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Initial training of judges and prosecutors in the European Union

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Ireland



Ireland

Judges

General description

The legal system in Ireland is adversarial not inquisitorial. There is no joint training for the judiciary and the State prosecution service (the office of the DPP), which bodies are independent of each other. All judges serve full time and are appointed after years in practice.

The relevant training body is the Judicial Studies Committee of the Judicial Council and it only trains judges not prosecutors, lawyers or court staff.

The Judicial Council was created in 2019 and, since then, there has been a formal process of judicial training. Since the appointment of a Director of Judicial Studies, every newly appointed judge has been offered induction training. This induction training has been created for all new judges, regardless of jurisdiction. While not compulsory, each judge is required to abide by the reasonable directions of their President.

All judges undertaking the courses are familiar with litigation and, usually, are appointed to a particular court to take advantage of that judge's specialty or skill. Therefore, the initial training is to ensure excellence in approach to ethics and judicial conduct and to allow training in court management for those who have had little or no experience in decision-making. There are ethics workshops, court dynamics and management workshops and procedural justice workshops. Mentors are assigned to all new judges and the mentors themselves are formally trained in effective mentoring and communication skills, also with a focus on ethical conduct.

Judicial training is entirely designed and led by judges. The Director of Judicial Studies, who is a serving High Court Judge, is assisted by the Committee of Judicial Studies, which comprises judges from every jurisdiction, in creating an annual programme of training for all judges. As it is only in its second year, it is still in its early stages of development and therefore there are areas of training yet to be addressed.

The number of trainees depends entirely on the appointments in a given year. Ireland has the smallest number of judges per capita in Europe as well as having a small population. It is not unusual for training to be provided at a week's notice, to a single judge. There are under 170 judges in the country and months may pass between appointments making it difficult to schedule induction training in advance or to arrange training in groups.

Visit the website for the Judicial Studies Committee [here](#).

Access to the initial training

In order to be appointed to the judiciary, one must have served a minimum period in practice as a lawyer and have displayed in practice a degree of competence and a degree of integrity appropriate to and consistent with the appointment concerned. Therefore, information regarding access and recruitment is difficult to apply to the judiciary in Ireland. There is a Judicial Appointments Advisory Board, an independent statutory body made up of

judicial and lay members which receives applications, selects those with the appropriate qualifications and sends those names to the Government for appointment in accordance with the Constitution. It is possible for a candidate to be appointed to the ranks of the judiciary without making an application to the Judicial Appointments Advisory Board but this is very rarely exercised.

In order to be appointed to the Supreme Court, the Court of Appeal or the High Court a person must have practiced law for a minimum of 12 years. To be appointed to the Circuit Court or District Court a person has to have practiced law for a minimum of 10 years. In reality those appointed have many more years in practice than the minimum requirement. All persons recommended by the board must have displayed in legal practice, a degree of competence and a degree of integrity appropriate to and consistent with the appointment concerned and be suitable on grounds of character and temperament. The annual reports of the Board are [here](#).

Visit the website for the Judicial Appointments Advisory Board [here](#).

Format and content of the initial training

Judicial training for new judges, now in its second year, has prioritized ethics, mentoring, induction and vulnerable witnesses in court. During the past month, all training took place online but until then it had been possible to arrange face to face induction training in small groups. Mentoring and ethics training has taken place mostly online.

Ethics – the trainees are directed to the Constitution of Ireland and the European Convention on Human Rights but the ethics discussion revolves around the Bangalore Principles. A slide presentation was created, initially modelled on a presentation created by the Judicial College of England and Wales but now containing far more national material and references. Groups meet, no greater than 6 judges in each group, to discuss the slides, which move through the principles in turn, looking at various practical examples of ethical issues. A series of cases are then distributed, along with the slides, in order to remind the participants of the contents of the course. The learning objectives are to ensure that judges are familiar with the principles that guide judicial conduct and are able to apply these principles to any ethical dilemmas which arise during their time on the bench.

Mentoring – all judges of first instance are assigned a mentor for their first year. Collegiate courts have a different dynamic and, usually, the appointee has already served as a judge of first instance. The training is undertaken by an experienced mentoring coach, a former solicitor who won the position after a competitive procurement process in which three entities applied for the contract to train judicial mentors.

Court Induction – each new judge undertakes the ethics course as a priority and is also afforded half a day in court with colleagues during which procedural justice and court dynamics are explained and discussed. Also, a new judge has the opportunity to sit and hear various enacted applications and discussing them with colleagues before their first sitting.

Vulnerable Witnesses – the Dutch Judicial Training school, the SSR, has assisted in designing a programme to better implement the Victims Directive in Ireland and this consists of a full day of experiential training culminating in a role play with an actor in the part of the victim. The initial training comprised 2 days as the judges being trained were also learning to provide the training in turn to their colleagues. The learning objective was, primarily, to avoid unnecessary re-traumatisation of victims in court hearings. The methodology was a combination of speakers from relevant non-governmental organizations (giving the views of victims as regards the court process), exercises and information to broaden and deepen the judicial understanding of trauma, reviews of the relevant Irish and EU law on victims and role play to put the information to practical use. For the last two such courses, the trainers have been Irish judges trained by the Dutch colleagues who remain available for supervision and review.

The Director spent most of her first year of appointment attending judicial training courses, focusing initially on training principles, induction and ethics. In this regard, the Director has attended at least 15 EJTN courses and lectures in 2020 / 21, 3 courses run by the Judicial College of England and Wales and also various seminars in Scotland and Northern Ireland.

As new judges all have a qualification in law and have practiced law for many years, linguistic training in legal English is not necessary. Following their appointment, specific courses have been made available to judges who

wish to improve their linguistic skills in the first official language, Irish, so as to assist them in presiding over cases conducted in the Irish language.

Apart from the above, the judiciary have available to them various bench books and handbooks which have been compiled by judicial researchers employed by the Courts Service.

For 2022, there will be more focus on EU law and substantive law projects for new judges in the training provided by the Judicial Studies Committee.

Termination of the initial training and qualification process

The final question regarding an exam or further recruitment procedure on completion of training is not applicable in Ireland. Once appointed, judges cannot be removed save by a process of impeachment for stated misbehavior or incapacity which would require a resolution to be passed in each of the two houses of the Oireachtas (the Irish parliament).

Prosecutors

This content has not been provided.

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