



**PRELIMINARY SUBMISSION TO THE
COURTS SERVICE**

**PROPOSALS FOR NEW FAMILY & CHILDRENS
COURT FACILITIES IN DUBLIN**

22 JUNE 2015

INTRODUCTION:

The Bar Council welcomes this initial consultation process into the proposals for the new Family and Children Court Facilities in Dublin. The Bar Council is delighted to have been requested to provide initial submissions on the matters outlined in the consultation process and hopes that further detailed consultative processes will be carried out in the future. Such consultation with all interested parties would provide assistance to the Courts Service to ensure that the public interest in access to justice and the administration of justice is protected and served. Thus, the Bar Council presents these initial submissions, which are assisted by comments from individual members of the Law Library working in these areas, to assist the Courts Service. The Bar Council also assures the Courts Service of its willingness to meet and engage in further consultation processes and recommends that such consultation should take place at an early stage in relation to any substantive plans for the complex itself.

FAMILY LAW COURTHOUSE:

What facilities and services should a family courthouse contain, such as the role of technology?

1. The Bar Council supports the idea that the courthouse should be in Dublin city centre and, preferably, in the site which has been identified by the Courts Service on Church Street itself. Consideration should be given to ensuring that there are an adequate number of entrances etc. to cater for the different courts, litigants and, with special mention, children who may be accessing the complex every day to preserve their privacy and also to ensure that the complex does not deter them from accessing the legal services that are required therein.
2. Adequate attention and care should be taken to designing the floor space in the building to ensure that litigants and other interested parties are not all waiting in one central area for their cases in the District Courts, Circuits Courts or High Courts. The Bar Council believes that consideration should be given to having separate waiting areas and, possibly, separate floor levels for each Court (i.e. District, Circuit and High Courts) so that people are not sharing one single "waiting space" in the building. This is a matter which members of the Law Library consider is important. For instance, it was noted in representations to the Bar Council by individual members that the present arrangements in Phoenix House may not ensure adequate privacy for litigants awaiting their cases. It was also suggested that the present state of facilities may increase stress amongst litigants as they await their cases to be called from one central tannoy or notification system which can be confusing and lacking in privacy. There may be a lack of space in Phoenix House in that regard and it is important that the new complex is designed to ensure that there are comfortable and user-friendly waiting areas with sufficient regard to preserving litigants' dignity and privacy, including where children are involved.
3. The Bar Council considers that the number of courtrooms in the building would require some statistical analysis in terms of usage and also to plan for future use. There should be adequate courtrooms for the District Court, Circuit Court and the High Court and also to take account of future population changes.

4. The courtrooms should be equipped for video-link evidence so that such a facility can be used in any relevant court proceedings in the relevant court division. The Bar Council notes that some (but not all) of the courtrooms in the Criminal Courts of Justice have video-viewing or video-link facilities and this has meant that a “mobile unit” has had to be used in some court cases. Accordingly, the Bar Council believes that there is a case to be examined to have video-link facilities in all of the courtrooms unless there is a particular reason why that is not necessary.
5. The Bar Council does recommend that it is provided with an adequate and meaningful opportunity to comment on any designs for courtrooms to ensure that they are ergonomic for its members and also provide a proper facility for the public using it. Members of the Law Library commented that the rooms in the new complex could be similar to those in Phoenix House although there may be a necessity for larger courtrooms in some instances. The Bar Council would welcome the opportunity to see any relevant plans for the courtrooms and to be provided with a facility to comment upon such designs in the pre-planning stage.
6. The Bar Council believes that consideration should be given to providing specific “meeting rooms” for the judges to meet with children where the child’s view is to be canvassed on matters relevant to the proceedings. Such specific venues for meeting with a child should be designed to enable the child to express their views in a suitable environment.
7. The Bar Council considers that the complex will require a large number of consultation rooms of varying sizes which are well ventilated, have natural light and are suitable to the task that is required. The Bar Council believes that the consultation rooms in the complex should not mirror those contained in the Criminal Courts of Justice building, some of which are small and all of which have no natural light. Again, such consultation rooms should be designed to maximise privacy of those using the rooms and the complex in general and take account of the needs of the litigants involved, including children and expert witnesses.
8. Consideration should be given to the provision of separate mediation facilities within the building, including consultation and meeting rooms for that purpose. Similarly, consideration should be given to providing facilities for meeting rooms for experts and for facilities for other services which may be availed of (Probation Service, counselling, HSE etc.). The Courts Service should also consider a public restaurant for the building.
9. Broadband and Wi-Fi facilities should be available throughout the complex, including in the courtrooms themselves. This will facilitate practitioners and the courts in the orderly running of cases where more legal databases are on-line and could be accessed in court by both the judge and the legal practitioners. Wi-Fi should be available throughout the building.
10. A legal practitioners’ room should be available within the building. The Bar Council would wish to consider the facilities (i.e. toilet facilities, shredding boxes, printers, photocopiers, lockers) that might be required in this room in more depth once it has had a chance to liaise with its members further. It would welcome the opportunity to consider that matter in the

context of a further consultation process when more specific plans by the Courts Service can be considered.

11. The Bar Council has received communications of concern from some of its members about the concept of placing the Children's Court in the same complex as the Family Law Courts. The Bar Council notes s.71(1)(b) and (2) of the *Children's Act, 2001* and the legislative intention contained therein that sittings of the Children's Court take place in a different building or room from other sittings of the Court and that persons attending are not brought into contact with persons attending another court. More generally, there is a concern that criminal cases concerning children would be taking place in the same building as proceedings affecting children's welfare.
12. Arising from that, the Bar Council considers that this issue needs careful consideration and consultation with all relevant bodies, interest groups and parties before such a plan proceeds to the next stage. If such plans are to proceed it may be that the Children's Court would need an entirely separate entrance and waiting area from the other aspects of the building itself. The plans for the Children's Court itself would need careful consideration to ensure that there are facilities for the Probation Service and other services to be located on-site. There would also be a need for suitable consultation facilities for legal practitioners and their clients.

What should a family courtroom look like?

1. The Bar Council considers that the current courtrooms in Phoenix House may provide a reasonable template for the courtrooms in the new complex as the layout is formal, without being unduly so, and is as bright and as relaxed as courtrooms can be in the context of the cases that are dealt with there. In that regard, the Bar Council suggests that there should be somewhat larger benches for lawyers than applies at present and it would like the opportunity to comment on any such designs for benches in due course. It should be ensured that the courtrooms have good air conditioning and ventilation systems.
2. Further consideration of this matter could take place if specific plans for courtrooms are provided.

What size(s) should the courtroom be?

1. Some larger courtrooms may be required than presently exist in Phoenix House.
2. A large courtroom to deal with the County Registrar lists would be desirable.

Can they be different sizes?

1. Yes.

How many courtrooms should there be?

1. The Bar Council considers that it is difficult to provide specific recommendations on the numbers of courtrooms that are required and would prefer to do so where some statistical

analysis was carried out of the needs of the public for the next 50 years. In addition, there would be a need to have more information on the precise nature of the cases that are being moved to the new building before a proper estimate of the number of courtrooms could be provided.

2. Bearing those caveats in mind, it might be suggested at this initial stage that there might be a facility for 3 courtrooms for the High Court, 4 courtrooms for the Circuit Court and, possibly, 5 or 6 for the District Court (including the Children Court if it is located on that site). The Bar Council will consider this matter in more depth if the Courts Service wishes to liaise with it further on the matter having regard to any available statistics it might have on the topic.

What court layouts or features of the current courtrooms would you suggest could be improved?

See the responses to question 1 and 2 above.

What current features of family law courtrooms should be retained?

See the responses to question 1 and 2 above.

What related services should be located in a family law courthouse?

1. See the responses to questions 1 and 2 above.
2. In addition, the Courts Service should consider whether public bodies (HSE etc.) and services such as mediation, counselling etc. should have facilities "on site" in the complex to facilitate the litigants and, importantly, children in some instances.

What are the space requirements for such services?

1. The Bar Council does not believe that it can address this question without seeing the relevant designs and, if necessary, obtaining its own professional expertise to assist.

What factors should be taken into consideration to ensure that any new building is fit for purpose into the future e.g. legislative proposals, voice of child, social trends etc.?

1. The Bar Council believes that it may be necessary to have an entirely separate area for children, properly staffed and equipped for their needs. Certainly, the interests of children who are involved in court proceedings must be paramount and that should be reflected in the facilities that are provided for them as they await any court cases in which they are involved. The facilities in the CCJ for child witnesses (although not directly comparable in some ways) provide a useful starting point for considering the needs of children in the new complex.
2. Depending on the future role of certain expert witnesses, especially social workers, child psychiatrists, child psychologists etc., it may be prudent to have a separate area for such witnesses to interact with clients, especially children.

3. If it is proposed to enhance mediation services or to oblige parties to engage in mediation, then it may be necessary to provide mediation hearing rooms and consultation rooms separate from the courtrooms and associated consultation rooms. Again, further submissions on this matter can be made when the Courts Service provide more detailed plans about the usage of space in the new complex and these matters are also dependent on the number of courts, consultation rooms and other facilities that are provided therein.

CHILDRENS COURTHOUSE:

1. Please see the comments above about the issue of the Children's Court being contained within the Family Courts Building.
2. Leaving that aside, careful consideration of the facilities and formality of a courtroom for children would be required. In that regard, the present Children Court complex in Smithfield has been subject to criticism and the Bar Council would wish to assist the Courts Service with its plans for the Children Court once it is provided with the designs at a later stage.
3. As an initial suggestion, the Bar Council believes that facilities for all relevant State bodies, (DPP, Gardaí, Probation Service, HSE) should be provided along with consultation rooms for legal practitioners and their clients. There should be adequate planning to ensure privacy for the parties involved, something which may not apply in the Children's Court at present.
4. Wi-fi should be available in the Children Court complex for practitioners and the court alike. There should also be video-viewing and video-link facilities in the same manner as is recommended for the Family Courts.