

**Transcript of interview on RTE Radio 1
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Rachael English: And now, reform of how judges are selected. The Law Society, which represents solicitors, says it broadly welcomes the government's plans and that it has long called for a reduction in political influence on the selection of judges. Ken Murphy, Director General of the Law Society, is here. Now, this is something that Shane Ross has been pushing, what is it that the government is proposing?

Ken Murphy: Well, we only have the scheme of the bill. The bill itself hasn't yet been published but naturally, there is consultation in relation to it and we made a 25 page submission to government last week. We think that the process by which we select judges is important because of the impact the decisions of judges have on peoples' lives, individually and collectively. We see the government's proposals as a fresh start and needed reforms. We are not particularly proposing supporting the government or any group here or any political view. The Law Society has done its own thinking, done its own research, and has presented its own ideas as to what should occur. But we think a lot of what is in the government's scheme of bill makes sense.

Rachael English: Now you say the whole point of this process is to get a different type of judiciary. What is wrong with the men and women who are doing the job at the moment?

Ken Murphy: Well, nothing is wrong with them. We actually have a wonderful judiciary in this country. The question is could it be made better and we think it could. In some respects, even the Chief Justice, on behalf of the judiciary in a submission made in 2014 said that the relative success, this is the exact phrase they used, "the relative success of the administration of justice here in Ireland has been achieved in spite of rather than because of the appointment system." We would like to see the success of the administration of justice being achieved through, rather than in spite of, the appointment system.

Rachael English: So, as you understand it then, and as you say, the bill hasn't yet been published. As you understand it, what is the government proposing? What is likely to happen in the future, if this bill is passed?

Ken Murphy: The government is proposing that there will be a new Commission, a Judicial Appointments Commission, with a lay majority, that is to say a non-solicitor, non-barrister, non-judicial majority of members and a non-lay Chair. We think these proposals make sense and will help a move towards a more diverse judiciary. We think also because the role of government is being reduced in this – in future with a view to – and entirely welcome – the need to address the concern that party political allegiance has been a factor in judicial appointments, which is wholly wrong. The government will, in future, it is proposed, have only three names sent per judicial appointment. Rather than currently there could be 15 or 20 for a High Court position, there could be 50 or 70 for the District Court, but only three names in future going to government. That is entirely welcome.

Rachael English: And it would be whittled down by the Commission and the government would have the last say?

Ken Murphy: That is right. So, the Commission would have a great deal of work to do. It would be much more professional and a great deal more effort required of it than the Judicial Appointments Advisory Board is at present. But there is then a rebalancing issue because the role of the people's representatives, the government, the elected representatives of the people, will be reduced. We think that should be rebalanced within the Judicial Appointments Commission by having a greater involvement of non-lawyer people or representatives. People chosen from a broad range in Irish society, people with appropriate skill sets.

Rachael English: But might they necessarily know anything about what makes a good judge?

Ken Murphy: Well, they will know how to engage in recruitment processes and we are looking in particular for people who have skill-sets derived from professional recruitment experience, board management, governance experience, experience of identifying and engaging highly skilled professionals. But there are also people who would have a background, people of high calibre and ability. This is what happens in other neighbouring jurisdictions. England, Wales, Scotland, Northern Ireland – this is the modern way of being involved in the selection of judges.

Rachael English: You are in favour of this, of what the government is proposing broadly. The Bar Council don't seem so keen. So, is this really about more solicitors becoming judges?

Ken Murphy: We would say unapologetically that since 2002, since solicitors have been eligible for appointment to what is known as the Superior Courts - the High Court, now the Court of Appeal, also the Supreme Court. There have been 90 appointments in that period since 2002 to last year. Only eight have been solicitors. So the branch of the legal profession therefore that has approximately 80% of the legal practitioners in this state has produced just 8% of the senior judicial appointments.

Rachael English: So, you are unapologetically saying then more solicitors please?

Ken Murphy: Yes but not on some 'division of the spoils' issue between two branches of the profession squabbling – not that at all. It is because the skill-set and the experience that solicitors would bring, the diversity of the judiciary that would come from far more solicitors' appointments, would benefit the public interest. We are quite certain of that.

Rachael English: Ken Murphy, Director General of the Law Society. Thank you for joining us this morning.