over the trial itself;
- (ii) ensuring that the proceedings are conducted efficiently and in a manner which is proportionate to what is at stake and that, as far as possible, all parties leave the court confident that their case has been properly and fairly considered; and
- (iii) delivering a reasoned judgment, often *extempore*, making appropriate findings of fact and applying the law to the facts found in a way which makes clear to the parties why they have won or lost as the case may be.

Although some parties will be legally represented, increasingly these objectives will fall to be achieved in cases where one or more of the parties are acting in person.

In addition to first instance work, a Circuit Judge will also hear appeals from District Judges, dealing in particular with challenges to procedural and case management rulings.

Successful candidates are likely to sit predominantly or solely at one court centre, subject to the needs of the business. They will be part of a team the size of which will depend on the size of the court centre. Circuit Judges must be able and willing to play a full part in the work of the team as a whole. This will include helping colleagues with the overall workload of the court and taking on ancillary roles such as facilitating the process of reform by assisting the Local Leadership Group and otherwise.

An essential part of the reform process involves the increased use of information technology. A successful candidate must demonstrate broad experience of, or the ability to acquire practical knowledge of, working in electronic form together with confidence in using the internet as a judicial resource.

Crime Jurisdiction

Candidates for the Circuit Bench are expected to deal with the broad range of criminal cases undertaken by a Crown Court judge at every stage of the criminal process. It is desirable therefore for candidates to have recent experience in practice of, or the ability to demonstrate a practical understanding of, complex criminal cases.

Any Crown Court judge will sit predominantly if not solely at one court centre, subject to the needs of the business. The Circuit Judge will be part of a team, the size of which will depend on the size of the court centre, and the judge must be able and willing to play a full part in the work of the team. That will involve helping colleagues in dealing with the overall workload of the court and taking on roles ancillary to acting as a judge in court such as liaison roles with local magistrates or with probation trusts.

Criminal proceedings are now almost exclusively digital. The Circuit Judge will be able and willing to engage fully with digital working. Proactive case management via the digital case system is a critical part of the work of the Circuit Judge in the criminal court. The purpose of case management in the criminal court is to ensure that cases capable of early resolution via a plea of guilty are identified as soon as possible and that cases requiring a trial are ready to be heard by a jury as soon as possible. The Circuit Judge has a central role in such case management both in court and out of court.

The Circuit Judge when presiding over a trial has competing interests to balance, namely the right of a defendant to a fair trial and the protection of the interests of victims and witnesses. In addition the Circuit Judge must exercise proper control over the advocates in the case, ensure that the case is presented to the jury in a comprehensible fashion and maintain good order in the courtroom. A criminal trial can involve high emotions which must be kept in check by the judge. The Circuit Judge must be able to respond quickly to events.

The Circuit Judge will be required to pass sentence in the event of a plea of guilty or a conviction by a jury. Sentencing is both a complicated technical process and a decision involving the exercise of nuanced discretion. The sentencing process also may involve ancillary proceedings of varying complication such as confiscation and protective orders.

Candidates either will already be authorised to try serious sexual offences or will be required on appointment to meet the training requirements for such authorisation. Authorisation to try cases of murder or attempted murder may follow during the currency of an appointment depending on the aptitude of the candidate.

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Family jurisdiction

Candidates for the Circuit Bench are expected to deal with a broad range of family cases undertaken by a family Circuit Judge at every stage of the process, including appeals from District Judges.

It is desirable therefore for candidates to have recent and significant experience of the practice of family work, or the ability to demonstrate an understanding of the practice of family work, in one or more of the major specialised areas of family law (financial relief, private children or public children's cases) and part-time judicial experience in contested substantive hearings.

Candidates who are already in full-time judicial posts (e.g. District Judges) should have recent, regular judicial experience in contested substantive hearings.

It is the responsibility of the judge to exercise control over the proceedings, both during the pre-trial stage by proactive effective case management and by presiding over any contested hearing in a way that ensures the proceedings are conducted efficiently and fairly; in a manner which is proportionate to the issues to be determined, but which also ensures that parties leave the court confident their case has been properly considered. Following a contested hearing it will be necessary to deliver a reasoned judgment, often extempore, making appropriate findings of fact and applying the law to the facts found in a way which makes clear to the parties why the court has reached the decision it has. Although some parties will be legally represented, there is an increasing number of cases where one or both parties are acting in person. Family cases can involve high emotions which must be effectively managed by the judge, who must be able to respond quickly to events.

Any family Circuit Judge will sit predominantly, if not solely, at one court centre, subject to the needs of the business. The Circuit Judge will be part of a team, the size of which will depend on the size of the court centre, and the judge must be able and willing to play a full part in the work of the team. That will involve liaising with the Designated Family Judge (DFJ) and HMCTS, helping colleagues in dealing with the overall workload of the court and taking on roles ancillary to acting as a judge in court as requested by the DFJ, such as liaison roles with outside organisations.

An essential part of the court reform involves the increased use of information technology. A successful candidate must demonstrate broad experience of, or the ability acquire practical knowledge of, working in electronic form together with confidence in using the internet as a judicial resource.