

This form must be used if you want to make a complaint about the conduct of a judge that is alleged to constitute judicial misconduct. Please read the following information to assist you before completing the complaint form.

Additional information is available on the Judicial Council's website, [judicialcouncil.ie](http://judicialcouncil.ie).

It is important to be aware that making a complaint to the Judicial Conduct Committee (JCC) cannot change the outcome of a court case. The JCC is not a court. It has no power to overturn or review a judge's decision made during or at the conclusion of a case, even in the event of the complaint being upheld. That is a function of the courts. Further information may be available from your legal advisor or on [courts.ie](http://courts.ie).

The Judicial Council Act 2019 governs the making and consideration of complaints to the Judicial Council. The information provided in this form is set out having regard to that Act.

#### Who may make a complaint?

1. a person who is directly affected by the alleged misconduct of a judge or
2. a person who witnessed the alleged misconduct of a judge.

This person is referred to as a Complainant for the purpose of the complaint form.

Where you are a Complainant, complete Part 1A of the form.

A complaint may be made on behalf of a Complainant by another person only in the following circumstances:

- where a Complainant is aged under 18 years, by a parent or guardian;
- where a Complainant is unable to make the complaint himself or herself by reason of a mental or physical incapacity, by a person duly authorised by law to act on behalf of the complainant (in this case evidence of the legal authorisation may be required);
- where a Complainant is a solicitor who is a member of the Law Society, by an authorised officer of the Law Society;
- where a Complainant is a barrister who is a member of the Law Library, by an authorised officer of the General Council of the Bar of Ireland.

This person is referred to as the Representative for the purpose of the complaint form.

Where you are making the complaint as a Representative on behalf of a Complainant, complete Part 1B of the form.

In completing the form, all areas marked \* are mandatory to complete.

## How do you make a complaint?

There are two ways to make a complaint:

1. Online through our website, [judicialcouncil.ie](http://judicialcouncil.ie). Complete the online complaint form and click Submit. An automated acknowledgement of receipt will issue and a copy of your complaint form as submitted will be sent for your own records to the email address you provided.
2. By post. Complaint forms are available to be downloaded and printed from our website or on request by contacting us by phone or email. Our telephone number is 01 968 3988 and our email address is [info@judicialcouncil.ie](mailto:info@judicialcouncil.ie). Complete the complaint form and post it to The Registrar to the Judicial Conduct Committee, The Judicial Council, Green Street Courthouse, Green Street, Dublin D07 W568. You will be sent an acknowledgement email to the address you provided.

Please note that while the staff of the Judicial Council will assist you in accessing the complaint form and with information about the procedure, we will not discuss the circumstances or merits of a complaint with you or provide you with legal advice.

## Who can you complain about?

You can complain about a serving judge of the Supreme Court, the Court of Appeal, the High Court, the Circuit Court or the District Court in Ireland.

Please note that complaints about persons who are not judges cannot be considered. This includes Court Officers, County Registrars, Courts Service staff, Sheriffs, public servants and legal professionals.

## What will not be considered?

The scope of the complaints process is set out in Part 5 of the Judicial Council Act 2019. A complaint cannot be dealt with by the Judicial Council if

- the alleged misconduct occurred before 3rd October 2022
- the judge you wish to complain about has retired, resigned or for any other reason is no longer a judge.
- the complaint is received anonymously, or about an unnamed judge, or group of judges.

You should also be aware that there is a time limit of three months to lodge a complaint from the date of the alleged misconduct by the judge. However, this time limit may be extended in certain circumstances.

## What happens once you submit a complaint?

When your complaint is received the Registrar to the Judicial Conduct Committee will inform the judge concerned that the complaint was made. The Registrar, whose role is independent, will

decide whether the Act applies. The Registrar will make a determination in relation to the admissibility of your complaint pursuant to Section 53 of the Act and the JCC's procedures. In order to assist in doing so the Registrar may contact you or the judge to obtain further information in relation to the complaint as provided for in the Act or under those Procedures.

If you are dissatisfied with the Registrar's determination, you may seek a review by the Complaints Review Committee (CRC) by informing the Registrar in writing within 30 days of being notified of the determination.

If you do not seek a review within the statutory timeframe or where any review sought is unsuccessful, the complaint is then at an end and no further action will be taken.

If the Registrar or the CRC determines the complaint to be admissible the complaint is referred to the JCC. The JCC may refer the complaint for informal resolution or to a Panel of Inquiry (POI) for investigation. After these stages a report will be prepared for the JCC

### **What are the possible outcomes for your complaint?**

The Act provides for a variety of different outcomes on conclusion of the complaints process, which may be:

That the complaint has not been substantiated

That the complaint has been substantiated, which may in turn result in

- The issuing of advice to the judge concerned,
- The making of a recommendation that the judge concerned pursue a specified course of action including attending a course or training of a specified type,
- The issuing of an admonishment to the judge concerned,
- Recommendation(s) as considered necessary for the purposes of safeguarding the administration of justice, or
- Referral by the Judicial Conduct Committee to the Minister for Justice for the purpose of Article 35.4 of the Constitution.

This means that the Dáil and Seanad may consider passing a resolution to have the judge removed from office.

### **Where can more information on the complaints process be found?**

The following, which are available on the Judicial Conduct section of our website, will be of further assistance in explaining the overall process.

[Complaints Procedures](#)  
[Guidelines in relation to Judicial Conduct and Ethics](#)  
[Judicial Council Act 2019](#)

**COMPLETE EITHER PART 1A OR PART 1B**

**COMPLETE PART 1A WHERE YOU ARE MAKING A COMPLAINT ON YOUR OWN BEHALF**

**COMPLETE PART 1B WHERE YOU ARE MAKING A COMPLAINT ON BEHALF OF A COMPLAINANT**

**PART 1A: MAKING A COMPLAINT ON YOUR OWN BEHALF**

Basis on which the Complaint is made\* (please tick as appropriate)

- I am directly affected by the conduct complained of
- I witnessed the conduct complained of

Forename\*

Surname\*

Address\*

Phone number

Email address\*

**PART 1B: MAKING A COMPLAINT ON BEHALF OF THE COMPLAINANT**

Basis on which the Complaint is made\* (please tick as appropriate)

- The Complainant is directly affected by the conduct complained of
- The Complainant witnessed the conduct complained of

Complainant's Forename\*

Complainant's Surname\*

Capacity in which the Complaint is made\* (please tick one option as appropriate)

- I am making the complaint as the parent or guardian of the Complainant who is a child, being a person aged under 18 years.
- I am making the complaint as a person duly authorised by law to act on behalf of the Complainant who is unable to do so by reason of that person's mental or physical incapacity. Please state below the basis in law on which you are so authorised. (You may be requested to furnish evidence to support this).

- I am making the complaint as a duly authorised officer of the Law Society on behalf of the Complainant who is a solicitor and who is a member of the Law Society.
- I am making the complaint as a duly authorised officer of the General Council of the Bar of Ireland on behalf of the Complainant who is a barrister and who is a member of the Law Library.

Forename\*

Surname\*

Address\*

Phone number

Email address\*

**PART 2: DETAILS OF THE COMPLAINT**

Name of the Judge complained of \*

Place where the alleged misconduct occurred (including the court building and the courtroom if applicable to your complaint)

Date and time of the alleged misconduct complained of \*

**In outlining what you are complaining about, it is essential to clearly describe what you believe that the judge did or did not do which constitutes judicial misconduct.**

Please outline in the following area sufficient supporting information to enable a determination be made as to whether the complaint is admissible \*

- I confirm that I am aware that it is a requirement of section 50 (5) of the Judicial Council Act 2019 that my name and particulars of my complaint will be provided to the judge complained of \*
- I confirm that I am aware that the particulars of complaints made are confidential\*
- I agree with the handling of my data in accordance with the Judicial Council privacy policy \*
- I confirm that I have read and understand the information contained in pages 1 – 3 of this document \*

I declare that the particulars in this form are correct.

Signed\*

**Fields marked \* are mandatory to complete**