

Editorial

Welcome to the first edition of the Irish Judicial Studies Journal for 2022. This is a special edition comprising a selection of papers originally presented during two seminars in late 2021 focusing on the issues of judicial education and training and judicial conduct and ethics, following the establishment of the Irish Judicial Council. The seminars were part of a project organised by the editor and guest editor and funded by the Irish Research Council under the New Foundations scheme.

The establishment of the Judicial Council marked a significant step in the ongoing process of reform and modernisation of the Irish court system. Two decades after the establishment of the Courts Service, which gave proper status to the administration of justice, the creation of a body dedicated to supporting and assisting with the work of judges brings into sharp focus some key issues and controversies in the legal system as it grows and faces uncertain and challenging times. More importantly, it offers a crucial and unrepeatable opportunity to develop modern, innovative, and fit-for-purpose mechanisms for key functions such as judicial conduct and ethics, judicial education and training, and sentencing guidelines.

While great work has already been done in establishing the Council and the various Committees, there is a significant amount of work yet to be done in order to develop a modern fit-for-purpose judicial education and training system as well as complaints process. Getting these mechanisms, processes, and institutional arrangements right will provide the Irish judiciary, and the Irish people, with essential supports that respect judicial independence while also providing confidence in the system. Achieving this desirable goal will require research, thought and effort. Academics from law and other disciplines, civil Society groups, and experts from bench and practice, have important insights to offer in this respect and experiences from other jurisdictions can also provide an opportunity to learn from what has been tried and tested elsewhere.

It is to be hoped that the seminars held last year and this special edition can be the beginning of a long-term conversation on these important matters.

This edition begins with an article by Raymond Byrne which looks at the Bangalore Principles and the general international context for the provisions on judicial conduct in the Judicial Council Act 2019. Justice Adèle Kent explains how judicial education is approached in Canada; the National Judicial Skills Institute in Canada takes an approach based on the idea that in teaching a skill, it is necessary to provide theory, modelling and practice. She argues that the best judicial education courses incorporate law, social context and skills all as part of the learning process. Brian Barry considers the issue of judicial impartiality. He argues that the Judicial Council should take a proactive approach to promote and maintain judicial impartiality, to address contemporary challenges that the Irish judiciary face including increasingly sophisticated empirical research into judicial performance, the proliferation of judicial analytics tools, and more probative and critical media and social media coverage. Silvio Vinceti examines the systems in place in both Ireland and Italy in relation to judicial discipline and argues that standardisation plays a less important role than the allocation of authority and who decides on matters of judicial discipline and removal. Eunice Collins looks at the definition of judicial misconduct in the Judicial Council Act 2019. She considers examples from other jurisdictions, such as Australia and England & Wales, in order to shed

light on the meaning of acknowledged standards of judicial conduct in an Irish context and to ask what is meant by bringing the administration of justice into disrepute. Patrick O'Brien also draws on examples from other jurisdictions in order to assess the informal disciplinary mechanisms introduced by the 2019 Act. He makes the case that informal disciplinary processes are valuable and feels that the balance in the 2019 Act may have tilted too far in the direction of formal processes, which may ultimately lead to less accountability. Finally Colin Scott investigates the nature of the regulatory space with respect to judicial conduct to ask how the introduction of new actors, rules and procedures, under the terms of the Judicial Council Act 2019, will affect the regulatory space and what changes might be expected to support a more responsive approach to the regulation of judicial conduct.

Thank you, as always, to our editorial team at the University of Limerick, our Judicial Board, our copy-editor – Bláithín O'Shea, and all of the authors who contributed to this edition.

Go mbainfidh sibh taitneamh as.

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