



THE BAR
OF IRELAND

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BARRA NA HÉIREANN

An Leabharlann Dlí

JUSTICE | A MANIFESTO for FAIRNESS



November 2024

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A MESSAGE FROM THE CHAIR OF THE BAR OF IRELAND

The political and legislative process benefits from the perspectives and insights of our members.



With our members working daily in the administration of justice in courts across the State, the recommendations within our *Justice | A Manifesto for Fairness* seek to inform candidates for political office on the priorities for our justice system and the community they serve.

We are fortunate as a State that the public continue to have a high regard for the legal system and appreciate the independence and integrity which are core values of our courts. We all have a role in ensuring that this vital public service – a key lever in our democracy – is carefully guarded and properly resourced.

One certain route to the diminution of our system of rule of law is through the inadequate resourcing of our courts and legal system. Supplying and maintaining adequate resourcing remains a challenge for the political process.

The Council of The Bar of Ireland urges all candidates and political parties to consider the role of the justice system in the lives of their constituents and to commit to the priorities that we set out within.

As always, The Bar of Ireland and its leadership invite candidates to engage with us.

A handwritten signature in black ink, reading "Seán Guerin". The signature is written in a cursive, flowing style.

Seán Guerin SC
Chair, Council of The Bar of Ireland

THE IRELAND OUR JUSTICE SYSTEM SERVES

As a vital public service, our system of administration of justice – whether through the courts or quasi-judicial bodies – must adapt to the changes and bear the pressures brought about by a growing population and a strong economy.

A Growing Population: The population has surpassed 5 million since 2020, with a more noticeable increase in the past few years. The estimated population increase in Ireland from 2000 to 2025 is approximately 30.13% and further significant population growth is anticipated, possibly rising above 7 million before 2060¹.

Full Employment: An unemployment rate at 4.3% represents a thriving economy. As a consequence of a strong economy, a speedy and effective dispute resolution system is a key requirement, relying on access to a properly resourced and efficiently functioning courts system and legal sector.

An Economic Sector: The legal services sector is itself a broad-based economic sector operating across all constituencies, reflecting the distribution of our courts system and centres of business.

Expanding practice areas and increased use of technology all mean that there remains scope to continue to develop legal services across the State.

As an economic activity, legal services contribute by way of social impact, but also the sector's direct value-add (by way of taxes, revenue, contribution to GDP) and indirect value-add, as a multiplier and enabler of other economic activities both nationally and internationally.

¹ <https://www.cso.ie/en/releasesandpublications/ep/p-plfp/populationandlabourforceprojections2023-2057/migrationassumptions/>

FAIR | A system for all, regardless of means

Civil Legal Aid Review | Scope and adequacy of system

As long as citizens and residents are unable to obtain effective and fair access to legal services in the courts for the resolution of their disputes, the wider negative impacts will continue to worsen and be felt by individuals and their communities.

Latest Legal Aid Board² data confirms an increasing demand for legal aid. Where legal need is not met, the *justice gap* will continue to expand and lead to an increasing burden and cost on those requiring assistance, including their families and communities.

This delay has the effect of corroding the confidence of citizens in their ability to resolve disputes in our courts as a fundamental public service and the only basis of a system of law and order. Legal aid, constitutionally guaranteed in the case of criminal matters, is intended to ensure that those who cannot afford legal representation are represented.

KEY STATISTICS:

+48% - The percentage increase in the number of legal aid applications from 2022-2024

+20% - The percentage increase in the number of people awaiting first consultation since 2022

+44% - The percentage increase in number of locations where applications for legal aid are waiting more than 18 weeks since 2022

42 Weeks

**Average waiting time
for a Legal Aid
Consultation in**

Sligo

In civil law, the role of legal aid is equally important, to ensure equality of arms in circumstances where the other party to the proceedings is represented.

In certain matters (e.g. Family/Childcare) a grave inequity arises in that the rate and category of payments to counsel can differ depending on the parties (defendant, respondent, notice party), yet the legal representation work is similar.

A 2018 independent review of the abysmal rates paid under the 2012 Legal Aid Board Terms and Conditions found that the median rates ultimately paid to counsel were significantly below sectoral norms. The gap between what is fair remuneration for complex work undertaken and rates being offered by the Legal Aid Board has since broadened. Legally aided cases deserve qualified, competent and experienced barristers. Barristers' participation in the legal aid system is jeopardised where the fees paid are wholly inadequate and do not constitute fair or reasonable remuneration for work done.

Areas where Civil Legal Aid is currently provided	
Family Law Proceedings	Child Law Matters
International Protection	Insolvency & Mortgage Arrears
Inquests	Mental Health Tribunals

²<https://www.legalaidboard.ie/en/our-services/legal-aid-services/waiting-times/law-centre-statistical-information.html>

Waiting Times – 18 weeks and more – Legal Aid Board

2022		2023		2024	
Location & No. of Weeks Waiting for First Consultation					
Newbridge	35	Sligo	29	Sligo	42
Monaghan	25	Blanchardstown	28	Portlaoise	31
Dundalk	24	Kilkenny	25	Tallaght	26
Castlebar	22	Dundalk	24	Wicklow	24
Longford	20	Longford	24	Blanchardstown	22
Navan	19	Portlaoise	24	Jervis Street	22
Nenagh	19	Castlebar	22	Smithfield	21
Cavan	18	Jervis Street	20	Castlebar	19
Limerick	18	Tallaght	20	Galway Francis St	19
		Clondalkin	18	Limerick	19
				Longford	19
				Clondalkin	18
				Nenagh	18

Lay Litigants – Accessing Justice, at a cost

In the absence of effective access to counsel through delays and backlogs in the legal aid system, an increasing number of people are forced to litigate for themselves before the court.³ The impact⁴ of this on them and other court users includes:

- Longer delays due to protracted preparation and conduct of matters;
- Inefficient use of valuable court time;
- Increases the ultimate cost of resolution in the long run.

While the law is clear that any litigant in criminal or civil proceedings is entitled to exercise their right of self-representation, the dangers of self-representation are manifold. Without the benefit of access to skilled advocacy, knowledge of litigation strategy, and indeed administrative support, lay litigants (and all parties involved) are

Justice delayed is justice denied.

33% increase in lay litigant queries³

³ According to FLAC Annual Reports, in 2020 there were approximately 638 Lay Litigant queries, which rose to 850 in 2022 (with a marginal fall to 831 in 2023).

⁴ <https://www.irishjudicialstudiesjournal.ie/assets/uploads/documents/pdfs/2010-Edition-01/article/judges-fairness-and-litigants-in-person.pdf>

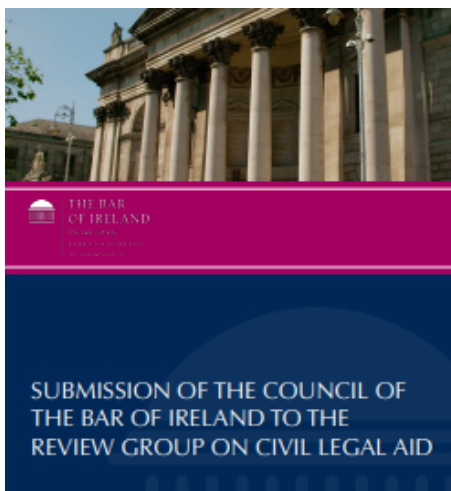
faced with many challenges, not least the failure to fully assert or vindicate their personal rights.⁵

A better resourced legal aid system is an essential tool in efficiently managing court resources. In addition, it enables citizens to access counsel from The Bar of Ireland in order to secure effective, high quality and value-for-money representation. The absence of such access has the effect of impeding their assertion of their rights.

The Bar of Ireland looks forward to commenting on and engaging with relevant proposals arising from the final report of the Civil Legal Aid Review Group.

For the next Government to deliver Justice and Fairness:

- **Expand the range of categories and eligibility for legal aid** - A reimagined and reformed Civil Legal Aid Scheme should be open to all applicants who need information, advice, assistance and/or representation to vindicate rights and entitlements. Eligibility should not be confined to only the existing areas it is currently provided.
- **Resource representation beyond the Courts** - The expansion of quasi-judicial bodies represents a further frontier where citizens and business come to seek justice. The need to resource representation arises; including adequacy of fees paid to practitioners operating in these expanding areas.
- **Review the 2012 Legal Aid Board Terms and Conditions** to ensure counsel are paid for work done and the fees paid are fair and reasonable.
- **Review of the Private Practitioner (PP) Scheme** - Currently, the total fee paid for representation at the District Court for childcare matters (access, custody, guardianship) is approximately €339, and where split between barrister and solicitor, can represent only €169.50. Failure to retain counsel due to inadequate fees is hindering the system's capacity to provide meaningful legal aid to the most vulnerable sectors of society on a long term and sustainable basis.



[Read our submission to the Civil Legal Aid Review Group here](#)

⁵ [Submission-of-the-Council-of-The-Bar-of-Ireland-to-the-Review-Group-on-Civil-Legal-Aid_Feb-2023.pdf](#)

Families in Court | Resourced, Supported, Humane

The impact of relationship breakdown and child welfare issues is felt across the entire country. There is no constituency, no community that is immune to these phenomena.

It follows that family law courts, and the system of justice administered in those courts must operate in provincial and local centres, close to the communities they serve, across the country.

The importance of a well-resourced family law justice system across all levels cannot be overstated. It is of systemic importance to the functioning of civic society.

In **March 2024**, we gathered perspectives from practitioners specialising in family law, and specifically, regarding the proposed jurisdictional change under the then proposed Family Courts Bill.

Voices from the profession:

"There are too many cases per day in the District Court so either the cases don't get heard or don't get enough time."

"Average waiting time for reports or any adjournment is 3 months; lists are very long and there is no time to properly hear a case."

"With so few consultation rooms, this results in an almost total lack of privacy for litigants - so the in-camera rule is ineffective."

KEY STATISTICS:⁶

+ 56,000 - The number of family law cases heard in the District Court alone in 2022

+32% - The percentage increase in family law cases in the Circuit Court since 2010 (2023: 6,305 matters)

The Bar of Ireland has been to the forefront⁷ in engaging with Oireachtas members on the Family Courts Act 2024, and the need for a practical family law system that reflects the needs of users, and in particular the welfare of children and vulnerable litigants.

The success or otherwise of the Family Courts Act, 2024 depends on the level of detailed advance planning towards, and resourcing of the family law courts and the campuses where they will operate.

For the next Government to deliver Justice and Fairness:

- **Implementation and resourcing** – Many aspects of what is contained in the Act should not be commenced until there is a uniform and modern Courts infrastructure in place across the entire country – infrastructure which will fully and properly meet the needs of litigants, their children, professional advisors and the judiciary in the delivery of a truly modern, efficient and dignified Family Justice system.
- **Engage with Practitioners** - Our members who practise in this area are committed to designing and delivering a system that works for families and litigants at a most stressful point in their lives. Continued and even more effective dialogue is required with legal practitioners on how to properly deliver family courts fit for the future.

⁶ <https://www.lawlibrary.ie/app/uploads/securepdfs/2024/03/Submission-Family-Courts-Bill-2022-8.3.24-1.pdf>

⁷ <https://www.lawlibrary.ie/app/uploads/securepdfs/2024/04/FamCourtBill-v3.pdf>

- **Rights of the Child** - The Act refers to 'guiding principles' which the Court should consider and refers to children being the 'primary consideration', rather than 'paramount' as provided for in Article 42A of the Constitution. The current language dilutes the protection offered by Article 42A of the Constitution and should be strengthened.

Justice that works | A credibly resourced criminal justice system

Our very democracy and system of rule of law as a lever of social cohesion relies on the trust of our citizens in our judicial and criminal justice system. Citizens have an expectation that the system is operated consistently across the State and in a timely and fair manner for all.

KEY STATISTICS: INCREASED CRIMINAL COURTS ACTIVITY

+ 149% - percentage increase in court dates in the Central Criminal Court since 2019. In 2023, the level of activity by reference to court dates was 4,700⁸

+ 35% - percentage increase in the number of appeals from the District Court to the Circuit Court since 2021

+ 25% - percentage increase in number of prosecution files brought by the Director of Public Prosecutions since 2014

The increase in activity and demand for advocacy services arises in tandem with a growing complexity and burden of work, arising from, but not limited to:

- The increased volume of material, particularly electronic data, in cases;
- Implementation of Victims' Rights Directive;
- New measures to protect vulnerable witnesses;
- New pre-trial procedures to assist victims of crime.

In order to respond to this demand and increasing complexity, political will is now required in the form of an explicit and time-bound commitment to a fair and adequate rate of payment for counsel working in our criminal justice system.

Having long endured a 40% reduction in payment levels since 2002, the issue is not fully resolved.

Fair remuneration is essential to avoiding delays in our courts by and to retaining counsel against the backdrop of a cost-of-living crisis and other more reasonably remunerated work elsewhere in the legal sector.

⁸ <https://www.dppireland.ie/app/uploads/2024/09/AR-2023-eng-1.pdf>

MEMBERS REMAIN PENALISED BY:

September 2008	Non-payment of 2.5% increase (<i>per public service pay agreement</i>)
March 2009	Reduction of 8% in fee levels (<i>at the same time as FEMPI cuts imposed</i>)

For the next Government to deliver Justice and Fairness:

- **Formal commitment to reverse the remaining cuts** that uniquely apply to barristers since the financial crisis. Despite the limited restoration, these cuts continue to apply against the backdrop of increased work and complexity, inflation and more attractive areas of work. Without counsel, the increasing workload of the criminal courts will result in delays and backlogs.
- **Restore the link between public service pay agreements and fees** paid to prosecution and defence criminal barristers to ensure that remuneration is in line with wider trends and work is fairly compensated. Allowing inflation to erode the real value of compensation for criminal work will undermine the criminal justice system.
- **Review the structure** as the nature of criminal advocacy work has changed dramatically. The Bar of Ireland is seeking an independent, meaningful, time-limited and binding mechanism to determine the fees paid to criminal barristers by the Director of Public Prosecutions and under the Criminal Justice (Legal Aid) Scheme.

Engage with Practitioners | Policy based on experience

Our 2,100 practitioners engage daily with legislation that has been passed by the Houses of the Oireachtas and with Ministerial Regulations and Orders as part of the wider legislative process.

The courts where law devised by the Legislature is applied, relied on and challenged by litigants within the complexity of real factual situations. As such, our members possess a wealth of experience and valuable perspectives in the context of the law reform process.

Access to Justice | Local Justice - A National Issue



Barristers practise in the Superior Courts and across 8 Circuit Court regions and 24 District Court districts. Our courts infrastructure and centres of legal activity are an important visible representation of the justice system administered locally.

Government representatives have a direct role to play in the preservation of local justice and ensuring access to efficient and functioning local and regional courts in their constituencies.

Local courthouses maintain trust in the justice system, ensure fair representation, and reinforce the idea that justice is accessible to those who seek it, regardless of location.

Based on our members' experience across the State, The Bar of Ireland remains available to assist Oireachtas members to understand law reform challenges across a wide spectrum, affecting the rights and welfare of their constituents. These include, but are not limited to:

- The decision of the Supreme Court in the Ruth Morrissey case highlighted the long-standing gap in the law in relation to the recovery of general damages in a fatal claim (under Part IV of the Civil Liability Act). A dying Plaintiff must therefore choose between bringing a claim for general damages during her lifetime or letting her statutory dependents bring a fatal injury claim after death.⁹
- In addition, the level of compensation for grief and trauma suffered by a bereaved family is currently capped at €35,000, but without any regard to the number of dependants. This should be reviewed to reflect current needs and expenses.

⁹ <https://www.lawlibrary.ie/app/uploads/securepdfs/2024/11/Final-Access-to-Justice-The-Dying-Plaintiff-22.03.21.pdf>

- There is a gap in the law covering wills that needs to be addressed. Section 117 of the Succession Act 1965 means “proper provision” does not cover those who die without a will and who have children from a first relationship. The law from the Ireland of sixty years ago should be brought up to date to deal with the Ireland of now.¹⁰
- It should be a priority to bring in the necessary legislation to bring in Periodic Payment Orders in clinical negligence cases. Recommendation 54 of Justice Plan 2024¹¹ provides for this, and it is needed as soon as possible. When bringing in these Periodic Payment Orders as a priority, particular care should be given to the indexation rate set and the roll-out in practice to make sure those injured by clinical negligence are treated fairly while reducing the overall cost.

For the next Government to deliver Justice and Fairness:

- **Actively engage** with the legal profession in the context of law reform proposals, reviews and invitations for submissions. Our members have a wealth of experience that can add real value to the effectiveness of legislative proposals.

¹⁰ <https://www.lawlibrary.ie/viewpoints/section117/>

¹¹ <https://www.gov.ie/en/publication/9a97c-department-of-justice-action-plan-2024/>

FAST | A judicial and dispute resolution system delivered efficiently and effectively

Investment in Justice & Court Services

A measure of the value placed on the rule of law, and the role of our justice system in the State, is the adequacy of the level of resourcing provided.

	Budget 2015	Budget 2020	Budget 2025
% of total Budget allocated to Justice Vote	4% €2.2bn	4.2% €2.96bn	3.2% €3.92bn
% of Justice Vote allocated to Court Service	5.3% €106m	5.06% €155m	4.98% €195.6m

The "Justice Vote" in the context of the national budget refers to the allocation of funds to various sectors under the Department of Justice and its affiliated agencies. In 2025, **€3.92 billion euro** of the overall Budget was allocated to the Justice Vote of which only a total of **€195.6 million** was allocated to the Court Service.¹²

Despite an increase in nominal terms, investment and allocation in our justice system as a proportion of total Government spending has decreased, when compared to 2019/2020, from **4.2% to 3.2%**. Our rate of investment in the wider justice system has fallen from the inadequate previous levels of resourcing. For example, investment is €110m below where it should be if the 2020 rate (4.2%) of investment had continued.

The shrinking level of investment is reflected in the over stretched services available to citizens seeking access to the courts.



As a % of GDP (0.07%), our justice budget is the lowest in Europe. Ireland spends €65 per inhabitant, below the Council of Europe median of €75.¹³

Commission for the Efficiency of Justice (Council of Europe)

In Budget 2025, only an additional €11.1m was allocated to the Courts Service.

The low investment in the administration of our courts gives rise to costly inefficiencies in other areas, for example delays in processing of matters due to a lack of personnel and lack of appropriate technology. The low level of funding is intended to stretch across all priorities

¹² Data based on <https://whereyourmoneygoes.gov.ie/en/justice/2025/> and Courts Service Annual Reports.

¹³ <https://rm.coe.int/ireland/1680b1df6c>

across the Courts Service, including the ongoing Court Service Modernisation Programme and the appointment of much-needed additional staff.

This additional resourcing is wholly inadequate considering the level of demand being experienced by the Courts Service and the investment required to ensure court users have effective access to justice.



..... the scale by which we still fall short, can be illustrated by [the fact that] the budget for the Courts Service ... would keep the health service funded for less than a **week** and the education system for approximately a **week or so**. it is a legitimate question to ask whether this comparison is an instructive reflection of the *relative* importance of the courts system in the State, in particular having regard to its essential function in the operation of the State.

Chief Justice, The Hon. Mr. Justice Donal O'Donnell, Remarks at the Opening of the Legal Year Ceremony, October 2024

Court Resourcing - Reducing delays & improving access



Ireland has had the dubious distinction of being consistently at the bottom of an EU member state league table in terms of numbers of judges per capita.¹⁴ Ireland also has the lowest number of judges in the 44 Council of Europe member states.¹⁵

“There is a direct correlation between judicial numbers and throughput. Resources do lead to results.

Chief Justice, The Hon. Mr. Justice Donal O'Donnell, Remarks at the Opening of the Legal Year Ceremony, October 2024

The above remarks, delivered by The Chief Justice, Mr. Justice Donal O'Donnell, underline the reality of the need for additional judicial resources. To deliver the efficiency gains in hybrid court work, modern courts need modern infrastructure across the State. As one example, it has been observed that the fibre cabling in the Four Courts is between 20 - 25 years old and incapable of facilitating the high data speeds needed for modern day business activities.

The Recommendations of the Judicial Planning Working Group¹⁶ included the call to appoint 44 additional judge and that work to be undertaken in two phases. The second tranche of 20 extra judges is still awaited, while we recognise a commitment to legislation has been provided.

Appointments yet to be made include:

- 6** Judges of the District Court
- 6** Judges of the Circuit Court
- 6** Judges of the High Court
- 2** Court of Appeal Judges

¹⁴ See EU Justice Scoreboards, including most recent EU Justice Scoreboard 2024, available at https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard_en

¹⁵ See CEPEJ evaluation report (2024 cycle). <https://rm.coe.int/cepej-evaluation-report-2024-general-analyses/1680b1e91d>

¹⁶ <https://www.gov.ie/pdf/?file=https://assets.gov.ie/248247/1894d424-7e23-4dc0-b6c6-3e40babe4016.pdf#page=null>

Increasing Trends | Wait Times & Length of Proceedings

Average Length of Proceedings¹⁷			
CIVIL – High Court (days)	2022	2023	Change
All	733	796	↑
Asylum	175	203	↑
Bail	14	15	↑
Chancery	517	553	↑
Extradition	100	71	↓
Family	664	714	↑
Judicial Review	208	217	↑
High Court Criminal – Central Criminal Court, where most serious criminal matters involving rape and murder arise			
Waiting Time from Return for Trial to Trial Date	WEEKS	WEEKS	
Priority	55	65	↑
Bail Cases	71	95	↑

The Courts Service data above confirms that for a wide range of categories of court activity, that citizens are experiencing increasing delays in seeking access to the courts.

Criminal Cases in the Circuit Court | Regional Wait Times¹⁸

Criminal Circuit Court	
Waiting Times from receipt of return for trial to hearing date of trial	
Office	Trials
Longford	165 Weeks – 3.2 Years
Dundalk	124 Weeks – 2.4 Years
Monaghan	112 Weeks – 2.2 Years
Limerick	109 Weeks – 2.1 Years
Cavan	104 Weeks – 2 Years
Wexford	104 Weeks – 2 Years
Dublin	103 Weeks – 2 Years
Clonmel	97 Weeks – 1.9 Years
Galway	95 Week – 1.8 Years

¹⁷ <https://courts.ie/acc/alfresco/2b552955-e0f9-41a2-80e7-c526d24651e2/Courts%20Service%20Annual%20Report%202023.pdf/pdf/1https://courts.ie/annual-report>

¹⁸ <https://courts.ie/acc/alfresco/2b552955-e0f9-41a2-80e7-c526d24651e2/Courts%20Service%20Annual%20Report%202023.pdf/pdf/1https://courts.ie/annual-report>

- At the regional level, wait times for trial for criminal cases in the Circuit Court exceed 100 weeks in seven offices across the country, with an average wait time of 78 weeks (1.5 years) across 26 offices.
- Waiting times outlined above do not account for the waiting periods in the District Court following charge before the case is returned for trial, therefore overall wait times are underestimated.
- This data highlights significant disparities and imbalances in access to justice across regions. Long delays, especially in areas like Longford and Dundalk, impede the justice system's ability to deliver timely outcomes, which can have implications for defendants, victims awaiting trial, and the wider community.

For the next Government to deliver Justice and Fairness:

- **Resource the recommendations of the Judicial Planning Working Group¹⁹ and the OECD Modernising Staffing and Court Management Practices in Ireland²⁰** in relation to the implementation of a long-term strategy for the judiciary at each court level.
- **Increase judicial appointments and administrative staffing across all jurisdictions** to reflect the expanding complexity of legal matters, increasing demand and legislative measures.
- **Human Focused Court Modernisation** - ensuring the modernisation of courthouses through continued investment in technology is a key part of delivering a vital public service to constituents.

¹⁹ <https://www.gov.ie/pdf/?file=https://assets.gov.ie/248247/1894d424-7e23-4dc0-b6c6-3e40babe4016.pdf#page=null>

²⁰ <https://www.gov.ie/pdf/?file=https://assets.gov.ie/248277/72bf6562-cb68-415d-b862-bf0c033673d8.pdf#page=null>

FUTURE | a judicial and legislative framework, supporting human rights, the rule of law and citizens' needs

Third Party Funding | A resourced route to Justice

Third party litigation funding is currently not permitted in Ireland.

As the remaining common law jurisdiction in the European Union, Ireland is being marketed as a centre for international dispute resolution, and Irish law as an ideal choice of law.

The Law Reform Commission's ongoing consideration of Third-Party Litigation funding arises from several high-profile commercial court matters.

In our submission to the Law Reform Commission²¹, The Bar of Ireland endorsed a legislative approach to the issue, so that the following issues can be further analysed:

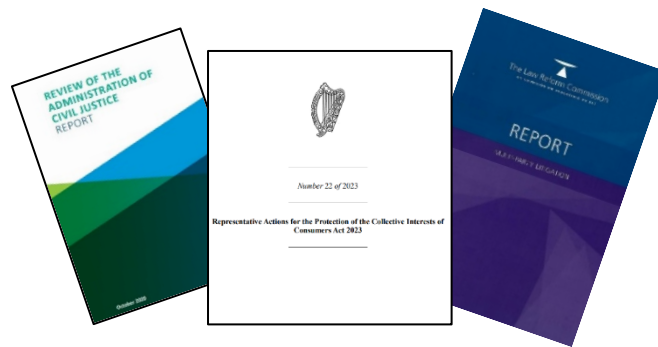
- a. expanding access to justice in Ireland.
- b. improving equality of arms between opposing parties, thereby avoiding the type of imbalance that can force weaker parties to accept unsatisfactory settlements.
- c. increasing assets available to creditors in insolvency proceedings.
- d. resolving the anomaly whereby corporate entities can effectively engage in third-party funding under another name, by issuing shares or transferring shares between corporate entities.

For the next Government to deliver Justice and Fairness:

- **A legislative response** is required to accommodate Third Party Funding, which is increasingly a legal sector standard and route to access justice, for businesses, citizens and civil society.

²¹ <https://www.lawlibrary.ie/reports/submission-to-the-law-reform-commission-consultation-on-third-party-litigation-funding/>

Multiparty/Class Actions | Access to justice for the many



The 2020 Review of the Administration of Civil Justice recommended²² the introduction of a comprehensive multi-party action procedure in Ireland. That recommendation is not new.

The Hon. Ms. Justice Denham, when launching the Law Reform Commission’s Report on Multiparty Litigation in 2005²³, said:

“

“It is probable that the less well off, those disadvantaged in our society, would be the main beneficiaries of a new procedure enabling multi-party action.... It is no easy task- the challenge is to find a just balance in multi-party litigation between procedural efficiency and fairness.

The Law Reform Commission has met this challenge successfully. Implementation of this Report would bring us a step closer to succeeding in this task.”

The Representative Actions for the Protection of the Collective Interests of Consumers Act 2023²⁴ permits qualified entities to represent consumers in a representative action (civil claim) where a trader has infringed their consumer rights under one or more of the specific legislative provisions.

The Act underscores the value of representative or collective actions in terms of access to justice, and an innovation in legal services for those who may not be in a position to afford litigation, including those actions that might otherwise be advanced by civil society organisations.

For the next Government to deliver Justice and Fairness:

- **Support and provide a legislative basis** (if required) for multi-party actions, providing an efficient and cost-effective route to access justice without the current constraints.

²² <https://www.gov.ie/pdf/?file=https://assets.gov.ie/100652/b58fe900-812e-43f2-ad8d-409a86e7c871.pdf#page=null>

²³ [https://www.lawreform.ie/_fileupload/Reports/Report Multi-party litigation.pdf](https://www.lawreform.ie/_fileupload/Reports/Report%20Multi-party%20litigation.pdf)

²⁴ <https://www.irishstatutebook.ie/eli/2023/act/22/enacted/en/pdf>

Protecting Ireland’s Interests in European Law Making

The judgments of the Court of Justice of the European Union (CJEU) are binding on Ireland by virtue of our membership of the Union. Since Brexit, Ireland is the sole common law jurisdiction.

As the only Common Law jurisdiction in the EU, the State is urged as strongly as possible to take a more proactive role in sharing the Common Law perspective with the CJEU. The Bar of Ireland underlines the value in engaging with a wider range of cases than the State would have needed to do previously, pre-Brexit.

“ After Brexit, these states will have to make a choice, either staying on the substitute bench and see issues being uncontested before the Court or leaving the bench and enter the match more frequently themselves.”²⁵

In 2023, Ireland made 2 preliminary references out of 518 made in the EU that year.

Prior to Brexit, the UK made 18 references (2019), with which the Irish common law system is likely to have had overlapping interests.

Ireland is now the only common law member state with those interests. Preliminary references from across the EU will affect Irish interests. Resourcing the participation of Ireland to represent the common law interest in these cases is critical.

References for a preliminary by Ireland				
2019	2020	2021	2022	2023
10	5	11	14	2

For the next Government to deliver Justice and Fairness:

- **Resource the Office of the Attorney General and the Permanent Representation** with additional legal personnel to ensure greater Irish presence and activism in matters that have Irish interest, that come before the CJEU.

²⁵ See: Derlén, Lindholm and Naurin, “You’re Gonna Miss Me When I’m Gone! The Impact of Brexit on Member States’ Contribution to the Case Law of the CJEU”, (2019) *Europarättslig Tidskrift* 381at pg 394 [Quoted above]

Ireland for Law | A Government initiative for growth

Established by the Government in 2019, Ireland for Law promotes Irish Law and Irish Legal Services to the international business community, particularly for commercial sectors where Ireland is already a world leader, including aviation finance, funds, insurance, tech, pharma and life sciences.

Ireland – as the only common law jurisdiction in the European Union – boasts over 430 financial institutions employing over 52,000 people providing financial services to every major economy in the world from Ireland. We are home to 9 of the world’s top 10 software companies and 15 of the world’s top 25 financial services companies.

In 2024 Ireland for Law undertook 4 trade missions to London, Frankfurt, Philadelphia, Delaware & Washington D.C. and New York City. These missions continue to represent a valuable opportunity to promote Ireland as a centre for dispute resolution, and Irish law as a choice of law in international legal contracts.

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THINGS GENERAL COUNSEL SHOULD KNOW ABOUT IRELAND FOR LAW

- English speaking, common law and in the EU
- World leader in aviation finance, funds, insurance, tech, pharma and life sciences
- A specialist Commercial Court with related lists dealing with Competition, Arbitration and Strategic Infrastructure Litigation
- Decisions easily enforced in other EU member states
- A modern international arbitration law
- A Government with a track record and commitment to respond to the changing nature and demands of international business
- Experienced, independent and impartial Judiciary with Commercial Expertise
- An experienced and expert legal profession, consisting of 12,000 solicitors and 2,200 barristers
- Expertise in corporate mergers, global restructuring and insurance portfolio transfers
- Widely available legal expertise from organisations such as the Commercial Litigation Association of Ireland and Arbitration Ireland

Leading the EU in Legal Excellence in International Arbitration

Court of Arbitration for Sport | A Dublin Seat for UEFA



In June 2024, the Union of European Football Associations (UEFA) established new Authorisation Rules, allowing for arbitration proceedings to take place in Dublin, Ireland, instead of Lausanne, Switzerland, as stipulated by the Court of Arbitration for Sport (CAS).



This amendment represents a significant development with several key implications for Ireland and the broader arbitration, sports, and economic landscape. Allowing for arbitration proceedings to take place in Dublin under UEFA's new rules positions Ireland strategically as a growing centre for international arbitration. The position as the seat of CAS proceedings opens opportunities for increased economic and legal activity.



This also reinforces Ireland's role as a key player in upholding EU legal standards within the arbitration framework, for football and other sports across the EU and wider sports law world.

This is a practical and exciting example of how Ireland's legal system and The Bar of Ireland can take a leadership role and contribute to our reputation and economy on the international stage.

For the next Government to deliver Justice and Fairness:

- **Continued Government support and endorsement of Ireland for Law** – that the trade and sectoral benefits of Ireland for Law goals be quantified, and the continued support from the State and its agencies in its ongoing promotional role be provided.
- **Support through action** - actively ensure that the preference for Irish law and Ireland as a forum is incorporated into contracts entered into by the Government, and its agencies with international third parties.

Unified Patent Court for Ireland | A Referendum Required

The Europe-wide Unified Patent Court (UPC) became operational on 1 June 2023 but has not been adopted in Ireland, as the Referendum was deferred.

The advantages of Ireland becoming a signatory and location for UPC disputes via a local court designation are clear. The Government indicated that if the proposal passed²⁶, Ireland would set up a division of the court locally which would “*bring many benefits for business*”, including for the reputation of the Irish judiciary:

- Patent holders can take actions to enforce or defend their rights in individual member states where the United Patent Court has been adopted, thereby availing of a single court ruling that will be directly applicable in those member states.
- Given the UK’s non-participation in the UPC system post-Brexit, Ireland would be the only native English-speaking and common-law UPC jurisdiction.

For the next Government to deliver Justice and Fairness:

- **Constitutional Amendment** - At the next available opportunity for constitutional amendment, to bring forward the proposal to accommodate the United Patent Court within our legal order and to support the value and role of Intellectual Property protection as part of our international reputation.

²⁶ <https://www.ibec.ie/connect-and-learn/media/2024/01/24/statement-on-the-unified-patent-court-referendum>

Additional Policy Areas | Read our Submissions

Each year, The Bar of Ireland contribute their views to a wide range of policy areas based on practitioner expertise in those areas of policy:

[The Bar of Ireland Pre-Budget Submission 2025](#)

September 2024

[The Family Courts Bill Survey | Perspectives from the Coalface](#)

April 2024

[Submission to the Department of Health on Proposals for Adult Safeguarding in the Health and Social Sector](#)

April 2024

[Submission To Joint Committee On Justice General Scheme Of The Proceeds Of Crime \(Amendment\) Bill 2024](#)

March 2024

[Submission On The Family Courts Bill 2022](#)

March 2024

[Submission to Joint Committee on Foreign Affairs & Defence – General Scheme of the Defence \(Amendment\) Bill 2023](#)

March 2024

[Submission by The Council of The Bar of Ireland to the European Commission: Targeted Stakeholder Consultation on the 2024 Rule of Law Report](#)

January 2024

[Submission To The Legal Services Regulatory Authority On The Admission Policies Of The Legal Professions As Required By Section 33 Of The Legal Services Regulation Act 2015](#)

January 2024

[Submission to the Department of Justice on the Public Consultation on the Reform of the Coroner Service](#)

January 2024

[Submission to Revenue on Foot of Consultation | Real-Time Digital Reporting & Electronic Invoicing](#)

January 2024

[Submission to the Law Reform Commission: Consultation on Third-Party Litigation Funding](#)

November 2023

[Submission to the Joint Committee on Justice on the General Scheme of the Criminal Justice \(Legal Aid\) Bill 2023](#)

October 2023

[Submission to Government: Budget 2024 – Investing in the Frontline Criminal Justice System](#)

June 2023

[Submission on the General Scheme of the Defamation \(Amendment\) Bill](#)

May 2023

[Examining the Role of Sheriffs in Respect to State Work](#)

March 2023

[Submission to the Review Group on Civil Legal Aid](#)

February 2023

[Submission to Department of Enterprise, Trade & Employment Re: AI Liability Directive](#)

January 2023

[Submission on the General Scheme of the Criminal Justice \(Sexual Offences and Human Trafficking\) Bill 2022](#)

October 2022

About The Bar of Ireland

The Council of The Bar of Ireland is the accredited representative body of the independent referral Bar in Ireland, which consists of members of the Law Library and has a current membership of approximately 2,150 practising barristers.

The Bar of Ireland is long established, and its members have acquired a reputation amongst solicitors, clients and members of the public at large as providing representation and advices of the highest professional standards.

The principles that barristers are independent, owe an overriding duty to the proper administration of justice and that the interests of their clients are defended fearlessly in accordance with ethical duties are at the heart of the independent referral bar.



THE BAR
OF IRELAND

The Law Library

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