

# RAISING THE STANDARD

## Should Russia be expelled from the Financial Action Task Force?



### JUDGE DUTY

Ireland offered full refugee status to ten Afghan women judges after the fall of Kabul



### NO MORE BIG GAPS

The *Assisted Decision-Making Act* commences in June, but has significant *lacunae*



### OVER THE THRESHOLD

A new network aims for a more equitable work culture for people with disabilities



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# gazette

LAW SOCIETY

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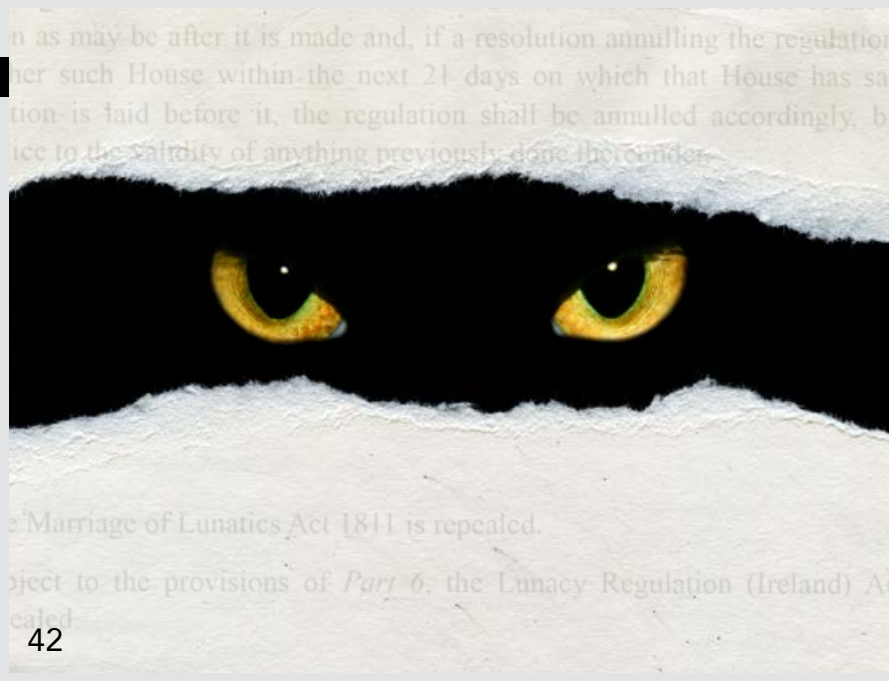
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# Remaking connections

I hope that everyone enjoyed a refreshing Easter break. This seems to be a busy time of year for solicitors, whatever our areas or types of practice, so it is important to recharge and foster our wellbeing. We continue to live through the pandemic, with new and ongoing health issues being faced by many, while navigating busy working lives. The Law Society continues to focus on the wellbeing of the profession as we navigate the pandemic and all of the varying business issues that we face.

## International outreach

We are working closely with our colleagues internationally on multiple issues of interest to the profession. For example, we hosted the International Bar Association's Bar Issues Commission in April, and we attended the Law Society of Northern Ireland's annual conference, where we discussed gender equality and diversity matters.

In addition, we hosted and participated in a webinar about the ongoing war and the human-rights and international law infringements in Ukraine with the president of the CCBE, the chair of our Human Rights and Equality Committee, and a Ukrainian practising lawyer. We will be hosting the CCBE in Dublin in May.

## Reflections on the pandemic

Pandemic-related legal issues were addressed at the *Hibernian Law Journal's* annual lecture on 19 April – 'Emergency powers and the executive: reflections on the past and a vision for the future'.

We hope not to require the legal expertise gained from these past two years for some time to come, if at all, but there is much to be gained from reading the speaker transcripts in the next issue of the journal.

## In-person gatherings

I have had the pleasure of attending various in-person events at Blackhall Place recently, including a long-delayed and very enjoyable retirement event for 14 staff members who retired from the Law Society during the past two years, diploma conferrals, a parchment ceremony, and a quiz in

aid of the work of the Red Cross in Ukraine, organised by the EU and International Affairs Committee.

It has been great to see the building busy again and to meet so many of our colleagues, friends and families. We will soon be hosting our highly esteemed former Council colleague Mr Justice Michael Peart and the eminent artist Carey Clarke to a dinner in celebration of a portrait of Mr Justice Peart, which now hangs in the Council chamber. The portrait commemorates his appointment as the first solicitor to the High Court, and his later elevation to the Court of Appeal.


## Judicial appointments

We hope – and have informed the Minister for Justice of our hope and expectation – that we will see many more of our colleagues appointed to the judiciary, including to the superior courts, following in the footsteps of Mr Justice Peart.


That said, we were very disappointed with the exclusion of any Law Society representative from the proposed Judicial Appointments Commission, which is set to replace the Judicial Appointments Advisory Board. The Society intends to make representations at the very highest level to have this omission rectified, which follows 18 years of dedicated involvement by various expert Society representatives on the board.



WE WERE VERY DISAPPOINTED WITH THE EXCLUSION OF ANY LAW SOCIETY REPRESENTATIVE FROM THE PROPOSED JAC

The Calcutta Run, the legal fundraiser in aid of the Peter McVerry Trust and The Hope Foundation, will be held at Blackhall Place on Saturday 28 May, following two years as a virtual event. You are welcome to walk or run in Dublin or Cork (or indeed from anywhere else, virtually), or to take part in the inaugural golf and tag rugby events. Your support would be very welcome. 



  
MICHELLE NÍ LONGÁIN,  
PRESIDENT



# THE BIG PICTURE

## HEY, HEY, IT'S THE MONKEY!

A very rare langur, or leaf monkey (*Trachypithecus Françoisi*), was spotted in the Gold Buddha Mountain nature reserve in Chongqing, China, on 25 April. The *trachypithecus* (or 'rough monkey') is named after Auguste François (1857-1935), who served as the French consul at Lungchow, in southern China. The monkey is known for its very distinct white sideburns that grow from its ears to the corners of its cheeks. The total number of wild individuals is unknown, but fewer than 500 are believed to exist in Vietnam, and 1,400 to 1,650 in China. It primarily eats the young leaves of ten different species of plants, only two of which are common within the nature reserve



# 'Class of 1970' golden jubilee reunion



ALL PICS: GIAN REDMOND

At the Class of 1970 reunion in Blackhall Place on 23 March were: (front, l to r): Kieran Murphy, Brendan McArdle, Michael Cusack, Maeve Hayes, Claire Connellan, Caroline Lynam and Ernest Farrell; (second row, l to r): Adrian Burke, Terence Liston, Fergus Appelbe, Dudley Potter, Elma Lynch, Elizabeth Lacy and June Burke; (third row, l to r): Oran Ryan, Denis Shaw, Paul Malone, Kevin Deane, Berchmans Gannon, Michael Larkin and Aidan McNulty; (back row, l to r): Michael Peart, Terry Dixon, Sean Sexton, Paul Beausang, Tony Hussey, Geraldine Madigan, Andrew Healy and Christine Scott (see also News, p16)



Terence Liston, Caroline Lynam, Terry Dixon and June Burke



Kieran Murphy, Geraldine Madigan and Elma Lynch



Andrew Healy and Fergus Appelbe



Denis Shaw, Geraldine Madigan and Maeve Hayes



Michael Peart, Aidan McNulty and Ernest Farrell



Adrian Burke, Aidan McNulty, Maeve Hayes, Kieran Murphy and Denis Shaw



Kevin Deane, Ernest Farrell and Michael Larkin



Aidan McNulty, Terry Dixon, and Michael Peart



Kieran Murphy, Oran Ryan, Terry Dixon and Terence Liston



Michael Cusack, Elizabeth Lacy, Maeve Hayes and Brendan McArdle

# Lilywhites elect new officers at March AGM



David Gibbons (incoming president of the KSBA), Helen Coughlan (outgoing president), and Ross Phillips (outgoing PRO)



David Gibbons (incoming president of the KSBA) and director general Mark Garrett

ALL PICS: PIOTR KWASUJ



Niall Farrell (Patrick J Farrell and Company, Solicitors), Andrew Coonan (Coonan-Cawley Solicitors), Helen Coughlan (Patrick J Farrell and Company, Solicitors), and Grace Sullivan (Patrick J Farrell and Company, Solicitors)



Jen O'Sullivan (Burns and Nowlan Solicitors), Emma Farrell (Patrick J Farrell and Company, Solicitors), David Gibbons (Murphy and Gibbons Solicitors), and Jacqueline McManus (Jacqueline McManus Solicitors)

# Law Society marks retirement of 14 staff



PIC: CIAN REDMOND

Blackhall Place hosted a long-delayed party for 14 staff members who have retired from the Law Society during the past two years. The event, held on 31 March, started with a champagne-and-canapés reception in the Presidents' Hall, followed by speeches from the directors of the various departments. All guests then retired to the Blue Room for food, refreshments, live music and dancing into the early hours. We wish our hard-working and dedicated retirees a long, healthy and happy future

# IBA Bar Issues Commission meets in Dublin

ALL PICS: CIAN REDMOND



At a meeting of the officer board of the International Bar Association's Bar Issues Commission at Blackhall Place on 11 April were (front, l to r) Berit Reiss-Andersen (Norway), Ken Murphy (BIC vice-chair, Ireland), Kimitoshi Yabuki (BIC chair, Japan), Michelle Ní Longáin (Law Society president), Claudio Visco (IBA secretary-general, Italy) and Becca Verhagen (IBA HQ, London); (back, l to r) George Artley (IBA HQ, London), Christina Blacklaws (England & Wales), Mark Garrett (Law Society director general), Alberto Navarro (Argentina), Tshepo Shabangu (South Africa), Claudia Siebel (Germany), and Jonathan Herman (Canada) (see also News, p14)



Geraldine Clarke (past-president, Law Society), Mary Keane, Jonathan Herman, and Berit Reiss-Andersen



Christina Blacklaws, Ken Murphy, Owen O'Sullivan (managing partner, William Fry), and Claudio Visco



Michelle Ní Longáin, Owen O'Sullivan, Claudio Visco, and Mark Garrett



Norville Connolly (past-president, Law Society of Northern Ireland), Kimitoshi Yabuki, and Claudia Siebel

# Dublin Dispute Resolution Centre

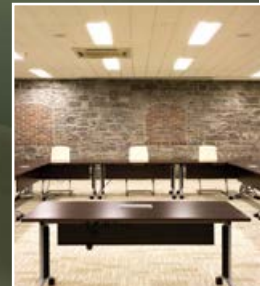
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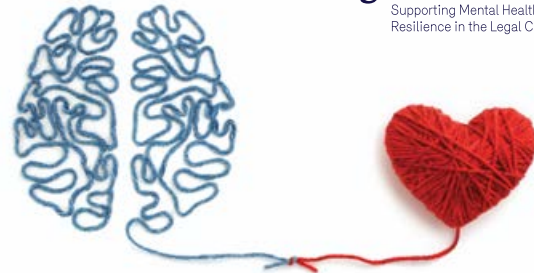
## International Protection Solicitors Panel

Applications for membership now open  
Closing 1st July 2022

Visit [legalaidboard.ie](http://legalaidboard.ie)  
for further information

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For more information visit: [www.lawsociety.ie/legalmind](http://www.lawsociety.ie/legalmind)  
Access the service directly and talk to a counsellor now on freephone:  
1800 81 41 77

# President celebrates *Seachtain na Gaeilge*



Law Society President Michelle Ní Longáin addresses the transition year class at Scoil Chaítríona, Dublin, during *Seachtain na Gaeilge* on 14 March. She spoke about her role and the pathways to becoming a solicitor, and introduced trainee solicitors Felim Ó Maolmhána and Hannah McLoughlin, who delivered an engaging Street Law session



ALL PICS: CAN REMOND



Scoil Chaítríona's TY class with Michelle Ní Longáin and trainee solicitors Felim Ó Maolmhána and Hannah McLoughlin

## Annual human rights lecture on 18 May

● The Law Society's Human Rights and Equality Committee, in partnership with Law Society Professional Training, is hosting the complimentary online Human Rights Lecture on 18 May from 6-7pm.

It will focus on how the spread of harmful misinformation and toxic online content is one of the biggest challenges to global democracy today. Guest speaker Mark Little (CEO of Kinzen) will explore the complex relationship between digital misinformation and fundamental human rights.

The lecture is worth one general CPD hour by e-learning. Book your place now at [www.lawsociety.ie/cpdcourses](http://www.lawsociety.ie/cpdcourses).

# New Legal Practitioners Disciplinary Tribunal launched

● The Legal Practitioners Disciplinary Tribunal has been launched by James Browne (Minister of State at the Department of Justice).

The tribunal was established under section 74 of the *Legal Services Regulation Act 2015* to consider complaints of misconduct against solicitors and barristers referred to it by the Legal Services Regulatory Authority's Complaints Committee or by the Law Society.

It is a successor to the Solicitors Disciplinary Tribunal and the Barristers Professional Conduct Tribunal.

Minister Browne joined tribunal chair Tom Coughlan and President of the High Court Mary Irvine at the launch at Dublin's National Gallery (5 April). The minister described it as "a very significant day for the legal profession in Ireland".



"The Legal Practitioners Disciplinary Tribunal has a crucial role to play in supporting the proper and effective administration of justice and in ensuring that our legal system is independent, strong and effective," he said.

He added that he looked forward to working closely with bodies such as the tribunal to deliver further improvements and innovations in the justice sector, as set out in the *Justice Plan 2022*.

The commencement of the tribunal's operations was initially delayed due to the pandemic, but was brought into effect in November 2020, when the President of the High Court appointed the tribunal's 33 members. The majority of members are non-legal professionals, and include solicitor and barrister members.

Under the 2015 act, the tribunal must be comprised of at least 40% men, and at least 40% women.

## Calcutta Run – the final countdown!

● The final countdown has begun for Calcutta Run 2022. With just three weeks to go, the 28 May event is set to be bigger than ever following two years of 'virtual runs'. The run will culminate with the Finish Line Festival at Blackhall Place.

Over 1,000 participants are expected to take part in this year's run, which is made possible (once again) thanks to the dedication of 200 volunteers and staff, our charity partners and sponsors.

Participants at all levels are welcome to run or walk the

5k and 10k routes, which start and finish at Blackhall Place. In addition, there will be a children's mini-athletics event, with prizes to be won – and free face-painting.

Not to be outdone, the Cork run will also take place on Sunday 29 May. So if you happen to be in the Rebel County that day, why not join the fun family day-out in Blackrock?

If running is not your thing, then the inaugural [Tag Rugby Fundraiser](#) will take place in TU Dublin on Saturday 21 May, while a Calcutta Run golf

tournament will be hosted by Castleknock Golf Club on 27 May as part of the fundraising effort. All levels and abilities are welcome. Invite your family, friends and colleagues for what promises to be two great events.

To participate in the tag rugby event, email [calcuttag2022@gmail.com](mailto:calcuttag2022@gmail.com). To take part in the golf tournament, email [calcuttarungolf@gmail.com](mailto:calcuttarungolf@gmail.com).

If you can't make it to either Dublin or Cork, you can take part virtually from 21-28 May from anywhere in Ireland or around the world. Simply click

on the virtual option when registering. Every participant who raises funds, whether virtually or in-person, will receive a technical T-shirt.

All of the proceeds from the four events will go towards projects run by the Peter McVerry Trust and The Hope Foundation, which support the homeless in both Ireland and Kolkata.

To take part (as a team or individually), register or donate, visit [www.calcuttarun.com](http://www.calcuttarun.com). For further information, email [hilary@calcuttarun.com](mailto:hilary@calcuttarun.com).

# ‘Dignity Matters’ gets busy

● Law Society members and Law School trainees took part in the ‘Dignity Matters’ survey last year. It asked about participants’ experiences of their work environments in Ireland, specifically relating to bullying, harassment, and sexual harassment.

The final *Dignity Matters Report* was shared with members and trainees in November 2021. It provided a suite of recommendations for the Society and the profession to prevent, respond to, and tackle bullying, harassment and sexual harassment. These recommendations form the basis of the Society’s *Dignity Matters Project*, which is well underway, with many activities planned:

- On 5 May, the ‘Working with Complex Clients Summit’ took place. It looked at the complexities of client/lawyer dynamics, shared psychological insights, offered a deeper understanding of trauma, and explored ways to protect against vicarious trauma and develop professional resilience.
- Starting on 11 May, there will be a three-part series of Small Practice Business Information Sessions on dignity-at-work issues. This series will cover what an employer should know about the law in relation to bullying, harassment and sexual harassment, how we can prevent this type of behaviour from taking place in the workplace and, finally, what interventions an employer should make once a complaint is made. Members can register for this series of short lunch-time talks on the [Small Practice Business](#)



[Information Sessions](#) section on [www.lawsociety.ie](http://www.lawsociety.ie).

- Members and trainees can attend a two-part ‘Dignity Matters’ series as part of the [Younger Members Committee Spring Series](#) on 7 and 21 June (online, with CPD hours). The first session will focus on awareness of negative behaviours in the workplace and the impact of these. The second session will look at what recourse an individual at the receiving end of this behaviour can take.
- On 19 May, at the [Midlands General Practice Update 2022](#), Caroline Reidy (HR expert, adjudicator in the WRC, and mediator) will be offering a one-hour presentation to provide insights to attendees on dignity and respect in the workplace. Additional practice updates and committee conferences throughout the year will include similar content. Check out the ‘courses and events’ site at [www.lawsociety.ie](http://www.lawsociety.ie).
- On 11 October 2022, Law Society Skillnet will hold the complimentary online ‘Business of Wellbeing Summit’, which will focus solely on dignity-at-work issues. The summit will include a panel discussion, practical tips for firms and individuals, and personal stories.
- A ‘Dignity Matters’ toolkit is in development, which will support individuals, firms and legal teams on dignity-at-work issues, and provide legal support and information, practical advice on prevention and intervention measures against bullying and harassment, template dignity-at-work policies, case studies, and monitoring and evaluation tools to support the profession with tackling this issue. More information will follow in due course.

Many more activities are planned. Members can keep up to date on all of our activities on the [Dignity Matters](#) webpage and through the *Gazette*. Questions and suggestions are welcome and should be addressed to [professionalwellbeing@lawsociety.ie](mailto:professionalwellbeing@lawsociety.ie).

## Street Law best practice



● PPC trainees Alannah Short (LK Shields) and Luke McGivern (A&L Goodbody) showcased the lesson plan they designed on environmental rights and protections at the Street Law UK/Ireland conference in Edinburgh on 7 and 8 April.

The conference (hosted by the Law Society of Scotland) brought together public legal education experts to discuss best practice, build on Street Law theory, and share ideas to develop public legal education programmes at law schools in Ireland and Britain.

## Quasi-judicial PIAB?

● Minister of State Robert Troy has not ruled out a further attempt to reform the *Personal Injuries Assessment Board* (PIAB) into a quasi-judicial body, similar in some ways to the *Workplace Relations Commission* (WRC).

Law Society past-president Stuart Gilhooly said: “It is inconceivable that the PIAB could operate as a quasi-judicial body. It is a completely different animal to the WRC, and comparisons are both simplistic and naïve. It would open up a minefield of legal problems for any such proposal.”



## ENDANGERED LAWYERS

**ANNA KOVNER AND ALESYA PAVLYNSKA, UKRAINE**



PIC: DAVID RALEIGH



PIC: ARZINGER LAW

● As reported on 15 April on [limerickpost.ie](http://limerickpost.ie), as Russian troops invaded Ukraine on 24 February, lawyer Anna Kovner (above left) fled the war. She ended up in Limerick at the newly opened Limerick Ukraine Support Centre, Dominick Street, where she hoped to receive a PPS number and financial and accommodation assistance.

According to the report, she was born in the Donetsk region, but was living in Kyiv. "I left behind everything. I took just my laptop and my documents, that's all. I have an apartment in the Donetsk region and a house, and now I actually don't know if it is still there," she said.

She had no news of her family: "The war had started and, as I had no relatives in Kyiv and my friends lived in another region, and I lost my work in Kyiv, of course, so I had no money staying there," she said.

At the suggestion of some friends in Ireland, she undertook a journey of five days on her own to arrive here. "I didn't expect it, but the people travelling on the train and the buses, in the train stations, in the hostels – everybody helped me, and I met so many other people, and we are now staying in touch and support each other via the internet."

Alesya Pavlynska is an employment lawyer with Arzinger Law in Kyiv and first fled to Lviv in western Ukraine with her three young children. Her husband remained behind to join the military.

Speaking with the *ABA Journal*, Alesya told about how she and her children had travelled by bus to Poland, and then on to Germany. She has continued working as an employment and corporate lawyer in Frankfurt, and is helping other Ukrainians to seek refuge in other countries.

According to an ABA report, there are around 60,000 lawyers in Ukraine – about half of whom are women. Speaking from London, the president of the Ukrainian Bar Association said that her organisation estimates that two-thirds of female lawyers have left the country, and that those remaining are doing most of the legal work because so many male lawyers have enlisted.

*Alma Clissmann is a member of the Law Society's Human Rights Committee.*

## IBA planning session held in Dublin



PIC: CIAN REDMOND

IBA Bar Issues Commission officers Tshepo Shabangu (South Africa) and Claudia Siebel (Germany) are welcomed by Law Society President Michelle Ní Longáin

● The International Bar Association's Bar Issues Commission chose Dublin as the location for its annual strategic-planning session.

The Law Society hosted a dinner on 11 April for these colleagues, together with a representative group of the many Irish solicitors and law firms active in the IBA.

Addressing the guests, Law Society President Michelle Ní Longáin observed that, in addition to the IBA being a source of the latest and best-practice ideas and referral work for Irish lawyers, it plays a vital role in maintaining the core values of the profession, such as advocacy for the rule of law.

The Law Society has been an active member of the IBA since the 1950s. "Ireland has a leadership presence and influence in the IBA completely out of proportion to the fact that we are a small country on the international stage," Ní Longáin added.

"For example, I'm pleased to learn that, subject to completion of the IBA's election process, unprecedentedly, it is very likely that two of the IBA's three divisions will next year be led by Irish solicitors – namely Ken Murphy as chair of the Bar Issues Commission and Myra Garrett as chair of the Section on Public and Professional Interest. I wish them well in their endeavours."

## ByrneWallace to grow to 600

● ByrneWallace LLP is to recruit 100 professional staff over the next two years. Managing partner Feargal Brennan said that the medium-term plan would see the firm double in size in the next five years, from a current headcount of 300 to over 600.

Brennan explained that ByrneWallace has been exper-

encing increased demand for its advisory and transaction services, information and data-management advice, and its cyber-crime, tax, and infrastructural development expertise. The firm has recently agreed terms to remain in its current offices in Dublin's Harcourt Street.

# Applications open for women leadership mentor programme

● The Law Society is inviting applications for both mentors and mentees on a countrywide basis, and from all areas of practice, for this year's Women in Leadership mentoring programme.

The programme is presented in collaboration with Law Society Skillnet, which is responsible for the mentor and mentee training activities. The programme aims to empower and support women in advancing their careers to a senior level.

This is an exclusive Society member benefit, and the minimum post-qualification-experience requirement for mentees has now been removed. As a mentee, it could be that you have concerns about how to progress to your next role, want help to develop a new skill that you find difficult, or are simply seeking some guidance through these turbulent times.

As a mentor, passing on your experience and knowledge can be very rewarding, and is a great way to give back to others in the legal profession.



access details to the Law Society Skillnet mentor and mentee self-paced online courses. This course must be completed in advance of the training session in September.

- *September 2022* – there will be a one-hour follow-up session. Applicants can choose between an online session or an on-site session in Blackhall Place. The online learning via the self-paced courses and follow-up sessions are eligible for 'management and personal development skills' CPD hours.
- *September 2022* – following successful completion of training, applicants are

informed of the match details.

- *October 2022* – the mentoring relationship begins.
- *May 2023* – the mentoring relationship comes to an end.

More information can be found in the 'Women in Leadership' section at [www.lawsociety.ie/womeninleadership](http://www.lawsociety.ie/womeninleadership).

Queries about the programme should be addressed to Michelle Nolan (head of member services) at [lw@lawsociety.ie](mailto:lw@lawsociety.ie). Queries about training should go to Dr Rachael Hession (Law Society Skillnet course manager) at [lawsocietyskillnet@lawsociety.ie](mailto:lawsocietyskillnet@lawsociety.ie).

## Open day for PPC2 on 26 May

● PPC2 trainees are invited to attend an 'open day' on 26 May that will showcase the supports available to them when they qualify. The goal is to promote an easy transition for newly qualified solicitors from the Law School to the Law Society.

Mark Garrett (the Law Society's director general) will launch the event, and teams from every department in the Society will be on hand to answer questions. Sessions will cover the structure of the Law Society, applying to go on the Roll of Solicitors, the parchment ceremony, applying for your first practising certificate, the benefits of Law Society membership, career-support services, professional wellbeing support, Diploma Centre offerings, Law Society Professional Training, library services, practice support, and the work of the committees, including the Younger Members Committee.

### What's next

- *June 2022* – complete an expression-of-interest form, available on the [Law Society website](http://www.lawsociety.ie), and apply by Wednesday 30 June for a chance to be matched in this year's programme.
- *July 2022* – matching takes place during the month of July.
- *August 2022* – applicants (mentors and mentees) are informed via email if they have been successfully matched. Where a match has been secured, applicants will be contacted with

## Remote courts access links to continue till June

● The Circuit and District Courts will continue the use of the current virtual meeting room (VMR) codes until the end of June. The codes were provided at the start of the year, with the aim of simplifying VMR processes.

Practitioners may continue to access the VMR codes from their members' areas as soon as the Legal Diary or issued court lists indicate whether the court in

question is to be sit remotely or in hybrid format.

A request to appear remotely must be made to the presiding judge prior to a court date, and the relevant court office should be emailed with such requests.

Regarding the High Court, judges' individual codes will continue to be effective until the end of September 2022, with

the exception of judges who use Pexip Infinity software. They will use new codes for the Easter and Trinity terms.

VMR codes will be available from both the Law Society and Bar Council websites.

Lists that have been proceeding remotely will continue to be dealt with in the same fashion.

More information is available at [courts.ie/remotecourts](http://courts.ie/remotecourts).

## The Battle of the Four Courts

● Chief Justice Donal O'Donnell has warmly welcomed the 'Four Courts 100' series of events to commemorate the Battle of the Four Courts, the Civil War, and the Constitution of the Irish Free State.

The events of 1922, from the signing of the Treaty, the battle, and the enactment of the Free State Constitution, paved the way for the legal system Ireland has today.

The Courts Service is marking the events with interactive guided tours and a virtual tour app. A series of lectures will take place until July, while a week-long programme of events is scheduled for the end of June.

- 12 May – Mr Justice John Hedigan: 'National archives – the memory of a nation',
- 19 May – Liz Gillis and Las Fallon: 'Unheard voices: civilians/firemen and the battle for the Four Courts',
- 26 May – Prof Diarmaid Ferriter: 'Despair and defiance: the Four Courts crisis 1922',
- 2 June – Prof Eunan O'Halpin and Ruth Cannon BL: 'An all-island war? Ireland 1922-24'/'Women and the occupation of the Four Courts',
- 24 June – Michael Fewer, Catriona Crowe and Ciaran O'Connor: launch of the 'Four Courts 100' photographic exhibition,
- 7 July – Bláthna Ruane SC: 'Experiences of the judiciary during the occupation'.

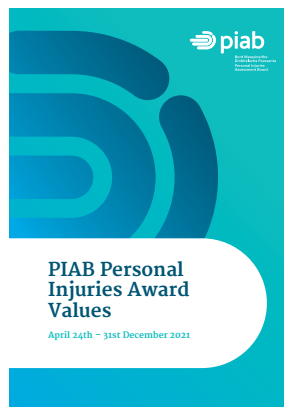
Lectures will be live-streamed on the Courts Service YouTube channel.

## PI awards down 42% on 2020

● Average awards for personal-injuries claims made since the introduction of the *Personal Injuries Guidelines* are down by 42% compared with 2020, according to a report from the Personal Injuries Assessment Board.

The *PIAB Personal Injury Awards Values* figures cover claims settled from 24 April 2021 (when the guidelines came into effect) to the end of 2021. They are based on 4,731 cases. They also show that the percentage of PIAB awards being accepted by parties has fallen significantly compared with 2020 – from 51% to 37% since the new guidelines came into effect.

The average award in the period from 24 April to 31 December 2021 was €13,825, compared with €23,877 for the whole of 2020. The percentage drops were the same in all three categories covered by the report –



motor, personal liability, and employer's liability.

The average motor award was €12,747. This category accounted for just under 70% of the cases examined in the report. The figures for public liability and employer's liability were €15,121 and €17,644, respectively. Awards for general damages fell by almost 50% – from €21,850 in 2020 to €11,583.

The report says that neck and back injuries are, by far,

the most common injury type, and make up just over half of injuries – 90% of these are minor injuries relating to soft tissue, with an average award of €9,423.

The report shows that almost half of all awards under the new guidelines were for under €10,000, compared with just 12% in 2020. Just 17% of awards were above €20,000, compared with 44% in 2020. The body says that the percentage of 'high-value' cases – those over €50,000 – has remained stable at 4%.

Both PIAB and the courts must have regard to the new guidelines in determining awards – and both need to give reasons for not using the guidelines.

The data in the report relates only to PIAB awards, and the body says that it will take some time before we see rulings under the new guidelines in any volume from the courts.

## Class of 1970 reunion

● The Law Society's Class of 1970 (joined by some members from '69) celebrated its 50<sup>th</sup> anniversary reunion – somewhat belatedly due to COVID – at Blackhall Place on 23 March.

Organised by Elma Lynch (Law Society past-president, 2001/02) and Adrian Bourke (past-president, 1991/92), they were assisted by a very able committee of Christine Scott, Terry Dixon and Berchmans Gannon.

Mystery and history merged during an afternoon of chatter and laughter. Almost 30 colleagues from around the country attended,



Christine Scott, Elma Lynch and Elizabeth Lacy

and were well looked after by the Law Society, which very kindly treated the class to a lunch. The members shared stories of bygone days – and caught up with those who have retired, and

those who have resolved 'never' to retire! It was great to be joined by classmate Michael Peart, the first practising solicitor to be appointed a judge of the High Court, in July 2002.

# David Quinn (1974 – 2021)

● David Quinn, of BLM Law and formerly of Beauchamps LLP, passed away peacefully on 3 July 2021.

All of the partners and staff (present and former) of BLM Law and of Beauchamps LLP remember David with fondness and admiration. He was a larger-than-life personality, was charming but mischievous, had an infectious laugh, and a genuineness and warmth to his character. He had buckets of personality and (to use a phrase that he himself was fond of) a ‘glint in his eye’ that ensured a huge circle of friends in his professional and personal life.

David began his training with Collins Crowley Solicitors in 2005. In 2008, he moved to Beauchamps, practising in the areas of medical negligence and personal injuries. Ten years later, he moved to BLM Law, practising in clinical negligence and product liability.

He loved being a solicitor. His drive and enthusiasm (as well as his talent) were evident to all of his classmates in Blackhall Place from the minute they met him – and to all of his colleagues at BLM Law and Beauchamps LLP.

He first battled serious illness not long after qualifying and, following gruelling treatment, he relished his return to practice. Indeed, a few months after his return, his colleagues came to forget that he had ever been ill at all, such was his passion for life and for work. He



was very much a man who got ‘stuck in’, and he loved the cut-and-thrust of litigation.

While David was a fabulous litigator (he relished difficult cases, and they brought out the best in him), he also strove to make genuine connections with his clients. He took their cases to heart and left no stone unturned in always trying to achieve the best results for them. His clients, in turn, trusted him. David’s work made a significant difference to the lives of so many people and their families.

He was a hugely positive influence in every office he worked in. He never had a bad

day, and spending five minutes in his company guaranteed a cheeky joke or two, a series of belly laughs, and generally resulted in you feeling much better about yourself.

David’s wonderful, engaging banter revealed a warm and generous spirit. People were never left in doubt that he took a real interest in all of his colleagues.


He loved the outdoors and hiking, and revelled in travelling throughout Ireland and abroad. He toured the length and breadth of the country, and his colleagues enjoyed hearing about his holidays with his wife Lucy and daughter Bella – the

two great loves of his life. Indeed, his colleagues felt a special bond with both Lucy and Bella, having enjoyed so many of David’s stories about them.


David’s passing at such a young age has caused his friends and colleagues to reflect with immense sadness, but also with so much gratitude for the time they spent in his company – whether it was a quick chat at the tea station, a short (or occasionally long!) lunch, or a ‘few jars’ after work on a Friday.

He leaves a legacy of inspiration behind him. Not once, but twice, he battled serious illness. Throughout it all, he remained the same wonderful lawyer he had always been – and the same wonderful person he always was. His illnesses never changed him, and he remained a close friend and confidante to many of his colleagues throughout his working life.


The many tributes paid to David since his passing are a testament to the respect in which he was held by all in the legal community. The partners and staff (both present and former) of Beauchamps LLP and of BLM Law will always remember him with fondness, respect, and admiration.

David will always remain a dearly loved colleague and friend. 

*PN and NO’R*





## Urgent Call for Lawyers to Volunteer on FLAC's Telephone Information Line



During Covid-19 FLAC is experiencing a demand for our services which we just cannot meet without your assistance

We are asking qualified solicitors and barristers to volunteer on a regular basis remotely for a day or half-day on FLAC's telephone information line providing basic legal information.

Please send your expression of interest and a short CV to [info@flac.ie](mailto:info@flac.ie)

Our 'Ask an expert' section deals with the wellbeing issues that matter to you



## Am I being bullied?

**Q** I am a middle-aged male solicitor, working in a larger-sized firm. I joined a new team last year, and I am having issues with a long-time team member. She regularly belittles me in meetings and often laughs when I offer my opinions. This was just about bearable, but now she is also organising team social gatherings without asking me to join. As a result, I often find out about work stuff last. What can I do? None of her behaviour is glaringly obvious, so I would feel stupid bringing this to HR.

**A** A number of issues immediately come to mind from these facts. The first would be under the *Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work*. Section 60 of the *Safety, Health and Welfare at Work Act 2005* empowers the Health and Safety Authority (HSA) to prepare and publish codes of practice with respect to safety, health, and welfare at work; and the HSA and the Workplace Relations Commission jointly produced this code.

The facts as set out on first reading certainly appear to come within the definition of bullying. Bullying is defined as “repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against

another or others at places of work and/or in the course of employment, which could reasonably be regarded as undermining the individual’s right to dignity at work”.

The code must be read in light of the case of *Ruffley v Board of Management of St Ann’s School* ([2017] IESC 33), which pointed out that the conduct must be repeated. It must be inappropriate, not merely wrong, and it must be capable of reasonably being regarded as undermining the individual’s right to dignity at work.


From the facts set out, many of the issues come within the non-exhaustive list of what is bullying. In this case, there would appear to be exclusion with negative consequences, verbal insults, being treated less favourably than colleagues in similar roles as regards even the issue of social gatherings, belittling your opinion, social exclusion, and isolation.

It would certainly be my advice that this issue be raised with the HR department. Nobody should feel stupid bringing the issues that you have raised to their HR department. Where a complaint of bullying is raised, there is a duty on the employer to investigate this under the code. Under the code, you have to be given a right of representation – this can include a work colleague or a union official. You have an entitlement for your employer to clearly and fully set out the procedures that would



be applied in respect of the investigation. They are obliged to have a policy on bullying and its prevention in the workplace.

The Law Society’s *Gender Equality, Diversity, and Inclusion Charter* is there to highlight the

importance of the eradication of bullying in our profession. Furthermore, the code of practice gives a methodology of being able to address issues of workplace bullying in your workplace. 

*To submit an issue that you’d like to see addressed in this column, email [professionalwellbeing@lawsociety.ie](mailto:professionalwellbeing@lawsociety.ie). Confidentiality is guaranteed.*

*This question and answer are hypothetical and were written by Richard Grogan (Law Society Council member; Employment and Equality Law Committee member; and accredited mediator). Any*

*response or advice provided is not intended to replace or substitute for any professional psychological, financial, medical, legal, or other professional advice.*

*LegalMind is an independent and confidential mental-health support available to Law Society members and their dependants, 24 hours a day, and can be contacted at 1800 81 41 77.*

# Settlements would dispel gloomy forecast

From: Kurt Rollin (retired lecturer in German), Via Principe Amedeo, Rome, Italy

**D**avid Petrie's response (April Gazette, p16) to my letter in the March Gazette ('Ignorance of case law almost cost us dearly', p19) serves only to reinforce my view that complainants who seek recourse to European Commission infringement proceedings to defend their Treaty rights need to clearly understand how their own actions can influence the course of the proceedings.

While Mr Petrie is profuse in his criticisms of the Santer Commission and its handling of the *lettori* case, he markedly fails to mention the decisive role his own EU Court of Justice case had in the change made to the infringement case against Italy during the tenure of that commission.

The pleadings in the case taken by then Commissioner for Social Affairs, Pdraig Flynn, initially included the question of retention of the professional status of the *lettori*. Following the ruling in a later case, *David Petrie and Ors v Università degli studi di Verona et Camilla Bettoni* (Case 90/96), the pleadings on status were dropped. In response to a request to restore them, Allan Larsson (the then director general working to Commissioner Flynn) wrote that the court findings in the *Petrie* ruling justified the commission's decision to drop the pleadings on retention of status.

To quote Mr Larsson: "As already noted by the European Court of Justice in Case C-90/96, the professional category of language assistants is objectively different from other categories, such as university professor or researcher. Thus,



the Italian State would be justified in providing for a specific career classification and a specific category for linguistic assistants." (In passing, Case C-90/96 is covered in 'Recent developments in European law' in the Jan/Feb 1998 *Gazette* – a measure of how long the *lettori* case has lasted.)

It is public knowledge that it was on the basis of collegial responsibility that the Santer Commission resigned following the first report of the specially appointed Committee of Independent Experts. Although Mr Petrie casts aspersions on Pdraig Flynn's handling of the *lettori* case within the remit of his social affairs portfolio, it should be pointed out that then Commissioner Flynn did not figure among the commissioners censured by the committee in that report.


While Mr Petrie makes much of the ombudsman's findings, he fails to mention the fact that the ombudsman dismissed the substantive parts of his complaint relating

to flaws in the commission pleadings, failure to detect false information and denial of access to documents, limiting himself in his conclusion to a critical remark on the commission's administrative practices in infringement proceedings – the lightest form of censure at his disposal.

The commission pleadings contested by Mr Petrie and 466 colleagues (less than a third of the then total of *lettori* in Italian universities) in the petition publicly presented to then commission vice-president Neil Kinnock led to the victory in infringement case C-212/99. For non-implementation of that ruling, the commission took and won enforcement case C-119/04. As the press release announcing the opening of infringement proceedings (n. 2021\_4055) in September 2021 makes crystal clear, the commission position is that implementation of the enforcement ruling requires Italy to pay the *lettori* settlements for discriminatory

treatment from the date of first employment.

In the EU legal order, the commission is guardian of the Treaty and the attendant case law of the European Court of Justice. It follows that, in the conduct of the infringement proceedings, the *lettori* complainants must accept the commission reading of the pertinent cases – Mr Petrie's case included. From the tenure of Pdraig Flynn to that of the present incumbent Nicolas Schmit, the commission's position on the *lettori* case law has always been consistent.

Like my colleagues, I was disappointed over the loss of our professional status. Nevertheless, if the reduced case leads to the awarding of the backdated settlements that the commission insists are due, this will disprove Mr Petrie's forecast in his complaint to the ombudsman that infringement Case C-212/99 "will do nothing to solve the *lettori* problem" and, further, will represent a happy ending for our category. 

## SPECIALIST LEGAL TITLES FROM CLARUS PRESS



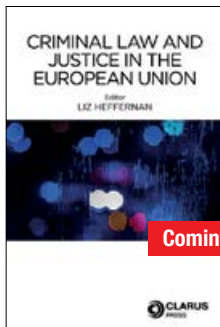
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**Defamation Law and Practice**  
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# Defamation Law and Practice (2<sup>nd</sup> edition)

**Neville Cox and Eoin McCullough.** Clarus Press (2022), [www.claruspress.ie](http://www.claruspress.ie). Price: €249 (incl VAT).

● The *Defamation Act 2009* obliged the State to carry out a review of its operation within five years. It was published on 1 March 2022, a mere seven years late.

The first edition of *Defamation Law and Practice* was published in May 2019. The Department of Justice review was then due about nine months later. This second edition hit bookshelves earlier this year – about three months before the long-delayed report.

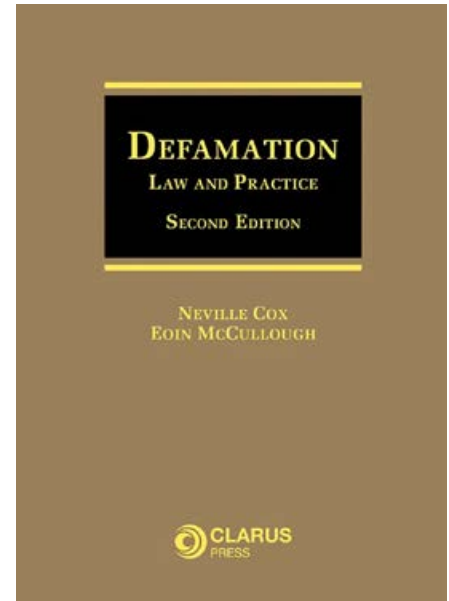
One can sense the authors' frustration. They express surprise that defamation law has resisted reform, given significant external pressures. These include a radically changed publication landscape following the expansion of online social-media platforms. In addition, reform in our nearest jurisdiction has led to an increasing divergence between Irish and English defamation law.

The Department of Justice has recommended reforms of the 2009 act. The most eye-catching is the abolition of jury trials.

However, other proposed changes are limited at best. There will be no cap on damages, despite several cases where awards have exceeded, by several multiples, the amount that can be given in personal-injury actions. The burden of proof, which rests on the defendant, will remain unchanged, even in cases of responsible journalism. There will be no requirement, such as exists in the UK, that a statement is likely to cause serious harm to be defined as defamatory. These are all changes Dr Cox and Mr McCullough favour.

Rather, the department will belatedly seek to introduce a new 'anti-SLAPP' mechanism. SLAPPs are 'strategic lawsuits against public participation'. They are like elephants – easy to spot, but difficult to define. Their effect is the intimidation and silencing of publishers and authors by burdening them with the costs of litigation until they abandon their criticism.

In recent weeks, the Westminster parliament has heard about the extensive use of SLAPPs by Russian and Kazakh oligarchs and kleptocrats against books like *Putin's People* and *Kleptopia*. Indeed, analysis of English commercial court figures before the coronavirus lockdowns show that Russians



formed the third-largest group of litigants after those from Britain and Kazakhstan.

There is a real fear that difficulties of definition for SLAPPs will delay or derail other reforms here.

Ireland remains an outlier. Defamation damages are considerably higher than in any other European country. Yet plaintiffs need prove no damage, let alone serious harm. It is extremely difficult for media defendants here to successfully defend cases and to navigate the vagaries and inconsistencies of opaque jury verdicts.

Libel tourism has brought significant fees to British law firms, but has caused considerable reputational harm to its legal system. No doubt, oligarchs and kleptocrats, and other persons of means with things to hide, are casting an eye towards Dublin as the new jurisdiction of choice.

The only upside of this happening is that lawyers will have Dr Cox and Mr McCullough SC to guide them through this sometimes ferociously complex area of the law. This is a superb book, beautifully written, and whose detailed research is worn lightly. It is greatly expanded from the first edition.

*Michael Kealey is chair of the Gazette Editorial Board and is in-house solicitor for DMG Media Ireland.*

# Data Protection Implementation Guide

**Brendan Quinn.** Wolters Kluwer (2021), [law-store.wolterskluwer.com](http://law-store.wolterskluwer.com). Price: €139 (incl VAT).

● Arguably, there are few lawyers practising today who are unaware of the importance of data-protection law. Historically of limited relevance to most practitioners (save for those who dealt with DSARs during employment disputes), the GDPR has shown itself as a legal regime with real teeth, particularly to those organisations that control or otherwise process personal data.

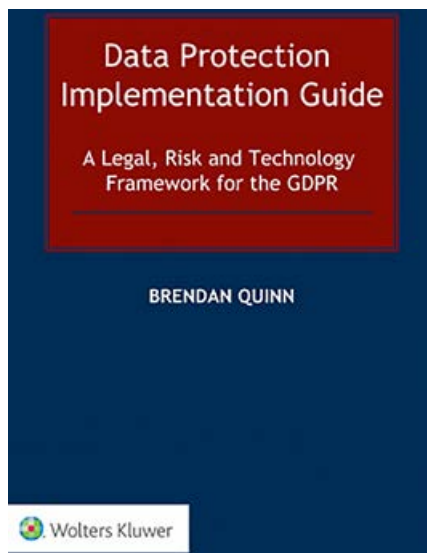
*Data Protection Implementation Guide* (subtitled *A Legal, Risk and Technology Framework for the GDPR*) is a comprehensive text written for practitioners, programme managers, and policymakers in the field of privacy and data protection. The author provides insightful analyses into the common problems companies can encounter when implementing data-protection law requirements across their organisation in an accessible way.

The author's extensive experiences in the fields of privacy, data protection, information technology, and cybersecurity are brought to bear in a text that expertly guides readers through the implementation of data-protection principles, using a project-management approach.

As well as providing a succinct and informative overview of the key data-protection principles, there are also discrete thematic sections that address key issues confronting organisations, such as children's privacy, cross-border data transfers, transparency obligations, facial recognition, and automated decision-making. Particularly insightful is Chapter 2, which seeks to guide readers through conducting a data-protection gap analysis/compliance audit for their business, and discusses the governance and accountability controls that organisations may leverage to operationalise and demonstrate compliance, including developing a risk-analysis framework and appointing a DPO.


The book is well-researched, highly informative, and covers all the important data-protection topics.

The book is not designed to be a legal treatise (and, indeed, it doesn't purport to be) – rather, it positions itself as a practical go-to guide for organisations that want/need to operationalise data protection across their business. It provides helpful



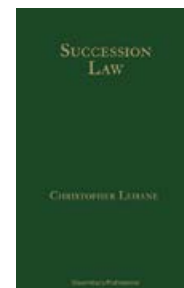
checklists against which an organisation can benchmark its data-protection governance framework, and which cover everything from implementing technical and organisational security measures (Chapter 5.6), managing data-subject access requests (Chapter 9.3), issues to consider when deploying facial-recognition technology (Chapter 13), and responding to data breaches (Chapter 5.2).

In summary, the book is practical, succinct, and accessible; provides up-to-date and insightful analyses into what is a dynamic and evolving area of law; and is supported by reference to case law (including from the CJEU, and Irish and British courts) and guidance published by EU data-protection regulatory authorities.

The book is highly relevant, both for Irish lawyers and non-EU practitioners looking to develop a grounding in EU data-protection law, practice, and compliance. For this reason, readers will find the book especially helpful when delivering data-protection training to employees. Individuals tasked with designing, developing, implementing, and overseeing an organisation's data-protection governance framework would be prudent to include the book in their privacy library (where it deservedly earns its place). 

*Gordon Wade is a solicitor and data protection lead in the Office of the Data Protection Officer at TikTok, and is an LAPP Fellow of Information Privacy.*

## OUT NOW



### Succession Law

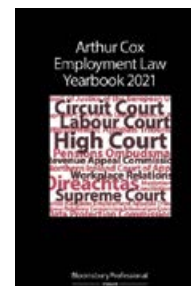
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– Mr Justice Peter Kelly,  
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# The sea, **the sea**

The high seas are not a total free-for-all, but risks to these areas are serious. There is no management of new activities, nor is there coordinated governance of existing high-seas industries, writes Thomas McInerney

TO DATE, THE INTERNATIONAL SEABED AUTHORITY HAS ISSUED 30 CONTRACTS FOR MINERAL EXPLORATION OF THE DEEP SEA, ENCOMPASSING A COMBINED AREA OF MORE THAN 1.4 MILLION SQUARE KILOMETRES. IT HAS YET TO REJECT AN APPLICATION

**C**OP 26, the pre-eminent UN summit on climate change, took place late last year in Glasgow. The River Clyde and its port city have had a close connection with the high seas in not-so-distant history. At one point in the early 1900s, a fifth of all ships globally were built in Glasgow. Despite this apt backdrop in which to discuss the dominant issues of the high seas, hopes were not exactly high in the lead-up to the summit.

We know from experience that representatives at the international negotiating table struggle greatly to tackle issues that fall outside national jurisdictions. It may also be the case that, on the long list of environmental problem areas, the global commons have been relegated below more tangible, although not always realised, state pledges related to internal affairs – energy, farming, transport, and so on. (The term ‘global commons’ is a term used to describe global shared resources, including natural resources like the high seas, the atmosphere, outer space, and areas like Antarctica.)

Despite reservations, COP 26 resulted in the *Glasgow Climate Pact*, which includes calls for an annual dialogue to strengthen ocean-based action, to be scrutinised and reported back to the COP every year.

The high seas consist of everything beyond 200 nautical miles off our national coastlines.

They account for around two-thirds of the world’s oceans and 95% of the planet’s occupied habitat.

## **Moby Dick**

We know already that marine protected areas (MPAs) are an effective tool in coastal waters that provide a framework for implementing area-based conservation. On an economic level, MPAs ensure that human activity is kept to a level that will sustain biological diversity and productivity. They allow the underwater ecosystem to recover from human exploitation and rebuild a natural carbon sink. This mitigates the effects of climate change and combats ocean acidification. In short, they work.

Global action is needed to protect our high seas and deep oceans in light of the ever-increasing demand for resources from corporations and governments looking to cash-in on the resource-rich marine global commons.

If we are not extremely careful, the wanton exploitation of the high seas in the name of fossil fuels, minerals, medicines, and food will be yet another global disaster to add to a growing list. Blackbeard, no longer a pirate, might soon be a licensee.

## **The Poseidon adventure**

In February this year, representatives from over 100 countries (including Taoiseach Micheál

Martin) met in Brest, France, to take part in a summit to discuss and develop global measures to preserve marine areas outside national jurisdictions. It was held in the context of the French presidency of the EU Council, with the support of the UN.

One of the summit’s main aims was to reach a globally binding solution, but no treaty was ultimately forthcoming. It is notable that, back in 2015, the UN agreed to negotiate a treaty to protect the high seas, and so the dictum on this point seems somewhat stagnant.

That said, a number of impressive pledges were made by influential stakeholders, and the ball is now rolling for continued discussion throughout the year. The next opportunity took place in March, at the UN’s Fourth Intergovernmental Session on an agreement for the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction.

In Brest, there were a few who led by example. Chilean representatives proposed the creation of a marine protected area in the high seas over the Salas y Gómez and Nazca ridges – two chains of submarine mountain ranges stretching nearly 3,000km across the south-east Pacific.

President Macron announced a one-million-square-kilometre



PIG SHUTTERSTOCK

extension of the MPA currently in place over the French Southern and Antarctic Lands – an overseas uninhabited territory of France since 1955. If Macron follows through, this MPA would be the second largest in the world, Antarctica boasting the largest.

The greatest financial commitment came from the French, German and Spanish national banks, together with the European Investment Bank. They pledged €4 billion to develop the Clean Oceans Initiative, whose aim is to combat plastic pollution. Negotiations

on a binding international treaty on plastic pollution took place in Nairobi at the end of February.

In all, 14 countries announced measures to strengthen the fight against illegal fishing. Measures noted included improving port controls and mobilising national navies.

UNESCO announced its intention to map 80% of the ocean floor by 2030. This is all well and good, if this newfound knowledge is used to protect and preserve. But if financial interests are allowed their way, unabated extraction of resources

could be disastrous.

European Commission president Ursula Von der Leyen announced the launch of a global coalition – which includes the 27 EU countries and 16 others – to conclude the treaty on the high seas. (Seven years of listening to this promise has an air of ‘boy crying wolf’ about it!)

**Hornblower**

The high seas are not a total free-for-all, and some governance does exist in the hands of the International Maritime Organisation and the

THE HIGH SEAS  
AND THEIR  
DEEP OCEANS  
ARE ONE OF  
THE LAST TRUE  
WILDERNESSES  
ON EARTH



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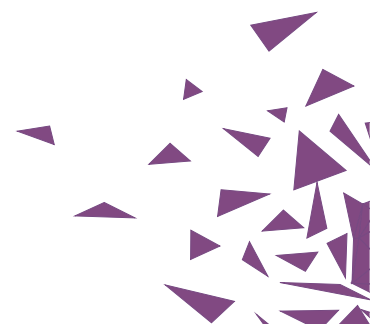
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International Seabed Authority, along with their interactions with regional fisheries management organisations. As it stands, however, the risks to these areas are serious. There is no management of new activities taking place, nor is there coordinated governance of existing high-seas industries.

#### Seabed mining

The booming technology sector has led to a rise in demand for minerals and metals, many of which can be extracted from the seafloor. Many of the areas identified for future seabed mining are recognised as vulnerable marine ecosystems.

The International Seabed Authority, established in 1982 under the *United Nations Convention on the Law of the Sea*, is charged with regulating human activities on the deep-sea floor beyond the continental shelf. To date, it has issued 30 contracts for mineral exploration of the deep sea, encompassing a combined area of more than 1.4 million square kilometres. It has yet to reject an application.

While states have yet to agree a rulebook on how deep the oceans can be exploited, activists such as David Attenborough argue it is reckless to go ahead in the face of so much uncertainty. We simply have no idea of the potential consequences in terms of habitat destruction, water contamination, fisheries disturbance, sound pollution, and so on. All the more reason to finalise that treaty and ensure its efficacy.

#### Rocket launches

The launching of rockets requires the burning of toxic chemicals, such as aluminium and ammonia. A study of the effects of gases produced by space-shuttle launches found the soil and water quality in the

area was severely affected, as was the surrounding vegetation. After several shuttle launches, large numbers of dead fish were found in nearby water bodies.

Russia's recent proposal to conduct naval exercises 200km off the Cork coast was met with much opposition and confusion. The impact on our sonar-based animals (such as whales and dolphins) from such blasts is likely to be significant.

A further issue is the presence of toxic waste in the debris from rocket launches that lands in the ocean. In 2017, the European Space Agency launched a satellite into orbit over the North Atlantic Ocean. During the second-stage detachment, a part of the rocket containing up to a tonne of toxic fuel separated and landed in waters between Ellesmere Island and Greenland, crucial to Inuit groups for hunting. These waters are home to narwhal, seal and walrus. Unfortunately, this is not an uncommon abuse of the *UN Declaration on the Rights of Indigenous Peoples*, article 29 of which asserts that states must ensure that hazardous materials are not disposed of in Indigenous territories without their consent.

#### Aquaculture


This is essentially the controlled farming of aquatic organisms, and the practice is growing in scale. As it expands, aquaculture, like any domesticated farming of animals, can have significant consequences for the surrounding environment.

Although not generally carried out on the high seas, its impact can be global. Large amounts of wild fish are needed as feed. And when tons of fish are crowded together, they create a lot of waste, polluting parts of the ocean. Fish farms can also be breeding grounds for disease that can spread to the wild.

Slightly worryingly, the Food and Agriculture Organisation of the UN last year reported a 527% increase in aquaculture production from 1990 to 2018. However, it also stated that there is growing evidence that when fisheries are properly managed, stocks rise consistently above target levels, or start rebuilding. That said, the successes achieved in some countries and regions have not been sufficient to reverse the global trend of overfished stocks.

#### Treasure island

Despite the pressure that we put on the marine environment and the threats posed by our unchecked activities, there are vast resources that can be safely and sustainably utilised if our practices are managed correctly. We have known for a long time that international law can be slow to realise its ambitions due to the range of voices at the table.

But if powerful financial interests are rightfully demoted to a level of priority just below the protection of our seas, then it is no longer a case of what is good for me may not be good for you. Protecting our oceans should be common ground in international diplomacy. The high seas and their deep oceans are one of the last true wildernesses on earth. We do not understand them. Let us hope we do not destroy them. 

*Thomas McInerney is a trainee solicitor at Ronan Daly Jermyn's Galway office.*

### LOOK IT UP

- [Glasgow Climate Pact](#)
- [UN Convention on the Law of the Sea](#)
- [UN Declaration on the Rights of Indigenous Peoples](#)

IF WE ARE NOT EXTREMELY CAREFUL, THE WANTON EXPLOITATION OF THE HIGH SEAS IN THE NAME OF FOSSIL FUELS, MINERALS, MEDICINES, AND FOOD WILL BE YET ANOTHER GLOBAL DISASTER TO ADD TO A GROWING LIST. BLACKBEARD, NO LONGER A PIRATE, MIGHT SOON BE A LICENSEE

UKRAINE-BASED EVGEN VOROBYOV  
RECENTLY LAUNCHED A CAMPAIGN TO  
HAVE RUSSIA REMOVED AS A MEMBER OF  
THE FINANCIAL ACTION TASK FORCE.

LYNN SHEEHAN SPEAKS TO HIM  
ABOUT THE CAMPAIGN'S AIMS

STAND UP  
AND BE  
COUNTED



'STAND WITH UKRAINE', BY DOMENICO CAVA. (REPRODUCED WITH PERMISSION). SEE: [WWW.DOMENICOCAVA.COM](http://WWW.DOMENICOCAVA.COM)

## he last time I met Evgen Vorobyov was back in 2019,

when we were working together for an EU mission in Kyiv. At that time, Evgen was a part-time activist on many issues, particularly in the financial sector and on

human rights, and was also working full-time as an analyst.

When we met, he was heading off to pursue a master's in financial law at Leiden University and had just been awarded a prestigious scholarship to continue his studies. That was almost three years ago. Times have changed dramatically since then, and the challenges Evgen and his country face have become so different and so much more significant.

“After graduating from Leiden, I returned to Ukraine to join the public service as an expert at our central bank, where I helped draft several crucial laws and regulations to bring our legislation closer to EU standards,” says Evgen.

“Later I moved to consulting. But when Russia started its full-scale war of aggression against Ukraine in February this year, these narrow professional goals became quite irrelevant. That is why I switched to civic causes. The biggest priority for me now is to make sure that Russia – a country that has shown complete contempt for international law – is excluded from the benefits of global finance.”

### War of aggression

Evgen's new initiative – ‘No Finance for Russia’ – involves a petition to get as many signatures as possible to have Russia removed as a member of the Financial Action Task Force (FATF).

“I am talking to you, sitting just about 100km from the frontline,” says Evgen. “Going to a shelter when an air-raid siren sounds is part of my daily routine – I do that several times a day. But, even worse, there is a constant stream of news about my fellow citizens who are killed, maimed, and deported by Russian troops. Even though the Ukrainian armed forces continue to fend off Russian military attacks, Russia perpetrates heinous crimes against civilians in Ukraine.

“Our initiative reaches out to the international public and politicians to explain why Russia can no longer be allowed to use Western financial infrastructure to continue its war of aggression.

“The Financial Action Task Force is an international organisation that has 39 members, mostly large, developed economies. They basically decide what rules jurisdictions across the world have to put in place to prevent money-laundering, financing of terrorism, and financing of weapons-of-mass-destruction proliferation. Perhaps surprisingly to many



Evgen Vorobyov



RUSSIA'S EXCLUSION FROM THE FATF AND ITS 'BLACKLISTING' WOULD NOT BE A MERE SYMBOLIC GESTURE – IT WOULD MAKE LIFE MUCH WORSE FOR RUSSIAN BANKS AND COMPANIES THAT, EITHER DIRECTLY OR INDIRECTLY, HELP BANKROLL RUSSIA'S WAR EFFORT HERE IN UKRAINE



PICTURE: CHRIS MCCRATH/GETTY IMAGES

Firefighters work to extinguish a fire at a destroyed residential apartment building in the Sviatoshynskiy District of Kyiv, Ukraine

people, Russia is still part of that elite club – I would argue, mostly as a relic of the times when Western countries thought that they could entice Russia to live by the rules of international law,” Vorobyov says.

### Regulatory wisdom

“Before the war, my colleague and I worked as consultants on a project to improve anti-financial-crime institutions in Ukraine, and FATF standards are like a bible to us – lengthy and written in bureaucratese, but full of collective regulatory wisdom amassed over the years.

“A”fter Russia started its brutal war against Ukraine, we saw a number of international organisations condemning and expelling Russia from their membership. I think that Russia’s war of aggression has really created huge public pressure on all organisations where Russia was a member. But it turned out that FATF was not one of the organisations that spoke out in unequivocal terms, let alone took swift action to change Russia’s status in that organisation. In fact, FATF’s statement at the beginning of March showed that they were still sitting on the fence, sort of hoping that the



problem would go away. That is when my colleague and I decided that we had to bring this issue into the court of public opinion and start an international petition.”

### Exclusion from FATF

So how exactly would removal from FATF negatively affect Russia? What would be the specific impact?

“Russia’s exclusion from the FATF and its ‘blacklisting’ would not be a mere symbolic gesture – it would make life much worse for Russian banks and companies that, either directly or indirectly, help bankroll Russia’s war effort here in Ukraine. This step would also mean that there would be significant additional controls of foreign banks and other financial institutions when dealing with any entities in Russia, which would hit foreign direct investment and trade.

“For example, after Iran was blacklisted by FATF in 2020, its foreign direct investment fell by about 20%, and its export of goods and services by 30% the following year. The effect for Russia would be much worse, as it is more dependent on the global financial system.

“Last, but not least, Russia’s exclusion from FATF would mean that it would not be able to have an impact on the emerging rules on new financial technologies (such as virtual assets), which goes against the recent attempt by Russia’s central bank to clamp down on [limits regarding] such technologies. Needless to mention, Russia, in our opinion, has no business establishing rules on countering terrorism financing with crypto-assets when it engages in terrorism against the civilian population here in Ukraine.”

### Will it make any difference?

Given that FATF is a standards-setting body focused on preventing money-laundering, terrorism financing, and proliferation financing, why would it act on the aims of a public petition?

“I think that we should not underestimate the power of public opinion, the power of civic pressure,” Vorobyov argues. “All institutions, including the FATF, derive their *raison d’être* from public expectations of *what* societal problems should be solved, and *how* they should be solved. And when those public expectations do not align with an institution, then the onus is on the institution to explain why that is the case and, if necessary, to make amends. I think that the Ukrainians’ fight against Russia’s aggression is just another reminder of how ordinary people can bravely stand up for what is right, even in the face of a tremendous threat.

“For me, as a person who has worked for an international organisation, the issue is about the accountability of international institutions. These institutions have a clear mandate that they have to serve, and it is sometimes quite easy for people in those institutions to hide behind the technicalities of that mandate. Alas, two months after Russia started this

“AFTER IRAN WAS BLACKLISTED BY FATF IN 2020, ITS FOREIGN DIRECT INVESTMENT FELL BY ABOUT 20%, AND ITS EXPORT OF GOODS AND SERVICES BY 30% THE FOLLOWING YEAR. THE EFFECT FOR RUSSIA WOULD BE MUCH WORSE, AS IT IS MORE DEPENDENT ON THE GLOBAL FINANCIAL SYSTEM

invasion, the FATF members’ ministers failed to take any meaningful action at their biennial meeting on 21 April, even though the meeting was about establishing the FATF’s strategic direction.

“But an international organisation should also come back to basics once in a while and look at the big picture: is our conduct now in line with what we preach? I believe that we are now in exactly such a situation, and we – here in Ukraine and in Ireland – have to signal that the approach of international institutions towards Russia has to change dramatically. We know that FATF talks about a ‘risk-based approach’ to preventing money-laundering and terrorism financing, so the organisation should also follow the same principle in deciding whether Russia can still benefit from the global financial system. And the clear answer to that question for us is ‘no’.”

### Responding to the call

Three broad groups of signatories have responded to the call to sign the petition, Vorobyov says.

“The first group – which comprises 150 signatories – is made up of international experts with significant expertise in international and financial law, countering financial crime, public policy, and human rights. For example, Natalie Jaresko is a Ukrainian-American stateswoman – one of the architects of the Ukrainian reform of the financial sector after Ukraine’s ‘Revolution of Dignity’ [the Maidan Revolution]. We have a member of the Dutch parliament with deep expertise in investigating and prosecuting money-laundering. We also have Timothy Ash and Anders Aslund as signatories – renowned economists with deep knowledge of both Russia and Ukraine. In my policy work, I was lucky to work with dozens of brilliant professionals, and I feel privileged to see such stellar names supporting our cause.

“We also have dozens of signatures from anti-money-laundering professionals from large Western banks. And it was, in a way, a bit of a surprise for me, because



PHOTO: AFP VIA GETTY IMAGES

**Marina Ovsyannikova, an editor at Russian TV station Channel One, bursts on to the set of the live nightly news programme on 14 March, holding a sign that says: 'No war. Don't believe the propaganda. They're lying to you here' and signed, 'Russians against war'**

I thought that such people would be more reticent and reluctant to speak out publicly, but that is not the case when you look at the signatory list. It is signatures from such people that should send a clear signal: this petition's demands are also shared by people from the private sector who want to help make the global financial system work better. That signal is incredibly powerful.

"The second group of signatories – employees of Ukrainian governmental institutions who have a role in preventing financial crime – is quite important, because it shows that they seek a more honest playing field for their country. These people – among them deputy ministers and judges – believe that such an authoritative institution, such as the FATF, should side with the rule of law and fairness, and that is why they signed this petition. As someone who has previously worked with many reform-minded civil servants in Ukraine, I know that these officials expect international institutions – like FATF – to

deliver on the principle of the rule of law when it comes to holding Russia accountable for its illegal actions.


"And the third group includes people who do not have an immediate connection to policy work or governmental institutions. I am quite proud that we have managed to collect over 3,000 signatures from the general public. I doubt that many of these people, in Ukraine and in 50 other countries, knew much about FATF and its role in terms of Russia. And, in that sense, we have also promoted FATF's mandate, so to speak."

### Current status

Vorobyov's campaign wrote to the FATF president on 25 March to notify him of the petition's demands and to urge him to respond within a month, and the president's office has confirmed the receipt of this letter. The campaign also communicated their demands to the heads of delegations at FATF, including Ireland's head of delegation (who has also confirmed receipt of the letter).

"These are the official representatives of 38 countries and intergovernmental bodies that are FATF members (bar Russia, of course)," Evgen explains. "We are now also communicating with senior politicians in those countries and in the EU institutions to persuade them that delivering on the petition's demands is the right thing to do, so that those politicians hold their governments accountable for their stance on Russia's membership and status at FATF."

"I, for one, hope that politicians will listen to our arguments and do what they are supposed to do – hold institutions like FATF accountable for their response to the biggest international issue on the agenda."

"I urge the *Gazette's* readers to sign the petition. It is essential that more legal and financial professionals step forward with their names and affiliations, and show that they are not comfortable with the fact that a country, such as Russia, is shaping the rules for countering terrorist financing and money-laundering for the financial world. We will be keeping the petition open until the FATF delivers on all the demands in the petition. The petition can be found at [no-finance-for-russia.com](https://no-finance-for-russia.com)." 

**RUSSIA, IN OUR OPINION, HAS NO BUSINESS ESTABLISHING RULES ON COUNTERING TERRORISM FINANCING WITH CRYPTO-ASSETS WHEN IT ENGAGES IN TERRORISM AGAINST THE CIVILIAN POPULATION HERE IN UKRAINE**

*Lynn Sheehan is a solicitor from Cork currently working at EUCAP Sabel Niger. She conducted this interview in a personal capacity, and any views expressed in the article are the participants' own.*

# AFTER THE FALL

**To date, Ireland has offered full refugee status to ten Afghan women judges and their families, who fled their country following the fall of Kabul to the Taliban in August 2021. Mary Hallissey tells their story**

“ 240 JUDGES ASKED IAWJ FOR ASSISTANCE IN ESCAPING. OVER 90 REMAIN IN AFGHANISTAN – FOR NOW, IN SAFE HOUSES – AND MANY WHO WERE SUCCESSFULLY EXTRACTED CONTINUE TO BE STRANDED IN TEMPORARY REFUGEE ACCOMMODATION IN OTHER COUNTRIES WHILE THEY SEEK VISAS FOR PERMANENT RESETTLEMENT

“

THE DAY THE TALIBAN CAME TO POWER WAS THE MOST PAINFUL DAY OF MY LIFE. EVERYTHING CHANGED. ON THAT DAY, NOT ONLY DID THE PEOPLE CRY, BUT EVEN THE STREETS AND CITIES WERE SILENT. IN THE CITY, CHILDREN PLAYING, THE MOVEMENT OF CARS, THE SOUND OF PEDLARS, WAS NO LONGER HEARD. MY CITY HAD BECOME TERRIBLE



PIC: SHUTTERSTOCK

**On 29 September 2021**, Ireland offered full refugee status to ten Afghan women judges and their families – a total of 43 people. The International Association of Women Judges (IAWJ) had been involved in the recruitment and training of Afghan women judges since 2004. When Kabul fell to the Taliban last August, all 270 female judges in the country were members of the IAWJ.

Before the fall of Kabul, all 270 judges initially wished to continue working in their own country, but it soon became clear that this would be impossible. In all, 240 judges asked IAWJ for assistance in escaping. Over 90 remain in Afghanistan – for now, in safe houses – and many who were successfully

extracted continue to be stranded in temporary refugee accommodation in other countries while they seek visas for permanent resettlement.

### Chaos

Amid the chaos of the Taliban takeover, volunteer IAWJ judges began organising the extraction of judges and their immediate families, with the assistance of partnering NGOs. They were evacuated to safe havens, where they began seeking visas for countries where they could permanently resettle. The ten judges who ultimately resettled in Ireland were sent to Greece, Macedonia, UAE, and other ‘lily-pad’ countries until their papers were processed and they flew to Dublin.

**J**ustice Shireen Avis Fisher, a member of the IAWJ, is an international judge who sits on the Residual Special Court of Sierra Leone. She explains that, under the Taliban, women sitting in judgment of men is considered blasphemy and punishable by death. After the Taliban takeover, the danger to women judges increased exponentially: “They opened the jails, and many of the men that had been sentenced by these women had sworn revenge and were coming looking for them.”

“It’s also blasphemy for a male parent or sibling or husband to ‘allow’ a woman to sit in judgment. The brothers and fathers of some of our judges have been detained by the Taliban and harassed repeatedly,” Justice Fisher adds.

Justice Fisher liaises with the Irish steering committee for the Justice Appeal for the women – including Ms Justice Mary Rose Gearty, Cormac Ó Cúláin (Bar of Ireland), Aonghus Kelly and James Douglas (Irish Rule of Law International), and Ms Justice Tara Burns (President of the Association of Judges of Ireland) – through weekly meetings, and regular contact with the Afghan families.

### Chased out

“These women were chased out of Afghanistan by the Taliban because they are women and because they are judges, so that’s why we became involved,” explains Justice Gearty, who is centrally involved in the Irish legal profession’s resettlement efforts. These were emergency relocations, the judge explains, adding that she hopes the Afghan families will be safely rehoused before the impact of the Ukraine refugee crisis hits this country in full.

The response of the Irish Government is described as extremely generous – the women are not asylum-seekers, but have been granted full refugee status, with the same benefits as Irish citizens.

“There is a recognition that this has been a peculiarly female crisis,” she adds. “We want to try to have real friends for these judges, not just professional support, but friendship. It’s so important to keep a focus on them and keep everyone alive to their plight and sympathetic

to their concerns. The immediate requirement is to offer housing, social and personal support.”

Along with a sympathetic State response, there have been astonishing offers of support from the legal community. The Law Society has offered to host a generous reception for the judges, and has created a programme of education in legal English, which will be of enormous benefit to the judges and their families in Ireland.

**W**hile the Afghan judges are deeply appreciative of what is being done for them in Ireland, some find it difficult to sleep due to anxiety about their parents and siblings who remain in Afghanistan. A senior counsel who specialises in immigration has met with each of the judges, answered questions, and given advice about the immediate and long-term possibilities for family members. Also, an immigration solicitor is generously working *pro bono* in applying for family reunification.

Justice Gearty believes that, if extended families can be housed nearby, it will help the judges settle in this country – this is another area where the legal profession may be able to help.

She observes that it’s very hard for the judges to accept this much charity, but the support group is actively looking for appropriate career paths for the women,

“UNDER THE TALIBAN, WOMEN SITTING IN JUDGMENT OF MEN IS CONSIDERED BLASPHEMY AND PUNISHABLE BY DEATH. AFTER THE TALIBAN TAKEOVER, THE DANGER TO WOMEN JUDGES INCREASED EXPONENTIALLY”



Afghan judges are settling into their new lives in Ireland

including one “very thoughtful” offer of a mediation job in HR, a role that involves many of the same skill-sets as those of lawyers and judges.

“Their lives are completely upended. These are dedicated, ambitious, intelligent women who really want to make a contribution to this country, but also want to return to Afghanistan, if they can, to rebuild their own country.”

### Exceptional women

These judges were ranking autonomous officials and financially independent in Afghanistan, observes Justice Fisher. “To obtain these positions as women in the Afghan culture and government, they have had to be exceptional. They have not only achieved academic excellence, but they have shown courage and commitment in the face of adversity.

“Not coincidentally, these are qualities that IAWJ nurtures in its training of women judges. Those qualities do not disappear because the judges are now refugees,” she adds.

In a matter of months, these strong and courageous women have become unemployed, impoverished, disempowered, and dependent on the welfare of the Irish State and the generosity of strangers. This creates a lot of room for confusion about what they are expected to provide for themselves, what will be provided for them, and how they are expected to act.

### Educational goals

Irish legal volunteer teams, coordinated by Ms Justice Tara Burns, look after the judges’ social-support needs, while Justice Fisher oversees the education programme. English proficiency is critical to educational goals, as well as to assimilation into Irish life.

The Afghan judges, through the IAWJ and the Max Planck Institute, have some scholarship opportunities. Each judge has also been assigned a trainee solicitor to help them navigate the research of career and educational options.

The Afghan women must accept that, unlike in their home country, they cannot train specifically to become a judge, and it remains a position that very few achieve under the common-law system and, even then, only after many years of practice as a lawyer. (After their university law degree, Afghans choose to train as a lawyer, an advocate, or a judge.)

That said, there are many other potential jobs for lawyers within the Irish courts system. All of the judges have received a tour of the Four Courts, have been introduced to judicial colleagues, and were presented with a copy of the Irish Constitution by Chief Justice Donal O’Donnell.

Each judge was given a refurbished laptop computer, donated by Irish Life, and a modem for internet access provided by the appeal fund.

Mobile phones are self-funded. The donated laptops

PIC: MOHAMMED SHOAIB AMIN/AP/SHUTTERSTOCK



**Women protesting in Kabul in December 2021 for education, food, jobs, security, political participation, and equality**

were distributed to the judges by local lawyers, through the coordination efforts of the Bar of Ireland’s Cormac Ó Cúláin, who also organised festive gift baskets.

### One judge’s story

One of the judges, ‘Judge Fatima’ (not her real name), is now living in Dublin with her husband and small children, and trying valiantly to piece together her life and learn English to a standard where she can resume legal work.

“My heart is with Ireland because this is also my country now. In a difficult day, Irish society came to my aid,” she says.

Fatima and her family were initially sent to an emergency reception and orientation centre and had to deal with a flood of paperwork, as well as strange weather and food. She recounts the terror and tears of leaving her home country with nothing but a 7kg piece of hand luggage, and learning that her home, paid for with her salary, is now occupied by strangers.

“I want to continue my education because I love my job. I want to improve my English-language skills first. And later I want to study to become a lawyer. I am keen to contribute to Irish society and be a positive person, because the Irish Government was by my side during the bad days of my life. I am very grateful to the Irish judges and lawyers who are by my side.

“I want to serve the Irish community. English is the key for progress for me – I can’t be a success in Irish life without it,” she says. “I love my job and I’m very upset about not judging,” she adds. “I also want the remaining women judges to be helped to move out of Afghanistan as soon as possible.”

### Hard-won qualifications

An outstanding student, Fatima managed to hide her impressive folder of academic qualifications among her belongings as she fled. These qualifications were hard-

won, given the many difficulties faced by women in Afghanistan: “Judging in Afghanistan was not easy,” she says. “I passed many difficult exams to become a judge.”

With excellent grades and four languages (Pashtu, Arabic, Farsi and some English), Fatima was one of 300 selected from 5,000 applicants to study for a two-year judicial education training course. In 2017, she was assigned to a public security court, a dangerous two-hour trip from Kabul, where she was a member of the court.

“I dealt with civil and criminal cases. Most cases were criminal, including drug trafficking, arms and ammunition smuggling, kidnapping, terrorism, and cases of corruption – bribery, embezzlement of government property, encroachment on public service.”

Once the Taliban threw open the jails, Judge Fatima’s life was in danger, as those seeking revenge were free to come after her.

“The Taliban attached explosives to

vehicles. I lived in constant fear. Before and after each journey, we would check the car for devices. The Taliban believe that it is forbidden for a woman to work as a judge. I did not feel safe.”

**B**efore coming to power, the Taliban also brutally ousted and assassinated several judges: “Every time a judge was killed, I became more afraid. Some even told me to quit because it was dangerous, but I never conceded defeat. I fought in the most difficult conditions.

“But the day the Taliban came to power was the most painful day of my life. Everything changed. On that day, not only did the people cry, but even the streets and cities were silent. In the city, children playing, the movement of cars, the sound of peddlars, was no longer heard. My city had become terrible.”

Fatima went into hiding before being rescued through a secret transfer organised by the IAWJ. But she feels deeply for her

male colleagues, who are still in hiding, depressed, scared, unable to work, and running short of money, with no sponsors to extract them from the country.

“Everything changed overnight,” she says. Music, parties, picnics ceased. Whatever modern progress Kabul had made all came to a sudden stop. “The Taliban do not pay the people who work in the offices – if they do pay, it’s very little, not like before. People live in absolute poverty. And in remote provinces, money is looted, and the people are generally oppressed.”

### Different courts


“The Taliban now have different courts; they judge for themselves and have mufti who graduated from religious schools,” Fatima explains. “The Taliban did not close the family courts, but women can no longer come and pursue family cases, in the absence of women judges.

“Twenty years ago, the Taliban did not allow girls to go to school and did not allow women to work. Now, I do not know what their plans are for girls’ schools, but they will never allow women to work in the same office as men,” she says.

**T**he situation in Afghanistan is now chaotic, with a seized-up economy and the population out of work and running short of food and essential medicine. The media are controlled, and freedom of expression has been eliminated. It’s a bleak vista of rolled-back rights and censorship.

“It has been proven to the world that oppressive governments do not last,” Judge Fatima says, holding on to the hope that her homeland will eventually be freed from oppression. “The Taliban offer nothing to the people.

“I am safe in Ireland with my husband and children. From the day we came to Ireland, I feel safe,” she says, telling of the support offered by other mothers in her neighbourhood. “They don’t say: ‘She is an Afghan person’, and leave me out – they include me,” she smiles.

“But my family in Afghanistan is not safe. They have no security, no economy, no money, no work, no job. It’s the law of terrorism now.” 

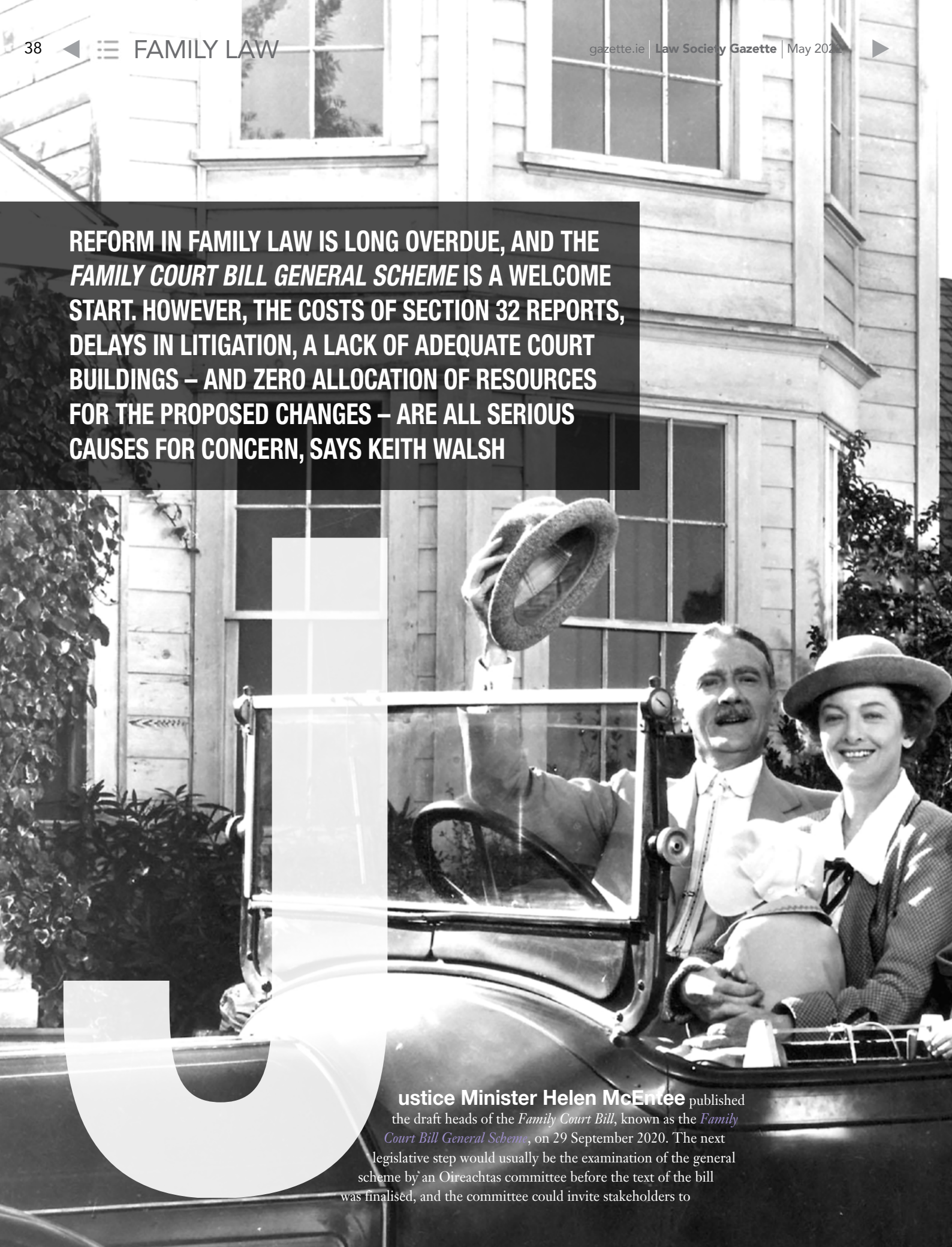
*Mary Hallissey is a journalist with the Law Society Gazette.*



A US C-17 is loaded with 640 Afghans escaping the Taliban on 15 August 2021

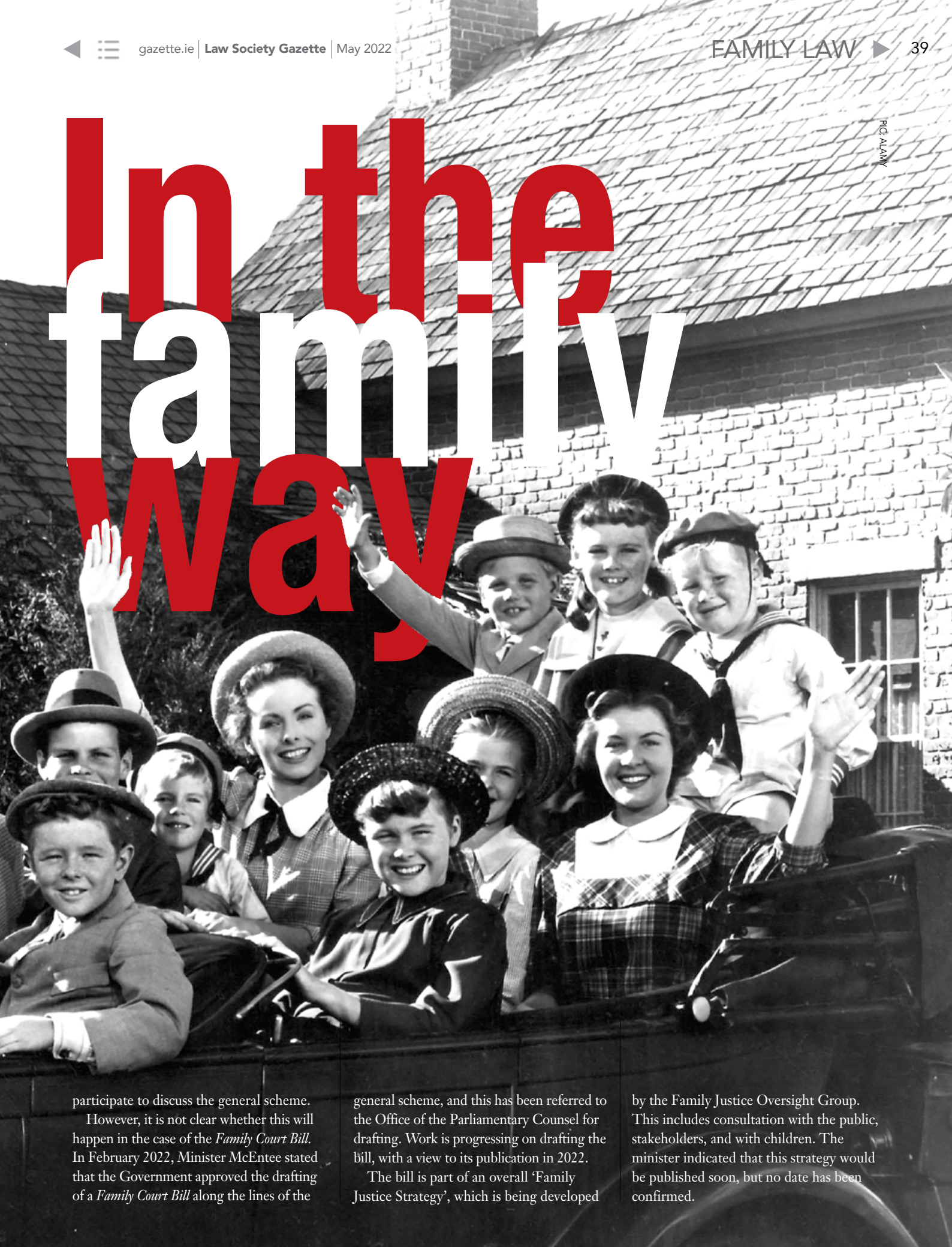


**REFORM IN FAMILY LAW IS LONG OVERDUE, AND THE *FAMILY COURT BILL GENERAL SCHEME* IS A WELCOME START. HOWEVER, THE COSTS OF SECTION 32 REPORTS, DELAYS IN LITIGATION, A LACK OF ADEQUATE COURT BUILDINGS – AND ZERO ALLOCATION OF RESOURCES FOR THE PROPOSED CHANGES – ARE ALL SERIOUS CAUSES FOR CONCERN, SAYS KEITH WALSH**



**Justice Minister Helen McEntee** published the draft heads of the *Family Court Bill*, known as the *Family Court Bill General Scheme*, on 29 September 2020. The next legislative step would usually be the examination of the general scheme by an Oireachtas committee before the text of the bill was finalised, and the committee could invite stakeholders to

# In the family way



participate to discuss the general scheme.

However, it is not clear whether this will happen in the case of the *Family Court Bill*. In February 2022, Minister McEntee stated that the Government approved the drafting of a *Family Court Bill* along the lines of the

general scheme, and this has been referred to the Office of the Parliamentary Counsel for drafting. Work is progressing on drafting the bill, with a view to its publication in 2022.

The bill is part of an overall 'Family Justice Strategy', which is being developed

by the Family Justice Oversight Group. This includes consultation with the public, stakeholders, and with children. The minister indicated that this strategy would be published soon, but no date has been confirmed.

The Family Justice Oversight Group is chaired by a senior official of the Department of Justice and includes representatives of the judiciary, the Courts Service, the Legal Aid Board, and the Department of Children, Equality, Disability, Integration and Youth.

Over the past 12 months, representatives of the Law Society, DSBA, and the Bar have contributed to the work of the oversight group in an effort to ensure that the new *Family Court Bill* is fit for purpose. They made comprehensive submissions on the general scheme in February 2021 and were critical of the absence of any representatives of the solicitors' or barristers' professions on the oversight group, calling for representation. This now seems unlikely to happen.

### Fundamental changes

It would also be preferable, given the fundamental changes proposed to the system of family law in Ireland, if the general scheme of the bill were to be subject to scrutiny by an Oireachtas committee prior to the drafting of the bill itself, as this would give the opportunity for further engagement with stakeholders and members of the public, as well as public hearings on the proposed changes, with additional scrutiny from members of the Oireachtas.

What is expected in 2022 is the publication of the Family Justice Strategy and the *Family Court Bill*.

What is *not* expected in 2022 (or any time soon) is for the family courts building in Hammond Lane to start, nor that there will be confirmation that the changes proposed in the general scheme (and eventually in the bill) will be properly resourced. As we have seen from the rushed introduction of the *Child and Family Relationships Act 2015*, unless family law changes are properly resourced, all the costs are passed onto the litigants.

While the changes in the 2015 act were welcome, the costs of section 32 reports

and the delays in litigation necessary to accommodate the appointment of experts, the release of reports, and the cross-examination of experts has led to a very significant increase in the time taken up by access, custody, and guardianship cases – but without the consequent increase in capacity of the District Courts. The day-to-day challenges for litigants, judges, practitioners, and courts staff in the District family court in Dublin and around the country are immense, and increased resources are required urgently.

In addition, the lack of adequate court buildings for family law in the District Court in Dublin, particularly in Dolphin House and the Bridewell, is still unacceptable. While the Courts Service for many years after the economic collapse received very little funding for infrastructure, that situation changed some years ago. However, family law in Dublin remains the poor relation, and will do so until measures are put in place to house the District family court, pending Hammond Lane being completed.

### Proposed reforms

Families are to be put at the centre of the new family-law justice system. Family law will get new specialist divisions within the current court structure – that is, separate family law District, Circuit and High Courts within the current system, but with new family court procedures that have the aim of less adversarial dispute resolution, and a new family-law rules committee to deal with all family-law jurisdictions to ensure consistency of approach.

It is proposed to create new, larger Family District and Circuit Court areas. This would allow specialist family courts to have jurisdiction over what would previously have been separate District/Circuit Court areas.

It is also proposed that family courts would be overseen by a 'principal judge' in District,

Circuit and High family courts (with the president of each court still in place).

Other proposed reforms include specialist knowledge and training for be mandatory for family court judges; a greater emphasis on alternative dispute resolution and more effective court processes; access to supports for families in family-law disputes (but no detail on allocation of resources or specifics on the supports), greater access to court documents currently restricted by the *in camera* rule, which relates to cases before the court; and plans for consent cases to be dealt with by the District Court in judicial separation, divorce, and cohabitation cases where, previously, this jurisdiction could only be exercised by the Circuit or High Court.

The general scheme proposes to change the jurisdiction of the courts in judicial separation, divorce, and dissolution of civil partnership and cohabitant proceedings in order to enable jurisdiction to be exercised by the District family court and Circuit family court. The District family court may be permitted to rule on consent divorce, judicial separation, and cohabitation cases, in addition to the Circuit family court.

It appears that the family High Court is losing its jurisdiction in judicial separation, divorce, and dissolution of civil partnership and cohabitant proceedings, which it concurrently holds with the Circuit family court.

### Positive and negative

The main positive aspects are that reform is needed (but so are resources), and that many of the proposed reforms are very progressive and necessary.

But there are several negative aspects, as well. There are immediately obvious issues for court users in relation to dealing with more family-law cases in the District Court, given that the court is already oversubscribed. If consent divorce, judicial separation, and cohabitation cases are to be added to the District Court jurisdiction, that will put an already overstretched and under-resourced court under unsustainable pressure.

The High Court has an expertise in lengthy and complex family-law cases. It would make sense for these cases (where the value of property involved is in excess of €3 million) to remain in the High Court in respect of judicial separation, divorce, and the dissolution of civil partnership and cohabitant proceedings. Figures from the latest Courts Service report indicate that, in 2020, a total of 46 applications for divorce and 19 applications for judicial

IF CONSENT DIVORCE, JUDICIAL SEPARATION, AND COHABITATION CASES ARE TO BE ADDED TO THE DISTRICT COURT JURISDICTION, THAT WILL PUT AN ALREADY OVERSTRETCHED AND UNDER-RESOURCED COURT UNDER UNSUSTAINABLE PRESSURE

separation were made in the High Court, whereas the corresponding applications in the Circuit Court were 5,220 and 617, respectively.

Also, the Family Justice Oversight Group (which is tasked with driving the project of family-law reform) is composed entirely of public servants. There are no NGOs/stakeholders, members of the Law Society, Bar, bar associations, or members of the Family Lawyers' Association involved.

And no resources have been confirmed, as yet, for the proposed changes. This is a cause for concern, as there can be no real reform of the nature proposed without substantial resources being committed.

### Issues not raised

There has been no mention of the Hammond Lane facility in the general scheme or reports, and an update is awaited from the Department of Justice. Similarly, specialist county registrars for the family Circuit Courts are required, but not mentioned.

One concern regarding a separate family division is that it may separate the practice of family law from other areas of law, as well as from long-established practice and procedure in the civil courts. Lord Sumption, in the 2013 English case of *Prest v Petrodel Resources* ([2013] UKSC 34), stated: "Courts exercising family jurisdiction do not occupy a desert island in which general legal concepts are suspended or mean something different. If a right of property exists, it exists in every division of the High Court and in every jurisdiction of the county courts. If it does not exist, it does not exist anywhere."

It is important that family law, which is already held behind closed doors due to the *in camera* rule, ensures that its procedure, as well as its decisions and judgments, are widely publicised to ensure confidence in the system. The *Prest* case illustrates the dangers of separating the family courts from the general legal system, since bad practices may creep in if a court is separated from the general system, particularly where there is an *in camera* rule preventing scrutiny or discussion, and where almost all Circuit family-court decisions are not published. In *Prest*, the judge at first instance fell into error, having made a finding in relation to piercing the corporate veil of a company that was not in accordance with general company law. The judge purported to disregard the separate legal personality of the company in order to impose a liability on it. This should properly have been that of the husband only, according to Hale L in her judgment in the same Supreme Court case.

One of the very serious issues faced by practitioners and litigants in the family courts is the lack of certainty of outcome in applications for ancillary relief in the context of judicial separation and divorce. In his report for the Law Society's Child and Family Law Committee, published in 2019, Dr Geoffrey Shannon recommended that a set of principles for the determination of ancillary reliefs, including all maintenance orders, lump-

THE BILL IS PART OF AN OVERALL 'FAMILY JUSTICE STRATEGY', WHICH IS BEING DEVELOPED BY THE FAMILY JUSTICE OVERSIGHT GROUP. THIS INCLUDES CONSULTATION WITH THE PUBLIC, STAKEHOLDERS, AND WITH CHILDREN


sum payments, settlements, property adjustment orders, and pension adjustment orders be developed in order to provide greater clarity and certainty in the determination of ancillary orders. He went on to state: "These principles, in conjunction with the factors set out in section 20 of the *Divorce Act*, ought to be referred to in each and every case, albeit not necessarily applied. This would provide much needed clarity and confidence for those seeking a decree of divorce, and also support the judiciary in making decisions."

The search for clarity and consistency in judicial decision making in family law may be provided by a specialist family-law division of the judiciary, but it is very important to recall that all leading family-law judgments in the area of judicial separation, divorce, and cohabitation have come from the superior courts, and the High Court in particular. The attempted removal of the High Court from these family cases is not a positive development, as the High Court has traditionally led the way in clarifying and illuminating family law, particularly in the context of judicial separation and divorce.

Finally, again, the lack of resources traditionally provided for family law, and the requirement for additional court buildings, staff, and expenditure in order to give effect to the proposed scheme, mean that these reforms may be a long time in coming.

### Plus ça change

The Law Reform Commission's 1996 *Report on Family Courts* proposed reforms, many of which never came to pass. For example, the report recommends that "only those judges should be selected who, by reason of training, experience and personality, are suitable persons to deal with matters of family law". The 2020 general scheme recommends that a family law judge should be "by reason of his or her training or experience and temperament, a suitable person to deal with matters of family law".

Reform is badly needed in family law, and the general scheme is a welcome start towards that reform. We await the publication of the draft Family Justice Strategy and the *Family Courts Bill* with interest, as they will undoubtedly radically change the way family law is conducted in this jurisdiction – hopefully for the better. 

*Keith Walsh SC is principal of Keith Walsh Solicitors and is a mediator, collaborative, and family lawyer.*



MIND  
THE

# G A P

A NEW DAY FOR LEGAL CAPACITY IS SET TO DAWN IN JUNE, WITH THE COMMENCEMENT OF SIGNIFICANT PROVISIONS OF THE *ASSISTED DECISION-MAKING (CAPACITY) ACT 2015*. HOWEVER, ÁINE HYNES WARNS THAT THERE ARE SIGNIFICANT GAPS IN THE LEGISLATION AS IT STANDS



**he proposed commencement** of the *Assisted Decision-Making (Capacity) Act 2015* in June 2022 marks a new era for legal capacity. Legislation that supports people in their decision-making is very much welcome.

The act is very ambitious in scope, dealing with enduring powers of attorney (EPAs), advance healthcare directives, and the ratification of the *Hague Convention on the International Protection of Adults*. Perhaps, most significantly, it is designed to support people in their decision-making and to replace the system of wardship, which has existed in one form or another since 1324.

The 2015 act will repeal the current capacity legislation (the *Lunacy Regulation (Ireland) Act 1871*). The new system of supported decision-making will involve:

- Decision-making assistants (private arrangement),
- Co-decision-makers (to be registered with the Decision Support Service), and
- Decision-making representatives (requires a Circuit Court application).

Extensive work has been undertaken by the Decision Support Service (DSS) in preparing for the new system, including investment in IT and HR. Aside from establishing the Office of the DSS, the director of the DSS has been actively involved in training, in the approval and finalisation of codes of practice (drafted by the National Disability Authority in consultation with relevant professionals), and engagement with

various stakeholders. Interviews are currently taking place to establish panels under the 2015 act. As part of preparation for commencement, the DSS is also engaged in an interagency working group with the Courts Service.

### Proposed amendments

Responsibility for the legislation has moved from the Department of Justice to the Department of Children, Equality, Disability, Integration and Youth (CEDIY). A draft general scheme and heads for the *Assisted Decision-Making (Capacity) (Amendment) Bill 2021* was published in November 2021. An open call was made on 20 December 2021 by the Joint Committee on CEDIY for submissions on the amendment bill.

**T**he scheme extends to 174 pages, with a considerable number of amendments on an act not yet commenced. The Law Society's Task Force on Mental Health and Capacity Law prepared one of the 25 submissions that were made. The committee issued its report on pre-legislative scrutiny of the amendment bill on 8 April.

In issuing its report, the committee expressed concern that the timelines for stakeholders were extremely tight, and noted the submissions were consistent in expressing the concern that there was no meaningful or accessible consultation process carried out during the development of the bill. The committee itself also came under time pressure in delivering its pre-legislative scrutiny report. It made 64 recommendations in total, and it remains to be seen if its recommendations will be incorporated into the final amendment bill.

### Legislative gaps

Aside from the obvious concern that the amendment bill has not yet been finalised and that there is no legislative certainty at this late stage, the Law Society has identified significant *lacunae* that exist in the legislation, which arise from the



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proposed implementation plan:

- *Deprivation-of-liberty safeguards:* the Society has noted that there will now be no part 13 to the 2015 act. Part 13 was intended to deal with deprivation-of-liberty safeguards. Currently, there is a statutory scheme, namely wardship, which provides deprivation-of-liberty safeguards to persons without capacity who are detained for their protection. The repeal of the wardship legislation without provision for an alternative statutory scheme for deprivation-of-liberty safeguards is a cause of great concern, and was raised in submissions presented to the committee.
- *Cessation of wardship applications in advance of commencement of alternative legislative provisions:* it is proposed that section 7(2) (which repeals the 1871 act) will take effect immediately on commencement of the 2015 act. Currently, applications in wardship take some three months to progress. Commencement of

section 7(2) in tandem with the 2015 act means that the Office of the Wards of Court will not have sufficient time to progress applications that are received within a number of months of commencement of the 2015 act.

On learning that there would be no transitional provisions to enable applications to be progressed, the Law Society wrote to the relevant ministers and the committee on 16 March, recommending that appropriate provisions be put in place for an orderly transfer from the current wardship system to the new systems.

The Law Society strongly recommended that a phased implementation be put in place, so that the Office of Wards of Court can continue to progress and finish all applications for persons who lack capacity received in advance of commencement of the 2015 act. This would ensure that there was no gap during which the affairs of a person who might lack capacity could not be dealt with for their benefit.

“ASIDE FROM THE OBVIOUS CONCERN THAT THE AMENDMENT BILL HAS NOT YET BEEN FINALISED AND THAT THERE IS NO LEGISLATIVE CERTAINTY AT THIS LATE STAGE, THE LAW SOCIETY HAS IDENTIFIED SIGNIFICANT *LACUNAE* THAT EXIST IN THE LEGISLATION, WHICH ARISE FROM THE PROPOSED IMPLEMENTATION

It was noted that aspects of the proposed implementation plan could bring about unintended consequences that might cause undue hardship for families and carers, and deny access to justice for the most vulnerable in society.

### Wardship applications

A notice was issued on 1 April by the Registrar of Wards of Court, stating that, in preparation for the commencement of the 2015 act, the President of the High Court has directed that the Office of Wards of Court will stop accepting new wardship applications under section 15 of the *Lunacy Regulation (Ireland) Act 1871* from 22 April 2022. As section 15 applications take in the region of three months to progress, it is understandable that no new applications can be accepted after 22 April 2022.

**T**he notice advises that applications will still be accepted where there is a documented urgency and a requirement for specified court orders. These orders would typically be urgent treatment orders or urgent placement orders. The notice also confirms that all proceedings under an inquiry order will continue to be heard and listed before the court until commencement of the 2015 act.

This will inevitably result in a situation where some applications that have been lodged in advance of the 22 April deadline may not be heard by the court in advance of commencement of the 2015 act. This means that a fresh process under the 2015 act will need to be commenced. Quite apart from extending the time it will take to obtain reliefs for a person who has lost capacity, this will incur further legal costs and is a waste of court resources.

### Judicial and court resources

There are approximately 2,500 wards of court, with applications being dealt with in the High Court. The President of the High Court and two other assigned High Court judges currently sit on a daily basis hearing wardship applications.

**C**ircuit Court applications under the act will take place in nine Circuit Courts. It is anticipated that there will be multiple applications before the Circuit Court, as applications will be issue-specific and the numbers of capacity applications may increase tenfold. It is understood that there will be 1,200 applications to the Circuit Court in the initial stages of the commencement of the 2015 act.


It is also understood that no additional Circuit Court judicial resources are being made available on commencement of the 2015 act. When the act was first drafted, it was intended that six additional judges would be assigned to hear applications under the act – currently there are no proposals to increase Circuit Court judicial resources.

## THE LAW SOCIETY RECOMMENDED THAT APPROPRIATE TRANSITIONAL PROVISIONS BE PUT IN PLACE FOR AN ORDERLY TRANSFER FROM THE CURRENT WARDSHIP SYSTEM TO THE NEW SYSTEMS UNDER THE 2015 ACT

In addition, there will be a considerable burden on Circuit Court office staff in familiarisation with, and processing of, the new form of applications under the act. Due to the processing time involved, it is unlikely that applications will be heard before the Circuit Court until October 2022.

### Difficult transition period

It is to be hoped that the Law Society's recommendations will be carefully considered. They were offered to assist an orderly transition into a new era in legal capacity in the State. That transition will be significantly more difficult than necessary in the absence of a phased implementation to allow the Office of Wards of Court sufficient time to finish all applications received in advance of commencement of the act.

Without a phased implementation of the 2015 act, there will be a legislative gap, during which the affairs of a person who may lack capacity cannot be dealt with for their benefit. Practitioners will be in the invidious position of being approached for assistance during the legislative *lacuna*, and having to explain that they have no means by which to provide that assistance until such time as the 2015 act is commenced and, thereafter, an application can be made. 

*Áine Hynes SC is chair of the Law Society's Task Force on Mental Health and Capacity Law and a partner in St John Solicitors LLP, Dublin 7.*

## LOOK IT UP

### LEGISLATION:

- [Assisted Decision-Making \(Capacity\) Act 2015](#)
- [Assisted Decision-Making \(Capacity\) \(Amendment\) Bill 2021: Draft General Scheme and Heads of Bill](#)
- [Hague Convention on the International Protection of Adults 2000](#)
- [Lunacy Regulation \(Ireland\) Act 1871](#)

### LITERATURE:

- [Law Society Submission on the General Scheme and Heads for the Assisted Decision-Making \(Capacity\) \(Amendment\) Bill 2021](#) (January 2022)
- [Report on Pre-legislative Scrutiny of the General Scheme of the Assisted Decision-Making \(Capacity\) \(Amendment\) Bill 2021](#) (Joint Committee on Children, Equality, Disability, Integration and Youth, April 2022)

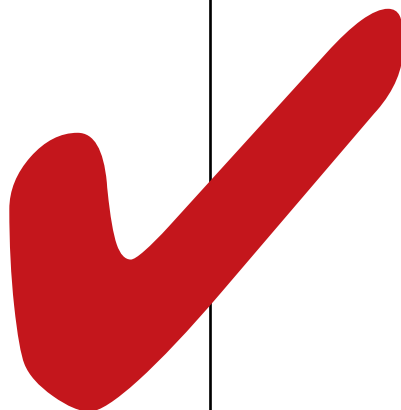


GET UP,

STAND

UP

The recently published *Electoral Reform Bill* is set to bring about significant change to many aspects of the electoral system in Ireland. Jennifer Kavanagh casts her vote



## he long-awaited

*Electoral Reform Bill 2022* was recently published, following on from the heads of bill, which were released in 2021. When enacted, the bill will change many things about the electoral system in Ireland, including registering to vote, the maintenance of the register of political parties, the creation of online political advertising regulations, and – most importantly – the creation of a full-time Electoral Commission for Ireland for the first time.

The legislation covering the regulation of elections in Ireland stems from the general provisions of article 16 of the Constitution, which are fleshed out in the *Electoral Acts 1992-1997* and their various piecemeal amendments over time. However, there is a need to modernise and update various issues, as addressed in the 2022 bill, and to create this new Electoral Commission.

The essential function of any electoral management body, such as the envisaged commission, is to act as an impartial oversight body for the conduct of elections and the administration of an electoral system. If one compares elections



to a game (albeit one with high stakes for the development and administration of a country), an electoral commission will act like a referee. It should not relate to parties, those in power, or anyone who may stand to gain from an election or referendum result. There is a need for a structural separation between those creating, implementing, and being subject to the electoral rules.

The establishment of a full-time Electoral Commission has been repeatedly mentioned in many programmes for Government – yet has been unrealised until now. The campaign for the creation of such a commission has been ongoing for many years, both from the legal community, political-science academia, and civil-society organisations. The *Consultation Paper on the Establishment of an Electoral Commission in Ireland* was published in January 2016. This paper followed on from the *Preliminary Study on the Establishment of an Electoral Commission in Ireland*, which was submitted by the members of the Geary Institute in University College Dublin in November 2008.

### Which side are you on?

Traditionally, electoral regulation in Ireland has been carried out by the franchise section of the Department of Housing, and the local delegation of powers to the councils and

sheriffs through the country. The current bodies involved in the regulation of the electoral landscape are the Standards in Public Office Commission and the *ad hoc* Referendum Commission.

**T**he Standards in Public Office Commission plays a vital role in the regulation of political life in Ireland, under the provisions of the *Ethics in Public Office Act 1995*. This act places ethical obligations on ministers, elected officials, and members of the public service. The commission is responsible for ensuring the compliance of political parties with various statutory duties, such as financial compliance for donations (for example, annual accounting statements from political parties), the payment of State political allowances (such as party leaders' allowances), and the enforcement of the legislated ethics framework for elected public officials.

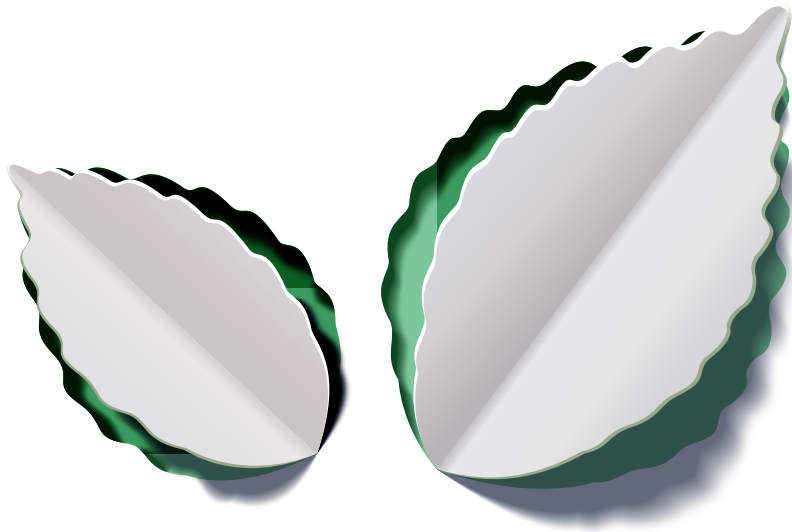
The current format of the Referendum Commission in the wake of the well-known *McKenna v An Taoiseach (No2)* judgment does allow for general information regarding referenda to be communicated to voters. The main deficiency with the current Referendum Commission is that it is only created when the legislation to hold a referendum has commenced.

The legal imperative for such a commission was to find constitutional expression in *McKenna*, and further emphasised in *McCrystal*. While the judgment in *McKenna* will be more widely known for its division of roles and responsibilities between Government and parties in referendum campaigns, it was also the catalyst for the creation of the Referendum Commission because, while the Government, under the constitutional guarantee of equality, could not spend public money to espouse one viewpoint over another, there was a need for a body to make people aware of the holding of a referendum and the proposal that was being brought before the people.

### By the people

The functions of the Electoral Commission that are envisaged by the legislation, specifically in Chapter 5 of the draft legislation, are very broad, and demonstrate the amount of work required in the management of an electoral system – both during elections and referendums, and in the day-to-day management of the electoral landscape.

The commission will comprise a chairperson (who will be a member of the senior judiciary), the ombudsman,



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clerk of the Dáil, and four to six ordinary members, who would have a background in the administration of elections, public administration, finance, or advertising and publicity (particularly with digital aspects of a political campaign).

The commission will be required to:

- Explain referendum proposals and electoral processes to the public,
- Review constituencies for Dáil and European elections,
- Review local electoral boundaries,
- Research electoral policy and procedures,
- Prepare and maintain the register of political parties, and
- Prepare and maintain the electoral register.

The commission will also have a new function regarding the regulation of online political advertising.

### Take the power back

For the average voter, the impact of the commission will be enormous. For the first time, individuals who have been the subject of domestic violence will be able to register in a way that will not allow perpetrators to track them through the register of electors. The cut-off periods for registration will be removed, with rolling registration available until before an election.

**T**here will also be a facility to prepare a draft register of those who are between 16 and 17 years of age.

This is indicative of moves to expand the franchise to younger people for possible future inclusion in any local or European elections. Even though there has been consideration of extending the franchise in Dáil elections to those under the age of 18, such a measure would require a referendum. This draft register would also make it easier for their inclusion on the register when they turn 18. Postal voters and those in long-term nursing or medical accommodation – known as special voters – will also be included in a new rolling register.

The function of the Electoral Commission to carry out research on electoral policy and procedure is especially welcome. Even though it does not seem like one of the most pressing concerns for an electoral management body, there is no centralised State research facility for electoral matters, apart from individual and collective academic data-collection efforts. This is important for developing a wide understanding of election issues, and

**FOR THE AVERAGE VOTER, THE IMPACT OF THE COMMISSION WILL BE ENORMOUS. FOR THE FIRST TIME, INDIVIDUALS WHO HAVE BEEN THE SUBJECT OF DOMESTIC VIOLENCE WILL BE ABLE TO REGISTER IN A WAY THAT WILL NOT ALLOW PERPETRATORS TO TRACK THEM THROUGH THE REGISTER OF ELECTORS**

understanding the development of practice norms in the area. This role will extend to all elections and referenda in the State. The commission will also have to create a report on all electoral events after the holding of ballots. The registration of political parties will now be a matter for the Electoral Commission, rather than the Clerk of the Dáil.


### World turned upside down

Once established, one of the first major tasks of the commission will be to review the constituency boundaries for the Dáil, local, and European Parliament elections, based on the census carried out in April 2022. The commission will also deal with local and EU elections – and the proposed referendum on extending the right to vote to Irish citizens living abroad for the presidential elections in 2024.

The existing Standards in Public Office Commission will remain in place, with its current remit and responsibilities. There is no sign that the two bodies will be merged,

as they operate in different spaces of the electoral regulation landscape. However, there may be an argument in the future for the amalgamation of the two bodies for administrative efficiency.

**I**n all, the proposals contained in the *Electoral Reform Bill 2022* are welcome and necessary. After many years of reports and campaigning in the area, this body, as envisaged, will transform the regulation of elections in Ireland for the better. It will have a role in future debates in the electoral reform space in Ireland.

Many technical issues, such as the cut-off dates for registering as a voter will be removed. The day-to-day improvements that are needed for electoral integrity in Ireland are finally being addressed by the establishment of this body. 

*Dr Jennifer Kavanagh is a law lecturer in Waterford Institute of Technology, specialising in constitutional law, administrative, and electoral law.*

## LOOK IT UP

### CASES:

- *McCrystal v Minister for Children and Youth Affairs & ors* [2012] IESC 53
- *McKenna v An Taoiseach (No 2)* [1995] IESC 11

### LEGISLATION:

- *Electoral Reform Bill 2022*
- *Ethics in Public Office Act 1995*
- *Standards in Public Office Act 2001*

### LITERATURE:

- *Consultation Paper on the Establishment of an Electoral Commission in Ireland* (Department of Housing, Local Government and Heritage, 29 January 2016)
- Richard Sinnott, John Coakley, John O'Dowd, James McBride, *Preliminary Study on the Establishment of an Electoral Commission in Ireland* (Geary Institute, University College Dublin, November 2008)

# Locked doors of perception

The DisAbility Legal Network held a recent seminar in which participants discussed the key elements that contribute to the creation of an equitable, diverse, and inclusive work culture. Mary Hallissey reports

PERCEPTION IS ALWAYS THE BIGGEST BARRIER – AND THIS INFLUENCES ATTITUDES. IF WE CAN CHANGE THE PERCEPTION, WE CAN CHANGE THE ATTITUDE

The DisAbility Legal Network held an information seminar for more than 100 in-person and virtual attendees on fostering a disability-inclusive culture in the Irish legal sector (hosted by William Fry LLP at their Dublin office on 29 March).

Jane Barrett (chairperson of DisAbility Legal Network, and a William Fry associate) told the event that the genesis for setting up the network was the realisation that Ireland had no suitable support structure. Having discovered the [Lawyers with Disabilities Division](#), connected to the Law Society of England and Wales, she said: “I thought a

network where people were open about their disabilities would be really beneficial for people.”

With the assistance of the Law Society of Ireland, an initial meeting gathered together interested parties. The group agreed that a network should be established outside of the professions, similar to the OUTlaw Network for the LGBTQ+ community in the legal sector.

### Promoting accessibility

At the first meeting of the new network’s steering committee, the goals of making disability more visible, promoting accessibility within the legal sector, and offering networking

opportunities were laid out.

Various forms of disability, both visible and invisible, were listed – for example, neurodiversity (including dyslexia), chronic illness, and mental-health conditions – in order to emphasise how broad the term ‘disability’ is.

A straw poll of whether those with disabilities had shared their health status with employers revealed that 63% had not done so.

### Targets

Niamh Fawl (senior standards and monitoring officer with the National Disability Authority) was the keynote speaker at



Owen O’Sullivan, Niamh Fawl, Catherine O’Flynn, Jane Barrett, Elaine Cahill and Martin Gordon BL



PIC: SHUTTERSTOCK

the seminar. The NDA is the independent State body providing evidence-informed advice on disability policy and practice to the Government, and promoting ‘universal design’ in Ireland. In this capacity, the NDA provides advice and guidance to public and private-sector employers to create equitable, diverse and inclusive (EDI) work cultures that:

- Attract, retain, and progress the careers of persons with disabilities, and
- Support employees to feel comfortable sharing their disability status.

The NDA also advises employers on how to create EDI work cultures using a universal-

design approach, so that mainstream products, services, communications (digital, written, spoken and signed), public spaces, and the built environment are easy to access, understand, and use for everyone – regardless of age, size, ability or disability.

Under part 5 of the *Disability Act 2005*, the NDA monitors the progress that the public sector is making in promoting the recruitment and retention of people with disabilities, and ensuring that a minimum of 3% of their employees are people with disabilities.

The minimum statutory employment target for those with disabilities is currently 3%, increasing to 6% in 2024.



Legislation to place this increase on a statutory basis is likely to be enacted before the end of 2022.

### Visible representatives

Fawl advised that there were a number of key elements that

contributed to the creation of an EDI culture, which increased the recruitment and retention of persons with disabilities and supported employees to feel comfortable in sharing their disability status.

Commitment from CEOs, directors, and senior management to creating an EDI work culture was an essential element – and this commitment should be communicated through an organisation’s HR/corporate strategy policies and procedures.

Some of the other key elements included the appointment of persons with disabilities as visible representatives to internal advisory groups that informed the development and evaluation of policies and processes. Their

IN-PERSON CPD CLUSTERS RETURN FOR 2022

- 12 May - Essential Solicitor Update 2022 – The Landmark Hotel, Carrick-on-Shannon
- 19 May - Midlands General Practice Update 2022 - Midland Park Hotel, Portlaoise
- 23 June - North West Practice Update 2022 - Lough Eske Castle Hotel, Donegal
- 30 June - Essential Solicitor Update Limerick 2022 - The Strand Hotel, Ennis Road, Limerick

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DATE	EVENT	CPD HOURS	DISCOUNTED FEE*	FULL FEE
4 May	<b>IMRO and Law Society Annual Copyright Lecture 2022</b> Law Society of Ireland, Blackhall Place, Dublin	1.5 General (by Group Study)		Complimentary
5 May	<b>The Trauma Informed Practitioner online Summit</b> Online Webinar with Live Q&A Sessions	3 General and 1 Management & Professional Development Skills (by eLearning)	€160	
6 May	<b>Probate Practice Masterclass</b> Lecture Theatre, Law Society of Ireland, Blackhall Place, Dublin	6 Hours General (by Group Study)	€290	€335
10 May	<b>Effective Advocacy for Young People</b> Online Webinar with Live Q&A Sessions	1.5 General (by eLearning)		Complimentary
19 May	<b>Negotiation Skills for Lawyers</b> Law Society of Ireland, Blackhall Place, Dublin	2.5 General Management & Professional Development Skills, (by Group Study)	€160	€185
17 May	<b>The Younger Members Committee Spring Series 2022</b> Multiple Dates	General and Management & Professional Development Skills (by eLearning) (.5 per session)		Complimentary
19 May	<b>ESG and the In house Solicitor 2022</b> Law Society of Ireland, Blackhall Place, Dublin	2.5 General Management & Professional Development Skills, (by Group Study)	€65	
14 June	<b>Effective Communications Skills Workshop</b> Lecture Theatre, Law Society of Ireland, Blackhall Place, Dublin	3.5 Management & Professional Development Skills (by Group Study)	€160	€185
15 June	<b>Project Management</b> Law Society of Ireland, Blackhall Place, Dublin	5.5 Management & Professional Development Skills (by Group Study)	€160	€185
19 July	<b>Irish Sign Language (ISL) in the Legal Setting</b> Green Hall Lecture Theatre, Law Society of Ireland, Dublin	5 Management & Professional Development Skills (by Group Study)	€270	€330
26 July	<b>Handling Difficult Conversations for Managers</b> Law Society of Ireland, Blackhall Place, Dublin	3 Management & Professional Development Skills (by Group Study)	€135	€160
Available now	<b>International Arbitration in Ireland</b> Online, On-Demand	1.5 General (by eLearning)		Complimentary

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\*Applicable to Law Society Skillnet members

expertise and lived experience of disability could enhance and drive an organisation's EDI agenda.

Organisations should have inclusive recruitment policies, Niamh Fawl said. It was also important that they had clear policies and procedures on career progression for all employees – including employees with disabilities – as this could be a key factor in employee retention.

### Reservations on disclosure

Panel member Elaine Cahill qualified as a solicitor in 2007, and now works for the Competition and Consumer Protection Commission. She told the gathering that, as a person with visual disability, she often had reservations over whether to disclose this to employers.

"I am registered blind," Elaine said, adding that her first challenges were when she studied at UCD during the early 1990s, where staff expressed reservations about a visually impaired student studying a reading-intensive course such as law. "One of the biggest challenges I faced was the perception that, because you have an eyesight problem, you cannot read, or cannot read a lot," she stated.

Elaine employs active-reading techniques, absorbing information quickly, and added that advances since her university days have helped, since most material was now available digitally.

"Throughout my career, in some past positions, I've declared my disability; while in others, I haven't," she said, adding that her ability to do the job had never been hindered by her disability.

She believes that the perception that stronger employee protection exists in the public sector may make it



Jane Barrett (chairperson, DisAbility Legal Network)

easier for people to disclose a disability to such employers, as they feel safer in doing so. She added that there was often a designated disability liaison officer in the public sector, so a person to speak to was clearly identified. She agreed that the private sector could learn from this approach.

"Everybody's disability is different," she said – with differing needs as a result. "It's an individualised thing, and that's where both the organisation and the person themselves need to have a conversation about what's appropriate for them."

### Biggest barrier

Barrister Martin Gordon, who is also visually impaired, said that perception was always the biggest barrier he encountered – and that this influenced attitudes. "If we can change the perception, we can change the attitude," he said.

"See the ability and not the disability of a person," Elaine Cahill said. "Those with disabilities have enormous levels of skills, and have the ability to do their job, but may have slightly different things they have to do to accomplish their job. That doesn't mean they should be overlooked for a promotion" she added.



Owen O'Sullivan (managing partner, William Fry)

"Dialogue is important. If someone has declared, and if an employer has a query about the person or any accommodation they may need to assist, then have the conversation," she urged. "Usually it's easily responded to – people want to show their full potential."

But those with a disability must feel comfortable to disclose and discuss their specific needs openly with their employer, she pointed out.

### Personal question

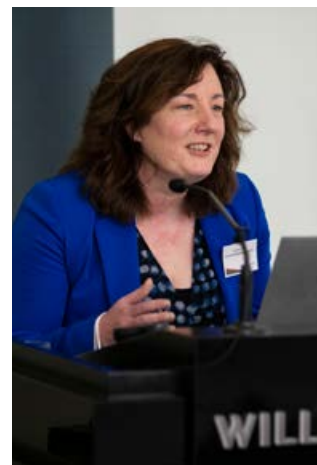
Fawl said that employers might have difficulty reaching the 3% target because, for various reasons, employees with a disability might not be willing to share their status.

Staff turnover was also a factor in reaching that target, she added.

Cahill said that, on balance, she would encourage disclosure, though it was a difficult and personal question: "I see it as a positive step – being able to articulate what you need. It helps your employer support you in doing your job," she said.

But this step should only be taken if the person felt safe, and sure that declaring would not have a negative impact. **g**

*Mary Hallissey is a journalist with the Law Society Gazette.*



Niamh Fawl (National Disability Authority)

PICS: FENNEL PHOTOGRAPHY

SEE THE ABILITY AND NOT THE DISABILITY OF A PERSON. THOSE WITH DISABILITIES HAVE ENORMOUS LEVELS OF SKILLS, AND HAVE THE ABILITY TO DO THEIR JOB, BUT MAY HAVE SLIGHTLY DIFFERENT THINGS THEY HAVE TO DO TO ACCOMPLISH THEIR JOB



# Circle of **life**

**Perinatal mental-health disorders can affect the psychological wellbeing of the mother, infant, and family unit if left untreated. To support new mothers on a personal and professional level, Niamh Delmar explains that employer education is all important**

IN STUDIES CONDUCTED, THE MAJORITY OF MOTHERS REPORTED THAT FLEXIBLE WORKING ARRANGEMENTS AND A PHASED EASING BACK INTO THE JOB WOULD AID REINTEGRATION

**P**erinatal mental health' refers to a woman's emotional and psychological wellbeing during pregnancy, childbirth, and the first year after birth. If untreated, symptoms may persist beyond this. It covers a wide range of conditions.

A significant number of women are affected, and many do not seek help. According to the HSE Specialist Perinatal Mental Health Services, one in five women experience mental-health problems in pregnancy or after birth. According to Maternal Mental Health Alliance, one in ten women will experience a perinatal mental-health problem, and 70% of women will hide or downplay symptoms.

The perinatal period is marked by challenges, hormonal fluctuations, and life-changing experiences. While this period may bring joy to many, for others it puts their mental health at risk and affects their daily functioning.

The causes of perinatal mental-health issues are multifactorial. Studies identify pre-existing mental-health problems as contributing factors. A previous history during pregnancy or the postpartum period have also been linked to psychological complications for women.

Psychosocial factors include ongoing stressful life events, a lack of support, a poor

relationship with a partner, distress caused by a lack of involvement from a partner, low levels of emotional support, and domestic violence. The impact of previous trauma on a person's mental health has also been found to be a contributing factor.

## **Treatable conditions**

With appropriate interventions and support, perinatal mental-health conditions are treatable. Often, it is those closest to or living with the woman who spot complications arising. Recent studies reveal that up to 20% of women experience mood or anxiety disorders during pregnancy. Excessive fears about the birth, and about becoming a mother, and adjustment difficulties may feature. High rates of relapse have also been observed in women with bipolar disorder. Pre-existing conditions and a discontinuation of psychotropic medications are aggravating factors.

There may be an unintended pregnancy, relationship difficulties, pre-term delivery, or miscarriage. Approximately 10-20% of pregnancies end in miscarriage. This can be a devastating and traumatic experience for the woman, her partner, and their families and friends. Miscarriage grief is intense and associated with sadness, exhaustion, anger, shock, depression, and anxiety.

Hormones are also shifting, adding to the emotional upheaval.

Weight gain and a changing body shape may be distressing for those with eating disorders. Tiredness and morning sickness affect daily functioning, and an extreme form (hyperemesis gravidarum) can cause dehydration and may require hospitalisation. MRI imaging has found that pregnancy shrinks the brain's grey matter. Many women report memory problems. Redirection becomes focused on caring for the newborn.

## **Faulty assumptions**

Childbirth is a traumatic experience for some women. Assumptions that giving birth is natural and joyful are faulty. Birth trauma is often evident after a prolonged and painful labour if there was risk to mother and baby, or after a stillbirth. Women who have experienced post-traumatic stress disorder after childbirth describe having felt a loss of control, and having received a lack of empathy and communication during the birth.

They also may have experienced physical distress and extreme pain, with episiotomies, incontinence, weakened pelvic floor, bladder prolapse, and other birth injuries. Extreme disappointment and distress may be experienced as a result of not



FIG: ALAMY

having had the birth experience that was planned, expected, and hoped for.

### Postnatal issues

Breastfeeding, exhaustion, trouble bonding with baby, biological changes, and postpartum psychiatric disorders can further complicate this vulnerable period. Breastfeeding can become a stressful event for some women due to supply issues, mastitis, plugged ducts, tongue tie, and other issues. Challenges involve recovery from giving birth, intense infant care, adjustment, and sleep deprivation. Infants may have health or feeding issues. It can be a period of isolation and loneliness for mothers. Relationships with partners often change, and identity may get lost.

Postnatal conditions are underdiagnosed and undertreated. Approximately 50-80% of women experience postpartum blues during the first few weeks

after giving birth. If symptoms of depression persist beyond this time, evaluation of postpartum depression is needed. Anxiety disorders specific to this period, post-traumatic stress disorder, obsessive compulsive disorder, and postpartum psychosis all need specialised intervention.

### Antenatal depression

While mood changes occur during pregnancy, antenatal depression is marked by specific criteria, including negative thoughts and fears about motherhood. Emotions may become overwhelming, and daily functioning impaired. Postpartum depression is the most common disorder occurring, generally in the first two to three months after childbirth.

Symptoms include a pervasive low mood, low energy, anhedonia (the inability to take pleasure in a previously pleasurable activity), sleep and

appetite disruption, anxiety, and possibly suicidal ideation. Negative thoughts and excessive preoccupation about the baby, and feelings of guilt and inadequacy feature. Tearfulness is reported by many women who struggle psychologically.

### Anxiety disorders

Research has found that perinatal anxiety disorders are underdiagnosed. Fears about birth, motherhood, the newborn, and the future can become excessive and all consuming.

Postpartum post-traumatic stress disorder is generally characterised by stress, nightmares, flashbacks, and hyperarousal. It may be associated with a significant fear or terror of going through childbirth again. Partners may also experience symptoms.

Obsessive and compulsive symptoms can also arise during pregnancy and after childbirth. Rituals can take up significant

time and energy. Mothers may be severely disturbed by intrusive thoughts and images, and those who have revealed these in therapy with this author have been so distressed. Such mental intrusions are relentless and repetitive, and can result in high levels of anxiety, panic attacks, and sleep disturbance. There may be a reluctance to disclose intrusive thoughts for fear of being judged. Some relief is reported when these are named, understood as symptoms, and treated.

Post-partum psychosis is a serious illness requiring urgent medical attention. Symptoms include hallucinations, delusions, agitation, confusion, behaving out of character, mania, and low mood. The woman may not realise she is ill, so it is vital that those close to her spot the signs.

### Returning to work

This can create emotional upheaval for some mothers.



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Separation anxiety may feature for both mothers and babies. Mentally and physically, the woman may not be ready. Each baby has different needs. Childcare has to be arranged, and a whole new system organised. Feelings of guilt, ‘juggling it all’, and increased stress affect mothers. It is often not a choice for women to return to work.

Research conducted by DCU Business School identified three main negative transition experiences: career derailment, unconscious biases among colleagues, and a deterioration of professional relationships.

#### *Personal support*

If there is any history of mental-health conditions, it is essential that expectant mothers discuss this with their GP, healthcare professionals, or the perinatal team at the maternity hospital. Mothers can be educated on signs and symptoms.

Screening, monitoring, and early intervention are key components to stabilising symptoms and alleviating distress. Biological, psychological, and social factors need to be assessed and supported. The focus on the physical health of the mother and baby needs to be accompanied by a focus on her mental wellbeing. Expectations of pregnancy, childbirth, and the period after are more realistic if women are prepared.

Making a ‘wellbeing plan’ is recommended by the National Institute of Clinical Excellence. Partners, friends, and family members can monitor the woman throughout her pregnancy, the birth, and beyond. Daily mindfulness practice and mindfulness-based therapeutic interventions, physical activity, and interests

are all preventative measures.

People need to avoid assumptions that this is a joyful time for all women. Reframing scripts – such as changing, say, “you must be over the moon” to “I am here for you, it can be a stressful time” – opens the door for more women to open up.

Practical help, such as cleaning, shopping, driving, cooking, or minding the baby to let the mother nap is a huge help. Awareness of perinatal mental health, actively listening, checking in, encouraging the mother to go for a walk or to engage in other activities she enjoys, finding out information on support groups, parent and baby groups, and other community and online initiatives, are positive ways to support. Empathy, being non-judgmental, and genuineness are key.

#### *Workplace*

Engaging with women during pregnancy, identifying needs, adjusting roles as necessary, and promoting a maternity-friendly environment all foster a perinatal-friendly and safe workplace. Rest areas and ergonomics can be provided. Best practice dictates appropriate communication with the woman, facilitation of appointments, and provisions made for mental-health care.

Psycho-education ensures all managers are familiar with symptoms and can respond professionally. Perinatal maternal mental-health and wellbeing protocols set the tone. Re-entering the workplace after maternity leave is made smoother if the organisation facilitates a respectful, equitable work environment, and offers flexible hours, an understanding of childcare and sickness, private pumping rooms, and job-sharing or part-time options.

In studies conducted, the majority of mothers reported

that flexible working arrangements and a phased easing back into the job would aid reintegration. Pre-return-to-work meetings and workshops to prepare employees are also beneficial.


Employers and managers need to avoid making assumptions about the woman’s ambitions, preferences, and goals. Fair treatment, open communication, and a psychologically safe environment promotes a culture of positive care for perinatal mental health.

Maternity-protection legislation in Ireland means employers could be held accountable if maternity matters are mishandled. Creating an inclusive organisational environment yields long-term gains, less absenteeism, and enhanced productivity.

#### **Playing a positive part**

Perinatal mental-health issues include depression, anxiety, and post-traumatic stress disorder. Life stressors can contribute to psychological upheaval during the ante- and postnatal phases. Childbirth itself poses risks and a plethora of mental-health issues. Women are often reluctant to disclose symptoms, and are not asked about their mental health in appropriate ways. Partners, families, friends, healthcare professionals, and employers can play a positive part by being informed, guiding the woman to access intervention, actively listening, observing, exploring the mother’s needs, and providing practical and emotional support. 📧

*Niamh Delmar is a counselling psychologist, freelance writer and educator, and provides psychological support workshops for organisations.*



PERINATAL MENTAL-HEALTH ISSUES INCLUDE DEPRESSION, ANXIETY, AND POST-TRAUMATIC STRESS DISORDER. LIFE STRESSORS CAN CONTRIBUTE TO PSYCHOLOGICAL UPHEAVAL DURING THE ANTE- AND POSTNATAL PHASES

## PRACTICE NOTES

PRACTICE NOTES ARE INTENDED AS GUIDES ONLY AND ARE NOT A SUBSTITUTE FOR PROFESSIONAL ADVICE.  
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GUIDANCE AND ETHICS COMMITTEE

# TEN STEPS TO LEGAL PROFESSIONAL PRIVILEGE

1) *Legal professional privilege (LPP) is a common-law privilege of exemption conferred on clients so that communications they have with their lawyer are protected from disclosure to any party. The party asserting the existence of the LPP bears the onus of justifying the claim. Insofar as it is the privilege of the client and not the solicitor, a solicitor is under a duty to maintain the confidentiality of privileged communications that take place between themselves and their client, and must not disclose the communications without the express consent of the client.*

2) *LPP and professional duty to keep clients' affairs confidential – the terms are often used interchangeably. Solicitor/client confidentiality and legal professional privilege are two of the fundamental foundations of the administration of justice and the protection of the rule of law. Clients must be able to disclose information freely and candidly to their solicitor, without fear that it will be revealed without their consent. The obligation of solicitor/client confidentiality is not a legal right. It stems from the relationship between a solicitor and their client, which gives rise to a professional duty for the solicitor.*

3) *LPP encompasses two forms of privilege:*

- Legal advice privilege, which arises in respect of a confidential communication or a continuum of communications, or a reference to such communications, which takes place between a professionally qualified lawyer and a client in the course of a professional legal relationship in which legal advice is sought and/or received, and

- Litigation privilege, which arises in respect of confidential communications that take place between a lawyer and client, to include communications with a third party for the dominant purpose of preparing for litigation, whether existing or reasonably apprehended. Litigation privilege does not last forever.

4) *Extent of privilege – privilege does not extend to communications made for the purpose of being repeated to the other party to a dispute. Nor does it apply to what is called 'legal assistance'. Legal assistance includes, for example, the drafting of contracts or documents in order to give effect to the intention of the client in an enforceable manner. Laws of LPP vary from country to country and may protect communications to a greater or a lesser extent than in this jurisdiction. In the European context, there is case law to the effect that legal professional privilege does not extend to communications of an in-house lawyer in relation to the enforcement of EU competition law.*


5) *Loss of privilege – privilege can be waived by the client or, if the client has died, by their personal representative, to whom privilege passes. Also, privilege is lost where the privilege is overridden by the express language of statute.*

6) *The ambit of LPP is not absolute, and is subject to a number of significant limitations. For example, LPP does not apply where communications are made for a fraudulent or illegal purpose, or where communications are made by a client to a solicitor before the commission of a crime for the purpose of being guided or helped in the commission of that crime.*

7) *Material disclosed by mistake – if a privileged communication is inadvertently disclosed to another party, the solicitor may still be able to assert privilege on behalf of their client. In circumstances where it is evident that privileged documents were disclosed in error, the solicitor should make all reasonable attempts to return the documents, and should not make use of them. A court will determine that matter based on what a hypothetical reasonable solicitor would do, even if it were not evident to the individual solicitor.*

8) *Duty to advise client – a solicitor has a duty to advise the client that they have a right to assert a claim to LPP and to make an assessment, based on the current state of the law, as to whether a valid claim to LPP has arisen on the facts before them. A solicitor is under a duty to assert a claim to LPP on the client's behalf.*

9) *Duty to properly articulate claims to LPP in the affidavit of discovery – a solicitor has a duty to ensure that claims to LPP, made in the second part of the first schedule of the affidavit of discovery, are sufficiently articulated, and they must take steps to rectify the affidavit of discovery if it comes to their attention that LPP has been incorrectly claimed in respect of a document, or should have been claimed in respect of a document.*

10) *More detailed reading – see Chapter 4 of *A Guide to Professional Conduct for Solicitors* and the Law Society's papers on 'Legal professional privilege' and 'Legal professional privilege and in-house counsel'. *



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## SOLICITORS DISCIPLINARY TRIBUNAL

REPORTS OF THE OUTCOMES OF SOLICITORS DISCIPLINARY TRIBUNAL INQUIRIES ARE PUBLISHED BY THE LAW SOCIETY OF IRELAND AS PROVIDED FOR IN SECTION 23 (AS AMENDED BY SECTION 17 OF THE *SOLICITORS (AMENDMENT) ACT 2002*) OF THE *SOLICITORS (AMENDMENT) ACT 1994*

● **In the matter of Shane Allen, a solicitor previously practising as Allen & Associates, Mountkennedy Town Centre, Newtownmountkennedy, Co Wicklow, and in the matter of the *Solicitors Acts 1954-2015* [2020/DT01]**

*Law Society of Ireland (applicant)*  
*Shane Allen (respondent solicitor)*

On 1 July 2021, the Solicitors Disciplinary Tribunal found the respondent solicitor guilty of misconduct in his practice as a solicitor, in that he failed to ensure that there was furnished to the Society an accountant's report for the year ended 31 March 2019 within six months of that date, in breach of regulation 26(1) of the *Solicitors Accounts Regulations 2014* (SI 516 of 2014).

The tribunal ordered that the respondent solicitor:

- 1) Stand censured,
- 2) Pay the sum of €250 to the compensation fund,
- 3) Pay the sum of €1,212 as a contribution towards the whole of the costs of the applicant.

**In the matter of Peter Downey, a solicitor previously practising as Eagleton Downey Solicitors, Triton Road, Bettystown, Co Meath, and in the matter of the *Solicitors Acts 1954-2015* [2019/DT69 and High Court record 2021 no 63SA]**

*Law Society of Ireland (applicant)*  
*Peter Downey (respondent solicitor)*

On 3 June 2021, the Solicitors Disciplinary Tribunal found the respondent solicitor guilty of misconduct in his practice as a solicitor, in that he failed to ensure that there was furnished to the Society an accountant's report for the year end 31 January 2019 within six months of that date, in breach of regulation 26(1) of the *Solicitors Accounts Regulations 2014* (SI 516 of 2014).

The tribunal ordered that the Law Society bring its findings and report before the High Court, with a recommendation that the solicitor be suspended from practice until such time as he was compliant with the *Solicitors Accounts Regulations* by filing his accountant's report for the year ended 31 January 2019 with the Society.

On 18 October 2021, the High Court ordered that the respondent solicitor:

- 1) Pay the sum of €1,000 to the compensation fund,
- 2) Pay the sum of €1,362 towards the costs of the Law Society before the disciplinary tribunal,
- 3) Pay the Law Society the sum of €1,756 in respect of the measured costs of the High Court application.

The respondent solicitor had already been suspended from practice by order of the High Court on 11 August 2021 in proceedings 2021 no 40 SA.

**In the matter of Ian McSweeney, a solicitor practising as McSweeney Solicitors, 2 Capel Street, Dublin 1, and in the matter of the *Solicitors Acts 1954-2015* [2019/DT66]**

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

On 21 October 2021, the Solicitors Disciplinary Tribunal found the respondent solicitor guilty of professional misconduct in his practice as a solicitor, in that he failed to ensure that there was furnished to the Society an accountant's report for the year ended 31 December 2018 within six months of that date, in breach of regulation 26(1) of the *Solicitors Accounts Regulations 2014* (SI 516 of 2014).

The tribunal ordered that the respondent solicitor:

- 1) Stand censured,
- 2) Pay within three months the sum of €5,500 to the compensation fund,
- 3) Pay the sum of €1,212 as a contribution towards the whole of the costs of the applicant.


**In the matter of Michelle Cronin, a solicitor previously practising as Michelle Cronin Solicitors at Kennedy Buildings, 24 Main Street, Tallaght Village, Dublin 24 [2020/DT13 and High Court record 2022 no 3SA]**

*Law Society of Ireland (applicant)*  
*Michelle Cronin (respondent solicitor)*

The Solicitors Disciplinary Tribunal dealt with a complaint against the respondent solicitor on 1 July 2021, and again on 28 October 2021, and found her guilty of professional misconduct, in that she:

- 1) Failed to comply with an undertaking furnished to the complainant on behalf of Kildare County Council, which undertaking was furnished under cover of a letter dated 7 April 2017 and was furnished in respect of her named clients and property in Naas, Co Kildare, being lands contained in a Kildare folio, in a timely manner,
- 2) Failed to respond to the complainant's letters of 4 January 2019 and 29 August 2019 in connection with the outstanding undertaking,
- 3) Failed to respond to the Society's letters of 30 January 2020 and 4 March 2020 in a timely manner, within the time provided, or at all.

The tribunal referred the matter to the President of the High Court who, in proceedings entitled 2022 no 3SA on 14 February 2022, ordered that the respondent solicitor not be permitted to practise as a sole practitioner or in partnership, and that she be permitted only to practise as an assistant solicitor in the employment and under the direct control and supervision of another solicitor of at least ten years' standing, to be approved in advance by the Law Society of Ireland.

The High Court also ordered that the solicitor pay the measured costs of the Society before the disciplinary tribunal and before the High Court. 

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**WILLS**

**Caulfield, James (deceased)**, late of Athlunkard Nursing Home, Athlunkard, Co Clare, and formerly of The Lodge, Parteen, Co Clare, and previously of Clonoughter, Larkin's Cross, Clonlara, Co Clare, who died on 7 November 2021. Would any person having knowledge of the whereabouts of any will executed by the above-named deceased please contact Melvyn Hanley Solicitors, 16 Patrick Street, Limerick; tel: 061 400 533, email: [reception@melvynhanley.com](mailto:reception@melvynhanley.com)

**Cronin, (née Walsh) Nora (deceased)**, late of Ballygrace, Churchtown, Mallow, Co Cork. Would any person having knowledge of any will executed by the above-named deceased, who died on 19 September 2021, please contact Colbert Solicitors, Old Limerick Road, Charleville, Co Cork; tel: 063 30759, email: [reception@colbertsolicitors.com](mailto:reception@colbertsolicitors.com)

**Henry, Rita (orsee Margaret) (deceased)**, late of 5N Mount Anthony, Ardee Road, Dublin 6, Co Dublin, who died on 26 January 2022. Would any person having knowledge of the whereabouts of any will executed by the above-named please contact Rochford, Gallagher & Co, Solicitors, Tubbercurry, Co Sligo; tel: 071 918 5011, email: [tubbercurry@rochford-gallagher.com](mailto:tubbercurry@rochford-gallagher.com)

**Horgan, Michael (deceased)**, late of Knockanish, The Spa, Tralee, Co Kerry, and formerly of 6A The Grove, Pembroke Woods, Passage West, Cork, who died on 18 November 2021. Would any person having knowledge of the whereabouts of any will executed by the above-named deceased please contact Rory O'Halloran, Thomas J O'Halloran Solicitors, Ashe Street, Tralee, Co Kerry; DX 41015 Tralee; tel: 066 712 3377, email: [info@tohalloran.com](mailto:info@tohalloran.com)

**Lynch, Annie (deceased)**, late of 3 Stirrup Lane, Off Church Street, Dublin 7, who died on 4 February 2016. Would any person having knowledge of the

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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*.

whereabouts of any will made by the above-named deceased please contact Justin Hughes, solicitor, Justin Hughes Solicitors, 89 Phibsborough Road, Dublin 7; tel: 01 882 8583/882 862, email: [info@justinhughes.ie](mailto:info@justinhughes.ie)

**Lynch, Margaret (deceased)**, late of Leopardstown Park Hospital, Foxrock, Dublin 18, who died on 25 December 2015. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact David Smyth, Cronin & Co, Solicitors, Main Street, Donabate, Co Dublin; tel: 01 895 8550, fax: 01 895 8552, email: [david@croninlaw.ie](mailto:david@croninlaw.ie)

**McCaffrey, Arthur (deceased)**, late of Oakridge Clinic, 14 Magheraknock Road, Ballynahinch, Northern Ireland, and formerly of Falmore, Maghera, Dungloe, Co Donegal, who died on February 2014. Would any person having knowledge of a will executed by the above-named deceased or purported to have been made by the above-named deceased, or if any firm is holding same, please contact Louise Hayes, Hartnett Hayes Solicitors, Gweedore Road, Dungloe, Co Donegal; DX 156004 Dungloe; tel: 074 952 2208, email: [info@hartnettshayes.com](mailto:info@hartnettshayes.com)

**McCarthy, Tom (deceased)**,

late of Glenahulla, Mitchelstown, Co Cork, who died on 17 January 2022 and who executed the will in or around October 2021. Would any person having knowledge of a will made by the above-named deceased please contact Hilda Mannix, Ronan Daly Jermyn, 2 Park Place, City Gate Park, Mahon Point, Cork; tel: 021 480 2780, email: [hilda.mannix@rdj.ie](mailto:hilda.mannix@rdj.ie)

**McKeever, Christine (deceased)**, late of 25 Inver Road, Cabra West, Dublin 7, born on the 17 December 1905, and who died on 28 November 1997 at Cuan Ros, Navan Road, Dublin 7. She was survived by her son, Christopher McKeever. Would any person having any knowledge of the whereabouts of any will made by the above-named deceased please contact Stacey Wade, Doyle &

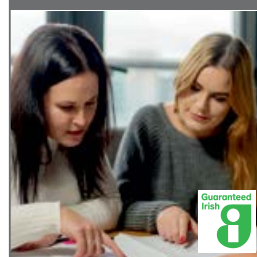
Company LLP, Solicitors, Main Street, Blanchardstown, Dublin 15; tel: 01 820 0666, fax: 822 0880, email: [stacey@doyleandcompany.ie](mailto:stacey@doyleandcompany.ie)

**Maher (née Lysaght), Eileen (deceased)**, late of Mallow Road, Doneraile, Co Cork, who died on 25 January 2022. Would any person having knowledge of the whereabouts of any will executed by the above-named deceased please contact Melvyn Hanley Solicitors, 16 Patrick Street, Limerick; tel: 061 400 533, email: [reception@melvynhanley.com](mailto:reception@melvynhanley.com)

**Murray, PJ (orsee Peter John) (deceased)**, late of 22 Connolly Street, Athlone, Co Westmeath, who died on 3 February 2022. Would any person having knowledge of the whereabouts of any

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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 Mel-lotte O'Carroll Solicitors; tel: 0906 492 692, email: [info@moc-solicitors.ie](mailto:info@moc-solicitors.ie)

**O'Connor (née Walsh), Winnifred (deceased)**, late of 169 New Cabra Road, Dublin 7, who died 9 October 2021. Would any person having knowledge of the whereabouts of any will made or purported to be made by the above-named deceased please contact Patricia Barber, solicitor, Justin Hughes Solicitors, 89 Phibsborough Road, Dublin 7; tel: 01 882 8583, email: [info@justinhughes.ie](mailto:info@justinhughes.ie)

**O'Keefe, Patrick Anthony (deceased)**, late of Bishops court, Co Waterford, who died on 21 June 1977. Would any person have any knowledge of the whereabouts of any will made by the above-named deceased please contact John Purcell, Purcell & Kennedy Solicitors,

21 Parnell Street, Waterford; tel: 051 874 819, email: [info@purcell-kennedy.ie](mailto:info@purcell-kennedy.ie)

**O'Kelly, Ciaran (otherwise Ciaran Desmond O'Kelly) (deceased)**, late of 1 Sorbonne, Ardilea, Roebuck Road, Clonskeagh, Dublin 14, formerly of 16 Larchfield Road, Goatstown, Dublin 14, and of 5 Ballawley Court, Sandyford, Dublin 16, who was born on 24 September 1957 and who died on 25 February 2022. Would any person having knowledge of the whereabouts of any will executed by the above-named deceased please contact Daire Murphy, Kenny Solicitors, 57 Fitzwilliam Square, Dublin 2; tel: 01 640 1808, email: [daire@kennysolicitors.ie](mailto:daire@kennysolicitors.ie)

**Plant, Peter (deceased)**, late of Three Castles, Manor Kilbride, Blessington, Co Wicklow, who died on 9 March 2022. Would any person having knowledge of the whereabouts of any will executed by the above-named deceased please contact Coonan Cawley Solicitors, Wolfe Tone

House, Naas, Kildare; DX 49019; tel: 045 899 571, email: [slo@coonancawley.ie](mailto:slo@coonancawley.ie)

**Quinn, Kathleen Ann (deceased)**, late of Brentwood Manor Nursing Home, Convoy, Co Donegal, and formerly of Treanamullin (otherwise Trenamullin), Stranorlar, Co Donegal, who died on 26 July 2020. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact VP McMullin Solicitors, Donegal Street, Ballybofey, Co Donegal; DX 63001; tel: 074 913 1010, email: [agreenlee@vp McMullin.ie](mailto:agreenlee@vp McMullin.ie)

**Redmond, Paul (deceased)**, late of 7 Abbey Road, Athlone, Co Westmeath. Would any person having knowledge of any will made by the above-named deceased, who died on 24 July 2021, please contact Hugh J Campbell & Co, Solicitors, Shannon House, Custume Place, Athlone, Co Westmeath; tel: 090 647 2015, email: [info@hugh-campbellsolrs.com](mailto:info@hugh-campbellsolrs.com)

**Kinsella, Philip (deceased)**, Raheenaskageagh Upper, Oulart, Gorey, Co Wexford, who died on 27 June 1972. Would any person having knowledge of any will or deeds to the above property made by the above-named deceased or its whereabouts please contact Anne Marie Martin; tel: 087 943 2132, email: [annemariamartin20@gmail.com](mailto:annemariamartin20@gmail.com)

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**TITLE DEEDS**

**O'Connor (née Walsh), Winnifred (deceased)**, late of 169 New Cabra Road, Dublin 7, who



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died on 9 October 2021. Would any person having knowledge of the whereabouts of the title deeds to the property at 169 New Cabra Road, Dublin 7, please contact Patricia Barber, Justin Hughes Solicitors, 89 Phibsborough Road, Dublin 7; tel: 01 882 8583, email: [info@justinhughes.ie](mailto:info@justinhughes.ie)

**In the matter of the *Landlord and Tenant Acts 1967-2020* and in the matter of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978***

Take notice that any person having any superior interest (whether by way of freehold estate or otherwise) in all that and those 113 Patrick Street, Cork, being the premises held under a lease of 20 May 1875 between John Wheeler Dowden of the one part and John W Dowden and Company (Limited) of the other part, for a term of 250 years from 12 February 1875 at a rent of £200 per annum, adjusted to £193.32 per annum, which premises the subject of the lease are therein described as all that and those the dwellinghouse, shop, and premises now known as 113 Patrick Street, lately in the occupation of the said lessor, bounded on the north by premises in the occupation of Daniel Finn; on the south side, shop and premises of Messrs Meyers and Company; on the east by Patrick Street; and on the west by the shop and premises of Messrs Hardy and Messrs Richardson, situated in the parish of St Paul and the city of Cork.

Take notice that SDI (Cork) Limited (the applicant), as ten-

ant of the said property under the lease, intends to submit an application to the county registrar for the county of Cork for acquisition of the freehold interest in the aforesaid property, and any party asserting that they hold a superior interest in the aforesaid premises (or any of them) are called upon to furnish evidence of their title to the aforementioned premises to the below named within 21 days from the date of this notice.

In default of any such notice being received, the applicant intends to proceed with the application before the county registrar at the end of 21 days from the date of this notice and will apply to the county registrar for the county of Cork for directions as may be appropriate on the basis that the persons beneficially entitled to the superior interest including the freehold reversion in the premises are unknown or unascertained.

*Date: 6 May 2022*

*Signed: Eversheds Sutherland (solicitors for the applicant), One Earlsfort Centre, Earlsfort Terrace, Dublin*

**In the matter of the *Landlord and Tenant Acts 1967-2020* and in the matter of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978***

Take notice that any person having any superior interest (whether by way of freehold estate or otherwise) in all that and those 114 Patrick Street, Cork, held under a lease of 30 October 1914 between Joseph White Martin of the one part and John W Dowden & Company Limited of the other part, for a term of 140 years and nine days from 16 June 1950 at a rent of £80, which premises the subject of the lease are therein described as all that and those the dwellinghouse, shop yard and premises situated on the west side of, and known as 114 in, Patrick Street, situate in the parish of St Paul and the city of Cork.

Take notice that SDI (Cork) Limited (the applicant), as tenant of the said property under the lease, intends to submit an application to the county registrar for the county of Cork for acquisition of the freehold interest in the

aforesaid property, and any party asserting that they hold a superior interest in the aforesaid premises (or any of them) are called upon to furnish evidence of their title to the aforementioned premises to the below named within 21 days from the date of this notice.

In default of any such notice being received, the applicant intends to proceed with the application before the county registrar at the end of 21 days from the date of this notice and will apply to the county registrar for the county of Cork for directions as may be appropriate on the basis that the persons beneficially entitled to the superior interest including the freehold reversion in the premises are unknown or unascertained.

*Date: 6 May 2022*

*Signed: Eversheds Sutherland (solicitors for the applicant), One Earlsfort Centre, Earlsfort Terrace, Dublin*

**In the matter of the *Landlord and Tenant Acts 1967-2020* and in the matter of the *Landlord and Tenant Act (Ground Rents) (No 2) Act 1978***

Take notice that any person having any superior interest (whether by way of freehold estate or otherwise) in all that and those 115 Patrick Street, Cork, held under a lease of 6 August 1890 between Mary Jane Martin and Joseph White Martin of the one part and John W Dowden & Company Limited of the other part, for a term of 200 years from 25 June 1890 at a rent of £70, which premises the subject of the lease are therein described as all that and those the dwellinghouse and premises 115 in Patrick Street.

Take notice that SDI (Cork) Limited (the applicant), as tenant of the said property under the lease, intends to submit an application to the county registrar for the county of Cork for acquisition of the freehold interest in the aforesaid property, and any party asserting that they hold a superior interest in the aforesaid premises (or any of them) are called upon to furnish evidence of their title to the aforementioned premises to the below named within 21 days from the date of this notice.

In default of any such notice being received, the applicant intends to proceed with the application before the county registrar at the end of 21 days from the date of this notice and will apply to the county registrar for the county of Cork for directions as may be appropriate on the basis that the persons beneficially entitled to the superior interest including the freehold reversion in the premises are unknown or unascertained.

*Date: 6 May 2022*

*Signed: Eversheds Sutherland (solicitors for the applicant), One Earlsfort Centre, Earlsfort Terrace, Dublin*

**In the matter of the *Landlord and Tenant (Ground Rents) Acts 1967-1994* and in the matter of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978*: an application by The Park Shopping Centre Limited, having its Registered Office at Unit 7, Swords Plaza, Main Street, Swords, Co Dublin**

Take notice that any person having an interest in the freehold or any superior interest in the property known as: all that and those the premises known as 34 Prussia Street in the city of Dublin, more particularly described in conveyance dated 2 September 1986 and made between (1) Cosgrave and (2) The Park Shopping Centre Limited, held under lease dated 10 August 1937 and made between (1) Elizabeth Ryan and (2) Frederick Hunt for the term of 150 years from 25 March 1937, subject to the yearly rent of £5 and further subject to the covenants and conditions therein contained and on the lessees' part to be performed and observed.

Take notice that the applicant, The Park Shopping Centre Limited, intends to submit an application to the county registrar for the county of Dublin for the acquisition of the freehold interest in the aforesaid property, and any party asserting that they hold a superior interest in the aforesaid property is called upon to furnish evidence of title to the aforesaid property to the below named within 21 days from the date of this notice.

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[www.crisiscover.ie](http://www.crisiscover.ie)  
[crisiscover@qualitymatters.ie](mailto:crisiscover@qualitymatters.ie)

In default of such notice being received, the applicant, The Park Shopping Centre Limited, intends to proceed with the application before the county registrar for the county of Dublin for directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest including the freehold reversion in the aforesaid property are unknown and unascertained.

*Date: 6 May 2022*

*Signed: Leman Solicitors (solicitors for the applicants), 8-34 Percy Place, Dublin 2*

**In the matter of the *Landlord and Tenant Acts 1967-2005* and in the matter of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978* and in the matter of *155 Harold's Cross Road, Dublin, D6W HR13: an application by Red Rock Harold's X Limited (the applicant)***

Any person having a freehold estate or any intermediate interest in 155 Harold's Cross Road, Dublin, D6W HR13, formerly known as 44 Harold's Cross Road or 44 Harold's Cross, situate in the parish of St Peter, barony of Upper Cross, in the city of Dublin, being currently held by the applicant under a lease dated 27 March 1857 between James Knaggs of the one part and Thomas Sheehan of the other

part for a term of 300 years from 27 March 1857.

Take notice that the applicant, as lessee under the said lease, intends to apply to the county registrar for the county of Dublin for the acquisition of the freehold interest and all intermediate interests in the aforesaid property, and any party asserting that they hold a superior interest in the aforesaid property is called upon to furnish evidence of title to same to the below named within 21 days from the date of this notice.

In default of any such notice being received, the applicant intends to proceed with the application before the county registrar at the end of 21 days from the date of this notice and will apply to the county registrar for the county of Dublin for such directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interests, including the freehold reversion in the premises, are unknown or unascertained.

*Date: 6 May 2022*

*Signed: AMOSS Solicitors (solicitors for the applicant), Warrington House, Mount Street Crescent, Dublin 2, D02 R256*

**In the matter of the *Landlord and Tenant (Ground Rents) Acts 1967-1989* and in the matter of an application pursuant to sec-**

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**tion 4 of the *Landlord and Tenant (Amendment) Act 1967: an application by Heather Boate, Gareth Carr, Stephen Jupe and Naomi Lamprect as trustees of the Irish Missionary Fellowship***

To whom it may concern – description of the lands and the applicant's leases to which this notice refers: all that and those the premises now known as 7a Upper William Street, Limerick (the premises). The applicants are the assignees of a lease for 99 years, dated 24 October 1899, between Georgina Blackham of 22 Beacon Road, Loughborough, Leicestershire (landlord) and Joseph Roches of Upper William Street, Limerick (tenant), subject to the yearly rent of Stg£19.

Take notice that Heather Boate, Gareth Carr, Stephen Jupe and Naomi Lamprect, as trustees of the Irish Missionary Fellowship of 7A Upper William Street, Limerick, being persons who we believe to be entitled

under the above acts, propose to purchase the fee simple in the lands described above. Any party asserting that they are a successor in title to the above landlord or that they hold a superior interest in the said property is called upon to furnish evidence of title to the aforesaid property to the below named within 21 days from the date of this notice.

In default of any such notice being received, the applicants intend to proceed with the application before the county registrar for the county of Limerick at the end of 21 days from the date of the notice and will apply to the county registrar for directions as may be appropriate on the basis that the persons beneficially entitled to the superior interests are unknown or unascertained.

*Date: 6 May 2022*

*Signed: Crowley Millar LLP (solicitors for the applicants), The Gallery, 13 Bedford Row, Limerick (ref: TD/SL/IRI007/0006)*

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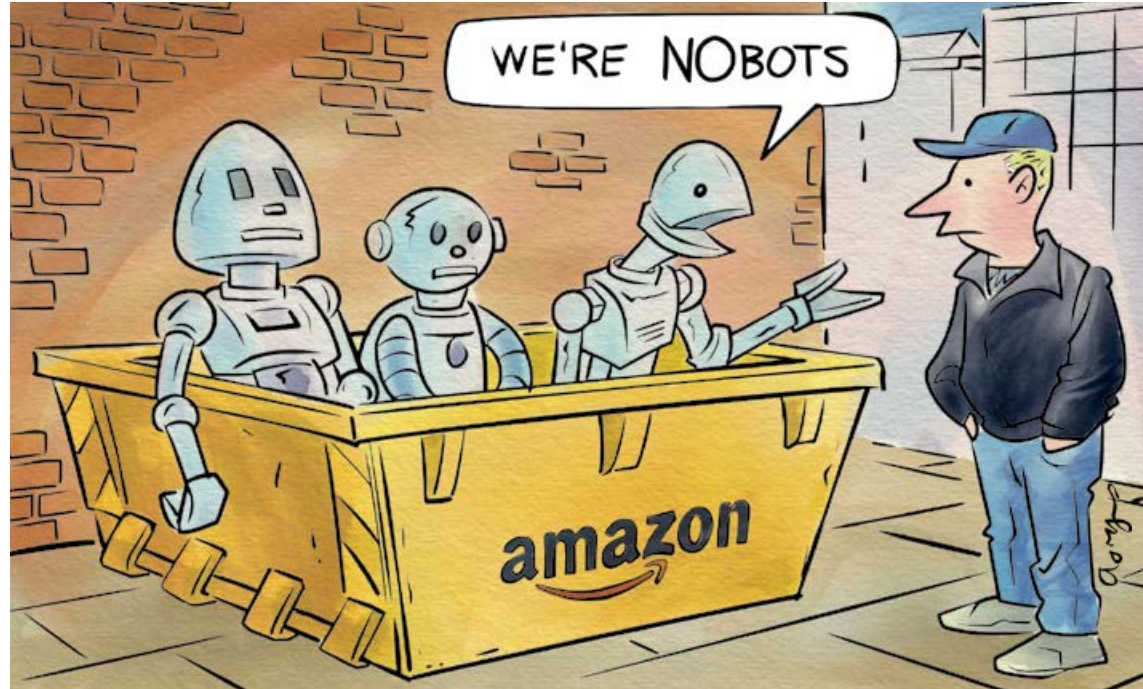
PRO BONOBO

## Amazon to suppress 'robot army' leaks?

● Amazon's new employee chat app (in development) is said to ban the use of the word 'robot', perhaps pre-emptively clamping down on possible leaks about the tech giant's alleged mecha-army.

The app aims to boost morale, but *The Intercept* reports that the pilot phase bans 42 terms, including 'union', 'grievance', 'living wage', 'plantation', 'restroom', 'slave labour', 'compensation', and – possibly most concerning of all – 'terminated' and 'robots'.

A company spokesperson said that the app idea has not yet been approved but that, if it does launch, "the only kinds of words that may be screened are ones that are offensive or harassing, which is intended to protect our team".



## Mine's a Whopper

● Burger King's food looks larger in ads than it actually is, a class-action suit claims. The chain is accused of misleading consumers since 2017, *NBC News* reports.

Since then, the suit says the size of almost all items on the menu is "materially overstated", including the



chain's signature 'Whopper', which is said to look 35% larger in ads than in real life – with a whopping twice as much meat shown in ads than in reality.

The chain got in trouble in Britain for misleading ads in 2012, when a regulator ordered it to stop advertising burgers larger than the real thing.

## 'Surprise, surprise' costs \$450k

● A Kentucky man has been awarded \$450,000 after his company threw him a surprise party, despite his warnings that it would trigger stress and anxiety, the *BBC* reports.

The man had apparently asked his manager not to celebrate his birthday at work (as it normally does for its employees), as it

could result in a panic attack and bring back uncomfortable childhood memories. However, the company went ahead and threw him a party in August 2019, which triggered a panic attack.

At a meeting the next day, he was accused of "stealing his co-workers joy" and "being a little girl". This prompted a

second panic attack, after which the company sent him home. A few days later, the company fired him, citing concerns about workplace safety.

His lawsuit alleged discrimination based on a disability. In March, a jury awarded him \$300,000 for emotional distress and \$150,000 in lost wages.

## Canada has syrup reserves?!

● Canada's Supreme Court has ruled that a "major player" in a scheme to steal a massive amount of maple syrup must pay a Can\$9.1 million fine, says the *BBC*.

Richard Vallieres is currently serving eight years for his role in the 2011-12 'Great Canadian Maple Syrup Heist'. Thieves swapped €13.25 million-worth of syrup for water at a Quebec warehouse that stockpiles an emergency syrup reserve.

Now, the Supreme Court has ruled that Vallieres should spoon over the full value of the entire amount sold – not just what he took home. He has ten years to come up with the sweet stuff, or spend six extra years in the can.



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