



**THE SUPREME COURT**

**DETERMINATION**

**IN THE MATTER OF DANIEL J. COLEMAN SOLICITOR FORMERLY  
PRACTISING AS COLEMAN & COMPANY SOLICITORS MAIN STREET  
BALLINROBE COUNTY MAYO**

**AND**

**IN THE MATTER OF AN APPLICATION OF THE LAW SOCIETY OF IRELAND  
TO THE SOLICITORS DISCIPLINARY TRIBUNAL**

**AND**

**IN THE MATTER OF THE SOLICITORS ACTS 1954 - 2008**

**BETWEEN:**

**LAW SOCIETY OF IRELAND**

**APPLICANT**

**AND**

**DANIEL COLEMAN**

**RESPONDENT**

**Neutral Citation:** [2021] IESCDT 26

**Supreme Court record no:** S:AP:IE:2021:000010

**Court of Appeal record no:** none

**High Court record no:** 2010 No. 65 SA

**Date of Determination:** Thursday, 25<sup>th</sup> February 2021

**Composition of Court:** Clarke C.J., O'Malley J., Baker J.

**Status:** Approved

**APPLICATION FOR LEAVE TO APPEAL TO WHICH ARTICLE 34.5.4° OF THE  
CONSTITUTION APPLIES**

**RESULT:** The Court does not grant leave to the Respondent to appeal to this  
Court directly from the High Court.

**REASONS GIVEN:**

**ORDER SOUGHT TO BE APPEALED**

<b>COURT:</b> High Court
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<b>DATE OF JUDGMENT OR RULING:</b> 7 <sup>th</sup> September, 2020
<b>DATE OF ORDER:</b> 31 <sup>st</sup> December, 2020
<b>DATE OF PERFECTION OF ORDER:</b> 5 <sup>th</sup> January, 2021
<b>THE APPLICATION FOR LEAVE TO APPEAL WAS MADE ON 26<sup>th</sup> January, 2021 AND WAS IN TIME.</b>

### **General Considerations**

1. The general principles applied by this Court in determining whether to grant or refuse leave to appeal having regard to the criteria incorporated into the Constitution as a result of the Thirty-third Amendment have now been considered in a large number of determinations and are fully addressed in both a determination issued by a panel consisting of all of the members of this Court in *B.S. v Director of Public Prosecutions* [2017] IESCDET 134 and in a unanimous judgment of a full Court delivered by O'Donnell J. in *Quinn Insurance Ltd. v PricewaterhouseCoopers* [2017] IESC 73, [2017] 3 I.R. 812. The additional criteria required to be met in order that a so-called 'leapfrog appeal' direct from the High Court to this Court can be permitted were addressed by a full panel of the Court in *Wansboro v Director of Public Prosecutions* [2017] IESCDET 115. It follows that it is unnecessary to revisit the new constitutional architecture for the purposes of this determination.
2. Furthermore, the application for leave filed and the respondent's notice are published along with this determination (subject only to any redaction required by law) and it is therefore unnecessary to set out the position of the parties.
3. In that context, it should be noted that the respondent does oppose the grant of leave.

### **Discussion**

4. As appears from the notices filed and the judgment of the High Court (see, *The Law Society of Ireland v. Coleman* [2020] IEHC 674), the applicant ("Mr. Coleman") seeks to appeal directly to this Court from a decision of the High Court to the effect that he be struck off the Register of Solicitors. He asserts that an issue of general public importance arises concerning the appropriate test to be applied in respect of dishonesty. The reason for

seeking an appeal direct to this Court is said to be by virtue of the long history of litigation between the parties stretching back to 2010.

5. On the other hand, the respondent ("The Law Society") draws attention to the fact that there is also an appeal brought to the Court of Appeal in which it is said that a significant number of grounds of appeal are advanced. In addition, it is asserted that, on the facts of this case, the issue concerning the precise test for dishonesty does not properly arise.
6. The Court is far from convinced that Mr. Coleman has identified an issue of general public importance which would require to be resolved in the event that leave to appeal was granted. It is certainly not clear that the issue would necessarily have to be determined in order to resolve any appeal having regard to the facts of this case. However, in any event, the Court is not persuaded that the exceptional circumstances required for the grant of leapfrog leave have been made out. It is by no means clear that this is the sort of case which would "look the same", as that term has been used in determinations of this Court, once it had been considered and decided by the Court of Appeal. Certain issues may well be finally determined by the Court of Appeal and, in the light of how those issues are determined, it is likely to be a lot clearer as to whether there truly is an issue of general public importance left in the case which would be sufficient to meet the constitutional threshold.
7. In those circumstances, the Court is not persuaded that it would be appropriate to grant leave to appeal direct to this Court and the application for leave is, therefore, refused.

**And it is hereby so ordered accordingly.**