



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

EUROPEAN COMMISSION
FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

PILOT-SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS

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Country: Ireland

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I. General information

1. Number of inhabitants

Number: 3,917, 203 **Year of reference:** 2002

Source: Census 2002

2. Total annual State/regional public budget

Budget: €39,345 million. **Year of reference:** 2002

Source: Department of Finance

3. Average gross annual salary

Salary: €26,405 (GNP per capita) **Year of reference:** 2002

Source : Central Statistics Office

II. Access to Justice and to all courts

II. A. *Legal aid/cost of justice*

4. Annual public budget spent on legal aid

Annual budget: €54.70 million Year : 2003

Source : Department of Justice, Equality and Law Reform

5. If possible, specify

- the annual public budget spent on legal aid in criminal cases

Annual budget: €37.35 million Year : 2003

Source : Department of Justice, Equality and Law Reform

- annual public budget spent on legal aid in other court cases

Annual budget: €17.35 million Year : 2003

Source : Department of Justice, Equality and Law Reform

6. Total number of legal aid cases (in a year)

Number of cases: Not available

7. If possible, specify:

- the total number of legal aid cases in criminal matters (in a year)

Number of cases: 30,060 (Criminal Legal Aid certificates granted)
Year: 2003

- the total number of legal aid cases in other court cases (in a year)

Number of cases: 4,971 Year: 2000

8. Does your country have an income and asset test for granting legal aid?

Criminal cases: No. The decision whether or not to grant criminal legal aid is entirely at the discretion of the court.

Civil Cases: Yes.

9. If yes, what is the maximum income level for granting legal aid?

Income level: Criminal cases: not applicable Year : 2004

Civil cases: €13,000 per annum

10. Is it possible to refuse legal aid for lack of the merit of the case?
(eg. for frivolous or vexatious actions, or cases without merit)

Criminal cases: at the discretion of the court

Civil cases: Yes

If yes, is the decision taken by :

Criminal cases- the court

Civil cases: - a body external to the court (Civil Legal Aid Board)

What factors are taken into account ?

Factors:

Criminal cases: at the discretion of the court

Civil cases: satisfying the criteria of a means test and a merits test.

11. In general do litigants have to pay a court tax or fee to start a proceeding at a general jurisdiction court?

Yes

If yes, is this true for: - criminal cases? No
 - other than criminal cases? Yes

12. Does your country have a private system of legal expenses insurance for individuals?

The information requested is not available.

13. Do judicial decisions have an impact on who bears legal costs which are paid by the parties during the procedure? Yes

If yes, is this true for:
- criminal cases ? Yes
- other than criminal cases? Yes

14. In your country, have studies been carried out on the costs of cases brought to courts concerning:
- users? No.
 - the State? No.

II. B. Users of the courts and victims

15. Are there official internet sites/portals (e.g. Ministry of justice, etc.) through which the general public may have free access to:

- legal texts (e.g. codes, laws, regulations, etc..)? Yes
internet address: www.irishstatutebook.ie
- to the case-law of the higher court/s? No
internet address:
- to other documents (for examples legal forms)? Yes
internet address: www.courts.ie

16. Is there a public and free-of-charge specific information system to inform and to help victims of crimes? Yes : Victim Support

Comments: In 2000 Victim Support had 40 branches nation-wide with over 500 volunteers, dealing with 8,000 victims annually. Funding is provided by the Department of Justice, Equality and Law Reform.

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime? The Police Liaise with crime victims in order to keep them informed of the progress of the investigation.

18. Does your country have a public compensation fund to compensate financially victims of crimes? Yes.

Comments:

The Criminal Injuries Compensation Tribunal was set up by the Government on a non-statutory basis in 1974 and its terms revised in 1986. While the scheme is non-statutory the courts have held that its decisions are subject to Judicial Review. The Tribunal does not award general damages (since 1986) and damages are confined to loss of earnings.

19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) surveys to measure public trust and satisfaction with the services delivered by the judiciary? No.

20. Is there a national or local procedure for making complaints about the performance of the judiciary (e.g. through an ombudsman)? No

Please specify:

- at court level/internal procedure Yes
- at court level/external procedure No
- at national level/internal procedure No
- at national level/external procedure No

Comments:

The decision of a court may be appealed to a higher court.

21. As a general rule, do the institutions which receive such complaints have an obligation to respond and/or to deal with the complaint within a certain time limit?

There is presently no serious delay in dealing with appeals to the higher court.

III. Functioning of courts and efficiency of justice

III. A. Functioning

22. Total number of courts

Number of courts: 5

There are four levels of courts: Supreme, High, Circuit and District. All but the Supreme are courts of first instance. All but the District are appellate courts. There is also a Special Criminal Court dealing mostly with terrorist offences.

Supreme Court	1
High Court	20 sitting at any one time
Circuit Court	26 Principal locations
District Court	23 Districts (Court sits in 199 locations)

23. Number of general jurisdiction first instance courts

Number of courts: 3

24. Number of specialised first instance courts 0
Please specify the different areas of specialisation

There are separate specialised divisions in the High Court dealing with, for example, Commercial and Competition and Family Law. These are not separate courts, but specialised divisions of the High Court. There are also non-judicial tribunals such as the employment appeals tribunal whose decisions are subject to appeal to the Circuit Court and thereafter to the High Court.

25. Number of professional judges sitting in courts
(present the information in full time equivalent and for permanent posts)

Number of judges: 119 Year : 2002

Source : The Annual Report of the Courts Service, 2002

26. Number of non-professional judges sitting in courts
(present the information in full time equivalent and for permanent posts)

Number of judges: 0 Year: 2004

Please give details: Non-professional Judges are not used in the Irish court system

27. Number of non-judge administrative staff who are working in courts
(present the information in full time equivalent and for permanent posts)

Number of staff: 1030 Year: 2002

Source: The Annual Report of the Courts Service, 2002

28. Annual budget allocated to all courts

Annual budget: €87 Million Year: 2002

Source: The Annual Report of the Courts Service, 2002

29. Annual budget allocated to the Ministry of justice or the institution (for example Judicial Council) which is responsible for the functioning of the courts

Annual budget: See No 28

Courts are run by The Courts Service, an independent statutory body under the Department of Justice, Equality and Law Reform.

30. Has the budget for justice increased during the last 5 years? Yes
What are the figures?

Budget	€87 Million	Year 2002
Budget	€79.3 Million	Year 2001
Budget	€67.9 Million	Year 2000

Figures are for the Court Services only and do not include other areas of Justice.

31. Which institution is formally responsible for setting up the budget devoted to courts?

- the ministry of Justice (or equivalent)	Yes
- the Government	Yes
- the Parliament	Yes
- the Judicial Council	Yes

- the Courts Yes
- other: The Budget is prepared by the Court Service and presented through the Minister for Justice, Equality and Law Reform to the Department of Finance. Following consideration by the Government, the budget is voted on by the Parliament.

32. Who manages the budget of the courts?

- the President of the Court No.
- the person administratively responsible for the court Yes.
- other: The Court Service, of which the Chief Executive Officer is the accounting officer.

33. Which institution is responsible for arranging and scheduling the court hearings/sessions?

- in criminal cases: The Court
- in other than criminal cases The Court

III. B. Efficiency

34. Total number of criminal cases received by the public prosecutor (in a year)

Number of cases: 7,569 Year: 2002

Source: Annual Report of the Director of Public Prosecutions, 2002

35. Total number of criminal cases dropped by the public prosecutor (in a year)

Number of cases: 2,127 (28%) Year: 2002

Source: Annual Report of the Director of Public Prosecutions, 2002

Please indicate also, out of this total, those dropped as the offender has not been identified

Number of cases: Not Applicable. Criminal cases are only referred to the Director of Public Prosecutions when a suspect has been identified.

36. Total number of criminal cases which are concluded by a sanction/measure, imposed or negotiated by the public prosecutor (in a year)

Number of cases: Not applicable. The Director of Public Prosecutions has no such power.

37. Total number of criminal cases charged by the public prosecutor before the courts (in a year)

Number of cases: 4,412 (58%) Year: 2002

The above figure does not include cases prosecuted in the lower courts by the police.

Source: Annual Report of the Director of Public Prosecutions, 2002

38. Total number of incoming criminal cases in the courts involving robbery cases (in a year). Not available.

39. Total number of judicial decisions involving robbery. Not available.

40. Percentage of decisions involving robbery subject to an appeal to a higher court (in a year): Not available.

41. Total number of incoming criminal cases in the courts, involving intentional homicide (in a year)

Number of cases: 55 Year: 2002

Source: The Annual Report of the Courts Service, 2002

42. Total number of judicial decisions, involving intentional homicide (in a year)

Number of decisions: 46 Year: 2002

Source: The Annual Report of the Courts Service, 2002

Please indicate also if possible:

Number of convicted persons: 38 % of convicted persons: 83%
Number of acquitted persons: 0 % of acquitted persons: 0%

7 cases were returned to an inferior court for a procedural reason.
The jury disagreed in one case.

All murder cases are dealt with by the Central Criminal Court which is the criminal branch of the High Court. They will have first been through the District Court where preliminary matters are dealt with.

43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year)

Percentage of decisions: 21.5% Year : 2002

Source : The Annual Report of the Court Service, 2002

44. Total number of incoming civil and administrative cases in the courts (in a year)

Number of cases: 259,297 Year: 2002

Source : The Annual Report of the Court Service, 2002

45. Total number of judicial decisions in civil and administrative matters (in a year)

Number of decisions: 263,693 Year: 2002

Source : The Annual Report of the Court Service, 2002

46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court (in a year)

Percentage of decisions: 0.7% Year: 2002

No of appeals: 1,864

Source : The Annual Report of the Court Service, 2002

47. Total number of incoming divorce cases in the courts (in a year)

Number of cases: 3,945 Year : 2002

Source : The Annual Report of the Court Service, 2002

48. Total number of judicial decisions in divorce cases (in a year)

Number of decisions: 2,591 Year : 2002

Source : The Annual Report of the Court Service, 2002

49. Percentage of decisions concerning divorce cases subject to an appeal to a higher court (in a year)

Percentage of decisions: Not Available

50. Total number of incoming employment dismissal cases in the courts (in a year)

Not Available

51. Total number of judicial decisions of employment dismissal cases (in a year)

Not Available

52. Percentage of decisions concerning employment dismissal cases subject to an appeal to a higher court (in a year)

Not Available

IV. Use of Information Technology in the court

53. Annual IT budget allocated to the courts (if possible in Euros)

Annual budget: € 9.3 Million Capital Year : 2002

Source : Director of Corporate Services, Court Services

54. In general, do the courts in your country have computer facilities?

- for judges Yes
- for non-judges court staff Yes

55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary ? Yes

If yes, please specify the name and the address of this institution

The Court Service,
Phoenix House,
Smithfield,
Dublin 7,
Ireland

56. What kind of facilities can be used by the clients of the courts to communicate with the courts?

- Telephone Yes
- Mail Yes
- Fax Yes
- E-mail Yes
- Internet Yes

57. Is there an electronic form to carry out certain procedural steps? No.

V. Fair trial

58. Percentage of adversary judgements in criminal cases in first instance

Percentage of judgements: 33.4% Year : 2002

Source: The Circuit and District Court Directorate of the Courts Service

59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court? Yes

60. Is there an effective remedy to a superior jurisdiction for all cases? Yes

61. Are reasons given for all prison sentences? Yes in the Circuit and Central Criminal Courts, not always in District.

62. Average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgment

District Court (summary cases)

Average length: 81 days Year : 2003
 Source : The Courts Service

This is an estimate, based on partial data from the Dublin District Court. Figures are not available for the Circuit Court (trial on indictment).

63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgment:

Not available

64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment:

Not Available

65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgment:

Not Available

66. Average length, in days, of employment dismissal cases from the deposit of the complaint until the first instance judgment

Not Available

67. Average length, in days, of employment dismissal cases from the deposit of the complaint until the appellate judgment

Not Available

68. Do you, on a regular basis, measure the size of backlog cases in the courts? Yes.

69. Do you have a way of analysing queuing time during court procedures? Yes.

If yes, please specify:

Statistics are continuously reviewed and published annually. Cases in which nothing is happening are not specially targeted (as in other common law systems). A party can have recourse to the court if the other party to the proceeding is engaging in unreasonable delays.

VI. Judges

70. Gross annual salary of a first instance professional judge at the beginning of his/her career

Annual salary:	Judge of the District Court:	€108,092	Year : 2004
	Judge of the Circuit Court:	€129,711	
	Judge of the High Court:	€177,582	

Source: Department of Justice, Equality and Law Reform

71. Gross annual salary of a judge of the Supreme Court or of the highest appellate court

Annual salary:	€188,389	Year : 2004
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Source: Department of Justice, Equality and Law Reform

72. Can judges combine their work with other professions (for example as a university professor, arbitrator, consultant)?

No.

73. Are judges recruited and nominated by an independent institution? Yes

(if yes), who are represented in this institution:

- the members of the judiciary:	Yes
- officials not part of the judiciary:	Yes
- a mixture of the two categories referred to above:	Yes

Is the process of selection and nomination of judges carried out according to pre-established procedures ?

Yes. The Judicial Appointments Advisory Board sends a list of suitable applicants to the Government which then makes the appointment.

74. Is there a system of induction and continuation training for judges?

Yes, compulsory for judges appointed after 1995.

What is the average percentage of judges who have attended a continuation training session each year?

Percentage of judges: 98% Year: 2003
Source: Judicial Studies Institute

75. Is there a system of supervision and control on the courts - other than through appeal? No

76. Is there in your country a system of temporary judges? No

77. Annual number of disciplinary proceedings against judges

Number of proceedings: Not applicable, see No. 75

Source: Department of Justice, Equality and Law Reform

78. Annual number of sanctions against judges

Number of sanctions: Not applicable, see No. 75

Source: Department of Justice, Equality and Law Reform

VII. Public prosecutors

79. Annual budget for the public prosecution

Annual budget: €31.10 million* Year : 2004

Source : Budget, 2004

* Director of Public Prosecutions

Note: Serious criminal offences, with the exception of certain criminal matters having a international dimension, are prosecuted in the name of the Director of Public Prosecutions. Much of the work of his office is in fact carried out by barristers in private practice rather than by barristers in the employment of the state. In Ireland, therefore, there is no equivalent of the salaried officials known as 'public prosecutors' found in other members states of the Council of Europe.

Questions 80 to 88 cannot therefore be answered by Ireland.

VIII. Lawyers

89. Number of lawyers practising in your country

Number of lawyers: Barristers: 1,412
Solicitors: 6,436 Year: 2003

Source: The Bar Council Of Ireland (Barristers)
The Law Society of Ireland (Solicitors)

90. Is there a national bar association? Yes

91. Have quality standards been formulated for lawyers? Yes

If yes, who is responsible for formulating these quality standards?

Barristers – The Bar Council of Ireland

Solicitors – The Law Society of Ireland

92. Can disciplinary proceedings be instituted against lawyers? Yes

93. Annual number of disciplinary proceedings against lawyers

Number of proceedings:	Barristers:	Not available	
	Solicitors:	63	Year: 2003

Source: The Law Society of Ireland (Solicitors)

94. Annual number of sanctions against lawyers

Number of proceedings:	Barristers:	Not available	
	Solicitors:	47	Year: 2003

Source: The Law Society of Ireland (Solicitors)

95. Is it possible to complain about the performance of lawyers? Yes

Barristers: The Bar Council of Ireland; Professional Practices Committee

Solicitors: The Law Society of Ireland; Complaints Department

96. What is the amount paid to a lawyer by the State in respect of legal aid for a first instance divorce case?

Amount:	Variable	Year: 2004
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Source: Department of Justice, Equality and Law Reform

IX. Mediators and mediation proceedings

97. Number of accredited or registered mediators

Number of mediators:

Restorative Justice Programme:	54	Year: 2004
Family Mediation Service:	40	Year: 2004
Landlord & Tenant Mediation:	120	Year: 2003

Source:

An Garda Síochána (National Police)
Family Mediation Service
Private Residential Tenancies Board

98. How much public budget is devoted to mediation?

Amount:

Restorative Justice Programme:	€0.21 million	Year: 2004
Family Mediation Service:	€2.44 million	Year: 2004
Labour Relations Commission:	€2.82 million	Year: 2002

Source:

An Garda Síochána (National Police)
Family Mediation Service
Labour Relations Commission

99. Number of incoming mediation cases (in a year)

Number of cases:

Restorative Justice Programme:	118	Year: 2003
Family Mediation Service:	900 approx.	Year: 2004
Labour Relations Commission:	1,693	Year: 2002

Source:

An Garda Síochána (National Police)
Family Mediation Service
Labour Relations Commission

100. Number of cases solved through mediation (in a year)

Number of cases:

Restorative Justice Programme:	90% *	Year: 2003
Family Mediation Service:	54% reached agreement 6% returned to marriage 40% did not complete mediation	Year: 2004
Labour Relations Commission:	81%	Year: 2002

*Note: 90% of victims were satisfied with the process and outcome. It should be pointed out, however, that the scheme includes only juvenile offenders. It is voluntary and includes only cases where the offender has taken responsibility for his or her actions

Source:

An Garda Síochána (National Police)
Family Mediation Service
Labour Relations Commission

If possible, please specify:

- number of criminal cases solved through mediation:
- Insufficient information available
-
- number of cases other than criminal solved through mediation:
- Insufficient information available – some mediation services have not responded to the survey.

101. In which areas of law is mediation most practised and successful in your country?

- in other than criminal cases? Yes – most practised.

Year: 2004

Source: Various

X. Enforcement agents and execution of court decisions

102. Number and types of enforcement agents

- in criminal cases:

(Type)	(Number)	(Year)	(Source)
Police	11,964	2004	Department of Justice, Equality and law Reform

- in other than criminal cases:

26 County Registrars/Sheriffs (one for each county) and their Appointed Agents

14 Revenue Sheriffs dealing with Revenue cases (e.g. Income Tax Fraud etc.)

All are subject to the control of the court.

103. Is there an institution to supervise or control the activities of enforcement agents?

No

104. Annual number of disciplinary proceedings against enforcement agents

Not Applicable, see No. 103.

105. Annual number of sanctioned enforcements agents:

Not Applicable, see No. 103.

106. Is it possible to file a complaint against an enforcement agent? Yes

If yes, please specify: Action may be taken in court against the agent. No other formal procedure is available.

107. Does the court play a role in the execution of court decisions? No

108. Are the courts competent to decide against public authorities? Yes.

Are the courts involved in executing decisions against public authorities? Yes.