

## Targeted Outreach guidance

### **Pathways to the High Court**

This is a guide to help candidates understand the range of possible career routes to the High Court and insight on how to prepare for these senior roles.

It is based on information gathered during a survey of 23 existing Deputy High Court Judges and High Court Judges from a variety of backgrounds, and contains their stories, tips and real examples to help you.

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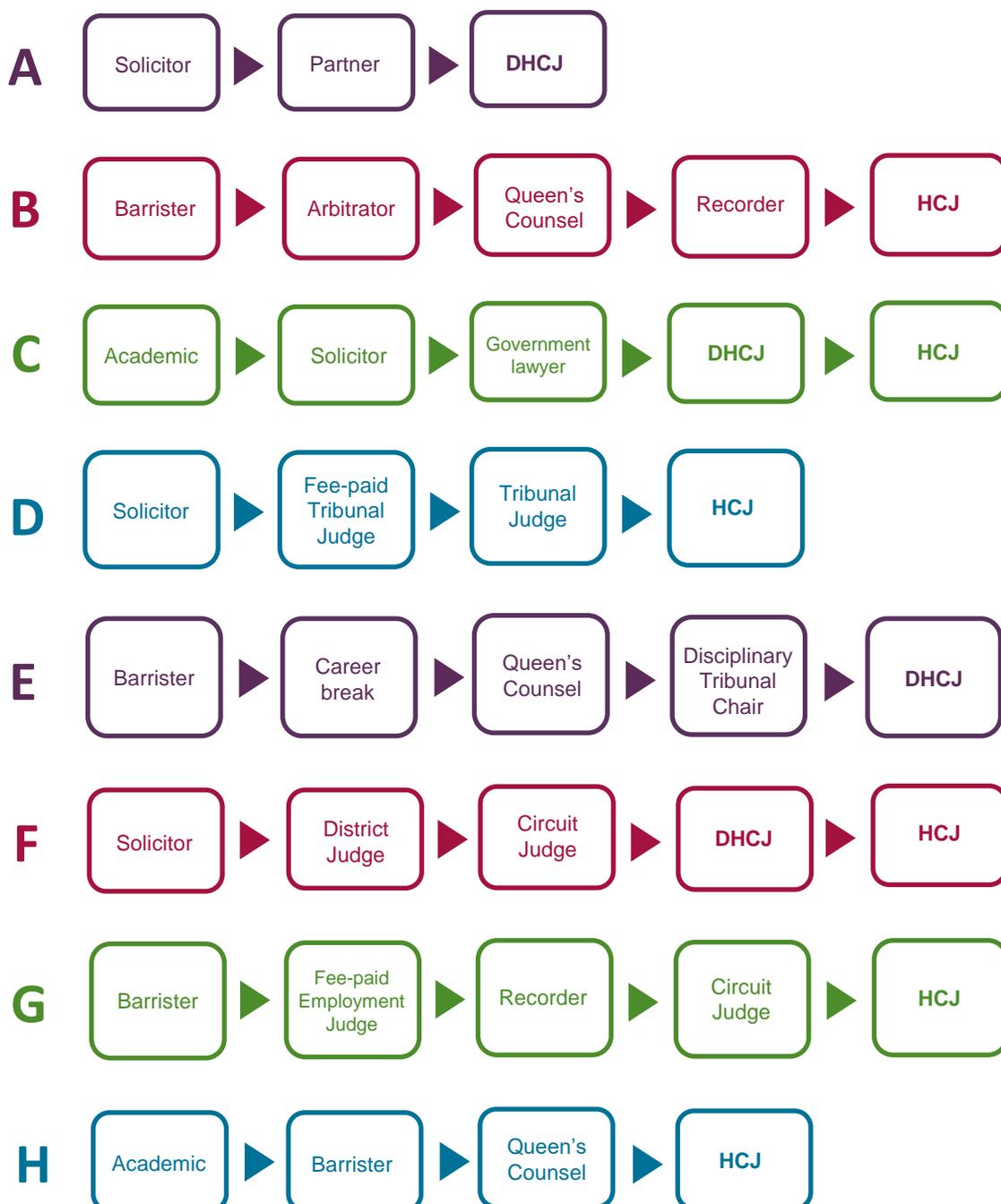
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# 1. Example career paths

The career paths of current Deputy High Court Judges (DHCJs) and High Court Judges (HCJs) are very varied. The role attracts many different types of lawyer. Of the judges we surveyed, some had previously held one or more judicial roles and rarely, others had no judicial experience before their appointment. Some became lawyers relatively late in life, some took lengthy career breaks along the way and a number came to the role without any prior ambition to join the High Court Bench.

A **small selection of real career paths** is illustrated below:





Here are some **comments from HCJs and DHCJs** about their journey to the High Court:

*"I never had a plan. I had been at the commercial bar for some 30 years and I thought that it would be interesting to use my legal analytical skills in an entirely different job, and instead of arguing about the law to make it! I sat as a Recorder and I thoroughly enjoyed that, and so I thought I would apply for the High Court Bench. Many of the skills that one learns at the commercial bar – decisiveness; brevity; a quick intellect and analytical skills are the key skills in the role of a Judge."*

*"I qualified as a solicitor and had 25 years' post-qualification experience when I was appointed as a DHCJ. I had made numerous applications and had secured one previous judicial appointment as a fee-paid Judge of the First Tier Tribunal where I sat for over 6 years before being appointed as a DHCJ."*

*"I first qualified as a solicitor and decided to transfer to the Bar in my mid-20s, because I wanted to work in areas which involved more human interest. I became a criminal Recorder when I was about 40 and loved sitting from my first day: I knew this was for me. I was appointed a deputy High Court judge when I was about 45 and a High Court judge when I was about 50 and have loved it, so far!"*

*"I took an atypical route to both Bar and Bench. I was a full-time mother who returned to the UK with my family in my mid 30s, then decided to do a law degree. Through contacts at university and outside I made enquiries of various Inns of Court and then it was Bar School at age 37. I took Silk early on. I became a Recorder and then got my S9 ticket so I sat a lot at the RCJ. I was persuaded to apply for High Court Judge and until then had no aspiration to the Bench as I was simply enjoying my 6 weeks a year as a S9 judge. I was almost 60 when I was appointed."*

*"I always anticipated pursuing a career in the publishing industry but realised very quickly that I would never succeed in getting to the top. I therefore converted to law and paid for the diploma course by working in a second hand bookshop for a year. I had never had any ambition to join the Bench. However, I met two people who changed my mind about my future, both former Court of Appeal judges. They had clearly had a wonderful experience and thought that it would suit me."*

*"I took a 5-year career break, then worked part-time as an in-house barrister in a firm of City solicitors before returning to chambers. I qualified as a mediator, took silk and served for 10 years as a Bar Disciplinary Tribunals chair."*

*"The decision to apply for the High Court Bench was not an obvious one because I enjoyed my crime work and hoped to continue to be instructed in some of the most interesting and significant cases heard in the country. Frankly, I didn't expect to be successful. But I enjoyed sitting as a DHCJ, thought I was ready to explore another career and in the end the lure of a broad range of intellectually challenging judicial cases trumped my doubts and I put in my application."*

*"By the time I applied I had appeared in front of HCJs for many years both when they were sitting on serious cases in the Crown Court and on appeal. I had a high regard for the intellectual and ethical integrity of all the HCJs I had been in front of. The experience of sitting as a DHCJ was also vital. It meant that in my application I could refer to reported judgments I had given in non-criminal cases."*



## 2. Career boosters and challenges

We asked DHCJs and HCJs about the **actions, plans or circumstances that helped them** get to the High Court. A number of common themes emerged:

### **Senior level experience with complex cases and decision making**

*“The nature of my work as a Senior Circuit Judge enabled me to demonstrate that I could work at High Court level. Sitting as a DHCJ gave me a clearer idea of what the job involved. Undertaking work in the Crown Court and Upper Tribunal meant that I could demonstrate an ability to work across a greater breadth of jurisdictions.”*

*“I often tried cases which had previously been reserved to a HCJ. My sittings as a Deputy covered the other main areas of work carried out by a full time HCJ. Thus, when I came to apply for a full time appointment as a HCJ I was able to demonstrate exposure to all of the work which I would be required to undertake.”*

*“Sitting as a DHCJ was essential. It enabled me to sit in the Royal Courts of Justice, meet judges and members of staff, get a feel for the work, and do judgments on which I was able to rely when I applied for the full-time role.”*

*“I gained skills and experience from a variety of sources - conducting sensitive and high value cases in practice, being Head of Chambers, sitting as a Recorder and DHCJ, and acting as a chair of the Bar Tribunal.”*

### **Support, guidance and/or encouragement from knowledgeable colleagues, especially people who have previously sat in the High Court**

*“My application was greatly assisted by the particular schemes offered by the JAC for those from a non-traditional background, including a workshop about the application process and the expectations of the JAC and the opportunity to shadow a HCJ. I was also fortunate in being able to talk to acquaintances who had also been appointed as S9(4) deputies.”*

*“Prior to applying to become a DHCJ I participated in the MoJ Judicial Work Shadowing scheme, shadowing a High Court Judge. I attended numerous Outreach events hosted by the JAC and the Law Society. In preparation for my fourth application for DHCJ I spoke with candidates who had previously been successful, as well as some former solicitor High Court Judges.”*

*“I sought the advice of judges who had recently gone through the appointment exercise. They were generous with their time and gave me a good idea of what to expect during the process.”*

*“I asked colleagues and friends. I asked High Court judges I knew or had appeared in front of for their views of my abilities, and for their assessment of the job so that I could consider my own aptitude for it. I spoke to the Head of the Division I was applying for to gauge their enthusiasm for my application.”*



*“Mentoring was critical. Throughout my career I was encouraged to think of the High Court Bench (even when I was not interested).”*

*“I would not have thought of ever applying to the High Court were I not encouraged to do so by two successive Senior Presiding Judges.”*

*“I was encouraged by a HCJ to apply again after I failed to be appointed the first time. I also went on a course run by the civil service for underrepresented groups in the judiciary and that was an enormous help in marshalling the information I already possessed and addressing the questions.”*



**For HCJ, previous judicial experience is usually essential, but for both HCJ and DHCJ, experience of other roles requiring comparative skills and abilities is also valuable**

*“I was able to draw from other non-legal roles e.g. independent council member and museum trustee.”*

*“I had relevant transferable experience having been Counsel to an Inquest and Review. Both roles were independent; I was, in effect, counsel to the Judge. I also ran a team of counsel, so was able to demonstrate some of the other skills and abilities required.”*

*“Sitting as a fee paid judge provided the judicial experience, as well as sitting in jurisdictions that were not part of my practice, helped me acquire skills to show I could assimilate an area of law that I was not familiar with. Being Head of Chambers and Chair of the Family Law Bar Association helped with leadership skills, time management and developing skills of how to manage difficult situations.”*

*“I referred extensively in my application and interview to non-law voluntary activities that I had done in the community.”*

*“My experience as a Resident Judge, involvement in sitting on Committees set up to look at the management of work in the Crown Court and sitting in the Court of Appeal Criminal Division undoubtedly helped me gain the experience necessary”*

*“The Tribunal experience was invaluable experience of managing a court room, and dealing with litigants in person and witnesses as well as advocates of differing levels of ability. Although procedural rules are different to the courts the key principles are common. There were also training opportunities. The Upper Tribunal also provided an opportunity to do appellate work and sometimes sit alongside HCJs.”*



We also asked DHCJs and HCJs about the **barriers and challenges** they faced in getting to the High Court. Again, a number of common themes emerged:

### ⊗ **Unsuccessful applications**

*“I did make a failed attempt to apply for the DHCJ role in 2016. It is very common not to get through. Application numbers are very high. But in retrospect I also hadn’t thought it through enough and committed sufficiently to the application, and at the time I did not have much experience to show as a Tribunal judge. I made a second application for the Deputy role while my full time High Court application was pending, and got to the selection day stage before withdrawing once I had been offered the full time role. By that stage my greater experience of judicial work, and more thought about how to present transferable skills, enabled me to provide an application with richer evidence, which is why I think I did better the second time round.”*

*“I was appointed a full time HCJ on my first application but at all other stages of the professional and judicial career I needed more than one application before being successful. In each case, applying for Silk, Recorder and DHCJ, I learned a great deal from the unsuccessful application experience.”*

*“I failed to make it past the paper sift on my first application to become a DHCJ. I then attended a workshop where it became clear exactly what was required in completing the application form. On my second attempt, I got as far as a selection day but was turned down, albeit with very strong encouragement to apply again. I was successful on my third attempt.”*

### ⊗ **Lack of confidence**

*“The second barrier was my perception that only candidates stronger than me would actually get through. You may say that given the encouragement I received, that was ridiculous, but impostor syndrome still was fairly powerful.”*

*“I was worried that I was not yet at a level of practice to support a High Court application and that the application was premature or, perhaps, that I was just never going to be quite good enough to achieve appointment at that level. So I had to talk myself into it and work through my doubts.”*

*“Just entering the common dining room can raise one’s anxiety levels; who will I see? What will they think of me? Will I fit in? What sort of conversation?”*

*“The main blockers have been inside my own head - overcoming my impostor syndrome, self-doubt and feeling that the High Court is not for the likes of me.”*

*“As someone whose motivation was largely vocational, I found that the requirement to ‘sell yourself’ was very off-putting.”*

*“As a solicitor there are far fewer visible role models in the High Court and amongst the ranks of DHCJs whose professional background I share.”*



## ⊗ Lack of experience / less traditional experience

*“I had no background in family law, but was deployed to the family division when appointed a DHCJ. Fortunately, I loved the work and the collegiate atmosphere within the division, but I had no connections in the field of family law and I had to negotiate a steep learning curve when it came to the laws and procedures within the division.”*

*“I was the first judge within the High Court from a predominant civil service / Government Legal Service background.”*

*“I wish I had become a Recorder much younger. I thought it was for quite senior Silks. I think people should be encouraged to be part-time judges much younger.”*

*“I had to address the lack of breadth of my experience (I had specialised in my practice at the Bar and had then continued in that specialism as a Senior Circuit Judge); sitting in other jurisdictions gave me greater confidence in my application for appointment to the High Court bench.”*

*“Indirectly it is difficult for criminal practitioners/judges to see themselves in the High Court. It is not a place where many criminal practitioners regularly practice.”*

## ⊗ Worries about the job

*“One barrier was my perception that it was not a good job. Too much hard work for too little pay and appreciation. It was critical seeing a HCJ so enjoying the job, and so much happier than he was as a barrister.”*

*“One of the main challenges for me was that I live in the North of England. Sitting as a DHCJ meant travelling down to London and staying in the capital when sitting. That did have the advantage that I could concentrate fully on the work when sitting, but it did involve a commitment, being away from home.”*



### 3. Top tips to help you

The DHCJs and HCJs had the following **career tips**:



#### **Build relevant experience and get feedback**

*“Get wise advice from a few people you trust, who know what the job involves and whose opinion you respect. Give those you consult a fair hearing: you may not be ready; you may need to wait until you can really demonstrate what is required. Go out and find an ally, a mentor, to walk along with you for a couple of years as you focus your work on gaining the experience you need.”*

*“Be honest with yourself about whether you are ready, whether you have enough relevant experience and if it’s what you really want to do, so that you can go into the process knowing that you will be able to give it your best shot.”*

*“Start early! If like me you haven’t had court room experience you need to have some way of getting real experience of that. Getting straight to a DHCJ role may well not be realistic. But there are lots of other alternatives in both the Courts and Tribunals. Make the best use of the available outreach and education programmes about becoming a judge. The JAC website has lots of information.”*

*“Start thinking about sitting sooner rather than later. Apply for fee paid positions, talk to people who are already undertaking such roles and try and sit in with them. It is helpful to gain as much practical advice and experience before you apply.”*

*“Be realistic about where to start, which may well not be in the High Court. Make all the use you can of outreach programmes and make sure you get feedback for any failed High Court applications. A lot of work goes into the feedback.”*

*“In retrospect, if I had known earlier what I know now, I would have taken steps towards a judicial career at any earlier stage, and would have tried to build up to making a good application to become a DHCJ for a period before applying for the full time role. The Deputy role provides a managed way of building High Court experience, with a mentor judge to guide you.”*

*“If you do not think that you can currently demonstrate some of the required skills and abilities, think about how you may be able to do so in the future.”*

*“Find someone who you respect as a Judge. Be bold, and ask them for advice. Do not be offended by frank appraisal - it is through honest assessment that you learn and improve. Take on board advice and prepare for an application as you would for a very important case.”*

*“Most importantly, you need to excel in your chosen (legal) field. It is an intellectually demanding job. In practical terms, I would have made sure that I sat as a DHCJ first. There is a lot of judgment writing and you are never given enough time to write the judgments, so that brings its own type of pressure.”*



*“Do it in stages to see if it is really going to suit you. Become a Recorder or, better still, a DHCJ and get a taste of the demands. If you are not sure you will find the life-style attractive (e.g. not having the same freedom over your diary as in private practice, being required to give judgments under pressure of time, in areas of law which are unfamiliar) sitting as a fee-paid judge lets you test it out.”*



### **Recognise your unique strengths and the opportunity to use them**

*“As a person of colour, I think that being such a person brings a different and valuable perspective to the social and cultural issues which arise. I think this is a major plus point for applicants.”*

*“Realise that you’re not operating in a field of positive discrimination but believe that the door is wide open for you if you perform well enough, as they're striving to improve diversity. It's terribly important for applicants to think "I can do this", it's about professional confidence. Candidates from ethnic minorities don't 'have to be twice as good', that's just not true any more. I find that women often bring a more nuanced approach to judging. Rely on your years of experience, for example if you've been a Silk for some time, you really have nothing left to prove now.”*



### **Identify and approach people to support you**

*“Above all, find out as much as you can about what you will be letting yourself in for if you were to be appointed. The role of HCJ is very fulfilling but it is challenging and is not suitable for someone who is not ready for it.”*

*“Most of all you will be helped by the ability to talk to sitting judges on a confidential basis to discuss what the role entails.”*

*“The reason I applied was because of my contact with 2 former Court of Appeal judges. Without that contact, I would not have applied. I am sure that this is the same for lots of people who do not see themselves necessarily as being in the mould of a judge, HC or otherwise. What we HCJs need to do is speak to people who we think are good, or who may be good, and encourage them to fulfil their potential and to realise that the Bench can and should be part of that potential. This is what I try to do on Circuit, where particularly the women do not seem to think that applying for silk or for a part time judicial role is an option for them.”*

*“When sitting as a fee paid judge, do not stay quietly in your room. Try to meet and talk to other judges - join them at lunch times if possible. Do not be afraid to ask questions: not just about cases but about their roles and their career choices. I did so and it was extremely helpful.”*

*“I would very much recommend persons of colour seek out such persons who are already in post. Everyone I ever spoke to was very kind but there is a natural reluctance to contact people out of the blue - but applicants should do it.”*



*"I received nothing but support and encouragement from my firm's management and this has not diminished even with the reality of what my appointment means for them (i.e. less time devoted to fee-paying client work). This is important to mention because one gets the impression at times that solicitor applicants for judicial appointment are routinely frustrated by the attitude of their firms. Whilst undoubtedly that is the case for some it was not the case for me, nor (I am bound to say) even for the majority of solicitor Judges I know of."*



### **Don't be worried that you won't fit in**

*"I don't come from what might be seen as a "typical" HCJ background (state school educated; one of first generation in family to stay at school post-14 and to go to university; only lawyer in my family) and I was the first person from my former chambers to be appointed to the High Court bench. I understand the feeling that being a HCJ is not something open to people like me. Speaking to those doing the job and taking any opportunity to sit-in, helps break down some of the psychological barriers and allow potential candidates to be better informed as to the qualities actually required for this position."*

*"I have a strong message for women and older applicants, that it's never too late to think of a career at the Bench or applying to the HC - I did it aged 60. At the interview I thought, "If I don't get this, worst case I'll just carry on with the job I love" and that probably made me relax a bit and engage better with the panel. Part of it was that I was older, more mature, more self-confident by then."*

*"Get over the perception that "people like us don't do that". Those of us who did not go to Oxbridge or come from backgrounds which are usual in those in the High Court need to be utilised more. We can attest to what is possible. A direct approach is sometimes needed. If that had not happened for me I would not be here."*

*"I did not see it as very welcoming for women. I have been so pleasantly surprised by the number of really wonderful female judges, how collegiate they are, and how inspiring. I never really had female role models before joining the bench. I am now overflowing with them."*

*"As a former solicitor, all of my interactions with the salaried and fee-paid judiciary of the High Court have been positive and supportive, whether from former solicitors or former barristers. The supportive culture of the senior judiciary is not a myth, it is real."*

*"The judiciary is very keen to be more representative and diverse: do not take the current lack of diversity as an obstacle to your potential appointment. You may not identify someone just like you who is already on the High Court bench, but most judges will be happy to talk to you and to share experiences."*

*"Academic research has shown that diverse groups (diversity in gender, race, class, neurology, life experience etc) make better decisions overall. In many ways judges work together e.g. in leadership roles, in training, sometimes when sitting on panels etc. In each of these situations, and others, having voices that are different brings depth, richness and scrutiny."*



## 4. Advice on making an application

The DHCJs and HCJs had the following advice for the application process:

### Get advice and learn about the process

*“Obtain advice from people with actual experience of the process. There may be no substitute for the relevant legal experience but skill in negotiating the application process is also very important. To be on top of the right material should increase the confidence of candidates who may otherwise feel disadvantaged.”*

*“It is good to have a critical friend who knows your work and there is sufficient confidence in your relationship with them so they can give you effective advice - which you may not always want to hear! Having someone to look over your application form and talk through the examples you want to use is very helpful. Filling in the form always takes longer than you think - leave yourself enough time.”*

*“Speak to as many people as you can who have applied and gain information about the application process and the expectations of the JAC.”*

*“You should find out as much as you can about the job and about the application process in advance. Being a judge requires you to master all sorts of areas of law that are unfamiliar. You should look at the application process as a challenge of the same order. So, you need to get on top of the brief, ask around, find out, and don't let yourself feel ill-informed or somehow less well-informed than others, there is just no excuse for that. There are many sources of information available, including the JAC and the judiciary, so use them.”*

### Prepare and manage your time

*“I had the best advice from one of the judges who had encouraged me to apply and that is to take the application itself extremely seriously. I was advised to take time over it. The application took me a week to put together.”*

*“Set aside time before the interview to study the materials that are sent in advance. It helps a lot if you know them backwards and have the details at your fingertips.”*

*“The preparation phase of the interview/assessment itself (on the day) involves considerable time pressure. It was helpful to be forewarned of the need to work as fast as possible and to keep going even when it seemed impossible.”*

*“Take plenty of time to prepare your application and do your very best to think about how your experience maps onto the skills and abilities, and the role of a HCJ.”*

*“As well as speaking to judges, I spoke to people outside the law too, people who had known me for a long time and could give me an objective, outsider view on what I could bring to the judiciary.”*



*“I was appointed as a Recorder and as a High Court Judge first time around. But each time I prepared very thoroughly because I knew I wanted a judicial career and planned the timing of my applications. I went “all-in” at each stage. I thought about how I should present myself, trying to identify what I could contribute to the High Court bench and what was my “unique selling point”. I composed my application carefully, knowing that both lawyers and non-lawyers would read it. I really thought about my examples and tried to address each requirement. I practised interviewing techniques with a coach. All this took hours and hours.”*

### **Be ready to give compelling examples**

*“The importance of maintaining a good structure to every example is drummed into every potential applicant at outreach events and rightly so. Structuring written examples in the “Situation-Task-Action-Result” format is essential. But one tip that I was given by my coach is that this is no less important when answering questions at interview. Even the seemingly open-ended question (e.g. “How would you describe your management style?”) should be answered with a specific, STAR-based answer “Let me give you an example that illustrates my management style.”*

*“Non-advocacy examples are capable of satisfying the skills and abilities but they require explanation, say what you did personally.”*

*“Because there was quite a gulf between the judicial appointment I already had and the appointment I was applying for, I was warned off relying on too many judicial examples because they would be unlikely to be viewed as powerfully as examples from high-level professional practice. In my successful application I therefore relied almost exclusively on examples from practice - client work, management roles and pro bono activities.”*

*“Think carefully about how best to adapt your experience and skills into transferable skills and abilities recognised by the judiciary. Be ready to make the case on first principles. Think about how to demonstrate your leadership, management, strategic and organisational experience in examples which can be easily be understood i.e. courtroom management, people management, judge craft. Think carefully about examples which will allow you to demonstrate autonomous ways of working alongside teamwork examples.”*

*“When you are selected for an interview, practice your answers to what the questions might be out loud so you will be fluent and confident on the day and give a polished performance.”*

*“I now know that the JAC is not looking for outstanding advocates. The skill set of a judge is rather different from that of an advocate. This is my top tip: focus on the skills and abilities which are required for the job of a judge and provide examples, based on evidence, of each of those skills and abilities. Really think about how you can show outstanding intellect, your ability to manage a Court, to write a compelling judgment, to deal with publicity about your cases, and so on.”*



## **Expect to be challenged**

*“The HCJ interview questions are challenging, rightly so, but enjoy it. Prepare by speaking to people who have been round that block. Don't try to predict all the questions and prepare answers, it's better to just listen and respond, trust your instincts to know what to do in the situation they give you, because they're looking for your instinct and approach more than a fixed, correct answer on a mark sheet. When you get an unexpected question, the temptation is to launch in but don't. Sit for a few seconds, compose yourself, breathe. And of course make good eye contact, smile, engage, bring the panel in, rather than talking at them.”*

*“The HCJ selection interview was tough. We were given 3 legal problems and a mini judgment to deliver before a panel of judges and lay members. They fired a lot of difficult questions at me and I really had to be on my toes!”*

## **If at first you don't succeed...**

*“The feedback was extremely helpful in making clear exactly what the JAC was looking for and how it should be presented. This is absolutely critical and I would also advise any would-be applicant to take advantage of any workshops that are offered. There are very definitely right ways and wrong ways to approach an application and without understanding this even the best candidates will not succeed. Don't be deterred if you don't make it first time; obtain feedback and try to address the points raised.”*

*“Be prepared to persevere! These positions are very competitive. Very few people succeed on their first attempt, no matter what their background. As senior practitioners in our fields we have become unaccustomed to failure, but do not be deterred by it. Try and learn from it and seek feedback whenever it is offered. Those who lift themselves up from the disappointment and apply again will be stronger candidates next time.”*



We hope this guidance is useful. If you are planning to apply for the High Court or Deputy High Court Judge competitions, or have already applied, the Targeted Outreach and Research Team is ready to offer support in a confidential, friendly space.

If you think you could be eligible for, and would benefit from, this support please fill out the [self-referral application form](#).

For any queries or comments, please contact the Targeted Outreach team: [targetedoutreach@judicialappointments.gov.uk](mailto:targetedoutreach@judicialappointments.gov.uk)