



COURTS SERVICE NEWS

Nuacht na Seirbhíse Cúirteanna



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of the US Supreme Court**

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Meet the Challenge of Change**

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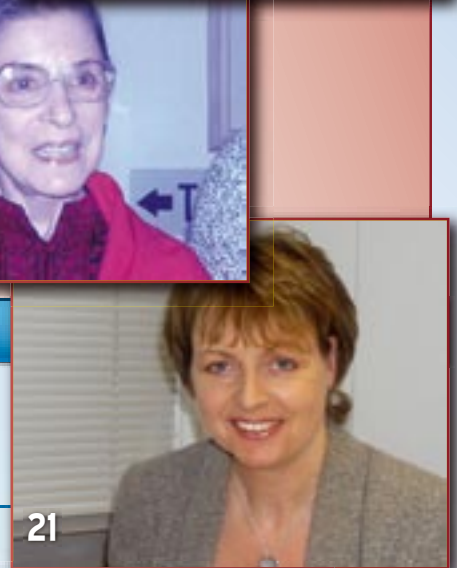
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Courts Service News is the magazine of the Courts Service. Contributions are drawn from a wide area and do not necessarily reflect the views or policies of the Courts Service. The editors reserve the right to edit all contributions, including letters.

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Welcome to the first *Courts Service News* of the year. 2007 is not very old but already we bring you news of more projects underway within the organisation. In particular we talk to Angela Denning of the Civil Case Management System project team on what their work is all about and what it's planned to achieve on *page 7*. It's also appropriate then that we turn to look at project planning in general and discover that this was the main focus of a training course in Henley, England attended by many Courts Service project managers – you can read our interview with Terry Agnew of our Human Resources Directorate on *page 5*.

It's with no small amount of excitement that we proudly feature an in depth interview with Justice Ruth Bader Ginsburg, judge of the US Supreme Court and *Forbes* magazine's 'eighth most powerful woman in the world'. Justice Ginsburg was in Ireland at the invitation of NUI Galway's Law Society as their special guest for their ongoing

series of 'Evenings with...' and in the course of the discussion covered a broad expanse of topics on everything from women in the justice system to famous US constitutional cases. It's not often we publish an interview (*pages 17 – 20*) with someone whose judicial appointment inspired an episode of *The West Wing*, now is it?

With the historic publication of *Family Law Matters* we turn the spotlight firmly on the area of family law. Reporting of cases and judgments in this area has been opened up because of the provision of the Civil Liability & Courts Act. Dr. Carol Coulter's work highlights emerging trends and some innovative work practices in this area. You can read about *Family Law Matters*, its launch and some interesting statistics on *pages 10 and 11*.

We have another wonderful photo from times past in this edition courtesy of retired Supreme Court Judge, Mr. Justice Frank Murphy. Your help in identifying some of the

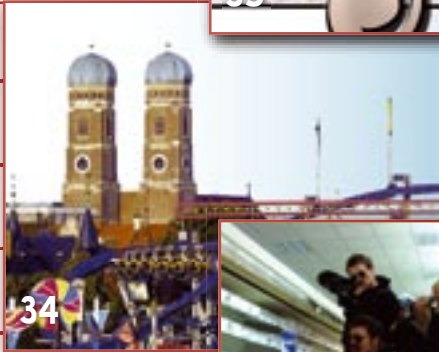


barristers on *page 31* would be greatly appreciated.

Finally, you may notice among the regular staff news, holiday and film reviews and competitions that we have another customer survey for you to complete. It's now been four years since our last in-depth customer survey and while we always welcome feedback we're asking you this time to make a special effort to complete and return this survey form.

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P & P - Rules Amendments

District Court Rules

S.I. No. 19 of 2007

These Rules amend Order 100 to provide procedures and forms for an appeal under section 65 (1) of the Mental Health Act, 2001.

S.I. No. 73 of 2007

These Rules amend Form 22.2 (Bench Warrants on foot of a summons), to provide a recital that it is being issued in respect of a date other than the return date, where applicable.

Circuit Court Rules

S.I. No.10 of 2007

These Rules prescribe Circuit Court procedures in respect of Appeals under the Social Welfare Consolidation Act, 2005 (No. 26 of 2005).

S.I. No.11 of 2007

These Rules prescribe procedures to facilitate applications and appeals in the Circuit Court under the Mental Health Act, 2001 (No.25 of 2001).

S.I. No.12 of 2007

These Rules prescribe Circuit Court procedures in respect of enforcement of a decision of a rights commissioner and enforcement of a determination of the Labour Court under the Industrial Relations (Amendment) Act, 2001 (No. 11 of 2001) as amended and the Industrial Relations (Miscellaneous Provisions) Act, 2004 (No. 4 of 2004).

Supreme & High Court Rules

S.I. No.597 of 2006

These Rules prescribe procedures to facilitate applications and appeals under section 73 of the Mental Health Act, 2001.

S.I. No.13 of 2007

These Rules will commence the operation of Council Regulation, (EC)

No. 1206/2001, which facilitates improved cooperation between the courts of the European Union Member States in the taking of evidence in civil or commercial matters.

S.I. No.14 of 2007

These Rules prescribe procedures to allow for statutory applications and appeals to be made in a more efficient and expeditious manner.

The High Court is on the move...

Ciarán Kelly, Principal Registrar of the High Court tells us about recent innovative changes in High Court civil sittings.

"Traditionally the High Court on circuit heard only personal injury and circuit appeals cases outside Dublin. Recently however, it has begun to hear chancery and non jury cases in different locations around Ireland. For example, this term it is sitting in Cork to hear non jury cases from Cork and surrounding counties. It is also hearing a chancery case in Co. Limerick at the end of March. Plus there have also been extra circuit appeals dates listed for Limerick."

So what are the main effects of these non traditional sittings? "Well obviously it assists practitioners, litigants and witnesses involved in these cases. They don't have to travel to Dublin to have their cases heard. Parties involved in similar cases from neighbouring counties can also avail of the extra sitting dates and there is a positive 'knock on effect' for Dublin cases within these lists."

How do practitioners apply to have these cases heard outside Dublin? "The extra sitting dates are at the discretion of the President of the High Court. We hope that once our full complement of judges becomes available more sittings of this nature will be facilitated."



Ciarán Kelly

Notice to all users of the High Court Central Office

Each day up to 200 practitioners, law clerks, law agents and members of the public visit the Central Office. On occasion, due to the volume of work of the High Court, the waiting time for service in the Office is not as short as it should be. A number of mechanisms are being introduced to manage this situation while maintaining the quality of service.

In response to customer demands some further changes to the queuing system are being introduced on a pilot basis. We will initially run this pilot from Thursday 1st March to Friday 30th March 2007. During the course of this pilot project we will seek and evaluate customer feedback. Comment sheets will be available in the office during the month of March for this purpose.

The pilot programme of changes to the queuing system is as follows:

Standard Queue – up to 15 transactions only, final ticket issued for this queue at 3:30pm

Express Queue – up to 5 transactions only (no change), final ticket for this queue issued at 4:00 pm.

During this pilot every effort will be made to maintain a high quality of service and to minimise waiting times and inconvenience for callers to the office.

Before proceeding to the counter, please ensure that all documents are ready for presentation i.e. that they are signed and dated where required, that they bear the correct title and record number and that the appropriate court fees have been paid.

Nuala McLoughlin

Chief Registrar & Director of Supreme and High Court Operations
22nd February 2007

Changing for the better by focusing on our major projects



Back row, Left to Right: Dr. Stephen Simister, Sean Quigley, John Glennon, John Coyle, Eamonn Kiely, Mary Crowley, Brian Battelle.
Middle Row: Angela Denning, Jim Finn, Hilda McDermott, Darach Green, Andrew Gibbons.
Front Row: P.J. Fitzpatrick, Michael Byrne, Nuala McLoughlin, Syl Carruth, Jane Cranwell-Ward and Olive Caulfield.

identifies a number of very important factors. "Among other things, today's managers have to adopt a 'clients first' approach to service delivery", he says. "They have to think ahead, think outside the box beyond the immediacy of achieving targets. They have to find out what their customers want. They have to be what we call 'champions for change', creating a change readiness within the organisation. And very importantly, they have to understand both the strategic and the cultural change roles of the projects".

'Managing change' is one of the buzz phrases in the Irish public service these days. Lots of talk about doing things differently, thinking about things differently and generally getting used to a different working environment. And yet the day job must go on while all this change is happening. So how does an organisation like the Courts Service deal with change? A recent leadership programme in Henley, England was given the thumbs up by staff from across the organisation. We asked Terry Agnew, Head of the Courts Service Training Unit to give us some background and tell us why it is proving so worthwhile:

"The challenge that the Courts Service faces along with other public service organisations is to provide a first class

service delivered in a manner which meets the needs of the citizen", Terry explains. "We have to be highly successful in restructuring to meet this challenge. We are currently involved in a number of major projects which will in time allow us meet the changing environment in which we have to deliver on our mandates".

Projects, – changing environments? What does all that mean for our staff? "The challenge for our people is to take these projects through their various stages and to bring them to a successful conclusion. This poses a number of critical challenges for our senior and middle level managers in managing the implementation of these projects".

So what exactly does a manager have to do? What changes do they have to get used to? Terry

Terry recognises that all this is a daunting challenge for managers and staff requiring new knowledge and skills. The programme undertaken with the Henley Management College is one of a number of initiatives the Courts Service has and will be undertaking to equip managers to be able to meet the changing environment and to bring major projects to a successful conclusion.

The programme consists of two modules, module 1 lasting 5 days and module 2 lasting 3 days. Two groups totalling 28 people have now attended module 1. The participants are staff who are involved in a number of projects either as Project Sponsors, Project Managers, Business Leaders, or as members of Project Boards. The projects include the Criminal Court Complex for Dublin (CCC), the Civil

Case Management System (CCMS), the Courts Accounting Project (CAS), the Integrated Performance Management and Development System (PMDS) and the Criminal Case Tracking System (CCTS).

“All of these projects along with others will have a profound effect on how the Courts Service interacts with our customers”, Terry points out.

The objectives of the programme are to:

1. help participants understand the change environment impacting on the Courts Service and in turn on the projects
2. help those involved in the projects as Project Sponsors,

Project Managers, Business Leaders, or as members of Project Boards understand the change process the Courts Service is going through

3. provide participants with a set of project and change management tools which will allow them manage the projects to a successful conclusion

4. help participants apply these tools to their respective projects

5. develop the skills of the participants to allow them provide leadership to their projects

“The philosophy underpinning the programme is that successful project management is linked to successful change

management.

They are the same thing”, according to Terry. “Module 2 will review with the participants the application of learning to each of the projects. It will also continue the process of building the change capability the organisation requires”.

All sounds very comprehensive, intensive and stimulating. And definitely gives our managers a lot of think about before Module 2.

We'll try and catch up with some of them at a later stage for their views on the benefits of the Henley programme.

The programme in Module 1 covers the following subject areas:

Day 1

Environmental factors and the Strategic Plan of the Courts Service

Strategic Change: Understanding what a successful and consistent change process is about. Tools which can be applied to make this change process successful. Building a change management capability within the organisation. Starting the process of enhancing the skills of the participants in both project and change management.

Day 2

Organisational case study: An organisation which has gone or is going through profound change delivered by a number of key projects. In both groups attending the Group HR Director of Marks & Spencers (M & S) addressed the groups on the transformation programme of M & S

Strategic Leadership: Using the 7 s model to individual projects to identify key resources, achieve alignment and identify gaps

Reputation: Understanding what organisational reputation is, how it can be built and how it can be lost. Reputation is built on actions and the successful delivery of service that understands and meets the needs of clients. How to manage and build reputation.

Change Leadership: Helping participants understand their own style of leadership and the impact this has on a project.

Day 3

Communications: The importance of communications in the project life cycle. Integrating communications across projects and communicating to key stakeholders using transaction analysis as a framework. Building buy-in. Engagement of people through the project and change life cycle.

Leading People: Using relevant change models to understand and help people through the change process

Day 4

Project Management: The key stages of successful project management. Common mistakes which lead to failure. Research techniques. Business Case formulation. Effective project and change management plans. Controlling and managing budgets and resources.

Day 5

Making it happen: Applying the key learning of the week to each project.

Making a start on improving our civil case management systems

We were interested to hear of plans to introduce a single case management solution to process civil cases (including family law) across all jurisdictions. A sort of 'one size fits all' to replace the low-cost standalone solutions which have met the basic requirements of individual offices moving from manual processing to systems processing. So how far has the project got? And what can we expect in the future? We spoke to Angela Denning of the project team:

So what's wrong with the current systems?

"They don't provide the appropriate basis for delivering long-term customer services, eServices or deliver the benefits of an integrated system", Angela explains. "Many business benefits can be realised through the introduction of a civil case management system. They include:

- * A single view of a case as it moves through jurisdictions
- * Be more user friendly and have a common look and feel across all court jurisdictions which will aid staff mobility, reducing training requirements and implementation impacts
- * Standardised controls for data entry and validation
- * Delivery of a variety of services electronically
- * Integrated court scheduling
- * Comprehensive management information and statistical reporting
- * Standardised processes across regions and jurisdictions."

The recent Courts Service ICT Strategy recommended that as a first step towards an integrated case management solution, civil and family law processes be reviewed.

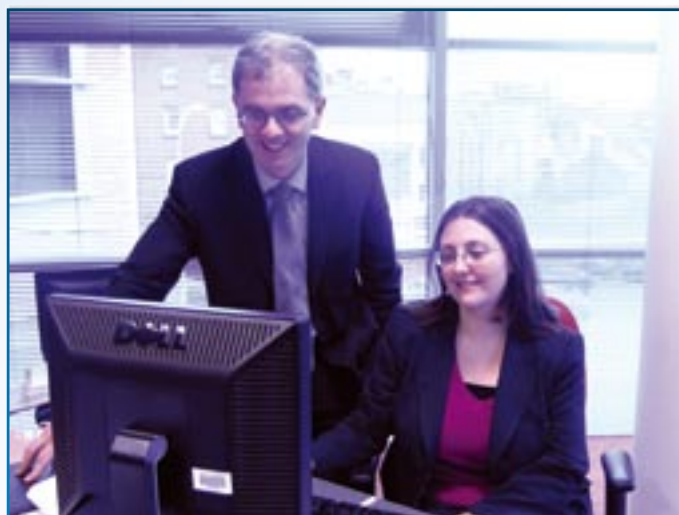
"The idea is that, in so far as possible, processes across regions and jurisdictions should be

standardised", says Angela. "This improves efficiency and customer service. The review will also re-design processes to support the introduction of a single integrated case management solution and the delivery of eServices".

Progress to date includes the establishment of a project board with membership comprised of a wide diversity of business experts reflecting all jurisdictions and directorates. Nuala McLoughlin is project sponsor and the project team includes Jim Finn (Project Manager) and Angela. The review is expected to be complete within six months.

"We arranged a tender process over the course of last summer", Angela explains. "A consortium led by Bearing Point Management & Technology Consultants has been awarded the contract to carry out the review of processes. Their partners in undertaking this work include Matheson Ormsby Prentice Solicitors, Dublin and Henry P.F. Donegan & Son Solicitors, Cork".

And what are the immediate plans? "The first stage of the project will involve modelling the existing processes involved in civil litigation. We will achieve this through a series of workshops with staff. In order to reflect the existing variations in processes, two regional offices (one with a large volume of business and one with a lower volume of business) will be modelled for both the Circuit and District Court jurisdictions, in addition to all of the Dublin



Angela Denning & Jim Finn, Civil Case Management Team

based civil offices. The provincial offices are Cork and Roscommon for the Circuit Court and Limerick and Naas for the District Court. The project has the support of directors and office managers. The project team will work closely with heads of offices to ensure that the impact of workshops on staff and customers, is kept to a minimum".

And what happens after that? "The second stage of the project is the development of a high level series of what the IT people call "to be" processes. This will be done through workshops with senior managers and an advisory panel of experts on court transformation and automation. These experts will provide practical experience of process re-engineering and how case management systems have been deployed in other jurisdictions".

We'll keep an eye on developments and come back in future issues to let you know how things are going. In other words this feature is "to be" continued! In the meantime Angela and the project team would be glad to explain more about the project and to hear any ideas about improving processes.

For further information or to forward ideas contact the project team at 01-8886833 or 01-8886711.

District Court resources to be examined by new committee



Courts Service News has previously brought you reports on the changing nature of work in our District Court offices nationwide and in particular how increases in volume and complexity of work is impacting on these offices. Here, we bring you news of the establishment of a new committee to examine the resources needed for this jurisdiction.

The Courts Service Board has decided to establish a committee to examine the operational and resource needs of the District Court following a proposal from the Chief Justice and Chairman of the Board Mr. Justice John L. Murray. Mr. Justice Joseph Finnegan, Judge of the Supreme Court will chair this committee which will operate within the

following terms of reference:

1. Objectively examine the judicial and administrative resources required in the District Court with reference to changes in the nature and complexity of its work as a result of:
 - » Demographic and social changes
 - » New legislative initiatives
 - » Increased complexity of cases
 - » New functions and extended jurisdiction of the Court in certain areas.
2. Examine the support services required by the Court
3. Make recommendations to the Board.

The changing nature of District Court work

The work of the District Court has changed significantly. The Court dealt with approximately 500,000 of the 750,000 matters that came before the courts in 2005. The current number of judges is 54 which has been increased by just 4 over the last 12 years. (The government recently approved 6 additional judges.)

At the same time the complexity of matters coming before the court and the time required for hearings has changed very significantly. Examples include;

- » Cases under the new Children's Act, 2001 as amended
- » Family Law cases
- » Health and Safety cases
- » Appeals from Mental Health tribunals
- » The Drug Court
- » Other restorative justice type

projects such as those in Nenagh and Tallaght

Demographics pose further demands on the Court

There have been major demographic and societal changes. The population has increased by 500,000. There are now many people appearing before the Court for whom English is not their first language. Interpretation lengthens the time for court hearings. A major problem is also the large number of cases that have to be processed in single day sittings. Contested cases often require additional special sittings which must be done by the local judge or by a moveable judge provided by the President.

Current responses to change

A re-organisation of District Court Districts is being implemented at present. This includes the creation of two new Districts in the Eastern half of the country. While this will address some of the geographic and population imbalances it will not in itself resolve the problems confronting the Court.

Development of Support Services

A further issue relates to the availability of support for District Court judges. This includes Probation and Welfare Services, social work and psychological services in childcare and family law cases, addiction and other social services. Such supports are routinely available in many other jurisdictions.

Considering the need for a Court of Appeal

The Government has established a Working Group to consider whether we should have a general Court of Appeal. Such a court would process appeals from the High Court.

The brief also includes considering whether legal changes are necessary for the purposes of establishing such a court. The Group can also make whatever other recommendations are appropriate to ensure greater efficiencies in the practice and procedures of the Superior Courts. The Group to be chaired by Supreme

Court Judge, Mrs. Justice Susan Denham, will be seeking submissions in respect of the task it has been asked to carry out. Other participants in the Group are:

Mr. Justice Iarfhlaith O'Neill, Judge of the High Court
Mr. Bob Browne, Department of Justice, Equality & Law Reform
Mr. Eoin O'Leary, Department of An Taoiseach
Mr. Ken Murphy, Law Society of Ireland
Mr. Turlough O'Donnell, Bar Council of Ireland

Mr. Liam O'Daly, Office of the Attorney General
Ms. Helen Priestley, Courts Service





More success for Courts Service website and Online Small Claims

The Courts Service website, www.courts.ie incorporating the new Online Small Claims system was shortlisted for two eGovernment awards for 2007. These awards, which are now in their fifth year, recognise achievement in innovation across public sector websites. *Courts.ie* previously won an eGovernment award back in 2005 in its first year entering the 'Best State Body' category. This year it was one of a select number of sites to be short listed in two categories – *Best State Body* and *Best Irish Language website*.

The launch of Online Small Claims in recent months has improved the usability and range of services provided via www.courts.ie. It allows customers make a small claim application online, lodge their claim, pay the application fee and check its status – all from their own PC. Other sections have been modified to provide direct access to information on specific topics such as *Small Claims* and *Jury Service*. Web customers can also access a specially adapted

version of one of the most popular sections – the *Legal Diary* from their PDA devices – allowing them to access court lists 'on the go'. Another major improvement is the addition of Circuit Court lists for 25 of the 26 Circuit Court offices in Ireland. These appear categorised by list type and also display information about solicitors on record in each case.

The competition within each category came from a range of public sector organisations indicating the wide scope of the awards. In the State Body category, the other shortlisted candidates were Teagasc, the Property Registration Authority, and Fáilte Ireland. The Property Registration Authority came out on top. While in the Irish Language category, Waterford City Council beat both www.courts.ie and the National Archives website to win the award.

Helen Priestley of the Information Office tells us "It's no small achievement to be nominated



for these awards again. I think the breadth of nominations in each category highlights the huge diversity of public sector websites out there. Every year the standard rises and the competition gets tougher. But we relish the challenge presented by this – we hope that the current work which the website team is doing to improve the facility of Irish and other services via our site will result in a better site next year. And who knows what'll happen then?!"



Rita Nolan & Fiona Gallagher,
Supreme High Court Directorate

Courts Service News speaks to Chris Lehane of the Probate Office who has recently got involved in an initiative encouraging Dublin Courts staff with an interest in speaking Irish to get together over breakfast. Chris tells us more...

"On the first Wednesday of each month we will be holding a bricfeasta in the restaurant in Phoenix House for Dublin courts staff with an interest in

Gaeilge... for breakfast anyone?

speaking Irish, no matter how poor is their standard. It is an informal, enjoyable opportunity do dhaoine a bhfuil suim acu sa Gaeilge teacht le chéile chun Gaeilge a labhairt agus bricfeasta a ithe.

It is not a committee for the promotion of Irish throughout the Service, nor is it a classroom situation with a teacher and students and if you come along once, you're not expected to continually show up. It is an informal social occasion where you can join us for breakfast, talk Irish and then drift back to your office enriched, bodily and culturally!"

So how did the first bricfeasta go? Chris says appropriately enough, "Tosú maith, leath na hoibre. A good beginning is half the work. Despite

the atrocious weather and early start a large group of staff attended the first bricfeasta. The caighdeán Gaeilge was quite varied from the fluent speakers, through those who used to be quite fluent, were simply out of practice in speaking Irish and were improving gach noiméad, to those who relied on their previous HR training that 70% of communication is actually by body language (with a cúpla sea, sea, sea and ní hea, ní hea, ní hea thrown in!).

Ceapaim gur fíoralta a rá gur bhain gach duine taitneamh den bhricfeasta agus tá súil againn go mbeidh an méid sin nó níos mó daoine ag an chéad bricfeasta eile ar an 7iú lá de Máirte. Feicfidh me sibh ann.!"

Shining a light on Family Law

Until the enactment of the Civil Liability & Courts Act, 2004 reporting on family law cases was prohibited under the *in camera* rule. Following the enactment of this legislation, family law courts have been 'opened up' via Dr. Carol Coulter's reports – the first of which was published in February. Gerry Curran reports on the major findings of the first report, its launch and also focuses on a mediation friendly initiative from Limerick Circuit Court in this area:

Ninety percent of divorce and separation cases in the Circuit Court settle. So say the findings of the first report on Family Law proceedings, *Family Law Matters*, which the Courts Service recently launched and presented to the Tánaiste and Minister for Justice, Equality and Law Reform. It is a first in a series of reports – which are a new initiative to shine a light on family courts, and to help dispel myths and misunderstandings which may exist or come from an historic lack of information, in this very relevant and human area of law. This initiative was permitted by

a change in the law on the *in camera* rule in family law. Dr. Carol Coulter was engaged to carry out the reporting of family law, on a pilot basis. The staff of the Service provided extensive assistance and information to her in producing this report for the public

At the presentation of the report, the Chief Justice Mr. Justice John L. Murray, said that "our legal system requires, subject to exceptions provided by law that justice is done in public. The public and the media are excluded from family law proceedings under the *in camera* rule. This is to protect the privacy of the families involved. It has often given rise to criticism. Indeed, judges themselves recognise the problems associated with the lack of reporting of family law proceedings, but are bound by the rules governing them. It is no surprise that the public want more information on the application of family law. After all family law touches on

some of the most discussed and important aspects of Irish society including divorce, separation, domestic violence and the guardianship and custody of children. It affects thousands of people every year."

An Tánaiste Michael McDowell said "Reporting of general trends in family law cases must, of necessity, be based on a considerable number of such cases and this will take time to emerge. However this report, alongside other research currently in progress, is the commencement of an



Chief Justice Mr. Justice John L. Murray, Tánaiste and Minister for Justice, Equality & Law Reform Mr. Michael McDowell T.D. and Dr. Carol Coulter.

The Statistics section of the report covers the October cases decided in the Dublin Circuit – where one third of all divorces and separations are heard. They provide a 'snapshot' of what occurs in the Circuit Court generally.

- 90% of Divorce and Judicial Separation cases settle – suggesting most people want to get on with their lives.
- A very high proportion of divorces are concerned only with extinguishing succession rights and finalising arrangements made by the parties themselves.
- Where judgments are made, they are based on a fairly predictable formula regarding property and provision for children
- Custody is overwhelmingly granted jointly, in both settled and contested cases. The care and main residency is usually granted to the mother – this reflects the practical situations of the parties.
- The figures suggest a preference towards a clean break end to marriage.
- In only 5% of cases was the wife granted ongoing maintenance payments

information flow on family law cases which will greatly assist future policy formulation in the family law area”.

The document provides information under three headings; Reports, Trends and Statistics, and Judgments. The reports are newspaper style records of what happened in a bundle of cases across the country. While the identity of participants is protected, the area of law examined is explained in accessible and useable language. The report also gives an overview of two judgments made in Dublin and Cork Circuit Courts, one dealing with access to an infant daughter and ownership of the family home, the other a judicial separation case where the matter of the ‘conduct’ of one of the spouses weighed on the judge’s mind.

Limerick County Registrar Patrick Meghen has introduced a case conferencing process for family law cases issued there. “The case conference is, by agreement, a meeting held by the county registrar with the solicitors for both parties which takes place after court proceedings have issued. The purpose is to narrow the issues for trial or to facilitate settlement of some or all of the issues between the parties. The county registrar is a legal officer who can make court orders, for example time for filing of documents, inspections of property, interim maintenance and access orders and orders for discovery etc. All orders made are minuted and are of the same status as if they were made by the circuit judge. The county registrar is also responsible for the listing of cases in the Circuit Court. Cases which have gone through the case conferencing procedure and are either settled or some issues are for trial will be fast-tracked to a judge for hearing or to make any necessary legal orders.”

Pat brings to this initiative, experience from his role as deputy director of the Samaritans in Limerick, coroner for West Limerick and a fellow of the Institute of Arbitrators. “The procedure has been well received, has had a positive response and results have been very satisfactory and mutually beneficial to the parties.” He points out that while “It is voluntary”, it does have the potential to be very beneficial for people whose marital relationships have broken down, with the opportunity for people to enter into early talks and arrive at viable solutions.



Left to right: **Senator Maurice Manning, Sean Aylward**, Secretary General Department of Justice, Equality & Law Reform, **Judge Brian McMahon**



Emer Darcy (Circuit Court Family Law Office), **Jim Finn** (Examiners Office), **Kevin Fidgeon** (Dublin Circuit Court Office)



Kevin Cuffe, John Molloy, Madeline Moore & Seamus Glackin, Dublin District Court Family Law Office



Complete our reader survey and be entered in our free draw

Your views and comments can help us to ensure that *Courts Service News* is topical, readable and relevant to you. To do this we need your feedback. We would be very grateful if you could take a few minutes to answer the following questions:

1. Please indicate which Readership Category that you belong to:

☐ Staff Member ☐ Solicitor ☐ Barrister ☐ Other (please specify): _____

2. Please indicate to what extent you agree with the following statements about *Courts Service News*

- | | Strongly agree | agree | disagree |
|---|--------------------------|--------------------------|--------------------------|
| (i) 'It has improved communication between the Service and its staff and users' _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (ii) 'It is informative and interesting' _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (iii) 'It is well laid out and attractive to look at' _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (iv) 'It keeps me updated on developments in the Courts Service' _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (v) 'There is a good balance between heavier and lighter material' _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

3. Please indicate which of the following articles/ features that you read:

- | | Almost always | occasionally | rarely | never |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| (i) Staff News (e.g.: appointments, retirements,...) _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (ii) Organisational Articles (e.g.: I.T. , Training,...) _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (iii) Courthouse Buildings (e.g.: History, modernisation,...) _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (iv) Wider Public Service Developments _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (v) Features (e.g.: Interviews, around the world,...) _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (vi) Social and Personal (including Competitions) _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

4. What would you like to see more of? _____

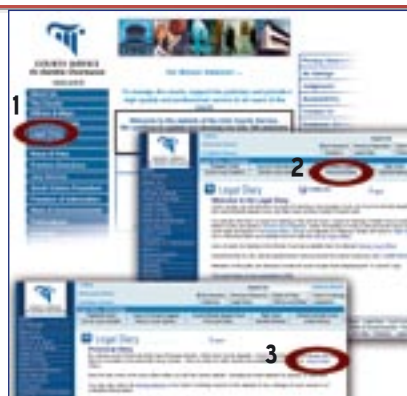
5. What would you like to see less of? _____

6. Please suggest some topics that you would like to see an article about in *Courts Service News*: _____

7. Overall how would you rate the *Courts Service News*?

☐ Excellent ☐ Very Good ☐ Good ☐ Average ☐ Fair ☐ Poor

Thank you for completing this survey. Please detach (or photocopy if you do not wish to damage your Newsletter) and return to: Courts Service News, (Reader Survey), The Courts Service Information Office, Phoenix House, Smithfield, Dublin 7. Or email your replies using the question numbers to provide your answers to: co'leary@courts.ie



Have you found the Circuit Court lists on our website?

Circuit court lists for the following counties are now available on www.courts.ie: Carlow, Cavan, Clare, Donegal, Galway, Kerry, Kildare, Kilkenny, Laois, Leitrim, Limerick, Longford, Louth, Mayo, Meath, Monaghan, Offaly, Roscommon, Sligo, Tipperary, Waterford, Westmeath, Wexford, Wicklow

To access these lists, go to www.courts.ie, click on **Legal Diary** (1) from the menu on the left, then click **Provincial Legal Diary** (2). Click on **Circuit Court** (3) and then choose from the counties displayed. Lists are available by circuit venue within each county.

Provincial High Court Circuit Appeal lists for some counties are also available by choosing this option after selecting **Provincial Legal Diary**.

Lots for discussion at family law seminar

One Family are organising a family law seminar in the Law Society, Blackhall Place on Saturday 24 March 2007. The seminar which will be opened by An Tánaiste and Minister for Justice Equality & Law Reform, Mr. Michael McDowell T.D., will focus on children's rights, family law court reporting and the impact of EU developments on children and divorce in Ireland. Speakers include Dr. Carol Coulter, Inge Clissman S.C. and Geoffrey Shannon, solicitor.

For more information & to book a place, contact: Ailbhe Lee on 01 662 9212 or email: alee@onefamily.ie

National Library Week: Thought in Cold Storage



In case you missed 'Library Week' recently, Joe Donnelly of the Judges' Library sends this very timely reminder of the benefits of specialist libraries.

by the hyperlinks in electronic documents.



Library Ireland Week 2007 took place from 5th to 11th March, following a launch in the National Library of Ireland by author Colm Tóibín in February. It celebrated and highlighted the role of libraries and librarians.

For most people, the word "library" calls to mind the public libraries, but there is also a range of other "special libraries" in academic institutions, research institutes, government bodies, commercial firms, hospitals, and so on. Law libraries remain the core resource of the legal professions, identifying and making available sources in paper and electronic formats. The written word puts us in direct contact with learning, values and cultures accumulated across generations and continents. Poet Ted Hughes reminds us (Hear it Again, 1997) that the burning of ancient Alexandria's library "brain-damaged the human race". Our libraries are the reservoirs of our shared knowledge and values, organized for retrieval, reuse and synthesis. Lord Samuel (more familiar to us from his role after the 1916 rising and in Palestine) put it very well when he said "a library is thought in cold storage" (A Book of Quotations, 1947). Even the slightly negative ring to "cold storage" is a salutary reminder that the resource is useless unless it is mined and exploited.

Today electronic publications are a crucial part of every law library. The advantages of electronic documents are well known: searching within

and across documents; hyperlinks from a reference to the full text of the document referred to; the ability to reutilize content in a range of outputs; and low cost of distribution (in theory – some commercial publishers charge exorbitantly). Less well-publicized are the potential drawbacks. Permitted use of publications will be defined in licensing agreements – an area where librarians need to negotiate with care and grim determination. Access will usually be limited to those explicitly covered by the licence, rather than to anyone who is permitted to use the library, as with hard copy. The licence, rather than copyright law, may restrict the circumstances in which content can be downloaded, stored, transmitted or copied. If a subscription is cancelled, one may own nothing after years of payment; with print, at least the volumes acquired during the subscription are retained. The practicalities of accessing data may be an issue as time passes and hardware and software change.

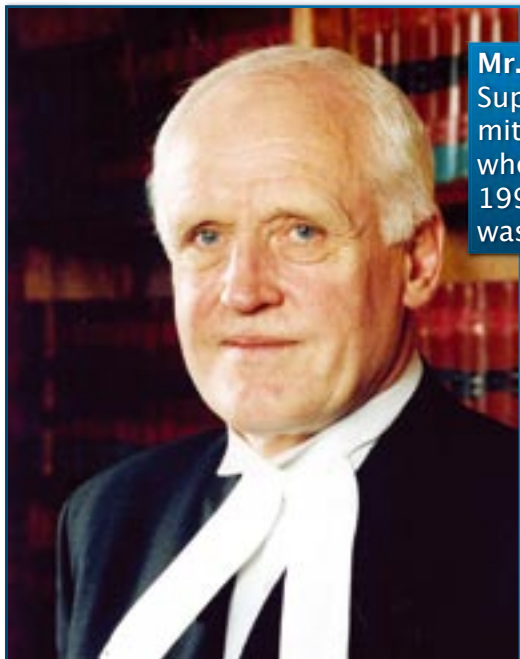


Judges' Library

At Harvard in 1886, Professor Langdell spoke of law as a science and advocated "the idea that the library is the proper workshop of professors and students alike; that it is to us all that the laboratories of the university are to the chemists and physicists, the museum of natural history to the zoologists, the botanical garden to the botanists." (3 Law Quarterly Review 123 at 124).

Laws come to life in Acts and judgments, but they are formed in law libraries.

It is common to speak of information as a valuable commodity, to equate knowledge with power. Lawyers, particularly in common law jurisdictions, have always known the value of information that is accurate, up-to-date and usable. A body of law is a complex network of statements and restatements. A judgment defines a principle; it is interpreted, modified, limited and developed in subsequent case law, and perhaps amended by statute. Statutes in turn come to be interpreted judicially. It has been said that you can look at a law library and say "that is the law" – if you know how to select and combine the elements, and if you are sure you have not overlooked an important source. For centuries lawyers have depended on law libraries that collect and make sense of the constantly changing elements of the law. Alongside primary sources such as Acts and judgments, textbooks provided context and commentary, while citators and digests kept track of the statutes interpreted, and the cases considered, applied or overruled. Today, this network must still be documented, though following the references is facilitated



Mr. Justice Joseph Finnegan

Mr. Justice Joseph Finnegan has been appointed a judge of the Supreme Court. Judge Finnegan studied law in UCD and was admitted as a solicitor in 1966. He practised as a solicitor until 1978, when he was called to the Bar. He was called to the Inner Bar in 1990 and was appointed a judge of the High Court in 1999. He was appointed President of the High Court in 2001.



Mr. Justice Richard Johnson with his grandchildren

Mr. Justice Richard Johnson has been appointed President of the High Court. He has been a judge of the High Court since 1987 and has also been a member of the Special Criminal Court. He studied law at UCD and the King's Inns and was called to the Bar in 1960.



Mr. Justice Peter Charleton

Mr. Justice Peter Charleton has been appointed a judge of the High Court.

He studied law in Trinity College Dublin and in the King's Inns and was called to the bar in 1979. He devilled with Peter Sutherland S.C. and was called to the Inner Bar in 1995. He has written a number of publications on criminal law and has had many articles published in Irish and international academic journals.



Ms. Justice Maureen Clark

Ms. Justice Maureen Clark has been appointed a judge of the High Court. She was elected as a judge of the International Criminal Court in February, 2003 and previously served as a judge of the International Tribunal for War Crimes in the Former Yugoslavia, to which she was appointed in September, 2001. She studied law at UCD and Trinity and was called to the Bar in 1975.



Judge Dympna Cusack and her family

Ms. Dympna Cusack has been appointed a judge of the District Court. She studied at the King's Inns and was called to the Bar in 1986. She has been a member of the Bar Council for 2 years and also served on the Education Committee of the Council of King's Inns for over 6 years. Judge Cusack's practice at the Bar was based primarily in Dublin and with the Employment Appeals Tribunal outside Dublin of which she has been vice chair from 1998 to date.

Mr. Patrick J. McMahon has been appointed a judge of the District Court. He studied law in University College Dublin and since 1971, has been a solicitor in Eamonn Greene & Co., Ballsbridge. He has been a full enquiry partner there since July 1978, and at the time of his judicial appointment was Managing Partner.



Judge Patrick J. McMahon and his family



Judge Desmond A. Zaidan and his family

Mr. Desmond A. Zaidan has been appointed a judge of the District Court. He studied law in the King's Inns and was called to the Irish bar in 1990. He was called to the Bar in Sierra Leone in 1992. His practice at the Bar specialised in criminal law. Judge Zaidan has been a member of the International Association of Refugee Law Judges since 2004 and a member of the Refugee Appeals Tribunal since its inception.

Courts Service News would like to wish all of the above members of the judiciary well in their new positions.

Reaching out to the community – tailoring visits to cater for differing needs

As part of the Courts Service Outreach Programme community groups can avail of a visit to the Four Courts tailored to meet their specific needs. What better way to introduce young people to the courts system than to ask them what they want to know and allow experienced staff tell them? And how much more beneficial it is for a group involved in learning about the law to visit a court and talk to people involved in the process. We look at some recent visits:

A group of young people from the Northside Youth Leadership initiative recently availed of the Courts Service Outreach programme. “Thank you very much for taking the time to meet with our group” said Ros Palmer, Project Co-ordinator. “The young people really enjoyed the talk and the discussion that followed.”

So how did the Courts Service help? “We arranged a tour of the Four Courts so the young people could observe a trial in progress”, Courts Service Outreach Coordinator Teresa Brophy explains. “They also had a chance to talk to a barrister about how our system operates. We arranged for that discussion to take place in an empty court so they could ask questions about who does what and who sits where and why?” Webmaster Mary Murphy pointed out matters of interest to young people on our website, www.courts.ie.



Ballymun Outreach Group

ie while Media Relations Adviser Gerry Curran told them about the interaction between the media and the courts. “The group were very interested in what we do and had lots of questions for us on all aspects of the courts as well as our own areas of work. It was great to have such an enthusiastic audience who were genuinely curious about everything from the use of the Irish language within the courts to possible careers” said Mary.

Ballymun Community Law Centre availed of the Outreach Programme

to arrange a visit for a group from St. Margaret’s halting site. Emer Darcy of Dublin Circuit Family Law office spoke about divorce and other types of family law applications dealt with by her office. The group also visited the Bridewell District Court during their visit. Frank Murphy, Solicitor-in-charge of Ballymun Community Law Centre was very enthusiastic about the visit saying it “was an outstanding success” and that the group was enthralled by the courts and “all of the excellent elucidation provided”.

What is the Northside Partnership Youth Leadership programme?

It is a programme which aims to improve young people’s engagement in their communities and to try and involve them in decision making for these communities. It aims to empower them to develop their confidence and self esteem, to take leadership roles within their communities and assist them to participate effectively in decision making processes at all levels in society. In the youth leadership programme,

participants complete a varied programme over a school year including site visits and discussion to develop and reinforce learning. These and other activities include elements of team building, analysis of issues, and insights into issues to increase their understanding of democratic and participative processes. You can find out more about this programme by contacting:

Ros Palmer, Project Coordinator, Coolock Development Centre, Bunratty Drive, Coolock, Dublin 17.

Welcoming our colleagues from Norway

Opportunities to compare our work with that of other countries are always to be welcomed. A recent visit by staff of the Norwegian National Courts Administration’s Department of Information was hosted by the Courts Service Information Office. The Norwegian staff, whose Department of Information is about 4 years in existence, were on a flying visit to Dublin as part of a longer trip that also included a training course in London. Their visit came about following a recommendation from a Norwegian judge who had previously been part of a visitor delegation to the Courts Service in Dublin. Their main areas of work broadly reflects

that of the Irish Information Office and includes management of a website (www.domstol.no), dealing with members of the public and the media and production of a magazine. Presentations on various areas including dealing with the media, managing the website, producing written material (including *Courts Service News*) and developing an outreach programme afforded much opportunity to compare the work in Ireland with that of the office in Norway.

“Although the visit was a brief one, we found we had lots of common issues and encounter the same challenges in our daily work”, Helen Priestley, Head of the

Information Office tells us. “The need to produce information in different languages, the geographical spread of offices and the need for constant communication and discussion with a variety of different users all served to console us! We could see that though our legal systems are different and we speak a different language there is much that unites us”.

Erling Moe, Director of Communications with the Norwegian Department of Information echoes Helen’s sentiments. “We are very happy about the visit. I would like to thank the Courts Service for a very inspirational and useful meeting, with a fine agenda and good presentations”.

Meeting the 'Eighth most Powerful Woman in the World'

She has been called the 'eighth most powerful woman in the world'. So how could we turn down the chance to hear her speak? Justice Ruth Bader Ginsburg of the US Supreme Court was in Ireland recently at the invitation of NUI Galway. Gerry Curran readily accepted the opportunity to talk to her

"He was due to be executed at 4.00 a.m. I sat up all night until six. I cried all night."

So said Justice Ruth Bader Ginsburg, Judge of the US Supreme Court, holding back an obvious surge of emotion, as she participated in a 'conversation' with law students in NUI Galway recently. A conversation during which she broached many important, relevant and controversial subjects in deep and incisive ways, not least of which was the death penalty. Yet not once did she fail to navigate a way through the constitutional hoops which are set at high levels in order to curb the flow of personal opinion from a sitting judge of any Supreme Court. Even more difficult for a justice of the US Supreme Court, and most difficult for a woman regarded by *Forbes* magazine

as the 'eighth most powerful woman in the world.'

This description she puts down to being born at the right time and to being a lawyer "in an age when there was a possibility to move society, to create recognition of women's equal status as humans and as citizens". Having interviewed her earlier, and having thrown in a few sticky, yet expected, questions it became clear that there was little or nothing these students could throw at her that would faze her.

Armed with a small copy of the US constitution in one hand, literally, and a strong focus on the history of each issue as it has been decided before the Supreme Court, she gladly broaches any subject except *Gore v Bush* and who won that election. And matters which are not a matter for the Supreme Court; such as US foreign policy, or matters which may come before the court, such as... US foreign policy!

From Diva to Lawyer

Appointed to the court by President Clinton, she is seen as a liberal who, for a number of years was seen as the swing vote in an otherwise equally

divided court of liberals and conservatives. On why she chose the law she first of all says, "I would have made a great diva, if I had any talent. But I have a monotone voice. I found my talent was to be able to read, write and argue – what better qualifications to become a lawyer?" She describes herself as a 'kid from Brooklyn', who went to university in the 1950's, which was a bad time for personal liberties in the US, as McCarthyism took hold.

There was a red scare at the time with the accusation that 'there were communists in every closet'. "I came to appreciate that lawyers who were most attached to our fundamental values were standing against that kind of tyranny and defending people's right to speak and write as they will. It seemed to me that being a lawyer would be a good way of earning – as well as doing some good things for the community".

Freedom of Speech

On the right to free speech, she says "I thank goodness there are organisations constantly monitoring and challenging the government's attempts to limit peoples' speech. Tension between liberty and security



Justice Ruth Bader Ginsburg with students from the NUI Galway Law Society.

comes up from time to time in the United States. Right now is one of those tense periods. The courts remain open for the people who wish to complain. To lose touch with what makes you civilised is to give victory to your enemies". She also recalls inviting Justice Kennedy to open an event when she was at college at which groups of protesters became very loud. Security wanted to get more police in but Justice Kennedy said no and pointed out that the protesters



have the right to free speech. Years later at his funeral, on the steps of the cathedral Justice Ginsburg stood and watched his funeral procession arrive – just as a protester from the pro life movement shouted over a loud hailer all sorts of protests about the dead judge. She thought to herself – he believed in free speech and probably would have approved".

The Rights Struggles

On dreaming or aspiring to become a judge of the Supreme Court, she recalls "In 1959 when I was called to the Bar no woman could have dreamed she could one day be on the Supreme Court. There had only been one woman ever on a Federal Appellate Court. My goal was to get a job in the legal profession." She had a daughter four years old when she graduated. "I had an

additional liability. As a woman and a mother it was even harder to get a job. The chance of them taking a chance on a mother was maybe a step too far". She tracks her efforts and career through the 1960's and 70's and recalls that during World War Two, the US was fighting against tyrannical powers with strong racist policies. "Yet at home it was forcing segregation in some of our States". This could not survive the experience of the war and the aftermath saw the rebirth of the civil rights and feminist movements.

Courts took up hot potatoes

When asked whether there was 'an evolving sense of the constitution' rather than its being read in a constructionist way by the politicians and the judiciary, she replies "The legislature was neglecting its responsibility due to it being a hot potato. The political branch was reluctant to deal with segregation. Judges were left the job by politicians. The legislature and executive had defaulted and left the judges with a job which had to be done". The responsibility for dismantling the system of segregation after the war was left to the courts in *Brown v Board of Education* (1954) in which the Supreme Court decided no segregation was to be allowed in schools. Yet it took many years after this to overcome state legislatures and executives who would not implement it. "Many brave judges were involved in changing it".

Women in Society

Before the 'Husband and Wife Property Act', women were treated as

less than adult. Married women couldn't enter into contracts, sue or be sued. Women were not part of the political community. Each gain was a measured one such as being allowed to vote in 1920 or much later on, being allowed undertake jury service. Before this they were 'subservient to their father first, and then their husband'. She told the Galway students that the prospect of a woman President is not a hypothetical one. "I can see a woman being President and maybe very soon", she said without further comment and with a ripple of acknowledging laughter which said 'we know who Hillary is too'.

Earlier in conversation with *Courts Service News* she acknowledged this and more importantly said that she "can see a woman as anything. In many States we have women as Governors, as Chief Judges and women are everywhere nowadays. We have a woman as the Speaker of the House of Representatives for the first time."

Insular Inspiration

When the subject of where the courts look for their references and influences is broached I point out a recent finding that over 100 citations in US courts over the past four years come from Wikipedia, (not the



Ted Harding B.L. with Justice Ruth Bader Ginsburg



Supreme Court I add quickly), and she laughs out loud. More seriously on the suggestion of the US being rather insular in relation to looking outside its borders for legal and other signposts, she says that "There has never been a time in the US when we didn't look beyond our borders for inspiration. The great Chief Justice Marshall said international law is part of our law. The Constitution refers to the laws of nations. The founders of the United States were very well schooled in the great writers – continental names were quite familiar to them. There has never been a time when we were so insular that we didn't look to other sources. It seems that is not understood by some people in our Congress nowadays. It amazes that some are questioning comparative law as part of our law". She explains, "we never find binding authority from abroad, but do reference it in building arguments. A judge, as an intelligent person, can use it in constructing a solution to a problem. Nowadays so many countries are governed by international human rights documents, for example in *Laurence v Texas*, the ECHR, the UN conventions and the principle of political rights, and the elimination of all forms of race discrimination were referenced. In the first case I took to the US Supreme Court I used West

German examples from their Supreme Court. We have always looked abroad for systems who share our values – for other good minds. It would be new if we stopped doing it."

Iraq

"Is the War in Iraq one which is constitutional?" one bold student asked. "I cannot respond to that question as you raise issues which may well come before our court. If I were to express an opinion without the benefit of what the lower court judges have said, without the briefs that the lawyers write, without the oral argument, then anyone could rightly say she has prejudged the case she should not be allowed sit on it so. I defer questions like that". She's used to this and

"her refusal to answer questions about hypothetical future cases, when she appeared before the Senate confirmation hearings, are now referred to as the 'Ginsburg Principles'."

She cites these with outward mirth – and not too heavily disguised pleasure – when she is pressed on 'maybes'. Only three senators of 100 voted against her nomination.

Avoiding crossing the Rubicon

Following *Dickerson v US*, Congress overrode the decision of the courts and the Supreme Court overrode their decision again. On the question of

avoiding a crossing of the Rubicon on the separation of powers – in this case on the cautioning of suspects (viewers of TV cop shows will be familiar with these 'Miranda rules'), she answered;

"The question was whether the *Miranda rules* were just guidance to the police or whether it sprung from the fifth amendment itself, which is part of the Bill of Rights and is a guarantee against self incrimination. The *Miranda warnings* are designed to implement that, by way of warning to the right to silence, the right to counsel, that information given will be used, and the right to have an attorney appointed if he can't afford one. Congress thought that they did not stem from the Constitution itself and passed a law which purported to overrule the *Miranda rights*. We said 'no, you can't do that' as they are implementing the fifth amendment and they are part of the protection against self incrimination. Congress didn't react to that. I think as controversial as they were when they were introduced, they are accepted by everyone and you even hear it on television programmes, and of course that's the way it should be".

On the issue of how brave you have to be to go against the tide or government policy she points out that "Federal judges in the US have great job security. Salaries can't be diminished and we have lifetime appointments – for good behaviour!" She throws off any suggestion of retiring and points out that her eldest colleague is 86, shows no sign of retiring, is in full command of his faculties and is the swiftest judge in terms of turning around and delivering his opinions back to the other members of the court. Judges should hold their offices during good behaviour – as most federal judges are of good behaviour it is not an issue."



Donncha O'Connell, Dean of Law, NUI Galway and Ted Harding, B.L.

A Polite Supreme Court

Acknowledging that for the most part, lawyers before the Supreme Court are quite able and that the Solicitor General has a body of very competent lawyers to state their case, she points out that where a litigant is not represented or has a bad advocate the court appoints counsel of a very high standard – “leading members of the Bar”.

I put it to her that the oral tradition of advocacy in the US federal system was very combative and this could lead to a skewed opinion of the manner in which the courts deal with things she told me, “All argument is not a battle. It is intrusive conversation between

the bench. “It is conducted very politely, yet very rapidly. Lawyers do not deliver a prepared speech as judges will break in with questions, after barely two full sentences, if they are lucky.”

The bench relies principally on the brief they are given on each case. Only 50 pages are allowed in pre lodged paper work for each side for their opening brief. Twenty pages are allowed in response per side and 30 pages are allowed for

informed lawyers on the one side and the judges on the other.”

She said that the atmosphere in the court is very intensive as the parties are restricted to half an hour a r g u m e n t with many interruptions from

amicus curiae.

Information is Good

She is a prolific public speaker compared to many in the upper echelons of the law and she seems to relish the company of the students for the whole ‘conversation’ and afterwards in informal chats. “It is very important to demystify the law and the courts. I regularly meet with schools and students, who come to visit the court. We have a twenty minute film for visitors and a small theatre to show it in. It is important we try to explain how the court works. The court is an open institution and I feel it part of my responsibility to create a greater understanding of the judicial process”.



Justice Bader Ginsburg, Professor Martin Ginsburg, Ruairi Talbot, Cathal Grennan & Orlaith Molloy.

Biographical information: Justice Ruth Bader Ginsburg, Associate Justice of the Supreme Court of the United States of America

Born in Brooklyn, New York, March 15, 1933. She married Martin D. urg in 1954 and has a daughter Jane and a son James. She received her B.A. from Cornell University, attended Harvard Law School and received her LL.B from Columbia Law School. She served as a law clerk to the Hon Edmund L. Palmieri, Judge of the United States District Court for the Southern District of New York, from 1959 -1961.

From 1961 - 1963, she was a research associate and then associate director of the Columbia Law School Project on International Procedure. She was a Professor of Law at Rutgers University School of Law from 1963 - 1972 and Columbia Law School from 1972 - 1980 and a fellow at the Centre for Advanced Study in the Behavioural Sciences in Stanford, California from 1977 - 1978. In 1971, she was instrumental in launching the Women's Rights Project of the American Civil Liberties Union and served as the ACLU's General Counsel from 1973 - 1980 and on the National Board of Directors from 1974 - 1980. She was appointed a Judge of the United States Court of Appeals for the District of Columbia Circuit in 1980. President Clinton nominated her as an Associate Justice of the Supreme Court and she took her seat on August 10, 1993.



From Matron Service to Employee Assistance Service

Deirdre Maye, Courts Service Employee Assistance Officer traces the development of assistance for staff.

Historically the Civil Service as an employer, is the forerunner in providing an in-house staff welfare service to all its employees. Employers in the private sector, on the other hand, are playing catch-up in that it's only within the last decade or so they are realising the benefits of providing and implementing an Employee Assistance Programme. The Civil Service Employee Assistance Service, as we know it today, can trace its roots back to the Civil Service of the 1950's when a "Matron Service" was provided in each Department to oversee the health and welfare of staff members. Twenty years later, in the early 1970's the first Welfare Officers were appointed to all Government Departments. The Welfare Service in those days held a more traditional, reactive role in addressing work related or personal issues affecting work performance. It became clear that a more pro-active means of dealing with staff welfare issues was required and to this end the Employee Assistance Service (EAS) was established in the early 1990's.

Employee Assistance Programmes originated in the United States and were initially intended as a means of addressing the problem of alcohol addiction within the workplace. Nowadays, throughout the USA and Europe, all Employee Assistance Programmes have a broader approach to the many and varied staff welfare issues that present in modern workplaces.

The Employee Assistance Service (EAS) within the Irish Civil Service is a free, confidential, in-house counselling, information, support and referral service. It's designed to assist employees in managing personal and/or work related difficulties, which if left unattended, may adversely affect their work

performance and ultimately their quality of life. If such problems are left unattended to, the organisation as employer, also suffers in terms of reduced productivity and lowered staff morale. The most effective Employee Assistance programmes work on the premise that early intervention is the key to resolving problems effectively.



Deirdre Maye, Employee Assistance Officer

The EAS within the Courts Service

Since January 2005 the Courts Service has a dedicated full-time Employee Assistance Officer post. The Employee Assistance Service (EAS) is positioned at an organisational level where it can be most effective in linking up with various internal agencies such as Human Resources, Occupational Health, Trade Unions, Training and Development Unit, and also at regional, local and line management level. The EAS operates at its optimum level where it is fully integrated with internal organisational structures. Close involvement and collaboration improves EAS visibility and increases its ability to have an impact.

Accessing the Employee Assistance Service

You can access the EAS in a number of ways such as: self referral, formal and informal referral via the internal organisational agencies already mentioned above. The line manager plays a pivotal role in addressing staff welfare issues

at an early stage. Through skilful intervention on the part of an observant manager, employees can be helped to appreciate the value of early intervention for personal or work related problems. Given the appropriate knowledge and effective skills training, managers are better able to intervene to enable employees with difficult or personal problems to seek help via the Employee Assistance Service when an individual might not have known assistance was available or might have been consciously or subconsciously denying the problem existed. It is not the role of the manager to diagnose what the problem might be. Rather, it is up to the manager to provide accurate feedback to the employee on what is observable within the workplace to indicate that there may an underlying problem affecting work performance. The onus is on the staff member to take responsibility for their own personal or work related problems and seek the appropriate help and support in addressing them. Equally, it is the responsibility of the manager to support a staff member as they try to resolve personal difficulties.

The Courts Service EAS: Where to now?

We are planning to produce a series of information leaflets and management guidelines on various staff welfare issues in the coming months. In conjunction with the Training Unit I will be providing information talks and training seminars for managers in relation to identifying and supporting staff health and welfare issues. The "Lunch n' Learn" information talks will also continue throughout 2007.

For further information on the Courts Service EAS contact:

**Ms. Deirdre Maye,
Employee Assistance Officer.**

**E mail: Deirdremaye@courts.ie.
Ph: (01) 888 6099 /
087 2267641.**

New Kerry County Registrar

Padraig Burke has been appointed County Registrar for Kerry, following Louise McDonough's retirement. Padraig took up his new position in December and Courts Service News spoke to him about his new role.

"I am a Kerry man by birth and attended national school in Milltown, secondary school in St. Brendan's College, Killarney and Intermediate School Killorglin before studying law at University College Dublin from 1978 to 1981. I was apprenticed to Colm Gaynor of Gaynor & Company, Dublin from 1981 to 1984, when I qualified as a solicitor. I then worked with Downing Courtney and Larkin from 1984 to 1989

when I established my own practice of Burke & Co., which was based in Killarney. Patrick Sheehan and Liam Ryan solicitors (Sheehan Ryan & Co. Solicitors) took over my practice on when I took up my new position as County Registrar for the County of Kerry".

Padraig is married to Marina O'Keeffe of Tralee and they have four children ranging in age from 2 to 10. Outside work and a busy family life he enjoys a game of golf and a good film or book for relaxation.

Finally he adds "I am enjoying the challenges of my new position and look forward to working with staff and local practitioners in the Kerry



Padraig Burke

area."

Courts Service News would like to wish Padraig well in his new position.

A big turnout as Jerry Ryan retires

"It was refreshing to see that the old adage 'out of sight, out of mind' did not apply when a great night was had by all at Jerry Ryan's recent retirement function." So says Annette Swords of Cloverhill District Court office. She tells *Courts Service News* more about her friend and colleague's retirement.



Jerry Ryan and his wife Dolores

"I have known Jerry since he started in the High Court in 1994. He is well known by staff in the Central Office, Judges' Library, Supreme Court office, as well as ushers, cleaners and messengers. He also worked for a time in the photo copying room in the Four Courts and in the Supreme Court office before joining us in Cloverhill Courthouse.

Jerry was the first point of contact for anyone visiting Cloverhill courthouse. He dealt with the judiciary, legal profession, prison staff, Gardaí and members of the public. He was a

very efficient and effective member of staff while having an abundance of patience and he was always very approachable. With a welcoming smile, he was always polite and courteous and it's no wonder that he was a very popular person. In short, he was a gentleman. A testament to his popularity was the amount of people who emailed their best wishes, signed his card, contributed to his collection and turned up at the Brazen Head in February for what was a great night, as evidenced by the photographs!

Brian Battelle (Circuit & District Court directorate) made a presentation to Jerry, who was accompanied by his wife Dolores, his four sons, his daughter and his in laws. His friends and colleagues, past and present, turned out in full force to wish him the best for the future. Jimmy Elston also made a presentation on behalf of the FUGE union. All in all, it was a night to make new friendships, renew old acquaintances and reminisce together. And to top it all off, while Jerry isn't a man who likes the limelight, he got into the party mood and gave us a rendition of 'You make me feel so young'!"

On behalf of all of Jerry's friends in the Courts Service, Annette would like to wish Jerry health and happiness in the future. And so say all of us at *Courts Service News*!

From China to Chancery Street

Gao Sung joins the Courts Service as tipstaff to Mr. Justice Peter Charleton, recently appointed judge of the High Court. Hailing from Dalian in Northern China, Gao Sung has been working in Ireland for the last three years. "I am interested in studying law, perhaps at Portobello College, like my girlfriend who is currently studying there" he tells *Courts Service News* on his second day at work in the Four Courts. And already enjoying his role, he added that he was looking forward to the challenge of his new job. Pictured with Sung is Dan Boland, former tipstaff to Mr. Justice O'Sullivan retired High Court judge, who was assisting his training during his first week.

Courts Service News would like to wish Sung well in his new position.



Gao Sung and Dan Boland

Galway County Registrar retires



Seán O'Domhnail (front row centre) with on his right **Judge Raymond Groarke** and on his left **Judge Carroll Moran** with local Court users including barristers, solicitors and staff from Galway Circuit & District court offices.

Galway. He is also very proud of his son Niall attaining a commission in the reserve. Indeed such was Seán's love of uniforms and service to the state that on retiring from the military police he then joined the Civil Defence.

It was a testimony to the esteem in which he is held, that on his last day in court the courtroom was packed. There were tributes from Judge Groarke on behalf of both himself and Judge Moran who was also in attendance, Conor Fahy on behalf of the local barristers, Liam Geraghty on behalf of the local solicitors, Inspector Tony O'Donnell on behalf of An Garda Síochána, Margaret Prendergast on behalf of the Probation Service and Brendan McDonald on behalf of all his colleagues in the Courts Service. Best wishes were extended by all to Sean and his wife Aoife and family.

Brendan McDonald

Courts Service News would also like to wish Seán a long and happy retirement.

They say that first impressions are usually lasting. My first meeting with Seán O'Domhnaill was in 1994 as a relatively new chief clerk in Loughrea District Court. Seán had come out on Circuit with the late Judge Cassidy. At the recess for lunch Seán called in to say hello and then duly headed off to the lake for a swim. The fact that it was early March and there was a roaring gale outside mattered little. Here was no ordinary man.

He took up duty as County Registrar in 2nd July 1979 following in the steps of his late uncle Gearoid O'Domhnaill, who died on 29th May 1979. He was at that stage the youngest County Registrar.

Over the past 27 years he has witnessed the extraordinary changes to life in the Courts. Digital audio recordings, listings on the website, and PMDS

were not on anyone's agenda in those early years. Instead poor working conditions were all too obvious to those working in the courts. Galway led the way, as following a long struggle, Seán and his colleagues in the Circuit and District courts returned from temporary accommodation in 1995 back to the newly renovated courthouse, one of the forerunners of today's refurbishments.

Following one of his military principles, Seán always led by example. He was one of the first at work and also one of the last to leave. He was highly respected and very well thought of by everyone working with him. A fluent Irish speaker, he was well known for his announcement of election results as gaelige. He was also a long serving member of the Defence Forces Reserve attaining the rank of Commandant with the 5 Field Military Company in

Meath County Registrar retires

Máire Tehan was appointed as County Registrar for the County of Meath in 1976 and went on to become Ireland's longest serving County Registrar. She is married to Paddy and they have a daughter and two sons. Along with a colleague in Dublin, she became the first returning officer to preside over an election in which TDs were elected by electronic voting.

She has seen many changes through the years and indeed contributed to and encouraged them. One fault, if indeed it could be called a fault, was that Máire tried to please everybody. This she did with grace and sincerity throughout her working career. It was borne out by the large number of friends and colleagues who turned out to wish her well in her retirement. These included Judge Michael O'Shea who was joined on the bench by Judge Groarke, Judge McCartan and Judge McVeigh. Seamus Noonan BL, Paul Brady, President of the Meath Bar Association, Supt. Ken Brennan and last but not least Ann Price, Midlands Regional Manager who also wished her well. The staff of the Circuit Court



The Staff of the Circuit Court on Máire's retirement night out: From left to right: **Moira Groome Peppard**, **Susan Cahill**, **Maria Byrne**, **Valerie Irvine** (Chief Clerk), **Máire Tehan**, **Breda Costello**, **Frances Best**, **Jimmy Cummins**, **Margaret O'Rafferty** (now of HR Directorate) and **Bernadette McCormack**.

office wish Máire well on her retirement and will miss her knowledge, her expertise and sincerity.

Susan Cahill (Trim Circuit Court)

Courts Service News would also like to wish Máire a long and happy retirement.



England & Wales: Inheritance Laws to Change

Children to benefit where parents forfeit or disclaim inheritance

Children disinherited by a murder or manslaughter committed by their parents, or by a refusal by parents to take up a legacy under a will should still be eligible to inherit, the UK Government has recently announced. The proposals, which apply to England and Wales, will implement recommendations made by the Law Commission in its 2005 Report "The Forfeiture Rule and the Law of Succession".

The Law Commission recommended that in any instance where a potential heir cannot inherit, or is disqualified from inheriting, property should be distributed as though that person had died. This means that:

- Where there is no will, if a killer forfeits an inheritance, their share will pass to the next in line.

For example, if a son kills his parents, his share will pass to the grandchildren.

- If a will states that money is left to 'A', "but if they should predecease me, to 'B' ", then if A forfeits the inheritance, it should pass to B.

- Where a potential heir refuses an inheritance (either under a will or on intestacy), it should pass to the person who would have received the money had the first heir died.

The current law states that a murderer may not inherit from the person they have killed. Under this rule (which is not being changed) the murderer's descendants are also

cut out from the line of succession. Likewise, the descendants of a person who refuses to take up a legacy under a will cannot inherit as next in line.

English Constitutional Affairs Minister Cathy Ashton said:

"The law as it stands is unfair. It punishes a child not involved in the unlawful behaviour for the crime committed by his or her parent. The Commission's recommendations, which we have accepted in full, will remedy this wrong."

The Law Commission's project arose out of the case of Re DWS (deceased) which was decided by the Court of Appeal in 2000 and which was subsequently taken to the European Court of Human Rights.



Dowra Court

Judge Oliver McGuinness (Back-row centre) with Michael Dorrigan District Court Clerk, Carrick on Shannon District Court and Geraldine Cornyn, Carrick on Shannon Circuit Court with Leitrim County Registrar Kevin Doherty and other local court users at the last sitting of Dowra District Court recently.

Ballyfarnon Court

Judge Oliver McGuinness (seated), Superintendent Tom Commons, District Court Clerk, Michael Dorrigan, Carrick on Shannon District Court, caretaker Martin Flynn and other local court users at the last sitting of Ballyfarnon District Court recently.



On track for delivery of new Criminal Court Complex

There was great excitement recently as models of the proposed new Criminal Courts Complex were unveiled. Tánaiste and Minister for Justice, Equality & Law Reform Michael McDowell, T.D., paid a visit to Green Street Courthouse to see for himself just how impressive the proposed new structure will be. He was joined by the Director General of his Department, Sean Aylward. Also on hand were Courts Service CEO P.J. Fitzpatrick, Estates & Buildings Director Brendan Ryan, Principal Officer Shay Kirk and a host of people involved in the development of this major project.

For the Courts Service Project Manager, John Mahon and Project Team member Cillian Smith, it was a chance to show just how much progress has been made along the road so far. Architects, staff of the Office of Public Works and contractors were all on hand to say how much they are looking forward to the months ahead.

The Courts Service (as a State Authority under Part 9 of the Planning & Development Regulations 2001 to 2006) published notice of the proposed development in the national newspapers recently. Drawings and models are on public display in the reception area of Phoenix House in Smithfield, Dublin.



Tánaiste and Minister for Justice, Equality & Law Reform **Mr. Michael McDowell T.D.** (centre), with **Sean Aylward** (left), Secretary General Department of Justice, Equality & Law Reform and **P.J. Fitzpatrick** (right), CEO Courts Service viewing the model of the new CCC.

Around the country

Apart from the Criminal Courts Complex a huge amount of work continues to be done to improve our building stock. Some major projects have recently been completed and others are expected to commence soon. We took a quick trip around the country to find out how things are progressing:

Eastern Region

Bray – work recently completed on the construction of a new courthouse

Kilkenny – work expected to commence in mid 2007

Midland Region

Tullamore – work recently completed on a major renovation project

Western Region

Belmullet – work recently completed

Southern Region

Fermoy – work on this project is well advanced and on course for completion in March 2007

Thurles – work is expected to commence in mid 2007

Northern Region

Ardee – work has started on this joint development

Dublin Area

Dolphin House – plans being prepared for further refurbishment
Bow Street – work underway to provide additional accommodation



Tullamore Courthouse

We wouldn't have the space to tell you about all the work going on in our Estates & Buildings Unit. But we do know that it is a hive of activity and every part of Ireland can look forward to better and more modern facilities as a result of the efforts of the staff there and the efforts of the contractors, architects, designers and users who support their work.

New Courts Service Publications

Cloverhill Courthouse is home to a District Court office and a weekly High Court bail sitting. An updated information guide on Cloverhill which includes a map and public transport information on it's location. The guide is now available in a number of foreign languages including French, Spanish, Mandarin Chinese, Polish and Russian. It has been available for some time in English and Irish.

A flow chart on the Small Claims Procedure outlining the steps involved in this process has been produced in a range of languages including English, Irish, French, Spanish, Mandarin Chinese, Polish and Russian.



These publications are available on www.courts.ie, by emailing publicationsunit@courts.ie, or calling the Information Office Publications Unit in Phoenix House, Smithfield at (01) 888 6462.

Treoir Information *Taking the Stand* updated

Treoir has updated its publication *Taking the Stand*. This is a guide for unmarried parents to help them resolve disputes on the care of their children. Covering areas such as the rights of unmarried families to guidance on negotiating and agreeing access, maintenance and other issues which can be very contentious, the guide will be of invaluable help to anyone caught in this difficult situation. *Taking the Stand* also deals with what to expect when appearing in court, guidelines for choosing a solicitor and what to do if you need to go back to Court. Information on the legal rights of unmarried fathers and paternity is also covered.

Elis Walsh, Chair of Treoir says "This publication arose in response to an increasing number of parents contacting the National Information Centre of Treoir who were having difficulty coming to arrangements regarding co-parenting their children where they were living apart."

Taking the Stand is available from Treoir, 14 Gandon House, Custom House Square, IFSC, Dublin1, email: info@treoir.ie, website: www.treoir.ie or tel: (01) 6700 120

obituaries

John Carroll



Mr. Justice Paul Gilligan pays tribute to his usher John Carroll, who sadly passed away in January.

"I would like to mark the sad passing of my usher John Carroll. John had been my usher since shortly after I was appointed to the High Court bench. Prior to joining the Courts Service, John was a very distinguished member of An Garda Síochána and the Community Officer for the greater Dun Laoghaire County Dublin area – a job in which he excelled and gave support and encouragement to many people including the victims of crime. John was held in very high esteem by his colleagues in An Garda Síochána and the wider community in which he lived.

accept but after due consideration and some encouragement he agreed to take on the role and as would be his way, committed himself absolutely to the job in hand. His decision proved to be most rewarding for both of us. John took great pride in his work and performed his duties with distinction. He was a very caring gentleman who was very popular with his colleagues in the Courts Service, with members of the Bar, and the solicitors' profession. He will be sadly missed by all in the Four Courts.

John was a devoted family man and justly proud of their achievements. I extend my deepest sympathy to his wife Gaye and his children Suzanne, Eoin, Jennifer and Julie."

When John was offered the position of usher he was initially reluctant to

May he rest in peace.

I first met Anita at a Court Clerks' meeting in Galway back in the early 1980's and we were friends ever since. Anita always liked a bit of "craic" and would never shy away from the odd glass of "vino" or a "G & T" (all in moderation of course!). She was a great listener and advisor who would always give her honest views and opinions. You could depend on her.

Anita was very active in union affairs and had been secretary of the Courts branch of the AHCPS for the past number of years. She was also the union branch representative on the Central Partnership Committee.

Her sudden and unexpected death in December last sent shockwaves throughout the Courts Service and especially those of us who knew and had worked with her. She passed away in Cork University Hospital after a very sudden and brief illness. She was formerly Anita Merriman and hailed from a place called Fore, Co Westmeath. She joined the Courts around 1977/78 and served in a number of District Court offices as a Junior Court Clerk. She then served as Chief Clerk in Bray

District Court office from 2000 to 2003 and after that, as Chief Clerk of Portlaoise District Court up to March of 2006. When she passed away, she was Chief Clerk of Clonmel District Court.

Over the last number of years Anita really gave her life to the "job". She loved and enjoyed it and excelled as a Chief Clerk. I have to say that I have rarely met anyone as dedicated and enthusiastic as her – she is a huge loss to the Courts Service and to all of her colleagues.

She lived in Waterford with her husband Noel, a Det. Garda based there and her two daughters Evelyn and Emma. She is also survived by her two brothers Michael and John, her mother in law, sisters in law, brothers in law, aunts, uncles, nephews and nieces.

There was a large attendance of Anita's colleagues from all corners of the country at her funeral, including the CEO, members of the Senior Management team, Regional Managers and members of the Judiciary. On behalf of all my colleagues and friends in the Courts Service I would like to

Anita Curry R.I.P



extend my deepest sympathies and condolences to Noel and the girls and to Anita's extended family.

Anita you will be sadly missed.

May she rest in peace.

Peter Golden (friend and colleague)

Remembering Joe Mooney

The sudden manner of the recent passing of Joe Mooney came as a great shock to his colleagues in the Courts Service. Senior Service Officer, Eugene Lynch recalls being with Joe on his last day in Áras Uí Dhálaigh. "There was a function in the Judges' Library and we were downstairs talking. Joe was getting ready for a holiday to Egypt a few days later. When I left him he was smiling and laughing, that's the way I will remember him".

Joe came to the courts having spent many years with Raleigh Ireland. He worked first in bicycle manufacturing and later delivered the finished products all around the country. Following a spell as tipstaff with Supreme Court Judge, Mr. Justice O'Flaherty, Joe took up a position on the main desk in Áras Uí Dhálaigh. Here he came into contact with a wide variety of people – judges, court staff, solicitors, barristers, members of the public and any number of callers. "Anyone who met him got on well with him", Eugene recalls. "He was a charismatic

character. We'll all remember his sense of fun. He was a great supporter of the Courts Service Social Club and always enjoyed meeting colleagues at various functions. I could call on him to help out with anything going on around the courts. If he had a problem I'd get a call 'Chief, can I see you for a minute?'. I'd go over and we'd sort things out. He wasn't a man to make a big deal out of little issues".

Outside of work Joe was involved with the Crumlin Credit Union but his great interests were travel and music. Sometimes he combined both with his love of country and western music taking him to Memphis and other parts of the United States. "When he made a friend, he made a friend", Eugene says. "Some of the friends from the United States made the journey to Ireland for his funeral". He loved travelling abroad but probably not as much as he loved travelling to Kerry. "He went to Kerry every year", Eugene recalls pointing out that Joe had two great loves in his life – the county of



Kerry and his wife Bernadette. He was equally proud of his two daughters, and his son. "He was taken from them so suddenly, it was such a shock. We would like them to know how highly regarded he was among his colleagues in the courts".

"We will remember a friendly, agreeable, likeable and decent man who was our good friend", Eugene says. "May he rest in peace".

Mr. Justice Sean O'Leary



Sean O'Leary, born in 1941, pursued a career in law after qualifying as a barrister but was also memorably active in local and national politics as a member of Fine Gael. The Cork man started off his career as an accountant and sat on Cork City Council between 1967 and 1977. He was the proud Lord Mayor of Cork in 1972/73, a senator and an important national figure in Fine Gael, particularly during the 1980s. After Garret FitzGerald became leader of the party in 1977 and his liberal approach assumed dominance, he became a senior backroom adviser to the party and Director of Elections. In 1981, Dr. FitzGerald nominated him to the Seanad. He was nominated again in 1983, and served until 1987.

His appearances on televised

election coverage during this period are most memorable for his political astuteness, incisiveness and refusal to acknowledge the outcome of any battle for a Dáil seat – especially one his party was fighting for – ‘til the last vote was counted. Even then he could still ruminate on the ‘what ifs’ of a few extra votes here or there. A true performer, controversial in life, on television, and even now.

Subsequent to his involvement in politics and his busy practice at the bar, he was appointed a judge of the Circuit Court and, in 2003, a judge of the High Court. From this position on the bench he served as the extremely busy chairman of the Residential Institutions Redress Board. He also was an original board member of the Courts Service and was most supportive and involved in the establishment and success of the new body. He was also heavily involved in the coming about of our much loved LUAS tram system after chairing a 1999 public

inquiry into the Light Railway Order. The Minister for Public Enterprise Mary O'Rourke praised him for the “professional and thorough manner” in which he

“many in the legal profession commented on his sense of humour, his kindness, quiet authority and integrity”

chaired that inquiry.

When he died three days before Christmas, after a long illness, many in the legal profession commented on his sense of humour, his kindness, quiet authority and integrity. On the evening of his death, as spokesman for the Courts Service, I told the newspapers that “he was a very thorough, very decent man who was extremely able.” As the winter and weeks have passed that remains my memory of him. To his wife Mary and his family I extend our condolences. May he rest in peace.

Gerry Curran

Judge Muircheartach DeBurca

Retired Judge Muircheartach DeBurca died in November at Milford House, Limerick. He was the District Court Judge assigned to District No 14 from his appointment in 1961. He sat in Nenagh, Thurles, Cappawhite and Newport in Co Tipperary as well as Limerick City and Pallasgreen, Co. Limerick. He retired from the bench in July 1983 when he was replaced by Judge Michael Reilly. He also served on the Special Criminal Court during his career on the

bench. He practised as a solicitor in Dingle Co Kerry prior to his judicial appointment.

He was an officer in the FCA with the rank of Commandant. He had an abiding interest in all matters concerning Kerry and was an active member of the Kerrymens' Association. He had a special liking for Ballyheigue, Co. Kerry where he spent most of his holidays. He also had a keen interest in photography and his favourite pastime

was fishing. His funeral Mass was celebrated at St Josephs Church, O'Connell St., Limerick and the burial was in Tralee.

He was 93 years of age and is survived by his son, four daughters, grand children, great grandchildren and sister. May he rest in peace

*John Buckley
District Court Clerk
Nenagh*

Mr. Justice Diarmuid O'Donovan



Led by the President of the High Court Mr. Justice Richard Johnson, over twenty judges of the High Court filed into court number four, off the Round Hall of the Four Courts, and took their places across the entire bench and across the width of the court in front of the bench. The solemn procession was formed to mark the passing of a much loved and highly regarded colleague, Mr. Justice Diarmuid O'Donovan. The gathered judges looked down on a courtroom filled with many that held their colleague in a similarly huge esteem.

The President and senior members of the legal professions paid tributes to the late judge and these were added to by Registrar Gráinne O'Loughlen.

The President said that, "It is with a deep sense of pride and sadness combined, I address you to pay tribute to our late colleague. For fifty years I have known Diarmuid as a student, a colleague at the Bar, a friend and a colleague on the Bench. As a Judge – and it is in that capacity that today we pay tribute to him – he demonstrated the qualities which had long been in evidence as a practitioner of over 35 years at the Bar: of application, industry and a willingness to take on with enthusiasm the most complex and difficult

cases.

Next to work, for which he had a huge appetite, his capacity for friendship was witnessed by the enormous circle of friends which he had in a variety of locations both in the law and outside. His interests were always illustrated and demonstrated by participation. This is evidenced particularly in the Bar Golfing Society, the Bar Musical Society and outside the Bar in the Grange Golf Club and St. Mary's Rugby Club.

Though dogged by ill health since his appointment to the Bench he never complained and was a wonderful example of strength, determination and good humour in every enterprise he undertook. I think it is safe to say that irrespective of what happened he never complained.

The end when it came was sudden but it found him in the full harness as he would have liked it to be. He was a man for whom retirement would have to my mind been unthinkable. We will miss him sadly."

Speaking on behalf of staff of Courts Service, Gráinne O'Loughlen, who had worked closely with Judge O'Donovan said,

"We knew Judge O'Donovan as a junior counsel, a senior counsel and a judge. He was a big man with a big spirit who was unfailingly courteous. We will remember his good humour and his roguish charm. He was irresistible.

I was privileged to sit with him as his Registrar on countless occasions. His love of life shone through everyday. More than anyone I have ever met in my career he showed me that for all the court orders and lists, life is precious, to be lived to the full everyday no matter what. He will be very sadly missed by all the Registrars who were similarly privileged. Therefore how much more will he be missed by his darling Sara, his sons Derry, Donough and David and all the rest of his family to whom we offer our heartfelt condolences".

May he rest in peace.

Judge Gerard A. Clarke

The death of Judge Gerard Clarke, retired judge of the Circuit Court occurred in early January. Judge Clarke, who was appointed to the Circuit Court in 1974, studied in Clongowes and University College Dublin and was called to the Bar in 1941.

His practice as a junior counsel was mostly based in the South Eastern circuit. He was called to the Inner Bar in 1960 and as Senior Counsel acted in the famous *State v Ryan* Supreme Court case. Following his judicial appointment, Judge Clarke

was a member of the Special Criminal Court.

He retired in 1989 and is survived by his wife Eithne and their five children.

May he rest in peace.

A special Mass in honour of members of the judiciary and staff who died recently was held in February at Merchant's Quay Dublin.

Retirement of Mr. Justice Philip O'Sullivan

The very many friends of Mr. Justice Philip O'Sullivan thronged the High Court recently as he bade them farewell with a flourish of Shakespearian nature. "Just as they loosened the nightshirt of one of the bard's great characters as he prepared for the end of his life and his passage to another so I am leaving one stage of my life and entering another", he told the packed courtroom. And with that he removed his wig, placed it down in front of him and walked off the Bench – with the same dignity he had brought to it.

His exit stage left was paved by his tipstaff Dan Boland and by the loudest of applause from the many admirers who had come to wish him well. He had earlier spoken of his admiration for the many people he had worked with in his career at the Bar and as a judge. He called for the immediate introduction of the judicial council

saying it could not come "a minute too soon". He said that "trust and confidence" between lawyers, the courts and the public was very important and the community had to have trust in the system. "Roll on the judicial council," he said, adding that the judiciary are not immune from criticism.

Tributes to Judge O'Sullivan were many. They recalled a man who was unfailing in his courtesy to all



Judge Phillip O'Sullivan

who came before him in the High Court. His gentle demeanour belied a decisive mind that manifested itself in a marked firmness when dealing with the wide variety of cases that came before him. The Attorney General and the Chairman of the Bar Council recalled Judge O'Sullivan's very valuable and considerable contribution to Irish legal life. Their sentiments were echoed by the Law Society. Chief Registrar Ciarán Kelly spoke on behalf of the staff of the Courts Service. "All who worked with you on the staff side will remember your great sense of humour above all. You were always in good form and a pleasure to work with", he said adding that the Four Courts would be all the poorer without him.

We wish Judge O'Sullivan all the very best in his retirement.

poem

As we approach Easter, Brian Ó Tiomáin's (Office of Wards of Court) poem about the lesser known side of Simon of Cyrene strikes an appropriate, if poignant, chord. This poem won the Dun Laoghaire International Poetry competition some years ago

The Cyrene

Simon of Cyrene loved Set Dancing
He didn't spend his life shouldering the cross you know
He could have the crack,
and raise a glass with the best of them
and sing "The Fields of Athenry" if called on

He knew rough company and language
and he had a temper when the humour took him
He was as strong as an ox
Even at 60 he could shoulder that cross
like a hikers rucksack
no bother to Simon

He once did a stint in prison
for declining to leave a licenced premises
with a member of the travelling community
and hitting a policeman under the influence
Always the eye for the underdog
and the women too, if the truth be told.

His big day was on Crucifixion Friday
when he stepped out from the crowd
facing your man with the cross
transfixed by the look.
It was the look that drew him out,
they said –
that famous look.

He stood there, staring into love
Then lunging at the cross, he hoisted it
crying in short bursts as he followed
that man
and the crowds started baying again
like hounds eager for the kill

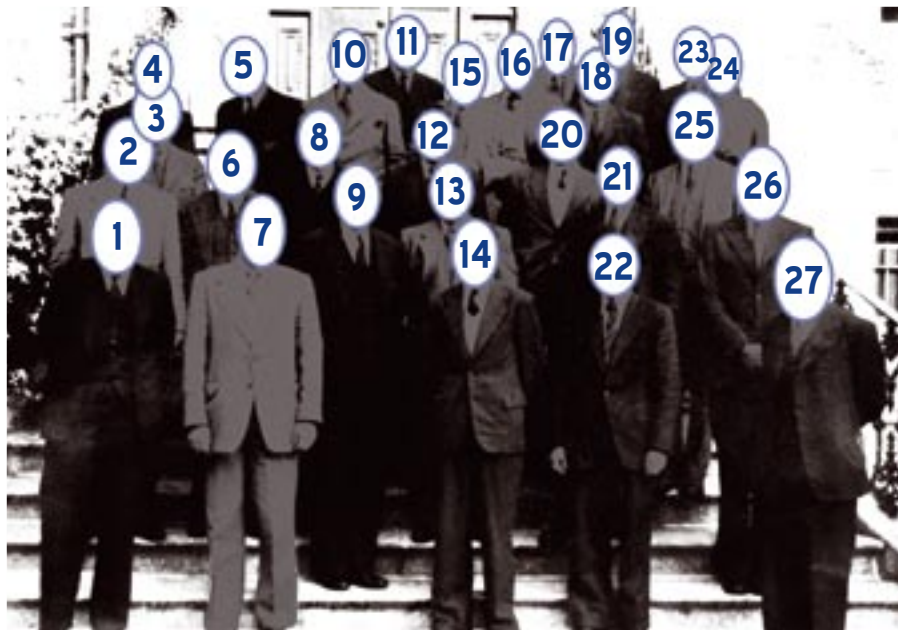
It was slow trudging through the mud
with the mob around them and the women screaming
like it was the end of the world.
He was never the same;
He stopped going to the local, became quieter
more himself in ways;

More Simon the Serene.
Brian Ó Tiomáin



Brian Ó Tiomáin

We had a great response to our feature on golfing barristers in our March and June 2006 issues. So much so that we have decided to test your powers of recall again. This time we present a photo of barristers attending an event in 1951 or 1952. We want you to name the event and identify as many of the barristers as you can. If anyone does particularly well we might even rise to a prize!



Use the numbers in the silhouetted photograph to name the barristers. Send your entries (not forgetting to identify the event) to:

Tony Lawlor
Information Office,
Phoenix House,
Smithfield, Dublin 7

by post or by email to:

Tony Lawlor
alawlor@courts.ie



Genuinely funny comedies seem to be a bit thin on the ground these days; however Ronan Power, our resident film critic reveals that *Hot Fuzz*, a police action caper remedies this situation...

With the critical acclaim the film *Shaun of the Dead* earned a few years ago, the team (consisting of Simon Pegg, Nick Frost and Edgar Wright among other countless stars) are back with their new film *Hot Fuzz*.

Pegg this time round plays a top London cop, whose arrest rate is embarrassing his bosses, forcing them to send him to a distant, apparently crime free, Gloucestershire village where he can embarrass no more. As he battles for acceptance from his newly acquired (and somewhat less than welcoming) peers, we learn that all is not as it seems in this provincial idyll. A series of gruesome accidents point to something quite, quite, sinister. All of Nick Angell's (Pegg) skills are surely going to be put to the test. Oh the irony... !

Frost once again plays the sidekick as P.C. Danny Buttermann. Together they simultaneously pay homage to and make fun of cop films, particularly buddy movies like *Point Break* and *Bad Boys*. The two cops become partners and eventually, buddies as they reflect at first the audience's own outsider feelings towards the rural community in which they find themselves, then a genuine friendship which allows both to find their

place; that's after they've shot up and destroyed everything first of course.

Okay, it's maybe not the most inspiring, or indeed plausible basis for a film but it should be remembered whose hands *Hot Fuzz* is in. Pegg, Wright and Frost are fast becoming something akin to the holy trinity of contemporary British comedy. With two series of the Channel Four sitcom *Spaced* and the rib-splinteringly funny *Shaun of the Dead* under their collective belts they appear to have their chosen vocation pretty much nailed.

Hot Fuzz is to the police movie what *Shaun of the Dead* was to horror – an unrelenting parody, littered with references to the best and worst of crime-fighting on screen. The development of the relationship between Pegg and Nick Frost's bumbling bobby character is one of the most realistic and touching I've possibly ever seen in a cop movie, it's truly genuine. It also brings together

the cream of Britain's current comedy pantheon. There are outings for Oscar-winning Jim Broadbent, plus Bill Nighy, Steve Coogan, Bill Bailey and Kevin Eldon. There are also welcome appearances from Edward Woodward and the joyfully over-acting former 007 himself, Timothy Dalton.

What develops is one of the most farcical, preposterous films around. But for all its utter ridiculousness, it's very, very entertaining and very, very amusing. Rapid-fire, superbly written humour and some very rapid editing ensure there's little opportunity to let the mind dwell on any potential flaws. It's perhaps not as consistently funny and so maybe not quite as consistently good as *Shaun of the Dead* but it remains incredibly enjoyable. There are moments which will surely be laughed at over and over again. And that's perhaps what *Hot Fuzz* calls for most – to be watched more than once. It's well worth it.



Social Club News

George Hanlon, outgoing chair of the Courts Social Club fills us in on the latest happenings since our December edition..

Christmas Party 2006

This year's Christmas festivities took place in the Mont Clare Hotel in Merrion Square Dublin in early December with just under 100 revellers availing of our most generous offer of free tickets to our annual dinner dance. As usual, the lads took half days to visit their stylists while to the ladies – it just came naturally! After pre-dinner drinks in an upstairs bar we headed to our private function room for a five course meal. In an unusual turn of events, it was the lads who took to the dance floor to show off their skills. Congratulations to Alan Byrne

from Dublin Circuit Court who won the first ever dance off in somewhat controversial circumstances from the Examiner's Office Ken Curran, while self professed dance maestro Finn Ryder was conspicuous by his absence. Rumours of Finn hiding in the cloakroom are still to be confirmed. Not to be outdone, the ladies got involved and showed the rest of us lads that they could boogie with the best. Dancing continued well into the early hours as we attempted to shake the Christmas pudding from our hips.



Left to right: **Sharon Donoghue**, **Sinéad Hogan** (both Court of Criminal Appeal Office), **George Hanlon** (Family Law Office), **Brendan Murphy** (Dublin Circuit Criminal Court Office) and **Breda Forde** (Court of Criminal Appeal Office)



Ann-Marie Curley (District Court Family Law Office), **Ellen Foley** (District Court Family Law Office), **Seamus Glackin** (District Court Family Law Office) and **Catherine Glackin** (ICT Office)

A.G.M.

The Annual General Meeting of the Courts Service Social Club took place in Phoenix House in mid February 2007. After the Chairman's opening address and some lively debate about the way forward for the club, the outgoing Treasurer Mark Cunningham gave us a rundown of the audited accounts for the year which were proposed by Pat McCarthy, seconded by Deirdre O'Donoghue and passed unanimously. The main change for 2007 sees yours truly stepping down from the Committee, Mark Cunningham stepping down as treasurer although staying on the committee and the creation of a

new committee. The Committee for 2006/07 is as follows

Chair: Finn Ryder
Secretary: Rob Rogers
Treasurer: Deirdre O'Donoghue
Committee: Maria Hughes, Lorraine Fagan, Mark Cunningham, Micheal McInerney, Esther Kelly, Ken Curran and Kevin Cuffe.

Best of luck to the new committee and we look forward to some new events in this year's calendar along with some of the old favourites too. Remember it is your Social Club so keep attending the functions

and keep your thoughts and ideas coming in at socialclub@courts.ie or contact any committee member.

On a personal note I would like to thank the members of Social Club committees I have served on for their help and support over the past number of years (and there were quite a few). A big 'thank you' to all who attended the events and supported the club. I'm sure this years' Committee will do us all proud and look forward to seeing you all at the forthcoming events.

George Hanlon



Left to Right: **Deirdre O' Donoghue** (Accountants Office), **Fiona O'Dwyer** & **Alan Byrne** (Wards of Court Office)

Welcome to Munich



“Ah Munich! Home of men in funny hats and lederhosen, sausages that seem to suffer a most extreme form of elephantiasis and locals who quaff beer on a scale to rival the average human’s consumption of air. That’s how the cliché goes anyway but in this case... well, it’s pretty accurate really.” Paddy Monahan, our intrepid travel writer braves the beer halls to reveal all in his account of a weekend in Munich...

The capital of Bavaria, staunchly conservative rural heartland of Germany, Munich is a city of apparent contradictions. As you emerge from the U-Bahn at Marienplatz, the bustling heart of the city, you are met with a highly cosmopolitan metropolis teeming with activity: there are chic, wealthy-looking ladies walking their toy dogs, young and old couples sipping cappuccinos around the square and dreadlocked backpackers sprawled out relaxing. You are just as likely to see, however, young businessmen in traditional Bavarian clothing going home after a hard day’s work with a bottle of beer in one hand and a briefcase in the other. Munich is a city where tradition meets modernity in an unusually happy marriage.

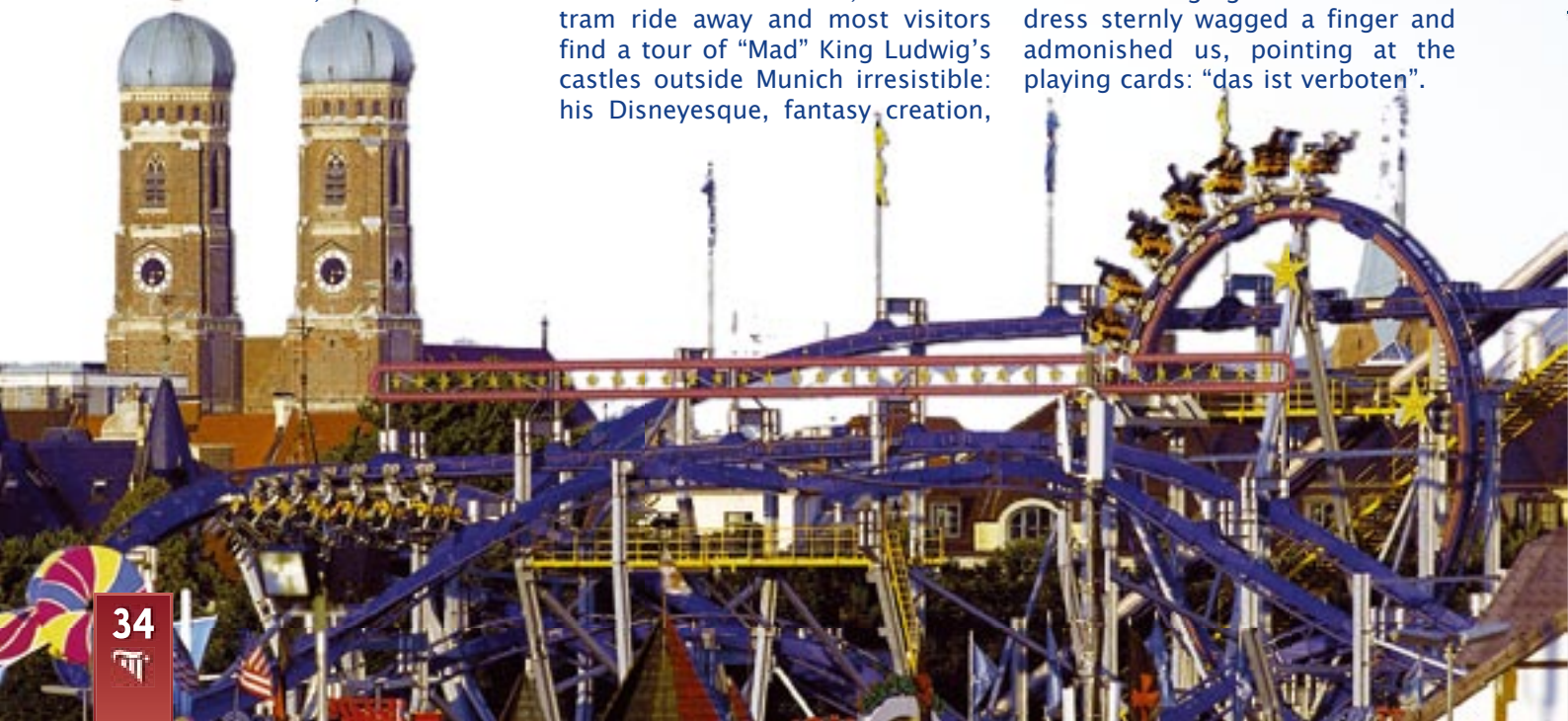
Nowhere is this more evident than in one of the city’s most famous landmarks – the Hofbräuhaus. Two minute’s walk from Marienplatz in Munich’s old town, the Hofbräuhaus

ticks every box when it comes to Bavarian clichés, yet it is a valid reflection of Munich’s culture and, above all else, great fun. On walking into the huge entrance hall the first time visitor will be struck by the incessant oompah music played by a brass band in lederhosen. Next you’ll notice the comely frauleins dashing around holding up to 10 giant steins of beer while their Bavarian style dresses struggle manfully to contain them. You’ll then notice that the rows and rows of long wooden tables seem to be populated largely by raucous students from America, England, Italy and Japan. But look a little closer and you’ll see that even this most commercialised of all of Munich’s many beer halls is frequented by a very significant number of locals, drinking from their own personal steins that are kept locked around the huge hall in ornate cages. Moreover, unlike a tourist trap, the Hofbräuhaus is very reasonably priced – it’s about €6 for a litre of their wonderful beer. It is worth noting, however, that it does not come in smaller sizes and there is very little else to be had. Welcome to Munich.

It is quite possible, and perhaps even reasonable, to spend one’s time in Munich staggering bleary-eyed from one booze emporium to another, but there is rather a lot more to see. The beautiful gardens of the Schloss Nymphenburg palace, filled with innumerable swans, are a short tram ride away and most visitors find a tour of “Mad” King Ludwig’s castles outside Munich irresistible: his Disneyesque, fantasy creation,

Schloss Neuschwanstein, has to be seen to be believed. Ludwig, it seems, was born a couple of centuries too late and his tendency towards notions of absolute monarchy did not sit well with parliamentary rule. Functioning essentially as a powerless figurehead he spent his time, and most of his money, building ridiculously fantastic castles. Neuschwanstein was the last and greatest of these, the one that bankrupted him, and any number of day trip tours are available to allow one to honour his efforts.

Few, however, would confuse Munich with a city of unchecked permissiveness and liberalism – if you want a laugh, try crossing a deserted street before you get the green man and watch the reaction of those standing waiting patiently for the lights to change. I visited the beautiful Löwenbräukeller beer hall, a little off the beaten track, after a long day in the nearby museum quarter and was very much enjoying the surroundings: a decorated vaulted dome roof and a huge, crackling open fire. The place is relatively small and there is a wonderful sense of intimacy. Moreover, we seemed to be the only non-Germans in the place – that’s what I call the local seal of approval. We took out a pack of cards and started to play gin rummy and were treated to the kind of attitude that makes the trains run on time. An aging frau in traditional dress sternly wagged a finger and admonished us, pointing at the playing cards: “das ist verboten”.



March Quiz

We all know the sing-along chorus to most of the classic songs. But how well do we know the bits that come before. Here we have the first lines from some of the classic hits from years gone by. We have also included a couple of more recent hits as well. So get those thinking caps on and work out *the titles and the artists*. Yes, I'm greedy. I want both.



1. I'm sitting in a railway station, got a ticket for my destination.
 2. When you're down and troubled and you need a helping hand and nothing, nothing is going right.
 3. Come gather 'round people wherever you roam
And admit that the waters around you have grown.
 4. I come from down in the valley, where mister when you're young
They bring you up to do like your daddy done
 5. In the day we sweat it out in the streets of a runaway American dream
At night we ride through mansions of glory in suicide machines
 6. It's 9 o' clock on a Saturday, the regular crowd shuffles in,
There's an old man sitting next to me, making love to his tonic and gin.
 7. It's not far down to Paradise, at least it's not for me,
and if the wind is right you can sail away, and find tranquillity
 8. The sirens are screaming, the fires are howling way down in the valley tonight.
 9. Just a castaway, an island lost at sea another lonely day, no one here but me.
 10. This could be the very minute, I'm aware I'm alive, All these places feel like home.
 11. Loving you, isn't the right thing to do. How can I ever change things that I feel.
 12. Lights go out and I can't be saved tides that I tried to swim against
 13. If I were to say to you can you keep a secret
Would you know just what to do or where to keep it.
 14. When I was young it seemed that life was so wonderful, A miracle oh it was beautiful, magical.
- Send your entries to: Tony Lawlor, Information Office, Phoenix House, Smithfield, Dublin 7
by post or by email to: alawlor@courts.ie

Charles Dickens Quiz: Well done to Shay Bowen, Cork District Court, the lucky winner of our Charles Dickens quiz. The answers were: 1. The debtors prison is the Marshalsea; 2. Jaggers is the lawyer in Great Expectations; 3. Uriah Heep is the name of the 'umble clerk; 4. Jarndyce -v- Jarndyce features in Bleak House; 5. Dirk Bogarde played Sydney Carton.

James Bond Quiz: Congratulations to Cecelia Ní Choileain, Judicial Researcher, winner of our James Bond quiz in the December issue. The James Bond goodies are on their way to you as soon as we crank up the Aston Martin. The answers were: 1. Paul McCartney and Wings; 2. Timothy Dalton, Roger Moore, Sean Connery, George Lazenby, Pierce Brosnan, Daniel Craig; 3. Richard Kiel; 4. 1962; 5. Anthony Zerbe

Up close and personal with: Walter Burke

1. Which fictional character (film/book/tv) do you most closely identify with?

(This is Barbara Toneycliffe's description not mine!)
Joey from *Friends*

2. What is your favourite film and why?

The Shawshank Redemption - Have seen it 18 times.
Says it all really.

3. What's your favourite book?

Riding the Storm by Timmy Murphy (National Hunt Jockey) It makes us footballers look like wimps.

4. What's your favourite song?

Drugs Don't Work - The Verve

5. Who would you most like to be stuck in a lift with?

Beyonce - *She is just so booty-licous*

6. Name five people you would like as dinner party guests! *Pussycat dolls (all five). But if I couldn't have them it would be Peter Kay (funniest man alive), Tiger Woods (biggest superstar ever), Gráinne Seoige (smart, funny and easy on the eye), Charlize Theron (beauty personified) and finally there has to be a footballer, the great Zinedine Zidane (Better not upset him, he might head butt me).*

Walter is leaving the Courts Service Secretariat Unit to join the Prisons Service, Courts Service News wishes him the best of luck in his new position!



through the lens



Willie O'Connor (District Court Clerk), Noel Sheehan (Deputy Principal), Elma Twomey (CSPE Teacher) with Class Ciara from St. Fanahans College on their recent visit to Mitchelstown District Court.



Coláiste Ghobnatan from Ballyvourney, Co. Cork on their recent visit to the Four Courts.



Máire Tehan congratulates Moira Groome Peppard of Trim Circuit Court Office on her recent victories in the National Indoor Athletics Championships.



Left to right: Mr. Justice John MacMenamin, Mr. Justice Joseph Finnegan, former Chief Justice Mr. Justice Ronan Keane and Mr. Justice Hugh Geoghegan at the recent Hugh Fitzpatrick lecture in Legal Bibliography



Siún Ó Siochrú, baby daughter of Angela Brennan (Central Office High Court) catching up on some housework.

Calling all retired staff out there

Make a note of Tuesday 22 May 2007 in your diaries as this is when your 'Summer Evening' in Smithfield' will be held this year. We will be sending you letters with more details nearer the date. If you would like to receive future issues of *Courts Service News* and/or be added to our retired staff mailing list, just call Teresa Brophy at 01 888 6463.



Congratulations to Rosemary Brady (Cavan Circuit Court Office) on receiving her Honours Diploma in Public Management.

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

Mary Murphy, Information Office, Courts Service, 15-24 Phoenix Street North, Smithfield, Dublin 7
or email it to: mmurphy@courts.ie