

JUDICIAL ACCOUNTABILITY

1. CIVIL LIABILITY
2. CRIMINAL LIABILITY
3. DISCIPLINARY LIABILITY

CIVIL LIABILITY

- Article 411 to 413 LOPJ.
- For damages caused in the performance of their duties.
- Presupposes malice (dolo)
- Civil action against judge: only once the proceeding where the damage occurred is definitively finished.

CRIMINAL LIABILITY

- Spanish judges are criminally liable for any crime committed in the fulfillment of their judicial function.
- Criminal prosecution against a judge could be started by:
 - private citizens (even if they are not the victim of the crime)
 - Public Prosecutor
 - CGPJ
 - Ex officio: Court of Appeal, Supreme Court
 - Competent court for Judgment: Criminal Chamber TSJ, Criminal Chamber Supreme Court.

DISCIPLINARY LIABILITY

Articles 417 to 419 LOPJ.

- Refers to violation of ethical or professional duties.
- Three categories infringements:
 - Petty offences.
 - Serious offences.
 - Very Serious offences.

DISCIPLINARY LIABILITY

Each category of offences implies a different sanction:

Petty offences: warning or fine (warning and fine)

Serious offences: fine up to 6000 Euros

Very serious offences: removal from judicial office or dismissal from the Judiciary.

It is by large, the most frequent form of judicial accountability.

DISCIPLINARY LIABILITY: IMPOSITION OF SANCTIONS

- ***Warning sanctions:** President of Supreme Court, President of High National Court, President of Superior Court of Justice (for judges and senior judges who are below them)
- ***Fine and warning:** Boards of Governance of Superior Courts, Supreme Court.
- ***Very serious offences:** Plenary of the Council General of Judiciary following proposal Disciplinary Commission.

Disciplinary and criminal liability

- Sometimes facts could be seen as criminal acts and disciplinary acts: malicious delay of rendering justice or judicial malfeasance.
- In those cases: both procedures (criminal and disciplinary) can start at the same time.
- Disciplinary procedure should stay until judgment by criminal court is held.
- If judge is convicted in criminal process: no disciplinary sanction is given.