

**CCJE (2012) 6**

**CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)**

**Questionnaire for the preparation of the CCJE Opinion No. 16  
on the relationship between judges and lawyers  
and the concrete means to improve the efficiency and quality of judicial proceedings**

**Replies from Hungary**

**Professional ethics, conduct and responsibility of judges and lawyers**

**1) Does your country have a Code of Ethics or equivalent for judges? (please specify)**

Yes, we have.

The Code of Ethics for judges regulates how a judge should behave in the courtroom or outside the courtroom as a judge and also as a private person. It establishes an Ethic Counsel, which consists of 12 members, all of them are judges. The Counsel brings statements on request of any judge. It decides whether the described behavior of a judge was ethical or not. Its statements are published in an anonymous manner in a newspaper for judges, and on the intranet.

**2. Does your country have a Code of Ethics or equivalent for lawyers? (please specify)**

Yes, we have separate Codes of Ethics: There is a Code for solicitors, a Code for prosecutors and another for notaries.

The Code for solicitors regulates among others the following topics:

- the relationship between the solicitor and his or her client,
- the duties of solicitors toward his or her clients,
- activities which are incompatible with the profession.

It prohibits for example the promotion activities of the solicitor's office.

**3. Does your country have any joint codes, rules and/or regulations concerning ethics of judges and lawyers? (please specify)**

No, we don't have such regulation.

**4. Does your country plan to establish codes, rules and/or regulations concerning professional ethics, conduct and responsibility of both judges and lawyers, or to develop the existing ones?**

We plan to develop our Code of Ethics for judges. The existing code is from 2005 consisting of 26 points. Out of these 26 points, in 7 points there are procedural rules of the Ethic Counsel. We would like to have more detailed code. It is not planned to establish a joint Code of Ethics.

**5. Does your country have any rules and/or regulations dealing in any manner with the issues of relations between judges and lawyers or is there any intention to establish such instruments in a joint manner for both groups (judges and lawyers)? If yes, please specify**

The Code of Ethics for judges regulates that the judge should be polite, not superior towards the parties, and their representatives. In the Code of Ethics for solicitors there is no regulation how a solicitor should behave towards the judges.

**6 In your opinion, what are the main principles which should govern the ethics of:  
judges ?  
lawyers?**

Respecting the work of the other professions, each legal profession has its rules and these are all required for the proper function of the justice. Both the judges' and lawyers' duties and interests are to take into consideration the interests of the parties.

## **B Training of judges and lawyers**

### **7. Which are, in your country, the training institutions: for judges ? for lawyers?**

There is a judicial Academy which from this year offers courses not only for judges or for those who want to become a judge but also for prosecutors.

The solicitors and notaries are trained separately.

The law schools offer courses where judges, solicitors, prosecutors can participate together. The subjects of these courses are usually about substantive law questions.

### **8 Which kind of training curricula (initial and continuous training), in brief, do these training institutions have:**

**for judges ?  
for lawyers?**

The judicial Academy for judges and prosecutors offers some courses, for both of them, but usually the courses are either for judges, or for prosecutors. The Bar organizes courses for the solicitors but the judges usually don't have information about these courses.

The judicial Academy also offers courses, for those, who are just preparing themselves to be a judge, or a prosecutor. These people, who are already working on the court, have to accomplish a special training program of 4 weeks within a 2 years period. Following the final exam there is an additional 1 week educational program organized for them.

There are also trainings for verdant judges that are organized centrally. These are usually one, two or three days long. The Courts have also separate training courses, for those who work at that court.

### **9. What is the duration of the initial training: for judges ? for lawyers?**

Answered already under question 8.

### **10. Does the initial training include issues related to the professional ethics, conduct and responsibility of judges and lawyers, their relations with each other, as well as their co-operation with a view of fair and efficient conclusion of judicial proceedings?**

Yes, for those who have passed the final exam, but they are still not qualified as a judge there is a course, where the questions of ethics, behavior rules are discussed.

### **11. Are there joint training courses for judges and lawyers?**

No, there are not except of those which are offered by the law schools.

**If yes:**

**what is their content and duration?  
are they mandatory for judges and lawyers?  
how are these courses funded?**

**If not, are they planned or discussed?**

I don't think so.

## **C. Efficiency and quality of judicial proceedings**

### **12. Are there any procedural instruments to facilitate the interaction between judges and lawyers during the proceedings? If yes, please specify.**

There aren't.

### **13. If not, how are they planned?**

I don't know about it.

### **14. How is the communication between judges and lawyers organised? Is it efficient? Are there computerised information systems to that end?**

They communicate in writing, or in oral in the courtroom. There is also a possibility to use the internet as communication channel. On the internet lots of useful information can be found.

### **15. Are there possibilities, procedures and mechanisms for judges and lawyers to come to an agreement concerning the judicial resolution of the case?**

The judge can suggest that it would be useful for the parties to make an agreement, but the judge can not take part in the negotiations. When there is an agreement between the parties the judge has the duty to examine whether it is according to the law.

**16. If yes, is such agreement compulsory?**

If the court validates the agreement it has the same status as a final judgment.

**17. Do they negotiate certain phases of the procedure?**

No.

**18. Are there any legal instruments (substantive or procedural) which potentially could be used by judges to ignore, to disregard or in any manner to avoid taking into consideration the claims, demands and arguments of lawyers?**

Yes, there are some. These are mostly procedural rules which regulate deadlines for the submission of new claims, demands and arguments. The objective of these rules is to conclude the procedure within a reasonable timeframe. It is the responsibility of the parties to bring the evidence to the court within reasonable time.

**19. Are there any legal instruments (substantive or procedural) which potentially could be used by lawyers to delay the consideration of the case, or to affect in any way its fair and efficient resolution?**

Yes, there are some. If the procedural rules, mentioned in question 18, are not respected that can lead to delay, or to an unfair resolution.

**20. To what extent does the successful interaction between judges and lawyers depend on objective factors such as legislation, structures and procedures? Are there any plans to improve them?**

I think the objective factors have a significant role. Our procedural rules are being continuously modified.

**21. To what extent does such interaction depend on subjective factors such as the patterns of behaviour of individual judges and lawyers, their understanding of their role and responsibility, and/or their wish to work together in order to improve the procedure, etc.?**

I think the subjective factors have also role to some extent with regards to how a judge, a prosecutor or a solicitor behaves in the court-room. For example: the style of the judgment or the claims, or other petitions.

**22. How would you assess the relationship between judges and lawyers in your country? Are there any plans to take steps to improve the legal culture and to foster co-operation between judges and lawyers?**

I think their relationship nowadays is better than it was 20 years ago. On one hand everybody who has the qualification can become an advocate, while it was not the case before. On the other hand, the financial remuneration and the respect of the judges have increased.

It is planned to improve the legal culture. Several steps have been made already to increase the legal culture of the population. Students get more and more information about the justice system, about its operation, about the rights and duties of the natural or legal persons.

**D. Role of judges and lawyers in responding to the needs of parties**

**23. Please give some examples of co-operation between judges and lawyers in specific categories of cases (e.g. those ending in the peaceful settlement in civil claims).**

It can happen in the way as I subscribed in the answer for the question 15.

**24. Do you have any possibility in your country for lawyers to become judges, and vice versa? If yes, is it frequent ?**

Yes it is possible for a lawyer to become a judge, and for a judge to become a lawyer but it is nowadays not too frequent.

**25. Can lawyers act, in your country, as deputy judges and if so, under what conditions ?**

No, it is impossible for a lawyer to act as a deputy judge.

**E. Judges, lawyers and media**

**26. Have there been any reflections in the mass media as regards the relations between judges and lawyers and their co-operation?**

I don't remember any reflection in the mass media as regards the relations between judges and lawyers and their co-operation.

**27. To what extent lawyers and judges comment in the media on pending cases and on judgments?**

The judges are not allowed to comment on a case in the media, but there are appointed spokesman in the courts who are entitled to speak about the case in the media. For lawyers there aren't such rules. It is very frequent that the solicitor comments on the case. For example he criticizes the work or the decision of the court.