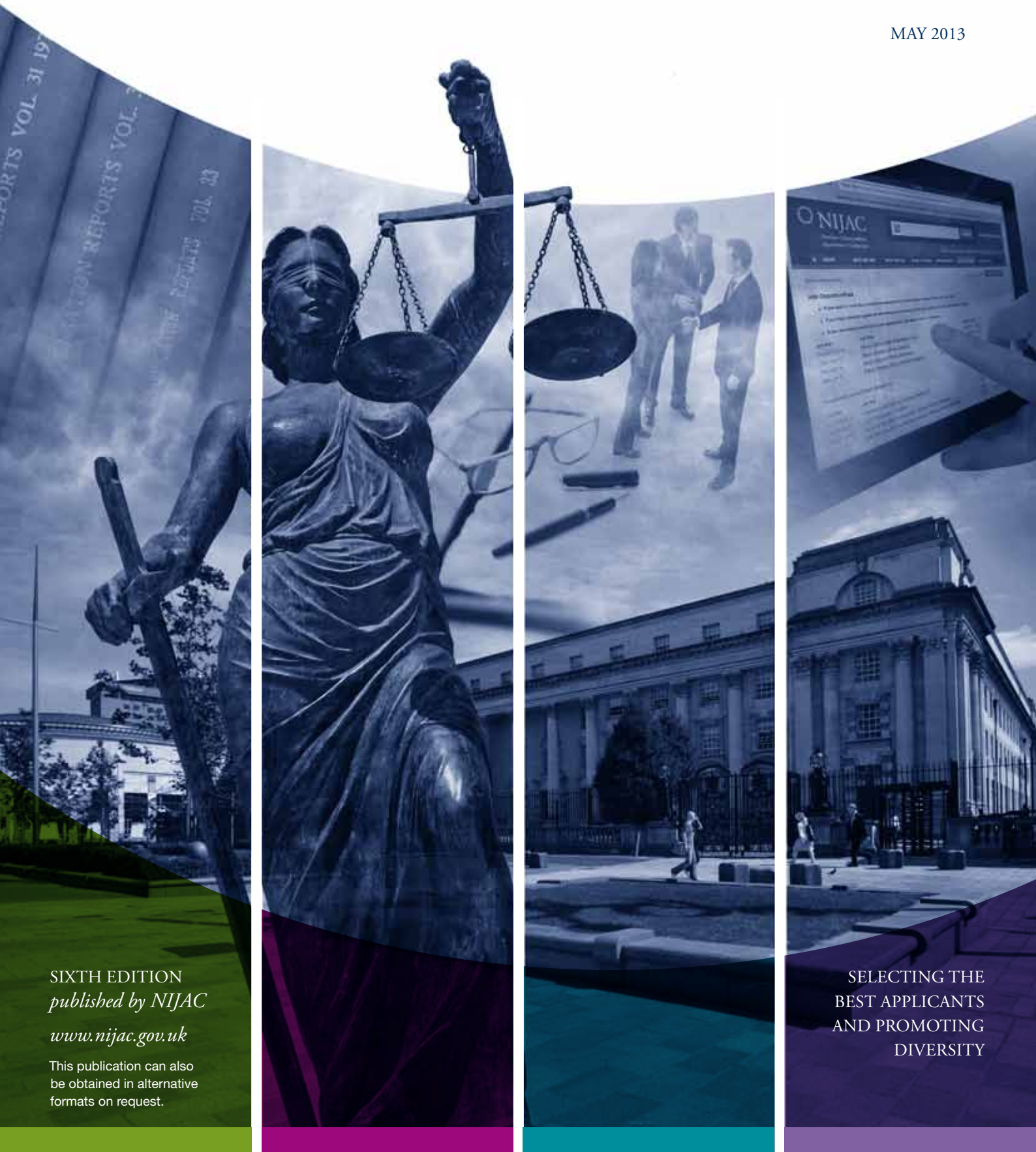




## A GUIDE TO JUDICIAL CAREERS IN NORTHERN IRELAND

MAY 2013



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This publication can also  
be obtained in alternative  
formats on request.

SELECTING THE  
BEST APPLICANTS  
AND PROMOTING  
DIVERSITY



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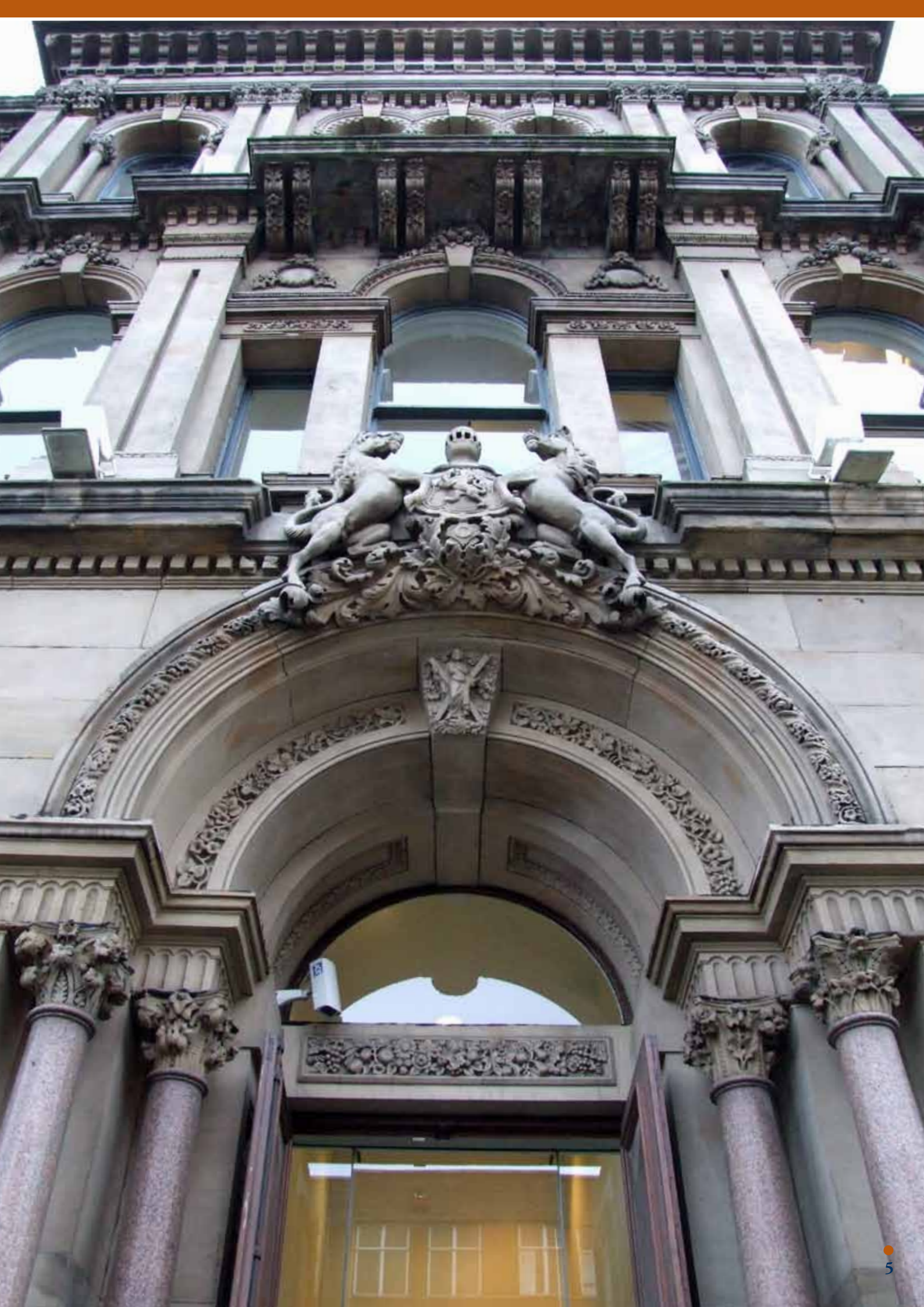
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*NIJAC Chairman, The Right Honourable  
Sir Declan Morgan, Lord Chief Justice  
for Northern Ireland*

## Foreword by the Chairman

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I am very pleased to provide the foreword to the 6th Edition of the Guide to Judicial Careers.

This publication is part of the Northern Ireland Judicial Appointments Commission's (NIJAC) programme of action to help raise awareness about opportunities to serve in judicial office, judicial life and the appointments process.

Judicial office is a position of the utmost trust and is demanding but of course it is extremely rewarding.

It is important to remember that judicial office is a career choice not solely available to solicitors or barristers. There are many opportunities for people from other backgrounds to serve - Lay Magistrates and Tribunal Members being just two examples.

Through this Guide, NIJAC seeks to introduce you to some aspects of judicial office through interviews with serving members of the judiciary, addressing commonly heard misconceptions and providing information on the composition of the current judiciary.

I find it reassuring that while serving judicial members might be from very different backgrounds, they all agree that judicial office is a challenging, interesting and worthwhile endeavour.

I trust you that will find the Guide an informative read and that it stimulates an interest in judicial office.

*Declan Morgan*



# Message from the Chief Executive



NIJAC is tasked with the important business of selecting and recommending people for judicial office.

In real terms, this means we recruit people to work in thirteen Tribunals and in the three Court tiers, up to and including the High Court (see Appendix 1 for a full list).

One of our statutory duties is to ensure that the judiciary in Northern Ireland is as reflective of the community as it reasonably can be.

This means we are continually looking for new ways to deliver our messages and engage with people who are interested in learning more about the appointments process and life as a judicial office holder.

This Guide is part of that outreach activity and is deliberately written for a wide audience.

Communication is central to all of our work and there is no doubt that, in recent times, the ways in which we all communicate have significantly changed.

You expect to find information online quickly and easily. You expect to find it and read it on your phone, PC or tablet device. And more than likely, you expect to be able to apply for jobs in the same way.

That is why I was delighted to launch our online recruitment system – “eRecruit” in September 2012.

This way of applying for judicial office is accessible, straightforward and safe.

So long as you have access to the internet, you can view current opportunities, read more about the role and apply online.

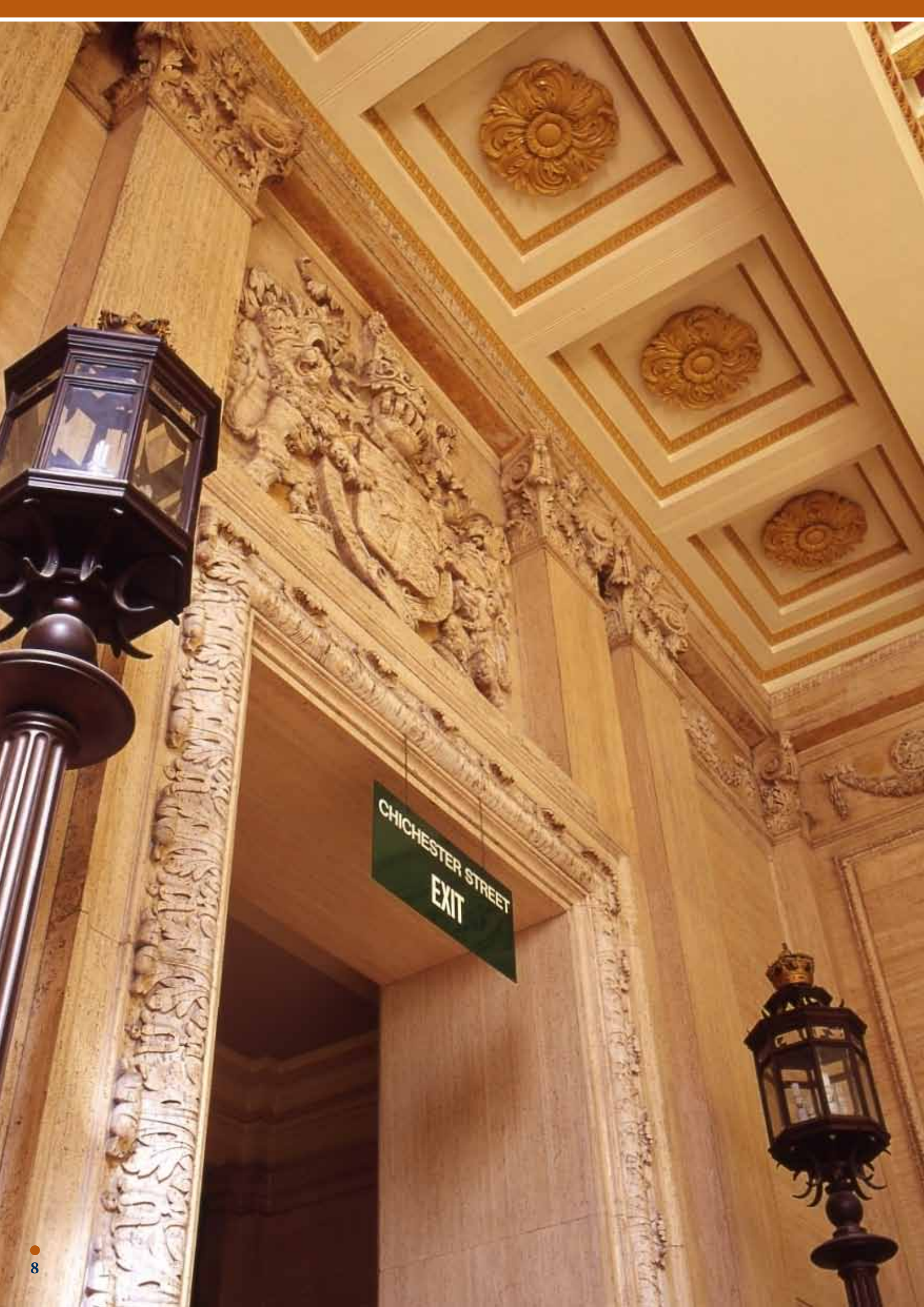
The simplicity of eRecruit will hopefully encourage a wide range of people to apply and I am already pleased by the numbers who have used it for this purpose.

On that positive note, can I take this opportunity to endorse the Chairman’s message and thank you for taking an interest in our work.

May you have every success in your future career, whatever it is and wherever it may take you.



Mr Edward Gorrige and NIJAC Commissioner Mr Alastair Rankin at the launch of eRecruit in September 2012.





# Introduction

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This Guide has been written for a wide audience with a number of specific purposes in mind.

To raise awareness about who we are and what we do.

To raise awareness about the judicial appointments process, the range of Courts and Tribunals and to provide an insight to judicial office through interviews with serving judiciary (pages 20-37).

To raise awareness about the Judicial Shadowing Scheme (pages 38-43).

If you would like to learn more about us please visit our website – **[www.nijac.gov.uk](http://www.nijac.gov.uk)** – where you can watch podcasts and keep yourself abreast of news, outreach events and opportunities to serve in judicial office.



## Background



### What is NIJAC's purpose?

We select and appoint, and recommend for appointment, applicants for judicial office, thereby removing this function from Government Ministers and the political process.

Following the devolution of justice on 12 April 2010, we were given new responsibilities, including becoming an appointing body, with influence over the judicial complement (in agreement with the Department of Justice), and determination over certain terms and conditions in agreement with sponsoring departments who hold the budgets for Courts and Tribunals.

We work closely with the Northern Ireland Courts and Tribunals Service, the Department of Justice and the Office of the Lord Chief Justice to ensure there are adequate numbers of judicial office holders sitting in the Courts and Tribunals in Northern Ireland.

#### **We have five key responsibilities:**

1. To conduct the appointments process and to select and appoint, or select and make recommendations for appointment, in respect of all listed judicial appointments up to, and including, High Court Judge.
2. To recommend individuals solely on the basis of merit.
3. To engage in a programme of action to secure, as far as it is reasonably practicable to do so, that appointments or recommendations for appointment to judicial office are reflective of the community in Northern Ireland.
4. To engage in a programme of action to secure, as far as it is reasonably practicable to do so, that a range of persons reflective of the community in Northern Ireland is available for consideration by the Commission whenever it is required to appoint a person, or recommend a person for appointment, to a listed judicial office.
5. To publish an annual report setting out the activities and accounts for the past year.

### When was NIJAC established?

We were established on 15 June 2005 under the Justice (Northern Ireland) Acts 2002 and 2004, to enhance an independent process for the appointment of judicial office holders to Courts and Tribunals in Northern Ireland.



## How does NIJAC carry out its work?

We comprise of 13 Commissioners drawn from the judiciary, legal profession and other professional backgrounds.

Commissioners have an equal say in the work of the Commission and are of equal status.

The judicial members are nominated by the Lord Chief Justice, with each judicial tier represented.

The Bar Council of Northern Ireland and Law Society of Northern Ireland nominate one member each to serve on the Commission, and the Commission's five lay members are public appointments.

The Commissioners are responsible for the strategic direction and overseeing all appointments and outreach activities.

They are effectively the Management Board to whom NIJAC staff report on the achievement of strategic and operational objectives.

The Commission is supported by a number of staff, headed by the Chief Executive (Edward Gorringe) who is responsible for the day-to-day management of the Commission.

Profiles of NIJAC's Commissioners and Staff are available at **[www.nijac.gov.uk](http://www.nijac.gov.uk)**







## Am I eligible to apply for judicial office?

Eligibility for judicial office differs from role to role.

Legislation relevant to each judicial office will indicate the appropriate eligibility requirements.

Typically for legal appointments, you will need to be a fully qualified barrister or solicitor for a stated period (usually a minimum of 5, to 7 and 10 years).

However, there are many roles which do not require formal qualifications for example, Ordinary Members of the Northern Ireland Valuation Tribunal or Lay Magistrates or where another type of professional qualification is required e.g. medical, land valuation or finance.

## Are there other requirements?

Yes. Judicial appointments in Northern Ireland are generally open to citizens of the United Kingdom, the Republic of Ireland or a Commonwealth country.

Holders of dual nationality that includes one of the above may also apply.

It is very important when considering applying for judicial office that you carefully check the terms and conditions of the role being advertised regarding eligibility, nationality and retirement.

## Can I apply online for judicial office?

Yes. You can apply for judicial office online via **[www.nijac.gov.uk](http://www.nijac.gov.uk)**

You can also apply for judicial office in the traditional way by requesting or downloading hard copy forms from our website and submitting these to us in the post.

See page 18 or visit our website for more detailed information.

## How does NIJAC know it is selecting the best people?

All judicial office holders are appointed “on merit.”

We aim to ensure that those who apply undergo a transparent assessment and selection process that assesses their abilities and personal qualities fairly and openly.

In this way, we are confident that the best individuals will be appointed to judicial office. We also recognise and value diversity and we seek to promote equality while ensuring that “merit” remains the over-riding principle for selecting and recommending applicants for appointment.

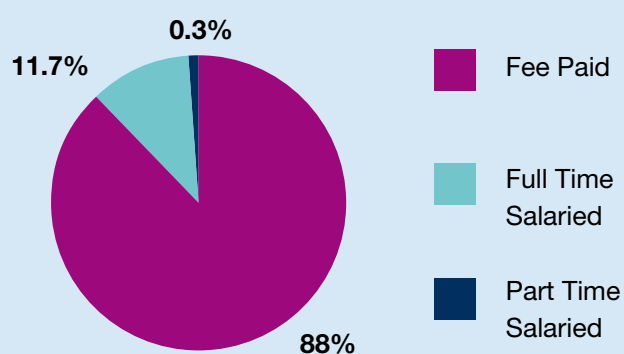


## Are all judicial roles full time appointments?

No. Not all.

We seek to appoint people to a variety of appointments: full time, fee paid and part-time salaried.

**Figure 1: Working pattern of Judicial Office Holders as at 1 January 2013**



### Full-Time Appointments

Some examples of full-time appointments include: High Court Judges, County Court Judges, District Judges, District Judges (Magistrates' Courts), President of the Industrial Tribunals/Fair Employment Tribunal, President of the Appeal Tribunals and Coroner.

These roles are pensionable and recesses often coincide with school terms.

### Fee-Paid Appointments

The majority of appointments are fee-paid i.e. a fee is payable for each sitting or half day sitting.

The number of sitting days is determined by the level of business in the Court or Tribunal.

### Part-Time Salaried Appointments

NIJAC and the relevant Department will consider, on a case by case basis, whether a particular role is suitable for any form of flexible working. There are currently two part-time salaried posts in the Magistrates' Courts and these roles are pensionable.





## How does NIJAC communicate with people?

We ensure that all opportunities for judicial appointment are widely advertised in the press, on our website and via a comprehensive range of networks.

However, there are other ways in which we seek to provide people with helpful information, advice and guidance so that we can stimulate interest in and raise awareness of judicial office.

As part of our Outreach Programme, we directly engage with various professions and wider civic society.

A large part of our communications work focuses on improving peoples' understanding of the appointments process, the realities of judicial life, promoting judicial opportunities and the Judicial Shadowing Scheme (see page 38) through our website, articles, publications and events.



Our website is frequently updated with news, vacancies, appointments and publications – and you can receive all of this information on email by registering for “eNews”.

**Visit [www.nijac.gov.uk](http://www.nijac.gov.uk) for more information.**



# Assessment and Selection

## What is a Personal Profile?

It is a key document for applicants to refer to when completing their application and in preparation for the selection process.

It is important because it sets out the criteria for appointment and is the basis against which applicants will be assessed throughout the shortlisting and assessment stages of the selection process.

## What are the four areas?

Four areas are usually included in the Personal Profile:

- Knowledge
- Experience
- Skills and
- Personal Qualities.

## How is a Personal Profile developed?

It is developed through an analysis of the role to determine the necessary knowledge, skills, personal qualities and if specific experience is required.

Each advertised role will have a tailored Personal Profile to reflect the needs of the judicial office.

The criteria outlined in the Personal Profile will be:

- **Ability based:** identifying the necessary skills and qualities that the ideal applicant should have. Experience is not always required. All roles require knowledge and skills and there will be an opportunity to demonstrate your potential ability and transferability of skills. Examples include oral communication and analysis. On occasion, some specific experience may be required e.g. to serve in the Industrial Tribunals and Fair Employment Tribunal.
- **Job related:** they will reflect the requirements of the office outlined in the job description; and
- **Measured throughout the process.**



## What forms will I have to complete?

You will initially be asked to complete either an Expression of Interest Form or an Application Form.

You will also be asked to complete and return an Equality Monitoring Form.

These forms are normally completed online.

## What sort of information will I need to provide in the forms?

The Application Form contains a number of sections asking for details of your employment history. It also contains a self assessment section.

This section asks you to demonstrate how you meet the knowledge, skills, personal qualities and any specific experience if required for the role.

Upon receipt of your Application Form or Expression of Interest Form we will check to see if you meet the eligibility requirements.

If there is a query regarding your eligibility, we will refer the matter to a Nominated Commissioner for consideration and decision.

If you meet the eligibility requirements, you will progress to the shortlisting stage.



## How do you shortlist people?

We typically use two methods.

### 1. Self Assessment

Each member of the Selection Committee will assess and score how you demonstrate the criteria set out in the Personal Profile so applicants should ensure that they provide sufficient information. If the pre-determined benchmark is achieved, applicants will be shortlisted and progress to the next stage.

### 2. Shortlisting

This is normally a written assessment carried out privately or in a group setting. The assessment is usually, but not always, based on the type of work you may expect to come across in the office under recruitment.

## What is an Assessment Centre?

An Assessment Centre is simply an “assessment day” (although it may take only a few hours over two dates) organised to examine whether you are suitable for appointment to judicial office.

Assessments typically include two or more methods.

Examples include:

- A written exercise;
- Participation in a response to a scenario;
- Questions based upon a case study;
- An in-tray exercise;
- An interview which will include questions relating to the criteria set out in the Personal Profile, and may include, for example, a presentation or a response to a scenario.

Please note that new assessment and selection methods are always under review and methods not listed may come into use at any time.

Please always refer to the detailed guidance on [www.nijac.gov.uk](http://www.nijac.gov.uk)







# Applying online for judicial office

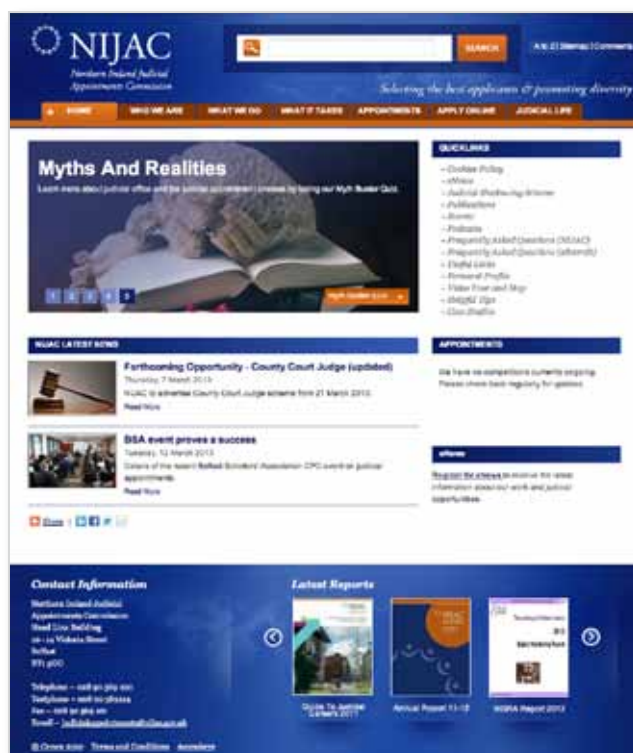
In September 2012, NIJAC launched eRecruit - a new online recruitment service - for anyone interested in applying for judicial office.

eRecruit is a safe, straightforward and easy way to apply for judicial posts via **www.nijac.gov.uk**

There are many benefits in applying via eRecruit.

- It is easy to use and much quicker than completing a hard copy application form.
- Applications can be made at any time - 24 hours a day, 7 days a week and up until the closing time.
- You can securely access your application so long as you have internet access and your unique PIN number.
- You will receive an email confirmation that your application has been received and your completed documents will be attached.
- There is no risk that your application will get lost in the post.
- The system has a series of approved security procedures.
- You can log in and out of your application as often as you want, completing or amending as required.
- You will receive email prompts to complete your application as the closing date nears.

Visit **www.nijac.gov.uk** for more information on eRecruit.







# Judicial Profiles

## Judge Prytherch

**District Judge  
(Magistrates' Courts)**

District Judge Prytherch was appointed to her current position in 2005 having spent 18 years as a Partner in a Belfast-based Commercial Practice, specialising in Employment Law.



### What attracted you to this post?

Having been in private practice for many years, I had reached the point where I wanted to take on something new and challenging.

When I saw the position of Resident Magistrate (as it then was) advertised on a part-time permanent basis I decided to apply.

### Is the job what you imagined it would be?

Before my appointment I was a partner in a commercial law firm and I specialised in employment law. I was looking for a change and a challenge and I can safely say that the job of district judge (magistrates' courts) has certainly been both.

In addition to the real challenge of taking on a judicial position in areas of practice previously unfamiliar to me, I have found the position to be very interesting and rewarding. It has more than lived up to my expectations.

### What does your working day look like?

There isn't really a typical day for me. As a part-time district judge (magistrates' courts) I work 3 days each week. I am largely peripatetic.

I usually know two weeks in advance where I will be sitting and the type of court (e.g. youth, domestic, family, adult) but I will generally not know what cases are in the list before I arrive at court.





I will try to read any reports which have been prepared for cases in the list. Often before court there will be emergency applications to be dealt with: these are generally ex parte applications in respect of children or in respect of domestic violence.

Once the court starts things can move very quickly and the pace in the adult courts, in particular, is usually very brisk indeed.

**What is the hardest part of your job?**

In private practice I would have had time to consider any problem in the privacy of my office and ask colleagues for their views. Now, by and large, all of this is done in public in the court room and, save for the family and youth courts, the decisions made are mine alone.

**What would you say to someone considering applying for judicial office?**

I would say apply.

Even if someone considers that their experience is not directly relevant they should not under-estimate their ability to learn something new if they are prepared to put in the work necessary and can overcome the initial terror.

**Is your job conducive to a good work/life balance?**

My current role as a part-time district judge (magistrates' courts) maintains this balance and I would certainly not have applied for the job had it not been advertised on a part-time basis.

“My current role as a part-time district judge (magistrates' courts) maintains this balance (work/family) and I would certainly not have applied for the job had it not been advertised on a part-time basis.”

**District Judge Prytherch** (Magistrates' Courts)

## Mr John Leckey

Senior Coroner



Coroners are independent judicial officers who are available to deal with matters relating to deaths that may require further investigation to establish the cause of death. They can either be barristers or solicitors.

The Coroner will seek to establish the cause of death and will make whatever inquiries are necessary to do this e.g. ordering a post-mortem examination, obtaining witness statements and medical records, or holding an inquest.

### What attracted you to this post?

I qualified as a solicitor in 1974.

When the post of Deputy Coroner for Greater Belfast was advertised in 1984, I decided to apply for it, was successful at interview and was subsequently appointed.

I was in this post for 8 years until I was appointed full-time Coroner for Greater Belfast in 1992. The Coroners Service for Northern Ireland came into being in April 2006 and that is when I was appointed Senior Coroner for Northern Ireland.

People often ask me what attracted me to this post and I cannot put it better than one of my colleagues in England who was interviewed for the Daily Telegraph and said “how people die is interesting” – and that’s true, it is very interesting.

### Is the job what you imagined it would be?

It has changed considerably since I was appointed a deputy coroner. Now families no longer accept, without reservation, what the medical profession tells them.

Family expectations are much higher than they were 10 or 15 years ago and people now are generally much more inclined to challenge judicial decisions. When I was first appointed a judicial review of a coroner’s decision was practically unknown. Now legal challenges are much more common and I think that is a reflection of how litigious our society has become.

Furthermore, the internet also gives people the ability to go online and research medical issues.



Knowledge gained in this way allows them to challenge explanations given by the medical profession and to raise issues about medical care and treatment with the coroner.

#### **What does your working week look like?**

A typical working week is often made up of making decisions about deaths that are reported to the office, determining whether a post-mortem exam is necessary, arranging inquests with the support of my administrative staff, etc.

There are approximately 250 inquests held each year and I would estimate that my time is split two thirds with inquests (which can take place at any courthouse in Northern Ireland) and one third in the office.

A lot of a coroner's time is taken up with the investigation of the death. Our work generates a lot of correspondence and there is regular contact with bereaved families. Unlike a judge, a coroner is "hands on". The inquest process is inquisitorial in nature, there are no parties as in other court proceedings and the coroner leads the investigation.

#### **What is the hardest part of your job?**

Dealing with deaths of children is emotionally very difficult.

#### **Is your job conducive to a good work/life balance?**

Under the legislation coroners must be available at all times. New technology has made life a lot easier so in terms of work/life balance I would say the job now is certainly more family friendly than it was 20 years ago.

#### **What part of your job gives you the most satisfaction?**

Holding an inquest and getting positive feedback from a family that they regard the investigation as having been thorough. Providing answers to questions that have been troubling a bereaved family may assist the grieving process and help to bring some measure of closure.

Contact with bereaved families is commonplace and you have to be comfortable dealing with family members who are distraught and tearful. Witnesses too may be deeply distressed and traumatised by what they have seen.

Tact, sensitivity and the ability to empathise are important qualities for all coroners to possess – or at least to aspire to.

**Further information on the work of the Coroners Office can be accessed online at [www.coronersni.gov.uk](http://www.coronersni.gov.uk)**

“New technology has made life a lot easier so in terms of work/life balance I would say the job now is certainly more family friendly than it was 20 years ago.”

**John Leckey**, Senior Coroner



## Mr Damian McCormick

**President of the Special Educational Needs and Disability Tribunal**

Damian McCormick was appointed fee-paid Chairman of the Special Educational Needs Tribunal (SENT) in September 1997 and President of SENT which became the Special Educational Needs and Disability Tribunal (SENDIST) in February 2003.

Damian has been in private practice as a solicitor for 27 years. This profile is based on Damian's role as a Chairman of SENDIST and not his role as President, which involves additional administrative duties.



### What attracted you to this post?

Initially, what appealed to me was the opportunity to acquire some experience working in a judicial capacity. However, I had no experience of law, as it related to children with special educational needs, or any particular personal experience of families with special needs children.

In preparation for my interview I read a report on special educational needs (The Warnock Report) and developed a vague idea of the direction in which special educational needs reforms were moving. So an element of doing something that might help children and their families became as much of an attraction as solely an opportunity to gain judicial experience.

### Did you know about the role before applying?

I knew very little about the role of a SENDIST chairman or what to expect. I had some limited experience in appearing in Industrial Tribunals and a lot of experience in the regular courts but no real Tribunal experience. However, the training offered, and the emphasis placed on the importance of ensuring fairness, particularly for unrepresented parents, helped to put this in context. I also had the opportunity to observe a hearing and that helped greatly in placing the training in context.

### What is a typical day like?

Normally one full day is fixed for the hearing of one appeal. In advance of the hearing the two lay members and the Chair are briefed with an appeal booklet containing the Appellant's statement of appeal and the Respondents' answer to that statement. The booklet will normally contain many detailed reports from expert witnesses for both sides; it requires careful reading as the reports are invariably detailed and complex.



It is the Chair's duty to identify the issues for consideration at the oral hearing. On the day the Panel holds a pre-hearing discussion to consider the issues identified and any other matters which the lay members consider are of relevance.

At the start of the hearing, the issues are set out for the parties and the procedure is explained. The parties are then given a little time to withdraw to consider what the panel has said. The hearing proceeds and, within the constraints of a judicial forum, we endeavour to be as informal as possible.

At the conclusion of the oral hearing the parties are informed that a written decision will be sent to them as soon as possible (but not later than 14 days).

At a post-hearing discussion, the Panel will settle on its decision and the reasons for that decision. It is the Chair's responsibility to have the decision drawn up and approved by the lay members as an accurate account of what was heard and decided.

The Chair may also be called upon to consider applications from one or both of the parties for a review of the decision on limited statutory grounds and, on rare occasions, to state a case for appeal. So a typical day can last a little longer!

#### **How much support do you have?**

The Tribunal's change in sponsorship to NICTS has brought about an increase in the quality of support by combining the knowledge of administrative staff with the experience of NICTS staff.

#### **What is the most challenging part of your work?**

I find the most challenging part of my work is arriving at a decision, the reasons for which I can describe and set down in writing in terms of the evidence heard, and the relevant standard of proof. To a lawyer this might not sound too onerous a task but I would suggest that it can be for two reasons.

Firstly, the reports from expert witnesses are often complex and I am often hugely indebted to lay members for their elucidations.

Secondly, it does not take much imagination to realise just how hard parents will fight for the interests of their children who may have severe learning difficulties. The hearings can be very emotive.

#### **What would you say to someone who was considering applying for this position?**

Expect it to be challenging work and potentially time consuming. Do not expect polite, reasonable or understanding users. Expect hearings to be highly charged at times. Do not expect thanks or even understanding of a decision you have worked hard to arrive at. Expect the necessity to develop skills to efficiently conduct a hearing and to develop strategies to deal with matters intent on frustrating the businesslike progress of a hearing. Do not make the mistake of allowing any form of prejudice cloud your judgement.

However, expect occasionally to feel really good about the part you have played, within the statutory regulations, in securing the best interests of a child with special educational needs.

#### **Is the role conducive to a good work/life balance?**

SENDIST in relative terms does not have a large caseload. Chairs are not required to commit to any more than two or three hearings a month and hearings are scheduled well in advance, in consultation with the panel and its availability.

## Mr Oliver Loughran

**Criminal Injuries Compensation Appeals Panel Northern Ireland**



Mr Loughran was appointed Chairman of the Criminal Injuries Compensation Appeals Panel in May 2002 and retired in June 2012.

### **What attracted to you to this post?**

I had a lot of experience as a personal injury lawyer and I felt that the knowledge and skills which I had gained in this particular area of work could be put to good use.

### **Did you have any previous knowledge of the role?**

I had read various publications in advance of the Criminal Injuries Compensation Scheme (the Scheme) coming into effect and I assumed that the role would not be unlike the civil role of a County Court Judge but with greater emphasis on a more user friendly format within a tribunal context.

### **What is a typical day like?**

A typical day for me starts with my arrival at 9.30 am (Gordon Street, Belfast) for hearings commencing at 10.00 am. There will usually be 4 – 5 cases listed for hearing, depending upon the type and complexity, as defined by the administrative staff.

There will be a preliminary discussion with the other panel members about the potential issues arising from the cases listed. Normally, hearings will be over at 4.30 pm however, as a panel, we prefer to deal with a case on the day rather than bringing the parties back to re-commence a part-heard case, so we can sit to 6 pm.

On the days I am not sitting, I may attend other hearings to keep myself up-to-date with the issues facing my other panel members. I may also attend meetings with interested parties such as Victim Support and the Compensation Agency whose feedback is useful in ascertaining how the Scheme is operating.

### **How much support do you have?**

I have, of course, the support of my other two panel members who will come from a variety of different backgrounds and this has proven to be extremely useful in determining cases.

Additionally, I have the support of an extremely effective administrative team. The team keeps me informed of any developments or issues arising when I am not in the office.

### **What are the most challenging aspects of your role?**

Since 2009 I have found my role particularly challenging with the introduction of legislative change and it still amazes me how previously unconsidered issues can still arise years after the introduction of the Scheme! Maintaining both the Scheme's and Panel's independence is also a continuing and very challenging aspect of my role.

Experience has taught me that all panel members need to react quickly and 'think on their feet' when the unexpected arises.

### **Is your role conducive to work/life balance?**

Yes. The role is fee-paid and, with the administrative team's support, I can effectively plan my time.





“Experience has taught me that all panel members need to react quickly and ‘think on their feet’ when the unexpected arises.”

Oliver Loughran



## Mr Kenneth Irvine

**Chairman of the Care Tribunal**



Kenneth Irvine was appointed fee paid Chairman of the Care Tribunal in 2005 but recently retired. He also sat in a similar role in the Appeals Tribunals. He had been involved with Appeal Tribunals for over 25 years. Here, he explains how he got involved in his work as a fee paid Chairman of the Care Tribunal.

### **What attracted you to working in a judicial post?**

I commenced working on the Appeal Tribunal over 25 years ago, doing one day a week. Over the years, and since my retirement from private practice in 2005, this has grown to a time commitment of 2-3 days a week on average.

Just as I was moving totally out of private practice the Care Tribunal was established and I was asked to be one of its two Chairmen. (I had been Chairman of its two predecessor Tribunals, the Registered Homes Tribunal and the Social Care Tribunal, but, unlike the present body, those Tribunals rarely were called upon.)

### **Is the role in the Care Tribunal what you imagined it would be?**

I have found this to be a most challenging and rewarding experience. To date all of our cases have been in relation to Child Protection and Vulnerable Adult matters.

We are dealing with relatively new law and therefore we have the opportunity to shape the practice and procedure in these important fields. These are challenging because on the one hand we are asked to determine the right of a person to work in their chosen occupation and on the other hand there is the very important matter of protection of the vulnerable.

You're in total control of the time you commit to it. There is a large degree of flexibility with it - this comes from having to schedule hearings two or three months in advance. This element of control makes it much easier to achieve a good work/life balance, which is personally very important to me.



“The attraction of working part-time as a Tribunal Chair is that it enables me to continue to exercise my legal skills and to make a contribution to the community while at the same time allowing time for family and relaxation.”

**Mr Kenneth Irvine,**  
Fee-Paid Chairman  
of the Care Tribunal

#### **What does your working day look like?**

It really depends on whether I am involved in a hearing. The length of cases varies. We could be sitting all week, or for two weeks, but generally the case only lasts between two and three days. We will normally sit from 10.30 a.m. to around 4 p.m.

#### **How much support do you have at the Care Tribunal?**

The sponsoring department for the Care Tribunal is NICTS. The NICTS provides administrative support to both Chairmen through the services of a full-time secretary.

The secretariat is based in Bedford House, Bedford Street, Belfast but we both work from home, which leads to a good work/life balance.

#### **What is the hardest part of your job?**

The legislation can be quite constricting. It would be good if the legislation gave us the power to give direct orders to recommend re-training or that individuals should be strictly supervised at work.

#### **Is the role of Chairman of the Care Tribunal conducive to a good work/life balance?**

Yes. This role allows me to schedule my time personal and family commitments. For me, weekends have always been sacred.

Another great aspect of this job is that you can switch off. You are not constantly tied to a mobile phone fielding calls from the office.

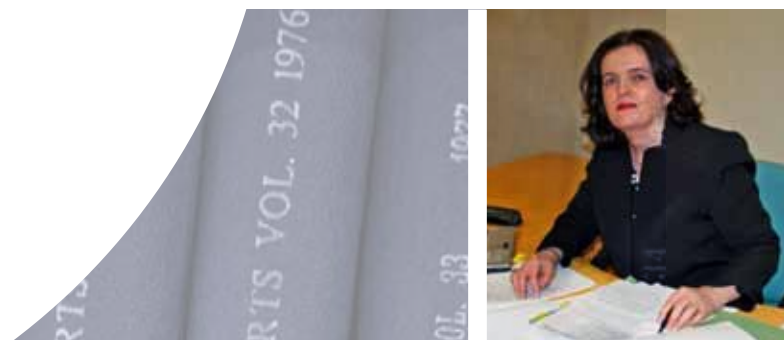
#### **Finally, what part of your job gives you the most satisfaction?**

The attraction of working fee-paid as a Tribunal Chair is that it enables me to continue to exercise my legal skills and to make a contribution to the community while at the same time allowing time for family and relaxation.



## Mrs Maura Hutchinson

**Adjudicator, Northern Ireland  
Traffic Penalty Tribunal**



Maura Hutchinson is an Adjudicator with the Northern Ireland Traffic Penalty Tribunal (TPT) which was established in November 2006 to hear and determine appeals concerning the new decriminalised system of parking enforcement in Northern Ireland.

Maura is also an Immigration Judge in the Immigration and Asylum Chamber of the First Tier Tribunal.

### **What attracted you to this post?**

I was admitted as a solicitor in England and Wales in 1996 and I practiced in a large London commercial practice, specialising in immigration law. I was admitted to practice in Northern Ireland in 2001 when I began working as an immigration solicitor at Law Centre (NI). I was attracted by the prospect of joining a completely new Tribunal and in my view the TPT was a good introduction to sitting on tribunals in Northern Ireland.

### **When did you take up the position of Adjudicator?**

I was appointed in November 2006. I also sit as an Immigration Judge in the Immigration and Asylum Chamber of the First Tier Tribunal.

### **How do you manage the different roles?**

The two areas of law are completely different and it is unlikely therefore that any conflicts would arise.

In terms of managing the sittings for my two roles, I currently sit more frequently as an Immigration Judge as the number of hearings the TPT require is, at present, more limited. It is reasonably straightforward to accommodate the one hearing a month (approximately) required of each of the four TPT Adjudicators.

### **What does the role of Adjudicator, TPT entail?**

In my role as Adjudicator I was involved in the initial induction and training period which included input from the Traffic Penalty Tribunal in England which has been operational for a number of years.

Adjudicators consider appeals in person and paper (or 'postal') appeals. Appellants can choose whether or not to have an oral hearing (normally held in Belfast,



although the Tribunal can sit throughout Northern Ireland if the need arises) or request that the case be considered on the papers. The Tribunal is also in the process of introducing telephone hearings in certain circumstances.

TPT hearings are conducted by a single adjudicator. If an oral hearing is requested it will normally be attended by the appellant in person and a representative from the Roads Service (which is responsible for enforcing parking regulations in Northern Ireland). The hearings are relatively informal and normally last between 10 and 20 minutes. Decisions are normally given at the end of the hearing and are followed in all cases by a written decision.

I also attend meetings and training connected with the role. The Tribunal maintains its close connections with its counterpart in England which is helpful in terms of developing best practice in both jurisdictions.

### **Describe your typical working week.**

Every week is different which adds to the variety of my roles. I have a young family and currently I have chosen not to practice as a solicitor but balance my family life with approximately 2 days a week spent on my two judicial posts.

The Immigration and Asylum Chamber of the First Tier Tribunal sits in various centres in the UK and I sit in Belfast, Glasgow and Bradford which can mean a reasonable amount of travelling. The advantages of a fee paid post (which both my judicial posts are) is that the post holder can normally specify availability and normally choose sittings that are convenient to other commitments. I can normally plan my sittings a number of weeks in advance.

I try to prepare my papers for the TPT a few days before the oral hearings. After the hearings I write my decisions. I normally do this in my home office, before returning the written decisions and files to the Tribunal administrative staff.

### **What advice would you give to someone thinking of applying for judicial office?**

I would highly recommend applying. In the TPT I am the only woman and the only solicitor but do not find either a disadvantage!

In meeting other judicial colleagues in different roles, it is apparent that the route to judicial offices is becoming more diverse. Judicial roles are challenging and rewarding and often offer an opportunity to expand into a completely new area of law.

However, I would also echo what some other colleagues have mentioned in their profiles about the role sometimes being isolated. If you are not sitting on a panel, you have to rely on your own knowledge and judgment. For those who have worked in a solicitor's firm, with support from colleagues, this initially may be a little daunting.

In my role as an Immigration Judge there are currently hundreds of other fee paid judges, and hearing centres and training courses provide opportunities to develop good collegiate relationships which assist in remaining up-to-date with the latest developments in the law and its practice.

For anyone new to a judicial role, it is essentially about adapting to a different way of working but with the right training and support, this should pose no difficulty.

**“Judicial roles are challenging and rewarding and often offer an opportunity to expand into a completely new area of law.”**

**Maura Hutchinson**

## Dr Anne Montgomery

**Medical Member of the  
Mental Health Review Tribunal**



Dr Montgomery was first appointed as a medical member of the Mental Health Review Tribunal (MHRT) in October 2006.

### What attracted you to this post?

Throughout my career I was aware of the MHRT and in 1989 I was actually invited to join the Tribunal. At that stage of my career I was a busy Consultant in psychiatry of old age and general psychiatry. So, unfortunately I was unable to consider accepting a judicial role as it would have involved me taking time out of my hectic clinical work schedule.

However, as I came to the end of my career I was looking for another challenge and I discovered that NIJAC was seeking to recruit new medical members for MHRT. I knew that this would be of great interest to me but I had not been interviewed for a job since 1985! Deciding to have a go I was lucky enough to be appointed.

### What is the role of the Medical Member?

The medical role on this Tribunal is different from other tribunals as the medical member is required to examine the patient's mental state on the day of the tribunal or very close to the hearing date. The medical member reports her/his findings to the other panel members just before the commencement of proceedings.

In order to be as helpful as possible to the legal and lay members of the Tribunal, the medical member must have a sound and broad knowledge of medicine in general, and psychiatry in particular. This knowledge allows for the medical member to explain any medical/psychiatric matters which may arise.

### What is a typical day like?

Each session begins for the medical member at approximately 11.30am on the day of the tribunal. The patient is interviewed at the ward or community facility where s/he is residing so the MHRT can be held anywhere in Northern Ireland - it can mean an early start.

The importance of the independence of the Tribunal is usually explained to the patients. Additionally, it is also important to put patients at their ease so that they feel comfortable talking to a complete stranger about a very important life issue. The patient interview usually lasts about 45 to 60 minutes.

The medical member will also take the opportunity to talk to those who are working with the patient with the view of discovering if there is anything else of relevance to the Tribunal since the Panel first received the formal reports. It is also helpful to review the medical, nursing and occupational therapy notes at this time.

The Tribunal meets at 1.30pm. I then report my findings to my two other panel members and they have the opportunity to raise any medical queries that they have had when reading the papers. The case papers usually arrive several days in advance of the hearing date and pre hearing preparation can take between 2 – 3 hours for each panel member.

The legal member chairs and conducts the proceedings. S/he will give the medical and lay members an opportunity to ask questions of all the witnesses. This can last from three quarters of an hour to four hours and occasionally a very complex case will have to be adjourned. Once the evidence has been presented the patient and witnesses leave.





The Chairman will lead the discussion and facilitate the Panel in reaching a decision. This final decision is written by the Chairman and the draft is sent to the other two panel members to ensure correctness.

#### **How much support do you have?**

The support from the secretariat is excellent. We have regular training sessions for all members. The medical member is also expected to keep up with continuing professional development within his/her specialty and in general psychiatry.

#### **What is the most challenging aspect of your work?**

The most challenging aspect of the work is the risk assessment of dangerousness. Many patients have been in the protective environment of a hospital for a long time and therefore they have not been exposed to life in the community.

#### **Is the work conducive to a good work life balance?**

Each month the administrative team will contact members to check for availability. The Tribunal has to take place within six weeks of the request coming in to the office. They also let everyone know as soon as possible if a Tribunal has had to be cancelled. I have never felt pressurised to do more than I wish to do, so there is no problem about work/life balance.

#### **Would you recommend a judicial medical role to other medical professionals?**

Yes. This is very interesting work which uses all your knowledge and experience as a psychiatrist to ensure that those, who are severely mentally ill and a risk to themselves and/or others, are treated appropriately and have their human rights protected.

It also provides an opportunity to work with skilled lawyers and lay members with great wisdom and knowledge of life in a friendly positive atmosphere while making very serious decisions about people's liberty.

**“It also provides an opportunity to work with skilled lawyers and lay members with great wisdom and knowledge of life in a friendly positive atmosphere while making very serious decisions about people's liberty”**

**Dr Anne Montgomery**

## Mr Henry Spence

**Member of the Lands Tribunal  
or Northern Ireland**



The Lands Tribunal for Northern Ireland resolves disputes about the value of land and buildings, and about their occupation, use or development.

In this interview, Henry Spence give us an insight to his role as the Valuation Member for the Lands Tribunal.



Henry was appointed as the Valuation Member of the Lands Tribunal for Northern Ireland in July 2012. Prior to that, he worked in Land and Property Services for 37 years specialising in public sector valuations including rating and compensation.

He is the Vice Chairman of the UK Royal Institution of Chartered Surveyors (RICS) Rating Diploma Holders Section and speaks regularly on valuation matters at seminars in both Northern Ireland and England.

Henry became Chairman of the section in November 2012 and is the first person from Northern Ireland to hold this post.

### **Why did you apply for this role?**

I had a lot of experience of appearing at the Lands Tribunal through my previous work and when I saw the position advertised, I researched it and felt I met most of the criteria for the job.

I thought it was something I'd like to try and that it would present a fresh challenge to me at this stage of my career.

### **What was your experience of the judicial appointments process?**

It was a very positive experience.  
I was impressed by it.

There was a lot of information online about the role and what was expected from the Valuation Member – and when it came to applying, I found that the application form allowed me to express how my experience met the criteria which NIJAC were looking for.



I also found that the assessment process (test and interview) was challenging but a very practical way of determining whether applicants were right for the role. I also liked that there was a particular focus on practical skills rather than theory.

#### **Describe your typical working day**

A typical day would involve either attending an all day formal hearing or dealing with “mentions” – which are basically giving directions to parties who are disputing issues and assisting them to resolve their differences.

While the caseload is varied, the volume of work is consistent. As a result of the current economic climate, a lot more people are now challenging rating assessments – the vast majority of these being commercial ratepayers.

Since I started the role, I have dealt with matters such as business tenancies, restrictive covenants, arbitrations, rating taxation assessments and compulsory acquisition valuations.

On the days when there is no hearing scheduled I will spend my time crafting decisions on cases which I have already heard.

#### **Is the job what you imagined it would be?**

Basically yes. Although the amount of work has surprised me and I am very satisfied at how well the “mentions” process works. I would estimate that about 60-70% of Tribunal business is resolved in this way, which is fantastic.

#### **Is the role conducive to a good work life balance?**

I suppose it varies. Whilst I am busy at the moment and the Lands Tribunal will continue to see an increased workload over the next few years, for most of the time I think the role does lend itself to having a good work life balance.

However, I also find that I am frequently thinking about cases at home in the evening, crafting decisions and weighing up everything I’ve heard from the parties. It’s sometimes difficult to switch off!

#### **What would you say to someone considering applying for judicial office?**

Research the role. Make an informed decision about whether it’s for you. Find out what is expected from you and if you are satisfied that you could do it, then go for it.

I am really enjoying this role and I am getting a great amount of satisfaction from seeing people resolve their disputes, with the Tribunals assistance and on a lot of occasions without recourse to costly formal legal proceedings.



## Dr Edgar Lees MB, MRCP

### Medical Member Appeal Tribunals

Dr Lees is a serving fee-paid medical judicial member on the Appeal Tribunals. He was first appointed in April 1992.

#### What attracted you to this post?

I have always believed that it is a good thing for a full-time GP to have a professional interest outside the practice to help prevent burnout and to allow contact with other professionals.

I had in the past worked as a part-time ENT surgeon carrying out simple procedures such as tonsillectomy and adenoidectomy but when the opportunity came to join the Appeals Service as a medical member I was delighted to apply. The role requires no clinical examination but involves the application of my clinical knowledge, in a purely judicial way, to weigh up evidence and arrive at a fair decision. This has presented me with a new and interesting challenge.



Initially, I was appointed to sit on Disability Living Allowance Tribunals (DLATs) which consist of a legal chair, a lay member with experience of disability and a doctor. Each member has an equal vote on all decisions and majority decisions can be recorded.

New legislation was introduced in 1991 and it has been rewarding to be part of the judicial team helping to shape the evolution of its application. Seeing how the law develops and expands has been both educative and instructive. Trying to hone my skills as part of an interrogative appeals tribunal has sharpened my thinking and has improved the way I approach clinical problems in practice.

I also acted as a medical assessor on the old Incapacity Tribunals - a role I found frustrating as I had no input into the decision making. However, I was delighted when the Incapacity Tribunals were restructured to consist of a legal chair and a medical member which meant that my role became similar to that on the DLATs where I assumed responsibility for establishing the medical facts of the case and having a vote on the outcome. The new Employment Support Allowance legislation has allowed me to continue and develop that role.

#### What is the role of the medical member?

A medical member must have a sound broad medical knowledge and the ability to explain to the other members of the tribunal any medical matters about which they are uncertain. On the day of the tribunal a medical member will examine any additional medical evidence which might include full GP records and highlight all relevant details to the other members.



### What is a typical day like?

Sessions last half a day, starting at 9.45 am and 1.45pm. In each session there will be two or three cases to be heard depending on the complexity of the cases. Papers detailing the appellant's application, the department's submission and some medical evidence arrive two weeks before the hearing.

Preparation involves reading the papers in advance and making relevant notes (including what additional evidence I would like to have before me on the day). Preparation for a full day of tribunals usually takes between two to two and a half hours. As sessions are held in various centres across Northern Ireland it sometimes requires an early start in order to arrive in time. However members have the right to decide to which centres they are prepared to travel.

### How much support do you have?

Support and training is very good with regular teaching sessions which involve both lectures and group discussion designed to improve knowledge of and application of the legislation.

### What is the most challenging aspect of your work?

For me the hardest part was honing my questioning skills to avoid being overly verbose or allowing the appellants to digress too far from the salient details!

### Is the role conducive to a good work/life balance?

Availability sheets for each month are issued approximately two months in advance, so it is possible to plan for that work/life balance. Being occasionally flexible enough to fill in for the rare cancellation is appreciated by the administrative staff but there is never any pressure.

“I have always believed that it is a good thing for a full-time GP to have a professional interest outside the practice...”

Dr Edgar Lees MB, MRCGP

# WHAT IS THE JUDICIAL SHADOWING SCHEME?



The Scheme was launched in October 2009, and is fully supported by the Lord Chief Justice's Office, the Bar Council, the Law Society, the Northern Ireland Courts and Tribunals Service and NIJAC.

It gives you an opportunity to “work shadow” a judicial officer in the Court or Tribunal of your choice.

## Who can apply to shadow?

Solicitors and barristers with a minimum of two years' experience can apply to all Courts, Commissions and participating Tribunals (the exception is the High Court where five years' post qualification experience is required).

General Medical Council registered doctors are also eligible to apply to shadow in the Appeal Tribunals and Mental Health Review Tribunal.

RICS and/or IAVI registered Land Valuers, with at least 2 years' experience, can apply to shadow in the Northern Ireland Valuation Tribunal. Those with five years' experience can apply to shadow in the Lands Tribunal.

Even numbers of men and women have participated in the Scheme to date – with the majority being solicitors – although there has also been healthy interest from barristers, doctors and people with a background in land valuation.



## Who or Where can I shadow?

You can shadow in:

- Any Court;
- Coroners Service;
- Appeal Tribunals;
- Care Tribunal;
- Lands Tribunal;
- Planning Appeals Commission;
- Industrial Tribunals and Fair Employment Tribunal;
- Mental Health Review Tribunal;
- Social Security and Child Support Commissioners;
- Special Educational Needs and Disability Tribunal; and the
- Northern Ireland Valuation Tribunal.



## What will I get from the experience?

You will have the opportunity to meet with a current judicial office holder and work shadow them in the Court or Tribunal of your choice.

The Shadowing Scheme gives you a unique look “behind the scenes”. This usually means meeting with the judicial office holder before the business of the day commences.

Gaining access to their office or Chambers, you will see how the judicial officer prepares for the day’s list and conducts their business both outside and inside Court or Tribunal. You will also be able to sit in the Court or Tribunal during the placement and you will have opportunities to ask them any questions you may have.

Many of those who have completed the Shadowing Scheme told us (see “Personal Testimonies” on pages 40-43) how taking part helped them understand the work of a judicial officer and gave them a real insight to how the Courts or Tribunals’ daily business is conducted.

## Where can I find out more about the Judicial Shadowing Scheme?

For further information on the Shadowing Scheme, please telephone us on **028 90 569118** or visit **[www.nijac.gov.uk](http://www.nijac.gov.uk)**

# Judicial Shadowing: Personal Testimonies

## Magistrates' Court

Before working as a solicitor in Johnson's busy media litigation department, **Kathy Mathews** had worked in a range of legal roles in London and Barcelona.

She saw information on the JSS on the NIJAC website and was interested in the opportunity offered.

She chose to shadow in the Magistrates' Courts with Presiding District Judge Bagnall volunteering to act as her mentor.

### Kathy said of her experience

*"I expected to gain insight to the workings of the Court from the judge's perspective and my expectations were more than met ... I was afforded as much time with the judge as I needed, to ask her questions regarding her position which I did not expect, and which I greatly appreciated."*

Kathy adds that there were a number of aspects of her shadowing experience which she found very useful

*"... seeing the papers in the format seen by judges; having the procedure explained to me; gaining an insight to the workings of the system which underpins criminal justice in NI ..."*

### Another solicitor who shadowed Presiding District Judge Bagnall in the Magistrates' Courts said

*"My expectations were exceeded ... the judge was friendly, approachable and willing to share her experience. I was impressed by the efficient and professional manner in which her Court was conducted and I learnt about proceedings from a very different viewpoint. I found the experience very useful and it gave me an opportunity to hone my skills, experience and knowledge ..."*

### One solicitor, who also shadowed Presiding District Judge Bagnall commented

*"I wish the Scheme had been available when I was a younger practitioner and I will apply again for a different Court or Tribunal experience!"*

## Office of Care and Protection

With 27 years experience practicing as a solicitor and running his own provincial practice since 1983, it would seem at first glance that judicial shadowing would not have much to offer someone like **Peter Thompson** (pictured).

However, Peter applied and was most impressed by his shadowing experience. He chose to shadow in the Office of Care and Protection and Master Wells was his mentor.



### Peter said

*"Having missed out to a certain extent on the courtroom experience during my years in practice, I was hoping that a judicial appointment might prove to be the perfect complement to my experiences to date ... I expected to see how the Master prepared for her daily work, how the hearings were handled and how the post hearing paperwork was dealt with. I observed all of these things. I noticed the many and varied applications before the Master and was given the opportunity to discuss cases with the Master before and after the hearing."*

*"I also got to view solicitors from a judge's perspective and gained a better understanding of what solicitors should be doing to prepare and present their case. This experience has definitely confirmed my decision to apply for a judicial office and I am very grateful to Master Wells for her help and encouragement."*





## Chancery Division of the High Court

**Mrs Shirley Madden** (Solicitor) chose to shadow Master Kelly in the Chancery Division of the High Court and commented:

*"I expected to speak to the Master on a one-to-one basis and be able to ask questions about the role. I was also expecting to see the day-to-day running of the court. I did not expect the level of involvement I was privileged to have, the level of explanation and the amount of time the Master spent with me. My expectations were greatly exceeded. I have spoken to many of my friends who are also solicitors and I have recommended the Scheme to them."*

## Taxing Master

A solicitor who chose to shadow Master Bailie (Taxing Master) said that:

*"... the involvement and discussion with the Master. I expected to learn more about the daily decision making, preparation and research and I can confirm all my expectations were met."*

## High Court (Queen's Bench)

Some participants have commented on the insight they gained into judicial life.

**Maureen Hutchinson** (Solicitor) who shadowed The Honourable Mr Justice Gillen said of her judicial shadowing experience:

*"I gained an invaluable insight into how busy a typical day could be!" She adds "Another useful insight was seeing the frustration that the Court faces with ill-prepared cases and representatives and, although I firmly believe my practice fulfils its obligations, I will be ensuring that our procedures are monitored more carefully as a result."*

## County Court

**Jonathan McKeown** (Solicitor), who shadowed His Honour Judge Finnegan, QC, found the experience both informal and relaxing. He said that:

*"it has given me an appreciation of what informs the judge's reasoning ... a useful insight into the decision-making process that usually you don't see."*

## Chief Social Security and Chief Child Support Commissioner

Some participants have used the experience to enhance their own professional and personal development.

**Les Allamby** (Solicitor, Law Centre NI) shadowed the Chief Social Security and Chief Child Support Commissioner. He said:

*"I had a particular need to get a more rounded sense of the post. I am familiar with the front of house role as I appear before the Commissioner on a regular basis. I was looking for a candid assessment of the job and what it entails, including some answers to very practical questions, and I received that."*



## The Lands Tribunal

All valuer participants had high praise for Mr Michael Curry who was their mentor in the Lands Tribunal.

### Andrew Tough said:

*"Having worked in property for over 20 years and, in particular, landlord and tenant work, I was keen to see the Lands Tribunal as I have rarely had recourse to it during my career. Seeing the Member at work on a number of different types of cases and the various procedures was very useful."*

**David Kinney**, from James H McKinney & Sons Ballymena, deals with sales, lettings and valuations of residential, agricultural and commercial property as well as secured lending valuations, rent reviews and lease renewals.



### He said:

*"I did not have any particular expectations as I have had very limited dealings with the Lands Tribunal prior to the shadowing. It was particularly interesting to see how the process of mentions generally brought the parties to agreement of their own accord without having to proceed to a costly hearing. I found Mr Curry's engaging and open style of conducting the mentions interesting for its apparent effectiveness in closing the gap between the parties."*

### Timothy Hopkins (RICS member) also commented:

*"The work of the Lands Tribunal is extremely varied and cannot be appreciated without the benefit of shadowing."*

## The Mental Health Review Tribunal

**Dr Boris Pinto** works in the Centre for Psychotherapy in Belfast.

After reading an article on the Judicial Shadowing Scheme in the Northern Ireland Royal College of Psychiatrists' Newsletter he became interested in shadowing in the Mental Health Review Tribunal.

Dr Danny Brennan, a medical member of the Tribunal, agreed to act as his mentor.

### Dr Pinto said:

*"The Mental Health Review Tribunal is part of my everyday work in psychiatry and I was interested in the interface between the law, psychiatry and medicine."*

*I wanted to gain a better insight to the Northern Ireland legal system and how tribunals are run, as well as seeing from a different perspective, the interface with my profession."*

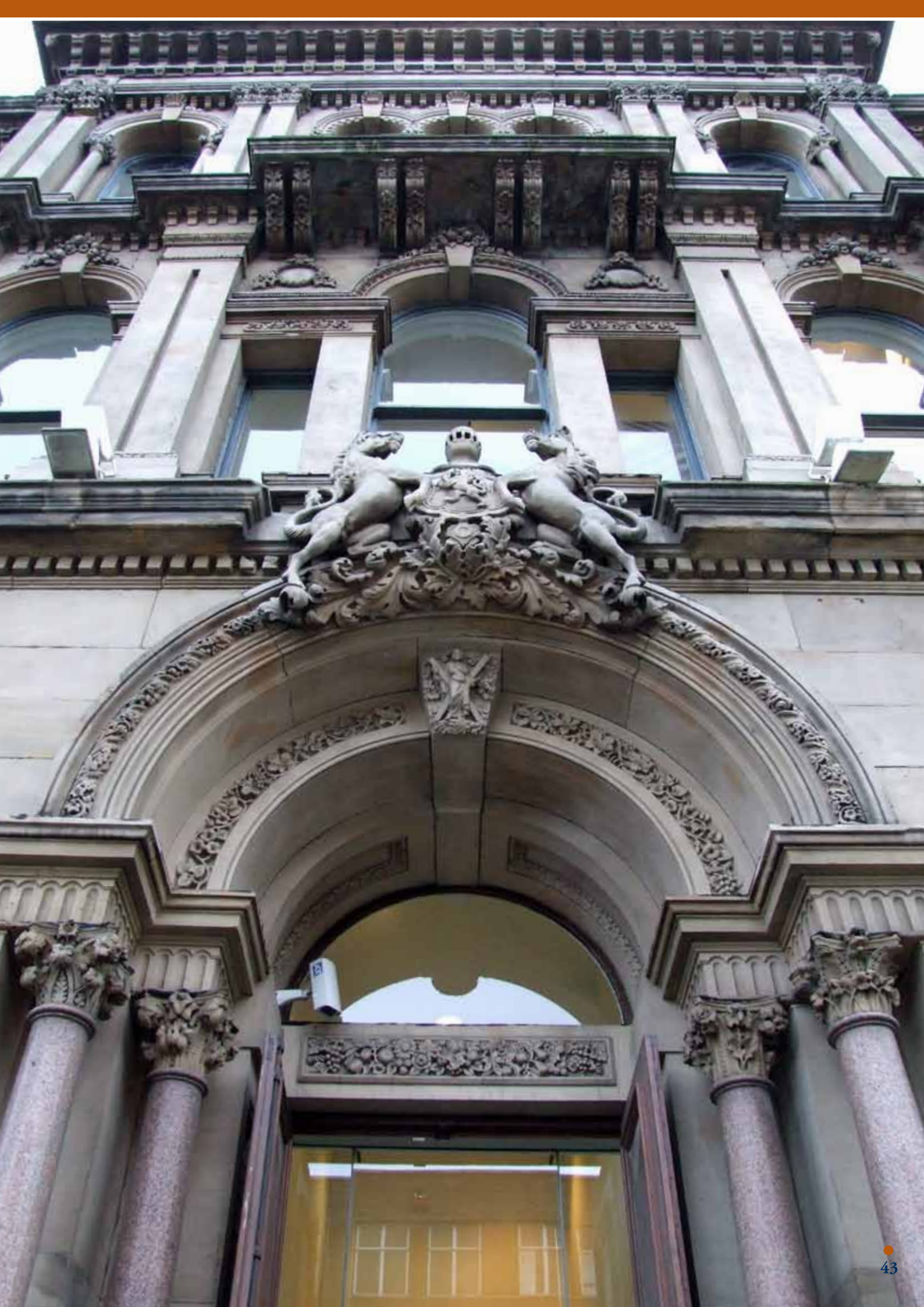
*It was a very good experience and all members of the Panel were welcoming and answered my questions. The most useful aspect was talking with the President and finding out about the remit of, and approach to the tribunal."*

For one participant the experience had an unexpected benefit.

She had chosen to shadow in the Special Educational Needs and Disability Tribunal and would strongly recommend judicial shadowing to others. However, she added:

*"I realised how fortunate me and my children are with their educational provision and comparative good health. It made me aware that a previous experience of court proceedings or litigation generally might not necessarily be useful, but how empathy for the issues and individuals is essential. I would very much consider applying for judicial office."*

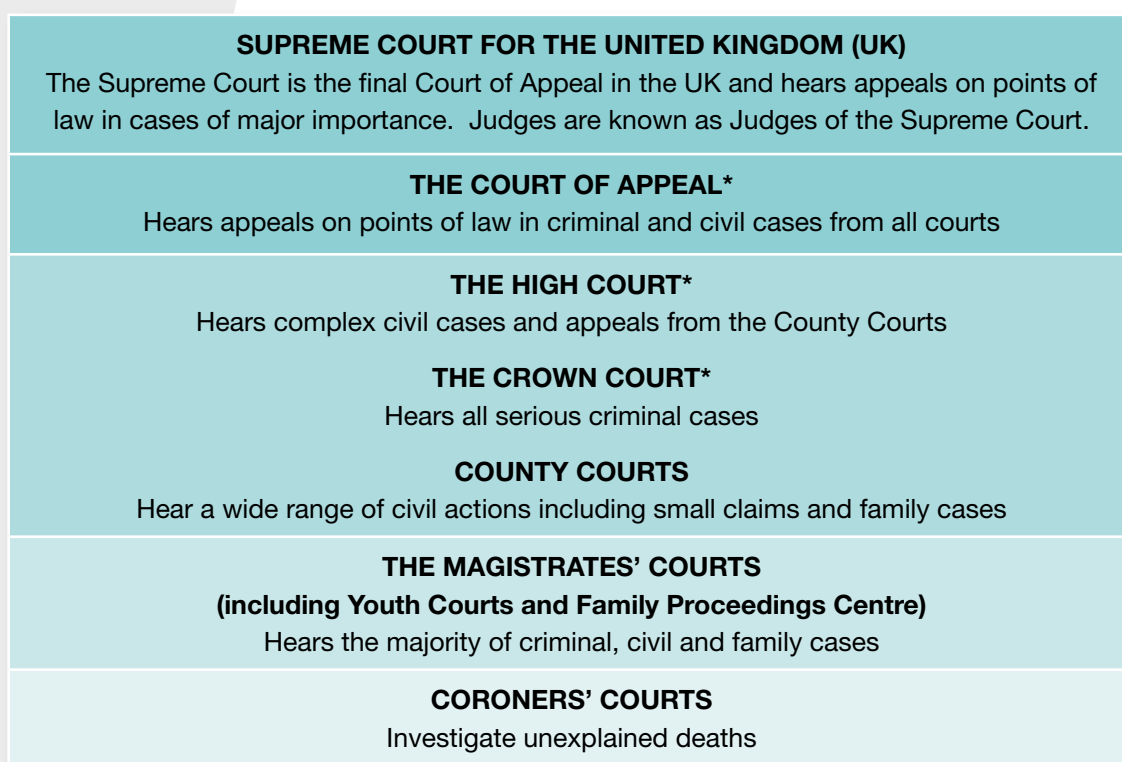




# Court Structure in Northern Ireland

NIJAC has a statutory responsibility “to conduct the appointments process and to select and make recommendations for appointment, in respect of all listed judicial appointments up to, and including, High Court Judge.”

The diagram below shows Northern Ireland’s Court structure.



\* The Northern Ireland Court of Appeal, High Court and Crown Court are collectively known as the Court of Judicature of Northern Ireland.

# Tribunals in Northern Ireland

The Northern Ireland Courts and Tribunals Service, has responsibility for the administration of the majority of tribunals in Northern Ireland.

Tribunals are independent judicial or quasi-judicial bodies set up under legislation to hear and determine appeals and other legal matters to do with specific areas of the law or decisions from government departments.

There is a vast range of tribunals and some have extensive workloads e.g. the Appeal Tribunals and others sit only occasionally.

Although usually chaired by a member with a legal background, the career background of the other panel members will depend on the tribunal.

This table illustrates the range of Tribunals and what they do.

Further information on the work of each Tribunal can be found at **[www.courtsni.gov.uk](http://www.courtsni.gov.uk)**

Specific information on the work of the Industrial Tribunals and Fair Employment Tribunal is found at **[www.employmenttribunalsni.co.uk](http://www.employmenttribunalsni.co.uk)**

NAME	WHAT IT DOES
<b>The Appeal Tribunals</b>	<p>The Appeal Tribunals is an independent decision-making body responsible for hearing appeals against the decisions of the Social Security and Child Support Agencies, the Northern Ireland Housing Executive, the Land and Property Services for the Department for Finance and Personnel, and the Inland Revenue.</p> <p>In terms of composition, there are two full-time posts, the President of the Appeal Tribunals and a full-time Chairman. At the time of writing, there are 39 fee-paid legal members and other members include: doctors, health professionals and accountants (currently 144).</p>
<b>The Care Tribunal</b>	<p>The Care Tribunal hears appeals against decisions prohibiting or restricting the employment of individuals teaching or working with children or vulnerable adults or decisions concerning the registration of social workers.</p> <p>The Tribunal also hears appeals against decisions relating to the regulation of residential care homes, nursing homes, nursing agencies, children's homes and independent health care providers and other care services.</p>
<b>The Charity Tribunal for Northern Ireland</b>	<p>Section 12 of the Charities (Northern Ireland) Act 2008 established the Charity Tribunal for Northern Ireland. It became operational in April 2010. The tribunal deals with appeals against (or reviews of) the legal decisions of the Charity Commission for Northern Ireland. It can also deal with referrals from the Charity Commission and Attorney General.</p>



NAME	WHAT IT DOES
<b>The Criminal Injuries Compensation Appeals Panel for Northern Ireland (CICAPNI)</b>	<p>The Criminal Injuries Compensation (Northern Ireland) Order 2002 came into effect on 1 May 2002 and introduced the Northern Ireland Criminal Injuries Compensation Scheme 2002 (the Scheme). It also made provision for the establishment of CICAPNI which acts totally independently of the Compensation Agency.</p> <p>The purpose of the Appeals Panel is to support the victims of violent crime by determining promptly, impartially, fairly and independently in accordance with the Scheme(s), appeals against review decisions made by the Compensation Agency.</p>
<b>Health &amp; Safety Tribunal for Northern Ireland</b>	<p>Article 41 of the Health and Safety at Work (Northern Ireland) Order 1978 allows any person who is aggrieved by a decision of a licensing authority, in connection with a licence, to appeal to the Department of Enterprise, Trade and Investment.</p> <p>The tribunal is responsible for adjudicating on appeals by persons aggrieved against licensing decisions made by licensing authorities relating to the issue of, conditions applied to, or revocations of asbestos or petroleum-spirit licences.</p>
<b>Industrial Tribunals and Fair Employment Tribunal (IT/FET)</b>	<p>IT/FET is one of the busiest tribunals in Northern Ireland.</p> <p>A panel of three people will typically consist of one legal professional, known as the Chairman (and not necessarily male as the title would imply), one lay member with a Trade Union background and another lay member with a management or HR background.</p>
<b>Lands Tribunal for Northern Ireland</b>	<p>The Lands Tribunal for Northern Ireland is a judicial body established in 1964 to determine a wide range of questions relating to the valuation of land, the discharge or variation of restrictive land obligations and disputed compensation on compulsory purchase of land.</p> <p>Legislation has conferred additional areas of jurisdiction i.e. appeals against the Northern Ireland Valuation Tribunal over non-domestic rating assessments.</p>
<b>Mental Health Review Tribunal (MHRT)</b>	<p>MHRT is an independent judicial body, set up under the Mental Health (Northern Ireland) Order 1986 (the Order). It is responsible for reviewing the cases of patients who are compulsorily detained or subject to guardianship under the Order.</p> <p>The tribunal's function is to provide mentally disordered patients with a safeguard against unjustified detention in hospital or control under guardianship by means of a review of their cases from both the medical and non-medical points of view.</p>
<b>Northern Ireland Traffic Penalty Tribunal (TPT)</b>	<p>The TPT hears appeals against Penalty Charge Notices (PCNs). PCNs are issued on behalf of the Roads Service and are against persons who contravene a parking restriction.</p> <p>The tribunal is conducted by an Adjudicator, who is a legally-qualified barrister or solicitor with at least 5 years' legal experience.</p>



NAME	WHAT IT DOES
<b>Northern Ireland Valuation Tribunal (NIVT)</b>	The NIVT hears appeals by home owners against their domestic rates which, for the first time in 2007, were based on the capital value of their property. The tribunal also hears rate relief appeals.
<b>Pensions Appeal Tribunals (PAT)</b>	PAT deals with appeals against certain decisions that the Service Personnel & Veterans Agency have made on war disability pensions.  A PAT panel will normally consist of three members – a qualified lawyer, medical practitioner and a member who has served in the armed forces.
<b>Social Security Commissioners and Child Support Commissioners</b>	The Social Security Commissioners and Child Support Commissioners are specialised members of the judiciary appointed to hear and determine appeals on points of law from the Appeal Tribunals under the Social Security and Child Support legislation.
<b>Special Educational Needs and Disability Tribunal (SENDIST)</b>	SENDIST considers parents' appeals against the decisions of Education and Library Boards about children's special educational needs, where the parents cannot reach agreement with the Board. It also deals with claims of disability discrimination in relation to children at school.  The tribunal is comprised of both legal and lay members.



# Judicial Diversity: myths and reality

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There are many myths and misconceptions associated with people who serve in judicial office.

Some commonly heard misconceptions about the judiciary would be that:

- They are quite a small group of people;
- They are largely male;
- They largely work in the Courts; and
- They were probably successful barristers before being called to the bench.

The reality is quite different.

- There are just under 700 judicial offices in Northern Ireland;
- The majority of judicial office holders work in Tribunals not Courts (see fig 1);
- Judicial office holders come from all sorts of different backgrounds (see figs 2 & 3);
- There are a significant number of female judicial office holders (see fig 4).

## How do we know this?

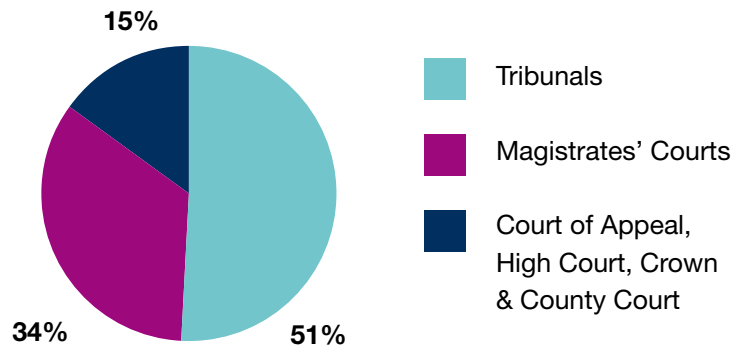
One of our statutory functions is to collect, monitor and report on the composition of the judiciary in Northern Ireland.

We do this by requesting Equality Monitoring data from everyone who applies for judicial office.

We work closely with the Northern Ireland Statistics and Research Agency (NISRA) on producing an Annual Equality Monitoring Report which is published online.

## Where do judicial office holders work?

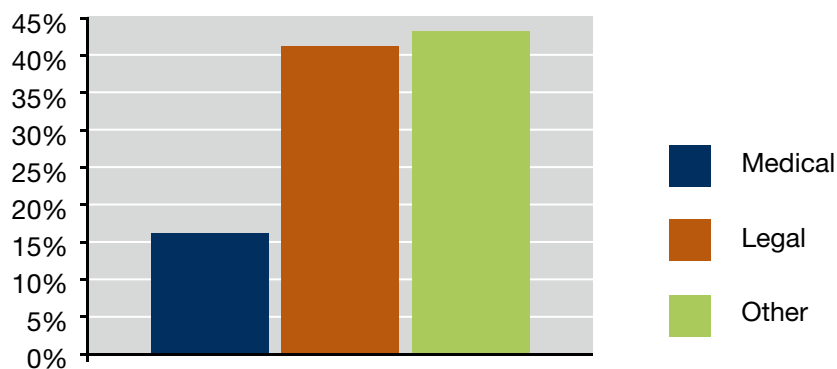
**Figure 1: % Breakdown by Tier of the 673 current Judicial Offices**



*\*28% = 189 Lay Magistrates who are not legally qualified.*

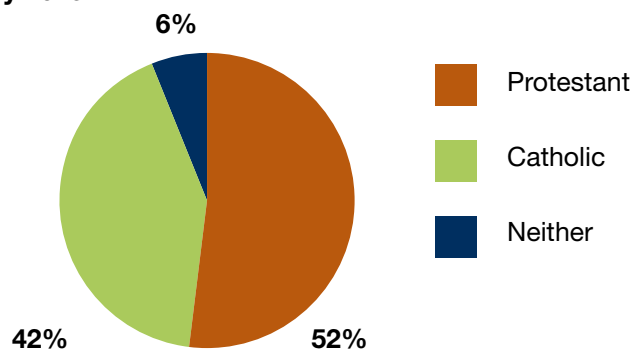
## Are all judicial office holders legally qualified?

**Figure 2: Professional Background of Judicial Officers as at 1 January 2013**



## Is the judiciary balanced in terms of religion?

**Figure 3: Breakdown by Community Background of current Judicial Officers as at 1 January 2013**



*QUB research<sup>1</sup> (2008 and 2012) confirmed that Community Background is not perceived as an issue by those considering applying for judicial office.*

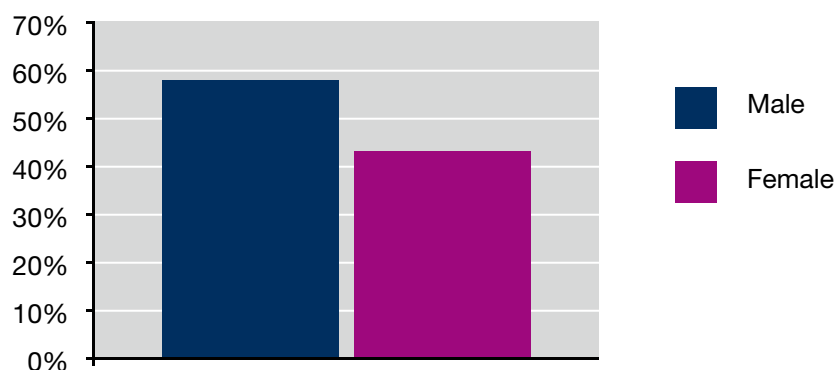
<sup>1</sup> Please visit our website for further information on this research.

## Is the Northern Ireland Judiciary predominantly male?

As of 1 January 2013, the overall gender breakdown of the Northern Ireland judiciary was fairly balanced; women constitute 287 (43%) and men 386 (57%) of judicial office holders.

A quarter of our Judges are women. Furthermore women constitute approximately 44% of Tribunal membership 55% of Lay Magistrates are women.

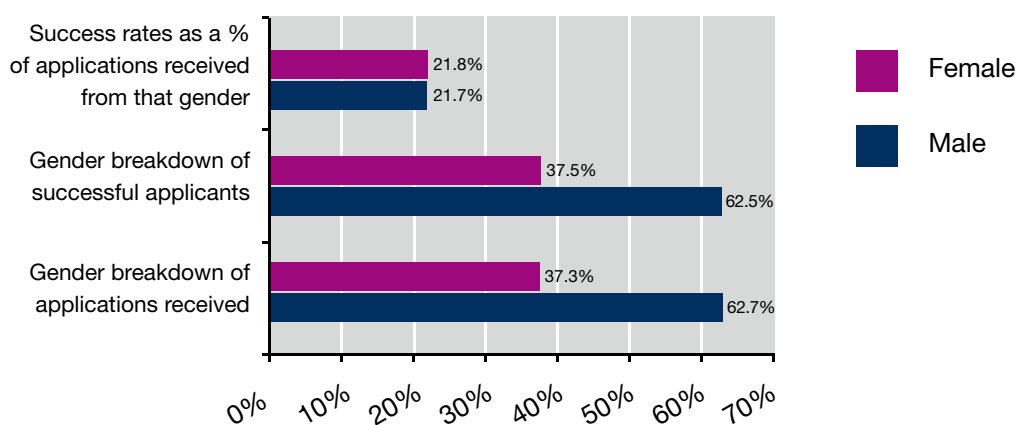
**Figure 4: Gender Breakdown of Current Judicial Officers as at 1 January 2013**



*There are no female judges currently in the High Court. However, the High Court only accounts for 10 judicial offices out of a total of 673.*

Since its inception in June 2005, NIJAC has received more applications from men than women for judicial office (62.7% male and 37.3% female) and success rates for men (62.5%) and women (37.5%) mirror their respective application rates.

**Figure 5: Gender of Applications and Appointments in completed Schemes as at 1 January 2013**





## Is judicial office something to consider only towards the end of my career?

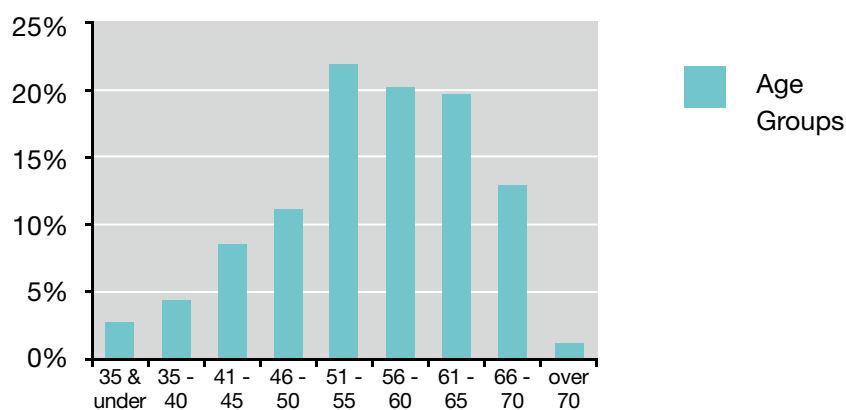
Judicial offices that require a legal background ask for a number of years standing: currently 5, 7 or 10 years. Almost half of judicial officers are aged 55 years or under, fewer than a third are over 60 years.

Some of the judicial officers featured in this Guide have highlighted that they first secured a fee-paid role before applying for a full-time judicial office.

## Is there an upper age limit for judicial appointments?

The statutory retirement age is 70 years and the Lord Chancellor/ Department of Justice or relevant departments expect a reasonable period of service before retirement.

**Figure 6: Age Profile of Judicial Office Holders as at 1 January 2013**



Visit [www.nijac.gov.uk](http://www.nijac.gov.uk) for more information.

## APPENDIX 1

# Judicial Offices held at 1 January 2013



## Judicial Office

## Offices Held

### Court of Appeal and High Court

Lord Chief Justice	full-time/salaried	1
Lord Justice of Appeal	full-time/salaried	3
High Court Judge	full-time/salaried	9
Temporary High Court Judge	fee paid	1
Master	full-time/salaried	7
		<b>21</b>

### County Court

County Court Judge	full-time/salaried	17
Deputy County Court Judge	fee paid	26
District Judge	full-time/salaried	4
Deputy District Judge	fee paid	4
Official Solicitor	full-time/salaried	1
Deputy Statutory Officer	fee paid	5
		<b>57</b>

### Coroner's Court

Presiding Coroner	fee paid	1
Coroner	full-time/salaried	3
		<b>4</b>

### Magistrates' Courts

District Judge (Magistrates' Courts)	full-time/salaried	19
District Judge (Magistrates' Courts)	part-time/salaried	2
Deputy District Judge (Magistrates' Courts)	fee paid	19
Lay Magistrate	fee paid	189
		<b>229</b>

### Office of the Social Security Commissioners & Child Support Commissioners

Chief Social Security Commissioner	full-time/salaried	1
Chief Child Support Commissioner	full-time/salaried	1
Social Security Commissioner	full-time/salaried	1
Child Support Commissioner	full-time/salaried	1
Deputy Social Security Commissioner	fee paid	6
Deputy Child Support Commissioner	fee paid	6
		<b>16</b>

**NOTE:** Due to business requirements some full-time salaried judicial officers undertake additional roles. Although these roles would normally be fee paid, full time judiciary do not receive any additional income. Examples are a Lord Justice of Appeal also fulfilling the role of President of the Lands Tribunal; a High Court Judge fulfilling the role of Presiding Coroner and District Judges sitting as Deputy County Court Judges.

# Judicial Offices held at 1 January 2013

## Judicial Office

## Offices Held

### Tribunals

Appeal Tribunals President	full-time/salaried	1
Appeal Tribunals Legal Chairman	full-time/salaried	1
Appeal Tribunals Legal Member	fee paid	39
Appeal Tribunals Expert Member	fee paid	46
Appeal Tribunals Financial Member	fee paid	4
Appeal Tribunals Medical Consultant Member	fee paid	15
Appeal Tribunals Medical Generalist Member	fee paid	79
Care Tribunal Chairman	fee paid	2
Charity Tribunal President	fee paid	1
Charity Tribunal Legal Member	fee paid	2
Charity Tribunal Ordinary Member	fee paid	4
CICAPNI Chairman	fee paid	1
CICAPNI Adjudicator Legal	fee paid	7
CICAPNI Adjudicator Medical	fee paid	3
CICAPNI Adjudicator Lay	fee paid	7
IT/FET President	full-time/salaried	1
IT/FET Vice President	full-time/salaried	1
IT/FET Chairman	full-time/salaried	6
IT/FET Chairman	fee paid	16
Health & Safety Appeals Tribunal Chairman	fee paid	3
Lands Tribunal President	fee paid	1
Lands Tribunal Member	full-time/salaried	1
Lands Tribunal Temporary Member	fee paid	1
Mental Health Review Tribunal Chairman	fee paid	1
Mental Health Review Tribunal Dep Chairman	fee paid	1
Mental Health Review Tribunal Legal Member	fee paid	5
Mental Health Review Tribunal Medical Member	fee paid	12
Mental Health Review Tribunal Experienced Member	fee paid	7
National Sec Cert Appeal Tribunal Chairman	fee paid	1
National Sec Cert Appeal Tribunal Deputy Chairman	fee paid	1
National Sec Cert Appeal Tribunal Legal Member	fee paid	3
National Sec Cert Appeal Tribunal Lay Member	fee paid	3
NIVT President	fee paid	1
NIVT Legal Member	fee paid	20
NIVT Ordinary Member	fee paid	10
NIVT Valuation Member	fee paid	9

Pensions Appeal Tribunals President	fee paid	1
Pensions Appeal Tribunals Deputy President	fee paid	1
Pensions Appeal Tribunals Legal Member	fee paid	7
Pensions Appeal Tribunals Medical Member	fee paid	5
Pensions Appeal Tribunals Service Member	fee paid	3
Reserve Forces Reinstatement Committee Chairman	fee paid	1
SENDT President	fee paid	1
SENDT Chairman	fee paid	7
TPT Adjudicator	fee paid	4

<b>TOTAL</b>		<b>346</b>
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## APPENDIX 2

# Contacts

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## Northern Ireland Judicial Appointments Commission

Headline Building  
10-14 Victoria Street  
Belfast BT1 3GG

**Tel:** 028 9056 9100  
**Fax:** 028 9056 9101  
**Textphone:** 028 9056 9124  
**Web:** [www.nijac.gov.uk](http://www.nijac.gov.uk)  
**Email:** [judicialappointments@nijac.gov.uk](mailto:judicialappointments@nijac.gov.uk)

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## Northern Ireland Courts and Tribunals Service

Laganside House  
23-27 Oxford Street  
Belfast BT1 3LA

**Tel:** 028 9032 8594  
**Textphone:** 028 9032 8594  
**Web:** [www.courtsni.gov.uk](http://www.courtsni.gov.uk)

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## The Office of the Northern Ireland Judicial Appointments Ombudsman

Laganside House  
23-27 Oxford Street  
Belfast BT1 3LA

**Tel:** 028 9072 8930  
**Fax:** 028 9072 8936  
**Web:** [www.nijao.gov.uk](http://www.nijao.gov.uk)

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## Judicial Studies Board

Royal Courts of Justice  
Chichester Street  
Belfast BT1 3JF

**Tel:** 028 9072 5908  
**Web:** [www.jsbni.com](http://www.jsbni.com)

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## Law Society of Northern Ireland

The Law Society of Northern Ireland  
96 Victoria Street  
Belfast BT1 3GN

**Tel:** 028 9023 1614  
**Web:** [www.lawsoc-ni.org](http://www.lawsoc-ni.org)

**The Bar Council of Northern Ireland**

91 Chichester Street  
Belfast BT1 3JQ

**Tel:** 028 9056 2349  
**Web:** [www.barlibrary.com](http://www.barlibrary.com)

**School of Law (QUB)**

School of Law (QUB)  
28 University Street  
Belfast BT7 1NN

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**Fax:** 028 9097 3376  
**Email:** [law-enquiries@qub.ac.uk](mailto:law-enquiries@qub.ac.uk)

**Institute of Professional Legal Studies**

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Belfast BT9 5BY

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**Fax:** 028 9036 6806  
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Faculty of Social Science (UUJ)  
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**Fax:** 028 7137 5402  
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**Web:** [www.socsci.ulster.ac.uk/gsple](http://www.socsci.ulster.ac.uk/gsple)

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Queen's University Belfast  
10 Lennoxvale  
Belfast BT9 5BY

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**Fax:** 028 9066 1192  
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**Web:** [www.qub.ac.uk/ipls](http://www.qub.ac.uk/ipls)

## OUTSIDE NORTHERN IRELAND

### Judicial Appointments Commission (England & Wales)

Steel House  
Tothill Street  
London SW1H 9LJ

**Tel:** 0203 334 0453  
**Web:** [www.judicialappointments.gov.uk](http://www.judicialappointments.gov.uk)

### Judicial Appointments Board for Scotland

38-39 Drumsheugh Gardens  
Edinburgh EH3 7SW

**Tel:** 0131 528 5101  
**Web:** [www.judicialappointmentscotland.org.uk](http://www.judicialappointmentscotland.org.uk)

### Law Society of England and Wales

The Law Society's Hall  
113 Chancery Lane  
London WC2 1PL

**Tel:** 020 7242 1222  
**Web:** [www.lawsociety.org.uk](http://www.lawsociety.org.uk)

### The Bar Council of England and Wales

The Bar Council (England and Wales)  
289-293 High Holborn  
London WC1 7HZ

**Tel:** 020 7242 0082  
**Web:** [www.barcouncil.org.uk](http://www.barcouncil.org.uk)

### Law Society of Ireland

The Director  
The Law Society  
Blackhall Place  
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**Web:** [www.lawsociety.ie](http://www.lawsociety.ie)

### Bar Council of Ireland

Bar Council Administration Office  
Four Courts  
Dublin 7

**Tel:** 00351 817 5000  
**Web:** [www.lawlibrary.ie](http://www.lawlibrary.ie)



# NIJAC

*Northern Ireland Judicial  
Appointments Commission*

ANNUAL REPORT  
AND ACCOUNTS

## JUDICIAL SHADOWING SCHEME



# NIJAC

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Appointments Commission*

DE TO JUDICIAL CAREER  
IN NORTHERN IRELAND



# NIJAC

*Northern Ireland Judicial  
Appointments Commission*

Selecting the best candidate  
for promotion



## ACKNOWLEDGEMENTS

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- The Office of the Lord Chief Justice of Northern Ireland
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- The Northern Ireland Courts and Tribunals Service
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- Central Print Unit, Stormont Estate

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