



## ***Book Review: Judicial Governance in Europe; Edições Almedina, 2015*** **By Markus Zimmer, IJCA Executive Editor**

**José Mouraz Lopes, Gualtiero Michelini and António Cluny, Editors. Coimbra, Portugal: Edições Almedina, 2015.  
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In June 1985, a group of European judges and prosecutors jointly created the MEDEL Association. MEDEL is an acronym for Magistrats européens pour la démocratie et les libertés (European Judges for Democracy and Liberties). MEDEL functions as a Europe-wide professional trade association that represents the interests of its member groups, currently 20 groups in 13 countries ranging from Germany, France and Italy to Romania and Serbia to Turkey\* and Cyprus. MEDEL's members function as advocacy groups or modern-day guilds, representing the interests of their judicial and prosecutorial members. They are not official agencies or bureaus of the judicial systems by whom their member judges and prosecutors are employed. Left unstated is what proportion of the active judges and prosecutors in each of the 13 countries belong to the associations. The richness of the European Union's 28 diverse member states features a variety of judicial and/or prosecutorial trade groups; some states have more than one. For example, Serbia has a judges' association and a prosecutors' association. To that extent, MEDEL, represents fewer than half of the total number.

This book, available in e-book format, summarizes the content of a 2014 survey MEDEL conducted among its member associations. The survey targeted judicial independence from the institutional perspective, focusing primarily on the supreme governance structure of the judicial power and the comparative independence of that structure from the other powers of government such as the executive and legislative. The volume begins with brief introductions by MEDEL's current and immediate past presidents and by the current president of the Associação Sindical dos Juizes Portugueses.

The survey form is not included, although each country response includes all of the questions in numerical order. To what extent, if any, experienced professional researchers were utilized to design the survey instrument or interpret and process the results is not discussed. Moreover, the text does not mention the methodology utilized in administering the survey and identifying the actual responders. The reader learns only that 14 of MEDEL's 20 members responded; for Serbia, the text includes separate responses for the judges and prosecutors associations. The textual responses vary in length from ten to over 30 pages, questions included. Extracting comparative data as to how the responses differ is time-consuming because the book includes neither tables nor spreadsheets of summary responses, thus diminishing its potential usefulness as a reference tool. All of the responses except that of the French association are in English. Finally, the book contains no index. Unaddressed is why nearly one-third of MEDEL's members did not respond.

These various shortcomings notwithstanding, the book is useful as a compilation of relatively detailed information on the primary judicial power governance organ – alternatively referred to as supreme judicial council, high judicial council, judicial council, magistracy higher council, etc. – for the eleven European countries and Turkey. The 12<sup>th</sup> country, the Czech Republic, has no council or equivalent, and it's unclear why it was included in the responses. The information solicited includes descriptions for each country of council structure; council member appointing authorities; council member elections, functions and responsibilities; allocation of membership slots by profession (judge, prosecutor, lawyer, professor, civil society representative, legislator, minister, etc.); HR-related powers the council exercises over individual judges and prosecutors – and the relevant procedures -- such as recruitment, selection, performance assessment, salary administration, promotions, transfers, disciplinary proceedings, administrative appeals procedures, initial and continuing training; and the extent to which council functions are formally enshrined in a public law.

Although most of the survey questions request factual and descriptive information, some request judgment calls such as listing positive/negative aspects and strengths/weaknesses of the effectiveness of particular council functions; why and to what extent judges and prosecutors pursue or avoid council membership. Several survey items follow such questions with requests for suggestions.

\*Turkey is not an official member of the European Union.

