WHAT MAKES A GOOD JUDGE

JUDICIAL ETHICS AND PROFESSIONAL CONDUCT

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1. INTRODUCTION

For us, trainee judges, Judicial Ethics primarily means the qualities of a good judge. It is not evident, however, what these qualities are. Although several sources are available with information on the subject, we did not acquire practical knowledge at law school with this regard, nor our judicial trainee experience so far has shown us a clear and comprehensive picture on what makes a good judge. Therefore from the wider field of Judicial Ethics we have decided to explore in this paper the virtues and values that judges must possess in order to prosper in their judicial functions.

A combination of theoretical and empirical research permitted a comprehensive analysis of the issue. Two main sources of the research material were scientific literature available in libraries and on the Internet, and surveys on the opinions of judges and future judges.

As a result of the research, we can provide an overview of the origins and evolution of judicial virtues, and their different understandings in current legal cultures. We also highlight recent roles and duties of judges in Europe, and explore opinions of legal scholars and of the judicial profession on what makes a good judge. Summing up all relevant views on the subject, we can identify the most essential judicial virtues. We also cover the question of how these qualities and skills can be developed. Our conclusion is that core judicial virtues can be clearly defined and fully matured.

The findings of this paper may contribute to the development of the image of judges in Europe and would serve as a reference point for trainee judges to become a good judge.
2. DIFFERENT IDEAS ON THE QUALITIES OF A GOOD JUDGE

In order to be able to identify the core qualities of an exemplary judge, it is necessary to have a comprehensive overview of how ideals on judicial virtues evolved in history. It is also crucial to be aware of recent roles and duties of judges in Europe, and the various expectations towards them. Opinions of legal scholars and judges are also relevant on the subject. On the basis of an extensive review of related ideals and opinions, one can conclude the most essential values a judge must possess in our legal systems.

2.1. Ideal Judges in the Past - The History of Judicial Virtues

The image of a good judge in the past eras appeared in various ways, from the Antiquity through the Middle Ages to our times.

The ideal of a good judge originates from the ancient goddesses of justice, who were personification of the moral force in judicial systems. The Egyptian goddess Maat, the Greek goddess Themis or the Roman goddess Justitia (Lady Justice) symbolised perfect justice, which was expected to be pursued by human judges as well. These goddesses embodied divine order, truth, and the rightness of law. Their female character was due to the high rank of women in ancient Egyptian society, which influenced the more restrictive Greek and Roman conventions. All of them were depicted with a set of objects which symbolised justice. Maat held in their hands symbols of power and eternal life. Themis and Justitia were showed with sword and a set of scales as symbols of authority and weighing truth. Depictions of Lady Justice wearing a blindfold are modern, not classical. The concept of blind Justice appeared in the 16th century and it represented impartiality, the ideal that justice should be applied without regard to wealth, power or other status. In some modern depictions blindfold is shifted to show that judges must be alert and aware.1

In ancient times holders of judicial office (kings, priest-judges, etc.) described themselves as the lord of the goddess of justice, decreeing with their mouth the divine they conceived in their heart. The goddess they referred to was the spirit in which justice was applied rather than

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the detailed legalistic exposition of rules. In complicated cases even oracles were appealed to. Very practical advice and highly case-based resolutions derived from this spirit, for which a great deal of respect was accorded to ancient judges by ordinary people. However, these judges lacked juristic training, and judicial power was not separated from the legislature and the executive.²

In ancient Egypt justice was administered by families. Bribery or flattery might sway the judge, often making difficult to get justice.³ Against this background, Greek philosophers strived to define the ideal judge as someone absent from vices. Aristotle emphasised the virtues of ‘corrective justice’ to equalise unjust gain or loss, ‘practical wisdom’ of a good and mature person, and ‘selfless genuine concern’ for the good of the others.⁴ Socrates contended that a judge must do four things: “listen courteously, answer wisely, consider soberly and decide impartially”.⁵ The law courts in Athens were composed of jurors who were randomly chosen from all classes. Their decision was not based on law but on philosophical values, through which they aimed at providing compensation for unjust loss. In ancient Rome, however, judgments were already based on codified law. The judex (judge) was a reputable person in the local community, and his task was ‘to establish peace under the rule of law’. He lacked judicial training but was surrounded by professional legal advisors. The authority of the ideal judex was marked by self-control and rationality. The judex acted fairly, and avoided either anger or cruel and threatening behaviour. His role was primarily passive, i.e. listening instead of taking part in the ‘struggle’.⁶ Roman judicial system provided the foundations for modern Western ideals of justice. However, after the fall of the Roman Empire, old tribal traditions revived, where wise old men pronounced judgments based on customs and the supposed will of gods.⁷

Christianity fundamentally altered from ancient concepts of justice. For the Christians, there was only one God, a male figure, who was judge of his world. The Bible emphasised God’s omniscience and wisdom as the searcher of hearts and finder of facts. He was not only judging, but also making the rules and executing the judgments. In the Middle Ages in Europe

⁵ The original source of this quotation is unknown, but it is widely used in judicial readings.
the concept of God as the ultimate judge was very strong. Kings embodied the power of God on Earth and acted as supreme judges, while knights, barons, dukes and other nobles also had courtrooms to offer judicial service. The court procedure was rather ritual and spiritual, involving obscure procedures like ordeal of fire, or decisive duel. However, there were also professional judges who were trained in Roman law and customs. For instance, by the end of the medieval times independent professional judges with real legal knowledge were appointed in England. These ‘good and lawful men’ slowly became kept almost entirely away from politics and steadily gained popularity. In the meantime, all judges, even professional ones were required to possess seven moral qualities: ‘wisdom, humility, fear of God, hatred of money, love of truth, amiability, and a good reputation’. 

The Modern Period in Western European History fortified professionalism of judges and independence of the judiciary. This was partly based on Montesquieu’s concept of the ‘separation of powers’, i.e. judicial power independent from the executive and the legislature. Judiciary became fully separated from both God (the Church), the king, and all other external powers. A new judicial image emerged, the image of the judge who was “learned in the law, professional, and skilled in the reconciliation of potentially conflicting rules”. The emphasis was on professional jurisdiction. As a tendency, both in Germany, France, Spain, and Austria, we can see, that the imperium of the king or the emperor was still relevant and existing, but different judicial values and skills became more important than power, such as being well-trained, having professional experience, moral stability and knowledge on certain topics. By the end of the 19th century, judges were mostly selected merely on the basis of their abilities and their lexical knowledge. The professionalism and independence of judiciary were only shaken in times of war and crisis. For instance, in Hitler's Nazi German regime judges were afraid to challenge authority. They only saw the text of law instead of seeking justice.

For long time in Hungarian history, as anywhere in Europe, practising judicial profession was the privilege of the nobility. Reverential respect was accorded to judges. After the Second World War, however, the prestige of lawyers collapsed and members of the less educated and refined worker-peasant social class filled up judicial posts. Judges were regarded as 'social

parasites' whose job was merely clerical, i.e. writing down what others (politicians) had already thought out. The virtues of judicial independence and creativity were not favoured. The more reliable a judge was politically, the more accepted he was in the eyes of the communist governments. Fortunately, however, after the change of regime in 1989, Hungarian judiciary became independent and judicial profession regained its old power and prestige. Law courts were again charged with complex legal interpretation and law enforcement tasks. Activeness of judges and their socio-political esteem sharply increased. Judicial profession has become chosen again by real intellectuals who are capable of reconciling various policy interests, legal concepts and social needs. Today, more and more committed and talented jurists become judges in Hungary and Europe, and serious efforts are being made at the law courts to fulfil properly the supreme function of the judiciary.\(^\text{13}\)

**2.2. Contemporary Ideals on Judicial Virtues in Different Legal Cultures**

We can see differences between judges' image in Western legal cultures and those of the rest of the world. Crisis prone countries (e.g. African cultures, countries in the Middle East) are still much underdeveloped compared to modern common law and civil law systems. They retained traditional concepts of law refusing the division of law and religion. In many traditional cultures, the judge remained a representative of God.

In the Middle East, under the hegemony of *Islam Sharia Law*, it is the *quadi*, who renders decisions according to the Sharia, the canon law of Islam. Quadis are required to be free sane mature Muslims and learned scholars. Their performance must be totally congruent with Sharia without using their own interpretation.\(^\text{14}\) Each quadi is the source of the ultimate divine justice, thus, there is no appeal against their judgements\(^\text{15}\). Even if Sharia allows both men and women to be quadis, women have just recently been appointed to this role, for the first time in Islamic history.\(^\text{16}\) Even though, many Muslim scholars still consider that women are too emotional to make legal decisions and incapable of solving difficult situations.\(^\text{17}\)

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13 Szendi A., “*A bírói szervezet és a bírói pálya a történelmi, társadalmi átalakulások folyamatában*” (The judiciary and the judicial profession in the process of historical and social transformations), (University of Pécs, 2012).
In African cultures, where judiciary is not centrally organised, judicial systems are still guided by unwritten customary laws, traditions, and practices that are learned primarily by example and through the oral teachings of tribal elders\textsuperscript{18}. Tribes have personal jurisdiction over their members, and it is the tribal chief who is responsible for enforcing the law and condemning the wrong. The chief is elected by the male members of the tribe; elder age, physical force and hunting skills of the candidate are preferable. Once the new chief is elected, he takes the power of gods and decides in their name.

In several parts of the world, romani (gypsy) legal traditions are also relevant. The kris (court) is responsible for jurisdiction. Arguments are often presented in a special oratory that resembles a legal jargon\textsuperscript{19}. The kris assemblies are presided over by a small number of judges who possess no formal qualifications, but are invited by the parties, some leaning to the plaintiff while others to the defendant, with an impartial president. These judges do not deliver judgment as such, but rather preside until the assembly reaches consensus, with all the adult men present being able to speak and be heard\textsuperscript{20}.

In our modern Western societies, common law and civil law traditions can be distinguished. In common law countries judges are selected from the ranks of legal practitioners\textsuperscript{21}. It is held that judges are “the pillars of our entire justice system”\textsuperscript{22}. Judges must work as attorneys before reaching judgeship, and prosecutorial experience is also highly recommended for an aspirant to become a judge\textsuperscript{23}. In these systems, becoming a judge is considered to be the peak of a legal career. Becoming a judge is about ‘playing the long game’, but in the meantime a judge-candidate should build up their practice as a lawyer, working on advocacy skills and perhaps developing a specialism\textsuperscript{24}. In the adversarial system of common law countries, judges are passive moderators between presentations made by rival advocates\textsuperscript{25}. The later are

\textsuperscript{20} Ibid., 95-100.
\textsuperscript{24} “Becoming a Judge”, http://www.chambersstudent.co.uk, (8 May 2017).
regarded as ‘combatants’, while the judge acts as an ‘umpire’ (arbitrator). The portrait of the common law judge abounds on television, in movies and fiction. The fictional image of judge is mostly sympathetic, sometimes heroic to the point of martyrdom, and sometimes callous to the point of indecency. It is the individual judge’s inherent qualities that lead to the ‘just’ or ‘moral’ resolution of issues, whether through the legal system or by extra-legal means. Rather than offering an image of collective effort and a system working in harmony, the individual genius/hero continues to be celebrated at the centre of the Anglo-American traditions.

Contrary to the common law systems, where judges tend to work in different fields of law before entering the judicial profession, law graduates in the civil law systems of continental Europe can directly become judges after a couple of years spent in the judiciary as trainee and junior judges. In the ‘inquisitorial’ procedure of the civil law systems, the role of the judges is active as they ‘take the lead’ of the proceedings, guarantee the rights of the parties, gather evidence, assess credibility, and continue the proceeding until a well-established decision can be rendered. In civil proceedings continental law judges have an active case management role to provide fair decision in a reasonable time.

Despite the above differences, common law and civil (continental) law systems are mutually influenced by each other. Due to the mutual influence and the common standards elaborated by the European Court of Justice and European Court of Human Rights, we can see a convergence of the two legal cultures.

2.3. Recent Roles and Duties of Judges in Europe

With the expansion of the European Union and the internationalization of law, judges in Europe face new challenges. Having in-depth and wide range knowledge of national law is

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26 Hutchinson A.C., “It’s All in the Game, a Non-foundationalist Account of Law and Adjudication”, (Duke University Press, 2000), 288.
30 Kőblös A., “Polgári eljárási jog itt és ott” (Civil Procedure Here and There), (Kontroll 2005/1), 6-31.
not sufficient. Judges must also be familiar with European and international law including the practice of the European Court of Justice and the European Court of Human Rights. They need to reconcile conflicts of various (national, supranational and international) legal orders.

It is also for the judiciary to contribute to the alleviation of human suffering in society. Enormous challenges are posed to the maintenance and promotion of rule of law in a world of intertwined legal systems, especially in our times of multifaceted (eco-social, migration, political, etc.) crisis. Sometimes judges need to find just and fair solutions for humanitarian, social or economic problems where applicable legal rules do not provide clear-cut answer to the situation.\(^{32}\) In turbulent times judges must make order out of chaos, and defend, endorse or even redefine social values.

Judges also play an educative role in society as they represent high moral and ethical standards and they lead citizens by example. Judiciary must also actively participate in spreading of legal knowledge.\(^{33}\) Not only serve European judges as a model in our continent but also for other legal systems worldwide.

### 2.4. Expectations towards European Judges

As a result of globalization and the increasing internationalisation of law, there are high expectations of how national judges should perform their task as decentralised European judges. Judges in this complex legal and social environment need to develop new skills to be able to answer difficult challenges and maintain prosperity within Europe. European judges are expected to speak languages and participate in international judicial dialogue by sharing best practices. They must possess sound knowledge of supranational and international law, especially the law of the EU and the European Convention on Human Rights. They must foster cosmopolitan spirit and guarantee international human rights. European documents define judicial virtues for international judges and for judges in the participating countries.\(^{34}\)

\(^{32}\) E.g. accelerated criminal proceedings against illegal migrants during refugee crisis, or mass litigations on foreign currency loans in Hungary.

\(^{33}\) One example is the ‘Open courts’ programme in Hungary where senior, junior and trainee judges hold lectures and offer moot court exercise for high school students.

\(^{34}\) E.g. Title VI of the Charter of Fundamental Rights of the European Union; Article 6 of the European Convention on Human Rights; ECtHR Resolution on Judicial Ethics.
National law and politics also formulate expectations towards judges. Some of these expectations are prescribed by law, while others are expressed by politicians in public speeches or through media. According to moderate voices, judges should provide fast, precise and fair justice in a high professional level, being these requirements of equal importance. Less moderate opinions are also expressed by politicians, some of them demanding severe sanctions in some (mostly criminal) cases. Occasionally when a judgement does not meet their expectations they express harsh criticism against the judiciary. They often call judgments ‘outrageous’ or something which ‘do not meet the expectations of society’ or do not consider properly the will of the legislature. Such criticisms are usually rejected by judicial leaders saying that the courts must not be influenced by these kinds of external opinions or pressure and the judge is the only person who knows all legal and factual aspects of the case.

Society expects judges to make decisions in a fair and impartial way on the basis of the rule of law. Clear and direct communication, logical reasoning is required from the part of the public. Companies expect stable and predictable legal environment with uniform court decisions that does not hamper economic growth. These expectations mostly correspond to legal obligations defined by the Constitution and other legal norms.

In addition, judges themselves have inner expectations to live up to all the above requirements and meet their own quality and moral standards. Devoted judges make continuous efforts to improve their skills and knowledge in order to do their job properly and to reach inner satisfaction.

35 Hungarian Act No. CLXII of 2011 on the Legal Status and Remuneration of Judges requires that candidates for judicial positions have to sit a professional aptitude test that is a general, neuro-psychiatric, and psychological examination. The Act lists 20 skills and competences (such as decision making ability, integrity, independence, objectivity, etc.) that are assessed when selecting and evaluating judges.

36 Speech of L. Trócsányi, Minister of Justice, on 15 July 2014 on the National Day of Judiciary.


2.5. Legal Science Opinions on Judicial Virtues

Legal science has worked out different concepts of preferable judicial skills possessed by judges. It is indispensable to review these opinions since judges are influenced by science, and theory can improve judicial practise.

There are scientific debates which focus on the conflict between justice and legality. *Natural law theory* holds that a good judge must find legal arguments for the morally right decision, and legal norms shall be interpreted in line with moral expectations of society.\(^{43}\) In contrast, *legal positivism* prefers legality be superior to fairness and only literal interpretation is acceptable.\(^{44}\)

According to the legal theory of *exemplarism*, judicial virtues include moral, intellectual and other qualities. Honesty, magnanimity, courage, and prudence are among the moral virtues that a good judge is expected to possess. Relevant intellectual virtues comprise open-mindedness, perseverance, intellectual autonomy, intellectual humility and practical wisdom. Other important judicial virtue is fidelity of law (or judicial integrity). A good balance of these characteristics makes pragmatically good, admirable and charismatic judges.\(^{45}\)

The theory of *civic friend* contends that a proper judge must have and emphatic attitude towards the good that is at stake for the citizens. Mutual well-wishing, trust and genuine concern for one another is needed between all persons involved. The judge must seek to grasp and serve the good of the parties in the best possible way. In this case even the ‘losing’ citizen should accept the decision rendered by the judge.\(^{46}\)

The theory of the *six-pack judicial virtues* holds that judicial perception, courage, temperance, impartiality and independency are the traits indispensable for realizing moral quality in adjudication. ‘Judicial perception’ means situation sense, i.e. perceptual sensitivity to be able to adequately grasp and respond to the particulars of any given case, a vivid understanding of

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\(^{44}\) Blutman L., “Bírói jogalkalmazás és szöveghű értelmezés” (Judicial Application of Law and Literal Interpretation), (Jogesetek Magyarázata, Vol. 4, 2016), 94-104.
the issues to be confronted with. ‘Judicial courage’ is inner strength that enables judges to confront and overcome threats, fears, and pressures and to keep doing their virtuous duty even if it entails repercussions, criticism, unpopularity, or loneliness. ‘Judicial temperance’ is a capacity of self-restraint and self-abstention in order not to be influenced by personal urges, needs, desires and feelings. The virtue of ‘judicial justice’ indicates that a judge is disposed to secure the values of morality as they are worked out in settled law and background values. ‘Impartiality’ means distancing oneself from their attachments in daily life when addressing a case. An impartial judge is disposed to recognise and ignore considerations stemming from possible interests, biases, passions, and subjective commitments. This of course is not tantamount to relinquish personal experiences, commitments, and concerns or to give up personality. ‘Independency’ is closely linked to judicial courage and implies that a judge is not influenced by external factors and pressures. This virtue is particularly called for in cases in which public opinion is rather strong or powerful parties are involved. The above six judicial virtues are mutually supportive. If a judge lacks one of these virtues, all of them are in peril.47

2.6. Judicial Profession's Opinion on What Makes a Good Judge

After having reviewed the most relevant legal theories on judicial virtues, it is also important to know what the judicial profession itself thinks about the virtues of a good judge. Opinions of judicial candidates, trainee judges and experienced judges have been surveyed in this respect.

In Hungary, law school graduates applying for judicial trainee positions go through a competitive entrance examination, a part of which is writing an essay on a given topic. In 2016 one of the topics was ‘What makes a good judge’. Many candidates chose this topic, and they wrote approximately 130 pages on this issue. Although they had not worked before within the judiciary, they had firm opinions on judicial virtues. They mostly emphasized similar values that we could see in our historical and scientific review. The most frequent and prevalent virtue mentioned by the candidates was ‘unbiased’, followed by ‘independent’ and ‘emphatic’. Some other skills were also acknowledged, such as ‘objective’, having ‘sound

professional knowledge’, ‘honourable’, ‘vocational, good communicator’, ‘precise’.  

As a part of the research we also asked trainee judges to make a list of the top five features that a ‘good judge’ should possess. They mentioned altogether 30 different values, mostly similar to ones that were also highlighted by judicial candidates. Among trainee judges the top three virtues were, however, ‘emphatic, objective and precise’, followed by ‘well-prepared’ and ‘resolved, self-confident’.  

While trainee judges slowly find their own ways in judicial career, we can see that the basics of values do not change. This has been confirmed by a separate survey on the characteristics of a ‘good judge’ among more experienced and higher court judges in Hungary. Interviews were made with prominent judges who set in civil and criminal cases with media focus. They unanimously said that the most fundamental judicial virtue was ‘in-depth and wide-scaled professional knowledge’ either in procedural or in substantive law, and ‘personal skills’ were also indispensable. Most of them emphasised that judges had to be ‘diligent and persistent’, while a judicial character should also include ‘empathy, patience, tolerance, impartiality, integrity, and decisiveness’. Some mentioned that a good judge ‘must passionately seek for the truth’.  

3. CONCLUSIONS - WHAT MAKES A GOOD JUDGE AND HOW TO DEVELOP JUDICIAL VIRTUES  

Drawing conclusions from our historical, geographical and scientific overview and the empirical research on the opinions held by the judicial profession, we are ready to summarize our findings. We have hold that ethics means good, and ethical principles make the good judge. Ethical principles are not entirely constant but influenced by time and place. Their meaning may change, but never their essentials. Judicial ethics are the basic principles of the

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48 We collected all data and made a nominal scale from the mentioned features and skills, and checked their frequency. 141 skills were mentioned at least once, 73 skills were mentioned at least twice and 14 skills were mentioned more than 10 times. The analysis of the papers showed us also the range of the different features. The most popular skill was ‘unbiased’, which was mentioned 33 times, the second, ‘independent’ was mentioned 24 times, while ‘emphatic’ was mentioned 23 times.  

49 18 trainee judges were involved in the survey. We used the same methodology of analysing the data in this smaller group as above. We concluded that the top feature was ‘emphatic’, which was mentioned 8 times such as ‘objective’. On the second place ‘precise’ was mentioned 7 times, while ‘well-prepared’ and ‘resolved, self-confident’ on the third place were mentioned 6 times. 

50 Sándor Zs., “Bírák könyve” (The Book of Judges), (HVG-Orac, 2006), 146.
right action of a judge. “The greatest strength of the judiciary is the faith of the people in it. Faith, confidence and acceptability cannot be commanded, they have to be earned. And that can be done only by developing the inner strength of morality and ethics”. 51 Judicial virtues must therefore be identified, developed and practised.

3.1. Identifying Primary Judicial Virtues

With the knowledge gained from all the examined sources, we classify and prioritize judicial virtues on the basis of our research and our personal opinion and preferences.

We hold that there is no judicial virtue that cannot be at least improved. There are qualities which can be learnt, and others that may be meliorated. For this reason, we have categorized judicial virtues as ‘knowledge and skills to be learnt’, and ‘skills that can be improved’. We have also identified high ‘values’ which are embodied by judges who possess the recognised judicial virtues and work according to them.

3.1.1. Knowledge and skills to be learnt

This category includes abilities that, in our opinion, are possible and necessary to learn in order to attain the ideal of a good judge. These are legal and social knowledge, oral and written communication skills, precision, time management skills, and suitability to workload.

Legal and social knowledge

Comprehensive in-depth legal knowledge is essential for being a good judge. We put it at the first place because professional knowledge was considered by senior judges as the most fundamental judicial virtue. At the same time, we can agree that a judge must not be in an ivory tower but must be aware of everyday problems and issues in society. Understanding of social phenomena and concepts such as discrimination or fraud is indispensable.

Oral and written communication skills

Exquisite communication skills are important both with clients and colleagues. Towards clients judicial communication must be simple and logic. Judges must express themselves clearly, concisely, and in a grammatically correct way, whether orally or in writing. Good

communication skills also include the ability to listen. Appropriate communication with colleagues fosters the flow of information within the judiciary, and contributes to judicial dialogue, i.e. sharing best practices among judges. Based on our research of the expectations towards European judges, we have recognised that communication skills also extend to speaking languages.

**Precision**
The skill of precision means that a good judge is exact, accurate and careful, applies legal terminology precisely and reasonably with punctual, straightforward and not superficial reasoning. A good judge establishes accurately the facts of the case, and makes sufficient preparation for deliberations, trials and hearings. Judicial candidates and trainees agreed that precision is a principal skill a judge must possess.

**Time management skills**
Time management skills are important for a judge both in work and lifestyle. During the court proceeding (closely related to the reasonable time requirement) adequate planning, effective case management, and the ability of meeting deadlines (and force parties to meet them) are required. A good judge detects and prevents dilatory conducts of the parties. Time management skills also include the ability of setting priorities among different tasks. Good judges are able to ‘keep their head above water’ and to cope with multiple difficulties. Work-life balance and harmonious private life help to perform well in judicial work.

**Suitability to workload**
Suitability to workload (or endurance) is closely linked to time management skills since judges need to deal with a great number of cases at a high professional level. Managing a huge caseload at the same time requires multitasking skills. In order to meet these expectations, a judge must be in good physical and mental health.

3.1.2. Skills that can be improved

There are judicial skills and features which are primarily born with, but nevertheless can be developed or improved. These qualities include charisma, moral stability, analytical and problem solving skills, decisiveness, empathy, creativity and courage.
**Charisma**
Judges must develop a strong and charismatic personality that gives them the prestige to persuade clients and the public that judicial decisions are right. Charisma is essential to lead and inspire parties by the force of personality instead of coercion or other means of authority. Judges must possess the virtues of passion, self-confidence and personal attractiveness to make powerful impression on others. The significance of charisma as a judicial virtue appeared in the Antiquity and has always retained its value. It can be found in less developed countries as well as in modern common law and civil law systems.

**Moral stability**
Moral stability means that judges, as tireless defenders of justice, must be morally consistent. They must be conducted by the principles of a ‘right leader’ who can differentiate between right and wrong. Moral stability also includes the capacity of self-restraint and self-abstention that protects from excesses that may occur in response to personal urges, needs, and desires. Retaining moral stability is one of the greatest challenges for a judge who daily faces heated quarrels and complicated moral issues. We can see that judges have always represented high moral standards. When they did not, those were dark periods of history.

**Analytical and problem solving skills**
Ideal judges are good at systems thinking, as they need to see legal issues, the whole legal system and the judiciary in their complexity. They are capable of integrating information of different types and from various sources, evaluating arguments and identifying relevant aspects of a case. Problem solving skills are necessary to be able to resolve conflicts or unexpected situations during the judicial proceeding. Judges need to use logic and arguments to identify the strengths and weaknesses of alternative solutions, conclusions, and approaches to problems.

**Decisiveness**
Decisiveness implies the ability of making decisions quickly and efficiently. Decision making involves choosing between alternative solutions to a problem. This can be a difficult exercise in cases when the judge becomes personally invested in how a decision would influence others. Nevertheless, a bad decision is better than no decision at all.
Empathy
Empathy is the ability of sharing and understanding someone else’s feelings. The sense of empathy is of utmost importance for judges. This virtue allows them to understand how their actions make others feel and react, and to consider other points of view in decision making. The image of ancient goddess of justice and the high rank of female characters in ancient cultures have shown that feminine features like empathy are among principal judicial values.

Creativity and courage
Creativity is needed for judges to find new legal solutions for problems that are not regulated properly and to be able to deal with eventual conflicts of norms. It involves examination of problems from a fresh perspective and developing innovative solutions. Creative thinking generates new ideas and re-evaluating or combining old ideas to solve a problem. It is a willingness to accept change and have a flexible outlook for new ideas and possibilities. Courage, on the other hand, means taking a risk for applying creative solutions that have never been applied before. It enables judges to confront and overcome threats, fears, and pressures that otherwise may bring them to not effectuate what they see as the right thing to do. Our scientific review has confirmed that judicial courage is a quality that enables judges to fulfil their duties.

3.1.3. Values

By developing, possessing and practising the above mentioned skills and virtues, judges embody the high values of judicial independence and impartiality, trustworthiness, and the value of being ethical.

Independence and impartiality
We have mentioned several aspects of being unbiased, which leads us to consider the value of being independent and impartial as one of the most essential judicial virtues. These are fundamental requirements of the fair-trial principle. Independence means that a judge has both the right and the duty to render decisions according to the law, free from fear of criticism or reprisals of any kind, even in difficult and sensitive cases. A judge should never be influenced by external factors and pressures when addressing a case. In the meantime judges should hold views about the law, including unsettled legal questions. Impartiality means that judicial
decisions must be based on objective criteria, rather than on the basis of bias, prejudice, or preferring the benefit to one person over another for improper reasons.

*Trustworthiness*

The value of trustworthiness means that judges must live up to the highest standards of conduct, both in court and out-of-court situations. Judges are entrusted with considerable power, which may have a significant effect on the lives of those who appear in court. Maintaining high standards is essential in order that community have confidence in its judiciary.

*Being ethical*

All the skills, virtues and values mentioned above altogether mean ‘being ethical’. Being ethical is one of the most important principles under which a judge must operate. It consists of standards and norms that bear on judges and covers such matters as how to maintain independence and impartiality, how to avoid impropriety, how to use and not abuse judicial power. These are basic principles of the right action, the general body of ethical rules.

### 3.2. How to Develop Judicial Virtues

Finally we need to address the issue of how judicial virtues can be developed and learnt. Training in practice is a key for the realisation of moral quality. Developing one’s professional character is demanding and time consuming. It progresses slowly and requires regular practice. For this process aspirant judges largely depend on virtue-friendly institutions and practices available in which the judicial virtues can be learnt and trained.

Becoming a virtuous judge boils down to a continuous process of self-improvement which starts long before one actually becomes a judge. ‘Background’ practices such as family and social life, primary and secondary education and socialisation are evidently important for the development of judicial virtues. They offer room for a critical stance to inherent biases and inequalities that figure in society.

Law school is another crucial institution for the development and training of judicial virtues. Universities should contribute to the character building of students. Legal studies ideally foster the formation of courage, independency and impartiality, i.e. by confronting students
with case studies and psychological knowledge, and allowing them to act virtuously.

Evidently a pivotal institution is the judiciary itself, including the special professional education and training it offers to judges and judicial trainees. Judiciary should be free from factors that impede the development of judicial virtues. Efficiency criteria, forcing judges to dedicate less time to a case than they deem fit, may contribute to developing vices rather than virtues. Judges only 'reviewing' draft sentences rather than being confronted with the 'facts' and having dealt with the difficulties of legally qualifying these facts will entail an enfeeblement of their imaginative powers. Elite status, surplus trust and deference attained by the occupational group of judges can also pose obstacle to develop true judicial virtues.

It follows that developing judicial virtues is a personal effort, but must be fostered and promoted by professional and social environment. Training, written guidance (e.g. handbooks), and reduction of workload are necessary. International forums like European Judicial Training Network (EJTN) may contribute to a genuine European area of justice by developing a curriculum of universal judicial values, providing training in this field, and organising exchange programmes with the aim of enhancing participants’ judicial qualities.

As a summary of all the above findings, let us close this paper by the inspiring words of Walt Whitman about justice and its pillars, as fundamentals of the judicial profession:

*Great is Justice!*

“Justice is not settled by legislators and laws — it is in the Soul;
It cannot be varied by statutes, any more than love, pride, the attraction of gravity, can;
It is immutable — it does not depend on majorities — majorities or what not,
come at last before the same passionless and exact tribunal.
For justice are the grand natural lawyers, and perfect judges — it is in their Souls;
It is well assorted — they have not studied for nothing — the great includes the less;
They rule on the highest grounds — they oversee all eras, states, and administrations.
The perfect judge fears nothing — he could go front to front before God;
Before the perfect judge all shall stand back — life and death shall stand back — heaven and hell shall stand back.”
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