

The duties of judges with regard to respect and listening ***Respect and listening - (Italy)***

Respect and the ability to listen to the parties in a court case, lawyers, administrative personnel and colleagues are qualities which society expects a judge to display in the discharge of duties.

I. Definition of the value:

Respect can be viewed as the deferential regard and consideration accorded to persons, principles and institutions. With regard to jurisdictional duties, respect may be thought of as the judge's aptitude to approach both the roles and dignity of persons involved in the court case with both consideration and regard.

Listening is seen as the aptitude to pay attention and give due consideration to others.

With regard to jurisdictional duties, listening should be viewed as the judge's aptitude to pay due consideration to the exposition of facts and technical reasoning put forward by the parties in a court case, the counsels for the defence and administrative personnel.

In the case of judges discharging managerial duties within judicial offices, listening should be viewed as the aptitude to react to the various organizational needs arising amongst judges, the administrative personnel of the legal profession and users in addition to the ability to ensure that such knowledge informs managerial decisions, thus guaranteeing that judicial duties are discharged in the best possible manner.

II. The importance of the value:

In defining the ethically correct, professional conduct of judges, *listening* and *respect* constitute two fundamental principles.

Indeed, the judge is called upon to interact with the public, lawyers, administrative personnel and colleagues in a manner which is dignified, proper and displays an awareness of public interest;

adopting a form of conduct which is receptive to and respectful of the legal status and dignity of users of the justice system;

organizing the discharge of duties in ways which give due consideration to and reconcile the various needs of all parties involved in proceedings, paying special attention and being particularly aware of the personal situations of users with regard to their age and state of health;

repelling all forms of pressure, suggestion or solicitation aimed specifically at unduly influencing the times or means of the administration of justice;

adopting a form of conduct which is receptive to and respectful of lawyers and all professional persons involved in the hearing;

listening to the representatives of parties involved in the court case with complete impartiality and observing all the appropriate formalities in order to avoid even the appearance of a preference to hear one party over another;

adopting a form of conduct which is respectful of administrative personnel, their autonomous sphere of duty and competence;

adopting relations with colleagues which are both proper and respectful of their autonomy and independence.

In order to ensure that trials are conducted in such a way as to guarantee full recognition of the roles and dignity of the parties concerned, lawyers and administrative personnel, it is of fundamental importance that jurisdictional duties be discharged in full respect of the code of ethics which safeguard the value of respect.

When duties are discharged in accordance with the value of listening the parties involved in the hearing are able to contribute fully to the outcome of justice achieved during the course of the court case.

III. Influence of the value:

The discharge of jurisdictional duty in compliance with the values of respect results in procedural activities which safeguard the role and dignity of the parties involved, be they private or public.

The discharge of jurisdictional duties in observance of the value of listening enables the hearing to be conducted in such a way as to give due consideration, in concrete form, to the application of justice and to provide a judicial response which conforms with the representation of facts as put forward by the parties, in keeping with the requests and objections of the counsels for the defence.

The discharge of jurisdictional duties in observance of the value of listening has a positive effect on the organization of a trial inasmuch as it induces the judge to pay heed to the needs and suggestions, both organizational and technical, of administrative personnel.

The ability of a judge to listen to colleagues' proposals encourages the development of personal characteristics which are collective or joint in nature.

IV . The impact of listening and respect on judges' private lives.

The value of *listening*, as defined here, can only be applied within a procedural context and, as such, judges are not held to comply with the duty of listening within the ambit of their private lives.

Whereas the value of *respect* is one to which judges can be held within the ambit of their private lives since it is an expression of the general duty which precludes the adoption of conduct which could be injurious to the prestige of the judiciary.