



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

Country: Ireland

National correspondent

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## 1. Demographic and economic data

### 1. 1. General information

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

##### 1) Number of inhabitants

4422100

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

	Amount
State level	73100000000
Regional / entity level	NA

##### 3) Per capita GDP (in €)

41115

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

33209

##### 5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

**Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:**

Central Statistics Office, Department of Finance

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

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

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

136195000

##### 7) Please specify

Courts Service

**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 or indicate NA (not available) in case that the information cannot be supplied**

**Please provide comments to explain the data provided under question 8:**

Annual public budget allocated to (gross) salaries

Yes

58677000

Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	9368000
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	120000
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	20754000
Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	29632000
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	1229000
Other (please specify):	<input checked="" type="checkbox"/> Yes	16415000

**Comment :**

The above figures reflect the Budget for 2008 for Court Service.

\* Justice Expenses relates to Psychological Medical Reports (Annual public budget allocated to justice expenses)

\* Per the glossary of terms, Justice Expenses refers to amounts the Courts should pay out such as expenses paid for expert opinions. There have been differing interpretations of this definition and hence the variations in the figures supplied for 2004, 2006 and 2008. Having reviewed the definition it has now been agreed that it related to expert opinion requested by the Court accordingly this refers to medical and psychological reports only. Therefore the prior year figures have been restated.

**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):

Annual Public Budget for 2004 and 2008 shows an increase in total Gross funding (Expenditure) of 39%, (Total Gross Funding 2004 was €97.991m, 2008 was €136.195m). The increased funding was provided to meet the cost of;

1. Salaries & wages - increase in staff numbers
2. courthouse Maintenance - to fund the ongoing routine and preventative maintenance of existing and newly refurbished buildings.
3. Courthouse & ICT Capital - required to complete the Court Service's capital Building & ICT Programmes.

Additionally during the same period the Court Service budget for Fee Income (receipts) increased from €21.9m in 2004 to €28.9m in 2008.

**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 charged in Family Law cases.

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

**State (in Euros)**

38105000

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

**Please provide information concerning the budgetary elements that included in the whole justice system budget:**

.  Amount 2604000000

Comment :

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

**Please provide comments to explain the figure provided under question 13:**

.  Amount 89900000

Comment :

**14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):**

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	55300000	34640000

Comment :

34.64m includes €8.33m to Refugee Legal Service

**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 €)**

**Please provide comments to explain the figure provided under question 16:**

.  Amount 44522000

Comment :

**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	Yes	No	No	No
Other ministry	No	No	No	No
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No
Judicial Council	No	No	No	No
Courts	Yes	No	Yes	No
Inspection body	No	No	No	Yes
Other	No	No	No	No

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

Inspection Body - Controller & Auditor General

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- 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

Q11 This figure reflects Court fee income received in 2008

**Please indicate the sources for answering the questions 6, 8, 11, 12, 13, 14 and 16.**

Courts Service, Department of Justice, Equality and Law Reform, Legal Aid Board, Director of Public Prosecutions

## 2. Access to Justice and to all courts

### 2. 1. Legal aid

#### 2. 1. 1. Principles

#### 20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes
Other	No	No

#### 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:

Legal aid covers Stamp Duty/Court fees

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

Yes

No

#### 24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
Total	62765
in criminal cases	55265
Other than criminal cases	7500

Comment :

#### 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:**

	Yes	Amount in €
for criminal cases	X	None spe
for other than criminal cases?	X	18000

Comment :

for criminal cases: none specified, rarely used

for other than criminal cases: 18000 € following deductions of allowances

**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

Please provide comments to explain the answer under question 27:

merits test is applied

**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:

No information available

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

	Yes (the decision has an impact on who bears the legal costs)
criminal cases?	No
other than criminal cases?	Yes

**You can indicate below:**

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

Q23: Does not cover costs of Enforcement Agent but will grant legal aid for proceedings to enforce judgments



Costs follow the event

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

Legal Aid Board, Department of Justice, Equality and Law Reform

**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:**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | <a href="http://www.Irishstatutebook.ie">www.Irishstatutebook.ie</a> |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es):                    | <input checked="" type="checkbox"/> Yes | <a href="http://www.courts.ie">www.courts.ie</a>                     |
| <input type="checkbox"/> other documents (for examples forms)? Internet address(es):              | <input checked="" type="checkbox"/> Yes | <a href="http://www.courts.ie">www.courts.ie</a>                     |

**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 aspect 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 Siochana.

The helpline began in September, 2005. Victim Support. The Helpline number is 1850 211407. The Helpline hours are Monday 10.00 a.m. to 7 p.m. Tuesday to Friday 10.00 a.m. to 5 p.m. Saturday 2 p.m. to 4 p.m.

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 Gardai  
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	Yes	Yes	Yes	No
Victims of terrorism	No	No	No	No
Children/Witnesses/Victims	Yes	Yes	No	No
Victims of domestic violence	Yes	Yes	No	No
Ethnic minorities	Yes	No	No	No
Disabled persons	Yes	No	No	No
Juvenile offenders	Yes	Yes	Yes	No
Other	No	No	No	No

Comment :

**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?

a 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 to 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.

**2. 2. 2. Confidence of citizens in their justice system**

**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:

Millward Brown IMS were engaged in 2007 to carry our a "Mystery Shopper" survey of services provided by the Court Service staff in offices nationwide.

A Customer Service Survey was put in place by the Probate Office at the end of 2004 for persons applying for probate without a solicitor.

The Court Service website already provide a forum through which customers can and do make their views on the Service known.

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

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	No	Yes
Surveys at court level	No	No

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

- Yes
- No

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

**Please give elements of information concerning the efficiency of this complaint procedure:**

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	No	No
Higher court	No	No
Ministry of Justice	No	No
High Council of the Judiciary	No	No
Other external organisations (e.g. Ombudsman)	No	No

Comment :

### 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. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.**

	Total number
First instance courts of general jurisdiction	3
Specialised first instance Courts (legal entities)	1
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	130

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

Other than distinctions between jurisdictional levels there is no specialisation - all judges deal with all types of case.

**47) Is there a change in the structure in 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:

The number of geographic locations has been reduced.

**48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):**

	Number
a debt collection for small claims	1
a dismissal	1
a robbery	2 or 3

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

"small claim" means a civil proceeding instituted under these rules

(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 1945 and 2960, 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 known as "key money" unless such 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."

**Please indicate the sources for answering the questions 45 and 48:**

Q48: Robbery 2 (depending on whether summary or indictment trial) or 3 (if offence is triable before Special Criminal Court)

Source Courts Service

3. 1. 2. Judges, courts staff

**49) Number of professional judges sitting in courts (please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)**

**Please provide comments to explain the answer under question 49:**

Number  . 145

Comment :

**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 provide comments to explain the answer under question 50:**

**52) Is there in the legal system non-professional judges (including lay judges and excluding juries) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).**

**Please provide comments to explain the answer under question 52:**

	Yes	Number
Do you have non-professional judges?		0

Comment :

**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?**

**55) Number of non-judge staff who are working in courts (in full time equivalent and for permanent posts). Please indicate NA if no figures are available.**

**Please provide comments to explain the answer under question 55:**

Number  . 1080

Comment :

**56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).**

- |   |   |     |
|---|---|-----|
| - non-judge staff (Rechtspfleger or similar bodies), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal  | <input checked="" type="checkbox"/> Yes | 37  |
| - 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 | 849 |
| - 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 checked="" type="checkbox"/> Yes | 194 |
| - technical staff   | <input type="checkbox"/> Yes            |     |

Comment :

37 non-judge staff (Rechtspfleger or similar bodies): 26 county registrars, 2 Taxising Masters and 1 Master, 1 Examiner, 3 Assistant Examiners, 1 Probate Officer, 1 Assistant Probate Officer, 1 Official Assignee in Bankruptcy and 1 Registrar of Wards of Court.

**57) If there are Rechtspfleger (or similar bodies) in your judicial system, please**



**describe briefly their status and functions:**

## 3. 1. 3. Prosecutors

**58) Number of public prosecutors (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).**

Number  . 84

## Comment :

26 full time equivalent professional posts in directing Division (including the Director's post)  
58 full time equivalent solicitor posts in solicitors division.

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

- Yes  
 No

If yes, please specify:

State solicitors are contracted to provide a solicitor service to the Director in cases heard outside of Dublin. Serious criminal offences, with the exception of certain criminal matters having an 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 (32 in number; and by their support staff) 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 member states of the Council of Europe.

**60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).****Please provide comments to explain the answer under question 60:**

Number  . 111

## Comment :

19 full time equivalent legal technical staff  
5 full time equivalent policy, research and library staff.  
87 full time equivalent administrative support staff

## 3. 1. 4. Court budget and new technologies

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

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	Yes	No	No	Yes
Court President	No	No	No	No
Court administrative director	No	Yes	No	No
Head of the court clerk office	No	No	Yes	No
Other	No	No	No	No

**62) You can indicate below:**

- any useful comments for interpreting the data mentioned above
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process in the court

**63) 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	Yes	No	No	No
Electronic data base of jurisprudence	No	No	No	No
Electronic files	No	No	No	Yes
E-mail	Yes	No	No	No
Internet connection	Yes	No	No	No

**64) 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	Yes	No	No	No
Court management information system	Yes	No	No	No
Financial information system	Yes	No	No	No

**65) 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	Yes	No	No	No
Special Website	No	No	No	No
Other electronic communication facilities	No	No	Yes	No

**66) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

- Yes  
 No

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

Courts Service Information Office collects statistical data.

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that has been implemented over the last two years

### 3. 2. Monitoring and evaluation

#### 3. 2. 1. Monitoring and evaluation

**67) Are the courts required to prepare an annual activity report?**

- Yes  
 No

**68) 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:

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

- Yes  
 No

Please specify:

**70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?**

- Yes  
 No

**71) Please select the 4 main performance and quality indicators that is 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  
 enforcement of penal decisions  
 satisfaction of employees of the courts  
 satisfaction of clients (regarding the services delivered by the courts)  
 judicial quality and organisational quality of the courts  
 costs of the judicial procedures

other:

Please specify:

**72) Are there performance targets defined for individual judges (if no go to question 74) ?**

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

If other, please specify:

**74) Are there performance targets defined at the level of the courts (if no go to question 77)?**

Yes

No

**75) 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

If other, please specify:

**76) Please specify the main targets applied**

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

High Council of judiciary

Ministry of justice

inspection authority

Supreme Court

external audit body

other

If other, Please specify:

The Courts Service Board has overall authority in the management of the courts

**78) 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:

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

Yes

No

**80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:**

civil cases?

criminal cases?

administrative cases?

**81) 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 decision of parties to refer case to trial

**82) 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):

**83) Is there a system for monitoring and evaluating the functioning of the prosecution services?**

Yes

No

If yes, please specify:

**You can indicate below:**

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

Q83The 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 would 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 our 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.

## 4. Fair trial

### 4. 1. Principles

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

**84) 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)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).**

NA

**85) 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):

**86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (NA).**

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

### 4. 2. Timeframes of proceedings

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

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

civil cases?

criminal cases?

administrative cases?

Please specify:

Where urgent matters arise it is open to any party to the case to make an application to the court for an earlier hearing date.

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

civil cases (small claims)?

criminal cases (petty offences)?

administrative cases?

Please specify (for example if you have introduced a new law on simplified procedures):

**89) 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 case, issues of fact or law can be agreed by the parties in advance of trial. Parties in High Court cases can agree on timeframes for lawyers to make submissions and on dates of hearings, which Judges will enforce.

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

**90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)*	NA	NA	NA	NA
1 Civil (and commercial) litigious cases*	NA	NA	NA	NA
2 Civil (and commercial) non-litigious cases*	NA	NA	NA	NA
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	NA	NA	NA	NA
7 Other	NA	NA	NA	NA
Total criminal cases (8+9)	NA	NA	NA	NA
8 Criminal cases (severe criminal offences)	NA	NA	NA	NA
9 Misdemeanour and / or minor offences cases	NA	NA	NA	NA

**91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):**

**92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).**

\* Please indicate (in the comments below) which types of cases are included in the



**total figures of civil, commercial and administrative law cases.**

**\*\* if applicable**

**Please check the consistency of data as mentioned under question 91.**

**Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*				
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 and/or minor offences cases				

Comment :

None of this data is available in the format outlined here.

Some of the data is not available in any format.

**93) Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**\* Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**\*\* if applicable**

**Please check the consistency of data as mentioned under question 88.**

**Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases* (litigious and non-litigious)				
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)				

Comment :

**94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*				
Employment dismissal cases*				
Robbery cases				
Intentional homicide				

**95) Average length of proceeding (from the date of lodging of court proceedings) in days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 92:**

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance (average length)	2d instance (average length)	Total procedure (average total length)
Litigious divorce cases*					
Employment dismissal cases*					
Robbery cases					
Intentional homicide					

Comment :

Information not available in format requested

**96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) divorce:**

A party files a civil bill and is given a date for hearing when all preliminary matters are disposed of and they are ready to proceed to hearing. The case may settle without judicial intervention.

**97) How is the length of proceedings calculated for the four case categories? Please**

**give a description of the calculation method.**

**98) 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 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 not investigative function or role. The Prosecutor determines the appropriate charge and has charge 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.

**99) Does the prosecutor also have a role in civil and/or administrative cases?**

- Yes
- No

Please specify:

**100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:**

	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	16140	NA	NA	NA	NA	NA

Comment :

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter

**the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years**

**Please indicate the sources for answering the questions 90 to 95 and 100:**

Courts Service

## 5. Career of judges and prosecutors

### 5. 1. Appointment and training

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

##### **101) 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

Other, please specify:

The Judicial Appointments Advisory Board was established pursuant to the Courts and Court Officers Act, 1995. The purpose of the Board is to identify persons and inform the Government of the suitability of those persons for appointment to judicial office.

The Board consists of:

- the Chief Justice; who is Chairperson of the Board;
- the President of the High Court;
- the President of the Circuit Court;
- the President of the District Court;
- the Attorney General;
- a practising barrister who is nominated by the Chairman for the time being of the Council of the Bar of Ireland;
- a practising solicitor who is nominated by the President for the time being of the Law Society of Ireland; and
- not more than three persons appointed by the Minister for Justice, Equality and Law Reform, (hereafter "the Minister"), which are persons engaged in or having knowledge or experience of commerce, finance, administration, or persons who have experience as consumers of the service provided by the courts that the Minister considers appropriate. A person appointed to be a member of the Board by virtue of a nomination by the Chairman of the Bar Council or by the President of the Law Society and persons appointed by the Minister are members of the Board for a period not exceeding three years and any such persons so appointed shall be eligible for re-appointment to the Board.

In relation to the position ordinary judge of the Courts, the following applies:

- In advising the President of Ireland in relation to the appointment of a person to judicial office, the Government shall firstly consider for appointment those persons whose names have been recommended to the Minister of Justice, Equality & Law Reform by the Judicial Appointments Advisory Board. (Applicants are Barristers and Solicitors of at least 10 or 12 years standing as appropriate to the jurisdiction).
- Barristers and Solicitors of at least 10 or 12 years standing (as appropriate to the jurisdiction) may also be appointed directly by Government.
- Judges may be elevated by Government from the District Court to the Circuit Court, from the Circuit Court to the High Court and from the High Court to the Supreme Court.

##### **102) 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?

**103) Is the same authority competent for the promotion of judges?**

- Yes  
 No

If no, please specify which authority is competent for the promotion of judges:  
See response at Q 101 above

The Government is responsible for elevation of judges from one jurisdiction to another.

**104) Which procedures and criteria are used for promoting judges? Please specify.****105) 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

Other, please specify:

**106) 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?

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

- Yes  
 No

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

**108) Which procedures and criteria are used for promoting prosecutors? Please specify:****109) Is the mandate given for an undetermined period for judges?**

- Yes  
 No

Are there exceptions? Please specify:

Judges appointed to The Supreme Court, The High Court & The Circuit Court prior to the enactment of the Courts and Court Officers Act 1996 serve until 72 years of age.

Judges appointed to The Supreme court, The High court & the circuit court since the enactment of the courts and court officers Axt 1996 serve until 70 years of age.

Judges appointed to the District Court serve until 65 years of age but may apply each year to serve for a further year until the age of 70.

**110) Is there a probation period for judges? If yes, how long is this period?**

	Yes	Duration of the probation period (in years)
Probation period for judges		

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

- Yes
- No

Are there exceptions? Please specify:

Prosecutors are civil servants and their initial appointment would be subject to the normal probationary period of 12 months applicable generally. Having successfully completed that probationary period the appointment is confirmed and is for an undetermined period.

**112) Is there a probation period for prosecutors? If yes, how long is this period?**

	Yes	Duration of the probation period (in years)
Probation period for prosecutors	See Q111	

**113) If the mandate for judges/prosecutors is not for an undetermined period, what is the length of the mandate? Is it renewable?**

**Please specify the length**

- for judges?  Yes See Q109
- for prosecutors?  Yes

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- 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

5. 1. 2. Training

**114) 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)
- In-service training for the use of computer facilities in the court)

### 115) Frequency of the training of judges

	Annual	Regular	Occasional
Initial training	No	No	No
General in-service training	No	No	No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No	No	No
In-service training for management functions of the court (e.g. court president)	No	No	No
In-service training for the use of computer facilities in the court	No	No	Yes

### 116) Nature of the training of prosecutors. Is it compulsory?

- Initial training
- General in-service training
- Specialised in-service training (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)

### 117) Frequency of the training of prosecutors

	Annual	Regular	Occasional
Initial training	No	Yes	No
General in-service training	No	Yes	No
Specialised in-service training (specialised public prosecutor)	No	No	No
In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)	No	No	No
In-service training for the use of computer facilities in the public prosecution service)	No	No	No

#### You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- comments regarding the attention given in 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 has been implemented over the last two years**

The Judicial Studies Institute has responsibility for the ongoing training of the Judiciary

THE JUDICIAL STUDIES INSTITUTE

Background

Section 19 of the Court and Court Officers Act 1995 provides that:

"A person who wishes to be considered for appointment to judicial office shall undertake to the Board (The Judicial Appointments Advisory Board) his or her agreement, if appointed to judicial office, to take such course or courses of training or education, or both, as may be required by the Chief Justice or President of the Court to which that person is appointed."

Section 48 provides that:

"The Minister (for Justice, Equality & Law Reform) may, with the consent of the Minister for Finance, provide funds for the training and education of Judges."

As a result of the above sections of the Court and Court Officers Act coming into force, the Judicial Studies Institute was set up in mid 1996 to provide for the training and for the on-going education of the Judiciary. Initial funds for the purpose of these sections were provided by the Minister.

The function of the Judicial Studies Institute is to organise conferences, seminars and lectures on legal subjects for members of the judiciary. The object is to enhance knowledge and understanding of law and legal principles among judges with particular regard to new developments in the law, including legislation. Among its main activities is the organisation of the annual judicial conferences for judges of the Superior Courts, the Circuit Court and the District respectively, and an annual national conference for judges of all courts. Seminars on discrete topics are also organised for each jurisdiction. The Institute nominates judges to attend international conferences on legal topics where relevant. The Board of the Institute meets once every six weeks approximately.

The Judicial Studies Institute produces The Judicial Studies Institute Journal twice a year approximately. To date the Institute has not produced an annual report. Bench Books are provided to each judge.

Numbers attending

Average attendances at conferences organised by the Judicial Studies Institute have been in the region of 95% with 100% on some occasions.

Members of the judiciary also frequently attend or participate in conferences, seminars and lectures concerned with legal topics organised by outside bodies such as universities, law associations and other interest groups.

Details of links with similar bodies in Europe, US etc

The Judicial Studies Institute has contact with many comparable bodies including Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, The Netherlands, Portugal, Spain, Sweden, England and Wales, Northern Ireland, Scotland, Canada, USA, New Zealand and Australia. The Institute has considerable contact with the Judicial Studies Board in Northern Ireland and the Judicial Studies Committee in Scotland. We are members of the UK & RI Judicial Studies Council and the European Judges Training Unit and the European Network Councils of the Judiciary.

The Judicial Studies Institute Journal

The website is available at [www.jsijournal.ie](http://www.jsijournal.ie)

Nature of the training of judges. Is it compulsory?

Section 19 of the Court & Court Officers Act 1995 requires a person who wishes to be considered for appointment to judicial office to undertake in writing to the Board his or her agreement, if

appointed to judicial office, to take such course or courses of training or education, or both, as may be required by the Chief Justice or the President of the Court to which the person concerned is appointed.

Initial Training - District Court judges sit with colleagues & observe for a number of weeks where possible.

See information on Judicial Studies Institute Q 113.

## 5. 2. Practice of the profession

### 5. 2. 1. Salaries

**118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 118:**

	Gross annual salary (€)	Net annual salary (€)
First instance professional judge at the beginning of his/her career	147961	
Judge of the Supreme Court or the Highest Appellate Court	257872	
Public prosecutor at the beginning of his/her career	NA	
Public prosecutor of the Supreme Court or the Highest Appellate Instance	NAP	

Comment :

Judicial Salares from 1st September 2009

Chief Justice €295,916

President of the High Court €274,779

Judge of the Supreme Court €257,872

President of the Circuit Court €249,418

Judge of the High Court €243,080

President of the District Court €183,894

Judge of the Circuit Court €177,554

Judge of the District Court €147,961

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

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit	No	No

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

## Judges

The Review Body on Higher Remuneration (Glesson Report), recommended an Annual Expense Allowance which is intended to cover any cost involved in judicial work outside the environs of the Courts and facilities for such work. The allowance is non-taxable and non-pensionable and is increased on the 1st of January each year in line with the C.P.I. over the previous 12 months. The appropriate amount is included in each judge's monthly salary cheque. The current rates from January 2009 are as follows:

## Judge Revised

Chief Justice €9,057.96 (€754.83 monthly)

President of the High Court €9,057.96 (€754.83 monthly)

Judge of the Supreme Court €9,057.96 (€754.83 monthly)

Judge of the High Court €9,057.96 (€754.83 monthly)

President of the Circuit Court €9,057.96 (€754.83 monthly)

Judge of the Circuit Court €2,730.02 (€227.50 monthly)

President of the District Court €9,057.96 (€754.83 monthly)

Judge of the District Court €1365.01 (€113.75 monthly)

**121) Can judges combine their work with any of the following other functions ?**

	Yes with remuneration	Yes without remuneration	No
Teaching	No	Yes	No
Research and publication	No	Yes	No
Arbitrator	No	No	No
Consultant	No	No	No
Cultural function	No	Yes	No
Other function	No	No	No

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

Judges from time to time address conferences, give lectures without remuneration.

**123) Can prosecutors combine their work with any of the following other functions ?**

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	Yes	No	No
Consultant	Yes	No	No
Cultural function	Yes	No	No
Other function	No	No	No

**124) If other function, please specify:****125) 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 answering the question 118**

The Judicial Studies Institute

5. 2. 2. Disciplinary procedures

**126) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:**

The 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.

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

Disciplinary power on prosecutors is exercised by their professional bodies, the Law Society of Ireland and the Bar Council of Ireland.

**128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 128:**

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

Comment :

**129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 129**

Total number (total 1 to 9)		
-----------------------------	--	--

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		

Comment :

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**
- 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

**130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).**

2020 barristers

8096 solicitors

**131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.**

- Yes
- No
- Not applicable

**132) Number of legal advisors. If there is no data available, please indicate it (NA)**

See Q130

**133) Do lawyers have a monopoly of representation in (multiple options are possible):**

- 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:

Barrister in all cases

Solicitors not in civil cases nor in administrative cases

e.g. Accountants may represent clients in Revenue matters.

**134) Is the lawyer profession organised through?**

- a national bar?
- a regional bar?
- a local bar?

Please specify:

The General Council of the Bar of Ireland is the Regulatory and Representation Body for the Barristers' profession in Ireland.

The Law Society of Ireland is the National Regulatory and Representative Body for solicitors. Bar Associations operate on a local (i.e. county) level.

**Please indicate the source for answering the questions 130 and 132:**

### 6. 1. 2. Training

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

Yes

No

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

Yes

No

**137) 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:

Q135 & 136 Yes for Barristers and solicitors

Q137 No for Barristers

Q137 Yes for Solicitors

Various diplomas are offered by the Law society of Ireland in relation to particular fields of practice, after qualification as a solicitor

### 6. 1. 3. Fees

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

Yes

No

Please provide comments to explain the answer under question 138

Yes for Barristers & Solicitors

In order to acquire the degree of Barrister at Law (BL) an applicant must first pass an entrance examination to the kings Inn, who is responsible for the training of barristers and their successfully complete the one year full time (or two year part-time) vocational course which leads to the Barrister at Law degree.

**139) Are lawyers fees**

regulated by law?

- regulated by Bar association?  
 freely negotiated?

Please provide comments to explain the answer under question 139:  
for Barristers and Solicitors. (freely negotiated with the client but the State sets the rates for fees in criminal and civil legal aid cases)

The Code of Conduct for the Barristers' profession provides for mandatory continuing professional development.

## 6. 2. Evaluation

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

#### 140) Have quality standards been formulated for lawyers?

- Yes  
 No

#### 141) 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):

Q140 Yes for Barristers

Q140 No for Solicitors

Q141 Barristers (The General Council of the Bar of Ireland with the approval of members)

The General Council of the Bar of Ireland sets the standards through its Code of Conduct for Barristers. The Code of Conduct and Disciplinary codes are subject to approval by members of the Bar.

#### 142) Is it possible to complain about

- the performance of lawyers?  
 the amount of fees?

Please specify:

Yes for Barristers and Solicitors

Barristers - Complaints about performance and fees which are primarily a matter between the client and the barristers can be made to the Barristers' Professional Conduct Tribunal and the Professional Conduct Appeals Board. Both the Tribunal and the Appeals Board have a lay majority representation.

Solicitors - Complaints of inadequate services and fees and about misconduct can be made to the law Society. complaints of misconduct can also be made to the solicitors Disciplinary Tribunal.



**143) Which authority is responsible for disciplinary procedures**

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

Please specify:

The judge for Solicitors

Barristers - The Barristers' Professional Conduct Tribunal and Professional conduct Appeals Board are responsible for disciplinary procedures in the case of barristers.

Solicitors - The Law Society investigate complaints, the Solicitors Disciplinary Tribunal adjudicates on misconduct and the President of the High Court has overall responsibility for solicitors matters.

**144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 141:**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	75%	25%	Nil	-

Comment :

Breach of professional ethics Professional inadequacy Criminal offence Other

Annual number

Barristers - 38 75% 25% Nil -

Solicitors - 82 1 81% Nil -

The General Council of the Bar of Ireland is the regulatory and representative Body for the Bar.

**145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 145:**

	Reprimand	Suspension	Removal	Fine	Other
Annual number				4	

Comment :

Fine: 4 (3 of those fine were also suspended)

Other: No case found (25 complaints dismissed after investigation)

Barrister (4) Suspension 3

Solicitors (41) Reprimand 3 - Suspension 7 - Removal 4 - Fine 27

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter  
 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 Bar of Ireland is an independent referral sole trader Bar

Re: solicitors - Difference in numbers between 144 and 145 explained by balance of cases awaiting final decision.

## 7. Alternative Dispute Resolution

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

#### 7. 1. 1. Mediation

**146) Does the legal system provide for mediation procedures? If no go to question 151**

- Yes  
 No

**147) If applicable, please specify, by type of cases, the organisation of mediation**

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Prosecutor
Civil and commercial cases	Yes	Yes	No	No	No
Family law cases (ex. Divorce)	Yes	Yes	Yes	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	No	No	No	No
Criminal cases	Yes	No	No	No	No

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

- Yes  
 No

If yes, please specify:

**149) Number of accredited mediators. If there is no data available, please indicate it (NA)**

25

**150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

civil cases?		NA
family cases?	<input type="checkbox"/> Yes	1500
administrative cases?		NA
employment dismissals?		NA
criminal cases?	<input type="checkbox"/> Yes	11

**Please indicate the source for answering the question 150:**

Q149 - 25 Accredited practitioner Family Mediators work for the Family Mediation Service

Q150 - (most cases in Family Mediation Service not referred by Judges - 1,500 per annum go through the Family Mediation Service)

### Family Mediation Service

The Probation Service - 2008- Report of Restorative Justice Services, a probation supported project in South West Dublin offering victim-offender mediation to Court referrals in criminal cases.

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

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

In family law situation - Collaborative Law is a form of ADR

Employment dismissals - parties to a disputed dismissal in employment are in a position on a voluntary bases, 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

Voluntary participation

If offenders complete community reparation programme, case is disposed of under the probation Act.

### **You can indicate below:**

**any useful comments for interpreting the data mentioned in this chapter**

**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

**152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154**

- Yes  
 No

**153) Number of enforcement agents. If there is no data available, please indicate it (NA).**

40

**154) Are enforcement agents (multiple options are possible):**

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

Please specify their status and powers:

The sheriffs in Dublin and Cork (4) are solicitors in private practice appointed by the Government. The sheriffs in the other 24 counties are solicitors who combine their work as County Registrars with that of sheriff. There are also 12 Revenue Sheriffs who collect monies from defaulting tax payers.

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

- Yes  
 No  
 Not applicable

**156) Is the profession of enforcement agent organised by?**

- a national body?  
 a regional body?  
 a local body?  
 not applicable

**157) Can users establish easily what the fees of the enforcement agents will be?**

- Yes  
 No  
 Not applicable

**158) Are enforcement fees:**

- regulated by law?  
 freely negotiated?  
 not applicable

**Please indicate the source for answering the question 153:**

Department of Justice, Equality and Law Reform

**8. 1. 2. Supervision****159) Is there a body entrusted with the supervision and the control of the enforcement agents?**

- Yes  
 No  
 Not applicable

**160) 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:

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

- Yes  
 No  
 Not applicable

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.

**162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?**

- Yes  
 No

if yes, please specify

The onus is on the party who obtained the court decision to select and implement an enforcement mechanism.

**163) Is there a system for monitoring the execution?**

- Yes  
 No

If yes, please specify

**8. 1. 3. Complaints and sanctions**

**164) 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:

Effectiveness of execution is hampered by lack of resources both human and financial leading to delays and failure to execute sometimes until assets may be dissipated or removed.

**165) 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:

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

- for civil cases?  
 for administrative cases?

**167) 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 sits:**

- between 1 and 5 days

- between 6 and 10 days  
 between 11 and 30 days  
 more

If more, please specify

**168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

- |  |                                       |
|--|---------------------------------------|
| Total number of disciplinary proceedings | <input type="checkbox"/> number:      |
| for breach of professional ethics        | <input type="checkbox"/> number:      |
| for professional inadequacy              | <input type="checkbox"/> yes, number: |
| for criminal offence                     | <input type="checkbox"/> number:      |
| Other                                    | <input type="checkbox"/> number:      |

**169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

- |                           |                                  |
|---------------------------|----------------------------------|
| Total number of sanctions | <input type="checkbox"/> number: |
| Reprimand                 | <input type="checkbox"/> number: |
| Suspension                | <input type="checkbox"/> number: |
| Dismissal                 | <input type="checkbox"/> number: |
| Fine                      | <input type="checkbox"/> number: |
| Other                     | <input type="checkbox"/> number: |

**You can indicate below:**

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

**Please indicate the source for answering the questions 167, 168 and 169:**

County Registrar Castlebar, Department of Justice, Equality and Law Reform.

## 8. 2. Execution of decisions in criminal matters

### 8. 2. 1. Functioning

**170) 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):



An Garda Siochana (Police Force)  
Prison Service

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

Yes

No

If yes, please specify:

The Comptroller and Auditor General (C&AG) conducted a report on the Collection of Court imposed fines in 1998(VFM Report 37 issued in December 2000 ) . Additionally the Internal Audit Unit of the Courts Service conducts routine reviews of this area. To support the efficient management of the Fines collection process, The Courts Service has introduced an Online Payment facility for Fines via the Courts Service website, this has been in place since August 2008 and has proven to be very popular. More recently the Service has commenced issuing on a routine and timely basis reminders for outstanding fines. This has been made possible following the implementation of our Courts Accounting System to all of our 42 District Court Office, (this system will be fully deployed in late 2009). Both of these initiatives, will significantly contribute towards increased fines collection rates.

Furthermore the Courts Service in conjunction with the Department of Justice Equality & Law Reform are in the process of tendering for the outsourcing of the collection of Fines. This procurement should be completed with a preferred service provider appointed in early 2010.

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**
- 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

**172) Do you have notaries in your country? If no go to question 177**

- Yes  
 No

**173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):**

a private one (without control from public authorities)?	<input type="checkbox"/> number	
a status of private worker ruled by the public authorities?	<input type="checkbox"/> number	162
a public one?	<input type="checkbox"/> number	
other?	<input type="checkbox"/> number	

Comment :

**174) Do notaries have duties:**

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

Please specify:

**Please indicate the source for answering the question 173**

Courts Service

#### 9. 1. 2. Supervision

**175) Is there an authority entrusted with the supervision and the control of the notaries?**

- Yes  
 No

**176) 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?
- not applicable

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 in this chapter**
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

## 10. Court interpreters

### 10. 1. function

#### 10. 1. 1. Statute

**177) Is the title of court interpreter protected?**

- Yes  
 No

**178) Is the function of court interpreter regulated?**

- Yes  
 No

**179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations**

**180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?**

- Yes  
 No

If yes, please specify:

**181) Are the courts responsible for the selection of court interpreters?**

- Yes  
 No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :

The Courts Service has a contract with a private company to provide interpreters as required at any of their Court locations.

## 11. Functioning of justice

### 11. 1. Foreseen reforms

#### 11. 1. 1. Reforms

**182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify:**