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COURTS Service News

NUAHT NA SEIRBHÍSE CÚIRTEANNA



An tSeirbhís Chúirteanna
Courts Service

www.courts.ie



**ROLL OUT OF
COMBINED OFFICES
CONTINUES**

**RETIREMENTS ON A
GRAND SCALE**

**NEW MEDIATION
INITIATIVE**



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If you would like to contribute an article, a book or film review, please contact the editorial team at courtsservicenews@courts.ie

Welcome

Spring may be in the air outside as buds sprout up everywhere in a burst of re-growth and renewal. However growth has slowed somewhat in the Courts Service and in this issue our focus is on retirements. Never before have we said goodbye to so many colleagues and friends all at the same time. The loss of so much knowledge and experience will affect all parts of the country as our map on *page 15* illustrates. Colleagues came forward in their droves to pay tribute to those retiring and while we could not accommodate everyone you can read many tributes on *pages 15 – 24*.

Combining the work of Circuit and District Court offices continues to be the future for the administration of the courts around the country. As the roll out of combined offices continues we feature the visit of the Chief Justice to Galway and speak to Mayo County Registrar Fintan Murphy (*pages 8, 9 & 10*).

Alternative dispute resolution affords people a way to resolve their differences in a non adversarial environment. With judicial support for this option receiving much attention we bring news of a pilot mediation initiative in the Dublin Circuit and District Court Civil Office (*page 6*).

We report on the Chief Justice's renewed call for a Court of Appeal as part of the continued modernisation of the court system and in particular to improve the management of cases in the Supreme Court (*page 11*).

With little progress to report about these days on the court buildings front we bring good news of awards for both Monaghan and Sligo courthouses (*page 7*).

Our outreach programme continues with very favourable comments from our second and third level student visitors (*page 26*).

As always, we love to hear from you so feel free to give us your views, comments and suggestions at any time. Our contact details are below.

Mairéad Fitzsimons



An tSeirbhís Chúirteanna
Courts Service

Courts Service News is the magazine of the Courts Service. Contributions are drawn from a wide area and do not necessarily reflect the views or policies of the Courts Service. The editors reserve the right to edit all contributions, including letters.

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NEW COURT RULES

SUPERIOR COURTS

S.I. No. 691 of 2011

RULES OF THE SUPERIOR COURTS (JUDICIAL REVIEW) 2011.

These rules amend Order 84 of the Rules of the Superior Courts by substituting new rules 18 to 29, inclusive, of Order 84 for the existing rules 18 to 28, inclusive, of that Order and the substitution of new Forms 13 and 14 in Appendix T for the existing Form No.13 in that Appendix, to revise the procedure in respect of applications for leave to apply for judicial review, and applications for judicial review. Note new Practice Direction (HC56) on the revised procedure. (see below).

S.I. No. 692 of 2011

RULES OF THE SUPERIOR COURTS (LODGMET OF DOCUMENTS) 2011.

These rules amend the Rules of the Superior Courts by substituting a new rule 3 of Order 79 for the existing rule 3 of that Order and inserting a new Order 117A, to facilitate the lodgment of documents in each of the offices of the Superior Courts

by various means in addition to personal delivery at the office concerned. See also page 5.

S.I. No. 693 of 2011

RULES OF THE SUPERIOR COURTS (COURTS-MARTIAL APPEAL COURT) 2011.

These rules amend the Rules of the Superior Courts by substituting a new rule 1 of Order 86A for the existing rule 1 of that Order to extend the definition of "military judge" for the purposes of Order 86A to include a judge of the Circuit Court temporarily designated under section 11A of the Courts of Justice Act 1947 to perform the functions of a military judge.

S.I. No. 15 of 2012

RULES OF THE SUPERIOR COURTS (SERVICE) 2012

These rules amend Order 121 rule 2 of the Rules of the Superior Courts to permit, subject to certain conditions, service by document exchange of a document for which personal service is not required to be effected.

DISTRICT COURTS

S.I. NO. 585 OF 2011

DISTRICT COURT (CRIMINAL PROCEDURE ACT 2010) RULES 2011

These Rules amend Orders 19, 24, 31 and 34 to prescribe forms and procedure in respect of changes arising from the entry into force of certain provisions of the Criminal Procedure Act 2010.

S.I. NO. 653 OF 2011

DISTRICT COURT (CRIMINAL JUSTICE (MONEY LAUNDERING AND TERRORIST FINANCING) ACT 2010) RULES 2011

These Rules amend Orders 34 and 38 of the District Court Rules to facilitate the operation of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010.

S.I. NO. 39 OF 2012

DISTRICT COURT (FINES) RULES 2012

These rules substitute rule 4 of order 23 of the District Court Rules to facilitate the operation of section 14 of the Fines Act 2012.

New Practice Directions in High Court

HC56 - Judicial Review: Asylum, immigration and citizenship list

This Practice Direction consolidates, amends and replaces all existing practice directions relating to this list. It is effective from 11th January 2012 and applies to all relevant proceedings commenced after that date and, mutatis mutandis, to all proceedings in being at that date.

HC57 - Costs applications in uncontested proceedings under Article 40.4 of the Constitution and for judicial review

This direction, applies where a respondent in proceedings under Article 40.4 of the Constitution or for judicial review makes the applicant an offer in writing or electronically, and not on a 'without prejudice' basis, to discharge the costs (or part of the costs) of the proceedings, in a specified amount, and on certain terms. It came into operation on 24th day of February 2012.

These practice directions, together with all practice directions, are available on www.courts.ie

Accountants Office notice

Notice – Lodgment with Defence

Pursuant to Order 64A of the Circuit Court Rules/Order 12A of the District Court Rules and further direction of the Presidents of the Circuit & District Courts, all lodgment with defence cases in the Circuit & District Courts should be lodged in the Accountant's Office, Dublin from 16th April 2012.

The Accountant's Office is on the third floor of Phoenix House, 15/24 Phoenix Street North, Smithfield, Dublin 7. Lodgments can be made in person, by post or by DX No. 263004.

Details of the Accountant's Office requirements in processing such lodgments are available on the Courts Service website www.courts.ie.

Please ensure that cheques/money orders/bank drafts are made payable to the Accountant of the Courts of Justice.

Notice of tenders shall continue to be lodged with Circuit and District offices. Only cases where funds are being paid into Court shall be accepted by the Accountant's Office.

Notice – Payment to Minors of Funds in Court

From 16th April 2012 all applications to the Accountant's Office for payments of funds held in Court on behalf of Minors must contain the PPS number of the minor.

New service for lodging documents in the Supreme and High Court offices

Court documents can now be lodged in the Supreme Court Office and High Court offices by post, or through a document exchange service (DX), or by depositing them in a box at each office. This 'non personal filing' provides an alternative to having to attend at court offices to process documents.

Those intending to avail of the new service should note the following:

- You must stamp your documents with the prescribed court fee.
- You should not send cash, cheques or postal orders for fees to court offices.
- You should include a covering letter containing information that will identify the case(s) and include contact details for the solicitors (or law agent), or the sender in the case of a self-represented litigant.
- Court offices will communicate with the solicitors named on document(s) lodged unless a law agent indicates their name and address on each document.
- Documents sent by non-personal filing which do not comply with the office requirements will be returned and deemed not lodged.
- You should enclose a sufficiently stamped, self-addressed envelope with each document/ set of documents.
- You should place the documents in a sealed envelope clearly addressed to the relevant office.
- If you are sending documents to more than one office you should use separate envelopes.
- For all forms of non-personal filing, documents will be returned by post, where posted, or by DX where lodged by DX.
- Documents lodged via a secure deposit box will be returned by post unless a DX address is supplied – you cannot collect them.
- Court offices will continue to open to the public from 10:00 a.m. to 4:30 p.m. Monday to Friday.



Guidelines for preparing documents for lodgment in the Supreme and High Court offices are available in the publications section of the Courts Service website (www.courts.ie). Conditions relevant to non-personal filing in the Principal Probate Registry are available on in the Probate section of the site (see Probate Legislation and Rules page).

Bills and Acts – Introduction of Revised Format from Easter 2012

The layout and format of Bills and Acts will change with effect from Easter 2012. The new format has been designed by the Houses of the Oireachtas Service and the Office of the Parliamentary Counsel to the Government to streamline and enhance the readability of Bills and Acts. Any Bills published after Easter 2012 will be drafted by the Office of the Parliamentary Counsel to the Government in the new format.

The main features of the new format include:

- Text appearing wider on the page
- 'Sidenotes' to sections now appearing as a cross-heading above the section
- Removal of italicisation on paragraph lettering, and
- The long title appearing in upper and lower case (as opposed to all upper case)

Ballinasloe Court Office closure

The court office in Ballinasloe has closed and all administration has been transferred to the court office in Loughrea. The actual court sittings will continue in Ballinasloe as scheduled. All post and queries should be addressed to The Courthouse, Loughrea, Co. Galway.

NEW MEDIATION INITIATIVE

ENCOURAGES ALTERNATIVE DISPUTE RESOLUTION

Mediation as an alternative to litigation continues to receive judicial support with several judges commenting on the benefits of this method of dispute resolution recently. At a seminar organised by Mediation Solutions North West, Mr. Justice Michael Peart of the High Court said that "ownership of both the problem and the solution is one of the great attractions and benefits of mediation and other forms of alternative dispute resolution". Ms. Justice Fidelma Macken of the Supreme Court made a similar point to the Irish Commercial Mediation Association. She said that "millions of Euro and hundreds of business days are being wasted each year in needless litigation when, in many cases, an alternative exists". She pointed out that "mediation is a 'no brainer' for business particularly for the banking and insurance industries at the moment".

The advantages of mediation are often referred to by Mr. Justice Peter Kelly of the High Court Commercial List. In 2011, speaking in Cork at the official opening of the Ireland's first dedicated dispute resolution centre, the judge repeated that many of the disputes which come before the Commercial List could be resolved better and more cheaply through mediation rather than litigation. He said this was cheaper and quicker and provided more satisfactory resolutions because the outcomes were agreed by the parties themselves rather than being imposed by a judge.

Launching a family mediation initiative in Dublin District Court Family Law Office in 2011 former Chief Justice Mr. Justice John Murray said "In the majority of cases, issues arising from family breakdown are most likely to be best resolved through mutual agreement. Mediation, particularly in advance of the 'locking of horns' in legal proceedings, is of primary importance in this regard". It was timely therefore that a new



pilot mediation initiative should be introduced recently in Dublin Circuit and District Civil Court Office. The objective is to encourage lay litigants to use the mediation process when seeking certain court remedies. The initiative, supported by the Courts Service, involves three mediation services - South Dublin Mediation Service, Ballymun Mediation and Mediation Northside and is supported by the Mediators' Institute of Ireland (MII). Disputes considered appropriate for mediation include boundary disputes, private prosecutions for breach of the peace, complaints about noise or nuisance pets, and disputes between adult family members on questions of property.

Staff in the Circuit and District Civil Court Office screen for cases which fall within the ambit of the initiative and advise applicants about the benefits of

mediation. Interested parties can obtain an information leaflet and be directed to a specified local volunteer mediation service. The County Registrar may also refer cases from her court which she deems suitable for mediation. Mediators involved in the initiative will be required to hold a current practising certificate from the Mediators' Institute of Ireland or other recognised bodies.

Further details are available from Tom Ward at tomward@courts.ie



AWARDS FOR SLIGO AND MONAGHAN COURTHOUSES

There has been little to cheer about on the court buildings front recently such has been the impact on the Courts Service Capital Building Programme of the reduction in the public finances. We were therefore glad to hear of recent awards for some of our courthouses around the country:



Sligo Courthouse



Monaghan Courthouse

Sligo Courthouse

Architectural practice McCullough Melvin, based in Dublin, was highly commended in the Conservation and Restoration Silver Medal category of the RIAI awards 2011 for their work in conserving Sligo courthouse which is located in the town's Teeling Street. The courthouse building is a complex structure of many dates and includes an eighteenth century gaol and parts of an earlier courthouse.

Interestingly there was a courthouse connection with the winner of the prestigious Silver Medal. It was presented to architect Margaret Quinlan for the restoration of The Main Guard, Clonmel, Tipperary, on behalf of the Office of Public Works. The original building was built in 1675 by James Butler, 1st Duke of Ormond, as the courthouse for the Palatinate of administrative area of County Tipperary.

Chair of the Silver Medal judging panel, Paul Arnold, said "In addition to Ms. Quinlan's outstanding work, all those who entered the Silver Medal should be recognised for their commitment to their profession and passion for helping to conserve and restore Ireland's architectural heritage. Conservation

and restoration are a continued area of growth for architects. However, it is an important area for Ireland for a far greater reason - our heritage, and our wealth of historic buildings is part of what makes this country unique. It is important to preserve the very best of our past in order to continue to attract tourists and present Ireland as a distinctive cultural and historical offering. 50% of all tourists are cultural tourists. We need to cherish our landmarks so that they can be enjoyed by Irish and visitors alike. Conservation architecture is a key part of this and these awards are vital in recognising the work undertaken by architects for the benefit of Ireland."

Monaghan Courthouse

The refurbishment work carried out on Monaghan Courthouse was recognised with the 'Public Building Project of the Year' award at the

CMG Building & Design Awards 2011. The courthouse designed by Joseph Welland and built in 1829 was damaged by fire in 1981, rebuilt in 1986 and refurbished in 2010.

At the award ceremony Dr. Louis Gunnigan, President of the International Construction Project Managers Association, said "It is truly invigorating to celebrate success and achievement and remind everyone just how talented and respected Irish construction is the world over, especially at a time when the focus seems to be on negativity".



(Left to right:) Shane O'Toole, Irish Times Architecture critic, John Mahon, Courts Service and Ivan Yates

CHIEF JUSTICE IN GALWAY

FOR COMMENCEMENT OF NEW COURT OFFICE

The Chief Justice visited Galway recently as the Circuit Court and District Court Offices combined to become 'Galway Court Office'. It was another chapter on the journey to streamline the delivery of court services around the country and followed similar 'combining' of offices in Carlow, Portlaoise, Waterford and Carrick-On-Shannon, in recent weeks. **Gerry Curran** was on hand for the proceedings:

Chief Justice Mrs Justice Susan Denham, said she was "delighted to be in Galway" for the unifying of the offices of the Circuit and District Court. She said it was a very important and historic day and followed her similar words to staff in Portlaoise when the offices there combined a few weeks previously. As they were presented with letters of appointment to the new single court office by CEO Brendan Ryan, she told court staff that it was "a genuine challenge to maintain court services" in the current climate.

The unified offices are a key element in the Courts Service Action Plan under the Public Service ('Croke Park') Agreement. The Chief Justice referred to the many business improvements and ICT projects which are enabling the Courts Service respond to the "business and cultural

changes we couldn't see several years ago". On her behalf and on behalf of the Courts Service Board she thanked the staff for their commitment - to change, collaboration, training and sharing of knowledge - which had seen the offices combine with no disruption to service. She said it was important that the third branch of Government be seen to be "continuing work and functioning in public. The changes taking place in how we administer court offices will help people who come to court - those whom we serve".

CEO Brendan Ryan said that the changes in Galway had taken place despite the office being "down six staff". He told the staff he was "rightly proud of your efforts in bringing about the changes".

County Registrar, Marian Chambers-Higgins thanked the staff for making great physical as well as administrative changes, saying that "at times it was like a bomb site". She remarked on the personal and professional relationship she had with the staff and new court managers and how it was built up over many long nights of court work and at election counts. She looked forward to new quasi judicial functions as County Registrar, but said that many were before the Attorney General for approval.

Pattie Mulherrins, manager of the new Galway Court Office said that many hours of planning had been spent by the implementation team. She was pleased with the changes but remarked that they would not be sustainable without additional staff.



*Galway Court Office Seated left to right: Brendan Ryan Chief Executive of the Courts Service, Marian Chambers Higgins Galway County Registrar, Judge Raymond Groarke Circuit Court Judge, Pattie Mulherrins Manager of the Galway Court Office, Mrs. Justice Susan Denham, Chief Justice, Susan Mahon, Deputy Manager of the Galway Court Office, Judge Mary Fahy District Court Judge, Judge Gerard Keys Circuit Court Judge. **Second row:** Fintan Murphy, Castlebar County Registrar, Brendan McDonald, Western Regional Manager, Geraldine Courtney, Joan Morrin, Kathleen Murphy, Roisin Ui Neachtain, Breda Byron, Fiona Whiriskey, Ray Burke. **Third Row:** Teresa Francis, Bernie Higgins, Bridie Diskin, Marian Higgins, John Coyle, Deirdre Donoghue, Ann Marie Quinn. **Fourth Row:** Mary Corduff, Bernie Hunt, Celine Conway, Pat Conlon, Natasha Mullins, Joe Cannon and John Walsh.*



(Below) Carrick-on-Shannon Court Office

Back Row (L-R): John Bredin, Michael McKenna (Deputy Manager), Geraldine McWeeney, Joe Morris, Paula Lyons (Programme Manager), Geraldine Cornyn, John Coyle (Director, Circuit & District Court Operations). Front Row (L-R): Kevin Doherty (County Registrar), Eugene Noonan (Office Manager, Carrick-on-Shannon), Brendan Ryan (Chief Executive Officer)

Carlow Court Office

(Above) Carlow Court Office

Back Row (L-R): John Coyle (Director, Circuit & District Court Operations), Ellen Chapman, Betty Aspel, Brenda Amond, Grace Murphy, Gerry Nugent, Eastern Regional Manager. Middle Row (L-R): Breda Fennell, Teresa Keane, Deputy Manager Carlow Court Office, John Gannon, Paula Lyons, Programme Manager, Claire Kelly, Anne Kelly, Desmond Amond, Deirdre O'Callaghan, Margaret Doran. Front Row (L-R): Patricia Casey, County Registrar, Brendan Ryan, Chief Executive Officer, Mrs. Justice Susan Denham, Chief Justice, Judge Thomas Teehan, Raymond Keyes, Manager Carlow Court Office. Photograph by Tony G Murray Photography



Carrick-on-Shannon Court Office



Waterford Court Office

(Above) Waterford Court Office

Back Row (L-R): Frances Lee Mullally, Eamonn Cleary, Sarah Doyle, Claire Coughlan, David Morrissey, Rebecca Walsh, Eamonn Kiely (Southern Regional Manager) Middle Row (L-R): Jackie Kiely, John Coyle (Director, Circuit & District Court Operations), Brendan Ryan (Chief Executive Officer), Valerie Walsh, Sharon Donovan, Eoghan Heyden. Front Row (L-R): Miriam Stack (Southern Regional Office), Catherine Halligan, Margaret Bible, Jack Purcell (Office Manager, Waterford), Niall Rooney (County Registrar)

(Below) Portlaoise Court Office

Back Row (L-R): Christy Paisley, Mary Finn, David Delaney, Sean Bergin, John Coyle (Director, Circuit & District Court Operations). Middle Row (L-R): Brendan Ryan (Chief Executive Officer), Niamh Holden, Juliet Burke, Sheila Roche, Pauline Martin, Maria Dunne. Front Row (L-R): Barry Conroy (Midland Regional Manager), Catherine Magner (Office Manager), Mrs. Justice Susan Denham (Chief Justice), Paul Fetherstonhaugh (Co. Registrar), Sheila Larkin (Deputy Manager)



Portlaoise Court Office

COMBINED OFFICES

PRESENT NEW OPPORTUNITIES FOR COUNTY REGISTRARS

As the roll out of the Combined Office Project continues we asked Fintan J. Murphy, County Registrar for Mayo and Chairman of the County Registrars Association for his thoughts on the role of County Registrars in the revised structure:

What are the main features of the changes in Courts Service operations as they impact on the role of the County Registrar? How positive will they be?

Primarily County Registrars will no longer be responsible for the day to day management of the Circuit Court office. We remain the senior legal officer in our county and retain all independent functions as before such as Sheriffs, District Probate Registrars and Returning Officers. We expect to be busier in family law and civil work in case management hearings and County Registrars motion courts. When the new business model settles down and all of us involved in the delivery of service in the area of courts can compare it to the current position, I believe it will be very positive.

In what ways has the role evolved over the past few years?

In my fifteen years the changes are stark. In Mayo Circuit there were about 45 court days each year. Last year there were approximately 110 days. Jury trials seldom took place. With the advent of the County Registrar's Motion Courts we now process about 100 matters each month which used to be heard by the judge. We have two to three days each month in family law case progression hearings and a further day dealing with civil matters where we try to define and narrow issues resulting in either cases settling earlier or shortening the time needed for trials.

What advantages are there in terms of County Registrar being freed from managerial roles in Court offices?

The more time County Registrars can devote to the legal and case management and quasi judicial issues the better.

What manner of quasi judicial functions will revert to County Registrars?

The Courts Service has sought additional

functions in areas such as:

- taxation of costs across the jurisdictions
- interim orders in family law in ease of litigants awaiting trial
- consent orders in judicial separation cases and grants of dissolution of civil partnerships
- ancillary orders by consent in family matters generally
- some limited form of case management in relation to defining preliminary issues in criminal matters
- matters broadly similar to those of the Master of the High Court but exercised in our counties
- Alternative Dispute Resolution.

It remains to be seen whether all or some of these will come to fruition but this gives a flavour of what could be achieved.

Are County Registrars willing and able for such tasks?

Yes. Other than the judiciary County Registrars are the only resource strategically located throughout the country who are qualified solicitors with many years practise experience.

What impact will this have on the operation of the courts? Will the court user notice an improvement?

We expect our intervention will speed up the litigation process and enable the courts to process the ever increasing volumes of work more efficiently and effectively and above all free up judicial time to deal with substantive matters. As a by product we also expect to give some litigants a more economic method of dispute resolution.

What fears or misgivings do County Registrars have in respect of the expanded role?

Resources! Public services are under intense pressure to deliver more for less.



Fintan J. Murphy

In recent years numbers in the courts have reduced by almost 200 people yet business is up almost 50%. Because of this the Courts Service will be stretched to properly resource provincial offices. This may prevent County Registrars, in spite of their eagerness to provide the service, from delivering to full potential. For example there are 8 counties now without Court Messengers. This prevents your average small business owed money from enforcing court orders by County Registrars as Sheriffs.

Do you have anything else to say about what the Courts Service needs to do, or in terms of what should not happen?

As a group we feel the consultation process in developing the combined office project omitted to tap into the resource of County Registrars to any great extent even though we are the existing office managers. This matter is improving. The greatest resource the Courts Service has is its people up and down the country. An inclusive approach in my experience always produces the best outcome. There are many committed staff who anecdotally feel the same way and are unsure of what the new environment will bring. My advice and suggestion to those working on this project - try to keep the people at the coal face and who do the daily duties both involved and informed. It is they who will ensure its success.

Chief Justice calls for improved legal mechanisms to allow Ireland do business

Chief Justice Mrs. Justice Susan Denham said recently that business directors hold a key position in the restoration of the economy. She said that more efficient streamlined court services were helping in our recovery but that we need a Court of Appeal if business is to be conducted here efficiently.

Speaking to the Institute of Directors, the Chief Justice outlined how Ireland and its economy currently benefits from more efficient court practices and would increasingly benefit in the future if we create a full Court of Appeal. This was important she said as, "it is essential for a successful democratic State that each branch of government fulfils its role". She pointed out the huge success of the Commercial Court in bringing to conclusion many major business and financial disputes. She pointed out however, that this benefit to Ireland as a place in which to do business, is somewhat spoiled by the lack of a streamlined appeals system. She also pointed to the success of other past and present reforms in the courts - areas such as the administrative and service provision success of the Courts Service and the efficient use of modern technology which she said

allowed the courts deal with 40% more cases, with 14% less staff and at a much reduced cost to the State. The net cost of operating the courts had almost halved in the past four years.

"Unlike every other common law country, Ireland depends on a single Supreme Court to hear all appeals in civil matters."

And yet "we do not have a Court of Appeal in Ireland" she told her audience of Irish business leaders. Unlike every other common law country, Ireland depends on a single Supreme Court to hear all appeals in civil matters. All such cases from the High Court may be appealed to the Supreme Court. We have 36 High Courts making thousands of decisions each year, and one Supreme Court to handle what amounts to

automatic appeals from these courts. A Court of Appeal would speed up the more routine appeals and allow legal matters of public importance to be dealt with by the Supreme Court.

She said the current long list saw cases wait over three years for a hearing in the Supreme Court. "These delays continue despite our Supreme Court being one of the busiest in the world, and despite the Court deciding on many multiples of the number of cases compared to final courts of appeal in many larger countries. The delays continue because of the sheer number of automatic appeals to the Supreme Court – with no buffer in place to manage the list". "In short", she said, "delays create confusion and costs, and are bad for business. This situation poses serious problems for the Irish legal system and for Irish society as a whole. Thus there is a need to reform the system".



Chief Justice Mrs Justice Susan Denham, on the right, at the Spring lunch of the Institute of Directors, with Tom Byrne, President of the Institute and Maura Quinn, Chief Executive Officer

Law Reform Commission

Publishes Report and three Consultation Papers



The Law Reform Commission keeps the law under review and makes recommendations for law reform so that the law reflects the changing needs of Irish society. The Commission is currently working on its third Programme of Law Reform 2008-2014. Recent publications under the Programme include the following:

Report: Limitation of Actions (Statute of Limitations)

This Report examines the rules on time limits for bringing civil claims in the courts, many of which are contained in the Statute of Limitations 1957, as amended. The Report makes 26 recommendations for reform of the law and includes a draft Limitations Bill 2011 to implement them.

The Report reviews limitation laws in many other States, and notes that a trend has emerged of more simplified and streamlined limitations laws. These are usually called 'core limitations' laws. The key features of core limitations regimes in other States are: (1) an across-the-board (uniform) basic limitation period that applies to virtually all civil actions; (2) a uniform commencement date; and (3) a uniform ultimate limitation period ('long-stop'). The key recommendation of the Report

is the introduction of such a core limitations law in Ireland for the high-volume civil claims, including contract claims and personal injuries claims.

Consultation Paper: Civil Law Aspects of Missing Persons

According to the Garda Missing Persons Bureau, there were 53,915 missing persons reports between 2003 and 2010 and of these, 381 people are still missing.

The provisional recommendations in this consultation paper include law to allow families of missing person to deal with any immediate financial issues, and to allow them apply for a declaration of presumed death through a coroner's inquest or the courts. The paper also considers the problem of 'the disappeared' (a group of 17 people presumed to have been killed during the course of the violence in Northern Ireland between the 1970s and the late 1990s but whose bodies have not been found).

The recommendations are provisional with submissions invited by 31st March 2012 in advance of the Commission's final recommendations and Report.

Consultation Paper: Mandatory Sentences

The main recommendations in this

Consultation Paper are that in murder cases the sentencing judge be allowed to recommend a specific minimum term as part of a life sentence; that the current minimum sentence law for drugs offences be reviewed because it has led to a bulge in the prison population without any major effect on those at the top of the drugs industry; and that the proposed Judicial Council should develop sentencing guidance and guidelines

The recommendations are provisional with submissions invited by 30th April 2012 in advance of the Commission's final recommendations and Report.

Consultation Paper: Insurance Contracts

This Consultation Paper makes over 40 provisional recommendations for reform of the law including further development of statutory codes of practice for insurance contracts and that there is a need to re-balance the rights of insurance companies and insured persons.

Submissions are invited by 31st March 2012 in advance of the Commission's final recommendations and Report.

Read the Report and the Consultation Papers on the Commission's website – www.lawreform.ie.

APPOINTMENTS

Recent judicial appointment: District Court

Mr. Michael Coghlan has been appointed a judge of the District Court. Judge Coghlan attended Trinity College Dublin. He was admitted as a solicitor in 1978. Prior to his appointment he was Principal in Coghlan & McNally Solicitors, Dublin 12. He has many years of experience in all areas of law with particular expertise in employment law, family law, debt collection and personal injury.



Judge Michael Coghlan with his wife Clodagh and son Christopher



Richard McNamara

Richard McNamara

Richard McNamara has been appointed as Executive Legal Officer to the Chief Justice. From Adare, Co. Limerick he attended C.B.S. Adare, Crescent College (SJ) Limerick, and graduated from University College Cork with BCL and LLM law degrees. He was Principal Legal Researcher at the Law Reform Commission working on the intercountry adoption reports. Richard trained at RDJ Solicitors, Cork and received his solicitor's parchment from the Law Society of Ireland in December 2011.

"I am delighted to be joining the Courts Service team", Richard tells us. "It is a great honour to work with Chief Justice Denham. My new role is challenging, varied and most enjoyable. I look forward to interesting times ahead in the courts."

Staff Appointments

Geraldine Manners has moved from the Supreme Court to take up an appointment as Registrar of the Court of Criminal Appeal. She has been succeeded as Registrar of the Supreme Court by **John Mahon**. John was previously Head of Estates & Buildings Unit.



Geraldine Manners



John Mahon



Declan O'Neill

New Taxing Masters

Mr. Declan O'Neill has taken up his position as one of two new Taxing Masters. A partner in Cyril O'Neill, Legal Costs Accountants, he has represented legal firms, commercial entities, the State and state agencies in legal costs disputes.

With over 40 years experience in practice, Mr. O'Neill is an acknowledged expert in his field. He is a founding member and Fellow of the Institute of Legal Costs Accountants and has contributed submissions to a range of initiatives and reforms including the Competition Authority's Report (2005) and the Haran Group on Legal Costs (2005).

Ms. Rowena Mulcahy will take up her position as Taxing Master in April. A partner in Mulcahy Robinson solicitors she is a highly experienced arbitrator, serving as Deputy Chair of the Board of Management of the Chartered Institute of Arbitrators, London, and former chair of its Irish Branch.

Two new appointments to Law Reform Commission

The Government has appointed two new members to the Law Reform Commission.

Finola Flanagan, former director general of the Office of the Attorney General, has been appointed to full-time member of the Commission. She replaces Patricia Rickard Clarke, who has retired, and will serve until the end of February 2015.

Donncha O'Connell, lecturer in law at NUI Galway, has been appointed as a part-time member until 31st August 2012 (when the term of appointment of the other part-time members ends). He replaces Mr. Justice Donal O'Donnell of the Supreme Court who has resigned.



Eileen Creedon

New Chief State Solicitor

Eileen Creedon has taken up the position of Chief State Solicitor. She was previously the Chief Prosecution Solicitor – a position which will be filled in an acting capacity by Liz Howlin, the Deputy Chief Prosecution Solicitor, until a new Chief Prosecution Solicitor is appointed.

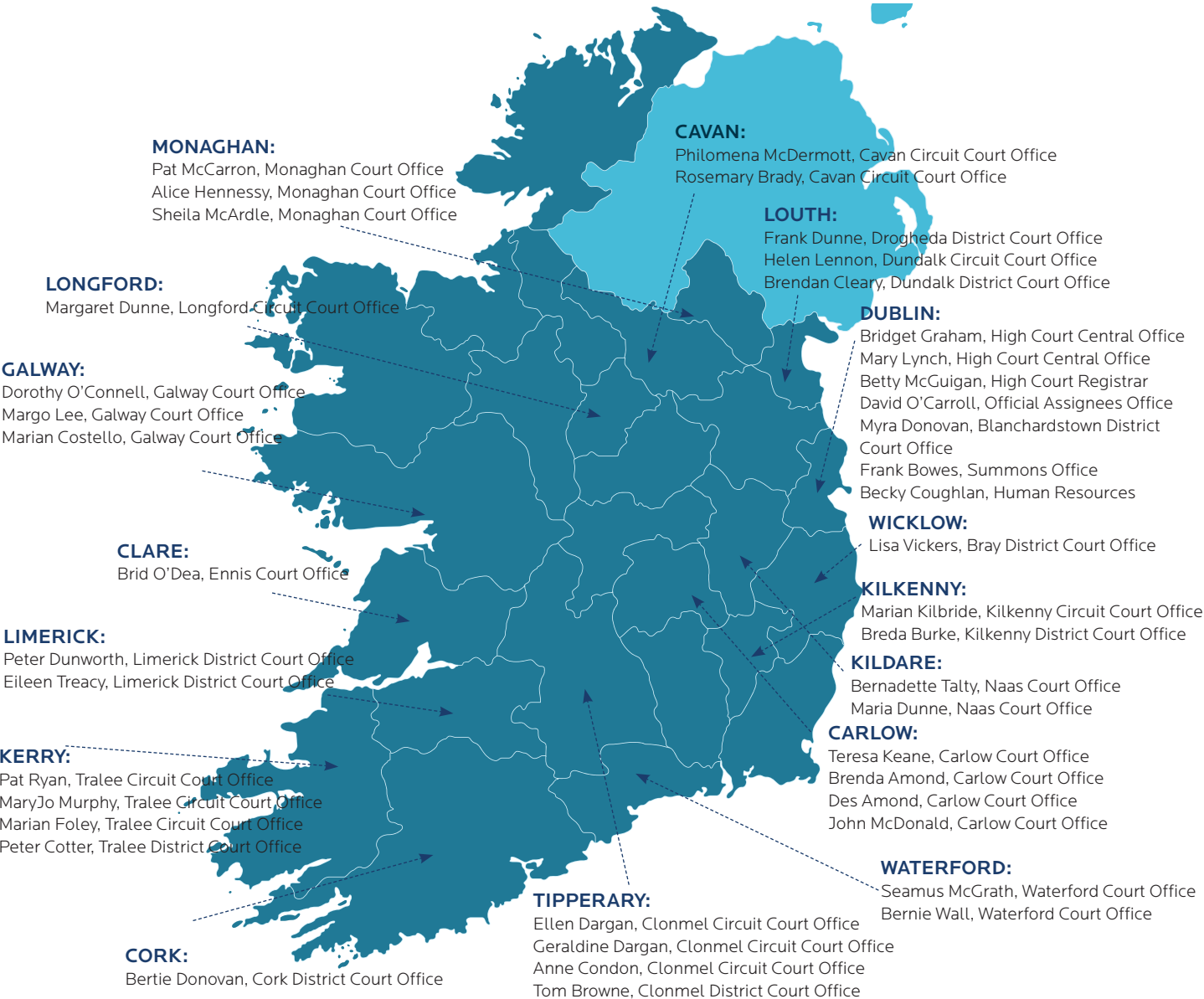
RETIREMENTS

“Unprecedented, unbelievable, unreal” were just some of the comments following the wave of retirements from the Courts Service in recent weeks. We said goodbye to judicial and staff colleagues many of whom have given over 40 years in the service of the State. Remaining colleagues have queued up to send us tributes and we are delighted to acknowledge the wonderful contribution made by our staff over so many years. We publish many of the tributes in this issue and will include more in our next issue.

Those not specifically mentioned in the tributes are included on our map below which gives some indication of the countrywide impact of the retirements not to mention the resulting huge corporate knowledge loss to our organisation.

We wish all our colleagues the very best in the next chapter of their lives. May they enjoy health, long life and peace. And in the words of Henry Wadsworth Longfellow:

*“Age is opportunity no less,
Than youth itself, though in another dress,
And as the evening twilight fades away,
The sky is filled with stars, invisible by day.”*



Mrs. Justice Fidelma Macken retires

Mrs. Justice Macken was educated at Trinity College and at King's Inns in Dublin and was awarded a Masters in Law by the London School of Economics in 1973. In 2002 she received an Honorary Doctorate from Trinity College Dublin. She was called to the Bar of Ireland in 1973, and subsequently to the Bar of England and Wales. From 1973 to 1979 she was legal counsel in a firm of patent and trade mark agents. She practised as a barrister from 1979 to 1998, becoming a Senior Counsel in 1995, specialising in commercial and chancery work, as well as in EU law. She was nominated to make a case in three consecutive Article 26 referrals to the Supreme Court.

The Chief Justice reminded those who assembled on the judge's final day that she had, well before the idea of a gap year became popular, experienced great adventures when she travelled following school and before college. The Attorney General said this showed her pioneering spirit of adventure and coupled with her five years in the patents and trade mark agent's office meant she brought great experience to her practice when she came to the Bar. Bar Council Chairman Paul O'Higgins SC commented on Judge Macken's impressive number of reported judgments.

She was appointed a judge of the High Court in 1998 and in 1999 became the first female judge of the European Court of Justice (ECJ) where she served until 2004. From 2004 to 2005 she served again as a High Court judge and was appointed a



Mrs. Justice Fidelma Macken

Supreme Court judge in mid 2005.

To great applause the judge thanked all the support staff who keep the courts operational on a day to day basis - from the people who open up, to cleaners, secretaries, registrars up to the CEO - all of whom she said undertake an enormous amount of work. She thanked her tipstaff for his efforts and discretion. She referred to the high standard of articles produced by court reporters which she said helped people understand the role of the courts. She said the greatest compliment she could pay to barristers is that when they tell you something you know it is the true position. ■



Mr. Justice Joseph Finnegan

Mr. Justice Joseph Finnegan retires

Mr. Justice Joseph Finnegan, a Dublin man, was educated at Synge Street C.B.S. and St. Mary's College Dundalk. Having attended UCD he qualified with two degrees in law and in civil law. He became a solicitor in 1966, and worked as Assistant Secretary of the Incorporated Law Society of Ireland from 1968 to 1973. He was called to the Bar in 1978 and became a Senior Counsel in 1990 practising mainly in general common law and chancery matters. He had a particular interest in conveyancing and title related litigation.

Among the many complimentary speeches at his last sitting the Chief Justice said that he epitomised common sense, integrity and independence. She said that in an era of increased workloads, he had more than carried his weight - evidenced by the fact he had delivered over 50 judgments in his last few weeks.

Judge Finnegan responded to all the praise by saying that "all the speakers are very good advocates and you have nearly convinced me of what you have said". He praised the work of tipstiffs and said that what they add to the efficiency of the courts more than pay for their salaries. He said he had experienced fulfilment

in each stage of his career in law and was grateful for the camaraderie and advice in the tight knit community of the High Court. He especially thanked Chief Justice Denham and her predecessor Mr. Justice Murray for their kindness and support. He said that in the Supreme Court there was no jealousies but rather a wonderful association and family.

He was appointed a judge of the High Court in 1999 and its President in 2001 - a position he held until his appointment to the Supreme Court in December 2006; was a member of the Board of the Courts Service from 2001 to 2006, a member of the Board's Finance Committee and Remuneration Committee and chairman of its Audit Committee. He has a keen interest in legal education and has been a member of the Education Committee of the King's Inns since 2000. ■

Mr. Justice Esmond Smyth retires

On the day of his retirement the High Court heard that despite then being a student and young lawyer, Mr. Justice Esmond Smyth dressed like a bank manager from an early age; was well able to command a fee beyond that of many of his contemporaries at the time; advised government at the highest level; and was representing Ireland at conferences and congresses from a very early stage of his student days and career.

Having being educated at Gonzaga College, he read history in UCD and graduated from King's Inns. Following a mixed practice he was appointed a judge of the Circuit Court in 1992. In his time as a judge he served as a member of the Special Criminal Court and most notably was the President of the Circuit Court from 1998 until 2005.

Off the Bench he served on many bodies and boards with a public service remit. He was chairman of the Steering Committee on the Introduction of Audio Visual Recording of Garda Questioning of Detained Persons; a member of the Board of the Courts Service; a member of the Judicial Appointments Advisory Board; and a member of the Steering Committee for an Irish Sentencing Information System (I.S.I.S.). He was the Irish delegate to the European Networks of Councils for the Judiciary (E.N.C.J.), through which he became one of the Authors of the Guidelines for Judicial Ethics for European Judges. In 2010 he was appointed Chair of the 'Smyth Committee'



Mr. Justice Esmond Smyth

to advise the Minister for Justice on the Implementation of certain recommendations in the Report of the Morris Tribunal relating to the Investigation of Suspects by An Garda Síochána and other related matters.

Since 2005 he has been an additional judge of the High Court. In 2008 he was appointed Chairman of the Residential Institutions Redress Board – work he is to continue now that he has left the Bench. ■

Mr. Justice John Quirke retires

On his retirement the Attorney General summed up Mr. Justice John Quirke's approach to cases as being one of extraordinary compassion. She also said that as one of the youngest players ever to be capped for the Irish rugby team he had shown he was a dashing player of vision and guile who could change the course of a match with his inspired intervention. These defining characteristics had followed him into his career as a judge.

Vice Chairman of the Bar Council Declan Doyle S.C. spoke of the judge's breadth of talent and ability and wondered aloud what it must be like to be the answer to a pub quiz question – as Judge Quirke is! He recalled that the judge's 'brilliant article' on injunctions was so learned and concise that lawyers of his generation treasured it. He remarked on the number of written judgments the judge delivered over the years – many showing a wonderful fearlessness and courage when the individual citizen was pitted against the State.

Court registrar Gráinne O'Loughlen said the relationship between judge and registrar is almost symbiotic. She said the judge could be a person of some mirth but very serious when he had to deal with people whose futures had been dissolved by a singular event – sometimes at the hand of their own family. She said, "you spoke to families not just as a judge but as a man with a rich family background" and finished by quoting a Streisand classic "it's the laughter I will remember whenever I remember the way we were".

Judge Quirke said he didn't want to retire.... but he was leaving with a treasure trove of memories, especially of colleagues. He said he



Mr. Justice John Quirke

took delight when friends say that judges have no political understanding. This was because the two are completely, absolutely and totally incompatible. He said that confidence of people cannot be bargained for but earned and it would be a sorry day if judges developed political skills. He finished by saying that he hoped any changes to our legal system would be gentle and gradual ... and that what we have would not be replaced by theory. ■

Judge Yvonne Murphy retires

Judge Yvonne Murphy retired at the end of February from the Circuit Court. She was very prominent in the past few years for her reports into the handling of child sex abuse by the Catholic clergy in the Foynes and Dublin Dioceses.

Born in Donegal, Judge Murphy was educated at St. Louis Convent Kiltimagh in Mayo. She became an Executive Officer in the Revenue Commissioners before qualifying as a barrister. She also studied social science at UCD, subsequently working for seven years as an executive of the then National Social Services Council. She worked as journalist for RTE radio news, and was special advisor to former Tánaiste and judge, the late Michael O'Leary. She also edited *Industrial Relations News* whilst completing a Masters degree in Business in UCD.

She practised law on the Northern Circuit - with Donegal taking up a lot of her time. Judge Murphy was the author of *Journalism and the Law* - recently re issued and updated - and co author of *Insider Dealing* with Michael Ashe QC. She also worked as a vice chair of the Employment Appeals Tribunal and the Employment Equality Agency. She was also founder and editor of the *Irish Law Times* reports and is a member of the English and Northern Ireland Bars.

During her time on the Bench she served for many years in the Circuit Criminal Court and was a member



Judge Yvonne Murphy

of the Special Criminal Court. Judge Murphy is married to Supreme Court Judge Adrian Hardiman and they have three sons. ■

Judge Donnchadh O'Buachalla retires

Judge Donnchadh O'Buachalla was honoured recently at a retirement function attended by over 70 people, including solicitors, Courts Service staff, Probation Services and the Gardai. Tributes were paid by those he worked with throughout his long and distinguished career, and the speeches ended with hearty applause and a standing ovation.

Judge O'Buachalla qualified as a solicitor in 1968. He was appointed a judge of the District Court in 1989 and in 1993 he was assigned to District Court Area 23, where he spent nearly two decades as a judge in Wicklow and Wexford.

Gerry Nugent, on behalf of the Courts Service, described it as "the end of an era", and said that the judge's defining characteristic was one of respect; respect for litigants and for the staff of the Courts Service, lawyers, Gardai

and the law. Deirdre McCarthy of Wexford District Court added that the office staff, past and present, all enjoyed working with Judge O'Buachalla, and that his understanding, patience and good humour made their working lives a lot easier.

Helen Doyle, Chairperson of the local Solicitors Bar Association spoke of the great empathy the judge showed for the plight of the litigant and said that he was fair and patient and had a great knack of sizing people up and getting to the heart of the problem. Seamus Halpenny of the Probation Service said that some of the happiest years of his working life were spent in his court.



Judge Donnchadh O Buachalla (centre) with family and colleagues at his retirement party in September.

Judge O'Buachalla responded to the warm tributes saying that he enjoyed every day of his 18 and a half years working in Wicklow and Wexford. He thanked everyone who has worked in the system, and gave a special thanks to the Courts Service staff. ■

Judge Mary Martin retires

Judge Mary Martin retired recently after almost 30 years as a judge. At a packed Nenagh Courthouse, friends and colleagues gathered to bid her a fond farewell.

Judge Michael Reilly recalled that Judge Martin was the youngest and one of the first female judges in the history of the State when she was appointed to the Bench in 1983. He also recalled her work as Chairperson of the National Commission on Restorative Justice in 2007 and her commitment to finding a more community-oriented system of dealing with crime. Other tributes came from solicitor Tom Kelly, Inspector Bernard Barry and Superintendent Pat O'Connor on behalf of An Garda Síochána, State Solicitor John Cleary, Ella Devereux on behalf of the Probation Service, Emily Sheary on behalf of the Nenagh Community Reparation Project, barrister Kenny Kearns and Ronan Dodd of the Tipperary Star. The Courts Service was represented by Director of Operations for the Circuit and District Courts John Coyle and Nenagh Chief Court Clerk Martin Hanton.

Judge Martin's successor Judge Elizabeth MacGrath said that if only a percentage of the people of Ireland had her attitude our problems would be greatly reduced. As she took her leave, Judge Martin thanked everyone for their kind words and finished with a quote from Mahatma Gandhi: "You must be the change you want to see in the world." ■



District Court Staff say goodbye to Judge Mary Martin (left to right) Olivia Kelly, Eilish Fitzgerald, Judge Mary Martin, Aileen O'Connor and Tony Canning. Photograph by Bridget Delaney

Seán O Bróin retires

Family, friends and colleagues past and present gathered recently to mark the end of Seán Ó Bróin's 42 year civil service career.

Seán joined the Civil Service as a Social Welfare Officer in 1969. He worked in Dublin and Dungloe (where he became involved with the then fledgling Mary of Dungloe competition). He returned to Dublin in 1972 and worked in the Departments of Defence, Fishery and Forestry, Marine and finally the Courts Service when he joined the Internal Audit Unit in 2007. Tributes by CEO Brendan Ryan, Aisling McKeon, Head of Internal Audit and Pamela McDonald of the Institute of Internal Auditors, referred to Seán's unflinching kindness, generosity and loyalty to colleagues and friends, his commitment to work, his lifelong love of learning and his unbridled enthusiasm for his many outside interests including music and Dublin GAA. Musical entertainment by Seán's band contributed to a wonderful celebration of a life's work by a real gentleman.

Go n-éirí an bóthar leis, Go raibh an ghaoth go brách ag a chúl, Go lonraí an ghrian go te ar a h'aghaidh, Agus go mbuailimid le chéile arís, Go gcoinní Dia i mbos A láimhe é. ■



Seán Ó Bróin



James Flynn (centre) with wife Carmel, son Jonathan and grandson Oscar

James Flynn retires as Taxing Master

The Taxing Masters Office recently hosted a retirement function for Taxing Master James (Jim) Flynn; family, colleagues, friends and legal professionals were in attendance.

Warm tributes were paid by Judge Tony Halpin (a long time friend of Jim's and, along with Master Flynn, co-author of 'Taxation on Costs'), Courts Service CEO Brendan Ryan and Legal Costs Accountant and friend, William Brennan (who, in

addition to thanking Master Flynn for his tenure, kept everyone entertained with sporting, historical and filmic anecdotes). Speakers reflected on Jim's twenty years of dedicated service to the position and wished him all the best for the future. Jim's wife, Carmel, son, Jonathan, and grandson, Oscar, were present and Master Flynn spoke of his time in Office, his plans to return to legal practice and of the people he met along the way. ■



Mary Greene

Mary Greene retires

The curtain came down Mary Greene's career recently after nearly 42 years in the Public Service – 32 of those working in Ennis Circuit Court.

Mary started her career in the Department of Education and Revenue in Dublin. She transferred to Ennis Circuit Court in March 1979 starting off in the Sheriff's Office where she proved to be very diligent, efficient and understanding. Some years later on promotion to Executive Officer she worked in the family law and civil sections of the Office. She also acted as registrar for the County Registrar's Motion Courts.

On the day of her retirement County Registrar Pat Wallace and Office Manager Josephine Tone paid glowing tributes to her. Mary loved her job and especially meeting and interacting with people. She looked after us all very well - we were never short of provisions when she ran the office canteen! She will have lots to entertain her in her retirement as she has a great interest in the dogs and in gardening. ■

Ann Marsh retires

Ann joined the Civil Service in 1975, she worked in Social Welfare in Limerick and the Department of the Environment in Shannon and joined Limerick District Court Office in 1989. She later moved to Limerick Circuit Court Office. Ann is unassuming and carried out her work to the highest standards she set for herself. She was ever supportive to her co-workers and is universally popular with everyone who has had the privilege to work with her. ■



Ann Marsh (centre) with Margaret Deady and Eileen Treacy, who also retired recently

Bernard Neary retires

Bernard began his career in the Circuit Court in 1969 as a clerical assistant. He was promoted to District Court Clerk in 1974. He left the courts on promotion in 1980 and while in the Department of Fisheries and Forestries took a career break heading to Australia with his wife Marie and one child, returning a few years later with two – his son Dara was born Down Under.

Bernard returned to the courts in 1990 and spent 10 years as Registrar of the High Court Bail List, many of them with Mr. Justice Butler who spoke at his retirement function with great fondness of that time and of the wonderful friendship they developed over the years. He spent his last 18 months as Registrar of the Court of Criminal Appeal, a post he embraced with great enthusiasm and thoroughly enjoyed.

Apart from Mr. Justice Butler tributes were paid by Geraldine Hurley of the Criminal Courts of Justice, Principal Registrar Kevin O'Neill and Philip Gillick on behalf of the Court Ushers. Others present included solicitors, barristers, probation officers, gardai and journalists and many colleagues past and present.

Bernard has many interests outside work in particular, writing. He



Bernard Neary

is also a voluntary youth leader in West Cabra. He and Marie are soon heading off to do more voluntary work at an orphanage in Madagascar where they have been volunteering for many years. ■

Ken Butler retires

Ken Butler retired recently after a 39 year career in the Public Service, 33 of them spent in the courts in Limerick. He started in 1973 and joined the courts in Limerick in 1979 becoming Circuit Court registrar in 2001. On his last day warm tributes were paid to Ken by Judge Carroll Moran and other legal professionals including Limerick State Solicitor Michael Murray.

Judge Moran said there is no doubt that Ken Butler is simply the best at his job and commended his dedication and good humour. He also described him as the epitome of everything that is good in the public service. ■



Ken Butler

Mary Hennessy retires

The Chief Justice joined Chief Registrar and Head of Supreme & High Courts Operations Nuala McLoughlin and many other colleagues in the Four Courts recently to wish Mary Hennessy well as she retired from the Supreme Court Office.

Recalling her personality, great way with people and sense of public service, the Chief Justice's words were echoed by former Supreme Court Registrar Geraldine Manners and current Registrar John Mahon. "How do we open the Supreme Court without her?", wondered the Chief Justice complimenting Mary's

commendable ability to empathise with people particularly the many unrepresented litigants who called to the Supreme Court Office. "They always went away feeling that someone had listened to them".

Mary served in the Supreme & High Court Secretarial Unit on joining the Courts Service before taking up an appointment as secretary to the now Chief Justice and later moving to the Supreme Court Office. Saying how sad she was to be going Mary thanked all her colleagues for their constant support and for making her job so enjoyable. ■



Mary Hennessy with the Chief Justice Mrs. Justice Susan Denham.



Front Row, seated left to right: Fiona Kelly, Ursula Jennings, Willie Evans, Julie Walshe, Patricia Hyland. Back Row left to right: Tom McEllin, Kathleen Duffy, Pauline O'Grady, Noreen Byrne, Joan Loftus, Marie Quinn, Fintan Murphy.

William Evans retires

William (Willie) Evans retired recently from the Sheriff's Office in Castlebar after nearly 28 years as Court Messenger for County Mayo.

The role of Court Messenger is sometimes much misunderstood and certainly underestimated by members of the public and by staff. It can be a most difficult and hazardous role as each day the Messenger faces into the unknown on his journey in executing the decrees, warrants, FiFa's and other court orders on behalf of the people of Ireland. During the time Willie served in this role he has never failed to uphold the very best standards in his professionalism, courtesy, and in his own quiet way carrying out an unpopular task with sensitivity and good humour.

Fintan J. Murphy and all the Circuit Court colleagues. ■

Jimmy Doyle retires

Jimmy Doyle's retirement was marked by his colleagues on his last day in the Circuit and District Civil Office recently. Before a full house in Áras Uí Dhálaigh, Jimmy's long career of over 37 years in the Circuit and District Courts was referenced in speeches as was his willingness to assist the office whenever asked, even when it took him out of his comfort zone.

In a warm tribute, County Registrar Susan Ryan, thanked him for his help and support and for his attention to detail. She echoed the congratulations given to Jimmy by the President, Judge Matthew Deery and members of the legal profession in his last day in Court. A noted polyglot, Jimmy has many plans to fill his retirement days, which includes a trip to Portugal with his family, to improve his Portuguese. ■



Standing (left to right) Sarah Finlass, Tom Ward, Kevin Keighary, Maura Cushen, Owen Duffy, Antoinette Kirk, Mary Burke, Helen Kennedy, Kevin Spalding. Sitting Down (L to R): Brendan Murphy, Gertrude Farrell, Pat O'Callaghan, Rita Brophy, Jimmy Doyle, Eamonn Fitzgibbon and Ray Hudson



From left to right: Bernadette Hobbs, Carol Kelly, Breda McCarthy, Rita Nolan, Fiona Gallagher, Mary Teresa Faherty, Jackie McMahon, Tina Crowther, Chris O'Shea, Sharon Hannon, Margaret Hickey, Aine O'Connor, Damien Downey, Jean Coyle, Patricia Cuddihy.

Mary Teresa Faherty retires

Mary Teresa Faherty retired recently as secretary to Supreme Court Judge Mr. Justice Joseph Finnegan, (who also recently retired, *see page 16*).

Mary Teresa joined the courts in November 1975 and worked in that unusually titled office - the Scrivenery Office - until 1998. She typed thousands of orders, judgments and other documents in her years there and was one of a group of wonderfully talented typists who gave years of dedicated service to judges and court staff alike. Mary Teresa took a short

break to work in the Law Reform Commission before returning to the courts. In 2000 she became a Private Secretary and worked with Mrs. Justice Catherine McGuinness before Mr. Justice Finnegan. At a recent gathering of friends and colleagues, Patricia Cuddihy of the Supreme Court Office, thanked Mary Teresa for all her hard work over a long and much valued career and wished her well for the years ahead. "You were a pleasure to work with and we will all miss you" she said to great applause from all present. ■

Bill Cashel retires

It was a fantastic turnout in the Sligo Park Hotel as Bill Cashell said farewell after almost 40 years of service.

Among those present were representatives of the judiciary, solicitors, barristers, gardai and staff of the Courts Service. Principal Officer, Margaret O'Neill of the Circuit & District Courts Operations Directorate complimented Bill on his much valued contribution to the work of the courts over a long and distinguished career. It was a career spent entirely in Sligo apart from a short stint at the start in Ballina.

The judges present included Mr. Justice Henry Abbott of the High Court, District Court judges

Kevin Kilrane, Mary Devins, Conal Gibbons and Denis McLoughlin and retired judges Oliver McGuinness and Bernard Brennan. There were solicitors from Sligo, Mayo, Roscommon, Leitrim and Donegal, and colleagues from Sligo District Court not to mention other friends and Bill's family. All present were left in no doubt as to the esteem in which Bill was held. He was praised as one with a wonderful grasp of District Court practice and procedure and the law underpinning it and a man who demonstrated the best in public service. He will be remembered most especially as a gentleman who discharged his duties professionally, efficiently and courteously. ■



Bill Cashel with his wife Noreen

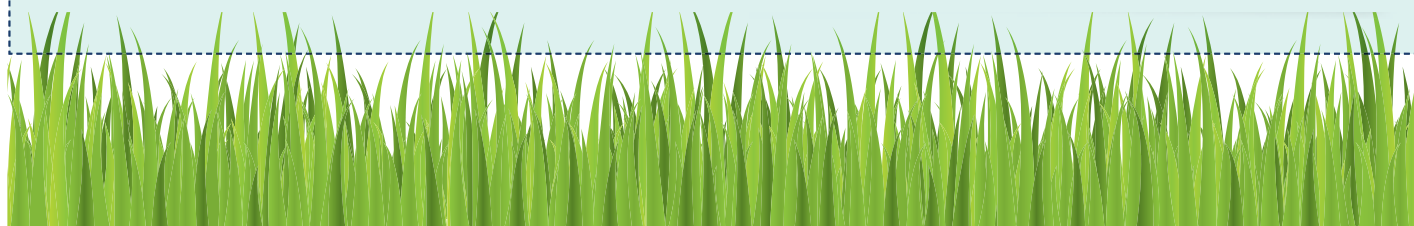
Ernie Waters leaves for greener pastures!

While Ernie Waters was never a member of the Courts Service staff he was one of the best known people in the Four Courts. He will be sadly missed as he had a detailed knowledge of the complex as well as the various works carried out there over the years.

Head of the Courts Service Dublin Buildings Unit Peadar Ward recalls that "Ernie was initially assigned to the Four Courts by the Office of Public Works on a temporary basis and he expected to spend only few weeks with us. That was 18 years ago when he was a young electrician. Some 6 years ago he was appointed the on site OPW Foreman. It was a pleasure to deal with Ernie who was always obliging and in good humour. We wish him well in his new post in the Botanic Gardens and there will always be a welcome for him in the Four Courts".



Peadar Ward, Buildings Unit, Eugene Lynch, Service Office, Ernie Waters, Monica Browne, Receptionist in Arás Uí Dhálaigh, Audrey McKeon, Buildings Unit and Eugene Dudley, Buildings Unit





Derek Moffat and Phil Kielty

Phil Kielty and Derek Moffat retire

Work colleagues and real life partners Phil Kielty and Derek Moffat took their leave of the courts recently. Well known for their outdoor pursuits, not least their love of cycling especially on their tandem, they were wished a long and healthy retirement by all who have worked with them over the years.

Chief Executive Brendan Ryan joined Probate Officer Annette O'Connell and colleagues from a number of offices at a function in Phoenix House during which it was pointed out that Phil and Derek have over 40 years public service each. Phil, in her unique style and ending with a lovely poem, recalled her time in various court offices – the Accountant's Office, the Judges' Library, the Central Office and most recently the Probate Office – and thanked all who had made her time such an enjoyable one.

Derek worked in the Office of Wards of Court and finished following over 10 years in the Central Office. He will be remembered for his gentle, affable manner and great attention to his work. Renowned for his interest in flowers, especially orchids, all were agreed that the future looks rosy for this special couple. ■

Gertrude Farrell, Kitty Harvey and Mary O'Mara retire

On 29th February 2012, in a packed tea room in Áras Uí Dhálaigh, members of the judiciary, the CEO Brendan Ryan and colleagues wished Gertrude Farrell, Kitty Harvey and Mary O'Mara, every happiness on their retirements from the Dublin Circuit and District Court Civil Office. These three exceptional women between them have over 114 years experience of the civil service, 68 in the Courts and they will be greatly missed by their friends in the Courts Service. Colleagues travelled from Trim to show their appreciation and it was fantastic also to see retired colleagues come back to mark the event.

Gertrude, Kitty and Mary all spoke most eloquently about their times in the courts, the friends they have made and their exploits in and out of court. In response, Susan Ryan, County Registrar, thanked all three for their excellent work over the years. Judge Bridget Reilly also spoke most kindly about their

individual and collective contributions and expressed her appreciation on behalf of her judicial colleagues for all of their help and support. A special word of thanks is due to Rena, Sarah, Antoinette, Fiona, Mary B., Mary Mc, Eamonn, Ken and all of the staff who came together to organise all of the festivities, including the catering. ■



Gertrude Farrell



Kitty Harvey



Mary O'Mara

Obituaries

Josie Duffy

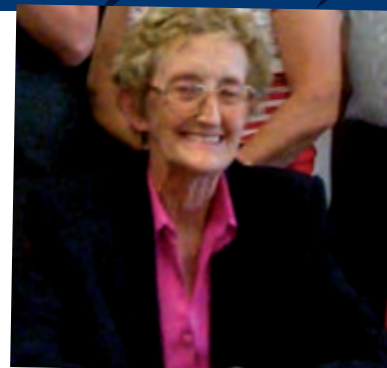
There was a large turnout of former colleagues, and members of the both the judiciary and the legal profession at the funeral of Josie Duffy recently.

Josie will be remembered as a woman of sharp wit and keen intellect. She served as Monaghan County Registrar from 1988 until her retirement in 2009. On the occasion of her retirement Judge John O'Hagan described her work ethic as meticulous; he praised her organisational skills and her warmth and courtesy in dealing with judiciary, colleagues, staff, and members of the public. He also praised her contribution to the developing role of County Registrars.

Well known in her native Scotshouse, Clones, Josie was an ever present member of a variety of committees and groups and a vocal commentator from the sidelines at local

and county GAA football matches. She took a keen interest in local history and was a raconteur extraordinaire bringing stories to life with passion and enthusiasm. She will be sadly missed by all who knew her.

She is survived by her her sister Rosie, sisters-in-law Mary and Sheila, nephews, nieces, relatives and friends. May she rest in peace.



Josie Duffy

Andy Cullen

Andy Cullen who died recently, aged 77, will be remembered fondly by many particularly for his time as Court Clerk in Wexford District Court.

He began his career in the courts as a junior clerk in Listowel. This was followed by a move to Longford and then to Kilkenny as District Court Clerk. He served in Kilkenny from the mid 1960's until 1976 when he was appointed to Wexford, a position he held for 23 years until his retirement in 1999. During his time in Wexford he served under a number of different judges.

Former colleagues and members of the legal profession recall a man who had a remarkable knowledge of the court system and was unfailingly polite.

He is survived by his wife Margaret, sons Andrew, John and Martin; daughters Annette and Deirdre; grandchildren and extended family and friends. May he rest in peace.



Andy Cullen

Courts Service News Online

You can view this issue and past issues of Courts Service News on the website www.courts.ie. Find them in the 'Publications' section together with many other interesting reads including 'Family Law Matters' and our heritage series.



Outreach: Welcoming our younger citizens

NUI Galway students visit the Courts

Two groups of students from NUI Galway availed of the Courts Service Outreach Programme to visit the courts in Dublin as part of their studies recently.



Pictured above are the students with the Chief Justice Mrs. Justice Susan Denham.

The first group comprised second year legal studies students who met the Chief Justice and Mr. Justice Frank Clarke in the Four Courts. The Chief Justice explained the importance of our system of democracy and our Constitution as a 'living document'. Later at the Criminal Courts of Justice the students sat in on some arraignments, and afterwards met Mr. Justice Paul Carney, Judge Pat McCartan and Judge Cormac Dunne. In a question and answer session Judge McCartan spoke adroitly in defence of the jury system, while Judge Dunne spoke of the often harrowing cases that come before him. Mr. Justice Carney told of how judges must be detached from the traumatic cases that come before them.

The group described the visit as "one of the most informative, inspiring and educational endeavours of our time studying law."



Pictured above are the students with Mr. Justice Patrick McCarthy.

The second group comprised students from the LL.M in Public Law programme who combined their visit to the Criminal Courts of Justice with a visit to the Attorney General, Máire Whelan. In the CCJ students engaged Mr. Justice Patrick McCarthy in a question and answer session and were treated to some invaluable insights into the operation of the Central Criminal Court where the judge has sat for many years. The Masters in Public Law is designed for graduates who wish to work in the field of Public Law with governmental and non-governmental organisations as well as in private practice. It is designed around two main themes: 'the dynamics of law and social change', and 'contemporary challenges in public law'.

The group found the visit very informative commenting that the opportunity to meet and exchange views with the judge was a wonderful experience.

Scoil Mhuire students visit Trim courthouse

Trim Courthouse played host to the students of 13B Scoil Mhuire Secondary School recently. Chief Clerk Pauline Cusack was on hand to explain the court system to the group who were well prepared having completed the section on the concept of law in their CSPE course for the Junior Certificate.

A tour of the courthouse included learning about courtroom layout, seeing how court proceedings are now recorded electronically and most interestingly, a chance to view the holding cells. Pauline was well able for student's questions and added in some additional information for good measure including encouraging the students to consider

entering the National Mock Trial Competition when they are in transition year. A popular question was about the types of cases heard in Trim and the sentences handed down.

The class tell us that they really enjoyed their visit. "It helped our understanding of the legal system in Ireland and how the court system works. It made us realise that breaking the law has consequences - seeing the holding cells made this very real for us". A big thank you from the Scoil Mhuire students to Pauline for "accommodating the visit, answering our questions and making us more curious about the system of law in Ireland".

Getting ready for the National Mock Trial Competition

Work is underway for the 2012 National Mock Trial Competition which as always is being organised by Public Access to Law. Co-ordinator Vincent Martin, BL, tells us that a large number of schools are expected to attend this year. The competition heats will be held on Saturday 28th April with the semi-finals and finals on Saturday 5th May.

Senior judges including Mr. Justice Paul Carney of the Central Criminal Court and Mr. Justice Peter Kelly of the High Court Commercial List are lined up to adjudicate at the competition. Find out more at www.palddp.ie.

Quiz Time

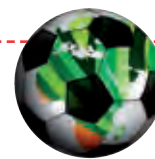
TEST YOUR BRAIN POWER

With the European Championships and the Olympics set to take over our summer, here's some trivia to get you in the mood and maybe win you a nice voucher.

Some of the questions relate to the Olympics while others are about the countries in Ireland's group for Euro 2012. Come on ye boys in Green:

Answers to the December Quiz

(1) Thom (2) Wexford (3) Entomology
 (4) Norma (5) Two (6) Yiddish (7) Tallin
 (8) Wren Boys (9) Electric Picnic
 (10) Laura Davies (11) Vuelta (12) Emily
 Seasonal Phrase: Twenty Twelve



1. Who is the patron saint of Spain?
2. What contest of team strength was an official Olympic event from 1900 to 1920?
3. Eddie the Eagle became famous at the 1988 Calgary Winter Olympics. In which event did he take part?
4. What is the currency of Croatia?
5. If you had a beard you would not be allowed to compete in the Olympics at what sport?
6. How many times have the Olympic games been cancelled due to war since 1896?
7. What is the name of the Spanish parliament?
8. What is the official Olympic Motto?
9. Who is better known as 'Topolino' in Italy?
10. Name the first Irish man to win an Olympic Gold medal in Amsterdam, 1928?
11. Name the countries that border Croatia?
12. What do the three colours of the Italian flag represent?

Closing date for quiz entries is Friday 25th May 2012. Answers should be sent by email to courtsservicenews@courts.ie or by hard copy to Mairéad Fitzsimons, Information Office, 6th Floor, Phoenix House, Smithfield, Dublin 7.

Congratulations to...

December quiz winner, Conor Delahunty, retired Chief Clerk Naas District Court Office.

Christmas Carols in Sligo Courthouse

It's a bit after the event that we bring news of a wonderful Christmas carol singing event in Sligo.

The staff of Sligo District Court hosted their second carol singing for charity concert in the courthouse in Teeling Street just before Christmas. With carols performed by the Sligo Academy of Music led by Róisín and Heide, the evening was a wonderful celebration of Christmas with the courthouse beautifully decorated for the occasion.

"The songs and carols we all know were sung beautifully by the children who ranged in age from seven upwards. There were also solo performances finishing with a medley of Christmas songs", Gerardine McKinney of Sligo District Court tells us. "We received €1,282 in donations which we donated to the Cancer Support Centre in Wine Street Sligo".

"Thanks to everyone who attended, those who donated money, the staff of the courthouse and those who decorated



the courtroom, local businesses O'Hehirs who provided the cakes and buns and Feehilys who provided the candelabras and flowers and Coillte for the Christmas tree".

"Thanks also to Regional Manager Brendan McDonald, District Court Chief Clerk Bill Cashell and Circuit Court Chief Clerk Paraic O'Grady for their support. Here's to next year" says Gerardine.

Through the lens



Pictured from left: Mr. Brendan Ryan, CEO, Mr. Justice Garrett Sheehan, Mr. Justice Patrick McCarthy, Mr. Justice Barry White, Ms. Claire Loftus, Director of Public Prosecutions, H.E. Mr. Abdulaziz Aldriss, Saudi Arabian Ambassador to Ireland, Mr. Justice Paul Carney, Mrs. Justice Susan Denham, Chief Justice, Mr. Justice Nicholas Kearns, President of the High Court, Ms. Elisha D'Arcy, Protocol Officer and Ms. Mary Feerick, Registrar, Central Criminal Court



David Byrne, pictured with his mother and his girlfriend following his recent graduation from the Drug Treatment Court Programme



Vivien Barron BL formerly of the Judicial Support Unit, with her husband Thady on her wedding day last August



Jasmin is pictured here (second from right) with the Chief Justice and with Mr. Richard McNamara, Executive Legal Officer to the Chief Justice and Ms. Julie Ball, Clerk to the Chief Justice.

Jasmin Dobrowolski from Germany spent a week in the courts in March to study how a different judicial system operates and to analyse the main differences between the Irish and German systems. She observed cases in a number of courts and met a number of judges including the Chief Justice Mrs. Justice Susan Denham, Mr. Justice Patrick McCarthy of the High Court, Judge Desmond Hogan of the Circuit Court and Judge John O'Neill, of the District Court.