



# Judicial Studies Committee

## Work Plan 2023-2026

9 May 2023



Comhairle na mBreithiúna  
The Judicial Council

## Foreword from Ms. Justice Aileen Donnelly

### Chair of the Judicial Studies Committee

On behalf of the Judicial Studies Committee, I am delighted to present this work plan to the Judiciary and those with an interest in the delivery of the plan. This plan marks the start of the next stage of the development of judicial training in this jurisdiction. The Committee commenced its statutory tasks at the start of the Covid Pandemic and drew up protocols to appoint a judge as Director of Judicial Studies which concluded with the appointment, after a competitive process, of Ms. Justice Mary Rose Gearty. Induction training, mentoring, training judicial trainers and developing and delivering essential courses such as ethics were the primary focus of the Committee and the Director.

With the appointment of Ms. Maria Fitzgerald as Associate Director of Judicial Studies in October 2022, this second, more formalised, period of development has begun. None of this would have been possible without the unfailing help and support of the Secretary to the Judicial Council Mr. Kevin O'Neill and the Administrator Ms. Mary Murphy. I extend huge thanks to them. I wish also to thank the Committee members for all their work and commitment to the development of judicial training. In particular I thank them for contributing so wholeheartedly to the preparation of this plan. The Committee members are Mr. Justice Brian Murray, Ms. Justice Niamh Hyland, Judge Mary O'Malley Costello, Judge Paul Kelly (President, District Court) and Judge Marie Quirke. Thanks also to our retired colleague John MacMenamin for his hard work and wise counsel in this Committee from its inception (and before!) until his recent retirement.

## Introduction from Ms. Justice Mary Rose Gearty

### Director of Judicial Studies

The creation of the post of Director of Judicial Studies was a crucial development for the Irish judiciary. For the first time, a serving judge was assigned to use part of her working week to create a more widespread culture of professional development and to devise and offer training programmes to her colleagues in each of the different court jurisdictions. My three years in this post have been exciting and tremendously rewarding. Along with an enthusiastic and expert committee and with the recently appointed Associate Director, we have created a suite of judicial training presentations and workshops which have been compared favourably with those offered by international institutions for judicial training.

The judicial enthusiasm for training, particularly on the part of those who have given their time to learn and practise the skill of training colleagues, has been laudable in a judiciary where judges often cannot be spared to attend training due to the pressure of court lists. The commitment of these judges must be recognised and, on behalf of all our colleagues, I thank them as we could not have achieved so much, in such a short time, without their generous support.

## Key achievements 2020-2022

Since mid-2020 a wide range of education and training programmes have been developed and delivered. These include Judicial Conduct and Ethics, Avoiding Re-traumatisation, Unconscious Bias and Vulnerable Witnesses, Induction, Mentoring, Assisted Decision-Making and Capacity, Personal Insolvency, Coercive Control and Training of Judicial Trainers. By the end of 2022, approximately 87% of Irish judges across all jurisdictions had engaged in at least one such programme.

Central to the development and delivery of education and training programmes is collaboration with other agencies. The Committee would like to thank the Dutch Judicial Training Institute (SSR), the Judicial College of England and Wales and European Judicial Training Network (EJTN) for their guidance and support. The Committee would also like to acknowledge the valuable contributions from the Judicial Institute for Scotland and the Judicial Studies Board of Northern Ireland.

Finally, the Court Conferences have continued with greater emphasis on identifying themes and on coordinating the topics chosen across all conferences and jurisdictions.

## Context

The Judicial Council was established under the Judicial Council Act 2019, as amended. The education and training function is undertaken by the Judicial Studies Committee (“the Committee”) on behalf of the Council as set out in Section 17 of the Act. The Committee was established in March 2020 and since that time focused on meeting the short-term immediate needs of the judiciary. More recently the focus has shifted to long term sustainable planning and has led to the development of this three-year Work Plan.

The Work Plan 2023-2026, as devised by the Committee, highlights four key priority areas. These priorities focus on developing and delivering training programmes, ensuring adequate resources and supports, establishing policies and procedures, and engaging with stakeholders to raise awareness of the importance of judicial education and training. This plan is underpinned by a more detailed Annual Action Plan, which is a dynamic document that will be reviewed and updated as necessary.

The Committee is committed to maintaining public trust in the judiciary and the administration of justice by delivering appropriate, effective, and timely training. The training is based on the core values and principles set out in the Guidelines for the Judiciary on Conduct and Ethics, including independence, impartiality, integrity, propriety, equality, competence, and diligence.

## Priority 1: Training Programmes

1. Create and provide training and education programmes that respond to evolving judicial needs and to developments in best practice worldwide.
2. Develop programmes in a structured manner that takes account of emerging societal and legislative needs, a comprehensive training needs analysis, and international best practices.
3. Offer a diverse range of programmes, catering for the specific requirements of each jurisdiction, thereby supporting the administration of justice and the personal and professional progression of participating judges.
4. Devise and implement an integrated induction programme that aligns with jurisdictional requirements and provides support to newly appointed judges.
5. Broaden the scope and format of training programmes by incorporating various delivery methods.
6. Establish a system of programme review and evaluation to ensure that training remains current, reflecting up-to-date legislation, case law, research, and technological developments.
7. Collaborate with international judicial training organisations to access expertise and funding that can enhance the training offered by the Committee.
8. Actively advocate for and implement best practice in the fields of education and the administration of justice, in all aspects of the training offered.
9. Ensure that information in relation to relevant education and training programmes is disseminated across the judiciary in an appropriate manner.

## Priority 2: Resources and Supports

1. Provide adequate resources and staff to ensure timely delivery of relevant and effective training accessible to all members of the judiciary.
2. Develop a web-based platform to support access, delivery, and hosting of training materials, including video, podcasts, and documentation.
3. Implement a user-intuitive and accessible booking system linked to a course calendar.
4. Promote the use of technology and digital learning among the judiciary.
5. Continue to train judges as judicial trainers to meet changing demands for training, ensuring an ongoing supply of suitably trained judges to provide high-quality judge-led training sessions and minimise the impact of single-point dependencies.
6. Ensure the availability of relevant expertise to support the development and delivery of training events.

## Priority 3: Policy and Procedures

1. Conduct a review of the Committee's Terms of Reference to ensure compliance with legislation and to accommodate existing and future judicial training requirements.
2. Develop a competency framework to inform judicial education and training.
3. Review and update policy, procedures, and processes in relation to the development, delivery and attendance at education and training events.
4. Develop a suite of procedures and guidance documentation to support training events and trainers.

5. Establish procedures and recommendations for judges' engagement in national and international training opportunities.
6. Develop and disseminate guidance for judicial speakers at national and international training events.
7. Provide speakers at Judicial Council training events with appropriate guidelines and support.
8. Maintain compliance with the relevant legal and civil service requirements in relation to procurement of services/supports and financial reporting.

#### Priority 4: Stakeholder Engagement and Communications

1. Raise the profile and promote the importance of judicial education and training among the judiciary.
2. Foster and strengthen relationships with organisations and agencies providing judicial training at national and international levels.
3. Work with a range of agencies and organisations to facilitate the delivery of relevant training to include multiple perspectives of court users.
4. Identify and promote relevant education and training opportunities available internationally among the judiciary.
5. Engage with academics working in the justice sector to ensure that current research is incorporated into training events that meet the needs of the Irish judiciary.
6. Collaborate with relevant stakeholders to identify and overcome obstacles to training.
7. Engage with the Courts Service across a range of matters to establish the seamless provision of support to the judiciary to include clarity of roles and



responsibilities, non-duplication of activities and clearly established protocols across the range of crossover areas.

8. Avail of funding opportunities offered through international organisations/agencies.

## Challenges

The Judicial Studies Committee acknowledges that there are several challenges that will have an impact on the delivery of this Work Plan. One of the most fundamental constraints is the time afforded to judges, both to deliver and to participate in training events. The support of the Presidents of each jurisdiction is crucial in that regard as it is they who have overall responsibility for the allocation of judges. It is hoped that the anticipated appointment of extra judges will ease some of the resource issues and provide an opportunity to further embed judicial training into the scheduled work of the judiciary.

Within the courts system, there are several areas of overlap with the Courts Service. The Courts Service IT unit is responsible for the IT infrastructure and is mid-way through an extensive modernisation programme. This will result in the increased digitalisation of the resources available to the judiciary and the courts. The Legal Research and Library Services Committee (LRLS) manages the Knowledge Hub and oversees the creation and updating of Benchbooks. Additionally, the Courts Service staff carries out separate induction training for new judges in relation to its own functions. This Committee must continue its engagement with the Courts Service to ensure that an integrated approach is taken

to judicial education and training that is based on a mutually supportive relationship.

The following challenges are also worth noting:

- Providing secure platforms to support the education and training of judges, including easy access via secure login, document storage, and video hosting.
- Increasing the Judicial Council's staffing to support the expansion of the education and training opportunities provided to the judiciary.
- Maintaining an adequate number of judges trained as judicial trainers and mentors.
- Upskilling judges in technology to enable full participation in hybrid/virtual/self-directed education and training opportunities.
- Matching timely and relevant training to new legislation.

## Appendix 1

### 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 Terms of Reference for the Judicial Studies Committee was adopted by the Judicial Council on the 7<sup>th</sup> of February 2020**