Identification of the participant

Nationality: Finnish

Functions: Member of the Supreme Administrative Court of Finland (Justice)

Length of service: Justice at the Supreme Administrative Court as of 1.1.2010>

Identification of the exchange

Hosting jurisdiction/institution: The Supreme Court of Ireland

City: Dublin

Country: Ireland

Dates of the exchange: 31.10.-10.11.2017
### SUMMARY

I participated in the ACA exchange programme for the Judges/Justices of Supreme Administrative Courts in the Supreme Court of Ireland 30.10.– 10.11.2017. During my stay in Dublin I participated in several hearings of the Supreme Court, the Court of Appeal and the High Court in a large variety of cases. Interesting discussions with the Justices/Judges of the Courts earlier mentioned and the representatives of the Labour Court, barristers and other servants of the Irish judiciary were held and seminars were attended. I carried out a brief survey of the remedies available in cases of abuse of successive fixed-term employment agreements.

### ANNEX

**GUIDELINES FOR DRAFTING THE REPORT**

I- **Programme of the exchange**

During my exchange in Ireland I was based in the Four Courts court complex which has been in place at the city center of Dublin since 1796. A judge’s cabinet (office) with the necessary IT-facilities was allocated to my personal use during the exchange. Exchange of a member of the Norwegian and of the Latvian Supreme Court to the Supreme Court of Ireland overlapped with my exchange.

On 31st October I attended a sitting of the Supreme Court for resumed hearing of a EAW-case 66/2016 Lipinski that is also subject to a request for preliminary ruling of the Supreme Court of Ireland at the Court of Justice of the European Union (case C-376/17). After the Supreme Court session I was invited to an informal lunch with the Chief Justice of the Supreme Court along with the members of the Supreme Court of Ireland that deliberate the Lipinski-case. An exchange of views of the similarities and differences of the Court Systems of Ireland and Finland and those of Norway and Latvia took place.

Later in the afternoon the Head of Reform & Development of the Courts Service gave a presentation on the Irish Legal System followed by questions and answers. I also paid a visit to the Judges’ Library at the Four Courts where an introduction to the Library Facilities was given by the Librarian. A tour to the Four Courts complex concluded the program of the day.

On 1st November in the morning a meeting was held with the Courts Service Registrar to discuss the format of Court hearings and how cases are being processed in the Court of Appeal (Civil). This was followed by hearing of the Court of Appeal on a civil liability case concerning the duty of the Electricity Supply Board to compensate for the loss caused to the University of Cork by floods deriving from the water reservoirs of its hydroelectric power plans during heavy rains. In a lunch organized by the Hon. Justice, President of the Court of Appeal and other members of the Court of Appeal an exchange of views of the procedure of court was held. Hearings of the Court of Appeal on the same case followed in the afternoon. In the evening a dinner at the Honorable Society of King’s Inns, Dining Hall was organized by invitation of the Chief Justice.

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On 2nd November the court sittings that I attended took place at the Criminal Courts of Justice. The Criminal Courts of Justice building was erected and opened in 2010. It is situated some 2 km North-West from the Four Courts. At the premises of the Criminal Courts of Justice I first attended a sitting at the Circuit Court mainly on listing of cases. The hearing that I followed thereafter took place at the High Court and concerned a murder case. The case was heard by a judge sitting with the jury. After in camera consultation of the jury in corpore and with the consent of the Judge presiding the sitting, one member of the jury recused herself due to the likelihood of bias. During the hearing, the key witness (eyewitness of the murder) was cross-examined first by the Prosecutor and then by the Barrister that acted as the counsel for defense. Specifying questions were put forward by the presiding Judge. Due to the clearness of argumentation by both parties and the Judge and a video recording of the events that preceded the crime committed and that was made public to the audience of the Court, the session was vivid and easy to follow. After the hearing a tour of Criminal Courts followed including custody area provided by a representative of the Irish Prison Service.

Later in the afternoon myself along with the Norwegian and Latvian members of the Supreme Court that visited the Supreme Court of Ireland gave a presentation in a seminar on “The role and jurisdiction on selected European Supreme Courts” that was organized under the auspices of the Supreme Court. The seminar was presided by Hon. Justice, Judge of the Supreme Court and followed by the Chief Justice of the Supreme Court, other Judges of the Supreme Court and of the Court of Appeal and Courts’ personnel. A lively debate on the differences and de facto similarities between the European Court Systems followed. Issues touched upon consisted of e.g. single Supreme Court Countries (Ireland, Norway, Latvia etc.) and jurisdiction divided into general courts (civil, commercial and criminal matters) and administrative courts (Finland, Sweden, Germany, France etc.); Common Law Countries where there is a long tradition of stare decisis of the precedents of the Supreme Court (Ireland, the UK), the longstanding role of the Supreme Court as giving precedents (Norway) and the evolving role of the Supreme Administrative Court that has initially been deemed to be a Court giving decisions in each individual case to become gradually and with the consent of the Constitutional Law Committee of the Parliament followed by several legislative amendments as Supreme Administrative Court of last resort issuing precedents in most pertinent cases thus securing the uniformity of case law. The task of the Supreme Court/Supreme Administrative Court as the final Court within the meaning of Article 267 of the TFEU (requests for preliminary ruling) and as regards the European Court of Human Right was also emphasized.

On 3rd November the Hon. Justice of the Court of Appeal granted an audience preceding Judicial Review session presided by him. Other Judges of the Court of Appeal attended the audience. The Court session commenced with listing of the cases (setting dates for oral hearings, adjourning and postponing on request of oral hearings & case handlings). The first Judicial Review hearing concerned a civil law case where the party concerned had sustainably refused to obey an order issued by a Judge of the Court of Appeal and thus sentenced to prison. Since it was a prolonged case, the Judge announced in open Court that should the party not have had procured legal aid, it would have been appropriate to consider the case as being criminal and thus order the party concerned legal aid ex officio. This case was followed by the handling of a case concerning a long-term prisoner discharged from the prison with the condition of the Ministry of Justice allotting him an appropriate place of residence with regard to his disability due to injuries he suffered whilst committing the crime he was initially sentenced to prison. The focus of the handling was on the execution by the Ministry of
Justice of its task of finding an appropriate place of residence for the person released from prison.

During a break, a short chat took place with the Barrister of the party concerned. Discourse with the presiding Judge were followed by the handling of the Court.

On 6th November legal researcher of the Supreme Court, the Judicial Researchers Office gave a presentation on the role of the assistants and of the legal researchers of the Four Courts. Each Judge of the Supreme Court is entitled to be assisted by a legal researcher whose term is fixed to one to max. three years contract. Legal researcher may draft background papers on specific issues of law relating to a case at hand or outline a memorandum on a given case containing the decisions of lower instance Courts, the facts and applicable law (legislation, case-law) relating to the case, parties submissions and even draft preliminary conclusions of the judgment. Legal researchers also informally discuss cases with Judges and proof-reads judgments.

Hon. Justice, Judge of the High Court organized a coffee meeting to discuss procedure at High Court and the list containing mainly family law cases of the day. Court cases were heard by a single Judge. The day’s family law list contained cases concerning e.g. adjournment for oral hearing due to new Section 47 assessment requested to be made of a child, other child care cases, divorce applications, a private-international law case concerning the maintenance of a child living abroad due to order made in other EU Member State, payment of maintenance in a divorce case. In an oral hearing a childcare case was heard concerning a HIV-positive child that had been taken into care and was asked by the childcare authorities to be placed in a safe institution to protect the HIV-positive child himself and a potential minor partner of the child.

During a lunch with Chief Justice and four other Judges of the High Court comparison of Judges career in different jurisdictions was made and some exchange of views took place on the implications lay litigants may have on court proceedings.

In the afternoon, a researcher from the Judicial Researchers Office introduced the history of the Four Courts complex. Later in the afternoon I studied the documents of case Rosberg Partners Limited (Plaintiff/Respondent) and LK Shields (Defendant/Appellant) that was to be heard at the Supreme Court oral hearing session on 7th November.

On 7th November I followed oral hearing at the Supreme Court on the above mentioned case Rosberg v. Shields. The case concerned liability for professional negligence relating incontestable errors committed by the initial purchaser’s (Rosberg) solicitors employed at the time (in 1994) to act on behalf of Rosberg for purchasing real estate lots. The solicitors of Rosberg did not register one of the lots duly which was claimed to have caused monetary damage for the plaintiff since it was submitted that the error in registration had prevented it in a later transaction (in 2007/2008) to accept a reasonable purchase offer of its real property. During the delay to complete the transaction, real estate prices sunk considerably in Ireland and eventually the potential purchaser of the real estate was no longer willing to make a deal with the plaintiff. The Supreme Court had granted leave to appeal in the case due to important issues on the assessment of damages, the question on causation and mitigation, and the appropriate test for appellate review particularly of inferences from facts themselves dependent upon oral evidence. During 7th November submissions of Rosberg’s and Shields’ barristers were being heard at the Supreme Court.
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On 8th November I first followed a case management session at the Supreme Court sitting as single Judge. Thereafter I participated in a meeting with the Hon. Chief Justice where an exchange of views on the role of Justices of the Supreme Courts, case management issues, specific substantive legal issues as well as prospects of legal researchers/legal assistants/référendaires in different jurisdictions took place.

The final part of the morning programme consisted of a visit to the premises of the Bar of Ireland. The Council of the Bar is the representative body of the barrister profession in Ireland. During a meeting with the Chairman and the Chief Executive of the Bar a presentation of the Bar of Ireland was given. Legal profession in Ireland (as in the UK) is divided between solicitors and barristers. Barristers are retained for specific cases whereas solicitors provide a broad range of legal services (e.g. taxation, transactions) to their clients. Although solicitors have a right of audience before all courts they have the custom to ask a barrister to litigate the case due to their expertise and specific skills in litigation. There are around 2200 practising barristers in Ireland acting as specialist advocate or trial lawyer and providing legal advice and opinions on specific areas of law. The role of barrister is focused on court proceedings but barristers also appear as advocates in arbitration and in other dispute resolution mechanisms. Whilst comparing the Irish barrister–solicitor system with the advocate system in place e.g. in Finland, differences were not difficult to discover. In addition to the dichotomy of barristers and solicitors that does not exist in Finland an apparent difference to be mentioned is that in Ireland a barrister may act as a Prosecutor which is explained by the absolute impartiality the barristers enjoy in the Irish Court system.

In the afternoon a visit to Chester Beatty Library at the Dublin Castle with a tour guided by the Head of Collections and Conservation was organized followed by questions and answers regarding the precious collections.

On 9th November I paid a visit to the Labour Court where I briefly met with the Chairman of the Labour Court and discussed with the Deputy Chairman of the Labour Court of the remedies available in cases concerning abuse arising from the use of successive fixed-term employment contracts or relationships. I was given a succinct description of the Irish legislation and case-law on the issue. I later studied the subject from the Judges Library’s assemblage at the Four Courts where I received professional aid from the Librarian.

On 10th November I followed a panel of three judges of the Supreme Court deciding upon leave to appeal applications.

Later in the morning I had a meeting with a representative of the Court Service, Office of the CEO, to discuss the structure and function of the Courts Service. The Courts Service was established by the Courts Service Act (1998) and it commenced its operation in 1999. The Courts Service was preceded by a “Ministry of Justice” model in which a Department of Ministry was responsible for the provision of budgetary, staffing and other resources etc. of the Courts. The Courts Service is an independent State agency, but the Minister of Justice remains politically accountable for the Courts Service. The statutory mandate of the Courts Service is to manage courts; provide support services for judges; provide information on the courts systems to the public; provide, manage and maintain court buildings; and provide facilities for users of the courts. The Act establishing the Courts Service is

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designed to ensure that the operation of the Service does not encroach on areas which are the
preserve of the judicial function.

The policy in relation to the Courts Service is considered and determined by the Board of the Courts
Service. The Board of the Courts Service is composed of the Chief Justice, the Presidents of the
Supreme Court, the Court of Appeal, the High Court, the Circuit Court and District Court (or
nominees), a Judge from each jurisdiction elected by the ordinary judges, the Chief Executive, a
representative of the Bar and Solicitors’ organisations, a member of staff of the Court Service, an
officer of the Department, a nominee of the Minister and of Irish Congress of Trade Unions and a
person with knowledge of commerce, finance and administration appointed by the Minister. The
major part of the seats at the Board are thus allocated to the representatives of the judiciary (i.e. the
Courts). The Chief Executive is nominated by the Board. The Chief Executive reports to Parliamentary
Committees on matters relating to the management and administration of the Courts. The Chief
Executive is precluded from reporting or providing information on judicial matters. There are 4 four
standing committees of the Board of Courts Service i.e. Finance, Audit, Building and Family Law Court
Development.

II- The hosting institution

After a constitutional amendment which provided for the establishment of a new Court of Appeal in
operation since 2014, there are five tiers of the Irish Court System: The Supreme Court, The Court of
Appeal, the High Court, the Circuit Court and the District Court. The Court of Appeal occupies an
appellate jurisdictional tier between the High Court and the Supreme Court.

The Supreme Court of Ireland is a constitutional court and the court of final appeal. Under Article 26
of the Constitution the Supreme Court may decide on the constitutionality of a Bill which has been
referred to the Supreme Court for that purpose by the President of Ireland after consultation with
the Council of State prior to the Bill being signed into law. Should the Supreme Court decide that the
Bill, or any of its provisions, is incompatible with the Constitution, it may not be signed or
promulgated as law by the President of Ireland.

The Supreme Court exercises appellate jurisdiction from a decision of the Court of Appeal if the
Supreme Court finds that the decision involves a matter of general public importance, or in the
interest of justice it is necessary that there be an appeal to the Supreme Court (Article 34.5.3 of the
Constitution).

The Supreme Court also exercises appellate jurisdiction from a decision of the High Court if the
Supreme Court is satisfied that there are exceptional circumstances warranting a direct appeal to it.
Precondition for the Supreme Court being so satisfied is the decision involves a matter of general
public importance and/or the interest of justice (Article 34.5.4 of the Constitution).

The Supreme Court is the court of final appeal in civil and criminal matters. Most cases are dealt with
by three judges. During my stay, I followed a case dealt by the Chief Justice and four other Justices of
the Supreme Court. The Supreme Court may also sit in a composition of seven Justices.

III- The law of the host country

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Due to some pending cases at the Supreme Administrative Court of Finland on claimed abuse arising from the use of successive fixed-term employment contracts for civil servants working in either governmental or municipal authorities and since the subject issue is regulated by Council Directive 1999/70/EC concerning the Framework Agreement on fixed-term work concluded by ETUC, UNICE and CEEP and the Framework Agreement on fixed-term work annexed to the Directive which is common to all EU Member States, I found it rewarding to study this element of Irish legislation and case-law a tiny bit further.

I also noted a pending case before the Court of Justice of the European Union (case C-494/16, Santoro v Comune di Valderice, opinion of advocate general Szpunar of 26.10.2017) which concerns the measures to be adopted in order to penalise the misuse of fixed-term contracts. The Italian legislation at stake in case C-494/16 resembles the Finnish legislation since according to the Italian legislation infringement by the public authorities of the prohibition on repeated conclusion of fixed-term employment contracts cannot lead to conversion of those contracts into a contract of indefinite duration whereas private-sector workers are entitled to such conversion. In Italy, as in Finland, civil servants working for the state are solely entitled for compensation in case of illegal successive fixed-term contracts. In Italy as in Finland, private sector employees are also entitled for compensation. The minimum level of compensation in Finland is equal to 6 months’ salary and the maximum 24 months’ salary the former being 2,5 months and the latter 12 months in Italy.

Ireland has implemented the abovementioned Directive by Protection of Employees (Fixed-Term Work) Act 2003 (Number 29 of 2003, as revised). The Protection of Employees (Fixed-Term Work) Act 2003 applies to employees working in the private sector and to persons holding office under, or in the service of the State and to officers or servants of a local authority, a harbour authority, the Health Authority or Health Boards of specified Areas (Section 2 of the Act). Thus, regarding the employees covered and remedies applicable the purview of the Act is general. It is to be noted in that many of the cases relating to the claimed abuse of fixed-term contracts the sectors involved have been teaching, universities and hospitals.

Disputes under the Protection of Employees (Fixed-Term Work) Act 2003 can be referred by an employee or a trade union of which he or she is a member to the Rights Commissioner. Either party can appeal to the Labour Court and a further appeal on point of law may be made to the High Court [Section 14 subsection (3) and (4) and Section 15 subsection (6)].

According to Section 9 subsection (2) where a fixed-term employee is employed by his or her employer or associated employer on two or more continuous fixed-term contracts, the aggregate duration of such contracts shall not exceed 4 years. According to Section 9 subsection (3) where any term of a fixed-term contract purports to contravene the 4 years term, that term shall have no effect and the contract shall be deemed to be a contract of indefinite duration. The Labour Court has stated the fixed-term contract concerned is transmuted by operation of law to one of indefinite duration; it is neither for the employer, the Rights Commission or the Labour Court to grant a contract of

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1 According to Section 17 the Act shall not apply to contract where the employee is (a) a member of the Defence Forces, (b) a trainee within the meaning of the Garda Síochána or (c) a nurse in training within the meaning of Parts III and IV of the Nurses Act 1985.

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indefinite duration. The relief granted by Rights Commission and the Labour Court is declaratory.\(^3\)

Where the fixed-term contract is entered into before the expiry of the four-year period, the contract
may be converted to one of indefinite duration from the date of its commencement.\(^4\)

One may note out of curiosity that in a textbook, dating back to 1902, it was stated – in essence – that
an employee wrongfully discharged has two remedies open to him at law either of which he may have
pursued immediately on his discharge i.e. i) either he may have treated the contract of hiring and
service as continuing and bring a special action against his employer for breaking it ...; or ii) he may sue
his employer on a quantum of merit for the services he has actually rendered. The former is the
remedy more usually adopted.\(^5\)

According to Section 9 subsection (4) subsection (3) does not apply to the renewal of a contract of
employment for a fixed term where there are objective grounds justifying such a renewal.

The Labour Court found in case of Dublin Port Company v McCraith and Kieran (Determination No.
FTD0810) that the claimants’ protection under the Act came to an end when they applied for, were
offered and accepted permanent positions. The Court pointed out that it was not a case of the
original fixed-term contract being translated into one of indefinite duration but rather that a wholly
new contract was concluded.\(^6\)

The Labour Court in the case of HSE v Khan (2006) E.L.R 313 clarified that contract of indefinite
duration should be identical in its terms as the fixed-term contract from which it was derived.\(^7\) In the
case-law that succeeded, the High Court in the case Ahmed v. HSE [2008] E.L.R 117 Laffoy J found
that the subject to the terms of the common contract applicable to the employee his workplace
could be changed in accordance with such terms. The Labour Court in the case University Collage
Hospital Galway v Awan [2008] E.L.R. 64 envisaged the terms of the contract of indefinite duration as
being those of the common contract applicable even though the terms of the employee’s fixed-term
contract would not necessarily have equated to that contract.\(^8\)

Regarding the objective justification to which the employer may refer on the basis of Section 9
subsection (4) and which sets out the grounds for concluding that the fixed-term contract shall not
be deemed to be a contract of indefinite duration, a reference is made to Section 7 of the Act.
According to Section 7 subsection (1) of the Act, a ground shall not be regarded as an objective
unless it is based on considerations other than the status of the employee concerned as fixed-term
employee and the less favourable treatment which it involves for that employee is for the purpose of

\(^3\) The Labour Court Determination No. FTD1423, *University College of Dublin & Mc Connon*

\(^4\) The Labour Court Determination No. FTD158, *University of Limerick & Haverty*.

\(^5\) *Manley Smith, Ernest : A Treatise on the Law of Master and Servant including therein Masters and Workmen

\(^6\) Report on the transposition into Ireland and Northern Ireland of the European Directives on fixed term work
and working time by Marguerite Bolger & Barry Fitzpatrick, for The Labour Commission and The Labour

\(^7\) *Report Bolger & Fitzpatrick 2009*, p. 11.

achieving a legitimate objective of the employer and such treatment is appropriate and necessary for that purpose.

Since Section 9 subsection (4) allows for derogation from what is deemed to be an important social right derived from the law of the European Union, it must be construed and applied strictly. The burden of proof to show objective justification lies with the employer. The objective grounds relied must be present and operating on the mind of the employer at the commencement of the contract having that effect. The grounds relied upon must also relate to the nature of the work which the impugned contract was concluded or to circumstances in which the work is performed. Objective ground relied by the employer must be based on considerations other than the status of the employee as fixed-term employee. The less favourable treatment must be for the purpose of achieving a legitimate objective of the employer and must be appropriate and necessary for that purpose.

In the caselaw matters which have not been permitted to justify refusal of a contract of indefinite duration include seasonal and fluctuating need, historical discrimination which is not relevant to the current time, industrial relations harmony, claims which are not backed by solid evidence and different collective bargaining process.

Reasons that have been accepted to constitute objective justification include employment in relation to a specific project in which the employer had a real need to obtain the specialist expertise and knowledge, employment in a specific stand-alone EU funded project, genuine replacement or substitution which may contain general reallocation of work to a number of academic staff, the requirement to conduct a competitive process to fill the positions arising from resignation, legitimate employment policy, labour market objectives, vocational training objectives, historical reasons which are still operative, public pay policies and needs relating to cover for another employee who is temporally absent or circumstances where a regular workforce has to be augmented so as to meet temporary requirement of the business. The Labour Court has also accepted in the case of HSE v Ghulam [2008] E.L.R 325 Determination No. FTD089 that there was an objective justification for the failure to appoint the claimant to a contract of indefinite duration where the claimant did not have a particular specialist qualification which the person appointed to the permanent post had to have. In the literature it has been stated that the inquiry under Section 9 of the 2003 Act is intensively fact-specific.

9 University of Limerick & Haverty.
11 The Labour Court, University of Limerick & Dr Arbuckle, Determination No. FTD1420, and thereupon cited the High Court Russel v Mount Temple Comprehensive School [2009] IEHC 533.
12 University of Limerick & Dr Arbuckle.
14 University College of Dublin & Mc Connon.
15 University of Limerick & Haverty.
16 The Labour Court, National University of Ireland Maynooth & Wood, Determination No. FTD1511.
17 The Labour Court, Master Misericordiae University Hospital & Jamil, Determination No. FTD171.
18 University of Limerick & Dr Arbuckle.
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In its established caselaw the Labour Court has also required that the objective grounds applied need to be satisfy the test of being proportionate and appropriate means of achieving the objective. In a case where the employer knew with virtual certainty that its requirement for the work to which the fixed-term contract related would not endure beyond the completion of the project and that the claimant would then become redundant, the Labour Court found it both proportionate and appropriate to conclude the fixed-term contract.²¹

According to Section 14 of the Protection of Employees (Fixed-Term Work) Act 2003, in relation to a complaint of a contravention of the Act an adjudication officer may require the employer to pay to the employee compensation of such amount (if any) as is considered just and equitable having regard to all of the circumstances, but not exceeding 2 years remuneration in respect of the employee’s employment. Varying levels of compensation have been awarded in the caselaw.

Compensation may prove to be the sole remedy available e.g. in case where the main functions for which the claimant had been employed had disappeared. The Labour Court has minded on ensuring that the remedy awarded creates a deterrent effect and the Court has awarded substantial compensation where there has been a blatant and unacceptable breach of the Act. The compensation awarded may be lower where the complainant was originally employed for a specific purpose which all the parties knew would come to an end. The Labour Court has declared that a claimant should receive compensation that was just and equitable having regard the circumstances of the case including the loss he suffered from his diminished potential to earn private income. The purpose of the Labour Court is to place the claimant in the same position he would have been had it not been for the discrimination without enabling him to financially benefit from the situation. The loss to be compensated may also concern the actual loss of opportunity.²² However, the Labour Court has awarded compensation even where the claimant has not suffered any financial loss (University of Limerick v Conveny O’Beirne, Determination No. FTD075).

IV- The comparative law aspect in your exchange

The Court System in Ireland differs from that in place in Finland basically due to its unity structure (see reply to question I) where a specific line of administrative courts does not exist. General Courts have jurisdiction in administrative matters as well in civil and criminal matters. The cases are as a rule heard in an oral hearing the organising of which does not occur very often at the Supreme Administrative Court of Finland. The way Justices argue and reason their decisions have some resemblances on how (some) Justices think in Finland. Ireland is a Common Law country where stare decisis of Courts of basically all instances is relied upon. Recent developments whereby the leave to appeal system has been gradually introduced and strengthened at level of the Supreme Administrative Court has brought the Finnish administrative Court system somewhat closer to a system of binding precedents.

²¹ University of Limerick & Dr Arbuckle see also University College of Dublin & Mc Conn.  
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In Ireland, Justices are normally nominated after a long and successful career as barrister. The background of Justices in particular at the Supreme Court of Ireland is more unilateral than in Finland. Still, the sectors of law the Justices have practiced earlier in their barrister career do differ.

The number of Justices is considerably smaller in the Irish Supreme Court than in the Supreme Administrative Court of Finland. The concise number of Justices along with open and straightforward argumentation tradition strengthens the unity and collegiality of the work of Justices at the Supreme Court. The role of legal researchers in the Irish Court system differs from the referendaire system in Finland. Legal researchers are allocated to work to a single Justice and their influence in the Court’s decision making is more limited than that of the referendaires.

The Irish judiciary is administratively served by the Courts Services that began its operation in 1999 whereas in Finland the Courts budgets are still handled by the Ministry of Justice but the Courts have a wide autonomy in e.g. hiring their own staff and regarding their internal administrative affairs.

In Ireland, the profession of advocates is divided into barristers and solicitors that does not exist in Finland.

As to substantial law see reply to question III above.

V- The European aspect of your exchange

Please note my replies to questions I, III and IV above, in particular.

VI- Good Practice within the host jurisdiction.

See my reply to question VII below.

VII- The benefits of the exchange

My exchange enabled me to get absorbed for a two weeks period to the Irish Court System in a multifaceted way. It enabled me to scrutinize the way cases are managed, heard, prepared and deliberated upon by the Justices in the Supreme Court of Ireland and therefore from a different ankle that I am used to. I got reassured of the added value of an oral hearing in complex matters of law and I was deeply impressed by the superior professional skills the Justices of the Supreme Court, the Court of Appeal and the High Court have in managing cases and leading the process. I also gained further understanding on the ways and reasons behind the solicitors-barristers -dichotomy. I deduced that one reason behind the impartial barrister profession lies with the fact that in the Court System in place in Common Law Country like Ireland litigating skills are of fundamental importance.

I should spread the good experience I have gained during my stay to my colleagues in day-to-day work and I shall make an effort to invite those of them who are interested to hear a brief presentation of my exchange.

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VIII- Suggestions

My experience was so successful that I should rather have some good experience to be brought back home for improving the reciprocal aspects of a stay of a Justice/Judge from other Supreme Administrative Court may offer to the work of the Justices of the Supreme Administrative Court of Finland. As an example, I should mention the opportunity offered by the Supreme Court of Ireland for the visiting Justices to give a presentation on the role and activities of their respective Supreme Court/Supreme Administrative Court and the vivid discussion that followed these presentations.