

International Family Justice Office:
International Judicial Communications

A number of cases have recently come to the attention of the International Family Justice Office in which judicial communication has taken place or been attempted between the trial judge and a judge (or court) in a foreign jurisdiction directly.

There are a number of reasons why we request that international judicial communications are, at least initially, directed through the IFJO. These include:

- (a) The Principles for Direct Judicial Communications, contained in the Guidance published by the Hague Conference on Private International Law, identify one of the roles of the Hague Network Judge as being “to receive and, where necessary, channel incoming judicial communications and initiate or facilitate outgoing communications”;
- (b) There is, in our experience, a firmly established expectation that at least the initial communication will take place through designated liaison judges (such as Hague Network Judges). The reasons for this include verification as to the source of the request and that the request is considered to be a legitimate one for international judicial communication by such a judge. Further, some jurisdictions do not look favourably on direct communications about a case from a judge involved in that case;
- (c) Directing such a communication through the IFJO ensures that the request will be received by a judge nominated within the other jurisdiction to deal with such requests. It will also be directed as appropriate in the other jurisdiction by that judge. Communications sent otherwise might be sent to an inaccurate address and/or may not come to the attention of anyone within that jurisdiction who is prepared to consider it;
- (d) Directing communication through the IFJO ensures that a full record is kept of all such communications between jurisdictions and that progress of the communication in question can be monitored by the IFJO and followed up where necessary to seek to avoid delay.

The above applies even when a judge has the relevant contact details of a liaison or other judge unless that judge has, unusually, requested direct communication in a specific case.

Further assistance on judicial communication can be obtained from the International Family Justice Office by email on IFJOffice@justice.gov.uk.

Moylan LJ
MacDonald J
18 April 2019