



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

Country: Ireland

National correspondent

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Job title:

Organisation:

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## 1. Demographic and economic data

### 1. 1. General information

#### 1. 1. 1. Inhabitants and economic information

##### 1) Number of inhabitants

4239848

##### 2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	59900000000
Regional / entity level	n/a

##### 3) Per capita GDP (in €)

41205

##### 4) Average gross annual salary (in €)

31080

##### 5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

#### Please indicate the sources for the questions 1 to 4

1. Central Statistics Office
2. Department of Finance
3. Central Statistics Office
4. Central Statistics Office (Average Industrial Earning, June 2006)

### 1. 2. Budgetary data concerning judicial system

#### 1. 2. 2. Budget (courts, public prosecution, legal aid, fees)

##### 6) Total annual approved budget allocated to all courts (in €)

111841000

##### 7) Please specify

##### 8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned

Annual public budget allocated to (gross) salaries  Yes 50282000

Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	9367000
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	3083000
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	16132000
Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	19632000
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	1181000
Other (please specify):	<input checked="" type="checkbox"/> Yes	12135000

**9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?**

- Yes  
 No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years)

Between 2002-2006, gross funding increased by 28%, or an average of 7% per annum.  
[non-pay increases by 5.6% on Aug]

**10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

- for criminal cases?  
 for other than criminal cases?

If yes, are there exceptions? Please specify:

In general, fees are not charges in Family Law cases.

**11) If yes, please specify the annual income of court fees (or taxes) received by the State (in €)**

12686000

**12) Total annual approved budget allocated to the whole justice system (in €)**

2134000000

**13) Total annual approved public budget allocated to legal aid (in €)**

63600000

**14) If possible, please specify**

	the annual public budget allocated to legal aid in criminal cases	the annual public budget allocated to legal aid in other court cases
Amount	41700000	21900000

**15) Is the public budget allocated to legal aid included in the court budget ?** Yes No**16) Total annual approved public budget allocated to the public prosecution system (in €)**

30154000

**17) Is the budget allocated to the public prosecution included in the court budget?** Yes No**18) Authorities formally responsible for the budget allocated to the courts:**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other ministry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parliament	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supreme Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judicial Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Inspection body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):**

The Office of the Comptroller and Auditor General.

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your budgetary system and the main reforms that have been implemented over the last two years**
- **if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process**

**Please indicate the sources for the questions 6, 7, 13 et 16**

- 6. Exchequer
- 7. Courts Service
- 13. The Department of Justice, Equality and Law Reform and the Legal Aid Board
- 16. The Office of the Director of Public Prosecutions

## 2. Access to justice

### 2. 1. Legal aid

#### 2. 1. 1. Principles

#### 20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Legal advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

#### 21) If other, please specify (in regards to question 20):

#### 22) Does legal aid foresee the covering or the exoneration of court fees?

- Yes  
 No

If yes, please specify:

Any court fees may be paid.

#### 23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

- Yes  
 No

If yes, please specify:

#### 24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:

	Number
Total	51082
Criminal cases	41582
Other than criminal cases	9500

#### 25) In a criminal case, can any individual who does not have sufficient financial means be assisted by

a free of charge (or financed by public budget) lawyer?

- Yes  
 No

26) Does your country have an income and asset test for granting legal aid:

	No	Yes	Amount
for criminal cases?		Yes	See notes
for other than criminal cases?		Yes	€18,000

27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

- Yes  
 No

28) If yes, is the decision for granting or refusing legal aid taken by:

- the court?  
 an authority external to the court?  
 a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- Yes  
 No

Please specify:

30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

	yes	no
criminal cases?		



	<input type="checkbox"/>	<input checked="" type="checkbox"/>
other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Q. 26. In criminal cases, a means test is rarely used. No limit has been set for the income of the defendant. In civil cases, the €18,000 limit is net of a number of allowances.

The Criminal Justice (Legal Aid) Act 1962 provides that free legal aid may be granted in certain circumstances for the defence of persons of insufficient means in criminal proceedings.

Criminal free legal aid consists of representation by a solicitor or barrister for the defence of persons of insufficient means. An application for criminal legal aid is made to the court in person or by the applicant's legal representative or by letter to the Courts Registrar. Criminal legal aid is administered by the Department of Justice.

Under the 1962 Act, the courts, through the judiciary, are responsible for the granting of legal aid. An applicant for legal aid must establish to the satisfaction of the court that his/her means are insufficient to enable him/her to pay for legal representation him/herself. The court must also be satisfied that, by reason of the "gravity of the charge" or "exceptional circumstances", it is essential in the interests of justice that the applicant should have legal aid.

Under the 1962 Act, an applicant for free legal aid may be required by the court to complete a statement of means. It is an offence for an applicant to knowingly make a false statement or conceal a material fact for the purpose of obtaining legal aid.

Civil legal aid means representation by a solicitor or barrister in civil proceedings in the District, Circuit, High and Supreme Court. Advice and assistance can be provided to persons considering taking proceedings before any tribunal. However, representation before tribunals is excluded except for asylum / refugee cases.

A person applying for legal aid in civil cases must complete statement of means forms. These forms give details of income, out goings, and of any capital assets, such as, property other than the family home, a car and money in the bank. This information is required to enable the Board determine that the persons means are below the prescribed limits. Staff at a law centre will carry out the financial assessment in order to determine whether a person satisfies the financial eligibility criteria.

A merits test is also applied to all applications for legal aid. The Board must be satisfied, before legal aid is provided, that it is reasonable to take or defend proceedings having regard to the merits of the case. The criteria considered includes: the prospect of success in the proceedings, the availability of any method, other than court proceedings for dealing satisfactorily with the problem, for example, mediation, the probable cost to the Board of providing legal services is measured against the likely benefit to the applicant if he/she is successful in the proceedings. The merits test is modified in cases involving the welfare of a child, including custody and access.

**Please indicate the sources for the questions 24 and 26**

24 & 26 - the Department of Justice, Equality and Law Reform, and the Legal Aid Board.

## 2. 2. Users of the courts and victims

### 2. 2. 1. Rights of the users and victims

**31) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to (Please specify the Internet addresses):**

legal texts (e.g. codes, laws, regulations, etc.)?

yes

[www.irishstatutebook.ie](http://www.irishstatutebook.ie)

case-law of the higher court/s?  yes [www.courts.ie](http://www.courts.ie)  
 other documents (for example forms)?  yes [www.courts.ie](http://www.courts.ie)

**32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?**

- Yes  
 No

If yes, please specify:

**33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?**

- Yes  
 No

If yes, please specify:

There are two public and free-of-charge specific information systems to inform and to help victims of crime.

- Crime Victims Helpline
- Victims Charter and guide to the criminal justice system

The National Crime Victims Helpline

- provides a single point of contact for victims in relation to assistance and supports available to them.
- Provides information on organisations that offer victim services
- Offers emotional support to callers
- Provides information on all aspects of the criminal justice system
- acts as a point of contact for the various organisations who provide services to victims of crime, as well as for an Garda Síochána.

The Helpline began operating in September 2005. Victim Support. The Helpline number is 1850 211407. The Helpline hours are 10.00a.m to 4.00p.m Monday to Friday.

The Victims Charter and guide to the criminal justice system

The Charter describes the criminal justice system from the perspective of a crime victim and sets out your rights and entitlements to the services provided by the various State agencies involved with crime victims. The Charter is arranged in seven sections and includes statements from:

- The Gardaí
- The Courts
- The Prison Service

- The Probation and Welfare Service
- The State Prosecution Service
- Victim Support
- The Coroner Service

The Charter is intended as a guide only – it does not purport either to interpret the legislation it refers to, or to confer legal rights.

**34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:**

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victims of terrorism	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Children/Witnesses/Victims	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Victims of domestic violence	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ethnic minorities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disabled persons	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juvenile offenders	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**35) Does your country have a compensation procedure for victims of crimes?**

- Yes  
 No

**36) If yes, does this compensation procedure consist in:**

- a public fund?  
 a court decision?  
 private fund?

If yes, which kind of cases does this procedure concern?

**37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?**

Yes

No

If yes, please specify:

**38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?**

Yes

No

If yes, please specify:

**39) Do victims of crimes have the right to contest a decision of the public prosecution to discontinue a case?**

Yes

No

If yes, please specify:

Victims may ask the Office of the DPP to reconsider its decisions

**40) Is there a system for compensating users in the following circumstances:**

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

If yes, please specify (fund, daily tariff):

**41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction with the services delivered by the judiciary system?**

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

**42) If yes, please specify:**

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Surveys at court level	<input type="checkbox"/>	<input type="checkbox"/>

**43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?**

- Yes  
 No

**44) If yes, please specify:**

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	<input type="checkbox"/>	<input type="checkbox"/>
Higher court	<input type="checkbox"/>	<input type="checkbox"/>
Ministry of Justice	<input type="checkbox"/>	<input type="checkbox"/>
High Council of the Judiciary	<input type="checkbox"/>	<input type="checkbox"/>
Other external organisations (e.g. Ombudsman)	<input type="checkbox"/>	<input type="checkbox"/>

**Can you give information elements concerning the efficiency of this complaint procedure?**

### 3. Organisation of the court system

#### 3. 1. Functioning

##### 3. 1. 1. Courts

**45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table)**

	Total number
First instance courts of general jurisdiction (legal entities)	4
Specialised first instance courts (legal entities)	1
All the courts (geographic locations)	180

**46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):**

Special Criminal Court

There are four main courts in Ireland: the District Court, the Circuit Court, the High Court and the Supreme Court. Other courts in operation are the Special Criminal Court and the Court of Criminal Appeal.

"There are four levels of courts: Supreme, High, Circuit and District. All but the District are appellate courts and all but the Supreme are first instance.

Two courts are composed of judges drawn from one or more of the four major divisions of courts. The Special Criminal Court deals mostly with terrorist offences. The Court of Criminal Appeal hears appeals from the Special Criminal Court.

When hearing criminal cases, the Circuit Court is known as the Circuit (Criminal) Court and High Court is known as the Central Criminal Court . These are not distinct courts, however.

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."

**47) Is there a change in the structure of the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?**

Yes

No

If yes, please specify:

Two additional District Court Districts are to be created with effect from 1 January, 2008.

**48) Number of first instance courts competent for a case concerning:**

	Number
a debt collection for small claims	1
a dismissal	1
a robbery	2

**Please specify what is meant by small claims in your country (answer only if the definition has changed compared to the previous evaluation round):**

"Small claim" means a civil proceeding instituted:

(1) in relation to a consumer contract, by the consumer against the vendor in respect of any goods or service purchased, which is not a claim –

- (a) arising from an agreement under the Hire Purchase Acts 1946 and 1960, or
- (b) arising from an alleged breach of a leasing agreement,

(2) in relation to a tort, by the claimant (not being a body corporate) against the respondent in respect of minor damage caused to property belonging to the claimant but excluding personal injuries),

(3) in relation to a tenancy, by the tenant (not being a body corporate) against the landlord in respect of the non-return of any sum paid by the tenant as rent deposit or any such sum known as "key money" unless such claim is a dispute that may be referred to the Private Residential Tenancies Board under Part 6 of the Residential Tenancies Act 2004, provided that in every such case the amount of the claim does not exceed the sum of €2,000.00 – Order 53A, rule 1 District Court Rules, 2007

**Please indicate the sources for the question 45**

The Courts Service

### 3. 1. 2. Judges, courts staff

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

132

**50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:**

	Number
gross figure	0
if possible, in full time equivalent	

**51) Please specify (answer only if the information has changed compared to the previous evaluation round):**

All judges work on a full-time basis.



**52) Number of non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):**

0

**53) Does your judicial system include trial by jury with the participation of citizens?**

Yes

No

If yes, for which type of case(s)?

Cases classed as non-minor offences under the Constitution or in which either the accused or the prosecution has exercised an entitlement to have the case tried before a jury. Indictable offences.

**54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?**

91118

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

1080

**56) If possible, could you distribute this staff according to the 4 following categories:**

non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input checked="" type="checkbox"/> Yes	38
non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars	<input checked="" type="checkbox"/> Yes	128
staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	<input type="checkbox"/> Yes	
technical staff	<input type="checkbox"/> Yes	

**Please indicate the sources for the questions 49, 50, 52, 53 and 55**

49, 50, 52 & 53 The Department of Justice, Equality and Law Reform  
55. The Courts Service

### 3. 1. 3. Prosecutors

**57) Number of public prosecutors (present the information in full time equivalent and for permanent posts)**

100

**58) Do any other persons have similar duties as public prosecutors?**

- Yes  
 No

If yes, please specify:

There are 16 legal executives employed in the prosecution service that would perform similar duties to prosecutors in particular areas.

**59) Number of staff (non prosecutors) attached to the public prosecution service (present the information in full time equivalent and for permanent posts)**

168

**Please indicate the sources for the questions 57 and 59**

The Office of the Director of Public Prosecutions.

### 3. 1. 4. Budget and New technologies

**60) Who is entrusted with the individual court budget?**

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court President	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court administrative director	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Head of the court clerk office	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**61) You can indicate below:**

- any useful comments for interpreting the data mentioned above
- if available an organization scheme with a description of the competencies of the different

**authorities responsible for the budget process in the court**

**62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?**

	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Word processing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic files	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E-mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet connection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**63) For administration and management, what are the computer facilities used within the courts?**

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court management information system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial information system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**64) For the communication between the court and the parties, what are the computer facilities used within the courts?**

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Special Website	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other electronic communication facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?**

- Yes  
 No

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

Courts Service Information Office

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system and the main reforms that have been implemented over

**the last two years**

There are four main courts in Ireland: the District Court, the Circuit Court, the High Court and the Supreme Court. Other courts in operation are the Special Criminal Court and the Court of Criminal Appeal. ffff

**Please indicate the sources for the questions 62, 63 and 64**

The Courts Service

**3. 2. Monitoring and evaluation****3. 2. 1. Monitoring and Evaluation****66) Are the courts required to prepare an annual activity report?**

- Yes  
 No

**67) Do you have a regular monitoring system of court activities concerning the:**

- number of incoming cases?  
 number of decisions?  
 number of postponed cases?  
 length of proceedings (timeframes)?  
 other?

Please specify:

**68) Do you have a regular system to evaluate the performance of each court?**

- Yes  
 No

Please specify:

**69) Concerning court activities, have you defined performance indicators?**

- Yes  
 No

**70) Please select the 4 main performance and quality indicators that are used for a proper functioning of courts.**

- Incoming cases  
 Length of proceedings (timeframes)  
 Closed cases  
 Pending cases and backlogs  
 Productivity of judges and court staff  
 Percentage of cases that are treated by a single sitting judge  
 The enforcement of penal decisions  
 Satisfaction of employees of the courts  
 Satisfaction of clients (regarding the services delivered by the courts)  
 Judicial and organisational quality of the courts  
 The costs of the judicial procedures  
 Other

Please specify:

**71) Are there performance targets defined for individual judges?**

- Yes  
 No

**72) Are there performance targets defined at the level of the courts?**

- Yes  
 No

**73) Please specify who is responsible for setting the targets:**

- executive power (for example the Ministry of Justice)
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

Please specify

Not applicable.

**74) Please specify the main targets applied:**

**75) Which authority is responsible for the evaluation of the performances of the courts:**

- the High Council of judiciary
- the Ministry of Justice
- an Inspection authority
- the Supreme Court
- an external audit body
- other?

Other, please specify:

"The Courts Service Board has overall authority in the management of the courts". I was thinking of external supervisory bodies

**76) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?**

- Yes
- No

If yes, please specify:

**77) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?**

- Yes  
 No

**78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:**

- civil cases?  
 criminal cases?  
 administrative cases?

**79) Do you have a way of analysing waiting time during court procedures?**

- Yes  
 No

If yes, please specify:

Length of time to trial date from the listing of the case for trial.

**80) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?**

- Yes  
 No

Please specify (including an indication of the frequency of the evaluation):

**81) Is there a system for monitoring and evaluating the functioning of the prosecution services?** Yes No

If yes, please specify:

The Office of the Director of Public Prosecutions (DPP) computer systems record the number of files as they are received, the decision made, whether further information is sought and highlights cases where a decision is not made within three months.

Unit heads in the DPP's Office monitor and evaluate the work of those prosecutors in their units.

Critically assessing the efficiency and consistency of the office (DPP) and its decision making procedures by reference to computer systems and feedback from stakeholders.

Critically assessing the efficiency of the prosecutor's role in the criminal justice system with reference to the progression of cases from charging to final conviction or termination.

Reviewing relationships with stakeholders on a continuing basis.

Developing the Office's designated function as a centre of information for the criminal justice system.

Targets:

To issue final directions on 40% of files within 2 weeks of the date of receipt

To issue final directions on 50% of files within 4 weeks of the date of receipt.

To issue final directions on 75% of files within 3 months of the date of receipt.

These targets are self-imposed.

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your court monitoring and evaluation system**

**Please indicate the sources for the the question 70,71, 72 and 76**

The Department of Justice, Equality and Law Reform and the Courts Service



## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General principles

**82) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements) ?**

**83) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?**

Yes

No

If possible, number of successful challenges (in a year):

**84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference**

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)		0	0	0
Civil proceedings - Article 6§1 (non-execution)		0	0	0
Criminal proceedings - Article 6§1 (duration)		0	0	0

**Please indicate the sources for the questions 82 and 84**

82. Information not available

84. The Department of Foreign Affairs

### 4. 2. Timeframes of proceedings

#### 4. 2. 1. General information

**85) Are there specific procedures for urgent matters as regards:**

civil cases?

criminal cases?

administrative cases?

If yes, please specify:

not applicable for administrative cases

**86) Are there simplified procedures for:**

- civil cases (small claims)?
- criminal cases (petty offences)?
- administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):  
Simplified procedures apply to small claims - that is, cases involving under €2,000

Petty offences may be dealt with on a summary basis in the District Court.

**87) Do courts and lawyers have the possibility to conclude agreements on the modalities for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?**

- Yes
- No

If yes, please specify:

In civil cases, issues of law or fact can be agreed by the parties in advance of the hearing.

## 4. 2. 2. Penal, civil and administrative law cases

**88) Total number of cases in the first instance courts (litigious and non-litigious); (please complete the table)**

	Pending cases on 1 January 2006	Incoming cases	Decisions	Pending cases on 31 December 2006
Total of civil, commercial and administrative law		103919		

cases (1-7)				
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**	16	262	189	73
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)		332442		
8 Criminal cases (severe criminal offences)		2667		
9 Misdemeanour cases (minor offences)		329775		

**89) \* The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.**

**\*\* if applicable**

**Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases (minor offences)".**

### Explanation

The 2,667 'severe' cases are made up of Murder, Rape and Sexual Assault cases in the Central Criminal Court, and all criminal cases heard in the Dublin and Provincial Circuit Criminal Courts in 2006.

The figure of 329,775 represents summary cases disposed of in the District Court in 2006.

**90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)**

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)				
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)				
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour cases (minor offences)				

**91) Total number of cases in the highest instance courts (litigious and non-litigious); (please complete the table)**

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)		15433		
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)				
8 Criminal cases (Severe criminal offences)		1263		
9 Misdemeanour cases (minor offences)	0	0	0	0

**92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)**

	Pending cases on 1 Jan. '06	Incoming cases	Decisions	Pending cases on 31 Jan. '06
Divorce cases		4025	3767	
Employment dismissal cases				
Robbery cases		24463		
Intentional homicide case		33	52	

**93) Average length of proceedings (from the date of lodging of court proceedings)**

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance	2nd instance	Total procedure
Divorce cases					
Employment dismissal cases					
Robbery cases					
Intentional homicide					

**94) Where appropriate, please specify the specific procedure as regards divorce:**

To apply for a divorce in Ireland, four documents must be submitted to the Circuit Court:

An application form (known as a Family Law Civil Bill). This document describes both parties, their occupations and where they live. It also sets out the date of marriage, for how long they have been living apart and the names and birth dates of any children.

A sworn statement of means (Form 37A). This document sets out assets, income, debts, liabilities and outgoings.

A sworn statement relating to the welfare of the children (Form 37B). This document sets out the personal

details of the children of the marriage. It describes where they live and with whom. It also describes their education and training, their health, childcare arrangements and maintenance and access arrangements.

A document certifying that the parties have been advised of the alternatives to divorce (Form 37D). This document is sworn by a solicitor and it certifies that the applicants have been informed of the options of reconciliation, mediation and separation.

When all of the necessary documents have been filed, applicants are given a date for the court hearing. The hearing will be held in private. Applicants need to show the court that they meet the requirements of the Family Law (Divorce) Act 1996. If the Court is satisfied that the applicant has grounds for a divorce, it will grant a decree of divorce.

In granting a Decree of Judicial Separation or Divorce, a court in Ireland has the power to make a wide variety of ancillary orders. The most usual court orders relate to the following:

- Custody of and access to children
- Maintenance and lump sum payments
- Ownership of the family home
- Occupation of the family home
- Ownership of property and assets such as shares
- Pension rights
- Succession rights.

There is no standard or usual amount of maintenance payable just as there is no standard set of circumstances in which a court will make a particular order in relation to the family home. When considering what orders to make in each particular case, a court will consider all of the circumstances of the family.

**95) How is the length of proceedings calculated for the four case categories? (please give a description of the calculation method)**

No information available.

**96) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):**

- to conduct or supervise police investigation?
- to conduct investigation?
- when necessary, to demand investigation measures from the judge?
- to charge?
- to present the case in the court?
- to propose a sentence to the judge?
- to appeal?
- to supervise the enforcement procedure?
- to end the case by dropping it without the need for a judicial decision?
- to end the case by imposing or negotiating a penalty without a judicial decision?
- other significant powers?

Please specify:

The Prosecutor has no investigative function or role. The Prosecutor determines the appropriate charge and is responsible of the presentation of the case in court. Where there is a prosecution right of appeal on a point of law or in relation to the leniency of a sentence then such decision is taken by the prosecutor. The prosecutor can end the case by dropping it without a judicial decision.

**97) Does the prosecutor also have a role in civil and/or administrative cases?** Yes No

If yes, please specify:

**98) Functions of the public prosecutor in relation to criminal cases – please complete this table:**

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	15214				0	6445

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

3,722 cases were discontinued by the Public Prosecutor. It is not possible to break down this figure into the categories listed in the table.

The majority of minor, misdemeanour type cases are prosecuted by the police in Court.

**Please indicate the sources for the questions 92 to 94 and question 98**

92-94 The Courts Service

98. The Annual Report of the Director of Public Prosecutions, 2006.

## 5. Career of judges and prosecutors

### 5. 1. Appointment and training

#### 5. 1. 1. Recrutement, nomination and promotion

#### 99) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

#### 100) Are judges initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of judges only?
- an authority composed of non-judges only?
- an authority composed of judges and non-judges?

#### 101) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, please specify which authority is competent for promoting judges:

The Government. Strictly speaking, there is no promotional system as such. A Judge may be appointed to be president of a court or to be a judge of a higher court by the Government. Such positions will, however, be advertised and are also open to non-judges.

**102) Which procedures and criteria are used for promoting judges? (please specify).**

There is no promotional system as such. A Judge may be appointed to be president of a court or to be a judge of a higher court by the Government. Such positions will, however, be advertised and are also open to non-judges. They are, therefore, appointments as opposed to promotions.

**103) How are prosecutors recruited?**

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

**104) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:**

- an authority composed of prosecutors only?
- an authority composed of non-prosecutors only?
- an authority composed of prosecutors and non-prosecutors?

**105) Is the same authority formally responsible for the promotion of prosecutors?**

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors.



**106) Which procedures and criteria are used for promoting prosecutors (please specify)****107) Is the mandate given for an undetermined period for judges ?**

- Yes  
 No

Are there exceptions? Please specify:

**108) Is the mandate given for an undetermined period for prosecutors?**

- Yes  
 No

Are there exceptions? Please specify:

**109) If no, what is the length of the mandate?  
Is it renewable?**

for judges

yes, please  
specify the  
length

for prosecutors

yes, please  
specify the  
length

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

The Judicial Appointments Advisory Board was established under the Courts and Court Officers Act 1995. The Board assesses applicants for judicial office and informs the Government of their suitability. The Board consists of the Chief Justice, the Presidents of the High Court, Circuit Court and District Court, the Attorney General, nominated representatives of the Bar Council and the Law Society and three persons nominated by the Minister for Justice, Equality and Law Reform.

Section 14 of the Act enables the Board to adopt such procedures as it thinks fit to carry out its functions. In practice, the Board places advertisements in the national press. Applicants complete a detailed application form which includes questions on their practice, their professional qualifications, education, character etc.

The Board then submits to the Minister a list of all the persons who applied and the names of at least seven persons whom it recommends for appointment.

The Government, when advising the President in relation to the appointment of a person to a judicial office, must first consider persons who have been recommended by the Board. It is important to note that the Board cannot submit nor recommend the name of a person unless that person meets the eligibility requirements set out by law in relation to the post in question. Furthermore, the Board cannot recommend the name of any person unless in the opinion of the Board the person concerned

- has displayed in his/her practice as a solicitor or barrister a degree of competence and a degree of probity appropriate to and consistent with the appointment concerned,
- is suitable on grounds of character and temperament,
- is otherwise suitable, and
- complies with section 19 of the Act (this section provides that a person who wishes to be considered for appointment to judicial office must undertake in writing his or her agreement, if appointed to judicial office, to take such training as may be required by the Chief Justice or the President of the Court to which the person concerned is appointed).

Section 17 of the Act provides that the procedures do not apply where the Government proposes to advise the President to appoint to judicial office a person who is already a judge or, subject to certain conditions, holds certain European or international judicial offices as set out in section 5 of the Courts (Supplemental Provisions) Act 1961 as amended.

The Standards in Public Office Act 2001 requires applicants to certify that their tax affairs are in order. Section 22(1) of the Act prohibits the Board from recommending a person for judicial office unless the person has furnished to the Board a tax clearance certificate and a statutory declaration that their tax affairs are in order.

The successful applicant is chosen at a meeting of the Government, which nominates the person for appointment by the President of Ireland. The President signs the warrant of office, and the new judge is shortly after sworn in by the Chief Justice.

Article 35.4.1 of the Constitution provides: 'A judge of the Supreme Court or the High Court shall not be removed from office except for stated misbehaviour or incapacity, and then only upon resolutions passed by Dáil Éireann\* and Seanad Éireann\* calling for his removal'. Legislation provides that other judges hold office by the same tenure as the judges of the High Court and the Supreme Court.

\* The upper and lower houses of Parliament.

### 5. 1. 2. Training

#### 110) Nature of the training of judges.

##### Is it compulsory?

- Initial training
- General in-service training
- In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- In-service training for management functions of the court (e.g. court president, court managers)
- In-service training for the use of computer facilities in the court

#### 111) Frequency of the training of judges:

	Annual	Regular	Occasional
Initial training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

In-service training for specialised judicial functions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**112) Nature of the training of prosecutors.  
Is it compulsory?**

- Initial training
- General in-service training
- Specialised in-service training (e.g. specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service

**113) Frequency of the training of prosecutors:**

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Specialised in-service training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the prosecution services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the public prosecution service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that have been implemented over the last two years

## 5. 2. Practice of the profession

### 5. 2. 1. Salaries

**114) Salaries of judges and prosecutors (complete the table)**

	Gross annual salary (euro)	Net annual salary (euro)
First instance professional judge at the beginning of his/her career	127664	
Judge of the Supreme Court or the Highest Appellate Court	222498	
Public prosecutor at		

the beginning of his/her career		
Public prosecutor of the Supreme Court or the Highest Appellate Instance		

**115) Do judges and public prosecutors have additional benefits?**

	Judges	Prosecutors
Reduced taxation	<input type="checkbox"/>	<input type="checkbox"/>
Special pension	<input type="checkbox"/>	<input type="checkbox"/>
Housing	<input type="checkbox"/>	<input type="checkbox"/>
Other financial benefit	<input type="checkbox"/>	<input type="checkbox"/>

**116) If other financial benefit, please specify:**

**117) Can judges combine their work with any of the following other professions?**

	Yes with remuneration	Yes without remuneration	No
Teaching	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**118) If other function, please specify:**

**119) Can prosecutors combine their work with any of the following other professions?**

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consultant	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cultural function	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**120) If other function, please specify:**

**121) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?** Yes No

If yes, please specify:

**Please indicate the source for the question 114**

Department of Justice, Equality and Law Reform. The figure given for a first instance judge is that of a District Judge. The corresponding figures for the Circuit and High Courts are:

Circuit Court: €153,198

High Court: €209,734

**5. 2. 2. Disciplinary procedures****122) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:**

The Oireachtas (national parliament) may conduct impeachment proceedings for stated misbehaviour or incapacity on the part of judges. A Judicial Council is planned, with the power to investigate lesser alleged misbehaviour.

Disciplinary proceedings may be initiated against prosecutors by their professional bodies, the Law Society of Ireland and the Bar Council of Ireland.

**123) Which authority has the disciplinary power on judges and prosecutors? Please specify:**

The Oireachtas (national parliament) may impeach judges for stated misbehaviour or incapacity. A Judicial Council is planned, with the power to investigate lesser alleged misbehaviour.

Disciplinary action may be taken against prosecutors by their professional bodies, the Law Society of Ireland and the Bar Council of Ireland.

**124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated**

	Judges	Prosecutors
Total number (1+2+3+4)	0	0
1. Breach of professional ethics		
2. Criminal offence		
3. Professional inadequacy		
4. Other		

**125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of sanctions pronounced**

	Judges	Prosecutors
Total number (total 1 to 9)	0	0
1. Reprimand		
2. Suspension		
3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary		
6. Degradation of post		
7. Transfer to another geographical (court) location		
8. Dismissal		
9. Other		

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

## 6. Lawyers

### 6. 1. Statute of the profession

#### 6. 1. 1. Profession

#### 126) Total number of lawyers practising in your country

9380

#### 127) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

- Yes  
 No

#### 128) Number of legal advisors?

7841

#### 129) Do lawyers have a monopoly of representation:

- Civil cases\*  
 Criminal cases - Defendant\*  
 Criminal cases - Victim\*  
 Administrative cases\*

\* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases.

A defendant may choose to represent him/herself in a criminal trial. The parties to civil cases may also opt to represent themselves. Otherwise, a lawyer is required.

#### 130) Is the lawyer profession organised through:

- a national Bar?  
 a regional Bar?  
 a local Bar?

Please specify:

The Law Society is the national regulatory body for Solicitors.

For barristers, Bar Associations operate on a local (i.e. County) level.

**Please indicate the source for the question 126**

- (i) Council of the Bar of Ireland
  - (ii) Law Society of Ireland
- Law Society of Ireland

The 9,380 lawyers are made up of 1,539 barristers and 7,841 solicitors. Solicitors may represent their clients in court in some types of cases.

### 6. 1. 2. Training

**131) Is there a specific initial training and/or examination to enter the profession of lawyer?**

- Yes
- No

**132) Is there a mandatory general system for lawyers requiring continuing professional training?**

- Yes
- No

**133) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?**

- Yes
- No

If yes, please specify:

### 6. 1. 3. Fees



**134) Can users establish easily what the lawyers' fees will be?**

- Yes  
 No

**135) Are lawyers fees:**

- regulated by law?  
 regulated by the Bar association?  
 freely negotiated?

## 6. 2. Evaluation

### 6. 2. 1. Complaints and sanctions

**136) Have quality standards been formulated for lawyers?**

- Yes  
 No

**137) If yes, who is responsible for formulating these quality standards:**

- the Bar association?  
 the legislature?  
 other?

Please specify (including a description of the quality criteria used):

The General Council of The Bar of Ireland (The Bar Council) publishes a Code of Conduct and a Disciplinary Code that all barristers must obey.

**138) Is it possible to complain about :**

- the performance of lawyers?  
 the amount of fees?

Please specify:

Solicitors: Complaints of inadequate service or excessive fees may be made to the Law Society or the Solicitors Disciplinary Tribunal.

The General Council of The Bar of Ireland (The Bar Council) publishes a Code of Conduct and a Disciplinary Code that all barristers must obey. If a barrister does not follow the Code of Conduct or the Disciplinary Code, a client may complain about them to the Barristers' Professional Conduct Tribunal. Sometimes, the Bar Council may make the complaint.

Five non-lawyers and four barristers are members of the Tribunal. Usually, when a complaint is made about a barrister, two of the non-lawyers and one barrister from the Tribunal form a panel to deal with it.

**139) Which authority is responsible for disciplinary procedures:**

- the judge?  
 the Ministry of Justice?  
 a professional authority or other?

Please specify:

For Solicitors:

- a) Law Society of Ireland  
b) Solicitors Disciplinary Tribunal.

For Barristers, the Barristers' Professional Conduct Tribunal.

**140) Disciplinary proceedings and sanctions against lawyers:  
Disciplinary proceedings initiated**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	33			

**141) Disciplinary proceedings and sanctions against lawyers:  
Sanctions pronounced**

	Reprimand	Suspension	Removal	Fine	Other
Annual number		2		29	2

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

The data in questions 140 and 141 relate to solicitors only.

An exact figure is not available in relation to disciplinary proceedings against barristers in 2006. It is known, however, that about 25 cases are dealt with by the Barristers' Professional Conduct Tribunal annually.

## 7. Alternative Dispute Resolution

### 7. 1. Mediation and other forms of ADR

#### 7. 1. 1. Mediation

**142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:**

	Possibility of private mediation or court annexed mediation	Private mediator	Public authority	Judge	Prosecutor
Civil and commercial cases	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family law cases (ex. Divorce)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Administrative cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment dismissals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Criminal cases	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**143) Is there a possibility to receive legal aid for mediation procedures?**

Yes

No

If yes, please specify:

**144) Can you provide information about the number of accredited mediators?**

Yes

No

If yes, please provide the number of mediators:

**145) Can you provide information about the total number of judicial mediation procedures concerning:**

civil cases?

yes,  
number:

family cases?

yes,  
number:

administrative cases?

yes,  
number:

employment dismissals?

yes,  
number:

criminal cases?

yes,  
number:

**Please indicate the source for the question 145**

### 7. 1. 2. Other forms of alternative dispute resolution

**146) Can you give information concerning other forms of alternative dispute resolution (e.g. Arbitration, conciliation)? Please specify:**

Employment dismissals - Parties to a disputed dismissal in employment are in a position, on a voluntary basis, to participate in Conciliation on the matter delivered by the Conciliation Service of the Labour Relations Commission. This is a State funded Service provided free to parties to the employment relationship generally in the context of the settlement of Trade Disputes.

Criminal cases – Victim/offender mediation

Cases referred at pre-sentence

Can be suggested/proposed by any of the parties connected to the case

Judge must sanction referral

Voluntary participation

There are no guarantees for offender that participation will influence court sanction/sentence.

Offender reparation programme

Cases referred at pre-sentence

Can be suggested/proposed by any of the parties connected to the case

Judge must sanction referral

Voluntary participation

**You can indicate below:**

- any useful comments for interpreting the data mentioned above

- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

## 8. Enforcement of court decisions

### 8. 1. Execution of decisions in civil matters

#### 8. 1. 1. Functioning

#### 147) Number of enforcement agents

40

#### 148) Are enforcement agents:

- judges?
- bailiff practising as private profession ruled by public authorities?
- bailiff working in a public institution?
- other enforcement agents?

Please specify their status:

#### 149) Is there a specific initial training or examination to enter the profession of enforcement agent?

- Yes
- No

#### 150) Is the profession of enforcement agent organised by?

- a national body?
- a regional body?
- a local body?

#### 151) Can users establish easily what the fees of the enforcement agents will be?

- Yes
- No

#### 152) Are enforcement fees:

regulated by law?

freely negotiated?

**Please indicate the source for the question 147**

Department of Justice, Equality and Law Reform

8. 1. 2. Supervision

**153) Is there a body entrusted with the supervision and the control of the enforcement agents?**

Yes

No

**154) Which authority is responsible for the supervision and the control of enforcement agents:**

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

A Joint Committee comprising representatives of the Department of Justice, The Revenue Commissioners, and the Sheriffs Association has agreed a voluntary code of conduct.

**155) Have quality standards been formulated for enforcement agents?**

Yes

No

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

A Joint Committee comprising representatives of the Department of Justice, The Revenue Commissioners, and the Sheriffs Association has agreed a voluntary code of conduct.

**156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?**

- Yes  
 No

If yes, please specify:

**Please indicate the sources for the questions 155 and 156**

Department of Justice, Equality and Law Reform

### 8. 1. 3. Complaints and sanctions

**157) What are the main complaints of users concerning the enforcement procedure? (please indicate a maximum of 3)**

- no execution at all?  
 non execution of court decisions against public authorities?  
 lack of information?  
 excessive length?  
 unlawful practices?  
 insufficient supervision?  
 excessive cost?  
 other?

Please specify:

**158) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?**

Yes

No

If yes, please specify:

**159) Is there a system measuring the timeframes of the enforcement of decisions:**

for civil cases?

for administrative cases?

**160) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:**

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more

Please specify:

**161) Disciplinary proceedings initiated against enforcement agents:**

Breach of professional ethics

yes,  
number:

Professional inadequacy

yes,  
number:

Criminal offence

yes,  
number:

Other

yes,  
number:



**162) Sanctions pronounced against enforcement agents:**

- |            |  |
|------------|--|
| Reprimand  | <input type="checkbox"/> yes,<br>number: |
| Suspension | <input type="checkbox"/> yes,<br>number: |
| Dismissal  | <input type="checkbox"/> yes,<br>number: |
| Fine       | <input type="checkbox"/> yes,<br>number: |
| Other      | <input type="checkbox"/> yes,<br>number: |

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years

**Please indicate the sources for the questions 157 and 160**

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**8. 2. Execution of decisions in criminal matters****8. 2. 1. Functioning****163) Is there a judge who is in charge of the enforcement of judgments?**

- Yes  
 No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor).

**164) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?**

- Yes  
 No

If yes, please specify:

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

## 9. Notaries

### 9. 1. Statute

#### 9. 1. 1. Functioning

**165) Do you have notaries in your country? If no, go to question 170.**

- Yes  
 No

**166) Is the status of notaries:**

- |   |   |
|---|---|
| a private one (without control from public authorities)?    | <input type="checkbox"/> yes, number:             |
| a status of private worker ruled by the public authorities? | <input type="checkbox"/> yes, number:             |
| a public one?   | <input checked="" type="checkbox"/> yes, number:  |
| other?  | <input type="checkbox"/> yes, number and specify: |

**167) Do notaries have duties:**

- within the framework of civil procedure?  
 in the field of legal advice?  
 to authenticate legal deeds?  
 other?

Please specify:

A notary is public officer of the civil order, appointed by the competent authority of the State in which he practises, to carry out the functions customarily associated with that office. Although closely associated with the work of the legal profession, the notary's is a separate profession of equal antiquity. A notary's involvement in legal affairs is restricted to matters of a non-contentious nature. His official acts, described as 'notarial acts', are executed under his Official Seal and signature although in certain circumstances, his signature alone may suffice. Because of the great antiquity of the office, and the manner of its evolution, the derivation of the notary's powers cannot be exhaustively defined. Neither is the exercise of a notary's function, in which there is invariably a foreign element, circumscribed by state.

The functions of a notary public relate to, and include, (a) authenticating public and private documents, (b) attesting and verifying signatures to documents in order to satisfy evidential or statutory requirements of foreign governments or of overseas institutions and regulatory authorities, (c) noting and protesting bills of exchange and promissory notes for non-acceptance or non-payment, (d) drawing up ship protests, and (e) giving certificates as to the acts and instruments of persons and their identities. In the performance of his functions a notary public is empowered, by virtue of his office, to administer oath and to take affidavits. He may also draw up documents of a legal or mercantile nature, take evidence as a commissioner for foreign courts and make and verify translations from foreign languages into the vernacular and vice versa.

**Please indicate the source for the question 166**

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**9. 1. 2. Supervision****168) Is there an authority entrusted with the supervision and the control of the notaries?**

- Yes  
 No

**169) Which authority is responsible for the supervision and the control of the notaries:**

- a professional body?  
 the judge?  
 the Ministry of Justice?  
 the prosecutor?  
 other?

Please specify:

The Chief Justice is the competent authority to appoint notaries public.

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

## 10. Functioning of justice

### 10. 1. Foreseen reforms

#### 10. 1. 1. Reforms

**170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.**