

COURTS Service News



COURTS SERVICE
An tSeirbhís Chúirteanna

NUACHT NA SEIRBHÍSE CÚIRTEANNA

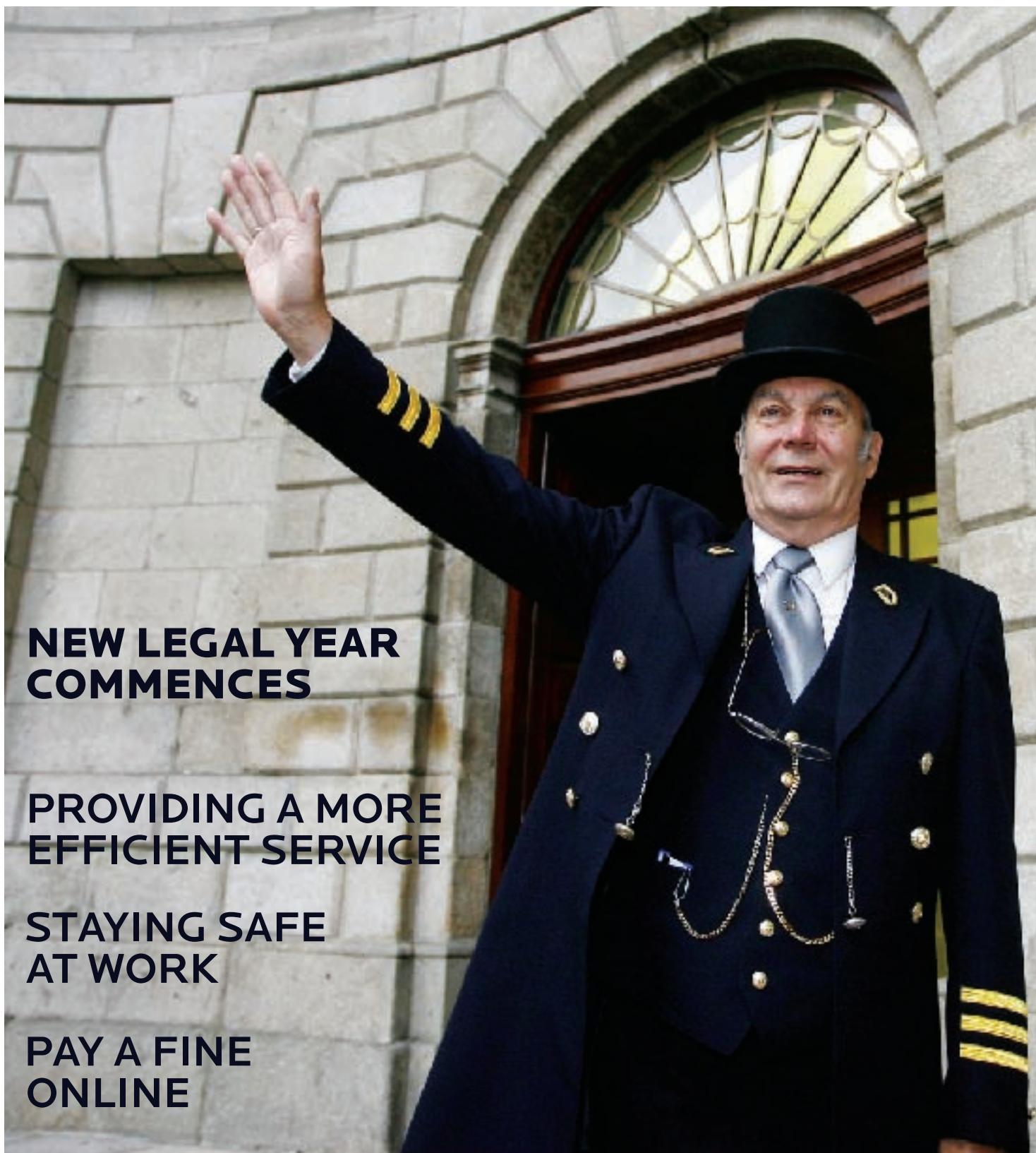
www.courts.ie

**NEW LEGAL YEAR
COMMENCES**

**PROVIDING A MORE
EFFICIENT SERVICE**

**STAYING SAFE
AT WORK**

**PAY A FINE
ONLINE**





Front cover: Four Courts Hall Porter, Tommy Barnes
Photograph: Brian Barron

CONTENTS

REGULARS

| | |
|------------------------|----|
| Welcome Note | 3 |
| Practice and procedure | 4 |
| Judicial news | 25 |
| Obituaries | 26 |
| Staff Retirements | 28 |
| Appointments | 29 |
| Book Review | 30 |
| Music | 31 |
| Travel | 32 |
| Film Review | 33 |

| | |
|-------------------|----|
| Out of the Office | 34 |
|-------------------|----|

| | |
|------|----|
| Quiz | 35 |
|------|----|

FEATURES

| | |
|-------------------------------|----|
| District court reorganisation | 6 |
| Blanchardstown courthouse | 12 |
| Staying safe at work | 14 |
| Children's Act Advisory Board | 16 |
| Efficient use of IT equipment | 24 |

SOCIAL

| | |
|------------------------------|----|
| Courts Service Football Club | 34 |
|------------------------------|----|

NEWS

| | |
|-----------------------------------|----|
| Video conferencing technology | 5 |
| Heritage Week: Cork Courthouse | 8 |
| Fines Online | 9 |
| Recent legislation explained | 10 |
| Annual Report | 17 |
| Meditation and conciliation | 20 |
| Election of staff member | 21 |
| Opening of new Legal Year | 22 |
| Charities Reap Benefits | 23 |



Welcome

WELCOME to the October issue of *Courts Service News*.

The changing economic environment requires all public bodies, including the Courts Service, to deliver improved value for money whilst maintaining service to our fellow citizens. This has been confirmed by recent Government decisions regarding levels of public expenditure. There is also a greater expectation of higher performance standards within the public sector generally as highlighted in a recent OECD report (*Towards An Integrated Public Service*, April 2008). While acknowledging the progress made in reforming the public service in recent years, the report identified a number of areas which need to be addressed if further progress is to be made in improving services for citizens.

In this issue we highlight some of the efficiencies delivered by the Courts Service and some of the plans for the future. Our annual report (*pages 17-19*) outlines the increased levels of work achieved in 2007. We explain how to pay a fine online, a feature of our Courts Accounting System (CAS) (*see page 9*). The High Court sitting in Fermoy for the first time (*page 4*) shows best use of both newly refurbished courthouses and additional judges appointed by the Government in recent times.

The roll out of video conferencing is highlighted on *page 5* and as CEO, P.J Fitzpatrick points out, the system will not only increase services to many court user groups but will save time and money in reduced travel and accommodation costs. Our Circuit and District Directorate has begun implementing a historic reorganisation of the District Courts, which has been very successfully put into action on the eastern side of the country (*see page 6-7*).

Bringing court services to big centres of population - where people live and thus avoiding the need to travel into the city centre - is one of the reasons for the new courthouse in Blanchardstown. The Minister for Finance has commented that "this type of reform and innovation is an example of what the Government is encouraging across the entire public service". (*see page 12-13*).

Other features in this issue include an interview with the Deputy Chief Executive of the Children Acts Advisory Board, Finbarr O' Leary, *see page 16*, and an examination of health and safety at work issues. (*Page 14-15*) A special thank you to our book, film and holiday reviewers and to our 'Out of the Office' guest on *page 34*. And finally, for all your quiz lovers, our theme in this issue is music (*see page 35*). So, get working on identifying the songs. We look forward to receiving your answers.

Enjoy!

Tony Lawlor and Dymphna Healy-Clarke



COURTS SERVICE
An tSeirbhís Chúirteanna

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

Courts Service News,
Information Office,
15-24 Phoenix Street North,
Smithfield, Dublin 7.
Telephone: (01) 888 6459,
Fax: (01) 873 5250
Email: DymphnaHealyClarke
@courts.ie
Web: <http://www.courts.ie>

Editorial Team:
Helen Priestley,
Tony Lawlor, Dymphna
Healy-Clarke, Gerry Curran,
Luke O'Neill

Print: Brunswick Press Ltd.,
Unit B2, Bluebell
Industrial Estate, Dublin 12.

Design: Design
Communication, part of
Ashville Media Group,
57/59 Sir John Rogerson's
Quay, Dublin 2.



RELOCATION OF MONAGHAN CIRCUIT AND DISTRICT COURTS AND NORTHERN REGIONAL OFFICE

The Courthouse, Church Square, Monaghan closed for the purposes of refurbishment, with effect from Monday 15 September 2008 for a period of approximately 18 months.

The sittings of Monaghan Circuit Court for Civil, Criminal and Family Law are being held at Cavan Courthouse for the period of the refurbishment.

The sittings of Monaghan District Court for Civil, Criminal and Family Law are now being held at St. Patrick's Hall, Church Square, Monaghan.

The Circuit Court Office, District Court Office and the Courts Service Northern Regional office will relocate to Teach O'Cléirín, Old Cross Square, Monaghan. Contact numbers are unchanged.

Fermoy Reaches High

June saw the High Court sit for the first time in the newly refurbished Fermoy Courthouse. The month saw the High, Circuit and District Courts all sitting in the town. The matters dealt with were non jury hearings and Circuit Court appeals, including a long disputed planning case.



High Court sitting in Fermoy

The picture above shows (front row L-R) Fermoy District Court Chief Clerk Thomas Brown, High Court Registrar David Colbert and Mr. Justice Frank Clarke and (back row L-R) Senior Counsels John Rogers, John Aelmore and John Gleeson.

Superior Court Rules

S.I. No. 325 of 2008 Rules of the Superior Courts (Recording of Proceedings), 2008

These Rules are intended to facilitate the introduction of digital and other non manual means of recording proceedings in addition to shorthand recording in criminal and civil proceedings.

District Court Rules

S.I. No. 322 of 2008 District Court (Search Warrants) Rules, 2008

These Rules amend Order 34 of the District Court Rules, 1997 to take account of the provisions of sections 6(1)(a), 190(1), 192(1)(a), and 192(1)(b) of the Criminal Justice Act, 2006 in relation to search warrants.

Circuit Court Rules

S.I. No. 353 of 2008 Circuit Court Rules (Costs), 2008

These Rules amend Order 66 rule 1 of the Circuit Court Rules concerning the awarding of the costs of interlocutory applications, the consideration by the court of offers in writing when awarding costs and the court's power to require the production and exchange of estimates of costs.

S.I. No. 354 of 2008 Circuit Court Rules (Recording of Proceedings), 2008

These Rules are intended to facilitate the introduction of digital and other non manual means of recording proceedings in addition to shorthand recording in criminal and civil proceedings.

S.I. No. 358 of 2008 Circuit Court Rules (Case Progression in Family Law Proceedings), 2008

These Rules amend the Circuit Court Rules to facilitate the supervision by the County Registrar of the preparation for trial of the categories of family law proceedings in the Circuit Court to which Order 59 Rule 4 of those Rules apply.

Commencement Orders

S.I. No. 337 of 2008 - Prisons Act 2007 (Commencement) Order, 2008

This Statutory Instrument brings into operation sections 33 and 34 of the Prisons Act, 2007 which provide for certain applications to a court in criminal proceedings to be heard using videolink and where the accused or convicted person is in prison, a remand centre or a children detention centre within the meaning of the Children Act, 2001.

S.I. No. 338 of 2008 - Criminal Justice (Mutual Assistance) Act 2008 (Commencement) Order, 2008

1. This Order may be cited as the Criminal Justice (Mutual Assistance) Act, 2008 (Commencement) Order, 2008.
2. The 1st day of September 2008 is appointed as the day on which the Criminal Justice (Mutual Assistance) Act, 2008 (No. 7 of 2008), other than Part 3, comes into operation.

VIDEO CONFERENCING TECHNOLOGY successfully deployed across the courts system

The Courts Service and Damovo, a business communications provider, recently announced the successful deployment and integration of video conferencing systems in courtrooms across Ireland. Damovo's solution improves the efficiency and security of a wide range of court activities, including facilitating live international court proceedings as **Gerry Curran** reports:

As the body responsible for managing Irish courts, supporting the judiciary, and providing a professional service to all court users the Courts Service believes that high-quality, future-proofed technology applications can play an essential role in delivering these services. To meet many of the Courts Service's unified communications requirements, Damovo was awarded a contract following an EU-wide tender process to project manage and provide state-of-the-art video conferencing systems to the Four Courts, and a number of district and circuit courts throughout the State.

Following a thorough review process, all participating courthouses were provided with a range of highly collaborative and intuitive video communications tools. Each courthouse now has two 46" screens for the jury and public to view, with individual touchscreen monitors for the judge, registrar, defence and prosecution.

Video conferencing systems have been placed in dedicated witness rooms so that vulnerable witnesses can participate in court proceedings by giving their evidence from outside the courtroom. The judge can now control all evidence and witness statements by simply pointing on his monitor. In addition, live court proceedings can be instigated between courtrooms in Ireland and a number of countries worldwide.

'Evidence racks' have also been provided in designated courtrooms, which



John McCabe, Managing Director, Damovo and PJ Fitzpatrick, Chief Executive Officer, Courts Service

include built-in PCs, laptop connections, and play-back facilities for a full range of VHS, DVD and online video services. These enable gardaí and solicitors to quickly and effectively show video evidence such as CCTV footage, without the need to bring their own equipment.

Courts Service CEO, PJ Fitzpatrick says that "video conferencing systems will deliver tangible benefits to the courts and are a further component of our overall modernisation programme".

"As well as improving services to the judiciary, defendants, solicitors and the gardaí, this countrywide solution will allow regional court managers and other staff to conduct internal meetings via video conference with consequent cost reductions. In short, these future-proofed applications will increase the efficiency of court proceedings across the country while maintaining the integrity of the Irish

court system," he concluded.

John McCabe, Managing Director of Damovo, said, "The Courts Service should be commended for implementing such a progressive ICT strategy throughout the Irish courts. Its investment in next-generation video conferencing systems ensures court users can avail of more advanced services, whether they are in the Supreme Court or a designated Circuit Court."

The roll-out of systems has been completed in over twenty courts including Dublin, Bray, Cork, Limerick, Castlebar and Tullamore, with more courts expected to follow this year. A wide range of audio and visual communications tools are being used from leading vendors such as Polycom, AMX and NEC. Damovo has full responsibility for designing, installing and managing equipment at each location.

Human Resources Management - Web Based Pilot Begins

A new web-based flexitime, absence management and leave approval system aims to bring about ease of access to working time and work pattern information. It will allow better planning and management of people and will help in the delivery of family friendly work practices and compliance with the

working time directives. The Courts Service is piloting the system in selected offices nationwide.

Acting Director of Human Resources Olive Caulfield says that the "new system will support our 'Towards 2016' goals while ensuring our continued compliance with all relevant legislative

requirements, such as the Working Time Directive".

Irish company Softworks will supply the new system. Softworks Sales Director, Noel Dooley, tells us that "our products have long been recognised as being suitable for use in a highly secure environment."

Historic landmark reached in the best use of court resources

The Courts Service has announced Phase Two of the national reorganisation of District Court areas. This phase is due to be completed by the beginning of 2009. It will affect the districts which cover counties Donegal, Sligo, Leitrim, Mayo, Galway, Clare, Roscommon, Longford, Westmeath, Offaly, Laois and Tipperary. **Gerry Curran** reports:

There hasn't been a full review of the work of the District Court for 47 years. This reorganisation is an historic landmark in bringing improved services to court users and in the best use of court resources.

The Ireland of today is a lot different from 1961 when the last such review took place. The population increase, particularly in the eastern side of the country, has brought increased demands for court services in many counties especially in the larger urban areas.

Demographic, social and infrastructural changes are also factors in deciding the future shape of the districts: increased commercial activity, increased access to transport and an improved network of roads are other issues which influence all who provide public services.

In the past number of years many improvements have been made to assist those using the courts, most noticeably in the area of buildings, where our estate has been greatly refurbished with world class facilities now on offer across the country.

As previously reported in *Courts Service News* Phase One of the reorganisation saw nine districts reorganised in the East/Leinster area. All counties / districts in this area now have much improved court timetables each month.

The changes in the districts and in court sitting times and venues to be brought about in Phase Two are reflected in the new in-coming sittings timetables below. These changes were agreed following extensive studies of each area, its levels of business and access to court venues and services and following consultation with the judiciary as well as local and regional managers.

Our regional offices are working locally with judges, staff and court users to introduce these changes with the same efficiency and ease which saw such a success upon their introduction in Phase One.

An examination of the work of the remainder of the country, namely Cork, Kerry and Limerick will now be undertaken in Phase Three.

Court Sittings Timetables to be introduced as part of Phase Two of the District Court reorganisation over the coming months

DISTRICT NO. 1

| | Monday | Tuesday | Wednesday | Thursday | Friday |
|-----------------|-------------|------------------|----------------|------------------|-------------|
| 1 st | Letterkenny | Letterkenny | Letterkenny | Letterkenny | Letterkenny |
| 2 nd | Letterkenny | An Clochán Liath | Letterkenny | Buncrana | Letterkenny |
| 3 rd | Letterkenny | Carndonagh | An Fál Carrach | Letterkenny | Letterkenny |
| 4 th | Letterkenny | Buncrana | Carndonagh | An Clochán Liath | Na Gleannta |

DISTRICT NO. 2

| | Monday | Tuesday | Wednesday | Thursday | Friday |
|-----------------|--------------------|--------------------|---------------|----------|--------------|
| 1 st | Carrick on Shannon | Sligo | Donegal | Sligo | Ballyshannon |
| 2 nd | Donegal | Ballymote | Manorhamilton | Sligo | |
| 3 rd | Donegal | Easky | Sligo | Sligo | Ballyshannon |
| 4 th | | Carrick on Shannon | Tubbercurry | Sligo | Ballinamore |
| 5 th | | | | Sligo | |

DISTRICT NO. 3 (SUBJECT TO CONFIRMATION)

| | Monday | Tuesday | Wednesday | Thursday | Friday |
|-----------------|--------|-------------|--------------------|----------------------|-------------|
| 1 st | | Ballinrobe | Castlebar | Westport | Ballina |
| 2 nd | | Ballina | Béal an Mhuirthead | Acaill/Westport * | Swinford |
| 3 rd | | Claremorris | Castlebar | Westport | Kiltimagh |
| 4 th | | Ballina | Ballina | Castlebar/Westport** | Ballyhaunis |

* Acaill will sit on the second Thursday in January, March, May, July, September and November. Westport will sit on the second Thursday in February, April, June, October and December.

** Castlebar will sit on the fourth Thursday in January, March, May, July, September and November. Westport will sit on the fourth Thursday in February, April, June, October and December.

| | Monday | Tuesday | Wednesday | Thursday | Friday** |
|-----------------|--------|-----------|----------------|-------------|--------------------------------|
| 1 st | | Roscommon | Loughrea | Ballinasloe | Harristown/Castlerea |
| 2 nd | | Tuam | Loughrea | Ballinasloe | Harristown/ Ballaghaderreen |
| 3 rd | | Roscommon | Tuam/Loughrea* | Boyle | Harristown/Castlerea |
| 4 th | | Tuam | Strokestown | Ballinasloe | Harristown/Castlerea |

* **Tuam** will sit on the third Wednesday in January, March, May, July, September and November. **Loughrea** will sit on the third Wednesday in February, April, June, October and December.

** On each Friday, Harristown will sit at 10.30 a.m., Castlerea will sit at 11.30 a.m. and Ballaghaderreen will sit at 12.00 noon.

DISTRICT NO. 7

| | Monday | Tuesday | Wednesday | Thursday | Friday |
|-----------------|--------|----------|-----------|-----------|--------|
| 1 st | Galway | Galway | Galway | Kilronan* | |
| 2 nd | Galway | Galway | Galway | Spiddal | |
| 3 rd | Galway | Derrynea | Galway | Galway | |
| 4 th | Galway | Galway | Galway | Clifden | |
| 5 th | Galway | | | | |

* **Kilronan** District Court sits in March, June, September and December only.

DISTRICT NO. 8

| | Monday | Tuesday | Wednesday | Thursday | Friday |
|-----------------|--------|---------|-----------|-------------|--------|
| 1 st | | | Tipperary | Roscrea | Nenagh |
| 2 nd | | | Roscrea | Templemore | |
| 3 rd | | | | Nenagh | Nenagh |
| 4 th | | | Tipperary | Borrisokane | Nenagh |

The venues in this District will be affected by the implementation of Phase 3 of the Reorganisation.

DISTRICT NO. 9

| | Monday | Tuesday | Wednesday | Thursday | Friday |
|-----------------|--------|----------|-----------|-----------|-----------|
| 1 st | | Longford | Athlone | Mullingar | Athlone |
| 2 nd | | Longford | Athlone | Mullingar | Mullingar |
| 3 rd | | Longford | Athlone | Mullingar | Longford |
| 4 th | | Longford | Athlone | Mullingar | Mullingar |

DISTRICT NO. 12

| | Monday | Tuesday | Wednesday | Thursday | Friday |
|-----------------|--------|----------|---------------------|----------------|--------|
| 1 st | | Killaloe | Ennistymon | Ennis | Ennis |
| 2 nd | | Athenry | Ennistymon/Kilrush* | Shannon/Gort** | Ennis |
| 3 rd | | Ennis | Kilrush | Shannon | Ennis |
| 4 th | | Gort | Ennis | Ennis | Ennis |

* **Ennistymon** District Court will sit on the second Wednesday in February, April, June, October and December. **Kilrush** District Court will sit on the second Wednesday in January, March, May, July, September and November.

** **Shannon** District Court will sit on the second Thursday in January, March, May, July, October and December. **Gort** District Court will sit on the second Thursday in February, April, June, September and November.

DISTRICT NO. 15

| | Monday | Tuesday | Wednesday | Thursday | Friday |
|-----------------|--------------------------|------------|-----------|------------|----------------------------|
| 1 st | Tullamore | Portlaoise | Tullamore | Portlaoise | |
| 2 nd | Tullamore/ Edenderry* | Birr | Tullamore | Portlaoise | Portlaoise/ Tullamore** |
| 3 rd | Birr | Portlaoise | Tullamore | Portlaoise | Portlaoise |
| 4 th | Edenderry | | Tullamore | Portlaoise | Portlaoise |

* **Tullamore** will sit on the second Monday in February, April, June, September and November. **Edenderry** will sit on the second Monday in January, March, May, July, October and December.

** **Portlaoise** will sit on the second Friday in January, March, May, July, October and December. **Tullamore** will sit on the second Friday in February, April, June, September and November.

DISTRICT NO. 21

| | Monday | Tuesday | Wednesday | Thursday | Friday |
|-----------------|--------|---------|-----------|-----------------|---------|
| 1 st | | Clonmel | Dungarvan | Carrick on Suir | Youghal |
| 2 nd | | Clonmel | Dungarvan | Cashel | Lismore |
| 3 rd | | Clonmel | Cashel | Carrick on Suir | Youghal |
| 4 th | | Clonmel | Dungarvan | Cashel | Clonmel |

CORK COURTHOUSE ON SHOW FOR HERITAGE WEEK

The magnificently refurbished courthouse in Washington Street was opened to the public as part of 'Heritage Week' recently. Staff of Cork Circuit Court were on hand to provide guided tours of the building. The event was a great success with over 130 people attending. It was the first occasion that Cork Circuit Court participated in the programme.

Heritage Week is an annual event co-ordinated by the Heritage Council with support from the Department of Environment, Heritage and Local Government. Each year many national and hundreds of local community organisations participate by organising events throughout the country. The main aim is to build awareness of Ireland's built, natural and cultural heritage thereby encouraging its conservation and preservation.

Feedback from the event was very positive with many people declaring that the tour of the courthouse was the highlight of their tour of Cork's heritage sites. Dave Power from the Cork office started the tour in

courtroom one, guiding people to the cells below and throughout the building. Richard O'Connor (Cork Circuit Court) and Michael Goulding (Southern Regional Office) were also on hand to assist the visitors.



The Law Society Technology Committee conducted a course recently for solicitors entitled "Make the connection - internet use for Solicitors" in the Sligo Institute of Technology. The programme included a workshop presented by Angela Denning, High Court Registrar on some of the online services available on the Courts Service website www.courts.ie - the Legal Diary, High Court Search facility and Judgments database.

Pictured above are; (L-R), Back Row: John Furlong, Tony Brady, Veronica Donnelly, Frank Nowlan, Raymond Smith. Front Row: Patrick Madigan and Angela Denning

Digital Audio Recording has arrived



The method of recording evidence will change over the coming months with the arrival of digital audio recording (DAR). The first of the new systems went live in Circuit Criminal Courts 15, 23, 25 and 29 in the Four Courts during the first two weeks of October as Project Manager, Darach Green of our ICT Directorate explains:

The roll out programme is based on a number of categories. The first to receive the new systems have been classed as 'Category 1' courts. They are the Central Criminal Court, the Special Criminal Court, the High Court Family Law Court and Circuit Courts where criminal business is conducted.

Following a successful pilot between April and July, the sound systems in 12 of the courts in the Four Courts were upgraded in preparation for the installation of DAR. Similar work is now being carried out in regional court venues. The court record is now being taken in these courts using digital audio recordings supplemented by annotation-notes.

DAR is scheduled to be live in Court 24 in the Four Courts, Trim, Roscommon, Letterkenny, Bray and Washington St. Cork by the end of October. The Central Criminal Court and the High Court Family Law Court will go live in November. Other courts scheduled to go live during November and

December include Naas, Donegal Town and Portlaoise. All remaining 'Category 1' courts will go live as soon as their sound systems have been upgraded. This work is expected to be completed before Christmas.

Next year we plan to implement DAR in all the remaining courts in the Four Courts, Phoenix House and Bow Street. We're calling these 'Category 2' courts. We will also implement DAR in all the courts in the Criminal Courts Complex when operations start there.

A reminder of where DAR is live to date:

| County | Courthouse | Courtroom | Jurisdiction |
|--------|-------------|-----------|--------------|
| Dublin | Four Courts | 25 | Circuit |
| Dublin | Four Courts | 15 | Circuit |
| Dublin | Four Courts | 23 | Circuit |
| Dublin | Four Courts | 29 | Circuit |

The Courts Service recently launched its new Courts Accounting System (CAS), which allows the payment of fines via the internet, the electronic payment of family law payments, and the payment of some court fees online or via credit card over the phone. Gerry Curran tells us more:

Fines Online - ACCOUNTING FOR JUSTICE

Traditionally fines were paid by cheque or cash to the office where the fine was imposed. As more and more people changed from cheque book to cash, laser and credit cards, the payment of a fine became awkward and often necessitated a trip to the office to pay in cash.

The Courts Service has more than 40 District Court offices located around the country. An important function performed by these offices is the management and processing of over 700,000 financial transactions per annum, with a value of some €80 million. These transactions include fines, bail, and family law maintenance.

Historically these transactions have been processed and accounted for using stand alone manual accounting systems in each office. These systems were labour intensive and inefficient. They severely restricted the ability to improve customer service, particularly in relation to customer choice in terms of payment options and also quality and timeliness of service. They were also a barrier to complying with eGovernment initiatives.

This new CAS system allows not just for easier payment methods but will improve efficiencies for the Courts Service in terms of time and money savings, and in terms of tracking and collecting fines.

- Every 5% improvement in the collection rate for fines brings in €1.75 million
- The savings in work-hours will be over €1 million annually.

The system has been piloted in the past few months

and is now fully operational in fifteen venues, which include the major urban centres of population. It is to be introduced in two further venues this month and will be rolled out nationwide over the next twelve months.

Courts Service Director of Finance Sean Quigley said at the launch that "This new system allows us offer court users across the country choice and ease of access in relation to financial dealings with the courts. It will make it easier to pay fines and will speed up payments in the family law area. The system allows immediate access to paying fees using *Small Claims Online* and also allows us automatically refund bail monies once a case is ended. As well as being an investment in our service to citizens it will also bring about efficiencies in terms of time and cost".

This initiative has already received recognition and was the recent recipient of a Taoiseach's Public Service Excellence Award.

The CAS system is operational in the following areas:

- Dublin, Cork city, Galway city, Limerick city, Waterford, Naas, Trim, Monaghan, Cavan, Drogheda, Sligo, Bray, Castlebar, Wexford and Longford
- Nenagh & Thurles are scheduled to commence with the new system this month.

Uptake of this system in areas where it was piloted has been very high with 70% of people opting for electronic transfer of family law payments and 46% using the internet to pay small claims fees online. A total of 1,321 people had used the system to pay €320,000 in fines even before the official announcement of the new system.

Understanding the Civil Law (Miscellaneous Provisions) Act, 2008



The Civil Law (Miscellaneous Provisions) Act, 2008 introduces a number of provisions which will have an impact on the work of the courts. In this article, **Noel A. Doherty** concentrates on provisions affecting the operations of the courts which also include provisions affecting the Courts Rules Committees, and those amending certain sections of the Juries Act, 1976:

There are a number of provisions which affect all jurisdictions. Section 26 makes provision for the participation of a party to civil proceedings or a witness by means of a live television link. Before the court will direct such participation, it must be satisfied that facilities are available which enable the party or witness to see and hear the proceedings at the hearing and to be seen and heard by those present in the courtroom in which the hearing is taking place.

Section 27 provides that a court may make an order, in relation to a party or a witness in civil proceedings who has a medical condition, prohibiting the publication or broadcast of any matter relating to the proceedings which might identify the party or witness as a person having that condition. An application under this section must be made to a judge in chambers.

Section 28 makes provision for a blind or partially sighted party, counsel or solicitor to be accompanied in proceedings before a court by a person to provide such assistance as is required, subject to the direction of the court. The person providing such assistance must comply with the directions of the court and will not have

any right of audience in the proceedings.

Section 31 amends section 40 of the Civil Liability and Courts Act, 2004 to allow a person authorised to make reports under section 40 (reports of family law proceedings) to have access to relevant documents, subject to any directions of the court. Relevant documents include the originating documents, pleadings (including terms of settlement) produced or lodged with the court, court orders in the proceedings but does not include documents expressed to be “without prejudice” or terms having similar effect.

Service of documents

Section 16 amends section 7 of the Courts Act, 1964 to provide that service of a Circuit Court or District Court document, within the definition of section 7, may, in addition to being effected by service by registered post or by a summons server, be effected by personal service in such manner as may be prescribed by rules of court. The section also provides that service may be effected by such other means as may be prescribed by rules of court.

Section 24 amends section 23 of the Courts Act, 1971 to provide that the Superior Courts Rules Committee may prescribe additional means of service of superior court documents to those already prescribed in section 23.

District Court

There are a number of noteworthy provisions affecting the operations of the District Court.

Section 23 amends sections 13A and 14 of the Courts Act, 1971 to provide that an order (other than an order sending an accused forward for trial) and a warrant (other than a search warrant and warrant sending an accused forward for trial) may be signed by either (a) any judge of the District Court assigned to the District Court District in which the order was made or the warrant issued or (b) any district court clerk assigned to the District Court area in which the order was made or the warrant issued.

Section 25 of the 2008 Act repeals section 20(4) of the Petty Sessions Act, 1851 which required a District Judge to take a note of the evidence if required to do so by a party.

Section 32 amends section 11 of the Courts and Court Officers Act, 1995 to provide that the maximum number of judges of the District Court in addition to the President shall not exceed 63.

County Registrars exercising powers concurrently in same county

Section 9 of the Court Officers Act, 1945 is amended by section 30 of the 2008 Act to provide that a County Registrar performing duties of another County Registrar may perform such duties concurrently with the other County Registrar. This section will facilitate the operation of the new Family Law Case Progression regime in the Circuit Court in high caseload counties. This new regime commenced on 1st October 2008 (*see page 4*).

Court Rules Committees

Sections 20 and 21 make some changes in relation to the composition of the Superior Courts Rules Committee

and the Circuit Court Rules Committee, respectively. The Registrar of the Supreme Court will be an ex officio member of the Superior Courts Rules Committee while a County Registrar other than the County Registrar for Dublin will be nominated to the Circuit Court Rules Committee by the Chief Executive Officer of the Courts Service. The County Registrar for Dublin will continue to be an ex officio member of the latter committee.

The Act also provides at section 18 that the Courts Service will provide secretarial, clerical and administrative support to the Superior Courts Rules Committee, the Circuit Court Rules Committee, and the District Court Rules Committee. This support will be provided through the Directorate of Reform and Development.

Juries

Part 6 of the Civil Law (Miscellaneous Provisions) Act, 2008 makes a number of amendments to the Juries Act, 1976, perhaps the most important being the abolition of the upper age limit for eligibility to serve on a jury. A person called for jury service remains entitled to be excused from service where he or she is aged over 65.

Another important change is contained in the First Schedule to the Juries Act. The category of "Incapable person" defined as being "a person who because of insufficient capacity to read, deafness or other permanent infirmity is unfit to serve on a jury" has been replaced by a category of "Other persons" defined as "Persons who have (a) an incapacity to read, or (b) an enduring impairment, such that it is not practicable for them to perform the duties of a juror". The other category of "Incapable person" contained in the First Schedule has not been changed.

Section 55 amends section 11 of the Juries Act. The effect of this amendment is to provide an option exercisable by a County Registrar to form panels for the Central Criminal Court and Circuit Court separately or to form one panel for both courts. This will facilitate the operation of the new Criminal Courts Complex which will have a single jury assembly area and should also facilitate sittings of the Central Criminal Court which now sits regularly outside Dublin. An amendment to section 12 which allows a person selected as a juror to be called to a place (reception area) other than a court will also facilitate the operation of the new complex.

Section 25 of the 1976 Act is amended to provide that while jurors may continue to separate up to the time they retire to consider their verdicts (unless the judge otherwise directs), jurors may separate, after they retire but only for such periods as the judge directs.

Sections 60 to 63 of the Act amend sections 34 to 37 of the Juries Act by increasing tenfold the amount which may be levied by way of a fine for offences under the Juries Act.

Part 6 will commence on the 1st January 2009.

The Civil Law (Miscellaneous Provisions) Act, 2008 may be viewed on www.oireachtas.ie



The Garda Band perform before the official opening of Blanchardstown Courthouse

THE SUN SHINES WEST

- as Blanchardstown turns out to see new court facilities

Staff at Blanchardstown District Court Office opening (L-R) Éanna O'hUiginn, Maria Keaveney, Paul Lynch, Mary O'Mara, Freda McElhinney, Tina Haughton & John Molloy

One of the few sunny days in July saw the opening of a major new court house for west Dublin in Blanchardstown. As the Garda mounted unit and band laid on a formal display of ceremony, the President of the Circuit Court, Mr. Justice Matthew Deery, led a group made up of members of the judiciary and senior Courts Service personnel to greet the many

invited guests. The visitors were headed by Finance Minister Mr. Brian Lenihan T.D.

The west Dublin suburbs now have full-time local access to full court facilities as not only the court but court offices are now based in the town centre area. This will allow small claims, fines and family law matters to be dealt with locally. The Children Court will also sit here.

The District Court will deal with cases arising in the Dublin West area including Blanchardstown, Clonsilla, Mulhuddart, Carpenterstown, and Castleknock.

Local access to the court will greatly improve the position for witnesses and Gardaí. They will no longer have to travel to the city centre – maybe on a number of occasions – for cases to be dealt with. For the Gardaí it means less time spent travelling into the city and more time in their local district.

Opening the courthouse, Minister Lenihan said that “Blanchardstown now has a population bigger than



some counties. It is appropriate that it should have court facilities of this calibre. Providing these services here will represent a significant convenience for the local community”.

Speaking of the Courts Service's capital building work to date, its technology initiatives and general modernisation programme - all achieved under the National Development Plan 2000-2006 - he said that the Service is “not content to rest on its laurels” and drew attention the Service's priority plans for 67 other venues to be modernised or newly built under the current National Development Plan 2007 -2013.

“This type of reform and innovation is an example of what the Government is encouraging across the entire public service. It reflects the approach of the judiciary and shows the Courts Service as an organisation which is fully connected with the reality faced by the world in which it operates and the community it serves. Since its establishment the Service has been extremely progressive in adapting to new methods and approaches”.

At the opening President Deery, said: “Having a local court and office here in Blanchardstown will enable persons deal locally with small claims, family law matters and payment of fines thereby eliminating trips into the city”.



Guests at launch (L-R) Stella O'Rourke, Blanchardstown Law Centre, James Evans, Solicitor and Joan Crawford, Solicitor, Blanchardstown Law Centre.



Minister for Finance Brian Lenihan T.D. does the honours

Facilities at Blanchardstown Courthouse

The court facility includes two courtrooms where the District Court, the Children Court, family law hearings and Circuit Court jury trials will be heard. It also includes the full range of services now expected and provided in all refurbished or new courthouses.

The facility is wired for the latest in video conferencing technology, video link and a room for remote testimony from children when they are required by the court.

Providing Local Access to Courts

Blanchardstown courthouse marks further progress in the Courts Service's ongoing strategy of

providing courts, family law matters court offices and facilities in the suburbs which have developed along Dublin city's expanding commuter belt.

The success of this project means it will be used as a model to provide new courthouses and offices in Swords and Tallaght - where the Courts Service is actively pursuing locations for such facilities. Local offices and courts are already in operation in Dún Laoghaire and Bray.

There are plans in motion to provide a new courthouse for North Kildare to service the populations of the Maynooth, Leixlip, Kilcock and Celbridge areas.

The aim of such projects is to shift the traditional concentration of places of interaction between the public and State services away from the city centre thus alleviating the associated transport and traffic problems.

The greater Dublin commuter belt has benefited from this strategy with improved or new facilities in Longford, Tullamore, Portlaoise, Trim, Ardee and Dundalk.

Statistics show that the majority of workplace injuries are caused by unsafe acts rather than unsafe conditions. Therefore safety sense is the key to a healthy work environment. Adopt the motto - 'If it is not safe, don't do it', writes Health and Safety Officer **Eva Font**.

STAYING SAFE at work



The safety of all employees at work is one of the Courts Service's core values. The responsibility for creating a safe and healthy working environment must be shared equally by all Courts Service staff.

Often, health and safety is seen as someone else's responsibility, when really it should be thought more of as an essential part of the everyday working environment. Unfortunately, people sometimes need a motivation before they begin to show an interest in a topic such as Health & Safety.

Accidents in the workplace can be caused by any number of things. Failing to use equipment correctly and failing to follow safety procedures are often causes. A lack of training, horseplay, boredom, familiarity and haste are others.

Untidy and cluttered work areas can also lead to accidents.

Office environments are by their nature considered to be safe work environments. This is largely true, but accidents do occur in offices, ranging from back injuries, torn ligaments, cuts and burns, to name but a few.

Whilst managers are expected to manage the health and safety issues which affect their section and the employees they supervise, individuals are also expected to participate in the identification, elimination and control of hazards over which they have control. Everyone should try to take all reasonable steps to conduct themselves in a manner which does not endanger themselves, other members of staff or visitors to court

buildings.

Staff must become more aware of their surroundings and be able to identify the hazards that can cause accidents and report them to the appropriate person. Don't wait until it is too late, **act** before something happens to you or one of your colleagues. Staff can have a safety sense by following these tips.

Have a good attitude to safety – be determined to avoid hurting yourself or your co-workers. Be alert to possible dangers and recognise by experience, including the experience of others, what is likely to lead to an accident. Most importantly, apply some common sense.

Staff have their own responsibilities when it comes to health and safety in work. You might

want to ask whether you have seen the Ancillary Safety Statement for your work location (more on this below). Without being aware of the policies, standards and work practices in your section you won't be able to work safely. Also, it is important to know who to contact in the event of a health and safety issue. Check whether your own work area is safe and tidy. Knowing where the first aid kit is in the event of an accident is important – is it suitably stocked and accessible, and who is trained in First Aid?

Corporate Policy Safety Statement and Ancillary Safety Statement

The Courts Service Corporate Policy Safety Statement and the template of the Ancillary Safety Statement were recently revised and the new versions are now available for all staff on the Health and Safety Page of Courts Information. They contain relevant information and you must take the time to read them.

The revised Corporate Policy Safety Statement was signed by CEO P. J. Fitzpatrick on the 15 April 2008 and e-mailed to staff members on the 18 June 2008.

The Ancillary Safety Statement Template (containing the risk assessment) will shortly be completed by all Safety Officers within the Courts Service. Once completed please ensure you receive a copy of the Ancillary Safety Statement applicable to your

work area.

It goes without saying that the goal of any safety programme in an organisation is to ensure injury-free employees who return home safely each night.

Each employee has a duty to themselves and their colleagues to act responsibly and if this is done we will have a safe and healthy working environment. Here are some of the general duties of all employees, with regard to safety:

- Cooperate with your employer with regard to safety, health and welfare at work
 - Do not engage in any improper conduct that could endanger your safety or that of any other person
 - Ensure that you are not under the influence of an intoxicant to the extent that you could endanger yourself or others while at work
 - You must participate in health and safety training provided by your employer
 - You must report any defects in the place of work, equipment or machinery which might endanger safety and health
 - Comply with the relevant health & safety legislation
 - Use Personnel Protective Equipment where provided
 - Do not intentionally or recklessly interfere with or misuse any appliance, protective clothing, convenience, equipment or other means or thing provided by your employer
- Employees are also expected to

Office Hazards

- Manual handling injuries
- Slips, trips and falls
- Electricity
- Poor workstation layout
- Office filing and storage systems
- Tea/coffee making facilities
- Chemicals – from printers and photocopiers
- General bad housekeeping

read the Corporate Policy Safety Statement and the Ancillary Safety Statement, to co-operate fully with the safety, health and welfare training programme organised by the Training Manager and to report any workplace accidents to supervisors without delay. It is also helpful to assist with any investigations of any workplace incidents.

Please remember that your employer must ensure as far as is reasonably practicable, the safety, health and welfare at work of all its employees. But they cannot do it alone, you as an employee must do your part to promote and maintain a safe working environment.

Be sure that you are familiar with what is expected of you. If you are not, then ask! It's in your own interest to know.

An article appeared in the Courts Service News in December 2007 titled 'Health and Safety: Your Questions Answered. This article is now also available on the Health and Safety Page of Courts Information.

The School of Law, Trinity College Dublin (with funding from Irish Aid) organises workshops for the Senior Judiciary of Lesotho. This year it took place between 4 - 6 August in Maseru, Lesotho. A team of three Irish judges were involved. Pictured left to right are Mr. Justice Paul Carney, Chief Justice Lehohla, His Majesty King Lestie III, Professor William Binchy (Trinity School of Law), Mr. Justice Bryan McMahon, Mr. Justice Kevin Haugh and Michael Aylmer B.L.



Guiding the way

The Children Acts Advisory Board (CAAB) plays an important role in providing advice and guidance to the Minister for Justice, Equality and Law Reform and the child care sector on the workings of the child acts. **Finbarr O'Leary**, deputy chief executive of CAAB, talks to *Courts Service News* about the board's work since its establishment.

The Children Acts Advisory Board (CAAB) was established in July 2007 through an amendment to the Children Act 2001. Its main enabling and advisory roles are carried out in the context of the operation of the Child Care Act 1991 and the Children Act 2001.

The board of CAAB describes its vision as the provision of "coherent, consistent and effective responses to children who are central to the Children Acts". Its three corporate objectives are to provide sound advice and guidance to the Minister and the child care sector; to facilitate co-operations between agencies; and to strengthen the knowledge base in the sector.

They have carried on some of the work of the Special Residential Services Board, where there existed previously a particular remit in the courts with regard to the detention of children.

"There are a number of agencies and departments who are involved with policy and specifically the delivery of services but the role of the board is to make sure that the coordinated delivery can bring agencies together so that they can understand their prospective roles and enhance services for children," says Finbarr O'Leary, deputy chief executive of CAAB.

The board is made up of 12 members appointed by the Minister for Children. It's chaired by Jacinta Stewart, Chief Executive for the City of Dublin VEC. Along with three experts appointed by the Minister for Children, the board includes senior managers from the Justice, Education and Health departments.

The board's focus falls on various court proceedings that relate to children. For example, they publish

criteria for the taking of children into special care. The HSE applies for such orders through the District Court. They have a legal brief to ensure a certain level of facilities in special care units and also in detention schools.

Owing to a desire for a base of evidence when formulating policy in the area of children and the courts, the 1991 Act was amended in May 2007 to modify the *in camera* rule in child care proceedings to allow for reporting of such proceedings – in specific circumstances and by specified people. No child would be identified in these reports. CAAB's board is considering this amendment and the manner in which it could deliver such reports.

"There wouldn't be huge information [on child care proceedings] but what we are depending on is the Courts Service Annual Report of 2007 which gives an idea of the number of care orders and supervision orders. We're also working with the HSE in getting relevant statistics," says Mr O'Leary.

In another area, CAAB will soon publish guidelines on the role of the guardian *ad litem* – a person appointed by the court to defend an action on behalf of a minor or a person of unsound mind. In care proceedings or hearings regarding children in the care of the HSE, the court may appoint such persons.

"There has been quite a detailed consultation process going for a number of months. It's published guidance on the role of the guardian *ad litem*, the criteria for their use and the training and qualifications. It's been very productive in the sense of a clear focus," says Mr O'Leary.

They are also working with Gardaí in the Dublin North Central area in relation



Finbarr O'Leary, CAAB

to the case management of children who come before the courts, as Mr O'Leary explains.

"You might have a child before the court with maybe five or six different Gardaí with a range of charges before the court over maybe a six month period without the charges being dealt with, whereas now it's being dealt with by one officer who is managing it from the start and putting the material together."

CAAB also examines international practices and has recently attended a national conference held in Miami-Dade, Florida. The Juvenile Assessment Centre at Miami-Dade is a processing, referral and evaluation centre for any juvenile that is arrested in the county. Justice and social service work together, providing a complete range of services to juveniles in the justice system.

"The Miami Dade experience is a sort of one-stop shop for issues of welfare and juvenile justice," says Mr O'Leary.

As we go to print we note the intention outlined by the Minister for Finance in his recent Budget to subsume the CAAB into the Office of the Minister for Children in the Dept. of Health & Children as part of the rationalisation of State agencies.

For further information visit www.caab.ie

Courts report another RECORD YEAR OF ACTIVITY

- AS CONTINUED INNOVATION MAKE SERVICES MORE RESPONSIVE

'Court workload shows increases across the board' was the clear message from the recently published 2007 Annual Report of the Courts Service.

The year saw a 15% increase in criminal cases disposed of with the biggest increases coming in traffic, drugs and sexual offences. This resulted in over €22 million collected as 114,000 people were fined, 23,000 prison sentences were handed down, and 4,000 community service orders were used as a means of making amends for unlawful behaviour. Just over 1% of sentences were found to be unduly lenient following the appeals process.

The Report was presented to the Minister for Justice, Equality & Law Reform Mr. Dermot Ahern T.D. by the Chief Justice, Mr. Justice John L. Murray in mid July. It received much public and media attention the following day and its contents have informed debate and comment in many areas of civic life.

In his foreword to the Report the Chief Justice said, "in many ways the Courts Service enables the judiciary to deal with, and increase efficiency in, the administration of justice". He added, "the Courts Service is a large decentralised organisation with



Chief Justice Mr. John L. Murray presents the Annual Report to the Minister for Justice, Equality & Law Reform, Mr. Dermot Ahern, T.D.

administrative responsibility for some 170 courthouses and court venues throughout the country. Its 1,100 staff provide a vast array of services and administrative support to the judiciary, the public and court users. One of the main reasons for our successes is the day-to-day willingness of staff, at all levels, not only to accept and implement new ideas and new practices, but to initiate much of that innovation themselves".

The Minister spoke of the concentrated and ongoing efforts of the Courts Service in service delivery and the many practical and innovative efforts in relation to modernisation and customer service. As a former practitioner himself he said "he was aware of the real effects these changes were having in improving the experience of dealing with the courts".

Courts Service CEO Mr. P.J. Fitzpatrick in his introduction to the Report referred to the efforts made to manage change in 2007. "To assist us further manage the many changes in the administration and management of the courts, we have



Pictured at the launch (L-R): Olive Braiden, Mr. Justice Richard Johnson, President of the High Court and Elisha D'Arcy

developed a Change Management/Leadership Programme focused on staff development and court users needs". He added that "this programme continued to be driven by a number of major projects including the Courts Accounting System, the Funds Accounting System, the Civil Case Management System, the Criminal Case Management System, the new Criminal Courts Complex, Business Planning and the revised Performance Management and Development System".

Placing these efforts in the wider context of Public Service and efficiencies he said, "some of these modernising projects were included in our first Annual Output Statement published during the year. These statements are a key element of the Budget and Estimate Reform measures announced in 2006. They represent a new level of transparency and accountability across the public service and allow for enhanced Oireachtas scrutiny of the Estimates process".

Highlights.....

Courts Service Modernisation Programme

- Access to our court services improves as Small Claims Online completes first full year of operation at pilot sites and work on the development of an online public search facility for the High Court Case Tracking System is completed
- Our website www.courts.ie provides comprehensive information in a variety of languages, attracts 1,352,087 visits and is named Best State Body Website at the eGovernment awards
- Confidence in courts staff and offices independent survey ('mystery shopper' model) and study reveals that 96% of staff interactions in public offices and on the phone were professional and polite, 91% of staff were courteous and 88% of staff gave shoppers confidence in the interaction
- 'Prison to Court' video links work continues to provide for video conferencing between courts and prisons. A system is installed in Limerick District Court with a view to commencing video conferencing between Limerick District Court and Limerick Prison on a pilot basis towards the end of 2008
- Building Programme continues with now over €200 million invested in state of the art courthouses across the country and an end of year win for Tullamore Courthouse in the heritage category of the Opus Architecture and Construction Awards
- We shed light on family law as Family Law Matters, which provides statistics, trends, judgments and reporting on family law proceedings, completes its first year of publication
- We work with An Garda Síochána to develop and implement an electronic interface for the electronic sharing of information and data between both organisations
- A detailed draft scheme of rules for case progression in the Circuit Court is prepared
- A resource pack for second level students, Let's Look at the Law, is completed to enable teachers who have no previous knowledge of the law introduce young people to law and the courts system in Ireland
- Work on the construction of a 22 courtroom criminal court complex for Dublin begins. It will bring all criminal business before the courts in the city to one location.
- A central accounts office is established to handle all district court financial transactions as the Courts Accounting System allows for family law payments, fees and fines to be paid online starting this year.

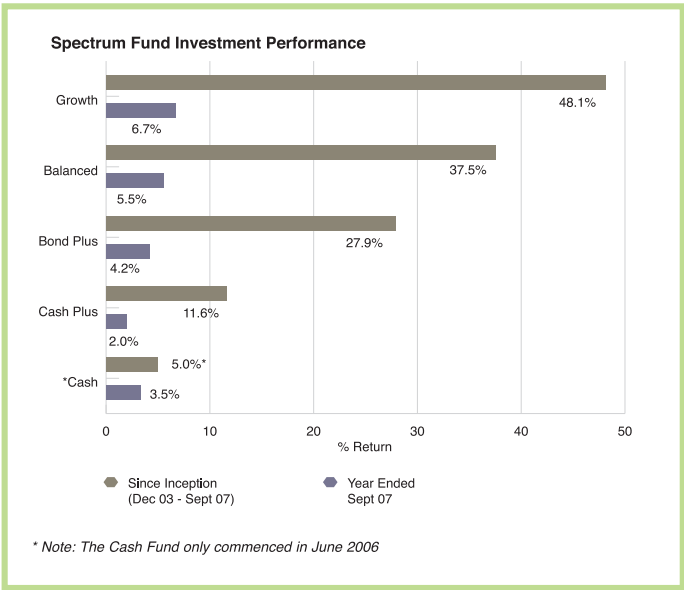




Information Office Staff greet the Minister:
(L-R) Dymphna Healy-Clarke, Tony Lawlor, Minister Dermot Ahern, Eva Avery and Helen Priestley.

Court funds

Assets managed top €1 billion

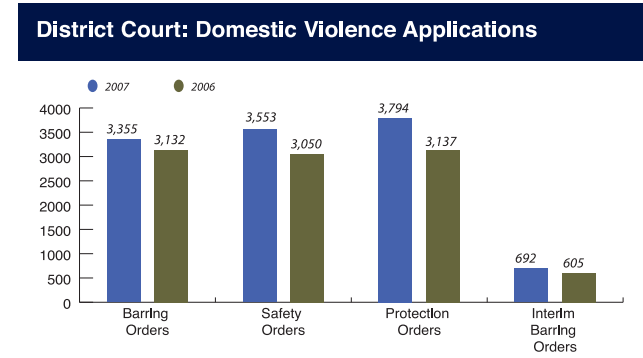


Total assets managed by the Office of the Accountant of the Courts of Justice increased to €1,022 million at the end of September 2007, an increase of €75 million on the previous year. Of the total assets managed by the Office, €899.4 million were invested in Spectrum Funds established in December 2003 as part of the modernisation programme for the management and investment of court funds. €26.3 million of the increase was attributable to gross investment performance. The average investment return for the year ended 30th September 2007 was 3.94% (gross of fees). Investment performance for the year for each of the five funds ranged from 2.02% (Cash Plus Fund) to 6.68% (Growth Fund) net of fees.

Highlights.....

Court Operations Statistics

- Appeals disposed of by the Supreme Court in 2007 increase by 13%, from 202 in 2006 to 229 and reserved judgments increase by 25% over 2006
- A 26% increase brings new cases in the High Court to 19,435. This includes a 70% increase in medical negligence cases
- 73% increase in the number of new cases entering the Commercial Court list
- 30% increase in Solicitors Act cases up to 63 from 48 in 2006
- More than 50% (17,481) of the 30,435 new civil cases issued in the Circuit Court relate to breach of contract/debt collection
- 1,552 or 41.5% of all Small Claims cases received through Small Claims Online as the new system rolls out nationwide
- New pub licence applications down 17% with new hotel bar licences down 36%
- Applications under domestic violence legislation increase by almost 15% with a 21% increase in protection orders sought, and a 16% increase in applications for safety orders



- Murder/manslaughter cases up 18% from 33 to 39, with rape cases showing an increase of almost 26% up to 73 from 58 in 2006
- Almost 25% of all offences in the Circuit Criminal Court relate to larceny, theft or robbery. A further 21% involve assaults. Drug offences account for almost 14%, while 12% relate to sexual offences
- Criminal matters in the District Court increase by more than 15%
- Road traffic offences continue to dominate, accounting for over half of all cases dealt with in the District Court, a total of 281,641 an increase of more than 25% on 2006.

MEDIATION AND CONCILIATION

- Proposals for General Statutory Framework

The area of Alternative Dispute Resolution (ADR) has received much attention and discussion recently. Just before the summer recess the Law Reform Commission published a consultation paper on the area of ADR. It was launched by High Court Judge, the Hon Mr Justice Peter Kelly. **Gerry Curran** reports:



Pictured at the launch of the Law Reform Commission's Consultation Paper on Alternative Dispute Resolution are (l-r): Patricia T Rickard Clarke, Commissioner; Mr Justice Peter Kelly, Judge of the High Court; Mrs Justice Catherine McGuinness, President of the Law Reform Commission; Nicola White, Legal Researcher; and Donal O'Donnell, Commissioner.

Under its *Third Programme of Law Reform 2008-2014*, the Law Reform Commission is committed to examining the main processes of alternative dispute resolution (ADR) and associated key principles and to exploring options for their reform. The published paper makes 50 provisional recommendations on ADR, in particular on mediation and conciliation.

Main recommendations

The main recommendations in the Consultation Paper are that:

- There should be a general statutory framework that defines clearly what is meant by mediation (mainly

facilitating agreement) and conciliation (facilitating agreement and sometimes also advising the parties about an agreed resolution)

- Mediation and conciliation should be seen as very different from litigation but should also be considered as part of a fully integrated civil justice system that includes litigation. Each process plays its appropriate role in meeting the needs of the parties involved and fundamental principles of justice
- The key principles of mediation and conciliation should be set out, including their voluntary nature, the ability of the parties to control the process, the need for confidentiality, and the need for transparency and quality control of the process
- A court should be able to enforce an agreement made at mediation or conciliation
- The training and accreditation of mediators should be based on agreed international standards, building on existing accreditation structures already in place in Ireland.

Examples of the growing use of mediation and conciliation in Ireland

The Consultation Paper examines the growing use of ADR both internationally and in Ireland as reflecting the increasing number of options available to help resolve civil disputes. These disputes include: big commercial and small consumer claims, family breakdown, industrial disputes, medical claims and property disputes (especially boundary disputes).

Mediation was used in the recent high profile case over the ownership of a strip of land near two homes. The case was settled by mediation in April after Ms Justice Maureen Clark intervened in the case. Similarly, in 2006 a case between *The Dubliners* and their record label, EMI, was settled by mediation two days after it was first listed in the Commercial List of the High Court.

Not all meditations end with a settlement. The recent dispute between pharmacists and the HSE was not

resolved by mediation and had to return to the Commercial Court in July for a formal hearing.

Speedy resolution and the cost of mediation and conciliation

The Consultation Paper notes that, while ADR processes often provide a speedy resolution to a specific dispute, there is – to put it simply – no such thing as a free conflict resolution process, alternative or otherwise. Where the resolution process is provided through, for example, the courts or the Family Mediation Service, most or all of the financial cost is carried by the State. Where the resolution process involves private mediation, the cost is often shared by the parties involved. The Paper notes that additional financial costs will be involved where an individual case goes through an unsuccessful mediation and then requires litigation. On the other hand, this has to be balanced against the possible savings where a complex case is successfully mediated.

Provisional recommendations

- The Commission provisionally recommends that a statutory provision be considered to allow medical practitioners to make an apology and admission without these being seen as an admission of liability in a medical negligence claim
- The Commission provisionally recommends that the content of a mediator's or conciliator's reports to the court should be restricted to a neutral summary of the outcome of the mediation or conciliation.

Request for submissions

- The Commission invites submissions as to whether a statutory Code of Practice or Guidelines should be introduced for collaborative lawyering in the family law setting
- The Commission also invites submissions as to whether

Election of staff member to Courts Service Board

The position of staff representative on the Courts Service Board becomes available every three years. The term of office of the current representative expires in November this year. For the last three years, Kevin Fidgeon of the Dublin Circuit Court office has held this position.

Courts Service staff now have the opportunity to elect a new staff member.

To be eligible to seek election, a candidate must have been a staff member on the 9th of August 2008. A recognised Trade Union or Staff Association could also nominate a candidate, either alone or jointly with another Trade Union or Staff Association. A candidate may have also been nominated by at least 15 staff members each of whom must sign the Nomination Paper.

The election will be held on 9th November 2008.

The nominees are Brian Leonard, Castlebar District Court and Martin McCarthy, Supreme Court.

Courts Service News will bring you the result in the December issue.

the regulation of mediators should continue as at present on a non-statutory basis, subject to the principles to be set out in a statutory framework for mediation and conciliation

Those who wish to make submissions are requested to do so in writing by post to the Commission or by email to info@lawreform.ie by 31st October 2008.



Called to the Bar

Leonora Smyth (centre), pictured with her parents Odile and Mr. Justice Esmond Smyth.

Opening OF NEW Legal Year



Mr. Justice John L. Murray, Chief Justice and Mr. Justice TC Smyth, retired Judge of the High Court after Mass in St. Michan's Church, Halston Street, Dublin



(L-R) Judge John O'Hagan, Mr. Justice Richard Johnson, President of the High Court, and Judge Peter Smithwick, former President of the District Court at St. Michan's Church, Halston Street



Visiting from Scotland: (Pictured Left to Right) Lord Brian Gill, Lord Justice Clerk of Scotland & Lady Kate Gill, Lady Bronwen Wheatley & Lord John Wheatley after Mass



Also participating in the opening of the new Legal Year ceremonies and shown above at a presentation by Mr. Noel Rubotham, Director of Reform and Development are a delegation from the Norwegian Frostating Court of Appeal



Marking the new Legal Year at the Church of Ireland service at St. Michan's Church, Church St. are from left; The Very Revd Dermot Dunne, The Dean of Christ Church; Fr Godfrey O'Donnell, head of the Romanian Orthodox Church in Ireland; the Lord Mayor of Dublin, Cllr Eibhlin Byrne; Defence Forces Assistant Chief of Staff Support Brigadier General Chris Moore; Church of Ireland Archbishop of Dublin John Neill; Assistant Commissioner Garda Eddie Rock and Archdeacon David Pierpoint (far right) of the local church



Members of the Justice community leave the St. Michan's Church of Ireland Service. From left are Judge James Paul Mc Donnell, Sean Aylward Secretary General of the Department of JELR, Judge William Hamill, Mrs Justice Catherine McGuinness President of the Law Reform Commission and Archdeacon David Pierpoint of the local church.

Charities Reap Benefits OF COURT POOR BOX

A total of 650 charities across the country have shared in the payout from the courts poor box. Monies generated by the poor box - a tradition in the courts which predates the State - exceeded €1,150,000 last year with a further €365,000 raised from the 678 defendants ordered to pay donations to charities directly. **Gerry Curran** reports:

In total charities received over €1.5 million from the poor box and from court orders that defendants pay charities donations directly. Leading charities which received monies included:

- St Vincent De Paul chapters across the State: €128,500
- Hospices nationwide: almost €78,000
- Garda Charities which included the Garda Benevolent Fund, Garda special needs charities, and community efforts: €60,600
- Aid agency GOAL: €52,145
- Jack and Jill foundation: over €27,000
- Cancer charities: €13,000
- Guide Dogs for the Blind: €12,600
- Lions Clubs: €8,400
- Red Cross: €5,000
- Merchants Quay Project: €4,500
- Samaritans: €4,400
- Trocaire: €3,500
- Chernobyl Charities: €3,000
- Order of Malta: €1,000
- Guide Dogs for Autistic Children: €500.

The practice of courts directing that money be paid into a court poor box in lieu of or in conjunction with another penalty is a practice which predates the foundation of the State. The practice appears to go back in history and stem from judges' jurisdiction at common law to exercise discretion in imposing a penalty, if any, and/or imposing other conditions i.e. donations to the poor box or to a particular charity.

It is predominantly used by the District Courts who deal with criminal offences of a less serious nature than other

jurisdictions. The individual amounts can vary substantially depending on ability to pay, other penalties imposed and the nature of the offences.

The option of paying into the court poor box arises usually where the offence is minor in nature and would not attract a custodial sentence. Public order offences are the most common offences for which the poor box option is given to defendants. These include breaches of the peace, intoxication or disorderly conduct in a public place, threatening, abusive or insulting behaviour in a public place or failing to comply with a direction from An Garda Síochána. It is sometimes used for road traffic offences, first time minor drug offences and offences against property or animals.

There are many reasons and instances why the court poor box is used by judges. The accused may never previously have been before the courts, the accused may have pleaded guilty, a conviction might be inappropriate, or might adversely affect employment, career or working abroad prospects, and/or the offence may be of a minor or trivial nature.

When combined with the Probation of Offenders Act it provides an option where some financial penalty is considered merited but a conviction and fine are not. It can sometimes be a more meaningful punishment than the maximum fine where the value of a maximum fine may have been eroded by inflation.

In late 2005 the Law Reform Commission recommended that the operation of the Poor Box be put on a statutory footing and be updated in the context of a reformed Probation Act.



MAKING IT efficient

Most people are familiar with the Power of One campaign, with its central message that each and every one of us can make a difference to the environment we live in. Recently, the Courts Service's ICT Directorate gave some advice on how to efficiently use IT equipment. Here, we reproduce these handy tips:

There are a number of steps you can take to reduce the energy consumption from your use of office IT equipment.

Ideally, you should shut down your PC every evening. This includes powering off the monitor on your PC. PCs not fully shut down can consume more electricity overnight and at weekends while idle than during a normal working day of high activity. For example, a PC in screensaver mode consumes virtually as much electricity as when it is in full use.

Consider turning off your PC at lunchtime or when heading to meetings that are likely to last a reasonable amount of time.

Printing is another area where energy can be saved. Instead of decreasing paper consumption, the increased use of technology has in fact contributed to a very significant increase in printing and paper use. More energy is needed to produce a sheet of paper than to print on it. Therefore reducing the amount of paper used has a larger impact on overall energy consumption than almost any other factor.

Often, it is just as easy to work from the document on screen. By using a well planned group share directory structure, you can store documents electronically where they can be accessed when needed, rather than printing them off to put in a folder and file away.

If your printer or photocopier can print

duplex (back to back) you should always use the duplex facility to reduce the volume of paper used. Laser printers purchased by the Courts Service in recent years all have a duplex printing facility. These include the HP Laserjet 4250, Kyocera FS-1030, and Oki B6300 printer models.

Personal printers often tend to be left on all the time, when the time taken actually printing to them amounts to only minutes a day. It is much more energy efficient to turn them on only when you need to print something and turn them off afterwards, than to leave them powered on all the time.

Shared network printers should be turned off every evening as they very often end up consuming more electricity overnight and at weekends than when they are actively being used.

If you have other peripheral IT equipment in your office such as scanners, they should be left powered off when not in use. These devices are typically only used for a very small percentage of the average working day and if left on all the time are consuming unnecessary electricity.

Some tips from the Power of One campaign

1. Switch off lights and heating in the office when they're not in use, and particularly in meeting rooms or unoccupied service areas.
2. Take advantage of natural daylight as much as possible and use task lighting where appropriate.
3. Configure your computer to "energy saving" mode. Switch off the screen and you can save even more than just letting the screensaver or "sleep" mode run.
4. Turning your computer off at night instead of leaving it on will save on average 25% of its annual energy bill.
5. Always ensure that all other office equipment such as printers, scanners and photocopiers are fully switched off as well.
6. Don't overfill the kettle at work - if you are making just a cup of coffee or two, then use just that amount of water.
7. Ensure thermostats are set to provide a comfortable working environment (20°C)
8. Walk or cycle instead of driving a short distance to work - it costs nothing and it's good for you too.
9. Open shades or blinds on a cold sunny day to reduce the burden on the heating system. Also, use those blinds to retain the heat when it's dark outside.
10. Car pool with colleagues if possible - even one journey a week that's shared will save energy and money. One round trip a month would save approximately 5%, one round trip a week saves approximately 20%.

For more see:
www.powerofoneatwork.ie/main/index.aspx

WARM SEND-OFF

as Judge O'Higgins sits for last time at High Court

Judge O'Higgins to sit at Luxembourg-based European Court of First Instance

On July 30, Mr. Justice Kevin O'Higgins sat at the High Court for the last time before his move to the European Court of First Instance in Luxembourg. Legal professionals and Courts Service staff paid tribute to the courteous manner in which he conducted his court.

Speaking from the bench, he said that just as he was getting "the hang of things" in the Four Courts, it was time to move on. He recalled his 11 years in the Circuit Court, followed by another 11 in the High Court. He noted how he once had the honour of sitting in the Supreme Court.

"It is an enormous privilege to be a judge and a huge honour to participate in the administration of justice. While I won't say that I enjoyed every moment, I enjoyed most moments. Some of the work of a judge is stressful and difficult, especially in criminal law."

"Being a judge is a great way to contribute to your country and fellow countrymen. I have dealt with thousands of cases, some well and some badly I am sure. If there is any person or litigant I have wronged I apologise, I did so unintentionally."

Judge O'Higgins said that while judges often had to deprive a person of their liberty, they should never deprive them of their inherent dignity.

Earlier, legal professionals and Courts Service staff wished Judge O'Higgins well in his new role. Kevin O'Neill, Principal Registrar of the High Court, thanked Judge O'Higgins for his recognition of the work of courts staff and on behalf of the Chief Executive he wished him the very best in his new role. Primarily, he spoke for the court staff who worked with Judge O'Higgins on a daily basis.

"Listening to what's been said by



Mr. Justice Kevin O'Higgins

the three speakers I think I would like to meet that judge," said Judge O'Higgins of the warm tributes he had received.

Judge O'Higgins thanked his criers and the staff of the Courts Service for their unfailing help and courtesy, adding that many of the people he worked with had now become his friends. He also thanked his family for all their support.

Scoil Iosaf have their day in court

Mary Roche of Limerick District Court Office tells us how the fourth class students from Scoil Iosaf, Newcastle West, Co. Limerick got on when they visited Newcastle West Courthouse recently:

The girls were very curious about the different aspects of court procedures – bail, the children's courts, serious crime and poor box payments. We told them about the courts system, its history and the history of Newcastle West courthouse itself and gave them a tour of the building.

They applied what we told them straight away when given the chance to role play some cases. Their eagerness in the various roles showed how well they had prepared in school, thanks to the information provided by the Courts Service Information Office. There was a very effective courtroom Garda on the day who took her role very

seriously, ensuring that proper courtroom decorum was observed at all times.

The students were accompanied by their class teacher, Mrs. Maria Donovan and Vice Principal Mrs. Kay Cussen – my 4th class teacher when I attended the same school!

During the questions and answers session, one student bravely

suggested that Mrs. Cussen was an accused before the court for attempted murder! The questions flooded in on a range of issues including bail conditions and travel restrictions.

They were a very lively and inquisitive group and it was a pleasure to welcome them to the courthouse on the day.



Students & teachers from Scoil Iosaf at Newcastle West Courthouse

OBITUARY:

Judge Patrick J Brennan



Patrick Brennan was a true son of Roscommon. His father was a prominent Cumann na Gael TD and strong farmer. His character was rooted and formed in his native county. He was strong physically, always had great determination, moral courage and a wonderful gift to compartmentalise his life. He started his career in Waterford where he met his beautiful wife Mary and she returned with him to Claremorris, where he succeeded as principal partner in the prestigious firm of Maguire and Brennan solicitors. During that time he gave his services and his energy to his community in Claremorris, involving himself in the foundation of Claremorris town hall committee of which he was secretary and played an active role in many more local organisations. During that time he won an All-Ireland Amateur Drama Award with the Claremorris players.

In 1974 he was appointed to the District Court bench which was the highest judicial office then open to

He always stood on matters of principle and he raised many important matters regarding the administration of justice. It could be said about him that he would be seen as one of the old fashioned District Judges displaying the highest integrity, pronounced independence of mind and earning the respect and deep affection of practitioners.

solicitors. He accepted it as a great honour and said he always felt privileged to sit in court and serve his community. Very shortly after his appointment he was assigned to District Number 3 namely County Mayo. He made no secret of the fact that he enjoyed each days court and got a sense of excitement from his work which continued right until his retirement in 1995. He served on the Rules Committee of the District Court and was always in advance of thinking at meetings of the statutory body of the District Judges. He always stood on matters of principle and he raised many important matters regarding the administration of justice. It could be said about him that he would be seen as one of the old fashioned District Judges displaying the highest integrity, pronounced independence of mind and earning the respect and deep affection of practitioners. Having said all that he had a great sense of mischievousness and his good humour was evident at all times in both his professional life and his social dealings. One of the remarkable things in his life time was that on his retirement, against the advice of so many of his colleagues, he embarked on a High Court action to judicially review proceedings over the use of

the ministerial petitioning system. He was successful and brought about a change in the administration of justice and the use of petitions to the Minister for Justice.

On his retirement he was well able to slip back into visiting his family, playing bridge, tending his garden, angling and many more activities as he enjoyed very good health until shortly before his death. Characteristically on his death bed he rang me to say good bye as he was dying. He wanted to wish me well. This was only three days before the Lord called him.

He is survived by his dear wife Mary to whom he said he owed everything, his son Michael who has taken over his practice and his daughters all of whom are in the medical profession.

May he rest in peace.

Judge John Garavan

He was strong physically, always had great determination, moral courage and a wonderful gift to compartmentalise his life.

OBITUARY:

Judge Daniel Shields



Judge Shields was born in Loughrea and came from a traditional legal background. His father, the late V.P. Shields practiced for almost 60 years. Dan was his third son and on the unexpected death of his brother accepted the responsibility as principal partner of the family practice. He served the people of East Galway and Loughrea in particular until his appointment in 1985 when he acted first as a movable

justice, then as a metropolitan judge in Dublin and finally in 1995 in Mayo succeeding his friend, Patrick Brennan.

Both men were held in the highest regard but the difference between them was quite noticeable. Dan was a quiet man who didn't give the appearance of being very robust but still showed tremendous tenacity and worked very hard all his life. He was renowned for his constant view of his clients as individuals when he was a practitioner and retained this respect to all who came in contact with him as a judge. He respected their dignity, always treated everybody with the utmost courtesy, accepted the foibles of human nature and carried his humanism with a strong belief in his Christian principles all through his judicial career. This was reciprocated in the respect and genuine affection he received from everyone.

His kindness was exemplified in the fact that only a few days before his own death he journeyed to Claremorris to the obsequies of his friend Patrick Brennan.

Outside his interest in law and his devotion to his dear wife Kitty and to his family whom he loved very much, his other passion was music. An extremely learned man and cultured in the arts he

had a particular love of classical music. He was a regular patron of festivals, operas, recitals and concerts. He and Kitty were honoured at the Carinthianer Sommer Festival in Ossiach, Austria for 21 years consecutive attendance. He also enjoyed the Wexford Opera Festival and the Bayreuth festival. He was a friend of the highly respected early music expert John Beckett (a nephew of Sam the great dramatist). People still remember him playing the piano for St. Brendan's Carol and Dramatist Society in Loughrea in its early years and during the 1970s when their musical shows were great hits.

Within his own family he will be missed most poignantly by his wife Kitty for his devotion and caring to her and to his children. His elder brother Frank, a High Court judge in Kenya, now retired, succeeds him. He will be strongly missed as a compassionate man for his interest in the arts, his concern for the staff of the Courts Service and all who came in contact with him and particularly by his wife Kitty, his sons who maintain the legal tradition, his many grandchildren and great grandchildren.

May he rest in peace.

Judge John Garavan

ACKNOWLEDGEMENT - MICHAEL MORIARTY

On the first anniversary of his death the family of Michael Moriarty (formerly of the Office of Wards of Court, Probate Office and Taxing Master's Office) have asked us to publish the following:

MORIARTY, Michael (Rathfarnham, Dublin and late of Wards of Court Office, Phoenix House, Dublin)

Michael's wife Annette O'Connell (Probate Office, Dublin), children Megan and Emmet and the extended Moriarty and O'Connell families wish to thank sincerely members of the judiciary, colleagues in the Courts Service,

barristers, solicitors, legal executives, cost accountants, stenographers and law clerks who sympathised with us on the sudden and unexpected death of Michael in September of last year. We sincerely thank all of you who travelled to be with us at Michael's wake, removal and funeral Mass. We are indebted to the Courts Service Information Office for its practical help in preparing for the funeral ceremony, to Cormac Breathnach, cost accountant and traditional Irish musician for his poignant piece of music at Michael's removal and to the Courts Service Choir for contributing so meaningfully to

Michael's funeral Mass. We appreciated all the visits to our home, the Mass cards, floral tributes, letters of sympathy and all other expressions of support and comfort. The continued assistance and understanding from the many friends and colleagues in the Courts Service and in particular the staff in the Probate Office is also very much appreciated. As it would be impossible to thank everyone individually please accept this acknowledgement as a token of our warmest appreciation and gratitude. The Holy Sacrifice of the Mass was offered for your intentions at a Memorial Mass held in Cloghane, Co. Kerry this August.

Paul Smith retires

Colleagues gathered in Phoenix House recently to hear Shay Kirk of the Estates & Buildings Unit recall the long and varied career of Paul Smith. It was a career that took him from a start in Irish textiles at age 14 to many tours of duty with the defence forces overseas. Along the way he had stints in the Department of Labour and the Eastern Health Board before joining the courts staff in 1992.

"Paul was the first person to look after the video link equipment", Shay said reminding all of Paul's time in a range of offices including the photocopying room in the Four Courts, the High Court Probate Office and, more recently, the Estates & Buildings Unit of the Corporate Services Directorate. Probate Officer Annette O'Connell and Corporate Services Director Brendan Ryan paid tribute to Paul's helpful and courteous way of dealing with people and of his attention to his work generally.

He has continued his connection with the army through the Irish UN Veteran's Association and deserves much



Paul Smith, 3rd from left, front row, with colleagues

credit for his involvement with several orphanages in Tibnin and Bethlehem.

Paul thanked all who had come to wish him well and all he had worked with over the years in the courts. We wish him, his wife Mary and all his family the very best for the future.

John Farrell retires

Many High Court registrars joined staff of the Estates & Buildings Unit, Reform & Development Directorate and service officers to wish John Farrell well as he retired from the courts recently. Head Service Officer, Eugene Lynch, made a presentation on behalf of his colleagues. Eugene told John that he would be greatly missed by his many friends in the Four Courts. "Thanks for all your help to the staff and judges in all the buildings associated with the courts around these parts. Your response whenever you were asked to do anything was second to none. You'll be a hard act to follow".

Sarah McQuade spoke for the staff of the High Court. She wished John well in his retirement and thanked him for all his help to the staff and registrars. "You could always be sure that John would do the job well whenever you asked him to do something", she said. Head of the Dublin Buildings Unit, Frank Lyons said it had been a pleasure



John Farrell, (centre, seated) with colleagues as he bids farewell

working with John. "Thank you for all your help to us over the past six years." Director of Reform & Development Noel Rubotham later paid tribute to John's helpful nature during his last stint as service officer in Green Street Courthouse. Noel said that "John's conscientious and professional approach to his assignments won the respect of those who worked or came in contact with him: he is one of those people upon whom one can always rely." He added that "John's mild-mannered nature and unflinching

courtesy have endeared him to us all, and we wish him every good health and happiness in a well-deserved retirement."

John said he had enjoyed his time working in the courts and would sadly miss all the people he met on a daily basis. He thanked all who had showed up to wish him well and for the cards and their kind remarks. "Please give my thanks to those who contacted me to say goodbye but couldn't come today", he concluded to much genuine applause for a job well done.

A big send off for Pat Cope

Judges, barristers, registrars, court staff and lots of friends joined Pat Cope and his family in the 'Well' of the Four Courts recently to bid a fond farewell to a favourite of the Four Courts. MC Pat Dempsey recalled Pat's long career in the army and in particular his stints abroad including Cyprus and the Congo.

Pat joined the courts as tipstaff to Mr. Justice Kevin Lynch, then of the High Court, since retired from the Supreme Court, and spent thirteen years with him. "We got on like a house on fire", the judge said. "He was so easy to get on with".

Pat's relaxed, easy manner and friendly helpful nature were also recalled by Mr. Justice Joseph Finnegan, former President of the High Court, now of the Supreme Court. Pat was tipstaff to Judge Finnegan for eight years. "Pat and I have a lot in common. We were born in the same year in the same part of Dublin, we got married in the same year and we both had four children. Pat became such a part of my family that



Pictured (L-R) Mr. Justice Kevin Lynch, Pat's wife Maura, Pat and Mr. Justice Joseph Finnegan

my grandson, Joe, wanted to be here today to say good bye to him". The judge agreed that Pat's time in the army gave him organisational skills that never left him. Recalling times when they went on circuit to provincial venues, the judge noted that Pat planned "every trip like a small campaign. He never left anything out!". To much laughter, he gave several examples of Pat's supplies and his ability to come up with a wide variety of goods whenever the occasion required.

A true blue Dub, Pat told all that he was born "just up the road". He and wife Maura had their wedding reception in the old Four Courts Hotel, now Áras Ui Dhálaigh. "I've enjoyed my time in the courts", he said. "I've enjoyed the cases - the excitement, the sadness and the stories that go with them. Thanks to my family, my friends in the courts and everyone who wishes me well".

We wish Pat, Maura and their family every happiness for the future.

Staff Appointments



Geraldine Hurley has been appointed to the post of Official Assignee in Bankruptcy. Geraldine has worked in the Office of the Official Assignee since February 2007 and was Personnel Officer for the previous 2 years.



Kevin O' Neill has recently taken up the position of Principal Registrar in the High Court. Kevin has worked as a Registrar in the High Court for the last 13 years and served as Registrar in the Masters Court and in the Commercial List.

Margaret Sharkey has been appointed Chief Clerk of Donegal Circuit Court following the recent retirement of Annie McGinley.

Barry Conroy has been appointed Midland Regional Manager. In a varied career that began in the then Dublin Corporation, Barry has worked in Brussels as Education and Youth Attaché with the Department of Foreign Affairs and in a number of sections in the Department of Education and Science, including Teacher Education Section, School Building Unit and Post Primary Administration.

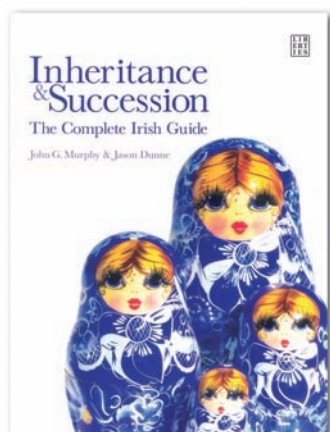
Barry replaces Anne Price who has taken up a position in the Department of Defence.

Annie McGinley Retires



Picture taken at recent retirement of Annie McGinley (front row centre) former Chief Clerk at Circuit Court office at Letterkenny, Co. Donegal.

Book Reviews



Inheritance & Succession: The Complete Irish Guide
John G. Murphy and Jason Dunne
Liberties Press

I think it was Benjamin Franklin who said that in this world nothing is certain but death and taxes. This book deals with both of these certainties and much more besides. The book

is a guide to how we might plan our lives to ensure that we can take care of ourselves and those we love during our lifetimes as well as providing for those who will be left after us on our deaths.

This most useful guide offers the reader sound advice on minimising tax, investing for one's future needs, the importance of making a will and making the right decision on how to bequeath one's assets. It also provides information on family law, trusts, and legal rights of spouses and children. In relation to making provision for the future, it considers the importance of an Enduring Power of Attorney as part of a good care plan for one's "senior days".

While death is not something we like to dwell on, it is, as stated earlier, one of life's certainties, and the authors devote some space to a discussion on the making of funeral arrangements, and the role and responsibilities of one's legal personal representatives.

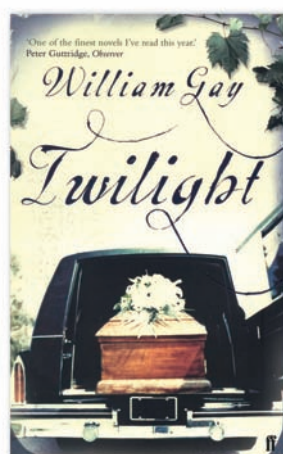
The authors John G. Murphy and Jason Dunne, as Mr Justice Robert Barr, retired High Court judge, points out in his foreword, have a wealth of experience as solicitors and have set about the provision of good advice for the laity.

This book is aimed at the general public. While the authors recommend that advice be sought from professionals, I should think that the information contained in this guide will allow the non professional to be well armed and in a position to ask searching questions of "expert advisors" ensuring the best advice to suit the particular circumstances.

Twilight
William Gay
2008, Faber and Faber

In a small town in the Southern United States, Kenneth Tyler and his sister Corrie's discovery of strange goings on with the town's dead involving the local undertaker, Fenton Breece, is the starting point for a gripping tale. Tyler and Corrie's determination to expose Breece brings them into the world of Granville Sutter. In Sutter, William Gay has created

perhaps his most monstrous villain. A man without any sense of morality, he is not given to either forgetting or forgiving any slight, and not allowing anyone to get in his way. An early indicator as to his character is his exchange with a woman whose husband had given evidence against him in court. "So long, Widow Conkle he called to her departing back. She didn't even halt, I'm not a



widow, she said. Not yet, Sutter said".

Pursued by Sutter, Tyler heads into the Harrikan, a mining area long since abandoned by most people, leaving their homes to fall to rack and ruin. Here the final confrontation between the hunter and the hunted takes place but quite a lot happens before that.

The author has a marvellous gift for narrative and throughout the novel there are some wonderful touches such as his description of Tyler entering a town and seeing old men who "looked up expectantly as Tyler approached, as if he might do something interesting to break the monotony that yawned before them, but when he didn't and just strode purposefully on, their eyes dismissed him and they went back to the nothing they'd been doing before".

Twilight is Gay's third novel following *The Long Home* and *Provinces of Night* and he has once again created a host of memorable characters in the main protagonists and also in several of the minor players in the unfolding drama.

THE VERVE – Forth

Earlier this year the Verve reformed after a ten-year break – conveniently in time for the upcoming festival season.

This was a surprise to many as the band is notorious for its bickering. Their last reformation lasted just 12 months, but bore classics like *Bittersweet Symphony*, and *Sonnet*. Their blistering headline performance at this year's Glastonbury restored them somewhat to their former standing and added to the already substantial hype about their impending new album, *Forth*.

So how does it sound? Firstly, there is no stand out anthem like *Bittersweet Symphony*. *Valium Skies* comes closest with its swooning orchestration and echo-laden vocals. The song lengths – most come in over six and seven minutes – mean the album is over an hour long. In a music scene where *Arctic Monkeys* have success with songs of just over two minutes, this is a risky move. And given that the Verve have not made a sonic leap into 2008 on *Forth* the signs seem to point to failure.

Still, this is a superbly rewarding album for Verve fans. It does not catch the attention at first, probably owing to the meandering nature and sombre mood of the songs. But on repeated listens the high-quality production becomes evident.



Lead single *Love Is Noise* gets better with each listen, *Rather Be* is driven by a strange sub-aquatic whale sounds while *Judas* vies for the dual titles of best song and worst lyric on the album – “New York, I was Judas, she said ‘a latté, double shot for Judas’”. Lead singer Richard Ashcroft makes up for these and other poor lyrics with a very strong vocal – particularly on *Columbo* where his falsetto floats over a tumbling bassline.

There's a stinker on here as well. *I See Houses* with its faux-eerie vibe, lazy production and poor vocal shows a lapse in quality control. At best it is a retrod of earlier solo material by Ashcroft, which in itself was often poor. His apparently relentless desire to come across profound and mystical almost derails the quality of these songs on a number of occasions. This makes the musical tapestry created by

Nick McCabe – the band's guitarist and its second, less egomaniacal creative influence – all the more impressive.

Younger fans drawn in by the urgency of *Love Is Noise* might be disappointed with this album. But for anyone who loved this band as far back as 1992, there is plenty here to enjoy. Many of the tracks are expansive, spacey and layered. The deft guitar and percussion flourishes that the Verve showed in their early days are present again, giving the album an atmospheric feel that's nowhere else in the charts at the moment.

Apparently, McCabe and Ashcroft are bickering incessantly again so another break-up is a possibility. This flawed relationship seems to be the source of both the Verve's ability and weakness. Whether or not it will limp on long enough for the band to produce a fifth album is anybody's guess.

Luke O'Neil



KILIMANJARO

Adventure

Lisa Maybury of the Judicial Support Unit, recently completed the arduous task of climbing Kilimanjaro – and all in a good cause too! Read on to find out how the adventure unfolded.

From the window of our hotel room it seemed like an unconquerable summit. Snow capped and steep – Mount Kilimanjaro – at 5,895 metres the highest free-standing mountain in the world. We thought we'd give it a go anyway seeing as we had come all this way. So on Tuesday the 26th of August we put on our hiking boots and started up the "Machame Route" with one of our guides, Stanley. In total there were 4 Spanish fellow climbers, 3 guides, 1 cook, and 18 porters in our team!

Due to the Kilimanjaro's equatorial location, as well as its high elevation, climbers can experience almost

every type of climate and ecosystem on earth. The seven days that followed brought us through rain forest, moor land, alpine desert, scree and snow. We had great views of Mawenzi Peak, Mount Meru and the plains below. The sky at night was breath-taking, with billions of stars and incredible views of the Milky Way. We were all surprised at how good the food was, with fresh fruit every day, and a variety of soups, rice, pasta, and crêpes. We even got chicken and chips one evening!

Two of the most memorable parts of the hike were scaling the Lava Tower and the Barranco Wall. The Lava Tower is a pillar of rock coated with lava. It stands at 200 metres high (more than a quarter of the size of Croagh Patrick) and is perched on the side of the mountain. Our rock climbing skills were put to the test, as we searched for the next ledge to place our hands and feet as we climbed.....with no ropes, and very little guidance. If we thought we had it tough, it was nothing compared to our porters! They worked with up to 20kg on their back and head, and left us in their dust as they ran from camp to camp. It definitely made us

reconsider what constitutes a hard day at work!

On Saturday, after 25 hours hiking over the previous 4 days, we rose early and hiked for 5 hours to get to our base camp – Barafu – which is the Swahili word for ice, an early indication of the weather to be expected. After an early dinner we got a few precious hours sleep prior to our summit attempt. At 11.30pm, it was time to go to the top. After some hot tea, we set off into the night. This was the toughest part of the trek as the fatigue and altitude sickness were really setting in. As we steadily passed and were passed by other parties throughout the night, we didn't acknowledge anyone. Everyone soldiered on, suffering in silence. It took over 5 hours to scramble up the steep scree slope to Stella Point, and then another hour to get to the summit, Uhuru Peak. We arrived as the sun was coming up, the views of the Kibo Glacier and the crater rim were a sight to behold.

The journey down was as tough as the ascent as we were so exhausted from the previous hours hiking. It took almost 4 hours to get back to our tent at Barafu. We slept for a couple of hours and then it was time to head off again, our destination was Mweka Camp, 5 hours away. When we arrived, we were rewarded with a cold bottle of beer and an evening of relaxation to think about the past few days and what we had achieved. The next morning, our 3 hour hike to Mweka Gate seemed like a walk in the park. Then it was time to head back to our hotel for a well earned shower. It was a brilliant challenge and great adventure, one which we wouldn't mind taking up again in the future.

Thank you to everyone who wished us well on our trip. Thank you also to those who sponsored me in aid of the LauraLynn Children's Hospice fund, a great charity set up by our former colleague Jane McKenna. You can go to the charity's website at www.lauralynnhospice.com to find out more. Any donations would be gratefully received.



Now that's summit! Thomas Sheeran & Lisa Maybury at Uhuru Peak



SON OF RAMBOW

Just released on DVD, *Son of Rambow* gets a nostalgic going over from our film reviewer Ronan Power.

At last a film has come around dedicated to us kids from the 80s (well 70s/80s for myself personally) A time of big hair, dodgy fashion, great music with silly lyrics and those special 80s action movies that we all loved at a time when we took our first bus trips into town by ourselves to go to the cinema without a parent in sight. The honor of being at last grown up.

Son of Rambow is about that special time in a boy's life when movies take him out of the mundane. Everybody's got a story, whether playing Rambo with toy guns and invisible bullet proof vests or putting together little short films with action figures. The story of young Will Proudfoot (Bill Milner) takes place in 1980s Britain, where he is raised within an isolated religious sect known as The Brethren. Will is not allowed to talk with outsiders and music, movies, and television are all outlawed. He does go to a normal school however, which is where he meets Lee Carter (Will Poulter), the school bully and maker of home videos. When Lee shows Will a pirated copy of *Rambo: First Blood* his mind is blown and he sets out to make a grand action epic with Lee, all the while trying to keep what he's doing a secret from The Brethren. Will proves quite the film-maker and soon a real friendship forms between

him and Lee. As their friendship develops the two lads start building a world from their allied imaginations - one innocent and impressionable, the other also innocent, but without an adult influence to restrain him. When an exchange student, a sixth form boy drenched in pop culture and new romanticism, and drunk with the attentions of an admiring troupe of English counterparts, gets a glimpse of their creativity, he muscles in and the meat of the plot is cooked.

From there it takes a possibly predictable path, but that doesn't matter. As you watch it, the playing out of the themes is both fun and endearing, words I don't usually like to use in a review. The tensions are predictable, yet the fantasy theme and the inter-working of imagination with reality in the animations from the boy's drawings give the whole film a rhythm and texture that make it worth the watch several times over. Look back over it, and you maybe won't see anything you haven't seen before, but that makes the fact that it is refreshing, positive, and light all the better.

The story has several different threads all of which are firmly intertwined, approaching the same main plot from different points of view, but each individually telling of what young life could be like

growing up in the 1980s.

The two main actors do an amazing job, as do the rest of the cast. The calibre of acting from Will Poulter and Bill Milner was astonishing, even Nicholas Hoult in *About a Boy* doesn't compare.

Jules Sitruk probably gets the best character, playing an 80s French punk-rocker-type who has the entire school eating out of his hand. Girls forming a line in order to make out with him is probably the funniest thing in the movie.

I fear to give away too many parts of the plot, so I will just say: Watch it. You will not regret it.

Suspend your critical eye and sense of social judgement for this one, enter its fantasy world with the eyes of young adults and near adults, and odds are you will warm to this film whether you want to or not.

Think back on *Gregory's Girl*, *Billy Elliot*, *Bugsy Malone*, and other British films about kids and their world and this is where you would group *Son of Rambow*.

Enjoy.

Out of the Office with... Martina Mangan

Custody Office, Dublin District Court

What is your hobby?

I am a fanatical darts player.

How did you get involved?

My partner introduced me to the sport about 12 years ago. I took to it straight away and became a member of the Submarine Bar womens' darts team in Crumlin playing every Thursday night. Until earlier this year I was a member of two mixed teams (well I was the only female!), in Tallaght and Celbridge. We played in the South County Dublin League on Monday nights.

Have you had much success over the years?

In January this year the Carlow team won the Leinster Inter-County Championship title for the 5th year in a row – we beat Kildare in the final. It's a great but nerve-wrecking feeling to be standing on a stage in a crowded hall with the referee calling out your score each time over the microphone. I suppose after the success over the last few years I should be used to it by now!

Any other memorable moments?

Apart from the Leinster titles and appearing in the All-Irelands, I've competed in various charity events over the years. As well as contributing to worthy causes it has given me the opportunity to play against some of the best players in the world. A few years ago, I played against the 5 times World Champion and former number 1 Eric Bristow. That was a great experience. And a few weeks ago, I played against current world number 7, Andy Hamilton.

Hopes for the future?

The big ambition of course is to win the All-Ireland title. The team has reached the final for the last 2 years but was beaten on each occasion by teams representing Dublin and Cork.

An All-Ireland title would really be the icing on the cake for me. Who knows? Maybe it's not that far away.

We wish Martina all the best in her quest for that All-Ireland title.

Courts Service Football Club

Finn Ryder of the Courts Service Football Club fills us in on what has been the most successful year so far for the team in the Solicitors League.

The team competed once again this year in the Solicitors League and reached the semi-finals for the very first time. Unfortunately we were beaten 3-1 on the night. However there were a lot of very good performances during the year, and we finished the league as top scorers.

In the last game of the league we needed to win to qualify for the quarter-finals and duly did so with a 3-2 victory. Joint top scorers for the team this season were Sean McQuillan and Rob Rogers. Richie



Kelly was once again our manager at the start of the year; however he took a hiatus midway through the campaign. Andy Cleary took over and guided us to a quarter final place for the first time in two years (while playing as well on the way!!!)

Hopefully next year we can go even further and make it into the final.

Many thanks to all the players, management and supporters for all the support and effort during the season. And here's to an even more successful 2009 season!



Quiz Time



By popular demand, this issue's quiz is a music one. Get those thinking caps on and identify **the name of the singer and the song** from the lyrics below. Some will have been released by more than one artist so being the generous soul that I am I will accept either the singer of the original or cover version.

1. Maybe I didn't treat you
Quite as good as I should have
Maybe I didn't love you
Quite as often as I could have
Little things I should have said
and done
I just never took the time

Answer:

2. If I were to say to you
"Can you keep a secret?"
Would you know just what to do
Or where to keep it?

Answer:

3. Friday night and the lights are
low
Looking out for the place to go
Where they play the right music,
getting in the swing
You come in to look for a king

Answer:

4. Well, I'm running down the road
Tryin' to loosen my load
I've got seven women on my mind
Four that wanna own me
Two that wanna stone me
One says she's a friend of mine

Answer:

5. Sailin' away on the crest of a wave
It's like magic
Oh rollin' and ridin', slippin' &
sliding
It's magic

Answer:

6. Sometimes the river flows but
nothing breathes
A train arrives but never leaves
It's a shame
Oh life - like love that's walked
out of the door

Of being rich or being poor
Such a shame

Answer:

7. The future teaches you to be
alone the present to be afraid and
cold
'So if I can shoot rabbits then I can
shoot fascists'
Bullets for your brain today but
we'll forget it all again
Monuments put from pen to
paper turns me into a gutless
wonder

Answer:

8. I love you
But I gotta stay true
My moral's got me on my knees
I'm begging please
Stop playing games

Answer:

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



Maeve Foley, winner of the March quiz, accepting her prize from Brenda Casey, Corporate Services.

The answers to the July quiz are:

1. Gary Mackay
2. Israel. 5 - 0 to Ireland
3. Liam Brady
4. Stuttgart
5. Ray Houghton
6. 1 - 1
7. Wim Kieft
8. Holland

**And the winner is:
ALICE WHITE, Office
of Wards of Court.**

*Congratulations Alice.
We will be in touch in
the near future with
your prize.*

Through the lens

During the past few months the Courts Service has hosted many visitors from around the world....



Courts Service staff with the government of Bangladesh delegation in tandem with United Nations development programme on a tour of the Four Courts



Court Administrators from Macedonia enjoy a visit to the Courts Service



Mr. Justice Vivian Lavan (back row, centre) with Professor Lorenz and undergraduates from University of Washington on a recent visit to the Four Courts



Participants in Trinity College Law School's annual workshop for Chief Justices and senior judiciary of African countries pictured with Judges of the High Court at the Four Courts recently.



Michael Venn B.L. with delegation from the Conference of the International Society for the Reform of the Criminal Law



Delegation from the Drammen Tingrett Court, Norway at a recent presentation by Mr. Noel Rubotham, Director of Reform and Development



On the last day of court business at the historic Kilmainham courthouse, (L-R) Court Clerk Rose O'Sullivan, solicitor Terry Hanahoe and caretaker Peter Cullen