

JUDICIAL APPOINTMENTS ADVISORY BOARD



ANNUAL REPORT 2020

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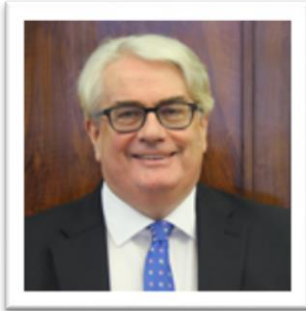
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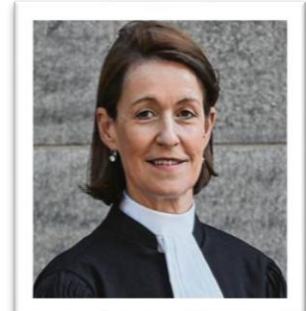
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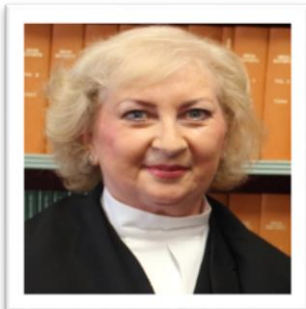
**The Hon. Mr. Justice
Frank Clarke**
Chairperson, Chief Justice



**The Hon. Mr. Justice
George Birmingham**
President of the Court of Appeal



**The Hon. Ms. Justice
Mary Irvine**
President of the High Court



**The Hon. Ms. Justice
Patricia Ryan**
President of the Circuit Court



**His Honour Judge
Colin Daly**
President of the District Court



Paul Gallagher SC
Attorney General



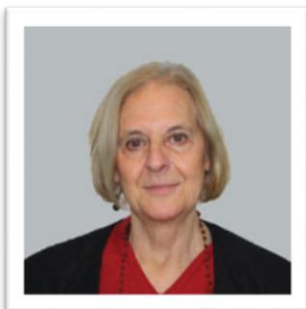
Maura McNally SC
*Chair - Council of the Bar of
Ireland*



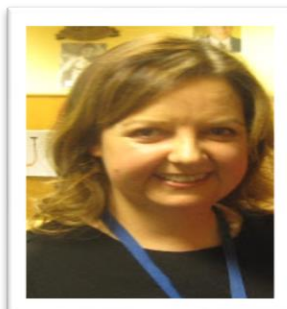
Mr. John Shaw, Solicitor
Law Society of Ireland nominee



Ms. Karen Dent
*Nominee of the Minister for
Justice*



Dr. Eleanor O'Higgins
*Nominee of the Minister for
Justice*



Ms. Linda Memery
Secretary

CHAPTER 1: INTRODUCTION

The Judicial Appointments Advisory Board (hereafter “the Board”) was established pursuant to the amended **Courts and Court Officers Act, 1995**, (hereafter “the Act”). The purpose of the Board is to identify persons and inform the Government of the suitability of those persons for appointment to judicial office.

The Board consists of (Section 13 as amended by Section 12(b) of the Court of Appeal Act, 2014):

- the Chief Justice; who is Chairperson of the Board;
- the President of the Court of Appeal;
- the President of the High Court;
- the President of the Circuit Court;
- the President of the District Court;
- the Attorney General;
- a practising barrister who is nominated by the Chairperson for the time being of the Council of the Bar of Ireland;
- a practising solicitor who is nominated by the President for the time being of the Law Society of Ireland; and
- not more than three persons appointed by the Minister for Justice (hereafter “the Minister”), which are persons engaged in or having knowledge or experience of commerce, finance, administration, or persons who have experience as consumers of the service provided by the Courts that the Minister considers appropriate.

A person appointed to be a member of the Board by virtue of a nomination by the Chairperson of the Bar Council or by the President of the Law Society and persons appointed by the Minister are members of the Board for a period not exceeding three years and any such persons so appointed shall be eligible for re-appointment to the Board.

The Act (Section 14) enables the Board to adopt such procedures as it thinks fit to carry out its functions and, in the exercise of that power, the Board has adopted rules and procedures which are contained in Appendix (i) to this report. They also have power to appoint sub-committees to assist them and may:

- advertise for applications for judicial appointment;
- require applicants to complete application forms;
- consult persons concerning the suitability of applicants to the Board;
- invite persons identified by the Board to submit their names for consideration by the Board;
- arrange for the interviewing of applicants who wish to be considered by the Board for appointment to judicial office; and
- do such other things as the Board considers necessary to enable it to discharge its functions under the Act.

The extent to which these powers have been availed of by the Board is considered in Chapter 3 of this report.

Section 16 of the Act deals with the submission of names to the Minister. A person who wishes to be considered for appointment to judicial office is required to so inform the Board in writing and to provide the Board with such information as it may require them to enable it to consider the suitability of that person for judicial office, including information relating to education, professional qualifications, experience and character. To assist the Board in this regard the applicants are required

to complete a detailed application form which includes questions on their practice, their professional qualifications, education, character, etc., and are also required to outline on their application form why they consider themselves suitable for judicial office.

This Section goes on to provide that where a judicial office stands vacant or before a vacancy in a judicial office arises, the Board, at the request of the Minister, is to submit to the Minister the names of all persons who have informed the Board of his or her wish to be considered for appointment to that judicial office and the Board shall submit the names of at least seven persons whom it recommends for appointment. The Board must also provide the Minister with particulars of education, professional qualification, experience and character of the persons whom it recommends under this Section.

Where fewer than seven persons inform the Board of their wish to be appointed to judicial office or where the Board is unable to recommend to the Minister at least seven persons, the Board may recommend to the Minister a lesser number of persons for appointment.

Where more than one judicial office in the same Court stands vacant or in advance of more than one vacancy arising in the same Court, the Board shall recommend at least seven persons in respect of each vacancy or such lesser number of names as the Minister specifies, following consultation with the Board.

Section 16 of the Act goes on to require the Government when advising the President in relation to the appointment of a person to a judicial office to first consider persons who have been recommended by the Board. When a person is appointed on a recommendation by the Board, notice of that fact shall be published in *Iris Oifigiúil*.

The Board shall not submit or recommend the name of a person unless that person meets the eligibility requirements laid down by statute. Further, the Board shall not recommend the name of any person unless in the opinion of the Board the person concerned:

- has displayed in his/her practice as a barrister or solicitor, as the case may be, a degree of competence and a degree of probity appropriate to and consistent with the appointment concerned;
- is suitable on grounds of character and temperament;
- is otherwise suitable; and
- complies with the requirements of Section 19 of the Act.

Having received the advice of counsel, the Board interprets these requirements as a minimum standard. A person must have these qualities to be recommended, but having these qualities is in itself not sufficient for a person to be recommended.

Under **Section 17** of the Act (as amended), the procedures set out above do not apply where the Government proposes to advise the President to appoint to judicial office a person who is for the time being a Judge of the Court of Appeal, High Court, Circuit Court (or Specialist Judge of the Circuit Court), District Court or who is eligible for appointment to the Supreme Court, Court of Appeal or the High Court under the provisions of Section 5 of the Courts (Supplemental Provisions) Act, 1961, as amended.

Section 18 of the Act provides that the Board shall not recommend its own members for appointment, with the exception of the Attorney General who must withdraw from any deliberations of the Board concerning his or her suitability for judicial office.

Section 19 of the Act requires a person who wishes to be considered for appointment to judicial office to undertake in writing to the Board his or her agreement, if appointed to judicial office, to take such

course or courses of training or education, or both, as may be required by the Chief Justice or the President of the Court to which the person concerned is appointed.

Under **Section 23** of the Act, where the Government proposes to advise the President of an appointment to the office of Chief Justice or President of the High Court, President of the Circuit Court or President of the District Court, it is required first to have regard to the qualifications and suitability of persons who are serving at that time as judges in Courts established in pursuance of Article 34 of the Constitution.

There have been some amendments to the procedures followed by the Board since 1995:

- a) The Standards in Public Office Act, 2001, as amended by Section 53 of the Civil Law (Miscellaneous Provisions Act), 2008, requires applicants to certify that their tax affairs are in order. Section 22 (1) prohibits the Board from recommending a person for judicial office unless the person has furnished to the Board:
 - (I) a tax clearance certificate that was issued to the person not more than eighteen months before the date of the recommendation, and
 - (II) a statutory declaration made by the person not more than three months before that date to the effect that, at the time of the making of the declaration, the person is, to the best of his or her knowledge and belief, in compliance with the obligations specified in *subsection (1) of section 25* and that nothing in *subsection (2)* of that section prevents the issue to him or her of a tax clearance certificate.
- b) The criteria for selection to the Superior Courts has been amended by Section 12 of the Court of Appeal Act 2014.

The purpose of this amendment seems to be to ensure that solicitors and barristers appointed to the Supreme Court, Court of Appeal and High Court are sufficiently conversant with practice and procedure in the Superior Courts.

It is best to quote these directly:

Section 12 (d)(ii)

- b) (i) "The Board shall recommend a person to the Minister under this section only if the Board is of the opinion that the person:
 - (I) has displayed in his or her practice as a barrister or a solicitor a degree of competence and a degree of probity appropriate to and consistent with the appointment concerned,
 - (II) in the case of an appointment to the office of ordinary judge of the Supreme Court, of Ordinary Judge of the Court of Appeal or of ordinary judge of the High Court, has an appropriate knowledge of the decisions, and an appropriate knowledge and appropriate experience of the practice and procedure, of the Supreme Court, the Court of Appeal and the High Court,
 - (III) is suitable on the grounds of character and temperament,
 - (IV) complies with the requirements of section 19 of this Act, and

(ii) is otherwise suitable.

(ii) In determining whether the requirements of subparagraph (i)(II) are satisfied, the Board shall have regard, in particular, to the nature and extent of the practice of the person concerned insofar as it relates to his or her personal conduct of proceedings in the Supreme Court, the Court of Appeal and the High Court whether as an advocate or as a solicitor instructing counsel in such proceedings or both”.

A dedicated Judicial Appointments Advisory Board website www.jaab.ie contains information relating to upcoming judicial vacancies and deadlines for applications. General information is also available from the website in relation to the application process.

In the carrying out of its functions, the Board places advertisements calling on all those who wish to be considered for appointment to judicial office to apply to the Board. Additionally, all those who already have applications on file may be requested to re-apply.

There is a separate standard application form for each Court level. Each completed application form must be accompanied by thirteen original photographs. Two references must be furnished by referees directly to the Secretary and such letters must be submitted by referees and not by the applicants themselves. As previously stated, under Section 22 of the Standards in Public Office Act, 2001, as amended, the Board cannot recommend a person to the Minister unless that person has furnished to the Board the relevant tax clearance certificate issued to that person not more than eighteen months before the date of recommendation and a statutory declaration that their tax affairs are in order, made by the person not more than three months before that date. In practice, the tax clearance certificate is submitted with the application form or on the expiration of a certificate previously provided by the applicant. The Secretary to the Board communicates with all applicants to request the statutory declaration when vacancies are advertised or preceding a meeting of the Board.

The process of considering persons and submitting names to the Minister commences when the Minister communicates with the Chairperson of the Board to request recommendations where a judicial vacancy exists or is due to arise. The Chairperson then agrees a suitable date with the Secretary, who informs the members of the Board. The members are given an agenda for the meeting, including a copy of the Minister’s request (which indicates the number and jurisdiction of the vacancy(ies)) and a copy of all applications on file for the relevant jurisdiction(s).

Following the Board meeting, the Secretary to the Board corresponds with the Bar of Ireland, the Law Society of Ireland and the Legal Services Regulatory Authority , as appropriate, asking them to verify that those who are to be recommended are in good standing with those professional bodies and that they meet the statutory requirements under the Courts (Supplemental Provisions) Act, 1961, (as amended). Once a reply has been received, the Chairperson writes to the Minister, setting out the Board’s recommendations.

CHAPTER 2: APPLICATIONS & APPOINTMENTS

During the period that this report is concerned with, the Board met on four occasions.

1. 9th March 2020
2. 17th June 2020
3. 31st August 2020
4. 23rd November 2020

The composition of the Board changed on three occasions during this period;

1. The Hon. Mr. Justice Peter Kelly's term as President of the High Court ended on 18th June 2020 due to his retirement and The Hon. Ms. Justice Mary Irvine was appointed as President of the High Court on the 18th June 2020.
2. Paul Gallagher SC was appointed as Attorney General on the 27th June 2020 replacing Seamus Woulfe SC.
3. Maura McNally SC was appointed as nominee of the Bar of Ireland on the 01st August 2020 replacing Micheál P. O'Higgins SC.

On the 6th June 2017, Dr. Simon Boucher's tenure as a Ministerial Nominee expired. This position remained vacant in 2020.

2.1 Supreme Court

The Board met on two occasions to consider two appointments to the Supreme Court in 2020.

Meeting – 09th March 2020

By letter dated the 17th February 2020, the Minister for Justice & Equality communicated with the Board concerning the filling of one vacancy which had arisen as a result of the retirement of The Hon. Ms. Justice Mary Finlay Geoghegan from the Supreme Court with effect from the 16th June 2019. The Minister in accordance with section 16(2) of the Courts and Court Officers Act, 1995, requested the Board to furnish him with nominations for this vacancy and the name of each person who had informed the Board of his/her wish to be considered for this appointment.

The Board caused advertisements to be inserted in the Irish Independent on the 9th January 2020, the Irish Times and the Irish Examiner on the 10th January 2020, the Judicial Appointments Advisory Board website (jaab.ie), the Law Society of Ireland website and the Bar of Ireland website requesting practising barristers and solicitors who were eligible for appointment to the position of Ordinary Judge of the Supreme Court and who wished to be considered for appointment to submit an application to the Secretary of the Board, which was required by the Board to be completed and returned by Friday the 31st January 2020 at 5p.m., while applications submitted after this date would also be accepted.

On the 9th March 2020, the Judicial Appointments Advisory Board considered one application for one position of Ordinary Judge of the Supreme Court.

Applications considered for the Supreme Court –9th March 2020

Experience in years	10-15	15-20	Over 20
Senior Counsel			
Male	0	0	1
Female	0	0	0
Barrister			
Male	0	0	0
Female	0	0	0
Solicitor			
Male	0	0	0
Female	0	0	0

Where applicants have qualified as members of both professions, they have been included under the profession practised at the time the application was made for the purpose of the above statistics.

Meeting – 31st August 2020

By letter dated the 7th August 2020, the Minister for Justice & Equality communicated with the Board concerning the filling of one vacancy which had arisen following the appointment of The Hon. Ms. Justice Mary Irvine to the position of President of the High Court with effect from the 18th June 2020. The Minister in accordance with section 16(2) of the Courts and Court Officers Act, 1995, requested the Board to furnish her with nominations for this vacancy and the name of each person who had informed the Board of his/her wish to be considered for this appointment.

The Board caused advertisements to be inserted in the Irish Independent on the 9th January 2020, the Irish Times and the Irish Examiner on the 10th January 2020, the Judicial Appointments Advisory Board website (jaab.ie), the Law Society of Ireland website and the Bar of Ireland website requesting practising barristers and solicitors who were eligible for appointment to the position of Ordinary Judge of the Supreme Court and who wished to be considered for appointment to submit an application to the Secretary of the Board, which was required by the Board to be completed and returned by Friday the 31st January 2020 at 5p.m., while applications submitted after this date would also be accepted.

As there were no applications received in respect of the vacancy in the Office of Ordinary Judge of the Supreme Court, the Board was not in a position to make recommendations at the meeting.

2.2 Court of Appeal

The Board did not meet to consider appointments to the Court of Appeal in 2020.

2.3 High Court

The Board met on two occasions to consider two appointments to the High Court in 2020.

Meeting– 31st August 2020

By letter dated the 7th August 2020, the Minister for Justice & Equality communicated with the Board concerning the filling of one vacancy which would arise as a result of the nomination of The Hon. Ms. Justice Teresa Pilkington, for appointment to the position of Ordinary Judge of the Court of Appeal with effect from the 4th August 2020. The Minister in accordance with section 16(2) of the Courts and Court Officers Act, 1995, requested the Board to furnish her with nominations for this vacancy and the name of each person who had informed the Board of his/her wish to be considered for this appointment.

The Board caused advertisements to be inserted in the Irish Independent on the 9th January 2020, the Irish Times and the Irish Examiner on the 10th January 2020, the Judicial Appointments Advisory Board website (jaab.ie), the Law Society of Ireland website and the Bar of Ireland website requesting practising barristers and solicitors who were eligible for appointment to the position of Ordinary Judge of the High Court and who wished to be considered for appointment to submit an application to the Secretary of the Board, which was required by the Board to be completed and returned by Friday the 31st January 2020 at 5p.m., while applications submitted after this date would also be accepted, 2020 at 5p.m., while applications submitted after this date would also be accepted.

On the 31st August 2020 the Judicial Appointments Advisory Board considered thirty applications for one position of Ordinary Judge of the High Court.

Applications considered for the High Court – 31st August 2020

Experience in years	10-15	15-20	Over 20
Senior Counsel			
Male	0	0	6
Female	0	0	6
Barrister			
Male	0	1	0
Female	0	0	0
Solicitor			
Male	0	0	12
Female	1	2	2

Where applicants have qualified as members of both professions, they have been included under the profession practised at the time the application was made for the purpose of the above statistics

Meeting– 23rd November 2020

By letter dated the 13th November 2020, the Minister for Justice communicated with the Board concerning the filling of one vacancy which would arise as a result of the retirement of The Hon. Mr. Justice Bernard Barton from the High Court with effect from the 10th March 2021. The Minister in accordance with section 16(2) of the Courts and Court Officers Act, 1995, requested the Board to furnish her with nominations for this vacancy and the name of each person who had informed the Board of his/her wish to be considered for this appointment.

The Board caused advertisements to be inserted in the Irish Independent on the 9th January 2020, the Irish Times and the Irish Examiner on the 10th January 2020, the Judicial Appointments Advisory Board website (jaab.ie), the Law Society of Ireland website and the Bar of Ireland website requesting practising barristers and solicitors who were eligible for appointment to the position of Ordinary Judge of the High Court and who wished to be considered for appointment to submit an application to the Secretary of the Board, which was required by the Board to be completed and returned by Friday the 31st January 2020 at 5p.m., while applications submitted after this date would also be accepted.

On the 23rd November 2020 the Judicial Appointments Advisory Board considered twenty-six applications for one position of Ordinary Judge of the High Court

Applications considered for the High Court – 23rd November 2020

Experience in years	10-15	15-20	Over 20
Senior Counsel			
Male	0	0	5
Female	0	0	5
Barrister			
Male	0	0	1
Female	0	0	0
Solicitor			
Male	0	0	10
Female	0	2	3

Where applicants have qualified as members of both professions, they have been included under the profession practised at the time the application was made for the purpose of the above statistics

2.4 Circuit Court

The Board met on one occasion to consider two appointments to the Circuit Court in 2020.

Meeting – 17th June 2020

By letter dated the 29th May 2020, the Minister for Justice & Equality communicated with the Board concerning the filling of two vacancies, one which had arisen as a result of the death of His Honour Judge John Hannan on the 21st February 2020 and one which had arisen as a result of the retirement of His Honour Judge Gerald Keys from the Circuit Court with effect from the 22nd May 2020. The Minister in accordance with section 16(2) of the Courts and Court Officers Act, 1995, requested the Board to furnish him with nominations for these vacancies and the name of each person who had informed the Board of his/her wish to be considered for these appointments.

The Board caused advertisements to be inserted in the Irish Independent on the 9th January 2020, the Irish Times and the Irish Examiner on the 10th January 2020, the Judicial Appointments Advisory Board website (jaab.ie), the Law Society of Ireland website and the Bar of Ireland website requesting practising barristers and solicitors who were eligible for appointment to the position of Ordinary Judge of the Circuit Court and who wished to be considered for appointment to submit an application to the Secretary of the Board, which was required by the Board to be completed and returned by Friday the 31st January 2020 at 5p.m., while applications submitted after this date would also be accepted.

On the 17th June 2020, the Judicial Appointments Advisory Board considered seventy-seven applications for two positions of Ordinary Judge of the Circuit Court.

Applications considered for the Circuit Court – 17th June 2020

Experience in years	10-15	15-20	Over 20
Senior Counsel			
Male	0	0	3
Female	0	0	0
Barrister			
Male	2	4	16
Female	2	4	8
Solicitor			
Male	0	1	19
Female	0	4	14

Where applicants have qualified as members of both professions, they have been included under the profession practised at the time the application was made for the purpose of the above statistics.

2.5 District Court

The Board met on two occasions to consider three appointments to the District Court in 2020.

Meeting–31st August 2020

By letter dated 7th August 2020 the Minister for Justice & Equality communicated with the Board concerning the filling of one vacancy which would arise following the retirement of Judge Michael Coghlan from the District Court with effect from the 7th October 2020. The Minister in accordance with section 16(2) of the Courts and Court Officers Act, 1995, requested the Board to furnish her with nominations for this vacancy and the name of each person who had informed the Board of his/her wish to be considered for this appointment.

The Board caused advertisements to be inserted in the Irish Independent on the 9th January 2020, the Irish Times and the Irish Examiner on the 10th January 2020, the Judicial Appointments Advisory Board website (jaab.ie), the Law Society of Ireland website and the Bar of Ireland website requesting practising barristers and solicitors who were eligible for appointment to the position of Judge of the District Court and who wished to be considered for appointment to submit an application to the Secretary of the Board, which was required by the Board to be completed and returned by Friday the 31st January 2020 at 5p.m., while applications submitted after this date would also be accepted.

On the 31st August 2020, the Judicial Appointments Advisory Board considered eighty applications for one position of Judge of the District Court.

Applications considered for the District Court – 31st August 2020

Experience in years	10-15	15-20	Over 20
Senior Counsel			
Male	0	0	0
Female	0	0	0
Barrister			
Male	3	4	3
Female	4	4	2
Solicitor			
Male	6	8	17
Female	3	11	15

Where applicants have qualified as members of both professions, they have been included under the profession practised at the time the application was made for the purpose of the above statistics.

Meeting–23rd November 2020

By letters dated October 2020 and 13th November 2020, the Minister for Justice communicated with the Board concerning the filling of two vacancies, one which had arisen as a result of the retirement of Judge Constantine O’Leary from the District Court with effect from the 1st November 2020 and one which would arise as a result of the retirement of Judge Ann Ryan from the District Court with effect from the 2nd January 2021. The Minister in accordance with section 16(2) of the Courts and Court Officers Act, 1995, requested the Board to furnish her with nominations for these vacancies and the name of each person who had informed the Board of his/her wish to be considered for these appointments. The Board caused advertisements to be inserted in the Irish Independent on the 9th January 2020, the Irish Times and the Irish Examiner on the 10th January 2020, the Judicial Appointments Advisory Board website (jaab.ie), the Law Society of Ireland website and the Bar of

Ireland website requesting practising barristers and solicitors who were eligible for appointment to the position of Judge of the District Court and who wished to be considered for appointment to submit an application to the Secretary of the Board, which was required by the Board to be completed and returned by Friday the 31st January 2020 at 5p.m., while applications submitted after this date would also be accepted.

On the 23rd November 2020 the Judicial Appointments Advisory Board considered eighty-two applications for two positions of Judge of the District Court.

Applications considered for the District Court – 23rd November 2020

Experience in years	10-15	15-20	Over 20
Senior Counsel			
Male	0	0	0
Female	0	0	0
Barrister			
Male	8	0	3
Female	4	4	4
Solicitor			
Male	6	6	15
Female	6	12	14

Where applicants have qualified as members of both professions, they have been included under the profession practised at the time the application was made for the purpose of the above statistics.

2.6 Summary

The following five persons were appointed to judicial office by the President on the nomination of the Government, following recommendations made by the Judicial Appointments Advisory Board in 2020:

Supreme Court
The Hon. Mr. Justice Seamus Woulfe
High Court
The Hon. Ms. Justice Nuala Butler
Circuit Court
Her Honour Judge Mary Morrissey
District Court
Judge Sandra Murphy
Judge Alec Gabbett

The following table is a statistical profile of those appointed who had been recommended by the Board:

Experience in years	10 to 15	15 to 20	Over 20
Senior Counsel			
Male	0	0	1
Female	0	0	1
Barrister			
Male	0	0	0
Female	0	0	0
Solicitor			
Male	0	1	0
Female	0	0	2

Where applicants have qualified as members of both professions, they have been included under the profession practised at the time the application was made for the purpose of the above statistics.

CHAPTER 3: STATISTICS

Percentages have been rounded to the nearest whole number for the purpose of the below statistics:

Total number of applications received for appointment to the Office of Ordinary Judge of the Supreme Court in 2020.

	Total	Male	Female	Senior Counsel	Barrister	Solicitor
Total	1	1	0	1	0	0
% of Total	100%	100%	0%	100%	0%	0%

Total number of applications received for appointment to the Office of Ordinary Judge of the Court of Appeal in 2020.

	Total	Male	Female	Senior Counsel	Barrister	Solicitor
Total	3	2	1	2	0	1
% of Total	100%	67%	33%	67%	0%	33%

Total number of applications received for appointment to the Office of Ordinary Judge of the High Court in 2020.

	Total	Male	Female	Senior Counsel	Barrister	Solicitor
Total	34	21	13	16	1	17
% of Total	100%	62%	38%	47%	3%	50%

Total number of applications received for appointment to the Office of Ordinary Judge of the Circuit Court in 2020.

	Total	Male	Female	Senior Counsel	Barrister	Solicitor
Total	93	56	37	4	43	46
% of Total	100%	60%	40%	4%	46%	50%

Total number of applications received for appointment to the Office of Judge of the District Court in 2020.

	Total	Male	Female	Senior Counsel	Barrister	Solicitor
Total	95	45	50	0	24	71
% of Total	100%	47%	53%	0%	25%	75%

Geographical Analysis of Applications – All Jurisdictions

	Number of Applicants	% of Applicants
Dublin	117	52%
Rest of Leinster	37	16%
Connaught	25	11%
Munster	39	17%
Ulster	7	3%
Outside Ireland	1	0%
Total	226	100%

CHAPTER 4: CONCLUSIONS & RECOMMENDATIONS

The Board publishes advertisements from time to time inviting persons who wish to be considered for appointment to judicial office to submit their names to the Board. The dedicated Judicial Appointments Advisory Board website, www.jaab.ie, also contains information of upcoming judicial vacancies and deadlines for applications. Applicants are required to complete extensive application forms and the nature of the information sought by these forms is kept under regular review by the Board.

The Board has not to date availed of its power to arrange for the interviewing of applicants. There are serious practical obstacles to the Board conducting such a process routinely and generally the Board has sufficient information in particular which is provided by the applicants themselves to carry out its function in each instance. This is in the context that the Board does not have any function in deciding who should be appointed to judicial office. Moreover, the Board in submitting the names of persons whom it considers suitable for appointment does not make a decision or give an indication with regard to the relative merits of persons so submitted. The Board will continue to have regard to the option of interviewing applicants should this be considered necessary in particular circumstances.

The Board has also not availed of its power to invite persons identified by it to submit their names for consideration by the Board. There are clearly serious practical difficulties in exercising that power in the case of a body such as the Board whose role is to submit the names of persons who are suitable for appointment rather than decide who should be appointed.

The Board indicated in consecutive Annual Reports that it is concerned by the absence of any procedure for ensuring that a person who is recommended by them to the Minister as being suitable for appointment, and who is subsequently appointed, undergoes any form of medical examination. The Board recommended in the 2002 Annual Report that the Government should consider whether the existing legislation should be amended so as to enable the Minister to require any person whom the Government proposed to advise the President to appoint to any judicial office to undergo a medical examination before his/her appointment is finalised. Consideration could also be given to the introduction of an administrative requirement for such a medical examination. The 2002 Annual Report indicated that improved procedures had been implemented whereby applicants are now asked to confirm that there is no reason connected with his/her health which would prevent the applicant from performing the functions connected with judicial office. The details supplied provide the Board with a more complete picture of the health of applicants whom they propose to recommend for appointment to the Minister. However, the Board is firmly of the view that it is not practical for the Board to arrange for the medical examination of all those whom it recommends. Furthermore, the Board is also of the view that the best practice in the case of both the public and private sectors is for a medical examination to be required of those whom it is proposed to appoint to positions of particular responsibility, rather than the candidates for the position. It should also be noted that the Board is strongly of the opinion that the anonymity of all the applicants who are recommended is best preserved if only the person whom the Government propose to advise the President to appoint to judicial office is subject to a medical examination.

CHAPTER 5: APPENDICES

Appendix (i)

Rules of the Judicial Appointments Advisory Board

Definitions

1. The following definitions apply for the purposes of these rules:

“The Act” means the Courts and Court Officers Act, 1995 (No. 31 of 1995); as amended.

“The Board” means the Judicial Appointments Advisory Board, established under section 13 of the Act.

“The Minister” means the Minister for Justice & Equality.

Chairperson

2. The Chief Justice of Ireland, for so long as he or she holds office as such, shall be the Chairperson of the Board.

Meetings

3. (1) The Board shall meet on such dates and at such times and in such places as the Chairperson of the Board shall from time to time direct.
(2) Subject to sub-rule 2(a) of this rule, the Chairperson of the Board shall, not less than ten days before the date of any meeting of the Board, cause written notice of such meeting to be given to each member of the Board.
(a) The Chairperson may, where he or she considers it justified by the urgency of the matter or other reason, give such lesser period of notice for the purpose of sub-rule (2) of this rule as he or she considers appropriate.
(3) A meeting of the Board may be adjourned to any date, time and place that the Board may decide.

Quorum

4. At any meeting of the Board a majority of the members of the Board shall constitute a Quorum.

Presiding Member

5. The presiding member at any meeting of the Board shall be:
 - (a) the Chairperson of the Board;
 - (b) in the absence of the Chairperson of the Board, the President of the Court of Appeal;
 - (c) in the absence of both the Chairperson of the Board and the President of the Court of Appeal, the President of the High Court;

- (d) in the absence of the Chairperson of the Board, the President of the Court of Appeal and the President of the High Court, such other person as may be agreed upon by a majority of the members of the Board present at the meeting.

Secretary

- 6. (1) The Chairperson of the Board shall appoint a person to act as Secretary.
- (2) The Secretary shall carry out such duties as may be conferred upon him or her by the Chairperson of the Board, and in particular shall be responsible for recording the minutes of the meetings of the Board.
- (3) In the absence of the Secretary at a meeting of the Board, the presiding member shall appoint one of the members of the Board there present to record the minutes of that meeting.

Voting

- 7. (1) Voting at meetings of the Board shall be by show of hands.
- (2) Subject to rule 8, any resolution of the Board shall be passed by a majority of the members present at the meeting at which the resolution is considered, and such resolution shall be minuted.
- (3) The presiding member at any meeting of the Board shall be entitled to vote and, in the event of a vote upon a resolution producing an equal division, the presiding member shall also have the casting vote.

Amendment of Rules

- 8. (1) Subject to sub-rules 1(a) and (3) of this rule, these rules may be amended by a majority vote of all members of the Board on written notice being given to the Chairperson of the Board not less than ten days before the date of the meeting of the Board at which the amendment will be considered.
 - (a) Subject to sub-rule (3) of this rule, where the Chairperson wishes to propose an amendment of these rules, the Chairperson shall cause written notice of the meeting to be given to each member of the Board not less than ten days before the date of the meeting of the Board at which the amendment will be considered.
- (2) On receiving the notice referred to in sub-rule (1) of this rule, the Chairperson of the Board shall immediately cause a copy of the notice to be sent to each member of the Board.
- (3) Where the Chairperson considers it justified by the urgency of the matter or other reason, such lesser period of notice for the purpose of sub-rules (1) or 1(a) of this rule may be given as the Chairperson considers appropriate."

Sub-committees

- 9. (1) The Board may from time to time establish sub-committees comprised of members of the Board to which it may delegate the performance of any of the functions assigned to it under Part IV of the 1995 Act, save that no sub-committee

may recommend to the Minister any person for appointment to judicial office, such function belonging exclusively to the Board.

- (2) Each sub-committee shall have not fewer than three members.
- (3) Without prejudice to the generality of sub-rule (1) of this rule, the Board may in particular establish sub-committees to perform any one or more of the following functions:
 - (a) to advertise for applications for judicial appointments;
 - (b) to draw up application forms to be used by applicants for appointment to judicial office;
 - (c) to consult persons concerning the suitability of applicants for appointment to judicial office;
 - (d) to make arrangements for the interviewing of, and to interview applicants who wish to be considered by the Board for appointment to judicial office and
 - (e) to do such other things as the Board considers necessary to enable it to discharge its duties under Part IV of the 1995 Act.
- (4) The Chairperson of each sub-committee shall be appointed by the Chairperson of the Board.
- (5) Resolutions of each sub-committee shall be passed by a majority of its members.
- (6) Each sub-committee shall meet on such dates and at such times and in such places, and shall give such notice of each meeting, as the sub-committee shall determine.

Interpretation

10. These rules are to be interpreted in conjunction with the provisions of Part IV of the 1995 Act.

Commencement

11. These rules shall come into force on such date as the Board shall determine.

Appendix (ii)

Numbers of valid applications considered at meetings of the Judicial Appointments Advisory Board 1996 – 2020

Supreme Court		
Board Meetings	Number of Vacancies	Number of Applications
March 1996	3	5
June 1999	1	4
January 2000	3	6
June 2000	1	2
October 2002	1	2
September 2004	1	2
July 2006	1	2
November 2009	1	2
June 2010	1	1
July 2015	1	1
October 2017	1	1
March 2019	2	1
March 2020	1	1
August 2020	1	0

Court of Appeal		
Board Meeting	Number of Vacancies	Number of Applications
October 2014	1	24
April 2016	1	4
May 2017	1	6
October 2017	1	4
May 2018	3	3
September 2018	2	3
May 2019	1	6
September 2019	7	10
December 2019	1	8

High Court		
Board Meetings	Number of Vacancies	Number of Applications
March 1996	2	16
May 1996	2	14
April 1997	1	13
April 1997	1	14
December 1997	1	13
November 1998	2	19
June 1999	1	18
October 1999	2	20
January 2000	1	18

March 2000	2	13
July 2000	1	9
January 2002	1	14
June 2002	4	27
December 2002	1	25
September 2004	3	17
October 2005	2	14
February 2006	1	19
March 2007	2	26
April 2007	4	33
February 2008	1	23
July 2010	1	13
July 2011	2	14
April 2012	3	19
February 2013	2	18
November 2013	3	26
February 2014	3	43
June 2014	3	50
September 2014	5	77
October 2014	4	78
December 2014	1	62
June 2015	2	45
November 2015	2	41
April 2016	2	30
May 2017	2	31
October 2017	2	26
February 2018	1	27
May 2018	1	28
June 2018	3	31
September 2018	1	30
December 2018	2	38
July 2019	1	33
October 2019	Anticipated vacancies	34
December 2019	Consequential vacancies	37
August 2020	1	30
November 2020	1	26

Circuit Court		
Board Meetings	Number of Vacancies	Number of Applications
June 1996	9	194
December 1996	2	199
May 1997	2	204
February 1998	3	219
March 1999	1	221
December 1999	1	224
January 2001	1	100
July 2001	3	98
June 2002	1	91
September 2002	2	90

January 2004	1	46
September 2004	3	82
December 2005	1	53
March 2007	1	82
April 2007	4	103
July 2007	1	90
June 2009	2	73
March 2011	1	82
November 2011	4	95
February/March 2012	7	149
July 2013	1	69
October 2014	1	133
October 2014	7	137
June 2015	1	135
November 2015	1	133
April 2016	1	112
May 2017	3	90
November 2017	1	72
June 2018	1	67
December 2018	1	70
July 2019	1	81
December 2019	1	76
June 2020	2	77

Specialist Judge of the Circuit Court		
Board Meeting	Number of Vacancies	Number of Applications
May 2013	6	9

District Court		
Board Meetings	Number of Vacancies	Number of Applications
August 1996	3	233
February 1997	1	245
April 1997	1	256
June 1998	3	291
October 1998	1	292
August 1999	1	306
December 1999	1	301
March 2000	1	155
March 2001	2	110
July 2001	1	109
June 2002	4	98
July 2002	1	93
May 2003	1	78
May 2004	1	43
September 2004	2	62
December 2004	1	70
May 2006	1	71

October 2006	2	97
March 2007	6	100
March 2008	1	95
June 2008	3	101
September 2008	1	102
November 2008	1	102
March 2009	1	137
July 2009	1	136
December 2009	2	136
October 2010	1	134
January 2011	1	127
June 2011	2	143
July 2011	1	146
March 2012	7	174
April 2012	1	174
February 2013	2	146
July 2013	1	149
November 2013	2	150
December 2014	2	158
July 2015	3	163
November 2015	1	164
April 2016	2	138
December 2016	2	138
February 2017	2	141
May 2017	2	119
February 2018	2	99
June 2018	1	99
September 2018	1	79
December 2018	1	98
March 2019	3	68
April 2019	0	86
July 2019	1	61
December 2019	1	57
August 2020	1	80
November 2020	2	82

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