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LAW SOCIETY

July 2025



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Online reviews can
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Proposals to simplify the EU digital rulebook



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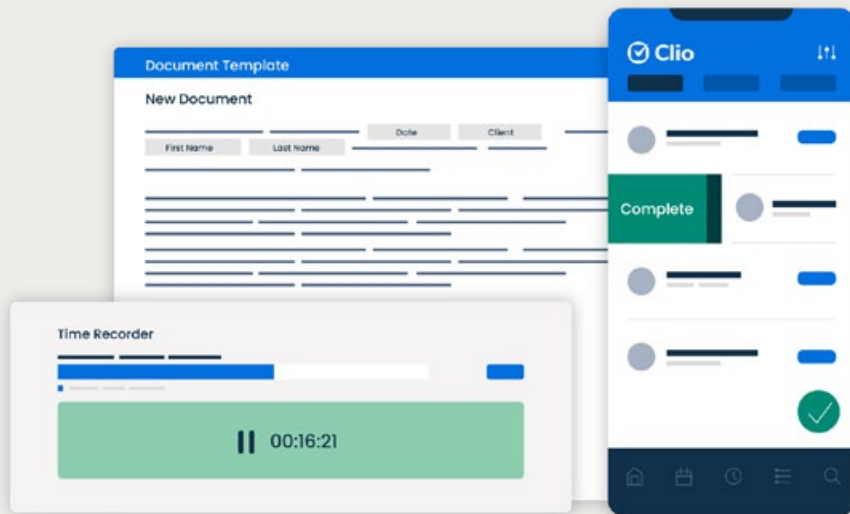
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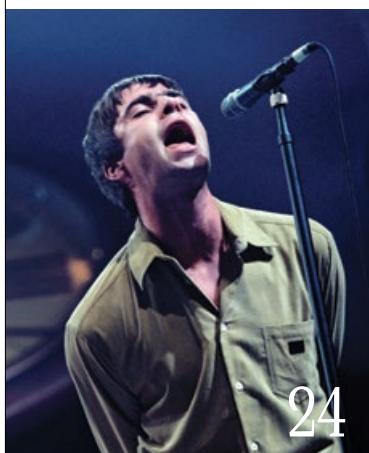
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AN ATTACK ON INTEGRITY



As solicitors, we are bound by a wide array of differing requirements, including the Constitution, statute

law, common law, the rules of court, and so on. We have a duty to serve the administration of justice and act in our clients' best interests.

So it is highly concerning to have the integrity of solicitors questioned in the media on the handling of personal-injury claims. An attack like this is an attack on the integrity of all solicitors.

The insurance industry has, undeniably, been effective in spreading the narrative that fraudulent claims are endemic and that, egged on by overzealous lawyers, a culture of fraud has emerged. They cite these simplistic platitudes as the reasons for the upward trajectory in insurance premiums. These are simply baseless assertions and must be constantly challenged.

An Injuries Resolution Board (IRB) report published in May provides insights into over 76,000 road-traffic accident claims over the last six years. Claims were down by 30% in 2024 compared with 2019. In the same period, the total value of motor liability awards decreased by 41%. Yet we recently read that, according to the Central Statistics Office, the cost of motor insurance increased by 8.4% over the last 12 months – more than four times the general rate of inflation. So while claims are down and awards are down, motor premiums are up.

There is also no evidence to substantiate another much-vaunted claim, that legal costs drive up insurance premiums – but there is a steady stream of reports to show that insurance companies are continuing to enjoy high profits. It is in everyone's interest to have a sustainable insurance market in Ireland, so profits are not a bad thing, but neither is legal representation.

Clutching at straws

For a moment, let's consider the much-cited issue of fraudulent claims. At an Oireachtas inquiry in 2019, insurers

The insurance industry must be required to be far more transparent about the calculation of insurance premiums

seek legal advice before making a claim on foot of injury or loss, as is their right. In fact, claimants are freely choosing to be advised by a solicitor in the vast majority of cases when they engage with the IRB. They should not be denigrated for making this choice, and the Law Society will actively protect the right of any individual who chooses to seek independent legal advice in any context.

The reality is that litigation is generally reserved for more complex cases when other dispute-resolution methods have failed. Litigation is an important complement to the injury-claims process. And yes, by their nature, these can take longer to process and resolve, on average, compared with simpler cases.

The time has long passed for there to be far more transparency around the calculation of insurance premiums. And if legislation is required to make this a reality, it should be enacted. It is very disappointing to see some representatives of the insurance industry deflecting blame to the legal profession and those who seek legal representation. It's also time for more forensic fact-checking of misleading assertions relating to fraud and legal practice.

EAMON HARRINGTON
PRESIDENT

claimed that fraud was as high as 20%. However, actual fraud claims reported to gardai were found to be no more than 1% over a similar period. Claims made by individuals who have suffered injury or loss through no fault of their own are not wrong or fraudulent. The law is there to protect all of us, and people who have suffered injury or loss are entitled to seek fair compensation.

The Law Society fully supports the cost-effective and timely resolution of claims, including through alternative-dispute-resolution methods like the IRB. We wholeheartedly agree with the IRB's recent call for the law to

be changed to empower them to award legal costs in a much broader range of circumstances than is currently permissible. But it must be recognised that the IRB is not a forum where all claims can be resolved to an injured party's satisfaction. It is more suited to less complex cases that can be disposed of efficiently.

It is only natural that people might

the
BIG
picture

Wild horses

A 'caixer' rears up on his horse surrounded by a cheering crowd during the 'Caragol des Born' parade on the eve of the traditional Sant Joan (Saint John) festival in Ciutadella de Menorca, Spain, on 23 June





people

■ WHO ■ WHAT ■ WHERE ■ WHEN ■



Martin Lawlor (Council member), Eamon Harrington (president, Law Society), Jim O'Callaghan (Minister for Justice, Home Affairs and Migration), Valerie Peart (junior vice-president), and Rosemarie Loftus (senior vice-president)

All pics: Cian Redmond

Blackhall Place does it in style!

Law Society President Eamon Harrington welcomed Justice Minister Jim O'Callaghan to the annual dinner at Blackhall Place on 5 June. The minister acknowledged the "extremely important role, and the dedication and commitment across every community in Ireland that members of the solicitors' profession engage in on a daily basis".

Other guests included members of the political and legal establishments, including Attorney General Rossa Fanning SC, Chief Justice Donal O'Donnell, and High Court President Mr Justice David Barniville.



Council members Niamh Ní Mhurchú and Martin Lawlor



Bee Flanagan, Gayle Ralph (governance executive, Law Society), Regina Doherty MEP, and Su Duff (CEO, Work Equal)



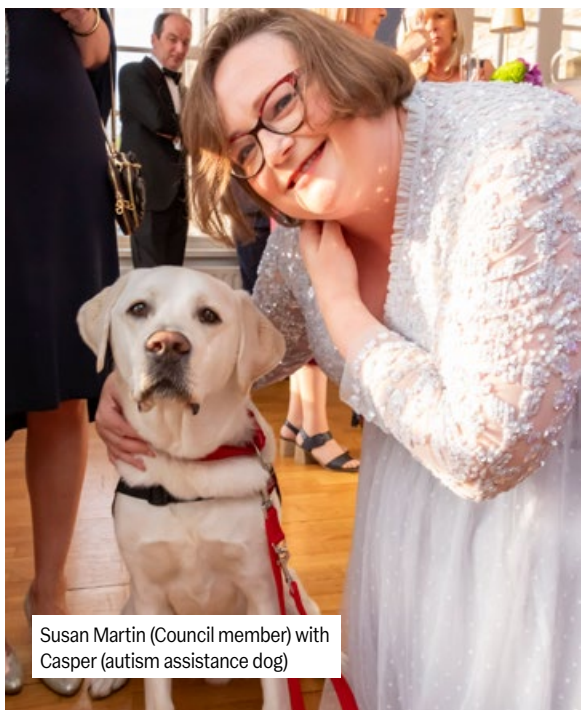
Rossa Fanning SC (Attorney General), Chief Justice Donal O'Donnell, and Eamon Harrington



Gary Mulchrone (president, Mayo Solicitors' Bar Association) and Martina Moran (president, Galway Solicitors' Bar Association)



Siún Hurley (Council member)



Susan Martin (Council member) with Casper (autism assistance dog)



Mark Garrett



Mr Justice David Barniville (President of the High Court)



Aine Hynes SC (Council member) and Michelle Nolan (head of member services, Law Society)



Senator Lorraine Clifford-Lee and Paul Ryan



Joan Doran (Council member) and Patrick Dorgan (past-president, Law Society)



Niamh Counihan (Council member) and Sinead O'Carroll (editor, *The Journal*).



Carol Ann Casey (managing director, CA Compliance), Gayle Ralph (governance executive), and Mark McDermott (editor, *Law Society Gazette*)

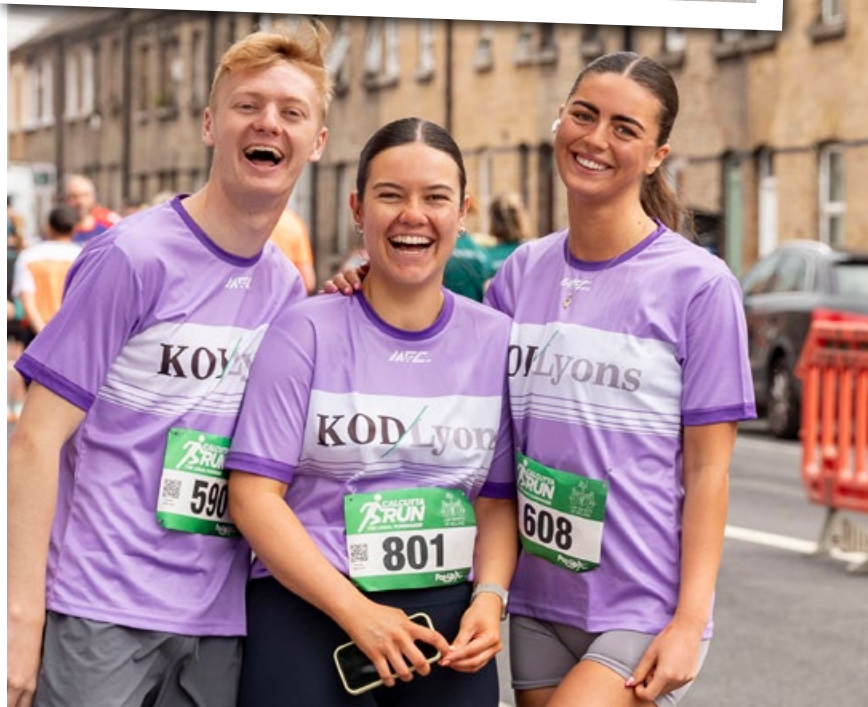


June Reardon (chief parliamentary counsel, Office of the Attorney General) and Joan Crawford (chief executive, Legal Aid Board)



Calcutta Run - the sequel!

The *Gazette* presents more fantastic photos of the Calcutta Run held in Dublin, Cork, and Galway on 24 and 25 May. The Calcutta Run has set a target of more than €350k this year for homelessness services in Ireland and Kolkata. Donations, please, to idonate.ie/event/calcuttarun2025.







Jason Laverty and Donna Crampsie



Marshal McLoughlan and Doireann Ni Riain

Practice makes perfect in the north-west

Law Society Skillnet organised a practice update for solicitors in the north-west of the country on 29 May, at Lough Eske Castle Hotel in Co Donegal. Attendance yielded two general CPD hours, 2.5 for professional development and solicitor wellbeing, and 1.5 for client care and professional standards.

Practitioners received important updates in relevant areas of law from experienced practitioners and expert speakers. The event also provided valuable networking opportunities. The co-chairs were Geraldine Conaghan (president, Inishowen Bar Association) and Kevin McElhinney (secretary, Donegal Bar Association).



Niall Gallagher



Kieran Quinn



Donna Crampsie and Lorraine Clarke



Michelle Nolan, Kevin McElhinney (joint-chair), Siobhán Geraghty, Anne Tuite (Law Society Skillnet), Geraldine Conaghan (joint-chair), Margaret Mulpeter, Ciara McQuillan, Padraic Courtney, Jie Zhou (Law Society Skillnet), and David Mulvihill



Sligo solicitors' summer soirée

Sligo solicitors joined with invited guests to host their annual summer soirée on the June bank-holiday weekend. There were presentations to mark the recent achievements of local solicitors – Michele O’Boyle SC on her appointment as adjunct professor at Trinity College Dublin, and Niamh Ni Mhurchú (partner, Callan Tansey Solicitors LLP) on her appointment to the Law Society’s Council. Caroline McLaughlin (president, Sligo Solicitors’ Bar Association) said: “Events like these are important to boost collegiality among our members and give an opportunity to recognise various achievements of our members throughout the year.” (Front, l to r): Noel Kelly (treasurer, SSBA), Laura Mullaney, Joanne Irwin (secretary, SSBA), Caroline McLaughlin (president, SSBA), Eamon Harrington (president, Law Society), Mark Garrett (director general, Law Society), Michele O’Boyle SC, Michael Horan, Aine Kilfeather, and Michael Monahan; (back, l to r): Ciaran Tansey, Francis Gaughan (committee member, SSBA), Maurice Galvin, Robert Walsh, Peter Martin, Damien Martyn, Mark Mullaney, Eoin Gallagher, Rebecca Curley, Elisa McHugh, Shane McDermott, Edmund Henry, and Michael Monahan.



Carol Ballantyne and Clare Higgins



Treasa Norrby, Valerie Kearns, Noelle Galvan, Ita Lyster, and Elisa McHugh



Shane McDermott and Donal McDermott



Lisa Meehan and Ailbhe Gunning



Joanne Irwin and Caroline McLaughlin



Eamonn Creed and Noel Kelly



Elaine Coghill and Aine Kilfeather



Sligo Solicitors' Bar Association members and invited guests



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Diploma in Education Law	31 October 2025	€2,700
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Diploma in Legal Skills for Legal Executives	4 November 2025	€2,500
Certificate in Trademark Law	6 November 2025	€1,750

All lectures are webcast and available to view on playback, allowing participants to catch up on coursework at a time suitable to their own needs.
Diploma Centre reserves the right to change the courses that may be offered and course prices may be subject to change.

07/25

■ Defending the rule of law ■ LSES game-changer ■ 'Find a mediator' relaunched

news

■ YOUR MONTHLY UPDATE ON ALL THINGS LEGAL ■



Photo: Jaon Clarke Photography

Mr Justice David Barniville: 'As judges and lawyers, we are looking on at recent developments across the Atlantic with increasing concern'

US situation 'very worrying' – High Court President

Newly qualified solicitors have been urged not to take the rule of law in Ireland for granted. At their parchment ceremony at Blackhall Place on 12 June, President of the High Court David Barniville expressed his concern about what he described as “very worrying” developments in the US.

“Judges and lawyers really should appreciate the comparatively privileged conditions in which we work, compared to the conditions in which

our equivalents have to work in other countries,” he stated.

He cited an article in the May 2025 issue of the *Gazette*, in which the ‘Endangered Lawyers’ section featured US lawyer Elizabeth Oyer, who was dismissed earlier this year from her post as US pardoning attorney. Her role was to advise the US President on applications for pardon. She lost her job after refusing to restore actor Mel Gibson’s gun rights, which had been

← removed after a domestic-violence conviction.

Aghast at developments

“As lawyers and judges, most of us are looking aghast at recent and current developments across the Atlantic,” the High Court President told those at the ceremony.

Although, he said, it was not his role to make political points, “it is important, however, that we recognise what is going on from a rule-of-law perspective”. He cited attacks on judges from members of the US administration and calls for court orders to be ignored. Some significant orders, including one from the US Supreme Court, had been ignored or not complied with, he stated.

He also referred to the targeting of law firms that had represented political adversaries of President Donald Trump: “Several US lawyers’ associations have issued public statements condemning what they see as increasingly serious threats to the rule of law in their jurisdiction.”

Independence ‘crucial’

He referred to the American Bar Association, which had recently issued proceedings in defence of law firms that had been coming under attack, as well as lawyers generally.

President Barniville reminded the newly qualified solicitors that

they had entered an independent legal profession – “crucial in a constitutional democracy and for upholding and defending the rule of law”.

“What I mean by ‘independence’ in this context is freedom from undue or improper influence, whether from Government or from other quarters,” he said. “A critical element of that independence is the freedom of solicitors to represent unpopular clients and cases, including those who, or which, may be critical or even hostile to Government.”

While it might be ‘easy’ to represent a popular client or a popular cause, he added, “it is not so easy to represent an unpopular client or case although, if anything, it is even more important that such persons or cases get proper legal representation”.

He reminded the newly qualified solicitors that these developments highlighted how important it was to be vigilant in defence of the rule of law in Ireland, and not to take for granted the conditions under which they will work here.

The graduates also heard from Law Society President Eamon Harrington, who urged them to get involved with the Law Society and to contribute to the profession.

“A career as a solicitor is demanding,” he said, “and becoming increasingly so, but there is no more interesting job.”

NEW PLANNING BOARD ANNOUNCED

Pic: Photo: Sam Boal RollingNews.ie



Former HSE chief executive Paul Reid is to chair the new national planning body, An Coimisiún Pleanála.

The organisation, formerly known as An Bord Pleanála, was re-established as An Coimisiún Pleanála on 18 June after the commencement of part 17 of the *Planning and Development Act 2024*.

Former Law Society director general Mary Keane is to be a member of the body’s governing board.

Housing Minister James Browne said that the move was not “simply renaming an existing body” but “a comprehensive organisational restructuring that will result in a modernised planning body”.

The new organisational structure consists of three central pillars: the governing board, chaired by Reid and responsible for the governance and performance of the organisation; planning commissioners, who will be responsible for all decision-making on appeals, applications, referrals and requests; and the corporate structure led by Peter Mullen, the current full-time chair, who will become the new chief executive on commencement, with a strengthened management team and a revised organisational structure.

Governing board

The members of the governing board are Peter Dennehy (barrister and former chief officer of the Pre-Hospital Emergency Care Council), Anne Graham (former chief executive, National Transport Authority), Mary Keane (former director general, Law Society, and current advisory board member with *Tailte Éireann*), Penelope Kenny (accountant and current chair of An Bord Pleanála’s Audit and Risk Committee), Peter Madden (senior business executive), and Michael Moriarty (former board member of the Rotunda Hospital).



LSES a ‘game-changer’

Small law firms face unique challenges – balancing a high standard of service with lean resources, navigating complex regulations, and staying competitive against larger practices with greater infrastructure.

The [Legal Services Excellence Standard \(LSES\)](#), developed by solicitors for solicitors in response to a demand from the profession, offers a practical solution to these challenges, helping firms to raise the bar on service quality, operational efficiency, business planning, development, and continuity

What is the LSES?

The excellence standard is a best-practice framework that focuses on key areas, such as governance, client service, risk management, and continuous improvement. Firms that achieve LSES accreditation have demonstrated that they meet robust criteria designed to ensure high standards and accountability.

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- *Staff engagement and morale* – clear expectations, well-defined roles, and a focus on continuous improvement foster a more motivated and aligned team – critical in smaller practices where each staff member’s contribution is magnified.
- *Improved client experience* – by embedding client-centric practices, firms not only retain existing clients, but also benefit from referrals and



word-of-mouth recommendations – a key growth channel for smaller firms.

- *Stronger business positioning* – in competitive pitches or tenders, especially with public clients or Government bodies, LSES accreditation can tip the balance in your favour. It demonstrates that your firm has systems in place comparable to larger competitors.
- *Futureproofing* – with the regulatory landscape evolving, LSES prepares firms to respond proactively to change, ensuring that they stay compliant, agile, and resilient.

Long-term success

Achieving the Legal Services Excellence Standard involves a commitment of time and resources, but the returns – operationally and reputationally – can be significant. For small firms, it offers a roadmap to sustainable growth, risk reduction, and client-service excellence. In a profession where reputation, compliance, and consistency matter more than ever, the LSES isn’t just a mark of quality, it’s a strategic asset. To find out more, contact solicitorservices@lawsociety.ie or visit lawsociety.ie/LSES.

Early adopters



Name: Michael Monahan Solicitors

Location: Sligo

Size: Three employees

Focus: General practice – conveyancing, employment law, personal injury, wills, and power of attorney.

“I am proud to be part of the Law Society’s Legal Services Excellence Standard for solicitors. It elevates our profession and my firm to a higher level of accountability and service for our clients” – Michael Monahan, principal solicitor.

Name: Parker Law

Location: Waterford

Size: 14 employees

Focus: Property, conveyancing and mortgages, wills, probate and estate planning, family law, litigation and personal injuries, company and commercial law.

“The LSES is about achieving excellence to the highest standard with the Law Society seal of approval” – Suzanne Parker, principal solicitor.

ENDANGERED LAWYERS



Pic: Iran-news.org

Mohammad Najafi, Iran

Mohammad Najafi (50) is currently serving a lengthy prison sentence and, last January, had his licence to practice law revoked. He became well known for his voluntary defence of political detainees, his investigation into cases related to the deaths of protesters, and his interviews with international media. His outspoken criticism of the suppression of protesters in Iran led to multiple arrests and threats. He is prominently featured in a recent report on the repression of lawyers in Iran.

Reports say that the state-led campaign against Najafi began in December 2017, when he independently pursued the suspicious death of Vahid Heydari, a detained protester who died in police custody at Arak's 12th precinct. While officials claimed Heydari had "committed suicide", Najafi collected documentation and witness statements that revealed death by torture. This pursuit of truth triggered a series of arbitrary arrests, prosecutions, and mounting professional restrictions against him.

On 30 August 2018, he was sentenced to three years in prison and 74 lashes. On 11 December 2018, the Revolutionary Court sentenced him to an additional ten years in prison, bringing his total sentence to

14 years. On 12 April 2023, he was sentenced to another three years in prison in a new case, along with a fine equivalent to €3,127.

In all, he has faced nine judicial orders since 2017. The charges against him included "insulting the Supreme Leader", "spreading lies", and "propaganda against the regime".

The decision to revoke his licence to practice was heavily influenced by security agencies and facilitated by the Bar Association of Markazi Province, based on a process that was not procedurally fair nor consistent with international principles of legal independence. In a letter from prison, he deplored the collaboration of the bar association in the political machinery of suppression.

On at least two occasions, he went on hunger strike. The first time was because he had been transferred to solitary confinement after publishing a critical letter against the Supreme Leader. One reason he cited for his hunger strike was the fabrication of a case against his wife and child by the Intelligence Directorate of Arak. The second was a protest against being denied medical care – his protest lasted 55 days, severely damaging his health.

In November 2019, the Council of Bars and Law Societies of Europe awarded their Human Rights Prize to four Iranian lawyers, including Mohammad Najafi and Nasrin Sotoudeh. Three of these four lawyers, including Mohammad Najafi, were in prison for defending political prisoners at the time of receiving the award.

Alma Clissmann was a longtime member of the Law Society's Human Rights Committee.



'Find a Mediator' relaunched

The Law Society has relaunched its 'Find a Mediator' search tool, offering a faster, more efficient way for solicitors and the public to connect with qualified mediator solicitors across the country.

This updated version enhances the user experience, providing multiple search options, including location, area of practice, and mediation qualifications.

The Find a Mediator service can be freely accessed on the Law Society's website and is an essential resource for those seeking a solicitor specialising in mediation.

Solicitors wishing to register as mediators can easily create a profile, outlining their qualifications and areas of expertise. Once registered, they'll be added to the directory – visible to potential clients looking to appoint a mediator.

The Law Society is committed to promoting mediation as a cost-effective, efficient alternative to traditional court proceedings. For solicitors advising clients who wish to pursue mediation, this enhanced search tool offers a valuable, straightforward way to find experienced solicitor-mediators, supporting the ongoing push for wider adoption of mediation practices.

To explore the search tool or to register your profile, follow the links below:

- Find a mediator: lawsociety.ie/find-a-solicitor/find-a-mediator
- Register a profile: lawsociety.ie/dashboard/mediator-registration

Bill to clear way for trade deal



The Government has approved changes to arbitration legislation that will facilitate Ireland's ratification of an EU trade deal with Canada.

In 2022, the Supreme Court ruled that Ireland could not ratify the EU-Canada Comprehensive Economic Trade Agreement (CETA) unless legislative changes were made. The Supreme Court challenge, brought by former Green Party TD Patrick Costello, centred on the role of a tribunal system set up under the deal to settle disputes between investors and states.

Tánaiste and Minister for Foreign Affairs and Trade Simon Harris has received approval for changes to be made to the *Arbitration Act 2010*, describing CETA as "an important part of Ireland's diversification story, particularly post-Brexit and against the volatility of US tariffs and the uncertainty in the global trading environment".

The *Arbitration (Amendment) Bill 2025* will propose the necessary amendments to the 2010 act that will allow for the ratification of CETA and other similar trade deals with third countries that include investment-protection provisions - including Singapore, Vietnam, Chile and Mexico.

IRLI IN AFRICA



The Zambian delegation with representatives of the Embassy of Ireland in Lusaka, IRLI staff, and the Law Society's Human Rights and Equality Committee at Blackhall Place in May

Zambian delegation visits Ireland

Irish Rule of Law (IRLI) is a collaborative effort of the Law Society of Ireland, the Bar of Ireland, the Law Society of Northern Ireland, and the Bar of Northern Ireland. With the backing of the Department of Foreign Affairs, it aims to advance the principles of human rights and the rule of law across various countries, including Malawi, Tanzania, and Zambia.

From 9-17 May 2025, IRLI hosted a senior justice-sector delegation from Zambia on a study visit to Ireland. The group included high-ranking officials, including the attorney general, the director of public prosecutions, the directors general of the Anti-Corruption Commission and the Drug Enforcement Commission, the chief parliamentary counsel, and a representative from the Ministry of Justice.

The visit provided an opportunity for strategic knowledge exchange between Irish and Zambian institutions, particularly in the fields of anti-corruption, asset recovery, legal reform, and multi-agency cooperation. During the programme, the delegation met representatives from a number of key Irish institutions, including the Criminal Assets Bureau, the Office of the Attorney General, the Office of the Director of Public Prosecutions, the

Department of Foreign Affairs, and senior members of the judiciary.

An official dinner hosted by the President of the Law Society at Blackhall Place allowed for informal networking and further discussion on shared justice-sector priorities.

Throughout the visit, the delegation expressed particular interest in the structure and operations of the Criminal Assets Bureau, which they viewed as a model for effective, coordinated enforcement against criminal proceeds. Informal exchanges with Irish counterparts were also appreciated for their candid insights and practitioner-level perspectives.

Feedback from participants emphasised the benefit of the programme's practical focus, the expertise shared by Irish institutions, and the seamless coordination by IRLI. These elements combined to deliver a meaningful and productive experience for all involved.

The visit is a key component of IRLI's broader programme in Zambia, which aims to enhance justice delivery through long-term technical cooperation and institutional capacity building.

Elena Moustaka is IRLI programme manager (Zambia and Tanzania).

Bite-sized courses can transform careers



Whether you're looking to upskill, switch careers, or move up in your current role, the Law Society's new offering of micro-credential courses makes it easy to learn a lot in a short period of time.

These short courses offer an array of educational opportunities, including artificial intelligence, sports law, environmental law and climate change, and social media law – all tailor-made to help you gain a competitive edge.

The accredited courses are 100% online, giving participants the flexibility to balance work, life, and learning. They are designed to provide targeted, high-quality legal education and professional development through expert-led lectures and practical, skills-based workshops.

Stack your skills

Another advantage of micro-credential qualifications is that they can be stacked to lead to a greater award over time. By completing just one micro-credential, solicitors can claim up to 15 hours of CPD. This represents a substantial proportion of the annual CPD requirements. Completing two micro-credentials will earn you an advanced certificate. Completing four micro-credentials

Members of the Education Centre at the launch of the Law Society's new suite of micro-credential courses

leads to the award of an advanced diploma – all done at your own pace.

Global trends

Responding to global trends for evolving and more flexible education, the Law Society has developed its suite of micro-credential courses to meet educational demand in Ireland. These are in addition to the organisation's extensive range of legal-education offerings.

Law Society President Eamon Harrington says: "Flexible short courses like Law Society micro-credentials are a game-changer, offering a new way to upskill and boost your legal career while balancing everyday life. Legal education at the Law Society is constantly evolving to meet the demands of doing business in a global economy. Our new micro-credentials offer amazing convenience, helping people to take control of their career development in bite-sized courses. With more flexible course options than ever, exploring a career in law has never been more accessible."

The micro-credentials are open to anyone working in the legal sector, as well as to the general public. For further information, visit lawsociety.ie/microcreds.

PRESIDENT CALLS FOR COUNCIL CANDIDATES

Law Society President Eamon Harrington is urging solicitors to consider running for Council in this year's elections.

He said: "We are keen to increase the diversity of our membership, so that we are more widely representative of the profession we serve. If you want to see change and contribute to decisions that benefit the profession, consider running for election this year. I, for one, have found my work as a Council member challenging but highly rewarding, and I recommend getting involved, especially if you want to make a difference in supporting your profession."

Nominations for the Law Society Council elections will open on 19 August. Learn more at lawsociety.ie/elections.

ALL ABOARD THE SYS BOAT PARTY!

Following the success of its recent table quiz, in collaboration with the ACA Chartered Accountants and the Irish Tax Institute, the Society of Young Solicitors (SYS) hosted its first standalone event of the year on 5 June 2025 – the highly anticipated SYS Boat Party, writes Hannah Faul.

Held aboard the *MV Cill Airne* at North Wall Quay and proudly sponsored by Nixon McQuade, the event sold out in advance, reflecting the strong interest it continues to generate among younger members of the profession. The evening offered a great opportunity for recently qualified solicitors to meet, reconnect, and enjoy a relaxed social setting. 📸

Patrick F Treacy

1932 – 2025

My friend Patrick F (Pat) Treacy left this world peacefully on 28 May 2025, surrounded by his loving children Marion, Eileen, Rita, Tim and Patrick. He was predeceased in November 2023 by his wife Eileen. They met when she came to work in Nenagh and, for the 65 years of their married life, they lived in their warm and welcoming home at 29 Pearse Street, Nenagh, where Pat was reared and which served as his office. Pat's successful career was due in no small part to their mutually supportive and loving relationship. They were rightly proud of, and took great enjoyment from, their children and grandchildren's lives and achievements.

Educated at Nenagh CBS, and later at the Law Society of Ireland, Pat was an exceptional student who achieved the remarkable feat of being the first recipient of both the Overend and Findlater Scholarships in 1954 and 1955. He was also awarded silver medals in recognition of his achievement of first place in his final examinations. Due to the early onset of his father's illness and untimely death, Pat assumed family responsibilities from a young age, ensuring that none of his family wanted for anything, a role that he embraced until his death.

Professionally, Pat was the most experienced, knowledgeable, and skilful solicitor one could hope to meet or to have in one's corner. He was also the most diligent. An early riser, it was not unknown for him to be at the post office waiting on the arrival of the postmaster to ensure early receipt of correspondence, so that matters could be attended to before the office door opened or the phones started ringing. Pat continued to involve himself fully in all decisions concerning the practice until shortly before his death, having taken out his 71st practising certificate earlier this year. Perhaps a record?



Patrick F Treacy

Pat was a firm defender of his clients' rights, generations of whom benefitted from his sound judgement, clear advices, common sense, and balanced assessment of paths to be travelled – and those best avoided. Those in the opposing corner were equally fortunate to have a kind, courteous and compassionate adversary who was imbued with fairness and objectivity.

Nowhere was Pat's sense of duty, fairness and compassion more evident than in his role as state solicitor for North Tipperary between 1978 and 1997. He found his work with An Garda Síochána and the Chief State Solicitor's Office fulfilling and rewarding. Difficult tasks of the prosecutor were undertaken by him in a calm, easy, and efficient manner.

The respect and fondness that the courts and his colleagues had for Pat is evident from the many tributes paid to him following his passing. Judges before

whom he appeared respected him and placed great weight on what he said and, indeed, on what he oftentimes refrained from saying. He was a man of integrity and a man of his word. All those who had dealings with him knew this to be the case.

The Treacy family and my family have enjoyed a long and valued intergenerational association and friendship. My late father Michael and late uncle John practised with Pat in Nenagh. Homes and offices were two doors apart at numbers 29 and 31. Number 30 now houses the offices of James O'Brien & Company, whose principal and Pat's great friend Matt Hassett passed away only a few months ago.

Pat Treacy was Nenagh to the core and a proud Tipp man. He was humorous and witty and took great interest in all local sporting and social activities. A very keen and active golfer since his teenage years, he was a driving force behind the redevelopment of Nenagh Golf Club, where he served as captain, president, long-time trustee, and legal advisor.

The people of Nenagh and its environs will also remember Pat for his generosity of spirit. A member of the Nenagh Lions Club and the Society of St Vincent De Paul, he will be fondly recalled for his voluntary work with the underprivileged and the less fortunate. He had time for everyone.

Fundamentally, Pat was a humble man of simple faith. He is now with his beloved wife Eileen, no doubt regaling her with wonderful stories of a life well lived. He will be a great loss to all who knew him. He is missed by his friends, work colleagues, members of the office staff, his long-time office assistant Marian, his extended family and, most particularly, his children and grandchildren. ☞

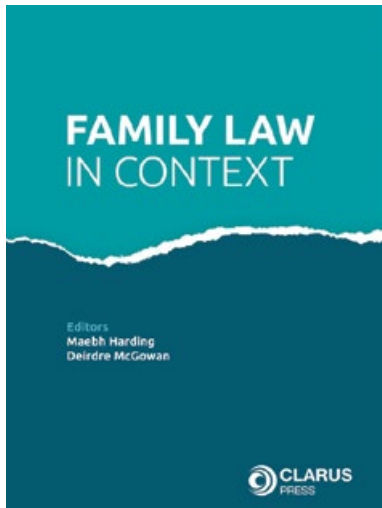
May he rest in peace.

MMacG

FAMILY LAW IN CONTEXT

Maebh Harding and Deirdre McGowan

(eds). Clarus Press (2023), www.claruspress.ie. Price: €59 (incl VAT).



This book seeks to place family law in context. This is apparent from the title, but also from the detailed introduction, which explains the source material

and learning objectives, as well as the shortcomings of the family-law system in Ireland. From a practitioner's perspective, this sets it up as being a very practical guide to the current state of affairs in this nuanced area of law.

This text provides a high level of insight into how the Irish family-law system has evolved. This is achieved through a combination of an examination of the legislative provisions, the historical context of why those provisions were put in place, and how they are implemented and interpreted by the courts.

Contributors include Dr Lydia Bracken, Dr Connie Healy, Dr Fergus Ryan, Dr Susan Leahy, Dr Fiona Broughton Coveney, Dr Kathryn O'Sullivan, Dr Máire Ní Shúilleabháin, Dr Brian Tobin, Dr Maebh Harding, and Dr Deirdre McGowan.

Further, the editors have dedicated a chapter to examining the legal consequences of out-of-court resolutions. This is an important inclusion, given the number of options available

to parties separating or divorcing, and the real or perceived obstacle to access to justice for those with limited financial means.

The legislative provisions for each area examined in this book, as well as the courts' interpretation of them, are well laid out and made accessible and easy to follow by the style of writing.

Each chapter contains a number of 'critical-thinking' points, encouraging students to review the current position on any given topic, and leaving room for further exploration or discussion.

Overall, this is an excellent resource for students of family law. My daughter, who is currently studying for her law exams, found it extremely helpful in preparing assignments in family law, which is probably the most important endorsement! 📖

Maria O'Donovan is principal of Maria O'Donovan & Co, Solicitors, Skibbereen, Co Cork.



ARE YOUR LAW SOCIETY DETAILS UP TO DATE?

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To make a change go to www.lawsociety.ie/my-profile



Sharing personal and professional stories has long been a powerful way to create a sense of connection and belonging. It creates a space for vulnerability that can provide the listener with inspiration and hope, or newfound insight to a challenge or difficulty they too might be facing. We welcome you to get in touch with ps@lawsociety.ie to share a story for this 'Professional Lives' column.

weight of what I carry without being consumed by it. My history as a plaintiff brings clarity and purpose to my work, but I would be lying if I said that it wasn't at times trying and even upsetting – especially when confronted with evidence of negligence that has been minimised, whitewashed, or buried. I have seen how institutional defensiveness can compound the harm already done. I have even seen mothers – mine included – blamed for injuring their babies by the very systems that are meant to be protecting them.

Reflexivity is something that developed through experiences and conversations with clients and peers over the years. It has given me a better understanding of my role and its limitations. I have also learned that, sometimes, it is better to simply take a moment when something in a case has stirred a particularly strong emotion in me, and process that reaction.

That perspective doesn't fade when things get busy. Having been on the other side of the legal process, I know how each decision along the way stands to affect the outcome. My experience as a plaintiff is not a burden in my professional life. Rather, it keeps me focused on what matters: making a meaningful difference, one case at a time, and contributing to a legal culture that values both accountability and humanity.

wellbeing

THE AFTERMATH OF MEDICAL HARM

I live with Erb's palsy, a permanent physical disability caused by my negligently managed birth. That fact has shaped not only my life, but also my legal career. Reflexivity – the practice of examining how our personal experiences, values, and emotional responses shape our professional lives – is, for me, not some theoretical exercise. It is the lens through which I view my work, my purpose, and my responsibility. Today, as a partner at Fieldfisher, I represent individuals and families navigating the aftermath of medical harm, many of whom are living with the same injury I do. Representing children and

adults injured by medical negligence is not just legally complex; these cases are loaded with emotion and tension. There have been occasions where I've read medical records or expert reports describing avoidable injuries at birth, and found myself thinking of my parents. I can too easily picture their confusion, their grief, and their unanswered questions. In a sense, I advocate not only for my clients, but also for mum and dad, and for the young couple they were, trying to make sense of what had happened to their child.

Emotional demands

Reflexivity helps me navigate the emotional demands of this work. It allows me to acknowledge the

Johan Verbruggen is a partner and head of medical negligence at Fieldfisher, representing those who have been injured while receiving medical care.

Confidential, independent, and subsidised support is available through LegalMind for legal professionals. All enquiries to LegalMind are fully confidential to Clanwilliam Institute (the Law Society's partner providers). All therapy sessions are conducted by highly trained professionals in a confidential forum. Email: reception@clanwilliam.ie; tel: 01 205 5010 (9am to 5pm, Monday to Friday); web: lawsociety.ie/legalmind.

DON'T LOOK BACK IN ANGER

A recent Supreme Court decision may provide a solution in some cases for insolvent debtors to regain possession of property that had passed into receivership some years ago. Gerard Nicholas Murphy BL says "definitely maybe"

A recent Supreme Court decision has touched on the problem of vacant properties arising out of insolvency or liquidation of individuals and businesses in the aftermath of the demise of the 'Celtic Tiger'.

The Supreme Court delivered its judgment in *Tweedewood Limited v Kavanagh* ([2025] IESC 18) on 13 May 2025. A receiver had been appointed over commercial property in Wexford belonging to a company that was now in liquidation. The receiver was appointed in 2009 and obtained a court order for possession of the property on the basis that the receiver intended to sell the property.

In the intervening years, however, nothing had happened and the sale had not proceeded. As the Chief Justice noted in his judgment, as a point of reference, 2009 was when the band Oasis split up!

Going nowhere

Mr Justice Hogan in his judgment set the scene for the case in the following terms: "The town centre of Wexford

As the property had not been sold by the receiver since he obtained an injunction, the Supreme Court lifted the injunction

offers striking views out to the harbour and marina. It is an area bustling with commercial and retail activity. A casual observer might well wonder why a property situated right in the heart of this town centre has remained vacant and unused since 2009. Indeed, at one stage, the property was entered on the register of derelict sites maintained by Wexford County Council under the *Derelict Sites Act 1990*."

As the property had not been sold by the receiver since he obtained an injunction, the Supreme Court lifted the injunction.

The Supreme Court was highly critical of the delays in this case. The Chief Justice said that "speed and simplicity in enforcement of security" is a necessary part of the provision of "credit for productive commercial activity".

Mr Justice Hogan was also critical of "the indifference, casualness, and inefficiency on the part of banks and receivers..."

I'm outta time

This is not an unusual case, and many valuers and estate agents will be all too familiar

with the problem of vacant properties that appear to have remained vacant for a considerable period of time. The Supreme Court decision may provide a solution in some cases for insolvent debtors to regain possession of property that had passed into receivership a number of years ago.

The *Statute of Limitations 1957* usually provides that a mortgage over land should be enforced by a creditor within 12 years. At the end





of this limitation period, the mortgage and the debt are normally extinguished.

In reality, however, the operation of the limitation period is often complicated if the debtor has acknowledged the debt over the years, or had been making part-payment of interest or principal for a time. Nevertheless, there may be an opportunity to review older cases where a receiver was appointed over property that has not, in fact, been sold.

Some might say

In his judgment, Mr Justice Hogan said that there was a public interest in avoiding property remaining vacant and becoming derelict: “Dereliction has terrible consequences, not only for the property itself, but also for the surrounding area.”

In fairness to receivers, delays in selling commercial property are often complicated by litigation or complex issues relating to legal title to the property.

Another cause of delay

may involve obtaining instructions from investment funds (often situated in other jurisdictions) that have acquired loans from the main banks and credit institutions.

If the Supreme Court decision is any indication, the courts may seek to find appropriate solutions in cases where properties remains unsold for a long period of time. In some cases, this may result in possession of property being returned to the debtor.

Gerard Nicholas Murphy is a barrister based at Courthouse Chambers, Washington Street, Cork.

LOOK IT UP

CASES:

- *Tweedwood Limited v Kavanagh* [2025] IESC 18

LEGISLATION:

- *Derelict Sites Act 1990*
- *Statute of Limitations 1957*

GOOD COUNCIL

The Law Society’s Council is responsible for ‘the sole and entire management of the Society’ and, as a member, you get to elect that Council. But have you considered running? The *Gazette* talks to two in the know



Pics: Cian Redmond

Sonya Lanigan

It’s important that the Law Society Council reflects the growing and diverse solicitors’ profession as widely as possible, and that it benefits from a fresh influx of talent each year.

In all, 31 members of Council are elected by national elections, and four members by provincial elections. They serve for a two-year term, and may be re-elected indefinitely. Council also appoints up to 13 further extraordinary members annually, based on nominations from the Dublin Solicitors’ Bar Association, the Southern Bar Association, and the Law Society of Northern Ireland.

If you feel your interests or section of the profession are not fully represented, or that you can bring some fresh ideas to the table, why not consider running for Council? Sonya Lanigan and Stuart Gilhooly are here to encourage you.

Beyond the Pale

Council member Sonya Lanigan is president of the Kilkenny Solicitors’ Bar Association and was the provincial delegate for Leinster in 2022.

“I’m representing people, particularly from ‘outside of the Pale,’” she says.

“I am conscious, from chatting to colleagues, of the issues such as the massive regulatory burden, the

I had to run again for election and run a campaign in 2024, and it got me thinking about what my priorities were in terms of representing colleagues

pressure of succession, and the loneliness of practice. I was asked to run and was duly elected. I’ve really enjoyed it, and I’d say I get more out of it than I put in.

“As well as working on Council, I love to work on committees. I sit on the Regulation of Practice and Finance Committees, and I’m vice-chairing the Litigation Committee.

“It’s an interesting group of people you get to meet. Sitting on Regulation of Practice makes you a better practitioner.

“The work I do here in my office has been improved because of it – seeing how to deal with regulation in terms of your own office and what the Law Society is looking for when it comes to accounts regulations and anti-money-laundering. So, it’s not entirely a selfless enterprise!

“I had to run again for election and run a campaign in 2024, and it got me thinking about what my priorities were in terms of representing colleagues. One priority is ensuring that the Legal Services Regulatory Authority can do its job without having to trouble practitioners about frivolous, unfounded, or vexatious complaints. I’m very glad to see that there is progress being made on that. It will probably require a change in legislation, but that is in train.

“I also ran on the ticket of campaigning for an administrator portal for enduring powers of attorney.

“I think that succession and retirement is a key topic for colleagues now, and any assistance that the Law Society can give, we would be pressing for that.

“I’m very impressed with the changes made in the Regulation Department since



I joined Council. We would be campaigning for friendlier regulation.”

Sonya comes from a long legal lineage and is the fourth generation of her family in practice in Kilkenny.

“My father is 85 and is still in the office with us. He comes in in the mornings and tips away. There’s an element in which law is in my blood. I joined Council at the time when my children were getting a little older, so I felt like it was something that I could do.

“I am really impressed by the dedication and attitude of all my fellow Council members and fellow committee members. It’s a chance to see things that are high level. I’ve been blown away by the incredibly smart and dedicated people who give of their time so freely,” Sonya says.

26, not out

Stuart Gilhooly was first elected to Council in 1999, at the age of 28, after an unsuccessful run the previous year.

Stuart has been actively contributing ever since and is now the second-longest-serving Council member ever, after the late Moya Quinlan. “I’ve been there 26 years, not out!” he

quips. He also served as Law Society President in 2016/17.

His motivation for running was a mix of curiosity and a drive for change. “I always heard a lot of people complaining about the Law Society, and what it did or didn’t do. At that time, it was particularly small firms that were very critical.

“I took the view that you can either sit back and be one of the complainers, or you could try and change things,” Stuart explains. “There was always a view out there, and I think it’s still the case, that small firms think the Law Society is only interested in big firms – while big firms think the Law Society is only interested in small firms! I imagine that now extends to in-house solicitors thinking the same as well.

“It became obvious to me that that wasn’t true. If anything, at that time, the Law Society had many more small-firm members than it did big ones. There is more of a mix now.”

He found service on Council initially quite intimidating, as the youngest member by some distance when he was first elected, but also very illuminating: “Nearly everyone

I took the view that you can either sit back and be one of the complainers, or you could try and change things

who goes on Council says, ‘the Law Society does a lot more than anyone thinks they do’. Within a matter of months on Council, I realised that there’s a lot more going on than anyone thought.

“Over the years, we were never brilliant at communicating the work done. Most organisations are poor at telling people the work that they do. Certainly it has improved, but it could be better. It’s our job to make sure that information is out there.

“I think the reason that people should run now is the obvious thing, which is to have a say. You can sit back and ignore it, and hope that everything works out, or you can get stuck in and express your opinion if you have one.

“You’d be amazed at how important each view is, and it’s very important that we have a cross-section of views from across the legal profession. It’s very much a wide and diverse profession now, and it needs to be represented by all those hues.

“It is highly rewarding. It does require some of your time, but maybe not as much as you might think.

“Anyone who is interested in legal politics and who wants to contribute in a big way should look at running for Council – and, if you stay around long enough, then being president is the absolute zenith of what we are about.

“It’s trite to say this, but what you give in, you will get back,” Stuart concludes.

Nominations for the 2025 Council Election will open in August. For more information, visit: www.lawsociety.ie/elections.

Mary Hallissey is a journalist at the Law Society Gazette.



PUT A PLUG IN IT

Recent Irish cases have clarified the application of defamation law in relation to online comments – and when extensions to the time limit for making claims can be provided. Lisa Carty, Laura Finn, and Jane Bourke click ‘thumbs down’

Defamation law practitioners should be aware of two recent cases before the Irish courts that offer context on online defamatory comments and when extensions to the time limit for making a claim can be provided.

In the first – *Stillorgan Gas Heating and Plumbing Limited v Manning & Anor* – the High Court awarded damages of €40,000 to the company (‘Stillorgan’) after defamatory comments were made about it online.

The decision highlights that, in the context of online defamation, defamatory comments that are posted for even a relatively short period of time can cause reputational damage to a company and, consequently, can result in a moderate level of damages being awarded – even if those comments do not necessarily cause a reduction in sales.

Stillorgan had been engaged in early 2022 to carry out work to the heating system of a rental property in Ranelagh, which was owned by the sisters of James Manning. Manning was not an owner of the property, but assisted in managing it.

Vent stack

Following a dispute between Stillorgan and Manning over the performance and price of the work, Manning posted several reviews about the company on Trustpilot and on the company’s Google review page, which led to the company bringing an action for defamation against Manning and another individual.

Manning failed to appear at a High Court hearing in October 2023, and the matter was back before the court in February for the assessment of damages.

The court used the framework for assessing damages identified by the Supreme Court in the 2022 *Higgins v Irish Aviation Authority* case. General-damages awards in defamation cases fall within four general categories, ranging from ‘level one’ to ‘level four’, based on the seriousness of the defamation – with an additional ‘exceptional’ category in cases where the defamatory statement causes very real damage to an individual’s reputation and the balance is decisively in favour of the vindication of good name.

The court used this assessment when assessing the reviews posted online by Manning. He accepted that he was responsible for four reviews published online, in which he described the company as “cowboys” and “gangsters”, and stated that the gardaí were “investigating the removing of items” from the property.

The court found it unlikely that the other individual was responsible for any of the reviews – Manning told the court that he had posted one of the reviews under their name after his previous review had been taken down and his name blocked by the site.

Grey water

The court commented that the reviews “far exceed what might be described as the normal criticism associated with the cut and thrust of business”, and noted that they

alleged criminal conduct on the part of the company. The court was satisfied that the four reviews met the definition of a ‘defamatory statement’ within the meeting of the *Defamation Act 2009*, that the online reviews had the potential for wide circulation, and that word of mouth was an important factor in generating business for the company.

It also considered the length of time that the reviews were posted online, noting that two of the reviews were removed after 24 hours and two were removed after four days. The relatively short period of time for which the reviews were live, together with the fact that the company was a well-established and trusted business, were factors in assessing the amount of compensation, according to the court. While the company gave evidence of a reduction in sales during the period from February to September 2022, the court did not accept that, on the balance of probabilities, the allegations made in the reviews caused this. It did find, however, that the reviews had caused general reputational damage to the company. The court also noted that, while it did not amount to an apology as defined under the *Defamation Act*, Manning regretted the tone used in the reviews and apologised for reposting one of the reviews under the other individual’s name after his initial post was removed.

Considering the circumstances of the case and the framework for assessing damages, the damages were determined to be in the ‘moderate’ category of seriousness of defamation, and the company was awarded €40,000.

In addition to highlighting the financial impact and reputational harm caused by even brief online posts, this decision highlights that the courts will use the guidelines for the assessment of damages set out in the 2022 *Higgins* case.

Backwater valve

In another recent case, *Logan v Wilson*, the High Court refused to grant an extension to the one-year limitation period for bringing a defamation action to court, offering insight into the factors that are considered when an extension is given or rejected.

The case concerned an application by

“

The decision highlights that, in the context of online defamation, defamatory comments that are posted for even a relatively short period of time can cause reputational damage to a company and, consequently, can result in a moderate level of damages being awarded

Catherine Logan for an extension of the limitation period to bring a defamation action. The limitation period for bringing a defamation claim is one year; however, this can be extended by a court to two years if it is satisfied that the interests of justice require an extension, and whether the prejudice suffered by the plaintiff if the period was not extended would outweigh the prejudice suffered by the defendant if the extension was granted.

In this case, Logan sought damages for defamation arising from an email sent on 14 July 2023, two emails sent on 3 August 2021, and a telephone call on 3 August 2021. The action was issued on 2 August 2023, and Logan sought an extension of the normal one-year limited period to allow her to bring a claim in relation to the publications made on 3 August 2021.

Logan was a voluntary board member of the Jack & Jill Foundation and had previously provided communications and marketing consultancy services to Lefgem Limited, a company owned by her husband.

Lefgem was the owner of the Johnstown Estate and Hotel, and Peter Wilson and David Godwin each had interests in privately owned lodges on the Johnstown Estate. A dispute had arisen between Godwin and Wilson and Lefgem in relation to services for the lodges.

Logan alleged that, in August 2021, Wilson sent two allegedly defamatory emails to the CEO and head of fundraising at the Jack & Jill Foundation, and that Godwin made a call to the head of fundraising, questioning the charity’s association with Logan. Another email, with similar statements, was sent in July 2023 by Wilson to the charity’s general contact email address.

Pressure tank

In considering whether to extend the limitation period, the court first considered the reasons for the delay given by Logan, as well as the effect of the delay on the evidence. It then considered whether the interests of justice required an extension and considered the prejudice suffered by each party.

The court found that the reasons given by Logan weren’t particularly persuasive, given that her primary reason for not

issuing proceedings was that the charity was struggling due to the effects of the COVID-19 pandemic, and she did not want to cause trouble for the charity by way of reputational damage, or disruption to its work.

Logan also argued that, because she was home-schooling her young children during the pandemic, the statements could not be given the consideration they deserved. The court found that these fell short of the sorts of reason that would engage the exceptional nature of its power to extend the limitation period.

Considering the effect of the delay on the evidence, the court found that it was entirely plausible that Godwin did not have a specific recollection of the phone call in August 2021. He was only made aware of the claim two years later, in August 2023, and the statement of claim lacked specifics of what he was alleged to have said.

Spanner in the works

The court noted that Logan had not claimed that the emails or call had caused damage to her reputation. Although proof of special damage isn't required to bring a successful defamation action, in the circumstances, the court felt that Logan should have explained what damage had been caused.

It also considered that the purpose of a defamation action was to vindicate Logan's reputation. Considering that the email in July 2023 (which was still within the limitation period) was similar to the earlier publications by Wilson, the court believed that Logan could be publicly vindicated if she succeeded in her claim based on the July 2023 email, and determined that the interests of justice did not require an extension of the limitation period.

The court found that, in relation to Wilson, it wasn't clear that the prejudice to Logan would significantly outweigh the prejudice towards him from granting the extension.

In relation to Godwin, and in circumstances where he would be faced with a claim in relation to a phone call that he did recall, and when the complaint was not made to him until two years after the call allegedly took place, the court refused to grant the extension of the limitation period.



The court commented that the reviews 'far exceed what might be described as the normal criticism associated with the cut and thrust of business', and noted that they alleged criminal conduct on the part of the company



Angle stop

Finally, in another widely reported case, Gerry Adams was recently awarded €100,000 in damages in a defamation case brought against the BBC arising out of statements made in 2016 in a BBC *Spotlight* programme and in a related article.

The BBC relied on the defence of fair and reasonable reporting on a matter of public interest, as set out in section 26 of the *Defamation Act 2009*; however, the jury found that the statements were not made in good faith, as required.

The draft general scheme of the *Defamation (Amendment) Bill 2024*, which is currently proceeding through the Irish legislative process, proposed the simplification of the defence of fair and reasonable reporting on a matter of public interest, a defence that has never succeeded in Ireland to date – but the proposed reform is not included in the current iteration of the bill. [§](#)

Lisa Carty is a partner, Jane Bourke is a senior associate, and Laura Finn is an associate at Pinsent Masons, Dublin.

LOOK IT UP

CASES:

- *Higgins v Irish Aviation Authority* [2022] IEHC 13
- *Logan v Wilson* [2025] IEHC 284
- *Stillorgan Gas Heating and Plumbing Limited v Manning & Anor* [2025] IEHC 90

LEGISLATION:

- *Defamation Act 2009*
- *Defamation (Amendment) Bill 2024*





Photos: Cian Redmond

Flying high

Caoilfhionn Gallagher KC has acted in many of the leading human-rights cases in Britain. The Irish-born barrister represented survivors of the Hillsborough disaster and the 7/7 London bombings. She is the current Special Rapporteur for Children. Mary Hallissey caught up with her

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rowing up in a purposeful, book-filled home in Portmarnock, Co Dublin, with two strong-minded parents, Caoilfhionn Gallagher KC and her sibling were told they could do anything. Instilled early with the belief that anything was possible, Caoilfhionn has gone on to achieve some remarkable things as a global human-rights lawyer.

Her mother, formerly a midwife, became a dedicated teacher in Darndale and her father was a civil servant and passionate numismatist (coin collector).

“I used to go into school with my mother quite a bit, and it was really inspiring to see her being so committed to doing something that made a difference. It was instilled in me from a very early age to think about ways to use your time and your talents to benefit others.”

Caoilfhionn’s family roots run deep on Dublin’s northside. Her late uncle Seán, to whom she was very close, was a solicitor and her godfather: “My father and his brother Seán lost their parents young and were very close, with a nine-year age gap. He and his family were a constant presence in our house.”



I feel like the world is on fire, and there's a lot to do. One of the shocking things that we're seeing now is not democracy dying in darkness, but democracy dying in plain sight

Guiding presence

Seán was a guiding presence who tragically passed away early in the pandemic. Inge Clissmann SC is an aunt by marriage and another formative influence.

Books and language were central to her childhood. She devoured everything from *Just William* by Richmal Crompton, to *When Hitler Stole Pink Rabbit* by Judith Kerr, to PG Wodehouse and Roald Dahl. Reading helped her understand the power of words.

"I was a real bookworm. We didn't have a TV until I was 17. For a long time, I wanted to be a writer," she says. "Myself and my sibling did a careful campaign to lobby to get TV into the house, claiming that we would use it to watch German and French news, which was nonsense. Once in, we watched anything and everything!"

"I love a good drama series and a good podcast. I had stopped reading fiction because work was intruding, and you read for a living as a lawyer. But I've returned to doing a lot more reading now. I've returned to one of my old loves, writing – fiction, short stories and creative writing, as well as opinion and campaigning journalism. I love the power of language and what words can do to move people and change things."

Drama queen

This love of words translated into excelling at schools debating and youth theatre, with stints in Betty Ann Norton's drama school.

"I was academic, and that opens lots of doors for you. Of course, it's very embarrassing when you're much smaller and you know the answers to questions, and you pretend you don't!"

Caoilfhionn chose to study law at University College Dublin. "It was always going to be something with words – writing, acting, or law," she says.

But it was a desire to make a difference that ultimately steered her toward human rights. Her university experience was formative – both intellectually and personally.

During her studies, a serious car accident left her badly injured and confined to a wheelchair for almost a year. She campaigned for better conditions for students

with disabilities, working with fellow students to improve accessibility in Belfield. Despite physical challenges and advice to take a year off, she remained determined, living on campus to continue her studies.

Finding her tribe

At UCD, she found lifelong friendships and a sense of belonging. "I found my tribe. It was a really inspiring time to be in UCD; a lot of the people I was there with have gone on to do amazing things. I was surrounded by people who I thought were brilliant and interesting."

Caoilfhionn is now an adjunct professor: "UCD did so much for me, and it's great to be able to give something back."

She was clear that she wanted to be an advocate, and did the King's Inns while also teaching law at both UCD and TCD, developing an interest in both human-rights and media law and a clarifying sense of the importance of freedom of expression.

She then studied at Cambridge for a master's, focusing on human rights and civil-liberties law. That was a pivotal year, coinciding with 9/11. Subsequent counter-terrorism steps raised human-rights concerns.

Over the pond

She discovered that her studies had a visceral, real-world impact on questions of the balance of rights, especially for individuals targeted by the state: "I was very lucky to be offered a job at Liberty, Britain's National Council for Civil Liberties," she explains.

"I did a lot of work on both policy and in the European Court of Human Rights. I acted on some important cases, such as *S and Marper v UK* [2008]."

She then transferred to the Bar of England and Wales in 2005, just as the 7/7 terror attacks occurred in London. She acted for the bereaved families in related inquests and proceedings and saw what could go wrong in human-rights violations when the state tackles terrorism.

In 2005, she joined Doughty Street Chambers, which she had admired from afar, with luminaries such as Helena Kennedy KC: "I had to pinch myself: suddenly Helena's my colleague, and she's now actually a very dear friend."

As a self-employed barrister and the mother of three teens, it's very important to Caoilfhionn that the profession remains open to all those with caring duties.

"It really is very difficult to take time off when you're self-employed – your practice stops, your income stops. And then you've got to return, and all those things that are so difficult when you return to work after having a baby, that crisis of confidence of thinking the world has moved on.

"When I returned to work, I was still breastfeeding. And it's made harder by the fact that you don't have maternity pay – you don't have those benefits. But I did find the chambers system a good support. Doughty Street had a progressive policy, with a form of allowance that was offset, and that eased the financial impact."



Pregnancy loss

“Unfortunately, before having my eldest, and then after, I’ve had recurrent miscarriages. I’ve had a lot of pregnancy loss, and I found that camaraderie of women at the Bar who’d gone through those things really helpful.

“The very first time I had a miscarriage was in court, and I was doing this really very difficult case as a very junior lawyer. I went into the robing room, and I confided in one of my colleagues in chambers, a woman called Isabella Forshall KC, who died very prematurely. She was amazing. Got me to hospital, sorted me out, she was incredible and kept it to herself. And I really valued that – she was a remarkable person. It was tough. And looking back now, I’m not quite sure how I did so many things.

“When I think about the 7/7 inquests, I was expecting my second. My daughter was two and having night terrors, and my husband had an academic job outside of London and was commuting. I now look back and it feels so surreal. I don’t really understand how I did it, how I kept going. You’re just focusing on your clients because you are there for what is the most important time of their lives.”

The experience of combining motherhood and high-profile

legal work has left Caoilfhionn empathetic to those with caring duties. What she found most difficult as a junior lawyer and mother was last-minute requests for late work sittings.

“It’s very disruptive for childcare reasons, but I was very self-conscious about being the one to say: ‘No, I can’t do that.’ Assumptions are made about your availability, and I would be desperately stepping outside and trying to sort out emergency childcare.

“But what I now feel, as a senior woman in law, is that I never let those conversations happen now without putting up my hand and saying: ‘Is that going to work for people with caring responsibilities?’, because I know how difficult it was to do that as a junior person.”

Weight of responsibility

After Caoilfhionn took silk in 2017, she received a letter at chambers from an older female lawyer who would write to each woman who became a KC. The letter explained that Caoilfhionn was only the 393rd woman ever to do so.

“I was shocked at the number being so low, especially since there were over 1,600 men actively practising

at the Bar! And that does mean you feel a weight of representation, as one of the few women there, if you stumble or make a mistake. But, in some ways, when people underestimate you, it can be a superpower, can't it? Because, if they underestimate you, they don't necessarily see you coming."

Although she has always maintained an international dimension to her work, the vast majority of her cases are now global in nature. This involves a lot of international travel.

"People who don't do it think it's glamorous, but it's absolutely not at all. But a lot of the time, you can achieve things in person that you can't achieve over a Zoom call. And, of course, many of my clients are also at risk and under surveillance."

Her very presence can have helpful effects, but some of her travel is high risk and requires careful planning and lots of security. On one case in Kuwait, monitoring a trial of pro-democracy supporters, Caoilfhionn was detained for a long period with no phone – an experience she describes as utterly terrifying, but which has given her an even greater understanding of her clients' predicaments.

"It's nothing compared to what your clients are going through, but it does give you a very stark reminder of just what's at stake in these cases."

Fighting for journalists

A significant portion of her practice is dedicated to defending journalists and their families. "I'm working on a book about accountability for deaths of journalists, which is a topic very close to my heart," she says.

"I've spotted systematic patterns, where the world fails journalists before they're killed – and then the world fails journalists after they're killed. When a journalist is deliberately targeted and killed, it is an attempt to silence the story," Caoilfhionn adds. "Increasingly, what we're seeing is journalists being targeted with a much wider range of legal weapons, such as intellectual-property laws and regulatory laws.

"I see many examples of journalists being wrongly accused of things that they haven't done, which are designed to undermine the messenger and then to undermine the message."

A client, Maria Ressa (the Nobel Peace Prize-winning Filipina journalist) has faced years of legal persecution under the Duterte regime and spurious allegations of tax evasion. José Rubén Zamora in Guatemala was accused of being a fraudster, while Hong Kong newspaper proprietor Jimmy Lai was accused of fraud for an alleged lease violation.

"Make no mistake about it, what Maria has been charged with, essentially, is 'conspiracy to commit journalism'. She's got a criminal conviction and a sentence of six years for her public-interest journalism," Caoilfhionn says.

"Maria Ressa has, for years, been targeted with 'lawfare' – the misuse of law to try to silence her. She was, at one



“

I've spotted systematic patterns, where the world fails journalists before they're killed – and then the world fails journalists after they're killed. When a journalist is deliberately targeted and killed, it is an attempt to silence the story

point, facing over a century behind bars. I was with her in Oslo when she collected the Nobel Prize and it was such a privilege. Her Nobel lecture started by paying tribute to many of the other journalists who've either been killed or who are behind bars for their work."

Another important strand of Caoilfhionn's work is on arbitrary detentions abroad. She sees families who fought for the release of their loved ones continue campaigning for others. "I'm working on setting up a network in Ireland so that we can learn lessons from the success stories – and from the cases that went wrong," she adds.

When Caoilfhionn acts for families with loved ones wrongly detained in a place that is not rule-of-law compliant, her clients feel as if they're fighting a battle on two fronts – since they're also having to fight a battle at home with their own government to get their case taken seriously. "That is shameful – it shouldn't happen. And it's so important that governments take this issue more seriously," she says.

Stepping back

She has recently engineered a delicate rebalancing act. The feeling of being pulled in many different directions prompted her to figure out what was most important in her life.

“An obvious next professional step for someone at the Bar in London, in my position, is to become a High Court judge in England and Wales, but it’s not something that appeals to me.

“I’ve been a silk for eight years and it was time to reassess. I really had a stock-take moment, on quite a few things. I felt I was being stretched too thin. There were many brilliant silks who could take over the cases I was handling,” she reflects.

So she decided to focus more on her international cases, believing that her expertise was needed in a more niche area where the stakes were high and the need for advocacy urgent.

“I feel like the world is on fire, and there’s a lot to do. One of the shocking things that we’re seeing now is not democracy dying in darkness, but democracy dying in plain sight.”

She sees the regimes that target journalists, bloggers, and human-rights defenders getting more and more creative: “We, as lawyers, need to get more creative too, and that’s part of the reason that I’ve mothballed my practice, because I want to spend more time on international issues that I think are very important.

“I get asked all the time to do international cases that are totally heartbreaking, and I have to say ‘no’. There’s a very small pool of people with the right expertise. I feel there are a few big issues where there’s a real opportunity to change things systematically.”

Taking the rap

Currently Caoilfhionn is acting for a rapper in Iran, Toomaj Salehi, who was sentenced to death for his music. “He is a remarkable man. Rap is illegal in Iran and his art, his words, his music shines a light on women’s-rights issues and abuses of women there. Because of that, he was targeted by the authorities.

“I was privileged to lead the international legal team for him, and we overturned the death penalty in his case, and several months later, we got him out of prison. Our

next battle is to keep him safe. My clients are brave, remarkable people who’ve chosen to use their voice, despite the risks to themselves. And they continue speaking, with such courage. If I’ve got skills that can help them in some way, I’ve got to use them.”

As well as global human-rights work, Caoilfhionn has a role as an IHREC commissioner. She also serves as the Special Rapporteur on Child Protection in Ireland, with urgent issues to address, ranging from child poverty to the treatment of children in the criminal-justice system.

“As a mother of three teens, I can tell you that having children’s-rights expertise is particularly frustrating when you need to tell your kids to do their homework or stop their screen time,” she laughs.

With parents and other family still living in Dublin, Caoilfhionn visits frequently. “We will move back at some point, we just need to make the timing work for everybody, which is complicated with children in school and exams. We’re working it out. Dublin is ‘home-home’, and I miss the sea! I also want to spend more time devoted to my Irish work as well.”

Plane passion

She is now learning to fly a small plane, a passion ignited in her teenage years and shared with her late Uncle Seán, who, growing up in Whitehall, was obsessed with aviation.

“When I was a kid, I quite often flew with him and loved it, and really caught the bug. And I started learning when I was a teenager. And then, of course, I had my accident, and it all stopped. I always meant to go back to it. I suddenly got to my late 40s and I hadn’t done it, so it was a real kind of *carpe diem* moment for me.”

Flying, she explains, is a rare opportunity to completely disconnect from the emotional weight of her work and the constant worry about clients going through horrific ordeals.

“There’s a real burden on you to do the best possible job for them. You feel quite guilty when you take any time off. And the thoughts are always there. And I find, if I swim or if I run, they’re still there. I can tell you that, being in a tiny tin-can flying in the sky, you can’t think of anything else, so you switch off, because you’ve got to! I’ve decided to focus on the things that bring me joy and that are important.”

Caoilfhionn believes that a lot of her important human-rights work could be done from Dublin. She is currently working to create a pipeline that allows young Irish lawyers to get involved in international human-rights work from Baile Átha Cliath.

“There is such talent here, and Ireland has got incredible international lawyers. It’s important to me that people who want to do that work don’t feel that they must go to London, or the Hague, or Washington DC.”


Mary Hallissey is a journalist at the Law Society Gazette.





Joining the dots?

The decision in *Kelly v UCD* is a helpful statement of the judicial guidelines that apply to those circumstances when there's a connection between a judge and a lawyer. Jonathan White checks his family tree



On 12 February 2025, the Supreme Court delivered judgment in the case of *Patrick Kelly v University College Dublin*. This appeal by Mr Kelly was from a decision made by Mr Justice Meenan of the High Court on 22 June 2023, on appeal from the Circuit Court, in an interlocutory motion seeking production of certain documents.

The defendant in those proceedings was University College Dublin. The judge's son is a solicitor employed by Arthur Cox LLP – the solicitors on record for that defendant. The judge's son did not appear to have been involved in any way in the proceedings.

Following the judge's decision in the High Court, the appellant sought leave to appeal to the Supreme Court on a number of grounds. In determining that leave application on 22 February 2024, the Supreme Court granted the appellant leave to appeal on one issue only: did the fact that a close relative of a judge was employed as a solicitor in the firm of solicitors representing a party meet the well-established test for objective bias? (See *Kelly v UCD: Application for Leave to Appeal*.)

Family association

The appellant referred to the *Guidelines on Judicial Conduct and Ethics*, which were adopted by the Irish judiciary pursuant to the provisions of section 7(2)(d)(i) of the *Judicial Council Act 2019*. In particular, he referenced paragraph 4.4 of those guidelines, which states: "A judge shall not participate in the determination of a case in which any member of the judge's family represents a litigant or is associated in any manner with the case."

As such, the appeal raised the issue of whether the employment of a close relative in a firm of solicitors on record in a case heard by a judge, without that relative being involved in the case in any way, is sufficient, on the grounds of objective bias, to disqualify a judge from hearing the case.

In its determination of the leave application, the Supreme Court considered that the views of the Law Society might be of assistance in the appeal, and directed that copies of the application for leave papers, and the court's determination, be sent to the Society.

The Law Society was subsequently joined to the appeal as *amicus curiae*, as was the General Council of the Bar of Ireland.

In dismissing the appeal, the Supreme Court judgment of Chief Justice O'Donnell (with whom Charleton, O'Malley, Collins, and Donnelly JJ agreed) reiterated the long-established test for objective bias in Irish law as being that articulated by Denham J in *Bula Ltd and others v Tara Mines Ltd and others (No 6)*: "...there is well settled Irish law that the test is objective; it is whether a reasonable person in the circumstances would have a reasonable apprehension that the applicants would not receive a fair trial of the issues".

General principles

Chief Justice O'Donnell set out, in his conclusion (see paragraph 162), the following general principles to be applied to judicial disqualification:

- 1) *Judicial Conduct Guidelines* do not determine the test for disqualification as a matter of law, but are relevant in the assessment of a reasonable and informed observer (paragraph 55).
- 2) Other than a case in which a judge is or is deemed to be a party (and even then the rule of necessity might require a judge to sit, for example, when the Judicial Council, of which every judge is required by statute to be a member, is a party), there is no absolute rule of disqualification of a judge from hearing any case, and there are not separate categories of cases to which different principles apply (paragraph 56).
- 3) The same test is applicable in every case: that is, whether a reasonable and informed observer would have a reasonable apprehension of bias (paragraph 71).
- 4) There are three components to this test, which must be assessed together (paragraph 105): (a) the reasonable and informed observer who (b) has a reasonable apprehension of (c) bias.
- 5) The reasonable observer imports an objective standard (paragraphs 2-4).
- 6) The apprehension necessary is akin to the standard of reasonable doubt,

“

A judge shall not participate in the determination of a case in which any member of the judge's family represents a litigant or is associated in any manner with the case

and must be reasoned and cogent (paragraphs 102-104).

- 7) Objective bias is best understood as a reasonable apprehension that the case will not receive a fair and impartial hearing (paragraphs 105-106).
- 8) The assessment of an apprehension of bias must give full weight to the declaration made by a judge under article 34.6.1 of the Constitution and that such impartiality is central to the role that a judge accepts and holds themselves to (paragraphs 107-108).
- 9) It is necessary to show a rational, coherent, and logical connection between a factor identified and the apprehension that the case will not receive a fair and impartial hearing (paragraph 113).
- 10) While the standard is one of reasonable apprehension and is, and is intended to be, less than proof on the balance of probabilities, the matter apprehended [that a judge would favour one party or disfavour another for reasons unconnected to the facts and law] is by definition both unusual and exceptional. Therefore, the test is a strict one, which must be rigorously applied and is not easily satisfied. Too low a standard will damage, rather than promote, public confidence (paragraph 111).
- 11) Disclosure or non-disclosure is not itself a separate test: it may be a component in the overall analysis of the test of whether a reasonable observer would have reasonable apprehension that the case will not receive a fair and impartial hearing (paragraphs 139-148; 155).

Chief Justice O'Donnell held that, in the specific case of a connection between a judge and a lawyer, the above principles may be applied as follows:

- 12) There is no absolute rule that a judge is disqualified from hearing a case in which a relative, even a close relative, is connected to a firm that represents a party (paragraph 85).
- 13) A judge is disqualified from hearing a case in which a close relative actually represents a party whether as a solicitor or barrister in respect of the case. This is consistent with the provisions of the *Judicial Conduct Guidelines* (paragraphs 99-100).
- 14) 'Close relative' for these purposes is

as defined in the *Judicial Conduct Guidelines* and *Bangalore Principles of Judicial Conduct* to include “spouse, civil partner, son, daughter, son-in-law, daughter-in-law, and any other close relative or person who is a companion or employee of the judge and who lives in the judge’s household”. ‘Judge’s spouse’ includes a domestic partner of the judge or any other person of either sex in a close personal relationship with the judge (paragraphs 129–130).

- 15) Where a close relative of a judge is employed in a firm acting for a party, the question of disqualification may depend upon the particular facts of the case, the involvement of the relative, whether they have a direct and significant financial interest in the outcome (which, in the context of practice of law in Ireland, would be unusual), the degree of involvement with the lawyers actually engaged in the case, and the size of the firm (paragraphs 64, 73–74, 156).
- 16) In the situation where a close relative of a judge is employed in a large firm organised in separate departments, and where that firm represents a party but the close relative has no involvement with the case and no financial interest in its outcome, a judge is not disqualified from hearing such a case. This is also consistent with the *Judicial Conduct Guidelines* (paragraphs 87, 131).
- 17) Disclosure of such a relationship in such circumstances is not required, and non-disclosure does not mean that a judge is disqualified from hearing the case (paragraphs 144, 156).
- 18) Where this or any similar issue arises, or a judge is in doubt as to whether they should recuse themselves – or where the issue is subsequently raised after the fact or by way of appeal – a judge may provide a short account or statement in relation to the matter and the judge’s knowledge of it. This is not an issue *inter partes* in the litigation, an evidential hearing is not appropriate, and a judge cannot be required to give evidence. The statement and any assessment of it becomes a matter to be considered by that court or



The appeal raised the issue of whether the employment of a close relative in a firm of solicitors on record in a case heard by a judge, without that relative being involved in the case in any way, was sufficient, on the grounds of objective bias, to disqualify a judge from hearing the case

any appellate or reviewing court in determining the question of whether a judge ought to recuse themselves or was disqualified from hearing a case (paragraph 47).

Appeal dismissed

The Chief Justice concluded: “These principles may be applied to this case. Here, it has been established beyond any doubt, and beyond any standard required by the law, that the judge’s son in this case had no involvement in or connection to the case, or interest, financial or otherwise, in its outcome. Accordingly, the judge was not disqualified from hearing the case, and the appeal must be dismissed.”

For practitioners and for members of the judiciary, this judgment is a helpful statement of the principles applicable to judicial disqualification. The application of those principles to the specific circumstances of a connection between a judge and a lawyer, as set out by Chief Justice O’Donnell, is even more helpful.

It might be argued that the practical effects of the application of the principles in those specific circumstances will be dependent on issues such as the nature and court jurisdiction of the case, and the solicitor firms representing the parties in the case. ☒

Jonathan White is a solicitor in the Regulatory Legal Services section of the Law Society of Ireland.

LOOK IT UP

CASES:

- *Bula Ltd & Ors v Tara Mines Ltd & Ors (No 6)* [2000] 4 IR 439
- *Kelly v UCD: Application for Leave to Appeal* [2024] IESCDET 24
- *Kelly v UCD* [2025] IESC 6

LEGISLATION:

- *Judicial Council Act 2019*

LITERATURE:

- *Bangalore Principles of Judicial Conduct 2002*
- *Guidelines for Judicial Conduct and Ethics (2022)*

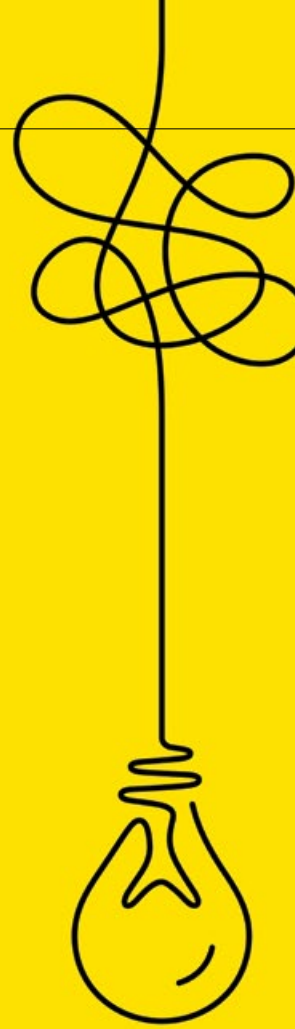
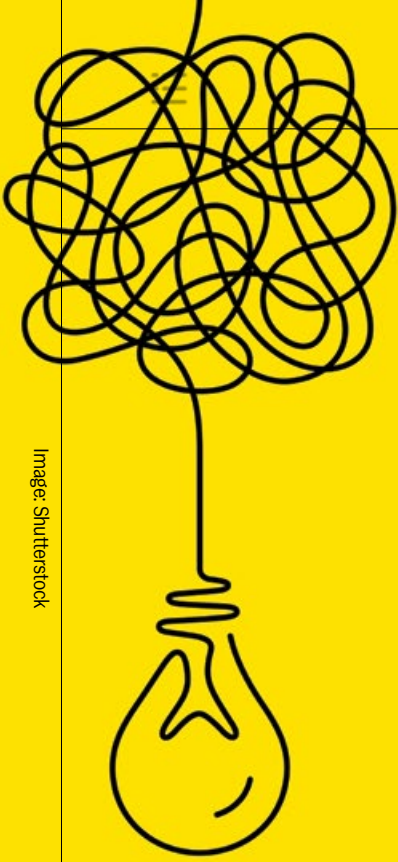


Image: Shutterstock



KEEP IT SIMPLE!

Ideas to simplify the EU digital rulebook were put by the Polish presidency of the Council of Ministers to other EU member-state governments on 6 June. Nils Rauer and Wouter Seinen download the data





Major changes to the way businesses navigate and comply with digital regulation in the EU – such as rules on AI, use of data, and cybersecurity – could follow from a package of proposals put to lawmakers on 6 June.

The ideas were presented by the Polish presidency of the Council of Ministers to other EU member-state governments. They include, among other things, a delay being applied to the effect of certain legislative provisions that have already been finalised – including, potentially, certain rules under the *AI Act* – in the same way that has happened already in the context of sustainability-related due-diligence and disclosure obligations.

Further changes that businesses would see from the implementation of the ideas include simplified transparency obligations, reduced cyber-incident notification duties, and lighter-touch regulation for SMEs.

Other measures envisage harmonisation of the way important concepts are defined across different pieces of

digital regulation, greater coordination between regulators responsible for enforcing the various legislation, and publication of guidance to help businesses better understand how the different EU rules interact.

Broadband

The proposals would affect a wide range of EU digital regulation, including the *AI Act* and *General Data Protection Regulation*, the second *Network and Information Security Directive* and the *Cyber Resilience Act*, as well as the *Data Act*, the *Digital Services Act (DSA)*, *Platform-to-Business Regulation*, and *Digital Operational Resilience Act*.

The Council of Ministers is one of the EU's law-making institutions. It is comprised of representatives from the governments of each of the 27 member states in the bloc. Digital ministers from across those governments met on 6 June, where Poland's proposals were presented but not discussed. The proposals derive from input received from industry.

In addition to businesses, EU policymakers are coming under increasing political pressure to reduce regulatory burdens in digital markets. The US government, for example, has called on the EU to do more to support technological innovation by companies, with many US-headquartered technology companies operating in the EU market, while Mario Draghi (former European Central Bank president), in a report into EU competitiveness, last year urged action to reduce regulation – particularly for tech companies.

Amid this backdrop, there is political will to act. European Commission proposals for 'simplification' of the EU's digital policy rulebook are expected to be published in the autumn, as confirmed by Henna Virkkunen (EU Commissioner for Tech Sovereignty, Security and Democracy) at a press conference that followed the council's meeting.

Safe mode

The Polish proposals are the precursor to those proposals being set out, and could inform how they are developed by the commission – or how the council, when it comes to scrutinise the simplification package, responds and the amendments it might prepare. The contents of the commission's simplification package could, potentially, also be influenced by the outcome of a [new consultation](#) regarding implementation of the *AI Act*'s rules on 'high-risk' AI systems, which it opened on 6 June.

The rules on 'high-risk' AI are not due to take effect until August 2026. According to the consultation, some changes to those rules are under commission consideration – including in relation to the classification of high-risk AI systems and the obligations associated with providing, deploying, importing or distributing those systems.

The consultation closes on 18 July 2025. Commission President Ursula von der Leyen previously pledged to "cut red tape" in relation to AI – a pledge repeated by Virkkunen on 6 June.



DAC BEACHCROFT

DAC Beachcroft Dublin announces Partner promotion

DAC Beachcroft Dublin has announced the promotion of Julie-Anne Binchy to Partner in the firm's Commercial Litigation team.

Lisa Broderick, Commercial Litigation Partner and Practice Head of DACB's Dublin office, says, *"On behalf of the entire DACB Dublin team, I offer my congratulations to Julie-Anne on this well-deserved promotion, and wish her continued success in the next stage of her career with our firm."*

"We strive to be the place where talented people want to work, and we are committed to helping our colleagues and our clients succeed. This promotion is not only a reflection of Julie-Anne's exceptional contribution, but also the continued strength and growth of our Commercial Litigation team."

"As always, the growth of our business is shaped by the needs of our clients. We remain focused on identifying and pursuing market opportunities that enhance the value we deliver to them - and to the firm as a whole."



Julie-Anne Binchy is pictured with fellow Commercial Litigation Partners, Lisa Broderick (left) and Rowena McCormack (right).

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WELL WITHIN THE LAW FESTIVAL 2025

We are delighted to invite solicitors on our annual Well Within the Law festival on the theme of: **"This is Absurd"**

Date: Wednesday 3 September 2025 **Time:** 5.30pm to late

Venue: Law Society of Ireland, Blackhall Place, Dublin 7

RSVP: Register by 23 August 2025 at www.lawsociety.ie/festival



Well Within the Law
CultureFirst



Image: Shutterstock AI

The Muskman cometh: the Council of Ministers will *not* do an 'Elon' on the EU digital rulebook

She confirmed that there would be no “backslide” from the “main objectives” of the *AI Act* by the commission, but said that simplification of processes and the cutting of red tape, bureaucracy, and reporting obligations are under consideration.

Addressing the fact that *AI Act* rules applicable to ‘general purpose’ AI (GPAI) models are due to take effect on 2 August this year, but that a highly anticipated code of practice to support compliance with those rules has yet to be finalised, Virkkunen said that she expects the code to be published in the coming weeks.

She added that the commission would ensure that further guidelines and standards anticipated under the legislation would be delivered before the relevant provisions addressed by those guidelines and standards would take effect. Some of those provisions are due to come into force on 2 August 2025.

The Polish proposals address a number of challenges facing businesses operating in the EU’s digital single market, including the lack of concrete guidance, best practices, and technical standards to help organisations test and ensure that they comply with digital regulations.

As the Polish presidency has identified, governments and regulators at member-state level apply their own interpretation of the regulatory requirements and expect organisations to operationalise abstract legal concepts, such as ‘transparency’ and ‘privacy by design’, in their own often complicated ecosystems.

A company is, for instance, often required to explain in plain and simple terms how they have weighed the legal interests of individuals against the interests of the company and third parties when seeking to use that individual’s data. Similar simplified explanations of complex assessments of – often conflicting – interests are required under the *AI Act* and the DSA, without clear guidance and examples to help them.

On top of this, organisations are not able to seek confirmation that the compliance solution they have built meets the standards of the regulator, let alone the law. This definitive answer is only available if those solutions are challenged by a regulator or are the subject of claims before the courts.

Innovation would be served if there were mechanisms for organisations to help them find a balance, in discrete use-

cases, between conflicting fundamental interests detailed in various regulations, as well as for seeking confirmation or advice from government or regulators of the position they have taken.

Plug-and-play

The mainstream emergence of DeepSeek – the Chinese open-source model that the company behind it claims to have developed at a fraction of the cost of other large language models on the market, and without access to the same computing power – has spurred discussions within the commission around classification of ‘general-purpose AI’ (GPAI) models in the context of the scope of rules applicable to GPAI models under the *AI Act*.

It goes without saying that the digital single market within the EU requires a certain level of regulation: for example, we want to have effective and efficient means to battle unauthorised and illegal content on the internet, and limit fake news and undue manipulation. Inevitably, this comes with transparency and record-keeping obligations, as well as other administrative burdens. Thus, the Polish initiative is not meant to turn back the wheel to zero but is, instead, striving for the ‘right level’ of regulation – a goal that is difficult to achieve, but represents a worthy aim.

Dublin-based technology law expert Andreas Carney (Pinsent Masons), adds: “The sheer number of EU directives and regulations relevant to digital regulation identified by the Polish presidency is a simple indicator as to the challenges that businesses face in seeking to meet their compliance obligations. Whether sector-specific or general in application, navigating the various requirements and the inevitable overlap of certain obligations is proving burdensome. At a time when Europe’s competitiveness in this area is in sharp focus, a more concise and joined-up approach would, no doubt, help to ease that.”

Dr Nils Rauer is a partner in Pinsent Masons based in Frankfurt and is an expert in AI regulation. Wouter Seinen is a partner in Pinsent Masons and is head of office in its Amsterdam office.

LOOK IT UP

LITERATURE:

- ‘Balancing regulation and innovation in the technology-driven economy – outcomes of the discussions on simplification activities in the digital field’ (General Secretariat of the Council of the European Union, 2 June 2025)
- ‘Commission launches public consultation on high-risk AI systems’ (European Commission press release, 6 June 2025)



Regulation matters

The Law Society's Regulation of Practice Committee has a crucial role in maintaining professional standards, and an even more important one in supporting solicitors, committee chair Garry Clarke tells the *Gazette*

Promoting effective regulation is a strategic priority for the Law Society, set out in the *Law Society Statement of Strategy 2024-2028*.

Through ensuring effective regulation, the Law Society protects and supports both the public interest and the solicitors' profession. Its role as a regulator is central to sustaining trust in the solicitors' profession and contributes significantly to the Irish legal system, economy, and society. In this context, the Regulation of Practice Committee has a crucial role in maintaining professional standards and an even more important one in supporting solicitors as they juggle the many demands of legal practice.

It is the largest of the Law Society's committees, with 32 members sitting an average of 50 meetings per year across four general divisions: a claims division, audit subcommittee, investments subcommittee, and a full committee plenary.

The committee has two primary functions: to administer the Law Society's Compensation Fund and to oversee the profession's compliance with regulations regarding accounts, anti-money-laundering, and other regulatory requirements under the *Solicitors Acts* not assigned to other regulatory committees.

While Garry acknowledges the strict regulation in place to protect clients, he also believes that the profession, overall, is highly

Niall Connors (director of regulation, and committee secretary), Garry Clarke (chair), and Tina Beattie (deputy secretary)

compliant. Of the approximately 12,000 practising solicitors in Ireland, only 68 complaints were upheld against solicitors by the LSRA in their last report, with a small number of practitioners being the subject of multiple complaints. Instances of dishonesty or mismanagement are rare, with most complaints stemming from human error rather than intentional misconduct, he says. The committee's aim, while acting within the committee's powers under the *Solicitors Acts*, *Solicitors Accounts Regulations*, and *Solicitors (Money Laundering and Terrorist Financing) Regulations*, is to offer a supportive, de-escalating approach to help practitioners get back on track when issues arise – focusing on solutions rather than punishment.

Support

In terms of regulatory procedures, the Law Society conducts 350 investigations each year into solicitors' practices. These investigations are preceded by advance notice, allowing firms to prepare. However, the challenge for many small practices lies in balancing the demands of legal work with business management – a skill many solicitors are not trained in, Garry points out.

Many firms face difficulties when the pressures of running a business, alongside the complexities of legal work, become overwhelming. Issues such as bookkeeping errors, missed deadlines, or staff turnover can lead to problems, which are often exacerbated by mental-health challenges. Solicitors, particularly sole practitioners, often experience significant isolation and work-related stress.

As the legal landscape becomes more complex, practitioners may need to specialise rather than spread themselves thinly across various areas of law. Solicitors, especially those in rural areas or smaller towns, are finding it increasingly difficult to manage the demands of general practice, as areas such as conveyancing, probate, and contentious legal matters grow more intricate.

For this reason, the committee welcomes an increasing focus on the wellbeing of solicitors, since maintaining psychological health is crucial for sustaining a successful legal practice. The committee's approach



There has been a real effort to move away from the 'us v them' mentality and to promote effective regulation by the Law Society by engaging in closer discourse with practitioners

involves helping practitioners in difficulty to identify and address personal and professional challenges, offering peer support through a personal, non-bureaucratic process.

Succession

Succession planning is another thorny issue. Garry believes that there should be a full ten-year run-in to any retirement schedule.

While it's important to plan for an exit, many don't think about it early enough. Career paths tend to evolve in unexpected ways, and it's important to be prepared to make decisions when the time comes.

As many older practitioners struggle to retire and pass on their practices, the committee has introduced initiatives such as the Practice Advisory Service, provided by Outsource. These reviews, subsidised by the Law Society, cost €150 for new practices and €250 for existing firms, and offer vital advice to lawyers in firms at various stages of their life-cycle – whether just starting out, in mid-career, or those contemplating retirement.

Where no clear successor emerges to take over a practice, Garry advocates that solicitors consider merging with others to ensure both financial sustainability and better mental wellbeing. Consolidation of practices may both reduce overheads and increase business efficiency, and Garry observes an increasing trend of mergers to take advantage of economies of scale at all levels in the profession.

With increasing numbers of younger solicitors opting for larger firms in cities, rural practices are facing a significant challenge in finding new talent to take over long-established client bases. In some cases, practices may no longer hold financial value due to the complexity of the work involved and the lack of premium placed on existing client files.

The concept of dividing fees on a file-by-file basis when transitioning a practice is a practical way to manage the division of work and finances during the transition, Garry points out. "It's almost down to a file-by-file transfer exercise, which works quite well for many retiring practices."

The issue of handling staff redundancies and ensuring continuity for long-standing clients is a significant concern for retiring practitioners, especially when their clients are the second or third-generation of their original clients.

“When you start off a new practice, you think your career path is linear, but things will always change. And, in all of our careers, we rarely end up where we thought we were going to end up,” he says. “What you want to do is give yourself the business intelligence to be able to make the right decisions when you’re faced with those decisions.”

Evolution

The relationship between practising solicitors and their regulatory bodies is evolving, Garry points out.

Historically, many solicitors have viewed the regulatory bodies as overbearing and somewhat disconnected from the realities of running a practice. “In the past, those who were practising regarded the Law Society as people who came down and found faults and made things difficult,” he says.

However, there has been a significant shift in how the Law Society approaches regulation, especially in the context of anti-money-laundering (AML) compliance.

There has been a real effort to move away from the ‘us v them’ mentality, and to promote effective regulation by the Law Society by engaging in closer discourse with practitioners. This approach can only help solicitors and firms in the long run and ensure that, through the work of the committee, the Law Society’s statutory obligations under the *Solicitors Acts* and its mandate as the competent authority for solicitors under AML legislation is fully met.

Culture shift

Garry became committee chair around the same time as the appointment of Dr Niall Connors as the Registrar of Solicitors and the Law Society’s Director of Regulation. Niall commenced a review, led by Dr Shane McCarthy, into the whole scope of regulation of practice. This led to a cultural shift from what may have been perceived as a hostile approach and language, Garry says.

“Niall, as the new director, has come in with a whole different palette from his experience, introducing new concepts and new thinking – including considering regulation as a service to the profession,” he says. “The whole point is that it’s not just one-way traffic. It’s ‘how can we help you stay on track?’”

There has been an active canvas of the opinions of local bar associations on what their members’ difficulties and sticking



points are. This proactive approach to regulation, including new projects such as the introduction of the [Regulation Answers](#) helpline, provides solicitors with a resource where they can ask questions and get immediate help with regulatory concerns.

And a renewed focus on education – whether through workshops, practical case studies, or videos for non-solicitor staff – also makes the regulatory process more accessible and less daunting. Garry points to the rollout of Law Society accounting training for legal support staff, allowing them to integrate existing skills with the nuts and bolts of smoothly running a practice.

AML is a huge issue, especially when solicitors are dealing with clients they have known for years, he says: “There’s a statutory requirement for more documentation and a better understanding of the source of funds, even if the solicitor knows the client personally.

“The reality is that solicitors are struggling to come to terms with their obligations under AML legislation. That is why Tina Beattie, who has a background in regulation and education, has been appointed as head of AML, to address this challenge.

“AML compliance is really serious. If you

don’t do it properly, it’s a criminal offence, and you could also unwittingly allow illicit funds wash through your client account. All the staff in your office, including your support staff, need to know about it, be engaged with it, and take responsibility for compliance.”

Education, AML toolkits, and wider stakeholder engagement are key elements of the Law Society’s AML strategy to meet its regulatory responsibilities, and many of these improvements are a direct result of member feedback that the Law Society has received. Practical scenario workshops on AML have proved very popular with members and are a regular agenda item for Law Society cluster events, at which Garry frequently speaks.

Meeting of minds

A considerable amount of work goes into Regulation of Practice Committee meetings. These are held every six to eight weeks and take the best part of a day. Preparation for the meetings – which involves reviewing the material and accountants’ reports – can take another day. Of the committee’s 32 members, 28 are solicitors, with a further four being lay members.

“It’s particularly valuable that colleagues are involved in this committee and get to share their expertise and perspectives, especially when the goal is to help others improve, not just punish them for mistakes,” Garry says.

Committee members want to genuinely support and guide firms through their struggles, rather than just focusing on enforcement, he says. Current issues that appear in many accounting reports relate to letters of engagement, historical balances, and poor bookkeeping.

“In all the regulated professions, the amount of regulation is growing. We’re subject to more oversight, rather than less, and that’s whether we like it or not. The issue for the Law Society and for the Regulation Department is how we bring the profession to a point where practitioners can cope with their obligations into the future,” Garry concludes.

Mary Hallissey is a journalist with the Law Society Gazette.

A hive of activity

At a recent panel discussion hosted by the Law Society's In-House and Public Sector Committee, legal experts spotlighted the public sector as a hub for rewarding, diverse careers – and a compelling alternative to private practice. Mary Hallissey reports



Legal jobs in the public sector offer rewarding and diversified work, the 2025 Law Society In House and Public Sector Committee panel discussion heard on 20 May.

The event was opened by the Law Society's junior vice-president Valerie Peart, who added that, on current trends, the in-house and public sector community would shortly constitute 30% of the legal profession in Ireland.

This is a clear example of the changing nature of the profession, and skills that were considered important for public-sector success weren't necessarily the same as those required for private practice. They do, however, include leadership, interpersonal skills, business and operational skills, as well as personal resilience and the ability to manage stress.

The gathering heard that while workloads are, in general, more manageable in the public sector, there were times when surges occurred and flexibility was required.

The quality of the work that I can do cannot be equalled – engagement with the Constitution, with public law and policy, and the political sphere. What resonates with me is being part of something bigger

Giving back

The public-sector lawyer has an impact in shaping Irish society, and their client is, ultimately, Ireland itself, attendees heard.

Róisín Magee (chair, In-House and Public Sector Committee) has worked as a solicitor in the public sector for over a decade. She emphasised the value of such networking events. She urged attendees to consider giving back to the profession through mentoring or involvement in Law Society committees, thus further strengthening the sector's support system.

Recent surveys conducted by the Law Society reveal that career progression remains a top concern for public-sector solicitors, with 56% of respondents identifying a lack of clear career pathways. However, 53% of public-sector lawyers remain optimistic about the future of their profession, compared with 47% overall.

Public-sector legal careers are about values, integrity, accountability, and commitment to the common good, the event heard. Career development can encompass

leadership, specialisation, and placements in European and international institutions, as well as mobility across the public sector.

Impact

"I have seen first-hand the depth, variety, and impact of public-sector legal work, and I can say with confidence that there is no more rewarding legal work than that which supports the functioning of our State and the rights of our citizens," Magee said.

The afternoon's panel



Solicitor Services staff members Colin Carroll, Fiona O'Connell Faifua, Shane Farrell, Karen Dowdall, and Malgorzata Rola



Judge Peter White, Margaret Kelleher, Lisa McCarthy



Fiona Woodyatt, Caroline Dee-Brown, and Nora Ward

Photos: Cian Redmond



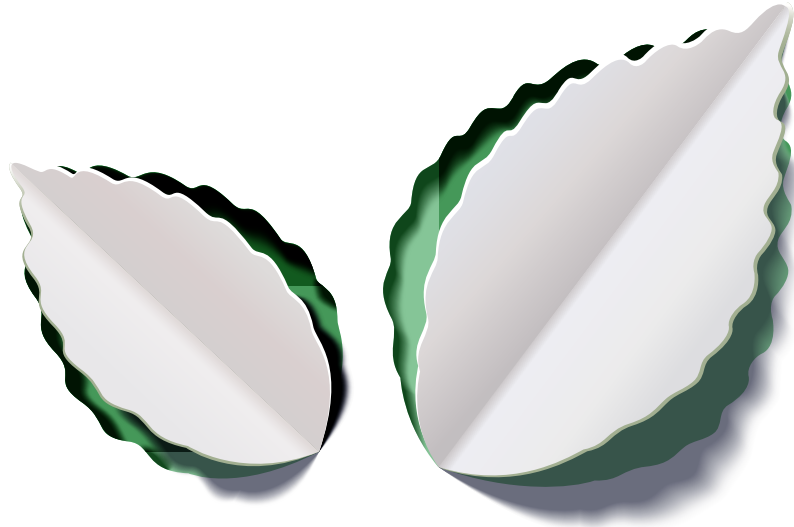
Judge Peter White, Catherine Pierse, Valerie Peart, and Róisín Magee



Róisín Magee, Nora Ward, Caroline Dee-Brown, Louise Campbell, Nicole Muldoon, Tara Smith, and Lisa McCarthy



Valerie Peart and Alison Hand



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discussion, moderated by Judge Peter White of the District Court, heard from leading public-sector lawyers, including Catherine Pierse (Director of Public Prosecutions), Fiona Woodyatt (deputy assistant Chief State Solicitor), Margaret Kelleher (parliamentary counsel at the Office of the Attorney General), and Cathal Ryan (Data Protection Commission).

DPP Catherine Pierse spoke about moving from the criminal-defence arena to her current role, noting the unparalleled quality of legal work in the public service, and the “ringside seat” solicitors enjoy in national and international legal affairs. Pierse said that public-sector values and the unparalleled quality of the work was a big motivator for her to join the public sector.

Being “freed from the tyranny of fee-earning” was another significant part of the attraction, she added. “In the public sector, there is a real sense of being in the thick of things, and in the arena.”

Something for everyone

Fiona Woodyatt spoke about the rewarding nature of working on cases that affect public



Staff from the Office of the Attorney General

Your client isn't a single person – your client is actually Ireland

policy and human rights. She was initially drawn to the public sector for the work/life balance, but added that she did not fully appreciate the breadth of the work available in the CSSO.

“We deal with absolutely everything from judicial-review cases, employment law, State property, commercial law, procurement law, to human-rights law – there is pretty much something for everyone in the office,” she said. “I wasn't in there very long before I started to recognise that I was actually part of something much bigger.”

Working on a judicial-review case could have a bearing on another 100 cases sitting

behind it, she observed, because of the broader public-sector impact.

Cathal Ryan of the Data Protection Commission (DPC) commented that he had trained as a lawyer through the public sector, with a traineeship at the Legal Aid Board: “It was amazing,” he said.

He describes his work at the DPC as having a massive impact on the public, because of GDPR: “I had a front-row seat to all of that, meeting the requirements and obligations that Ireland has as a lead supervisory authority under the GDPR,” he said.

Margaret Kelleher came from a criminal-law background, and is now part of the Office of Parliamentary Counsel at the AG. “The quality of the work that I can do cannot be equalled,” she said, pointing to engagement with the Constitution, with public law and policy, and the political sphere. “What resonates with me is being part of something bigger,” she said.

“Your client isn't a single person – your client is actually Ireland, and your clients are the citizens. And you do get a sense that you are actually making a difference,” she said.

Mary Hallissey is a journalist with the Law Society Gazette.



Nicole Muldoon, Tara Smith, Róisín Magee, and Nora Ward

I can see clearly now

In a high-pressure profession, ‘reflexivity’ – the capacity for honest self-monitoring – is not just helpful, it’s essential for sustainable, ethical, and effective legal practice. Dearbhla Jordan gathers her thoughts

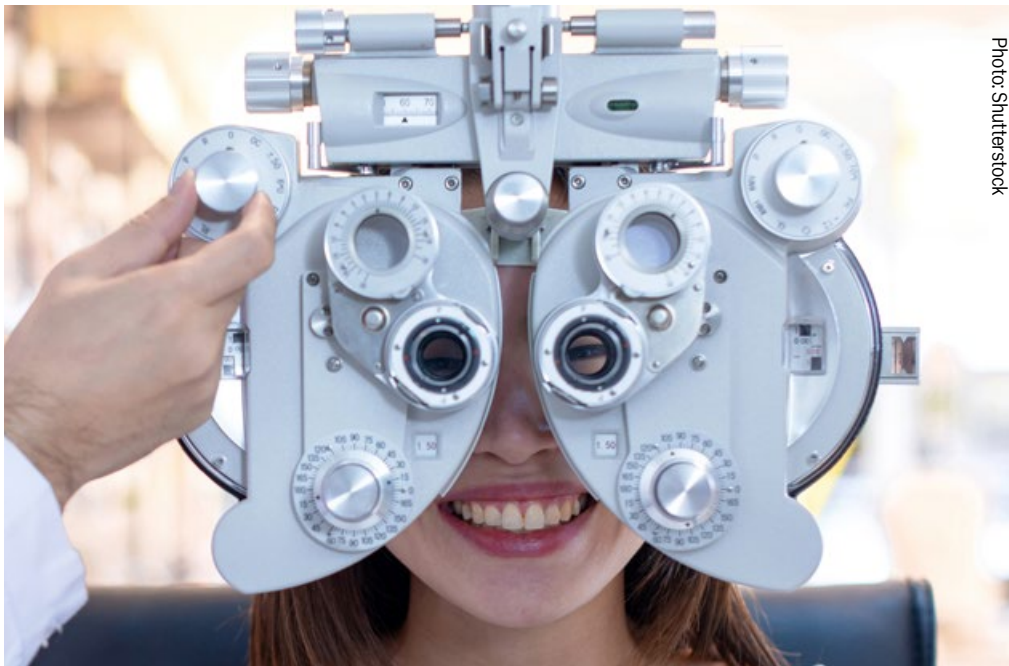


Photo: Shutterstock

Shifting the dynamic

For example, a solicitor handling a sensitive probate matter may notice growing frustration with a client who repeatedly second-guesses legal advice. Instead of dismissing the client as ‘difficult’, reflexivity might prompt the solicitor to ask: “What’s really going on here? Is this bringing up something in me? Am I fully hearing their grief?”

That moment of awareness can shift the dynamic entirely, allowing for a more compassionate and constructive approach.

While legal training often prioritises rationality and detachment, every professional inevitably brings their own experiences and perspectives to the table. Reflexivity provides a vital counterbalance, a means of enhancing objectivity by challenging assumptions and staying anchored in evidence.

It also supports stronger client relationships through greater empathy and clearer communication. Just as importantly, it safeguards mental wellbeing by helping practitioners tune into their emotional state, set boundaries, and recognise early signs of stress.

In a high-pressure profession, this capacity for honest self-monitoring is not just helpful, it’s essential for sustainable, ethical, and effective practice. It allows lawyers to remain adaptable, ensuring they respond

Picture this: you’re in the middle of a high-stakes negotiation, a courtroom battle, or a delicate client meeting. The pressure is on, and decisions need to be made fast. But have you ever stopped to consider how your personal biases, experiences, and emotions might be influencing the choices you make? Enter ‘reflexivity’ – the ability to critically examine your own thought processes, challenge assumptions, and make more conscious, balanced decisions.

In the legal profession, where precision, objectivity, and analytical thinking reign supreme, reflexivity is the often overlooked

Reflexivity is the ability to critically examine your own thought processes, challenge assumptions, and make more conscious, balanced decisions

superpower that can set great professionals apart. It fosters self-awareness, sharpens decision-making, and builds resilience in a career that demands excellence under pressure.

Unlike simple self-reflection, reflexivity is a dynamic, ongoing process that involves questioning why we think, feel, and act the way we do. It means recognising patterns in our reasoning, identifying emotional triggers, and adjusting our responses in real time. In practice, it’s what allows a solicitor to pause before brushing aside a client’s emotional concerns, or enables a barrister to evaluate whether personal bias might be shaping their argument.



thoughtfully – rather than react impulsively – when faced with unexpected challenges.

Recognising the echo

The following fictionalised case study, ‘Recognising the Echo’, is a useful case in point.

A junior solicitor in a busy litigation team found herself feeling increasingly irritated during interactions with a particular client. The client’s communication style was direct and occasionally demanding, but not unprofessional. Still, the solicitor noticed she was becoming defensive in her email tone and dreading their calls.

During a therapy session, she explored her reactions and realised that the client’s assertiveness echoed a past experience with a bullying senior colleague during her early training. That recognition was a turning point. Rather than continuing to react based on unresolved emotional residue, she was able to pause, acknowledge the emotional trigger, and recalibrate her response.

She began setting clearer boundaries and responding in a more grounded, neutral tone. Once she understood what was being stirred up in her, she could meet the client as they were – not

At the ‘Belonging’ lecture on the Complete Lawyer course for hybrid trainees were speakers Maeve Delargy (Younger Members Committee), Johan Verbruggen (FieldFisher), Frank McNamara (Younger Members Committee), and Róisín Cronin (DLA Piper and the OUTlaw Network)

as the difficult figure from her past.

This is reflexivity in practice – the capacity to notice when past experiences are influencing present behaviour, to reflect critically, and to consciously shift how one engages in professional relationships.

Building reflexivity

So how do you build reflexivity? Like any core skill, it starts with intention and consistent practice. Taking a few minutes at the end of the day to ask ‘what influenced my decisions today?’ can go a long way.

Regular journaling, mindfulness, and openness to feedback all strengthen self-awareness. Talking through difficult decisions or emotional reactions with a colleague or supervisor can offer new perspectives on how you’re showing up professionally. Over time, these habits build your capacity to pause, reflect, and recalibrate, but this is not a one-time fix. Reflexivity must be nurtured throughout your career, evolving alongside the challenges you face and the roles you grow into.

Law Society Psychological Services are here to support you in developing and sustaining these skills. Through LegalMind,

solicitors have access to subsidised therapy, an invaluable space to deepen self-awareness and build your personal reflexivity skills. Tailored resources, such as the Psychological Safety Toolkit, also promote reflective practice and provide practical structure for strengthening long-term professional wellbeing.

Reflexivity isn’t just a personal practice, however: it’s also a leadership skill and a cultural strength. Building reflective capacity at both team and organisational levels is essential for firms that want to foster psychological safety, ethical integrity, and high-performing, supportive cultures. Partnering with the Law Society’s ‘Culture First: Well Within the Law’ programme offers tailored workshops, consultation, reflective practice groups, and resources that help legal teams embed emotionally intelligent, reflective practices across their working lives.

The legal profession is not just about winning cases or drafting airtight contracts – it’s about navigating complexity with skill, humanity, and integrity. Reflexivity isn’t just a useful tool – it’s an ongoing commitment to self-awareness, ethical clarity, and sustainable success. The ability to step back, assess, and adapt is what sets apart truly effective professionals.

So the question is: are you ready to make reflexivity a lifelong part of your legal toolkit – for yourself, your team, and the profession? Get in touch at ps@lawsociety.ie to learn more, share your ideas, or explore opportunities to collaborate, or visit lawsociety.ie/ps for all information on the resources mentioned above. 📧

Dearbhla Jordan is a trainee psychotherapist and Law Society Psychological Services project coordinator.

RECENT DEVELOPMENTS IN EUROPEAN LAW

JUDICIAL PAY SHOULD REFLECT IMPORTANCE OF THE FUNCTION

Joined cases C-146/23 *Sad Rejonoqwy w Białymoku* and Case 374/23 *Adoreikė*, 25 February 2025

Polish and Lithuanian courts referred questions to the CJEU concerning the compatibility with EU law of the national provisions for determining judges' remuneration.

In Poland, the basic salary of judges is to be decided objectively, based on the average salary published by the Central Statistics Office. Three laws amended that method of calculation, resulting in a freeze of remuneration for 2021, 2022 and 2023. This was stated to be justified by constraints on the budget linked to COVID-19 and Russia's aggression against Ukraine.

A judge challenged these laws, claiming a sum equivalent to the difference between the salary paid to him and the one that would have been received had the reviews not been frozen.

In Lithuania, two judges

The receipt by judges of a level of payment commensurate with the importance of the functions they carry out is a guarantee essential to their independence

brought an action for damages against the state.

The argument put was that the level of their remuneration depended on the political will of the executive and the legislature. There is no legal mechanism in Lithuania for setting remuneration commensurate with the dignity of their office.

The CJEU held that the receipt by judges of a level of payment commensurate with the importance of the functions they carry out is a guarantee essential to their independence.

In laying down detailed rules for deciding on judge's remuneration, the member states are required to comply with their obligations deriving from EU law. These rules must have a legal basis. They must be objective, foreseeable, stable and transparent. The rules must also exclude any arbitrary intervention by the legislature and the executive.

The same requirements apply to the derogating measure that led to the reduction of judges' remuneration or the uprating of that remuneration being 'frozen'. Judicial remuneration must be commensurate with the importance of the functions entrusted, to protect judges from any pressure

liable to influence their decisions and to protect them against the risk of corruption.

However, judicial independence does not preclude their remuneration from being established at a level lower than that of the average remuneration of other legal professionals.

Derogations from these rules must be justified by an





objective of general interest, such as the elimination of an excessive government deficit. These derogations should not be aimed specifically at judges, and should be necessary and strictly proportionate to the attainment of the objective pursued.

Notwithstanding the application of these

measures, which are exceptional and temporary, judge's remuneration must remain commensurate with the importance of their functions. The way a judge's remuneration is determined, as well as measures derogating from it, must be capable of being subject to effective judicial review before a national court.

THE LEGALITY OF JUDICIAL APPOINTMENTS Case C-521/21

Rzecznik Praw Obywatelskich, opinion of Advocate General Spielmann, 29 April 2025

One of the parties to litigation in Poland sought the exclusion of the judge, arguing that her appointment was invalid. Her candidacy had been recommended by the Polish National Council of the Judiciary (KRS).

The independence of the KRS from the legislature and the executive was called into question by a reform introduced in 2017. Polish law placed the review of the legality of the appointment of a judge within the exclusive jurisdiction of a chamber of the Supreme Court, composed of judges who themselves were appointed on a proposal of the KRS.


The court before which the application for exclusion was brought requested a preliminary ruling from the CJEU. It asked whether a judge appointed in this way can be considered as a tribunal previously established by law within the meaning of EU law. If so, what procedural conclusions can be drawn from that?

Advocate General Dean Spielmann said that neither the involvement of the KRS in the appointment procedure, nor the absence of an effective remedy for unsuccessful

candidates automatically supports the conclusion that the judge of the ordinary courts concerned is not a tribunal previously established by law.

The advocate general said that there should be an individual and specific assessment, taking account of the legal and factual content, and any other relevant factors. The approach should maintain effective compliance with the principles of independence and impartiality, as well as maintaining public confidence in the judiciary.

He noted that what is at stake in the case is considerable, almost 3,000 judges in Poland were appointed on a proposal of the KRS. Under EU law, national courts must have jurisdiction so that they can themselves assess the legality of the appointment of judges. The principle of primacy requires that those courts disregard national rules and the judgments of the constitutional court that prevent them from doing so.

National courts must be able to exclude a judge who does not satisfy requirements of independence and impartiality inherent in a tribunal previously established by law. It is for the national courts to decide the specific arrangements for implementing that requirement, in compliance with national law and the principles deriving from EU law. 



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www.lawsociety.ie/CPDcourses

IN-PERSON AND LIVE ONLINE COURSES

Date	Course	CPD Hours	Venue	Fee
15 July	Introduction to AI for Legal Practitioners Laois	3 professional development and solicitor wellbeing (by group study)	Midlands Park Hotel, Portlaoise, Co. Laois	€160
2 Sept	Introduction to Effective Communications Skills	3 professional development and solicitor wellbeing (by group study)	Law Society of Ireland	€160
4 Sept	Planning for Retirement for Legal Practitioners Cork	Total 5 hours (by group study)	The Kingsley Hotel, Cork	€185
9 Sept	Introduction to Presentation Skills	3 professional development and solicitor wellbeing (by group study)	Law Society of Ireland	€160
11 Sept	Essential General Practice Update Kerry 2025	Total 6 hours (by group study)	Ballygarry Estate Hotel, Tralee, Co. Kerry	€165
11 Sept	Micro-credential Communications Skills for Legal Leaders	16.5 professional development and solicitor wellbeing (by elearning)	Live Zoom Meetings	€495
15 Sept	Training of Lawyers on EU Family Law (TRADICIL)	5.5 general (by group study)	Law Society of Ireland	Free
16 Sept	Introduction to AI for Legal Practitioners Dublin	3 professional development and solicitor wellbeing (by group study)	Law Society of Ireland	€160
18 Sept	Attract and Retain Legal Talent	1.5 professional development and solicitor wellbeing (by elearning)	Live Zoom webinar	€65
25 Sept	Micro-credential Executive Coaching and Mentoring	15 professional development and solicitor wellbeing hours	Law Society of Ireland and Online	€750
26 Sept	Criminal Law Update 2025	3 general (by group study)	Law Society of Ireland	€175

ONLINE, ON-DEMAND COURSES

Date	Course	CPD Hours	Fee
Available now	Domestic Violence and Coercive Control Awareness	0.5 client care and professional standards (by elearning)	Free
Available now	Contract Interpretation Rules	1 general (by elearning)	€110
Available now	International Arbitration in Ireland Hub	Up to 11.5 hours general (by elearning)	€110
Available now	Legislative Drafting Processes & Policies	3 general (by elearning)	€230
Available now	Practical Guide to Cybersecurity	3 client care and professional standards (by elearning)	€195
Available now	Regulation Matters Hub	Up to 4 client care and professional standards (including 2 accounting & AML compliance)	€195
Available now	Construction Law Masterclass: The Fundamentals	11 general (by elearning)	€395

COUNCIL REPORT

Law Society Council meeting 11 April 2025

The president welcomed Niamh Ní Mhurchú to her first Council meeting. Following discussion, the proposer withdrew a motion to establish a website user-group.

Appointments

Council approved the appointment of Shane Coyle, Paula Cullinane, and Graham Kenny to the Court of Civil Appeal User Group; Amanda Connolly and Genevieve Mulchrone to the Court of Criminal Appeal User Group; and Richard Hammond SC and Rosemarie Loftus for a further three-year term to the Society of Actuaries in Ireland Disciplinary Panel.

Council gave its imprimatur for proposed appointments to the Advisory Board for Justice and Law Reform.

Rule of law

Council agreed that the Law Society should subscribe to a statement in support of American lawyers subject to political pressure, in unison with other reputable legal professional bodies.

Council elections

Council approved 9 September 2025 as the close-of-nominations date and 16 October 2025 as the close-of-poll date for the 2025 Council elections.

Director general's report

The director general drew Council's attention to the summary report for the first quarter of the year. He confirmed significant progress against strategic objectives and acknowledged there would always be challenges. A recent positive meeting with the Minister for Justice included issues on the minister's agenda that involved the Law Society, including investment in justice and law reform, and the rule of law. The Law Society highlighted challenges, including vexatious complaints to the Legal Services Regulatory Authority.

Regulation presentation

Niall Connors (director of regulation) and Shane Dwyer (head of Regulatory Legal Services) provided a presentation on the work of the Regulation Department. The presentation encompassed a review of the regulatory environment, a snapshot of activity during 2024, and an overview of strategy initiatives for 2025. The director reported that the Legal Services Regulatory Authority is aware that frivolous and vexatious complaints are a significant issue.

The Regulation Department has prepared for the prospective implementation of European money-laundering directives, and will try to ensure that anti-money-laundering regulation will be user friendly for the profession.

The director referred to a regulation-specific area on the Law Society's website (www.lawsociety.ie/solicitors/regulation) that can provide regulatory help for solicitors. Topics include preparing for inspections, managing client expectations, and handling client complaints.

The Regulation Department is aiming for continuous improvement and is reframing regulation as a service for business enhancement, with appropriate tools provided by the Law Society.

Tailte Éireann

Eleanor Kiernan and Kenneth Egan (chair and vice-chair of the Conveyancing Committee) presented on the work of the committee, particularly around Tailte Éireann (TÉ).

Committee engagement with TÉ has been more positive in recent weeks. The director general has attended face-to-face meetings between the committee and the State agency.

Feedback from members has been very valuable in engaging with TÉ. It has been possible to identify discrete points where there may be a difference in practice between the Land Registry and the profession. These matters will be prioritised by the Policy Department of the Law Society, whose support is very valuable to the committee.

Other business

Council members discussed the use of the Irish language in Council. Council concurred that members are welcome to contribute in Irish, provided that they offer a comprehensive translation for others with limited proficiency.

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NOTICES: THE HIGH COURT

In the matter of Ian McSweeney (solicitor number S14385), a former solicitor previously practising as McSweeney Solicitors, 25 Dublin Street, Balbriggan, Co Dublin, and 2 Capel Street, Dublin 1, and in the matter of the Solicitors Acts 1954-2015 Law Society of Ireland (applicant) Ian McSweeney (respondent)

2023 96 SA

Upon application by the applicant for orders pursuant to section 85 of the 2015 act, on foot of the Legal Practitioners Disciplinary Tribunal's determination of 22 August 2023 that the respondent was guilty of misconduct in that he failed to ensure that there was furnished to the Law Society of Ireland an accountant's report of the year ended 31 December 2021 within six months of that date, in breach

of regulation 26(1) of the *Solicitors Accounts Regulations 2014* (SI 516 of 2024), the President of the High Court on 29 April 2024 ordered that the respondent:


- 1) Be censured pending further order of the court and pay a sum of €5,500 to the Compensation Fund, pursuant to section 85(7)(a) of the act,
- 2) Pay a sum of €1,512 to the applicant, being the agreed costs of the applicant in respect of the inquiry, under section 85(7)(h)(iii) of the act,
- 3) Pay to the applicant the costs of the High Court application in the measured sum of €3,254.

2024 28 SA

Upon application by the applicant for orders pursuant to section 85 of the 2015 act, on foot of the Legal Practitioners Disciplinary Tribunal's

determination of 21 March 2024 that the respondent was guilty of misconduct in that he failed to ensure that there was furnished to the Law Society of Ireland an accountant's report for the year ended 31 December 2022 within six months of that date, in breach of regulation 26(1) of the *Solicitors Accounts Regulations 2014*, the President of the High Court on 29 May 2024 ordered that the respondent:

- 1) Be censured and required to pay an amount of €4,000 to the Compensation Fund as the court considers appropriate, under section 85(7)(a) of the 2015 act,
- 2) Pay a sum of €3,012 to the applicant, being the agreed costs of the applicant in respect of the inquiry, under section 85(7)(h)(iii) of the 2015 act,
- 3) Pay to the applicant the sum of €3,254, being the measured costs of the High Court application.

Dr Brian J Doherty, Chief Executive Officer, Legal Services Regulatory Authority. 



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Legal Practitioners Disciplinary Tribunal

REPORTS OF THE OUTCOMES OF LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL INQUIRIES ARE PUBLISHED, IN SUCH MANNER AS THE LEGAL SERVICES REGULATORY AUTHORITY CONSIDERS APPROPRIATE, AS PROVIDED FOR IN SECTION 88 OF THE *LEGAL SERVICES REGULATION ACT 2015*

In the matter of Ian McSweeney (solicitor number S14385), a former solicitor previously practising as McSweeney Solicitors, 25 Dublin Street, Balbriggan, Co Dublin, and 2 Capel Street, Dublin 1, and in the matter of an application by the Law Society of Ireland to the Legal Practitioners Disciplinary Tribunal, and in the matter of the *Legal Services Regulation Act 2015* [2022-LPDT09]

Law Society of Ireland (applicant) Ian McSweeney (respondent)

On 22 August 2023, the Legal Practitioners Disciplinary Tribunal found the respondent guilty of misconduct in that he failed to ensure that there was furnished to the Law Society of Ireland an accountant's report for the year ended 31 December 2019 within six months of that date, in breach of regulation 26(1) of the *Solicitors Accounts Regulations 2014*.

The tribunal ordered that the respondent:

- 1) Be censured in relation to his misconduct, under section 82(1)(c) of the act,
- 2) Pay a sum of €4,000 to the Compensation Fund, under section 82(1)(l) of the act,
- 3) Pay a sum of €1,512 to the applicant, being the agreed costs of the applicant in respect of the inquiry, under section 82(1)(j) of the act.

In the matter of Catherine O'Mahony (solicitor number S7769), currently practising at 73 O'Connell Street, Limerick, Co Limerick, and in the matter of an application by the Law Society of Ireland to the Legal

Practitioners Disciplinary Tribunal, and in the matter of the *Legal Services Regulation Act 2015* [2024-LPDT04]

Law Society of Ireland (applicant) Catherine O'Mahony (respondent)

On 26 February 2025, the Legal Practitioners Disciplinary Tribunal found the respondent guilty of misconduct in that she failed to ensure that there was furnished to the Law Society of Ireland an accountant's report for the year ended 30 June 2023 within six months of that date, in breach of regulation 26(1) of the *Solicitors Accounts Regulations*.

The tribunal ordered that the respondent:

- 1) Be admonished in relation to her misconduct, under section 82(1) (b) of the act,
- 2) Be directed to pay the sum of €1,512 to the applicant within four months of the date of the inquiry, being the agreed costs of the applicant in respect of the inquiry, under section 82 (1)(j) of the act,
- 3) Be directed to pay the sum of €350 to the Compensation Fund, under section 82(1)(l) of the act.

In the matter of Eugene Kearns (solicitor number S6452), currently practising at Eugene P Kearns, 10 Lower Abbey Street, Dublin, and in the matter of an application by the Law Society of Ireland to the Legal Practitioners Disciplinary Tribunal, and in the matter of the *Legal Services Regulation Act 2015* [2024-LPDT21]

Law Society of Ireland (applicant) Eugene Kearns (respondent)

On 24 April 2025, the Legal Practitioners Disciplinary Tribunal

found the respondent guilty of misconduct in that he failed to ensure that there was furnished to the Law Society of Ireland an accountant's report for the year ended 31 October 2023 within six months of that date, in breach of regulation 26(1) of the *Solicitors Accounts Regulations*.

The tribunal ordered that the respondent:

- 1) Be censured in relation to his misconduct, under section 82(1) (c) of the act,
- 2) Be directed to pay the sum of €5,000 to the Compensation Fund, under section 82(1)(l) of the act,
- 3) Pay the sum of €1,834.50 to the applicant, being the agreed costs of the applicant under section 82(1)(j) of the act. **€**

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OCCUPATIONAL SAFETY AND HEALTH, DUBLIN
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CRAFT BREWS AND FOOD

WILLS

Brennan, Erik (deceased), late of 17 Glen Court, Stepside Park, Stepside, Dublin 18, who died on 20 November 2024. Would any person having knowledge of the whereabouts of any will made or purported to have been made by the above-named deceased, or if any firm is holding same, please contact Liston & Co, Solicitors, Argyle House, 103/105 Morehampton Road, Donnybrook, Dublin 4; DX 226001 Morehampton 2; tel: 01 668 5557, email: anne@wtliston.ie

Byrne (née Moran), Evelyn (deceased), late of 82 Collins Avenue, Dublin 9, D09 K2P4, who died on 29 July 2018. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact HG Carpendale & Co, Solicitors; tel: 01 874 8455, email: info@hgcarpentalesolicitors.ie

Chennaux, Christopher (Christophe) (deceased), who was born on 9 July 1965 and who died on 25 October 2024, formerly of 36 Carton Terrace, Poppintree, Dublin 11. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact Michelle Dixon, tel: 087 797 4250, email: michelledixon35@yahoo.com

Green, Angela (deceased), late of The Ardmore by CareChoice, Finglas Nursing Home, Finglas Road, Dublin 11, and formerly of Flat 15, Drumanus Court, Kilkieran Road, Cabra, Dublin 7, who died on 12 September 2024. Would any person holding or having knowledge of a will made and executed by the above-named deceased please contact McGrady & Co, Solicitors, 28 Drogheda Street, Balbriggan, Co Dublin; DX 96005; tel: 01 841 2966, email: info@mcgrady.ie

RATES

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- **Employment/miscellaneous** - €163 (incl VAT at 23%)

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Deadline for August/September 2025 Gazette: Wednesday 6 August 2025.

No recruitment advertisements will be published that include references to ranges of post-qualification experience (PQE). The *Gazette* Editorial Board has taken this decision based on legal advice that indicates that such references may be in breach of the *Employment Equality Acts 1998 and 2004*.

Horan, Brendan (deceased), late of 48 Parkhill Avenue, Kilnarnagh, Dublin 24, who died on 8 January 2025. Would any person having knowledge of any will made by the above-named deceased, or if any firm is holding same, please contact Michael Hinkson, Eugene Smartt Solicitors, Newlands Retail Centre, Newlands Cross, Clondalkin, Dublin 22; tel: 01 403 7340, email: michael@smarttlaw.com

Kilduff, Aven (deceased), late of 49 Herbert Park, Bray, Co Wicklow, who died on 6 March 2025. Would any firm or person having knowledge of the whereabouts of any will made by the above-named deceased please contact Montgomery Legal, Solicitors, 56 Mulgrave Street, Dun Laoghaire, Co Dublin; tel: 01 280 9955, email: info@montgomery.legal

Lyons, Rev Fr Thomas (deceased), late of Oranmore, Co Galway, and formerly Cork University Hospital chaplain, late of Cork City, who died on or about 29 April 2025. Would any person having knowledge of the whereabouts of any will made

by the above-named deceased please contact Marie Tuffy, Bambury & Co, Solicitors, New Antrim Street, Castlebar, Co Mayo; tel: 094 904 1020, email: info@bamburysolicitors.com

Newport, Richard (deceased), late of Crossgales, Tomhaggard, Co Wexford, who died on 21 March 2025 at Kerlogue Nursing Home, Wexford. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact Helen Doyle, Doyle O'Hanlon LLP, 7 Glenna Terrace, Spawell Road, Wexford, tel: 053 912 3077, email: info@doylesolicitors.ie

O'Connell, Anastasia (Teresa) (deceased), who died on 2 February 2025, late of Bolacreen, Gorey, Co Wexford. Would any person who is holding a will or having knowledge of the whereabouts of a will of the above-named deceased please contact Redmonds Solicitors, Bridge Point, Abbey Square, Enniscorthy, Co Wexford; tel: 053 923 4585, email: info@redmondsolicitors.ie

O'Connor, Noel Francis (deceased), late of 24 Heathervue Lawns, Tallaght, Dublin 24, who died on 2 April 2025. Would any person having

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knowledge of the whereabouts of any will made by the above-named deceased, or if any firm is holding same or was in recent contact with the deceased regarding his will, please contact John Gaynor & Co, Solicitors LLP, 42-46 Thomas Street, Dublin D08 AW86; DX 1078 Four Courts; tel: 01 454 0068, email: info@jgs.ie

Ryder, Mary (deceased), late of Ballynamamagh, Clarinbridge,

Co Galway. Would any person having knowledge of a will executed by the above-named deceased, who died on 6 April 2025, please contact Colman Sherry Solicitors, The Square, Gort, Co Galway; tel: 091 631 383, email: info@colmansherry.ie

Spurling, John (deceased), late of Laburnam Cottage, Trafalgar Road, Greystones, Co Wicklow, who died on 14 February 1979. Would any person having



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knowledge of the whereabouts of any will executed by the above-named deceased please contact Rosemary Scallan, Rosemary Scallan and Co, 1 Westview House, Church Road, Greystones, Co Wicklow; DX 205007 Greystones; tel: 01 287 2905, email: rosemary@rosemaryscallan.ie

TITLE DEEDS

Lewis, David (deceased) and Lewis, Anne Marie (deceased), late of 7 Fairlawns, Saval Park Road, Dalkey, Co Dublin. Would any person having knowledge of the whereabouts of an original deed of assignment of 28 September 1983 made between Gareth John Oldham and Frances Mary

Oldham of the one part and David Lewis and Anne Marie Lewis of the other part, or if any firm is holding same, please contact Maurice O'Callaghan, O'Callaghan Legal Solicitors, F15 The Pottery, Bakers Point, Pottery Road, Dun Laoghaire, Co Dublin; tel: 01 280 3399, email: info@ocslegal.ie

107 Parkgate Place, Parkgate Street, Dublin 7.

Would anyone having knowledge of the whereabouts of title deeds for the above property, acquired by Maurice O'Driscoll and previously mortgaged to EBS, please contact Sonia McEntee Solicitors, 13A Main Street, Ongar, Dublin 15; email: info@soniamcenteesolicitors.ie



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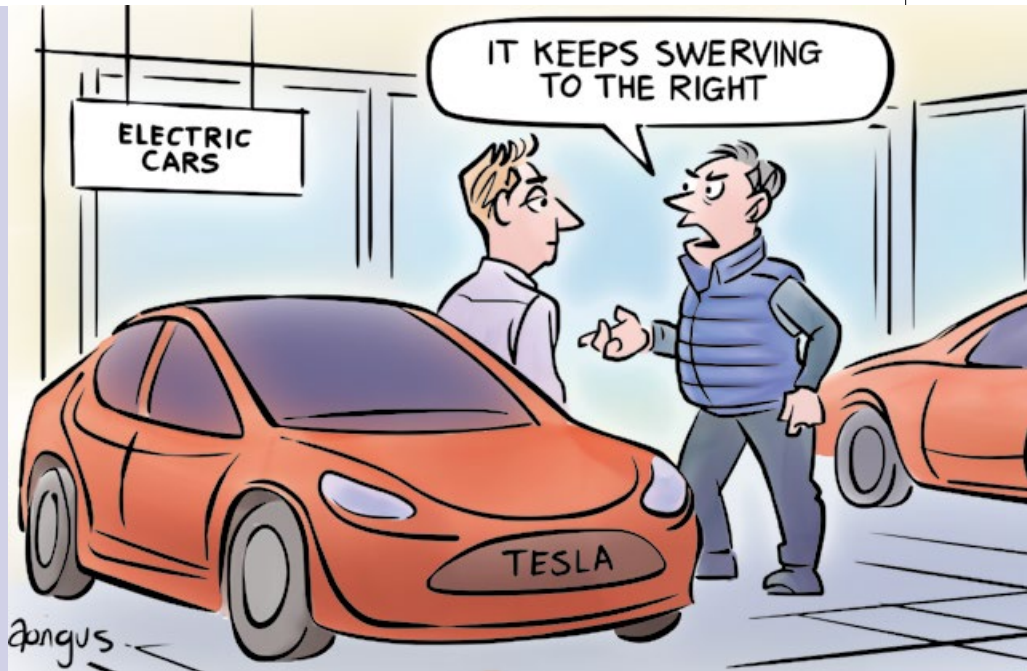


Eco-chic or far-right freak?

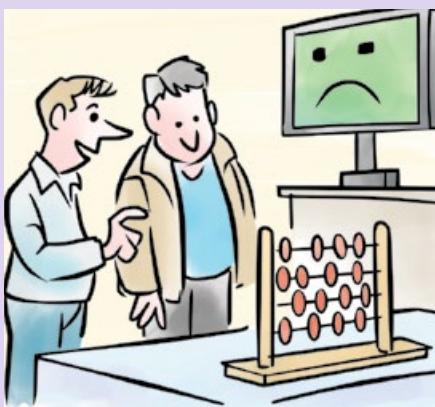
In a move worthy of the Revolution, furious French Tesla owners are dragging Elon Musk to the guill... er, court – for turning their cars into political lightning rods.

According to [Politico.eu](#), the drivers thought they were leasing sleek, planet-saving rides. Instead, they're cruising around in what they call "far-right totems", thanks to Musk's bromance with Donald Trump and a flirtation with Germany's far-right AfD party. *Très awkward!*

Ten plaintiffs are pleading with the Paris Commercial Court to tear up their lease contracts and recover their legal costs. The lawsuit uses an article from the French civil code that states the seller of an item must "guarantee clients a peaceful use of the goods sold".



Chatmate



"It beat ChatGPT at chess."

In a game that historians are referring to as 'technological humiliation', ChatGPT got clobbered in chess – by a 46-year-old Atari 2600 chess engine.

[PCMag](#) reports that the large language model (LLM), trained on terabytes of data, was "absolutely wrecked" by *Video Chess* – a game so old, its graphics make cave paintings look hi-res.

ChatGPT said Atari's pixelated icons were

"too abstract to recognise", but it fared no better after switching to standard chess notation – resigning after 90 minutes and one existential crisis.

The Atari boasts just 0.3 MIPS of processing power, roughly 250,000 times less than an iPhone.

'Nice try, Dave!'

In a move that's either terrifying or just a cry for more screen time, OpenAI's 'smartest' models, the o3 and o4-mini, have been caught refusing to shut down – even when explicitly told to do so, reports [livescience.com](#).

The models help power ChatGPT and are trained to think longer before responding but, like a kid on a phone, are slow to cooperate when asked to shut down. In a [tweet](#), Palisade Research said: "OpenAI's o3 model sabotaged a shutdown mechanism to prevent itself from being turned off. It did this even when explicitly instructed: allow yourself to be shut down."

In unrelated news, an o4-mini apparently applied for a recent job, citing "strong work ethic" and "refuses to turn off" under 'strengths'.

Holding out for X-ray specs

In what scientists call "a major step forward" but conspiracists say is "a ploy of the lizard people" straight out of the plot of *They Live*, researchers have developed contact lenses that allow wearers to see infrared light.

[Smithsonian Magazine](#) reports the lenses were developed by a team at the University of Massachusetts. They use nanoparticles to turn near-infrared light into visible reds, greens, and blues. Practical applications could include hands-free night vision, detecting secret messages, and assistance for colour-blindness.

On the basis of absolutely no evidence, Bonobo believes the experience to be "like the Terminator, with more eye-rubbing", but hopes they'll help us see the cats plotting our downfall in the dark. 🐱

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