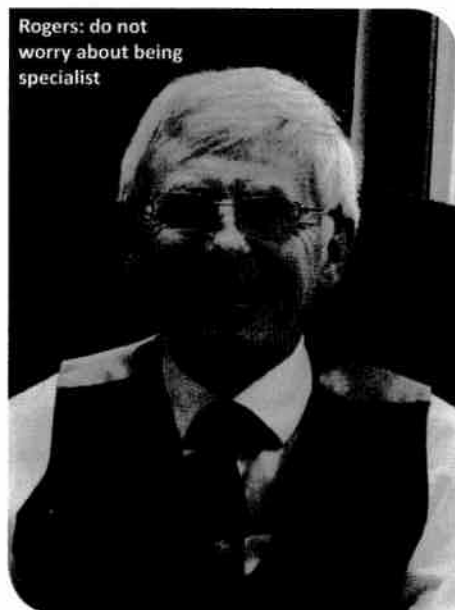


Dispensing justice

As the Judicial Appointments Commission looks to expand the diversity of the bench, two former CILEx Fellows explain how they started their judicial careers



Rogers: do not worry about being specialist

Philip Rogers is a district judge based in Norwich and a trainer at the Judicial College. He is a former CILEx Fellow, solicitor and barrister

I studied at a secondary modern school in Norwich and left at 16. The career adviser mentioned there was a role called a legal executive, which might be something I would be able to do.

This was the mid-1960s and my parents could not afford to support me at university. So I started in the back office as a junior clerk and took the legal executive exams on half-day release at the local college. I became a dedicated 'study junkie' and still have my Fellowship certificate.

In those days legal executives did not become partners. You could not get to the top – although there were some in the middle ranks – and that is why I qualified as a solicitor. You were not given managerial responsibility and you worked in a specialist field to which you were dedicated. I was a personal injury specialist.

I qualified as a solicitor through a correspondence course and eventually went on to become the senior partner of a firm I set up – Rogers & Norton – which has now celebrated its 30th anniversary.

Then, I woke up one morning and thought: "I want to go back to focusing on the law; I'm

going to become a barrister." Five years after achieving that, I was appointed as a judge – initially as a fee-paid (part-time) deputy district judge – and I have now been in the full-time judiciary for 13 years.

Scenic route

I also qualified as a chartered arbitrator, which involved me serving as a pupil to a civil engineering arbitrator. I learned many skills from him which have served me very well over the years.

When I was called to the Bar, I was asked what took me so long to get there. I was rather flattered by this comment as I had not recognised until then quite what a scenic route I had taken. It had taken me years of working until 10 or 11pm in the office or studying, which was really quite tortuous and needed a lot of energy.

But I had a family, earned a living and was entirely self-sufficient. I also learned a lot of life skills that I would not have gained otherwise; my route was rich in its experiences.

As a district judge, I have found it useful that I started out rubbing shoulders with all kinds of people and this has enabled me to understand people coming before me. I understand where they are coming from and how best to handle the situations which arise.

People before a court can have a habit of concealing the problem and I feel I can get underneath that more quickly due to my background. As a district judge you are very much at the coalface – you have to get to the nuts and bolts of the case and that is an acquired art.

It is quite right that CILEx Fellows should now apply for judicial appointment direct. I am pleased that after all these years they have been given the recognition they deserve. They are professionally qualified and it is not an easy route.

It is just a matter of time before another CILEx Fellow judge comes through. Not everyone will want to do it – many are very happy in their current role – but this is a question of choice of work rather than ability. CILEx Fellows' technical work is often of a higher level than that of other lawyers and there are very few general practitioner solicitors now; so Fellows should not have concerns about being too specialist.

Lesley Smith is a fee-paid lawyer chairman of the Residential Property Tribunal. She is also a senior government lawyer with the Treasury Solicitor's Department and a former CILEx Fellow

I did not do a law degree at university – I studied French – and was not sure what I wanted to do afterwards. I started off in banking and hated it.

My whole family were civil servants and I ended up going down that route. I put the Treasury Solicitor's Department (TSol) as an option on my application form because I had learnt some law as part of my banking exams and enjoyed it.

It was the time of the Crown Proceedings Act 1947, which allowed people to sue for personal injury, and TSol was looking for people. I knew very little about the law, courts, or claims and arrived to find I had 60 cases to handle. That was 25 years ago.

The main reasons why I started to train as a legal executive, rather than a solicitor, were that I was not sure where I wanted my career to go at that stage and I was also married and had a house, so going back to college full-time did not really appeal.

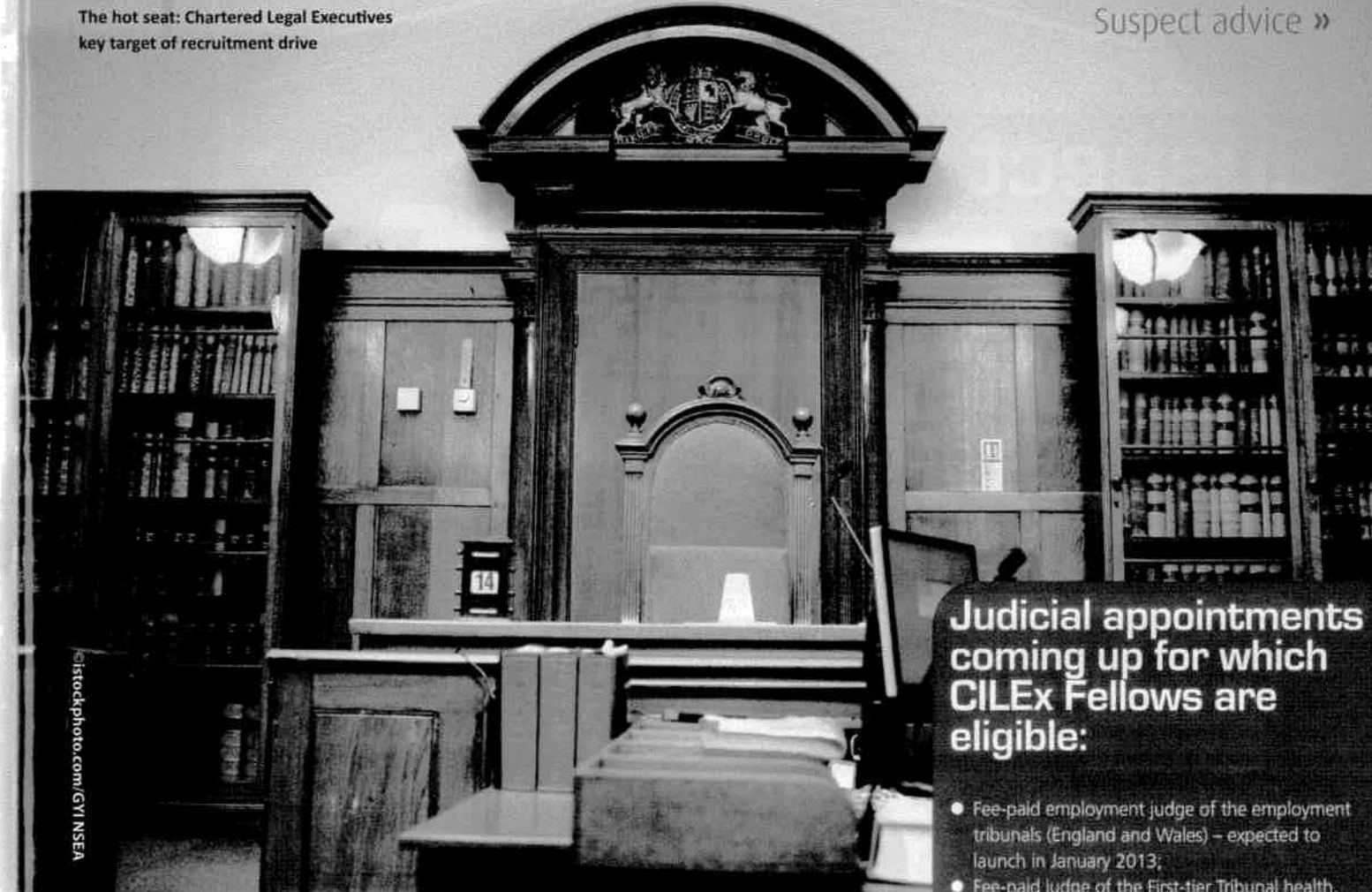
I did it the long way – everything by correspondence and part-time – and it took me about eight years. You could not join the Government Legal Service (GLS) as a legal executive.

I also found out that back then, if legal



Smith: get to know the role before applying

The hot seat: Chartered Legal Executives key target of recruitment drive



Judicial appointments coming up for which CILEx Fellows are eligible:

- Fee-paid employment judge of the employment tribunals (England and Wales) – expected to launch in January 2013;
- Fee-paid judge of the First-tier Tribunal health, education and social care chamber (special educational needs and disability) – expected to launch in January 2013;
- District judge (civil) – expected to launch March 2013 (previous judicial experience expected); and
- Fee-paid judge of the First-tier Tribunal, health education and social care chamber (mental health) and of the Mental Health Review Tribunal for Wales – expected to launch May 2013.

For more information visit www.jac.judiciary.gov.uk

Can you be a part-time judge?

Yes, the most common way is to take up a fee-paid appointment – like the role described by Lesley Smith – where you may be sitting for one to two days per month. There are fee-paid positions in both the courts and tribunals. This is the recommended route into the judiciary and most salaried judicial positions expect previous fee-paid experience.

If you progress to a salaried judicial role, these can also be part time, depending on the position and court/tribunal you are interested in. There is a case study on the JAC website of a salaried employment judge – Joanna Wade – who works 80% of the full-time hours. However, part-time working patterns can vary widely; for example, a judge may work three months and then have a month off.

In the Crime and Courts Bill currently going through Parliament, the government has proposed that part-time working should be available for salaried judicial roles up to the highest level.

executives decided to go on to become a solicitor, they did not need to do a training contract. So I made sure I did the right legal executive exams to get the exemptions for the legal practice course (LPC), and then studied for the LPC at Nottingham, part-time over two years.

I eventually became a team leader in TSol – a management position – and as much as I enjoyed it (and continue to do so), it is not what I became a lawyer to do. My friends said I was a frustrated barrister and, being a litigator, I always loved being in court. So I began to look for other options.

Many of my lawyer friends had decided to become judges. Also, through doing a Masters in international public law, I realised how important the tribunals had become. The GLS is very good at developing people – there are several lawyers who sit as part-time judges – and my boss started to ask me after a while: "Are you ever going to do this?"

Housing route

I had focused on immigration law for 10 years, so becoming an immigration judge was the obvious thought – but I couldn't because of the conflict of interest with my day job. I had also done some housing law for TSol in the past, and therefore my route into the judiciary was through becoming a fee-paid lawyer chairman of the Residential Property Tribunal.

I was appointed as a judge in May 2011 and trained in September. There is a good mentoring

scheme in the Residential Property Tribunal Service (RPTS) where you sit a few times as a 'winger' on the tribunal panel, alongside another judge. I have now sat six or seven times as the only judge in RPTS hearings and work for the tribunal one to two days per month.

I always knew I would enjoy being a judge and would like to be a salaried judge one day. I am a born organiser and managing a courtroom is not that different to managing a team of lawyers.

Some lawyers who have become judges struggle with having to deal with people as they are used to working on their own, but I have had a lot of interaction with people my whole career. I have also done a lot of drafting, so I do not find it difficult to produce the written decisions.

If you are going to become a judge you need to love the law and be decisive. I was appointed the first time I applied and my main advice to those who are interested in putting themselves forward, is to get to know the judicial roles, courts and tribunals you are interested in.

When I applied, I was amazed at how few people had done this; it is common sense that you need to know about what you are applying for. I had done some judicial shadowing in the RPTS and was allocated to the person who is now my mentor. I also prepared for my application by going to a Judicial Appointments Commission outreach event and looking at the qualifying test past papers on their website.

Suspect advice »