



**OPENING STATEMENT TO THE JOINT COMMITTEE ON JUSTICE
COURTS AND COURTHOUSES 2021**

Tuesday 28th September 2021 at 3.30 pm

Firstly, the Council of The Bar of Ireland welcomes the opportunity to address members of the Joint Committee on Justice in relation to the topic of Courts and Courthouses. You will have already received our written submission and therefore I intend to briefly summarise some of the salient points made in our submission.

The Council considers that there are two broad issues to be addressed:

1. The physical infrastructure of courthouses, and
2. The requisite IT upgrades required to facilitate remote hearings and hybrid hearings.

Notwithstanding significant improvements to many courthouses in recent decades, it remains the position that all those who use courthouses and in particular litigants, are faced with wholly unsuitable and inconsistent court facilities, where in some instances, even basic needs are not met. A lack of adequate consultation rooms and separate waiting areas in court venues directly impacts on the manner in which proceedings are conducted. The lack of appropriate facilities significantly increases stress and anxiety which can result in volatility and on occasion violence in the course of litigation. A modern and efficient courts infrastructure will undoubtedly improve the experience of court users and the management of litigation.

The Council supports the Courts Service in its endeavours to bring new technology and modern ways of working to the administration of justice so that it operates to the highest standard for everyone, from vulnerable court users, witnesses and litigants to judges and legal professionals. Much work was done to ensure the safety of all court users during the

pandemic. While the introduction of remote hearings has greatly assisted stakeholders, there are significant aspects of litigation that are negatively impacted by remote hearings rather than in person hearings, and it is the Council's view that in person hearings are essential for the majority of cases. It is imperative that the physical infrastructure is not overlooked or neglected due to the reduced number of in person hearings due to the pandemic. It must be considered that not every person involved in litigation owns the technology and/or has access to appropriate facilities and/or has the capability (due to vulnerability or otherwise) to conduct a remote hearing. Access to local courts must be facilitated in a manner which can meet the reasonable needs of all citizens.

Our written submission sets out further detail on some of our concerns in relation to the physical infrastructure of court houses and I don't intend to address each and every one of those issues in this opening statement, but rather to note that they include:

- ascertaining whether there are sufficient number of courthouses in a given district or circuit - an analysis of the geographical location of courthouses should be undertaken;
- ensuring that every courthouse has adequate facilities for users, including bathroom facilities and consultation rooms;
- ensuring that the provision of supports and facilities extend to all users of the court, including those with a disability;
- ensuring that acoustics generally are central to any courtroom adaption or re-design so that all parties to proceedings can be adequately heard.

While physical access to courthouses and to hearings is imperative, it is likely that some form of remote hearings will continue in the future and therefore some consideration must be given as to how those that have no access to or can least afford the technology required to participate in a remote hearing can be facilitated.

All courts should have adequate broadband and Wi-Fi to support remote hearings together with hearing rooms/ pods so that participants with inadequate facilities of their own may use such a room/pod to participate in their hearing. At present not all courthouses have adequate broadband, this is a matter that urgently requires action. There is a lack of facilities in courthouses at present to allow persons with no personal devices and/or physical space to

participate in remote hearings, again this is a matter that requires urgent action as it may deny litigants and accused persons their right to effectively participate in proceedings.

Those that are accessing a court remotely require the ability to hear and see anyone that may not be in a position to participate remotely and who may be addressing the court. This will require a significant upgrade in technology for many courthouses, which at present do not have such technology. Our written submission contains more detail on the technology required at Appendix 1.

There needs to be a more streamlined approach to ensuring e-briefs are before the Court. Many courts are not equipped to hear remote applications/ remote evidence. Investment in screens etc is important as they would be used beyond the pandemic for the presentation of paperless evidence. Again, it is the Council's view that there should be uniformity across the country in respect of the facilities to conduct remote hearings.

I am happy to address any queries that members of the Committee may have arising from our submission.

Mema Byrne BL
Darren Lehane SC