

Annual Report 2025

Establishment Year

An Coimisiún um Cheapacháin Bhreithiúnacha
Judicial Appointments Commission





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Foreword by the Chairperson

I am very pleased to introduce the first Annual Report of the Judicial Appointments Commission. It allows me as Chair of the Commission to reflect on a period of what I believe has been genuinely extraordinary achievement.

The Judicial Appointments Commission Act 2023 came into force with effect from January 2025 pursuant to Statutory Instrument 553/2024 and Statutory Instrument 554/2024 signed by Minister McEntee TD on 17 October 2024. One of the features of the Act is that there was no provision for a transition period in respect of appointments. Under s. 68 of the Act the Judicial Appointments Advisory Board was dissolved on the coming into force of the Act, and under s. 69 no appointment to judicial office could be made thereafter pursuant to the recommendation of the Judicial Appointments Advisory Board.

It followed from this that any vacancy in existence as of the 1st of January 2025 or arising thereafter could only be filled following the quite elaborate procedures required to be established under the 2023 Act and it was not possible therefore to allow appointments to continue under the preceding regime, while the business of establishing the new Commission was got under way. Therefore, all the tasks of establishing the Commission, recruiting staff, finding premises and adapting them to the needs of the Commission, setting up ICT infrastructure, establishing a website, onboarding, induction and training for Commissioners, and much more, had to be undertaken at the same time as the procedures for appointment were created and, more importantly, operated.

As is well known, the Judicial Appointments Commission Act had a long gestation, and perhaps a decade ago, the rhythm of judicial appointments might have been slower, and it might have been thought that the preparatory work could have been carried out without the

immediate pressure of vacancies. However, by 2025, that was emphatically not the case. There were already existing vacancies to be filled in both of the District and High Court, and it was clear that a number of other vacancies would arise in the short term. Furthermore, since the procedure under the Act now also dealt with promotion within the judiciary, it was conceivable that a number of additional vacancies would be created which would also require to be filled through the Commission's procedures.

It might not have been unrealistic to say that the logistical demands of establishing robust structures, while at the same time locating premises, and recruiting staff, and building the essential physical, IT and operational infrastructures, could have been expected to have taken a considerable time before the Commission was in a position to run any process for the making of nominations in respect of vacancies in any particular court. However, the price that would have been paid for such an approach, in terms of the vacancies unfilled, and the consequential additional backlog in courts that would have been created would have been very high and, in the view of the members of the Commission, unacceptable.

Accordingly, the Commission attempted to do everything at the same time, which involved extensive, diverse and time-consuming functions, including securing accommodation, having it adapted, recruiting staff, establishing procedures and protocols, while also conducting processes for the nomination of candidates for vacancies. In addition to this, the Commission sought to produce a new and more rigorous and transparent procedure, such as for

example requiring three detailed references and providing a detailed application form, requiring medical assessment and providing for an interview of short listed candidates.

While the Judicial Appointments Commission Act 2023 (section 46(1) (b)) merely requires that a candidate be interviewed by a panel of the Commission prior to recommendation, the Commission devised procedures which ensured that all members of the Commission are involved in the selection process for all vacancies. This means that all voting members of the Commission produce initial assessments which are then discussed at a Commission meeting and adjusted in the light of discussion. Thereafter candidates are shortlisted for interview. The interview panel provide their assessment of the candidates and the final assessment is carried out by the Commission before names are submitted to the Minister. In addition to producing a draft judicial selection statement, conducting a consultation in respect of the use of the Irish language, and commencing a consultation process in respect of a diversity statement, the Commission also considered 238 applications and 664 references and recommended 29 candidates to the Minister for Justice, Migration and Home Affairs, resulting in the filling of 12 judicial posts in 2025.

At this point it is possible to draw breath, and some tentative conclusions. The tasks which the Commission had to perform, and the pace at which it was required to work, imposed very substantial strains on the members of staff of the Commission, and also made considerable demands of the members of the Commission itself who were required to undertake tasks that in other circumstances would have been carried out by the staff of an adequately resourced body. In the first place, I would like to acknowledge the very substantial work done by the members of the Commission. It is truly remarkable that the Commission has performed as it did, supported by only three members of staff. On behalf of the Commission, I would like to thank Seán Duggan as Director, and his two staff, for the many ways in which they have supported the Commission and their commitment to its work.

A second conclusion is that the demands made of both the individual Commissioners and the members of the Commission staff during the Commission's first year have highlighted the importance of ensuring that the organisation is appropriately resourced as it moves beyond its establishment phase. While the Commission has identified the need for additional staffing, progress in this regard depends upon external factors beyond the Commission's control. It is important that these matters are progressed at an early stage so that the Commission can continue to discharge its statutory functions effectively and sustainably.

The Commission has also experienced difficulties in finalising arrangements relating to the remuneration and pension provisions of the Director and the payment of fees and expenses to lay members. These issues have required a disproportionate investment of time and attention by both Commissioners and staff and it is to be hoped that they can be resolved promptly, allowing the Commission to focus fully on its core functions in the public interest.

A final, and positive observation is this: the heart of the Act, is the requirement contained in s. 39 (1) that all decisions by the Commission to recommend a person for appointment or nomination for appointment or election to judicial office *shall be based on merit*. The supply of candidates for some jurisdictions is not as strong as the Commission would desire, and the public interest would require. It is important that structural obstacles limiting the pool for appointment and which discourage talented candidates from applying should be addressed and either justified, or removed. It is nevertheless heartening to see that high-calibre candidates are willing to put their name forward for appointment. The process of making an application is demanding both for applicants and their referees. The Commission is aware of how disappointing it can be for candidates to learn that they have not been successful either in being recommended by the Commission or appointed by the Government. It is very important to the overall project of appointing judges for a 21st century Ireland, that the best qualified candidates are not discouraged from applying. The Commission for its part, will attempt to honour the trust which applicants,

referees and the wider public place in it by being as rigorous, conscientious and fair as possible in the manner in which it discharges its functions, and by being willing to review and adjust its processes in the light of experience. For the moment however, a start has been made.

Donal O'Donnell

Chief Justice

Chairperson

Judicial Appointments Commission

June 2026



Foreword by the Director

It is a privilege to introduce the inaugural Annual Report of the Judicial Appointments Commission for 2025.

The Judicial Appointments Commission Act 2023 reformed the system of judicial appointments in Ireland and marked a major and historic change in the judicial selection system for all courts in the State and for European and international courts.

The new system for judicial selection provides a statutory process that is open, transparent, and continues to be based on merit.

The first year of the Commission has been a landmark achievement. The significant time, effort and dedication invested in the start-up of the Commission have produced outcomes and delivered results which have arguably far exceeded the expectations of even the most optimistic forecasters. The Annual Report provides the context for these achievements and explains, to some extent, the challenges which are inherent in the setting up of a new and independent Commission.

A comprehensive induction process was completed for members of the Commission, including attendance at court hearings for lay members, interview training, and an introductory briefing with our counterparts in Northern Ireland. The securing of office accommodation and ICT infrastructure were critical accomplishments in the early days of the Commission, as was the adoption by the Commission of a transitional arrangement for judicial selection processes. These initial achievements were key in facilitating the Commission's progress towards advertising its first selection process on 13 March 2025, within less than three months of the Commission's establishment on 1 January 2025.

Throughout its establishment year, the need to fill existing and anticipated vacancies in a timely fashion necessitated the Commission to simultaneously attend to a range of matters which would otherwise be attended to chronologically, over an extended and phased period of time. This has included the design and delivery of judicial selection processes, the setting up of governance arrangements, engagement with stakeholders, initiating statutory consultation processes, and reviewing of processes. The meticulous and conscientious work of Commissioners, in the face of this immense workload, ensured that the Commission performed to the highest possible standards in 2025. The two staff of the Office of the Judicial Appointments Commission warrant particular appreciation and acknowledgment for the support that they have provided to the Commission throughout its first year. These staff are key to the effective operational delivery of the Commission's functions and in so doing have demonstrated the very best of what the Civil Service provides.

Naturally, there are matters which arise in reflecting upon the Annual Report for 2025 which need to be considered within the context of the exceptional achievements of the Commission in its establishment year.

The Commission greatly appreciates the significant time and effort invested by applicants and referees in the Commission's selection processes. It is hoped that the most recent Report on Selection Processes 2025 will serve as a resource in the preparation of future applications and provide some helpful insights into selection processes conducted in 2025. The Commission will regularly review

its procedures and adapt them in the light of experience and will continue to do so, having regard to the feedback received from applicants and referees.

It is also clear that there is an acute need for appropriate resourcing within the Commission to ensure sustainability and excellence into the future in addressing what is an immense and relentless workload. The approval of the business case for two additional staff by the Department of Justice, Home Affairs and Migration and the Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation is therefore very welcome, and the recruitment process is scheduled for 2026.

We continue to assess and develop arrangements and supports in our corporate functional areas so as to provide for business needs. Given the scale and the importance of the Commission's mandate, new arrangements will take time to bed down on the solid foundations which have been laid in 2025.

The achievements of the Commission in 2025 would not have been possible without engagement with a wide range of external stakeholders in the civil and public service, professional bodies and organisations, third level institutions, the judiciary, referees, the public and, not least, the applicants. Working in partnership is the key to success. The generosity of similar judicial appointments bodies in Belfast, London and Edinburgh in sharing their experience of their structures and approach has been informative and appreciated. Officials in both the Courts Service and the Department of Justice, Home Affairs and Migration have contributed significantly to the establishment of the Commission with some of this work going back over many years. This continued co-operation is important so that the Commission is supported in fulfilling its statutory functions as an independent body.

The Commission will continue to develop working relationships with its stakeholder network in 2026 so that confidence in the system of judicial appointments is maintained through the recommendation of the most suitable candidates for judicial appointment based on the legislative requirement of merit.

I would like to express my appreciation to the Chair, members of the Commission and staff, for their commitment, dedication and perseverance in navigating an exciting transition into the new system for judicial selection that we have today.

In looking forward to 2026, the Commission will build on the solid foundation which has been laid in 2025. There will be ongoing delivery of selection processes for judicial vacancies, with an increase in staffing to support the Commission, and the progression of the statutory consultation processes provided for under the Act, among other matters.

Seán Duggan

Director

Judicial Appointments Commission

June 2026



Overview of 2025



Commission review of effectiveness



Audit and Risk Committee established



General report on selection processes published

Irish language consultation completed



Consultation commenced on draft Judicial Selection Statement

Timetable of Key Events



About the Judicial Appointments Commission

The Judicial Appointments Commission (“the Commission”) was established on the 1st day of January 2025. The Judicial Appointments Commission operates under the Judicial Appointments Commission Act 2023 (“the Act”), which provides the framework for judicial appointments, ensuring a transparent, merit-based process.

The role of the Commission, which is composed of nine members, is to select and recommend persons to the Minister for Justice, Home Affairs and Migration for appointment and nomination to judicial office in the State and for the General Court and Court of Justice of the European Union, and to the Minister for Foreign Affairs and Trade, in so far as a nomination for election to the European Court of Human Rights and the International Criminal Court is concerned.

The Commission is responsible for implementing improved procedures and requirements for judicial office selection through a streamlined and transparent process. It will also ensure, through this process, that Ireland follows best international practice.

In addition to the selection processes, the Commission is required to undertake a range of additional activities which are outlined in the Act. These include consultations on the Irish language and the draft judicial selection statement, the submission of an Annual Report to the Minister, the publication of a Diversity Statement and a review of its performance and recommendations of any changes necessary.

The day-to-day management of the office and administration of the Judicial Appointments Commission is carried out by the Director and his team of two staff. A business case for an additional two staff was submitted by the Commission during 2025 to the Department of Justice, Home Affairs and Migration and a supporting case has been furnished by the Department to the Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation to request sanction for an additional two staff. This business case has now been approved and the recruitment process is scheduled for implementation in 2026.

The Director is accountable to the Commission for the performance of the functions under the Act and such other functions as may be given by the Commission. The Director reports to the Commission and accounts to the Public Accounts Committee and other Oireachtas Committees as regards the accounts and general administration of the Commission. The Commission is funded from the Vote of the Courts Service.

The Commission

The Commission consists of 9 members under section 9 (1) of the Judicial Appointments Commission Act 2023 who were appointed on 1 January 2025 for a three-year term or up to date of retirement if this precedes the expiry of the term for those ex officio positions.

The 9 members are the Chief Justice as Chairperson, the President of the Court of Appeal (subject to section 9 (2) of the Act), 2 members of the Judicial Council, 4 lay members and the Attorney General (non-voting member).

Name	Role
The Hon. Mr. Justice Donal O'Donnell	Chief Justice, Chairperson
The Hon. Ms. Justice Caroline Costello**	President of the Court of Appeal
The Hon. Ms. Justice Mary Rose Gearty*	Judge of the High Court
Judge Alan Mitchell*	Judge of the District Court
Ms. Bernie Gray	Lay Member, Ministerial Nominee
Prof. Rónán Kennedy	Lay Member, Ministerial Nominee
Dr. Terence McWade	Lay Member, Ministerial Nominee
Dr. Eleanor O'Higgins	Lay Member, Ministerial Nominee
The Attorney General, Mr. Rossa Fanning SC	Non-voting Commissioner
The Hon. Mr. Justice David Barniville**	President of the High Court
The Hon. Ms. Justice Patricia Ryan**	President of the Circuit Court
His Honour Judge Paul Kelly**	President of the District Court

*Elected by the Judicial Council.

** Section 9 (2) of the Act provides that where the Commission is performing the function of selecting or recommending persons for appointment to judicial office in the High Court, Circuit Court or District Court, the President of the Court concerned and not the President of the Court of Appeal shall be the member for the purposes of performing that function.



(Back row, l-r) Ms. Justice Mary Rose Gearty, Dr. Terry McWade, His Honour Judge Paul Kelly, President of the District Court, Judge Alan Mitchell, the Hon. Ms. Justice Patricia Ryan, President of the Circuit Court, Prof. Rónán Kennedy, the Hon. Mr. Justice David Barniville, President of the High Court. (Front row, l-r) The Hon. Ms. Justice Caroline Costello, President of the Court of Appeal, Ms. Bernie Gray, the Hon. Mr. Justice Donal O'Donnell, Chief Justice, the Attorney General, Mr. Rossa Fanning SC, Dr. Eleanor O'Higgins.

S. 9(1) meetings addressed the general functions of the Commission and the function of selection and recommendation of names for one judicial vacancy in the Court of Appeal. S. 9(2) meetings addressed the function of selecting and recommending persons for appointment to judicial office in the High Court, Circuit Court or District Court, with the President of the Court concerned in attendance and not the President of the Court of Appeal.

The Commission, when composed under s.9(1), met on 14 occasions in 2025 and when composed under s. 9(2), met on 16 occasions giving a total number of 30 Commission meetings in 2025.

The functions and responsibilities of the Commission are set out in the Judicial Appointments Commission Act 2023. Standing items considered by the Commission include:

- ▶ Selecting and recommending persons to the relevant Minister for appointment to judicial office in the State and outside the State.
- ▶ Adopting a statement of selection procedures and a statement of requisite knowledge, skills and attributes for inclusion in a published statement, regarding the selection process for appointment to judicial office.
- ▶ Recommending a person for appointment to judicial office based on merit and having regard, to the extent feasible and practicable, of the following objectives:
 - ▶ that the membership of the judiciary in each court should comprise equal numbers of male and female members,
 - ▶ that the membership of the judiciary in each court reflect the diversity of the population of the State as a whole, and
 - ▶ that the membership of the judiciary in each court include a sufficient number of judges with a proficiency in the Irish language
- ▶ Exercising independence in the performance of its function

Members of the Commission



**Mr. Justice
Donal O'Donnell**
Chief Justice
Chairperson



**Ms. Justice
Caroline Costello**
President of the Court
of Appeal



**Ms. Justice
Mary Rose Gearty**
Judge of the High Court



Judge Alan Mitchell
Judge of the District
Court



Ms. Bernie Gray



Prof. Rónán Kennedy



Dr. Terry McWade



Dr. Eleanor O'Higgins



**Mr. Justice
David Barniville**
President of the
High Court



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



**His Honour
Judge Paul Kelly**
President of the District
Court



Mr. Rossa Fanning SC
The Attorney General

Pre-Establishment

The Judicial Appointments Commission Act 2023 was signed into law on 8 December 2023. The First Commencement Order, Statutory Instrument No. 114 of 2024, was signed on 20 March 2024.

The interim Director was appointed in July 2024. The appointment provided a lead-in time to facilitate the programme of work, progressed under an ambitious timeframe, for the essential infrastructure to support the Commission. This included staffing, the securing and modernisation of office accommodation, the provision of ICT infrastructure and the

development of a website. Contacts were also made with similar judicial appointments bodies in Belfast, London and Edinburgh who offered to share their experience with the new Commission. A HEO and EO were appointed to the Office as the full complement of staff at that time to support the work of the Commission.



Minister for Justice Helen McEntee, TD, signing Statutory Instrument 553/2024 (Commencement) and Statutory Instrument 554/2024 (Establishment Day) on 17 October 2024 (left to right:) Prof. Rónán Kennedy, Dr. Terry McWade, Ms. Justice Caroline Costello, Judge Paul Kelly, Minister Helen McEntee, TD, Ms. Bernie Gray, Ms. Justice Mary Rose Gearty, Mr. Justice Donal O'Donnell, Chief Justice, Judge Alan Mitchell, Dr. Eleanor O'Higgins, Ms. Justice Patricia Ryan, Mr. Justice David Barniville, (the Attorney General, Mr. Rossa Fanning SC, absent).

On 17 October 2024 the Minister for Justice Helen McEntee TD signed the second and final commencement order which gave effect to all remaining provisions of the Act. On the same day, the Minister signed the Establishment Day Order as required by Section 7 of the 2023 Act and announced the membership of the Commission. The establishment day was determined to be 1 January 2025. After signing the final commencement order and the establishment order the Minister noted:

”

The system for judicial appointment in Ireland is a crucial mechanism to uphold the independence of the judiciary, which is a central element of Ireland’s Constitutional framework. The signing of today’s commencement order brings forward a modern framework around the system by which judges are appointed. The new Act, and the work of the Judicial Appointments Commission will ensure a rigorous, transparent, and merit-based application process for appointment as a judge. I am particularly pleased that the Act safeguards appointments based on merit, makes provision for proficiency in the Irish language and commits the Commission to seek to reflect the diversity of the population of the State.



Minister for Justice Helen McEntee, TD, and Mr. Justice Donal O'Donnell, Chief Justice.

The Chief Justice explained the significance of the establishment of the Judicial Appointments Commission as

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an important development in the history of the Irish judiciary and introduces significant changes to the judicial appointments system in Ireland.



Minister of State James Browne, TD, Minister for Justice Helen McEntee, TD, Mr. Justice Donal O'Donnell, Chief Justice, Director Seán Duggan.

The Chief Justice described the mandate of the new Commission to “*deliver on a programme of selection for judicial vacancies, based on an unambiguous legislative requirement that judicial appointments continue to be based on merit.*”

The empowering of an independent Commission to recommend fewer persons for judicial appointment than the previous system will bring Ireland closer into line with international requirements and will be an important safeguard for judicial independence.

The new system also paves the way for the Commission to collaborate with the wider legal community and others to work towards a judiciary which reflects the increasing diversity in the community.

Public confidence in the judiciary begins with confidence in the system of judicial appointment. I look forward to working with the judicial and lay members of the Commission to develop the procedures which will result in the recommendation of the most suitable candidates for judicial appointment.”

The Commission met 8 times on an interim basis from October to December 2024 to make preparations in advance of Establishment Day. Additional engagements during this time included onboarding, induction, training, sub-group work and the hosting of a delegation from the Northern Ireland Judicial Appointments Commission.

Establishment

The inaugural meeting of the Commission took place on 15 January 2025, within 3 months of establishment as stipulated in the Act.

This meeting marked the initial start-up period of the Commission which required the completion of preparatory work necessary in advance of the launch of the new system for judicial selection. This included consideration of the necessary processes for the operation of the new Act. The formulation of procedures and processes provided for by the Act required a considerable amount of time and work by the Commission before the Commission could commence the process of selection for judicial vacancies. During this period and in order to be in a position to conduct the selection processes, the Commission produced a draft indicative statement of selection procedures, a draft indicative statement of knowledge, skills and attributes and Guidance for referees. In addition, the Commission prepared application forms, and a detailed information booklet for the selection process for each Court. There were also further meetings of sub-groups in respect of individual competitions and strategic issues such as governance and risk. An Audit and Risk Committee (ARC) was established in March 2025. Its primary role is to support the Commission in fulfilling its responsibilities in relation to internal controls, audit, and risk management and finance. The Committee met 3 times in 2025.

The timeframe anticipated for judicial selection schemes was a period of at least three months, although comparative jurisdictions can take 6 months for their end-to-end results. The determination to deliver within such a challenging timeframe was driven by the desire to respond in a timely manner to the Ministerial requests for judicial appointments.

An additional factor under the new system for judicial selection is the requirement under

section 46 of the Act that before an applicant may be recommended they must have been interviewed by the Commission. This necessitated the provision of recruitment and interview training for each Commission member, agreement on the modalities of the application and interview processes that it would conduct, in addition to the interviews for shortlisted candidates. The process included pre-advertisement preparation, advertisement, shortlisting, interviews and subsequent decisions by the Commission.

Under s. 57 of the Judicial Appointments Commission Act 2023, the Commission is obliged, after a process of public consultation, to adopt a Draft Judicial Selection Statement (“the draft Judicial Selection Statement”), comprising both (a) a statement of requisite skills, knowledge and attributes; and (b) a statement of selection procedures. Section 57 anticipates a period of 18 months for the finalisation of the judicial selection statement. As the process is lengthy and appointments to judicial office required to be made pending the adoption of a draft Judicial Selection Statement, the Commission adopted a transitional arrangement pursuant to s.60 of the Act whereby the Commission may proceed with a selection process on the basis of a Draft Indicative Judicial Selection Statement in advance of the adoption of a finalised Judicial Selection Statement. The transitional arrangements provided under the Act (s.60) adopted by the Commission were notified to intending applicants and the public through the website of the Commission.

This initial start-up phase culminated in a foundational milestone with the advertisement of the Commission’s first selection process on 13 March 2025 for 7 District Court vacancies.

Governance and Compliance

Governance Statement

The day-to-day management of the staff and administration of Judicial Appointments Commission is carried out by the Director and his team of two staff. The Director is accountable to the Commission for the performance of the functions under the Act and such other functions as may be given by the Commission.

Disclosures Required by the Code of Practice for the Governance of State Bodies (2016)

The Commission is responsible for ensuring that Judicial Appointments Commission conforms with the requirements of the Code of Practice for the Governance of State Bodies (“the Code”), as published by the Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation in August 2016 insofar as they are relevant to the Commission.

Statement of Compliance

The Judicial Appointments Commission is not subject to the Code of Practice for the Governance of State Bodies (2016).

Procedures have been put in place during the Judicial Appointments Commission’s establishment year to conform with relevant requirements of the Code of Practice for the Governance of State Bodies.

Due to the significant remit and role of the new Commission, the Commission continues to develop and embed new structures, governance, risk management procedures, and revised policies and procedures which reflect the principles of the Code of Practice for the Governance of State Bodies (2016). We note that alternative considerations may apply

where the Code is incompatible with maintaining the judicial independence of judicial members of the Commission in the performance of its functions.

As at 31 December 2025, the Commission has developed a suite of policies in line with the Code of Practice for the Governance of State Bodies.

Provision in relation to Internal Audit

The Commission will engage an external independent Internal Audit function in 2026 which will operate in accordance with an Internal Audit Charter approved by the Audit and Risk Committee and in accordance with Internal Audit provisions set out in the Code.

A procurement process will commence in 2026.

Funding

The Minister for Justice, Home Affairs and Migration may, with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, determine the amount or amounts, for the purposes of expenditure by the Commission in the performance of its functions, which shall from time to time be advanced by the Courts Service to the Commission out of moneys provided to it by the Oireachtas.

Data Protection Statement

The Judicial Appointments Commission recognises the need to treat personal data in an appropriate and lawful manner. We are committed to complying with our obligations in this regard and in respect of all personal data.

Freedom of Information

Section 34 of the Judicial Appointments Commission Act sets out the restrictions on the Freedom of Information Act 2014. The restrictions pertain to records relating to (a) the process of selecting and recommending persons for appointment or for nomination for appointment or election to judicial office or (b) a consultation under section 56(1) or 57(5), other than in so far as the record relates to the general administration of the Commission. The restrictions apply to a record held by the Commission, the Minister for Justice, Home Affairs and Migration, and the Minister for Foreign Affairs and Trade or the Government.

Section 8 of the Freedom of Information Act 2014 requires the Commission to prepare and publish as much information as possible in an open and accessible manner on a routine basis outside of FOI, having regard to the principles of openness, transparency and accountability.

FOI Decisions 2025	
Part-granted	3
Total	3
Types of requests	
Applicants	3

Protected disclosures

The Judicial Appointment Commission is required under section 22 of the Protected Disclosures Act 2014 to publish an annual report in relation to the number of protected disclosures made to it in the preceding year and the action taken in response to any such protected disclosures. No protected disclosures were made to the Judicial Appointments Commission in 2025.

Commission Meetings and Attendance

Names	No. of s.9(1) meetings	No. of s.9(2) meetings	Inaugural Meeting	Review meeting Sept 2025
The Hon. Mr. Justice Donal O'Donnell	14/14	16/16	1/1	1/1
The Hon. Ms. Justice Caroline Costello	13/14	2/2	1/1	1/1
The Hon. Ms. Justice Mary Rose Gearty	14/14	16/16	1/1	1/1
Judge Alan Mitchell	14/14	16/16	1/1	1/1
Ms. Bernie Gray	14/14	16/16	1/1/	1/1
Prof. Rónán Kennedy	14/14	16/16	1/1	1/1
Dr Terence McWade	14/14	16/16	1/1	1/1
Dr. Eleanor O'Higgins	14/14	16/16	1/1	1/1
The Attorney General, Mr. Rossa Fanning SC	14/14	16/16	1/1	1/1
S. 9(2) Members				
The Hon. Mr. Justice David Barniville		7/7	1/1	1/1
The Hon. Ms. Justice Patricia Ryan		5/5	1/1	1/1
His Honour Judge Paul Kelly		2/2	1/1	1/1

Committees of the Board

Audit and Risk Committee (ARC)

The ARC was established in 2025 and held its inaugural meeting on 14 May 2025. The ARC is in place to support the Commission in relation to its responsibilities for issues of risk, control and governance and associated assurance. The ARC is independent from the financial management of the organisation. The Committee ensures that the internal control systems including audit activities are monitored actively and independently. The ARC reports to the Commission after each meeting, and formally in writing annually.

Its primary role is to support the Commission in fulfilling its responsibilities in relation to internal controls, audit, and risk management and finance. The Committee met 3 times in 2025. The first meeting was in-person, the second meeting was hybrid and the third meeting was virtual.

Name	Meetings attended
The Hon. Ms. Justice Caroline Costello (Chair)	3/3
Prof. Rónán Kennedy	2/2
Dr. Terence McWade	3/3
Judge Alan Mitchell	2/2

Statement on Internal Controls

Scope of Responsibility

The Judicial Appointments Commission was established with effect from 1 January 2025 in accordance with the Judicial Appointments Commission Act 2023. The Commission has responsibility for ensuring that an effective system of internal control is maintained and operated. This responsibility takes account, insofar as it is relevant to the Commission, of the requirements of the Code of Practice for the Governance of State Bodies (2016).

Purpose of the System of Internal Controls

The system of internal controls is designed to manage risk to a tolerable level rather than to eliminate it. The system can therefore only provide reasonable and not absolute assurance that assets are safeguarded, transactions authorised and properly recorded, and that material errors or irregularities are either prevented or detected in a timely way.

The Commission members are satisfied that the systems, which it has in place, are reasonable and appropriate having regard to its size, level of expenditure, staff resources and the nature of its operations. Maintaining the system of internal controls is a continuous process and the system and its effectiveness are kept under ongoing review.

Shared Services

The Judicial Appointments Commission was established on 1 January 2025. At that time, the Commission did not have its own standalone accounting system.

Accordingly, the Commission has entered into a service agreement with the Courts Service to manage its Information Technology (ICT).

The Commission also avails of shared services from the Payroll Shared Services Centre (PSSC) through the Courts Service and from the Courts Service financial accounting and Human Resources (HR) management.

Financial Control Environment

The Courts Service has responsibility for processing all payments, including payroll, general ledger maintenance, production of monthly management accounts and all relevant returns for the period to 31 December 2025, on behalf of the Commission.

The Commission has implemented controls and procedures to ensure that all income and expenditure transactions relating to the Judicial Appointments Commission are reviewed and approved by the Office before being forwarded to the Courts Service for payment processing and maintenance of the accounting ledgers.

Information and Communication Technologies

On establishment, the Commission did not have its own ICT framework and utilised the Courts Service ICT support services, including communication technologies, security mechanisms for ensuring the adequacy of ICT, information technology solutions and supports to enable Commission functions.

During 2025, the Commission entered into a service agreement with the Courts Service to build and deliver the required independent ICT physical infrastructure at the Commission's offices. The Commission now avails itself of ICT support services from the Courts Service. An agreement for the provision of these services is in place and arrangements are specifically in place that include systems back up and data security for the Commission.

Administrative Controls and Management Reporting

The Judicial Appointments Commission's system of internal controls is based on a framework of regular management information, administrative procedures including segregation of duties, and a system of delegation and accountability. In particular, it includes:

- ▶ An appropriate budgeting system with an annual budget which is reviewed regularly.
- ▶ Regular reviews of periodic and annual financial reports.
- ▶ A risk management system that is fit-for-purpose.
- ▶ Clearly assigned management responsibilities, with corresponding accountability.

Audit and Risk Committee

The Commission has an Audit and Risk Committee (ARC) comprising 4 Commission members. Under s. 16(2) only members of the Commission can be committee members thus excluding the membership of external parties. The ARC is independent of the management of the organisation. In particular, the Committee seeks to ensure that the internal control

systems including audit activities are monitored actively and independently. The ARC met 3 times in 2025.

Risk and Control Framework

The Judicial Appointments Commission has implemented a risk management system which identifies and reports key risks and the management actions being taken to address and, to the extent possible, to mitigate those risks.

A risk register is in place which identifies the key risks facing the Commission and these have been identified, evaluated and graded according to their significance. The register is reviewed and updated by the Director and the ARC. The outcome of these assessments is used to plan and allocate resources to ensure risks are managed to an acceptable level.

Ongoing Monitoring and Review

The Judicial Appointments Commission has in place a risk management policy which identifies risks, the controls in place and the reporting and monitoring procedures.

The Commission takes the major strategic decisions and meets at regular intervals to monitor performance and plans. The Director pursuant to those functions under the Act gives effect to the policies and Commission's decisions. The Commission has the following ongoing monitoring systems in place:

- ▶ Key risks and controls have been identified, and processes have been put in place to monitor the operation of those key controls and report on any deficiencies,
- ▶ Formal procedures are in place for the purchase of all goods and services, for approval of invoices in respect of goods and services and authorisation of payment in respect of goods and services.
- ▶ There are regular reviews by the Director and his team of periodic and annual performance and financial reports which indicate performance against budgets/forecasts.

- ▶ Reporting arrangements have been established at all levels where responsibility for financial management has been assigned.
- ▶ There are systems in place to safeguard assets.

Procurement

The Judicial Appointments Commission has procedures in place to ensure compliance with current procurement rules and guidelines and that during 2025 the Commission complied with those procedures.

Internal Control Issues

No weaknesses with internal controls were identified in relation to 2025 that require disclosure.

Review of Effectiveness

The Commission has procedures to monitor the effectiveness of its risk management and internal control procedures.

The Commission did not conduct an external review of its system of internal control during its establishment year from 1 January 2025 to 31 December 2025. The Commission intends to procure, appoint, and undertake an external review of its system of internal controls in 2026.

Selection Processes

The Commission completed five selection processes and commenced a further three selection processes in 2025.

Vacancies were advertised on the Commission's website (www.judicialappointments.ie) and the advertisements were circulated to a range of stakeholders which included legal professional bodies, third level institutions and the judiciary. Candidates were required to complete online applications by a prescribed deadline while references were also required to be completed and submitted by a prescribed deadline.

In 2025, the Commission completed five selection processes (one District Court, one Circuit Court, two High Court and one Court of Appeal) and provided nominees to fill twelve vacancies. In total for completed selection processes, the Commission considered 238 applications, 664 references and conducted 44 interviews. In addition, the Commission commenced three other selection processes (District Court, Circuit Court, and Supreme Court) to provide nominees to fill thirteen vacancies. These selection processes are ongoing as of the end of 2025.

For each selection process engaged in by the Commission, it was necessary for the Commission to adopt a statement of the selection procedures proposed, and the knowledge, skills and attributes sought, in accordance with the provisions of s. 60 of the Act and communicate them to prospective candidates which it did in a customised Information Booklet. An interview board of three was agreed by the Commission for each selection process, which was chaired by a lay member, and included the President of the designated Court and one other Commission member. Further details in relation to the classification of applicants and those recommended to Government for each selection process are outlined at Table One and Table Two below.

**The process of the Commission was robust
and involved the following steps:**

1

An **advertisement of the vacancy**, making available to interested parties an indicative judicial selection statement, and a customised information booklet together with a guide for referees;

2

A requirement for the **provision of references** from three qualified referees or the provision of one reference in the case of a serving judge;

3

An **initial assessment** by individual Commission members;

4

A **meeting of the Commission** to discuss and finalise its assessment of the applications, and agree a shortlist for interview;

5

An **interview of the shortlisted candidates** by a panel of the Commission composed in accordance with s. 46(2);

6

An **assessment by the interview panel** and communication of that assessment to the Commission;

7

The carrying out of **professional, background and medical checks** by the Commission in respect of all shortlisted candidates; and

8

A **final meeting of the Commission** to complete its assessment of the candidates and recommend candidates to the Minister.

Table One - Outline of Selection Processes 2025

Jurisdiction	Advertised	Number of posts to be filled	Number of applications received		Number of references received
District Court	March	7	Total 126		378
			Male 48	Female 78	
High Court	April	1	Total 26		62
			Male 17	Female 9	
Circuit Court	May	1	Total 60		168
			Male 33	Female 27	
Court of Appeal	May	1	Total 9		9
			Male 8	Female 1	
High Court	October	2	Total 17		47
			Male 9	Female 8	
3 Selection Processes Advertised in 2025 and Completed in 2026					
Circuit Court	November	3	Total 42		114
			Male 17	Female 25	
District Court	December	8	Total 74		222
			Male 35	Female 39	
Supreme Court	December	2	Total 8		8
			Male 5	Female 3	

Table One - Outline of Selection Processes 2025 (continued)

Number of candidates interviewed	Names recommended to the Minister		Duration of selection process from advertisement to formulation of recommended names (No. Weeks approx)
20	Total 15		12
	Male 5	Female 15	
5	Total 3		11
	Male 3	Female 0	
6	Total 3		10
	Male 1	Female 2	
6	Total 3		7
	Male 3	Female 0	
7	Total 5		6
	Male 2	Female 3	
3 Selection Processes Advertised in 2025 and Completed in 2026			
13	Total 7		10
	Male 3	Female 4	
26	Total 17		11
	Male 10	Female 7	
8	Total 5		9
	Male 2	Female 3	

Table Two - Classification by profession of all applicants in 2025

Jurisdiction	Total Number Applications	Solicitors Number / % of applicants	Barristers Number / % of applicants	Judges Number / % of applicants	Recommended to Government		
					Solicitor	Barrister	Judge
District Court March 2025	126	90 71.43%	36 28.57%	0 0%	11	4	0
High Court April 2025	26	7 26.92%	12 46.16%	7 26.92%	1	2	0
Circuit Court May 2025	60	19 31.66%	34 56.67%	7 11.67%	0	2	1
Court of Appeal May 2025	9	0 0%	0 0%	9 100%	0	0	3
High Court October 2025	17	5 29.41%	9 52.95%	3 17.64%	1	4	0
Circuit Court November 2025	42	14 33.33%	22 52.38%	6 14.29%	1	3	3
Supreme Court December 2025	8	0 0%	0 0%	8 100%	0	0	5
District Court December 2025	74	60 81.08%	14 18.92%	0 0%	15	2	0
Total	362	195 54%	127 35%	40 11%	29	17	11

The Commission acknowledges the significant volume of applications it has received in 2025, and the considerable time and effort invested by applicants and referees in the selection processes. This necessitated an intensive process of review by each Commissioner of each applicant and associated references in order to finalise shortlisting for interviews. On average, individual Commissioners completed approximately 44 days of work for the Commission in 2025. The Commission is also conscious that this is a new process both for applicants seeking appointment to the judiciary for the first time, and for judges applying for positions within the judiciary.

In September, the Commission conducted a review of its processes for the period from January to July. Arising from that review, the Commission published the *'Judicial Appointments Commission Selection Process Report for January to July 2025'* on its website to provide an overview of the processes of the Commission and insights from the first four selection processes. This Report has now been updated to include all processes commenced in 2025 (See Appendix 1)

One of the areas addressed in the report is the request from some applicants for individual feedback. Such requests have generally arisen in situations where an applicant has not been selected for interview, or if interviewed has not been recommended to the Government. The Commission appreciates and understands the desire for feedback. However, given the

confidential nature of the process, the number of applicants, and the limited resources within the Commission, the Commission considers it cannot provide feedback on an individual basis.

The assessment of candidates is both objective and relative and is a collective decision of the Commission. The selection processes which were completed in 2025 were extremely competitive. Objectively, the Commission assessed strong applicants who were of sufficient merit to be considered for interview. However, in relative terms there were candidates who, in the Commission's view, were stronger than others. The Commission therefore had to choose between a number of well qualified candidates to shortlist for interview, or for those who were interviewed, to choose between a number of well qualified candidates for recommendation to the Government.

The *'Judicial Appointments Commission Selection Process Report for January to July 2025'* remains available on the website of the Commission and serves as a useful resource to assisting applicants in future judicial selection processes. The Commission regularly reviews its procedures and adapts them in the light of experience and will continue to do so, taking into consideration the experience and expectations of applicants.

Irish Language Consultation

In accordance with s. 56(4) of the Act, the Commission is required to consult with the President of the High Court, the President of the Circuit Court and the President of the District Court in respect of the needs of users of the court of the President as they relate to proceedings through Irish for the purposes of sections 39(2)(c) and 58(2)(a)(vi) of the Act.

The Commission is also required to consult with the Courts Service about the needs of users of the courts with respect to proceedings being conducted in the Irish language for the purposes of sections 39(2)(c) and 58(2)(a)(vi) of the Act.

Section 39(2) sets out that when the Commission is performing its function of selecting and recommending persons for appointment, account shall be taken, to the extent feasible, of the objective that each court should include a sufficient number of judges proficient in the Irish language to meet the needs identified through this consultation process. Section 58(2) stipulates that any needs identified as a result of this consultation may be factored into the Commission's statement of requisite knowledge, skills and attributes. This is subject to section 39(1) of the Act whereby a decision by the Commission to recommend a person for appointment or for nomination for appointment or election to judicial office shall be based on merit.

Accordingly, on 22 October 2025, the Commission invited submissions from the President of the High Court, the President of the Circuit Court and the President of the District Court and also from the Courts Service. The closing date for submissions was 21 November 2025.

Each President provided submissions which were specific to their jurisdiction and which provided insights into the Irish language needs of court users in the relevant jurisdiction. The Courts Service provided a comprehensive report on current and projected needs for Irish language proceedings.

The Commission reviewed and considered each submission. The finding of the consultation was that there is sufficient competency currently amongst the judiciary to respond to the needs of its users in the conduct of proceedings through the Irish language.

The Irish language needs of users of the courts will be kept under review by the Commission so that the ability to service the level of demand from users who wish to conduct their court proceedings through Irish is maintained. The inclusion of questions on Irish language competency in the application forms for selection processes has been an important feature to date and will continue to be included in future application forms for selection processes. The consultation process concluded in December 2025.

Draft Judicial Selection Statement

Section 57 of the Act outlines a process by which the Commission must adopt a judicial selection statement which includes two documents which are (i) a statement of selection procedures and (ii) a statement of requisite knowledge, skills and attributes.

These documents will serve as the basis for the selection processes that will be conducted by the Commission under section 46 of the Act. This process entails an extensive period of time for the different stages to be completed prior to the finalisation of the judicial selection statement.

Section 60 of the Act provides for a transitional arrangement whereby the Commission may proceed with a selection process in advance of the adoption of a judicial selection statement. The Commission has to date completed five selection processes under this transitional arrangement and is in the course of conducting three selection process under this arrangement as of the end of 2025. This arrangement will continue to be used until such time as the judicial selection statement is finalised. The transitional arrangement is in accordance with procedures and criteria determined by the Commission, which are consistent with the components of the judicial selection scheme contained in sections 58-59 of the Act.

On 10 October 2025, the Commission initiated a formal mandatory consultation process under section 57 of the Act with the Presidents of the High Court, Circuit Court and District Court. In addition to the mandatory consultations with the Presidents, the Commission decided to widen the scope of this consultation by engaging with eighteen professional bodies, organisations and Government Departments for the purposes of consultation under section 57.

In total, twenty-one (21) office holders, professional bodies, organisations and Government Departments were invited to make a submission.

This extensive consultation process of the Commission sought to maximise transparency and stakeholder input in defining competencies and attributes required for judicial office and also to ensure fair and merit-based selection procedures. The closing date for receipt of submissions was Friday 21 November 2025.

In total, nine submissions were received by the Commission. The Commission, composed under section 9(1) of the Act, is in the process of reviewing and considering the submissions received and will then prepare two draft statements for submission to the Minister for Justice, Home Affairs and Migration for judicial office in the State and for the General Court and Court of Justice of the European Union, and separately to the Minister for Foreign Affairs and Trade, insofar as it relates to the offices of a judge of the European Court of Human Rights and the International Criminal Court.

The Commission is required to provide a draft of the judicial selection statement to both Ministers within 15 months of the commencement of section 57 to allow for comment on the judicial selection statement, the latest date for submission being 31 March 2026.

In accordance with section 57, the Minister may make observations within 3 months. The Commission will then have 3 months to consider these observations and adopt the final Judicial Selection Statement. At that stage, the Commission will publish a Judicial Selection Statement which will include (i) a statement of selection procedures and (ii) a statement of requisite knowledge, skills, and attributes for judicial office.

Diversity

Section 28 of the Act requires the Commission to publish a Diversity Statement not later than two years after the coming into operation of the section, which will be 31 December 2026, and at least once every four-year period.

Such a Diversity Statement shall:

”

“set out the manner in which the Commission undertakes to give effect to the objectives set out in s. 39(2)(b) that the membership of the judiciary in each Court should reflect the diversity of the population of the State as a whole, and should include procedures in place to achieve the objective to the extent feasible and practicable of improving the diversity of applicants and persons recommended for appointment and for nomination for appointment or election to judicial office including the procedures in place to assist in removing barriers faced by persons within the population as a whole that are underrepresented in judicial office”.

Diversity in the judiciary is important in supporting public confidence in the administration of justice. It is a basic principle that appointments to the judiciary should not discriminate on grounds of race, colour, gender, religion, political or other opinion, national or social origin, property, birth or status. However, while this is expressed as a prohibition, diversity also contains a positive component – that the judiciary should be representative of the society it serves. This is the sense in which it is identified as one of the objectives of the appointment process in the Act, including gender balance and proficiency in the Irish language. These objectives are stated to be subject to the overriding criterion of appointment on merit.

The Commission now includes a section in its application process inviting applicants to address any of the matters set out in section 39(2) which they consider may be relevant.

The Commission is required to consult with the Presidents of the High Court, Circuit Court and District Court in so much as the Diversity Statement relates to judicial office in each such Court. The Commission wishes however to consult more widely than this and is planning to initiate a wider consultation process in March 2026. The purpose of the consultation process will be to obtain views on the experience of stakeholders in order to inform the Commission's Diversity Statement so that it reflects its statutory objectives, affirms diversity as a positive objective, and sets out the Commission's commitments in that regard.

Looking Forward to 2026

The establishment year of the Judicial Appointments Commission has marked a significant reform and development in the system of selection for judicial office in the State and for EU and international courts.

The performance of the Commission, Director and two staff has provided a solid foundation on which to continue to deliver on the Commission's statutory mandate into 2026.

Next year will see the ongoing delivery of selection processes for judicial vacancies, through a transparent, merit-based process, ensuring that judicial vacancies are filled in a timely manner. In so doing, the Commission will take account of anticipated vacancies that will arise in respect of certain mandatory statutory retirements, consequential vacancies arising from the appointment of any current serving Judges to other judicial positions and additional statutory places that may arise under the Courts & Civil Law (Miscellaneous Provisions) Act 2025.

The Commission will progress the preparation of a draft statement of requisite knowledge, skills and attributes, and a draft statement of selection procedures, consistent with section 57 of the Act, for submission to the Minister for Justice, Home Affairs and Migration, and to the Minister for Foreign Affairs and Trade, by 31 March 2026.

The Commission will conduct a consultation process for the formulation of a Diversity Statement with the Presidents of the High Court, Circuit Court and District Court, as required by the Act, and broaden the consultation to include a wider range of stakeholders so as to inform the Commission's Diversity Statement. A Diversity Statement will be published within the statutory timeframe of 31 December 2026.

An increase in the staffing complement in 2026 will support the work of the Commission with enhanced resources as the Commission continues to deliver on its demanding programme of work.

In accordance with section 61 of the Act, the Commission will undertake a review of the implementation of the Act within two years of its establishment, and on foot of this prepare recommendations based on the findings of the review.

The Commission is also required to ensure that it adheres to the principles of good corporate governance, and accordingly the development of appropriate policies, risk management and financial accountability have been considered by the ARC in 2025. While the Commission is not subject to the Code of Practice for the Governance of State Bodies (2016), procedures have been put in place during the Commission's establishment year to conform with relevant requirements this Code. Due to the significant remit and role of the new Commission, the Commission will continue to develop and embed new structures, governance, risk management procedures, and revised policies and procedures which reflect the principles of the Code of Practice. Alternative considerations may apply where the Code is incompatible with maintaining the judicial independence of judicial members of the Commission in the performance of its functions.

The work of the Commission, as an independent body, is an integral part within the overall selection process and sequential chain of judicial appointments. Key to the success of the Commission is its relationship with a wide range of external stakeholders in the civil and public service, professional bodies and organisations, third level institutions, the judiciary, the public and, not least, the applicants. The Commission will continue to develop these relationships in 2026 so that confidence in the system of judicial appointments is maintained through the recommendation of the most suitable candidates for judicial appointment, grounded in the unambiguous legislative requirement that judicial appointments continue to be based on merit.

Appendix 1

Judicial Appointments Commission Selection Process

I Background and Overview of Selection Processes January to December 2025

The purpose of this report is to provide an overview of the processes of the Judicial Appointments Commission and insights from the selection processes conducted in 2025 with a view to assisting applicants in future judicial selection processes.

The Judicial Appointments Commission (“the Commission”) was established pursuant to the Judicial Appointments Commission Act 2023 (“the 2023 Act”), with effect from the 1 January, 2025. At that point there were already two vacancies outstanding, and a number of additional vacancies anticipated. In 2025, the Commission completed five selection schemes (one District Court, one Circuit Court, two High Court and one Court of Appeal) and provided nominees to fill twelve vacancies. In total for completed processes, the Commission considered 238 applications, 664 references and conducted 44 interviews. The period between receipt of a ministerial request and the nomination of candidates varied between 8 and 12 weeks. In addition, the Commission advertised three selection processes which were subsequently completed in 2026 (one District Court, one Circuit Court, one Supreme Court).

In 2025, the Commission met formally on thirty occasions. There were further meetings of sub-groups in respect of individual competitions and strategic issues such as governance and risk. During this period and in order to be in a position to conduct the selection processes, the Commission produced:

- ▶ A draft indicative statement of selection procedures;

- ▶ A draft indicative statement of knowledge, skills and attributes; and
- ▶ Guidance for referees.

In addition, the Commission prepared application forms, and a detailed information booklet for the selection process for each Court.

II General Reflections and Approach to General Feedback

The Commission conducted a review of its processes in September when four selection processes had concluded. Arising from the review, the basic structure of the selection process remained the same for 2025, with some of the documents revised in the light of experience.

The Commission wishes to acknowledge the significant volume of applications it received and is grateful for the interest shown by applicants in a judicial career. The Commission is also conscious that this is a novel process both for applicants seeking appointment to the judiciary for the first time, and for judges applying for positions within the judiciary.

The Commission appreciates the desire for feedback but considers it cannot do so on an individual basis, given the number of applicants and the nature of the process, including the fact that the Commission will, of necessity, change composition from year to year.

However, the Commission takes this opportunity to offer general feedback which it hopes will be of assistance to all candidates and future candidates. Insofar as possible, therefore, more detailed information about the competitions held to date, both in terms of the process and the content of candidates’ forms, is set out below. The Commission is required

to carry out the selection process based on merit, and merit in this context contains a relative component in that candidates are necessarily compared with other candidates for the same position. Furthermore, it is normally the case that practitioners and judges will gain experience over time. Accordingly, an applicant who is unsuccessful in one process may succeed in a later application, whether because the applicant has more experience or simply has a stronger application than others in a later competition. It is important that the reform of the judicial appointments process should not discourage suitable applicants and the Commission considers it important that candidates continue to apply, particularly if they have been shortlisted for interview in a previous competition.

Feedback on the overall process is sought by each interview board from candidates who are shortlisted for interview. The Commission is always open to feedback and seeks to review the judicial appointments process on an ongoing basis. For example, the location for interviews for the Superior Courts has been changed on occasion from the offices of the Commission, where it is felt that an alternative location might offer more confidentiality to candidates, given a smaller field of candidates. The Commission will continue to keep the process under review.

III Procedure of the Commission

The Commission considers that it is a fundamental principle consistent with the structure of the Act, that the Commission (composed in each case in accordance with the terms of s. 9 of the 2023 Act) should make any decision collectively, and that all members of the Commission as so composed, should participate in the decision. Accordingly, the process adopted by the Commission involved the following steps:

(i) the President of the Court in which the vacancy or vacancies arose, provided an overview of the work of the Court, and any particular considerations in relation to the vacancies arising;

(ii) each individual Commissioner separately assessed both the application and the references and gave a preliminary marking which was to represent 80% of the total marks for the first four selection processes conducted. This was reduced to 75% for selection processes from September onwards;

(iii) the Commission met in person or in a hybrid meeting, to discuss the assessment of the candidates. There was a discussion about each individual applicant with a particular focus on those cases where there were any outlier results (where one or two Commissioners took a markedly different view to the other members of the Commission), or on those marginal cases, where a candidate may or may not be shortlisted. The discussion of the candidates was led by a different Commissioner in rotation. If a member of the Commission felt they knew a candidate particularly well, they disclosed that fact and spoke last. The factors the Commission considered included:

- ▶ the experience of the candidate, the length of time in practice and nature and extent of practice or, where relevant, as a judge;
- ▶ knowledge and familiarity with the practice of the court to which appointment was sought; and
- ▶ the extent to which this was supported by reliable references;
- ▶ consideration of the applicant's personal attributes.

The Commissioners considered whether or not to revise their individual marks, and thereafter, the Commission agreed on a shortlist for interview;

(iv) the shortlisted candidates were interviewed by a panel of the Commission composed as follows:

- ▶ District Court: Dr. Eleanor O'Higgins (Chair), President Paul Kelly, Judge Alan Mitchell;
- ▶ Circuit Court: Dr. Terry McWade (Chair), President Patricia Ryan, Ms. Justice Mary Rose Gearty;

- ▶ High Court: Prof. Rónán Kennedy (Chair), President David Barniville, Ms. Justice Mary Rose Gearty;
- ▶ Court of Appeal: Ms. Bernie Gray (Chair), Chief Justice Donal O'Donnell, President Caroline Costello.
- ▶ Supreme Court: Ms. Bernie Gray (Chair), Chief Justice Donal O'Donnell, President Caroline Costello.

(v) Finally, the Commission met again in person or, if necessary in a hybrid session, to consider the report and marks of the interview panel. The Commission then considered the indicative outcome resulting from the combination of the shortlisting and interview marks. While the interview panel's view was important, it was not determinative and required discussion and adoption by the Commission in each case. Under s. 39(1) of the 2023 Act, the Commission is obliged to carry out its function based on merit. The Commission considered the factors identified at s. 39(2) of the 2023 Act at the point of shortlisting and selection of nomination for government. The Commission then finalised the list of candidates to be recommended to the Government.

IV Assessment weighting

The Commission initially agreed in 2025 to allocate 80% of total marks for the assessment of applications and references, while the balance of 20% was allocated to the assessment of interviews. In September the Commission altered the division of marks to 75%/25% as between assessment of the application and references (75%) and interview (25%). This reflected the useful additional insights and information which emerged from each interview.

The decisions of the Commission have been made, to date, by consensus. Having a robust discussion and affording each member an opportunity to express a view and adhere to that view in the event of disagreement has been the method of selection. While individual assessments of candidates differed, the Commission adopted an overall mark reflecting the cumulative marks of each candidate.

Noting the statutory requirements in respect of merit-based appointments, gender balance and diversity, the Commission has adopted a practice of reviewing the candidates in light of those requirements at the close of each such discussion before confirming which candidates will be recommended to the Minister. This is done in order to consciously and regularly address these issues and to ensure that the objectives of the Judicial Appointments Commission Act are met in this regard, insofar as the Commission can do so.

V General Comments

In general, the Commission considered that many of the candidates for each judicial position were excellent; there was a surfeit of qualified candidates in each case. The position differed somewhat between jurisdictions, and in the case of the High Court, the Commission would welcome a stronger field of applicants for future selection processes. Nevertheless, the Commission did not have to consider exercising its power under s.47(3) to recommend a lesser number of candidates in any case. While the comments below are intended to assist with future applications, these comments are not a reflection on the quality of the candidates. In some cases, some very high-quality candidates applied, and the Commission is grateful to all candidates for putting themselves forward for consideration.

a. Application Forms

One area in which many candidates failed to present themselves to best effect was consideration of the indicative statement of requisite knowledge, skills and attributes. The attention of applicants and referees was drawn to this document, but only limited use was made of it, and it is apparent that some applicants considered that the individual questions in relation to knowledge, skills and attributes were repetitive and, accordingly, provided much the same responses to each question. Other candidates did not answer the questions asked. As a result, some candidates missed the opportunity to present their application in the most effective way.

Having reviewed its experience in this respect, the Commission adjusted the application forms somewhat, but candidates should be aware that the categories identified by the 2023 Act, namely, knowledge, skills and attributes provide a helpful structure for the provision of evidence of the candidate's suitability for the office sought.

b. References

i. Evaluation of references and reference guidance

A key consideration for the Commission was the provision of three references in the case of an applicant for appointment to the judiciary, and one reference in the case of a sitting judge. The Commission had regard to the identity and experience of the referee, the content of the reference, and the extent to which it complemented the application or expanded upon it. In both the indicative statement of selection procedures, and the guidance to referees, the Commission emphasised the importance it placed upon references, that referees were expected to assess the applicant objectively and candidly, and that references which provided an endorsement of the applicant expressed in general terms, even if enthusiastic, would not assist the Commission.

Some references received could not be afforded much weight for this reason. For instance, it was not always clear if a referee had any experience of the candidate's professional ability and, even if so, how they might rate the candidate in relation to other professionals. The most helpful references were from very experienced or highly qualified referees who were not personally connected with the candidate and who ranked the candidate very highly in comparison with similarly qualified practitioners or judges of comparable experience.

In the light of its experience, the Commission has given further guidance with a view to ensuring that references assist the Commission in obtaining a full and reliable assessment

of a candidate's qualities, thereby assisting the Commission in performing its function. In general, the Commission considered that the more independent the referee is from the candidate, the more reliable the assessment. Those who had observed candidates in their professional capacity, particularly in the year of their applications, usually carried more weight.

The Commission is grateful for the general feedback it received from referees, largely to the effect that the process was cumbersome, particularly for those providing two or more references. Multiple references present difficulties not only for the referees but, unless the referee clearly distinguishes between candidates in terms of their relative merit, also for the Commission. It was necessary to compare references from the same referees so as to assess the level of merit being ascribed to the candidate.

Finally, some referees did not answer the questions asked. This affected the weight of the reference.

ii. Timing of References

The programme used by the Commission facilitates online application, provision of references, and assessment by the Commission. For the first four selection processes, a request for a reference was only generated when a completed application was received. In some cases, this put unnecessary pressure on referees to provide references, particularly when the process was unfamiliar to them. During that period, two dates were in existence for the application process: one date for applications to be received and a separate date, usually one week later, for references to be received. Arising from the Commission's review of processes in September, there is now one date which is the same date for both applications and references to be submitted. The submission of applications has continued to be through the online platform while references are furnished by email from a referee to the Commission. Candidates should be aware that

it is desirable to provide referees with as much time as possible to provide a comprehensive reference.

In the early selection processes, the Commission took account of the fact that these processes were the first under the aegis of the Commission, and involved steps with which applicants and referees were unfamiliar and accordingly, where necessary, adjusted time limits to ensure that all information necessary to permit an assessment of the applicant was received. That, however, is neither desirable, nor feasible on an ongoing basis, and the Commission will move to strictly enforce time limits and refuse to consider any applications which are incomplete as of the advertised closing date. Candidates are encouraged therefore to complete their applications as early as possible, and to liaise with their referees. Forms are available on www.judicialappointments.ie which allow for familiarisation of applicants and referees with the process in advance of any vacancy being advertised.

c. Interview process

Each of the interview boards seeks to customise their approach to the interview, as is appropriate to the Court for which positions are being filled. Questions posed to candidates therefore vary between different selection processes e.g. questions to District Court candidates differ from those posed to High Court candidates. The interviews were conducted in conjunction with candidates' application forms and references as an integrated whole. The panel members posed supplementary questions on matters in the applications which were found to be of assistance, and in some cases, revealing.

Some of the general reflections from interview panels in relation to their experience to date include:

- Candidates who performed best in interview were able to answer questions in a way that integrated well with their responses on

their application forms, displaying clarity of thought. Candidates who did well addressed the questions posed to them directly and precisely.

- It was observed that it would have been helpful for candidates to have their own completed application forms to hand during their interviews.
- Better interviews addressed the various essential and desired knowledge, skills and attributes and were able to offer information and relevant examples

VI Future Selection Processes

The Commission proposes to issue a short report on the conclusion of each future selection process. Further, the Commission hopes to facilitate referees by maintaining a bank of references, where appropriate and feasible.

