

Volume 12, issue 1. March 2010

# COURTS Service News

NUACHT NA SEIRBHÍSE CÚIRTEANNA



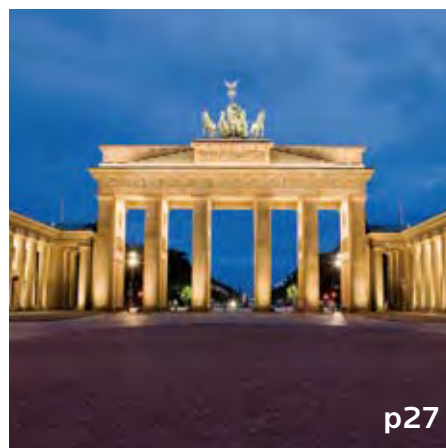
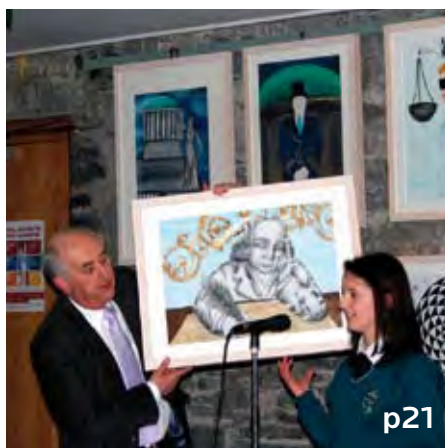
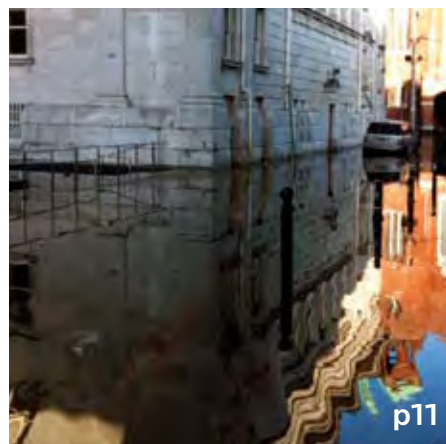
An tSeirbhís Chúirteanna  
Courts Service

[www.courts.ie](http://www.courts.ie)

NEW ERA AS  
CRIMINAL COURTS  
OF JUSTICE  
OFFICIALLY OPEN

TASC REPORT  
PLANS FUTURE OF  
COURTS SERVICE

BUDDING ARTISTS  
LAUNCH EXHIBITION



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# Welcome

**W**elcome to the March issue of *Courts Service News*. It was a bit slow coming but Spring is definitely in the air bringing shoots and buds to the trees and gardens as nature begins a new cycle. A new era in justice has also begun with the official opening of the Criminal Courts of Justice bringing the criminal business in the Dublin area into one location *pages 15 – 18*.

For a cycle to be complete there must be an end as well as a beginning. We mark the last sittings in Chancery Street and Green Street *page 18* and on *pages 23 – 26* we have a larger than usual retirement section as many valued staff members ended their careers in the Courts Service to move on to other ventures and adventures in the years to come.

Under the review project titled 'Transforming Administration and Structures in the Courts' (TASC) several working groups have been examining how the Courts Service might improve organisational performance and service delivery and most importantly deliver improved value for money for the tax payer. On *pages 7 – 10* we report on the findings and recommendations of the TASC report and bring news of an extensive consultation exercise that will follow the approval of the report in principle by the Courts Service Board.

We look at the on-line services available on the Courts Service website on *pages 19 and 20*. Changes to rules in the various jurisdictions are highlighted in the Practice and Procedures section on *pages 4 and 5* and in an update from the Probate Office on *page 6*.

The Courts Service continues to support schools in educating young people about the legal and courts systems in Ireland. On *page 21* you can read about and see the fruits of an innovative school project by St Paul's Secondary School, Dublin.

We wish all our readers a happy Easter and hope you get a chance to relax and enjoy our holiday and book reviews *pages 27 and 30* and don't forget to enter the competition *page 31*.

Fiona Farrell



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Courts Service

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### NET WIDENS FOR SMALL CLAIMS PROCEDURE

**O**rder 53A of the District Court Rules has been amended to widen the scope of the small claims procedure by providing that, in addition to claims by consumers, a claim may be brought by a business against a business in certain circumstances. Order 53A defines a “business” as a natural or legal person (including a company, partnership, or natural person trading as a sole trader) who supplies, sells or purchases goods or services in the ordinary course of a business.

A business purchaser can bring a small claim against a business vendor in relation to a contract in respect of any goods or services purchased in respect of a claim for an amount not exceeding €2,000. Excluded from the new provisions are claims arising from an agreement to which the Consumer Credit Act 1995 applies, claims arising from an alleged breach of a leasing agreement, and claims for debt or liquidated damages.

It should be noted that Irish law requires a company to be legally represented in court proceedings.

For more information see **District Court (Small Claims) Rules, 2009 [S.I. No. 519 of 2009]** available on the Courts Service website [www.courts.ie](http://www.courts.ie)

### NEW PROCEDURE TO REGISTER JUDGMENT MORTGAGE

An application to register a judgment mortgage as a burden pursuant to section 116 of the Land and Conveyancing Law Reform Act, 2009 must now be in the prescribed form in the Land Registration Rules. The form (122) replaces the former affidavit to register a judgment mortgage. It is available at [www.landregistry.ie](http://www.landregistry.ie)

## CIRCUIT COURT CASE PROGRESSION PROCEDURE EXTENDED BEYOND FAMILY LAW

**F**ollowing the introduction of Case Progression Rules in Family Law Matters in the Circuit Court in October 2008, the 1st January 2010 saw the commencement of Case Progression (General) Rules in that Court. A new Order 19A provides that case progression may be applied to certain categories of proceedings. These are equity proceedings, proceedings on foot of a Succession Law Civil Bill, or other proceedings which include a claim for specific performance or for damages for breach of contract in respect of the construction, extension, alteration, or repair of a building or other structure. The President of the Circuit Court can also designate any other category of proceedings as proceedings which may be subject to case progression.

A case progression direction may be given by a judge or county registrar, as the case may be, of his or her own motion at any listing or hearing before

him or her. A direction may also be given by the judge or county registrar on the application of any party, on notice to the other party or parties. The direction may be given where the judge or county registrar considers it appropriate, having regard to the complexity of the proceedings, the number of issues or parties, the volume of evidence, or for another special reason.

For more information see **Circuit Court Rules (Case Progression) (General), 2009 [S.I. 539 of 2009]** available on [www.courts.ie](http://www.courts.ie).

## NEW COURT RULES

### SUPERIOR COURTS

**S.I. No. 582 of 2009**

**Rules of the Superior Courts (Combined Court Offices), 2009**

These rules amend the Rules of the Superior Courts to facilitate the transaction of business in a combined court office established under section 14 of the Courts and Court Officers Act, 2009.

### CIRCUIT COURT

**S.I. No. 583 of 2009**

**Rules of the Circuit Court (Combined Court Offices), 2009**

These rules amend the Circuit Court Rules to facilitate the transaction of business in a combined court office established under section 14 of the Courts and Court Officers Act, 2009.

### DISTRICT COURT

**S.I. No. 581 of 2009**

**Rules of the District Court (Combined Court Offices) Rules, 2009**

These rules amend the District Court Rules to facilitate the transaction of business in a combined court office established under section 14 of the Courts and Court Officers Act, 2009.

**S.I. No. 33 of 2010**

**District Court (Criminal Justice (Amendment) Act 2009), Rules 2010**

These rules substitute Order 14 and amend Orders 12, 17, 18, 24 and 31 to provide forms and procedure in relation to the Criminal Justice (Amendment) Act, 2009.



## INTRODUCING COMMON PROCEDURES FOR STATUTORY APPLICATIONS & APPEALS

New Orders 64B (Procedure in Statutory Applications) and 64C (Procedure in Statutory Appeals) have been introduced to provide common procedures for applications to the Court by:

- (i) a person authorised under any enactment to apply for an order directing, requiring or compelling a person to take any step to do any thing or prohibiting or restraining from taking any step to do anything,
- (ii) any other application required by any enactment to be made in a summary manner, or
- (iii) an appeal authorised by any enactment from a determination of a person or body.

Such applications are to be brought by an originating notice of motion or notice of appeal, as the case may be, and the forms of notice of motion and appeal are prescribed in the Rules.

For more information see

**Circuit Court Rules (Statutory Applications and Appeals), 2009 [S.I. 470 of 2009]** available on [www.courts.ie](http://www.courts.ie)

### STAMPING OF COURT DOCUMENTS

To ensure consistency of stamping of documents in all courts offices the Courts Service has issued policy guidelines which are effective from 1st January 2010.

Practitioners and others lodging documents should note the following:

1. All documents must be stamped on the front page only. Where a document requires stamping on any other page or has been stamped previously on any other page, the stamp should be initialled and dated by the accepting court officer
2. All documents presented for stamping must include the title of the action e.g. names of the defendant / plaintiff. Blank documents must not be stamped under any circumstances
3. Stamped lodged documents will not be returned to any practitioner except where provided for under the rules of court.

### NEW RULES TO FACILITATE OPERATION OF THE DEFAMATION ACT 2009

**N**ew Rules of Court have been introduced to facilitate the operation of the Defamation Act, 2009. The Act provides that the tort of defamation comprises both the torts of libel and slander. A defamation action means either an action for damages for defamation or an application for a declaratory order. An application for a declaratory order must be made in the Circuit Court and the rules of court provide that it be made by originating notice of motion which under section 28(5) of the Act must be grounded on an affidavit.

The 2009 Act makes provision for a pleading to be verified by affidavit. It also allows for a lodgement without admission of liability. The Act makes provision for an offer to make amends and where such offer is accepted, the Rules provide for an application to the High Court, or where an action has already been brought, to that Court, by way of motion on notice in relation to the measures to be taken to comply with the terms of the offer, the terms of any correction and apology, or the amount of damages or costs to be paid.

The Circuit Court has jurisdiction in respect of claims not exceeding €50,000.

Both the Rules of the Superior Courts and the Circuit Court Rules provide that a number of reliefs may be sought by way of notice of motion. These include an application for a ruling under section 14 as to whether a statement is reasonably capable of bearing the imputation pleaded by the plaintiff and, if so, whether that imputation is reasonably capable of bearing a defamatory meaning, an application for an interlocutory order under section 33, an application for summary relief under section 34(1) or an application to dismiss the proceedings under section 34(2).

For more information see **Rules of the Superior Courts (Defamation) 2009 [S.I. No 511 of 2009]** and **Circuit Court Rules (Defamation) 2009 [S.I. 486 of 2009]** available on [www.courts.ie](http://www.courts.ie)



# WELCOME CHANGES...

## ...in probate/revenue procedures

A joint initiative between the Probate Office of the Courts Service and the Revenue Commissioners proposed to commence in June of this year should speed up the administration of a deceased person's estate. Probate Officer, **Annette O'Connell** explains:

### Main Probate Changes

The filing of an Inland Revenue Affidavit with the Revenue Commissioners in advance of applying to the High Court Probate Office for a Grant of Representation in a deceased person's estate has been a long established practice. The Finance Bill 2010 proposes that where a deceased person died on or after 5th December 2001, this practice will cease and instead a more efficient and streamlined procedure will be put in place. In a nutshell the proposal is as follows:

#### Preparation of Inland Revenue Affidavit

1. Obtain updated version of Inland Revenue Affidavit from Revenue Commissioners
2. Complete the Affidavit in duplicate in blue pen and have both Affidavits sworn and signed by the proposed applicant and Solicitor/Commissioner for Oaths/Court Clerk before whom the document is sworn.

#### Submission of Application for Grant of Representation to the Probate Office/District Probate Registry

1. Submit the Affidavits directly to the Probate Office together with all other necessary documentation for the Grant of Representation in the deceased's estate.
2. The Probate Office/District Probate Registry, while concerned primarily with the Probate element of the process, will ensure that the Inland Revenue Affidavit is fully completed. The Revenue Commissioners will follow up in due course on tax matters.

#### Post Issue of Grant of Representation

Once the Grant of Representation issues in the deceased person's estate,

1. One of the duplicate Inland Revenue Affidavits already furnished to the Probate Office will be forwarded to the Revenue Commissioners by the Probate Office/District Probate Registry and
2. Details regarding the issue of the Grant of Representation and other relevant information as is held in electronic form by the Probate Office/District Probate Registry will be transmitted electronically to the Revenue Commissioners.

*The Probate Office will have no further function in this process once the above details have been transmitted to the Revenue Commissioners.*

### Main Revenue Changes

The Finance Bill 2010 proposes to introduce significant changes to the Capital Acquisitions Tax (CAT) Consolidation Act, 2003 to simplify and streamline the administration and collection of CAT. The main changes proposed include:

1. Abolition of the need to file an Inland Revenue Affidavit with the Revenue Commissioner leading to a more streamlined probate process
2. The introduction of a new fixed pay and file date of 31 October for CAT, with some added time being given (the same as for Income Tax) to payments/returns made via Revenue's On-line Service (ROS). All gifts and inheritances with a valuation date in the 12 month period ending on the previous 31 August will be included in the return to be filed by 31 October
3. A new requirement to e-file the CAT return (IT38) through ROS where certain relief and exemptions are being claimed. One of the main advantages of filing through ROS is that the system progressively customises the return as the filer enters data and selects options. With the electronic return the filer is alerted of certain errors and must correct the return before being able to proceed and the tax due will be calculated automatically. This quicker and easier completion of returns will reduce compliance costs
4. The abolition of CAT as a charge on property and secondary accountability. This will eliminate a lot of processing and compliance costs relating to certificates of discharge.

To assist legal practitioners both the Revenue Commissioners and the Courts Service Probate Office will run information seminars throughout the country in early May. Practitioners will be notified of the meetings over the next few weeks. Both the Revenue Commissioners and the Courts Service urge all concerned to attend the meetings to familiarise themselves with the proposed new initiatives.





# TASC review

**Major Report provides a blueprint for consultation and the future of the Courts Service.**

A major internal review has been carried out by the Courts Service in recent months which will now lead to a period of consultation with the judiciary, staff and all stakeholders as to its implementation. The review titled 'Transforming Administration and Structures in the Courts' (TASC) sought to find potential solutions to the challenges currently facing the Courts Service and enable it to become a more effective and efficient organisation. Several working groups have been examining how the Service might improve organisational performance and service delivery and most importantly deliver improved value for money for the tax payer.

The TASC Report was considered by the Courts Service Board at its meeting on 22nd February 2010. The Board approved the Report in principle for the purpose of enabling the Service to engage in discussions with all parties concerned including the judiciary and staff at which merits of the proposals contained in the Report can be discussed in full as well as any alternative proposals that may be put forward. **Gerry Curran** reports on the findings and recommendations in the TASC Report:

**A** range of challenges have emerged over recent years which together represent a huge risk to the operation of the courts and the services provided by the Courts Service. Case volumes have grown by 40% over the past four years, funding has been reduced and staff numbers are falling as a result of the Government's moratorium on recruitment. Chief Executive Brendan Ryan says that, "The Courts Service has a critical role in supporting the administration of justice. Staff take great pride in the quality service

delivered to all court users and the support provided to the judiciary. Their ability to continue to do this under great pressure".

It is widely accepted that the Service has an excellent reputation for improvements in the provision of services to court users over the last decade. It is now the view of the Senior Management Team that in the context of the current structures, resources and management systems, the Service reached maximum capacity in 2009, and is at a critical juncture.

## Consequences

Court offices and staff are experiencing severe pressure as a result of increased work and fewer resources. If action is not taken now, there will be a deterioration in the quality of services provided which will have direct consequences for court sittings, waiting times and the administration of justice.

## Major review to bring opportunity

The Report says that while the challenges are significant, the opportunities are even greater.



There are a number of opportunities to improve performance that will enable the Service cope with growing case volumes and other challenges. There is a tremendous commitment and desire among staff to transform the way the Service operates and deliver services. What TASC represents is an opportunity to approach these challenges in a structured way and consultative way to derive maximum benefit from our efforts.

#### Review and Recommendations

The main focus of the review was the operation of provincial Circuit and District court offices, the organisational network and achievement of the operational priorities set out in the current Strategic Plan.

*A number of key recommendations emerge from the Report:*

- Replace the current single

jurisdiction provincial Circuit and District Court office network with a unified multi-jurisdiction office in each county.

- Expand the quasi judicial role of County Registrars to capitalise on their specialist legal skills, qualifications and knowledge, by extending the areas in which County Registrars may exercise adjudicative functions and other functions.
- Applying agreed criteria, rationalise the number of court venues to ensure that courts sit in venues with appropriate facilities and that best value for money is achieved from our estate of courthouses.
- Through the implementation of a Workforce Strategy maximise the potential of the staff through training and development.
- Implement a programme to

standardise, simplify and streamline all processes, including the centralisation of processes where appropriate.

- Maximise the potential of existing information technology and invest further in the deployment of technology.
- Using agreed key performance indicators and through the more effective operation of the performance management development system, move to a more performance oriented approach to managing performance and resource allocation.

The Courts Service is now engaging in an extensive consultation process with a range of stakeholders regarding the merits of the proposals contained in the TASC Report.



## The TASC Report contains seven major areas of change. Here we explore a little of the thinking and dynamics behind each one.

### **1** *Replace the current single jurisdictional provincial Circuit and District Court office network with a unified multi-jurisdictional office in each County.*

Much has changed in this country since the current network of provincial court offices was established. Our underlying organisation structure needs to reflect the shift of work from traditional structures to services that are citizen centred. Instead of separate offices and staff for provincial Circuit and District Courts, it is recommended that a unified multi-jurisdictional court office be established in each county. This will see the unification of Circuit and District Court Offices in the same location and a rationalisation of the number of standalone District Court Offices.

While the recommendation is for a single unified court office in each county, a 'one size fits all' approach may be not

feasible and it may not be possible to implement all the changes. Account will be taken of demographic and other factors in determining the optimal configuration.

### **2** *Expand the adjudicative role of County Registrars to capitalise on their specialist legal skills, qualifications and knowledge, by extending the areas in which County Registrars may exercise adjudicative functions and other functions.*

The role of the County Registrar is multi-faceted and includes many traditional and recently expanded functions. These functions are additional to the management of the Circuit Court office in each county, a role which it is proposed to transfer to Chief Clerks so as to free up the Registrar to use their legal experience in a more adjudicative way. County Registrars could also be

available to the Employment Appeals Tribunal (EAT) and to the Private Tenancy Residential Board (PRTB).

### **3** *The number of court venues be rationalised to ensure that courts sit in venues with appropriate facilities and that best value for money is achieved from our estate of courthouses.*

There has been a substantial programme of investment in court facilities over the past decade with over 50 venues throughout the country being newly built or totally refurbished. Many others were substantially upgraded. Following this investment, the condition of the 131 provincial court venues varies from the most modern buildings with state of the art facilities to some buildings which remain very poor with totally inadequate facilities. Some have presented health and safety risks.

The continued operation of many existing venues at the required standard for court venues would need further substantial investment. It is estimated that €70m would be required to refurbish the venues recommended for closure over the next two years. This is money we have little to no likelihood of accessing. Furthermore the level of business would not justify such investment – even in better times. The cost of maintaining and operating provincial venues currently amounts to some €8 million per year, excluding staff costs (based on 2008 data).

Over the next two years a number of provincial court venues could be amalgamated with nearby court venues. This includes a number of venues where sittings are no longer taking place.

Circuit Court sittings should in general be confined to cities and principal county venues. There could be limited exceptions for geographically larger



counties such as Cork, Tipperary, Donegal, Galway, Mayo and Clare. The programme of reviewing venues should be continued so as to take account of changing circumstances e.g. the refurbishment of principal county and principal district venues.

**4** *Through the implementation of the Workforce Strategy we will seek to maximise the potential of all our people through training and development that helps them be the best they can be and make the Courts Service a leader in the provision of public services.*

The Workforce Strategy should address a range of matters including training and development, effective performance management (including management of underperformance), communications, absence management and staff mobility. A leadership/management development programme should be developed to support staff together with a non-monetary award scheme to motivate staff and recognise exceptional performance at individual and team levels. The Strategy should also look at expanding the role of the Human Resources division to take on a more strategic approach beyond the Human Resources administration role currently discharged.

**5** *We will implement a programme to standardise, simplify and streamline all processes, including the centralisation of processes where appropriate.*

The operation of the Courts and Courts Service is characterised by a large number of processes, many prescribed by primary legislation and court rules. Many of these processes have been reviewed and modernised over the past ten years, particularly in association with the deployment of ICT systems such as the Criminal Case Tracking System and the Courts Accounting System. However significant opportunities remain for process improvement across a number of processes and jurisdictions. They include: summoning of juries, issue of fines notices and warrants, processing



of small claims and legal aid claims, probate managed in the District Probate registries, sheriff's business, phone calls to court offices, summary judgments and issue of civil proceedings.

**6** *Maximise the potential of existing information technology and invest further in the deployment of technology to enable the Courts Service improve service to court users and maximise performance, productivity and value for money.*

Information technology is a key enabler in the delivery of court services. Major benefits have been achieved from the investment made in technology over the past ten years. However, a review in 2007 indicated that the current configuration of disparate ICT systems results in a number of practices that impact on the overall efficiency of the Courts Service and its staff.

The core TASC Report recommendation of a unified court office is critically dependant on the implementation of an integrated civil case management system. The benefits from such a system are huge, especially as we see year on year increases in civil cases, and would include electronic filing of court documents. This would reduce the need to attend court offices for court users and litigants.

**7** *Using agreed key performance indicators, and through the more effective use of the performance management development system, move to a more performance oriented approach to managing performance and resource allocation.*

The Courts Service has made significant progress with its modernisation and change management programme over the last ten years. However it can be difficult to demonstrate and quantify progress if we do not systematically measure it. This is particularly relevant at this time as key stakeholders such as Government and tax payers need to see evidence of improved service delivery, improved efficiency, productivity and overall better value for money.

Modern courts are busy places. Satisfying the expectations of court users who vary in their roles and goals is a daunting challenge for court managers. The pressure of caseloads, along with everyday operational problems, often seems all consuming. In this context, performance assessment will actually assist managers set goals as well as understand and manage organisational performance.

With performance indicators in place, managers can gauge how well court offices are achieving basic goals, such as timeliness, service quality and managerial effectiveness.

# WATER, WATER, EVERYWHERE

What do a torch lamp, new wellingtons, a fully charged mobile phone and a camera have in common? They are very useful in a flood as **Mary Crowley**, Chief Clerk of Cork Circuit Court found out on a fateful day last November

**M**any of us woke that morning to the devastating news that major parts of Cork City were flooded. Particularly affected were areas around the western parts of the city centre including buildings such as the Glucksman Gallery and UCC, The Mercy Hospital and the courthouse on Washington Street and many residences in an old, proud and historic part of the city.



Walking down Oliver Plunkett Street the atmosphere was quite surreal. Shoppers were going in and out of the shops preparing for Christmas on a lovely sunny day. Yet at the end of the street facing onto the Grand Parade the picture changed dramatically. People stood around, stunned by the sight of flood waters filling entire streets. Some businesses had a lucky escape while others a few doors away were devastated. On the steps of the courthouse hospital workers were waiting to be transported to work in the back of an army van.

Inside the courthouse, the damage to the main office on the lower floor



was shocking. Since the official opening of the courthouse in 2005, the area was new and clean. Now as I made my way through the office, the water sloshed from side to side. Filing cabinets, stationery, books, personal possessions were all submerged. Decisions were required but so many and all at the same time!

A word of thanks to all who were there on the day from Garda Denis Ring who was the first (brave!) person into the building to local practitioners who offered support and help. The OPW put up defences for additional protection against further flooding and the Fire Brigade Service drained water from the tunnel under the courthouse for over three hours in difficult conditions.

Particular thanks must go to the staff and judiciary who ensured that in the long period following the flood there was minimal disruption to the work of the office. Only one County Registrar's list was adjourned - every Circuit Court sitting went ahead as scheduled. The impact on the office was enormous with staff on the ground floor relocated to temporary offices in locations on higher floors throughout the building. Thousands of files were destroyed and all electrical and mechanical systems were compromised. A programme of works is in place to repair the damage to that level. We hope that the lower ground floor will be operational sometime after Easter.



# SAVING ENERGY IS SAVING MONEY FOR THE COURTS SERVICE

Reducing energy consumption has paid handsome dividends for the Courts Service with a 13.7% reduction achieved in Phoenix House in 2009. It doesn't take a lot just an increased awareness and a bit of persuasion as **Peadar Ward** of the Phoenix House Energy Team explains

**T**he Energy Team comprises staff from the various divisions in Phoenix House. We had the benefit of the services of energy conservation specialists Vector FM who are engaged by the Office of Public Works under their Optimising Power @ Work Programme. The overall goal of the Programme is to achieve a 20% reduction in CO2 usage in public buildings by the end of 2012.

We considered a number of energy initiatives and introduced several of them

during 2009. The Office of Public Works installed energy loggers to give accurate information on electricity and gas consumption. This allowed the Energy Team to monitor progress during the course of the year. Posters were placed throughout the building in corridors and in lifts to highlight energy usage. Stickers were placed on many light switches, particularly in meeting and conference rooms. Staff were encouraged to turn off equipment such as PC's, monitors,

printers and photocopiers when not in use. Having consulted with staff we reduced the number of Burco boilers in the building as these were high users of electricity. The heating system was adjusted and a review undertaken on the use of chillers and fans used as part of the heating system.

The two graphs below help demonstrate the reduction in energy usage in Phoenix House. The first graphic shows a reduction in energy usage in the month of December 2009 of 22% compared with the same month in 2008. The second graphic shows the total energy reduction of 13.7% in 2009 over 2008.

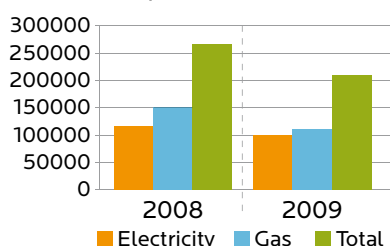
*What simple steps can you take to further the cause of energy conservation in your building?*

- Switch off all equipment when not in use i.e. PC's, monitors, printers, photocopiers, etc.;
- Unplug phone chargers when not in use;
- Turn off lights in corridors (health and safety considerations permitting) when not required
- Follow the "last man out" initiative in respect of lights etc.

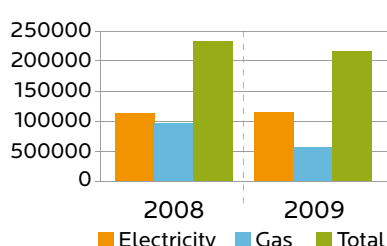
Studies in the United Kingdom reveal that a typical office premises which is in operation for 60 hours per week can use up to 40% of its electricity consumption out of hours when the building is not occupied. Let us not be part of that statistic.

## Phoenix House Statistics

Energy Usage Comparison for December



Energy Usage for 2008 & 2009



## INFORMATION FOR THOSE WORKING WITH CHILDREN

**A NEW BOOKLET** sets out the legal functions and services of all statutory agencies and departments impacted by the Child Care Act 1991 and the Children Act 2001. These Acts place responsibilities on a number of agencies from various backgrounds to deliver services to children and young people. However many of the agencies concerned identified a void in information on the roles, responsibilities and key contact points across them.

Agencies and departments referred to in the booklet include the Office of the Minister for Children and Youth Affairs, the Children Acts Advisory Board, the Health Service Executive, An Garda Síochána, the Office of the DPP, the

Irish Youth Justice Service, the Courts Service and Young Persons Probation.

The booklet, published by the Children Acts Advisory Board, was recently launched by Sylda Langford, Director General of the Office of the Minister for Children and Youth Affairs (OMCYA) and distributed in hard copy format to the key agencies, NGO's, libraries and Citizen Information Centres. It is available to download on the CAAB ([www.caab.ie](http://www.caab.ie)) and OMCYA ([www.omc.gov.ie](http://www.omc.gov.ie)) websites.



# CUSTOMER SERVICE ACTION PLAN

## RECOGNISES USERS' NEEDS

**T**he Courts Service's up-dated and revised Customer Service Action Plan reflects the commitment made in our Statement of Strategy 2008-2011 to put the needs of court users first. Good customer service has long been the hallmark of court offices. "We recognise that the people and organisations that use the courts are widely diverse and all have different needs. Many of them are not customers in the strict sense as they have not chosen to be involved with the courts, and many are dealing with us because they are experiencing difficulties of one kind or another", says **Nuala McLoughlin**, Director of Operations for the Supreme & High Courts who coordinated the production and publication of the Plan.

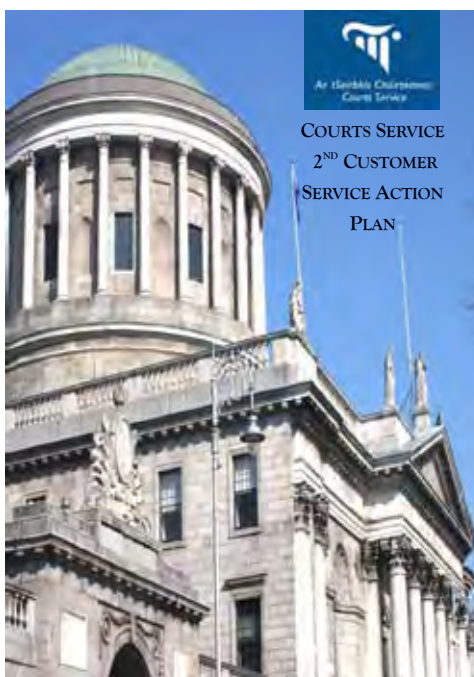
"Like our first plan, our new plan was compiled with the assistance of a sub-committee of our Central Partnership Committee to ensure that it would benefit from the input of a wide range of staff, from all jurisdictions and at all levels within the organisation". The sub-committee members included Annette O'Connell, Elaine Jones, Emer O'Mahony, Fiona Wright, Grainne O'Regan, Lauri Walsh, Mary Stewart, Michael Considine, Pat Conlon, Stephen

McCartney, Therese O'Rourke, Valerie Irvine and Valerie Walsh. The plan was prepared for publication by Stacey O'Connor with Therese O'Rourke proof-reading the Irish translation.

"Every business unit in the Courts Service takes account of its customer service obligations in formulating its annual business plan. We will continue to monitor and evaluate the service we

provide to court users to ensure that we are meeting the standards we have set in the plan. To this end, we intend to conduct a survey of court users to obtain feedback on the extent to which we are meeting expectations in a number of key areas. The outcome of the survey will be reported to our Senior Management Team and Board, and reported in our Annual Report. In the event that you are asked to complete a questionnaire for the purposes of this survey, I hope that you will agree to do so. Your feedback (which I hope will be positive) will be used to help us to ensure that we continue to deliver the service that court users have rightly come to expect from the Courts Service and its staff".

The Plan is available on [www.courts.ie](http://www.courts.ie) in the publications section.



## CALL FOR SUBMISSIONS FOR JUDICIAL PUBLICATION

The latest edition of the Judicial Studies Institute Journal, 2009 No. 2, is a "well packaged selection box of different kinds of nourishing goodies" according to Judge Kevin O'Higgins in his foreword.

There are articles by judges, legal academics and practitioners on a diverse range of subjects, including employment injunctions, selectivity in prosecution, judicial case management, and inherent jurisdiction and inherent powers. Also included

is the Law Reform Update, which provides summaries of recent law reform publications worldwide.

The JSI Journal is a learned legal publication aimed at the Irish judiciary. It is produced under the aegis of the Judicial Studies Institute, the body responsible for training, seminars and study visits for the judiciary. The primary purpose of the Journal is to provide Irish judges with information and opinions that are relevant and useful to them in their work.

The editor, Professor Steve Hedley of University College Cork, encourages judges, members of the legal community and non-lawyers to submit responses, articles and book reviews for publication in future editions. The main deadline for submissions for the first edition of 2010 is 15th April 2010, though late submission may sometimes be possible by special arrangement. For more information visit the website of the journal at [www.jsijournal.ie](http://www.jsijournal.ie)

## staff ON THE move

**MARGARET O'RAFFERTY** has taken up the position of Chief Clerk in Mullingar District Court. Margaret moves from Human Resources.

**TERESA BROPHY** takes over as Chief Clerk of Naas District Court. Until recently Teresa worked in the Criminal Courts of Justice.

**MICHELE QUINN** and **MICHELLE JOHNSON** have replaced Teresa Brophy in the Criminal Courts of Justice. They are relocating from the Dublin Metropolitan District Court.

**AUDREY CADDEN** has moved from Trim District Court to take up the position of Chief Clerk in Cavan District Court.

*Watch out for a new feature in our next issue with news of staff moves across the organisation.*

## DUBLIN DISTRICT CIVIL OFFICE - CHANGE OF LOCATION

**DUBLIN DISTRICT COURT CIVIL OFFICE**, including the Small Claims Office, has re-located to a new Circuit and District Court Office on the First Floor, Áras Úi Dhalaiagh, Inns Quay, Dublin 7. Clients can now transact any civil business for both jurisdictions in one location.

The location of courts hearing District Court civil matters and the arrangement of court business has also changed. In the main, lists previously heard in Court 40 are now heard in Court 23, Public Records Building, Four Courts, Dublin 7. Lists from Court 49 have moved to Court 50, Richmond Courthouse, Brunswick Street, Dublin 7.

The venue for the hearing of civil summonses issued from January 2010 should be given as Court 23, Public Records Building, Four Courts, Dublin 7.

## EXPLAINING THE CORONER SERVICE

[www.coroners.ie](http://www.coroners.ie)



**A** new website aims to improve the information provided to the public on the services provided by the Coroner Service. The website provides a comprehensive description on what coroners do, how they can help members of the public and what processes should be followed when there is a sudden death. It also gives information about post-mortems and the exhumation of bodies.

The Coroner Service not only provides closure for those bereaved suddenly but also performs a wider public service by identifying matters of public interest that can have life/death consequences. The Coroners' core function is to investigate sudden and unexplained deaths so that a death certificate can be issued. This

is an important public service to the living and in particular to the next-of-kin and friends of the deceased.

Launching the site, Minister for Justice, Equality & Law Reform Dermot Ahern said that the site provided information in a simple way and that it was of "immediate value" to those suffering bereavement and to those assisting "this very vulnerable group at a difficult time. Anyone can at any time be affected by a sudden or unexpected death."

The website includes publications and the legislation that governs the operation of the Service. Contact details and a list of coroners and deputy coroners based in county-aligned districts throughout the Republic are also included. Visit the website at: [www.coroners.ie](http://www.coroners.ie)



# MOVING ONWARDS & UPWARDS

Many historic events took place in the Dublin city centre criminal courts recently. There were the final sittings in the Bridewell and Green Street as the District Court and Special Criminal Court prepared to relocate to the new Criminal Courts of Justice. There were the first sittings of the various courts in the new building as judiciary and staff familiarised themselves with their new surroundings. And who could forget the wonderful event on 16th January when the President of Ireland officially opened the grand edifice as Dublin welcomed a major new addition to the skyline. Our four page tribute captures the mood of the courts on the move:

## FIRST SITTINGS IN THE CRIMINAL COURTS OF JUSTICE OF THE DISTRICT COURT, CENTRAL CRIMINAL COURT AND THE COURT OF CRIMINAL APPEAL



## STAFF SETTling INTO THEIR NEW SURROUNDINGS

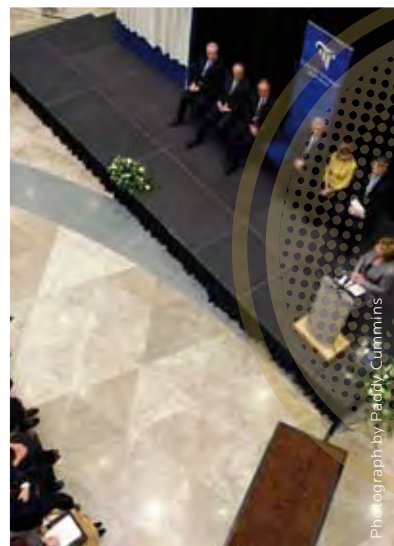




*Former Minister for Justice, Equality & Law Reform, Nora Owen, with Mr. Justice Nial Fennelly and Mr. Justice George Bermingham.*



*Geraldine Mc Kinney and Trena Hever from Sligo District Court with Brian Leonard, Castlebar District Court.*



Photograph by Paddy Cummins

## PRESIDENT PRAISES NEW BUILDING

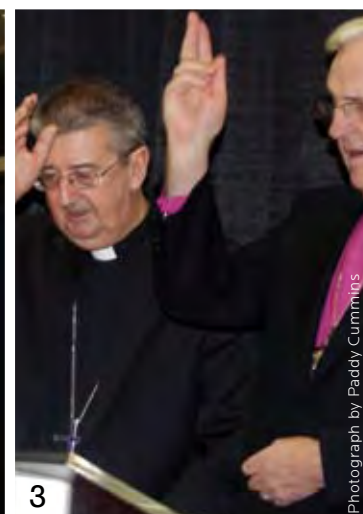
"I am delighted to be here today not only to open these wonderful courts but also to welcome you as my newest neighbours" said President Mary McAleese as she officially opened the Criminal Courts of Justice. She said that all concerned have created a twenty-first century seat of justice to more than rival Cooley and Gandon's more familiar and more sombre edifice further down the Liffey. "Given its circular shape it is hardly surprising that already it has been dubbed the Pantheon - but since it is not a dwelling place of the gods, nor the home of our nation's illustrious dead nor a place of public entertainment the informal title is more honorific than anything else but an early sign of the respect and admiration this building has already garnered".

"What happens here is of huge importance to our democracy. The building exists to create the best context in which to secure, safeguard and vindicate the good of the people, the values we live by and the laws by which we order our shared lives. This is a building to be proud of and a showcase of a culture of inclusion to be proud of".



Photograph by Paddy Cummins





*Pic. 1: Chief Justice, Mr Justice John L. Murray, Mr Justice Nicholas Kearns, Minister for Justice, Equality & Law Reform, Dermot Aherne T.D. and Councillor Emer Costello, Lord Mayor of Dublin. Pic. 2: P.J. Fitzpatrick, former CEO of the Courts Service, David Lavery, CEO of the Courts Service of Northern Ireland and Brendan Ryan, CEO of the Courts Service. Pic. 3: The Most Reverend Dr. Diarmuid Martin D.D and the Most Reverend Dr. John Neill D.D*

## CHIEF JUSTICE PRAISES STAFF

Welcoming the President and guests the Chief Justice Mr Justice John L. Murray said that the new complex will make a major contribution to improving the administration of justice in the public interest. "This will be achieved in no small measure by the positive manner in which the personnel of the Courts Service have responded to the new administrative challenges and organisational changes which this project entails.

In doing so they have shown the same spirit of openness and public service that they have brought to all our innovative programmes and strategies since the foundation of the Service a short decade ago. The smooth operation of all key facilities and services this week is a testament to their professionalism and organisational adaptability".



*Pic. 4: Dermot Mc Carthy, Secretary General of the Department of An Taoiseach with Noel Rubotham, Director of Reform & Development, Courts Service. Pic. 5: Dr. Martin Mc Aleese, Mary Mc Aleese, President of Ireland and Peter Mc Govern, architect of the Criminal Courts of Justice. . Pic. 6: Miriam O'Flanagan, Office of the CEO and Sean Quigley, Director of Resource Management, Courts Service.*



## THE BRIDEWELL COURTHOUSE

The name 'Bridewell' first applied to a royal palace located near St. Bride's or St. Bridge's (Brigid's) Well in London. The Bridewell in London was given to the city by King Edward VI for use as a workhouse. Rebuilt in 1668 after the great fire of London the Bridewell was used as a prison from 1729. By the 19th century Irish Bridewells were small local prisons designed to hold those charged with offences until the courts could deal with their cases. They also held convicted prisoners until their transfer to county jails and those serving very short sentences. The courthouse in Chancery Street was built in 1875.



*Judge Miriam Malone, President of the District Court, Judge Timothy Lucey & Judge Ann Ryan at the last sittings in the Bridewell*



*District Court staff on the steps of the Bridewell for the last time*

## GREEN STREET COURTHOUSE

The courthouse was opened in 1797 and is probably best known for the trial of Robert Emmett which took place there in 1803. One of only two courthouses in the country with a dock for the accused Emmett gave his much quoted speech from that dock before his execution. The courthouse housed the Special Criminal Court from 1972 until its recent move and dealt with all major terrorist and gangland crimes.

*Last sitting in Green St Judge Alison Lindsay, Mr. Justice Paul Butler and Judge William Hamill;*





# DOING BUSINESS ONLINE... ...THE WAY FORWARD

The Courts Service website operates as a portal for a series of online services. Available 24 hours a day the website allows legal practitioners, court users and members of the public pay a fine, file a small claim, research a judgment, locate a court case or find out dates of court hearings at a time that is convenient for them. **Fiona Farrell** of the Courts Service Web Team brings us through the highlights of these online services many of which are provided free of charge

**F**or ease of use the online services are grouped together at the top right hand corner of the home page

## High Court Search

You can search the High Court case tracking system free of charge. Details of all cases issued in the High Court since August 1993 with the exception of 'in camera' cases (cases not heard in public) are provided. The system is updated daily and includes:

- the record number of the case
- names of the parties
- names of the solicitors firm representing the parties
- court listings
- documents filed
- outline details of the orders made

High Court Searching

Search Criteria

Year: [ ] Case: [ ]

Proceedings: [ ]

Plaintiff: [ ] Defendant: [ ]

Case Number: [ ]

Settlement Type: [ ]

Settlement No: [ ]

Settlement Date: [ ]

Case Listed in Court: [ ]

Settlement Court Ref: [ ]

Search

To do a search you need at least two pieces of information about the case e.g. the name of the plaintiff and the case number, or the names of the plaintiff and the defendant. The case(s) which match your search terms are displayed



Judgments are categorised by court and by year and can be searched using either criteria. There is no charge for using this facility. Both the High Court Search and the Judgments section provide 'help' to answer frequently asked questions and provide guidelines on topics like how to format a name to conduct a search. There can often be confusion over names which contain O' or Mc so you should consult the help areas if you are experiencing difficulty.

on screen in a table format. By clicking the View link which is at the end of each row you can access a number of screens which provide more details about the case.

## Judgements

Written judgments made available by the Supreme Court from the year 2001, the Court of Criminal Appeal from the year 2004 and the High Court from the year 2004 are provided.



The information for the criteria you searched may result in a list or table being created which is longer than the page you can see on screen. Always check the bottom of the screen for 'next' or 'previous' buttons to see more.

## Legal Diary: PDA Legal Diary

This part of the website allows practitioners and the public find lists of cases for hearing in court. Lists are categorised by jurisdiction and in the case of the Circuit Court are divided between Dublin and provincial listings.

You should note in relation to lists for the Supreme Court, Court of Criminal Appeal, Central Criminal Court and Courts-Martial Appeal Court that while the date at the top of the list is the current date, by clicking on this date



you can also see cases listed for future dates.

In the High Court lists are subdivided for ease of searching. You can search under 'Today's cases' or by topic such as bail, chancery, commercial etc.

Circuit Court lists for Dublin are broken down into civil, criminal, family, appeals and county registrar's list. Circuit Court listings for outside Dublin are found under 'Provincial Diary' and are published by county and within the county by venue if there is more than one court venue used. Within the venue there is a further breakdown by topic: criminal, civil, family, and appeals.



In some counties the lists can be quite long and cannot be seen in their entirety on one screen. Use the 'next' and 'previous' buttons to see all entries. The section also provides a very comprehensive help page.

For those on the move the PDA Legal Diary section provides all the information available in the Legal Diary but is formatted to allow as much information as possible to appear on the smaller screen of devices such as Blackberrys. There is no charge for searching the Legal Diary or PDA Legal Diary.

**The Online Fine Payment and Small Claims Online are available 24 hours a day and can be accessed from any location. This proved very convenient for at least one customer who lodged a small claim on line from as far away as the United Arab Emirates.**

#### Online Fine Payment

Since its launch in 2008 over €4 million in fines has been paid on line by more than 18,500 customers. A unique case number and personal identification number (PIN) is printed on every fines notice. These two numbers are required when you begin the process of paying your fine online.



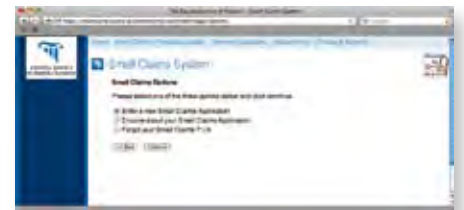
#### Small Claims Online

By using a unique personal identifier (PIN) the applicant can pay the court fee online and follow their application through the various stages of the process. There's a 50/50 breakdown nationally between those who use the online service to process a small claim

and those who continue to attend court offices, although the use of the online facility is slightly higher in Dublin.

Links are provided in this section to information leaflets about the small claims process. The information is also available in audio format from the link.

Only the value of the goods or services in question can be claimed. Claims lodged with ancillary costs such as court fees are returned to the applicant. Applicants are also advised to check with the Companies Registration Office ([www.cro.ie](http://www.cro.ie)) before lodging a claim to make sure that they have the correct legal title of the respondent. An incorrect title for the respondent is one of the main reasons for claims being rejected and it also makes it impossible to enforce court orders.



If you need help with any of the above sections and cannot find the resolution to your problem in the 'Common Questions' or 'Help' sections on line, you should forward your query to the relevant office using the email addresses provided in each section.

The Courts Service website is constantly being reviewed and developed. If you have any general comments or suggestions on how we can improve our website we are happy to hear them. Please email: [sitecomments@courts.ie](mailto:sitecomments@courts.ie)





# STUDENT ART LIGHTS UP BAR COUNCIL BUILDING

**A** novel art exhibition opened to much praise and acclaim in the Atrium of the Bar Council's Distillery Building in Dublin's Church Street recently.

Supported by the Courts Service and the Bar Council, junior and senior art students from St. Paul's Secondary School in Dublin's Greenhills, produced some amazing work on the theme of 'Courts of Justice'. This followed an earlier visit with their teachers to the Four Courts. Using a variety of media and techniques such as paint, thread, paper quilling, collage and calligraphy together with a serious amount of imagination, the girls produced a wonderful collection of artwork in framed picture and model format, much of which features in the exhibition. A curriculum based approach was taken in preparing the artwork and incorporating the various themes.

School principal Majella Deasy praised all those involved especially the young students who gave so much time and energy to the project. "From their paintings we can see how this project has enriched the students' understanding of the history and workings of the justice system. This represents education at its best, when learning is self directed, cross curricular and experiential; in other words when it is fun".

The students were ably supported by art teachers Aideen Gough and Michelle Colleton and legal studies coordinator Deborah Skelly (who is also a barrister). Officially opening the exhibition Mr. Justice Peter Kelly of the High Court commented on the high standard of the students' work



*Kerrie-Anne Roche presenting her painting of James Gandon to Mr. Justice Peter Kelly as a gift to the Courts Service.*

and the obvious enthusiasm with which they undertook the project.

Music at the official event was provided by *Opera Serenade* a choral group which includes Carol Ann Duffy also a teacher at St. Paul's. Courts Service Chief Executive Brendan Ryan joined parents and friends of the students and many barristers to witness the presentation of certificates to the students in recognition of their work.

The evening was a wonderful testament to the talent and creativity of budding young artists.

## UCD CLEAN UP AT ADVOCACY CHALLENGE COMPETITION



*Finalists with staff from the Information Office & staff from the Courts Service Northern Ireland*

**M**any colleges were represented but one outshone them all at the final of the inaugural All-Ireland Advocacy Challenge 'The Advocate' recently. University College Dublin produced all four finalists in the competition organised by solicitors McCann FitzGerald in association with the Courts Service and the Northern Ireland Court Service.

With a prize fund of €3,500 (with €2,000 going to the winning team) the 'Advocacy Challenge' aimed to promote the articulation of legal responses to the various business issues faced by corporate bodies. The judges for the final, Mr. Justice Peter Kelly of the High Court, John Cronin, Chairman of McCann FitzGerald and Rose Hynes, Chairman of Bord Gais Eireann were very impressed with the standard of argument and depth of knowledge of the finalists and expressed the hope that the competition might be repeated in future years.



## NEW CIRCUIT COURT JUDGES



*Judge Margaret Heneghan &  
Judge Leonie Reynolds*

**MS. MARGARET HENEGHAN B.L.** has been appointed a judge of the Circuit Court.

Judge Heneghan graduated as a barrister-at-law from the Honourable Society of Kings Inns in 1993. Her special interest areas are company law, corporate insolvency, Criminal Assets Bureau and medical negligence.

**MS. LEONIE REYNOLDS B.L.** has been appointed a judge of the Circuit Court. Judge Reynolds graduated as a barrister-at-law from the Honourable Society of Kings Inns in 1993 and had been practising mainly on the Midland Circuit.

## NEW SUPREME COURT JUDGE

**MR. DONAL O'DONNELL S.C.** has been appointed a judge of the Supreme Court. Mr. Justice O'Donnell studied in University College Dublin and graduated as a barrister-at-law from the Honourable Society of Kings Inns in 1982. He was called to the Bar of Northern Ireland in 1989, made a senior counsel in 1995 and a Bencher of Kings Inns in 2009.



*Mr Justice Donal O'Donnell*

## Former Taxing Master, David Bell

**T**he longest living Taxing Master, David Bell, was the toast of the Morrison Hotel when he celebrated his 90th birthday recently. The Institute of Legal Costs Accountants brought friends and former colleagues

together to mark this unique occasion and to wish David well. Born in 1920, David qualified as a solicitor in 1943. He was appointed a Taxing Master in 1970, a position he held for 20 years until his retirement in 1990.



# Retirements...

We bid farewell to some life long friends and colleagues.

## Judge Uinsinn Mac Gruairc leaves the Bench



*Judge Uinsinn Mac Gruairc*

**I**n January this year Judge Uinsinn Mac Gruairc stepped down from the bench at Cork District Court following a legal career both as a barrister and judge spanning over 30 years. Judge Mac Gruairc was a former

schoolteacher and RTE producer and presenter. He was appointed a judge of the District Court in 1990 and assigned to Cork in 1994.

Amongst those paying tribute in a packed courtroom were President of the Southern Law Association, Eamonn Murray, Jim Duggan BL on behalf of the Cork Bar, Solicitor, Frank Buttimer and Cork City State Solicitor, Barry Galvin

Judge Mac Gruairc's humanity, compassion and his great sense of humour were repeatedly referred to. Chief Supt Mick Finn outlined how much young gardaí had learned about court procedure and the laws of evidence from appearing

in his court over the years. Many senior gardaí had also benefited from that experience.

Michael Goulding, Chief Clerk of Cork District Court, spoke of the judge's great relationship with the court staff, recalling his custom to come in at 7am a few days before Christmas each year to fry up a big breakfast of sausages and rashers for all the staff.

Elisha D'Arcy of the Courts Service, John Corcoran of the Probation and Welfare Service, Colm Roberts on behalf of family law solicitors, veteran solicitor Ned O'Driscoll and Eamon Fleming on behalf of the West Cork Bar added their praises.

Judge Con O'Leary and Judge David Riordan from Cork District Court paid tribute at the sitting which was also attended by Judges Michael Pattwell, James McNulty, Gerard Haugton, Leo Malone and retired judge Harvey Kenny.

Judge Mac Gruairc's family, his wife Ita and children Mary, Clare, Vincent and Peter, and his granddaughter Maisie were all in court to hear him thank all those who had assisted him over the years and added how much he had always enjoyed going to court.

## Nuala Kane retires



*Nuala (second left), her husband Bernard, County Registrar Eithne Coughlan & Frank Taaffe, President of the Kildare Bar Association.*

*Photograph by Tony Keane*

## Joe Lyons ends 60 years of service

**J**udge James Mc Nulty and others in the local legal community paid tribute to Joe Lyons, caretaker of Clonakilty Courthouse, who retired in December after 60 years service.

A sprightly Joe (87) took over the role of caretaker in the 1940s from his mother who had previously been looking after the building.



*Joe on his last day outside the courthouse.*

*Photograph by Denis Boyle*



## Brendan O'Sullivan retires

A huge crowd gathered in the restaurant in Phoenix House and later in the Brazen Head recently to celebrate the retirement of Benny O'Sullivan after 42 years' service in the courts.

Benny's early career took him to the Accountant's Office and the Official Assignee's Office. After a number of years as a Registrar in the High Court, Benny was the Accountant of the Courts of Justice from 1992 to 1995, when he became Assistant Examiner in the Examiner's Office.

One of his earlier roles was as messenger in bankruptcy where he brought a sense of fairness and decency to a difficult job. During his time in the Accountant's Office Benny oversaw the receipt, investment and payment of several hundred million pounds on behalf of minors, Wards of Court and others, in a pre-IT era. As Assistant Examiner, Benny successfully oversaw hundreds of court liquidations and

mortgage suits.

He was known amongst his colleagues and practitioners

not only for his knowledge and expertise, but for his helpfulness and efficiency. He has a fantastic positive energy and great sense of fun. Certainly the restaurant in Phoenix House is a quieter place without him!

A lover of many sports but committed to the Dubs and Whitehall Colmcilles in particular, he was also a real team player and genuine leader in work. He'll be greatly missed by all his friends in the courts.



*Brendan 'Benny' second from the right*

## Bidding farewell to Paul Lynch



*Rosaleen & Paul with Tom Ward*

Often colleagues retire for whom work is the be all and end all and we ask ourselves "How is he/she going to keep busy after he/she retires?" Thankfully, we do not need to have such worries about Paul Lynch, who recently retired from the Dublin Metropolitan District Court.

Paul started his career at the Bail Counter in the Custody Office. Over the years, he was employed in most courts in the DMD and then in the Department of Justice. Following the establishment of the Courts Service, he went via the Estates and Buildings Directorate to the High Court and eventually found his way back to the District Court. Those who received his final e-mail know that Paul is a man of letters, with a passion for music and travel. At his retirement, he thanked his colleagues and friends for everything he learned from them.

## Marie O'Donnell says goodbye after 35 years in Mullingar Circuit Court

Mullingar Circuit Court said goodbye to Chief Clerk Marie O'Donnell recently. Marie began her career in the Department of Education and moved to the Circuit Court in Mullingar in 1974, a move which she made in order to look after family. County Registrar Elizabeth Sharkey noted how Marie's family has always been very close to her heart.

Marie worked in the Land Registry and Probate sections of the office before being promoted to Chief Clerk in 1986. "She will be missed by her colleagues in the office and those in the wider legal community in the area. In particular we will miss her hearty laugh, her sense of enjoyment and fun, her total interest in people".



*Marie (on the right) with County Registrar Elizabeth Sharkey*

## Sean Clerkin retires from the CCC



Sean (centre) with colleagues

High Court judges, Patrick McCarthy and Barry White joined members of An Garda Síochána, solicitors and many colleagues to wish Sean Clerkin well as he retired from the Courts Service recently following a career that spanned over 40 years.

Sean recalled many years spent in Trim Circuit Court before transferring to the Central Criminal court. "I've enjoyed my time", he said recalling the many fine people he had met over the years. His colleague registrars from the Central Criminal Court, Liam Convey, Mary Feerick and Eileen Brennan, were among many court registrars who came to say their farewells. Principal Registrar, Kevin O'Neill spoke of a great colleague who would be missed. A good singer, Sean said the best way he could go out was with a song. There was hardly a dry eye in the house following his rendition of Charlie Chaplin's 'Smile though your heart is breaking'.

## Saying goodbye to Noel Brennan

The Cavan Crystal Hotel, Cavan was the venue for the formal farewells to Noel Brennan as he retired as Chief Clerk of Cavan District Court recently.

Noel was appointed a District Court Clerk on 18th November 1969 and started his service in Kilkenny District Court under the leadership of Andy Cullen. In October 1970, he transferred to Cavan where he worked with Jim Beirne until November 1974 when he transferred to Drogheda District Court to work with the late Tom Coffey. In March 1979, on promotion to Chief Clerk he was appointed to Buncrana but in October that year he transferred to Bray where he served until February 2000. His final posting was to the District Court Office in Cavan.

On the evening a presentation was made to Noel and many tributes were paid. Among those in attendance were Brendan Ryan, Chief Executive Officer of the Courts Service, Judge



Noel surrounded by his colleagues & friends

Sean MacBride, Rory Hayden, State Solicitor, Superintendent Noel Cunningham and Aine Murray, Probation Officer. All praised Noel for his courtesy, professionalism and great service over the years.

## Liam Convey bids farewell

"It is a sad day for the Central Criminal Court" said Mr. Justice Paul Carney leading the tributes as Liam Convey retired after many years as his registrar. Praising Liam's administrative duties the judge spoke of an efficient worker who was always pleasant to those who came to the court. The telepathy between judge and registrar was also mentioned to knowing nods from the large group who assembled to wish Liam well.

Other tributes were paid on behalf of the Bar, Law Society, An Garda Síochána and Liam's colleagues and friends in the Courts Service including registrars Mary Feerick, Eileen Brennan, Seán Clerkin (also recently retired) and recent arrivals John Quirke and Michael Neary.



Liam (left) with Brendan Ryan CEO & Mr Justice Paul Carney.

## Arthur Walker says goodbye



Arthur & Carmel

Colleagues gathered in Phoenix House in Smithfield to bid farewell to Arthur Walker as he retired from the Office of Wards of Court recently.

Arthur began his career in the civil service in 1969. After 29 years with the Revenue Commissioners

he joined the High Court Central Office in 1998 and moved to Wards of Court later that year. At a function to mark his retirement Wards of Court Registrar, Noel Doherty referred to a dedicated professional who had made a difference to the lives of so many people who lack the capacity to manage their own affairs. "He had the perfect temperament for our office", he said pointing out that Arthur never lost his composure or showed any annoyance. Arthur has many outside interests most notably golf. There were lots of hints and suggestions that anyone looking for him in the future need look no further than the fairways of Kilcock Golf Club!

## Joe O'Grady

Daniel J. O'Grady (Joe) retired from the Courts Service in

December 2009 after 30 years service. A native of Feakle, Co. Clare, he began his District Court career in Limerick in 1971. Mullingar and Athlone followed and then in January 1980, he became Chief Clerk in Donegal.

I joined Joe in September 1985. He could not have been more generous in sharing his immense knowledge and experience. Then and throughout, he had an outstanding relationship with all court users.

An avid walker, and for many years a keen squash player, Joe has a passion for all sports. But, I need to get a day on the golf course with him to comment on his swing! In the days before his retirement, many tributes were paid at Ballyshannon District Court. The Donegal Democrat described him as "synonymous with the efficient running and recording of the court system in Donegal" Joe, we all wish you a long and happy retirement.  
Conell Melley



Joe with colleagues from his first day in the District Court Noel Chambers (left) & Tim McCarthy (right)

## Dan Boland retires... again!



The one & only... Dan Boland!

There was a 'déjà vu' feel around Phoenix House as Dan Boland retired recently. Chief Executive Brendan Ryan reminded those present that Dan had retired several times before but always managed to come back in a new guise.

"After he retired from An Garda Síochána he became a tipstaff first to the late Mr. Justice Peter Shanley and then to Mr. Justice Philip O'Sullivan. Most recently he has been the most reliable, dependable person here in Phoenix House. It will be very hard to replace someone of his stature and expertise". Those sentiments were echoed by the many members of the judiciary who attended the event including retired High Court judge Philip O'Sullivan, current High Court judges John McMenamin, Brian McGovern, Declan Budd and Daniel Herbert, District Court judge Conal Gibbons, President of the Law Reform Commission Catherine McGuinness, Courts Service Directors Nuala McLoughlin and Noel Rubotham and many other colleagues.

## Brendan O'Donnell takes his leave

Friends and colleagues of Brendan O'Donnell gathered in Phoenix House recently to pay tribute to him for his long and distinguished career spanning four decades in the courts. Leading the tributes Mr Justice Esmond Smyth thanked Brendan for the tremendous contribution he had made to the Courts Service over the years. Other contributions came from Mr Gerry Doherty, President of the Law Society, Jury Sergeant James Judge, JC Ryan of the Prison Service, Denis Carr from the Office of Public Works and Ray Managh, court reporter.

Brendan joined the Dublin Circuit Court in 1973 from the

Land Registry and worked for many years as Registrar to the Circuit and Central Criminal Courts. He will be missed by his many friends and colleagues but no doubt we will see him around the precincts from time to time seeking out spare tickets for various rugby internationals.



Brendan (right) with Mr. Justice Esmond Smyth





# Getaway to: BERLIN

Brandenburg Gate

With 153 museums, 420 art galleries, wonderful architecture, countless cafes and an excellent nightlife, it is no wonder that Berlin is one of the most visited tourist destinations in the EU. **Mairead Fitzsimons** was cold but very impressed on a recent short break to this vibrant city:

**W**e arrived at Schönefeld airport on a Friday morning at 9 a.m. and were pleasantly surprised to find no rush hour traffic, at all! It cost €35 by taxi to our hotel which we thought was in the 'city centre' but soon discovered that there is no definite centre, the attractions are dotted all over.

If you're short on time there are plenty of walking tours or 'Hop-on, hop-off' tour buses available. As it was minus 2 degrees, with 4 inches of snow on the ground we opted for the latter. A 24 hour ticket cost €20 each and stops at 16 destinations.

Little is left of the famous Berlin Wall though there are three long sections still standing: at the Topography of Terror, an outdoor museum detailing the history of repression under the Nazis; a longer section along the Spree River nicknamed East Side Gallery with paintings from artists all over the world; and in the north at Bernauer Strasse, which was turned into a memorial in 1999. Along the tourist areas, the location of the former wall is marked with a row of cobblestones in the street.

The Brandenburg Gate was the former city gate and one of the main symbols of Berlin and of Germany. It is a spectacular piece of architecture over 200 years old surrounded today by snap happy tourists and street entertainers. Just 100 metres from the gate is a memorial garden called The Memorial to the Murdered Jews of Europe also known as the Holocaust Memorial. It comprises over 2,711 concrete slabs of different height, some over 7 feet which you can walk through like a maze.

Just around the corner from the garden is an unremarkable apartment block with a car park to the front - the site of Führerbunker (literally meaning "shelter for the leader" or "the Führer's shelter") where Adolf Hitler and his wife Eva Braun spent their last days in 1945.

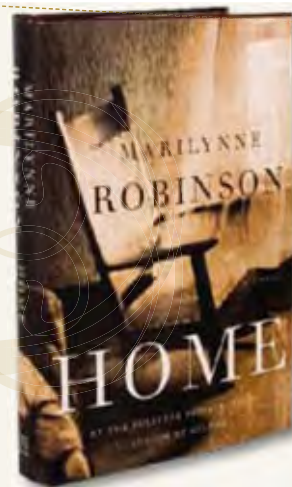
When the cold got the better of us we stumbled into one of the many trendy cafés around the Potsdamer Platz, a busy square full of shops, bars, cafés and restaurants. In summer the street cafés are very popular and great places to relax in the sunshine and people watch. There are lots of green spaces too, the biggest park being Tiergarten, which houses an aquarium and a zoo.

When we defrosted we hopped back on our bus and got off at Fernsehturm (TV Tower), Berlin's tallest building standing at 368 metres. There is an observation deck at 204 metres and the admission fee of €10.50 is well worth it as the views are amazing. The other main attractions are the Reichstag (the German Parliament building), Berliner Dom (a huge domed cathedral) and Checkpoint Charlie (probably the most well known Berlin Wall crossing point).

If you still have the energy there are tons of shopping centres, one of the biggest being Kaufhaus des Westens (KaDeWe), a shopper's paradise! Most shops are closed on Sundays so if it's bargains you're after leave the sightseeing to Sunday and get to the shops on Saturday.

If you do pick up something pretty you definitely have your choice of pubs and clubs to show it off, as Berlin has one of the most diverse and exceptional nightlife scenes in Europe. One piece of advice, if you want to see as much of Berlin as possible, don't stay out all night dancing as the clubs stay open until the next day!

## book review: “HOME”



**Noel A. Doherty** reviews the latest novel by the Pulitzer prize winning author, Marilynne Robinson

**T**his novel, by the Pulitzer Prize winning author comes garlanded with praise. The story is set in the town of Gilead and centres around three members of the Boughton family, the Reverend Boughton, a retired clergyman, son Jack and daughter Glory. Glory, a teacher, has returned to Gilead to care for her father who is dying. Glory has also come home seeking refuge from a love affair which ended unhappily and which we learn about as the story unfolds.

Jack, who had cut himself from the family, arrives home after an absence of twenty years. He had been his father's favourite child but had also been the most troublesome. He had a difficult relationship with his father and had left college. Life in the intervening years has not been kind to Jack and it quickly emerges that he has had a drink problem although he has been sober for a number of years. Glory is the youngest member of the family and Jack and she have never really gotten to know each other. Now, thrown together and initially suspicious, they slowly reveal something of themselves to each other. But even still, Jack, unfailingly polite, maintains a certain distance from Glory.

*“deeply moving and beautifully written”*

Jack has always been different from his siblings, always the one to disappear off as they grew up and always the one in bother. The Reverend Boughton, happy to have Jack home and delighted to have Jack help him out with his daily chores blames himself for Jack's behaviour and subsequent estrangement. Jack attempts to reassure his elderly father that he is without blame and that he himself was responsible for his situation.

The Reverend Boughton has an old friend, the Reverend Ames with whom he plays draughts and

converses about religion. In Jack's view, the Reverend Ames regards Jack as being a great burden to his father. There is an interesting discussion between

Jack and the two clergymen on the Calvinist doctrine of predestination and whether a person can be redeemed. Indeed redemption is one of the major themes here as all the main characters, father, son and daughter are seeking redemption.

This is a deeply moving and beautifully written novel. It is about family and the love which family members have for each other, the capacity to forgive and the need to be forgiven.

## FINDING TIME TO...

*Click the Brick* is a new web portal which offers a way forward for workers seeking information on further educational options.

# IMPROVE YOURSELF

**T**hese days when workers are conscious of the lack of time, the need to both persevere in work and gain that extra work related qualification, a special search engine to cut the time and effort in researching opportunities for further learning is a welcome development.

BlueBrick.ie is the new website of the thirteen Institutes of Technology around the country. They have joined together to allow working people search for courses available to them locally and which can be used to fit into their schedule.

Courses can be from certificate to degree and post graduate level. They can consist of distance education courses, class

room based at different times of day and evening, and online courses which can be availed of at any time.

The website was set up to fill a void of information which meant long drawn out trawls of the internet for

information on such courses - something which could be off putting at the outset of any plan for self advancement or improvement. There are literally hundreds of courses signposted on BlueBrick.

Launching the site RTE Newscaster Sharon Ni Bheolain said, "this is a unique resource and opportunity to upskill, reskill or change jobs, or in the current environment, maybe to help to keep your job. It's a one stop shop for all your flexible learning needs. It's a way of gaining new strings to your professional bow"

The site allows the user to save courses of interest to them and then compare several options side by side to see which ticks more of the boxes, including duration, times and cost. It also recommends courses based on the users own work and education needs.

Dr. Richard Thorn, Director of Flexible Learning says BlueBrick.ie offers users a convenient way to research courses to fit in with any schedule. "It allows those in fulltime work to have the flexibility to attain further qualifications and build a better future for themselves. Our extensive research has shown that many individuals feel they have no way forward when considering career options. We encourage these people to 'click the brick' and see what courses are on offer".



## RETIRED STAFF: COME TO OUR SUMMER EVENING IN SMITHFIELD...

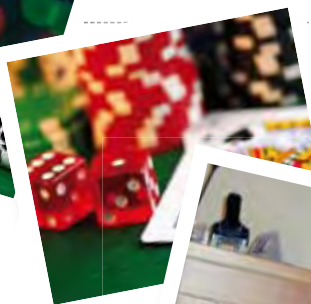
**THIS YEAR'S SUMMER EVENING** in Smithfield will take place on Friday 7th May. The Courts Service Choir will be performing a new programme of music for your entertainment and there will be the usual opportunity to meet old friends and colleagues. The event will start at 5.00pm so make a note in your diaries. Letters will be sent with further details nearer the date.

If you would like to receive future issues of Courts Service News or if you know of any retired staff member who does not currently receive a copy just call Mairead Fitzsimons at 01- 888 6459.





## OUT OF THE OFFICE...



...with **Helen Linehan**, Circuit Court Office, Cork

### What is your hobby?

Playing poker. I've been playing now for about 12 years.

### How did you get started?

I used to watch people playing it in the local pub and wanted to join in. Eventually because of my persistence one of them caved in and taught me how to play.

### Where do you play?

A group of us play every Saturday night. It's just a fun game where the stakes are low - no big bets. There was another game on Wednesday nights with a different group but due to recessionary times and less disposable income we had to cancel.

### What do you enjoy about it?

I enjoy playing cards in general and as poker is a "game of bluff" it helps keep the mind alert. Obviously I enjoy it more when I win. I suppose you could say there's a bit of a "gambler" in me!

### Does the 'gambler' come out anywhere else?

No, I don't play in tournaments or anything like that. I was in Las Vegas recently but I didn't play poker. I played the slot machines and had a stroke of luck my first night there - winning \$1000! And me being so kind-hearted and generous I gave it straight back to them!

## HELPING THE PEOPLE OF HAITI...

**STAFF IN** the Resource Management Directorate ran a pub quiz recently and donating the proceeds to a Haitian orphanage. Slattery's of Capel Street provided all their facilities including food, free of charge and the Courts Service Social Club through Finn Ryder provided prizes on the night. Coordinator Richard Kelly told us "we received many cash donations and spot prizes from those who could not attend the quiz but wanted to contribute."

'Melchester Rogers' (Rob Rogers, Eamonn Mooney, Kevin Fidgeon and Stephen Mc Cartney) won on what was a thoroughly enjoyable night. Many people contributed to the smooth running of the quiz but special thanks go to those pictured (and Yvonne Finnegan who couldn't be at the photo shoot) and to Sean Quigley and John Cleere.

The night raised €1,704.55 and this has been added to since bringing the total to €2,000. The money will go to the Gena Heraty Haiti Fund. Gena has worked as a volunteer in Haiti for the past 16 years with a charity that helps special needs orphans in Port Au Prince.

Further donations to support the work of the charity can be lodged to: Gena Heraty Haiti Fund, AIB Westport, Sort Code 93-71-69, Account Number 11108008.

Meanwhile, Tom Browne, Clonmel District Court, who drew our attention to an appeal for the victims of the earthquake tells us that a draft for €5,770 has been lodged to the International Red Cross. Tom would like to thank all those who contributed to the appeal.



(L-R) Denis Ryan, Sharon Keating, Pauline Redmond, Richard Kelly, Stephen Cox, Finn Ryder & Ujen Naidoo



# Quiz Time!

The film '**Invictus**' starring Morgan Freeman and Matt Damon is based on a book which is based on a real life political situation with a sporting event as its focus. This has inspired the quiz for the March issue of Courts Service News. Some of the questions are sports related while others are a combination of sports and the arts.

1. What was the title of the book written by Duncan Hamilton about a well known English football manager?
2. Who are the 'rivals' referred to in the book by Johnette Howard 'The Rivals'?
3. What sport featured in the 1932 Marx Brothers movie 'Horse Feathers'?
4. Name the three main characters (not the actors) in the 1986 movie 'The Colour of Money'?
5. It was nominated for a BAFTA in 1963 and starred Richard Harris, What was the name of the movie and the sport featured in it?
6. The Jamaican bob-sleigh team's Olympic bid was the subject of the movie 'Cool Runnings', what year did the movie hit the screens?
7. Who wrote the biography 'Come What May'?
8. The third son of Lord and Lady Killanin, by what name is this racehorse trainer well known?

Answers should be submitted no later than **Friday 14th May 2010**.  
Hard copies can be sent to Fiona Farrell, Information Office, 6th Phoenix House, Smithfield, Dublin 7  
or by email to:  
[courtsservicenews@courts.ie](mailto:courtsservicenews@courts.ie)



## December Answers...

1. In this country on New Years Eve people eat 12 grapes, one for each month of the New Year to bring good luck. **Cuba/Spain**
2. Where do children hang their stockings up on 6th December to await gifts which are left for them by 'Betana'? **Italy**
3. What do Spanish children leave on the doorstep on the 6th January – The feast of the 3 Wise Men? **Shoes**
4. In this country, the children leave out a bowl of porridge for 'Tomte' and he brings them gifts on the night of 24th December. **Sweden**
5. What country celebrates 'Knut's Day', and on what date? **Sweden on 13th January**
6. In the Japanese tradition of Sumo Wrestling, if you are 'yokozuna' are you (a) grand champion (b) noble opponent (c) referee **Grand Champion**
7. On Palm Sunday in Finland who would you expect to call to your door? **Children dressed as witches and wizards**



Congratulations to our December Quiz winner, Mary Clare Kearney, Cork Circuit Court, being presented with her prize on our behalf by Richard O'Connor, Cork Circuit Court.



# Through the lens



DECLAN KELLY, Mullingar Circuit Court Office was conferred recently with a Bachelor of Business Studies (Honours) Degree from University College Dublin pictured with his son Declan Kelly (Junior) who was conferred with a 1st Class Double Honours International Degree in French & Philosophy from National University of Ireland, Maynooth.

Declan Kelly with his son Declan (Junior)



Law Students from the University of Amsterdam on a recent visit to Dublin. They toured the Four Courts and met with Mr. Justice Peter Kelly before touring the Criminal Courts of Justice.



Judge Thomas Marten, Federal District Court judge, Kansas & Judge Sharon Blackburn, Chief Judge, Northern District of Alabama visited the Four Courts recently and met with Mr. Justice Iarfhlaith O'Neill and Mr. Justice Vivian Lavan



## Farewell to Tony!

IN NOVEMBER we said good-bye to Tony Lawlor, a stalwart of the Courts Service News editorial team. Having progressed from writing the editorial at the front of the publication, to collating and writing articles in the middle, then compiling quizzes of a musical and sporting nature towards the end of the magazine Tony finally made it out the other side safely. It is fitting now that his final pictorial appearance is on the last page of this issue. Members of the editorial team past and present wish Tony and his wife Noreen a very long and happy spell in this new chapter in their lives.