

# COURTS Service News

NUAHT NA SEIRBHÍSE CÚIRTEANNA



An tSeirbhís Chúirteanna  
Courts Service

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**A LOOK BACK  
AT 2014**

**EUROPEAN  
ANTI CORRUPTION  
REPORT**

**MAJOR FACTORS  
UNDERLYING CHILD  
CARE APPLICATIONS**



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If you would like to contribute an article, a book or film review, please contact the editorial team at [courtsservicenews@courts.ie](mailto:courtsservicenews@courts.ie)

## WELCOME TO THE DECEMBER ISSUE OF COURTS SERVICE NEWS

In keeping with things traditional at Christmas, welcome to our 'annual' so you can catch up on the news over the past 12 months. Our 'Look back at 2014' (pages 7-10) includes the year's big stories - the completion of the Combined Office Project (page 7) and the establishment of the Court of Appeal (page 9).

In another busy year in family law we bring news of the second interim report of the Child Care Law Reporting Project (pages 11 & 12). We also feature a report from GRECO, the Group of States Against Corruption established by the Council of Europe, which recommends the establishment of new judicial structures (page 6).

The Courts Service continues to support schools and community groups, and in a very busy year welcomed thousands of students to the Criminal Courts of Justice and courthouses all over the country (page 17).

You can read about our new Strategic Plan (page 5) and recent news from the legal world.

We also have our usual quiz with a Christmas spin (page 18) and a reading recommendation on page 18.

From all the Courts Service News Team, thank you for your support during 2014 - our readers, those who contributed articles and reviews, all who entered our quizzes and those who suggested items for us to cover.

We'll be back with our ezine in the New Year. To subscribe please visit the 'Publications' section on our website [www.courts.ie](http://www.courts.ie) or email [courtsservicenews@courts.ie](mailto:courtsservicenews@courts.ie).

Wishing you all a very happy Christmas and a peaceful New Year.

Mairéad Fitzsimons



An tSeirbhís Chúirteanna  
Courts Service

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

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

Editorial Team:  
Helen Priestley, Mairead  
Fitzsimons, Gerry Curran.

Design & Print:  
Outburst Design & Print  
Units 1 & 2,  
Bolbrook Enterprise Centre,  
Avonmore Road,  
Tallaght, Dublin 24.  
[www.outburstdesign.ie](http://www.outburstdesign.ie)



## CHRISTMAS MESSAGE FROM THE CHIEF JUSTICE

For me a central part of this season - celebrated differently by those of many religions and none - is the role played by family and our sense of belonging. That central sense of community - is not only what makes our experience of humanity at its best possible, but it is something I experience each year as we go about our work in the courts.

Without a doubt there exists in the justice sector a great sense of joint endeavour - despite different remits and roles we offer a collective effort to enable access to justice. We pull together to create a system of public justice, as a justice community.

To that community – judges, lawyers, Courts Service staff, Gardaí, prosecutors, defenders, prison officers, probation and child welfare staff, and public servants of many hues and departments - I offer a heartfelt thank

you and gratitude for your efforts in 2014. You have enabled access to justice to function despite these austere times.

Soon we will enter a new year - at a time of great challenge, uncertainty, and change. We do so knowing that we have in place a system of justice which daily meets the demands made by our society. Everyone in our justice community has a part to play in ensuring that this is so. I look forward to sharing that experience of public service with you in 2015.

I extend my thanks and my good wishes for a safe, happy and community centred season of celebration.

Nollaig shona daoibh go léir.  
**Susan Denham**

As our dark evenings close in, it is cheery to see the Christmas lights go on in our cities, towns and homes. We look forward to a joyful time this Season.

However, it is also a time of year when we recall the past; the Christmases of our childhood, the families and friends who have gone before us. Whatever the particular memory, we recollect a time of togetherness and community at its heart.



## CHRISTMAS MESSAGE FROM THE CHIEF EXECUTIVE

But there is light at the end of every tunnel and just as Christmas brings hope of a bright future we come to the end of 2014 with good reason to be positive about what lies ahead in 2015. We are recruiting and promoting staff for the first time in several years and planning major building projects to bring improved facilities to a number of major centres around Ireland. In 2015 we will have an increased budget allocation, the first such increase in six years.

We can be proud that through the efforts of the staff of the Courts Service we continue to provide a high quality, professional service to all court users. I thank the staff the length and breadth of the country, whether front of house or behind the scenes, for the efforts they continue to make to facilitate the efficient running of the courts. I am grateful for the support of the Courts Service Board and of my colleagues on

the Senior Management Team for bringing to fruition a variety of initiatives and projects during the year.

We can also be proud of our partnership with all associated with the delivery of justice in Ireland - including the judiciary, legal professionals, justice agencies, Department of Justice & Equality, other government departments, and various support and other groups. I am grateful for all the support we receive and look forward to ongoing cooperation between us all in 2015.

I extend warm wishes of the Christmas season to one and all. Wherever and however you spend your time away from the office may it provide you with a welcome opportunity to relax and replenish.

**Brendan Ryan**

As the year ends and we prepare to take time off to celebrate with family and friends, I wish to acknowledge another year of great effort and shared experience.

The last few years have brought major changes to our work environment. I have commented on many occasions on the impact of reduced resources on our services - from staff numbers to building projects nothing has escaped re-evaluation and restructuring - and no doubt there was much to be downbeat about.

## NEW FELLOWSHIP HONOURS MRS. JUSTICE CATHERINE MCGUINNESS



*Mrs. Justice Catherine McGuinness, Chief Justice Susan Denham and Mr David Barniville SC, Chairman of the Bar Council*

**A fellowship named after retired Supreme Court judge Catherine McGuinness will provide a stipend to a recently qualified barrister to advise on and aid the work of the Children's Rights Alliance. The fellowship is supported by the Bar Council and the Dublin Family Lawyers Association.**

Launching the fellowship, Chief Justice Susan Denham said "this fellowship on Children's Rights and Child law is a reminder to those of us who have come through the ranks of the legal professions to bring on those who follow our paths, and to hold the door open for them". She described 'Catherine' - as she insists on being called - as an activist, a former barrister, Senator, President of the Law Reform Commission, and judge of the Circuit Court, High Court and Supreme Court. In January 2012 she was appointed to the Council of State by President Michael D. Higgins. In May last year she was appointed Chair

of the National University of Ireland Galway Governing Authority. She is also currently chairing the inquiry into electricity pylons, as well as being an advisor to the Children's Rights Alliance.

Explaining how the fellowship came to be named, Children's Rights Alliance Chief Executive Tanya Ward, said: "Judge McGuinness is undoubtedly one of Ireland's greatest children's champions. In her time as a judge of the Circuit, High and Supreme Courts she was a constant voice for fairness and equality. To this day she remains a vital force in Irish society, ensuring that rights are upheld and fair procedures are followed. We are honoured that she is willing to allow our fellowship to be named after her."

David Barniville SC, Chairman of the Bar Council, said: "The Bar Council is very proud to support this fellowship which will continue the great and inspirational work that Catherine McGuinness has done in this area".

## NEW COURTS SERVICE STRATEGIC PLAN

**The Courts Service has submitted its latest Strategic Plan to the Minister for Justice & Equality for approval.**

The Strategic Plan 2014-2017 identifies the key priorities for the Service over the next three years and sets out the strategy which will enable the Service to continue to maintain high levels of support for all court sittings and provide key services to court users. While the economic situation is improving Government policy continues to place a strong emphasis on delivering value for money and ensuring the best use is made of all available resources. The Plan focuses on the need for an ongoing change modernisation programme, including maximising the use of technology for service delivery, to ensure that enhanced court support, customer service and value for money are achieved. It highlights the need for staff development to ensure that staff have the necessary legal, technical and management skills and emphasises the importance of the ongoing standardisation and rationalisation of processes and procedures.

Annual business and operational plans will translate the Strategic Plan into detailed work programmes, with clear targets for implementation and performance monitored closely against these targets.

Chief Executive Brendan Ryan thanked all who provided an input into the consultation exercise which fed into the Plan. In particular he acknowledged the efforts of Head of Resource Management Seán Quigley who played a lead role in its preparation.



# A LOOK BACK AT 2014

As we come to the end of another year we look back on the projects and initiatives of note for the Courts Service, in particular the completion of the Combined Office Project and the establishment of the Court of Appeal. It

was a year when green shoots appeared on the building front with plans for seven major projects around the country. We continued to welcome thousands of visitors to our court buildings on our Outreach Programme and supported a

number of events to commemorate the Decade of Centenaries (1913-1923). We said goodbye to many colleagues and look forward to welcoming some new ones as the economic forecast improves for 2015:



## CHIEF JUSTICE WELCOMES EUROPEAN ANTI CORRUPTION REPORT

The Chief Justice, Mrs Justice Susan Denham, has welcomed the recent Council of Europe GRECO Report which calls for the establishment of new judicial structures.

The Report finds that Ireland's judges are much respected and independent commenting that "judges in Ireland have for a long time been much respected for a high degree of independence and integrity and therefore enjoyed a very high degree of trust from the public."

The new structures envisaged include an independent statutory Judicial Council; changed and transparent methods of appointing judges; an independent avenue to examine and keep under review constitutional safeguards regarding judges conditions of employment; the establishment of a code of conduct and ethics in relation to members of the judiciary; and the establishment of suitable induction and training programmes across all court jurisdictions.

Welcoming the Report and its recommendations regarding the judiciary, the Chief Justice said, "the Irish judiciary is very conscious of the critical importance of - and will continually work to maintain - that trust which the public reposes in it, which is founded on the principle of judicial independence as guaranteed in our Constitution, and which every judge solemnly commits to uphold on being appointed".

GRECO (the Group of States Against Corruption) was established in 1999 by the Council of Europe to monitor compliance by States with the organisation's anti-corruption standards. GRECO membership is not limited to members of the Council of Europe and currently comprises 49 Member States, 48 European States and the USA. It also includes a number of observer bodies. It conducts systematic rounds of evaluation of Member States. This involves collecting preliminary information by questionnaire from the States, followed by on-site evaluation by the GRECO Evaluation Team (GET), which conducts interviews and discussions with key bodies within the State. Each GET is made up of experts drawn from Member States. A report is prepared which is examined and discussed by GRECO in its plenary session. A final report is then issued. The report contains recommendations to the evaluated countries which are deemed necessary to improve their level of compliance with the provisions under consideration. Measures taken by the evaluated State to implement recommendations are subsequently monitored and assessed by GRECO in a separate compliance procedure (normally after 18 months).

## COMBINED OFFICE PROJECT COMPLETED



Tralee Court Office



Dundalk Court Office

One of the recommendations of the Courts Service 'TASC' review group was the replacement of the separate Circuit and District Court provincial offices with a combined court office in each county, covering both jurisdictions and under one management structure. There were, at that time, 62 provincial offices: 25 Circuit Court offices managed by county registrars and 37 District Court offices headed by a chief clerk.

The combined court office brings staff of both offices together, with a manager and deputy manager appointed by the Courts

Service and county registrars retaining responsibility for some specific statutory functions (e.g., in relation to sheriff and probate functions). Combining resources provides both a strategy to meet the challenges presented by reduced funding and staff resources, and opportunities to change and improve how we structure our work and develop our staff.

Since the project commenced there has been a transformation in the management of court offices around the country. Much of the success of the project can be attributed to the work of the Central

Implementation Team and of local implementation teams comprising representatives from both Circuit and District offices, together with the future manager and deputy manager, and staff from regional offices.

Programme Manager Paula Lyons said it was a great experience to work on the project and to see all the hard work pay off for so many around the country. "It is a great credit to the management and staff of the offices that significant administrative change was achieved with no disruption to court services".

## ANNUAL REPORT 2013

The Annual Report of the Courts Service was presented to the Minister for Justice & Equality, Frances Fitzgerald, T.D. in July. It showed that work in the criminal area decreased in 2013 - with the District Court making 13% less orders than in 2012. However, overall the District Court made almost 348,000 orders during the year and sent over 13,000 cases forward to the Circuit and Central Criminal Courts for trial. The Chief Justice said that, "this reduction brings the figures back to the levels of other years, down from historic highs - and does not hide the fact that the courts remain extraordinarily busy in every area of work".

She pointed to the example that, "our courts continue to deal with significant numbers of road traffic matters. Unlike other jurisdictions, non payment of fines for traffic offences automatically results in a driver being summonsed to court. Last year 58% of all summary matters related to road traffic

offences. This puts a great strain on the courts system. Perhaps we should look at imaginative ways of avoiding this scenario?"

The net cost of running the Service was €57.8m in 2013 compared with €100m in 2008. "To put it starkly, the gross funding for the Service has decreased by 25% since 2008", said the Chief Justice. "The net cost to the State for operating the courts has reduced by 42% in the period. Ireland's courts are amongst the least costly in all the countries of the Council of Europe. Any further or continued subtraction of monies and staff from the Courts Service budget will cause a great and lasting damage to our courts system".





## TIME TO START BUILDING AGAIN



Across the country plans for seven new courthouse projects were well on their way to procurement and construction stage. The projects form part of a Public Private Partnership ('PPP') Project announced by the Government as part of its stimulus package in 2012.

Planning process requirements and designs have been completed for all the projects and surveys and preparatory works are underway. At a Market Day in Kilkenny Courthouse in May, a series of presentations were made to those who expressed interest in bidding for the projects. The Chief Justice – as Chair of the Courts Service Board – told the audience that the Courts Service has used traditional capital procurement and the PPP alternative in the past to produce iconic landmark buildings such as the Criminal Courts of Justice in Dublin, and to ensure the future of such historic gems as Kilkenny Courthouse which dates back to 12th Century.

She pointed out the challenges of refurbishing older courts but stressed that the old has to be respected in addition to the development of the new. The seven elements of the new bundle were designed by the Office of Public Works whom she said had a great understanding of Courts Service requirements and of heritage and local

issues. She said courthouses are the mirror of society and any successful bidder will have the opportunity to work on seven landmark, national buildings and add to our courts and justice infrastructure.

Courts Service Head of Infrastructure Services, Paul Burns, said the Courts Service had inherited over 260 places where courts were held – many in less than desirable conditions. Since then the courts had been moved to 90 more suitable centres – over 60 of them having benefited from being new or fully refurbished. He outlined the plans for Letterkenny, Mullingar, Drogheda, Wexford, Limerick, Cork and Waterford – all of which amount to the building or refurbishment of approx 37,000 sq metres of court property.

Further details of the upcoming procurement process and legal contract issues were outlined by speakers from the National Development and Finance Agency and were followed by a question and answer session – with expressions of interest from financiers, builders and consortia from Ireland and abroad.

It is intended that the process over the coming months will lead to preferred bidders and contracts, with work commencing on sites with Government approval in 2015. It is hoped to deliver and have the courts in use by the middle of 2017.

## REPRIEVE FOR DUBLIN COUNTY COURTS

Plans to centralise all Dublin District Court business in city centre and Blanchardstown courthouses were shelved in October following a review. The Courts Service reviewed the administration and delivery of court services in the Dublin Region. The purpose of the review was to identify in consultation with all stakeholders, a range of options which could be considered to enable the Service maintain frontline court services, and support court sittings in the context of reduced budgetary and staffing availability.

Arising from the review, draft proposals were formulated to address the resourcing and budgetary deficit, including the closure of suburban court offices and venues in the city and county. The Service then undertook extensive consultation with court users across the city, county and justice sector and “engaged thoroughly and listened actively to what people told us”. While the reorganisation as proposed would yield significant benefit the Service said, “we have always been aware of the potential impact on court users. We have now been told that the proposals could also result in increased costs across the justice sector and be organisationally challenging for other agencies in the sector. We are always cognisant of the needs of court users and of other justice sector agencies and have accordingly decided not to proceed with the reorganisation at this time”.

The problems identified prior to the review remain with a statement from the Service concluding that it “will now have no option but to seek alternative strategies, which will inevitably require the assignment of additional resources to maintain existing levels of service”.

## ESTABLISHMENT OF THE COURT OF APPEAL

The establishment of the Court of Appeal in October marked the most significant restructuring of the courts system since the foundation of the State. It occupies a new appellate jurisdictional tier between the High Court and the Supreme Court.

In civil cases, appeals from the High Court which prior to the Thirty-third Amendment of the Constitution would have been heard by the Supreme Court now lie to the Court of Appeal, except for those cases in which the Supreme Court has permitted an appeal to it on being satisfied that the appeal meets the threshold set out in Article 34.5.4° of the Constitution (a ‘Leap Frog’ appeal).

In criminal cases, the Court of Appeal was given the appellate jurisdiction previously exercised by the Court of Criminal Appeal under the Court of Appeal Act 2014. The Court of Appeal was also given jurisdiction to hear appeals by the Director of Public Prosecutions on a question of law arising out of criminal trials which resulted in an acquittal and which was formerly exercised by the Supreme Court. The appellate jurisdiction previously exercised by the Courts-Martial Appeal Court was also given to the Court of Appeal.

Questions of law which could previously be referred by the Circuit Court to the Supreme Court for determination (a ‘case



Standing (left to right): Ms. Justice Mary Irvine, Mr. Justice George Birmingham, Mr. Justice Garrett Sheehan, Mr. Justice Gerard Hogan, Mr. Justice Alan Mahon  
Seated (left to right): Mr. Justice Michael Peart, Mr. Justice Peter Kelly, Mr. Justice Seán Ryan, President of the Court of Appeal, Ms. Justice Mary Finlay Geoghegan

stated’) are now determinable by the Court of Appeal.

Mr. Justice Seán Ryan was appointed by the President of Ireland as the President of the Court of Appeal in October 2014 having been President designate since February 2014. Mr. Justice Peter Kelly, Mrs. Justice Mary Finlay Geoghegan, Mr. Justice Michael Peart, Mr. Justice George Birmingham, Ms. Justice Mary Irvine, Mr. Justice Garrett Sheehan, Mr. Justice Gerard Hogan, and Mr. Justice John Edwards were appointed from the High Court and Mr. Justice Alan Mahon was appointed from the Circuit Court.

## COURTS COMMEMORATION EVENTS

The Courts Centenary Commemoration Committee held successful lectures and walks celebrating the Decade of Centenaries throughout 2014. The first was a lecture held in the Round Hall of the Four Courts given by Mr. Justice Gerard Hogan on the subject of ‘Childers Ghost and the Four Courts in wartime 1916 – 1922’. Judge Hogan’s vast knowledge of this area, including analyses of habeas corpus cases and military trials during the period, made it a most interesting lecture. It proved to be very popular with over one hundred and seventy people who attended and who were also afforded the opportunity to visit the Supreme Court and enjoy light refreshments.

In June over three hundred people joined the committee for a walk in lovely sunshine around Dublin’s Legal Quarter. They walked with guides from the Four Courts, to Green St Courthouse, Kings Inns, the Law Society, and Arbour Hill before



concluding in the Criminal Courts of Justice. Additional guides gave historical overviews in each building.

The final lecture this year was given by Dr. Myles Dungan, historian and presenter of *The History Show* on RTÉ Radio 1 in November. Again attended by over one hundred and seventy people this interesting and entertaining

lecture was entitled ‘*The Irish Law Times goes to War 1914 – 1918*’. Mr. Turtle Bunbury, author, historian and TV presenter was a guest speaker.

The next lecture will be held in March 2015. If you are interested to attend the lecture or be notified of upcoming events please email [courtscentenaryevents@courts.ie](mailto:courtscentenaryevents@courts.ie).



## OUTREACH

The Courts Service Visit Programme continued to be very popular with over 3,000 second level students and teachers visiting the Criminal Courts of Justice in Dublin and many others visiting court buildings around the country. Other visitors included mature students on

community education schemes, active retirement groups, and students from various universities. Courts Service staff also facilitated judicial delegations visiting from China, Tanzania and the USA. Read more about our Outreach Programme on [page 17](#).

## RETIREMENTS

Many staff retired during the year taking with them memories of their time in the Courts Service and leaving behind a legacy of commitment to customer service and professional standards at work. We welcomed our retired staff back in November for the Memorial Mass, see photographs on [page 20](#).

1. Veronica Murphy retired from Tullamore Court Office.
2. Mr. Justice Barry White.
3. Colm Ormond and Greg McNamee both retired from IT.
4. Mr. Justice Iarfhlaith O'Neill.
5. Olive Caulfield (centre) with her colleagues Marie Lacey and Bernadette Ryan from Human Resources.
6. Kevin Murphy retired from Longford Court Office.
7. Mr. Justice Matthew Deery



## REPORT HIGHLIGHTS MAJOR FACTORS UNDERLYING CHILD CARE APPLICATIONS

The *Second Report of the Child Care Law Reporting Project* recently launched by the President of the District Court ([see page 12](#)) reveals that one in four of child care cases in the courts involves at least one parent from an ethnic minority (including Travellers). One in six cases involves a parent suffering from cognitive impairment or mental illness. The vast majority of parents are single or separated and parenting alone and nearly one in three of the children has special needs.

The Project, led by Dr Carol Coulter, publishes regular reports from the courts which make orders under the Child Care Act, mainly relating to taking children into care, on its dedicated website ([www.childlawproject.ie](http://www.childlawproject.ie)). It collects and analyses data from the proceedings, reports on the nature and outcomes of the child care proceedings and promotes a public debate on the issues raised. The anonymity of the children and their families is preserved throughout.

The recent Report contains statistics drawn from observations made at 486 cases attended by project workers between September 2013 and July 2014. The cases involved 864 children. This represents just over 20 per cent of all children in court-ordered care. The data collected includes the reason the Child and Family Agency (previously the HSE) made an application for a care order (interim or long-term) or a supervision order; the ethnic background, marital and health status of the parent or parents; the number of children and whether they had special needs; whether they had guardians *ad litem* to represent their views and best interests; the length and outcome of the hearing and the kind of care into which the children were placed.

In an analysis of the cases already

reported the Report shows a variation in the reasons why the Child & Family Agency seeks care orders and in the basis for the court granting them. Most of the cases concern parents who are vulnerable because of a mental or cognitive disability, drugs or alcohol abuse, and who are socially isolated, with little support from their extended family or community. Almost invariably they are poor, surviving on social welfare. If poverty is combined with a cognitive impairment or mental illness on the part of the parents (the vast majority of whom are parenting alone) and they have a child with special needs, the situation can quickly unravel and the child will be at risk of neglect or, sometimes, abuse.

Speaking at the launch, Dr. Coulter pointed out that in most courts outside Dublin child care cases are heard on the general family law day, when there can be up to 70 or 80 cases on the list. "It is just not possible for child care cases, if the orders are not consented to, to receive the attention they need and deserve," she said. "When there is a contest the case can face repeated adjournments spread over many months. These cases alone make a compelling case for the establishment of a special family court as soon as possible".

For more on these stories and other articles published in 'Courts Service News' throughout 2014 visit the Courts Service website, [www.courts.ie](http://www.courts.ie) and subscribe to our ezine.



# JUDGE HIGHLIGHTS OPPORTUNITY FOR MEDIA TO EXPLAIN FAMILY LAW COURTS

A senior judge has said that reporters could play a vital role in the understanding of family law courts in Ireland. Launching the *Second Interim Report of the Child Care Law Reporting Project* in October, President of the District Court, Judge Rosemary Horgan, said that “legislative changes in 2013 opened up the family law courts, which until then had been almost entirely private, to *bona fide* members of the press”.

She noted that “regular press reporting allows better insight into the mechanics of the family courts; it takes these courts out of the shadows. Over the last year a lot has been reported about what happens in the courts in family and child care proceedings. It can be a source of hope that such reporting informs beliefs and debate around this crucial area of legal and welfare work into the future”.

President Horgan pointed out that along with this, “the added value brought by this Child Law Reporting Project is that as well as conveying part of the stories of the families which come before the court, the Project touches on the complexity of the issues behind the stories. On their own the stories may simply serve to mask the complex webs of cause and effect that lead to child care case coming before the Court. The issues highlighted are important and sow seeds for a multi-disciplinary synthesis and analysis of many issues”.

Read more about the *Child Care Law Reporting Project* on page 11.



## CIVIL SERVICE RENEWAL PLAN LAUNCHED

The Taoiseach and the Minister for Public Expenditure and Reform launched the Civil Service Renewal Plan in October. The Plan is the result of extensive work over the previous 12 months and represents a major milestone for the Civil Service. It aims to build on the capabilities of the Service so that it can meet the needs and expectations of the Government and the public into the future.

More than 2,000 staff and stakeholders contributed to the

development of the Plan which focuses on ‘building on what we do well and identifying what we can do better’. The Plan brings together the work of the Independent Panel on Strengthening Civil Service Accountability and Performance and the work of the Civil Service Renewal Taskforce.

The positive change that has been effected in the Civil Service in recent years is acknowledged with the Plan emphasising the need to continue on this road. The intended outcome is a

Service that is unified, professional, open and accountable, and responsive.

The Plan notes that there are over 34,000 full-time equivalent civil servants employed nationwide with the Service managing an expenditure of €53 billion in 2013.

The Civil Service Renewal Plan is available on the website of the Department of Public Expenditure and Reform [www.per.gov.ie](http://www.per.gov.ie).



## UCD LAW SCHOOL TEAM WIN BRÉAGCHÚIRT UÍ DHÁLAIGH GAEL LINN 2014

The Irish language moot court, *Bréagchúirt Uí Dhálaigh*, took place in the Four Courts recently with first prize going to University College, Dublin.

Organised annually by Gael Linn, in conjunction with barristers Daithí Mac Cárthaigh and Ruadhán Mac Aodháin, the event is held in memory of the late Cearbhall Ó Dálaigh, former President and Chief Justice of Ireland. The competition gives third level law students an opportunity to display their advocacy skills in an authentic courtroom setting before practicing judges.

Preliminary rounds were held in the Kings Inns with teams from the Law Society of Ireland, and UCD selected to go through to the final in the Four Courts. Ms. Justice Bronagh O’Hanlon and Mr. Justice Gerard Hogan presided over the final, and were assisted in the adjudication by Cormac Ó Dúlacháin, S.C. The aspiring young barristers were praised for their skillfully constructed presentations, with Karen Ní Néill and Clíodhna Ní Chéileachair declared the winners – the second year running for a team from UCD! They received a cheque for €600 along with the Gael Linn



Winners of *Bréagchúirt Uí Dhálaigh Gael Linn 2014*, Clíodhna Ní Chéileachair and Karen Ní Néill (centre) from UCD Law School, pictured with (l-r), Cormac Ó Dúlacháin, S.C., Mr. Justice Gerard Hogan, Antoine Ó Coileáin, Chief Executive, Gael Linn, and Ms. Justice Bronagh O’Hanlon.

Perpetual Trophy, while the runners-up from the Law Society, Fergus Hurley, Laura Ní Dhruacháin and Deirdre Hosford, received a cheque for €300.

Gael Linn’s Chief Executive, Antoine Ó Coileáin, thanked the judges for their continued support of the competition and said: “Gael Linn is pleased that *Bréagchúirt Uí Dhálaigh*

is proving more popular than ever with law students. It is worth noting that extra career opportunities exist at home and in the EU for lawyers with high competence in Irish. Testament to the standing of this competition is the fact that senior judges have made themselves available to adjudicate at *Bréagchúirt Uí Dhálaigh* this year”.

## NEW STAFF REPRESENTATIVE ELECTED TO COURTS SERVICE BOARD

Ms. Elaine Jones of the Courts Service Limerick Court Office has been elected to represent Courts Service staff on the Courts Service Board. Elaine previously worked in Waterford Circuit Court Office and the Southern Regional Office. She is really looking forward to her latest

role. Elaine told ‘Courts Service News’ “I am delighted to have this opportunity to represent the interests of the staff on the Board. I look forward to this new challenge and intend to be an active participant in all matters of concern and relevance to staff.”





# NEW COURTS SERVICE BOARD

Following the completion of a three year term on 8th November last, there have been a number of elections and nominations to the new Courts Service Board.

The President of the Court of Appeal becomes a new member and there are new Bar Council and Law Society nominees. Three nominees remain to be made by the Minister for Justice & Equality. There are newly elected members from the Court of Appeal, the Circuit Court, and the staff of the Courts Service (page 13).

## Membership of the Courts Service Board

1. **The Hon. Mrs. Justice Susan Denham**  
Chief Justice and Chairperson of the Board
2. **The Hon. Mr. Justice Nicholas Kearns**  
President of the High Court
3. **The Hon. Mr Justice Liam Mc Kechnie (Re-elected)**  
Elected by the ordinary judges of the Supreme Court
4. **The Hon. Mr Justice Sean Ryan (New member)**  
President of the Court of Appeal
5. **The Hon. Mr Justice Michael Peart (Newly elected)**  
Elected by the ordinary judges of the Court of Appeal
6. **The Hon. Mr. Justice Patrick McCarthy (Re-elected)**  
Elected by the ordinary Judges of the High Court
7. **The Hon. Mr. Justice Ray Groarke**  
President of the Circuit Court
8. **Her Honour Judge Doirbhile Flanagan (Newly elected)**  
Elected by the ordinary judges of the Circuit Court
9. **Her Honour Judge Rosemary Horgan**  
President of the District Court.
10. **Judge Gerard Haughton (Re-elected)**  
Elected by the ordinary judges of the District Court
11. **Mr. Brendan Ryan,**  
Chief Executive of the Courts Service
12. **Mr Colm O'hOisin (Bar Council) (New nominee)**  
Nominee of the Chairman of the Bar Council
13. **Mr. James McCourt (Law Society) (New nominee)**  
Nominee of the President of the Law Society.
14. **Ms Elaine Jones (Newly elected)**  
Elected by the staff of the Courts Service
15. **Awaiting nominee**  
Official of the Department of Justice and Equality nominated by the Minister
16. **Awaiting nominee**  
Nominated by the Minister to represent consumers of the services provided by the Courts
17. **Mr. Liam Berney (Re-elected)**  
Nomination by Irish Congress of Trade Unions
18. **Awaiting nominee**  
Nominated by the Minister because of his relevant knowledge and experience in commerce, finance or administration.

# JUDICIAL APPOINTMENTS TO HIGH COURT



**Judge Carroll Moran** was educated in University College Dublin, the Law Society of Ireland and the King's Inns. He enrolled as a Solicitor in 1970 and was called to the Bar in 1975. He was appointed a judge of the Circuit Court in 1997.



**Judge Mary Faherty** was educated in University of Freiburg in Germany, University College Galway and the King's Inns. She was called to the Bar in 1986 and the Inner Bar in 2001. She was also called to the Bar of England and Wales in 1996. She was appointed a judge of the Circuit Court in 2012. She served as the fifth President of UNAT from 2012 to 2014.



**Judge Raymond Fullam** was educated in University College Dublin, Institute of Chartered Accountants and the King's Inns. He was called to the bar in 1977 and the Inner Bar in 1995. He qualified as a chartered accountant in 1971. He was appointed a judge of the Circuit Court in 2007.



**Judge Carmel Stewart** was educated in University College Galway and the King's Inns. She was called to the Bar in 1987 and the Inner Bar in 2008. As a Junior and Senior Counsel she had extensive practise in constitutional and public law. She was appointed a judge of the Circuit Court in 2012.



**Judge Tony Hunt**, was educated at University College Dublin and Kings Inns. He was called to the Bar in 1986 and appointed to the Circuit Court in 2007. He has been assigned to the Midland Circuit for the past two years. He has also recently been appointed to the Special Criminal Court to replace Mr. Justice Garrett Sheehan.



**Judge Margaret Heneghan**, was called to the Bar in 1993 and the Inner Bar in 2009. She has been a Circuit Court judge since 2010 and was assigned to the Dublin Circuit in 2011. An accredited commercial mediator, she was also a member of the Legal Aid Board from January 2009 until her appointment to the Bench.



Solicitor, **Mr. Donald Binchy** was educated in University College Dublin and the Law Society of Ireland and enrolled as a solicitor in 1987. He has wide experience in all areas of law with specialist expertise in company and commercial law, planning and administrative law. Mr Binchy, who runs a solicitor's practice in Clonmel, Co Tipperary, was president of the Law Society in 2011-2012.



Solicitor, **Mr. Robert Eagar** was educated in University College Dublin and the Law Society of Ireland. He enrolled as a solicitor in 1978 and has wide experience in all areas of law with specialist expertise in criminal law, internet crime, extradition and asylum and human rights law as well as child care cases. Mr. Eagar was an assistant solicitor in the Office of the Chief State Solicitors: 1978 – 1984 and is a former chairperson and member of the Dublin Simon Community. He was also a founder member of the Irish Refugee Council and served on the Board of Management of Ranelagh Multi-Denominational School.



Senior Counsel, **Robert Haughton** was educated in Trinity College Dublin and the King's Inns and called to the Bar in 1979 and Inner Bar in 2004. He was chairman of the board of Bloomfield Hospital (now Bloomfield Care Centre) from 2005 to 2012 and is currently a director. He has been a senior counsel since 2004. His civil law practice has included personal injury and medical negligence cases and landlord and tenant law. Mr Haughton was counsel to the Lourdes Hospital Inquiry and Redress scheme in 2004-2005.

# JUDICIAL APPOINTMENTS TO CIRCUIT COURT



Judge Eugene O'Kelly was educated in University College Galway, University College Dublin, University College London and the Law Society of Ireland and enrolled as a solicitor in 1981. He was appointed as a judge of the District Court in 2012 and was assigned to District No. 13.



**Mr. Francis Comerford** was educated in University College Galway and the King's Inns and was called to the Bar in 1985. He practised on the Western Circuit and has lectured in various law courses, in particular the law of evidence, at University College Galway.



**Ms. Karen Fergus**, was educated at University College Dublin and the King's Inns and was called to the Bar in 1991 and Inner Bar in 2006. She practised in civil litigation, mental health tribunals, disciplinary inquiries and family law.



**Ms. Melanie Greally** was educated in University College Dublin and the King's Inns and was called to the Bar in 1991. She practised mainly in criminal law and extradition, including applications under the European Arrest Warrant Act 2003. She was appointed to the Office of the Director of Public Prosecution's panel of prosecution counsel for Dublin in 1997.



**Mr. John Hannan** was educated in University College Galway and the King's Inns and was called to the Bar in 1995. He practised mainly in tort (including personal injuries), equity and property, employment appeals and other tribunal work.





## JUDICIAL APPOINTMENTS TO CIRCUIT COURT



Ms. Karen O'Connor was educated in Trinity College Dublin and the King's Inns and was called to the Bar in 1993. She practised mainly in criminal law with experience in extradition and judicial review. She was involved in the establishment of the Irish Criminal Bar Association.



Ms. Elma Sheahan was educated in University of Limerick and the King's Inns and was called to the Bar in 1996. She has experience in personal injury litigation, including medical negligence, judicial review, non jury and commercial litigation. She was a legal adviser to the Residential Institutions Redress Board from March 2007 to July 2014.

The Government agreed in principle, to nominate **Mr. Gerard O'Brien**, Solicitor for appointment to the Circuit Court by the President to fill the vacancy that will arise on that court with Judge Margaret Heneghan's appointment to the High Court.

Mr. O'Brien was educated in University College Dublin and the Law Society of Ireland and enrolled as a solicitor in 2003. He is the Principal Solicitor in Gerard O'Brien Solicitors, practising in family law, conveyancing, personal injuries, mental health and judicial review. He was appointed State Solicitor for North Tipperary in 2012.

### RETIREMENT

## MR. JUSTICE HERBERT RETIRES

The Attorney General led the tributes to Mr. Justice Herbert in a packed Court 4 in the Four Courts as he retired recently after 14 years on the High Court Bench.

Called to the Bar in 1967, Judge Herbert was a junior counsel for 28 years before he took Silk in 1995. He was made a Bencher of the Kings Inns while still a junior counsel and appointed to the High Court in 2000.

The Attorney, Máire Whelan S.C., recalled his career as a barrister pointing out several significant cases in which he was involved across a wide spectrum including equity, trusts, common law and chancery. "You can be proud of the contribution you made to the law", she said. Chairman of the Bar Council, David Barniville S.C., added that the judge will also be remembered for his concern for the ordinary person and his sense of fairness and fair play, both as a barrister and as a judge. James McCourt,

solicitor, thanked the judge on behalf of the Law Society pointing out that in his time on the Bench he "displayed all of the best qualities of communication". High Court Principal Registrar Kevin O'Neill spoke of the judge's courtesy and thanked him on behalf of the court staff for his cooperation.

The judge replied by stressing that it had been his intention to slip away quietly but he had been persuaded to come to court and wanted to use the opportunity to thank the many people he had encountered along his career. Starting with his wife and son whom he thanked for their great support to him, he made a very impressive attempt to mention everyone and apologised if he had left anyone out. He paid great tribute to the court registrars whom he called "the unsung heroes of the system" and "without whom the judicial system could not function". He singled out the Registrar of



*Mairead O'Dwyer, Kilkenny Court Office Manager, Mr. Justice Daniel Herbert and Tony Tighe, Tipstaff at the judge's last sitting in Kilkenny recently*

the Court of Criminal Appeal for her "vast knowledge" and praised staff in offices including Probate, Wards of Court, General Solicitors for Minors and Wards, and Examiners for their dedication. County registrars, researchers, his two tipstiffs (highlighting that his current tipstaff was the recipient of the Scott medal for bravery), An Garda Síochána, prison management and staff, members of the Press, the

Courts Service, and local support staff in the Four Courts were all thanked for their cooperation and courtesy.

With a love of walking, skiing, travelling and fishing, no one was left in any doubt about the judge's plans for the future. "I don't think I'll miss the law", he said "but I will miss coming in here every day to meet all you people". To a standing ovation, he thanked every one who had "come here today to wish me well".



## REACHING OUT TO THE COMMUNITY

Reading about court cases is nothing like experiencing the real thing. By visiting a courthouse people can observe our justice system in action. The Courts Service continues to welcome thousands of students, community groups and members of the judiciary from around the world to courthouses all over the country.

One of the most popular initiatives is the School Visit Programme, with over 3,000 third level and secondary school students visiting the Criminal Courts of Justice in Dublin during 2014. Court staff, barristers and members of the judiciary assist with the programme which offers visits tailored to suit the needs of individual groups. Court staff around the country also open their doors to local secondary schools. From Naas to Castlebar, and from Donegal to Kilkenny and Cork, these

visits bring the law to life. They allow students learn how the courts work and find out what goes on behind the scenes in busy court offices.

Community groups continue to avail of the Outreach Programme which includes an opportunity to visit the courts and meet with staff or barristers. This year's visitors included members of the Old Dublin Historical Society who visited Green Street Courthouse and members of the National Learning Network, Work Options and numerous active retirement groups who visited the Criminal Courts of Justice.

Other visitors included over 800 people who explored the Criminal Courts of Justice following the invitation extended as part of 'Open House Dublin' by the Irish Architecture Foundation. Volunteer guides joined

members of the Office of Public Works, and architects H.J. Lyons, to explain features of the building and show people around the various floors and rooms.



For information about visiting the courts go to the 'schools' section of [www.courts.ie](http://www.courts.ie) or email: [schooltours@courts.ie](mailto:schooltours@courts.ie)

## CONOR DUNLEA RETIRES

A much valued member of the School Visit Programme team retired recently after 36 years in the Civil Service. Conor Dunlea who worked in the Criminal Courts of Justice provided daily support for the organising team in Phoenix

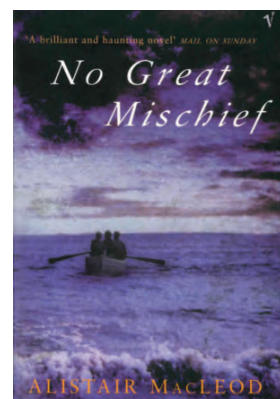
House thus assisting the smooth running of the Programme. As he retired Conor thanked everyone he had worked with for their assistance to him.

We wish him well in his retirement.



## BOOKS: SOME SUGGESTIONS FOR CHRISTMAS READING

With winter drawing in and Christmas just around the corner, Noel Doherty has a few suggestions to stimulate the grey matter.



**No Great Mischief** by Alistair MacLeod (Vintage). Published in 1999 this novel by Canadian author Alistair MacLeod, who died in April 2014,

importance of family ties, including extended family, it focuses mainly on the relationship between Alexander and his brother Calum. At the beginning of the novel, Alexander visits Calum, now an alcoholic living in Toronto. Alexander then starts to tell the story of growing up in Cape Breton with his grandparents and brothers and sister and later working with Calum and his brothers in the mines of Northern Canada. In between, we learn more about the clan McDonald both past and present.

Beautifully written, *No Great Mischief* packs a great emotional impact but is rarely sentimental and is permeated with humour.

concerns the descendants of a fictional branch of the McDonald family, led by Calum Ruadh who fled Scotland in 1779 and settled in Cape Breton, Nova Scotia. Calum Ruadh casts a long shadow and his descendants take great pride in their Scottish highland ancestry. Set in the 1980's, the story is narrated by Alexander McDonald, an orthodontist living in Ontario, Alexander is raised along with his twin sister by his grandparents after his parents are drowned, while his older siblings create a household of their own, headed by Calum.

While the novel explores the



**For the crime novel devotee** Why not try one of the great stalwarts of detective fiction. The character of Inspector Maigret was created by Georges Simenon and between 1931 and 1972 seventy five

novels and twenty eight short stories featuring the pipe-smoking French detective were published. Last year Penguin started republishing the Maigret series issuing one novel per month commencing with *Pietr the Latvian*. It is a most enjoyable series and while the villain is often, but not always, identified early on, the psychological battle between hunter and prey can be fascinating. The novels are generally quite short, around 160 pages, but provide a vivid depiction of the city of Paris and surrounding towns.



**Poetry Ireland Review (Issue 113)** is a Seamus Heaney Special Issue featuring 46 of his poems together with short essays on them by a large range of fellow poets

and academics. Priced at €9.99 this would make a lovely gift for fans of the great man or, indeed, for those coming to his poetry for the first time.

## FESTIVE CHRISTMAS PUDDING

Gerry Curran's recipe produces a ripe, aromatic, inviting, and thoroughly seasonal welcome to the kitchen.

### Ingredients

- 660 -720 g of various dried fruits to taste: for example
  - 70g glacé or morello cherries – cut in 3
  - 340 g raisins
  - 170 g sultanas
  - 170g currants
- 200ml of dark stout
- 60mls / 6 dessert spoons of spirits (brandy, whiskey or dark rum with some sherry)
- 1 dessert spoon of cooking browning
- 1 grated apple
- Juice and rind of half an orange
- 225g white breadcrumbs
- 225g white plain flour
- ½ tsp each of mixed spice, nutmeg (or ground cloves), cinnamon, ginger, baking powder
- 70g ground almonds
- 225g butter / suet / baking block
- 150g dark muscovado sugar
- 85g demerara sugar –
- 1 generous dessert spoon of black treacle
- 4 large eggs



### Method

- Steep the fruit, beer, browning and spirits in a bowl overnight
- Beat the butter, treacle and sugar to a cream
- Mix up flour, spices, baking powder and almonds
- Add the spicy flour mixture, eggs and breadcrumbs one third at a time, to the beaten creamy mixture, mixing well between each addition
- Add all this to the wet, steeped fruit and mix well.

It should be neither a runny batter nor a bread-like dough. If it seems

too runny add a little flour, too dry a little stout.

Fill a well-greased 2 litre pudding bowl. Cover the top of the mixture – kept a good inch below the top of the bowl – with greaseproof paper. Put a layer of tinfoil over the top of the bowl – reaching well beyond the lip and tie under the lip with string. Make a folded pleat in the middle of the tinfoil before using – about an inch wide – to allow room for expansion without ripping. Cover with lid as well.

Sit the bowl in a large pot of boiling water (coming ¾ of the way

up the bowl), add lid to pot, bring back to the boil, lower heat and keep at a gentle roll for six hours, checking and topping up boiling water every 90 minutes or so.

Allow to cool overnight in the bowl. If storing in bowl replace the greaseproof paper and foil tightly, tie, and put lid on.

To serve reheat in bowl for about seven minutes or so in the microwave, or covered again in the bowl in a pot of water for an hour or so. Custard, brandy butter, cream or eggnog sauce splashed on the side goes well.

## TRY OUR CHRISTMAS QUIZ

There's nothing better than cosying up by the fire after dinner on Christmas day to watch some TV whether it's an old black and white movie or a Christmas special of your favourite soap.

Test your Christmas TV and film knowledge in our festive quiz:

1. Who played Fred Claus in the 2007 movie of the same name?
2. Which song from the 1954 film "White Christmas" was nominated for the Best Song Oscar?
3. What brand of water do Del Boy and Rodney attempt to sell in their 1992 Christmas special?
4. In which year was the Queen's first TV Christmas message?
5. What was the name of the boy in the TV film "The Snowman"?
6. Which popular Eastender's character died on Christmas Day in 2006?
7. In the film "The Muppet Christmas Carol" which character

narrated the story?

8. Which long running character left Coronation Street on Christmas Day in 1987 to become a housekeeper for a doctor in Derbyshire?
9. The song "Have Yourself a Merry Little Christmas" features in which 1944 musical?
10. Which Welsh singer made her acting debut in the 2010 Doctor Who Christmas Special?

Closing date for entries is Friday 30th January 2015. To win a €40 An Post 'One for All' voucher send your answers by email to [courtsservicenews@courts.ie](mailto:courtsservicenews@courts.ie) or Mairéad Fitzsimons, Information Office, 6th Floor Phoenix House, Smithfield, Dublin 7.



### DID YOU KNOW?

Christmas puddings were traditionally made on the last Sunday before Advent ('Stir up Sunday'). Dating back to Victorian times, the tradition is connected to a passage in the Bible: "Stir up, we beseech thee, O Lord". The event was used to show younger people how to 'stir up' the ingredients for the pudding and gave everyone a stir for good luck.

# THROUGH THE LENS

The Annual Mass for deceased staff of the Courts Service and the Property Registration Authority, deceased members of the judiciary and deceased relatives was held in the Church of the Immaculate

Conception (Adam and Eve's), Merchants' Quay last month. Many colleagues and family members gathered afterwards for light refreshments in Phoenix House.



Aisling O'Neill, High Court Registrar and Geraldine Dunne, retired staff member



(Left to right) Noel Berrill, Eileen Keanan, Frank Brogan and Rosaleen Brennan, staff of the Property Registration Authority



Alan Williamson and Michael Valentine, retired staff



Retired staff (from left) Tim McCarthy, Noel Brennan, Kevin Murphy and Frank Dunne with Aisling McKeon, Internal Audit



(From left) Columba Ward, Myra Cunningham, Pearl Kerrigan, Magdalene McGonigle, Bridget McArdle and Mary McArdle



(From left) Marie O'Connor, Catherine Treacy and Teresa Brogan, staff of the Property Registration Authority



(From left) Derek Moffat, Joan Treacy, Patricia Wiggins, Valerie Croghan, Matt Cahill, David White, Phil Kiely and Tony Lawlor