

JUDICIAL APPOINTMENTS COMMITTEE (“JAC”)

Questionnaire to be completed by persons wishing to be considered for a judicial appointment

ALL CANDIDATES WISHING TO BE CONSIDERED FOR APPOINTMENT AS A MAGISTRATE OF THE INFERIOR COURTS OR AS A JUDGE OF THE SUPERIOR COURTS IN MALTA ARE TO COMPLETE THIS QUESTIONNAIRE TOGETHER WITH ALL SUPPORTING DOCUMENTS AND ATTACHMENTS IF NECESSARY AND TO SUBMIT THE WHOLE APPLICATION BUNDLE (IN SIX COPIES) TO THE ADDRESS BELOW.

IMPORTANT:

The application process and required documentation were recently updated in November 2020.

All candidates seeking a judicial appointment MUST submit their application using this Questionnaire (the 2020 Questionnaire), Authorization Form, Financial statement of Affairs Form and Background Check Consent Form pursuant to the new application process. Those candidates whose application has already been approved prior to that date shall be required to re-apply pursuant to the new rules and guidelines using this Questionnaire

Please DO NOT provide letters of reference or a separate curriculum vitae.

For your convenience, until the JAC develops its own website it has made available on the website of Judiciary (www.judiciary.mt) and the website of the Chamber of Advocates (www.avukati.org), the necessary forms as well as guidance to assist you in submitting your candidacy. Before completing and returning these forms, you should familiarize yourself with all the sections in the Guide, as described in the Process for an Application for Appointment and Consideration which apply to an Application for Appointment.

NOTE: Application Packages will be reviewed by the JAC in order of receipt. It is the responsibility of the candidate to ensure that his or her Application Package is complete and that all materials have been successfully delivered to the JAC. Incomplete Application Packages may not be considered by the JAC. **Failure to make full and accurate disclosure during your application may in itself be treated by the JAC as evidence of your unsuitability for judicial appointment.**

In order to respond to the urgent needs of a court and to ensure the proper administration of justice, the order in which applications are assessed may be changed in exceptional circumstances.

Any inquiries for additional information and the final and complete Application Bundle should be addressed to:

The Secretary,
Judicial Appointments Committee
The Law Courts
Republic Street
Valletta - MALTA
Tel: 25902217

All information collected by the JAC as part of the application process including the 2020 Questionnaire, the Authorisation Form, the Financial Statement of Affairs Form and the Background Check Consent Form together with supporting documentation of attachments as required (the “Application Bundle”) is collected by the JAC for the purpose of conducting its evaluation of a candidate and whether the candidate is a fit and proper person to be nominated and appointed to Judicial office.

WHERE IN THE QUESTIONNAIRE:

- (A) A SPACE IS PROVIDED TO INSERT INFORMATION, INFORMATION OUGHT TO BE INSERTED IN THAT SPACE. IN THE EVENT THAT THE SPACE IS NOT SUFFICIENT A SEPARATE SHEET SHOULD BE INCLUDED;**
- (B) THE REPLY TO A QUESTION IS LIMITED BY NUMBER OF WORDS CANDIDATES SHOULD RESTRICT THEMSELVES TO SUCH LIMIT.**

REMEMBER YOUR CONTINUING DUTY, THROUGHOUT THE TIME THAT YOUR APPLICATION IS BEING CONSIDERED, TO INFORM THE JAC OF ALL RELEVANT MATTERS THAT MIGHT AFFECT THE ACCEPTABILITY OF YOUR APPLICATION WHEN CONSIDERED AGAINST THE RELEVANT GUIDANCE.

2020 QUESTIONNAIRE FOR CANDIDATES SEEKING APPOINTMENT TO JUDICIAL OFFICE

PART A PERSONAL INFORMATION

1 Full Name

2 Home Address

Business Address

3 Tel Numbers

| | |
|--------|----------------------|
| Home | <input type="text"/> |
| Mobile | <input type="text"/> |
| Other | <input type="text"/> |

4 Email Address

Email Address

5 Gender

6 Date of Birth

7 Place of Birth

8 Nationality

9 Identity Card No:

10 Is this the first time you are applying for a judicial appointment

Yes

No

If your answer to question 10 is yes indicate when you last applied for a judicial appointment below.

PART B

Office for which application is being completed

1 This questionnaire is being completed by the undersigned as my expression of interest to occupy the office of:

Judge of the Superior Courts of Malta

Magistrate of the Inferior Courts

Candidates may tick only one box.

The JAC also reserves the position that a candidate who submits a questionnaire for candidacy as a judge of the superior courts, but does not in the opinion of the JAC satisfy the criteria for appointment as a judge but satisfies the criteria for appointment as a Magistrate, to communicate with the candidate and confirm whether the candidate accepts to be placed on the list of approved Magistrates.

PART C

BASIC PROFESSIONAL INFORMATION

- 1** **When were you awarded your warrant to practice law in Malta?** *Insert date here*

Candidates are to attach a copy of their warrant to practice law with this questionnaire

- 2** **Describe in not more than 1000 words the areas in which you have practised and whether you have specialised in any particular area of the law.¹**

¹ If this application is being completed by a Magistrate seeking an appointment to judgeship then the description above should contain areas in which that Magistrate has served as a Magistrate. In the event that the Magistrate has occupied such office for less than 7 years, then reference should also be made to his/her practice as an advocate. In all instances emphasis should be made on the areas of practice and specialisation over the last 7 years.

| | | | | | |
|----------|--|------------|----------------------|-----------|----------------------|
| 3 | Have you ever acted as Arbitrator, or otherwise in a judicial or quasi-judicial capacity? | Yes | <input type="text"/> | No | <input type="text"/> |
|----------|--|------------|----------------------|-----------|----------------------|

If you replied in the affirmative and taking due note of any confidentiality obligations with which, you may be bound, describe the main issues of the case or cases as arbitrator and how these were decided. If you are a Magistrate applying to be appointed to judgeship, you may either omit to answer this question or reply to it by reference to the main issues of a case or cases you have decided.

4 Are you proficient in both Maltese and English languages, in both the written and oral form? Yes No

5 Please attach a legal document prepared by you in the Maltese language and another prepared in the English language. (this need not be a legal document and the intention here is for the JAC to assess the ability of the candidate to articulate his/her thoughts in the two languages)

PART D Education

1 Primary Education

2 Secondary Education

3 Tertiary Education

4 On-going Professional Development

5 Have you been involved in teaching legal subjects or in participating in giving seminars on legal subjects? Yes No

For question 1 to 3 please provide the name of the institutions where you were educated and the dates you attended the relevant institutions. In the case of questions 4 and 5, if you have participated in these activities please provide some brief details and if available attach speeches, deliveries, or presentations you have delivered.

PART E Professional History

- 1. Legal Work Experience** - Indicate below your professional history since becoming a warranted lawyer, starting from your most recent. This should include employment history if you spent time in employment, in which case names of employers and dates of employment should also be included.

Also indicate areas of work practiced for each insertion and how this may have changed over time.

2 **Non-Legal Work Experience** - Indicate below any non-legal work experience in the last 10 years.

3 **Other Legal Activities** - Indicate here any other activities or positions held in legal circles such as lecturing, involvement in committees etc.

4 Involvement in the Community - Indicate here your involvement, if any, in the community including social and civic work and pro-bono-activities

PART F Legal Experience & Expertise

- 1 List and explain your legal expertise, setting out why you believe that you are a specialist in any particular area.

- 2 List and explain other areas in the law where you have experience setting out the level of experience in each area.

- 3 List three (3) significant cases in which you have participated and describe the main legal issues in each. If available provide written notes of submissions made in each of the cases cited, or in the case of Magistrates applying for judgeship reference can be made to cases over which the presided, and may submit copies of judgements delivered:

- 4 List all articles published, including on-line articles and other publications or editorials. Include proper citations and dates.

PART G

Assessment of Professional skills

- 1 List and attach a minimum of three (3) legal documents (in the case of Magistrates applying for judgeship this may include judgements, or decrees as well as other documents of when they were still exercising the profession as advocates; in the case of advocates applying for the office of Magistrate or Judge these may include opinions to clients, notes of submissions in judicial proceedings, applications of appeal, articles, other opinions) that you have written and that show your analytical skills, the ability to resolve complex legal problems, and the command of language in articulating legal concepts.

Provide below a synopsis of in Maltese and in not more than 500 words for each.

SYNOPSIS ONE:

SYNOPSIS TWO:

SYNOPSIS THREE

NOTE: Where you are attaching opinions which you may have given to clients as part of the completion of this part of the Questionnaire you may redact such parts of the opinion as may be necessary to safeguard the identity of the client and the confidentiality of the advice.

- 2 Describe in not more than 500 words, and in Maltese, why you believe that you can add value if you are elevated to the Bench.

PART H

Good Character - Suitability and Integrity

1

Have you ever been subject to disciplinary action in the exercise of your profession?

Yes

No

If the answer is YES, please provide a description of the nature of the action below

| | | | | | |
|---|--|-----|--------------------------|----|--------------------------|
| 2 | Are you aware of any current outstanding complaints/disciplinary action against you? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|---|--|-----|--------------------------|----|--------------------------|

If the answer is YES, please provide a description of the nature of the complaint or investigation below

| | | | | | |
|---|--|-----|--------------------------|----|--------------------------|
| 3 | Have you ever been found guilty of a criminal offence by a court or tribunal, in Malta or elsewhere? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|---|--|-----|--------------------------|----|--------------------------|

If the answer is YES, please provide details below and attach relevant documentation. **If you are currently defending a charge please include details.**

| | |
|---|--|
| 4 | Are you currently involved in any litigation whether as claimant or defendant? Are you aware of any potential claim against you that may end up in litigation? You are to list any claims of which you have been placed on notice through correspondence. List down any litigation or claims even if you are part of a group or entity that was involved |
|---|--|

If the answer to either question is YES, please provide details below and attach relevant documentation

- 5 Are you currently in financial difficulties or have you ever been in financial difficulties over the past 5 years? The term ***financial difficulties*** for the purpose of this Questionnaire shall mean any difficulty in not being able to pay debts as and when they fall due.

If the answer to either question is YES, please provide details below and attach relevant documentation.

| | | | | | |
|---|---|-----|--------------------------|----|--------------------------|
| 6 | Are you in arrears with any taxes, duties or other levies due to the Government of Malta? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|---|---|-----|--------------------------|----|--------------------------|

If the answer is YES, please provide details below and attach relevant documentation.

| | | | | | |
|---|--|-----|--------------------------|----|--------------------------|
| 7 | Are you in default of a family maintenance obligation? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|---|--|-----|--------------------------|----|--------------------------|

If the answer is YES, please provide details below and attach relevant documentation.

8 Are you aware of any fact or circumstance in the past 20 years which could reflect adversely on you or the judiciary ?

Yes

No

If the answer is YES, please provide details below and attach relevant documentation.

9

Have you ever been dismissed from employment or from a position of trust?

Yes

No

If the answer is YES, please provide details below.

10 Have you ever had an application with a licensing or regulatory authority rejected? Or have you ever applied and then withdrawn such an application?²

Yes No

If the answer to either is YES, please provide details below.

² This refers to a personal application to a licensing or regulatory authority where your personal fitness and properness for a particular role is assessed.

11 Have you ever been a director of a company that was declared insolvent or of any business that was declared bankrupt?

If the answer to either is YES, please provide details below.

12. Are you or have you been in the past 10 years: (a) a member of any political party; (b) actively involved or affiliated with any political party even if not a member; (c) a member or otherwise affiliated with any religious society; (b) a member of otherwise affiliated with any other organization or association. You are to provide details for each of (a), (b) and (c).

13. Is there any other information which is not covered in any of the questions in 1-12 of this Part H, which having read and understood the Guidance on “Good Character – Suitability and Integrity”, you consider ought to be accurately and fully disclosed to the JAC in considering your candidacy for judicial office?

PART J Financial Information and Business Interests

1 Source of Wealth

(a) Please provide an estimate of your total net worth.

0

€

Immovable Assets

Movable Assets

Investments

Cash at Bank

Other (please specify)

Total Assets

0

| | |
|-----------------------------|---|
| Long term Loans | |
| Short-term loans/Overdrafts | |
| Other liabilities | |
| Total Liabilities | 0 |

Candidates must provide a fuller statement of financial affairs as set out in Appendix A and which ought to be attached to this Questionnaire.

(b) What has been the major source that has contributed to your net worth?

Include in your reply any income or gains derived from professional activities, employment, sale of assets, investments, business, inheritance, donations etc.

Your replies should be supported by relevant documentation such as pay-slips in the case of employment, accounts and tax self-assessment for the last three years of professional activity in the case of self-employed persons; deeds of declarations causa mortis in the case of inheritances; statements from brokers, banks etc. in the case of investments, audited accounts in the case of business profits from companies or other entities.

2 Business Interests

(a) Declare all business interests below, including any interest in a company, partnership, or professional enterprise where you have an interest in excess of 5% of the capital or which entitles you to more than 5% of the profits of same.

(b) Do you hold any office including directorship, company secretarial, executive or management position within any company or other business entity?

(c) In the event that you hold business interests how do you intend to dispose of those interests?

(d) In the event that you still hold professional interests in a law firm or chambers how do you intend to dispose of those interests?

PART K Health and Other Issues

The work of Judicial appointees can be stressful. Candidates must be in sufficiently good health to properly undertake the tasks expected of them and to safeguard their mental and emotional well-being. Please answer the questions below, if any of your answers is in the affirmative please set out an explanation in the space provided below.

1 Do you currently have, or have you had in the last 10 years, any serious physical or mental health problems?

2 Do you currently have, or have you had in the last 10 years, addiction problems such as with drugs, alcohol or gambling?

3 Is there any impediment which would not permit you to properly discharge the duties of the judicial appointment you are seeking?

PART L

Role of the Judiciary in Malta

Please provide answers to the following questions. Each answer should not exceed 1000 words. At least one answer should be in Maltese and another in English.

1. What do you think can be the most significant contribution you can make to the Law and the pursuit of justice in Malta? (the answer should be modelled depending on whether your application is made for a Magistrate or Judgeship.

2. Describe the proper role of the judiciary in a parliamentary democracy?

3 Please describe the professional skills, life experiences, personal characteristics and abilities that you believe will equip you for a role in the judiciary?

DECLARATION

I solemnly declare that I have completed this questionnaire to the best of my knowledge and belief and that all information contained herein is true and correct in all material respects; that I have not omitted to provide any information which I am aware of and which could have a material effect on the outcome of my assessment for judicial office. I understand that it is my complete responsibility to ensure the truthfulness and accuracy of the information contained in this document and that it is likewise my full responsibility to provide, and not to omit, any information to the JAC which can have a negative bearing on the outcome of my application. I further certify that all information set out in documents attached to this questionnaire are true and correct in all material respects. I acknowledge and agree that in the event that any declaration made herein is found to be misleading I shall be liable to disciplinary action.

I further understand and acknowledge that there may be further checks that the JAC may wish to complete in connection with my application, and I hereby consent to the JAC undertaking and conducting such checks.

By signing below, I undertake to maintain absolute confidentiality relating to all aspects of the selection process for this selection exercise and I undertake to keep any relevant materials in my possession secure and to ensure that they are not shared with anyone else. I understand that the Judicial Appointments Committee will automatically refer any suspected breach of this agreement to the competent authorities or other relevant regulatory body to consider as a potential breach of my professional obligations, or as misconduct, and this could result in disciplinary action by my regulator. I acknowledge and accept that any evidence that a candidate has breached this agreement might result in disqualification from this and future exercises.

Signature

Full name:

ID Card number:

| APPENDIX A | | PERSONAL NET WORTH | |
|---|----------|---|----------|
| LIST ALL ASSETS | | LIST ALL LIABILITIES & DEBT | |
| Cash & Savings: | € | Long term loans - Secured: | € |
| Term Deposits/: | € | Short term Loans - Unsecured | € |
| Stocks/Bonds/Investments: | € | Overdraft Facility: | |
| | | Bank Personal Loans: | € |
| Real Estate - Residence: | € | Credit Cards: | € |
| Real Estate - Other: | € | Private Loans: | € |
| Motor Vehicles: | € | Amt of loan cosigned for or guaranteed: | € |
| Recreational Vehicles: | € | Other Liabilities- Describe: | € |
| Other - Describe: | € | | |
| TOTAL ASSETS: | € | TOTAL LIABILITIES: | € |
| Total Net Worth = Total assets less Total Liabilities | | | |

Detailed Description of Assets

Describe your Real Estate:

| Property Address | Reg. Owner | Value | Loan Balance | Lender |
|------------------|------------|-------|--------------|--------|
| | | | | |
| | | | | |
| | | | | |

Describe your Motor and Recreational Vehicles:

| Year & Make | Model | Value | Loan Amount | Balance | Lender |
|-------------|-------|-------|-------------|---------|--------|
| | | | | | |
| | | | | | |

Describe your Cash, Savings, Term Deposits, etc:

| Asset Description | Financial Institution | Telephone | Balance | Maturity |
|-------------------|-----------------------|-----------|---------|----------|
| | | | | |
| | | | | |

Describe your Stocks, Bonds, Investments, and Life Insurance:

| Asset Description | Agent/Brokerage | Telephone | Cash Value | # of Units |
|-------------------|-----------------|-----------|------------|------------|
| | | | | |
| | | | | |

Detailed Description of Liabilities and Debt

Describe your Loans, Credit Lines, Credit Cards, and loans you have co-signed or guaranteed for others (excluding vehicle loans which have been described under Assets above):

| Debt Description | Lender/Creditor | Telephone | Credit Limit | Balance | Security |
|------------------|-----------------|-----------|--------------|---------|----------|
| | | | | | |
| | | | | | |
| | | | | | |

