

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**

ANSWERS ON BEHALF OF THE UNITED KINGDOM

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) **Yes: a Judicial Code of Conduct**
2. Does your country have a Code of Ethics or equivalent for lawyers? (please specify) **Yes: there are Codes of Professional Conduct for both barristers and solicitors**
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? **No**
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 **No**
6. In your opinion, what are the main principles which should govern the ethics of:
 - judges ? **The basic principles must be the same for both lawyers and judges: integrity, independence, no conflicts of interest, efficiency and no criminal or immoral behavior.**
 - lawyers?

B. Training of judges and lawyers

7. Which are, in your country, the training institutions:
 - for judges ? **The Judicial College**
 - for lawyers? **There are various "law schools" which provide training for the professional examinations; then there is "in house" training for both barristers and solicitors after they have taken their professional examinations.**
8. Which kind of training curricula (initial and continuous training), in brief, do these training institutions have:
 - for judges ? **Practical training on how to conduct trials.**
 - for lawyers? **Courses in procedural law and professional procedures (preparing opinions, pleadings for court cases etc).**
9. What is the duration of the initial training:
 - for judges ? **3 weeks.**
 - for lawyers? **After university (where theoretical law will be studied): 1 year at law school then 2 years further training for solicitors and 1 year further training for barristers.**

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**

11. Are there joint training courses for judges and lawyers? **No**

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? **No**

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. **Nothing specific. It is assumed that they will “interact”; it is a central part of the legal system in litigation.**

13. If not, how are they planned? **They are not “planned”.**

14. How is the communication between judges and lawyers organised? Is it efficient? Are there computerised information systems to that end? **In court proceedings the most usual communication is usually orally. Sometimes there is email communication.**

15. Are there possibilities, procedures and mechanisms for judges and lawyers to come to an agreement concerning the judicial resolution of the case? **Yes, occasionally a judge will assist the parties in arriving at a compromise.**

16. If yes, is such agreement compulsory? **No**

17. Do they negotiate certain phases of the procedure? **Yes. When there are “case management” hearings, often there will be discussions between the lawyers and the judge about how the procedure will be fashioned for that particular case; but if there are disputes then the judge will rule on what is to happen.**

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. A judge must always have regard to the claims, demands and arguments of lawyers, but in the end the judge will decide what is to happen.**

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? **Lawyers may try to use the procedural rules of court to delay cases but they will not succeed because the judge will soon appreciate what is being attempted and will stop it.**

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? **The successful interaction does depend on procedural rules of court to some extent. These are always kept under review.**

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.? **A great deal.**

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 all parts of the UK is very good. There are no steps planned to alter this.**

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). **Judges and lawyers may discuss the merits at a “case management conference” and this may lead to a settlement. This can only be done with the agreement of the parties. A judge may give a view on the merits in an “Early Neutral Evaluation” hearing which summarily considers the merits. This may lead to a settlement.**
24. Do you have any possibility in your country for lawyers to become judges, and vice versa? If yes, is it frequent ? **Yes. All judges in the UK will have had to have been lawyers before becoming judges. A person will only be eligible for appointment as a judge if he has first of all been a lawyer for (normally) 10 years at least.**
25. Can lawyers act, in your country, as deputy judges and if so, under what conditions ? **Yes. There are special competitions for appointment as deputy judges. A person will have to have been a lawyer for 10 years at least, generally speaking.**

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? **Lawyers very rarely comment on pending cases; judges never do so. Lawyers sometimes comment on judgments, but that is not frequent. Judges will never do so.**

Lord Justice Richard Aikens

15 January 2013.