



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

Country: Ireland

National correspondent

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Organisation:

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Phone Number :

1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants (if possible on 1 January 2011)

4 581 269

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

	Amount
State level	73 332 000 000
Regional / federal entity level (total for all regions / federal entities)	NA

3) Per capita GDP (in €)

34 892

4) Average gross annual salary (in €)

36 371

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

NAP

A.1

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

Central Statistics Office and Department of Finance

1. 2. Budgetary data concerning judicial system

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

6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	148 722 000
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	52 943 000
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	5 457 000
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	<input checked="" type="checkbox"/> Yes	180 000
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	17 972 000
5. Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	57 163 000
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	1 172 000
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	13 835 000

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

The figures above reflect the budget for 2010.

8) Are litigants in general 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 to the rule to pay court a tax or fee? Please provide comments on those exceptions:

Family Law Proceedings are exemot form court fees.

9) Annual income of court taxes or fees received by the State (in €)

47 325 000

10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

NA

2 540 438 000

11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court system	Yes
Legal aid	Yes
Public prosecution services	Yes
Prison system	Yes
Probation services	Yes
Council of the judiciary	No
Judicial protection of juveniles	Yes
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	Yes
Other	Yes

Comment :

In 2010 the Public Prosecution Service (DPP) had a sperate budget allocation of €16,538,000in 2010 and the Prison Service had a budget allocation of €334,731,000.

Other areas that fall within the scoeof the Ministry of Justice include -
Adminstration costs, Various Commissions, Equality, Disbaility, Various Public Agencies

Q10 :It should also be denoted in the table that Ireland is including its prison system budget and the budget of the Office of the Director of Public Prosecutions. The figure also includes the costs of the Judiciary.

Q11 : Ireland does not have a Judicial Council, however, the costs of the Judiciary are included under Q 10

12) Annual approved public budget allocated to legal aid, in €- If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total annual approved public budget allocated to legal aid (12.1 + 12.2)	12.1 Annual public budget allocated to legal aid in criminal law cases	12.2 Annual public budget allocated to legal aid in non criminal law cases
Amount (in €)	87435000	54967000	32468000

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate

in the "comment" box below any useful information to explain the figures provided.

Amount 43 854 000

Comment :

Net expenditure for DPP's Office in 2010 was €43854000.

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

	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	NA
Other	No	No	No	No

15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

Inspection Body - Comptroller and Auditor General

A.2

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

Please indicate the sources for answering the questions 6, 9, 10, 11, 12 and 13.

Department of Justice & Equality, Courts Service, Legal Aid Board, Director of Public Prosecutions

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

17) Does legal aid include the coverage of or the exemption from court fees?

Yes

No

If yes, please specify:

18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

Yes

No

If yes, please specify:

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

	Criminal cases	Other than criminal cases
	Yes	Yes

Comment :

Legal Aid can cover the cost of expert reports, production of documentation, legal fees and necessary incidental expenses.

20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	64706
in criminal cases	55412
other than criminal cases	9294

Comment :

In other than criminal cases the number of legal aid certificates granted in 2010 was made up as follows:

Legal Services Certificates 3,154 in house solicitors all courts.

Delegated Certificates 841 in house solicitors attending the District Court

PP Scheme Certificates 5,220 private partitioners attending the District Court
private practitioners attending 79 the Circuit Court

This figure may include certificates not taken up, as well as cases where legal aid was granted and the matter was settled out of court prior to hearing.

21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer? Please specify in the "comment" box below.

Accused individuals	Yes
Victims	Yes

Comment :

Legal advice is available to a victim in a prosecution for certain sexual offences who wish to seek advice about the matter.

Legal aid is available to a victim in certain sexual assault cases where the prior sexual history of the complainant is being raised by a person accused of one or more of the following offences:

a rape offence;
aggravated sexual assault;
aiding, abetting, counselling and procuring aggravated sexual assault;
aiding, abetting, counselling or procuring attempted aggravated sexual assault;
incitement to aggravated sexual assault; or
conspiring to commit any of the foregoing offences.

A person who seeks to avail of this service does not have to undergo a means test or pay a contribution.

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

- Yes
 No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? Please provide in the "comment" box below any information to explain the figures provided. If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	0	0
for other than criminal cases?	18000	320000

Comment :

In criminal cases the provision exists however no amount is specific and it is rarely used.

In other than criminal cases, you must satisfy a means test and your annual disposable income must be less than €18,000.

In other than criminal cases, your capital resources, other than your home, are taken into account also when assessing financial eligibility. If the value of those resources exceeds €320,000, you will not qualify for legal services from the Board

24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

- Yes
 No

If yes, please explain the exact criteria for denying legal aid:

25) Is the decision to grant or refuse legal aid taken by :

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

26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

- Yes
 No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	No
other than criminal cases?	Yes

B.1

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

Generally, the unsuccessful party to civil proceedings will be liable to pay the costs of the successful party (costs follow the event), save where the court for special and express reason otherwise determines.

Please indicate the sources for answering the questions 20 and 23

Department of Justice & Equality, Legal Aid Board, Court Service

2. 2. Users of the courts and victims**2. 2. 1. Rights of the users and victims****28) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:**

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

- legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): Yes www.irishstatutebook.ie
- case-law of the higher court/s? Internet address(es): Yes www.courts.ie
- other documents (e.g. downloadable forms, online registration)? Yes www.courts.ie

Comment :

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- Yes
 No

If yes, please specify:

30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?

- Yes
 No

If yes, please specify:

There is a national freephone number (116006) for contacting the Crime Victims Helpline, where general and specific advice is available and referral to specialist agencies is given.

There are free general and specialist victim services available across the country, with many of them funded by the Commission for the Support of Victims of Crime.

The Victims Charter and Guide to the Criminal Justice System are available to download on www.victimsofcrime.ie and describe the criminal justice system from a crime victim's point of view. It sets out rights and entitlements to the services given by the various state agencies working with crime victims.

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

	Information mechanism	Special arrangements in court hearings	Other
Victims of rape	Yes	Yes	No
Victims of terrorism	No	No	No
Children (witnesses or victims)	Yes	Yes	Yes
Victims of domestic violence	Yes	No	No
Ethnic minorities	No	No	No
Disabled persons	No	Yes	No
Juvenile offenders	Yes	Yes	Yes
Other (e.g. victims of human trafficking)	No	No	No

Comment :

32) Does your country allocate compensation for victims of crime?

- Yes
 No

If yes, for which kind of offences

Comment: Reference the Criminal Injuries Compensation tribunal

Yes to damages to be paid by the responsible person (decided by a court decision)

33) If yes, does this compensation consist in:

- a public fund?
 damages to be paid by the responsible person (decided by a court decision)?
 a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

- Yes
 No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

- Yes
 No

If yes, please specify:

However, the Office of the Director of Public Prosecution provides a range of supports/services detailed on their website and specifically within the booklet entitled 'Going to Court as a Witness'.

36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a judicial decision".

- Yes
 No
 NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, please specify:

Victims may ask the Office of the Director of Public Prosecution to reconsider its decision to discontinue proceedings.

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

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

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

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

N/A

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- (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 the parties
 (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
 (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

The Irish Courts Service has conducted different types of evaluations and surveys. The Courts Service conducts satisfaction surveys among court users/visitors to the courts, the last such survey being conducted in 2010. In the 2010 survey, 569 respondents participated in the survey which ran from 2nd July to 10th August 2010 through the Courts Service website. Court users were offered questionnaires to complete based on whether they were external users (visitors to court offices, legal practitioners, members of user groups and jurors) or internal users (staff). The questionnaires were all completed on-line. By way of example, items on which the category "visitors to a court office" were asked to respond were as follows:

- Court offices are easily accessible
- Court office opening hours meet my needs
- Courts Service staff are knowledgeable
- Courts Service staff are courteous
- Information / service is provided in a timely manner
- There is sufficient information for court users on the website and in leaflet form
- The Courts Service should put more court forms on the website
- Court facilities meet my needs

The total of 352 responses comprised 17 from bar associations, 95 from visitors to court offices (including some legal professionals) 207 from staff and 7 from jurors. In 2010, more than two thirds of the respondents were external users. The total of 569 responses comprised 197 from the bar associations / legal professionals, 173 from visitors to court offices (includes some legal professionals), 26 from user group members and 165 from staff. As in 2008, there were only 7 responses from jurors, which is not statistically significant (alternative methods of harvesting juror comment are required).

Results were collated independently by the Public Appointments Service on behalf of the Courts Service.

External contractors were engaged in 2007 to carry out a "Mystery Shopper" survey of services provided by the Court Service staff in offices nationwide.

The Courts Service also maintains a number of court user groups at jurisdiction and office level to obtain regular feedback from court/court office users on the standard of service provided and to receive suggestions for improvement in service/procedures

39) If possible, please specify:

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

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

- Yes
- No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint	No time limits
Court concerned	No	No	No
Higher court	No	No	No
Ministry of Justice	No	No	No
High Council of the Judiciary	No	No	No
Other external bodies (e.g. Ombudsman)	No	No	No

Comment :

A Judicial Council Bill is in the course of being drafted with a view to being published in early 2012. Under the Bill, members of the public will be provided with a framework through which they can pursue allegations of judicial misconduct. This will be centred on a definition of a breach of judicial conduct. A Judicial Council is to be established with responsibility for ensuring high standards of conduct among judges. The Judicial Council will also be more broadly supportive of excellence in the exercise by judges of their judicial functions. The work of the Judicial Council will be supported by a structure which will include a committee with specific responsibility for judicial conduct. This will be tasked, among other things, with the consideration and investigation of complaints.

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	3
42.2 First instance specialised Courts (legal entities)	1
42.3 All the Courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	119

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Total (must be the same as the data given under question 42.2)	1
Commercial courts	NAP
Labour courts	NAP
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Administrative courts	NAP
Insurance and / or social welfare courts	NAP
Military courts	NAP
Other specialised 1st instance courts	1

Comment :

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

44) Is there a foreseen change in the structure of courts [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 venues in which the District Court sits has been reduced in recent years. 58 venues have been closed in the past four years with at least 15 more to close in 2012. A further review of venues is under way. A small number of Circuit Court venues have also closed.

Proposals have been made for the introduction of a Court of Appeal to relieve the Supreme Court of a substantial proportion of its appellate jurisdiction. Implementation of this proposal is contingent on the receipt of approval by referendum of an amendment to the Constitution for the purpose.

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number of courts
a debt collection for small claims	117
a dismissal	NAP
a robbery	115

Please give the definition for small claims and indicate the monetary value of a small claim:

"Small claim" includes a business small claim and a consumer small claim

"Consumer 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 to which the Consumer Credit Act 1995 applies, 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.

"Business small claim" means a civil proceeding instituted under this Order by a business purchaser against a business vendor in relation to a contract in respect of any goods or service purchased, but excluding any claim—

(a) arising from an agreement to which the Consumer Credit Act 1995 applies), or

(b) arising from an alleged breach of a leasing agreement, or

(c) for debt or liquidated damages,

provided that in every such case the amount of the claim does not exceed the sum of €2,000.00.

Please indicate the sources for answering questions 42, 43 and 45:

Courts Service

3. 1. 2. Judges and non-judge staff

46) Number of professional judges sitting in courts (if possible on 31 December 2010)

(please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	147	112	35
1. Number of first instance professional judges	102	74	28
2. Number of second instance (court of appeal) professional judges	37	32	5
3. Number of supreme court professional judges	8	6	2

Comment :

Figures correct at 1st Jan 2010

There are 4 categories of Judges, Supreme, High, Circuit & District Court Judges.

1 = District & Circuit Court Judges -

Total number of Circuit Court Judges was 38 = 26 male and 12 female.

Total number of District Court Judges was 64 – 48 male and 16 female.

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	4	3	1
1. Number of first instance court presidents	3	2	1
2. Number of second instance (court of appeal) court presidents	NAP	NAP	NAP
3. Number of supreme court presidents	1	1	0

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure NAP
 If possible, in full-time equivalent Yes 147

Comment :

All judges are full time and there are no judges sitting on an occasional basis in Ireland.

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury).

Gross figure NAP

50) 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.

51) Number of citizens who were involved in such juries for the year of reference:

NA

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) Yes 1028
 1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal Yes 29
 2. Non-judge staff whose task is to assist the judges (case file preparation, assistance) Yes 891

during the hearing, court recording, helping to draft the decisions) such as registrars

- 3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) Yes 108
- 4. Technical staff NAP
- 5. Other non-judge staff NAP

Comment :

53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:

County registrars – senior professional legal officer in Circuit Court. Duties: adjudication on claims against immoveable property in proceedings for sale of such property; granting of orders for judgment in default; granting of pre-trial orders (e.g. discovery, joining of parties) and various types of order on consent;

Master of the High Court: granting of orders for judgment in default; granting of pre-trial orders (e.g. discovery, joining of parties) and various types of order on consent;

Examiner of the High Court. Duties - adjudication on claims against immoveable property in proceedings for sale of such property; adjudication on claims against company assets court proceedings to liquidate company; conduct of inquiries into next of kin of deceased persons ;

Official Assignee in Bankruptcy adjudication on unsecured claims in personal insolvency proceedings; adjudication on secured claims against immoveable property in personal insolvency proceedings .

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?

- Yes
- No

If yes, please specify:

Support and maintenance of ICT systems (networks, case tracking systems, financial accounting and management applications) and provision of certain building maintenance and security services.

C.1

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 have been implemented over the last two years

Q 51 - 104,000 citizens were summoned for jury service, however, figures are not available on the number of citizens who actually served on juries.

Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Court Service

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	82	76	115
1. Number of prosecutors at first instance level	NAP	NAP	NAP

2. Number of prosecutors at second instance (court of appeal) level	NAP	NAP	NAP
3. Number of prosecutors at supreme court level	NAP	NAP	NAP

Comment :

Total Staff at 31st December 2010 - 191 Full Time Employees

Male - 76

Female - 115

Table 10.1

cf.CN 7/09

The figure of 191 included in this table represents the entire staff of the Office of Director of Public Prosecution. The figure in column 2 - Number of Public Prosecutors should be 82 and in column 6 - the number of non-prosecutor staff attached to the public prosecution service should be 109.

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	1	1	NAP
1. Number of heads of prosecution offices at first instance level	1	1	NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	NAP	NAP	NAP
3. Number of heads of prosecution offices at supreme court level	NAP	NAP	NAP

Comment :

Q56 : The Office of the Director of Public Prosecutions is an independent prosecution office established to enforce the criminal law in the courts. The Director of Public Prosecutions is the sole head of that office.

57) Do other persons have similar duties to public prosecutors?

Yes

No

Number (full-time equivalent)

58) If yes, please specify their title and function:

59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

Yes

No

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number

Yes

109

C.2

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 have been implemented over the

last two years

Please indicate the sources for answering questions 55, 56 and 60

Office of Director of Public Prosecution

3. 1. 4. Court budget and new technologies

61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.

	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	Yes

Comment :

The Courts Service's Board is assisted in evaluating expenditure of its budget by an Audit Committee and an independent audit unit. The Comptroller and Auditor General also has powers to enquire into the manner of expenditure of funds allocated to administration of the courts

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

Word processing	100% of courts
Electronic data base of jurisprudence	100% of courts
Electronic files	-10% of courts
E-mail	100% of courts
Internet connection	100% of courts

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

Case registration system	100% of courts
Court management information system	-10% of courts
Financial information system	100% of courts
Videoconferencing	-50% of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts?

Electronic web forms	100% of courts
Website	100% of courts
Follow-up of cases online	-50% of courts
Electronic registers	-50% of courts
Electronic processing of small claims	-10% of courts
Electronic processing of undisputed debt recovery	-10% of courts
Electronic submission of claims	+50% of courts
Videoconferencing	-50% of courts
Other electronic communication facilities	100% of courts

65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

	65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses?	65.2 Can such court hearing be held in the police station and/or in the prison?	65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	65.4 Is videoconferencing used in other than criminal cases?
	Yes	No	Yes	Yes

Comment :

Re 65.2 The Judge is always in the courtroom. The accused may be heard through video link with the prison.

Re 65.3 Can be used for various types of pre-trial hearing (e.g. bail and remand applications) and taking of certain types of evidence at trial.

Re 65.4 Video conferencing and video display technology has been deployed extensively in the High Court (the highest first instance jurisdiction) and Circuit Court (the intermediate first instance jurisdiction) and in certain courtrooms in the District Court (the equivalent of magistrates level jurisdiction). Video conferencing is permissible in criminal proceedings under legislation for the following purposes -

- (a) for the hearing of evidence of certain types of witness (e.g. children and witnesses who are otherwise vulnerable) and where used, a video record must be kept;
- (b) for the hearing of certain types of pre-trial applications and appeals where the accused/convicted person is in prison custody.

Video conferencing is available for use in civil proceedings where the court directs that a party may participate, or that a witness may give evidence, by such means.

C.3

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

Re Q.64 Electronic submission of small claims is a function allocated to the offices serving a single jurisdiction, viz. the District Court and is available nationwide, meaning it is available at more than 50% of court office locations

The Irish Courts Service has invested heavily in the deployment of digital audio recording (DAR) systems, which are now used to record all trials of, and appeals in, criminal proceedings in the Irish courts at indictment level The courts employing this form of recording are the Supreme Court , Court of Criminal Appeal, Special Criminal Court, High Court (Central Criminal Court) and the Circuit Criminal Court and all main venues of the District Court (the latter being the equivalent of a magistrates court) . To date, permanent DAR facilities have been installed in a total of 159 courtrooms in 105 locations throughout the country at the various jurisdictional levels, and a project has just been completed to test the use of DAR by means of a portable laptop in the venues used by the District Court on an occasional basis.

3. 2. Performance and evaluation

3. 2. 1. Performance and evaluation

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

- Yes
 No

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

Court Service Information Office collects statistical data.

67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

- Yes
 No

68) Do you have, within the courts, a regular monitoring system of court activities concerning:

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

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

If other, please specify:

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

- Yes
- No

Please specify:

70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)

- Yes
- No

71) Please select the 4 main performance and quality indicators that have been defined:

- incoming cases
- length of proceedings (timeframes)
- closed cases
- pending cases and backlogs
- productivity of judges and court staff
- percentage of cases that are processed by a single sitting judge
- enforcement of penal decisions
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

If other, please specify:

72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- Yes
- No

73) Who is responsible for setting the targets for each judge?

- 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 court (if no please skip to question 77)?

- Yes
- No

75) Who is responsible for setting the targets for the courts?:

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council, Higher Court)
- other

If other, please specify:

76) Please specify the main targets applied to the courts:**77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)**

- 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 and administration of the Courts Service

78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

- Yes
- No

If yes, please specify:

79) Do you have specialised court staff that is entrusted with these quality standards?

- Yes
- No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

- in civil law cases
- in criminal law cases

in administrative law cases

81) Do you monitor waiting time during court procedures?

- Yes
 No

If yes, please specify:

Court waiting times, from decision of parties to refer a case to trial to the actual trial date, are the subject of annual reporting by the Courts Service.

82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

- Yes
 No

Please specify the frequency of the evaluation:

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

- Yes
 No

If yes, please give further details:

The computer system of the Office of the Director of Public Prosecutions records the number of files as they are received, the decision made, whether further information is being sought and highlights the cases where a decision is not made within 3 months. Unit Heads in the Office also monitor and evaluate the work of prosecutors operating under their units.

C.4

You can indicate below:

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

4. Fair trial

4. 1. Principles

4. 1. 1. General information

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a legal professional)?

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) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.

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

Please indicate the sources:

In 2010, there were two judgments against Ireland: *Mc Farlane v Ireland* and *A, B and C v Ireland*. The latter concerned abortion law in the State and is not relevant .

In *McFarlane* the State was found to be in violation of Article 6(1) (criminal delay) and Article 13 (lack of an effective remedy).

The Court's annual statistics record that there were no friendly settlements.

There was one decision to strike out a case as inadmissible: *Stapleton v Ireland*. This case concerned surrender of a person to the UK in the course of extradition proceedings where it was alleged they would not get a fair trial. At issue was an alleged delay by the UK authorities in prosecuting offences. This falls outside the remit of the questionnaire.

Source: Department of Foreign Affairs

D.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter

Q 83 Challenges can be made for a range of reasons for which there is no statistical breakdown.

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?

there is no specific procedure

If yes, 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 disputes)?
- criminal cases (small offences)?
- administrative cases?
- there is no simplified procedure

If yes, please specify:

In the District Court, civil cases (up to a value of €6,300 approx.) are tried summarily without the need for pre-trial pleadings, and minor offences are tried summarily generally on oral evidence only.

89) Do courts and lawyers have the possibility to conclude agreements on arrangements 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 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. Caseflow management and timeframes of judicial proceedings

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)*	NA	NA	NA	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	NA	224 149	NA
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA
3. Enforcement cases	NAP	NAP	NAP	NAP
4. Land registry cases**	NAP	NAP	NAP	NAP
5. Business register cases**	NAP	NAP	NAP	NAP

6. Administrative law cases (litigious and non-litigious)	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:

The figure for resolved cases includes all non-criminal business dealt with in the District Court in 2012 inc. civil, family law and licensing

93) If "other cases", please indicate the case categories included:

94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	NA	NA	NA	NA
8. Criminal cases (severe criminal offences)	NA	NA	4 213	NA
9. Misdemeanour and / or minor offences cases	NA	NA	458 282	NA

95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).

Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and /or minor criminal cases".

Severe criminal cases include all cases required to be tried on indictment (e.g. robbery (i.e. stealing with force/threat of force), assault causing serious harm, rape, aggravated sexual assault, manslaughter, murder).

Misdemeanour and /or minor criminal cases include all cases triable summarily (e.g. common assault, public order offences, burglary or theft in other than aggravated circumstances).

96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.

97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	NA	NA	NA	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	1 325	1 111	NA
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without	NA	NA	NA	NA

administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*				
3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases	NAP	NAP	NAP	NAP
5. Business register cases	NAP	NAP	NAP	NAP
6. Administrative law cases (litigious and non-litigious)	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	4 144	5 847	6 258	3 733
8. Criminal cases (Severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour and/or minor offences cases	NA	NA	NA	NA

Comment :

The figures concerned consist of the totals of (a) criminal appeals to the Circuit Court from the District Court and (b) appeals to the Court of Criminal Appeal from the Circuit Criminal Court and the Central Criminal Court

99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	NA	NA	NA	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NA	NA	NA	NA
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	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 (litigious and non-litigious)	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	NA	NA	NA	NA
8. Criminal cases (severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour				

cases (minor offences)	NA	NA	NA	NA
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Comment :

The Supreme Court is the final court of appeal. It exercises jurisdiction in respect of civil appeals from cases tried by the High Court at first instance. The figures for such appeals (received and disposed of) are included in the answer to question 97 above.

101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Jan. '10
Litigious divorce cases	NA	3 381	3 113	NA
Employment dismissal cases	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA
Intentional homicide	NA	36	41	NA

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure. New: the question concerns first, second and third instance proceedings.]

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA	NA

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

The applicant lodges an application for a divorce decree, specifying the grounds on which the decree is sought and the facts supporting the application and relevant to the issues of maintenance, custody, access etc. (as appropriate). If the respondent opposes the application he/she must enter a defence/answer within a specified time from service on him/her of the application.

Article 41.3.2° of the Irish Constitution provides that a court may grant a dissolution of marriage where, but only where, it is satisfied that

- i. at the date of the institution of the proceedings, the spouses have lived apart from one another for a period of, or periods amounting to, at least four years during the previous five years,
- ii. there is no reasonable prospect of a reconciliation between the spouses,
- iii. such provision as the Court considers proper having regard to the circumstances exists or will be made for the spouses, any children of either or both of them and any other person prescribed by law, and
- iv. any further conditions prescribed by law are complied with.

Hence, even where the parties consent to a divorce decree, the court is required to enquire as to whether proper provision exists or will be made for a spouse or dependant.

104) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.

From the time that papers are lodged in the court, there may be significant delays which have nothing to do with the courts, before the legal teams, prosecutors, etc actually seek a date for hearing of the case. It is not possible to calculate the length of proceedings using the definition set out above

105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations

- 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 discontinue a case without requiring a judicial decision (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

The Director of Public Prosecutions has no investigative function. The Director determines the appropriate charge and prosecutes the case in court. The Director may appeal a decision of the court on a point of law or where a sentence imposed is considered unduly lenient. The Director may end proceedings in a case without a judicial decision.

In addition to ending a case without judicial decision, the Office of the DPP can recommend a number of non judicial disposals, including Garda cautioning and juvenile diversion.

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

- Yes
- No

If yes, please specify:

107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	15 952	4 412	7 764	NA

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	4 412
1. Discontinued by the public prosecutor because the offender could not be identified	NA
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	NA
3. Discontinued by the public prosecutor for reasons of opportunity	NA

109) Do the figures include traffic offence cases?

- Yes
- No

D.2

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**

Q 109 - only in the most serious of such cases , including Causing Death by dangerous driving will the Office receive files, in the vast bulk of all motoring cases the Gardai will prefer charges without reference to this Office. q.91

*Comment: The figure at row 1 above includes non-criminal cases disposed of by all courts at first instance (made up of: District Court 181,661; Circuit Court 7631; and High Court 34,857).The figure of 1325 includes civil appeals from District Court lodged with Circuit Court (488) , civil appeals lodged with High court from Circuit Court (371) and civil appeals lodged with Supreme Court from High Court (466).

Please indicate the sources for answering the questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.

Court Service, Director of Public Prosecution

5. Career of judges and public prosecutors

5. 1. Recrutement and promotion

5. 1. 1. Recrutement and promotion

110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If other, please specify:

Judges are appointed to office by the President of Ireland on the advice of the Government.

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.

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

see previous answer.

112) Is the same authority competent for the promotion of judges?

- Yes
 No

If no, which authority is competent for the promotion of judges ?
See answer to 110 above.

The Government is empowered to advise the President of Ireland to appoint a judge to a more senior judicial office.

113) Which procedures and criteria are used for promoting judges? Please specify.

See previous answer. No criteria are expressly prescribed by legislation for the appointment of a judge to a more senior judicial office.

114) Is there a system of qualitative individual assessment of the judges' activity?

- Yes
 No

115) Is the status of prosecution services:

- Indépendant?
 Under the authority of the Minister of justice ?
 Other?

Please specify:

116) How are public prosecutors recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
 Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
 A combination of both (competitive exam and working experience)
 Other

If "other", please specify:

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]

- An authority composed of public prosecutors only?
 An authority composed of non-public prosecutors only?
 An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

118) Is the same authority formally responsible for the promotion of public prosecutors?

- Yes
 No

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

119) Which procedures and criteria are used for promoting public prosecutors? Please specify:

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

- Yes
 No

121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes
 No

If yes, are there exceptions? (e.g. dismissal as a disciplinary sanction)? Please specify:

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of probation period (in years)
	0

123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes
 No

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

Prosecutors initial appointment is subject to a probationary period of 12 months. Having completed probation, the appointment is confirmed and is for an undetermined period. As with all public servants, prosecutors are subject to normal disciplinary procedures up to and including dismissal for stated misbehaviour.

124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
	1

125) If the mandate for judges is not for an undetermined period (see question 121), is it renewable? What is the length of the mandate (in years)?

NAP

126) If the mandate for public prosecutors is not for an undetermined period (see question 123), is it renewable? What is the length of the mandate (in years)?

- Yes
 No

Please indicate the length of the mandate (in years)

E.1

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. 2. Training

5. 2. 1. Training

127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Compulsory
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Compulsory
In-service training for management functions of the court (e.g. court president)	No training offered
In-service training for the use of computer facilities in courts	Compulsory

128) Frequency of the in-service training of judges:

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

129) Training of public prosecutors

Initial training	Compulsory
General in-service training	Compulsory
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Compulsory
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Compulsory
In-service training for the use of computer facilities in office	Compulsory

130) Frequency of the in-service training of public prosecutors

General in-service training	Annual
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Occasional (e.g. at times)
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s).

If your judicial training institutions do not correspond to these criteria, please specify it.

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	No	No	Yes
One institution for prosecutors	NA	NA	NA
One single institution for both judges and prosecutors	NA	NA	NA

Comment :

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

THE COMMITTEE FOR JUDICIAL STUDIES

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 Committee for Judicial Studies (previously known as 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 Committee for Judicial Studies 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.

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

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.

E.2**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

5. 3. Practice of the profession**5. 3. 1. Practice of the profession****132) Salaries of judges and public prosecutors.**

	Gross annual salary in €, on 31 December 2010	Net annual salary in €, on 31 December 2010
First instance professional judge at the beginning of his/her career	147 961	0
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	257 872	0
Public prosecutor at the beginning of his/her career	33 576	
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	0	0

Comment :

Rates of pay applicable to current members and future appointments to the Judiciary from 1 January 2012

The tables below set out the rates of pay applicable to current members and future appointments to the Judiciary from 1 January 2012. The rates which will be applicable to current members of the judiciary are set out in Table 1 and the rates which will be applicable to future appointees are set out in Table 2.

The fourth column of tables 1 and 2 gives the effective net salary applicable to current members and future appointments to the Judiciary following the application of a reduction ("pension levy") by virtue of Sections 3 and 4 of the Financial Emergency Measures in the Public Interest (Amendment) Act, 2011. The rate at which this reduction is applied is set out in Table 3.

Table 1: Current and revised rates of pay applicable to current members of the Judiciary

Judicial Office	Current Salary	Revised Gross	Effective Net
-----------------	----------------	---------------	---------------

Chief Justice	€295,916	€251,529	€227,168
President of the High Court	€274,779	€233,562	€210,888
Judge of the Supreme Court	€257,872	€219,191	€198,266
President of the Circuit Court	€249,418	€212,005	€191,794
Judge of the High Court	€243,080	€206,618	€186,973
President of the District Court	€183,894	€161,827	€146,885
Judge of the Circuit Court	€177,554	€156,248	€141,982
Judge of the District Court	€147,961	€136,124	€123,881

Table 2: Current and revised rates of pay applicable to future appointments to the Judiciary

Judicial Office	Current Salary	Revised Gross	Effective Net
-----------------	----------------	---------------	---------------

Chief Justice	€295,916	€226,376	€204,657
President of the High Court	€274,779	€210,206	€190,844
Judge of the Supreme Court	€257,872	€197,272	€178,088
President of the Circuit Court	€249,418	€190,805	€172,820
Judge of the High Court	€243,080	€185,956	€168,481
President of the District Court	€183,894	€145,644	€132,401
Judge of the Circuit Court	€177,554	€140,623	€127,098
Judge of the District Court	€147,961	€122,512	€111,698

Table 3: Rate of reduction of the Pension Levy

Amount of Remuneration Rate of Deduction

Up to €15,000 Exempt

Any excess over €15,000 but not over €20,000 5 percent

Any excess over €20,000 but not over €60,000 10 percent

Any amount over €60,000 10.5 per cent

*Note where zero appears in the table in question 132 above - this information is not available

133) Do judges and public prosecutors have the following additional benefits?

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

134) If other financial benefit, please specify:**135) Can judges combine their work with any of the following other functions ?**

	With remuneration	Without remuneration
Teaching	No	No
Research and publication	No	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	Yes	Yes
Political function	No	No
Other function	No	Yes

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

Judges from time to time address conferences, give lectures without remuneration. The Constitution precludes judges from holding any other remunerated position but they are not precluded, for example, from receiving royalties on textbooks they have published.

137) Can public prosecutors combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	Yes	Yes
Consultant	Yes	Yes
Cultural function	Yes	Yes
Political function	No	No
Other function	No	No

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

Staff of the Office of the Director of Public Prosecutions may not engage in any outside employment which would be in conflict with their position in the Office. No political organistaion may be held by staff

139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?

- Yes
 No

If yes, please specify the conditions and possibly the amounts:

5. 4. Disciplinary procedures

5. 4. 1. Disciplinary procedures

140) Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Citizens
 Relevant Court or hierarchical superior
 High Court / Supreme Court
 High Judicial Council
 Disciplinary court or body
 Ombudsman
 Parliament
 Executive power
 Other?
 This is not possible

If "executive power" and/or "other", please specify:

*Comment: Article 35.4 of the Constitution provides as follows:

"1° 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 [Lower House of Parliament] and by Seanad Éireann [Upper House of Parliament] calling for his removal.

2° The Taoiseach [Prime Minister] shall duly notify the President [i.e. of Ireland] of any such resolutions passed by Dáil Éireann and by Seanad Éireann, and shall send him a copy of every such resolution certified by the Chairman of the House of the Oireachtas [Parliament] by which it shall have been passed.

3° Upon receipt of such notification and of copies of such resolutions, the President shall forthwith, by an order under his hand and Seal, remove from office the judge to whom they relate."

Judges of the Circuit Court and District Court have been given by statute tenure equivalent to that of their counterparts in the Supreme Court and High Court.

141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- Citizens
 Head of the organisational unit or hierarchical superior public prosecutor
 Prosecutor General /State public prosecutor
 Public prosecutorial Council (and Judicial Council)
 Disciplinary court or body
 Ombudsman
 Professional body
 Executive power
 Other?
 This is not possible

If "executive power" and/or "other", please specify:

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

142) Which authority has disciplinary power on judges? (multiple options possible):

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other?

If "executive power" and/or "other", please specify:

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other?

If "executive power" and/or "other", please specify:

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

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

Comment :

145) Number of sanctions pronounced against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number (total 1 to 9)	NA	0

1. Reprimand	NA	0
2. Suspension	NA	0
3. Removal of cases	NA	0
4. Fine	NA	0
5. Temporary reduction of salary	NA	0
6. Position downgrade	NA	0
7. Transfer to another geographical (court) location	NA	0
8. Resignation	NA	0
9. Other	NA	0

Comment :

E.3

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

Please indicate the sources for answering questions 144 and 145

Department of justice & Equality, Director of Public Prosecutions

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

10 933

147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes

No

148) Number of legal advisors who cannot represent their clients in court:

NA

149) Do lawyers have a monopoly on legal representation in (multiple options are possible):

Civil cases?

Criminal cases - Defendant?

Criminal cases - Victim?

Administrative cases?

There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

Revenue Officials, Trade Union Officials and family members may all appear in limited circumstances.

While solicitors are engaged in all cases, a barrister will appear as an advocate for the client when instructed by the client's solicitor to do so. (Comment cf CN 11/07)

150) Is the lawyer profession organised through? (multiple options possible)

a national bar?

a regional bar?

a local bar?

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

Yes

No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

In Ireland, while in practice lawyers do specialise, there is no specific recognition of such speciality, much less any compulsory training in specialism.

Ireland should instead be contained in band 2 "initial and continuous".
(cf CN 11/07)

152) Is there a mandatory general system for lawyers requiring in-service professional training?

Yes

No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations? Yes No

If yes, please specify:

Various professional qualifications are offered by the Law Society of Ireland in respect of particular fields of practice as a solicitor.

No such qualification requirements apply to barristers. In order to acquire the degree of Barrister at Law (BL) an applicant must first pass an entrance examination to the Kings Inn, which is responsible for the training of barristers. The successful completion of a one year full time vocational course leads to the BL Degree.

F.1**Please indicate the sources for answering questions 146 and 148:****Comments for interpreting the data mentioned in this chapter:**

Law Society of Ireland.

6. 2. Practising the profession**6. 2. 1. Practising the profession****154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?** Yes No**155) Are lawyers' fees freely negotiated?** Yes No**156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?** Yes laws provide rules Yes standards of the bar association provide rules No, neither laws nor bar association standards provide rules**F.2****Useful comments for interpreting the data mentioned in this chapter:**

Fees are freely negotiated but the State sets the fees in criminal and civil legal aid cases". In the case of a dispute on fees the paying party has the entitlement to an independent adjudication of fees by a court official. (Cf CN 11/07)

6. 3. Quality standards and disciplinary proceedings**6. 3. 1. Quality standards and disciplinary proceedings****157) Have quality standards been determined for lawyers?** Yes No

If yes, what are the quality criteria used?

The Bar Association of Ireland sets standards of practice and procedures for barristers.
The Law Society of Ireland sets standards of practice and procedures for solicitors

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

- the bar association?
 the Parliament?
 other?

If "other", please specify:

The Bar Association of Ireland sets standards of practice and procedures for barristers.
The Law Society of Ireland sets standards of practice and procedures for solicitors

159) Is it possible to file a complaint about :

- the performance of lawyers?
 the amount of fees?

Please specify:

Barristers – complaints about performance and fees can be made to the Barristers' Professional Conduct Tribunal and the Professional Conduct Appeals Board. Both bodies have a majority lay representation.

Solicitors – complaints about performance and fees can be made to the Law Society of Ireland and in matters of misconduct to the Solicitors Disciplinary Tribunal. The President of the High Court has overall responsibility for solicitor matters.

160) Which authority is responsible for disciplinary procedures?

- the judge
 the Ministry of justice
 a professional authority
 other

If other, please specify:

See q 158 and the Solicitors Disciplinary Tribunal

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1. Breach of professional ethics	2. Professional inadequacy	3. Criminal offence	4. Other
Number	160	160	0	0	0

Comment :

This figure relates to disciplinary proceedings arising out of complaints made to the Society. It does not therefore include proceedings taken against solicitors due to financial irregularities. This figure covers the period 1 September 2010 to 31 August 2011. The Society does not take disciplinary proceedings arising out of complaints of inadequate professional services. The statistic above does not include service complaints or complaints of a minor nature.

162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Total number of sanctions (1 + 2 + 3 + 4 + 5)	1.Reprimand	2. Suspension	3. Removal	4. Fine	5. Other (e.g. disbarment)
Number	NA	NA	NA	NA	NA	NA

Comment :

In 2010, the Solicitors Disciplinary Tribunal The tribunal recommended to the High Court that eight individuals should have their names struck off the Roll of Solicitors, that two be suspended from practice, and that seven have their practising certificates limited. In addition to the recommendation that the respondent be struck off, the tribunal has, in certain circumstances, recommended to the High Court that the papers be referred onwards to the Director of Public Prosecutions. The High Court has made two such orders. The tribunal made findings of misconduct in respect of 63 separate applications; however, as multiple applications were made to the tribunal in respect of some respondents the actual number of individual respondents in such cases was 48, of which 17 individual respondents were referred to the President of the High Court.

F.3

You can indicate below any useful comments for interpreting the data mentioned in this chapter

7. Alternative Dispute Resolution

7. 1. Alternative Dispute Resolution

7. 1. 1. Alternative Dispute Resolution

163) Does the legal system provide for mediation procedures? If no skip to question 168

[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]

- Yes
 No

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	Yes	Yes	No	No	No
Family law cases (ex. Divorce)	No	Yes	Yes	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	No	No	No	No
Criminal cases	No	No	Yes	No	No

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

- Yes
 No

If yes, please specify:
 Family Law proceedings

166) Number of accredited or registered mediators who practice judicial mediation:

25

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

Total number of cases (total 1+2+3+4+5)	NAP
1. civil cases	NAP
2. family cases	NAP
3. administrative cases	NAP
4. employment dismissals cases	NAP
5. criminal cases	NAP

Comment :

Court procedures allow for other forms of ADR but do not prescribe the other options which may be availed of. One developing area within ADR is collaborative law, involving lawyers for the respective parties seeking to collaborate on reaching a resolution. In this method, the collaborating lawyers do not act for their respective clients should the dispute proceed to litigation.

The Arbitration Act 2010 came into effect on 8 June 2010 It applies to all arbitrations beginning on or after that date. The Act replaces the Arbitration Acts 1954 to 1998 and adopts the United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration. The UNCITRAL Model Law represents a global consensus on principles to be applied in respect of international arbitration.

168) Does the legal system provide for the following ADR.

If "other", please specify it in the "comment" box below:

Mediation other than judicial mediation?	Yes
Arbitration?	Yes
Conciliation?	Yes
Other alternative dispute resolution?	Yes

Comment :

Court procedures allow for other forms of ADR but do not prescribe the other options which may be availed of. One developing area within ADR is collaborative law, involving lawyers for the respective parties seeking to collaborate on reaching a resolution. In this method, the collaborating lawyers do not act for their respective clients should the dispute proceed to litigation.

G.1

- 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

Q 166 - There are 25 accredited family mediators working for the Family Mediation Service. Numbers of other accredited mediators is not available.

Please indicate the source for answering question 166:

Family Mediation service

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

169) Do you have enforcement agents in your judicial system?

- Yes
 No

170) Number of enforcement agents

40

171) Are enforcement agents (multiple options are possible):

- judges?
 bailiffs practising as private professionals under the authority (control) of 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.

172) Is there a specific initial training or examination to become an enforcement agent?

- Yes
 No

173) Is the profession of enforcement agents organised by?

- a national body?
 a regional body?
 a local body?
 NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

- Yes
 No

175) Are enforcement fees freely negotiated?

- Yes
 No

176) Do laws provide any rules on enforcement fees (including those freely negotiated)?

- Yes
 No

Please indicate the source for answering question 170:

Department of Justice & Equality

8. 1. 2. Efficiency of enforcement services

177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

- Yes
 No

178) Which authority is responsible for supervising and monitoring enforcement agents?

- a professional body?
 the judge?
 the Ministry of justice?
 the public prosecutor?
 other?

If other, please specify:

179) Have quality standards been determined for enforcement agents?

- Yes
 No

If yes, 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.

180) If yes, who is responsible for establishing these quality standards?

- a professional body
 the judge
 the Ministry of Justice
 other

If "other", please specify:
see Q179

181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such 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.

182) Is there a system for monitoring the execution?

- Yes
 No

If yes, please specify

183) What are the main complaints made by 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?

If 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.

184) 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:

185) Is there a system measuring the timeframes of the enforcement procedures:

- for civil cases?
 for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who 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

187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> number:	0
1. for breach of professional ethics	<input checked="" type="checkbox"/> number:	0
2. for professional inadequacy	<input checked="" type="checkbox"/> number:	0
3. for criminal offence	<input checked="" type="checkbox"/> number:	0
4. Other	<input checked="" type="checkbox"/> number:	0

Comment :

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment"

box below.

Total number of sanctions (1+2+3+4+5)	<input checked="" type="checkbox"/> number:	0
1. Reprimand	<input checked="" type="checkbox"/> number:	0
2. Suspension	<input checked="" type="checkbox"/> number:	0
3. Dismissal	<input checked="" type="checkbox"/> number:	0
4. Fine	<input checked="" type="checkbox"/> number:	0
5. Other	<input checked="" type="checkbox"/> number:	0

Comment :

H.1

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 186, 187 and 188:

Department of Justice & Equality

8. 2. Execution of decisions in criminal matters

8. 2. 1. Execution of decisions in criminal matters

189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

An Garda Siochana (Police Force)

190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
- No

191) If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%
- it cannot be estimated

Please indicate the source for answering this question:

Courts Service internal evaluation – recovery rate averaged 73% in 2010.

The Courts Service in conjunction with the Department of Justice and Equality entered into a contract with an external service provider to outsource the collection of certain outstanding fines in mid 2010

H.2

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. Notaries

9. 1. 1. Notaries

192) Do you have notaries in your country? If no go to question 197

- Yes
 No

193) Are notaries:

If other, please specify it in the "comment" box below.

private professionals (without control from public authorities)?		NAP
private professionals under the authority (control) of public authorities?	<input checked="" type="checkbox"/> number	196
public agents?		NAP
other?		NAP

Comment :

194) Do notaries have duties (multiple options possible):

- within the framework of civil procedure?
 in the field of legal advice?
 to certify the authenticity of legal deeds and certificates?
 other?

If "other", please specify:

195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?

- Yes
 No

196) Which authority is responsible for supervising and monitoring notaries:

- a professional body?
 the judge?
 the Ministry of justice?
 the public prosecutor?
 other?

If other, please specify:

The Chief Justice is responsible for appointing notaries.

I.1

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

Source of info for answering Q193: The Faculty of Notaries Public in Ireland

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Court interpreters

197) Is the title of court interpreters protected?

- Yes
 No

198) Is the function of court interpreters regulated by legal norms?

- Yes
 No

199) Number of accredited or registered court interpreters:

NA

200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

- Yes
 No

If yes, please specify (e.g. having passed a specific exam):

201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects court interpreters.

- Yes for recruitment and/or appointment for a specific term of office
Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No

Comment :

The Courts Service has a contract with a company to supply interpreters for court proceedings as required.

J.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 199:

Courts Service

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal
- "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision)

203) Is the title of judicial experts protected?

- Yes
- No

204) Is the function of judicial experts regulated by legal norms?

- Yes
- No

205) Number of accredited or registered judicial experts (technical experts)

NA

206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- Yes
- No

If yes, please specify, in particular the given time to provide a technical report to the judge:

Expert witnesses are expected to provide impartial expert evidence to the court. The court will, where necessary and in consultation with the parties, determine the time required for the provision of a report or evidence.

207) Are the courts responsible for selecting judicial experts?

If no, please indicate in the "comment" box below which authority selects judicial experts?

- Yes for recruitment and/or appointment for a specific term of office
- Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No .

Comment :

The parties to a case employ expert and technical witnesses. The Courts Service provides legal researchers and judicial assistants ("Judicial Fellows") to assist the judge in researching the law which (s)he may require to apply in coming to a decision

K.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 205:

Department of Justice & Equality

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Reforms

208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged. If possible, please observe the following categories:

1. (Comprehensive) reform plans

2. Budget

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

4. High Judicial Council

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

7. Enforcement of court decisions

8. Mediation and other ADR

9. Fight against crime and prison system

10. Other

2. Given the current economic situation in which Ireland finds itself, the budget for the justice sector, including the courts, is likely to face significant reductions (particularly in terms of staffing and capital) over the next number of years. All areas of Government will be subject to budgetary reductions.

3. Proposals have been made for the introduction of a Court of Appeal to relieve the Supreme Court of a substantial proportion of its appellate jurisdiction. Implementation of this proposal is contingent on the receipt of approval by referendum of an amendment to the Constitution for the purpose.

4. The Government is committed to establishing a Judicial Council and a judicial conduct regime. A draft legislative scheme was published in August 2010.