



**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 Iceland**

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

1. **Does your country have a Code of Ethics or equivalent for judges? (please specify)** In Iceland we don't have Code of Ethics for judges. On the other hand there are legal provisions regarding judges' behavior outside office. In that case the chief judge can recommend improvements verbally or writing. If not successful or if the offense is more serious than it is appropriate to recommend improvements the chief judge can direct the case to a commission on judicial work where the alleged offense is reasoned. In that case the judge has the possibility to promulgate his answers in written report. The commission shall finish the case with written and reasoned decision whether the judge is to receive a written warning or not. In the case warning is given the judge may take legal action against the minister of justice on behalf of the state to invalidate the decision. There are also legal provisions about what kind of side jobs are compatible to judge's job and also about at what extent a judge can be a shareholder in a company or any other enterprises. If a judge doesn't adapt to a warning in a reasonable time and is considered guilty of offense within three years which is a basis to another warning it is a source for temporarily release from office following a legal action against the judge to be released permanently from office.
2. **Does your country have a Code of Ethics or equivalent for lawyers? (please specify)** The country does not have Code of Ethics but The Icelandic Bar Association does.
3. **Does your country have any joint codes, rules and/or regulations concerning ethics of judges and lawyers? (please specify)**  
No.
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?**  
Not that I am aware of. The reason for this is that the communication between judges and lawyer has mainly been very successful.
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** Not that I am aware of.
6. **In your opinion, what are the main principles which should govern the ethics of:**
  - judges ?
  - lawyers?

**Judges.** Good behavior whether it is inside or outside the job. Good manner and respect for lawyers, witnesses, pats and others who judges have to communicate with.

**Lawyers.** Appropriate behavior (manner) against judges and courts both in speech and writing (verbally and written).

**B. Training of judges and lawyers**

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

- **for lawyers?**

There are no such institutions in Iceland. After five years learning in law school the student graduates with a master test (MA) and at the age of 30 the lawyer can be appointed as a District Court Judge and a Supreme Court Judge at the age of 35 if he or her fulfills otherwise specified qualifications.

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

- **for judges ?**
- **for lawyers?**

I refer to answer to question No. 7.

**9. What is the duration of the initial training:**

- **for judges ?**
- **for lawyers?**

The same reference.

**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?**

At the Law Faculty of the University of Iceland there is a training course where these matters are considered.

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

The answer is negative.

**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?**

<b>C. Efficiency and quality of judicial proceedings</b>
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**12. Are there any procedural instruments to facilitate the interaction between judges and lawyers during the proceedings? If yes, please specify.**

In Icelandic law of procedure there are no such provisions.

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

Not that I am aware of.

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

The communication is mostly written in form of letters and an e-mail but sometimes verbal as well.

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

Yes both in the law of procedure and with mediation.

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

No.

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

Yes, it is possible.

**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?**

No.

**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?**

No.

**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?**

It only exists on a basis of the Code of Ethics of the Icelandic Bar Association.

**21. To what extent does such interaction depends 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.?**

In my opinion such interaction depends completely on aforementioned subjective factors.

**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?**

The relationship between judges and lawyers in Iceland has been very good in general and therefore no discussion has taken place to improve it insofar.

#### **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).**

At the beginning of a civil case procedure the judge always endeavors to achieve a settlement and succeeds in about 25% cases in average in different categories of cases. It is of course different between judges and lawyers how enthusiastic they are to settle cases but if the interest is substantial the results are more likely to be good.

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

There is such a possibility for both parts but it is not frequent that a lawyer in praxis becomes a judge and almost unknown that an employed judge becomes a lawyer.

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

No.

#### **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?**

No.

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

Judges neither comment in the media on pending cases nor judgments but lawyers sometimes do both on pending cases and judgments but it is not frequent and bound to a limited group of lawyers.