



Law Society
of Ireland

Minister Jim O'Callaghan TD

Minister for Justice, Home Affairs and Migration
Department of Justice
51 St Stephen's Green
Dublin 2

8 September 2026

Re: Appointment of an Independent Mediator

Dear Minister,

Thank you for your letter of 27 August 2026 regarding the operation of the revised Criminal Legal Aid Scheme.

The Law Society remains committed to engaging constructively with you and your Department because our ultimate objective is the same as yours: a sustainable criminal legal aid system that protects access to justice, supports the effective administration of justice and commands the confidence of those who use it, need it, rely on it and work in it.

While your letter outlines a number of amendments that have been made since the revised Scheme was proposed, I am particularly disappointed that it does not in any way alter the two fundamental issues that remain at the heart of the current dispute. Recent engagement has helped to narrow the issues to two core outstanding matters, but the current impasse is having a profound impact on the administration of justice.

Courts Service figures for July 2026 are stark: the number of legal aid certificates granted has collapsed compared to July 2025 - down 93% from 10,277 to just 702 in July 2026. We have requested more details from the Court Service, but a fall of this scale, seen in courts across the country, is deeply worrying in itself.

The scale of the reduction is reflected in courts across the country. In Cork City, 579 certificates were granted in July 2025, compared with 18 in July 2026 (a 97% fall). In Galway, the number fell from 320 to five (a 98% fall). The Dublin courts listed in the Courts Service data accounted for thousands of certificates in July 2025, including 3,344 at the Criminal Courts of Justice, compared with 60 in July 2026 (a 98% fall). At Cloverhill, certificates fell from 346 to 25 (a 93% fall), while at the Children's Court they fell from 128 to nine (a 93% fall).

As you know, behind each of these numbers is a defendant without representation, a victim whose wait for justice keeps getting adjourned, a Garda anxious to bring a case to conclusion – and many others who are directly impacted.

Given the official data, I was surprised by your comment that the criminal courts are functioning 'effectively'. In fact, I am hugely concerned at the impact the current dispute is having on victims of crime, those accused of crime, the general public and all courts users.

I met with a number of victim support groups in recent weeks and committed to doing whatever I could do to expedite finding a solution to the current impasse.

I believe there is merit in considering the appointment of an independent mediator to assist the parties in finding a resolution. An experienced independent mediator could help bridge the gap between your policy objectives and the practical realities experienced by practitioners on the ground. We would be happy to discuss an appropriate process to appoint such a mediator.

Given the importance of restoring stability to the criminal justice system, I think that the time has come to consider such an approach.

Recent engagement has helped to narrow the issues in dispute to two outstanding matters:

1. the treatment of separate and distinct criminal cases as a single matter where they happen to come before the court on the same day; and
2. the absence of a practical mechanism to deal with exceptional cases that often concern children and those with mental health issues, which can involve unusually high numbers of court appearances over an extended period

While the Department views the first issue through the lens of preserving a single-fee model, the feedback from practitioners is that there is a fundamental difference in how a "case" is being defined. From the Department's perspective, the new arrangements appear to treat multiple separate matters involving the same defendant as a single case for purposes of Legal Aid just because they come before the court on the same day. From the perspective of practitioners operating daily in the courts, these are frequently separate and distinct complex criminal cases which require separate instructions, separate preparation, separate consultations with clients, separate engagement with prosecution evidence and, in many instances, separate legal and evidential issues.

It seems that a clearer and mutual understanding of the definition of a case and of intended practical procedures may assist considerably in resolving this issue, which goes to the practical reality of how criminal cases are conducted in courts throughout the State and how solicitors are required to represent their clients in those proceedings.

While we welcome your willingness to consider modifications for certain categories of lengthy cases, practitioners continue to encounter situations where the fixed fee model does not adequately recognise matters involving a large number of appearances over prolonged periods. These are often driven by statutory requirements, which are not controlled by the defence solicitor. The Law Society remains of the view that a limited and carefully constructed mechanism for such exceptional cases is both reasonable and necessary.

I urge you to avoid a repeat of what has happened under the Civil Legal Aid scheme, where a similar model was introduced. The number of solicitors working under the District Court Family Law panel has fallen by more than 60 per cent over the past decade: from 953 in 2016 to 379 by June this year. These figures, provided by the Legal Aid Board, support feedback from groups such as Women's Aid and solicitors who are still working in this area: access is a major challenge, and many people are facing long delays in securing legal support.

It is critical that the Criminal Legal Aid Scheme does not go the same way.

I would welcome you giving consideration to the proposal to appoint an independent mediator to facilitate the resolution of this dispute. I believe this offers a practical and timely path to resolving the two core outstanding issues.

As always, we remain available to meet with you personally, or with your officials, at any time and at short notice to discuss these matters and to work towards an agreed solution.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Rosemarie Loftus", with a long horizontal flourish extending to the right.

**Rosemarie Loftus,
President**

Criminal Legal Aid Certificates Granted – Year on Year Comparison by District

July 2025 v July 2026, by District Court Office

Source: Courts Service statistics on Legal Aid Certificates granted in the District Court/District Court Appeals, and sent forward for trial, for the month of July, 2025 and July 2026.

District (Court Office)	July 2025	July 2026	Change	% Change
Ballina	47	0	-47	-100.0%
Bray	148	26	-122	-82.4%
Carlow	78	17	-61	-78.2%
Carrick On Shannon	50	0	-50	-100.0%
Castlebar	102	1	-101	-99.0%
Cavan	98	5	-93	-94.9%
Clonakilty	54	1	-53	-98.1%
Clonmel	187	3	-184	-98.4%
Cork	677	18	-659	-97.3%
Donegal	32	0	-32	-100.0%
Dublin Metropolitan	4,856	150	-4,706	-96.9%
Dundalk	329	19	-310	-94.2%
Ennis	187	30	-157	-84.0%
Galway	320	5	-315	-98.4%
Kilkenny	135	65	-70	-51.9%
Letterkenny	183	0	-183	-100.0%
Limerick	448	175	-273	-60.9%
Longford	93	4	-89	-95.7%
Loughrea	144	4	-140	-97.2%
Mallow	118	0	-118	-100.0%
Monaghan	118	5	-113	-95.8%
Mullingar	172	26	-146	-84.9%
Naas	315	17	-298	-94.6%
Nenagh	120	0	-120	-100.0%
Portlaoise	171	8	-163	-95.3%
Roscommon	51	1	-50	-98.0%
Sligo	107	1	-106	-99.1%
Tralee	118	13	-105	-89.0%

District (Court Office)	July 2025	July 2026	Change	% Change
Trim	204	11	-193	-94.6%
Tullamore	77	3	-74	-96.1%
Waterford	312	10	-302	-96.8%
Wexford	226	84	-142	-62.8%
TOTAL	10,277	702	-9,575	-93.2%

Note: The July 2026 report as supplied by the Courts Service lists totals for only 26 of the 31 District Court Offices shown in the July 2025 report, and every matched district shows a large fall (overall -93.2%).