

Terms of Reference for the Judicial Studies Committee

1. The Judicial Studies Committee

1.1 Pursuant to section 17(1) of the Judicial Council Act, 2019 (hereinafter referred to as “the Act”) the Judicial Council establishes the Judicial Studies Committee (hereinafter “the Committee”).

2. The Function of the Judicial Studies Committee

2.1. Subject to such directions (if any) as the Judicial Council may give, the function of the Committee is to facilitate the continuing education and training of judges with regard to their functions.

2.2 Without prejudice to the generality of this stated function, the Committee may-

- (a) identify and continue to update the needs of the judiciary for education and training;
- (b) develop courses to meet the needs of the judiciary for induction training, continuing professional education and development;
- (c) provide, or assist in the provision of, education and training on matters relevant to the exercise by judges of their functions, including but not limited to:
 - (i) dealing with persons in respect of whom it is alleged an offence has been committed,
 - (ii) the conduct of trials by jury in criminal proceedings,
 - (iii) the conduct of trial by judges in criminal and civil proceedings
 - (iv) European Union law and international law,
 - (v) human rights and equality law,
 - (vi) information technology, and
 - (vii) the assessment of damages in respect of personal injuries,
 - (viii) child and family law
 - (ix) judicial ethics
 - (x) judgecraft (including court management, case management, judgment writing, work practices)
- (d) prepare and distribute relevant materials to judges;
- (e) publish material relevant to its functions;

(f) promote, explain and protect the core value of judicial independence in judicial training and education;

(f) in all training and education activities promote and encourage the pursuit of the highest standards of judicial excellence; and,

(g) establish, maintain and improve communication with-

(i) bodies representing judges appointed to courts of places other than the State; and

(ii) international bodies representing judges.

2.3 For the purpose of carrying out its function, the Committee shall-

(a) be mindful of the European Judicial Training Principles;

(b) engage with, and improve communication with, the European Judicial Training Network;

(c) liaise with the Chief Justice and Court Presidents in respect of any training needs that they identify generally or in relation to specific judges

(d) provide such course or training as may be recommended for a judge by the Judicial Conduct Committee

(e) provide such training so as to ensure the effective and efficient use of resources provided to judges

2.4 The Committee shall facilitate such specific education and training of the judiciary as may be requested of them by the Board of the Judicial Council.

3. Membership of the Judicial Studies Committee

3.1 The members of the Committee shall be appointed by the Chief Justice.

3.2 The members of the Committee shall serve for a period of 4 years which said period may be extended for further successive periods of 4 years. The Chief Justice may appoint a replacement for any member of the Judicial Studies Committee.

3.3 The membership of the Committee shall be made up of the following:

(a) A judge of the Supreme Court

(b) A judge of the Court of Appeal

(c) A judge of the High Court

(d) A judge of the Circuit Court

(e) A judge of the District Court

(f) *Ex officio* the Director of Judicial Studies

(g) A judge or judges of any jurisdiction identified by the Chief Justice as having particular knowledge and experience in the field of professional training

3.4 The Judicial Studies Committee may request any other person who is not a judge but who has, in the opinion of the Committee, special knowledge of or experience in matters relating to the functions of the Committee, to attend the meetings of the Committee in an advisory capacity.

3.5 The Secretary to the Judicial Council, or appointed delegate, shall attend the meeting of the Committee.

4. Chair and Vice Chair of the Judicial Studies Committee

4.1 The Committee shall appoint one of its number to be Chair. The Chair shall serve for a 2 year term which may be extended for further successive periods of 2 years.

4.2 The Committee shall appoint one of its number to be Vice Chair. The Vice Chair shall serve for a 2 year term which may be extended for further successive periods of 2 years.

4.3 The Director of Judicial Studies shall not be eligible for appointment as Chair or Vice-Chair of the Committee

5. Meetings of the Judicial Studies Committee

5.1 The Committee shall meet (teleconference or videoconference attendance where necessary) at least four times per annum.

5.2 The Committee shall be quorate if at least 4 members are present.

5.3 All decisions shall be taken by majority of those in attendance. If the meeting is equally divided, the Chair (or Vice Chair as the case may be) shall cast the deciding vote.

6. The Director of Judicial Studies

6.1 The Board of the Judicial Council shall appoint a Director of Judicial Studies to be an ex-officio member of the Judicial Studies Committee who shall be tasked with the day-to-day management of education and training of the judiciary.

6.2 The Director of Judicial Studies shall be a serving judge.

6.3 The Director of Judicial Studies shall be appointed for a period of 3 years but this may be extended by the Board.

6.4 The Director of Judicial Studies shall be expected to devote at least 50% of the Director's working time to the day to day management of education and training of the judiciary.

6.5. The Board of the Judicial Council may bring the appointment of the Director of Judicial Studies to an end at any time after consultation with the Chair of the Committee.

7. Duties of the Director of Judicial Studies

7.1 The Director of Judicial Studies shall be responsible for the operational work of the Committee and in particular shall have the following responsibilities:

- (a) to create the annual legal training and education curricula of the Committee subject to approval by the Committee;
- (b) to implement any training direction or determination received from the Committee in respect of any judicial office holder or group of office holders;
- (c) to liaise with the Chief Justice and/or relevant Court President for the purpose of devising and implementing appropriate induction training;
- (d) to issue the annual training curricula for the following year by the end of October each year;
- (e) to prepare each year a three-year rolling training plan for approval by the Committee identifying the specific short, medium and long term objectives for developing and improving judicial training and education;
- (f) to identify new significant legislation and cases which the judiciary require to be briefed on and organise delivery of this;
- (g) to create and deliver effective training programmes and teaching materials and make them available to all judges;
- (h) to cooperate with the European Judicial Training Network and other judicial training bodies for the purpose of advancing judicial training;
- (i) to identify and develop new technologies for judicial teaching and education, including the promotion of technology-enhanced learning opportunities;
- (j) to engage and co-operate with Government, academics, criminal justice agencies and other individuals and bodies to promote delivery of information to judges, to assist in the carrying out of their functions;
- (k) to carry out such other tasks in furtherance of the function of the Committee as the Committee may request.

8. The Associate Director of Judicial Studies

8.1 The Board of the Judicial Council shall appoint an Associate Director of Judicial Studies for such period, and subject to such terms and conditions as the Board of considers appropriate;

8.2 The Associate Director of Judicial Studies shall not be a member of the Judicial Studies Committee;

8.3 The Associate Director of Judicial Studies shall attend the Committee meetings;

8.4 The Associate Director of Judicial Studies shall assist the Director of Judicial Studies in his or her work as directed by the Director of Judicial Studies in consultation with the Secretary to the Council.

9. Financial Provisions

9.1 The Committee shall, at a time deemed appropriate by the Judicial Council, prepare and submit a budget for the following financial year. This budget shall be reviewed by the Judicial Council and amended as appropriate considering the available budget of the Judicial Council.

10. Annual Report

10.1 The Committee shall, at a time deemed appropriate by the Judicial Council, prepare and submit a report to be included in the annual report of the Judicial Council.

10.2 The report shall consist of an account of the activities of the Judicial Studies Committee during the financial year just ended.

The foregoing was adopted by the Judicial Council on the 7th of February 2020