

# CBA NEWS

QUESTIONS AND ANSWERS FROM ISRAELI SUPREME COURT JUSTICE NEAL HENDEL

## CBA Group Visits the Supreme Court of Israel



The CBAs Delegation to Israel, pictured here in the Israeli Supreme Court.

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CBA Record Editorial Board

This year's CBA CLE trip abroad was to Israel, with the CLE portion occurring in Jerusalem. Among the trip's many highlights was a lecture by a member of the Knesset ("Great Assembly"/ legislature) and a private tour of the Israeli Supreme Court.

We observed an oral argument, followed by a private lecture and a question and answer session with Supreme Court Justice Neal Hendel. Born and raised in the U.S., Justice Hendel attended New York University (undergraduate) and Hofstra University Law School. He immigrated to Israel in 1983. Before being appointed to the Supreme Court, he was a prosecutor in

a district court and then served as a judge in a magistrate court.

The CBA group had many questions for Justice Hendel, and the outing sparked intriguing conversations about the role of the Court. Justice Hendel spoke to our group about the differences between the Israeli Supreme Court and the United States Supreme Court, some of which are described here.

### Non-Political Appointments

The prime minister does not appoint Supreme Court justices, nor does the Congress (Knesset) conduct a confirmation hearing. Rather, justices are appointed by a Judicial Selection Committee. The nine-member Committee consists of three Supreme Court justices (including the

President of the Supreme Court, i.e., the Chief Justice); two cabinet members (one of whom is the Minister of Justice); two Knesset members; and two representatives from the Israeli Bar Association.

### Dual Role

The Supreme Court serves two roles: an appeals court and a court of original jurisdiction known as the "High Court of Justice." Litigants may appeal to the Supreme Court as a matter of right – without certiorari – if they are appealing judgments from district courts (criminal cases involving a potential punishment of more than seven years' imprisonment, and civil disputes exceeding approximately

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\$300,000). Litigants must petition for leave to appeal when appealing a judgment from a magistrate court (criminal cases where the punishment is up to seven years' imprisonment, and civil disputes involving less than approximately \$300,000) or judgments from the Military Court of Appeals.

As the High Court of Justice, the Court decides matters that do not fall under the jurisdiction of any other court. It hears petitions by any person (not only residents or citizens of Israel) against public bodies and governmental authorities. For example, the Supreme Court conducts judicial review of legislation.

### Elevated Role of the Court

Israel does not have a constitution. Rather, it has legislation known as "Basic Laws." The Court has thus assumed a seminal role in guarding civil and human rights. The Court adheres to stare decisis (binding precedent).

### Age Limits

Israeli Supreme Court justices may not serve past the age of 70.

### Number of Justices

A resolution of the Knesset sets the number of Supreme Court justices. Currently, there are 15 Supreme Court justices, though there have been fewer in prior years. An ordinary panel consists of three justices. A single justice may hear certain matters, such as applications for temporary orders or petitions for leave to appeal. Five justices sit for a rehearing, and a larger number of uneven justices may sit on issues of fundamental importance.

### Location/Building

The Court sits in Jerusalem, about a five-minute walk from the Knesset. The Court features an old-world exterior with a modern, inviting interior. The New York Times architecture critic, Paul Goldberg, described the Court as "Israel's finest public building."

### Caseload

According to Court statistics, approximately 10,000 proceedings are initiated in the Court annually. A panel of justices hears about 40% of those proceedings, while single justices generally decide the remaining matters. ■

## WELCOME RECEPTION FOR MAYOR LORI LIGHTFOOT



Join us on Wednesday, May 29, from 5:00 p.m.–6:30 p.m. in the Grand Ballroom of the Chicago Standard Club, 320 S. Plymouth Court, Chicago, IL 60604 as we welcome Chicago's 56th Mayor, the Honorable Lori Lightfoot. Light appetizers and cash bar available.

*This reception is only open to members of the co-sponsoring bar associations listed below.*

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CBA members will offer their legal expertise in free seminars that will be held each month at Chicago's Harold Washington Library and the Evanston Public Library. The sessions are free and registration is not required. For a complete schedule of dates, go to [lrs.chicagobar.org](http://lrs.chicagobar.org).

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