



# COURTS SERVICE NEWS

*Nuacht na Seirbhíse Cúirteanna*

**District Court Restructuring Commences**

**Collaboration... a new way in Family Law**

**New Legal Year begins**

**A Look at Probate**



## features

### 7-8 Why make a Will?

### 14 Supporting Staff

How the Training Unit supports staff.

### 23-26 Family Law



23-26

## news

### 5 New Ministers appointed

### 6 Data Protection and FOI

Policy update.

### 9 Website "as Gaeilge"

The webteam explains the new site.

### 10-11 Annual Report 2006

### 12 Deed Poll

Increasing numbers of name changes.

### 13 Civil Case Management

What's happening with the projects?

### 15 Drink Driving

Increase in number of cases.

### 16-17 CAS go live

### 18-19 Southern Region Conference

### 20-21 District Court reorganisation

### 22 Law Reform Commission Report



10-11



16-17



18-19

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.

#### Production Team:

Editor: Helen Priestley

Deputy Editor: Tony Lawlor

Associate Editor: Gerry Curran

Catriona Nangle

Catherine O'Leary

Courts Service News,  
Information Office,  
15-24 Phoenix Street North,  
Smithfield, Dublin 7.

Telephone: 01-888 6459, Fax: 01-8735250

Email: [co'leary@courts.ie](mailto:co'leary@courts.ie)

Web: <http://www.courts.ie>

Designed by Journeyman Productions  
Digital Depot, Thomas Street, Dublin 8

Printed by Brunswick Press Ltd.,  
Unit B2, Bluebell Industrial Estate, Dublin 12



Holidays over, another Legal Year commences and everyone is hitting the ground running. Not to worry, Christmas is just around the corner!

Welcome to the October issue of *Courts Service News*. We feature a wide variety of topics in this issue. The 7th Courts Service Annual Report was presented by the Chief Justice to the new Minister for Justice, Equality and Law Reform, Mr. Brian Lenihan T.D. in July. We feature the presentation on pages 10 and 11 and highlight some of the changes in trends in the work of the courts over the last few years.

The structure of District Court areas will change from January 2008. Details can be found on pages 20 and 21.

As part of our feature on family law, John McDaid of the Legal Aid Board talks to Gerry Curran on page 24 and outlines the concept of collaborative law.

In a new cut out and keep series explaining the work of the courts and court offices, Chris Lehane of the Probate Office gives us an insight into why we should make a will. All is explained on pages 7 and 8.

What better way to conclude than with some good news. The charity football tournament in June (see page 36) was a tremendous success and raised in excess of €5,000 for the "Jack and Jill" and "Make a Wish" Foundations.

We are always interested to hear from you about any matter relevant to our magazine so keep in touch!

Tony Lawlor



## regular features

4 Practice and Procedure

27 Staff Appointments

28-29 Obituaries

30-31 Retirements

32 Visitors

33 Holiday Review

34-36 Social News

37 Film Review: *3:10 to Yuma*

38 Outreach

39 Competition

40 Through the Lens



# Practice and Procedure

## District Court Rules

### S.I. No. 313 of 2007 District Court (Community Service) Rules, 2007

These Rules amend Order 30 rule 5 to provide for service by registered post.

### S.I. No. 314 of 2007 District Court (Criminal Justice Act, 2006, Part 11) Rules, 2007

These Rules insert a new Order 96C to provide forms and procedure in respect of section 115 of the Criminal Justice Act, 2006 which provides for application to court for a civil order in respect of anti-social behaviour.

### S.I. No. 408 of 2007 District Court (Children) Rules, 2007

These rules provide forms under Order 37 in respect of those sections of the Children Act, 2001 brought into operation by S.I. No. 64 of 2007, and amend Order 96C to provide for proceedings under Part 12A of that Act as inserted by the Criminal Justice Act, 2006 and brought into operation by S.I. No. 65 of 2007.

### S.I. No. 418 of 2007 District Court (Summonses) Rules, 2007

These Rules substitute Form 15.2.

### S.I. No. 564 of 2007 District Court (Road Traffic) Rules, 2007

These Rules amend Order 97 to provide for applications pursuant to section 29 of the Road Traffic Act, 1961 as substituted by section 7 of the Road Traffic Act, 2006.

## Circuit Court Rules

### S.I. No. 312 of 2007 Circuit Court Rules (General), 2007

These Rules contain various amendments to the Circuit Court Rules 2001, including, in particular, (a) certain amendments to the following Orders of the Circuit Court Rules 2001: Order 1, Order 5, Order 6, Order 11, Order 13, Order 14B, Order 18, Order 26, Order 27, Order 29, Order 50, Order 53, Order 57, Order 59, Order 61A, Order 63 and Order 69; (b) certain amendments to the Circuit Court Rules (No. 4) (Restoration of Companies to the Register Pursuant to section 12 of the Companies Act, 1982 as inserted by section 46 of the Companies (Amendment)(No. 2) Act, 1999) 2003 (S.I. No 615 of 2003), Circuit Court Rules (No. 2) (section 39, Criminal Justice Act, 1994) 2004 (S.I. No 448 of 2004), Circuit Court Rules (Protection of Employees (Part Time Work) Act, 2001) 2004 (S.I. No 721 of 2004), Circuit Court Rules (Equal Status Act, 2000), 2004 (S.I. No 879 of 2004) and Circuit Court Rules (European Arrest Warrant Act, 2003), 2005 (S.I. No 57 of 2005) and (c) the substitution or deletion of certain forms.

### S.I. No. 588 of 2007 Circuit Court (Pensions Ombudsman) Rules, 2007

These Rules prescribe Circuit Court procedures in respect of applications brought under section 137 of the Pensions Act, 1990, for an order requiring a person to comply with a requirement made of that person by the Pensions Ombudsman, and under section 141 of that Act for an order for the carrying out of determinations of the Pensions Ombudsman.

## Superior Court Rules

### S.I. No. 407 of 2007 Rules of the Superior Courts (Jurisdiction, Recognition, Enforcement and Service of Proceedings), 2007

These Rules make provision for the extension to the Kingdom of Denmark of Council Regulations 1348 of 2000 (on service of judicial and extrajudicial documents in civil and commercial matters) and 44 of 2001 (on jurisdiction, recognition and enforcement of judgments in civil and commercial matters).

### S.I. No. 416 of 2007 Rules of the Superior Courts (Charging Orders), 2007

These Rules align the procedure for making applications for Orders charging stocks or shares under Order 46, rule 1, with sections 23 and 24 of the Debtors (Ireland) Act, 1840 and Sections 132 and 133 of the Common Law Procedure Amendment Act, (Ireland) 1853.

### S.I. No. 417 of 2007 Rules of the Superior Courts (Transfer of sentenced persons), 2007

These Rules prescribe the procedure to be followed under the Transfer of Sentenced Persons Act, 1995 and the Transfer of Execution of Sentences Act, 2005.

## Re-location of offices

### Kilkenny

**Kilkenny Circuit Court and District Court Offices are now located in Parnell House, Parnell Street, Kilkenny.**

Contact details for both offices remain unchanged:

#### Kilkenny Circuit Court Office

Phone: 056 7722073

Fax: 056 7751044

E-mail: [kilkennycc@courts.ie](mailto:kilkennycc@courts.ie)

#### Kilkenny District Court Office

Phone: 056 7721019

Fax: 056 7723260

E-mail: [kilkennydc@courts.ie](mailto:kilkennydc@courts.ie)

### Wexford

**Wexford District Court Office is now located in Ardavan Business Park, Wexford, Co. Wexford**

Sittings of Wexford District Court will continue in County Hall, Wexford until further notice.

Contact details for Wexford District Court Office remain unchanged:

Phone: 053 9122097

Fax: 053 9124798

E-mail: [wexforddc@courts.ie](mailto:wexforddc@courts.ie)



# New Minister for Justice appointed

**Courts Service News** notes the recent appointment of Brian Lenihan, T.D., as Minister for Justice, Equality and Law Reform. No stranger to the work of the courts Mr. Lenihan enjoyed a successful legal practice as a barrister prior to his political career.

Congratulating him on his appointment, Courts Service CEO, PJ Fitzpatrick looked forward to working with the new Minister. "His knowledge of the courts system will be invaluable to us," he noted. "I look forward to welcoming him back in his new role and to working with him and his officials to continue our programme to modernise the courts in Ireland."

The CEO wished former Minister, Michael McDowell, well in his return to a career at the Bar.

Recalling the enormous contribution he made to the Courts Service during his tenure, Mr. Fitzpatrick said "history will note that the support provided by Michael McDowell and the officials of his Department was a major factor in many of the improvements made in the courts in recent years. This is particularly so in the case of capital projects such as buildings and information technology. I wish him all the very best for the future."



Minister for Justice, Equality and Law Reform, Mr. Brian Lenihan, T.D.

## New junior Ministers complete the line up

A number of the junior Ministers recently appointed by the Government have been given responsibilities affecting the justice area.



Minister of State with responsibility for Children, Mr. Brendan Smith, T.D.



Minister of State with responsibility for Equality Issues, Mr. Seán Power, T.D.



Minister of State with responsibility for Integration Policy, Mr. Conor Lenihan, T.D.



Minister of State with responsibility for Mental Health and Disabilities, Mr. Jimmy Devins, T.D.



# Data Protection and Freedom of Information in the Courts Service

The Courts Service Freedom of Information Unit has just completed updating its Freedom of Information Guide (Section 15 and 16). The Guide will help the public to find out about information held by each organisation and how to access it.

The spirit of the Freedom of Information Act is to be as open and as helpful as possible in dealing with requests by members of the public to obtain access to official information while taking the right to privacy into account.

The Courts Service has a panel of experienced Decision Makers and Internal Reviewers who have received training in the processing of Freedom of Information requests. Follow up training is arranged as required.

Copies of the revised Guide will be available on the Courts Service website [www.courts.ie](http://www.courts.ie) by the end of October.

## The Service has also recently launched its Data Protection Policy.

The Policy is a statement of the Service's (as a Data Controller) commitment to protect the rights of individuals in accordance with the Data Protection legislation. All employees of the Service who collect and/or control the contents and use of personal data are individually responsible for compliance with the Data Protection legislation.



Data Protection or Freedom of Information requests should be sent to: Miriam O'Flanagan, Data Protection Compliance Officer/ Freedom of Information Officer, Corporate Services, Phoenix House, Smithfield, Dublin 7.

Staff guidelines have been prepared and have been sent to all staff.

Copies of the Data Protection policy and Staff Guidelines are available from the Secretariat Unit, Corporate Services, Phoenix House, Smithfield, Dublin 7. Phone: 01-8886464 or 01-8886461.

## Chief Justice's son is called to the Bar



Three generations of the Murray family gathered as Brian Murray, son of the Chief Justice Mr. Justice John L. Murray was called to the Bar before the summer recess. Brian is pictured with his father, his mother Gabrielle, his sister Catriona and his grandfather Cecil Murray. On being called to the Bar Brian follows not only in the footsteps of his father but also of his late grandfather Mr. Justice Brian Walsh and of his godfather the late President of Ireland and former Chief Justice Cearbhall Ó'Dálaigh.

# Learning about the Courts

## Why make a Will?

Some readers have asked us to explain more about how the courts work. What do different courts deal with? What do different offices deal with? In this issue we have the first in a new series of features on the work of the courts and court offices.

We begin with a look at the work of the Probate Office or more particularly the matter of making a will and the duties and responsibilities associated with it. Assistant Probate Officer Chris Lehane outlines what you should watch out for when making a will and what you should know about a process that will affect us all at some stage of our lives.

There are two main reasons for making a Will:

(a) You decide who will administer your estate when you die:

Many disputes among family members that come before the Probate Court are not of law at all but arise out of distrust of, and sometimes sharp practice by, Administrators. These disputes can be avoided, or at least greatly reduced, by making a Will and carefully selecting executors. In your Will you should appoint at least two executors, both of whom should be younger than you and capable of managing your affairs and who you can trust to fairly administer your estate as soon as possible after you die.

(b) You decide how best your estate is to be divided:

Making a Will allows you decide who deserves to benefit from your assets after you die. As your Will only takes affect from when you die, you can change it at anytime before that. For example, if you legally separate or divorce you should review your Will and consider whether you want to change it in light of your changed circumstances.

### Family Wills

Spouses often make separate Wills leaving their whole estate to the

**“Many disputes among family members that come before the Probate Court are not of law at all but arise out of distrust of, and sometimes sharp practice by, Administrators.”**



Chris Lehane

surviving spouse, providing sensibly for the survivor and allowing the survivor divide the family assets when the circumstances of the children are clearer in the future. Wills can equally contain what are called ‘gift over clauses’, where each spouse in his/her Will, having left all his/her estate to the other spouse, provides that if the other spouse dies before him/her or dies at the same time as him/her that the whole estate be divided equally amongst the children. Such a clause avoids the surviving spouse having to make a new Will if the first spouse dies and provides an equal share for each child ultimately on the death of the surviving spouse.

If you don’t make a Will you are deemed to have died ‘intestate’. Your estate is then administered under the intestacy rules set out in sections 67 – 72 of the Succession Act, 1965. For example, if you die married, your spouse inherits two-thirds and your children the remaining one-third of your estate.

As well as allowing you divide your assets amongst your family members or friends, making a Will also allows you distribute your estate in the most tax efficient manner having regard to relevant Capital Acquisition Tax limits

and reliefs of the various beneficiaries in your estate.

Finally, if you are making or changing your Will you should consult a solicitor to draw it up and supervise its execution for you, given that solicitors generally charge quite reasonable rates for the work involved and the consequences that may ensue if you don’t get it right on your own.

### What does Probate mean?

Probate comes from the Latin word Probatum, meaning ‘to prove’. And that’s what people do in the Probate Office (and 14 District Probate Registries around the country) – they prove their right to administer a deceased person’s estate by applying for a Grant of Representation (Probate/ Administration). A Grant of Probate will issue in the estate of a person who made a Will to an Executor proving his Will. A Grant of Administration will issue to the next of kin of a person who didn’t make a Will. The Grant is a legal document from the High Court, which allows the Grantee gather in the assets and distribute the estate to the persons entitled under a Will or on intestacy to the next of kin.

### What do you need to do if you have to administer an estate?

The duties of a Legal Personal Representative (generic term for an Executor and Administrator) can be summarised as follows:

Find out if the deceased made a Will (i.e. died testate) or died without having made a Will (i.e. died intestate). There is no Registry of Wills where a person can store his/her Will in his/her lifetime. A Will is normally stored by a Testator and therefore can be found at death in his/her solicitor’s office, bank or at his/her home in a secure location.

Obtain the original Will or establish who were the nearest next of kin of the deceased at death, where he/she didn't make a Will.

The executors named in the Will should circulate copies of the Will to the beneficiaries of the Will and to the nearest next of kin and agree who will administer the estate.

Where the deceased didn't make a Will the next of kin should equally agree amongst themselves who will administer the estate.

## Consider whether it is necessary to extract a Grant?

There is no legal requirement that a Grant has to be extracted, even where a person has left a Will. If the assets can be administered without a Grant e.g. because the house is in joint names and the only other assets are monies in accounts in financial institutions, which they will release as they are under their threshold amounts for release of funds without requiring production

of a Grant (on average amounts less than €7k – €10k), there is obviously no need to extract a Grant. Contact the Capital Acquisitions Tax Office in such circumstances and ensure the tax affairs are properly settled before administering the assets.

If a Grant is necessary contact a solicitor to extract the Grant on your behalf or make an application to the Personal Applications Office of the Probate Office or of your local District Probate Registry.

Once the Grant issues you must gather in the assets, pay all debts and taxes due and distribute the estate in accordance with the Will or, if the deceased died intestate, to the nearest next of kin of the deceased at his date of death, in accordance with the Succession Act, 1965.

## How can I look up a Will of a deceased relative?

A public record of an estate will only exist if a Grant of Representation has issued,

in the estate. As stated previously it is possible given the nature or amount of assets in an estate, that the estate you are interested in was properly administered without any Grant issuing. In such a case unless you are a beneficiary you have no right to or means of discovering what assets your relative had.

## How can I get copies of probate documents?

Where a Grant of Representation has issued the Grant and all documents filed in the Probate Office (or 14 District Probate Registries) are open for public inspection for a fee of €5. Copies of all documents on record are each available for a fee of €5. To search the records you need the name, date of death and address of the deceased.

Where the Grant issued more than 20 years ago the National Archives, Bishop Street, Dublin 2 holds the records. Application should be made to it to search for and provide any copy documents required in relation to the estate.

For further information contact the Probate Office at:

1st Floor, Phoenix House, 15/24 Phoenix Street North, Smithfield, Dublin 7. Telephone: 01 888 6181, 888 6179

You will also find more information about wills and the work of the probate office on the Courts Service Website: [www.courts.ie](http://www.courts.ie)

## District Probate Registries

### Office Addresses:

#### Castlebar,

The Courthouse, Breaffy Road, Castlebar, Co. Mayo.

### Telephone:

(094) 9021522 / 9026128

### Counties Served:

Mayo

#### Cavan,

The Courthouse, Farnham Street, Longford, Co. Cavan.

(049) 4331530

Cavan

#### Clonmel

The Courthouse, Clonmel, Co. Tipperary.

(052) 29183

Tipperary

#### Cork

The Courthouse, Washington Street, Cork.

(021) 4271223 / 4275321

Cork

#### Dundalk

The Courthouse, Crowe Street, Dundalk, Co. Louth.

(042) 9392310

Louth, Monaghan

#### Galway

The Courthouse, Courthouse Square, Galway.

(091) 562162

Galway, Roscommon

#### Kilkenny

Parnell House, Parnell Street, Kilkenny.

(056) 7722073

Kilkenny, Carlow, Laois

#### Letterkenny

The Courthouse, Letterkenny, Co. Donegal.

(074) 9128711

Donegal

#### Limerick

The Courthouse, Merchant's Quay, Limerick

(061) 414655

Limerick, Clare

#### Mullingar

The Courthouse, Mount Street, Mullingar, Co. Westmeath.

(044) 9348315

Westmeath, Offaly

#### Sligo

The Courthouse, Teeling Street, Sligo.

(071) 9142228 / 9142089

Sligo, Leitrim

#### Tralee

The Courthouse, Ashe Street, Tralee, Co. Kerry.

(066) 7121998

Kerry

#### Waterford

The Courthouse, Catherine Street, Waterford.

(051) 874144

Waterford

#### Wexford

The Courthouse, County Hall, Wexford.

(053) 9122329 / 9124630

Wexford





# courts.ie in irish... tá sé ag teacht

All those out there who use the [www.courts.ie](http://www.courts.ie) website will have noticed a few changes of late. The new homepage with English and Gaeilge options is a precursor to the launch of the courts.ie Irish website. The website team are currently busy building what is basically another [courts.ie](http://www.courts.ie) website. So how will this new site effect how you use the [courts.ie](http://www.courts.ie) website? We caught up with Webmaster Síle O'Neill, Catríona Nangle and David Crinion of the Website Development Team for more information:

"We are building pages behind the scenes on the website and putting in Irish content," Síle explained. "It is not currently possible for members of the public to see these pages" ... but more on that later.

**So what will these changes look like?**

"The first change has been the design and production of the new English/Gaeilge page – The next major change that visitors will see will be the appearance of new buttons on the top left corner of their screens – one for English and another for Gaeilge."

**How will these buttons work?**

"By simply clicking the Gaeilge button on any English page it will be possible to view that page in Irish and vice-versa. The 'as Gaeilge' pages of the site will have the same content as their equivalent English page but without some of the pictures."



**So will the entire site of 17,000 pages be available in Irish?**

"Yes, with a few exceptions. For example the Legal Diary section is updated every day by the Diary Team in Dublin and in most of the Circuit Court Offices around the country. For all those thousands of visitors to the Legal Diary section of the website it will remain in its current format."

**Why did the website team take on this project?**

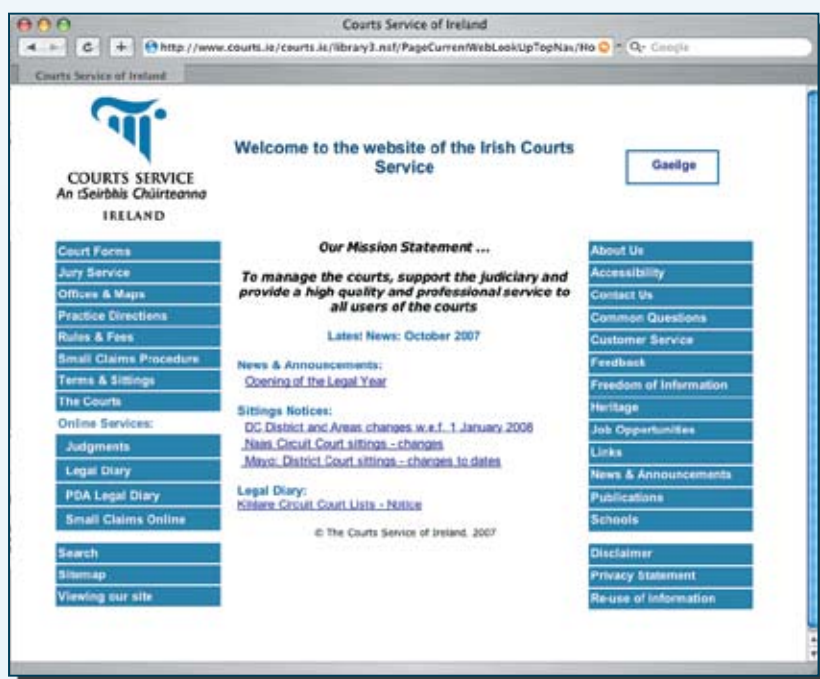
David explains that the benefits for people visiting [courts.ie](http://www.courts.ie) will be that "customers who wish to find out information about the Courts Service in the Irish language will now be able to do so in a fast and easy way." The new site of course also brings the Courts Service further along to compliance with the Official Languages Act.

**So as the website team are busily putting in all this Irish text when will all these changes be available to the public?**

"The new Irish site will be available very soon," says Catríona. Taking on such a large project means that in the long run the team will have to maintain and develop not one but two sites.

"Any further changes to content on the website or updates in those sections available in Irish will have to be translated before that information can be put onto the site." So the team will be working hard to get translations made as quickly as possible.

If you have any comments or suggestions about any section of [www.courts.ie](http://www.courts.ie) please email [sitecomments@courts.ie](mailto:sitecomments@courts.ie).



# A look at the courts in 2006 in numbers

2006 proved to be another busy year for the Courts Service, as the recent Annual Report showed. Over these two pages we offer highlights of the statistical information to be found in the Report, copies of which can be requested from the Courts Service Information Office (Tel: 01-8886462 or email: [publicationsunit@courts.ie](mailto:publicationsunit@courts.ie)) or on the publications section of our website: [www.courts.ie](http://www.courts.ie).



The report was presented to the new Minister for Justice, Equality and Law Reform, Mr. Brian Lenihan T.D., by the Chief Justice, Mr. Justice John L. Murray

## The Court Of Criminal Appeal

- 244 new cases received and 329 disposed of
- 4<sup>th</sup> successive year that the Court disposed of more cases than it received
- While there was a 5% reduction in new appeals lodged, there was a 13% increase in appeals concluded, due to the increased number of sitting dates
- By the end of 2006, only 19 of the appeals carried forward had been lodged prior to 2005 and only 35 prior to 2006
- Average waiting times were consistent with 2005 levels (7–9 months for conviction cases and 6–8 months for sentence appeals)

## The Supreme Court

- 484 appeals lodged in the Supreme Court, an increase of 9% compared to 2005. 237 appeals disposed of. 57 appeals lodged by appellants in person (or almost 12% of the total number)
- Appeals from persons in custody continued to decline from 55 in 2004 to 16 in 2005 and just 6 in 2006
- 10 High Court family law appeals in 2006, a significant increase on 2005 when there were 4
- 100% increase in appeals in the judicial review asylum category, with 24 in 2006 compared to 12 in 2005

## The Central Criminal Court

### Murder:

- 33 new cases, a reduction of 6% on the 2005 figure of 35
- Average length of a trial was 8.8 days
- Plea of not guilty in 80% of cases (42 out of 52) (leading to full hearing before judge and jury)
- 9 trials ended in acquittals and 39 in convictions
- 15 murder convictions, 18 manslaughter convictions and 4 convictions for lesser offences

### Rape:

- 58 new rape and sexual assault cases, an increase of 32% compared to 44 in 2005 although only 45% of the numbers in 1998/1999
- The average time for a trial was 5.3 days
- Plea of guilty in 40% of trials
- 60% pleaded guilty to charges
- 15 of the 23 trials before a judge and jury resulted in a conviction and 8 in an acquittal.

## The High Court

**New cases:** Overall increase of 17.5% in the number commenced (15,463 as compared to 13,126 in 2005)

**Personal injury:** 2,673 summonses issued compared with 746 in 2005

**Revenue Summonses:** up 29% from 704 in 2005 to 901

**European Arrest Warrant applications:** 171 made in 2006, almost three times as many as the 61 applications in 2005

### Asylum related judicial review:

- 909 new cases, an increase of 15% on the 2005 figure of 790
- 86% completed in 24 months or less (35% commenced and concluded in 2006, 51% commenced in 2005 and concluded in 2006)
- 10% of all written judgments related to asylum cases

### Commercial List:

- 50% of cases concluded in less than 14 weeks, 75% in less than 25 weeks, 90% in less than 45 weeks
- 9 weeks from entry to the List to allocation of a date for hearing and 18 weeks from entry to the List to conclusion of the action (average times)



# Children and the Courts

The courts have a major role to play in protecting children at risk, in deciding on appeals relating to adoption, in diverting children away from crime and in the protection and repatriation of children wrongly taken or abducted from another country to Ireland. Below we give an overview of the specific work the courts undertook on behalf of children in 2006:

## International Child Abduction

- 50% increase in cases with 46 new cases compared with 31 in 2005 and 27 in 2004
- Country of habitual residence was United Kingdom in 35% of cases and United States of America in 15%
- Applications also made in respect of children from Poland, Latvia, Estonia, Hungary, Germany, France, Spain, Finland, Northern Ireland, Australia, New Zealand and South Africa

## Children breaking the law and before the courts

Outcomes of cases involving juveniles in 2006 indicate that detention is only used for older children and that the diversion aspects of the Children Act are being increasingly used for younger children. No twelve or thirteen year olds were committed to detention centres in 2006. Detention orders were made in respect of 4 fourteen year olds, 24 fifteen year olds, 62 sixteen year olds, 117 seventeen year olds and 118 eighteen year olds

- 9% decrease in number of children detained – from 441 in 2005 to 339 in 2006
- Children sent forward for trial to a higher court deceased from 131 to 121, almost 8%
- Community service and prohibition orders increased by almost 50%
- Adoption cases before the High Court trebled from 8 in 2005 to 24 in 2006.



Left to right: CEO, Mr. P.J. Fitzpatrick, Chief Justice, Mr. Justice John L. Murray, Minister for Justice, Equality and Law Reform, Mr. Brian Lenihan T.D., Information Officer, Ms. Helen Priestley, at the presentation of the Report.



## Crime in the District Court

Criminal cases dealt with in the District Court increased by 10% in 2006.

**Summary cases:** increased by over 9% from 302,134 to 329,775.

**Indictable cases** (which can go the Circuit Court for judge and jury trial) dealt with summarily by the District Court: increased from 41,374 in 2005 to 48,272 in 2006, an increase of almost 17%.

**Drug related offences:** most significant increase with 8,842 dealt with, an increase of more than 26% on the 2005 figure of 7,003.

**Larceny:** increased by over 16%, from 20,969 in 2005 to 24,463.

**Public order/Assault:** increased by just over 4% in 2006, from 37,119 to 38,700.

## The Circuit Criminal Court

- Trials dealt with increased by 21% in two years – 2,566 in 2006, up from 2,118 in 2004
- Appeals against verdicts and sentences of the District Court decreased to 6,545, down from 11,634 in 2003 – a reduction of 44%
- 2,039 (79%) pleaded guilty compared to 1,844 (84%) in 2005
- 153 defendants were convicted by juries representing almost 7% of number disposed of
- 46% (1,214) of all defendants were dealt with Dublin
- 85% of Dublin defendants pleaded guilty, just over 5% were convicted by a jury and almost 6% were acquitted by a jury
- Almost 74% of defendants outside Dublin pleaded guilty, 6% were convicted by a jury and almost 10% were acquitted

Sentences in Circuit Criminal trials	Dublin	Provinces	Total
Imprisonment up to 2 years	362	199	561
2–5 years	294	272	566
5–10 years	44	50	94
10+	2	3	5
Suspended sentence	596	457	1053
Community service	71	11	82
Fine	32	63	95

- Waiting times for Circuit Criminal trials are below 6 months in many areas including Wexford, Meath, Offaly, Roscommon, Monaghan, Longford, Limerick, Galway, Clare, Louth and Cork and in some of these area they are below 3 months

# Getting a new name is on the way up

One of the services uniquely provided by the High Court is change of name by Deed Poll. There was an increase of 33% (2,504 in 2006 compared to 1,885 in 2005) in the numbers of persons applying to register a change of name. Gerry Curran offers some reasons for the increase and explains how the procedure works:

There could be many reasons for the latest increase. As Ireland's population diversifies, a growing number of applications are being made by non Irish nationals. They require a licence from the Immigration and Citizenship Section of the Department of Justice, Equality and Law Reform to register a Deed Poll.

A glance at the history of other countries shows that it's very common when arriving and establishing yourself in a foreign land to localise your name. This was particularly the case for the Jewish and non English language immigrants into the United States over the past century or more.

Couples who cannot marry for one reason or another – such as one partner not being divorced or they are a gay couple – sometimes avail of the Deed Poll route to adopt the same family name.

A plethora of other reasons can be behind people changing their name in this way, such as maybe avoiding notoriety resulting from publicity, a public scandal, financial difficulties or any other reason for not wanting to be associated with a past name. It is



Elton John... what's in a name?

important to note that this process does not hide a person from responsibilities or from the authorities.

A Deed Poll is somewhat unusual as a legal document in that it is entered into by only one person. So in effect it is a Deed with yourself. In the case of a change of name, the Deed Poll is used to let it be known that the person will only use the new name and no other. They can 'enrol' a sworn copy of the Deed Poll with the Central Office of

the High Court. This means that the document is included on a roll of Deeds. The 'enrolled' Deed can be copied and attached to birth certificates and other legal documents to resolve future identity complications. The name on a birth certificate is never changed by this process.

Can you change your name to anything you like? Well it seems that you can. At least the Central Office will not refuse a Deed Poll on the basis that the name is odd or unusual or even that it is the same name as a famous person. But you might find yourself in trouble if you changed to the name of a famous singer and started advertising for business. Your more famous namesake might not take too kindly to being impersonated.

"We tell people that it is a serious decision that will affect their lives" says Paula Healy, Registrar of the High Court Central Office. "Calling yourself Elton John could actually bring you more trouble than it's worth!"

You can find out more about the Deed Poll process on the Courts Service website, [www.courts.ie](http://www.courts.ie) in the 'Office and Maps' section or by using the 'search' button on the Homepage.

## Calling all practitioners! Want to keep up to date with changes to court rules?

Look on the Courts Service website ([www.courts.ie](http://www.courts.ie)) for the most up to date source of District, Circuit and Superior Court Rules and forms. View amendments and additions as they become available.

To locate them, go to the Rules and Fees section of the website. Where a statutory instrument inserts a new order into the Rules, we include the new order in the Index of Rules. Where a statutory instrument inserts a new appendix or schedule to the rules, we include the new appendix / schedule in the list of Appendices / Schedules. All other amendments are appended to the relevant order, appendix or schedule.

For the authorised version of any Court Rule / Fees Order contact the Government Publications Sale Office, Sun Alliance House, Molesworth Street, Dublin 2.

The screenshot displays the Courts Service website interface. At the top, there is a navigation bar with links for 'Home', 'About Us', 'Contact Us', 'Privacy Policy', and 'Terms & Conditions'. Below this, a search bar and a list of links for various court services are visible. The main content area is titled 'Rules & Fees' and includes a welcome message from the Courts Service. It lists various court rules and fees, such as 'District Court Rules', 'Circuit Court Rules', and 'Superior Court Rules'. There is also a section for 'Online Services' and a 'Search' button. The footer contains copyright information for the Courts Service of Ireland, 2001.



# What's happening with Civil Case Management?

Nuala McLoughlin, Project Sponsor, brings us up to date with the developments taking place in the project:

The Courts Service ICT strategy for the period 2006 – 2010 recommended that as a first step towards an integrated case management solution, civil and family law processes be reviewed with the objective of standardising, in so far as possible, processes across regions and jurisdictions, improving efficiency and customer service. The review will also re-design processes so as to support the introduction of a single integrated case management solution and the delivery of eServices.

In recent editions of the Courts Service News the project team explained the background and purpose of the project:

- To document our existing civil and family law processes (the “as is”)
- Make recommendations for simplification and standardisation where appropriate and feasible

- To document the processes we should use in the future (the “to be”)

Workshops and interviews to document the “as is” processes have been completed. The project team have worked with staff in Dublin offices as well as Naas and Limerick District Court offices and Cork and Roscommon Circuit Court offices.

Detailed descriptions of civil and family processes have been validated by managers and staff in these offices. The “as is” report is currently being scrutinised by a quality assurance group before being presented to the Project Board.

The preparatory work for the second stage of the project – the development of a high level series of “to be” processes has commenced. The project will culminate in the development of a detailed set of “to be” processes.



**Darach Green** has recently been appointed programme manager for the development of the integrated case management solution. Darach joins the project from the ICT Directorate and prior to that worked in the Circuit Criminal Court office in Dublin.



**Stephen McCartney** has also joined the existing project team. He previously worked in the Central Office of the High Court and the Supreme Court.

We're always interested to hear about improvements, especially in the technology area in other jurisdictions. We noticed that the Northern Ireland Court Service (NICtS) has recently introduced an Integrated Court Operations System (ICOS). Given the work being undertaken on our Civil Case Management System, we asked Jacqui Durkin, Head of Operations, NICtS to tell us more about the recent project:

“We have recently implemented a single integrated ICT system with a common electronic platform for civil, criminal and family business. ICOS has transformed traditional manual processes across all court tiers and in all areas of court business. Court Clerks enter results in ‘real time’ in the courtroom making case information readily available and easily accessible to all authorised users from any court venue. Digital audio recording facilities are integrated with ICOS to reduce duplication and enhance case records.”

Jacqui points out that “in reality, ICOS is more than just the implementation of a new ICT system; it is a complete business transformation programme putting customers at the centre of the business while delivering real business efficiencies.

It has supported the creation of two service centres that provide more

efficient centralisation of back-office court processes. The Civil Processing Centre processes county court proceedings up to the point of listing and post court order production. Our Customer Service Centre has centralised payments into court offices, jury management functions and default warrant issue.

ICOS enables a wider choice in how our customers transact business; at any of our court offices, on our website at [www.courtsni.gov.uk](http://www.courtsni.gov.uk), or by telephone.

ICOS has facilitated online services such as: search facilities and Small Claims online and Copy Court Orders online will go live in the autumn.”

The next major step is the integration of ICOS with the Causeway Programme, an innovative system establishing electronic links between the main criminal justice agencies in Northern



Northern Ireland Court Service Minister, Mr. David Hanson MP with Ms. Jacqui Durkin, Head of Operations and Mr. David Lavery, Director, Northern Ireland Court Service at the ICOS celebrations in Hillsborough Castle

Ireland.

If you would like to find out more about ICOS, please contact the Northern Ireland Court Service Information Service at 028 9041 2387 or email us at [informationcentre@courtsni.gov.uk](mailto:informationcentre@courtsni.gov.uk)

# Supporting staff to improve their skills

So you come across a course you know would improve your workplace skills. You are prepared to undertake the course in your own time. Did you know that the Courts Service will support your efforts by providing financial and other assistance to get you on the road and keep you there? Fiona Farrell of the Training Unit explains:

The skills needed by Courts Service staff today are many and varied. "We need staff with appropriate skills and expertise levels across a broad range of areas including management, finance, customer service, public administration and information and communications

**"The organisation as a whole benefits when staff bring new or improved skills to the workplace"**

technology," according to Fiona. "While we operate a comprehensive internal training programme we also encourage staff to engage in courses outside of working hours and reward them for doing so by refunding the fees involved. We see this as a worthwhile investment. The organisation as a whole benefits when staff bring new or improved skills to the workplace."

Support is provided by reimbursement of course fees at the end of each academic year. There is also a provision for paid leave for study and examinations. As with any kind of leave, prior approval must be sought from the line manager and the official examination timetable must accompany the application for the leave. There is an entitlement of up to 5 days paid study leave and up to 5 days unpaid study leave in each academic year (the 5 days paid and/or unpaid study leave is reduced pro rata for jobholders who are work sharing) and leave is given for the duration of

each examination.

So what sort of courses are supported? "The general rule is that the course being pursued is deemed to contribute to the personal development of the individual and the operational and developmental needs of the department/office. So while tantric yoga may contribute to your personal development I would have great difficulty convincing the Department of Finance of its relevance to your job in the Courts Service!," says Fiona. The types of course which are generally accepted are accountancy, business and management studies, human resource management, information technology, public administration, law and professional courses for professional/ technical grades.

**"It is important to acknowledge publicly the great education support system available within the Courts Service which, no doubt, assisted me greatly in achieving my desired goal"**

"The bottom line is that we must be satisfied that the course is relevant to the person's employment and is pursued primarily in the jobholders own time," says Fiona. "Courses must also be provided by a recognised educational institution or professional body and must lead to a second or third level educational, professional or vocational qualification."

To obtain a refund of fees, staff must have completed the full academic year and have a satisfactory attendance record and they must have evidence of having sat the relevant examinations and



Fiona Farrell

receipts for the fees paid. They must also agree that if they leave the Civil Service before completing one year's service in respect of each academic year or course period for which payment has been made they will refund that payment to the Courts Service. For example, an officer undertaking a three year course will be required to provide three years service after completion of the course.

Staff who have benefited from the scheme include Rosemary Brady of Cavan Circuit Office who received an honours diploma in Public Management earlier this year. "I would encourage others to take up the challenge," Rosemary told us. "It is important to acknowledge publicly the great education support system available within the Courts Service which, no doubt, assisted me greatly in achieving my desired goal."

**Full details of the Refund of Fees Scheme, the procedure for applying and all relevant forms are posted to 'Courts Information> Human Resources> Training> Refund of Fees Scheme July 2007'. Queries can be emailed to TrainingCentre@courts.ie.**



Rosemary Brady receiving her Honours Diploma in Public Management





# Huge increase in drink driving cases

**New figures released by the Courts Service over the summer months show an increase in three major areas of road traffic crime. The outcomes of specific offence categories are outlined below were major increases in the numbers of cases being dealt with by the courts occurred.**

## Drink Driving cases dealt with up 79%, as 804 people receive a prison or detention sentence

The District Court dealt with 27,826 drink driving cases last year up from 15,540 in 2005. 531 of those convicted were the subject of orders for detention or imprisonment, almost 11,000 received fines and 11,277 were disqualified.

The ever present need to reduce road deaths can be achieved in many ways. They include education, peer and community pressure, driver vigilance and laws. One of the most public ways we, as a society, curb bad and criminal driving is in the detection, prosecution and court appearance of the drivers involved.

## Dangerous Driving cases dealt with up 51%

A total of 6,721 cases of dangerous driving came before the District Court last year – up from 4,448 in 2005. Sentences for those convicted included 421 prison sentences, 1,239 fines and 1,200 disqualifications.

Overall the introduction of random breath testing and the automatic prosecution of fixed penalty charge defaulters contributed to a 12% increase in the number of road traffic cases disposed of, up from 198,412 in 2005 to 222,376 in 2006.

## Unauthorised taking of a vehicle up 27%

The cases of stealing cars and other motor vehicles rose by 27% last year up from 1,776 in 2005 to 2,254 last year.

# High Court goes nationwide

**We were interested to hear that the High Court is sitting more and more often in venues around the country. So what has prompted this move out from the Four Courts and is it making a difference? We caught up with Principal Registrar, Ciarán Kelly to find out:**

“The High Court in the provinces is not a new phenomenon,” says Ciarán pointing out that for many years personal injury cases and appeals from the Circuit Court have been dealt with in a variety of venues. “What has changed is the addition of Central Criminal Court cases and a range of non jury and chancery cases on the civil side. The result is that at any time the High Court is likely to be sitting in some other location as well as in the Four Courts in Dublin.”

A number of factors have combined to ensure the success of this venture by the President of the High Court. The improvement in court facilities has been crucial. The major court building construction and refurbishment programme completed over the last seven years means that in the vast majority of counties there is a sufficient number of modern courtrooms and associated facilities to accommodate increased sittings of the courts.

“The High Court has availed of these improvements,” Ciarán notes. “Of no less importance was the appointment of additional judges earlier this year. They have allowed us maintain the number of sittings in Dublin while arranging additional sittings around the country.”

“Earlier this year the High Court dealt with chancery cases in Naas and Tralee and non jury cases in Dundalk and Bray,” says Ciarán. “And there were sittings of the Central Criminal Court in Cork, Limerick and Galway.”

A glance at the schedule for the October to December 2007 court term shows that non jury cases will be dealt with in Cork, Castlebar and Limerick while the Central Criminal Court will sit in Cork and Tralee. “This is in addition to the usual High Court sittings to deal with personal injury cases which continue in Cork, Galway, Limerick, Waterford, Sligo, Ennis and Dundalk. And Circuit Court appeals continue to be heard in all circuits.”

The figures show that between October and December 2006 the High Court sat for 45 days outside Dublin over and above the usual personal injury and circuit appeal dates. This is set to increase to 120 days during the same period in 2007.

“Increased sittings speed up access to justice by allowing us schedule more cases. Dealing with cases locally helps all involved in litigation by eliminating travel, accommodation and other costs associated with hearing all cases in Dublin,” adds Ciarán.



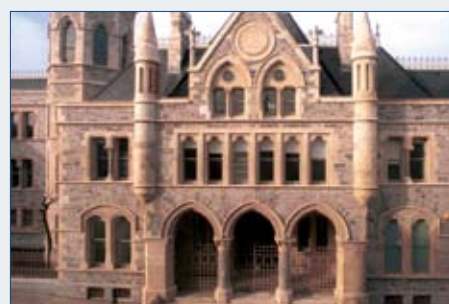
Ennis Courthouse



Castlebar Courthouse



Cork Courthouse



Sligo Courthouse

# Courts Accounting System goes live

It has been a momentous year for the Courts Accounting System (CAS) which aims to improve the processing of such matters as fines, bail, family law maintenance, poor box and court fees. We thought that now would be a good time to bring you up-to-date on what's happening and to give you a sneak preview of the plans for the coming months.

To do this, Shay Keary sought the views of staff from around the country who have been involved in the project to date and asked them how things are going:



Hilda McDermott

**Hilda McDermott, manager of the Courts Central Accounts Office (CCAO), talked to us late last year about the establishment of this new office. This office is playing a major part in the deployment and support of CAS. We caught up with her again recently.**

**Can you give our readers a brief recap of what the CCAO does?**

The office is a Shared Service centre to support the financial activities of the District Court offices. We manage CAS and provide support to the system's users. We've taken over the management of payments out to the creditors of District Court proceedings, for things like Family Law maintenance payments, payments of fines etc for those offices involved in the pilot phase of the project. As we move beyond the pilot phase more and more District Court offices will come to rely on us to support their financial transactions.

**This office is relatively new and represents a major change for the Courts Service. Tell us about progress to date.**

It is a big change for the organisation. We have centralised and automated a lot of work previously carried out at local level and now carry out this work more efficiently. Since the CAS system went live in February, five Dublin offices

came on line in April and our first provincial offices (Sligo and Naas) have come on board since then.

It's been a steep learning curve for us all but I think the hard work and dedication of the staff in both the CCAO and the District Court pilot offices has allowed us to make great progress and I'm confident that we can continue this on into the roll out.

**How has the project improved Customer Service?**

The creation of the office and the implementation of CAS gives us a platform to expand and improve the range of services we provide. Already, we have introduced Electronic Fund Transfer (EFT) payments to our creditors. For example, we now pay over 50% of family law maintenance payments for Sligo directly to the creditors' bank accounts and already have a 30% take up of the facility in the Naas District Court office.

Payments to Poor Box creditors or for costs and compensation orders have been speeded up significantly. In the old system, this could only be done once a month as it was time consuming to calculate what monies were due. We

now make payments on a weekly basis to these creditors. In Dublin, refunding bail has also been speeded up with funds being automatically refunded directly on completion of the case.

**Sligo District Court office has been a pioneer before for CAS as it is one of the six offices that have been working on the old version of CAS. They have now transferred across to the new version of the CAS. We asked Bill Cashell, Chief Clerk, to tell us about how they are getting on.**

**How does the new system compare to the old?**

Very much improved with more streamlined and efficient methods of family law receipting and creation of case details. Also, it has speeded up the receipting procedure for fines to a great extent.

**What impact has the change had on your office?**

As all payments are now made from CCAO, it has removed the necessity to balance new accounts etc. It has also removed the necessity to download standing orders and issue



Bill Cashell, Chief Clerk, Sligo District Court Office (3rd from right), with staff from the office. Also included are: Sean Quigley, Director of Finance (extreme left) and Shay Keary, Finance Directorate (extreme right).





Naas District Court Office staff, left to right: Valerie Keane, Declan Curry (Chief Clerk), Deirdre Lennon and Aifric Hurrell

maintenance cheques. This should free up considerable time especially for staff performing these particular responsibilities. The true impact will not be felt in this office until later in the year.

#### **Has there been any feedback from your customers?**

I have received no negative feedback on new procedure. A number of creditors in family law have expressed their appreciation for the new EFT facility, whereby their maintenance is credited weekly to their bank accounts. There is no reason why any parties should not be other than happy with the new procedure. Occasionally we only hear comments if something goes wrong so no news maybe good news.

#### **Would you recommend it to other offices?**

I feel the system, with a full set of updated manuals, will be a very welcome facility for all offices. The saying "NO GAIN WITHOUT PAIN" may apply to non CAS offices during the transition to CAS but the potential rewards will be well worth the effort.

**Naas District Court started using CAS on the 27th August so, with it still fresh in his mind, we asked Declan Curry to share the experiences of the office in preparing for the introduction of CAS.**

#### **You've just gone live with CAS. How's it going so far?**

I think it's going well, there are less teething problems than I'd expected but maybe that's because of the on site

support we currently have. The real proof of the system will come when the courts restart and the full range of court business is being dealt with (i.e. Bail, Civil Enforcement etc). While the training was of great benefit to demonstrate how the system would work, it's no substitute for the real operations which we're dealing with now.

#### **What preparation did you need to undertake before go-live?**

The main area of preparation was the family law data transfer. The first thing to do was to identify all the active files or cases that have had payment against them in the last twelve months. We then had to complete spreadsheets provided to us by the CAS Project team to capture all the relevant details for maintenance debtors and creditors including case or file number (specific to the office), names and addresses, children's names and dates of birth (vital information), bank account details and note of the order of the Court for each case.

The whole operation was completed over a six to seven week period with most of the work done after business hours. It was a great achievement by the staff who undertook the task.

#### **Do you have any tips for other offices when they are implementing CAS?**

It would help to give the office three months notice before going live to prepare and review the family law files. Issues of concern to the CCAO and the CAS Project team are not immediately identifiable by District Court staff on the ground. These may range from debtors who have build up a large credit balance or who have increased

their payments out of line with the court order. Such issues should be regulated where possible. Up-to-date names and addresses should be established. If not the practice, all due consideration should be given to the use of standing orders as a means of payment and where possible, obtain bank account details of the creditors (this prepares the way for payment by EFT).

#### **Would you recommend CAS?**

Highly recommend it. It's a great boon to the office. Apart from removing the drudgery of manual receipting of payments and issuing of cheques, reconciling of monthly balances is also gone.

**Now that CAS has been implemented, is activity slowing down? Not a bit of it! Shay Keary, Project Manager, tells us about the plans for the coming months.**

While 2007 has been a very fruitful year for the project, really it's only the start. We are still in the pilot phase and we have just started to review its outcome against the goals we set ourselves. Without wanting to pre-judge the full review, the evidence to hand gives us sufficient confidence in the success of the project to begin to look beyond the pilot.

We will complete the review of the pilot by the end of the year but in tandem we'll start work on a number of other areas. In the coming weeks we will:

- Beginning the process of transferring the remaining offices still working on the old version of CAS to the new version
- Formulate and agree a strategy with the Regional and the District Court management to roll CAS out to all remaining District Court offices
- Deploy a website for payment, via the internet, of court imposed fines
- Identify any improvements we can make to the system and develop these enhancements

We've learned a lot over the last six months and we'll be applying the experience we've gained in Naas, Sligo and the Dublin offices during the rest of the project. We look forward to working with many more offices in the coming months. I'm sure together we can continue to make this project a success.

# Southern Court Clerks – a fresh approach to training

A recent conference for Court Clerks of the Southern Region was not only a big success but a first for the Courts Service. The conference brought clerks from the Circuit Court and District Court together to explore matters of mutual interest. We spoke to David Colbert of our Southern Regional Office, organiser of the event:



Left to right: Mary Crowley, Cork Circuit Court, David Colbert, Ruth Penney (both Southern Regional Office), Noel Chambers, Chief Clerk, Limerick District Court, Elaine Jones, Southern Regional Office, Eamon Kiely, Southern Regional Manager, James V. Woods, former Chief Clerk, Limerick District Court.

"The conference gave us an opportunity to bring court clerks from across the region together for the first time. We were delighted to welcome 46 colleagues on the day. We focused on the Children Court, because of the recent legislative changes and the procedures for dealing with children by the court. We also explored how best to manage a court," David explains.

Given their vital role in the administration of the courts, the conference provided the clerks with a valuable opportunity to keep up with changes in legislation and in practice and procedure affecting their work. "Conferences also enhance the role of the court clerk," says David. "We can update the corporate knowledge that is lost due to retirements and other staff movements. And we can afford clerks an opportunity to learn from each other and so assist in the development of best practice."

So what was on the Agenda for the day? Southern Regional Manager, Eamon Kiely, spoke about 'Valuing the role of Court Clerks' while Terry Agnew of Organisation Development and Training outlined the 'Role of The Court Clerk'.

There was a lot of interest in what Noel Chambers, Chief Clerk of Limerick

District Court Office had to say about 'Managing your Court'. He covered a number of important areas including the appointment of District Court Clerks under section 46(2) Court Officers Act, 1926 and the assignment of duties in section 48 of the Act. He also highlighted the role of the judiciary under section 65(2) Court Officers Act, 1926.

"He reminded us that every court official with a role in the listing of cases is obliged to carry out those duties in a fair and reasonable manner which avoids any possibility of a miscarriage of justice. He pointed out that the District Court is a Court of Record in which the formal order is the only evidence of the Judge's decision (Ss. 13 and 14, Courts Act, 1971). It is therefore very important that the correct decision is recorded," David adds.

"Mary Geaney, National Manager of

the Residential Units of the Irish Youth Justice Service (IYJS) spoke about the work of the Service and in particular their mission in relation to children," David continued. "The Service is a new executive office in the Department of Justice, Equality and Law Reform and will be working in the same environment as us. Changes to the Children Act, 2006 provided for the remit of the IYJS in areas of detention as well as changes to the age of criminal responsibility and the introduction of a system of behaviour orders (ASBOS) for children. Of particular interest to court clerks was the whole area of detention centres for children. From the 2nd January 2007 the IYJS became responsible for 77 beds in detention units in Finglas Child and Adolescent Centre (18 beds), Oberstown Boys School (20 beds), Oberstown Girls School (12 beds) and Trinity House (27 beds). The IYJS provides a 24/7 referral phone number to check availability."

Retired Chief Clerk of Limerick District Court Office, James V. Woods, is a well known author of a series of books on District Court Practice and Procedure. The court clerks were glad of his examination of the changes to procedure and legislation following the enactment of the Children Act, 2001.

"Jim was at pains to point out that many of the provisions of the Act have either been amended or substituted by parts 12 and 13 of the Criminal



Left to right: Eamon Kiely, Southern Regional Manager, Mary Geaney, National Manager, Residential Units, IYJS, David Colbert, Southern Regional Office.





Paul Cosgrave, Mallow District Court registering for the conference with Elaine Jones, Southern Regional Office.



Speakers on the day from left to right: Noel Chambers, Chief Clerk, Limerick District Court, Terry Agnew, Training Officer, James V. Woods, former Chief Clerk, Limerick District Court.

Justice Act, 2006," David explains. "It was a major plus for court clerks that Jim highlighted a number of forms to be updated to take account of recent changes in legislation. He also provided some practical information on office procedures in relation to keeping files on children cases."

Interpretation services can invoke quite a reaction as Mary Crowley (recently appointed Chief Clerk of Cork Circuit Office) found out. "Mary was involved in setting up the new contract on a

national basis," David explains. "She explored the entire area including the background to the awarding of the contract, how you book an interpreter and how you organise payment. The lively question and answer session that followed her presentation identified the difficulties that are arising from the new service."

A busy programme packed with useful information for all was the verdict after the event. "Thanks for a most informative and enjoyable conference.

I am looking forward to the next one. Jim Woods and Noel Chambers contributions will be extremely relevant and helpful to me in carrying out my daily duties," said Mary Linehan, District Court Clerk in Cork. Her sentiments were echoed by Miriam Stack who found the conference "very informative and was glad of the opportunity to network with colleagues."

Looks like David has hit on a winning formula. We look forward to catching up with him again next year.

## International Association for Court Administration to hold major conference in Dublin

**The Third Conference of the Association will be held in Dublin Castle from 21st to 23rd of April 2008. Details are available on the association website [www.iaca.ws](http://www.iaca.ws).**

Founded in 2005, the Association promotes improved court management and administration in all countries and fosters professionalism and collegiality among those who serve in court systems throughout the world. The Association welcomes new members. Contact Noel A. Doherty of the Courts Service Reform and Development Directorate at 01 8886760 (email: [nadoherty@courts.ie](mailto:nadoherty@courts.ie)) for details.



# Time for change as District Court areas are reorganised

The recent review of District Court venues, sittings and workloads was a long time coming but very welcome nonetheless, as Gerry Curran explains:

There hasn't been a full review of the work of the District Court for 46 years. The Ireland of today is a whole lot different from the Ireland of 1961 when the District Court (Areas) Order was last reviewed. The population explosion particularly in the eastern half of the country has brought increased demands for court services in many counties. Many improvements have been made to assist those using the courts, most noticeably in the area of the building stock where facilities have been substantially improved.

These improvements needed to be complemented by a restructuring of the work of those courts where the majority of court business is carried out. The District Court, the busiest court in the country, saw the biggest impact on workload and continued to experience an uneven distribution in court business in counties such as Kildare, Meath, Wicklow and Wexford.

The recent review took increases in population into account as well as a number of other factors such as demographic and social changes. It also

looked at the change in infrastructure and in areas of commercial and other activity, including improvements in roads. It also examined increased road use and the increased availability of transport over the years.

Each county was considered individually (except Dublin) and an assessment of their court venues and respective annual caseloads made. "We consulted with judges, chief clerks and regional managers to find out the best way to distribute the business on a court venue and district basis," Director of Operations for the Circuit and District Courts, Diarmaid MacDiarmada tells us. "We decided to revise the districts on a phased basis with the first phase to begin in January 2008. Insofar as practicable we have organised venues on a county boundary basis."

The first phase will broadly consist of the following counties: Waterford, Wexford, Wicklow, Kildare, Carlow, Kilkenny, Louth, Cavan, Monaghan and Meath. There will be two new districts

and new extra fulltime judges assigned in this new set up.

There are court sitting days approximately 16 days per month, i.e. 4 days per week over the first 4 weeks of the month. "We have retained existing court sitting days where possible to a degree of more than 70%," Diarmuid explains. "While each district will have dedicated days at the principal court venue for the hearing of family law cases it will not preclude urgent cases from being heard at any court venue in the district. All courts will commence sitting not later than 10.30a.m."

As for venues that will be amalgamated, the following will amalgamate with their neighbouring District Electoral Areas: Kilmacthomas, Rathdrum, Dunlavin, Tullow, Thomastown, Dunleer, Carlingford and Ballybay.

The tables below set out the revised districts, court venues and sittings. These will be available on our website [www.courts.ie](http://www.courts.ie) when the first phase begins in January.

## District No. 5 Cavan / Monaghan

Venues: Arva, Bailieborough, Ballyconnell, Carrickmacross, Castleblayney, Cavan, Clones, Cootehill, Monaghan, Virginia

Schedule of sittings:

	Monday	Tuesday	Wednesday	Thursday	Friday
1st	Virginia	Castleblayney	Monaghan	Cavan	Bailieborough
2nd	Ballyconnell	Monaghan	Carrickmacross	Cavan	Monaghan
3rd	Castleblayney	Cootehill	Clones	Virginia	Bailieborough
4th	Carrickmacross	Monaghan	Arva	Cavan	

## District No. 6 Louth

Venues: Drogheda and Dundalk

Schedule of sittings:

	Monday	Tuesday	Wednesday	Thursday	Friday
1st		Drogheda	Dundalk	Dundalk	Drogheda
2nd		Dundalk	Dundalk	Drogheda	Drogheda
3rd		Drogheda	Dundalk	Dundalk	Drogheda
4th		Drogheda	Dundalk	Dundalk	Drogheda

## District No. 10 Meath

Venues: Ardee, Dunshaughlin, Kells, Navan and Trim

Schedule of sittings:

	Monday	Tuesday	Wednesday	Thursday	Friday
1st		Dunshaughlin	Navan		Trim
2nd	Ardee	Dunshaughlin	Navan	Kells	Trim
3rd		Navan	Navan	Kells	Trim
4th		Dunshaughlin	Navan	Kells	Trim

**District No. 16 Wicklow**

Venues: Arklow, Baltinglass, Bray and Wicklow

Schedule of sittings:

	Monday	Tuesday	Wednesday	Thursday	Friday
1st	Bray	Bray	Baltinglass	Wicklow	/
2nd	Bray	Bray	Arklow	Wicklow	
3rd	Bray	Bray	Arklow	Bray	
4th	Bray	Bray	Arklow	Wicklow	

**District No. 22 Carlow / Kilkenny**

Venues: Carlow, Castlecomer and Kilkenny

Schedule of sittings:

	Monday	Tuesday	Wednesday	Thursday	Friday
1st	Kilkenny	Kilkenny	Carlow	Carlow	/
2nd	Kilkenny	Kilkenny	Carlow	Carlow	
3rd	Castlecomer	Kilkenny	Carlow	Carlow	
4th	Kilkenny	Kilkenny	Carlow	Carlow	

**District No. 23 Wexford**

Venues: Gorey, Enniscorthy, New Ross and Wexford

Schedule of sittings:

	Monday	Tuesday	Wednesday	Thursday	Friday
1st	Wexford	Wexford	Enniscorthy	Gorey	/
2nd	Wexford	New Ross	Enniscorthy	Gorey	
3rd	Wexford	New Ross	Enniscorthy	Gorey	
4th	Wexford	New Ross	Enniscorthy	Wexford	

**District No. 24 Waterford**

Venue: Waterford City

Schedule of sittings:

	Monday	Tuesday	Wednesday	Thursday	Friday
1st	/	Waterford	Waterford	Waterford	Waterford
2nd		Waterford	Waterford	Waterford	Waterford
3rd		Waterford	Waterford	Waterford	Waterford
4th		Waterford	Waterford	Waterford	Waterford

**District No. 25 Kildare**

Venues: Athy, Kilcock, Kildare and Naas

Schedule of sittings:

	Monday	Tuesday	Wednesday	Thursday	Friday
1st	Naas	Naas	Naas	Athy	/
2nd	Naas	Kilcock	Naas	Kildare	
3rd	Naas	Naas	Naas	Athy	
4th	Naas	Kilcock	Naas	Kildare	

# The Courts Acts - Law Reform Commission sets the reform and consolidation ball rolling

You may have missed the launch of the Law Reform Commission's recent Consultation Paper on the Consolidation and Reform of the Courts Acts. So we asked Noel A. Doherty of our Reform and Development Directorate to tell us why we should have more than a passing interest in this important piece of work:

"The publication of this Paper marks the completion of the first phase of a joint project with the Courts Service and the Department of Justice, Equality and Law Reform to consider the task of consolidating into a single Courts Act the existing legislative provisions which prescribe the jurisdiction of the courts in Ireland," Noel explains.

We could all probably name a few Courts Acts. But are there lots of others? "Since the foundation of the State in 1922, almost 60 Courts Acts have been passed while up to 20 pre-1922 Acts which contain provisions relevant to the jurisdiction of the courts remain on the statute book," Noel says. "These latter include the Supreme Court of Judicature (Ireland) Act, 1877 and the County Officers and Courts (Ireland) Act, 1877, which introduced significant reforms to the organisation of the higher courts, and lower courts, respectively. Post 1922, perhaps the most important Courts Acts have been the Courts of Justice Act, 1924, the Courts (Establishment and Constitution) Act 1961 and the Courts (Supplemental Provisions) Act, 1961."

Those interested in court history will find much to interest them in the Consultation Paper. "Chapters 1 and 2 consider the history of the development of the courts in Ireland, and of court reform initiatives, including the Report of the Joint Committee on the Courts of Justice Act, 1924, the Working Group on a Courts Commission (1995 to 1998) and the ideas canvassed by former Chief Justice Keane in his lecture at University College, Cork in March 2001," Noel reliably informs us.

Reform is dealt with in a separate chapter. "Eight specific areas seen as offering potential for reform are examined. Among these are the case stated procedure, the in camera rule and proceedings heard in private, the appeals system in general including leave to appeal in criminal cases, and the monetary limits in the civil jurisdictions of the District and Circuit Courts. Following the examination and analysis of these areas, the Commission



At the launch of the Consultation Paper, left to right: Ms. Patricia T. Rickard-Clarke, Mr. Noel A. Doherty, Ms. Claire Bruton, Minister for Justice, Equality and Law Reform, Mr. Brian Lenihan T.D., Mrs. Justice Catherine McGuinness, Mr. Robert Browne and Professor Hilary Delany

has, in a number of instances, made provisional recommendations."

Chapter 4 sets out a model for a modern consolidated Courts Act. "In reaching their recommendation on the model, the Commission considered legislation in a number of other jurisdictions, including England and Wales, Singapore, New Zealand and Northern Ireland as well as reports of the Law Commissions in a number of jurisdictions."

The Consultation Paper includes a draft Bill for the consolidation and reform of the Courts Acts on CD Rom, comprising almost 400 sections and including a commentary on each provision. Submissions on both the Working Paper and the draft Bill are invited to be sent in writing by post to the Commission or by email to [info@lawreform.ie](mailto:info@lawreform.ie) by 30th November 2007. Both the Consultation Paper and draft bill may be viewed on the Commission's website at [www.lawreform.ie](http://www.lawreform.ie).

## Working Group established to assist the project

- Mrs. Justice Catherine McGuinness, President of the Law Reform Commission (Chair)
- Mr. Justice Hugh Geoghegan, Supreme Court
- Professor Hilary Delany, School of Law, Trinity College, Dublin
- Mr. Benedict Ó Floinn, Barrister-at-Law
- Ms. Patricia T. Rickard-Clarke, Law Reform Commission
- Mr. Raymond Byrne, Law Reform Commission
- Mr. Robert Browne, Department of Justice, Equality and Law Reform
- Mr. John Cronin, Department of Justice, Equality and Law Reform
- Mr. Noel Rubotham, Courts Service

Ms. Claire Bruton, Barrister-at-Law, acted as secretary and researcher to the Group



## More Information on Family Law

The third issue of 'Family Law Matters', produced as part of the Family Law Reporting Pilot Project, started by the Courts Service in October last year, will be available this month.

The project involves the production of reports, judgments, trends and statistics in family law, for the use of the judiciary, legal practitioners and the general public, and the three issues of Family Law Matters have sought to present this information in an accessible and reader-friendly way.

This current issue contains more material than its two predecessors, largely thanks to the contributions from a panel of additional reporters who joined the project during the year. The panel was drawn from the ranks of newly-qualified lawyers, who are already entitled to attend family law proceedings under the Civil Liability and Courts Act, 2004.

They are also covered by regulations made by the Minister, which referred to people engaged by the Courts Service to prepare reports on family law and, as part of the family law reporting project, are all bound by the Draft Protocol on Family Law Reporting, designed to protect the anonymity of the parties to family law proceedings.

Their contribution has made it possible to publish a substantial number of reports from District Courts in this issue, and they also contributed to certain other reports. Most applications relating to ongoing matters in family law disputes – domestic violence, guardianship, custody of and access to children, maintenance – are heard in

the District Court, which heard almost 21,000 such applications last year.

As this issue was in preparation the right of an unmarried father to custody of his children was being examined in the High Court in the context of a child abduction case. He had not previously obtained guardianship of the children, but had brought such an application following the removal of his children from the jurisdiction.

The case has been fully reported elsewhere, but in this issue we publish a few typical examples of such applications as they occur on a daily basis in the District Court.

We also revisit the issue of case progression in this issue. In the first issue the Limerick County Registrar, Pat Meghen, described a pilot project in his area where he held case conference meetings with solicitors and/or their clients to isolate the issues in dispute before the case went for trial, seeking to get agreement on as many issues as possible, and make progress on others, like the production of documents.

Our family law reporter attended a number of these meetings and then attended the court cases where the cases were finalised. The whole process is described in this issue.

The practice of publishing contributions from people who have an input into the



family law system continues though they may not be directly involved in the courts. In the last issue the Pensions Ombudsman, Paul Kenny, explained the problems that can arise with pension adjustment orders, and how to deal with them. Karen Erwin, President of the Mediators Institute of Ireland, considers why mediation is not used more, and how that could be addressed.

**Copies of previous reports are available on [www.courts.ie](http://www.courts.ie) under publications/General/ Family Law. The third issue will be available later in October.**

## Helping Customers in Family Law

The Dublin Circuit Family Law Office have improved the information available for customers with a new leaflet and a page on the website. Office Manager, Emer Darcy tells us more:

**How did the idea for the leaflet come about?**

"We found that we had to return documents for small issues, like incorrect folio numbers or no names signed at the end of a document. We made up a list of the most common problems and kept a record over one month. We found that 25% to 30% of documents had to be returned because of incorrect folio numbers alone."

The leaflet has helpful tips on filing documents. Questions like "do you have all the documents you need to begin proceedings?" are answered. The leaflet also has separate questions for applicants and respondents.

**And has the leaflet helped?**

"Yes, it has. We don't have to spend our time double checking or asking customers have they got everything.

When the leaflets were first left out on the counter they were gone in 10 minutes!"

**Call into the Dublin Circuit Family Law office for your copy of the leaflet or check out the 'publications' section of [www.courts.ie](http://www.courts.ie).**

# New approach to resolving family law issues

How many of those who have been through an unhappy relationship break-up have expressed the view, after a bruising court experience, that had they known what it was going to be like, they would have made far greater attempts to avoid going to court in the first place? 'Collaborative law' takes the court out of the process and has proved a useful solution for some couples as Gerry Curran reports:

As the reports in Family Law Matters show, many cases are settled on the day they are to appear in court. Yet this does not mean that the settlement was necessarily reached in an amicable manner nor does it exclude the possibility or probability that there had been a lot of acrimony and extended periods of negotiations before the settlement.

At a recent Courts Service seminar, John McDaid, Professional Liaison Officer with the Legal Aid Board shared some insights into how 'collaborative law' may offer another way to the cut and thrust, stalemate and ambush tactics which are features of our adversarial system of justice.

So how many would try this route? John explains: "Many experienced family lawyers will tell you that the answer is a very significant number. They'll tell you that where courts impose decisions on parties appearing before them, those decisions can often be unsatisfactory from everyone's perspective. They'll tell you about clients who have made settlements under pressure when their case is about to go before a judge, coming back to them weeks or months

**"where courts impose decisions on parties appearing before them, those decisions can often be unsatisfactory from everyone's perspective."**

later expressing disquiet about the settlement."

'Collaborative law' is a new dispute resolution model. At its core is a commitment on the part of the parties and their lawyers not to go to court or to threaten to do so, other than for the purpose of giving effect to a settlement, and to try and achieve by way of negotiation, a resolution that is fair and acceptable.

While the model, at the moment anyway, focuses on separation and divorce situations, John sees



John McDaid, Professional Liaison Officer at a recent Courts Service seminar.

"little reason why it can't in time be developed as a dispute resolution model in relation to single or multiple issues such as care and contact arrangements and financial support."

Some other features of the model are that the parties and their lawyers sign a participation agreement at the start of the process which includes not just a commitment not to go to court but also that they will work together respectfully, honestly and in good faith to try and find solutions to the issues arising from the break up of the relationship and that they will fully disclose their financial resources at an early stage.

There are a number of steps in the collaborative law process as John explains. "One significant feature of the process is the concept of the 'four way meeting'. This involves the parties and the lawyers sitting together over a series of meetings. The meetings are very controlled in the sense that they run to a prearranged agenda and do not give the parties an opportunity for meaningless 'points scoring'.

The early meetings concentrate on identifying the issues to be resolved and doing the preparatory work. They then move to the 'brainstorming' phase where the parties try and put together a list of possible options to resolve the issues.

The third phase is the bargaining phase. The key difference in this phase, as opposed to what might be

**"parties and their lawyers sign a participation agreement at the start of the process"**

regarded as conventional bargaining, is that the focus is on an interests-based style of bargaining rather than positional bargaining. In other words the parties try to reach solutions that accommodate the interests of both of them insofar as possible – rather than adopting positions and negotiating from those positions.

In the event that the bargaining phase is successful, the parties are allowed a period of reflection to ensure that they are satisfied that the proposed agreement is acceptable to them. The agreement is then finalised in whatever manner the parties have decided e.g., separation agreement, or an application to the court for a divorce on consent with agreed Order in relation to the issues."

The model was developed in the United States, England and Wales to allow family consultants, accountants, child specialists, pension advisors and others with a speciality that can assist families in crisis to contribute, with a similar commitment that they will not become involved in contested court proceedings.

"Those who are retained are likely to be able to speak more freely and to come up with more inventive and original solutions as they won't be 'looking over their shoulder' at the possibility of having to give evidence in the witness box," John says.

While the experience of the model has been very positive to date, it is acknowledged that it is not suitable for every case and there are undoubtedly cases that do need to go through the court process."

The Legal Aid Board, which employs around 90 solicitors in its law centres, is committed to trying to develop collaborative law as a meaningful option. The Board has published an information leaflet on the process copies of which are available from any law centre or from the Board's website [www.legalaidboard.ie](http://www.legalaidboard.ie).



# District Court Family Law facilities get a makeover

Dolphin House in Dublin houses the busiest family law office in the country dealing with thousands of District Court matters every year. For those using the court or the court office things just got a whole lot better. Shay Kirk of our Estates and Buildings Unit tells us of improvements works carried out over the summer months:



Building work begins on the reception area



The finished article

"There was no doubt that the existing accommodation in Dolphin House was not adequate to meet the needs of the family law office across the Dublin Region. There were a lot of things that needed to be attended to. We consulted with the judiciary, staff and court users in Dolphin House earlier this year and drew up plans to improve the facilities."

"We had to wait until the court wasn't sitting so we carried out the works during the summer months. The Family Law District Court sittings were transferred from Dolphin House to the Circuit Family Law Courts on the ground floor of Phoenix House while the work was going on. Work commenced at the beginning of July and was completed

at the end of September at a cost of approximately €3.5m."

The result is a fine facility with:

- Five new enlarged courtrooms with adjoining judge's chambers
- New office accommodation for staff with a public counter area and interview rooms
- Additional consultation rooms
- Legal practitioner's rooms and a separate room for the Legal Aid Board Solicitors
- A new waiting area for the public
- New signage to improve access throughout the building
- Access for people with disabilities
- A new reception desk with seating for the public
- Ventilation system



New access lift for people with disabilities

Shay is satisfied that the newly refurbished accommodation will "enable the District Court Family Law Office to provide a much improved service to their clients. The general environment and standard of accommodation has been greatly improved for all court users throughout the building."



Ann-Marie James and Seamus Glackin in one of the new courtrooms.

Left to right: Kevin Cuffe, Margaret Keenan, Fiona Molloy, Ellen Foley, Brigid Curtin and Joan Daly of the District Family Law Office.



# COSC – working to prevent domestic violence

A new office was established by the Government recently to deliver a well co-ordinated “whole of Government” response to violence against women and domestic violence. A former registrar in several Dublin courts including the Circuit Civil, Criminal and Family Law Courts and the Central Criminal Court has been appointed to head up the new agency. Gerry Curran spoke to Éimear Fisher about her new role and what she hopes to deliver:

Let's start by explaining what 'COSC' means. “It's an Irish word meaning ‘to put a stop to or to prevent’. Our remit is not limited to violence against women but includes all aspects of domestic abuse, including domestic violence against men and elder abuse, and all aspects of violence against women. It covers prevention and action following the occurrence of crimes in this area.”

**“Our remit is not limited to violence against women but includes all aspects of domestic abuse”**

But aren't there already a lot of other agencies dealing with the matter of domestic violence? What happens to them? “The State and non-governmental structures already in place to deal with violence against women will continue with support from COSC,” Éimear says. “These include the National Steering Committee on Violence against Women – established in 1997 following a recommendation of the Task Force on Violence against Women – and the Regional Planning Committees on Violence against Women.”

Prior to the establishment of the COSC, responsibility for this area within the Department of Justice, Equality and Law Reform was not the exclusive responsibility of any one division or section. “It was assigned to divisions with a wide number of other responsibilities. Responsibility for this area was further dispersed across a number of other government departments and agencies.”

For the first time there is now a dedicated, resourced office at government level, with the key responsibility and sole focus to ensure co-ordination and coherence in the State's response to violence against women and domestic violence.

COSC will collaborate closely with the service providers who support victims and treat perpetrators. Éimear explains



Éimear Fisher has worked in a wide range of posts from central government departments to State agencies. Most of these have been in the justice area including the Legal Aid Board, the Courts Service – where she served as registrar in several Dublin courts – and policy divisions in the Department of Justice, Equality and Law Reform. In recent years, Éimear's work has been focused on cross-cutting issues, including assignment as Deputy Director of the National Children's Office, and efforts to improve the State's assistance to victims of crime.

that the new agency will have a number of tasks. “These include working with government departments, agencies, and non governmental organisations (NGOs) in the sector to ensure the delivery of a well co-ordinated service to support victims of domestic violence and violence against women.”

**“For the first time there is now a dedicated, resourced office at government level, with the key responsibility and sole focus to ensure co-ordination and coherence in the State's response to violence against women and domestic violence.”**

Creating an awareness of what is available is always an issue. “We will develop and deliver strategies to ensure that victims are aware of the availability of services in their locality and that society is made aware of the extent and impact of behaviours and crimes of domestic violence and violence against women. We will also develop strategies to address the issue of violence against women and domestic violence in line with best international practice.”

COSC also plans to develop standards for service delivery and for training programmes which address domestic violence and violence against women. It's a busy programme which includes proposing legislative and policy change in the area. “We also plan to host a major international conference on the issue of domestic violence in the Waterford Institute of Technology in May 2008,” says Éimear.

“Domestic violence and violence against women are important crime issues. I am looking forward to working with those I know, and some I have yet to meet, in the State sector and in organisations which provide direct services to victims of domestic violence. I am very much in listening mode and am confident that we can work together to make a positive difference and to reduce victimisation in this complex and tragic area.”

**COSC, Department of Justice, Equality and Law Reform,**  
Level 3, Block 2, Harcourt Centre,  
Harcourt Street,  
Dublin 2.

Telephone:  
01-4086107  
01-4086108  
01-4086109

Fax:  
01-4086136.

## Solicitor is new Registrar



Mary O'Malley has been appointed County Registrar for Meath and replaces Marie Tehan, who retired recently.

A native of Allenstown, Kells, she will now take up responsibility for the Circuit Court in Meath and will also act as Returning Officer for future Meath elections.

Mary was head of the family law department in Steen O'Reilly Solicitors for the past two years. Prior to this she practised part-time with John C Walsh and Co in Dublin before returning to work full-time for Dermot Dempsey, Solicitor in Athboy, for three years before moving to Steen O'Reilly.

She specialised in family law from the outset having undertaken her apprenticeship with Gallagher Shatter in Dublin, before setting up her own practice at Brews Hill.

Mary was educated at Bohermeen National School, Eureka Convent Kells, University College Dublin and the Law Society. She is married to Kevin Costello and has five sons.

"I see my new job as County Registrar as a great opportunity and hope to continue in the tradition of the last County Registrar who had given great service," says Mary.

"I also feel that the role of Returning Officer will be a challenging one and I am pleased that I am not going into the job facing an immediate election."

*Courts Service News wishes Mary all the best in her new role.*

## New Legal year ceremonies

Pictured at the commencement of the new legal year at Church Street and Halston Street.



Left to right: Judge Peter Smithwick, the Papal Nuncio, Reverend Dr. Giuseppe Lazarotto, Mrs Justice Catherine McGuinness, President of the Law Reform Commission, Mrs Justice Susan Denham, Supreme Court and the Most Rev Dr John Neill, Archbishop of Dublin.



Left to right: Ann Doyle, Brendan Byrne, Mr. Justice Michael Peart and Mona Byrne



Left to right: Ms. Pauline Walley S.C., Mr. João Perry da Camara, Vice Chairman, Portuguese Bar Association and Mr. Justice Paul Carney, High Court



Left to right: Terence O'Keeffe, Law Agent Dublin City Council, Geraldine Clarke, Solicitor and Declan Sherlock, Solicitor, Revenue Commissioners.



Chief Justice and Archbishop Diarmuid Martin



## Sean O'Domhnail



In our March issue, Western Regional Manager, Brendan McDonald paid an affectionate farewell to Seán O'Domhail as he retired from his position as Galway County Registrar after more than 27 years.

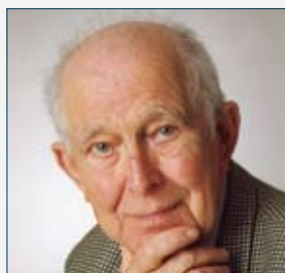
Brendan recalled the high esteem in which Seán was held attested to by the large crowd that packed into the courtroom on his last day to hear tributes from Judge Groarke, Conor Fahy, Liam Geraghty, Inspector Tony

O'Donnell, Margaret Prendergast and Brendan himself. As one of the longest serving County Registrars he had contributed much to the Circuit Court in Galway over the years.

It was with great sadness therefore that we learned of Seán's recent death. He was denied time for a retirement he so richly deserved.

We extend our sympathies to his wife Aoife and his family.

## Terry deValera



The death took place on the 8th June last of Terry de Valera, formerly Senior Taxing Master of the High Court.

Terry de Valera became apprenticed in 1941 to Tommy Robinson in the firm which became known as T.P. Robinson and Co., qualifying as a solicitor in 1945. He then joined the firm of P.J. Rutledge, the former Minister and then General Solicitor for Minors and Wards of Court, before establishing his own practice in Dame Street.

Appointed Taxing Master of the High Court in 1969 on the retirement of Master Kennedy, he served until his retirement in 1992, having become Senior Taxing Master within months of

his appointment on the retirement of Master O'Reilly.

Terry took great interest in the well-being and development of the staff of his Office. Any apprehensions one may have had on being assigned to serve someone of such distinguished parentage were quickly dispelled by his approachable and kindly nature. With the support, successively, of his colleagues as Taxing Masters, David Bell and the late Thomas O'Connor, he managed the Taxing Master's Office with a firm but gentle hand: those who served there will recall a family-like atmosphere, quite devoid of rancour.

His unfailing courtesy in the course of taxations earned the respect of legal costs accountants, solicitors and their clients, whatever the outcome. He held strong views on the need to maintain, in an increasingly commercialised environment, the traditions and values of the legal profession of his youth. He did not disguise his chagrin at the increasing cost of litigation, and the permitting of advertising by solicitors.

Terry would be the first to admit, however, that the law did not occupy

centre-place in his universe: above all else, this was claimed by his late wife Phyllis and family, to whom he was utterly devoted. Thereafter came his love for the Arts and all matters historical. Many a junior court clerk's cultural sensibilities were awoken – sometimes quite against the odds – by Terry's infectious enthusiasm for music, painting, sculpture and poetry, albeit with a distinctly traditionalist bias.

A natural raconteur, aided by a prodigious memory for detail, he could bring to life a caste of characters – most of them personal acquaintances or friends – from Dublin's political, legal and artistic life of the 1940s and 50s. Through wreathes of pipe smoke, one got to know them and their eccentricities, always recounted with an impish but gentle humour.

Terry's death marks the passing of another great character of the Four Courts, whose decent and honourable nature will not be forgotten by those who served with or appeared before him. We extend our deepest sympathy to his daughters Síle and Jane, and grandson David.

Noel Rubotham

## Judge Frank Martin



Judge Frank Martin, who died in May, was quite simply the most unforgettable character I met in more than 25 years practice at the Bar. His reputation was chiefly made in the decade from the mid-seventies to the mid-eighties when he presided daily at criminal trials in Court 15 (now Court 25).

Frank not only had a thorough knowledge of criminal law and the law of evidence: he understood their rationale at a deep level and how, properly applied, they assisted the search for truth and prevented miscarriages of justice. He was deeply conscious of the importance of his work to those who came before him and to the community as a whole. This led him to be extremely demanding of counsel and witnesses and his reputation was a somewhat fearsome one. He could be very short with counsel or witness who appeared unprepared or vague. He did not suffer fools gladly or indeed at all.

Frank was a great trial judge principally

for two reasons. He was clever, up-to-date and well-informed and had a great appetite for understanding the facts of a case, however complex. Especially on medical and engineering matters, he could compel clarity from the most obscure expert. Secondly, for a man who did not appear at all sensitive or intuitive, he had a remarkable, almost uncanny instinct for when a witness was lying, exaggerating or simply saying more than he knew. He himself could not fully explain this facility. But I have seen him suddenly call for the original of a vital typewritten document to discover that the word "not" had been omitted from the version given to the Court, thereby transforming its meaning. "Something didn't seem quite right," was Martin's comment. And a doctor who swore that his patient, who was seeking damages

for whiplash injuries to his neck arising from a car accident, had never before complained of neck pain had to retract when Martin ordered him to produce his notes. The patient had attended him with severe neck pain following an assault a few weeks before the accident.

Between this uncanny ability to detect an untruth or inaccuracy, and Frank's

insistence on precision and accuracy in evidence and pleading, Court 15 was an exciting if sometimes terrifying place. "In Frank's Court" a shrewd solicitor observed "everyone is paying attention all the time." But he was the best possible judge for an innocent defendant, because he insisted that all evidence be rigorously tested and gave counsel every latitude to do so.

Privately, Frank was a kind and convivial man. He enjoyed the company of the mostly much younger Bar who practised in his Court. I have happy recollections of good meals and even better wine and cigars, over which much excellent advice was dispensed. I am proud to have learned my trade in his Court, especially in criminal matters.

*Mr. Justice Adrian Hardiman*

## Judge Bernard J. Carroll

This photograph appears courtesy of the Irish Examiner



Judge Bernard J. Carroll served as a Judge of the District Court from 1969 to 1993 when he retired after a distinguished career. During this period he presided over courts in South Tipperary and West Waterford (1969-1976) before being appointed to Cork City as the

sole District Court Judge. In 1981 he took up his last assignment to District No. 20 in Co. Cork. In 1972 he was appointed to the small panel of Judges who presided over the re-established Special Criminal Court in Dublin. His appointment into Cork City in 1976 coincided with the enactment of new Family Law legislation on domestic violence and maintenance of spouses. As a result the workload of the court increased significantly during this time. It was not unusual for Judge Carroll to sit up to 8.00 p.m. in the evening to hear Family Law cases and arrive in the next day for a similar list all over again. Judge Carroll was the first District Justice, as they were then known, to refer a case to The European Court of Justice by way of a Case Stated. This concerned the legality of a Ministerial

Order relating to foreign vessels fishing in Irish territorial waters.

Away from the courts Benny Carroll was well known on the race courses of Munster where he indulged one of his great passions for racing, the other being golf. As a colleague he provided wise counsel to those who sought his advice. His vast experience of life and legal affairs in general equipped him well for this.

But Benny Carroll will be remembered most of all by colleagues and practitioners alike as a kind and gentle person. His courts were always conducted with dignity and compassion.

*David Riordan, Judge of the District Court*

## Mr. Justice Dermot Kinlen



Many tributes were paid to retired High Court Judge, Mr. Justice Dermot Kinlen who died recently at his residence in County Kerry.

Called to the Bar in 1952 having distinguished himself as a student at University College Dublin, he took silk in 1971 and was also called to the Bar in England and New South Wales. His years as a High Court judge between 1993 and 2002 will be remembered for the gentle humanity and humour with which he dealt with those who appeared before him.

Many will remember him for his long standing interest in the welfare of

prisoners. He was a member of the Visiting Committee of St. Patrick's Institution for Juvenile Offenders from 1971 to 1990 and chairman of the Visiting Committee of Mountjoy Prison from 1990 to 1993 (a position he gave up upon his appointment to the Bench). He was a founding member of PACE (Prisoners Aid through Community Effort) which has established hostels and facilities to assist the reintegration of ex-offenders. On his retirement from the High Court in 2002 he was appointed as Inspector of Prisons, the first person to hold the position.

Dermot's interests in matters relating to China were well known. His desire to play a role in the opening of China to the world was fulfilled through his work with the Chinese judiciary and legal profession. He first visited China in 1977 with the former President of Ireland, Cearbhall O'Dhalaigh and was subsequently involved in establishing diplomatic relations between the two countries. He served as President of the Irish-Chinese Cultural Society and visited China on many occasions. His efforts were officially recognised by the conferring on him of an award by

People's Republic of China.

The hospitality he extended to all who visited his beloved Sneem is fondly recalled by many in the courts. Colleagues, including court staff, were welcomed to his lovely holiday home in Kerry and enjoyed the type of welcome for which the Irish are renowned around the world.

The Minister for Justice, Equality and Law Reform, Brian Lenihan, T.D., recalled a man who was a "personal friend and professional colleague." Cardinal Desmond Connell said of him that "in his life we find a wonderful synthesis, a wonderful harmony between the secular vocation and the Christian life." The Mass celebrant at his funeral, Archdeacon Michael Murphy said that "he was the Good Samaritan and, as Peig said, he had 'the one way with him, with high and low'. He used to say 'my bags are packed. I'm in the departure lounge. The flight is delayed'. Though the end came suddenly, he was prepared."

May he rest in peace.

## Charlie Dorgan



Charlie Dorgan and Donal White

Charlie Dorgan joined the staff of the Buncrana District Court in September, 1976. He moved to Cork District Court in 1979 where he remained until his retirement. The young ladies of Donegal made such an impression on this Cork man that he

married Maureen Coll of Dungloe.

On Monday 28th August, 1995, the District Court sat for the last time in the courthouse in Washington Street, Cork. The Judge sitting that day was Gerard Haughton and the Registrar was Charlie Dorgan. On the Friday of the same week, the 1st September, the District Court commenced its sittings in Anglesea Street, Cork. The Judge who held the first sitting was Uinsin MacGruairc and the Registrar was Charlie Dorgan. That probably made Charlie the Omega and Alpha of Court Registrars – the last and first.

Charlie is a guy with a nationwide popularity and is well known to senior members of staff of Department of Justice, Courts Service colleagues and Judiciary.

He loves flying and was an active sportsman until recently. In his younger years he played hurling as did his father who held an All Ireland Medal. He also played a good game of golf and indoor football.

It is every person's expectation to choose their time of retirement. Unfortunately Charlie has been denied that choice but has faced up to his situation realistically and has been positive in his attitude towards it. We know that the Dorgans are a close knit family and we know that Charlie will be sound in the hands of Maureen and the family.

*We wish him all the best for the future.*

*Finbar Bracken*

## Des Relihan



Des Relihan and Bertie Donovan

Des joined the District Court in November, 1969. His first post was in the Carrigaline or County Office based in Washington Street Courthouse. He became no. 3 to two great personalities of the District Court Jack Lee and Eamonn Howard. After a while he was moved next door to the Cork City District Court. In the County Office he was succeeded

by the last man to be assigned to that office – Bertie Donovan.

Having been a Garda Des was accustomed to making reports on half sheets. Once when he wanted to make a report he asked Jack Lee for a half sheet. Jack picked up a sheet of foolscap, tore it in halves and gave both of them to Des. "Now! You have two half sheets."

Des, a native of Abbeyfeale, spent his time in Cork District Court until 1991 when he went to Limerick for two years before returning to Cork. In Limerick he developed a great knowledge of the IT system there. When he returned to Cork IT was in its infancy. His influence of the development of the IT systems subsequently used in Cork was enormous. In 2001 he took over the office of the Small Claims Registrar. The level of satisfaction he achieved for claimants is well documented in the newspaper and

radio reports. His knowledge of licensing law is widely acknowledged.

Des was a late vocation golfer. Since taking up the game he has displayed great humility – he is always reluctant when talking of himself to use words like birdie, eagle and albatross. But his humility is appreciated.

Des enjoys telling everyone how his beloved Sarfields are progressing in the Cork County hurling championship each year. He has been a solid supporter of the club and an officer for many years. We hope their next title is not be too far away.

Des met his wife Gertie, who has been a sound woman behind the man, while stationed as a Garda in Killeagh, Co. Cork.

*We extend good wishes for a happy retirement to both of them and their family.*

*Finbar Bracken*

## Alo Filan



Left to right: Alo Filan, Judge Mary Devins and Peter Mooney.

"Having served my time, I think there's a new horizon out there and it looks very bright. Goodbye to you all and thank you very much." With these words, Alo Filan left

Castlebar District Court recently having completed 43 years as a public servant, 20 of these in the courts.

They queued up to pay tribute to his wonderful contribution to public life led by Judge Mary Devins who recalled a loyal colleague and a good friend. "The District Court Clerk is the most important person in the daily working life of a District Court judge," she said, pointing out that Alo epitomised all that is good in a court clerk. "He always saw the bigger picture." Her sentiments were echoed on behalf of the Courts Service by Western Regional Manager, Brendan McDonald who referred to Alo as a "remarkable man who was

never late." "Predictability was his middle name. He was never sick at any stage. He was a man of decency and honour." Other tributes were paid by Inspector Michael Murray on behalf all the members of An Garda Síochána in Mayo and by Probation Officer, Miriam Tallon.

Michael Browne spoke on behalf of the local solicitors and included an Irish blessing with his good wishes for the next phase of Alo's life: "May the road rise to meet you and may God hold you in the hollow of his hand."

We wish Alo, his wife Teresa and family all the very best for the years ahead.



## Berenice O'Neill

Berenice O'Neill retired from the Civil Service in July of this year. She joined the Civil Service in 1965 and in her long career worked in a number of Departments including the Department of Lands and Forestry and the Department of Posts and Telegraphs. She joined the Department of Justice in 1978 and worked in the Garda Division, Prisons Division, Secretariat Division and Asylum Policy Division. She was appointed as the first Refugee Applications Commissioner in 2000.

Berenice will be best remembered in the Courts for her time as Principal Officer in Courts Division. She joined Courts Division in 1991 and in her 4 years in the Division she initiated the modernisation programme which has led us to the Courts Service of today. At that time court accommodation had been sorely neglected. Berenice developed the first Courts Building Programme and negotiated the necessary funding from the Department of Finance. She was involved in the development of Cork District Courthouse, the refurbishment of Galway courthouse and the provision of the new courthouse in Carrick-on-Shannon, the first new courthouse built since the foundation of the State. She took a particular interest in the

development of the Circuit and District Court offices as seen by the many initiatives she sponsored including the review and consolidation of District Court Rules which had not been carried out since 1948 and the development of the Office and Warrants system for provincial District Court offices. She was also instrumental in setting up the first annual conferences for County Registrars and Chief Clerks which are still held today and play a very important role in developing communication and co-operation between offices.

She worked closely with a number of Courts staff and former Courts staff including Denis O'Neill, Frank Lyons, Joe Brennan and Aisling McKeon, both former Chief Examiners. At the time there were few women Principal Officers throughout the Civil Service and the majority of senior managers in both the Department and the Courts were men. This in itself presented a challenge which she met head on.

Those of us who worked with Berenice will remember her enthusiasm, drive and commitment to her work. She



Berenice O'Neill with Sheila Ryan and colleagues at her presentation.

set very high standards and was an inspiration to those who worked with her. Berenice's rise in the Civil Service and her success in the Department is testament to her great ability and innovative approach. Her career was marked by an integrity, professionalism and dedication. Her retirement comes at the end of a long and illustrious career and she now has an opportunity to spend more time with her family. I am sure she will embrace this new stage in her life with the same spirit of enjoyment and energy as she brought to her work. I think it is safe to say that any of us who worked with Berenice will not easily forget her.

Marie Ryan

## Kevin Stephens

"I knew I had met a gentleman when I met Kevin on my first day at work in the Dublin Circuit Court Office in March of 1998," says Antoinette. "He was always helpful and courteous in his dealings with both the staff of the office and with the never ending line of customers. He seemed to know almost everyone coming into the office."

As County Registrar for Dublin, Susan Ryan said at the retirement function, "Kevin was always in good form, no matter what the circumstance! He was a pleasure to work with and 110% reliable."

Kevin came to the Circuit Court from the Government Publications Office having previously worked in Department of Posts and Telegraphs and the Department of Defence. "He could belt out a good song on a night out and was generous



Kevin (second from the left front row) with Dublin Circuit Court staff on the day of his retirement.

enough to share that tenor voice by joining the Courts Service Choir. He was the sole tenor voice on occasions and had to hold up his end of the show all by himself. Kevin is also a member of the Bray Choral Society and has preformed in

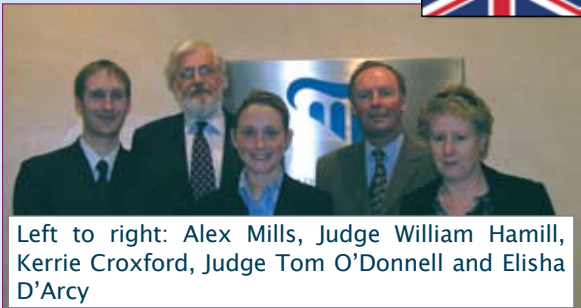
Salzburg and many other exotic places." He'll have plenty of time for singing now that he has left the day job behind! We wish Kevin a long and happy retirement.

Antoinette Kirk

## Visitors from abroad



South African Judges pictured with Mr. Justice Paul Carney on their recent visit to the Courts Service.



Left to right: Alex Mills, Judge William Hamill, Kerrie Croxford, Judge Tom O'Donnell and Elisha D'Arcy

The Judicial Studies Institute has been assisting the Bar Council with an international pilot pupil exchange programme. Two newly qualified barristers from the Bar of England and Wales were in Ireland under this programme for three weeks recently.

### 'Courts Service News' caught up with Elisha D'Arcy to find out more:

The programme is being run by the Bar Council with the bulk of the visiting barrister's time in Ireland spent shadowing a senior barrister. In addition the Judicial Studies Institute organised a two day programme for them. "They got to meet District and High court judges and then saw those judges in action in court," Elisha explained. "They wanted a general overview of the courts system in Ireland and were looking for something different. They got a unique

experience by having direct contact with members of the Irish judiciary." On the other side of things six Irish barristers had the opportunity to go to France, Italy, Spain and England to find out what their equivalents job involves.

"Once word gets out about the scheme I suspect that newly qualified barristers from all over the world will be looking to come and spend time with their counterparts in Ireland," Elisha says.

To participate in this once in a lifetime experience Irish barristers must be in their first or second year of practice. For more details, contact The Bar Council, CPD Office on [cpd@lawlibrary.ie](mailto:cpd@lawlibrary.ie).



Visiting U.S. Barristers with Prof. Bruce Carolan (extreme left) and Mr. Justice Bryan McMahon, High Court (centre) with Elisha D'Arcy (extreme right) of the JSU, in the Round Hall of the Four Courts.



Left to right: Mr. Justice Patrick McCarthy, High Court, The Hon. C. Ian McLachlan, The Hon. Cynthia Swinton, The Hon. Peter Zarella, Catriona Gilheany, JSU, H. E. Thomas C. Foley, U.S. Ambassador to Ireland and Mr. Justice Peter Kelly, High Court on the occasion of the visit of judges from Connecticut, U.S.A.



# Take a hike!

Often think that the only hike you like to experience is in your salary? Paddy Monahan, formerly of the Information Office recently completed the Tour of Mont Blanc and might just change your mind.

There was a point, about three quarters way into the second day of the Tour of Mont Blanc (TMB), when I felt I might jack it in. "Call out mountain rescue" I thought. "I want helicopters and stretchers and loads of drama 'cos I'm knackered." I kept my mouth shut of course – enunciating such thoughts can foster discontent and magnify perceived tiredness (yes, tiredness is a state of mind!). Instead I sat down, removed the deadweight rucksack from my back (listen to the voice of experience: don't over pack!) and gradually, as the minutes passed, the utterly majestic grandeur of the panorama before me began to sink in. A strange feeling came over me, sitting there in the silent stillness, surrounded in every direction by the most awe-inspiring scenery I had ever witnessed; I suppose it is best described as joy. The feeling hardly abated for the rest of the trip.

Right, before I go on I'd better give some context. I'll never be able to synthesise my TMB experience in a single page so here is a quick run down of what it's all about. Starting in Chamonix, France (I flew into Geneva about 50km north) my sister and I hiked the well worn TMB trail through the Alps, via Italy and Switzerland, anti-clockwise for around 170km and for eight days until we ended up back in Chamonix. Height gain in any day can be over 1,500 metres and height loss can be pretty dramatic too. Generally one can walk the TMB at a fairly leisurely pace in around 11 days but we met a very nice man I recognised as a presenter on a BBC 3 programme on hiking who

was doing it in six. And that's about all there is to it in terms of factual information. But how do I capture the magic of the journey?

There are far too many memorable moments, like the mini-epiphany mentioned above, to begin to recount here. Innumerable sources had told me to brace myself for the breathtaking majesty of the Col de Seigne, the high pass over the border from France into Italy from where the deep glacial valley below stretches almost to the horizon. But nothing could have prepared me for the vista that awaited – torrential rain and fog and serious difficulty seeing my hand in front of my face, let alone the bloody majestic majesty of the blah blah blah! I stood shivering on the border "taking it all in" for approximately three seconds before beginning the descent into my beloved Italia. And what do you know? Suddenly the rain and biting cold eased, the Alpine cows looked different, people started saying "buona sera" and all was right with the world! Within an hour I was in Rifugio Elisabetta with my shoes off, my feet in front of the fire and a beautiful steaming bowl of polenta, cheese and sausage warming my lap! Bliss... We can only know such pleasures by first suffering!

The TMB has been a popular hiking trail for well over 200 years and while it is challenging and frequently a walker can feel entirely removed from civilisation it does not present the risks that other more remote trails can. The walk is best approached in a somewhat laissez-faire style as too much planning can cause



constraint and limit one's enjoyment. For example, a walker may wish to stay an extra day resting in beautiful Courmayeur in Italy, trying out the cable cars and experiencing genuine Italian culture high in the Alps. Or on a given day some groups may wish to hike a shorter or longer distance – again, keeping an open schedule allows for this. Having said all that, it is best to plan 24 hours ahead and book the following night's accommodation where possible – be it in one of the many towns en route or, as is often necessary, in an isolated and sometimes basic refuge. In this regard I found Kev Reynolds' guide book on the TMB (published by Cicerone and available at [www.cicerone.co.uk](http://www.cicerone.co.uk)) indispensable.

I can really only say so much about the TMB as it is rather like trying to describe a colour – you truly have to see it. And you can! Anyone capable of a three or four hour walk in Glendalough will be well able for the TMB – it's just a question of going at the pace that suits you and most of all enjoying yourself, it's not a race. Remember, it's just one foot in front of the other!





## Hot night in Cork

Staff in Cork held a barbeque in mid July. The event took place at Cork District Court on the 13th July and was attended by staff of Cork Circuit Court, Cork District Court, Southern Regional Office and Judges.

The night was organised by Brian Moran (Cork District Court), Orla Penney (Cork Circuit Court), Ruth Penney (Southern Regional Office), Richie O'Connor (Cork Circuit Court).



Chefs on the night were Richie O'Connor and Dave Power both of Cork Circuit Court.

Looks like a good night was had by all!



Left to right: Geraldine McCarthy, Garda Court Records Cork District Court, Donal White, Cork District Court, Juliette Moynihan, Garda Court Records Cork District Court.



Left to right: Richie O'Connor, Kevin Cahill, (both Cork Circuit Court), Brian Moran, Cork District Court, Brian Shanahan, Dave Power, Cork Circuit Court.



Left to right: Liz Guerin, Marian Penney, (both Cork Circuit Court)

## The 1982 All-Ireland Fleadh Ceol

poem

I met a friend in court  
from a quarter century ago, and said –  
'Do you remember that weekend in late August  
when we and all Ireland were young  
as we drove to Listowel  
in your light blue Ford Fiesta  
for the 1982 Fleadh Ceol?'

And the odyssey from pub to street sessions  
Listening to music from far off counties and continents  
Stopping off in John B's  
to see a man with a gift for listening  
as he watched and attended  
to all around him

In the teeming square that Friday night  
McMahon the village school master  
stood alone in his corner,  
Pondering the arrival of another class  
His shadow competing in stature  
With the looming presence of St. John's steeple

And do you mind that Saturday night Ceili  
And the music of champions  
The atmosphere kinetic as the band tuned up  
And we looked to the girl from Athea  
A teacher in training with an eye for fashion  
And a smile that brightened the night

You were out of the traps before me  
for the Siege of Ennis – or was it Listowel  
Scaling walls of Limerick and Kerry men  
To lead her across the floor  
And when you danced, I saw her dance  
How she could dance

As we waited for the next call  
you said quietly "She's from Athea  
A good eight country miles away."  
Later I danced with her  
Knowing I didn't have a Ford Fiesta  
Or a crossbar to see her home  
And I wondered if she ever wrote  
to penfriends in Dublin.

When we returned to the Square in the early hours  
McMahon was still there statue like  
absorbing the changing mood of the night  
regarding the invasion of his Square and town  
wondering would Kerry make five in a row

Years after when he stood no more  
They inscribed his name and words in that spot  
guided by the shadow of his hand

Brían O'Tiomáin

# What's been happening at the Social Club?

## Social Club Race Night:

On the 23rd of August over 50 people attended a Race Night in aid of Special Olympics Ireland. With the help of everyone involved we were able to raise around €3,000. A big thank you goes out to everyone who contributed by buying a horse or coming on the night. A special thanks goes to George Hanlon and Matt Hayes who were our MC's on the night and kept us all up to date on the races and also to Andy Cleary, Ken Curran, Lorraine Fagan, Maria Hughes, Lynda Byrne and Michelle Kelly for helping take in the money on the night and work out the totes.



Joe Hanlon, Phoenix House, Denise Mooney, Finance Directorate.

## Back To Courts Night Out:

The Social Club returned to the Russell Court Hotel for our end of summer event. This was held in Bojangles Night Club and took place on the 27th of September. As one of the biggest events on the summer calendar this was no let down as everyone had a very good night.



Place your bets! Lorraine Fagan, JSSU, Maria Hughes, Official Assignee's Office

## Forthcoming events.

This year we've decided to hold an end of year bash that will take place in November, rather than the usual Christmas Party that happens in December.

Remember that it's YOUR CLUB so if you have any ideas or suggestions for events or any comments in general please contact any of the Committee or e-mail us at [Socialclub@courts.ie](mailto:Socialclub@courts.ie)

Finn Ryder



Celine Adams, Taxing Masters Office, Helen Thornton, Summons Office, District Court.

## Football Club news

This was the second season the Courts Service Football Club participated in the Solicitors League. With Richie "Rafa" Kelly at the helm for a second year running we were quietly confident of producing another quarter final finish.

It didn't start off the best with a 4-2 defeat against McCanns. However we bounced back to record a 1-0 win over A&L Goodbodys to kick start our season. This was followed up by a 3-1 win over BCM Hanby Wallace. However two defeats followed these games to Dillon Eustace and the Legal Aid Board which left us in a very tight spot.

We needed three wins on the trot as well other results to go in our favour. We Beat Beauchamps, Small Fry and Mason Hayes & Curran to get those three wins but narrowly missed out on the quarter finals by goal difference.

In the end BCM (who we beat 3-1) won the League with a victory over Arthur Cox in the Final.

## Mass for deceased members of the judiciary and staff

The annual mass for deceased members of the judiciary, staff of the Courts Service and Land Registry will be held in Adam and Eve's Church on Merchants Quay at 5pm on Friday the 23rd of November. A reception, to which all are welcome, will be held afterwards in the restaurant on the first floor of Phoenix House.



# Muscles Tired, Egos Bruised, Monies Raised

A recent limbering of tired muscles, a clambering past the limits of ability and a lack of practice resulted in the brushing off of bruised egos and the raising of much money for charity.

The team spirit was as evident off the field as it was on it. A team of people led by Eamonn Mooney and Michael McNerney of our ICT Directorate organised the recent charity soccer tournament involving five-a-side mixed gender teams from the Courts Service and some of our contractors.

"As a result of the evening a mini flood of sponsorship money has come in and the event has raised over €5,000," Eamonn tells us. "Thanks to all concerned for getting involved and for their very generous donations. Please use *Courts Service News* to pass on our thanks to all who took part (whether as players, managers, caterers, raffle organisers or sponsors). Let's do it all again next year!"

'Make A Wish Ireland' and 'Jack and Jill Foundation' recently received cheques donating the monies raised on the evening. Find out about these charities on [www.makeawish.ie](http://www.makeawish.ie) and [www.jackandjill.ie](http://www.jackandjill.ie)



The winning team and management – Custody Office, Dublin District Court.



Left to right: Simon Ball, Custody Office, Dublin District Court, Ray Hudson, Small Claims Office, Dublin, John Callaghan, Joe McLoughlin, (both Custody Office, Dublin District Court), Micháel McNerney, ICT Directorate, Diarmaid MacDiarmada, Director of Operations Circuit and District Court, Damien Downey, Circuit and District Court Operations, Eileen Brennan, Derek Bunyan, (both Custody Office, Dublin District Court).



Members of the organising committee and the two charities from left to right: Kevin Fidgeon, Freddy O'Neill from Make a Wish Ireland, Eamonn Mooney, Debbie McAdams, Chloe McAdams and Jonathan Irwin Jack and Jill Foundation at the presentation of the cheques.

# Book a seat for a good old Western

**3:10 to Yuma** stars Russell Crowe and Christian Bale in a modern take on the classic western by Elmore Leonard from producing / writing / directing team Cathy Konrad and James Mangold (**WALK THE LINE**).

It's Arizona in the late 1800's, infamous outlaw Ben Wade (Crowe) and his vicious gang of thieves and murderers have plagued the Southern Railroad.

When Wade is captured, Civil War veteran Dan Evans (Christian Bale) whose Arizona farm has been ravaged by a devastating drought, finds himself strapped for cash and needs to make money fast. So in order to pay off his debts, he sells his services to escort the notorious outlaw Ben Wade across the desert plains to Contention, where he will then board the 3:10 prison train bound for Yuma and await trial in that town's Federal Court.

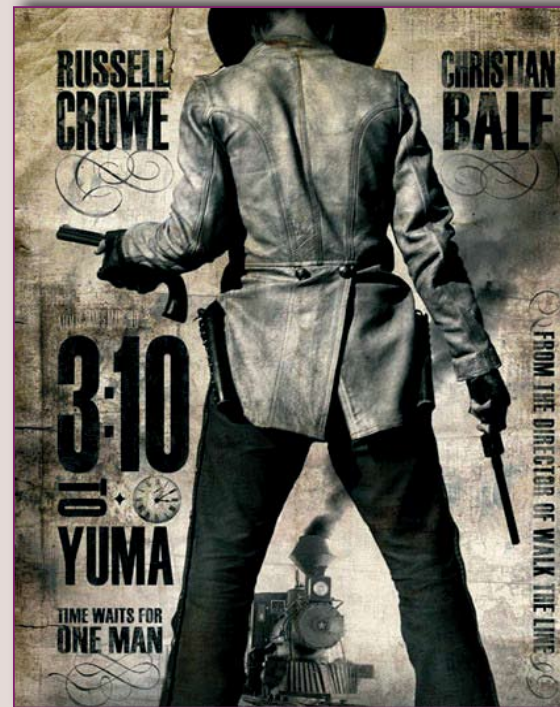
But the three-day journey winds up being more perilous than expected for Evans and his posse, which include a weathered bounty hunter (Peter Fonda), a meek veterinarian (Alan Tudyk) and Evan's young son (Logan Lerman). Not only is Wade's ruthless gang right behind them, but Wade continually tries to charm his captors into lowering their guard just long enough for him to break free. But Evans will have none of it — he'll do whatever it takes to deliver his man on time, even if it's the last

thing he ever does. In this story Evans and Wade, each from very different worlds, begin to earn each other's respect.

**3:10 to Yuma** is a tense, rugged remake of a film that was pretty good the first time around. Reinforced by a strong central premise, alert performances, a realistic view of the developing Old West and a satisfying portrayal in its shadings of good and evil, James Mangold's remake walks a fine line in retaining many of the original's qualities while smartly shaking things up a bit.

A Western these days needs to be more than a solid, unfussy programmer to break out of the pack commercially. I would compare this film to a modern day *High Noon*, a classic Western from the past. But like this film had a great knack for building up tension. Unlike *High Noon*, the man putting himself on the line is not a sheriff or marshal, but a lone rancher whose life and family are just one bad season from coming apart at the seams.

Crowe is completely in his element



here. In the best tradition of great stars, he betrays no effort in conveying the masculine confidence, psychological acuity and manipulative power of his alluring bad guy. His Ben is one slick customer and more.

Supporting turns are vivid, including a wonderfully leathery characterization by Peter Fonda as a supremely tough old bounty hunter.

Ronan Power

## Up Close and Personal with John Callaghan, Custody Office, Dublin Metropolitan District Court

**Which fictional character (film/ book/ TV/ etc. ) do you most closely identify with?**  
Jake Stephens (PJ Gallagher) – Naked Camera.

**What is your favourite film and why?**  
Raging Bull... Pure Classic.

**Favourite book?**  
To Kill a Mocking Bird.

**Favourite song?**  
Stairway To Heaven, by Led Zeppelin.

**Who would you most like to be stuck in a lift with and why?**  
Kelly Brook... need I say more?!

**Name five people you would like as dinner party guests.**  
Kelly Brook, Robert DeNiro, Roy Keane, Alex Ferguson and Jock Stein.





## Reaching out in Fermoy

A further report of how improvements in court buildings are adding to the social fabric of local communities comes to us from Fermoy. District Court Clerk, Tom Browne and his staff recently hosted an event for local youth in the newly refurbished courthouse in the town.

"We held a special 'mock' court for members of the local Youthreach Programme," Tom tells us. "The 'court' took the format of a special drugs court with 'Judge' Willie O'Connor (District Court Clerk) presiding."

The Youthreach programme gives young people, who leave school early for various reasons, a second chance for a proper education. "We were delighted to welcome the young people to the courthouse and used the event to do a number of things including giving the members of Youthreach an awareness of the law and court procedure especially in relation to drugs."

"It also gave us the opportunity to develop relationships between the District Court, Gardai and the Youthreach Programme and to give student Gardai an opportunity to acquire court experience." Tom was also aware that such an event would allow staff showcase the new courthouse to the local press

"I'd like to thank the members of An Garda Síochána in Fermoy under the leadership of Garda Andy Geary, Youthreach co-ordinators Ciaran Kennedy and Gretta Dunne and the staff of the Fermoy District Court Office for their work in organising the day," Tom says.

In conclusion Tom noted that it was agreed by all concerned that "the day was a great success on all counts – due in no small way to the imposing figure sitting on the bench!"



Trainee Garda Mary Ryan giving evidence, Youthreach co-ordinator Gretta Dunne, 'Registrar' and 'Judge' Willie O'Connor, Fermoy District Court during the mock trial.



Youthreach co-ordinators Ciaran Kelly, Gretta Dunne and local gardaí with the Group on the day.

## social news

### 'Walkies'... as it should be done

For all those dog enthusiasts out there and for those considering getting a new puppy we caught up with Patricia Everitt in Human Resources and her puppy Shadow, a German Shepherd who has received professional puppy training.

Why train a puppy? "German Shepherds are very intelligent and like to be challenged. Also when Shadow is fully grown she'll be a large dog and so controlling her when we are out might be difficult."

The training is based on reward and motivation. Each time Shadow does as she is told she receives a treat. Through this Shadow has learned various skills. The training also includes help with any problems the owner is having with the dog. "I had a problem getting Shadow to leave the house in the morning,"

Patricia explains. "The trainer asked me to keep a diary for Shadow for two weeks. I recorded everything good and bad that Shadow did during that time." When the diary was completed the trainer decided that there was nothing seriously wrong with Shadow and only that she is very fond of her comfort.

Has the training been useful? "Yes it's been great because Shadow has been thought various skills like to heel, stay and self control exercises. In particular I notice the training coming out in the little things like calling her when she is



off her lead to come back."

Shadow has been attending the Beginners Dog Obedience Level One class with Dog Training Ireland. For further information contact Dog Training Ireland on 01-8644922.

# Quiz... Is your number up?

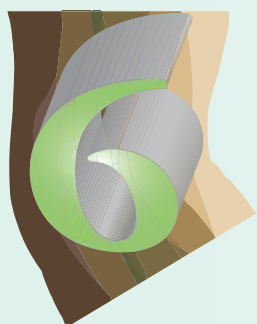
We are all aware of the important part that numbers play in our everyday lives. From the numbers on the alarm clock in the morning, the pin number if we need money or the phone number of friends or family. We would be lost without them. So the quiz in this issue is all about numbers.

1. What is the maximum break in Snooker?
2. What is the number of the Bus Eireann service to Donegal?
3. How many runs do you score in Cricket when the ball is hit over the boundary without touching the ground?
4. Film starring Dudley Moore and Bo Derek?
5. How many yards in a mile?
6. What is the equivalent of zero degrees Centigrade in Fahrenheit?
7. In Darts, how many points do you score for "double top"?
8. The number on the British Prime Minister's door in Downing Street?
9. Ice-cream with a flake on top?
10. How many TDs in Dáil Eireann?

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](mailto:alawlor@courts.ie)



## The answers to the TV quiz in the June issue were:



1. William Petersen
2. Carrigstown
3. Sports Tonight
4. Desperate Housewives
5. Eddie Hobbs
6. Schmeichel
7. Martin King
8. Emmerdale farm
9. 6.00pm
10. Didier Drogba



**Congratulations to our June quiz winner, Pat McCarthy** of the Accountants Office in Phoenix House.





Breda Madden, Cork Circuit Court and babies left to right Kevin, Robert and Cathal



Eileen O'Neill with colleagues and friends at a farewell lunch in Phoenix House recently to mark her retirement from Pearts solicitors after 37 years service.



Sinead O'Brien, Cork Circuit Court and partner Derek Mulcahy with baby Faye on her Christening Day.



Mary Woodward, Cork District Court and baby Joey



Ballymun Star Project group on their recent visit to the Courts Service with Teresa Brophy (extreme right)

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

**Tony Lawlor, Information Office, Courts Service, 15-24 Phoenix Street North, Smithfield, Dublin 7**  
or email it to: [alawlor@courts.ie](mailto:alawlor@courts.ie)