

SUPREME COURT OF BELIZE

APPOINTMENT TO THE OFFICE OF JUSTICE OF THE SUPREME COURT

GUIDE FOR APPLICANTS

1. INTRODUCTION

- 1.1 The purpose of this Guide is to assist applicants for the office of Justice of the Supreme Court. It is arranged in four parts.

Part 1

This gives a brief outline of the contents of the Guide.

Part 2

This outlines the **eligibility requirements**, and the **criteria** applicants must satisfy before the Governor-General will consider them for appointment. It also explains the **appointment procedure** and outlines how the Judicial and Legal Services Commission will obtain the comments of referees.

Part 3

This gives important advice on making an application.

Part 4

This contains **Annex A**: an outline of the **Terms of Reference** of Justices of the Supreme Court.

- 1.2 **Applicants are advised to ensure that they read and fully understand the contents of this Guide before they complete and submit their application form.**

2. ELIGIBILITY REQUIREMENTS

- 2.1 To be eligible for appointment as a Justice of the Supreme Court, an applicant:

- [a] must be:
 - [i] qualified to practice as an attorney-at-law in a court in Belize or as an advocate in a court in any other part of the Commonwealth having unlimited jurisdiction either in civil or criminal causes or matters; and
 - [ii] has been qualified for not less than five years so to practice in such a court.

- [b] must be in good health. In particular, he should have satisfactory sight and hearing (with technological assistance if required) and should also be able to sit and to concentrate for long periods of time. The selection process will include submission to an examination by a medical practitioner approved by the Judicial and Legal Services Commission who may conduct a physical examination and also have the applicant undergo a psychometric test.

- [c] must be a person who conducts himself at all times, both in his professional and personal life, in a manner that will maintain public confidence in the standards of the judiciary.

2.2 The Governor-General will appoint a candidate to the office of Justice of the Supreme Court acting in accordance with the advice of the Judicial and Legal Services Commission and with the concurrence of the Heads of Government.

2.3 The Governor-General will appoint the candidate who appears to be best qualified, with reference to the criteria (see paragraph 3.1), regardless of gender, ethnic origin, marital status, sexual orientation, political affiliation, religion, disability, except where the disability prevents the fulfillment of the physical requirements of the office.

- 2.4 If you are unsure whether you are eligible to apply, please communicate with the Secretary of the Judicial and Legal Services Commission, who will be able to assist you.

3. CRITERIA FOR APPOINTMENT

- 3.1 The Governor-General will appoint individuals who best satisfy the eligibility criteria and display the following attributes to the highest degree.

Legal knowledge and Experience

Successful candidates will have attained:

- [a] A high level of understanding of the principles of law and jurisprudence.
- [b] A comprehensive knowledge of the rules of evidence and of court practice and procedure.

Skills and Abilities

- [a] Sound judgment, being able to:
- exercise discretion effectively;
 - apply knowledge and experience to make decisions which are in compliance with the law and appropriate to the circumstances of the matter in hand; and
 - consider competing arguments and reason logically to a balanced conclusion.
- [b] Intellectual and analytical ability, being able to:
- listen and concentrate for long periods of time, understand and assimilate facts and arguments, and recall such evidence and information speedily and accurately.
 - apply legal principles to particular facts and to determine from a large body of information those issues and facts which are relevant and important and those which are not;
 - weigh relevant issues and matters of law in order to be able to formulate them for reasoned and coherent presentation; and

- apply the law creatively.

[c] Management Skills

- Be highly organized, with excellent case management of cases and time management skills
- command the respect of court users and maintain fair-minded discipline in the court and chambers without appearing pompous, arrogant or overbearing;
- promote the expeditious dispatch of litigation, preventing unnecessary prolixity, repetition and irrelevance whilst ensuring that all parties (whether represented or not, and including children) are able to present their case or their evidence as fully and fairly as possible; and
- keeping abreast of legal developments and court technology and the ability to use court technology to case manage cases.

[d] Decisiveness:

Having the ability to reach firm conclusions (often at speed), to think, decide and act independently of others, and to rely on their own judgment and to delivery oral and written judgments in a timely manner.

[e] Communication and listening skills:

Being able to communicate effectively with all types of court users including lay people (whether defendants, witnesses, members of a jury, litigants in person or children), giving instructions, explaining complex issues and giving decisions in judgments clearly and concisely, both orally and, where necessary, in writing.

Personal Qualities

[a] Integrity:

- Having a history of honesty, discretion and plain dealing with professional colleagues, clients and the courts;
- Possessing independence of mind and moral courage, being prepared to take and maintain unpopular decisions when necessary;

- Having trust, confidence and respect of others; and
- Displaying discretion as to the publication of any personal views on issues whether in writing or orally or video graphically on social media or any media platform or forum.

[b] Fairness:

- Being open-minded and objective, with the ability to recognize any personal prejudices and to set them aside;
- Being able to deal impartially with all matters which come before them and ensure that all those who appear before them have an opportunity for their cases to be clearly presented and considered as fully and dispassionately as possible.;
- Being able to know when to recuse oneself from a matter because of any apparent or inherent or any demonstrated bias.

[c] Understanding of People and Society:

Having knowledge and understanding of, and respect for people from all social backgrounds, being sensitive to the influence of different ethnic and cultural backgrounds on the attitudes and behaviour of people whom they encounter in the course of their work.

[d] Maturity and sound temperament:

- Displaying a maturity of attitude and approach; and
- Being firm and decisive while remaining patient, tolerant, good humoured and even tempered.

[e] Courtesy and humanity:

- Being courteous and considerate to all court users and court staff; and
- Having and conveying understanding of the needs and the concerns of court users, and being sensitive and humane.

[f] Commitment:

A commitment to public service and to the proper and efficient administration of justice, which they pursue conscientiously, with energy and diligence and a due sense of responsibility.

4. THE APPOINTMENT PROCEDURE

General

4.1 Applications are welcome from all those who satisfy the published eligibility requirements.

Confidentiality

4.2 All applications and supporting information will be treated as confidential.

Interviews

4.3 Selected applicants will be invited to an interview.

Consultation

4.4 Applications will normally be subject to written consultation only.

4.5 Persons to be consulted (referees) will include the Judges of the Supreme Court of Belize, the Bar Association, and persons nominated by the applicant. For applicants outside of Belize, consultation in the relevant territory will be with the judiciary through the Chief Justice and with relevant professional associations.

4.6 No single referee's view of an applicant is decisive.

Allegations of Misconduct

4.7 The Judicial and Legal Services Commission will attach no weight to unparticularized allegations of misconduct. It will consider any specific allegations of misconduct in their full context, including the views of the applicant concerned. If a specific allegation of misconduct is made, the Judicial and Legal Services Commission will seek the referee's consent to send details of the allegation to the applicant, to enable him or her to comment on the allegation.

If consent is not given to reveal details of any allegations of misconduct to the applicant concerned, the allegation will be disregarded.

4.8 This applies only to specific allegations of misconduct; it does not apply to more general reservations expressed about an individual's professional abilities and qualities. For practical purposes, 'misconduct' refers to conduct which, if the allegations were substantiated, would be regarded by a professional association as an infringement of the relevant principles of professional conduct; and/or might, *prima facie*, show cause for disciplinary proceedings to be initiated, where the person concerned is a holder of a relevant judicial or legal office.

Assumption of Duty

4.9 In the event of an appointment, the candidate would be expected to take up the appointment as soon as possible, subject to a reasonable period being allowed for disengagement from existing obligations. The Applicant understands that the Government of Belize may engage in structural reforms of the judiciary and may develop specialized courts and in this regard the judge may be assigned to a newly reconstituted court but of the same level of jurisdiction upon the assumption of duties.

5. MAKING AN APPLICATION

Obtaining the Application Form

- 5.1 Copies of the Application Form for appointment as Justice of the Supreme Court can be obtained from the Secretary of the Judicial and Legal Services Commission and from the court's website: www.belizejudiciary.org
- 5.2 Your signed application form may be hand delivered to the Office of the Judicial and Legal Services Commission, or sent by the post, courier, or scanned and emailed, provided that it gets to the Secretary of the Judicial and Legal Services Commission by the deadline date. If you send your application by post, you should allow enough time for delivery before the deadline identified above.

Acknowledgement of an Application

- 5.3 Applicants will receive a receipt acknowledgment via email once their application is received by the Secretary of the Judicial and Legal Services Commission on receipt of the application. However, only suitably qualified applicants will receive a further notification indicating whether they have or have not been shortlisted for interview.

Completing the Form

- 5.4 Your application should be typewritten or completed clearly in black or blue ink, with any additional information attached to the back of the completed form. Please ensure that you sign and date the form.
- 5.5 An unsigned application form will not be accepted.

Your Address

- 5.6 Please indicate clearly whether you prefer correspondence about your application to be sent to your home or business address. Please notify the Secretary of the Judicial and Legal Services Commission of any changes to the information supplied under this heading.

Names for further consultation

- 5.7 You are invited to provide the names and professional addresses of up to three members of the judiciary and/or the legal profession whom you consider will be able to comment upon your qualities and experience. The Judicial and Legal Services Commission will provide you with the referee form and guide which you will send to the persons named on the application form as referees. The consultation process is to enable the Judicial and Legal Services Commission to have the widest possible views on applicants. Only referee forms received directly from the referee will be considered.

Canvassing for Support

- 5.8 It is not necessary or appropriate for applicants to approach those whom they name, as what is sought is not a reference but information to enable an assessment to be made of their suitability for appointment. Likewise, it is unnecessary and inappropriate for referees to canvass support for particular applicants.

Withdrawal

- 5.9 You may withdraw your application for the position of Justice of the Supreme Court at any time by writing to the Secretary of the Judicial and Legal Services Commission.

Health Issues

5.10 Applicants should be aware that any offer of appointment will be made subject to the satisfactory outcome of a medical examination. If you are aware of any health matter which might adversely affect your performance in judicial office, it would be helpful if this could be mentioned at the outset. The Applicant may be subject to annual psychometric tests as requested by the Judicial and Legal Services Commission.

Contact Information

5.11 All communications and enquiries in relation to your application should be forwarded to the Secretary of the Judicial and Legal Services Commission at the following address:

The Secretary
Judicial and Legal Services Commission
Ground Floor, Sir. Edney Cain Building
Belmopan City, Cayo District
Belize, Central America
Telephone number: 822-2204 or 822-2235
email address: ceo@mps.gov.bz

Please note that written communications should be submitted under confidential cover and hand delivered or sent by post, courier or email. If you send your application by post, you should allow enough time for delivery before the deadline identified above.

ANNEX A

GUIDE FOR APPLICANTS

OFFICE OF JUSTICE OF THE SUPREME COURT OUTLINE OF TERMS OF REFERENCE

1. General

The following is a summary of the basic terms of reference of service. Fuller details, including the conditions of appointment, will be supplied to candidates who are offered appointment.

2. Terms and Conditions

The Judge shall agree and undertake to perform the duties of Justice of the SUPREME COURT OF BELIZE and shall act diligently and faithfully in all respects according to the instructions or directions given to him by the Chief Justice.

3. Appointment

The appointment is made pursuant to section 97 of the Belize Constitution, Chapter 4 of the Substantive Laws of Belize, Revised Edition 2011.

4. Tenure of Office

A Justice of the Supreme Court holds office until he attains the age of sixty-five years, provided that the Governor-General (acting on the advice of the Judicial and Legal Services Commission and with the concurrence of the Heads of Government) may appoint or permit a Judge to continue in his office until, in either case, such person has attained any later age not exceeding seventy-five years.

Notwithstanding that he has attained the age at which he is required to vacate his office, a person holding the office of a Justice of the Supreme Court may continue in office for so long after attaining that age as may be necessary to enable him to deliver

judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.

5. Remuneration

In consideration for the service of the Judge, the Government shall, for the duration of his tenure:

- [a] pay an annual salary (tax free) in monthly instalments, in the sum agreed between the Parties upon appointment;
- [b] provide for the Judge a monthly vehicle allowance and customs and excise duty waiver should the Judge import or purchase a motor vehicle of his own;
- [c] assign to the Judge a driver and/or bodyguard upon request;
- [d] provide to the Judge a monthly housing allowance depending on whether the judge owns his or her own home or intends to rent a home;
- [e] provide to the Judge an annual travel allowance to be agreed;
- [f] provide the Judge with a monthly utility allowance to cover electricity, water, telephone and entertainment expenses; and
- [g] provide the Judge with a fuel allowance to be provided for via a fuel card.

6. Gratuity

The Government shall pay to the Judge, upon the expiration of each one (1) year of his tenure, a tax-free gratuity equal to twenty percent (20%) of the total basic salary paid over the one (1) year period PROVIDED that if the government were to implement a pension scheme, the provision of this gratuity may be removed or varied.

7. Duties and responsibilities

The duties, responsibilities and powers of the Judge as a Justice of the Supreme Court of Belize shall be as set forth in the Belize Constitution and Laws of Belize. The Judge shall be expected to comply with any Judicial Code of Ethics that the Chief Justice may from time to time prescribe.