

March 2008

volume 10 – issue 1



COURTS SERVICE NEWS

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Fermoy Courthouse opens



Let's Look at the Law



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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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Welcome to 2008 and the March issue of Courts Service News. We have plenty to keep you interested in this issue.

Our main feature is the launch of the 'Let's Look at the Law' a resource pack for second level teachers and students. The pack which aims to introduce young people to our court system consists of a manual, posters and a DVD. It was launched in early March and is featured in a special supplement on pages 17 to 20.

We also feature eGovernment initiatives introduced within the Service in recent years. Luke O' Neill provides a run through on pages 10 to 12.

On the buildings front, you can find out about the official openings of Fermoy Courthouse (pages 14 and 15) and the Dublin District Court Family Law Office in

Dolphin House (pages 22 and 23).

As this is the awards season, you will no doubt have been gripped by the recent Oscars ceremony in Hollywood. Well, the Courts Service website won the eGovernment version recently (we are affectionately calling it the 'Escars'). You can read more on page 11.

The Law Reform Commission recently launched its Report on homicide. Gerry Curran was at the launch and gives us an insight into the report on pages 8 and 9.

Continuing our series of 'Cut Out and Keep', we feature all you need to know when buying a house on page 25.

Details of this year's 'Summer Evening' event for retired staff of the Service are on page 32. Along with all of the above



we also have our regular round-up of retirements, staff appointments, reviews on holidays, films, music and books.

Phew! Enjoy.

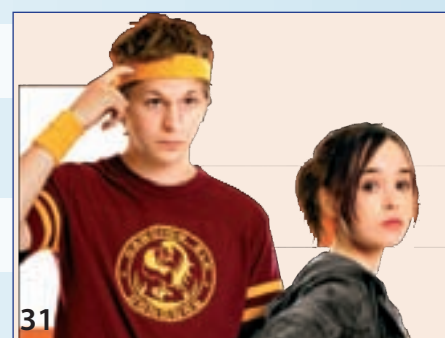
Tony Lawlor

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Practice and Procedure

District Court Rules

S.I. No. 25 of 2008 District Court (Criminal Justice Act, 2006) (No. 2) Rules, 2008

These Rules which amend rule 8 of Order 28A, provide procedure and forms in relation to the operation of section 99 of the Criminal Justice Act, 2006, as amended by section 60 of the Criminal Justice Act, 2007, in relation to suspended sentences.

S.I. No. 41 of 2008 District Court (Criminal Justice Act, 2007) Rules, 2008

These Rules amend Orders 13, 14, 17,

18, 27, 31 and 101 to provide forms and procedure in respect of changes, mainly in relation to bail, arising from the entry into force of certain provisions of the Criminal Justice Act, 2007 and to take account of the provisions of the Criminal Procedure (Amendment) Act, 2007.

Superior Court Rules

S.I. No. 12 of 2008 Rules of the Superior Courts (Costs), 2008

These Rules effect certain amendments to Order 99 of the Rules of the Superior Courts concerning the awarding of the costs of interlocutory applications, the

consideration by the court of offers in writing when awarding costs and the court's power to require the production and exchange of estimates of costs.

S.I. No. 31 of 2008 Rules of the Superior Courts (Cape Town Convention), 2008

These Rules make provision to regulate, in a new Order 81A, the manner in which proceedings under the Cape Town Convention concerning the taking of security in respect of aircraft parts and other high value mobile assets may be conducted, and to include such proceedings in the category of proceedings which may be triable in the Commercial List.

Marking judgment in the High Court Central Office

Solicitors, law clerks and agents will be interested in a new information manual detailing what's involved in marking judgment in the Central Office and accessing useful precedents. Aoife Terry tells us more:

"We've created an information manual, called 'Judgment Sets and Orders of Fieri Facias Booklet', to help solicitors prepare and draft judgments set documents. We've tried to make the manual comprehensive and user friendly. As well as outlining the points to consider when compiling a judgments set we've included an extensive set of precedent documents. We've posted

the manual on to the Courts Service website and feedback from solicitors so far has been very positive.

Going forward, we will review and update the manual on a biannual basis. If there's a demand we'll consider publishing the manual for general distribution."

Comments and suggestions can be e-mailed to the judgments section in the Central Office via aoifeterry@courts.ie

Judgment can be marked in the Central Office on foot of a summary summons for a liquidated debt where no appearance has been entered to the summons by the defendant. To have judgment marked a suite of documents, a "Judgments Set" is lodged for processing. These documents, which include affidavits of service and affidavits of debt, are examined to ensure compliance with the Rules of the Superior Courts. If all documents have met the requirements, judgment is marked by the Central Office Registrar.

Main benefits of the judgments set information manual:

- For the first time, all the precedents required for a judgment set are in one easily accessible document
- Solicitors requiring assistance with the drafting of judgment sets documents can use the Courts Service website to download a copy of the manual
- The manual has a comprehensive index which directs the user to the relevant sections on each topic
- Judgments sets are more likely to be compliant with the necessary requirements and less likely to be queried and returned to solicitors if the directions and precedents in the manual are followed
- The manual should considerably reduce the time and effort spent by solicitors preparing judgments sets
- The manual furthers the commitment of the Central Office to improving procedural management within the office and to increasing the level of area-specific information available to users

High Court to sit on extra dates in provincial towns and county capitals

More frequent and new High Court business has begun in large refurbished courthouses outside Dublin, allowing cases to come to court more promptly as Gerry Curran reports:

The President of the High Court and the Courts Service are bringing extra High Court business to provincial towns and county capitals. This ensures that cases get dates quicker, High Court business is spread across the country, and recently refurbished larger courthouses are fully utilised to benefit local court users.

Traditionally, the High Court heard just personal injury and Circuit Court appeals outside of Dublin. In recent years business was extended to Central Criminal Court hearings of murder

and rape cases at regional venues. The latest expansion means that debt recovery, contract disputes and other non-jury matters will be heard in fine facilities, in shorter time periods.

This has had the following effect on High Court lists. Twenty-four non jury cases were fixed for full hearing in Dublin courtrooms this legal term. Meanwhile, 140 cases were fixed for county town venues – all taken from the ordinary central lists. These 140 cases would otherwise have remained without a hearing date. Sessions outside Dublin

were organised to make maximum use of extra judicial resources – in recent years the number of High Court Judges has increased significantly.

While it is difficult to estimate how many new cases will come into the High Court list this year, at the current pace all existing cases that are ready for hearing in this category will have had a hearing date in a courthouse across the country by the end of the year.

Venues for High Court hearings (in addition to venues that currently hear Personal Injury and Circuit Court appeal sittings only):

October – December 2007: Cork, Limerick and Bruff, Castlebar, Ennis

January – May 2008: Castlebar, Dundalk, Galway, Cork, Tullamore, Tralee

Extra sittings were also arranged to deal with backlogs of Circuit Appeals in some of the above regions. Dundalk and Naas courthouses were and will continue to be used as alternative venues for cases normally heard in Dublin. Dundalk will be used almost every day until the end of July.

New publications highlight court facilities and how to access them

Find out how to get to several courthouses and the facilities available in them by picking up a copy of some recent Courts Service leaflets. The leaflets feature the District Court Family Law Office at Dolphin House, Dublin and courthouses in Dundalk and Cavan.

District Court Family Law Office, Dolphin House

Dolphin House is situated in East Essex Street, Dublin 2 which is between Wellington Quay and Dame Street and beside Temple Bar. The building was fully refurbished in 2007 and now contains three modern family law courtrooms as well as consultation rooms and other visitor facilities.

The Family Law Office in Dolphin House is part of the Dublin Metropolitan District Court. It deals with family law matters which include domestic violence, guardianship, custody, access and maintenance.

Dundalk Courthouse:

Dundalk Courthouse is situated in the centre of Dundalk town not far from the bus station. In 2003, the building reopened following extensive refurbishment and extension. The re-modelled building contains four courtrooms (including a family law courtroom) and modern office accommodation including waiting and conference facilities.

Cavan Courthouse:

Cavan Courthouse is situated in the town centre just five minutes walk from the bus station. Following extensive renovation and refurbishment of

the original building it now boasts two modern courtrooms and office accommodation along with visitor facilities and a family law suite.

These latest publications give details of opening hours, contacts, location maps and public transport information in the local area. Leaflets on other courthouses will be available in the near future.

For copies email publicationsunit@courts.ie, or call the Information Office Publications Unit in Phoenix House, Smithfield at 01 888 6459.



First of our New Recruits in 2008

What can a new recruit expect by way of initial training when they join the Courts Service? We asked Training Officer, Fiona Farrell to fill us in:

"Our two day induction programme is designed for Clerical Officers and Executive Officers who are new to the Courts Service and to the Civil Service. Over the two days, staff are briefed on the organisational, management and staffing structures in the Courts Service. They are introduced to the culture of the Courts Service through the Customer Service Charter, Performance Management and Development System and Code of Standards and Behaviour. We tell them about policies such as the Anti Bullying, Harassment and Sexual Harassment, Computer Usage and Data Protection."

"Human Resources Staff Support give presentations on the various HR issues such as Disciplinary Code, Pensions and Leave entitlements and the new entrants also get an opportunity to meet the Employee Assistance Officer."

Fiona explains that the two day course is only the first part of an induction process. "Induction continues when staff are assigned to their respective offices. Managers and colleagues also have a role in inducting new staff to their place of work. As part of the

formal process Training Officers carry out follow-up interviews with new entrants during their first 12 months in the Courts Service to see how they are getting on and to act in a support role for them."

"Despite the fact that most attendees are only beginning their career in the Civil Service, information about pensions has proved quite popular as a topic!"



New recruits on the induction programme. Back row, left to right: Myles Reidy (Cork Circuit Court), Mary Gill (High Court), Brenda Ray (Corporate Services), Marie Coady (High Court). Front row, left to right: Adrejs Rudaks (Circuit and District Court Operations Directorate), Bernadette Hobbs (High Court), Lillian Meade (Cork Circuit Court), Anne-Marie Dwyer (Clonmel District Court).

Judges pass their computer driving test

Proving that they are no slouches when it comes to IT, several members of the judiciary were presented with European Driving Licence Certificates recently by Chief Executive PJ Fitzpatrick. He used the occasion to point out just how far judges and staff have come on the IT front in recent years:

It's hard to believe that until a few years ago there was virtually no IT in the Courts Service. When we started out we had to go right back to basics and cable many of our buildings. Indeed we well remember the comments of the Working Group on a Courts Commission about the ruinous state of many of them. Fast forward to today and we find that email and internet usage is the norm. Computer systems underpin much of our work – from our criminal case management system to the several systems that look after our financial operations and our human resource management. Where we don't have main frame systems we have interim systems in our court offices.

We now operate in a world where access to our services on a 24/7 basis is a reality. Using our website as your starting point, you can make a small claim online, search for a court judgment, check out cases for hearing in the Legal Diary and view High Court records. Soon you will be able to pay a fine and make maintenance payments online. We are cooperating with An Garda Síochána in respect of fixed penalty point summonses and making great strides to develop closer links in respect of other

work. In the courtroom we see evidence by video link gaining in popularity and digital audio recording will be a reality very soon.

As we plan for the future we are developing a new civil case management system. We will offer eFiling as an option leading no doubt to the facility to display documents in the actual courtroom.

All these development show how reliant we have become on information technology. Hence the importance of training programmes such as the European Computer Driving Licence (ECDL) and the importance of judges and staff being prepared to give up their free time as many have done over the last six or seven years. The judges receiving ECDL Certificates today are an example of what is being achieved

and how the courts are embracing new technologies. They have passed seven examinations completing seven modules including theory, file management, word processing, spread sheet, database, presentations and internet and email.

I have no doubt that the time they have sacrificed and the effort they have put in will repay itself many times and that they will continue to surprise many younger than themselves and those within their own families. And no doubt they will find their newly acquired skills very useful in a world where technology is ever increasing – they can do all their banking and holiday organising online from now on!



At the presentation of certificates on completion of their ECDL course left to right; Judge Mary Faherty, Judge Alison Lindsay, Judge Joseph Finnegan, Judge Doirbhile Flanagan, PJ Fitzpatrick, CEO, Sarah Arkinson, Trainer, Judge Brian McGovern.



Courts Service personnel who received their certificates, with Chief Justice Mr. John L. Murray, Dr. Jon Morton, Deputy Principal of Henley Management College, Ms. Linda Irwin, Director of Client Services in Henley and Mr. Chris Matchan, senior management tutor on the programme

Big occasion for 'Strategic Leaders'

The recent presentation of certificates to staff of the Courts Service was the culmination of a unique programme in the Irish Civil and Public Service. The Service undertook a Strategic Leadership Programme over the last two and half years in partnership with Henley Management College, one of the world's top ranked business schools. This is part of the strategic focus the Service has had since its inception in 1999 to equip staff with the knowledge and skills they require to successfully meet the challenges of a modern changing Ireland.

The Chief Justice and Chairman of the Board Mr. Justice John L. Murray presented the certificates in the presence of the Deputy Principal of Henley Management College Dr. Jon Morton, the Director of Client Services in Henley, Ms. Linda Irwin and the senior management tutor on the programme Mr. Chris Matchan.

The Chief Justice congratulated all on their successful completion of the programme. "The presentation of these certificates is a public expression of my appreciation and that of the Board to all who have taken part in the

programme," he said. He paid tribute to Henley Management College for the quality and excellence of the teaching and the hard work and dedication in delivering the programme in both an enjoyable and an interesting manner.

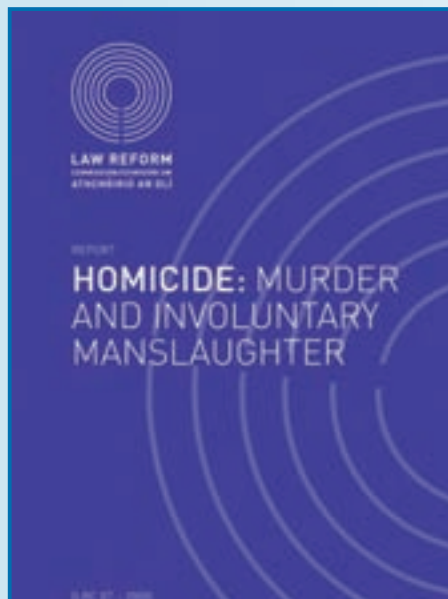
In reply Dr. Morton expressed Henley's delight in having the opportunity to work with the Courts Service. "The programme has also been a great learning experience for us as we face into our own change programme merging with Reading University," he said. He wished both the Courts Service and the participants well in the future.

Strategic Leadership Programme – Recipients of Certificates

Breda Allen, Terence Agnew, Brian Battelle, Padraig Burke, Michael Byrne, Sylvester Carruth, Olive Caulfield, Ciaran Caverly, John Cleere, John Coyle, Mary Crowley, Emer Darcy, Angela Denning, Alan Donnellan, Kevin Fidgeon, James Finn, PJ Fitzpatrick, Catherine Glackin, John Glennon, Darach Green, Simon Hall, Geraldine Hurley, Shay Keary, Eamonn Kiely, Shay Kirk, Chris Lehane, Diarmaid Mac Diarmada, John Mahon, Eoin Manning, Hilda McDermott, Brendan McDonald, Aisling McKeon, Nuala McLoughlin, John Molloy, Gerard Nugent, Miriam O'Flanagan, Kevin O'Neill, Margaret O'Neill, Margaret O'Rafferty, Therese O'Rourke, Ann Price, Jack Purcell, Brendan Ryan, Cillian Smith, Sean Quigley, Peadar Ward

Murder under the microscope as

Categories of murder and scales of responsibility were the central plank of the recent Law Reform Commission report on homicide. Launched by Mr. Justice Peter Charleton of the High Court, the report has sparked a wide ranging debate about how we treat those who kill unlawfully and how we respond in terms of charges and length of prison sentences. Gerry Curran reports:



The law of homicide in Ireland is currently divided into murder and manslaughter. Murder occurs if a person intended to kill, or cause serious injury to, another person who dies as a result. Convictions can include situations where a killing was planned in advance; where the victim was knowingly shot and where the accused is aware that the natural consequences of their actions would lead to death.

Manslaughter is an unlawful killing that is not murder and currently consists of two categories, voluntary manslaughter and involuntary manslaughter. Voluntary manslaughter deals with what would otherwise be murder but where there is some excusing circumstance – such as provocation – which reduces the offence from murder to manslaughter. The Commission is examining voluntary manslaughter in a separate project on defences in criminal law, so this report only deals with murder and involuntary manslaughter. Involuntary manslaughter currently comprises two sub-categories. First, ‘manslaughter by an unlawful and dangerous act’, where the killing involves an act constituting a criminal offence, carrying with it the risk of bodily harm to the person killed. Secondly, ‘gross negligence manslaughter’, where the death arises from a negligent act or omission by

the accused involving a high risk of substantial personal injury.

The Commission believes that the label murder should cover the most heinous killings. It recommends that it should continue to be murder where the accused intended to kill or cause serious injury

Outline of the Report's recommendations

The Commission believes that the label murder should cover the most heinous killings. It recommends that it should continue to be murder where the accused intended to kill or cause serious injury; but also recommends that the mental element in murder should be broadened to include ‘reckless killings manifesting an extreme indifference to human life’. Under this proposal, a person who planted a bomb in a busy office block could be convicted of murder if someone dies in the blast even if his main purpose was to cause criminal damage, rather than to injure or kill anyone.

The Commission repeats a recommendation it made over 10 years ago that the mandatory life sentence for murder should be replaced in order to take account of variations in moral culpability in different types of murder.

As to ‘unlawful and dangerous act manslaughter’, the Commission recommends retaining the existing key elements, namely, that the act which causes death constitutes a criminal offence and poses a risk of bodily harm to another; and that it is an act

which an ordinary reasonable person would consider to be dangerous, that is, likely to cause bodily harm. But it also recommends that low levels of deliberate violence should be removed from the scope of unlawful and dangerous act manslaughter and be prosecuted as a new, lesser, offence of ‘assault causing death’.

The Commission also recommends retaining the main elements of the current ‘gross negligence manslaughter’ test, namely that the negligence which caused the death of the victim was of a very high degree and involved a high degree of risk or likelihood of substantial personal injury to others. But it adds that a person should only be liable if he or she was mentally and physically capable of averting to, and avoiding the risk of death at the time of the fatality.

As to related motoring offences, the Commission recommends that ‘dangerous driving causing death’

The Commission repeats a recommendation it made over 10 years ago that the mandatory life sentence for murder should be replaced in order to take account of variations in moral culpability in different types of murder

should continue to exist alongside the more serious offence of manslaughter. Drivers could be prosecuted for manslaughter for road deaths but only where there is very high culpability, such as where joy-riding or high alcohol levels and speeding are involved. The Commission also recommends that a new offence of ‘careless driving causing death’ should be introduced to cover fatalities caused by careless motoring.

Commission explores unlawful death

Speaking at the launch of the Report Mr. Justice Peter Charleton said that “murder has traditionally been thought of as the ultimate crime because the

“The propensity to violence is in everyone and what society needs to do is to control its outbreak, but that of itself is not a sufficient reason to extend the definition of murder because manslaughter, with its discretionary sentence of up to life imprisonment arguably is sufficient.”

moral turpitude inherent in a deliberate attack on human life deserves the ultimate, and currently automatic, punishment of life imprisonment”. He continued “it seems to me that it is arguable that if you change the definition of murder so as to expand the moral wrong that it encompasses in favour of other, and arguably lesser, forms of homicide then the automatic penalty of being imprisoned for life must be changed as well in favour of a discretionary sentence.”

“Even the most professional lawyer has to constantly refer to multiple pieces of legislation from multiple areas and even there all of us are left with the sinking feeling of ‘have I got it right?’

Then you have those cases where the accused says that when he attacked

the deceased, or paid, as in many cases nowadays, to have him attacked, he was ‘teaching him a lesson’. “Why should the accused be shielded from what any ordinary person would call murder by a definition that does not recognise how wrong it is to seize another’s life and balance it on the point of death for your own perverted satisfaction? Placing a bomb in a crowded train or in a crowded pub, or blowing up an office block, are circumstances with which communities throughout Europe have had to contend and these things will happen again. In reality, many such cases are outside the definition of murder as it now stands, should death result. Many sensible people would think of that as unfair. After many false starts, the law as to intent now encompasses a simple question: did this accused mean to kill someone or to seriously injure them? The chief advantage of this test is its straightforwardness.”

Speaking to the codification of the law in this area as proposed by the draft Bill attached to the report the judge said, “Were we to have those kinds of Acts in our law we could quickly build up to a criminal code. What do we have instead? Well, five or six separate Acts on explosives, five or six separate Acts on firearms, and a number of complex Acts on sexual offences where none of these have standard definitions as to intention or recklessness or knowledge.”

“Even the most professional lawyer has to constantly refer to multiple pieces of legislation from multiple areas and even there all of us are left with the sinking feeling of ‘have I got it right?’ I have always thought that the way to start a rational criminal code, as opposed to a perfect or all encompassing one, is by taking an



Mr. Justice Peter Charleton and Mrs. Justice Catherine McGuinness at the launch of the Report.

area of crime, like sexual offences or explosives or, as here, homicide, and combining all the different legislation into one Act, doing the same with another area, and then by using common definitions of recklessness, intent and criminal negligence, build up a code of inherent consistency over time.

“Sooner or later, the piecemeal nature of our legislation is going to cause a serious injustice.”

“This report, with its penetrating recommendations and clear statutory definitions, could be an excellent place to start and shows how well that system might work.”

A full copy of Mr. Justice Charleton’s remarks is available on the LRC website www.lrc.ie

Courts at a click



The spotlight fell on e-Government recently when Comptroller and Auditor General, John Purcell, revealed in his report that many flagship projects had been abandoned or partly implemented. As efforts by various public bodies are scrutinised Luke O'Neill asks what the Courts Service has been doing in this important area of service provision, by looking at e-projects already in operation and those that are due to be launched in the future:

There is little that cannot be done online these days and consumers now expect high quality online services from their public bodies. For court offices, the diversity of work provides challenges in providing the public with the option to conduct their business online.

When the Courts Service was established in 1999, there were few IT systems in use in the courts and little IT infrastructure for court business. Before providing eGovernment services, necessary infrastructure and systems needed to be put in place. Given this background, the infrastructure now in place to allow for the further development of



many benefits. Those benefits might be the reduction of a reliance on paper documentation, the reduction in demand for extra staff or the extra security provided by the electronic management of court records.

One significant e-government initiative happening at the moment is E-fines which allows for the electronic payment of fines by court users. The Courts Accounts office is currently running an internal pilot of this system, which will eventually allow payment of any District Court fines order.

The service will initially be available to court users in offices in Dublin, Cork, Limerick, Sligo, Naas, Drogheda, and Waterford with access being expanded out to new offices at a rate of two per month. The person who has been fined will receive a Fines Notice, containing the amount due and a unique pin which can be used to access their details via the Courts Service website, www.courts.ie.

The website is in many respects the home of all these disparate e-projects. It continues to serve as a portal for online court projects. Its development as an information and service hub for the courts means that Small Claims Online, High Court case searches, Supreme and High Court judgments and various court forms can all be accessed

through this site. Soon, e-Fines will join the list of online services, allowing customers to pay fines anywhere where they have a computer and internet access.

Basic information such as court locations and phone numbers can be found on the site. There is a section providing maps by office business and jurisdiction, available in English and Irish. Anyone who comes before the courts can find information here. Jurors, for example, can learn about eligibility rules and the functions of jurors.

In 2007, Small Claims Online was one e-government initiative that began to gather pace (see news report, page 12). By next month it will be available to court users nationwide. It has greatly improved access to the small claims court for consumers. The number of small claims increased by 16 per cent in the 22 offices where the system has been implemented to date.

While the work of the District Court has an online venue through Small Claims, so too does the High Court through the recently launched High Court online search facility. This search engine means that the public, lawyers and the media can search High Court cases, by their record number. If they do not know the record number then they can search by Applicant or Respondent. The service is an added resource to court reporters, legal correspondents and other journalists, who attended a seminar on the new system in mid January.

The Office of the Attorney General, the Chief State Solicitor, the D.P.P., the Director of Corporate Enforcement, Revenue Commissioners and the Office of the Attorney General and law clerks, will find this system beneficial in checking the status of cases. It has reduced the demand for extra staff in the High Court Central Office and means that the public can avoid visiting the public desk by accessing the information at their leisure.

Given that users can also access High and Supreme Court judgments through courts.ie, there is now a situation where legal practitioners, the media and the public can follow a case from its start right until the judgment is delivered. The regular uploading of new Supreme and High Court judgments enables easy access for judges, barristers, solicitors, and others in the legal sector.

e-projects can be looked upon as quite an achievement.

But technology tends not to hang around. In a growing environment of accountability and transparency, public demand for access to information continues to increase. The public and legal practitioners want access to real-time case information.

Of course, the provision of online projects offers the Courts Service



At the eGovernment Award ceremony: Back row left to right: Tony Lawlor, Information Office, John O' Neill, ICT Directorate, Brendan Ryan, Director, Corporate Services, PJ Fitzpatrick, CEO, Colm Ormond, ICT Directorate, Michael Byrne, formerly of the ICT Directorate. Front row, left to right; Síle O' Neill, David Crinion, Helen Priestley, (all Information Office), Declan Tuite, Dublin City University, Catriona Nangle, Information Office.

Courts.ie website wins at eGovernment Awards

All the hard work paid off when the Courts Service website won in the Best State Body category of the eGovernment awards recently. The awards recognise those who have made a significant contribution to Ireland's eGovernment services. The winner is recognised as the state body that succeeded in harnessing ICT to deliver better services, information and efficiencies to its target audience (both internal and external). Key factors in the judging

process included innovation, enhanced customer service, an increase in efficiencies, access to local information or resource savings, simplicity or ease of use and problem solving.

"We were really pleased to win this prestigious award," said CEO PJ Fitzpatrick at the ceremony. "It is a tribute to the hard work and dedication to high standards of our Website Development Team and those

who support them both internally and externally. As a result of their efforts all users of the courts can avail of comprehensive information on the courts and access a range of online services."

The awards are run by the Public Sector Times and Elucidate, a strategic online consultancy that works with large public and private organisations.

Courts Accounting Project a winner for Public Service Excellence

As we go to print we hear that the Courts Accounting Project is one of 20 winners of a Public Service Excellence Award.

The Project involves the centralisation of accounting operations for all financial transactions in District Court offices and the establishment of a shared service centre for all District Court financial

transactions. The facility to pay fines online is a major part of the Project (see page 10). The pilot phase of the Courts Accounting Project went live in February 2007 and ran successfully through until

September. The full roll out to District Courts offices will be completed by the end of next year.

Public Service Excellence Awards

These awards are held every two years to recognise and reward examples of excellence in the delivery of public services and/or administration, directly by public servants. Projects can be nominated by all Government departments and public services bodies. There were some 183 projects entered for the awards this time with 44 shortlisted before the final winners

were announced.

Two major events are being staged as part of the overall awards process. The first will be on 2nd April in Sligo where each of the 20 award winning project teams will present their projects. This will be followed by the main conference and awards presentation ceremony in Dublin Castle on 18th April.

Courts Service News will be there to capture the presentation and return with a full report in our June issue.

Congratulations to Shay Keary, the staff in the Courts Accounts Office and all the District Court offices using the Courts Accounting System.

The Digital Courtroom

Following the signing of a €16.1 million contract the Courts Service is ready to use digital audio recording systems in courtrooms. The new systems will be introduced on a pilot basis in Dublin, Cork and Wicklow. So what is digital audio recording and how does it work? And who will it benefit? Gerry Curran answers a number of questions:



At the contract signing for the Digital Audio Recording Project, Left to right (standing); John Walsh, Alan Moynihan, Declan Parker, Tony O' Malley, (all Fujitsu), John Coyle, Ciaran Caverly, Darach Green (all ICT Directorate) seated are Regina Moran, CEO, Fujitsu and PJ Fitzpatrick, CEO Courts Service.

Digital audio recording (DAR) provides for the recording of court proceedings. The analogue signal from microphones is converted to a digital signal and stored on a computer like any other computer file. This file can be subsequently retrieved for the preparation of transcripts, overnight or otherwise. The file can be played back within the courtroom, judge's office

or remote location and can also be copied to a CD or similar media. DAR uses a system of logging to differentiate between different speakers in the courtroom. A logger, employed by Fujitsu Services Ltd, sits in the courtroom with access to the DAR system and logs the name of each speaker and other key trial events. Each log entry is time stamped. A channel is allocated to each speaker and as speakers change, details are logged. In this way there is always an accompanying log of the speakers for each audio file.

It's possible to search digital recordings randomly, or by using the logs created unlike tapes which must be searched sequentially, thus allowing the judiciary and court practitioners to listen to specific items of evidence based on the time stamp, log note or other criteria.

The Courts chosen for the pilot project are:

- Central Criminal Court – Court No. 1 in the Four Courts
- Circuit Criminal Court – Court No. 25 in the Four Courts
- Circuit Criminal Court – Courthouse, Washington Street, Cork and
- Circuit Criminal Court – Courthouse, Bray, Co Wicklow.

Digital audio recording will also be installed in Court 28 in the Four Courts to enable the judiciary and others to view it in a courtroom setting in advance of the pilot. The Service will also pilot a portable recording system designed to satisfy the recording needs of courts at short notice.

Commenting on this latest development, Courts Service CEO, PJ Fitzpatrick said that "court administrations throughout the world are increasingly moving towards the provision of electronic services. The introduction of digital audio recording to the Irish courts system represents a further leap in the process of modernising our courts."

Small Claims Online continues to be a big success

Small Claims online is set to be available nationwide by the end of April, after six more sites went online in December last year.

Court users in Naas, Monaghan, Letterkenny, Longford, Sligo and Kilkenny will now be able to make small claims by logging onto the internet. This latest expansion brings to 22 the number of Small Claims Online sites.

The project has had much success since its pilot launch in 16 offices around the country in November 2006. In fact offices in Dublin, Swords, Dun Laoghaire, Bray, Carlow, Cavan, Clonakilty, Cork, Killarney, Limerick, Listowel, Mallow, Tralee, Trim, Wexford and Castlebar all saw a 28 per cent increase in total claims since they began to process applications online.

In the initial pilot group of 16 offices in the first nine months of 2007, 2,145

valid claims were received, of which 1,000 were online applications. These offices reported that in the first nine months of 2007, 46 per cent of all applications were dealt with via the online system.

It's predicted that the number of applications will grow as people see that they can process their applications online and avoid having to come in to court offices. In 2006 there were a total (paper applications included) of 2,990 applications; in 2005, 2,705 applications.

The average time for claims to be dealt with is less than six months. Over three quarters of Small Claims cases settled or were awarded in the public's favour.

The five most common types of small claims applications in 2006 related to; holidays, electrical goods, audio and computer equipment, cars and furniture, respectively.

The nationwide availability of Small Claims Online will mean that people who have a complaint can:

- Lodge their Small Claims application online without the need to attend or contact their local District Court office
- Pay the appropriate court fee online
- By logging on to the system through the use of a PIN Number, monitor the progress of their application as it progresses through the small claims process.

Family law reporting continues



Recently published reports from the family law courts deal with a number of areas including nullity and appeals. They also give some indication of the amount of work going through the District Court.

The reports contained in the latest volume of *Family Law Matters* are a continuation of the family law reporting project undertaken by Dr. Carol Coulter last year. She recommended that the project should continue for a further year. The Courts Service Board agreed and indicated that a further three issues of *Family Law Matters* would be published in 2008 using the same methodology employed by Dr. Coulter.

The project has a central focus to provide information for legal practitioners, the media, researchers and the public on the working of the family law system in our courts.

The project has a central focus to provide information for legal practitioners, the media, researchers and the public on the working of the family law system in our courts. The idea is that the veil of ignorance which has surrounded the family law courts will start to be lifted

and a valuable insight into the reality of the day to day operation of family law courts provided.

In her three issues of *Family Law Matters* Dr. Carol Coulter did this by providing a selection of reports on cases heard in all three jurisdictions High, Circuit and District courts. She also provided information on judgments reached and a statistical analysis on a number of circuits for the month of October 2006. Her publications highlighted a number of issues including the heavy workload of the District Court when dealing with family law and the important matter of child care applications. Important advances being undertaken in trying to help litigants achieve closure in family law cases were also published including case progression and the role mediation can play in family law.

The latest publication aims to continue with this approach. In addition to reports on the vexed issue of nullity and on appeals from the District Court to the Circuit Court there is a selection of cases from various Circuit Courts around the country. The fourth tranche of Dr. Coulter's statistical analysis for October 2006, also features together with a look in on a typical busy family law day in Naas District Court.

Continuing a feature of Dr. Coulter's publications, *Family Law Matters* includes an interview with Michael Culloty of the Money Advice and Budgeting Service (MABS). He deals with the impact that

the breakdown of a relationship can have on a person's financial situation and the steps MABS take to help those who consult them for advice.

The Family Law Reporting Project will be reviewed at the end of 12 months as part of the work of a committee under the chairmanship of Mr. Justice Nicholas Kearns of the Supreme Court.

The committee will consider recommendations contained in the Report on the Family Law Reporting Project in so far as they relate to the Courts Service and make proposals concerning their implementation.

It will also consult with the Presidents and the Judges of the courts concerning the recommendations and make proposals arising from the consultations.

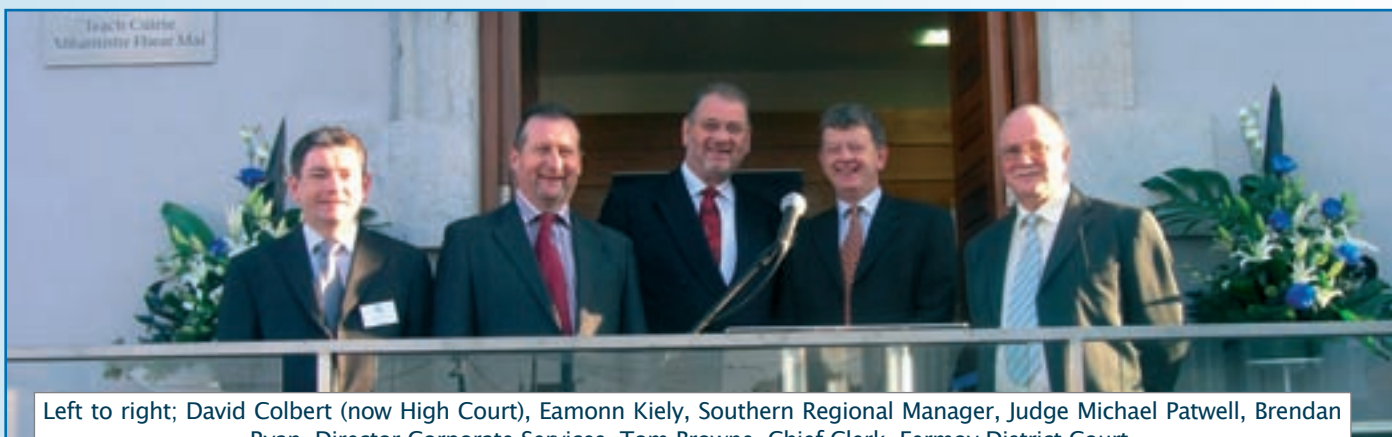
Future issues of *Family Law Matters* will continue to report on family law cases from around the country and will include more trends and statistics together with interviews with people interested in this difficult area of the law.

Copies of *Family Law Matters* are available from the Courts Service Information Office, Phoenix House, Smithfield, Dublin 7. Telephone: 01-8886462. Email: PublicationsUnit@courts.ie. It is also available in the 'Publications' section of www.courts.ie



Fermoy Courthouse opened in €7 million Civic Centre

The cold, bright winter day that greeted the invitees made Fermoy a very pleasant place as the town went about its business. The only thing out of place was the presence of the Garda mounted unit and the swirl of a helicopter coming suddenly into land near the town centre. It must be a courthouse opening...



Left to right; David Colbert (now High Court), Eamonn Kiely, Southern Regional Manager, Judge Michael Patwell, Brendan Ryan, Director Corporate Services, Tom Browne, Chief Clerk, Fermoy District Court.

Justice Minister, Mr. Brian Lenihan TD, arrived in style and officially opened the refurbished courthouse in Fermoy recently. The Board of the Courts Service was represented by His Honour Judge Patrick Moran – who presided over the event.

The courthouse, which has stood in Fermoy since the early 19th century, was refurbished to provide greatly improved facilities for the public. Forming part of the town's dedicated civic complex, the improved building now provides two courtrooms, a family law suite and a victim support room. The project respects

and conserves the integrity of the existing structure, while meeting the 21st century requirements for security, universal access and fire safety.

Speaking at the official ceremony to open the court, Judge Moran said: "this great new and old space is an innovative and accommodating facility – reflecting the seriousness of the work of the courts, and a merging of the modern with the traditional. It brings to Fermoy a fine seat of justice and a reinvigorated, landmark public building which has stood here in various states of repair since 1808. It works as part of a dedicated civic complex which reflects the major role the town plays in the regions economic and public sphere."



Awaiting the arrival of the Minister

What's new in Fermoy?

The new universally accessible building provides more accommodation and facilities than were previously available. The accommodation includes:

- two courtrooms
- judges' chambers
- a family law suite
- a victim support room
- consultation/waiting rooms and
- new prisoner accommodation – including cells and a secure interview room – with accommodation for an Garda Síochána and the Prison Service.

Secure car parking and cell accommodation included in the extended building will further enhance the different uses of the building. This will allow much more District and Circuit Courts business to be conducted in Fermoy.

The refurbishment process has respected and retained the inherent character, quality and presence of the 200-year-old building. The porch has been removed to reveal the original Gibbs-designed door surround, and timber sash windows and doors have been conserved.

The new parts of the complex, used by the civic authorities, have been designed to reflect the contemporary image of a modern 21st century public service.



History

Fermoy courthouse was built by John Anderson and Archibald Grubb and erected at the east end of the town in 1808. John Anderson, as proprietor of the Manor of Fermoy, had a judicial function. He was the Senechal or magistrate of the Manor Court, a function specifically reserved to him by the Act 48, George III, passed in 1808 to give legal existence to the town. The Court had a common law jurisdiction in amounts at issue up to £200.

One of Fermoy's first buildings was the

Sessions House or Courthouse, in which trials were held at Quarter Sessions; a court comprised of a number of Justices of the Peace for the County. O'Flanagan's 'Blackwater in Munster' 1844, describes the Courthouse as follows:

"Fermoy possesses a fine courthouse where the magistrates preside at Petty Sessions once a fortnight and an excellent Assistant Barrister for the East Riding of County Cork, H. Baldwin Esq., QC, sits there twice a year." The Justices of the Peace as they were called were unpaid

lay magistrates whose office dated from the introduction of English rule in Ireland. From 1822 a new class of lay magistrate was introduced; this was the Resident Magistrate or RM.

Though the building has changed much over the past 200 years, many features remain from earlier times. The courtroom furniture is believed to be original and the viewing gallery is particularly distinct. The double-height courthouse's ceilings are formed of panelled, sheeted timber.



Staff of Fermoy District Court, left to right; Willie O' Connor (now Southern Regional Office), Anne Casey, Mary Duffy, Tom Browne.



Minister for Justice, Equality and Law Reform, Mr. Brian Lenihan, T.D. inspecting the Guard of Honour on the day

New Chair for the Residential Institutions Redress Board

The Minister for Education and Science, Mary Hanafin T.D recently announced the appointment of Mr. Justice Esmond Smyth as Chairperson of the Residential Institutions Redress Board. Judge Smyth replaces Mr. Justice Bryan McMahon who returns to the High Court.

The Board is one of the range of measures put in place by the Government to assist in alleviating the effects of child abuse suffered by those who were formerly resident in Industrial Schools and other residential institutions.

Announcing the appointment the Minister acknowledged the valuable contribution made by Judge McMahon. He now takes up full time regular duties in the High Court having been appointed to that court in May 2007.

Mr Justice Esmond Smyth

The Hon Mr Justice Esmond Smyth is an ex officio Judge of the High Court and a Judge of the Circuit Court. He was appointed as a judge of the Circuit Court in 1992 and has served as a member of the Special Criminal Court.

In 1997 he was appointed as President of the Circuit Court for a term of seven years. He has been a member of the Board of the Courts Service, the Judicial Appointment Advisory Board and the Judicial Studies Institute. He is currently a member of the Irish Sentencing



Information System committee.

The government appointed him as Chairperson of the steering committee to implement the introduction of the audio visual recording of interviews with suspects in Garda Stations.

Judge Smyth serves as Irish representative on the European Network of Judicial Councils. Now a senior member of the Irish Judiciary, he originally practised as a barrister, specialising in the areas of criminal and constitutional law.

Judge Mc Mahon is honoured and returns to the High Court bench

As Mr. Justice Bryan McMahon was leaving the Residential Institutions Redress Board to return to his High Court duties he was honoured by University College Cork with an Alumnus Achievement Award. The award recognises his distinguished career in law and the excellence of his public service.

A native of Listowel, County Kerry, Judge McMahon has had a long association with UCC dating back to 1967 when he was first retained by the Faculty of Law as a Statutory Lecturer.

Following many years in practice as a solicitor, Judge McMahon

was appointed as a judge of the Circuit Court in 1999. He was appointed a judge of the High Court in May 2007 with immediate responsibility to chair the Residential Institutions Redress Board. He has recently been assigned full time to the High Court.

Reacting to his Alumnus Achievement Award, Judge McMahon quoted from Padraig Colum's poem, 'A Poor Scholar of the Forties': "But what avail my teaching slight? Years hence, in rustic speech a phrase, As in wild earth a Grecian vase."



Mr. Justice Bryan McMahon



LET'S LOOK AT THE LAW

Courts Service News,
Special Supplement



Separation of Powers

Examining Witnesses

Running a Mock Trial

Let's Look at the Law is a dynamic and highly interactive series aimed at educating students about specific areas of our legal system while empowering them to be active Irish citizens. Upon completing this module, students will have acquired the knowledge to enable them run a mock trial and organise other action projects.

The module relates most to the concept of 'Law' as outlined in the C.S.P.E. syllabus. However, it also touches upon the concepts of 'Democracy' and 'Rights and Responsibilities'. It is relevant, in ways, to all four units of the syllabus, but most particularly to 'The Individual and Citizenship' and 'The State - Ireland'.

We hope that interest in the module will not be limited to those involved in the teaching of C.S.P.E, as there is much that will appeal to transition year teachers and students, youth groups and anyone involved in educating young Irish citizens.



The Teacher's Pack has three distinct parts:

- A Teacher's Manual with step-by-step lesson plans and accompanying notes containing supplementary information.
- A selection of teaching aids - descriptive diagrams, questionnaires and role-playing exercises - that can be photocopied and distributed in class.
- An interactive DVD which helps to clarify and explain many aspects of our legal system. It has been designed to support the teacher rather than become the focus of the module. It can be used to briefly explain and demonstrate concepts before the class participates in an activity related to that concept.

What the students had to say:

Group work/Trial Running Order

"It was nice to participate in group work instead of individual work. We then watched a brief film to summarise our fourth lesson. It really helped to define the courtroom and how it runs." - Student A

"Our teacher gave us two handouts and they were very easy to understand and very helpful throughout the class.



"The law is not something that simply happens in a courtroom, in isolated and individual cases. The law provides for and regulates so many things that it is often taken for granted, from the water we drink, the transport we use to more substantial matters such as the protection of the environment and consumer's rights. In short the law is a positive force in society and that is why we refer to democracies founded on the rule of law." - Chief Justice, John L Murray

We learned the running order of the trial and the role of the barrister. We then divided into two groups and we were given a certain scenario...Overall I enjoyed the class today and working in a group." - Student A

"In today's class we learned about the running order in a trial. It gave us a great insight into what happens, why and how." - Student B

Mock Trial

"We stated our case, brought the witnesses to the stand for cross-examination, and then we had our closing speech. The jury then made their decision and found the



"This module will provide an opportunity for students to actively consider the legal system. In times past a general knowledge of the law was considered an indispensable aspect of a young person's education and it is a very welcome step that students will now be receiving such instruction. Knowledge of the legal system will help students to develop their identity as citizens and gain greater understanding of the democracy in which we live."

Chief Justice, John L Murray



"In times gone by disputes in society were often settled by recourse to violence or 'trial by battle' and it is only through the evolution of custom and laws over the centuries that disputes came to be resolved within legal systems."

Chief Justice, John L Murray

Chief Justice John L. Murray with Minister for Education and Science Ms. Mary Hanafin T.D. with students from Presentation College, Athenry, Co. Galway at the launch of *Let's Look at the Law*

accused guilty! It was a victory for us and we were all very happy as we worked very hard." - Student C

"I really enjoyed today's class because everybody got involved in the trial and really got into it. The cross-examining was very good and made me really nervous because any slip up could end the trial." - Student D

"We practised role-plays. Our teacher was the accused so we asked her questions. We also learned about leading questions and how barristers are not allowed to do this." - Student F

Civil and Criminal

"In law class today we were learning about the courts structure in Ireland. When we got the sheet it looked confusing but once we read through it, it became clearer. Our teacher handed each group a piece of paper with a fictional case. We decided which court it would go to and whether it was civil or criminal." - Student F

"We learned about how not all criminal cases are heard and how the D.P.P. acts for the State and the A.G. acts for the citizen." - Student G

"We had a class discussion on civil and criminal cases. I learned a civil case is bringing someone to court over

money or custody of a child. Criminal is when someone has committed a crime." - Student F

Separation of powers

"Today we learned about the three main parties that make Irish law and also learned about the idea of separation of each party...the DVD, which went along with today's class, was very useful as it restated everything we had learned in the class as if it was a summary." - Student E

"We touched on how precedent helped establish laws and how it helped to change them also. Well, while this area was tricky it actually helped me understand many government decisions, that one would hear about on the radio! Like the actual difference between the Government and the Legislature." - Student G

Other comments

"I think law is difficult to simplify because it is just so vast with so many different areas. I do think the module is making law more clear which is of great advantage to students."



Chief Justice John L. Murray with Minister for Education and Science Ms. Mary Hanafin T.D. with students from St. Ailbhe's School in Tipperary at the launch of Let's Look at the Law



For a teachers pack with manual, posters and a DVD contact:

The Courts Service Information Office, Phoenix House, 15/24 Phoenix Street North, Smithfield, Dublin 7, Tel.: (01) 888 6457, Fax: (01) 873 5250, Email: PublicationsUnit@courts.ie, Website: www.courts.ie

Chief Justice honoured with civic reception



Chief Justice John L. Murray with Mayor of Limerick City, Ger Fahy at a recent civic reception held in Limerick City Hall to pay tribute to the Chief Justice's legal career over the past four decades.

Would you like to be a barrister?

Courts Service and other public service staff can once again qualify as barristers without having to give up the day job. The Kings Inns have introduced a new modular BL degree which will allow people with full time jobs take the existing BL course on a part-time basis over two years.

The part-time course will require students to attend every third weekend during term time together with two full weeks during the year.

The Chief Justice praised the introduction of the new course. "It is vitally important that access to training for the Bar is available to everyone who has the potential to practise, including those who cannot afford (for financial or career reasons) to take time out of work to study", he said. The Chairman of Kings Inns, Conor Maguire, S.C. agreed. "There are many people who would benefit from the training and qualification, even though they do not wish to practise at the Bar; there are many areas of employment in the public service, for example The Courts Service or an Garda Síochána, where the training received on the degree course, together with the qualification as a barrister, are an asset to the workplace".

You can find out more about the new course by logging onto www.kinginns.ie



All aboard! Delegates at the Four Courts Services Conference in Glasgow in October 2007.

Lots of improvements in Dolphin House

As Dolphin House Family Law Office officially opened following extensive refurbishment works, Terry Agnew spoke to John Molloy, Chief Clerk of Dublin Metropolitan District Court who pointed out that the new facilities are only one of a number of recent improvements in this important and busy office:



John Molloy has had a varied and interesting career as a Trade Union official, a placement officer in the National Manpower Agency and a stint in the Collector General's Office. He joined the courts in 1991 from the Department of Health.

The challenges experienced in the Family Law Office of the DMD are unique involving complex and challenging issues for the court. Clients bring to family law a multiplicity of issues such as relationship, emotional, economic, child rearing and health. "This poses a particular challenge for judges and staff", John Molloy says. "If it is to be successfully met there is a critical interdependency between the judicial and administrative processes – a partnership of trust and cooperation. We have to understand that the client is interested in a speedy and effective disposition of their application."

John believes that the Courts Service, as with other public service organisations, is required to deliver an efficient, effective quality service to clients. In

The two biggest changes John has seen in his time were the enactment of the Domestic Violence Act in 1996 and the establishment of the Courts Service in 1999.

his many years in the DMD he has found staff to be open and cooperative and determined to make any improvements required to deliver a quality service to all users of the Family Law Office.

The two biggest changes John has seen in his time were the enactment of the Domestic Violence Act in 1996 and the establishment of the Courts Service in 1999. Both these events changed the approach to how business was undertaken.

So what difference has the Courts Service made?

"It has brought an emphasis on a strategic approach to how business is transacted," John explains. "We have seen great strides in the introduction of many initiatives in areas like new information technology systems to transact business, new financial management systems for managing budgets and court funds, the provision of training and development and new career opportunities for staff, business planning and performance management and development."

Initiatives like the recent Business Process Re-engineering Project also helped. Part of that project involved an examination of the accommodation available to transact business in Dolphin House. "We used a partnership approach which has implications in terms of consultation with and involvement of staff and clients at all levels and locations", John explains. "We also examined existing processes and procedures, to identify whether they delivered an efficient and effective service for the clients of the Family Law Office."

"We enlisted the help and support of people in the Courts Service who had expertise in areas like organisation development, information technology, buildings, and financial systems. It was important that management actively supported what we wanted to achieve and took responsibility for the success of the project. We made sure that staff were meaningfully involved at all stages and we set ourselves clear objectives and outcomes for the project, building

in quick wins."

The project focused on three key items, the building itself, the main areas of work undertaken in the office – applications under the DVA, and applications for Custody, Guardianship, Maintenance and Child Safety. It also focused on the critical work pattern in the office: counter, interview process and back office procedures –pre, post and during court.

...John was quick to pay tribute to the staff of the office both past and present...

What has been achieved following the completion of the project?

"Well firstly the building now has better facilities so the client can transact their business in a safer environment. Small things like the baby changing facilities, the electronic case board and the PA system calling people for their cases help people who have to come to Dolphin House. There is much improved accommodation for judges and staff. There is a better range of services and information available for people coming into the office inquiring about family law. New work processes and procedures have allowed the office offer to client's different ways to transact their business. Take the payment of maintenance – now both standing order and Electronic Funds Transfer facilities are now in place."

Surveying the wonderful new facilities in Dolphin House John was quick to pay tribute to the staff of the office both past and present who helped make the project a success. "During the building phase staff and judges cooperated and worked through as the building was taken asunder", he reminds us. He also praised the cooperation and help he received from support areas of the Courts Service including the Training and Development Unit, the Buildings Unit and the ICT Directorate.

Official opening of the Family Law Office



Family Law Office staff at the launch, left to right; Ellen Foley, Seamus Glackin, Alan Byrne, Emeline Kavanagh, Madeline Moore, Maria Keaveney, Lorraine Gumley, Fiona Molloy, Ann Marie Curley, Leo Haverty, Judge Gerard Furlong.



Minister for Justice, Equality and Law Reform, Mr. Brian Lenihan T.D. cutting the tape at Dolphin House as President Matthew Deery, Circuit Court, Judge Gerard Furlong, John Molloy, Chief Clerk, Dublin Metropolitan District Court, stand by.

Parties	Case Num	Court	Judge	Status
AD v JS	700/2007	47	Judge Leonard	Finished
EM v CMcN	1323/2007	47	Judge Leonard	Finished
GT v JRI	1537/2007	47	Judge Leonard	Finished
EC v PC	1922/2007	47	Judge Leonard	Finished
JR v AD	2139/2007	47	Judge Leonard	Finished
VB v KMW	2141/2007	47	Judge Leonard	Finished

Welcom

Electronic Case Board



New seating area



Dolphin House

The Superior Courts of Law “Official” Law Reporting in Ireland 1866 – 2006: Eamonn G. Hall (published by the Incorporated Council of Law Reporting in Ireland)

In a time when so much in the way of law materials are available to us at the touch of a button including statutes, academic papers, and, of course, judgements of the courts, it is useful to remind ourselves that such was not always the case. In particular, with regard to judgements of the courts, in a system such as ours where precedent is of the utmost importance, the easy availability of judgements which establish, elaborate on, or clarify the legal principles which underpin our system of law, cannot be overstated.

In this book, Dr. Hall recounts the very interesting history of law reporting in Ireland, examining the many difficulties encountered along the way. Delays in the reporting of cases represented a major difficulty which gave rise to comment many times, over the course of the history recounted. In addition, there were tensions from time to time between members of the judiciary and the Incorporated Council of Law Reporting Council in Ireland. Such tensions are explored in Dr. Hall’s illuminating essay on what he describes as the saga of Lord Justice Christian.

In an essay on modern interaction between judges and reporters, Dr. Hall considers correspondence between the



Law Reporting Council and Mr. Justice Kenny, then of the High Court. This correspondence focused on judgements which Judge Kenny considered should be reported and others which he considered did not merit being included in the Irish Reports. In relation to a particular judgement of his which Judge Kenny considered important and which had been appealed, Dr. Hall, quite rightly, quotes in full the judgement delivered by the then Chief Justice O’Dálaigh on the appeal.

“Mr. Justice Kenny has set out in his judgement the facts which he found and the principles of law which should be applied to them. I see no reason to differ from his judgment.”

While an excellent history of “official” law reporting in Ireland, it is much more than that. Dr. Hall demonstrates that reporting of case law is an essential element of the administration of justice which allows the judiciary, lawyers and the public to know what the law is, and how it is being applied.

Dr. Hall is to be commended for his scholarship and hard work in producing a fascinating account of the history and work of the Incorporated Council of Law Reporting Council in Ireland.

Noel A. Doherty is a Principal Officer in the Courts Service Directorate of Reform & Development.

Don’t Watch CSI... Judge Orders Jurors

We’ve reported regularly on jury service and have brought you news of many developments around the world. We were interested to hear recently that judges in the United States are not keen on the idea of jurors bringing what they see on TV into the courtroom:

The Cincinnati Post recently reported that jurors are being admonished not to watch popular detective and investigative programmes as they undertake jury service. In the last ten years the ‘CSI Blowback’ has been experienced in local courtrooms – this is defined as an unrealistic expectation of what can be done or undone with evidence, in the minds of jurors who watch such popular, forensic detective programmes.

Many prosecuting lawyers now undertake training courses to deal with the ‘CSI effect’. Last year one murder trial was told that “CSI is to forensics

what Star Trek is to space travel.” Some judges in the area are adopting a no viewing list of TV shows to instruct jurors not to watch during their time on a jury.

One defence attorney is quoted as agreeing with the no viewing policy but thinks, “otherwise those shows can be a benefit to make people aware of what kind of testing can be done – it gives people a peek into a world they would not ordinarily know about”. Last November’s National Law Journal in the United States, included a defence attorney stating that “CSI makes a prosecutor’s job more difficult.”

Yet the nature and depth of this ‘effect’ has not been proven with the Kansas City Star reporting that a Missouri Jury reported that they discounted the expectation of high level forensic science and a reliance or blind faith in DNA. They simply decided on the basis that they “found the defendant more credible than the victim.”





Cut and Keep: Buying and selling property

It is probably the biggest single purchase you will make in your life so you need to be careful and you need to be very aware of what you're getting into. Our 'Cut out and Keep' feature this issue comes from Patricia Hickey, a solicitor in the Office of the General Solicitor for Minors and Wards of Court. It will tell you a lot about buying and selling a property.

Please note: This article should be read not as a comprehensive statement of the law but as a broad practice guide – line only. No liability attaches to the writer for any omissions or misstatements.

"Be careful with title deeds and planning permission issues when buying or selling a home" says solicitor Patricia Hickey. Her main message is that those buying or selling property need to be careful. "The minute you sign an unconditional contract you're bound so if you find something wrong two weeks later – it's hard luck."

Selling

People selling their properties should do so through a solicitor. Your title deeds are, in most cases, with the mortgage company. It's important upon buying the property in the first instance to apply some pressure on your solicitor to register the property – this can speed up the selling process if that day ever comes.

"If you're selling your family home you should obtain your spouse's consent," says Patricia. "Even if it's not a family home, you still have to sign a document called a 'Family Law Declaration'."

There are other factors that you might not have considered. For example – have you ever received any notices from the Local Authority? If there is a Compulsory Purchase Order placed on the house then you need to advise your solicitor of the notice you have received. If the house is let then you should give the tenants reasonable notice of your plans to sell. The property that you are selling must be vacated in time for the new owner (unless the purchaser willing to continue with a tenancy). ESB bills and bin charges must be paid up to date as well.

"Planning is the be all and end all in property at the moment," says Patricia.

"If you have made any alterations without planning permission then you should put a condition in the contract. The purchaser will not get planning permission if there is an existing unauthorised development on the property and therefore it may be necessary to apply for Retention Permission."

Patricia also advises sellers to make sure that the property is insured right up until the day the sale is closed. It's wise to give yourself some leeway, the reason being that many sales tend to close after they were scheduled to.



Bona fide purchaser for value

A bona fide purchaser for value acquires a good title deed to the property, unaffected by matters which he or she did not have notice of. It's important to ensure potential purchasers are put on notice of matters that you must warrant, that could cause problems in the future and to prepare the contract in such way to inform them of all facts relating to the property. Inserting relevant conditions within the contract avoids the possibility of the purchaser claiming that he or she did not have proper notice.

Buying

The purchase of a house is one of the most significant financial investments that people make in their lifetime. So it follows that you need to put careful consideration into your budgetary limits.

"It's all well and good saying we have this property for €500,000 but you'll need to budget for more," says Patricia. "Can you afford the deposit in the first place? Always have a contingency plan – you need to be well prepared in the beginning. I know it costs money to hire an engineer, but it's unwise not to do it."

Patricia advises potential buyers to visit the Planning Department to do a search on the areas surrounding the property and on the property itself. You may find that there is a development planned in the field next to the estate where you plan to buy or it may be earmarked for a possible rezoning in the future. It's particularly important to check that your prospective house has not had planning permission problems in the past. Any problems could hinder your ability to expand or alter the property in the future.

The person selling you the property, the vendor's agent, will hold your 10 per cent deposit as stakeholder until the contract is closed. You're entitled to ask a series of questions.

The purchaser is required to create a deed to show the transfer of the property. Patricia advises people to chase up their solicitor, "because once you sign the Deed to close the sale you only have 30 days to pay the stamp duty to the Revenue."





If your stamp duty is not paid within the 30 days then you will incur penalties and interest. Once the Deed is stamped it is then sent to the Property Registration Authority to be registered – when that is lodged you can breathe a sigh of relief.

Stamp Duty

Stamp duty is a duty payable on a range of legal and commercial documents. The most common charge to stamp duty affecting individuals is on the purchase of residential property – houses and apartments. The stamp duty amount depends on the price paid, whether the property is new or second hand and whether you are a first time buyer, owner-occupier or investor.

A first-time buyer is a person who has not previously purchased or built a home in Ireland or indeed anywhere else on the world. And a first-time buyer is also a person who is purchasing a house or apartment for use as their principal place of residence. Outside of the first-

time buyers' stamp duty exemption, others will pay anything between three and nine per cent duty, depending on price. For owner-occupiers certain purchases may allow an exemption or reduction in stamp duty payable – legal advice should be sought on this matter.

Completing the transaction

Once a contract is executed by the person buying the property, both contracts will be returned to the seller's solicitor along with a deposit equal to 10 per cent of the full price. The seller signs this contract, which is returned to the purchaser solicitor. Both solicitors now have a binding copy of the executed unconditional contract, at which point everyone can begin to work towards the completion date.

The purchaser solicitor then submits a document known as 'Objections and Requisitions' to the seller's Solicitor – these are standard queries relating to the title and other matters affecting the

property. The seller replies to these queries and, once the purchaser's solicitor is satisfied, will respond with a draft deed. The seller can sign the draft deed, complete with title deeds and closing documents. The buyer's solicitor holds the documents/deeds until all payment has been finalised. The consideration then passes and the sale is complete.

The purchaser then sends the signed deed and stamp duty to the Revenue. The Revenue stamps the deed and returns it to the purchaser. The stamped deed can then be sent to be registered to the Property Registration Authority (or Registry of Deeds), along with a family home declaration and mortgage deed.

More information is available in the Courts Information library. Enter the Courts Information icon, select Employee Assistance Service. The document, entitled Practices and Tips when Buying or Selling a Property is listed under the 'Lunch and Learn' section.



- Solicitors are required to explain their fees at the offset – so ask!
- Do your homework on the house's planning history
- Clear up all outstanding bills and give tenants reasonable notice when selling
- When a spouse exists, be sure to get spousal consent for the sale
- Keep an eye out to make sure the Deed of your new home is registered
- Remember the 30 day timeframe for paying Stamp Duty begins once the sale has closed.



Judge Michael Reilly appointed as Inspector of Prisons

As Judge Reilly prepares to take up his new position as Inspector of Prisons, his colleague Judge William Early reminds us of his very interesting career to date:

There has been a warm welcome for the appointment of Judge Michael Reilly as Inspector of Prisons in succession to the late Judge Dermot Kinlen. Judges of the District Court are especially gratified that the merits of their



Judge Michael Reilly

former colleague have been properly recognised.

Michael Reilly has long been one of Ireland's most able and eminent jurists. He qualified in 1970, a third generation solicitor and joined his father in James Reilly & Son Solicitors of Clonmel, Co. Tipperary.

Michael Reilly has long been one of Ireland's most able and eminent jurists. He qualified in 1970, a third generation solicitor and joined his father in James Reilly & Son Solicitors of Clonmel, Co. Tipperary. After his father's death Michael became principal of the firm until his appointment as a temporary District Justice in 1982. He was made

permanent and assigned to Limerick City in 1993. At the time the old Limerick Courthouse was in a very dilapidated condition. It was largely because of the influence of Michael that the new District Court complex was built. He was rewarded for his initiative with chambers which give a dramatic view of the tidal flux of the Shannon as it swirls through the city. Limerick was, and is, one of the busiest and toughest courts in the State. Michael's authority, his wide humanity and brisk conduct of business immediately gained him the respect of all. From 1999 till 2007 Judge Reilly was assigned to District No. 8. In summer, Michael would exchange his car and the crowded roads of the Irish Midlands for his boat, and glide along the soothing waters of the river Shannon to his courts in Bannagher, Eyrecourt, Athlone and elsewhere.

The abilities of Michael Reilly were soon recognised by his appointment to the Special Criminal Court where, from 1992 till 2007, he presided over the trials of some of Ireland's most notorious criminals. Michael's special fascination lies with the criminal law and offenders. He was a member of the National Crime Council from 1999 till 2007 and of the Fennelly Committee's investigation of the criminal jurisdiction of the Courts. He was a member of the Nally Commission which reported to the Attorney General on criminal prosecution in Ireland. A notable feature of Michael's attitude to the criminal law was his concern for the individual offender. His participation as a member of an expert group examining the Probation and Welfare Service led to him setting up the Nenagh Reparation Project, a pioneering enterprise in restorative justice. The Project is managed by a committee of local worthies under the control of the District Court judge, whereby the offender is obliged to engage with victim, and with the community by performing work for the benefit of the community. The success of the experiment has stimulated studies as to how the concept may be extended to other District Court areas on a statutory basis.

Tribunals and the expeditious dispatch of business are generally thought to be mutually exclusive. On the 9th July 1990 a patrol launch, staffed by five Sea Fisheries personnel foundered and sank off Ballycotton, Co. Cork with four fatalities. Judge Michael Reilly conducted the Enquiry. Within nine weeks he heard 46 witnesses represented by nine legal teams and had submitted his final report to the relevant Minister. The report is singularly deficient in legal terminology; it is in fact a model of clear and concise exposition. In January 2007 Michael was nominated by the Irish government at the request of the President of the Seychelles to enquire into an assault by State security forces upon the leader of the opposition and other members of the Seychelles legislative assembly. The report analysed the events and their causes, and recommended reforms of domestic public order law, the police force, national broadcasting legislation and the Seychelles Constitution in the context of human rights norms. Judge Reilly was helped by one solicitor only. His report was accepted by the President of the Seychelles on the 30th October 2007.

Michael is well prepared for his appointment as Inspector of Prisons by his experience as a judge and by his continuing membership of the Swiss-based International Penal and Penitential Foundation which advised the United Nations on rules for the minimal protection for prisoners. His former brethren on the District Court bench will sorely miss his wise counsel which was often needed to bring reason and calm to contentious meetings of their association. It was not to be expected that this vigorous young man of 62 years would ever totter off into the sunset.

All wish Michael happiness and success in his new position and are confident that he will fulfil his functions with the sagacity, high competence and generosity of spirit he has always shown as a judge and as a friend.

Mr. Justice Thomas C. Smyth retires

The tributes were many and heartfelt from those who spoke at Mr. Justice T.C. Smyth's last sitting in the High Court recently.



Mr. Justice Thomas C. Smyth

Attorney General, Paul Gallagher spoke of Judge Smyth's lifetime of "incredible achievement and incredible devotion to public service." He recalled Judge Smyth's courtesy both to litigants and practitioners alike and his willingness to facilitate all who came before his court. "You were prepared to sit long hours, you were prepared to sit during holidays, you were prepared to give cases priority when they required priority. You have performed an enormous public duty, for which we are all truly grateful and thankful."

Those sentiments were echoed by Tony Hunt, on behalf of the Bar Council who acknowledged Judge Smyth's love of oratory by quoting from a speech given in 1944 by Judge Hand of the United States Court of Appeal on the subject of the spirit of liberty. On behalf of the Law Society James McGuill continued the oration theme reminding the gathering that a solicitor present in 1963 when the young T.C. Smyth gave his first address as a young solicitor says that "Dundalk District Court has never heard anything like it. Speaking as a criminal defence lawyer, I understand he means in terms of its oratory and persuasiveness, because certainly Dundalk District Court has heard many things!" Mr. McGuill noted.

Even High Court Registrar, Sara McQuade was moved to speak in poetic mode as she wished Judge Smyth well on behalf of the staff of the Courts Service. She quoted a piece given to her by well known former courts journalist Paul Muldowney: "Happy is he who is born and taught, who serveth not another's will, whose armour is on his thought and simple truth his utmost skill."

Judge Smyth did not disappoint when he responded. He quoted from many works and even alluded to some famous dates in history that coincided with events in his life. For example he was born on 29th December 1937. On 29th December 1170 Thomas á Beckett was murdered in Canterbury Cathedral. On 29th December 1937 Bunreacht na hÉireann was inaugurated. The saint of the day was Thomas and Judge Smyth was appointed to judicial office on 9th July 1996, the feast of St. Thomas Moore.

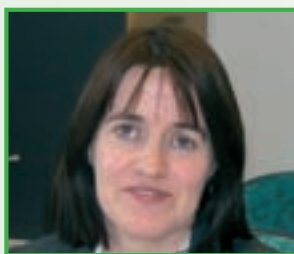
"It was a privilege to have been offered the opportunity to be a High Court judge", he said. "If the trust bestowed on me has been honoured it is no more than the people of Ireland are entitled to. It has been a demanding and rewarding career". Thanking his family and all who worked with him he said that "the time has come for me to retire from tiring. I do not feel any huge or great need to be remembered. But if remembered, I would be pleased and flattered to be remembered as a judge of uncommon common sense."

We wish Judge Smyth all the very best in his retirement.

staff appointments



Valerie Lynch has been appointed Chief Clerk of Tralee District Court. She moves after 16 years in Limerick District Court. Valerie replaces Richard McElligott who has taken up a position in the Department of Arts, Sport and Tourism in Killarney.



Denise Mullins joins the Accountants Office as a Principal Officer having been successful in an external recruitment competition. Denise qualified as an accountant with KPMG and has several years experience in both the private and public sectors. Immediately prior to joining the Courts Service she worked as a professional accountant in the Department of Enterprise, Trade and Employment. She joins at a time when the remit of the Accountants Office has widened to include minor's funds from the Circuit and District Courts and also when total funds managed by the office are in excess of €1 billion.



Olive Caulfield has recently been appointed as Principal Officer in charge of Human Resources. She brings a wealth of experience to the job having served in the District Court, the Directorate of Reform & Development and as Northern Regional Manager.



Emer Darcy has been appointed as Personnel Officer. Prior to this recent appointment Emer was Chief Clerk in Dublin Circuit Family Law Office.

Changing times at Ennis District Court

There was an era when time stood still in Ennis, or so it seemed. The staff of the office were together for years, a family of sorts. Then the winds of change blew their way and gradually, names we had known for years retired and moved on.

Two of those who have recently retired are Brendan Hanrahan and Colman O'Loughlin, names synonymous with the District Court.



Brendan Hanrahan

A native of Labasheeda, Co. Clare, Brendan spent a short time as a Garda before joining the Department of Justice in 1971. His initial assignment was to Bray District Court but the next seven years saw him working in Mullingar, Kilkenny and Limerick before getting the call home to Ennis. It was 1978 and one week before Munster beat the All Blacks in Thomond Park. Being an avid Munster fan Brendan would dearly have loved to go to the match. But after just one week felt that he couldn't ask for a day off. What an occasion he missed!

He spent the next 28 years in the District Court in Ennis with the likes of Dick Robinson, Sean Whelan and of course Colman O'Loughlin. He was well known in District Court circles as he frequently covered temporary transfers. During his time in Ennis he worked with Judge Gordon Hurley, Judge Albert O'Dea and more recently with Judge Joseph Mangan. A very experienced clerk he was

hugely knowledgeable about District Court practice and procedure. He was meticulous about his work and a great man for detail. Brendan was very much his own man, a man of integrity, and never allowed himself to be in a position where he would be compromised. These days while the rest of us are struggling with CCTS and PMDS, Brendan is likely to be seen walking his dog 'Tyson' or checking the racing supplement or perhaps heading back to Labasheeda to do a bit of fishing.

Unfortunately Brendan's retirement seemed to influence Colman O'Loughlin in some way and before we could draw breath, Colman was speaking about his own early retirement. Just one year later, Colman said goodbye to the District Court in Ennis after nigh on 40 years. Like Brendan he too spent a short while as a Garda before he joined the District Court. His first and only assignment was to Ennis and there he stayed for the rest of his career. Another Clare native, Colman was born in Inagh where he still lives. He has a great love of the land and has farmed for years. On a mart day his trailer could be seen in the courthouse and in summer leave was hurriedly booked to take advantage of the weather so the hay could be saved. I didn't know anything about animal husbandry until I arrived at Ennis, but Colman explained it all! It was very endearing and amusing to hear that he was awake all night because a cow was calving or that he might have to go away in a hurry. He worried about his animals as if they were his children and managed to make the rest of us worry about them too.

Colman was a wonderful colleague. His vast experience and knowledge made him an invaluable asset to the District Court office and his unique personality and caring nature ensured that customers were listened to and assisted in every way possible.



Colman O' Loughlin

As with Brendan, many tributes were paid to Colman on his retirement. Judge Mangan summed Colman up when he said "I go back a long time with Colman, back to days of my predecessor Judge Gordon Hurley. I am very proud of the level of integrity Colman had in the District Court office and those standards were held up. I've known few people in my life who on a day when you might have the weight of the world on your shoulders but you go away laughing and Colman is one of those people. He always has a good story to tell. His view of life is a most positive one. He is a very humble man."

There's no doubt about it but Brendan and Colman are sadly missed by their colleagues. There will never be their likes again. They were a dynamic duo, great men to have in your corner when the going got tough! Some of you will know what I mean by that but that's a story for another day!

Brendan and Colman, we wish you both a long and happy retirement.

Josephine Tone

Getting away to... Rome

Thinking of a city break? Look no further than Rome. The Eternal City has been a wonder for centuries. It has lost none of its allure and continues to have so much to offer as Luke O'Neill recently found out:

Rome is a city of constantly emerging wonder. Each turn in this labyrinthine place provides a chance to explore, be it on the spacious piazzas or in the Centro Storico (Historic Centre), the ruin-filled epitaph to Rome's once towering empire.

It's hard to know where to start in Rome, or indeed, where to end. The city is a mix-mash, a 3,000 year old puzzle that you will never solve. The best advice? Take to streets and let the flow and rhythm of this unique city carry you along.

Inevitably, the first thing to strike you about Rome is its abundance of ruins. Granted, that's rather like saying the Rockies is full of mountains, but it's true. So much so in fact, that it can be hard to distinguish between those ruins that are of significance and those that are not.

Fret not, the Roman Forum is a good starting place. This was the old city's administrative and judicial centre. Excavation of this area was only completed last century (further ruins are still being uncovered elsewhere in the city). There are many architectural delights here in the crumbled arches and leaning columns. And owing to the Roman practice of building over earlier ruins, remains spanning a number of centuries are on show.

A short walk from the Roman Forum is the instantly recognisable Colosseum. You're bound to spot the familiar edifice before you get close, as this huge structure is strangely ever-present in view as you cross the city's

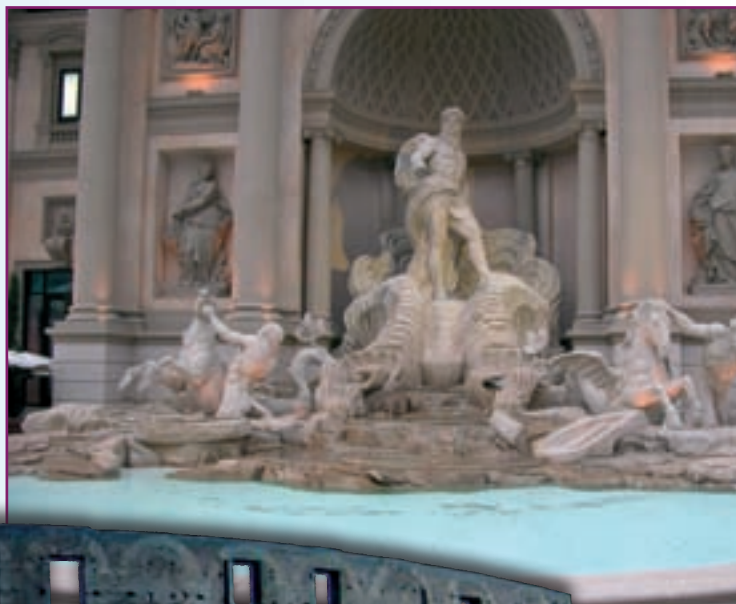
blocks. The outer wall of the south side of the impressive amphitheatre is mostly gone – damaged by a 1349 earthquake – and what's left is in disrepair. The inner walls are well maintained though. Up close, the Roman numerals that were carved into the stone are still visible. It's minute details like this that can call down the ages. The Colosseum is particularly impressive at night, when it is nicely lit.

Of course, the Vatican City has to be mentioned. No stay in Rome would be complete without a visit to the world's smallest official country and the home of the Sistine Chapel Ceiling. There are numerous tours to be availed of here and there is also a nearby market, crammed with souvenirs. The Sistine Chapel opens for brief periods – until 2:30pm on weekdays and until 12:30pm on weekends. So be warned, especially if, like me, you apply the same verve and enthusiasm in seeing Rome by night as you do by day. It has been known for a person to arrive, in a slightly dishevelled state, at 12:35pm only to find Michelangelo's masterpiece closed for the day.

Leaving that aside, the Centro Storico area is worth dedicating half a day to. And it's here that the amazingly well-preserved Pantheon is found. Considering the current structure dates from 125AD it's a feat

that the temple still stands, let alone the fact that visitors can go inside. Believer or not, there is definitely a spiritual feel inside – some masses are still celebrated here – something that's probably attributable to the shaft of light that spills from the opening of the Pantheon's ornate ceiling.

Again, as with many of the city's attractions, other sites are within walking distance – the Trevi Fountain for example. (Rome has a Metro but it takes a peripheral route so as to avoid disrupting possible architectural sites). Trevi is a particularly busy spot for tourists, be it day or night, with couples posing and children throwing coins. In fact, an estimated €3,000 is thrown in daily, which is collected at night for an Italian charity called Caritas who use it to help the city's needy. Leave the swim suit at home though as visitors are banned from swimming in the fountain. Blame Fellini.





JUNO

- a lesson in life

The fine acting didn't win any Oscars but the sparkling script was a winner for first time screenplay writer, Diablo Cody. Our resident film critic, Ronan Power loved Juno:

Jason Reitman's follow-up to *Thank You For Smoking* is an intelligent, heart-warming, wing-nut of a comedy that makes you appreciate the in-your-face and intimate cinematic occasion it lays before you.

The story concerns one Juno MacGuff (Ellen Page) who at the

opening of the movie learns that she's pregnant at sixteen. Her boyfriend, Paulie (Michael Cera) doesn't know what to do. She considers abortion at first but then feels uncomfortable while inside the clinic. She tells her father and stepmother who luckily take it in a very casual way although they were expecting the bad news to be a suspension from school rather than a pregnancy. Since she's not ready to be a mother, she searches for a couple who are willing to adopt her unborn child. She finds Mark (Jason Bateman) and Vanessa (Jennifer Garner) but it's more Vanessa who wants the new arrival. Her other half prefers to watch gory films and collect comics rather than prepare to have a child.

Ellen Page is a revelation as the book-smart, quick-tongued teenager facing adversity with her impending pregnancy. She gives a performance that will have you spilling your guts with laughter and smiles. While Michael Cera (Paulie), J.K. Simmons (Mac MacGuff), Olivia Thirlby (Leah) and Jason Bateman (Mark Loring) provide adequate emotional back-up, making you genuinely feel in the heart of all their relationship's with Juno, especially Cera and Simmons. The only weak link, in a very strong chain is Jennifer Gardner as Vanessa, who you never engage with until the penultimate scene of the film, when it's too late anyway.

One aspect which contributes drastically to Juno's success, and would be a cardinal sin to overlook, is debutant screenwriter Diablo Cody's script, which is full from the beginning to the end with engaging, entertaining and down-right witty dialogue. She creates Juno, a pretentious,

naive teenager who over-time matures into an exciting and nurtured human being, while at the same time keeping the hilarious and charming moments ticking over. Despite a conventional ending which follows the genre like salt on chips, it's the chunky and delightful middle that keeps the film running and the audience happy.

My only problem relates to the constant over 'wittiness' of the script. The dialogue at times is almost too perfect and too polished. Many people have pointed out that no one speaks that smartly that frequently. Others have pointed out that this is only a movie and not really real. I'm on the fence, enjoying the lines, but at the same time bothered by the perfection of it all. I know it's a movie but for one that weaves such a potent spell of reality, the 'too good to be true' nature does put cracks in the bubble.

From the guitar-laced harmonic strains of its soundtrack which is top class throughout to the aforementioned quirky characters, *Juno* is a quintessential indie flick. Like *Garden State*, it has a few transcendent glimpses into the human soul, but they are too few and far between to carry the movie to extreme heights. Like *Little Miss Sunshine*, it places quirky characters into unusual and often comic circumstances, but the humorous moments here do not approach the hilarity of *Little Miss Sunshine*. Most of the comedy is based upon the unique dialogue or the continual series of culture clashes between Juno and everyone, which are amusing throughout.

Hilarious. Heart-warming. Enjoyable. Engaging. Cute. Interesting. Hip. You'll leave the cinema when it ends with a smile from ear-to-ear knowing you've just seen something special.



Out of the Office with... Brendan McDonald

In the second in our series Brendan McDonald, Western Regional Manager, tells us about one of the great loves of his life... mountaineering:



Brendan with his brother Kevin

Apart from a new perspective on Change Management in Henley Management College, I also managed to pick up a nice set of ice axes. I planned to try them out in Scotland in 2008 on the snow and ice of the couloirs in either Glen Coe or the Cairngorms. However due to a combination of factors my colleagues couldn't get together for this trip. It was a joy therefore to get a call from Thomas Aylward to see if some members of DFAM (Defence Forces Association of Mountaineers) would be interested in a few days climbing in the Alps in Italy in mid-winter. The Vale of Tonale has something for everyone: snowshoe walking, ice climbing, mountain skiing, and alpine climbing.

It was almost too good to be true! Monthly reports heightened the excitement as more and more snow was falling and the temperatures on the slopes were minus 14 and falling in November. Our group of around thirty mainly consisted of Tralee Mountaineering Club and friends together with members of the Defence Forces Association of Mountaineers (including myself).

Ryanair deposited us in Bergamo roughly two hours from our base in Edolo, a charming town at the Vale de Tonale in Northern Italy. This in turn was forty five minutes from our destination of Tonale. The resort was ideal with excellent wide pistes for those who wanted skiing and abundant chair lifts that could get you high up to the ridges without the two to three hour slog you'd have in Scotland.

While the weather for skiing was excellent the area now had a high avalanche risk (risk analysis now taking on a whole new meaning). Four people had been killed in the next valley and more further away. Avalanche awareness and training in the use of transmitter/receivers which everyone carried, took up a large part of the first day.

On day 2 we headed to an Alpine ridge

where after a short snowshoe walk we were on the ridge extending to Monticello. This, at 2,600 metres, is normally a good rock route but with the amount of snow dumped there, it took on a whole new meaning. Where you normally would find some rock for security you had to now get through up to two metres of snow. It was challenging with steep vertical sections and involved abseiling on our descent. We loved it. The fact that climbers in this area are rare attracts considerable interest from skiers – both groups looking at each other with a mixture of awe and bewilderment.

We also made a summit attempt at Cima Presena, at 3,069 metres the highest peak in the area. This again involved a snowshoe hike for about two hours, reaching a windy coll before ascending a narrow ridge to the summit. The views were stunning.

The challenge of the mountains is very hard to beat, whether for a stroll, a scramble or a tussle with the snow and ice with the axes and crampons. These are the moments where you get to think and then, occasionally, the sheer terror can also make you re-evaluate your priorities.

I wouldn't miss it for the world.

golf

Time to hit the fairways

Declan Power, Secretary of the Courts Service Golfing Society sends this note of what's in store for 2008:

We have arranged outings for the coming season starting with an outing to Kilkea Castle in Castledermot, Co. Kildare on Thursday, 27th March, 2008.

Other diary dates are:

- Thursday, 15th May to the Heath Golf Club in Portlaoise
- Thursday, 4th September to Millicent in Clane, Co. Kildare and
- Friday, 26th September to Turvey in Donabate

If you play golf, no matter what standard, or are a beginner, we'd be delighted to see you on any of the above dates. We'll issue a circular nearer the time of each outing.

We're looking for new members to join the Society. Membership is confined to serving and retired staff of the Courts Service. You don't have to have a club handicap – we'll organise that for you.

If you'd like to join you can contact me (Declan Power) at the Circuit Court Family Law Office in Phoenix House in Dublin on 01 888 6807 or by email at dpower@courts.ie

Retired staff – Come to our Summer Evening in Smithfield

This years Summer Evening in Smithfield will take place on Friday 23rd May. The Courts Service Choir will be performing a new programme of music for your entertainment. 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 that does not currently receive a copy just call Tony Lawlor at 01- 888 6462.



puts performance genre into the third dimension

U2 have completed another first – not just for an Irish band, not just for a world band – but for anyone. They have successfully starred in the first 3D live action feature – which has jumped off screens across the country since late February.

It's a long way from a 70's memory of smoothing out the coloured plastic wrapper of a Quality Street with the back of a fingernail and putting it over one eye to see if the generation game became 3D.

Originally screened at the Dublin International Film Festival it is now showing at all of the eight Digital 3D screens in the country namely; Cineworld Dublin, Movies@Dundrum, Movies@Swords, SMC Dungarvan, IMC Dun Laoghaire, and the Gate Cinema in Cork.

You'll be blown away by the surreal nature of the latest 3D technology, shown off to great effect by this concert movie. It is really as if they are in the theatre with you. The rear shots

of Larry's drums are mind bogglingly detailed, deep, shiny and present. To enjoy it fully involves suspending belief for an hour and a half and letting the experience become a real performance. No hyperbole could describe the success of this digital attempt to bring a movie so close to its audience.

It would be enjoyed best if you actually liked U2 and have had an experience of seeing them live – as I do and have. However, my companion who 'can't stand' U2 had a wonderful time and at times seems transfixed by the effect of the technology. I must have been involved as well, as he remarked that I hadn't talked much at all throughout it – a truly unique experience – seemingly!

The only criticism could be that a more mobile, action filled and dancey show might have shown off the 3D effect better – say Kylie's Showgirl tour or a Madge performance. However, U2 in all their middle age glory provide an honest, powerhouse of a performance – filmed in South America during their Vertigo Tour.

Directed by Catherine Owens and Mark Pellington, it transforms the series of live concerts into a single completely new entertainment experience – a stage show on your screen, around the theatre and up close and personal. Owens, U2's visual content director for more than 15 years, and Pellington, who directed U2's "One" video, take us on an extraordinary cinematic journey, a step beyond traditional concert films and traditional 3-D movies.

The movie broke opening weekend box office records both here and around the world. It is the biggest 3D movie to ever open in Ireland, and had the highest screen average takings of any film playing in Ireland that weekend. Its US debut weekend saw it take in twice as much per screen as any other release.

This movie ensures that there is no doubting the indestructible talent of U2, the truly huge leap of quality in 3D movies, and the limit free future of where it can go as a device to entertain.

Gerry Curran

Strange Names – 'Steve Forbert'

In the first of what we hope will be a new musical feature, Tony Lawlor introduces us to one of his favourite singers:

A glance at the artists list on my iPod would give you an idea of my musical interests – Snow Patrol, Gorillaz, Coldplay, together with the older stuff – Thin Lizzy, Springsteen, The Police, ELO, Steve Forbert... Steve who? I hear you ask.

Well, every now and again it happens. A singer comes along with a style of music that makes you sit up and take notice. For me, in the case of Steve Forbert the story began in the late 70's. My usual Tuesday night ritual back then was to watch The Old Grey Whistle Test on BBC 2. On this particular night the song Big City Cat, from Steve's debut album *Alive on Arrival* was played. From that moment I was hooked. I searched the record stores of Dublin for a copy of the album. I eventually tracked it down in the now long gone Dolphin Discs store in Marlborough Street.

Having been hailed as the "new Bob Dylan"

after the release of the first album, his next album, *Jackrabbit Slim* and its infectious Top Ten single *Romeo's Tune*, saw Steve's popularity increase dramatically. His blend of folk, country, rock and blues, together with his distinctive singing voice was proving to be popular. However, after releasing *Little Stevie Orbit* (1980) and *Steve Forbert* (1982), the singer encountered the harsh reality of record-company politics, resulting in a long and frustrating legal battle that kept him from releasing any new music for the remainder of the 80s.

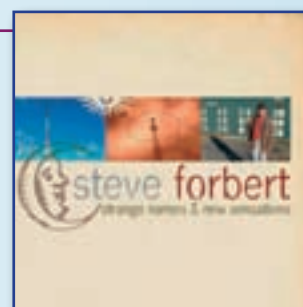
After a relatively quiet 90s, Steve released several albums in recent years, including one of my favourites, *Just Like There's Nothing to it* in 2004.

His latest album, *Strange Names and New Sensations* was released in 2007. For me, *Middle Age* and *30 More Years* are the favourites on this album. Maybe

it's just that I can identify with these tracks, being of a certain age. The other tracks are very much a romantic mix, with the exception of *Baghdad Dream* which makes its own statement. All in all the album is another step in the commentary of life that is Steve Forbert's musical career.

So if you like a mix of folk, country, rock and blues and would like to sample Steve's music, log on to www.steveforbert.com where you can download some of his music for free. You can also purchase cds' and dvds' from the site.

Do you have a favourite singer who may not be well known and that you would like to share with the wider world? Let us know by e-mailing me at alawlor@courts.ie.



Cardiac Monitor

Passing the Nurses station in the Coronary Care Ward
I glance at the overhead cardiac television screens
Just in time to see the opening credits
'George Timmons and the moving graph of his heart'
"You're on telly again Da - you never told me",
I whisper because cardiac rest time has commenced

Under the title
I see the three dimensional moving graph
monitoring the beat and rhythm
of the heart of George Timmons,
the lead and star of the show
in the role of his life

The audience of nurses look to the screen as one
'The beat is electric they say'
their feet tapping as they watch George's heart
in the midst of a Michael Flatley dance routine

'It's a little bit fast
but the rhythm is good', they sing in chorus
Which is what I had hoped for
and expected of a man
with such a love of dancing

So how does it end, I ask?
Don't bypass the end
as we've already had three bypasses
Can you make it a happy ending, I plead
They jive away in synchrony to the beat
Oblivious to my Fred Astaire style waving

Then they shimmy back to the Nurse Station
smile as one and say
We don't know how it ends
But his heart was always good
he has the feet and rhythm of a dancer
Though his chest resembles the Red Cow roundabout

We think he might foxtrot out of here
In about ten days time
We're hoping he'll leave us a signed copy
of his new DVD

*"The boogey woogey dancing man
from Ward number three"*

Brian O' Tiomain

Be Active at Work

The Irish Heart Foundation encourages us to be active at work to help improve our health and maybe prolong our lives:

Being active makes you feel and look good. It can add life to your years as well as years to your life. Regular physical activity brings so many health benefits. It can reduce your risk of heart disease, diabetes, and high blood pressure. Not only that, it can control your weight, help you sleep better, reduce stress and anxiety, and strengthen muscles and bones.

30 minutes of moderate intensity physical activity most days:

- Uses about 200 calories a day... and helps you manage your weight
- Strengthens your bones and muscles... to prevent osteoporosis
- Strengthens your heart and circulation... to prevent heart disease and stroke
- Improves body functions... to prevent some types of cancer and diabetes
- Triggers 'happy' hormones... to make you feel good and relaxed

'Moderate intensity physical activity' means that you feel some effort, your

heart rate and breathing increases, and you feel warmer all over, just like you do after a brisk walk.

Moving around, stretching and changing position on a regular basis can help to keep your body mobile and strong. Active choices can use up a lot of calories...

The table below outlines the difference:

INACTIVE CALORIES		ACTIVE CALORIES	
5 minute phone call, sitting	5	5 minute phone call, standing	25
Send e mail to a colleague one floor away	5	Walk to a colleague one floor away	30
Drive, take bus or train to and from work	15	Walk for 10 minutes of the journey each way	120
Eat a packed lunch	10	Take a 10 minute walk to the sandwich shop	60
Sit in canteen for 30 minutes at lunchtime	30	Eat lunch (15 minutes) and take a 15 minute walk	135
Taking lift for 3 flights of stairs	5	Walk up 3 flights of stairs	15
Park car near to entrance	5	Park car at far end of carpark (if possible) (5 min. walk)	30
Spend 30 minutes sitting at an office meeting	30	Have a 30 minutes walking meeting (if possible)	180
TOTAL 105		TOTAL 595	



If you have, or are at risk of, a medical condition, you may be worried about what you should and shouldn't do. You should consult with your G.P. if you plan to take up any new activity.

Many medical conditions are helped by staying active. Gentle exercise reduces the severity of some symptoms and aids recovery from episodes of pain. Regular moderate intensity activity is used as treatment in heart disease, stroke, diabetes and mental health.

Ireland Calls

March is the month when Ireland's patron saint's feast day is celebrated all over the world. So what better way to mark the occasion than by testing our brains with a quiz with an Irish flavour.

1. In which city is *Eyre Square*?
2. In which county is *Monasterboice round tower*?
3. Which is known as the *Marble City*?
4. Which Irish actor has appeared in *Fawlty Towers*, *Robin's Nest* and *Waking Ned Devine*?
5. His father was Brazilian, his middle name was Parris, he was born in Birmingham yet he became the one of the most famous Irish rock stars of all time – who?
6. Ireland's 15 principal railway stations are named after whom?
7. Which is the only town in Ireland with a Z in its name?
8. Which band had a hit with *Summer In Dublin*?
9. On which date is the *feast of St. Brigid*?
10. In which town was Count John McCormack born?



Send your answers to: Tony Lawlor, Courts Service Information Office, Phoenix House, 15/24 Phoenix Street North, Smithfield, Dublin 7, or by e-mail to alawlor@courts.ie

October Quiz winner

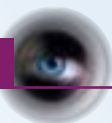


Elaine Jones, Southern Regional Office receiving her prize as winner of the October quiz from Terry Agnew, Information Office.

The correct answers to the December quiz are:

- | | |
|--|--------------------------------|
| 1. <i>Merry Christmas Everyone</i> | Shakin Stevens |
| 2. <i>Merry Christmas Everybody</i> | Slade |
| 3. <i>Do They Know its Christmas?</i> | Band Aid |
| 4. <i>The Pipes of Peace</i> | Paul McCartney |
| 5. <i>Fairytale of New York</i> | Kirsty MacColl & Shane McGowan |
| 6. <i>Lonely this Christmas</i> | Mud |
| 7. <i>I Believe in Father Christmas</i> | Emerson, Lake & Palmer |
| 8. <i>A Winters Tale</i> | Moody Blues/ David Essex |
| 9. <i>Stop the Cavalry</i> | Jonah Lewie |
| 10. <i>I Wish it Could be Christmas Everyday</i> | Wizzard |

And the winner is **Eamonn Mooney, ICT Directorate**. Congratulations Eamonn.



Brendan Murphy, Circuit Court Dublin, receiving his Bachelor of Science (Honours) degree in Human Resource Management at the Dublin Institute of Technology.



Renewing friendships: Former Courts Service staff together again in November 2007: Jim McCormack, Brendan Reidy, Jim Beirne, Gay Berkery, Aidan Cashin, J.J. Bunyan



Cathal O' Dwyer, son of Mairead O' Dwyer, Chief Clerk, Kilkenny Circuit Court



Noel Rubotham, Director of Reform and Development and Elisha D'Arcy, Judicial Support Unit with judges from Scotland on their recent visit to Dublin



Peter Devine (Cork Circuit Court) and his wife Nagai on their wedding day in July 2007. The photo was taken in the Main Square Park in Lima, Peru.

If you have a photo you'd like to include in *Through the Lens* please post it to:

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or email it to: alawlor@courts.ie