

Proposed Research Outline

Mechanism for Handling Complaints Against Judges in Overseas Places

1. Scope

1.1 The Legislative Council (LegCo) Panel on Administration of Justice and Legal Services at its meeting on 28 January 2002 requested the Research and Library Services Division (RLSD) to conduct a research on the systems for handling complaints against judges in other countries. The Panel agreed that the research should cover the countries as in the earlier research report on "The Process of Appointment of Judges" prepared by RLSD, i.e. Canada, the United Kingdom (UK) and the United States (US).

2. Proposed Outline

2.1 A brief discussion of the roles of the Judicial, Legislative and Executive Branches in handling complaints against judges.

2.2 A detailed discussion of complaint handling procedures in the Judicial Branch, including:

- Complaint filing procedures;
- Initial screening process;
- Investigation;
- Formal proceedings in handling complaints;
- Remedial actions;
- Disciplinary actions;
- Evaluation of complaint mechanism (effectiveness and independence); and
- Appeal procedures.

2.3. Analysis

- A comparison of the various attributes of the mechanism among the overseas places to be studied.

2.4. Reference for Hong Kong

3. Proposed Overseas Places to be Studied

3.1. RLSD proposes to study the mechanism for handling complaints against judges in the following places:

1. Canada;
2. UK;
3. US; and
4. The State of New York in the US.

3.2. While we will study the mechanism for handling complaints against judges at all levels in the UK, in both the US and Canada, only the mechanism at the Federal Level will be studied. The State of New York in the US is selected because it has different appointment processes for the county and state levels. It will be interesting to study the mechanism for handling complaints against judges under different systems.

4. Proposed Completion Date

4.1. RLSD proposes to complete the research by June 2002.