

**CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)**

**Response to Questionnaire for the Preparation of the CCJE Opinion no. 23 (2020):**

**“The role of the associations of judges in supporting the judicial independence”**

**Response on behalf of the Judiciary in Ireland**

*General*

1. *How many Associations of Judges (please note that they can have different names) exist in your country?*

(a) *For judges of all jurisdictions and all court levels:*

There is one association of judges (the Association of Judges of Ireland (the “AJI”)) which represents the interests of the vast majority of judges of all jurisdictions and court levels in Ireland.

(b) *For judges of certain jurisdictions only:*

There is one further association of judges in Ireland which represents the interests of judges of the District Court. It is called the District Judges Association of Ireland (the “DJAI”).

(c) *For judges of certain court levels only:*

Please see the response to para. 1(b) above.

(d) *Are there Associations of Judges on some other criteria (i.e. women judges)?*

No.

*Total number of all types of Associations of Judges:*

There are two types of association of judges in Ireland. Please see the responses to paras. 1(a), (b) and (c) above.

*Other objectives:*

- (a) The aims and objectives of the AJI (which represents the vast majority of the judiciary in Ireland) are set out in its Constitution. They are:
  - (a) To maintain and promote the highest standards in the administration of justice.
  - (b) To promote the interests of its members in their professional capacity.
  - (c) To promote the independence of the judiciary.
  - (d) To promote the highest standards of judicial conduct amongst its members.
  - (e) To promote the general interests of its members, including those interests arising upon retirement from the Bench.
  - (f) To promote the exchange of ideas on the administration of justice.
  - (g) To further the cultural, intellectual and legal proficiency of its members.
  - (h) To promote and maintain contacts with judges and magistrates abroad, with national and international associations and, in particular, national and international associations of judges.
  - (i) To represent its members in any forum where that is necessary.
  - (j) To own and manage the website of the AJI , subject to and in accordance with, any protocol in that regard adopted by the AJI.
  
- (b) The aims and objectives of the DJAI are:
  - (a) To maintain and promote the highest standards in the administration of justice;
  - (b) To promote the interests of its members including retired members in their professional capacity;
  - (c) To promote the independence of the judiciary;

- (d) To promote the highest standards of judicial conduct amongst its members;
- (e) To promote the general interests of its members, including those interests arising upon retirement from the Bench;
- (f) To promote the exchange of ideas on the administration of justice;
- (g) To further the cultural intellectual and legal proficiency of its members;
- (h) To promote and maintain contacts between members and with other members of the Judiciary in Ireland, with judges and magistrates abroad, with national and international associations and in particular national and international associations of judges.
- (i) To represent its members in any forum where that is necessary.
- (j) To affiliate to and elect representatives to the AJI.
- (k) To affiliate to and elect representatives to international associations and in particular national and international associations of judges.

### ***Membership***

#### 2. *What are the requirements for membership in the Associations of Judges:*

(a) AJI:

The general membership of the AJI is comprised of judges (and retired judges) of all levels of the Irish judicial system, namely the District Court, the Circuit Court, the High Court, the Court of Appeal and the Supreme Court. In addition, the judge appointed by Ireland to the European Court of Human Rights and the judges and Advocate General appointed by Ireland to the General Court and to the Court of Justice of the European Union are entitled to be members of the AJI.

(b) DJAI:

The membership of the DJAI is comprised of members of the District Court only.

3. *Are prosecutors members of the Associations of Judges?*

No, prosecutors are not members of the AJI or the DJAI.

***Legal framework/objectives***

4. *Which is the legal framework of the Association of Judges? Are there specific legal regulations (law, by-laws) which deal with the Associations of Judges in your country?*

(a) AJI:

The legal framework for the AJI is its Constitution. The Constitution of the AJI was initially adopted by the founding members of the AJI on 18<sup>th</sup> November, 2011. Some 113 members of the Irish judiciary, drawn from all jurisdictions in Ireland, signed the document as founding members and thereby brought the AJI into being. The Constitution has been amended from time to time and remains the governing document for the AJI and provides for its legal framework.

(b) DJAI:

The legal framework for the DJAI is its Constitution which has also been amended from time to time. The DJAI consists of judges who are members of the District Court, a court of first instance of limited and local jurisdiction. The Constitution of the DJAI can be amended by a majority vote of the members.

The DJAI supports the AJI and almost all members of the DJAI are also members of the AJI. The District Court representatives (3 in number) on the AJI Executive Committee are *ex officio* members of the DJAI Committee.

***Aims and Objectives***

5. *According to their statutes, what are the main objectives of the Associations of Judges? (please mark yes or no and indicate by “1”, “2” and “3” the three most important objectives).*

(a) AJI:

1. *Defending and fostering the independence of judges and the judiciary: Yes*
2. *Defending and fostering the rule of law: Yes*
3. *Fighting for economic safeguards of judges: Yes*
4. *Fighting for social and physical security of judges: Yes*
5. *Contribution to the development of the law: Yes*
6. *Training of judges: No (this is the function of the Judicial Council)*
7. *Ethics and accountability of judges: Yes*
8. *Involvement in judicial self-government, specially influencing the election of officers of self-government: Yes*
9. *Media work: Yes*
10. *Organising conferences: Yes*
11. *International contacts and networking: Yes*

12. *Other objectives (which):* Yes (see the objectives referred to in response to question 1 above)).

**NOTE:** It is not possible to rank the objectives in the manner suggested in the question.

However, the most important are those numbered 1,2,3,4,5,7 and 11 above.

(b) DJAI:

1. *Defending and fostering the independence of judges and the judiciary:* Yes

2. *Defending and fostering the rule of law:* Yes

3. *Fighting for economic safeguards of judges:* Yes

4. *Fighting for social and physical security of judges:* Yes

5. *Contribution to the development of the law:* Yes

6. *Training of judges:* No (*this is the function of the Judicial Council*)

7. *Ethics and accountability of judges:* Yes

8. *Involvement in judicial self-government, specially influencing the election of officers of self-government:* Yes

9. *Media work:* Yes

10. *Organising conferences:* Yes

11. *International contacts and networking:* Yes

12. *Other objectives (which):* Yes (see the objectives referred to in response to question 4 b above)).

**NOTE:** Please see the note at (a) above. Similar considerations arise in the case of the DJAI

### *Support of individual judges*

6. (a) *How do the Associations of Judges interact with individual judges?*

Both the AJI and the DJAI interact in various different ways with their respective members. Communications are generally by email and by post. The Executive Committee of the AJI meets once every month. The Executive Committee of the DJAI meets regularly. The AJI has its annual general meeting at the same time as the National Conference for the Judiciary of Ireland (generally in November of each year). The DJAI has its annual general meeting on the following day.

- (b) *Can judges get assistance from the Association (which kind)?*

Yes, judges can get assistance from the AJI and the DJAI. Assistance is in the form of representation of the interests of the members of the respective associations, both generally and individually. Such assistance often takes the form of representations on behalf of the members made to government in relation to pay and pay related matters and other issues of concern to the judiciary generally (such as legislation affecting the position of judges, most recently, in relation to the Judicial Council).

- (c) *Do the Associations of Judges defend individual judges (against what)?*

The AJI and DJAI do defend the interests of individual judges. However, this is done by making representations on their behalf, where appropriate. Those representations may concern all or any aspects of the particular judge's position. To date, however, the Associations have not become involved in representing the interest of members in judicial misconduct proceedings, as such proceedings have only recently been provided for in legislation and none

have yet been taken. However, the Associations will keep this position under review.

7. *If there is an infringement of the independence of a judge or the judiciary, by what means do the Associations of Judges react?*

In such a situation, the Executive Committee of the AJI will speak out clearly in favour of the judge or the judiciary generally. It is a fundamental aim and objective of the AJI to promote the independence of the judiciary. Any infringement of that independence would be met with an immediate response by the AJI on behalf of the particular judge concerned or of the judiciary generally. The AJI reacts by issuing statements and corresponding with the Minister for Justice and Equality, the Attorney General and other relevant government ministers. The DJAI often joins with the AJI in making such representations.

8. *Is there any influence of the Associations of Judges on appointment or promotion of judges?*

No, there is no influence on the appointment or promotion of judges. However, the AJI does, from time to time, make submissions in relation to the judicial appointments process generally and in relation to proposed changes to that process.

9. *Is there any influence of the associations of judges in disciplinary procedures?*

Until the enactment of the Judicial Council Act, 2019, there was no statutory provision in place for disciplining judges for judicial misconduct. That legalisation, however, makes provision for such procedures. The AJI (in conjunction with the DJAI) has made and will continue to make submissions in relation to the statutory provisions governing those disciplinary procedures. However, neither Association is likely to be directly involved in influencing disciplinary proceedings themselves.



10. *Is there any influence of the Associations of Judges on training?*

Neither Association has a direct influence on the training of judges. Both are very supportive of judicial training. Both make submissions and suggestions from time to time in relation to the training of judges.

***Resources***

11. *Are there membership fees?*

Yes. The membership fees for the AJI are as follows: €50 for judges of the Superior Courts, i.e. The High Court, the Court of Appeal and the Supreme Court and for Irish Judges in the European Courts and €25 for members of the Circuit Court and District Court and retired members of all courts. The membership fees for the DJAI are as follows: €50

12. *What other resources are available for the Associations of Judges?*

None, apart from membership fees.

***Administration of the Associations of Judges***

13. *How are the governing bodies, the secretariat and officers of the Associations of Judges selected? What is their term of office?*

(a) AJI:

The Executive Committee of the AJI consists of representatives of the courts at each level of the Irish judicial system. The day to day affairs of the AJI are managed by a twelve-person Executive Committee. Eleven members of the Executive Committee are elected annually at the AGM by the AJI members belonging to each court jurisdiction. Each court jurisdiction, with the

exception of the District Court, has two representatives. The District Court has three representatives. In addition, the Executive Committee may co-opt additional non-voting members from time to time. The presidents of each court are not eligible for membership of the Executive Committee. The twelfth member of the Executive Committee, namely, the chairperson of that Committee, is the President of the AJI. The President is elected by the general membership of the AJI at the AGM. The President's term of office is for two years. The President can hold office for no more than three consecutive terms. The Executive Committee meets at least once every month. There is no permanent secretariat. One representative acts as Secretary and another as Treasurer.

(b) DJAI:

The governing body and officers of the DJAI comprises the Committee of the DJAI which comprises the Chairperson of the DJAI and five judges. The Committee includes a Treasurer, and a Secretary. The Treasurer and Secretary are elected from among its numbers by the Committee of the Association. The Committee manage the day to day affairs of the Association. In addition the District Court representatives on the Executive of the AJI are, if not otherwise elected, ex-officio members of the Committee. The Committee is entitled to appoint one retired judge of the District Court to be a member of the Committee. Such member shall not have a vote on any matter at committee unless the chairman presiding over such meeting certifies in writing that the issue upon which any vote is to take place affects retired members. Members of the Committee hold office for a period of two years or until they retire whichever is sooner. The President of the District Court is not eligible for

membership of the Committee. The Chairperson of the DJAI is elected by secret ballot at the Annual General Meeting of the Association. He or she shall preside at meetings of the Committee of the DJAI and be a member of such committee. The Chairperson holds office for two years or until he or she retires whichever is sooner. A member shall not be eligible to hold the post of Chairperson of the DJAI for more than three consecutive terms.

14. *Are there restrictions as regards the number of terms of office for members of the governing bodies of the Associations of Judges and if yes, how many terms and for how long?*

(a) AJI:

Please see the response to para. 13(a) above.

(b) DJAI:

Please see the response to para. 13(b) above.

15. *Are there restrictions to become an officer of an Association of Judges?*

Officers must be members of the AJI and must be elected from the particular court which they represent. Similarly, officers of the DJAI must be members of that Association and are elected in the manner set out in the response to para. 13(b) above.

***Interactions with state institutions and political parties***

16. *How do the Associations of Judges interact with the parliament?*

It is open to the two associations of judges to make submissions to relevant committees of the Oireachtas, the Irish parliament.

*Are Associations of Judges involved in the process of law making?*

No.

*If yes, how (is this formal or informal)?*

Not applicable.

17. *How do the Associations of Judges interact with the government, especially with the ministry of justice?*

This interaction takes the form of correspondence, submissions and, from time to time, meetings between representatives of the two associations and the Minister for Justice and Equality and his/her officials as well as the Attorney General and his/her officials.

18. (a) *How do the Associations of Judges interact with political parties?*

This does not happen.

- (b) *Are certain Associations of Judges connected with certain political parties?*

No.

- (c) *Is there influence of party politics within the Associations of Judges?*

No.

19. (a) *How do the Associations of Judges interact with the Council for the Judiciary?*

The Judicial Council has only very recently been constituted (February, 2020) on foot of the Judicial Council Act, 2019. It is expected that the two associations of judges in Ireland will maintain contact with the Judicial Council, where necessary, by correspondence, submissions and meetings, from time to time.

- (b) *What is the role, if any, of the Associations of Judges in the selection of members of the Council for the Judiciary and/or presidents of courts and judges (please describe)?*

The two associations of judges in Ireland have no role in any of these matters.

20. *How do the Associations of Judges interact with the court administration and what, if any, are the problems in these relations?*

From time to time, the two associations of judges correspond with and make submissions to representatives of the court administration (i.e. the Courts Service in Ireland) and meet with representatives of the Courts Service to discuss issues of concern, or of mutual interest. There are generally good relations between the two associations and the Courts Service. There are no obvious problems in those relations.

***Interactions with other organisations***

21. (a) *If there is more than one Association of Judges, how do they interact with each other?*

Interaction between the AJI and the DJAI tends to be informal. Members of the Executive Committee of the AJI from the District Court are also members of the Committee of the DJAI. The President of the AJI is sometimes invited to speak with members of the DJAI at meetings of that association.

- (b) *If there is more than one Association of Judges, how other stakeholders deal with this fact?*

Generally, the AJI takes the lead in dealing with external bodies, sometimes acting on the advice of, or with the support of, the DJAI. Sometimes the two associations make joint submissions on particular issues of concern.

22. *How do the Associations of Judges interact with NGOs?*

There is no formal means by which the two associations interact with NGOs. The associations will consider how to respond or interact with NGOs in the circumstances of each particular case.

23. *How do the Associations of Judges interact with foreign or international organisations?*

The AJI, in particular, is closely allied to members of the European Association of Judges (the “EAJ”) and the International Association of Judges (the “IAJ”). Representatives of the AJI regularly attend meetings of the EAJ and the IAJ and circulate relevant correspondence and material emanating from those bodies to its members.

24. *Is there a trade union, in which judges can be members? If so, what are the relations between this trade union and the association of judges?*

Both the AJI and the DJAI are effectively representative bodies for its members. The AJI represents the interests of its members as does the DJAI. Neither association is a trade union. There is no trade union as such for members of the Judiciary.

***Ethical standards***

25. *Is there any influence of the Association of Judges in establishing ethical standards?*

Yes. One of the fundamental aims and objectives of the AJI is to maintain and promote the highest standards in the administration of justice. Another is to promote the highest standards of judicial conduct amongst its members. The DJAI has similar

objectives . Both are very involved in establishing and overseeing ethical standards amongst members of the associations.

26. *Do the Associations of Judges contribute to a further improvement of the justice system? How?*

Yes, it is believed that, by virtue of the respective aims and objectives of both of the associations, they do contribute significantly to improving the justice system by reason of the aims, objectives and actions of the respective associations. Each is committed to ensuring the fair and proper administration of justice and actively takes steps to ensure this.

### ***Perception***

27. *How does the public at large see the Associations of Judges?*

There are no empirical data to answer this question. However, it is believed (and hoped) that the public at large views both of the associations in a positive light.