

11th International Anti-Corruption Conference: Workshop 2.4

Presentation Abstract

1. Panelist Name: Sandra E. Oxner	2. Workshop Title: Judicial Integrity
3. Title of case-study or paper: Institutional Mechanisms to Support Judicial Integrity	

Paper Goal: To identify mechanisms to support judicial integrity such as the judicial selection, promotion and discipline processes; to identify international best practices that buffer the judiciary from improper influences from the legislature, the executive, the judiciary, the rich and the powerful, the bar, the media and the public and provide an environment that best nurtures impartial decision making. Various practices of different legal families will be surveyed to identify mechanisms and processes that best promote and protect judicial integrity.

Teaching Tools: The issue of the difficulty of defining judicial corruption in certain instances will be explored through the use of interactive hypothetical fact situations. PowerPoint slides will support a presentation on best international practices in judicial selection, promotion, case flow management and discipline to achieve a judicial decision making process of integrity. A case study of the Philippine judicial discipline process will be used to illustrate the need for an accessible, transparent, efficient and fair judicial discipline process applicable to all court levels that deals with all judicial misconduct - including that of less than impeachable misconduct.

SUMMARY:

Predators of judicial integrity – the executive, the legislature, the judiciary, the rich and powerful, the bar, the media and the community will be identified and examined. Defects in appointment, promotion, discipline and case flow processes that provide opportunities for corrupt influences will be identified. Best practice processes in these areas will be put forward.

The appointment and promotion processes will be analyzed from the perspective of articulated criteria and methodology to expose openings for corrupt practices. Case flow management will be examined to expose procedures that make the system vulnerable to corruption. Judicial discipline systems will be examined to expose such weaknesses as poor access to initiate judicial complaints, lack of proper and timely investigation and prosecution of judicial complaints and use of inadequate sanctions. The best practice judicial discipline process put forward will include:

1. Annotated and regularly updated codes of ethics and conduct for judges and judicial support staff supported by ethical advice committees.
 2. Sanctions for violations of the code of ethics and conduct standards for judicial misbehavior less than impeachable misbehavior
 3. Wide dissemination of standards of required judicial conduct and the disciplinary process so the public will know what they can demand of their judiciary and know how to initiate complaints to initiate the discipline process.
 4. A judicial disciplinary process within the judiciary but including members of the public to ensure the perception and reality of transparency and fairness.
 5. Regular and transparent statistical and functional analyses of the complaint and disciplinary process coupled with annual surveys or focus group discussions on the impact of judicial discipline process reforms on public confidence in the integrity of the judiciary.
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