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COURTS Service News

NUAHT NA SEIRBHÍSE CÚIRTEANNA



An tSeirbhís Chúirteanna
Courts Service

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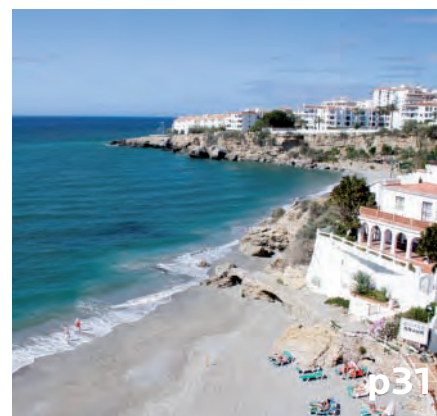


**PLANNING FOR
LATER LIFE**

**DEALING WITH
PERSONAL DEBT**

**GETTING ON
WITH TASC**

**REPORT: WORKING
GROUP ON COURT
OF APPEAL**



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Welcome

In our July issue we reported on the how the increasing number of debt related cases is impacting on the work of the courts. In this issue we report on how recent legislative changes including the Nursing Home Support Scheme and Enforcement of Court Orders (Amendment) Act, 2009 will affect the work of the courts. You can read about these and further recommendations in the area of personal debt on *pages 17-19*.

Gerry Curran reports on the recommendations the Working Group on a Court of Appeal *pages 14-15*. The Group chaired by Mrs. Justice Susan Denham of the Supreme Court has been looking at how our Supreme Court operates and what needs to change. As the opening date looms we bring you an update on developments in the Criminal Courts of Justice *page 10*. We also report on the 'Transforming the Administration and Structure of the Courts' (TASC) project on *page 11* and hear what has been happening over the summer months.

It is fitting that matters which affect people mainly in the 'autumn of their years' are brought to you in this issue. Two new publications to help staff plan for later life will shortly be made available. We give details of the Courts Service Bereavement Policy and a booklet for legal personal representatives on *page 16*. The Law Reform Commission has been looking at the subject of *Living Wills* on *page 16*.

We say goodbye to a number of highly regarded staff members. The *Courts Service News* team would like to thank the colleagues of those retiring who provide the tributes and photographs for each issue.

We have a competition with a difference on *page 35* and feature our regular book, travel and music reviews.

If you have any ideas for content for the magazine, or if you would like to contribute a review of a book, movie or holiday destination please email us at courtsservicenews@courts.ie. We are always glad to hear from you.

Happy Halloween to you all from the *Courts Service News* Team

Fiona Farrell



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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SUPERIOR COURTS

S.I. NO. 270 OF 2009

RULES OF THE SUPERIOR COURTS (COURTS-MARTIAL APPEAL COURT), 2009

These Rules prescribe the procedures and forms to be used in connection with an appeal to the Courts-Martial Appeal Court established by the Courts-Martial Appeals Act, 1983 and facilitate the operation both of that Act and the Defence Act, 1954, as amended by the Defence (Amendment) Act, 2007.

S.I. No. 271 of 2009

RULES OF THE SUPERIOR COURTS (SLIP RULE), 2009.

These Rules introduce a new procedure for the correction of clerical mistakes in judgments or orders, or errors in same arising from accidental slips or omissions, and enable such corrections to be effected in certain circumstances without the need for a formal hearing before the Court.

S.I. No. 280 of 2009

RULES OF THE SUPERIOR COURTS (SERVICE OF PROCEEDINGS (REGULATION (EC) NO. 1393/2007)), 2009

These Rules amend Order 11D to facilitate the operation of Regulation (EC) No. 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extra-judicial documents in civil or commercial matters (service of documents) and repealing Council Regulation (EC) No. 1348/2000.

S.I. No. 354 of 2009

RULES OF THE SUPERIOR COURTS (OPENING

HOURS OF OFFICES), 2009

These Rules amend Order 118 of the Rules of the Superior Courts, 1986 to provide that the public offices of the High and Supreme Court are open for business from 10.00 a.m. to 4.30 p.m., except on Christmas Eve, when the opening hours are from 10 a.m. to 1.00 p.m.

CIRCUIT COURT

S.I. NO. 235 OF 2009

CIRCUIT COURT RULES (SITTINGS), 2009

Circuit Court Rules (Sittings), 2009 dispense with the requirement, in Order 1 rules 1 and 2 of the Circuit Court Rules, respectively, for publication of notices of sittings of the Circuit Court outside Dublin in an *Iris Oifigiúil* and in a newspaper circulating in the county concerned, and for publication of sittings in Dublin in an *Iris Oifigiúil*.

S.I. NO. 251 OF 2009

CIRCUIT COURT RULES (MISCELLANEOUS), 2009

Interpretation of Terms section of Rules to refer to the Circuit Court as established by the Courts (Establishment and Constitution) Act, 1961 as well as amending a number of Orders and ancillary text by removing references to the Courts of Justice Act, 1924 and, amend Form 39 - ORDER TRANSFERRING A TRIAL TO THE DUBLIN CIRCUIT to refer to section 32 of the Courts and Court Officers Act, 1995 in accordance with Order 63 rule 1.

S.I. NO. 264 OF 2009

CIRCUIT COURT RULES (ACTIONS FOR POSSESSION AND WELL-CHARGING

RELIEF), 2009

These rules amend the Circuit Court Rules to introduce a new procedure in respect of the preparation for trial of proceedings for recovery of possession of land on foot of a legal mortgage or charge and proceedings to declare a mortgage well charged on land. Such proceedings will be initiated by a new form of Civil Bill supported by affidavit and defended by a replying affidavit, and will be returnable initially to a hearing before the county registrar, at which the County Registrar may make or give various orders or directions.

S.I. NO. 375 OF 2009

CIRCUIT COURT RULES (SERVICE IN MEMBER STATES OF JUDICIAL AND EXTRA-JUDICIAL DOCUMENTS IN CIVIL OR COMMERCIAL MATTERS), 2009

These Rules amend Order 14B on foot of Council Regulation (EC) No. 1393/2007 of 13 November 2007 which applies from November 2008 and which repeals Council Regulation (EC) No. 1348/2000.

DISTRICT COURTS

S.I. NO. 367 OF 2009

DISTRICT COURT (SERVICE IN MEMBER STATES OF JUDICIAL AND EXTRA-JUDICIAL DOCUMENTS IN CIVIL OR COMMERCIAL MATTERS) RULES, 2009

These Rules amend Order 11 and Order 62 on foot of Council Regulation (EC) No. 1393/2007 of 13 November 2007 which applies from November 2008 and which repeals Council Regulation (EC) No. 1348/2000.

AMALGAMATION OF FERMOY AND MALLOW DISTRICT COURT OFFICES

From Monday, 21st September 2009, Fermoy and Mallow District Court Offices have amalgamated. All services will be provided from Mallow District Court Office, The Courthouse, O'Brien Street, Mallow, Co. Cork. Tel: 022 21486. Fermoy District Court Office will open on Tuesdays and Fridays from 2.00 p.m. – 4.00 p.m. to facilitate local court users.

CHANGE OF VENUE FOR NEW ROSS DISTRICT COURT

Please note that from 1st October 2009 until further notice all sittings of New Ross District Court will be held in The Courthouse, Unit 7B, Ardavan Business Park, Ardavan, Co. Wexford. Tel: 053 9122097.

CHANGE OF VENUE FOR BAILIEBORO DISTRICT COURT

Sittings of Bailieborough District Court will be transferred to the Courthouse, Virginia, County Cavan with effect from the 16th October 2009. Bailieborough District Court will continue to sit on the 1st and the 3rd Friday of each month (except bank holidays and the usual vacation sittings) in the Courthouse, Virginia, County Cavan at 10.30 am. The final sitting of Bailieborough District Court in the Courthouse, Bailieborough will be on the 2nd October 2009. Enquiries to: District Court Office, Courthouse, Cavan. Tel: 049-4331585.

LIMERICK DISTRICT COURT OFFICE RE-LOCATION

Some sections of Limerick District Court office have re-located to the 1st floor, Gardner House, Michael Street, Limerick. (over the VHI offices). Tel: (061) 414300

The sections are:

- The Family Law office. Fax: (061) 209929
- Civil / Enforcement for Limerick City and County
- All District No. 13 courts and licensing for Abbeyfeale, Kilmallock, Newcastlewest and Rathkeale court areas
- The General Office for Limerick District Court – receipting of fines/warrants, refunds of bail, stamping court documents, driving licence endorsements, and general queries. Fax: (061) 316046

The Limerick City and Appeals section will be retained in the former office in Merchant's Quay, Limerick to deal with Limerick City Criminal/ Summons Courts, Limerick City Licensing and Appeals for all Clerkship. Tel: (061) 410645. Fax: (061) 414926.

Explaining the European Order for Payment

A European Order for Payment procedure was introduced by Regulation (EC) No 1896/2006. We referred to it in our March 2009 issue but here Director of Operations for the Supreme & High Courts, Nuala McLoughlin, gives more details of how the new procedure works:

This is a procedure for cross-border debt recovery, where a person or a company in one EU Member State (the creditor) claims to be owed money by a person or a company in another EU Member State (the debtor).

A creditor from another EU Member State with a claim against a debtor based in Ireland can send an application form to the High Court in Dublin. The prescribed form for making the application is Annex A to the Regulation. The Master of the High Court examines the application and if it meets the requirements of the Regulation, a European Order for Payment is issued.

The High Court Central Office sends this European Order for Payment to the defendant by registered pre-paid post. The High Court will also send the defendant a form to use for opposing the claim. The defendant has 30 days from the date of service to either pay the sum claimed, or oppose the claim.

If the defendant does not oppose the European Order for Payment within the thirty day time limit, the High Court is required to issue a Declaration of Enforceability of the European Order for Payment without delay, and to send a copy to the claimant, who can enforce it in the same way as if it were a judgment of the High Court.

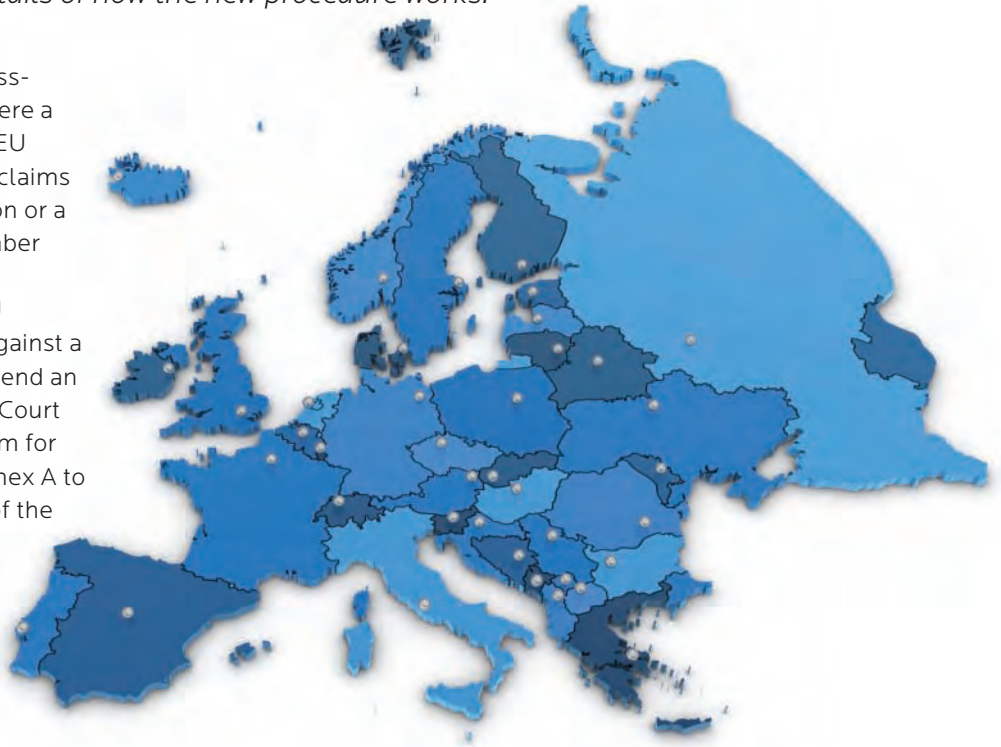
A defendant who wishes to oppose the claim must complete and sign the opposition form and send it by registered pre-paid post to the Master's Section, High Court

Central Office, Four Courts, Dublin 7, or by fax to 01 8886125. The High Court will inform the claimant that the defendant intends to oppose the claim. A claim that is opposed is treated as an ordinary civil claim for debt unless the claimant has indicated in the application form that he/she wants the application to be terminated if it is opposed.

If the claim is continuing as an ordinary civil claim the High Court can transfer the case to the District Court if the claim is less than €6,348.69, or to the Circuit Court if the claim is for less than €38,092.14. If the claim is for a higher amount it will remain in the High Court and be adjourned for plenary hearing. In any claim proceeding in this way the claimant must provide an address for service within the State.

In certain limited circumstances a defendant can apply to the Master of the High Court for a review of a European Order for Payment. A defendant who has applied for a review can also apply to a High Court Judge for an order limiting or staying enforcement of the order. For more details, please refer to Article 20 and Article 23 of Regulation (EC) No 1896/2006. A defendant can also apply to the High Court for refusal of enforcement. The grounds on which this application can be made are in Article 22 of the Regulation.

The Regulation together with other information is available on the Courts Service website www.courts.ie



TAKING STEPS TO REDUCE DELAYS IN FAMILY LAW CASES

A new practice direction to simplify existing procedures and streamline the management of family law cases in the High Court came into force on 5th October 2009. The new arrangements should see family law cases completed within one year.

Mr. Justice Abbott chaired a committee whose members included Mr. Justice McKechnie, Mr. Justice Sheehan, and a number of senior family law counsel and solicitors. The committee reviewed the operation of the 2005 High Court family law Practice Direction and revised it for incorporation into the Rules of the Superior Courts following a six-month trial period.

The principal features of the new Practice Direction include power for the court to recommend to the parties that they enter into alternative dispute resolution; a simplified procedure for certifying that cases are ready for trial; an earlier date for completing, exchanging and filing returns containing required information as to each party's circumstances and readiness to proceed; and the option of sending these

returns to the family law registrar by email.

The court may direct the attendance of the parties at family law hearings, even if they are represented. Any practitioner attending a hearing must have authority to deal with any issue arising. Where the Court, on its own motion or otherwise, finds that any party has in any way acted so as to generate unnecessary costs, the Court can award costs, at any stage, against such a party. In determining

whether to award costs the Practice Direction sets out a number of matters which the court shall take into account, including the parties' observance of the Practice Direction itself and the extent to which the substantive relief awarded by the Court was intended to place the parties in a position to discharge their own costs.

The Practice Direction is available on www.courts.ie



Some features of new Criminal Justice legislation

Criminal Justice (Amendment) Act, 2009

Section 26 of this Act provides that any application for a search warrant must be heard otherwise than in public. Draft Rules of Court to facilitate this change in the law are under consideration by the District Court Rules Committee.

Criminal Justice (Miscellaneous Provisions) Act, 2009

Some changes to the Bail Act 1997 have recently been introduced. Section 5 of the Act has been amended to provide that, where, for example, bail conditions which include a monetary payment have been set by the Court and an accused is remanded in custody with

consent to bail, the discharge of such monetary payment to the prison governor, is deemed to be a payment into court and the accused can be released from prison without the necessity of returning to court.

Section 9 of the Act has been amended to remove the requirement that, in order to estreat or forfeit bail monies, the Court must issue an arrest warrant where an accused fails to appear at the sitting of the court.

Section 9 also now provides that a committal warrant may issue against a surety who has failed to comply with an order for the estreatment of bail.

Courts Service technology investment delivers value for money

Last year a value for money review of the Courts Service's expenditure on ICT was carried out for the period 2001 to 2007. Expenditure in excess of €56M has shifted the Courts Service from a very low technology base to an organisation with a modern IT infrastructure which supports a number of key systems delivering information and other electronic services to staff and members of the public.

What exactly is this review?

The review, which was carried out in accordance with guidance from the Department of Finance, was prompted by the Government's *Value for Money and Policy Review* initiative. This is part of a framework designed to secure value for money from public expenditure.

The findings of the review concluded that value for money had been achieved in relation to our investment in ICT. Among the key findings were:

- ICT will continue to play a major role in the future development of the Courts Service and in the delivery of its mandates
- There has been substantial progress on the implementation of strategic ICT projects particularly those considered high priority
- Based on a comparison with similar organisations the Courts Service performs well when comparing ICT spend and is at least in line with if not ahead of other organisations in delivering key strategic projects

- Investments made over the period 2001 to 2007 are now delivering tangible benefits not only to the Courts Service but to wider communities including the judiciary, other government departments and agencies and the general public
- The Courts Service has implemented a best practice project governance and management framework to support the delivery of the ICT programme.

Recommendations made as a result of the review are being examined at present. The first recommendation was to carry out a review of our ICT strategic plan.

The review assessed the operating environment of the Courts Service. General economic conditions and the budgetary circumstances of the Courts Service have changed considerably in the past year. The review took this into account. The programme is aimed at ensuring that the ICT budget is targeted at the

highest priority strategic projects. This will be a challenging period in terms of economic conditions and resource availability. Priorities may change over the period and new priorities may emerge.

Other issues to be factored into the review included new regulatory and best practice requirements in terms of new reporting arrangements to the Department of Finance, requirements to progress e-government projects, a new



approach to increasing self-sufficiency in provision of ICT services and the Green agenda.

The review recognises and lists the constraints and risks relating to this programme of work. It also recommends best practice in the areas of governance and project assessment. To this end a project assessment form provided in the report will be used by the ICT Governing Committee to assess the merits of all projects proposed from within the Courts Service.

The 2006-2010 strategy contained four main themes:

- Operational Systems
- Corporate Systems
- Technology
- Governance and Organisation

Technology is now changed to Technology & Infrastructure and three new themes were added:

- eGovernment
- Business Continuity/Security
- Green ICT

The high priority strategic projects are:

- Enhancement & roll-out of further components of CCTS

- Develop & implement a new Civil Case Management System (CCMS)
- Complete rollout of Digital Audio Recording to all Courts
- Complete rollout and enhancements to Courts Accounting System (CAS)
- Develop & implement the Irish Sentencing Information System (ISIS)
- Develop & implement a Strategic Reporting System
- Identify future strategic Application Platform
- Carry out essential upgrades to Courts ICT infrastructure
- Draw down essential managed services
- Develop & implement an eFiling system
- Develop & implement an eRegister system

This is a substantial body of work and does not contain other medium and low priority projects or the day to day job of keeping the current ICT systems up and running.

The full texts of the Value For Money Review and the ICT Strategy for the Courts Service 2009 – 2011 update are available on our website:
www.courts.ie

Practical assistance for users of the Commercial List

The business of the High Court Commercial List has grown substantially since its inception in 2004. The caseload continues to rise year on year and 2009 will see the greatest increase to date. High Court Principal Registrar, **Kevin O'Neill** tells us of information available to assist the many users of the List:

While last year had produced the highest number of cases entering the List, this figure had already been exceeded in the first seven months of 2009. The increase in business peaked on the final Monday of Trinity Term when a record 89 matters appeared. Despite this escalation in business the disposal rate of cases coming under the management of the court has remained unchanged over the past two years. The average time it takes to conclude a case from the time the matter first comes before the court is 21 weeks, with 50% of all cases concluding within a 14 week period.

The additional business has resulted in an increase in the number of solicitors firms representing clients in the List, many for the first time. This has led to an upsurge in requests for information of a procedural nature regarding the operation of the List. While the Commercial



List Rules (Order 63A of the Rules of the Superior Courts) and Practice Directions are available on the Courts Service website (www.courts.ie), the Commercial List Users' Group has recognised that it would be useful to prepare additional, more practical, information to assist practitioners. In that regard we are in the process of preparing a series of frequently asked questions (FAQs) in conjunction with the solicitors representatives on the Users' Group for publication on the website. In addition we will publish statistics regularly on the website in relation to the business conducted in the Commercial List.

“The Commercial List Users' Group has recognised that it would be useful to prepare additional, more practical, information to assist practitioners”

Many of the queries staff deal with can be addressed using our website, in particular, the Commercial List Practice Directions and the information at the start of each list on the Legal Diary. The FAQs will add to the information already available electronically. In addition the “High Court Search” facility, whereby practitioners and members of the public can track the progress of all Commercial List cases as well as almost all other High Court cases, is on our website. This resource provides information regarding the names of parties and their solicitors, the listing of cases, the availability of orders made and the documents filed.

The Irish Tourist Assistance Service leads the way

Ireland is one of only two dedicated services in Europe (the other one being in The Netherlands - Amsterdam) that offers specialist assistance to tourists in the aftermath of crime. The Irish Tourist Assistance Service (ITAS) celebrates 15 years this year and in that time has helped over 9,000 tourists who have been affected by crime. Chief Executive of the ITAS, Lisa Kennedy tells us more:

ITAS offers a comprehensive service where problems facing the tourist after a crime can be addressed with a view to getting holiday plans back on track. In 2008, 83% of tourists who received assistance from ITAS continued with their holiday. In the majority of cases the tourist requires help with replacement of stolen passports, rescheduling of tickets, cancelling credit cards and money transfer information. In situations where tourists are left stranded with no money, ITAS can offer complimentary accommodation, meals and transport due to the generous support received from the tourist industry. Many tourists visit the office where they can avail of the use of phone/fax and email facilities and take the time to regain control of the situation they find themselves in.

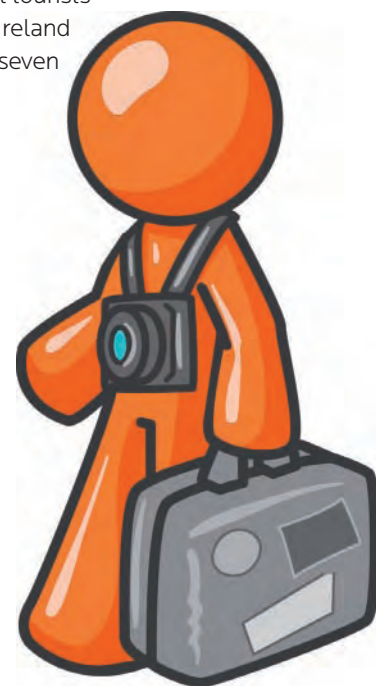
Referrals to the service come via the Gardaí and the main type of crime referred are thefts. However, the service deals with all types of crime and has in the past dealt with many serious assaults and murder cases some of which we have supported through the court process.

Over the past 15 years, ITAS has received many international visitors researching the service and has also been recognised on an international level. The co-founder of the Service – Ann Meade was awarded an MBE in 2005 and in 2008 Bernard Lavelle, a long time volunteer and now manager of the service was awarded ‘Stella della Solidarietà Italiana’ (Order of the Star of Italian Solidarity) from the President of the Italian Republic, Giorgio Napolitano.

ITAS is currently involved in a European project with organisations supporting

victims of crime in Portugal and Spain, the aim of which is to improve access to information for victims of crime in another member state. To this end, ITAS recently hosted a seminar in Dublin which involved participants from the Portuguese and Irish law enforcement agencies, Portuguese judiciary, the Courts Service of Ireland, Criminal Injuries Compensation Tribunal, the Victims of Crime Office and Irish and Portuguese victim support agencies.

ITAS assist tourists throughout Ireland and is open seven days a week.



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The big day approaches for the Criminal Courts of Justice



We've charted its progress from day one and now it's nearly ready for business. The Criminal Courts of Justice is the biggest court building to be built in Ireland since the Four Courts at the end of the 18th century. As it prepares to open, **Geraldine Hurley** who will be the Chief Operations Officer in the CCJ, gives us some useful information:

The Criminal Courts of Justice building is located on the corner of Parkgate Street and Infirmary Road, just outside the gates of the Phoenix Park, Dublin 8. It is a purpose built complex with 22 courtrooms providing modern and comfortable facilities for a wide range of court users spread throughout eleven floors. The building will house the offices and courtrooms of the criminal divisions of District, Circuit, supreme and High Courts, the Special Criminal Court and the Court of Criminal Appeal. In early December the

Custody Office of Dublin Metropolitan District Court and some staff from the Jury Office will be the first court offices into the new building. They will be followed during the Christmas recess by the offices of the Central Criminal Court, the Circuit Criminal Court, the District Court Appeals section of the Circuit Court, the remainder of the Jury Office, the Court of Criminal Appeal and the Special Criminal Court.

Sittings of the District Court in the Criminal Courts of Justice will commence on 7th December 2009. Sittings of all other criminal cases will be held from the start of the Hilary Term, 11th January 2010.

I'd like to acknowledge the work, commitment to and co-operation from staff from the five different

offices in preparing for the move to the CCJ, in examining processes across jurisdictions and in introducing new systems to the new office in the CCJ. All the support Directorates are also closely involved in the move and in the establishment of the new office, so in reality it really is an organisation wide project.

We've also established a user group comprising of An Garda Síochána, the Prison Service, Bar Council, Law Society, DPP and Probation Service to co-ordinate plans for the transfer of business across all organisations occupying offices in the CCJ. The smooth transfer of business associated with eighteen criminal courts cannot be achieved without such co-operation and input.



Updates on the arrangements for the move will be posted on the Courts Service website (www.courts.ie) on an ongoing basis.

GETTING ON WITH TASC

The project to 'Transform Administration and Structures in the Courts' (TASC) is looking at what we do in the Courts Service, how we do it and what alternative ways we might employ to deliver our services. Programme Sponsor Sean Quigley introduced TASC in July. He sends us this update:

Since the article published in July, considerable progress has been made on all the projects within the TASC programme. Many staff in the organisation have attended workshops where the reasons for undertaking the TASC initiative have been explained and discussed.

The TASC programme is comprised of a number of projects. Over the past three months the project teams, involving a large number of managers and staff from across the Courts Service, have been working very hard to examine the areas assigned to them and to meet the deadline of completing this phase of the programme before the end of October.

This phase of the programme is examining a range of options within the overall vision set out in the Strategic Plan 2008-2011 and also taking account of the current challenging economic environment. The Programme Board will consider recommendations from each of the projects and will prepare a consolidated report for consideration by the Senior Management Team and ultimately the Board.

We appreciate that change or indeed the prospect of change can create anxiety and concern for staff. This is something that the Senior Management Team and Programme Board are very conscious of. There is much

consideration being given by project teams to a wide range of issues and possible options. However the Senior Management Team would like to assure all staff that no decisions have been made at this stage. These decisions are matters for the Senior Management Team and the Board in due course. There will be full consultation with all stakeholders and every effort will be made to keep staff, their representatives and all stakeholders fully informed as the programme progresses.

In the meantime staff can contact the Programme Office at TASC/change@courts.ie with any concerns, ideas or suggestions. As we are still in an early phase of this

The TASC projects

- Service Delivery Model
- Role of the County Registrar
- Venues Review
- Resource Allocation Model
- Human Resource Strategy

transformation process there is a significant opportunity for all staff in the Courts Service to have an input into shaping how the organisation will develop and grow. The Programme Office would welcome any input to assist and/or enhance the outcomes of the TASC programme.

CORK PUTS ON A GREAT SHOW FOR HERITAGE OPEN DAY

For a second year the doors of Cork Courthouse were opened to allow the public enjoy a Saturday of culture.

The event was part of Cork Heritage Open Day, a unique event which celebrates the amazing architecture and history of the Built Heritage in Cork City. For one day only, 34 buildings opened their doors free of charge for this special event. Members of the public were allowed a glimpse of some of Cork's most fascinating buildings ranging from the Medieval to the Military, the Civic to the Commercial and the Educational to the Ecclesiastical.

Visitors to the Courthouse young and old were given guided tours by Marie Mackey and Dave Power of Cork Circuit Court Office. The tours included visits to the holding cells and the courtrooms equipped with the latest in courtroom technology. Circuit Court Chief Clerk Mary Crowley was delighted with the

response. "The public attended in great numbers and showed a huge interest in the courthouse. They particularly wanted to know how our court system works and the parts played by the different participants in the court process. We were proud to show them around our great courthouse and look forward to showing even more people around next year".



Thurles Courthouse Reopens

Thurles courthouse was flooded in temporary sunshine just as Justice Minister Dermot Ahern alighted his vehicle to perform the official opening ceremony.

The clouds, which had delivered a steady stream of heavy showers all afternoon, parted for long enough to allow for an episcopal and inter denominational blessing; an un-soaked gathering of the great and good of the area; the inspection of a Garda honour line and a performance by the Garda band; and before we got inside, the cutting of a Courts Service blue ribbon.

When inside, what is a thoroughly restored, most accessible and welcoming facility, the gathering heard speeches to mark the occasion from the Mayor of the town, the judiciary and the Minister.

The Board of the Courts Service was represented by Mr Justice Matthew Deery, President of the Circuit Court, who said "All involved are to be congratulated and I am delighted this courthouse was nominated and exhibited at the Irish Architecture Awards this year. He reminded those gathered that the venue was, "once described as disused, dilapidated, and surrounded by cars - Thurles Courthouse was in need of urgent intervention. Intervention by the Courts Service has resulted in this new fine, restored public building."

Straitened Times and New Efficiencies

Addressing the recent report of the group on public spending efficiencies President Deery said, 'the one thing we have undertaken and managed to achieve in these straitened times is that we have not and will not cut back on frontline court room and court user services'. Indeed in many ways the new efficiencies have helped us focus our mind on the better delivery of customer service to all user groups.

Minister Ahern complimented the Courts Service on the job undertaken in



Mr Dermot Ahern, Minister for Justice, Equality and Law Reform and The Hon. Mr. Justice Matthew Deery, President of the Circuit Court unveiling the plaque in Thurles courthouse



Above: The Garda Band perform before the official opening of Thurles Courthouse; Right: Marita Guiney and Ruth Penney of the Southern Regional Office, lending a helping hand



Thurles and across a whole range of areas in refurbishment and building new courthouses; in the area of interacting with young people and schools and in providing information on the courts to the public and in the area of using ICT modernisations to bring court access to many peoples homes via online services.

New Facilities

Given the size of the courthouse and the restricted site area, its rehabilitation and re-use as a modern courthouse was almost unfeasible. However with the use of imagination and clever design the Courts Service proceeded with the restoration and re-use of this important

building – a major civic landmark in the makeup of Thurles as an economic and civic centre of the surrounding area.

The old courthouse did not have an entrance hall. This was overcome by the use of space from the very long courtroom. This also allowed for the partition from the entrance to be clad with specially designed hardwood acoustic panels, which together with other designs, improve the sound and also match the furniture. All wood was procured from sustainable sources.

The arcade to the front was re-opened and fitted with frameless glass. The flanking wings which had been extended forward in 1960's were cut back to re-establish the dominance of the central block. The limestone facade was conserved and repaired.

The extension to the rear is a 2-storey over-basement block linked to the

building by way of a double height atrium. It is clad in copper and white stucco.

A new stepped plaza re-integrates the courthouse into the town plan and provides a congregating area. Level access is provided at all entrances.

Among the facilities in this new courthouse are:

- Two courtrooms
- Holding facilities
- Legal practitioners' and media rooms
- Public consultation rooms
- Reception and public waiting area
- Accommodation for County Registrar and Court Clerks
- Judges' chambers

It was designed using sustainable materials and technologies, creating a healthy and comfortable environment for court users.

The Courts Service engaged with the main contractor Pierce Healy Developments Ltd, Architects Deaton Lysaght, and the Office of Public Works.

Trip down memory lane for Kenehan family

The opening of Thurles courthouse brought back many memories for Willie Kenehan and his family. "My father James was born in 1899. He was the caretaker here from 1927 until 1970. There were seven of us – three boys and four girls – all born in this courthouse. We grew up around these rooms".

When James Kenehan died his wife Margaret took over as caretaker until her death in 1979. "After that, my brother also called James took over until the Courts Service was established".



Willie Kenehan at the official opening of Thurles courthouse

LAST SITTING IN BRUFF COURTHOUSE

The last court sitting in Bruff Courthouse took place recently after 320 years. The court sittings have moved to Kilmallock where excellent facilities for court users are now available following the completion of an impressive refurbishment project.

Court hearings were held in Bruff since the 1770's. The original building was badly damaged in 1921 when local IRA volunteers learned that it was to be occupied by British forces. It was rebuilt in 1926. The building is one of great historical interest, not least because of a landmark decision made there in 1829 which established the right of

the citizen to professional representation in a magistrate's court. It also hosted dances and other social activities attended by the late President, Eamon de Valera, in his student days.

Locals told the Limerick Leader that "[the building's] historical significance is sure to have an impact on its future use".



At the final sitting of Bruff courthouse 3rd from left Anne O'Callaghan, Court Registrar

LAST SITTING IN DUNSHAUGHLIN COURTHOUSE



Judge Hamill and Mary Farnan at the final sitting of Dunshaughlin courthouse

Judge William Hamill presided over the last sitting of Dunshaughlin Court recently. The courthouse has served the community since 1799. It was designed by the architect Francis Johnson, who also designed the GPO, the Bank of Ireland at College Green and Kells Courthouse. It was remodelled in the 1930s, and the exterior was pebble-dashed in the 1980s. The condition of the building makes it unsuitable for court business at present and the site is very confined which limits the possibility of carrying out major refurbishment or extensions. The three court sittings a month which had been held at Dunshaughlin, will now take place in Navan.



Need for a new fulltime Court of Appeal to be set up on a constitutional footing....Constitutional Reform and Referendum recommended to establish a new full time appeals system....Report recommends bringing Ireland into line with other Common Law countries and systems.....

HISTORIC REFERENDUM RECOMMENDED IN REPORT

A high powered working group chaired by Supreme Court Judge, Mrs. Justice Susan Denham has recommended that the Government holds a referendum to establish a full time Court of Appeal to deal with all criminal and civil appeals. **GERRY CURRAN** examines the main thrust of the report:

The group's report, which was sent to Government recently, reveals that our Supreme Court deals with a caseload many times greater than that of similar jurisdictions. The Government response to date has been to welcome the report and seek from senior justice officials, the most cost efficient ways of implementing it.

Following publication of the report one newspaper described Ireland as having the busiest Supreme Court in the world. As an example the report points to

our Supreme Court finalising 229 cases in 2007 compared to 82 in the UK, 74 in the US, 66 in Australia, 58 in Canada and 27 in New Zealand.

The report points to the increase in waiting times for appeals to the Supreme Court from 4 months to 30 months over the five year period 2003-2008. This is despite the Supreme Court in Ireland finalising appeals in many more cases than in other countries.

The report also states that the primary role of the Supreme

Court is not to engage simply in error correction which follows with the automatic right of appeal from the High Court to the Supreme Court. It is primarily to engage in explaining the Constitution to the people.

New Efficiencies and Historic Numbers of cases

As well as exploring the many new efficiencies which have been introduced over the last few years, which see more cases being dealt with expeditiously, and with more divisions of the High Court seeing cases through the system more quickly, the group also found there has been a large increase in new business before the courts, and that the length and complexity of cases has increased.

The report points out that there are 36 divisions of the High Court dealing with civil, constitutional, family and criminal matters and only two divisions of the Supreme Court dealing with the inevitable numbers of appeals which follow. Forty years ago there was one division of the Supreme Court dealing with appeals from seven divisions of the High Court.

The most recent Courts Service statistics show that in the past two years there has been a 48% increase in new cases coming before the High Court.

The Working Group found that “the Supreme Court does not have the capacity to process promptly the increased output of High Court appeals”.

New Bodies have not reduced ‘Questions of Law’ Cases

The report states that while the establishment of statutory bodies such as the Personal Injuries Assessment Board (PIAB), the Private Rented Tenancies Board (PRTB) and the Equality Tribunal removes a significant amount of work from the judicial system, this has little impact on the caseload of the Supreme Court. Questions of law which arise in the course of the operation of these systems fall to be resolved by the Superior Courts. These reforms thus have a less significant impact than might be

“Following publication of the report one newspaper described Ireland as having the busiest Supreme Court in the world”

expected on the workload of the High Court and, in particular, of the Supreme Court.

Future Consequences of Current Situation

If these problems are not addressed, the group say they will become greater, not less and to the detriment of Irish society and the Irish economy. The courts play a vital role in the State. They are entrusted with the task of upholding the Constitution. Their decisions impact both on the personal lives of individuals and on the world of business. A court system should provide clarity, certainty and an effective means of dispute resolution. An efficient court system is an important part of the infrastructural development of the State.

The report states that the current Court of Criminal Appeal is a useful example of an intermediate appellate court in Ireland. It removes a large number of appeals from the caseload of the Supreme Court, which allows the Supreme Court to concentrate on the small number of criminal appeals each year which raise issues of exceptional public importance. This proves the value of an intermediate appellate court.

The report finds that the Irish legal system needs additional appellate capacity, and recommends a referendum to establish a fulltime, constitutionally established court of Appeal.

Conclusions of Report

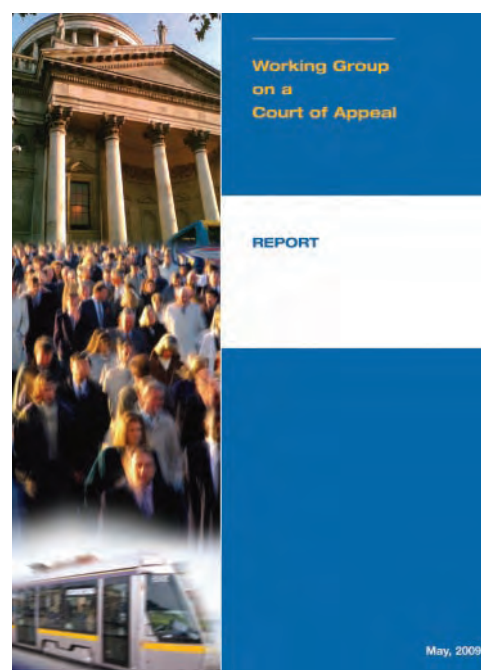
“The primary role of the Supreme Court is not to engage in error correction. It is primarily to engage in explaining the Constitution to the People. This happens, in the adversarial system, by allowing an open, transparent and

reasoned dialogue between advocates and judges and then the publishing of the reasons for the decision. We need to ensure that the process of dialogue which occurs in the Supreme Court is brought to as many of the people as possible and explained as thoroughly as possible.

If we really believe in a Constitution where the People gave the law to themselves then we must allow the Court in which the Constitution is interpreted to function as well as it possibly can. We need to ensure that the Constitution remains vital, engaged, and well understood.

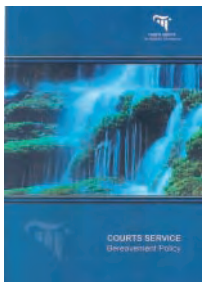
It is for this reason, as well as the gains in efficiency described in the Report, that the Working Group is in favour of the establishment of a Court of Appeal”.

An Executive Summary and full version of the Report is available in pdf on www.courts.ie



Planning for Later Life

On page 17 we discuss the new Nursing Homes Support Scheme. This new Scheme is not just another example of new work coming before the courts. It is also a reminder that - just like when after celebrating our 21st birthdays we are immediately told to start planning for a pension - we should plan for our later years with care and with some forethought. Some recent Courts Service publications aim to help staff in this process:



Bereavement Policy

While bereavement and loss is something which none of us like to dwell on, it is, of course, sadly a reality in life. We have all at some time, experienced the loss

of a family member, a friend or a colleague.

The Courts Service has recently agreed a **Bereavement Policy**, due to be published shortly, a copy of which will be sent to every member of staff. The policy has been developed so that staff will have a better understanding of bereavement and loss, the effects which it may have on individuals and, indeed, the supports and guidance available to them.

There are many types of bereavement and grieving which can confront a person, including the loss of an elderly relative, accidental or sudden death, or the break up of a relationship. The grieving process may produce effects (physical, emotional, psychological and spiritual) which are part and parcel of the grieving process.

The policy provides guidance for the line manager and for staff as to how we can help a bereaved colleague on their return to work. It also provides information on how the

Employee Assistance Officer may provide help and support to staff.

The policy advises staff of entitlements in relation to leave and also provides references to entitlements under legislation such as Parental Leave and Carers Leave.

There are a number of appendices contained in the policy which provide very practical information. For example, information is available on customs and rituals around death within a number of the major religions. Information is provided on registering a death, financial issues which can arise following a death, and probate matters. The policy also contains information on support groups and counselling services available as well as suggestions for reading material.



Helping your Legal Personal Representative

It was Benjamin Franklin who said that in this world nothing is certain but death and taxes. However morbid and difficult it

may seem, making a will or an enduring power of attorney is very desirable. Also desirable, but rarely achieved, is leaving

sufficient information to allow our nearest and dearest to take care of the inevitable consequences of our demise, as easily as possible.

The Courts Service will shortly be making available to all staff a publication entitled '**My Estate Details: An Information Booklet for my Legal Personal Representative**'. This booklet is designed to allow a person to complete, and store away for future reference, personal details of family, employment and their estate, (including PPS number, bank accounts, real estate and share holdings). A person can also insert details as to whether he or she has made a will, and where the will is kept. Details of savings schemes and insurance policies can also be recorded. The document is then available to an executor or legal personal representative who will be looking after a person's affairs when the sad day arrives.

The publication also contains information on entitlements and benefits on death, including in-service benefits, information on making a will, and information on Capital Acquisition Tax thresholds.

A word of thanks to those who prepared the booklet in particular Chris Lehane, Official Assignee in Bankruptcy and former Assistant Probate Officer.

A Living Will

The Courts Service is not alone in looking to plans for the future, a recent report from the Law Reform Commission proposes other steps which might be taken to assist individuals and their loved ones in preparing for serious medical situations. You can access the Report on Bioethics: Advance Care Directive on www.lawreform.ie

Features of the Law Reform Commission proposal

- A person can leave instructions if they do not wish to be resuscitated in the event of a major accident or medical emergency
- Legislation should be structured so as to enable people to make their wishes known in as easy a way as possible
- The Bill should cover the appointment of a person with enduring powers of attorney, who could make decisions including further treatment and organ if the person cannot make such decisions for themselves
- It will also allow for the refusal of life-saving treatment - such as a blood transfusion for religious reasons
- Nothing in the proposed legislation would change the existing criminal law which outlaws euthanasia or assisted suicide
- Basic care such as warmth, shelter, oral nutrition, hydration and hygiene could not be refused as part of a Living Care Directive - with palliative care be regarded as basic care
- A statutory code of practice to be drawn up for advance care directives, which would include detailed guidelines for healthcare professionals
- Healthcare professionals would not have any legal liability where they follow an advance care directive which they believe to be valid.

New legislation brings new business to the courts

A lot of the legislation passed in Ireland impacts and adds to the work of the Courts. Like most western countries Ireland has added greatly to its legislative provisions over the past twenty years. This makes our courts very busy – as do changes in the economy and statutory regulations. We highlighted in our last issue how issues of debt of all kinds continue to impact on the work before the courts. In this issue, Noel A. Doherty of the Courts Service Directorate of Reform & Development details two major recent changes to legislation which effect the personal finances of individuals and which are sure to bring additional business to courts around the country. On this page he explains how the Nursing Home Support Scheme will operate and on page 18 he discusses the Enforcement of Court Orders Act.

The Nursing Home Support Scheme is a new scheme to provide financial support for people requiring long term nursing home care. The Scheme provides that a person who has undergone a care needs assessment and has been identified as requiring nursing home care, may make an application for State Support. Under the Scheme, a person will make a contribution towards the cost of care.

The contribution amounts to 80% of your assessable income and 5% of the value of any assets per annum. Assets include cash assets

years. Regardless of the length of time a person spends in a nursing home, the maximum contribution based on a person's principal residence is 15%. This three year maximum also applies to farms and businesses in certain circumstances.

Where a person's assets include land or property, the 5% contribution based on such assets may be deferred and collected from the person's estate. This deferral means that the HSE will pay the nursing home and the amount paid will be recouped after the person's death. These payments by the HSE are regarded as a loan and a person availing of a loan must consent in writing to the creation of a charge against the asset. This loan is described in the legislation as ancillary State support

Where a person requiring nursing home care has diminished capacity to make certain decisions and to give an informed consent to the creation of a charge, the legislation allows the Circuit Court to make an order appointing another person to be a "care representative" for that person. The "care representative" will usually be a relative and the legislation prescribes a hierarchy of persons who can apply for such appointment. The appointment of a care representative is made for the purposes of the making of an

application for ancillary State support and the consenting to the creation of a charge.

The legislation empowers a County Registrar to make an order for the appointment of a care representative if no objection is made to the Court relating to that appointment by any notice party to the application. An application must be brought in the circuit in which the person to whom the application relates is residing at the time of the making of the application, or where that person has resided at any time during the period of three years immediately prior to the making of the application.

A care representative is not required where the person requiring the loan is a ward of court, or where there a subsisting registered Enduring Power of Attorney which does not restrict the donee from applying for the loan.

Draft Rules of Court are being considered by the Circuit Court Rules Committee and pending the introduction of such rules, a Practice Direction has been issued by the President of the Circuit Court to facilitate applications for the appointment of a care representative. The Practice Direction is available on the Courts Service website and an information booklet on the operation of the Scheme is available from the HSE.

"The Scheme provides that a person who has undergone a care needs assessment and has been identified as requiring nursing home care, may make an application for State Support."

(e.g. savings, stocks and shares) and property such as houses and land. The first €36,000 (€72,000 for a couple) in relation to assets will not be counted in the assessment. Another feature of the legislation is that a person's principal residence will only be included in the financial assessment for a maximum of three

Dealing with PERSONAL DEBT

The issue of imprisoning debtors who have not complied with court orders to repay monies owed, was a matter of much public debate and comment recently. In practical terms this has impacted greatly on the offices of County Registrars, who in their capacity as County Sheriffs have the responsibility to enforce court orders for the recovery of debts.

The recent High Court decision in the *McCann* case, which held that section 6 of the Enforcement of Court Orders Act 1940 was invalid having regard to the provisions of the Constitution, has led to the enactment of the **Enforcement of Court Orders (Amendment) Act, 2009**. The Act amends sections 6, 8 and 9 of the 1940 Act and creates a new section 6A which makes provision for entitlement to legal aid.

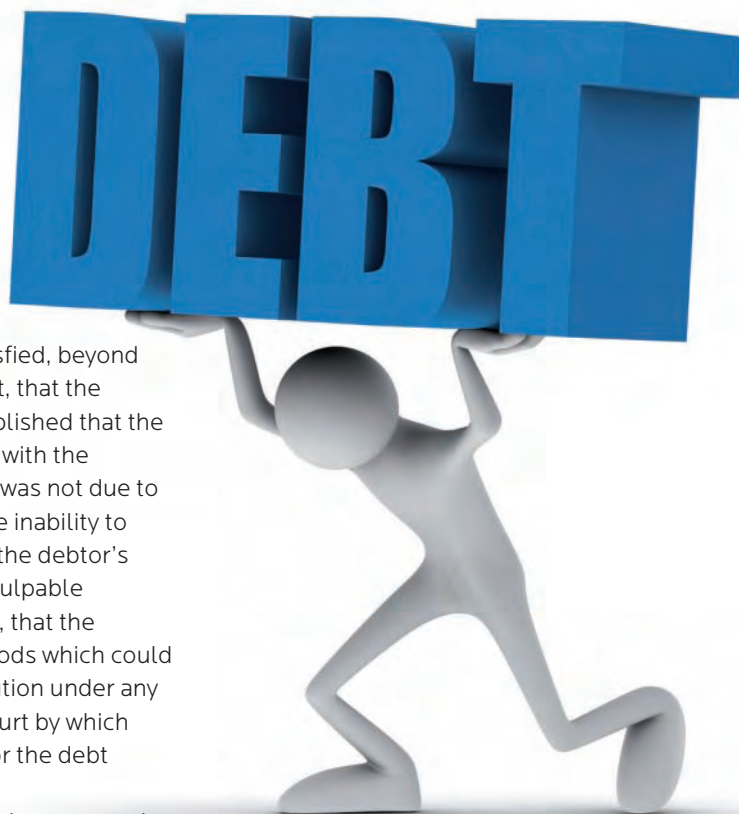
Section 6 is substantially amended to provide that a creditor may apply for the issue of a summons. A summons issued under the section must inform the debtor of the consequences of failure to comply with an instalment order and, in particular, the possibility that he or she might be imprisoned for a period of up to three months. The summons must also explain, in ordinary language, that a judge, having heard the creditor and debtor and the evidence adduced, may (a) treat the proceedings as an application to vary the instalment order, (b) request the creditor and debtor to seek resolution by mediation, (c) make an order for imprisonment and postpone the execution of

that order, or (d) order the arrest and imprisonment of the debtor.

A judge shall not make an order under (c) or (d) unless satisfied, beyond reasonable doubt, that the creditor has established that the failure to comply with the instalment order was not due to the debtor's mere inability to pay but is due to the debtor's wilful refusal or culpable neglect, and also, that the debtor has no goods which could be taken in execution under any process of the court by which the judgement for the debt was given.

Where a debtor is sentenced to a period of imprisonment, and where his or her ability to pay has changed, application may be made to have the proceedings re-entered before the Court.

Section 8 of the Act, which provides for enforcement of maintenance orders, allows a judge, when a maintenance debtor has been brought before him or her on the application of a maintenance creditor, to treat the application as an application for a summons under section 6.



“A summons issued under the section must inform the debtor of the consequences of failure to comply with an installment order.”

Changing the law on the management of personal debt

We've been reporting on how personal debt issues are greatly adding to the work of the courts. The Law Reform Commission has been examining the entire area and makes some interesting proposals for change in a recent consultation paper as **Gerry Curran** reports:

This paper makes 122 provisional recommendations for reform of the law. They range from preventative measures to address personal indebtedness at an early stage to the need to bring Irish debt enforcement processes into line with international best standards. The Commission suggests interventions to resolve debt problems in an efficient way and questions the utility of imprisonment as a means of enforcement.

The Commission asks whether the system of credit reporting in Ireland should be expanded or otherwise improved and whether a system for the regulation of debt collection agencies should be considered. There is the allied issue of regulation for debt advice agencies.

The matter of personal insolvency is addressed with a recommendation that a

new system of personal insolvency law in Ireland be created and in particular that a statutory non-court-based debt settlement scheme should be introduced, to supplement the court-based scheme in the Bankruptcy Act 1988. The key principles of the new system would be earned debt discharge, open access for honest and long-term insolvent debtors, legally binding debt settlement, preserving a reasonable standard of living for debtors, and a discharge period of reasonable length (shorter than the 12 years in the Bankruptcy Act 1988). The Debtors (Ireland) Act 1872 and the Enforcement of Court Orders Acts 1926 to 2009 would be replaced.

The modernisation process would include the introduction of a central Debt Enforcement Office (which could build on the

current arrangements) and the removal of much (but not all) of debt enforcement proceedings from the courts. The key principles which should underpin this new system are also set out. They include proportionate, balanced and appropriate enforcement in each individual case, improved access to information on the means of debtors, clear and simplified enforcement procedures, increased efficiency and accountability in enforcement, a holistic approach to enforcement through interaction with the proposed debt settlement system, and the encouragement of increased participation of debtors in enforcement proceedings.

You can access the Consultation Paper on Personal Debt Management and Debt Enforcement
www.lawreform.ie



RAISING AWARENESS OF THE RIGHT TO USE IRISH IN THE COURTS

Seán Ó Cuirreáin was appointed as the first Coimisinéir Teanga (Irish Language Commissioner) in February 2004 under the Official Languages Act, 2003:



A provision of the Official Languages Act 2003 which came into effect in July 2006 confirmed for the first time in primary legislation the right of a person to choose to use either official language (English or Irish) in any court or in any pleading in any court. However, the number of people who choose to use Irish in court is low, even in the strongest Gaeltacht areas.

This may well be based on a perception among Irish speakers that the “default”

language of many public bodies including the courts is English. Notwithstanding their statutory rights and preferences, many Irish speakers often feel that they are better served if they choose English.

The Courts Service Annual Report for 2008 indicated that over 10,000 requests for interpreters in 71 languages were received last year with Polish, Romanian, Lithuanian, Russian, Portuguese, French, Czech and Arabic being the most common.

Interpretation costs for Irish language court cases in 2006 were negligible, consisting of 0.001% of the total interpretation budget. This fell to 0.000% (or €1,012 in total) in 2007. These figures speak for themselves.

Nonetheless, it seems clear that there is a latent demand for services in Irish. A recent national survey has shown that

93% of the adult population supports the Irish language (An Ghaeilge agus Muintir na hÉireann (Mac Gréil & Rhatigan 2009). In addition a poll in Gaeltacht areas for the HSE showed that 75% of those surveyed could express themselves better in Irish rather than in English in dealing with health professionals (Ipsos Mori poll for HSE, October 2007). The same would clearly be true in their dealings with the courts.

The office of An Coimisinéir Teanga is currently promoting awareness among Irish speakers regarding their right to choose to use Irish in court. This is in accordance with our statutory functions under the Official Languages Act to provide advice to the public regarding language rights.

The legislation also confirms the court's obligations in relation to the provision of an interpretation

service, if appropriate, and prohibits any inconvenience or additional expense being incurred as a result of using either official language. In addition no one can be compelled to give evidence in a particular official language in any court.

Creating a space for the Irish language in the court system in accordance with legislation is a valuable endeavour. Indeed many international linguistic experts would argue that the marginalisation of lesser used languages by restricting the spheres in which they are commonly used can only hasten their demise. Increasing awareness among Irish speakers of their right to use Irish in court should have a positive effect on their exercise of that right and on the future of the language.

Further information is available at www.coimisinéir.ie.

Computer skills going up

During the Summer while Leaving Certificate students were held in suspense about their results, one group of happy students were celebrating their success in completing their ECDL exams.

Following several months of hard work, in their own time, members of the judiciary and Elisha D'Arcy (Judicial Studies Institute) were presented with their European Driving Licence Certificates by Chief Executive, Brendan Ryan. The course consists of seven modules: theory, file management, word processing, spreadsheet, database, presentations and internet and email. The Courts Service has made huge strides in developing its technology to allow us to operate in a world where 24/7 access to services is the norm. Our website gives that access to online small claims, judgement, and the Legal Diary. Technology in the courtrooms has resulted in a need for all involved in the provision of access to the courts and the administration of justice to become more comfortable and competent in using systems available.



Pictured with the CEO Brendan Ryan are Judge Roderick Murphy (High Court), Judge Patrick McMahon (District Court) Elisha D'Arcy (Judicial Support), Sara Arkinson (Tutor), Judge Mary Martin (District Court) and Judge Antony Halpin (District Court)

Minister tours new Criminal Court of Justice

The Minister for Justice Equality and Law Reform Mr. Dermot Ahern T.D. recently paid a visit to the new Criminal Courts of Justice at the Phoenix Park, in Dublin where he inspected the work to date and watched as some of the finishing touches were made. The Minister was met by the Chief Justice Mr. Justice John L. Murray, who together with the architects and construction managers outlined the scope and detail of the new building. Afterwards at the presentation of the

Courts Service Annual Report the Minister praised the work of the Service in the past year. He said that the new Criminal Courts of Justice building would become truly iconic as a landmark in the city, marking a grand entrance to the city from the western roads.

The Chief Justice and the Minister are pictured reading the Annual Report in what will be the Special Criminal Court in the new venue.



LATEST JUDICIAL JOURNAL KEEPS UP TO DATE WITH CURRENT ISSUES

The latest issue of the Judicial Studies Institute Journal contains a varied menu from a wide variety of professionals, some of whom are judges, others barristers, solicitors or legal academics, and yet others from a variety of disciplines.

President of the High Court Mr. Justice Richard Johnson says that the journal deals with "a number of issues which will attract a great deal of attention and are immensely important". Articles on collaborative law deal with a "development in our legal

system which is very, very desirable and can save a great deal of time, trouble and money".

Other features include dealing with victims and the manner in which the attitudes towards them have changed over the years; a practical guide to the Irish Sentencing Information System ('ISIS'); and efforts to reduce domestic and sexual violence in Ireland. Former Chief Justice Mr. Justice Ronan Keane reviews a book on the history and development of the Special Criminal Court while Mr. Justice Nial

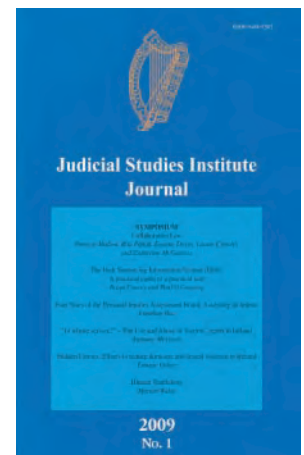
Fennelly of the Supreme Court reviews a book on the charge to the jury in criminal cases.

"This journal in my opinion is a very rewarding collection of articles which are (a) easy to read, (b) practical and (c) useful. One rarely comes across journals, magazine or books which combine these three merits" says President Johnson.

Journal editor Steve Hedley encourages judges, members of the legal community and non-lawyers to submit responses, articles and book reviews for

publication in future editions. You can contact Steve at: editor@jsijournal.ie.

The journal is available at www.jsijournal.ie



Canadian Bar Association host conference

A very large contingent of Canadian lawyers came to Dublin recently to attend the CBA Legal Conference 2009. With the changes affecting the legal profession and world markets, the Conference was a chance to learn, debate and connect with leaders in law from Canada and Europe. Delegates learned about international law and human rights from former President, Mary Robinson, discussed the patterns impacting on the business of law with Leonard Brody and followed the trends that will transform the global practice of law with Richard Susskind. They also had some time to enjoy Dublin's cultural sights including our Georgian architecture, the National Concert Hall and Dublin Castle.

Pictured at a meeting with the Chief Justice in the Four Courts are:

From left to right: Hon. Allan Lefever D.C.J. Alberta Provincial Court, Hon. Gail Vickery C.J. Alberta Provincial Court, Hon. Douglas Cunningham A.C.J. Superior Court of Justice, Ontario, Hon. Jacqueline Matheson C.J. Trial Division P.E.I., Chief Justice John L. Murray of Ireland, Hon. Michel Robert C.J. Quebec, Hon. Catherine Fraser C.J. Alberta, Hon. Derek Green C.J.N.L., Hon. David Smith C.J. Q.B.N.B., Justine Mellor Dept of Justice N.L., Hon Robert Graesser Justice, Alberta Court of Queen's Bench.



MINISTER LAUNCHES VICTIMS OF CRIME WEBSITES



The Minister for Justice, Equality and Law Reform, Mr. Dermot Ahern T.D., recently launched two new websites, the first for the Victims of Crime Office (www.victimsofcrimeoffice.ie), and the second for the Commission for the Support of Victims of Crime (www.csvc.ie). The launch took place on the occasion of the second meeting of the Victims of Crime Consultative Forum (for more details see www.csvc.ie under "Forum").

The main task of the Commission for the Support of Victims of Crime is to provide funding to voluntary sector organisations engaged in

the provision of services and supports to victims of crime.

The Commission's new website contains information on and contact details of voluntary organisations that provide assistance and support to victims of crime. The website allows this information to be accessed by type of service required and by county. More detailed information at each organisation's own website is only a click away.

The core mandate of the Victims of Crime Office is to improve the continuity and quality of services to victims of crime, by State agencies and non-governmental organisations throughout the country. It works to support the development of competent, caring and efficient services to victims of crime. The Victims of Crime Office is an executive office of the Department of Justice,

Equality and Law Reform, established in September, 2008.

The new website of the Victims of Crime Office will allow members of the public and interested parties to access information relevant to victims of crime. A version of the current Victims Charter and Guide to the Criminal Justice System is available with easy links to the home pages of the

criminal justice agencies covered. This is an enhancement of the existing print and electronic versions of the Charter. The current Courts Service Charter appears as Chapter 2 of the Victims Charter.

Both of the websites also contain Frequently Asked Questions and details of research and documents which have been published.



WEBSITE GETS A FACELIFT!

The eagle-eyed amongst you may have noticed that there's a new look to the home page of the Courts Service website. And we've also added some new sections to improve access to the vast amount of information now available. Tony Lawlor of the Website Development Team explains:

We've been working for a while now to improve the homepage of the site. It's the page most people go to first so it's our chance to make an impression and encourage people to stay with us. We asked for views, considered lots of feedback and comments and hope users are pleased with the results. We have so much information now – how to best present it is a constant challenge.

Over the last couple of years the online services section has grown with the introduction of facilities such as Online Small Claims and High Court Search. We've grouped online services together on the right hand side of the home page. We've separated out information for legal professionals and litigants generally under 'court users' on the left hand side of the page. Those interested in matters of a more general nature are catered for in the sections under the heading 'general information' also on the left hand side of the page. The news sections cover a variety of different topics. All were selected for dedicated sections on the homepage because we receive a lot of requests for information about them.

Family Law

This section summarises the information available on the site for anyone involved in family law litigation. It outlines where you can find details of court offices, court rules and fees, law terms and sittings, publications

and statistics. This section will be enhanced in the coming months.

Probate

For many people, a visit to a probate office will be the only 'brush with the law' they have in their lives. This section draws together a range of information about the probate process for both legal professionals and those wishing to taken out grants in person. Contact details are provided for the Principal Probate Registry and the District Registries around the country.

Statistics

Our new statistics section affords us an opportunity to publish a range of information on a regular basis instead of only publishing once a year as part of our Annual Report. There's information on a variety of topics together with trends in respect of some areas of work and a link to all Courts Service Annual Reports.

Going to Court

For people going to court for the first time we've included this section to provide general information about what's available on our website for witnesses, victims, plaintiffs or defendants. We provide links to other sections of the website so those unfamiliar with our site can locate information quickly and easily. We also provide a link to www.citizensinformation.ie



which provides a vast amount of information on the court system and related matters.

Site map

Long recognised as the most effective way to find your way around a website, the sitemap should be a port of call for all users. We have improved the sitemap on the Courts Service site by inserting short amounts of text over each heading. This is to help identify the content of individual sections and so make it easier for users to find what they're looking for.



International award for Courts Service website

The Courts Service website (www.courts.ie) was a winner in the recent 'Top 10 Court Related Websites' organised by 'Justice Served'.

The website awards are designed to acknowledge the work being undertaken by court agencies in the US and around the world to provide services to the community online. The awards competition has been running for ten years and assesses websites using defined criteria including court functionality, web functionality and extras (e.g. recent updates and feedback facility). Justice Served particularly liked that the Legal Diary is readable on PDAs. They extended thanks and congratulations to all the winners for their "innovation, creativity and superb examples of Internet excellence". For further information including details of the other winners visit: www.justiceserved.com.

'Justice Served' is an alliance of United States court management and justice experts who provide management services, consultation and training to courts, justice agencies and their partners in technology, with particular emphasis on aiding courts in the migration of court services to the World Wide Web.

Retirements, Retirements, Retirements...

Mickey Dorrigan Retires

Mickey Dorrigan's District Court career started in the Dublin Metropolitan District in 1975. From the outset, he liked his job - he was a 'character' and a sense of humour was a great advantage working in the DMD - a place where the entire spectrum of human behaviour was paraded before him on an almost daily basis; and he thrived in this setting.

The call of home was strong however, and he finally achieved his ambition to return to his native Leitrim when he transferred back to Carrick on Shannon District Court in March 1986 having served also for a time in Mullingar.

Mickey had a glittering GAA career as a footballer and hurler who was honoured to represent his county on numerous occasions in both codes. He used his GAA pedigree to great effect (as many a visiting solicitor will testify!) when selling tickets for his beloved Gortlettragh or for the Leitrim Hurling Board (which he has proudly chaired for the last 15 years). Mickey had such an amiable and pleasant demeanour few could resist his charm.

Mickey made his biggest impression of all with his main clientele - the litigants. It might not have been in his job description, but he had the great gift of making people feel good about themselves. He was a great source of comfort and encouragement for people facing their moment of crisis. Even the 'hard chaws' could be disarmed by Mickey's sometimes irreverent turn of phrase. He could always put himself outside the 'system' and engage them on their own ground.

Mickey and his wife Helena had their own moment of crisis when they lost their

fine young son Stephen to a rare form of cancer at the age of 24 in February 2008. He was a brave young man, a real character and, like his Dad, a gifted hurler and footballer. In typical fashion Mickey and Helena and their daughter, Rachel, while absolutely devastated, refused to lie down and die and their bravery, stoicism and forbearance are a source of true inspiration to bereaved people everywhere.

Mickey took us all by surprise when he announced that he was going to retire. We thought he was joking, but this time - for once, he was serious. He felt it was the right time to go and fulfil his long held ambition to become a full time farmer and finally get the best out of his farm (like all good farmers he never told us how many acres or cattle he had!).

He retired in February and we had a great night in the Bush Hotel in Carrick on Shannon. Witty and (some) long speeches were the order of the day but all were delivered sincerely and affectionately. If he ever doubted it the



District and Circuit Court Staff pictured at the function to mark the retirement of Carrick District Court Clerk, Mickey Dorrigan. Back Row L-r: Joe McWeeney, Michael McKenna, Geraldine Cornyn, Mickey Dorrigan, Leo Mulvey, Kevin Doherty, John Bredin. Front Row L-r: Ann McKenna, Geraldine McWeeney, Helena Dorrigan, Judge Conal Gibbons and Claire Moran

universal appreciation for him was very apparent in the warmth and sincerity of all the contributions.

He calls to see us regularly and seems to have fully embraced his new lifestyle. His involvement with GAA is a lifetime calling and no doubt will occupy a lot of his time. A lot of his old customers regularly inquire about him and are delighted to hear he is adapting so well to what, for some, can be a difficult change in lifestyle.

His likes will not be seen again around these parts. He is a one off. A true comrade.

May he and Helena have a long and happy retirement. I cannot think of anybody who deserves it more.
Michael McKenna

Retirement of Judge Harvey Kenny

Judge Harvey Kenny retired from the bench in July this year. His last sittings in both Galway and Castlebar were marked by tributes a wide range of people and organisations. They included the Courts Service, the wider legal community including Judge Raymond Groarke, Conor Fahy BL on behalf of the Bar Association and David Higgins solicitor. Also present to pay tribute were Jim Harold of the Arts Community Galway, Superintendent Tom Curley, Margaret Prendergast of the Probation Service and the County Registrars for Galway and Castlebar.

Brendan McDonald, Courts Service Western Regional Manager spoke of his admiration for Judge Kenny's energy and dedication to seeking the best for those who had to

come to court. Brendan recalled the considerable backlog in cases on the Western Circuit when Judge Kenny arrived and how his (Judge Kenny's) dynamic style very quickly brought the average waiting times down from two years to approx six months.

Facilities in Ballina, Castlebar, Clifden, Galway, Loughrea and Westport were all refurbished during Judge Kenny's tenure on the Western Circuit. Brendan commented on the judge's 'great appetite for improving court facilities for all court users' and attributed much of the early courthouse refurbishments to his 'energy and encouragement for better conditions'. He thanked Judge Kenny on behalf of all who worked



Judge Kenny's last appearance in Castlebar Courthouse

with him in the Courts Service, for his support and encouragement and for making a busy and pressurised court a pleasant place to work.

We wish Judge Kenny and his family a long and happy retirement.

Paddy O'Neill – Mr. Accountant's Office - takes his leave



Paddy with his wife Sharon at his retirement party

A large crowd gathered in Phoenix House recently to say their goodbyes to Paddy O'Neill after 36 years in the Accountant's Office of the Courts of Justice.

Assistant High Court Examiner, Brendan O'Sullivan who also spent many years in the Accountant's Office recalled a hard working

colleague who was dedicated to the office. "To use a football analogy Paddy would be the midfield general always pushing on and doing his best for the team". High Court Examiner Jim Finn, also recalling days spent in the Accountant's Office highlighted Paddy's strong sense of customer service.

"He did his work really well and quickly", Jim said pointing out that Paddy will be hugely missed not only for his work but for his sense of fun.

The theme running through all the tributes was one of high standards and a determination to always do the right thing by the customer. For most of Paddy's time in the Accountant's Office staff worked without access to technology or other modern enablers. Notwithstanding this, customers seeking to lodge or withdraw money and those whose funds were entrusted to the Accountant could always rely on a dedicated group of people who delivered a great service. And Paddy O'Neill epitomised that attitude and commendable work ethic.

Those who have followed acknowledge the contribution made by Paddy and the rest of the old guard. "Paddy has been the Accountant's Office",

said Sean Quigley, Head of the Resource Management Directorate. "He was the one you went to if you wanted to get things done". He reminded all that in the last 10 years the Accountant's Office has been brought from the 19th Century to the 21st Century. "Most of this was down to Paddy. He managed this project while also doing his day job. The Courts Service's loss is somebody else's gain and it is with regret and encouragement that we say goodbye to Paddy".

Among the more unusual gifts for Paddy was a cheque for €1.00 made out to 'Paddy O'Neill versus Brendan Ryan, CEO Courts Service', awarding him costs for 36 years of imprisonment!!

For his part Paddy thanked those who had come to bid him farewell and his wife and children for all their support.

We wish Paddy a long and happy retirement.

Big turn out as John Molloy leaves the field

The final whistle was blown on 35 years of public service when Dublin Metropolitan District Court Chief Clerk and soccer referee extraordinaire, John Molloy retired recently. A large group including judges, members of An Garda Síochána, legal profession and colleagues joined members of John's family in Dolphin House.

John started his career in the Dept of Labour in the National Manpower Service - first as a Placement Officer and later with responsibility for the establishment of a network of self service job centres. Recalling John's pride in the National Manpower Service, Director of Operations for Circuit & District Courts, John Coyle said it reflected his commitment to those less well off in society. "John has often said that in many respects the National Manpower Service was his spiritual home".

When he joined the courts in 1991 John was assigned to the Dublin Metropolitan District Court where he took up duty as Deputy Chief Clerk with responsibility for the Family Law Office and Dun Laoghaire District Court. He soon recognised the deficiencies in the facilities available in Dolphin House and set about modernising them with a passion. "The excellent facilities now available are a testament to his passion and commitment and represent a standard for the type of family law facilities we would like to provide throughout the country", said Judge Gerard Furlong of the District Court who sits in Dolphin House.

John was appointed Chief Clerk of the Dublin District Court in 2000. He had a dedicated and committed approach to customer service and introduced many initiatives during his time as Chief Clerk. He took

great pride in his annual business plans. "They were a sight to behold and were held up as a template for others to follow", recalled John Coyle.

John himself thanked everyone he could think of (individually!) and laid great emphasis on the power of team work and the ability of people to deliver when they put their minds to it and hearts into it. "On the long road to success, there is never a crowd on the last mile", he reminded all while acknowledging the help and assistance he had received during his time in the courts from so many different people.

John Coyle was also in poetic mode recalling Douglas McArthur who said that "old soldiers never die

they just fade away". "John has soldiered in the Courts for 18 years and there's no chance that he's going to fade away any day soon. He has lots of interests especially soccer and we've no doubt that whatever he takes on in the future will be approached with his usual passion and commitment".

We wish John, Marie and their family every good wish and success for the future.



John Molloy

Inspector Anne Glennon Retires



Anne with Courts Service CEO, Brendan Ryan

Following a career in An Garda Síochána spanning 30 years, Inspector Anne Glennon retired at the end of July. For the past 15 years, Anne was responsible for the Gardaí in the Four Courts.

A large group of well wishers, including Mr. Justice Matthew Deery (President of the Circuit Court), Mr. Justice Peter Charleton, Mr. Justice Michael Hanna, Judge

Mary Collins and Courts Service staff, gathered in Phoenix House as Anne took her leave. She thanked the judiciary for their help and co-operation and said that their door was always open to her. She also thanked the Courts Service staff "too many to name but always helpful".

Courts Service CEO, Brendan Ryan, spoke fondly of Anne's work and dedication to the

courts. "If you had any difficulty you could call Anne and she would resolve it, you never had to follow it up. She was always co-operative and had confidence with people", he said. He finished up by saying that he was tinged with sadness but delighted for her and her family.

We wish Anne, her husband Michael and their family every happiness for the future.

Saying farewell to Conor Delahunty

Solicitors, friends and colleagues past and present, gathered in Naas recently to celebrate the career of Conor Delahunty as he retired as Chief Clerk of Naas District Court.

Margaret O'Neill of the Circuit & District Court Directorate spoke of the long and exemplary service that Conor had given to both the Department of Justice and the Courts Service. County Registrar Eithne Coughlan, State Solicitor Geraldine Gillece and Superintendent John Murphy representing the Garda Síochána echoed what Margaret's comments. Conal Boyce on behalf of the Kildare Bar Association made a humorous speech as is his wont. Apparently, libel laws prevent our reporter from repeating much of it!

Declan Curry of the Naas office spoke of his long association with Conor. He recalled the early eighties when the office furniture was akin to school desks and how difficult it was to get an electric typewriter or a photocopier. He noted how the computer had revolutionised the manner in which we conduct business and how Conor was ahead of his time in spotting this and used IT to its maximum during his tenure. "Conor was a person of sharp intelligence and a man of letters", he said. He obtained a BA in English Literature at UCD during his time in Bray District Court and studied successfully for the Bar while serving in Naas District Court.

Conor came to Naas 30 years ago having served in Ballina, Buncrana, Rathkeale and Bray. Gay Berkery, retired court clerk, recalled how Conor had reported to him at Ballina, Co. Mayo in 1968 and how different times were in a provincial office back then. Among the retired colleagues present were former court



Conor Delahunty with some of his colleagues at his retirement party

clerks, Michael Walsh (Longford), Timothy McCarthy (Trim) and Pat Looney (Wexford) and Jim Ahearne retired Examiner. Serving staff Liam Nolan (Kilkenny), Alan Donnellan (Bray), Val Cronin (Letterkenny) and Regional Manager Gerry Nugent also attended.

After a fine meal and some humorous anecdotes, Conor was presented with a piece of sculpture 'Clash of the Ash' depicting two hurlers in competition, recalling that Conor, a native of Holycross, Co Tipperary was a fair hurler in his youth. His current sporting interest, golf, was recognised in the presentation of Titleist Scotty Cameron Golf Putter (same one Tiger Woods uses) and a stay in the Heritage Hotel and Golf resort for Conor and his wife Joan.

We wish Conor and Joan a long and happy retirement.

Jimmy Murphy retires from the courts



Jimmy Murphy (fourth from left) with his colleagues on his last day in the Courts

After working in the High Court as a tipstaff to Mr. Justice Gannon and Mr. Justice Morris for over 30 years, Jimmy Murphy retired recently. A great crowd attended his farewell bash in the "the well" in the Four Courts.

Long-time colleague and MC for the night Pat Dempsey, mentioned that before joining the courts in 1976, Jimmy worked for C.I.E. as a bus driver and also worked at the same job in Birmingham. "He was a great organiser of Christmas and retirement parties. He also organised trips to meet colleagues in the Northern Ireland Court Service". Mr. Justice Morris recalled that Jimmy initially

started working as his tipstaff on a four week trial basis. "That trial lasted 18 years". He also recalled how he was first introduced to Jimmy as 'James'. "I always referred to him by that name. After 15 years I posed the question as to whether I should call him Jimmy. It was agreed not to!". He described Jimmy as a "help, supporter, adviser, ambassador, purveyor of news, shoulder to cry on and supervisor. Everything a wife could be and more!"

Jimmy recalled a happy time in the courts and thanked everyone he'd worked with over the years. We wish him, his wife and his family all the best for the future.

REMEMBERING SADIE O'REILLY

Sarah T O'Reilly (affectionately known as Sadie) commenced employment with the Department of Justice, Courts Division on the 15th September, 1949 in the Circuit Court, Cavan. She transferred to Monaghan Circuit Court in September, 1954 joining the James P McGeough, County Registrar and Mickey Farmer. In April 1979 she was appointed staff officer on the retirement of the late Mickey Farmer. In the absence of the County Registrar, Sadie took on the role of Acting County Registrar on many occasions. She was later appointed to the role of Chief Clerk of the office and carried out her duties with extreme diligence. Her attention to detail was admirable. Staff numbers in the office and the volume of work increased substantially. Sadie dealt

with it all without any difficulty. She was widely remembered among staff members for her kindness and generosity.

Sadie was very attentive to her parents and family members. She retired from Monaghan Circuit Court office on the 31st December, 1993 and returned to her native Virginia to be close to her family. She died after a short illness on the 19th June, 2009 and was laid to rest in Virginia Cemetery.

Sadie is survived by her brothers Fr Aidan, Eddie and Brendan (Virginia, Co Cavan), Eugene (Dublin), and her sister Angela Kieran (Kingscourt). She is also survived by her many nieces and nephews, grand nieces and nephews and a wide circle of friends.

Ar dheis de go raibh a anam.

She was later appointed to the role of Chief Clerk of the office and carried out her duties with extreme diligence. Her attention to detail was admirable. She was widely remembered among staff members for her kindness and generosity.

Mass for deceased judges, staff and their families

The annual mass for deceased members of the judiciary, staff of the Courts Service and Property Registration Authority and members of their families will take place on Thursday, 5th November 2009 in Adam & Eve's Church, Merchant's Quay, Dublin at 5 p.m.

NEW LEGAL YEAR

Church services in Dublin for the start of the Legal Year included a Church of Ireland Service at St Michans Church, Church Street and Mass at St Michan's Church, Halston Street.

Members of the Irish judiciary and representatives from the wider legal community in Ireland were joined by many international visitors. Members of the Norwegian Courts Administration attended the Mass as part of an official visit to Ireland to learn about our legal system and the Courts

Service. The President of the Croatian Bar, Mr. Leo Andreis and his wife Jadranka Ruk-Andreis, attorney-at-law attended as visitors of the Bar Council. Also present were Lord Chief Justice Sir Morgan and Lady Morgan, Lord Justice Girvan and Lady Girvan and Mr. Justice Weir and Lady Weir (Northern Ireland), The Rt. Hon. Lord Gill and Lady Gill and the Rt. Hon. Lady Paton (Scotland), Mr. Justice Tugendhat and Lady Tugendhat and Mr. Justice Langstaff and Lady Langstaff (England and Wales).



Pic courtesy of courtpix

Government announces new President for the High Court

Mr. Justice Nicholas Kearns has been nominated by the Government as the new President of the High Court.



Born in Dublin in 1946, he was educated in St. Mary's College in Rathmines, University College Dublin, and the Kings Inns. Judge Kearns was called to the Bar in 1968 and to the English Bar in 1980. He

was made a senior counsel in 1982 and was appointed a judge of the High Court in 1998. He was appointed to the Supreme Court in November 2004.

In the High Court Judge Kearns was designated as the judge with responsibility for dealing with competition law matters. He is a co-founder of the Association of European Competition Law Judges (AECLJ) which was established in 2000 to ensure judicial co-operation between EU national courts in implementing competition law and was instrumental in drafting new rules for competition proceedings in Ireland. In 2008 he was also elected Vice-President of the AECLJ. While in the High Court he also dealt with cases across a wide range of topics, including defamation, judicial review and personal injuries.

In 2001 he sat as an alternate judge in the European Court of Human Rights. In 2004 he chaired the Referendum Commission in the Irish referendum on citizenship. In 2005 he was appointed to the Permanent Court of Arbitration at The Hague. He was made a bencher of Middle Temple in London in October 2006. He was re-nominated by the Government as an alternate judge to the European Court of Human Rights in 2007 and 2008. He was re-nominated to the Court for its deliberations on a number of cases related to abortion which will be heard and determined later in 2009. In 2008/9 he chaired the Family Law Reporting Committee tasked with overseeing the Courts Service Family Law Reporting Project.

His wife Eleanor is from Middleton in Cork and they have four sons.

New District Court Judges



Mr. Brendan Toale has been appointed a judge of the District Court.

Prior to his appointment Judge Toale was a solicitor with his own practice in Glasnevin, Dublin. He qualified as a solicitor in 1984. He has many years of experience in all areas of law particularly asylum and immigration law.

Mr. Seamus F. Hughes has been appointed a judge of the District Court.

Judge Hughes attended University College of Dublin and The Incorporated Law Society, Blackhall Place where he qualified as a solicitor in 1975. He has practised as a sole practitioner since 1978.

BABS TELLS US

'Love is The Answer'



Unlike an opera singer, Barbra Streisand has never relied on breathing deeply from the diaphragm, or used it as a support or shelf for her voice. She hardly ever does vocal exercises and admits, “I’m terrible about warming up, that’s just too boring to me”. She says that years ago Tony Bennett sent her a tape with vocal exercises on it. “I listened to it once”.

Which all leads to her latest offering “*Love Is the Answer*”, the 63rd album from the best ever selling female recording artist and actress; the possessor of clutches of Grammys, Oscars, Tonys and Emmys. She is the only woman ever to make the top ten best selling recording artists list and the first woman director to be

honoured by the Kennedy Center for artistic achievement.

This recording is a collection of 13 songs, all of them mellow yellowy, jazzy, intimate thoughts on love. The deluxe version has two discs – the first with an orchestration from Johnny Mandel – just right as a backdrop to winter dinner parties. The second is a pared, back to basics Babs with just a Diana Krall led jazz quartet supporting. It’s a real ‘winter’s night, curl up on the sofa with a book in front of the fire with the shutters closed’ type album with timeless standards such as *Make Someone Happy* and *Smoke Gets in Your Eyes*, more recent songs by Mandel, and others by Leonard Bernstein and Jacques Brel.

All offerings fit snugly into the jazz joint approach to this project.

Streisand herself says that “some people like the simplicity of the voice with just instruments, instead of the richer version with orchestra. And that’s the way I started. And I thought, “Why not?”. Which is probably why she showcased the album in the tiny New York, Village Vanguard club, in front of a mere 100 fans, including the Clintons of course, her being an avowed Democrat. Other promotional efforts included rare appearances on Oprah, CBS Sunday Show and and a one hour Jonathan Ross special – all being attempts to propel the album to the top of the charts – as she strives to be the first artist to have number ones in each of five decades.

Her 67 year old voice is still alluring, fresh, and without that access to the gymnastics of younger years, rather sad and at times innocent in tone: in fact rather suited to this collection. As an actress she uses singing as an expression of more than words – especially using phrasing and nuance to lend us her emotional reaction to the song, to the story as it unfolds, and the emotions as they progress through each track. The New York Times opera critic states that she sings like she is speaking to you.

With offerings including *Make Someone Happy* and an interesting take on Brel’s 1959 classic, *Ne Me Quitte Pas (If You Go Away)* this album has a lot to offer. A real one for the winter holiday market, the album makes the most of the experience of age and voice, to create a space to muse about the actual question which inspired the reply that ‘*Love is the Answer*’.

Gerry Curran

Gerry Curran is Courts Service Media Relations Adviser



A Decent Shower
in the

South of Spain

On a recent trip to Fuengirola we decided to visit Nerja which is 52 km east of Malaga.

Those of you familiar with the Costa del Sol will be acquainted with the beach resorts stretching west from Malaga such as Benalmadena and Torremolinos. These resorts are linked to Malaga (city and airport) by a fantastic train service which runs every half hour. While there is no train service from Malaga to Nerja, the bus services from Malaga are just as efficient.

Taxi from our apartment to Fuengirola train station, train to Malaga, out the door of the train station, turn left and left again and into the bus station, it couldn't have been simpler. An hour and half on the bus and we arrived in Nerja to be greeted by our friends and rain, yes rain, which didn't let up for about 24 hours! Now what to do on the Costa del Sol when there is no sol? You pay €6.50 for an umbrella that you wouldn't give a €1 for normally and zig-zag around the streets of Nerja from one hostelry to another sampling the local beverages and in the case of 'La Rodondo' the free tapas which they insist you have with every second beer. If you like Mexican



food, go to 'Cielito Lindo' and say 'hola' to Martiu and his twin brother (Martiú with a false moustache). Master of great customer service he gave us a voucher for a free bottle of Rioja, valid until 1st January 2040!

Nerja is a warren of small streets full of shops, hostels, bars and restaurants. It is well known for the large plaza which looks out over the Mediterranean called the Balcón de Europa. The view is spectacular when it's not raining. Nerja is not for party animals. It closes down much earlier than the resorts on the Costa. By 11.30pm most bars have stopped serving and the streets in the main part of the town are deserted.

The rain stopped on the second day and we got to see the excellent views from the Balcón. We also visited Frigiana, a small puebla up in the hills close to Nerja literally built into the sides of the mountain. The sharp gradient of the paths

winding around the village is not for the faint-hearted but worth the pain to see the houses and craft shops dotted around. Don't miss the ceramics shop if you like bright and colourful 'stuff' in your kitchen.

We originally planned to stay for one night only. Our room at the Hostal Plaza Cantarero cost €38. By lunch time on the second day it looked like the rain was going to stop (and my best friend had given me a pair of dry shoes) so we booked in again. This time we splashed out an extra €2 for an apartment for the night. The accommodation was really comfortable and absolutely spotless. Our friends stayed just across the road in the Hostal Abril and their accommodation also comes highly recommended.

www.hostalplazacanterero.com
www.nerjatoday.com

Train from Fuengirola to Malaga:
€2.70 one way (taxi would be about €40)
Bus from Malaga to Nerja:
€3.85 one way (taxi would be about €70)

Fiona Farrell

INDIGNATION

(Philip Roth; Vintage Books)



Philip Roth can rightly be regarded as one of the truly great American writers. Over the past fifteen years, he has produced masterworks such as *I Married a Communist*, *American Pastoral* and *The Human Stain*. This novel is a slighter work but is, nonetheless, interesting and worthwhile.

The novel is set against the backdrop of the Korean War as young Americans are being drafted into the army. The main character, Marcus Messner, a student from Newark, New Jersey, has just started college. Marcus, seemingly the perfect son, is beginning to have difficulties with his father, a kosher butcher, who wants the very best for Marcus, his only child, but has become obsessive about Marcus's safety and future. He sees danger everywhere. He frets when Marcus stays out late, a rare event, and worries that Marcus spends time at the local pool hall rather than studying which upsets Marcus who believes himself a model son and never actually goes to the pool hall.

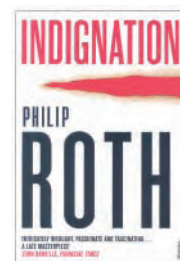
Marcus has enrolled in a local college which he really enjoys but, driven by his father's obsessive concerns, he enrolls in

Winesburg College in Ohio. This is a conservative college with a strong Christian ethos. Marcus finds it difficult to settle into life in Winesburg, avoiding fraternities and trying to concentrate on his studies. Dropping out of college is not an option as that would result in his being drafted into the army. He meets a girl who has her own difficulties and, as the year rolls on, events take Marcus on a course which he could never have anticipated.

The novel explores the relationship between Marcus and his father, and indeed his mother, but it is the difficulties between a dutiful son and a father with such expectations which drives the narrative. Roth, inventive and witty as always, also describes the frustrations of youth as Marcus stumbles through his first year in college, certain of his own mind and justifying foolish decisions, decisions which have enormous consequences.

Noel A Doherty

Noel A. Doherty is a Principal Officer in the Courts Service



On the social side....

QUIZ

Congratulations to Jim Finn, Noreen O'Donnell and Noel A. Doherty who romped home to victory in the second Annual Courts Service Social Club Quiz. The event in the Teachers Club, Parnell Square was, once again, a great success. The ten rounds of questions covered knowledge as diverse as Dublin street names to Elvis.

We raised over €600 through the event for the charity **Voluntary Service International (VSI)**. This is the Irish branch of Service Civil International, a worldwide peace movement that began in 1920. It works to promote peace, social justice, sustainable development and intercultural understanding through volunteering abroad and in Ireland www.vsi.ie. The money raised will go towards helping work

camps across Ireland and many other countries. A big thank you to all who helped with the organising of the quiz.

CHRISTMAS PARTY APPEAL

There may not be a Christmas Party this year. If members want one, they should contact the social club committee as soon as possible with ideas or suggestions. A final decision will be made in November.

CONTACT US

Anyone interested in joining the committee, or who has ideas for future events, should contact us at socialclub@courts.ie.

Finn Ryder

Out of the Office with... Dermot Kelly

Dermot Kelly, Service Officer, Four Courts and soccer referee



How long have you been a referee?

This is my 11th year refereeing in the Leinster Senior League.

What attracted you to refereeing?

Having played soccer from childhood, I wanted to give something back to the sport and there was always a shortage of referees. I initially intended to give three years but like a lot of referees once the bug bites you keep going.

What is your greatest sporting achievement?

As a player: playing against Derry City in a packed Brandywell in the FAI Senior Cup in 1986 with the Garda AFC. As a referee: I've refereed several cup finals and important matches. Refereeing at the Special Olympics gave me a special reward

as it was such a special event.

What are your likes and dislikes about refereeing?

I like keeping fit and being an enabler for two football teams to enjoy a game of football.

I dislike the level of abuse which can include assaults on referees by players and officials. I also dislike the lack of sportsmanship shown by some players, officials and fans which has crept into all forms of sport of late.

Tell us about the Irish Soccer Referees Society?

The society is the representative body for referees. It functions include representing referees when meeting the various leagues to discuss issues such as abuse or assault on referees,

allegations made against referees, and negotiations about fees with the Football Association of Ireland. The ISRS was originally formed as a debating society by six referees back in 1959. It now represents most soccer referees throughout the 26 counties. It is fully affiliated to the FAI. I initially became involved as Honorary Secretary for the Dublin Branch. I became Vice President in 2008 when elected by the Council members from around the country. The Council meets every three months to discuss a variety of issues with representatives from branches from around the country.

What next for you?

I enjoy refereeing and as long as my health allows me to continue I'll keep it up. And as long as my fellow referees want me to represent them at officer level I'll continue on with that as well.

A CAPTAIN'S DAY OUT

The Courts Service Golf Society held its annual Captain's Prize recently in Malahide GC the home course of outgoing captain Declan Power. As always it was a keenly contested event with several pre-tournament favourites including tipstaff Paddy Maher and self-styled "High Handicapper" Ciaran Caverly from ICT.

Michael Neary from the Wards of Court Office took an early lead coming in with 31 points. His lead was short lived as Paddy Maher returned a seemingly unbeatable 33 points, giving him a 2-shot lead. A lot was expected from the "Senior Citizens" group

which included former Courts Service luminaries such as PJ Fitzpatrick, Diarmaid MacDiarmada, and the soon to be former luminary Benny O'Sullivan from the Examiner's Office.

Rob Rogers, John O'Neill and Ciaran Caverly represented ICT. The wheels literally came off for Caverly's challenge on the 10th when a freak accident caused his golf trolley to collapse, costing him his challenge and a new golf trolley. Rob Rogers emerged from the pack to tie the lead, coming in with 33 points. Arthur Walker from the Wards of Court Office methodically put his round together to shoot

an unbeaten 35 points and take the tournament and the trophy.

Declan Power introduced next year's captain, Andy Cleary from the Accountant's Office.

Result: 1st Arthur Walker, 2nd Paddy Maher, 3rd Rob Rogers, 4th John O'Neill

So ends another successful season for the Courts Service Golf Society. We will resume in March 2010.

Anybody interested in coming along can contact Rob Rogers @ 01-8886396, or Captain Andy Cleary @ 01-8886208.



The "senior citizens"

Dry Battery Radios on the Blasket Islands

Radio Eireann was all we had
to tell us of other worlds.
Our world soared from the sea
in the shadow of Brandon
a continental shelf away from Dingle

We made our news on the Island
Telling stories to punctuate the silence
Playing slides and polkas
into the long damp night

At dawn we rose to play Russian Roulette
with the man eating currents
Braving the short trip in the naomhog
across the Blasket Sound to Dunquin
We took our share of fish
and sometimes they took us

These days our ghosts can still be seen
On Béal Bán or going past the school house
walking in Indian file,

as we did when climbing the steep banks
or returning from the cliffs
After raiding the nests

Great Blasket days
remain frozen in our memories
We recall all Ireland days
on the silver strand
listening to Radio Eireann
with our biographers and the Lá Breá's
Cheering on Kerry heroes in far flung Croke Park

In later years we dwindled
still listening for news
of war and weather
wondering if DeValera might read a telegram
From a storm bound island

*Brian O'Tiomain is an Assistant Principal Officer in
the Office of Wards of Court*

Would you like to support the Miriam Reynolds Breast Cancer Scholar?

Judge Miriam Reynolds passed away
in March 2009 from breast cancer.
Prof. John Crown and the CCRT team
who cared for Judge Reynolds work
tirelessly to improve cancer patient's
outcomes, extend lives and improved
the quality of extended lives.

"A Night for Miriam" will be held on
Saturday 7th November 2009 at The
Law Society commencing with a
champagne reception at 7.30pm
followed by a gala dinner with
entertainment. All proceeds are in aid
of Cancer Clinical Research Trust
(www.ccrt.ie) and will fund "The
Miriam Reynolds Breast Cancer
Scholar" ensuring her memory will live

on in young scientists who
demonstrate the potential for research
achievements.

There will be 180 tickets available for
this very special night, priced at €150
per person.

To book tickets or make a donation
please contact:

Jo Ballot,
Medical Oncology Research
Department, 3rd Floor,
St. Vincent's University Hospital,
Elm Park, Dublin 4
jo.ballot@ccrt.ie
Phone (Direct Line): +353 1 221 4982
Fax: +353 1 2837719

Calling all songwriters...

For our competition this issue we are appealing to our readers' creative side. Google and the Internet have made it too easy to find answers to recent factual quizzes.

This time we want you to re-write a popular Christmas song/carol with a contemporary theme. There's plenty of material to work with: NAMA, An Bord Snip Nua, Swine Flu, the recession, climate change, energy conservation, Christmas itself or any other topic that takes your fancy.

There will be a prize for the best and we will print a selection of the entries in the Christmas issue of *Courts Service News*.

Closing date for receipt of entries is Monday 30th November.

Entries should be sent by email to courtsservicenews@courts.ie or by hard copy to Fiona Farrell, Information Office, 6th Floor, Phoenix House, Smithfield, Dublin 7.

The answers to the July Quiz are as follows:

1. Which European country would you be visiting if you were celebrating *Independence Restoration Day* on 1st December?
PORTUGAL
2. On what date is *Canada Day* celebrated?
JULY 1ST
3. *Hari Raya Puasa* happens on 21st September – where? MALAYSIA
4. What holiday is celebrated in Turkey on 23rd April? NATIONAL SOVEREIGNTY AND CHILDRENS DAY
5. On what date do Belgians celebrate their *National Day*? JULY 21ST
6. What holiday are Mexicans celebrating on 16th November? REVOLUTION DAY HOLIDAY
7. The 8th October is *Independence Day* in what country? CROATIA
8. On what date do Jamaicans celebrate *National Heroes Day*? 19TH OCTOBER

Congratulations to...

Elaine Kenny of the Courts Service Training Centre.

Energy Quiz Winner

Congratulations to Hilda McDermott, Courts Accounts Office, for her winning slogan in the Energy Quiz (*CSN*, July 2009).

I can achieve energy savings at work by
"switching off all the time, especially overnight and when leaving an empty room, turning off the lights"

For more information about reducing your energy consumption visit www.powerofone.ie

Aisling O'Neill's début CD *As Twilight Falls* will be launched on Thursday 29th October 2009, Distillery Building, Church Street, Dublin 7 from 6-8pm. Cheese & Wine reception and raffle on the night. The Laura Lynn Children's Hospice Foundation will benefit from the launch. Copies of the CD available (Ph.087-1419893). For more information about the Laura Lynn Foundation see www.lauralynnhospice.com

Through the lens



Pupil barristers from Northern Ireland and the UK.



Baby Ross, son of Pat Johnson, Human Resources.



Judicial studies Boards of the United Kingdom and Ireland met for the first time in Ireland in July.



Custody Office Coffee Morning.



Egghan Fitzgerald, Accountants Office with his wife May on their wedding day in Tullamore in July.



Stacey O'Connor, Supreme and High Operations and her husband Stephen on their wedding day in June.