



# WHO DO YOU THINK YOU ARE?

## New *Birth Information Act* in force



**EXPECT THE UNEXPECTED**  
Pre-GDPR case law is still useful in assessing the further processing of subjects' data



**TRUTH AT ALL COSTS**  
New *Superior Courts Rules* on costs in party-and-party adjudication processes



**DON'T STOP BELIEVING**  
The Gazette talks mergers and expansion with Fieldfisher's JP McDowell





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LAW SOCIETY



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# gazette

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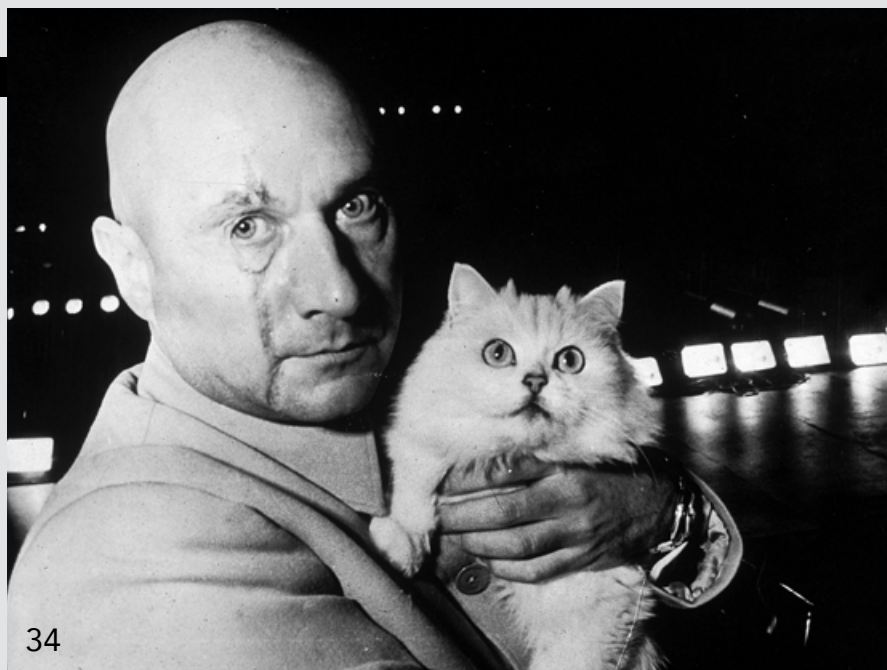
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# Go n-éirí an bóthar libh!

**S**erving this past year as president has been a privilege, and a very enjoyable and challenging experience. There are over 12,000 practising solicitors in Ireland, and the breadth and variety of our roles is only really understood from the vantage point of the role of president, which gives the opportunity to engage with members across the country and gain insights into their diverse working lives.

We are in a time of great change and transition. We have emerged from an acute COVID phase in 2022 and are still dealing with its fallout – and that of Brexit. It is therefore imperative that we support our profession in every way possible, including by embracing wellbeing and diversity in our working and personal lives.

## Inaugural award

The rule of law and democracy have never been more challenged in recent memory. We must continue to guard against the undermining of our freedoms, and support those struggling to uphold democracy and the rule of law across the world.

For our part, the Law Society has actively condemned the invasion of Ukraine. At the Law Society Gala in Dublin on 14 October, I was privileged to present the inaugural [Law Society Justice Award](#) to the people of Ukraine. Ambassador Larysa Gerasko graciously accepted the award, which recognises the struggles that the Ukrainian people face each day in fighting for their democracy and their freedom.

## Key issues

When I began my year as president, I identified certain key issues that I desired to progress for the benefit of our members. The first was to promote gender equality, diversity and inclusion within the profession. As only the fifth woman president of the Society's 151 presidents to date, it is a theme close to my heart.

The Law Society is actively working to improve access to the profession in several ways. For example, our [Women in Leadership Mentoring Programme](#) seeks to increase

equality in more senior legal roles. We also continue to champion the voices of underrepresented groups in the solicitors' profession by opening up legal education to trainees from diverse backgrounds.

My second theme focused on health and wellbeing. In mid-October, we marked World Mental Health Day, and later welcomed over 600 solicitors to the third annual Business of Wellbeing summit. During the year, the Society launched its new [Law Society Psychological Services](#). In just two years, we have developed a full suite of services, including counselling teams and LegalMind, and have embedded psychological and emotional wellbeing in our training programmes at the Law School.

## Shaping society

This is a strong profession and, this year, we welcomed the largest intake of trainee solicitors in more than a decade. It is in the public interest that we continue to build a strong and independent legal profession that provides access to justice for all members of society.

As I prepare to leave office in November, I wish to thank our members, the Council, the senior executive, all the staff of the Law Society – past and present – and my colleagues in Byrne Wallace LLP for their unstinting support. Finally, a big thank you to my husband



I WOULD ENCOURAGE A DIVERSE RANGE OF SOLICITORS TO PUSH OPEN THE DOORS OF FUTURE PRESIDENTIAL OPPORTUNITY

David Burgoyne and our wonderful children Ciara and Cormac. They have been incredibly patient and accepting of the obligations imposed by my presidential role. It has been a remarkable year, and I would encourage a diverse range of solicitors to push open the doors of future presidential opportunity, which is open to all. *Go n-éirí an bóthar libh!*



MICHELLE NÍ LONGÁIN,  
PRESIDENT

# THE BIG PICTURE



## PRETTY IN PINK

Japanese photographer Junji Takasago captured this preening group of Chilean flamingos while battling with altitude sickness high in the Andes. The result, a dream-like scene. Salar de Uyuni is the world's largest salt pan. It is also the location of one of Bolivia's largest lithium mines, which threatens the future of these flamingos. Junji's image, titled *Heavenly Flamingos*, won the 'Natural Artistry' category in the Wildlife Photographer of the Year, which is developed and produced by the Natural History Museum, London



PICTURE © JUNJI TAKASAGO, JAPAN, WILDLIFE PHOTOGRAPHER OF THE YEAR



# Six solicitors elevated to senior counsel status



ALL PICS: CIAN REDMOND

In June, the Government approved the granting of patents of precedence and the title of senior counsel to six solicitors and 28 barristers. There to congratulate them were the Law Society president and the director general. (From l to r): Helen Kelly SC (Matheson), Sinéad Kearney SC (ByrneWallace), Terence McCrann SC (McCann FitzGerald), Michelle Ní Longáin (Law Society president), Alastair Purdy SC (Alastair Purdy and Co), Aisling Gannon SC (Eversheds Sutherland), Deborah Spence SC (consultant), and Mark Garrett (director general)





At a special Law Society event held in honour of the newest solicitor SCs were President Michelle Ní Longáin, President of the American Bar Association Deborah Enix-Ross, and Mark Garrett (director general)



# Dinner in honour of ABA president



ALL PICS: CIAN REDMOND

At a dinner held in honour of the President of the American Bar Association, Deborah Enix-Ross, on 6 October, were (front, l to r): Caroline Dee-Brown (chair, In-house and Public Sector Committee), Mark Garrett (director general), ABA President Deborah Enix-Ross, Law Society President Michelle Ní Longáin, Eamon Harrington (Law Society junior vice-president) and Liam Kennedy SC (Council member); (back, l to r): Diago Gallagher (DSBA president), Geraldine Clarke (past-president), Ken Murphy (Management Board member, International Bar Association), Gary McSharry (McCann FitzGerald) and Gerald O'Flynn (Council member)



# Ireland for Law breakfast briefing



ALL PICS: CIAN REMOND

An Ireland for Law breakfast briefing was held at the Department of Justice, Dublin, on 6 October



Mark Garrett addresses the audience



Law Society President Michelle Ní Longáin, ABA President Deborah Enix-Ross, Minister for Justice Helen McEntee, Liam Kennedy SC and Andrew Fitzpatrick SC



Michelle Ní Longáin (Law Society president), Deborah Enix-Ross (ABA president), Liam Kennedy SC and Andrew Fitzpatrick SC



Frank Murphy, Ken Murphy and Michael Carrigan



Bill Holohan and Teri Kelly

# Law Society Gala honours people of Ukraine



At the Law Society Gala, held at the InterContinental Hotel, Dublin, on 14 October, were Teri Kelly (director of representation and member services), Michelle Ní Longáin (president, Law Society), Claire Byrne (MC), Larysa Gerasko (Ukraine's Ambassador to Ireland), and Mark Garrett (director general)



TV and radio broadcaster Claire Byrne was the gala's MC

ALL PICS: CIÁN REIDMOND



Stuart Gilhooly (Law Society past-president, 2016/17), Maura Derivan (senior vice-president, Law Society), Ward McEllin (Law Society past-president, 2000/01), Michelle Ní Longáin (Law Society president), Geraldine Clarke (Law Society past-president, 2002/03), and Michael Quinlan (Law Society past-president, 2017/18)



Susan Martin and Wayne Tyrell



Michelle Nolan, Lorenzo Vodani, Teri Kelly, Siobhán Masterson, Deirdre Nugent and Andrew Nolan (all from the Society's Representation and Member Services Department)



Michelle Ní Longáin with her husband, David Burgoyne



Stephen Gillick, Ruth Meenan, Paul Egan, Aimee Lenehan, Yvonne Kennedy, David Hickey, Fiona McNulty and Anthony Strogon



Teri Kelly takes a photo of Brigit Napier, Ken Murphy and Michelle Ní Longáin



Claire Byrne leads a fireside chat with Éamonn Conlon SC, founding member of the Ukraine Ireland Legal Alliance and Seán McHale, Programme Manager of Irish Rule of Law International



Ukraine's Ambassador to Ireland Larysa Gerasko speaking to the gathering after accepting the inaugural Law Society Justice Award on behalf of the people of Ukraine



Sinead Langan, Eileen Ní Longáin, Michelle Ní Longáin and Seán Ó Longáin



Michelle Ní Longáin addresses the audience



Niamh Counihan, Mairead Ní Ghabháin, Shannon Colmey, Megan Darcy, Jane Creaner Glen and Katie Manio



Siún Hurley, Laurence O'Brien and Jennifer O'Brien



Denise Wall, Kate Field and Caoilfhionn Ní Chuanacháin

## Faces in the crowd





# Waterford Law Society's Annual Dinner



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At the Waterford Law Society Annual Dinner in Waterford Castle on 9 September were (front, l to r): Teri Kelly (Law Society), Maura Derivan (senior vice-president, Law Society), Olivia McCann (president, Waterford Law Society), Liz Pope (CEO, Land Registry), and Judge Alice Doyle; (back, l to r): Dr Michael Bergin (SETU), Inspector Keith Goff, Gerald O'Flynn (president, Southern Law Association), Patrick Derivan, Niall Rooney (county registrar, retired), and Judge Eugene O'Kelly



Fergus MacSweeney, Olivia McCann (president, Waterford Law Society), Michael O'Reilly and Louise O'Reilly



Paula Bergin, Morette Kinsella, David Smyth and Dr Michael Bergin



Jody Gilhooly, Judge Alice Doyle, Fiona Gillen and Bryan Douglas



Myles O'Connor, Pearl O'Connor, Mairead O'Herlihy and Gerard O'Herlihy



Inspector Keith Goff, Siobhan Goff, Roisín Hickey and Aislinn Curran



Willie O'Brien, Aisling Irish, Suzanne Parker and Helen Bowe O'Brien



Ken Cunningham, Gill Mahony, Jill Cunningham, Karina Tkachenko, Kim Mullins and Evan O'Neill



Angela McCann, Gerald O'Flynn (president, Southern Law Association) and Susan Martin



Niall McFeely, Lynn Ferrari and Dan O'Connell



Judge Alice Doyle, Olivia McCann, Patrick Derivan, Maura Derivan, Niall King, Jody Gilhooly, Felicity O'Kelly and Judge Eugene O'Kelly



Daniel Magner, Niall Rooney and Michael O'Connor

# Building your career conference



At the Younger Members Committee's conference 'Building your career: tools of the trade' on 6 October were committee members Avril Flannery (RDJ), Amy Grant (Mason Hayes & Curran), Fiona McNulty (SVC, Mason Hayes & Curran), Hannah Shaw (A&L Goodbody), Greg Benson (McCann FitzGerald) and Michelle Nolan (committee secretary)



Micheál Grace (Mason Hayes & Curran)

ALL PICS: CAN REMOND



Dr Melrona Kirrane (DCU Business School), Barry Lee (The Mindfulness Centre), Micheál Grace (Mason Hayes & Curran), Sarah Kelly (The Panel)





Sarah Kelly (The Panel)



Barry Lee (The Mindfulness Centre)



Fiona McNulty (Mason Hayes & Curran) and Hannah Shaw (A&L Goodbody)



Dr Melrona Korrane (DCU Business School), Barry Lee (The Mindfulness Centre), Fiona McNulty (Mason Hayes & Curran), Micheál Grace (Mason Hayes & Curran) and Sarah Kelly (The Panel)



## Instant payments for all!

● The European Commission has announced plans for legislation that it says will make instant payments in euro available to all citizens and businesses with a bank account in EU and European Economic Area countries.

Instant payments allow people to transfer money at any time of any day within ten seconds – much faster than traditional credit transfers that arrive at the payee’s account only by the following business day, which can take up to three calendar days.

# Street Law is ten years in Ireland

● Street Law celebrated its tenth anniversary in Ireland recently, when PPC trainees, as well as a number of solicitors and guests, took part in the programme’s annual orientation weekend on 8/9 October.

Street Law is an initiative that places trainee solicitors in local schools, prisons, and community settings to teach about law. Over the weekend, 36 trainees engaged with multiple law-based activities, learned about best practice in teaching and learning, and had the opportunity to design and teach their own practice class. The intensive training prepares the trainees for their upcoming



school placements, where they teach a six-week law programme to Transition Year students in DEIS schools in the local community.

Dr Sean Arthurs, a US-based human-rights lawyer

and international legal-education consultant, led the weekend, assisted by PPC course manager John Lunney and Dr Brónagh Heverin from Atlantic Technological University.

## Call for child-maintenance and access reforms

● The Law Society has called for reforms to help families deal with the burden of enforcing court orders on child-maintenance, access, and custody.

The recommendations, which include the establishment of a new State Child Maintenance Agency, were made at the Joint Oireachtas Committee on Justice on 25 October. The hearing discussed the Society’s submission on the issue.

Dr Geoffrey Shannon SC (Law Society director of policy and a member of the Family and Child Law Committee) said that “hardship, hostility, and humiliation” was the reality for many Irish families seeking access to justice at vulnerable times in their lives. “The current processes involved in the enforcement of child-maintenance, access,



Dr Geoffrey Shannon SC

and custody court orders can be complex, lengthy, and, in certain cases, can have a knock-on effect on other matters that can impact the children involved,” he stated.

The Society’s recommendations are to:

- Increase the use of the award-of-costs provision in order to alleviate the financial burden on lone

parents when seeking payment of maintenance owed, and to act as a penalty for the respondent party,

- Maximise the reliefs available under the *Children and Family Relationship Act 2015* where there have been consistent breaches of access orders,
- Introduce guidelines to assist in determining appropriate maintenance contributions,

- Establish set penalties for breaching court orders relating to child-maintenance, access, and custody,
- Establish a State Child Maintenance Agency to assist in matters relating to child maintenance.

Dr Shannon said that unpaid maintenance to support a child’s upbringing could cause particular hardship for lone parents in receipt of social-welfare payments, which are reduced depending on the amount of maintenance obtained. “This reduction remains in place even when there is a refusal or failure to pay maintenance,” he pointed out, adding that the result was a loss of income that had a direct impact on a parent’s ability to provide the basic needs of their child.

# Society presents award to Ukrainian people

● The inaugural Law Society Justice Award has been presented to the people of Ukraine by Law Society President Michelle Ní Longáin. The Ukrainian Ambassador, Larysa Gerasko, accepted the award at the Law Society's Gala at Dublin's Intercontinental hotel on 14 October.

Ambassador Gerasko said that it was a great honour and privilege to accept the award on behalf of the people of her country. It was a recognition of the fight faced by Ukrainians every day to protect democracy and freedom in their country.

President Ní Longáin added: "We are honoured to present the inaugural Law Society Justice Award to the people of Ukraine. Ukrainians have shown admirable resistance and perseverance in the face of continued human-rights violations, threats to free speech, and untold unlawful acts of violence."

The ambassador received a standing ovation from the attendees. Speaking at the event, Ambassador Gerasko said: "They are fighting not only for statehood, and for the existence of our country and our nation – our Ukrainians are fighting for democratic values, for democracy, and against



PIC: CIAN REDMOND

**The Ukrainian Ambassador to Ireland Larysa Gerasko accepts the inaugural Law Society Justice Award from President Michelle Ní Longáin on behalf of the people of Ukraine**

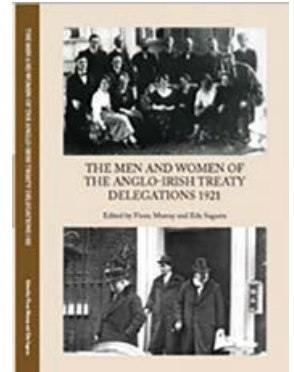
dictatorship. And they are fighting for the rule of law and for justice."

The Law Society, with its members, is coordinating offers of assistance to Ukrainian lawyers who have been forced to relocate to Ireland.

In her speech, President Ní Longáin said that she had been privileged to meet many Ukrainian lawyers during her presidency and to hear their direct testimonies about what

had happened in Ukraine. "The ambassador's people have faced so many devastating events, caused by war and terror since February this year," she said. "Through individual and collective acts of courage, ordinary citizens in Ukraine have reignited the global debate on the importance of upholding the rule of law. Their actions have inspired a whole new wave of engagement in civil society here in Ireland."

## Treaty delegations book updated



● An updated edition of *The Men and Women of the Anglo-Irish Treaty Delegations 1921*, edited by Fiona Murray and Eda Sagarra, is now available and can be ordered from [www.buythebook.ie/1921treatydelegations](http://www.buythebook.ie/1921treatydelegations) (€16.95+P&P). Copies are also available at the Legal and General shop in the Four Courts.

This commemorative volume, written and edited by descendants of the Irish delegation, focuses on the people involved in the negotiations, rather than on the politics of that historic encounter.

The book was the subject of the cover story in the April 2022 issue of the Gazette.

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## ENDANGERED LAWYERS

### SHAHANUR ISLAM, BANGLADESH



● On 1 October, Shahanur emailed a plea for protection: "Greetings from Bangladesh. I, Shahanur Islam, human-rights lawyer, working as the secretary general of Bangladesh Institute of Human Rights [BIHR] and JusticeMakers Bangladesh. I have been facing threats, death threats, intimidation, physical attack, implicating false and fabricated cases due to my strong advocacy to protect rights of ethnic, religious, sexual-LGBT minority, as well as torture, extrajudicial killing and forced disappearance. Recently, I was received death threats due to my continuous effort to protect LGBT rights in late August and early September 2022. You are requested to take prompt action to protect me."

When two girls in their late teens underwent a marriage ceremony in a village in Jamalpur, local people handed them and their two witnesses over to the police. The witnesses were lesbian friends of theirs. On 21 September, they were questioned in public in the presence of several hundred local people. According to reports, they had formed a relationship in school and had dated for three years before deciding to marry. All four were detained.

Shahanur intervened to object to their harassment contrary to their human rights, the invasion of their privacy in being questioned in public, and demanded their release, suitable security and compensation. They were all released. In response, he received death threats against himself, his wife, and child by calls and texts to his mobile phone.

As well as his roles in BIHR and JusticeMakers, Shahanur is general secretary of Bangladesh Minority Rights Commission and of Lawyers for Lawyers (Bangladesh), as well as serving as prosecution manager for USAID's Bangladesh Counter Trafficking in Persons Programme at Winrock International. He is a lawyer and member of the Bangladesh Bar Council and the Bar Association of Dhaka. He is also a member of CIVICUS World Alliance for Citizen Participation (Canada), International Legal Network (Belgium), International Network to Promote Rule of Law (USA), and also an international member of Amnesty International.

According to Frontline Defenders, he has brought many cases against perpetrators of violations of human rights. He has conducted many investigations and fact-finding missions on human-rights violations, and has issued urgent local and international appeals requesting attention to concerned authorities.

*Alma Clissmann is a member of the Human Rights Committee.*

## ABA president attends breakfast briefing



ALL PICS: CIAN REDMOND

● The President of the American Bar Association (ABA), Deborah Enix-Ross, addressed the Ireland for Law Breakfast Briefing on 6 October at the Department of Justice.

Also attending were Law Society President Michelle Ní Longaín, Justice Minister Helen McEntee, Sara Phelan SC (chair of the Bar of Ireland), Mark Garrett (Law Society director general), Liam Kennedy SC, Andrew Fitzpatrick SC, and over 80 other guests.

In her speech, the ABA president remarked that the rule of law and democratic norms were being challenged as never before, and she expressed concern at the current lack of civility in civil society in the United States.

She said that things were

worse now than in 1968, during the Civil Rights Movement, adding that there has been an increase in 'echo chambers', where people only listen to certain ideas and actively avoid being challenged on their opinions.

Expressing hope that the legal community would work together to cement the rule of law and democratic principles, she warned that, without the rule of law being upheld, it would not be possible to conduct business or have a functioning democracy.

At the event, Michelle Ní Longaín moderated a panel discussion, with Enix-Ross, Liam Kennedy SC, and Andrew Fitzpatrick SC, on the challenges and opportunities facing lawyers in the US, Ireland, and internationally.



# Accountability rattles 57% of executives



● A full 57% of Ireland’s financial services sector is worried about personal exposure to liability arising from the *Central Bank Individual Accountability Framework Bill 2022*.

That’s according to a Mason Hayes & Curran survey on the potential impact of the legislation, which will create Ireland’s first comprehensive senior executive accountability regime (SEAR). This will see the scope for personal exposure and director or manager liability within Irish-regulated financial firms expand dramatically.

The survey took place on 13 October at a webinar attended by 200 senior banking and financial-services professionals. There was discussion about the personal impact of the bill on individual directors and managers in financial-services firms, and an exploration of the knock-

on effects this could have on Ireland’s economy.

MH&C partner Liam Flynn said: “One issue that’s certainly going to be front of mind for foreign firms who are considering Ireland as a location for setting up or expanding is going to be the potential exposure of their senior executives to personal fines and personal sanctions as a result of issues within the firm.”

The majority of survey respondents (51%) said they were concerned about the impact of the regime on their future career prospects (comprising 35% ‘concerned’, and 16% ‘very or extremely concerned’). The new legislation is likely to require substantial changes to recruitment and employment practices within the sector due to the introduction of mandatory regulatory references.

## IRLI IN MALAWI

### IRLI LAUNCHES NEW ZAMBIAN PROJECT



Norville Connolly (IRLI), Sara Larios (UP Zambia), Aonghus Kelly (IRLI), and Kabota Chipopola (UP Zambia)

● At the start of October, the work of Irish Rule of Law International (IRLI) expanded with a new project in Zambia. Funded by Irish Aid through the Irish Embassy in Lusaka, the project will focus on two aspects that are seriously undermining meaningful access to justice in the country: lack of representation for persons detained pending trial, and the pervasive problem of corruption.

IRLI has been engaged in planning for the project since late 2021, through scoping visits to Zambia and in-depth engagement with the Irish Embassy team and various Zambian justice actors. This preparation has been essential in developing a project that allows for activities tailored to the needs of those who know its justice system best – the Zambians themselves.

Addressing the issue of access to justice for unrepresented accused persons in Zambia’s prisons will utilise the experience of IRLI’s Malawi team and the very successful ‘Camp Court’ model – essentially, bail applications that take place in prisons through mobile courts – developed there. The Zambian authorities are enthusiastic to learn from Malawian experiences and to see if such a model, moulded to suit the Zambian context, could become a useful tool in improving access to justice and decongesting prisons.

The project will use experience and expertise from the island of Ireland in the area of financial crimes, corruption, and asset recovery and management, with a planned visit by experts to Zambia in January. This visit will help to establish relationships between counterparts and enable the exchange of information on institutions and practices in the respective jurisdictions.

A return exchange by Zambian experts to Ireland will follow. These will serve to identify key areas of learning that will then be addressed through capacity-building and training activities during the project.

While only just beginning, IRLI is optimistic that bringing together committed individuals and expertise from Ireland, Malawi, and Zambia will lead to great improvements in meaningful access to justice for the people of Zambia.

*Seán McHale is programme manager at Irish Rule of Law International.*



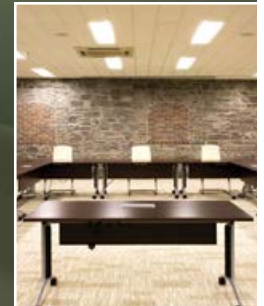
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## Drawing a line twixt home and work

**Q** I am a solicitor who has returned to work after parental leave. I'm finding it challenging to find the right balance between home and work. I feel a loss of autonomy not being able to plan my working hours as I did before, and feel that this is having an impact on my career progression. I feel guilty when I work late hours. Some guidance would be appreciated.

**A** The first thing to note is that all working parents face this dilemma to some degree. Becoming a parent is a major life event and, although joyful, can bring disruption, chaos, and feelings of anxiety and being overwhelmed as the family adjusts to the new reality.

The impact of the arrival of a child is so seismic that we may call it an existential crisis. Nothing is the same – psychologically, emotionally, physically – and when sleep deprived, maybe even cognitively. This impact can be a shock for solicitors who are new parents: it is hard to fully anticipate the demands of parenting and working before you experience them first hand.

Often new parents report feeling ambivalent about the arrival of a child, which can be a psychological experience that is difficult to grapple with. For example, a new

parent may feel huge joy and delight, as well as grief and sadness at the loss of their old life and identity. When work is demanding, solicitors who are new parents can feel very torn, and can feel like they are under-performing or even failing in work and at home.

It's important to realise that your experience is normal, and that life can feel unsettled for a while. But what can you do to help yourself through this?

You mention feeling guilty, and it sounds like you are feeling guilty at work and at home. Is this guilt helpful or is it misplaced? Are you fully present when you are in work or are you thinking about home? Equally, when you are at home, are you mentally still in work? Some solicitors report that compartmentalising and drawing boundaries can be helpful: when you're at work, be the best solicitor you can be; and when you're at home, be the best parent you can be. This can be a matter of trust, of trusting that your baby is happy and content with the childcare arrangements that are in place, and trusting that your team and work commitments will function even when you're not there.

Remember that many of your colleagues have gone through or are going through similar experiences. It is helpful to focus on communicating clearly about your availability and everyone's expectations. Often solicitors can feel under pressure to always be



'on' and performing; however, consciously giving yourself permission to focus on quality rather than quantity may alleviate this.

Hybrid working can also help with managing some practicalities around work/life balance, but it can also lead to confusion about where the lines are between home and work. Being clear with yourself and your team around how you

maintain your boundaries, and remembering that you are doing your best should help.

As your child gets older, your needs, expectations and availability will change. Setting up effective dialogue and clear boundaries around expectations with yourself, your team, your co-parent (if you have one), and your childcare provider (if you have one) will be key.

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

*This question and response are hypothetical and were written by Trish Howard, a member of the Law Society Psychological Services team and a psychotherapist in private practice. 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. Visit the Law Society Psychological Services website for more information.*



# gazette

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# Joycean slips!

From: *Senan Molony*, Irish Independent, *Independent House*, 27-32 Talbot Street, Dublin 1.

I greatly enjoyed Brian McMahon's illuminating article last issue on Joyce and the law.

Since he invites comments, however, I would mention that John Henry Menton was Paddy Dignam's former employer, not his boss at time of decease – while the funeral proceeds from Sandymount, not Irishtown.

It also seems Richie Goulding (based on Joyce's brother-in-law) grandiloquently referred to his own employer as 'Goulding, Collis & Ward' with tongue in cheek, to emphasise his own importance to the two-name partnership.

The reason Seymour Bushe did not achieve higher office was indeed an adulterous affair, but some readers miss the admittedly crude play on the lawyer's full name as indicating his inclinations.

John Eglinton should incidentally have his surname rendered Eglinton – and Alf Bergman brings unnecessary extra Judaism to a book famous



for its Jewish central character. His name was Bergan, a real-life friend of Joyce's father.

The Denis Breen postcard said simply 'U.P.' without spelling out 'up' in addition. It may be that it was sent by the late Dignam, as his imagined last words (when visualised falling out of his coffin around Dunphy's corner) were, 'What's up now?'


I penned an interpretation

of *Ulysses* by way of allegories from Homer's *Iliad*, in which Patrick Dignam stands for Patroclus, whose funeral is a major component of that work. Patroclus' last words are to forecast an early death for another. In 1904, suggesting it was 'all up for someone' could mean an early end.

The legal case about libel by postcard is cited as *Sandgrove v Hole*, but in fact it was Sadgrove

who was the plaintiff.

The use of these names, Sadgrove and Hole, seems further to refer back to the funeral in Glasnevin – in which Dignam is lowered down (only to spring back 'up' in *Circe*).

And now this sad pedant excuses himself. 

*Senan Molony is the author of Helen of Joyce: Trojan horses in Ulysses.*



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the law, due to concessions or complexities in the legislation.

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Places are limited and there are few places left so book now.

**Further details are in the October Gazette or email [office@stephensonburns.com](mailto:office@stephensonburns.com) for a booking form.**

# Underfunding causes access-to-justice issues

The 'less-than-generous fees' paid to solicitors and barristers on the Legal Aid Board private practitioner panel need to increase, argues Keith Walsh SC

Justice Minister Helen McEntee launched the Legal Aid Board's report for 2021 on 4 October, with the board's new chair Nuala Jackson SC and chief executive John McDaid.

While demand is still less than pre-pandemic levels, there is a huge pressure building on legal aid for international protection matters, which John McDaid described as increasing exponentially. More solicitors were recruited to assist the board in this area, but it is likely to still put pressure on the board's already stretched resources. Like many in the legal sector, the Legal Aid Board faces challenges in recruiting staff in 2022.

McDaid paid tribute in the report to the "contributions of those private solicitors who often work for fees that could be in no way described as generous ... and the civil legal aid depends on them."

### Waiting-time discrepancies

While waiting times for law centres are generally reducing, the waiting time in Smithfield Law Centre is currently 33 weeks, while it is 27 weeks in Dundalk, and 28 weeks in Cork South Mall. The shortest waiting times are Blanchardstown (six weeks)

and Galway's Francis Street (ten weeks).

The Private Practitioner Scheme for family-law cases was established in 1993, when such cases were much more straightforward. Since then, Legal Aid Board fees have failed to maintain any relationship with the required amount of work, especially since the referendum on the voice of the child and the *Child and Family Relationships Act 2015* – which imposed important duties on District Court judges with regard to hearing the voice of the child and introduced evidence from expert child-assessors and reports. This has greatly increased the workload of the solicitor and barrister, without any change to the Legal Aid Board fee. 1

### Uneconomic rate

It is completely unacceptable that solicitors are offered an uneconomic rate of legal aid to perform specialist work in the District Court for vulnerable clients, and there has been a flight of solicitors from the legal-aid family law panel. This lack of take-up of the Private Practitioner Scheme erodes access to justice.

Notwithstanding the uneconomic legal-aid fee and the under-resourcing of the board, it is a testament to the solicitors who do remain in the

scheme and the Legal Aid Board that John McDaid was able to confirm that no legally aided person was left without legal aid for an urgent matter in 2021. It cannot be long before the Private Practitioner Scheme breaks down completely, unless it is restructured and proper legal-aid fees provided.

### Budget failure

Yet again this year, in an €11-billion budget, there was no increase in Legal Aid Board fees. Ultimately, this failure has an impact on access to justice for those who need it most. The failure is not the fault of the Legal Aid Board, which cannot increase the private-practitioner rate of legal aid without Government approval.

The Civil Legal Aid Scheme is under review by Frank Clarke and his committee, and the Law Society, Bar, stakeholders, and individuals will be invited to make submissions in the coming months. Solicitors who work in this area have plenty to say about the operation of the legal-aid scheme and access to justice issues, as well as the rate of the Legal Aid Board fees. Family-law solicitors on the private practitioner panel have a unique opportunity to make their voices heard by the Civil Legal Aid Scheme Review Group and to

IT CANNOT BE LONG BEFORE THE PRIVATE PRACTITIONER SCHEME BREAKS DOWN COMPLETELY, UNLESS IT IS RESTRUCTURED AND PROPER LEGAL-AID FEES PROVIDED



improve access to justice.

The Legal Aid Board will be very involved in the new *Assisted Decision-Making (Capacity) Act*, which is expected to be commenced on 21 November 2022. It is to be hoped that the board and private practitioners will be properly resourced, as this work involves helping and supporting vulnerable adults and their families.

### Hole in the ground

The Legal Aid Board for many years has struggled due to a lack of resources and adequate funding, and the Review of the Civil Legal Aid Scheme is a welcome development, as both the structure and funding of legal aid needs to be examined and reformed – and access to justice improved.

This improvement can only be achieved by the provision of

resources and, if history is any guide, civil legal aid will remain the poor relation – as the ‘hole in the ground’ in Hammond Lane, where the new family-law court building is due to be built, illustrates only too clearly.

*Keith Walsh SC is a Council member of the Law Society of Ireland and member of the Family and Child Law Committee.*

IF HISTORY IS ANY GUIDE, CIVIL LEGAL AID WILL REMAIN THE POOR RELATION

PICTURE: ALAMY





this  
is  
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For the first time in Ireland, adopted people have clear rights about birth information. Will the *Birth Information and Tracing Act* achieve its goals? Sinéad Kearney SC and John Anthony Devlin investigate





## he signing into law of the *Birth Information and Tracing Act 2022*

means that, for the first time in Ireland, adopted persons – including persons who were boarded out or the subject of an illegal birth registration (referred to in the act as a ‘relevant person’, but for simplicity referred to here as ‘adopted persons’) – have clear rights in relation to birth information.

Enacted following a decades-long campaign, the act guarantees an unqualified right to the full and unredacted release of information to adopted persons who have attained the age of 16 years (and, in certain cases, other persons), in order to address the challenges in accessing birth certificates and birth and early-life information. But what does it mean for adopted persons?

### New rights

Under the legislation in place prior to the *Birth Information and Tracing Act 2022*, a restrictive approach was taken to the right of access to personal information contained in files held by the State, religious orders, and adoption agencies. Under that legislative regime, previous governments and State agencies grappled with the balance to be struck between constitutional/convention rights, with a particular emphasis on the right to privacy protected under article 40.3 of the Constitution and associated rights.

Attempts to shift this balance over the past 20 years through legislation proved unsuccessful, with concerns raised that legislation would be unconstitutional and would prove challenging for elderly persons who placed children for adoption years ago – and, more recently, there have been concerns over GDPR. From 2022, however (and although some sections are yet to be commenced), in the words of the Minister for Children Roderic O’Gorman, the *Birth Information and Tracing Act 2022* “conclusively addresses the wrongful denial of people’s identity rights over many decades in this State”.

The new approach has similarities with the approach taken in Northern Ireland and in England and Wales, and will see:

- A clear right for adopted persons to full access to birth, early-life, care, and medical information,
- The establishment of a new statutory tracing service for adopted persons and, in certain cases, relatives of adopted persons, and



“THE APPLICANT WILL BE INFORMED OF THEIR ENTITLEMENT TO RECEIVE THEIR BIRTH CERTIFICATE AND INFORMATION, THEIR BIRTH PARENT’S EXPRESSED REQUEST FOR NO CONTACT, AND OF THE IMPORTANCE OF RESPECTING THEIR PRIVACY AND PREFERENCE IN RELATION TO CONTACT

- The establishment of a Contact Preference Register for people to make their wishes known about contact.

### Access to information

Under the new legislation, adopted persons will be able to apply to the Adoption Authority of Ireland and Tusla (defined as ‘relevant bodies’) to obtain birth, early-life, care and medical information. They may also apply for their original birth certificate. This right is not restricted, and individuals will, for the first time, have an unqualified right of access to the information in question.

While some of this information may already have been accessible through data-access requests under GDPR or under the *Civil Registration Act 2004*, it is given a specific statutory expression and includes information relating to third parties (namely parents), which might not previously have been released. Persons applying will also be provided with support and guidance, including

assistance from relevant bodies to identify where their records might be held and guide them through the process. The *Birth Information and Tracing Act 2022* also mandates the roll-out of a public information campaign (currently underway) dedicated to informing all persons affected by the legislation of their rights. A website ([www.birthinfo.ie](http://www.birthinfo.ie)) and other supporting materials have been made available.

**W**hile this is to be welcomed, there is one area where concerns have been raised anecdotally. Where a person placed a child for adoption many years ago, it may have been made on an understanding that information about that person or persons would not be shared and that they would not be contacted. Elderly persons who historically placed a child for adoption now have to accept that their information may be shared, which could be exceptionally challenging.



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## ELDERLY PERSONS WHO HISTORICALLY PLACED A CHILD FOR ADOPTION NOW HAVE TO ACCEPT THAT THEIR INFORMATION MAY BE SHARED, WHICH COULD BE EXCEPTIONALLY CHALLENGING

### Tracing service

While a tracing service is currently provided by relevant agencies, this has been limited, due to the previous legislation and the requirements of GDPR. The *Birth Information and Tracing Act* establishes a new, more robust tracing service, which is intended to operate in a GDPR-compliant manner.

An application for tracing can only be made by a person who is 18 years or over, and for the purposes of locating a person who is 18 years or over, and to facilitate consensual contact or sharing of information. In addition to adopted persons, applications for tracing can be made by a parent of an adopted person, or genetic relatives consisting of a grandparent, sibling, aunt, uncle, or first cousin of an adopted person.

**T**he act draws a clear distinction between information and contact. Relevant persons have a right to information, but equally, an individual's right to state their preference regarding contact – and to have that preference shared and respected – is protected in the legislation. If a preference for no contact is communicated by a birth parent, then the adopted person will be informed of this during an information session with a social worker. The applicant will be informed of their entitlement to receive their birth certificate and information, their birth parent's expressed request for no contact, and of the importance of respecting their privacy and preference in relation to contact.

### Contact Preference Register

The act also establishes an updated Contact Preference Register, created and maintained by the Adoption Authority. The register will work to facilitate contact or the exchange of information between adopted persons and birth parents.

The register will enable people to register a preference regarding future contact with their family members. Applicants have the option to share information that could be beneficial to a family member, such as medical or background information. They may also lodge an item (for example, a letter, photograph, etc) for a specified person, which will be given to the specified person if they join or have previously joined the register.

The act also provides that, where parents register a preference for no contact, they will be informed of their right to access counselling and a range of supports, to be provided by Tusla. Counselling can be provided to all parents and relevant persons who request it.

### Complex legal challenges

The *Birth Information and Tracing Act 2022* seeks to address complex legal challenges that have existed for decades and, in doing so, strikes a balance on the fundamental rights of persons affected by adoption. The provision of a clear legislative framework gives all persons who were adopted, boarded out, the subject of an illegal birth registration, or who otherwise have questions in relation to their origins a clear right of access to information.

It also allows for access to information by a child of a relevant person where their parent has died, and for access by the next-of-kin of children who died in an institution. The act facilitates tracing and consensual contact between adopted persons and family members, in order to ensure that contact will be easier in the future.

**H**ailed as “landmark legislation” by the Minister for Children, the *Birth Information and Tracing Act 2022* has the potential to provide significant assistance to people seeking birth information, while respecting the privacy rights of others and ensuring support for all parties. It remains to be seen how the new legislation will operate in practice, and whether it will achieve its goals.

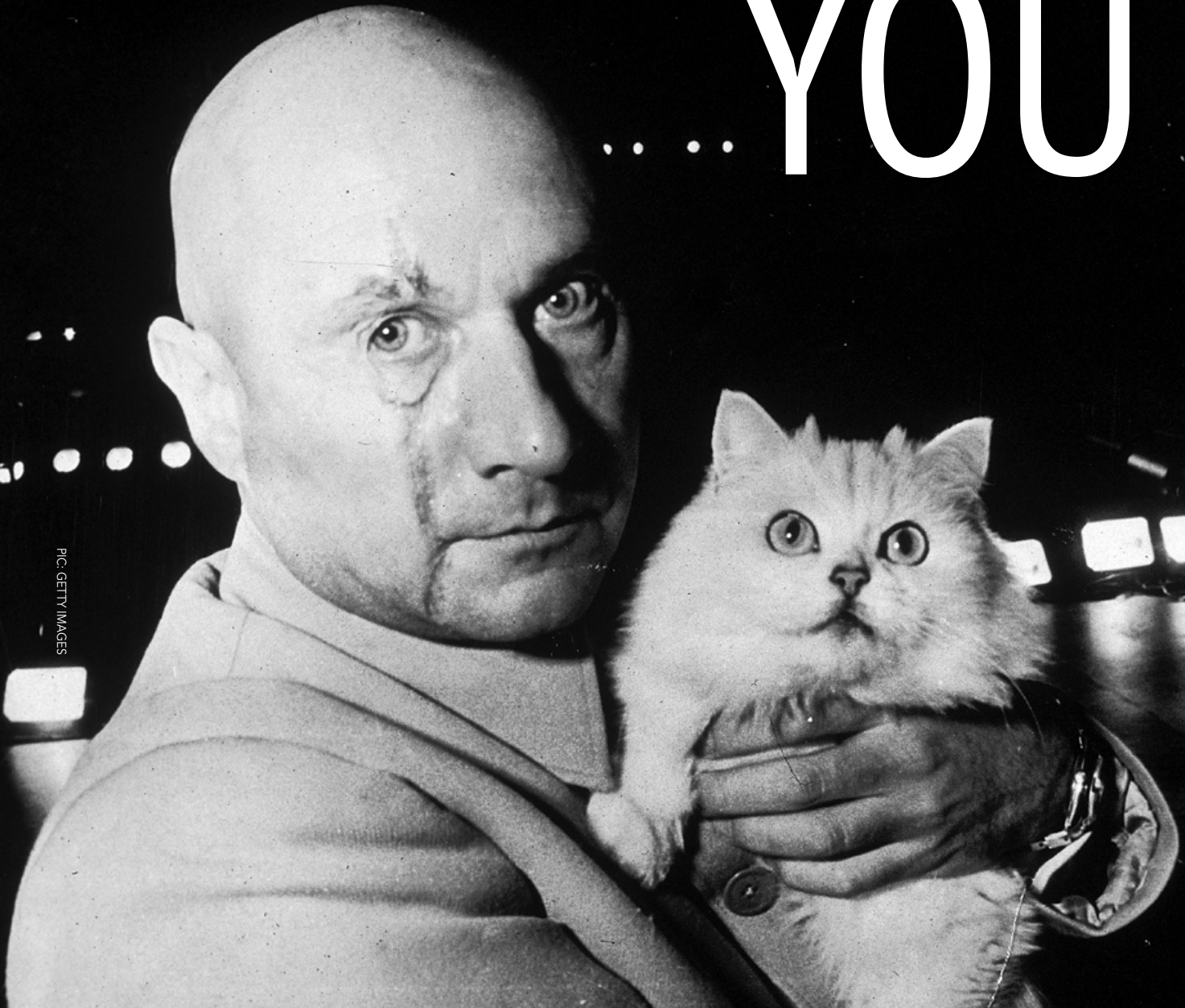
*Sinéad Kearney SC is partner and head of the ByrneWallace LLP Health and Social Care Team. John Anthony Devlin is an associate in the team.*

## LOOK IT UP

### LEGISLATION:

- [Birth Information and Tracing Act 2022](#)
- [Civil Registration Act 2004](#)
- [General Data Protection Regulation](#)

# WE'VE BEEN EXPECTING YOU



PICTURE: GETTY IMAGES

THERE IS LITTLE POST-GDPR GUIDANCE FOR DATA CONTROLLERS ON ASSESSING WHETHER FURTHER PROCESSING FOR A DIFFERENT PURPOSE IS COMPATIBLE. HOWEVER, PRE-GDPR GUIDANCE AND CASE LAW MAY REMAIN APPLICABLE. MORGANE CONATY HAS GREAT EXPECTATIONS

**One of the fundamental principles** relating to the processing of personal data under the GDPR is that personal data can only be collected for “specific, explicit and legitimate purposes” and cannot be further processed “in a manner that is incompatible with those purposes”, in accordance with article 5(1)(b).

The principle of ‘purpose limitation’ therefore only permits the further processing of personal data after collection if the manner of the processing is compatible with the purposes for which the data was collected. Accordingly, a compatibility assessment will be required where the purpose of the further processing is different to the purpose for which the data was collected.

For example, when you purchase an item online and provide your address and phone number for the purposes of delivery, the business cannot use your address to send you advertisements by post. Why? Because this would be the further processing of your personal data for a purpose (marketing) incompatible with the purpose for which the data was initially collected (to deliver the items) – unless, of course, you explicitly consented to it. But giving your address to a delivery courier is further processing that *is* compatible with the initial purpose of delivery.

The GDPR provides that further processing for a different purpose will not be incompatible where it is for:

- “Archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes” – article 5(1)(b),
- Where the data subject has given consent to the further processing – article 6(4), or
- Where the further processing constitutes a necessary and proportionate measure to safeguard specific objectives set out in sections 41 and 47 of the *Data Protection Act 2018* (for example, to aid in the investigation of crime, protect national security, or for the purposes of obtaining legal advice).

However, in all other circumstances where data is processed for a different purpose, the data controller must conduct a compatibility assessment and take into account the following, as set out in article 6(4):

- Any link between the purposes for which the personal data has been collected and the purposes of the intended further processing,
- The context in which the personal data has been collected – in particular, regarding the relationship between data subjects and the controller,
- The nature of the personal data, in particular whether special categories of personal data are processed, pursuant to article 9, or whether personal data related to criminal convictions and offences is processed, pursuant to article 10,
- The possible consequences of the intended further processing for data subjects, and
- The existence of appropriate safeguards, which may include encryption or pseudonymisation.

**B**eyond these factors, there is little post-GDPR guidance for data controllers on assessing whether further processing for a different purpose is compatible, and no case law discusses the issue.

However, pre-GDPR guidance and case law may remain applicable: a recent Court of Appeal judgment on purpose limitation in the pre-GDPR legislative context considered, as a key factor, the expectation of data subjects as to the further processing of their data. This tallies with a case study in the Data Protection Commission's 2021

**CONTROLLERS SHOULD BEAR IN MIND THE OVERARCHING REQUIREMENT TO PROCESS PERSONAL DATA FAIRLY, AND MUST ENSURE THAT DATA SUBJECTS ARE MADE AWARE OF WHAT DATA IS COLLECTED, AND THE NATURE AND PURPOSE OF THE PROCESSING**

annual report, where the DPC also focused on the expectations of data subjects when determining a complaint relating to further processing for a different purpose.

### **DPC v Doolin**

The respondent worked as a craftsman's mate at Our Lady's Hospice and Care Services. Following the discovery of terrorism-related graffiti carved into a table in the staff tearoom, the employer conducted an investigation and, while reviewing CCTV monitoring access to the room, discovered that the respondent had been taking unauthorised breaks.

The employer commenced disciplinary proceedings, and the respondent was subsequently sanctioned. The respondent complained to the DPC that the further use by the employer of the CCTV for disciplinary purposes was in breach of the *Data Protection Acts 1988 and 2003* (the relevant legislation at the time). The employer's CCTV policy stated that the "purpose of the system is to prevent crime and promote staff security and public safety", and a sign was placed beside each camera stating: "Images are recorded for the purposes of health and safety and crime prevention."

The DPC dismissed the complaint, holding that the employer's use of information gleaned from the CCTV for disciplinary proceedings did not constitute further processing. This decision was upheld by the Circuit Court, but overturned by the High Court, which found that there was further processing of the data for an incompatible purpose. The DPC appealed to the Court of Appeal.

Noonan J, for the court, held that the capturing of the respondent's data by the CCTV for security purposes was the initial collection of the data. Therefore, the use of the CCTV for the disciplinary proceedings was further processing for a different purpose. In examining whether the disciplinary purpose was incompatible with the original purpose (security), the court considered the Article 29 Working Party's (the predecessor to the European Data Protection Board) 'Opinion 03/2013 on purpose limitation', since it was accepted that the issue as to further processing had not been the subject of any decisions of the Court of Justice or of national courts.

**T**he opinion dealt with the principle of purpose limitation contained in article 6(1)(b) of the *Data Protection Directive*, which is substantively the same as the GDPR, but does not set out factors to take into account when conducting a compatibility assessment, as are set out in article 6(4) of the GDPR.

The opinion gives guidance that an assessment of compatibility requires an analysis of:

- The relationship between the purposes for which the data was collected and the purposes of further processing,
- The context in which the data was collected and the reasonable expectations of the data subjects as to its further use,
- The nature of the data and the impact of the further processing on the data subjects, and
- The safeguards applied by the controller to ensure fair processing and to prevent any undue impact on the data subjects.

### **'Reasonable data subject'**

The court focused on the "reasonable expectations of the data subjects" as a key factor in considering compatibility, and relied on one of the examples in the opinion, which related to a company installing CCTV to monitor the main entrance to its building for security purposes, but

the CCTV also picks up that the receptionist is frequently away from her desk. A sign informs people that the CCTV is in operation for security purposes.

The opinion stated that a reasonable data subject would assume that the CCTV was there for security purposes only, and that the monitoring of employees “is an unrelated purpose which could not reasonably be expected by the data subject”. The court noted that, in this case, the “fact that the viewing of the CCTV here was for the purpose of attempting to detect the perpetrator of the offensive graffiti and damage to hospice property is entirely irrelevant to the incidental observation of Mr Doolin taking unauthorised breaks”.

**H**owever, the court noted that the further processing of CCTV for disciplinary purposes would not have been incompatible if the disciplinary proceedings related to a security issue – for example, if the respondent had actually been viewed carving the graffiti, or if a security guard was seen to be away from his desk.

The Court of Appeal concluded that the respondent was not notified that the CCTV could be used for purposes other than security, nor was there any basis upon which he ought reasonably to have expected such use. The processing of the respondent’s data for disciplinary purposes was accordingly incompatible, and the appeal was dismissed.

It is interesting to note that, during the course of the investigation into the graffiti, the employer amended its CCTV policy to explicitly provide: “If, in the event of viewing CCTV for the specified purpose [to prevent crime and promote staff security and public safety], a disciplinary action is observed, the CCTV can be used for the purpose of a disciplinary investigation. However, CCTV will not be viewed solely for the purpose of monitoring staff.”

**DPC case study**

The case study in the Data Protection Commission’s 2021 annual report related to the use of location data to verify expense claims.

The complainant had been employed by a statutory service provider in the role of emergency-vehicle driver. In this role, he was entitled to claim for overtime or subsistence, and did so by completing forms provided by the employer detailing the relevant dates, places, dispatch reference numbers, and amounts claimed. The employer used a dispatch system to ensure the most efficient use of drivers, and utilised vehicles that logged the performance and completion of service calls, when vehicles were out on calls, and when drivers were on or off duty.

**T**he complainant made a claim for overtime and subsistence, and the employer used the record from the dispatch system to assess it. Finding inconsistencies between the form and the system, the employer rejected the claim. The complainant objected to

IT MAY BE BEST TO SET OUT ALL THE PURPOSES OF DATA PROCESSING IN A WRITTEN POLICY OR STATEMENT PROVIDED TO DATA SUBJECTS



No one expects the Spanish Inquisition

the use of data from the dispatch system for this purpose and complained to the DPC.

The DPC considered whether the use of data from the dispatch system to verify overtime and subsistence claims was in line with fair processing requirements. The DPC noted that the purpose of the processing from the dispatch system was to aid logistics: the use of the data to verify overtime claims was, therefore, further processing. Having determined that the employer did have a legal basis for this processing, the DPC considered whether the further processing was not incompatible with the initial purpose. In doing so, the DPC focused on whether the complainant and fellow employees had been made aware of the employer’s use of the data for this further purpose.

Although the employer did not have a written policy on the use of the system, it relied on the general awareness of employees of such use. The use of the system had been noted in an arrangement with its employees’ trade unions some years previously, and the claims form required employees to include relevant





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6 December	<b>Build your Professional Brand</b> Law Society of Ireland, Dublin	6 Management & Professional Development Skills (by Group Study)	€160	€186
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14 December	<b>Effective Negotiation Skills for Lawyers</b> Law Society of Ireland, Dublin	3.5 Management & Professional Development Skills (by Group study)	€160	€160

### ONLINE

8 November	<b>Institutional Arbitration - ICC Arbitration</b> Live Webinar	2 General (by eLearning)	€95	€135
Available now	<b>International Arbitration in Ireland - Opportunities and Challenges.</b> Online, On-Demand	1.5 General (by eLearning)	Complimentary	
Available now	<b>The Arbitration Agreement – Procedure and Practice</b> Online, On-Demand	2 General (by eLearning)	€135	€160
Available now	<b>Ad Hoc and Institutional Arbitration</b> Online, On-Demand	1.5 General (by eLearning)	€95	
9 November	<b>Employment Law Annual Conference 2022</b> Live Webinar	3 General (by eLearning)	€160	€186
17 November	<b>EU and International Affairs Annual Conference 2022</b> Live Webinar	1.5 General (by eLearning)	€135	
22 November	<b>New Technologies and New Tech. Laws Conference</b> Live Webinar	2.5 General (by eLearning)	€135	€160
29 November	<b>Digital Upskilling Word Level 3 Advanced</b> Live Webinar	6 Management & Professional Development Skills (by eLearning)	€160	€186
1 December	<b>December ADR and Younger Members Committee Conference</b> Live Webinar	See website for details	Complimentary	
Available now	<b>Legislative Drafting Masterclass</b> Online, On-Demand	3 General (by eLearning)	€350	€395
Available now	<b>Suite of Social Media and Website Courses</b> Online, On-Demand	4 Management and Professional Development Skills	€135	



## THE OPINION STATED THAT A REASONABLE DATA SUBJECT WOULD ASSUME THAT THE CCTV WAS THERE FOR SECURITY PURPOSES ONLY, AND THAT THE MONITORING OF EMPLOYEES 'IS AN UNRELATED PURPOSE WHICH COULD NOT REASONABLY BE EXPECTED BY THE DATA SUBJECT'

dispatch numbers from the system. Having regard especially to this latter fact, the DPC held that the employees were aware that the system was used to verify their claims.

The DPC concluded that the use of the data to verify overtime claims was not incompatible with the initial purpose of aiding logistics, since that data was the only means available to the employer to verify claims. Furthermore, the employer had a legal and contractual obligation to verify overtime claims.

### Great expectations

It is clear from the Court of Appeal judgment and the DPC case study that, when assessing whether a further purpose is compatible, one of the key factors is the expectation of the data subjects as to the further processing of their data.

Interestingly, although the factors listed in the opinion and in article 6(4) of the GDPR almost mirror each other, the latter does not refer to the “reasonable expectations of data subjects”, but focuses on the “relationship between data subjects and the controller”.

It is unlikely that there is much difference between the two factors and, in fact, a consideration of “the relationship between data subjects and the controllers” is arguably broader, and encompasses the reasonable expectations of data subjects. This certainly seems to be the view taken by the DPC in its case study, and it is worth noting that the UK Information Commissioners’ Office’s view on the factors to be taken into account when undertaking a compatibility assessment (which currently have not changed since Britain left the EU) includes “the context in which you

originally collected the personal data – in particular, your relationship with the individual and what they would reasonably expect”.

Data controllers should, therefore, be aware that the reasonable expectations of data subjects as to the further use of their personal data is a key factor in conducting a compatibility assessment, and should ensure that data subjects are made aware of all the purposes for which their data are being processed.

In the case study, the DPC noted that, while the further processing was compatible in this instance, “controllers should bear in mind the overarching requirement to process personal data fairly, and must ensure that data subjects are made aware of what data is collected, and the nature and purpose of the processing.”

As can be seen by *Doolin*, it may be best to set out all the purposes of data processing in a written policy or statement provided to data subjects.

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*Morgane Conaty is a practising barrister and previously was a legal researcher in the Chief State Solicitor’s Office and a judicial assistant in the High Court.*

## LOOK IT UP

### CASES:

- [Data Protection Commissioner v Doolin](#) [2022] IECA 117 (unreported, Court of Appeal, Noonan J, 24 May 2022)

### LEGISLATION:

- [Data Protection Act 2018](#)
- [Data Protection Acts 1988 and 2003](#)
- [Data Protection Directive](#) (Directive 95/46/EC)
- [General Data Protection Regulation](#) (Regulation [EU] 2016/679)

### LITERATURE:

- Article 29 Working Party, ‘Opinion 03/2013 on purpose limitation’ (00569/13/EN WP 203, 2 April 2013)
- [Data Protection Commission Annual Report 2021](#)
- Information Commissioners’ Office, note on ‘Principle (b): Purpose limitation’



# COME TOGETHER

**The *Construction Contracts Act* and statutory adjudication in Ireland – how are we doing so far, and can we do better? Deirdre Hennessey and Éamonn Conlon SC get marking the papers**



**The Construction Contracts Act 2013** came into force on 25 July 2016. We are all aware of the genesis of the act, and the fact that its primary purpose was to regulate payments in the construction industry by regulating the way in which payments are to be set out in construction contracts. The act also introduced a new statutory process for construction payment disputes in order to allow for cashflow on projects to be protected by resolving any disputes in a timely manner on an interim binding basis.

The act has been operating now for six years and, therefore, now is a good time to review how it is performing and whether there are particular changes and/or updates to the act that should be considered in order to improve its purpose for the construction industry.

Parties were initially slow to take up the adjudication option pursuant to the act but, gradually, more and more cases are now referred to adjudication. Between July 2020 and July 2021, a total of 51 cases were referred to the Construction Contracts Adjudication Panel seeking the appointment of adjudicators. It is likely that further cases were also referred to adjudication that were not referred to the panel.

Of the parties in dispute during that period (which was ‘year five’ of the operation of the act), 19 of the cases were between subcontractors and main contractors, while 12 were between the main contractor and employer. The bulk of the disputes related to either interim or final payments.

Both the regulation of the payment process and the adjudication process were a welcome introduction for the construction industry, whereby payments were often bogged down for lengthy periods of time in dispute processes, holding off cashflow on projects.

The industry has embraced the adjudication process to a greater extent in recent years. But how are the act and the adjudication process operating – and are there any improvements that could be made to them, based on current experience, in order to allow the act to better service the industry?

### Payment disputes

The definition of ‘payment dispute’ in section 6(1) of the act is vague and circular: “any dispute relating to payment arising under construction contracts”. This wording could be interpreted broadly or narrowly. The broad meaning could include any dispute where someone is seeking a payment – and this could, therefore, broaden the dispute from progress of final payments to claims for indemnity, liquidated damages, damages for defects, etc.

A narrow interpretation would mean that the payment dispute would arise only on a payment claim made by the executing party.

The purpose of the act and the adjudication process thereunder was to protect the cashflow for work done and, therefore, we would suggest that the narrower interpretation of the definition of payment dispute would serve the industry better.

Extending the process to cover more complex disputes would stretch the process beyond its useful purpose, turning it into a lengthier and more costly process. Already we have seen some very lengthy and complex disputes referred to adjudication where they would be better served in another forum.

### Complex disputes

Where the whole purpose of the act is to provide an efficient and timely decision (which is binding only on an interim basis) in order to allow the parties to move on with the project and for payments to be made, allowing complex disputes in adjudication negates the timely nature

of the process and can lead to unfairness, particularly for parties with less resources.

Further, the adjudicator may not have all the skills required to decide on the complex issues whereas, in other forums, they would have more access to expert advice to assist them in the process.

Section 6 of the act requires the adjudicator to reach a decision within 28 days, beginning with the day on which the referral is made, or such longer period as is agreed by the parties after the payment dispute has been referred. The adjudicator may extend the period of 28 days by up to 14 days, with the consent of the referring party.

**W**here complex disputes are referred, it will often be impossible for the adjudicator to keep to the 28-day period and still give due regard to all the issues. This could lead to bad decisions that might be challenged in addition to being referred onwards to another forum for a final decision, with the adjudication process simply becoming an added layer of expense in the resolution of the dispute.

Having a timely interim binding process for payment disputes is a valuable and useful resource for parties, but its value is only diminished if the scope of the issues before the adjudicator is widened. We would suggest, therefore, that the value of the adjudication process for parties to construction contracts would be better achieved by the narrower interpretation of the definition of payment disputes, and this should be made explicit in the act.

### Payment response

Under section 4(2) of the act, if the other party contests the amount claimed in a payment claim notice, they must deliver a response stating the amount proposed to be paid, how it is calculated, and reasons for any difference between that and the claimed amount. This response must be delivered within 21 days

**HAVING A TIMELY INTERIM BINDING PROCESS FOR PAYMENT DISPUTES IS A VALUABLE AND USEFUL RESOURCE FOR PARTIES, BUT ITS VALUE IS ONLY DIMINISHED IF THE SCOPE OF THE ISSUES BEFORE THE ADJUDICATOR IS WIDENED**

after the payment claim date, but there is no provision in the act specifically as to what happens if there is no response notice issued.

In the recent *Aakon Construction Services* case, the adjudicator had found that the amount claimed must be paid in the absence of a response, and Mr Justice Simons in the High Court on an enforcement application held that it was for the adjudicator to decide whether to take this approach.

**T**he issue itself, therefore, has not been conclusively decided, albeit it would appear from recent decisions that the court may enforce an adjudicator's decision that a response must be delivered or the full amount of the payment claim will be payable, and equally uphold an adjudicator's decision to the opposite effect. This is one issue where the act could usefully be amended to clarify and resolve the uncertainty. We would suggest that it would be logical for the act to provide that the amount claimed in the payment claim notice must be paid where there is a default in issuing a response notice within a particular time period. This is the approach adopted in the UK. If the amount is paid, then the paying party should be able to raise a new adjudication on the 'true value' of the amount owed.

### 'At any time'

The act provides at section 6(2) that a payment dispute may be referred to adjudication 'at any time'. This serves to contradict the purpose of the act, which is to provide a rapid procedure in order to speed up cashflow on

the project. The provision that a payment dispute can be referred to adjudication 'at any time' does not assist this process and can also be unfair, giving the referring party unlimited time to prepare its referral at its leisure, but leaving the responding party very little time to respond to it. In one example, in the case of *O'Donovan v Bunni*, a payment dispute was referred to adjudication more than two-and-a-half years after completion, while an arbitration was in progress.

Secondly, the wording of the act would permit adjudication following a final binding award, and this cannot be what was originally contemplated. We would suggest, therefore, that specific time limits should be provided to allow for a referral in *x* number of days (possibly 42 days) after the payment claim date, or 21 days after the due date when a payment has not been made in accordance with the response, or in the case of a response default.

The party who has to pay because of its own response should be given a time period thereafter (for example, 21 days) to initiate their true-value adjudication. In this way, it is clear to the parties at which point they must refer to adjudication.

**L**eaving the general term of 'at any time' unchanged allows parties to refer disputes to adjudication on matters that have long been completed, and where parties may no longer have access to all the documents required in order to mount a proper defence.

Such adjudications would make the assessment of the dispute

extremely difficult for the adjudicator, and certainly raises the risk of unfairness for at least one of the parties.

### Decisions transparency

The code of practice requires adjudicators to keep information disclosed in an adjudication confidential. We do not see the value of this provision. There does not appear to be anything to prevent the parties from making a decision public, unless they have separately agreed not to, either as a term of the construction contract or otherwise. Transparency would allow for numerous advantages:

- It would increase consistency in quality of decisions,
- It would provide a body of decisions that parties and adjudicators could refer to, providing a bank of precedents allowing more certainty for parties to assess their payment claims and how they would be dealt with in an adjudication, and
- It would be fairer to the parties, since all parties would have the same information. At present, the information is very unevenly spread among advisers who have experience in adjudications, and who will often trade on their knowledge about adjudicators and how they deal with procedural issues, etc. This is unfair to a party who is preparing a claim for the first time and has not previously been involved in an adjudication, or where their advisers have not previously been involved. We would suggest that all adjudication decisions should be published in order to allow for a valuable source of information for construction parties, and firmly believe that this would enhance the process, improve it and, in general, save costs for parties.

### Arbitration costs

The current *Arbitration Act 2010* allows parties to make such provision as to the costs of the arbitration as they see fit. The reason for the 2010 change to arbitration law on costs was to give effect to the principle of party autonomy, which underlies the 2010 act and the *UNCITRAL Model Law on International Commercial Arbitration*. But we are well past party autonomy in construction contracts — as the *Construction Contracts Act* and similar legislation throughout the world shows. This legislation imposes a compulsory regime for payments and adjudication because, in many parts of the construction industry, bargaining power is so unequal that party autonomy is not a reality.

**I**n those circumstances, we would suggest that this pre-dispute allocation of costs is unfair, and the *Arbitration Act* itself should be amended to deprive the parties of the effect of any pre-dispute allocation of costs.

In summary therefore, we see five main amendments, which we believe should be considered in order

to improve and develop the act and the statutory adjudication process in Ireland and to make it more effective for construction payment disputes:

- 1) The definition of ‘payment dispute’ should be defined specifically as a dispute arising from a payment claim notice, rather than the general description currently in the act.
- 2) The act should specify that the amount claimed in a payment claim notice must be paid in full if there is no timely response notice.
- 3) The act should impose a time limit for the referral to adjudication and remove the provision of ‘at any time’.
- 4) Adjudication decisions should be published so that a bank of precedents can be available to all parties, and parties can better assess how their payment dispute will be dealt with or is likely to be dealt with. This will allow parties to assess the success and/or failure of their claim prior to the referral.
- 5) There should be no more pre-dispute allocation of arbitration costs in domestic construction contracts.

**T**he *Construction Contracts Act* and its adjudication process are positive additions to the construction dispute arena in Ireland, but having operated the system for the past six years, we believe it could be further improved and be of better use to parties involved in payment disputes and the construction industry if the above amendments were considered and implemented.

In this way, we believe that parties in the Irish construction market would have available to them a very efficient interim binding process, with clear parameters as to timing and entitlements, which would better serve the original intended purpose of the act.

We are aware that this matter is open to discussion by all, and we believe the industry should strive to continue to improve the act and the adjudication process as it evolves.

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*Deirdre Hennessey and Éamonn Conlon SC are both members of the Law Society’s Alternative Disputes Resolution Committee.*

## LOOK IT UP

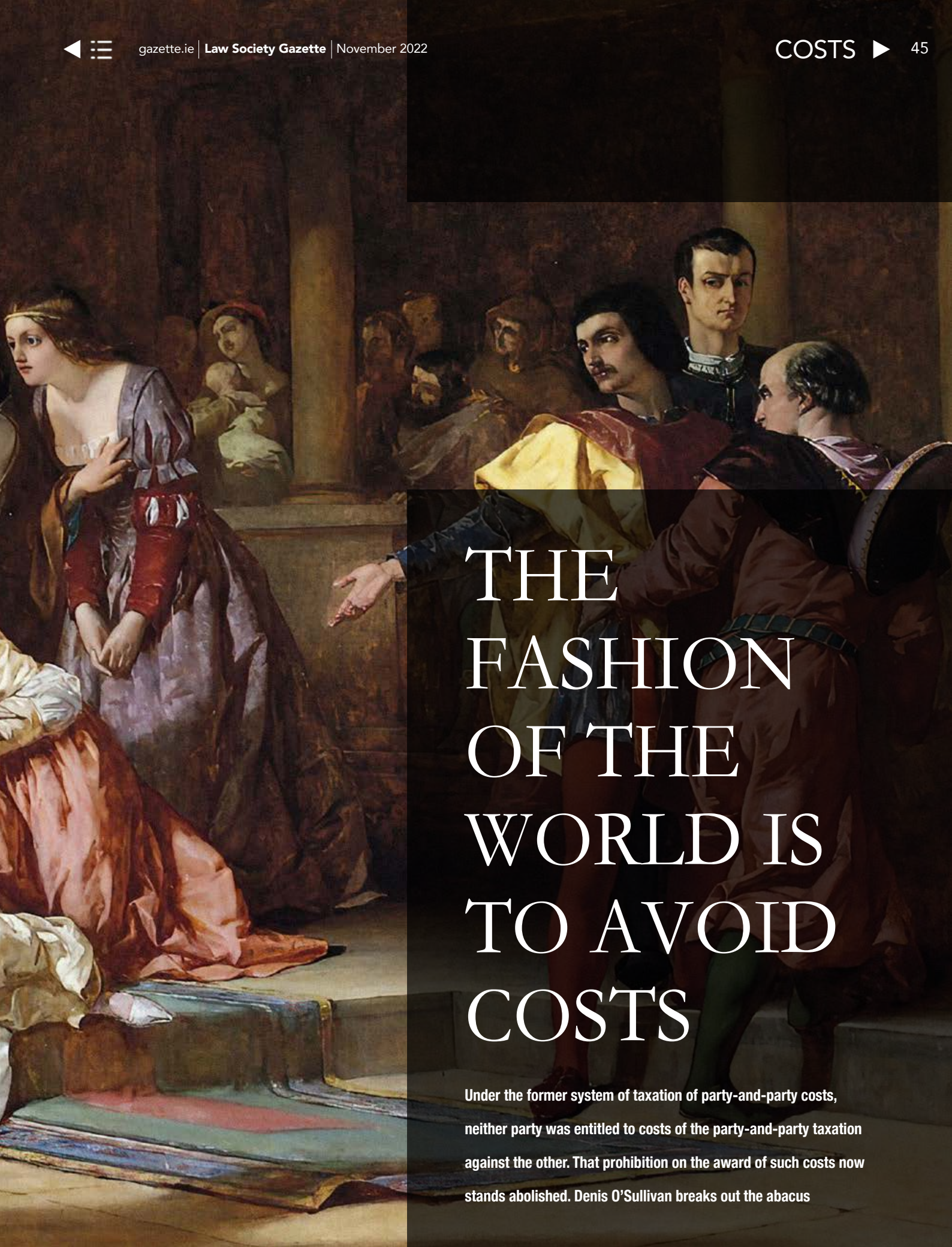
### CASES:

- *Aakon Construction Services Ltd v Pure Fit Out Associated Ltd* [2021] IEHC 562
- *O’Donovan v Bunni* [2020] IEHC 623

### LEGISLATION:

- *Arbitration Act 2010*
- *Construction Contracts Act 2013*
- *UNCITRAL Model Law on International Commercial Arbitration* (1985)





# THE FASHION OF THE WORLD IS TO AVOID COSTS

Under the former system of taxation of party-and-party costs, neither party was entitled to costs of the party-and-party taxation against the other. That prohibition on the award of such costs now stands abolished. Denis O'Sullivan breaks out the abacus





**Order 99, rule 13(2)** of the *Rules of the Superior Courts*, as amended, now provides for the award of the costs of the adjudication process in party-and-party adjudications.

In addition, a further entirely novel provision providing for the making of lodgements or tenders in satisfaction of costs has also been introduced. Here, consideration is afforded to the scope and effect of these fundamental changes in party-and-party adjudication of costs.

The assessment of the amount of the costs to which a successful party to litigation is entitled on foot of an order of the court for payment of such costs is an essential component of the entitlement to relief of the successful party in litigation. It is not an incidental or ancillary aspect of litigation but, on the contrary, is an essential component of the remedy granted to the vindicated plaintiff or, indeed, the defendant who has been wrongly sued. Hence, it requires strict justification if rules are to be introduced that clog the right of the party who has obtained such an order to obtain payment of the full measure of the costs incurred by him or her in successfully prosecuting or defending litigation.

It must be remembered that, in the adjudication-of-costs process, one is not dealing with a claimant who has yet to establish liability and damage, but rather with one who has been found (or admitted) to have been injured by the wrong of another, and entitled to recover the costs of self-vindication before a court.

### Range of values

It is well-recognised that, in the assessment of party-and-party costs, there exists a range of values within which a professional fee – whether that of lawyer or expert witness – can remain objectively reasonable. An award of costs within that range of values is fair, notwithstanding that it may be less than that marked by the lawyer or expert.

On the other hand, if the fee claimed can properly be regarded as reasonable, then the party awarded costs is entitled to recover that amount, since the function of the costs order is to make restitution to that party in respect of the costs of his having been compelled to engage in litigation.

Of course, the lawyer or expert whose fee is in question must demonstrate the features of the litigation that justify his/her marking the fee charged, in terms of:

- The work done, and required to be done, to bring the case to a successful conclusion,
- The complexity of the issues,
- The responsibility involved, and
- The other factors identified in the first schedule of the *Legal Services Regulation Act 2015*.

But where relevant matters have been thus identified to justify the fee marked, it is obviously for the party resisting the fee charged to show that the reliance on those matters is mistaken in one or more significant respects. In this context, attempts to ‘average costs’ or to allow a bare minimum – or the lowest amount that might be described as ‘reasonable’ – defeats the purpose and rationale of the award of costs. It sacrifices the interest of the party injured to some other perceived (but generally unstated) reason for mitigating the costs incurred by him or her in favour of the unsuccessful party to the litigation.

Nevertheless, even within the parameters of the foregoing approach, there is obviously room for disagreement. This is because there is no fee written in stone that constitutes ‘reasonable remuneration’ for work done. Moreover, the Legal Costs Adjudicator, in many cases, may find difficulty in judging the complexity inherent in the litigation because, unlike the lawyers involved, he will not have had the opportunity of acquiring the detail that they acquired over years of living with the case.

**T**his is not a criticism of the Legal Costs Adjudicator or of the system, but merely a recognition of the reality involved in performing a very difficult exercise within a very short period of time. Hence, there is the concept of a range of values within which a professional fee can remain objectively reasonable.

### The right to costs

Order 99, rule 13(2), as amended, provides: “The costs and expenses of an adjudication shall, unless the Legal Costs Adjudicator, for special reason to be stated in his determination otherwise directs, follow the event.”

The first issue concerns what constitutes ‘the event’ in such an adjudication, which determines to whom the costs of the adjudication should be awarded. If the party in whose favour the order for costs has been made gets an assessment of any sum in respect of costs, then surely he has won ‘the

event' on the adjudication? On this basis, recovery of any amount in the adjudication entitles the party so recovering to his or her costs of the adjudication. Moreover, there are no circumstances (other than failing to beat a lodgement or tender) in which the costs of the adjudication can – except for special reason stated – go otherwise than to the party who has thus won 'the event'.

### Criterion question

A further question relates to what comes within the criterion of 'the costs and expenses' of the adjudication?

**F**irst, there is the work done in drawing the bill of costs. One of the advantages of the new format of the bill, which facilitates the assessment process, is the detail that must be stated in the bill (see 'Top of the bill', Jan/Feb 2022 *Gazette*, p36). The solicitor for the costs is responsible for the contents of the bill that he presents on behalf of his client, and this means that he must exercise close supervision over its preparation, even if he delegates its preparation to a member of his own staff or a legal costs accountant. In complex actions, this means that it may take several days to formulate the bill in accordance with the requirements of the rules of court. It should be mentioned that, as an alternative, the expense of drawing the bill of costs is sometimes claimed under section D of the bill of costs and, for reasons which will appear later in this article, it may be wiser to claim this item in that context.

Second, in point of time, there are the discussions (mandated by statute to occur before the bill of costs may be issued) to attempt to agree the bill, which, again, may take considerable time. This is because there are the four headings of costs to be considered – namely, 'solicitor', 'senior counsel', 'junior counsel', and 'other disbursements' – and, even if the party resisting the bill has little interest in compromise, that party will, most likely, be interested in acquiring such information as he can glean from those discussions for the purpose of making a lodgement or tender in satisfaction of costs.

Third, there is the court fee required to be paid on issuing the bill of costs prior to its service.

Fourth, there is the preparation of the argument for the hearing before the Legal Costs Adjudicator.

THERE IS NO FEE WRITTEN IN STONE THAT CONSTITUTES 'REASONABLE REMUNERATION' FOR WORK DONE. MOREOVER, THE LEGAL COSTS ADJUDICATOR IN MANY CASES MAY FIND DIFFICULTY IN JUDGING THE COMPLEXITY INHERENT IN THE LITIGATION

Fifth, there is the attendance to argue for the bill at the hearing before the Legal Costs Adjudicator.

Sixth, there is stamp duty (which, under the former system of taxation, was always the responsibility of the party resisting the bill of costs in party-and-party taxations).

This itemisation is not intended to be comprehensive, but it captures the main items of work and outlay involved for the solicitor for the costs in the legal-costs adjudication process contemplated by the present order 99.

### Prohibitions on recovery

As regards the costs incurred by the party opposing the bill of costs in party-and-party taxation, there are two important prohibitions on recovery, comprising the time spent in preparing to oppose the bill, and the time spent in attendance before the Legal Costs Adjudicator to oppose the bill.

This is because order 99, rule 29(1) precludes the awarding of preparation and attendance charges for opposing costs on the adjudication of party-and-party costs: "The Legal Costs Adjudicator may allow a legal practitioner or legal costs accountant attending to oppose the adjudication of costs, *otherwise than as between party and party*, proper charges for his preparation and attendance" [emphasis added].

**I**t should also be added that section 27(6) of the *Courts and Court Officers Act 1995*, which imposed a statutory prohibition of any allowance being made in respect of the costs of taxation of any party on party-and-party taxation, has now been repealed by section 2 of the *Courts Act 2019*. Consequently, where party-and-party costs are in issue, the Legal Costs Adjudicator does not have jurisdiction to award a solicitor's, or legal costs accountant's, charges for preparation and attendance at the hearing to oppose the adjudication of costs.

*Denis O'Sullivan is principal of Denis O'Sullivan & Company, Solicitors, Grand Parade, Cork.*

## LOOK IT UP

### LEGISLATION:

- *Courts Act 2019*, section 2
- *Courts and Court Officers Act 1995*, section 27(6)
- *Legal Services Regulation Act 2015*, schedule 1
- *Rules of the Superior Courts 1986-2019*, order 99, rule 13(2)

*To the  
Manor  
Born*





OCCASIONALLY, IN THE PRACTICE OF CONVEYANCING, ONE ENCOUNTERS A DOCUMENT THAT IS FASCINATING. PATRICK F TREACY LOOKS AT ONE SUCH CURIOSITY

S

**Some old documents can open** to us

a way of life that has faded from our collective memory. This can arise from the style of the document, its use of language, or from it providing an aperture into a whole way of living – a culture that has been forgotten.

One such document is the 62-page *Holmes Rental*, which is now on permanent public display at the Heritage Centre in Nenagh, Co Tipperary.

Although so named, it is in fact a contract document for the proposed public sale of the freehold interest or ground rents of 1,091 houses in Nenagh and its suburbs, and also in the lands of Farnamurry, owned by the Holmes Estate.

It would appear that, in 1856, the Court of the Commissioners for Sale of Incumbered Estates in Ireland, in accordance with its powers, arranged for the sale of the said property. The earliest document of title appears to have been a deed of 1721 in favour of Robert Holmes.

Included (as ‘Lot 1’) were the *“Market House and Market Place, with the Beams, Weights, Scales, Tolls, Customs and Dues*

of *Seven Fairs and Fifty-two Markets yearly, set to one tenant by Lease for one life at a yearly rent of £144-4s-8d Sterling.*"

### For whom the tolls bell

The tenant was named as Major John Hamilton Dundas, and it would seem that he was entitled, on paying this rent, not only to the use of the Market House, but also to charge tolls to farmers bringing in their livestock for sale on the streets of Nenagh.

It would be interesting to know how Major Dundas extracted these tolls from the unfortunate farmer who was being called upon to provide same but, pending further investigation, it can be assumed that he positioned a toll gatherer at each and every approach to the town, and that his yearly rent was well rewarded by the tolls collected and by his exclusive use of the Market House and Market Place.

It would appear that the rights, powers, and duties of both the lord and the tenant of the manor were governed, to a certain extent, by ancient laws or special customs.

In the case of approximately 80 of the properties being offered for sale, the proposed contract provided that the purchaser would be obliged *"to do suit and service at the Courts Leet, and to grind corn at the Mill of Nenagh"*.

The obligation in regard to the tenants' corn is understandable, but that concerning suit and service at the Courts Leet is less than clear. Such courts have been defined as a yearly or half yearly court of record that the lords of certain manors held, but which appear to have been discontinued here a great many years ago. They were a type of Memorial

WHILE IT IS AMUSING TO READ HOW EVERYDAY MATTERS WERE MANAGED WHEN COURTS LEET WERE IN OPERATION, WE SHOULD BEAR IN MIND THAT WE ARE, IN FACT, CONSIDERING HOW PUBLIC SERVICES WERE ARRANGED IN NENAGH IN 1750 OR THEREABOUTS

PICT: O'DRAN DUCIE



Pat Treacy presents *Holmes Rental to Nora O'Meara* (North Tipperary Genealogy Centre)

Court of England, Wales and Ireland that sat only a few times each year, sometimes just annually. Penalties were in the form of fine or even imprisonment.

Officers of Courts Leet were intended to provide the following and other services:

- *Steward* – a stand-in for the lord of the manor,
- *Bailiff* – responsible for ensuring that the decisions of the court were enacted,
- *Constable* – to ensure order during court sessions,
- *Ale taster* – to ensure the quality of ale and that true measures are used,
- *Carniters* or 'flesh tasters' – to ensure the freshness of meat and poultry,
- *Bread weighers* – responsible for verifying the freshness and weight of bread sold in the manor,
- *Chimney peeper* – to ensure chimneys were swept clean,
- *Scavenger* – to ensure standards of hygiene within the lanes and privies, and to try and prevent the spread of infectious diseases,
- *Overseer of the poor* – to collect and distribute alms,
- *Chapelayne* – who provided prayers for the court,
- *Woodward* – responsible for patrolling woodlands and stopping poachers from hunting illegally.

While it is amusing to read how everyday matters were managed when Courts Leet were in operation, we should bear in mind that we are, in fact, considering how public services were arranged in Nenagh in 1750 or thereabouts.

The services then being provided by the officers of Courts Leet were essential at that time – all of which are now undertaken by different Government departments, local authorities, An Garda Síochána, and the churches.

Memorial Courts and Courts Leet have ceased to have any jurisdiction in the United Kingdom to hear and determine legal proceedings, pursuant to the provisions of the *Administration of Justice Act 1977*, but in certain cases, the jurisdiction formerly exercised by these courts can be exercised instead by the High Court, the Crown Court, a County Court or a Magistrate's Court.

Memorial Courts and Courts Leet operating in this State appear to have died a natural death ages ago.

## Homes from Holmes

The sale of Holmes Estate properties was intended to take place at the Commissioners' Court in Dublin by auction in 11 lots on 5 December 1856.

There is no information as to what happened on the day, but the reality of the situation is that no sale appears to have taken place, and the tenants continued to pay their rents. In the intervening years, however, it is likely that the majority of them acquired the Holmes Estate interest by private negotiation.

There is no doubt that hundreds of copies of the *Holmes Rental, Maps and Particulars of Sale* were prepared and distributed in 1856, but this copy, added to by the late Michael Gleeson, is unique in certain respects and, as such, is invaluable. Mr Gleeson, a solicitor, resided with his family in Summerhill, Nenagh. He was admitted to the solicitors' profession in 1878. For a period, he was honorary secretary of the Nationalist Association, and it was reported that, in the Land League days, "his services generously given, were sought by every tenant farmer in the county". In 1895, he was appointed to the position of Crown Solicitor.

He held this office with distinction until 1922, when he resigned. The office was later abolished upon the setting up of the Irish Free State, and State Solicitors were appointed in their stead. Michael died on 26 December 1932.

The large number of properties forming the Holmes Estate were offered for sale in 11 lots, each of which had a separate chapter and map exhibiting the many different units comprising each lot. Michael Gleeson's outstanding achievement was that, in 1931, he included on one parchment sheet all of the 11 lots. Thus, when seeking title to a particular property, one




would straightaway go to Mr Gleeson's map and have immediate information in relation to the lot number in question – and have no need to check the other ten.

**M**r Gleeson's heading to the magnificent map prepared by him is a work of art in itself. It is reproduced above.

Following Michael's death in 1932, the *Holmes Rental* was in the possession and care of his son Lewy, who died on 14 November 1960. After Lewy's death, his nephew Dermot Gleeson passed it on to me (I had served a five-year apprenticeship with Lewy), probably in the expectation that it would stay in Nenagh.

On reading Michael Gleeson's beautifully written preface to his *Holmes Estate* map, one cannot but be impressed by the evident joy

he found in what he had achieved.

This special document was formally presented to Nora O'Meara, the genealogist in charge of the Nenagh Heritage Centre, at a special meeting held on 6 July 2022. Had the late Michael, his son Lewy, or grandson Dermot been asked to suggest a final and secure resting place for their much-loved *Holmes Rental*, they could not have been better pleased than to know it has finally come to rest in its new home, where it will be fully protected, while also being made available for public inspection in the years to come. 

*Patrick F Treacy is a solicitor with Patrick F Treacy & Company, Nenagh, Co Tipperary. The Gazette wishes to thank Nora O'Meara (North Tipperary Genealogy Centre) for providing the legend that accompanies this article.*

# MANORIAL COURTS AND COURTS LEET

"The Manorial Courts were the Court Baron, with civil jurisdiction, whose suitors were the free tenants of the manor, and the Customary Court, whose suitors were the copyholders and customary tenants of the manor, and in which surrenders of land might be effected or devolutions of title presented. These courts are incident to every manor as of common right. Neither the Court Baron nor the Customary Court was normally a court of record. In addition, by virtue of a franchise granted by the Crown, or of prescription,

the lord of a manor might be entitled to hold a Court Leet or view of frankpledge, which was a court of record and had a jurisdiction primarily criminal. Such a court, though found as an adjunct, is not an incident to a manor.

"Manorial Courts and Courts Leet, except the Court Leet for the Manor of Laxton, Nottinghamshire, have ceased to have any jurisdiction to hear and determine legal proceedings, but any such court may continue to sit and transact such other business, if any, as was customary for it immediately before

17 October 1977. A Manorial Court may only be held if there are at least two freeholders in attendance who, but for the abolition of suit of court, would have been suitors by virtue of their tenancies; it would therefore seem that such persons ought to be given notice of the lord's intention to hold a court even though they are no longer obliged to attend."

(Source: Halsbury's Laws of England/Custom and Usage, vol 32 (2019). Our thanks to the Law Society's library for sourcing this extract.)

# Let's hear it for the **GALs**

The *Child Care (Amendment) Act* amends legislation relating to guardians *ad litem* concerning child-care proceedings, special-care proceedings, and the detention of children in an approved centre. Denise Kirwan reports

THE MINISTER IS EMPOWERED BY SECTION 35J OF PART VA TO DEVELOP A REGULATORY FRAMEWORK THAT WILL HOLD GALs TO HIGH PROFESSIONAL STANDARDS. THESE STANDARDS WILL RELATE TO THE FUNCTIONS OF GALs UNDER THE ACT

The *Child Care (Amendment) Act 2022* was signed into law on 19 July 2022. When introducing the act as a bill, Minister for Children Roderic O’Gorman said that it would “enhance the rights of children and the capacity of the courts to make the right decisions in helping children and their families”.

The 2022 act amends legislation concerning child-care proceedings (under the *Child Care Act 1991*), special-care proceedings (under the *Child Care (Amendment) Act 2011*), and the detention of children in an approved centre (under the *Mental Health Act 2001*).

The act primarily provides for a system of regulation and appointment of guardians *ad litem* (GALs) and provides that the best interests of the child are the paramount consideration for courts. It also sets out that children’s views in a matter should be heard.

### **GAL-appointment system**

Before detailing the new regulatory system for GALs, the act provides two values that will ground the courts’ approach in proceedings under the act. Firstly, section 4 provides that the best interests of the child are the paramount consideration for the court in child-care and special-care proceedings. This amendment was intended to reflect the intent of article 42A of the Constitution, which

was inserted by the Children’s Referendum in 2012.

Secondly, section 5 inserts a new provision to the 1991 act that provides that the court must have due regard to the views of the child in proceedings relating to child care or special care. The court must give due weight to these views according to the child’s age and maturity.

Section 7 makes up the primary focus of the act, as it inserts a new part VA to the 1991 act. This part details the new system for authorisation, appointment, regulation, cessation, and revocation of authorisation of GALs. It also sets out the role and functions of GALs and their powers.

### **Authorisation and revocation**

Section 35L of part VA sets out that the minister may create regulations that specify requirements and qualifications for a person to be authorised to act as a GAL. It also states that the minister may require prospective GALs to provide information relevant to these requirements in order to decide as to their authorisation. GALs may have their authorisation revoked under certain conditions set out in section 35N.

### **Appointment and cessation**

Section 35B specifies that, in all special-care proceedings, the court will make an order for appointment of a GAL. It also states that, in child-care

proceedings before the District Court, there is a presumption in favour of making an appointment order. If the District Court decides against making an order, the court must give its reasons in writing. Section 10 of the act provides that, in proceedings relating to the detention of a child under the *Mental Health Act 2001*, a GAL must be appointed. All GALs are to be appointed by the minister under section 35C of part VA.

Section 35D deals with the provision of legal advice and legal representation for appointed GALs. The section allows for provision of legal advice on the request of the GAL. Legal representation may be provided if it is considered to be in the best interests of the child, contingent on a number of factors, such as whether the GAL has been vested with the rights of a party to the proceedings by order of the court, and whether the GAL intends to make an application pursuant to the 1991 act.

Section 35H sets out the circumstances where an order for appointment of a GAL ceases to have effect. These include where the child becomes party to the proceedings, and where the child reaches the age of 18.

### **Regulation and functions**

The minister is empowered by section 35J of part VA to develop a regulatory framework that will hold GALs to high professional standards. These standards will



PIC: SHUTTERSTOCK

relate to the functions of GALs under the act, which are outlined in section 35E as follows:

- Ascertain the views of the child,
- Consider the views of the child,
- Make recommendations to the court as to the best interests of the child,
- Furnish the court with a report of the views of the child,
- Explain the reasons for their recommendations,
- Inform the child of the recommendations made in an age-appropriate way,
- Inform the child of the outcome of the proceedings in an age-appropriate way, and

- Inform the court of other matters when required by the court to do so.

### Powers


GALs powers are defined under section 35F and 35G of part VA. The GAL is empowered to:

- Apply to the court to procure a welfare report about the child,
- Apply to the court for provision of information in the case that relates to any of their functions as GAL,
- Request information from the Child and Family Agency that relates to their functions as GAL,
- Apply to the court to resolve the dispute, where such a request is denied.

### Commencement and implementation

While the act was signed into law on 19 July 2022, the act requires that it be commenced by statutory instrument made by the minister. Sections 1, 4, 6, and 13 have already been commenced, but the remainder have not yet been subject to a commencement order. This is due to the requirement for extensive regulation and development of the GAL system before commencement can occur – particularly, the establishment of a functioning executive office is necessary before the legislative provisions can come into force. This is necessary to avoid disruption

to ongoing proceedings as much as possible. It is anticipated that the remainder of the act may not, in fact, be commenced until late 2024.

The introduction of the *Child Care (Amendment) Act 2022* brings necessary clarity to the role of GALs and may be an important step in standardising a high level of service to children in child-care and special-care proceedings. It spotlights the views of the child in the consideration of the child's best interests in a way that reflects the text of article 42A of the Constitution. 

*Denise Kirwan is a member of the Law Society's Family and Child Law Committee.*



# No going **back**

**JP McDowell has led a successful merger of McDowell Purcell with global firm Fieldfisher. He speaks to Mary Hallissey, saying 'We're never going back to the traditional office environment'**

WE NOW HAVE SOLUTIONS THAT WE WOULDN'T HAVE BEEN ABLE TO AFFORD AS A MID-TIER DUBLIN FIRM, SUCH AS CASE-MANAGEMENT SYSTEMS AND E-DISCOVERY SOFTWARE, WHICH HAVE BEEN TRANSFORMATIVE

**S**olicitor JP McDowell led the merger of his firm McDowell Purcell with Fieldfisher in May 2019, after taking careful note of the growing trend towards globalisation of the Dublin legal market.

Fieldfisher is an international law firm with a network of more than 1,550 people working across 25 offices across Britain and Europe. And a booming Fieldfisher office of around 40 people in Silicon Valley delivers EMEA legal services to Palo Alto tech firms, but on local time. "They wanted 8am to 6pm access to their lawyers, and that doesn't work in a different time zone," JP explains.

McDowell Purcell was founded in Dublin city centre by JP's father, Denis McDowell, who died in October 2021 at the age of 85. JP and Breen Purcell began work in the firm in 1998: "We grew the firm from there. In 2015, there were maybe 40 solicitors in the firm. We were a mid-tier Dublin firm, but where were going?"

"I went to London, met with several different firms over there, and identified Fieldfisher, with whom we had done some work. Roll forward to 2019 and we completed the merger.

"We are a fully integrated firm, and the partners in the practice are partners globally. We haven't looked back," he said.

Revenues have grown by one-fifth, and the firm employs 56 solicitors and a staff of 130.

The Dublin office now has 13 partners. The practice had previously merged with planning specialists Barry Doyle and Co, based on Dublin's quays.

## On the lookout

McDowell is now searching for high-quality niche firms that are interested in a bigger international platform, and is on the lookout for prospects for further mergers. The firm is shortly moving to bigger city-centre offices to allow scope for the planned expansion. Ambitious growth plans should see it grow by 25% by 2025.

The firm has corporate, employment, and litigation departments, with a very significant regulatory practice acting for public-sector entities, including the LSRA, the Medical Council, the Environmental Protection Agency, and An Bord Pleanála.

Their work includes judicial review, enforcement, and defending legal challenges to the exercise of statutory functions. McDowell foresees an oversight landscape that will continue to expand, with regulatory scope extending shortly to digital media and online gambling, to give just two examples.

"This regulatory expansion dates from the financial meltdown in 2008, and the Central Bank now has massively increased powers," he notes. "We have probably the biggest team of solicitors in the country

[27] dedicated exclusively to regulatory law and public-sector entities," he explains, predicting further growth.

## Significant advantages

The Fieldfisher brand brings with it significant advantages, the managing partner believes: "We now have IT solutions that we wouldn't have been able to afford as a mid-tier Dublin firm, such as case-management systems and e-discovery software, which have been transformative," he explains. Access to the [Fieldfisher Belfast hub](#) of solicitors and paralegals, for term-limited project work, offers a successful outsourcing solution (for due diligence or e-discovery work, for example) without the costs of creating permanent jobs. "That allows us to upscale very quickly," he says, noting the lower cost but high-quality legal staff available in the North.

Fieldfisher advised the Sazerac Company on its recent acquisition of Sligo's Lough Gill Distillery when they needed a European manufacturing facility. Renewables firm Simply Blue has also been able to tap into Fieldfisher's wider scope and quickly access wider legal services in other European cities.

"One of the reasons we have been able to work so successfully with Simply Blue is that we can offer them equivalent services in other European countries and cities. They've been very happy about that," he explains.



### Growth plans

Fieldfisher in Ireland is now in hiring mode, with strong growth plans. The firm wants to bulk up hiring in the areas of both financial services, and technology and data privacy, for which it is well known.

“The biggest challenge to law firms in this country, in terms of hiring and recruitment, is from in-house,” says JP. Hiring in this area is particularly difficult, given the lure of in-house roles in the big-tech firms headquartered in Ireland.

“It’s not just that we are law firms competing with each other [for staff], we are also competing with in-house roles, in every client sector,” he says.

### Location flexibility

He accepts that location flexibility is now essential in hiring, and each recruit must be approached on a case-by-case basis. During lockdown, some of his staff relocated and bought houses in Cork, Galway and Wexford. The Dublin office saw

a skeleton staff come into work, in person. “We quickly learned that we had to be a lot more flexible than we had anticipated,” JP says. “I think that will continue.”

However, for teams to operate effectively and for trainees to get effective mentoring, he believes a balance must be struck: “It can’t disintegrate into lawyers being at home the whole time,” he says.

He generally gets a reasonable response, and trainees are usually eager for in-person mentoring: “There is a social responsibility on us to make sure that there is a continuing regular presence that facilitates inclusivity within teams and effective training,” he adds.

“I do worry about trainees coming out, having spent two of the last three years fully at home.”

The key skills of managing client relationships and handling difficult conversations can only be learned in person, from observing senior lawyers at work, he feels: “Client

meetings are difficult to do over Teams or Zoom.”

McDowell believes that we are in the foothills of a new world of work now, and a clearer picture will be evident in three years. Talk of three-day/two-day rosters between home and office has “all gone out the window”, he declares.

“We’re never going back to the traditional office environment, in my view. Every firm must work out what works best for them”. He would like to see in-office attendance of 60% each day.

“If the trainees of today are to be partners in ten years, they not only need good training, but also to feel the glue of the firm,” he says.

### Political uncertainty

A slowdown in the British economy is a concern for Fieldfisher.

“A big part of the firm is the UK market for legal services, so any slowdown will have consequences for all

law firms. There is no denying we must be concerned about the UK economy,” he says.

“On the other hand, Brexit has produced benefits for Dublin and Amsterdam, Rotterdam and Paris. Brexit has led to Fieldfisher clients in need of local advice on establishing in Dublin to get a foothold in Europe.”

Dublin is seen as one of the leading European platforms – English-speaking, common law, and with an educated workforce – for clients seeking a foothold in Europe, says JP.

He expresses the hope that Britain will move from political uncertainty into some period of stability, sooner rather than later: “Who knows what’s going to happen? It’s hard to tell, but we’d prefer to see a more stable political environment there.

The demand for services has continued to be strong, and we are well hedged in the areas that we specialise in.”

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

# Tools of the trade

The Law Society has launched a new ‘Dignity at Work Toolkit’ for the legal profession in response to the findings of the *Dignity Matters* report. The toolkit is designed to help create psychologically safe workplaces. Mary Hallissey reports

THE TROUBLING REVELATIONS DISCLOSED IN *DIGNITY MATTERS* ARE A CALL TO ACTION TO ERADICATE NEGATIVE BEHAVIOURS THAT DO NOT ALIGN WITH THE LEGAL PROFESSION’S FOUNDATIONAL VALUES OF INTEGRITY, TRUST AND RESPECT

The Law Society has been moving apace to deal with the findings of the *Dignity Matters* report. In addition to LegalMind – the subsidised confidential mental-health support operated independently through Spectrum Life – the Society will be launching a new ‘Dignity at Work Toolkit’ this autumn, specifically tailored to the legal profession.

The purpose of the toolkit is to help law-firm leaders and their teams to identify approaches to prevent, intervene in, and respond to bullying and harassment in the workplace. It provides dignity-at-work information and resources contributed by professional bodies, such as the International Bar Association (IBA), the Health and Safety Authority, academics at DCU’s Anti-bullying Centre, and employment law specialists.

It sets out the applicable legal frameworks in terms of an employer’s duty of care, vicarious liability, and a definition of the ‘reasonably practicable steps’ to be taken in mitigation in alleged bullying cases.

Supplementing the toolkit, a ‘Dignity at Work’ contact point is now available through the LegalMind service to provide information on supports on bullying, harassment, and sexual harassment at work.



PICTURE: CIAN REDMOND

**Michelle Ní Longáin: ‘I encourage all solicitors to look at the toolkit and use it where appropriate’**

## Global problem

The Law Society’s *Dignity Matters* report had its roots in the IBA’s *Us Too* survey in 2019, which revealed high levels of bullying, harassment, and sexual harassment in the global legal professions.

As a result of that survey, the Law Society initiated its *Dignity Matters* survey so that it could better understand the extent of these issues in Ireland. That report provides a suite of recommendations to prevent, respond to, and tackle these types of behaviours.

## Troubling revelations

The Law Society has said that the troubling revelations disclosed in *Dignity Matters* are a call to action to eradicate negative behaviours that do not align with the legal profession’s

foundational values of integrity, trust and respect.

Antoinette Moriarty (psychotherapist and head of Law Society Psychological Services) points out that there are often complex dynamics at play in bullying behaviour between two or more people. “We need to be curious about what’s being manifested in that behaviour,” she suggests.

This means understanding the deeper and less conscious roots of such challenging behaviour. Rather than jumping straight to ‘blaming and shaming’, Moriarty describes how bullying and harassment could be considered an overload, where an individual’s capacity to manage from a healthy framework is diminished.

## Solving problems

Solicitor Cian Moriarty (Guidance and Ethics Committee) says that those who feel wronged should not be afraid to come forward, for fear of repercussions. Complaints should be properly addressed, he believes. “We are in the business of solving problems. We solve problems for our clients all of the time, so we should be willing and prepared to do that for each other as well.”

Good and ethical behaviour in the workplace is contagious, but the opposite is also true. Bad behaviour can spread and

PIC: SHUTTERSTOCK



be mimicked by junior staff. Well-motivated individuals with high standards can have a profoundly positive impact on the organisations in which they work, he adds. But if senior management either overlooks or rewards negative conduct, it risks being seen as ‘acceptable’.

### Manifold impact

Law School psychotherapist Paul Hughes adds that the impact of bullying behaviour is both manifold and deeply stressful on the individual. Anxiety, loss of sleep, and an unhealthy reliance on substances to self-soothe may be the result.

Hannah Carney (Hannah Carney and Associates) points out that law firms must define and agree for themselves what constitutes workplace respect, and then live it at every level: “Define it, communicate it, and live it,” she advises. Behaviours

that fall short should also be held to account.

Solicitor Noeline Blackwell adds that leadership must take ownership of a ‘no-tolerance’ approach to harassment. Up-to-date anti-bullying and harassment policies and procedures are essential in preventing and tackling negative behaviours, she adds.

Employment law specialist and Law Society President Michelle Ní Longáin states that it’s hugely important that solicitors’ workplaces, wherever they are, are safe, respectful, effective places for all who work there. “We are determined to support solicitors in and at all stages of their professional lives,” she says.

“Bullying, harassment and sexual harassment undermine the dignity and wellbeing of the person, are completely inconsistent with solicitors’

practice within the rule of law, and reduce the effectiveness of both the work of individuals and the workplaces affected,” she added.

There are strong moral, ethical and business reasons for solicitors to have regard to the *Dignity Matters* report, Ní Longáin said. The Dignity at Work Toolkit is part of a large body of work undertaken by many in the Law Society to address the issue, she added. “I encourage all solicitors to read the report and take its messages on board, and to look at the toolkit and use it where appropriate.”

### Fair procedures

Máille Brady Bates, a solicitor specialising in Irish employment law, comments that complainants may have difficulty in accepting that those complained about also have rights.

All parties to a complaint must be treated fairly and equally, but this can be a very challenging concept to accept in practice. “Often, it can take great courage and conviction to get to the point of actually submitting a complaint, particularly when there has been a power dynamic involved in the bullying. The application of fair procedures can be especially difficult for complainants in those circumstances,” Brady Bates notes.

This is why a clear and accessible policy that outlines how the parties will be dealt with is particularly important. Parties should know what to expect from the outset, with wide open lines of communication to allay concerns. During the process, additional supports may be needed, such as

LAW FIRMS  
MUST DEFINE  
AND AGREE FOR  
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DEFINE IT,  
COMMUNICATE  
IT, AND LIVE IT

counselling made available through an employee assistance programme.

### Tipping point

But at what point does managerial striving to do a good job, and driving employees to perform to their best, tip over into bullying?

“The *Bullying Code*, under the *Industrial Relations Act 1990*, provides clarity on what is *not* bullying and lists a number of examples, such as offering constructive feedback, strongly expressing differences of opinion, and ordinary performance management,” Brady Bates points out.

The code notes that, while disrespectful behaviour, conflicts, and relationship breakdowns are not ideal in the workplace, they do not automatically reach the “adequate level of destructiveness” to be considered bullying. The legal definition of bullying extends to “repeated, damaging, disrespectful and destructive behaviour”.

The *Bullying Code* also provides a list of behaviours that make for a bullying pattern and includes examples such as verbal abuse or insults, being treated less favourably than colleagues in similar roles, and disseminating malicious rumours, gossip or innuendo.

As a lawyer, is it difficult to

discern what constitutes a valid complaint of bullying?

“The range of bullying allegations varies widely in practice, and no two cases are the same,” Brady Bates notes.

When investigating bullying claims, adherence to the dignity-at-work policy, fair procedures, the overarching legislative framework, the *Bullying Code*, and case law is strongly advised by Brady Bates.

The recent Supreme Court decision in *Ruffley* established a higher threshold to be met when determining what constitutes workplace bullying. In that case, O’Donnell J found that it is not sufficient for the alleged behaviour to merely be repeated and inappropriate, it must also meet a certain minimum threshold if it is to constitute bullying. He found: “Conduct must be repeated, not merely consist of a number of incidents; it must be inappropriate; not merely wrong; and it is not enough that it be inappropriate and even offensive: it must be capable of being reasonably regarded as undermining the individual’s right to dignity at work.”

However, each bullying claim will depend on the specific facts and must be judged on a case-by-case basis to determine whether the allegation is upheld or not, adds Brady Bates.

The Society’s Dignity at Work Toolkit provides information on Irish legal definitions of bullying, harassment, and sexual harassment, and refers to the obligations and responsibilities of employers to create a safe working environment.

### Reasonable assumptions

Patricia Murray, the Health and Safety Authority’s senior work and organisational psychologist, points out that managers have a distinct role, insofar as they represent the employer. “If an

employee reports to a manager anything alleging a bullying matter, the manager has to act in a way that can be defended if queried later,” Murray notes. “They must assess, be reasonable in their assumptions, record their decision, and record their action or inaction, and rationale,” she explains.


However, managers should receive a degree of training and induction on the topic, Murray believes. “If destructive behaviour is targeting a person over time, regardless of the context, the manager should intervene to stop the pattern,” Murray advises.

The new toolkit will include direction on how to progress complaints of bullying. There are also templates that will help a manager distinguish a bullying matter from a non-bullying matter.

### Three-pronged approach

‘Prevention, intervention and resolution’ approaches to bullying and harassment are detailed in the toolkit. It includes key elements to foster a healthy workplace culture, along with steps to ensure that an effective complaints policy is in place for prompt, supportive, and fair resolutions.

“The manager should spotlight solutions, highlight the need for respectful interactions, and pivot the relationship sideways to avoid it becoming bullying in its hard sense. That’s what managing human beings is all about. They aren’t machines,” Murray concludes.

You can access the toolkit on the Law Society Dignity Matters Project webpage at [lawsociety.ie/dignitymatters](http://lawsociety.ie/dignitymatters). To get in touch with any thoughts or suggestions on the project, contact [ps@lawsociety.ie](mailto:ps@lawsociety.ie). 

Mary Hallissey is a journalist with the Law Society Gazette.

## ‘DIGNITY AT WORK’ CONTACT POINT

All members, practising certificate holders, and post-PPC2 trainees can access subsidised and confidential mental-health support through LegalMind, operated independently through Spectrum Life.

A ‘Dignity at Work’ contact point is now available through LegalMind to provide information on supports and to signpost information on bullying, harassment, and sexual harassment at work. Freephone LegalMind at 1800 81 41 77 or visit [www.lawsociety.ie/legalmind](http://www.lawsociety.ie/legalmind) for more information.

## REPORTS OF LAW SOCIETY COUNCIL MEETINGS

# 15 JULY AND 23 SEPTEMBER 2022

### 15 JULY 2022

#### Website redesign

The web team made a presentation on the redesign and reconfiguration of the Society's website, and Council members provided feedback for incorporation as the project progressed.

#### Meeting of the four law societies

The president reported on the recent meeting, which considered matters that included regulation, ethics, diversity and inclusion, and judicial appointments. She had found common ground and relatability across all jurisdictions, and worthwhile knowledge to be shared as a result.

#### Report on legal costs

Stuart Gilhooly presented the EY report *Analysis of the Impact of Proposals to Reduce Legal Costs in Ireland* in three distinct parts – international benchmarking, taxed costs, and the comparison of scales and non-binding guidelines. Following consideration of the issue, the Council agreed to establish a new Task Force on Legal Costs to undertake further work in the area.

#### Coordination Committee

The president congratulated Eileen Roberts on her appointment to the High Court, Vincent Dean on his appointment to the District Court, and the following colleagues on their grants of patents of precedence: Deborah Spence (consultant and former partner at Arthur Cox), Terence McCrann (partner and head of McCann FitzGerald's employment group), Sinéad Kearney (ByrneWallace partner and head of the health services team), Aisling Gannon (partner, Eversheds Sutherland), Helen Kelly (Matheson partner, head of EU, competition, and regulatory law), and Alastair Purdy (managing partner, Alastair Purdy and Co).

The president confirmed that the Society would host a number of events to celebrate these recipients and those who had received patents of precedence during the pandemic, when it had not been possible to hold such events.

#### Education Committee

Richard Hammond reported that a detailed review of the CPD regulations and scheme had been conducted, that the resultant report had been adopted by the committee, and that draft regulations would be brought to the Council for consideration.

A draft competence framework had been reviewed by the committee following an analysis of international competence frameworks and relevant literature, and a draft framework of core competencies that could be expected from newly qualified solicitors would be reviewed by the committee.

In conjunction with the French, Czech and Catalan Bars, the Diploma Centre had won an EU grant for an online course on issues that included the application of EU law in each jurisdiction, litigation before the European courts, and joint training visits for younger lawyers.

The MOOC in employment law and remote working had concluded with a panel session hosted by the president and Richard Grogan, involving 3,250 participants from 35 countries.

#### Finance Committee

Paul Keane reported on relevant issues that included investments, the SMDF, and the System 360 closing report.

#### PII Committee

Bill Holohan reported that no amendments would be made to the policy documents this year, and it was hoped that two new insurers would enter the market.

#### Regulation of Practice Committee

Imelda Reynolds reported that the Council's decision to amend the policy regarding the publication of disciplinary findings had been implemented, and the updated 'Check a Solicitor's Record' section of the website was now live.

#### Mental Health Law and Capacity Task Force

With regard to the new assisted decision-making legislation, Áine Hynes reported that outgoing High Court President Mary Irvine had acknowledged that it had the potential for good – but only if properly resourced.

### 23 SEPTEMBER 2022

The Council considered and adopted the *Solicitors Professional Indemnity Insurance (Amendment) Regulations 2022* and the *Solicitors Accounts Regulations 2022*.

#### Final report from CCRC

Following the October 2019 transfer of responsibility for the investigation of complaints against solicitors from the Society to the LSRA, Flor McCarthy presented the Complaints and Client Relations Committee's final report to the meeting. In doing so, he thanked all committee members and staff who had assisted in the important work of the committee over the years.

#### Scholarship fund

Richard Hammond reported that, in order to meet certain requirements of the Charities Regulator, the members of the Education Committee would require to be appointed as trustees of the charity that administers the scholarship fund. Following consideration of the matter, the Council approved the recommended course of action.

#### Proposed Green Hall extension

Richard Hammond reported that, following a decision of the Education Committee, and subject to the Council's views, he would bring a motion to AGM 2022 on the proposed extension.

Howley Hayes Cooney Architects, which had conducted a feasibility study and identified various options to extend space on-campus, presented their proposals to the Council. If authorised by the members in general meeting, it is intended that the new construction will allow the Society to continue at the forefront of legal professional education.

#### E-voting

Representing the Society's Technology Committee, Peter McKenna made a presentation to the Council on the new e-voting system and responded to queries from Council members around contingencies and the ability of the system to produce reports, for example, in respect of bounce-back emails and engagement levels.

### Dignity Matters

Antoinette Moriarty (head of Psychological Services) updated the Council on the project, and confirmed that she will attend an upcoming meeting of the International Bar Association to present the Society's work in the area.

### Civil Legal Aid Review Group

The Law Society's representative on the group, Áine Hynes, reported that three meetings had been held, that a written consultation process would be undertaken, and that significant stakeholders would be invited to present to the group.

### Solicitors Guide to Professional Conduct

The Council noted that the

guide had been launched, and commended the Society's Guidance and Ethics Committee for its extensive work in the area.

### Ireland for Law

Liam Kennedy reported on the Dublin International Disputes Week 2022 and more recent meetings in New York, which he, the president, and director general had attended, together with the Minister for Justice, the Attorney General, and the President of the High Court. Representatives of Irish law firms with New York offices, and US firms interested in Ireland, also attended. While further work was required, the efforts of all involved in making the initiative such a successful week were appreciated. 



## The Probate Bar Association of Ireland

The **Probate Bar Association of Ireland's**  
Inaugural Conference

### ***"The Essential Update for the Probate Practitioner"***

Opening by the Hon. Ms. Justice Nuala Butler  
Chaired by Catherine Duggan BL

9<sup>th</sup> December 2022: 1.30-5.00pm | Wine Reception |  
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**WILLS**

**Carolán, Imelda (deceased)**, late of Knockbaun, Ballyfarna, Claremorris, formerly of Athboy, Co Meath, and Kenning Road, Terenure, Dublin 6, who died on 18 May 2022. Would any person having knowledge of the whereabouts of any will made by the above-named deceased, or if any firm is holding same or was in recent contact with the deceased regarding her will, please contact O'Connor LLP Solicitors, 8 Clare Street, Dublin 2; DX 36; tel: 01 676 4488, email: [mail@ocleagal.ie](mailto:mail@ocleagal.ie)

**Collins, Michael (deceased)**, late of 50 Greenville Terrace, South Circular Road, Dublin 8, and 38 Donore Avenue, Dublin 8. Would any person having knowledge of the whereabouts of any will made by the above-named deceased, who died on 16 September 2022, please contact Butler Cunningham & Molony, Solicitors, Slievenamon Road, Thurles, Co Tipperary; DX4006 Thurles; tel: 0504 21857/22315, email: [info@bcmthurles.ie](mailto:info@bcmthurles.ie)

**Costello, Mary (deceased)**, late of 9 Ardbeg Crescent, Artane, Dublin 5, who died on 20 March 2022. Would any person having knowledge of the whereabouts of any will made by the above-named deceased, or if any firm is holding a will or was in contact with the deceased regarding her will, please contact Niall Corr & Company, Solicitors, 32 Malahide Road, Artane, Dublin 5; DX106002 Artane; tel: 01 831 2828, email: [info@ncs.ie](mailto:info@ncs.ie)

**Feldman, Estelle (deceased)**, late of 26 The Dale, Kingswood Heights, Tallaght, Dublin 24, who died on 10 July 2022. Would any person having knowledge of a will made by the above-named deceased, or if any firm is holding same or was in recent contact with the deceased regarding her will, please contact Clear Solicitors, 42 St Stephen's Green, Dublin 2; tel: 01 644 577, email: [info@clearsolicitors.ie](mailto:info@clearsolicitors.ie)

**Hector, John Gerard (deceased)**, late of Ashbury Nursing Home, 1A Kill Lane, Kill of the

**RATES****PROFESSIONAL NOTICE RATES****RATES IN THE PROFESSIONAL NOTICES SECTION ARE AS FOLLOWS:**

- **Wills** – €155 (incl VAT at 23%)
- **Title deeds** – €310 per deed (incl VAT at 23%)
- **Employment/miscellaneous** – €155 (incl VAT at 23%)

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ALL NOTICES MUST BE PAID FOR PRIOR TO PUBLICATION. ALL NOTICES MUST BE EMAILED TO [catherine. Kearney@lawsociety.ie](mailto:catherine. Kearney@lawsociety.ie) and PAYMENT MADE BY ELECTRONIC FUNDS TRANSFER (EFT). The Law Society's EFT details will be supplied following receipt of your email. **Deadline for December Gazette: 11 November 2022.**

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*.

Grange, Blackrock, Co Dublin, and formerly of 62 Rochestown Park, Dun Laoghaire, Co Dublin, who died on 27 July 2022. Would any person having knowledge of the whereabouts of any will made by the above named, or if any firm is holding same or was in recent contact with the deceased regarding his will, please contact Oisín Murphy Solicitors, Station House, Station Road, Shankill, Dublin, D18 N1N2; tel: 01 282 3688, email: [trish@oisinmurphy.com](mailto:trish@oisinmurphy.com)

**McGeehan, Denis (deceased)**, late of Mobile Home, Ballinabreen, Ballindrait, Lifford PO, Co Donegal, retired ground worker, who died at St Luke's Hospital, Rathgar, Dublin 6 on 17 December 2017. Would any solicitor or person having knowledge or details of any will made by the above deceased, or having any knowledge or details of the administration of the estate of the above deceased, please contact Joseph McCarthy, McCarthy & Co LLP, Solicitors, 10 Ashe Street, Clonakilty, Co Cork, P85 E403; tel: 023 888 0088, email: [joseph@mccarthy.ie](mailto:joseph@mccarthy.ie)

**Mulcahy, Michael (deceased)** (DOB: 15/02/1933; DOD: 12/08/2022) and **Mulcahy, Margaret (deceased)** (DOB: 04/10/1936; DOD: 28/07/2022), both late of the Dell, Ashgrove, Cobh, Co

Cork. Would any person having knowledge of a will executed by the above-named deceased persons please contact O'Dowd Solicitors, Crestfield Centre, Glanmire, Cork; email: [regina@odowd.ie](mailto:regina@odowd.ie)

**O'Carroll, Peter (deceased)**, late of 103 Ocean Apartments, Strand Road, Bray, Co Wicklow, who died on 15 September 2022. Would any person having knowledge of the whereabouts of any will executed by the above-named deceased please contact Cullen Tyrrell & O'Beirne Solicitors, No 3 Prince of Wales Terrace, Bray, Co Wicklow; tel 01 274 6700, email: [info@cullentyrrell.ie](mailto:info@cullentyrrell.ie)

**ATTENTION ALL SOLICITORS**

**Kealy, Sarah (otherwise Sally) (née Mulligan) (deceased)**, 8 Elm Road, Donnycarney, Dublin 9, and possibly of 'Magents', Coast Road, Portmarnock, Co Dublin, who passed on 28 September 2021. I'd be so grateful if you could assist in locating her will. Sally's husband is long passed, and she has no children. I feel in my heart there is a will, and I am guided to write to you all to assist my mam, Sally's sister, and my family to carry out Sally's wishes.

Please reply to Deirdre O'Sullivan (niece) at email: [osullivan\\_dee@hotmail.com](mailto:osullivan_dee@hotmail.com)

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**O'Dwyer, Mary (deceased)**, late of Apartment 126, Adelaide Square, Whitefriar Street, Dublin 8 (formerly of 26 Synge Street, South Circular Road, Dublin 8), who died on 7 January 2022. Would any person having knowledge of the whereabouts of any will executed by the above-named deceased please contact MMOD Solicitors, Wood Quay, Ennis, Co Clare, V95 Y961; tel: 065 682 8405, email: [info@mmodsolicitors.ie](mailto:info@mmodsolicitors.ie)

#### TITLE DEEDS

**In the matter of the *Landlord and Tenant (Ground Rents) Acts 1967-2019* and in the matter of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978* and in the matter of an application by Barry Flattery, and in the matter of the property known as Bridge Street, Trim, Co Meath**

Take notice that any person having any interest in the freehold estate or any intermediate interest in the property known as Bridge Street, Trim, Co Meath, being the land demised by an indenture of lease dated 10 September 1909 and made between Richard EE Chambers of the first part and Patrick Callaghan of the other part for a term of 21 years from 1 May 1909, subject to the yearly rent of £73.0 sterling and subject to the covenants and conditions therein contained, and which leasehold estate was assigned pursuant to an indenture of assignment dated 18 March 1944 and made between Patrick Callaghan of the one part and James Garry of the other part, and which leasehold was assigned pursuant to an indenture of assignment dated 1 March 1948 between James Garry of the one part and Christopher Bird of the other part, and which leasehold was assigned pursuant to an indenture of assignment dated 11 January 1962 between Christopher Bird of the one part and Michael McLoughlin and Bridget McLoughlin of the other part, and which leasehold was assigned pursuant to an indenture of assignment dated 2 February 2001 between Michael McLoughlin and Bridget McLoughlin of the one part and Homex Limited of the other part, and which lease-

hold was assigned pursuant to an indenture of assignment dated 12 February 2016 between Homex Limited of the one part and Barry Flattery of the other part, should give notice of their interest to the undersigned solicitors.

Take notice that the applicant, Barry Flattery, being the person entitled to the lessee's interest under the said lease, intends to apply to the county registrar for the county of Meath for the acquisition of the freehold interest and any intermediate interest in the said property, and any party asserting that they hold a superior interest in the said property are hereupon called upon to furnish evidence of their title to same to the undersigned solicitors within 21 days from the date of this notice.

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

*Date: 4 November 2022*

*Signed: JA Shaw & Co LLP (solicitors for the applicant), Marlinstown Business Park, Mullingar, Co Westmeath*

**In the matter of the *Landlord and Tenant Acts 1967-2019* 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 (1) part of the apartment block known as Lock Gate, Charlemont Square, Dublin 2, and (2) the lands and premises known as 21 South Richmond Street, Dublin 2, both held under a lease dated 18 January 1865 between Patrick Bourke of the one part and John Bourke of the other part for a term of 180 years from 1 January 1865 at a yearly rent of £15 per annum, the premises the subject of the lease

being therein described as "all that and those the dwellinghouse formerly known as number 27 and now known as number 21 Richmond Street aforesaid, with the premises thereunto belonging, and upon a portion of which premises the said Patrick Bourke has erected a dwellinghouse in the occupation of Thomas Tonge, and now known as number 21 Richmond Street aforesaid, in as full and ample a manner as the said dwellinghouse and premises and every part thereof respectively have been in the possession of the said Patrick Bourke or his undertenants, all of which premises being situate in the parish of St Peter and county of the city of Dublin".

Take notice that Charlemont Regeneration Limited, as tenant of the said property under the lease, intends to submit an application to the county registrar for the county of Dublin for acquisition of the freehold and any intermediate interests 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 aforesaid 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 Dublin for directions as may be appropriate on the basis that the persons beneficially entitled to all superior interests including the freehold reversion in the premises are unknown or unascertained.

*Date: 4 November 2022*

*Signed: Eversbeds Sutherland Solicitors (solicitors for the applicant), One Earlsfort Centre, Earlsfort Terrace, Dublin 2*

**In the matter of the *Landlord and Tenant (Ground Rents) Acts 1967-2019*, and in the matter of the property known as 144 Tullow Street, Carlow, Co Carlow, and in the matter of an application by Deirdre**

**Walsh and Olivia McDonald**

Take notice that any person having an interest in the freehold estate of the property known as 144 Tullow Street, Carlow, being the property more particularly described in an indenture of lease dated 19 September 1945 made between Frances Edith Cunningham and Winifred Marjorie Tarr of the one part and Dora Robinson of the other part.

Take notice that Deirdre Walsh and Olivia McDonald have submitted an application to the county registrar for the county of Carlow for the acquisition of the freehold interest and/or any intermediate interest in the aforementioned property, and any party asserting they hold the freehold or any intermediate interest in the aforementioned property is called upon to furnish evidence of their title thereto to the undermentioned solicitors within 21 days from the date of this notice.

Take notice that, in default of such notice being received, the applicants intends to proceed with an application before the county registrar at the end of 21 days from the date of the this notice for directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest or interests, including the freehold reversion, to the aforementioned property is unknown or unascertained.

*Date: 4 November 2022*

*Signed: O'Doberty Warren Solicitors (solicitors for the applicants), 'Melrose', Charlotte Row, Gorey, Co Wexford*

**In the matter of the *Landlord and Tenant Acts 1967-2019* and in the matter of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978* and in the matter of an application by Serpentine Property Unlimited Company in respect of the premises known as 10 Sydenham Road, Ballsbridge, Dublin 4**

Take notice that any person having an interest in the premises the subject of an indenture of lease dated 2 September 1904 between Charles Robert Dunbar of the one part and Gerard Carroll of the other part for a term of 149 years

from 25 March 1904 at a rent of £6 per annum, and therein described as “that piece or parcel of ground with the dwellinghouse and buildings thereon known as ‘Killeoin’, situate at Sydenham road”.

Take notice that Serpentine Property Unlimited Company, being the person entitled to the leasehold interest in the premises under the lease, intends to submit an application to the county registrar for the county of Dublin for acquisition of the fee simple and any intermediate interest in the premises, and any party asserting that they hold a superior interest in the premises (or any of them) are called upon to furnish evidence of the title to the premises to the below named within 21 days from the date of this notice.

In default of any such notice being received, Serpentine Property Unlimited Company intends to proceed with the application 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 directions as may be appropriate on the basis that the persons beneficially entitled to the superior interests including the freehold reversion in the premises are unknown or unascertained.

*Date: 4 November 2022*

*Signed: Beauchamps LLP (solicitors for the applicants), Riverside 2, Sir John Rogerson’s Quay, Dublin Docklands, Dublin 2*

**Notice of intention to acquire the fee simple: in the matter of the *Landlord and Tenant (Ground Rents) Acts 1967-2019*, and in the matter of part II of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978*, and in the matter of an application by Donald O’Sullivan, and in the matter of property situate and known as 38 Leitrim Street in the city of Cork, being comprised in Folio 28562 of the Register of Leaseholders, county of Cork**

Take notice any person having an interest in any estate in the above property that Donald O’Sullivan (“the applicant”) intends to submit an application to the county registrar of the county of Cork for the acquisition of the fee simple interest and all intermediate interest

in the aforesaid property, and any person asserting that they hold a superior interest in the property are called upon to furnish evidence of title to the premises to the below named within 21 days from the date hereof.

Any person having any interest in the property superior to a lease of 12 December 1866 made between William Galgey of the one part and James Murphy of the other part, premises described in the schedule hereto being part of the premises demised by the lease to James Murphy for a term of 200 years from 29 December 1866, subject to a yearly rent of IR£8 and subject to the covenants and conditions on the part of the lessee therein contained, should provide evidence to the below named.

In default of such information being received by the applicant, the applicant intends to proceed with the application before the county registrar and will apply to the county registrar for the county of Cork for directions as may be appropriate on the basis that the person or persons entitled to the superior interest including the freehold interest in the said premises are unknown and unascertained.

*Date: 4 November 2022*

*Signed: Charles C Daly & Co, Solicitors (solicitors for the applicant), 2 Westbourne Place, Cobh, Co Cork*

**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 certain premises situate at 4A Molesworth Place, Dublin 2, and in the matter of an application by Deirdre Irvine, Ann O’Riordan, Rory O’Riordan and Stephen O’Riordan**

Take notice any person having a freehold interest or any immediate interest in all that and those such portion of the lands, hereditaments, and premises comprised in and demised by a lease dated 1 November 1928, and made between Mary Adelaide Day of the one part and Herbert D Vaughan, Richard Hughes Ryland, and George Booker Butler of the other part, for the term of 95 years less

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the last six months thereof from 29 September 1928, subject to the yearly rent of £15 per annum and the covenants and conditions therein contained, being the premises known as no 4A Molesworth Place, Dublin 2, and which hereditaments and premises comprised in and demised by the lease are therein in their entirety described as “firstly, all that the covered passage running along the north side of number 5 Molesworth Place, measuring in front to Molesworth Place eight feet, ten inches, and in the rear the like number of feet, and in depth from front to rear 34 feet, six inches, be the said several admeasurements more or less, bounded on the north by number 4 Molesworth Place, on the south by and forming part of number 5 Molesworth Place, on the east by the rear of 35 Molesworth Street, and on the west by Molesworth Place, and situate in the parish of St Ann in the county of the city of Dublin, which said premises are more particularly delineated and described on the map or plan hereon endorsed and thereon coloured red; and, secondly, all that portion of the message and premises known as numbers 5 and 6 Molesworth Place aforesaid, in the parish of St Ann and county of the city of Dublin, comprising in part the ground upon which a single-storey building on the north side of School House Lane is erected and in part of the upper portion of the two-storey building adjoining on the north side of the last-mentioned premises and connected therewith by a staircase, which said premises secondly hereby demised are in the occupation of Robert Hamilton as tenant of the lessor and are bounded on the north and west by another portion of numbers 5 and 6 Molesworth Place,

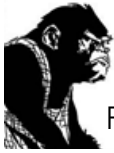
on the east by portion of the rear of 35 Molesworth Street, and on the south by School House Lane, the entire being more particularly described and delineated on the said map or plan hereon endorsed and thereon coloured blue (which premises first and secondly hereby demised are held by the lessor with other premises under a lease dated 9 November 1925 and made between Colonel Charles Davis Guinness and of the one part and the lessor of the other part for the term of 99 years from 25 September 1925”.

Take notice that Deirdre Irvine, Ann O’Riordan, Rory O’Riordan, and Stephen O’Riordan intend to submit an application to the county registrar for the county of Dublin for the acquisition of the freehold interest and any intermediate interest in the aforesaid property, and any party asserting that they hold a superior interest(s) in the aforesaid property are called upon to furnish evidence of the title to the aforementioned property to the below named within 21 days from the date of this notice.

In default of any such notice being received, Deirdre Irvine, Ann O’Riordan, Rory O’Riordan, and Stephen O’Riordan intend to proceed with the application before the county registrar for the county of Dublin 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 directions as may be appropriate on the basis that the persons beneficially entitled to the superior interest including the freehold reversion in the aforesaid property are unknown or ascertained.

*Date: 4 November 2022*

*Signed: A&L Goodbody (solicitors for the applicant), 3 Dublin Landings, North Wall Quay, Dublin 1*

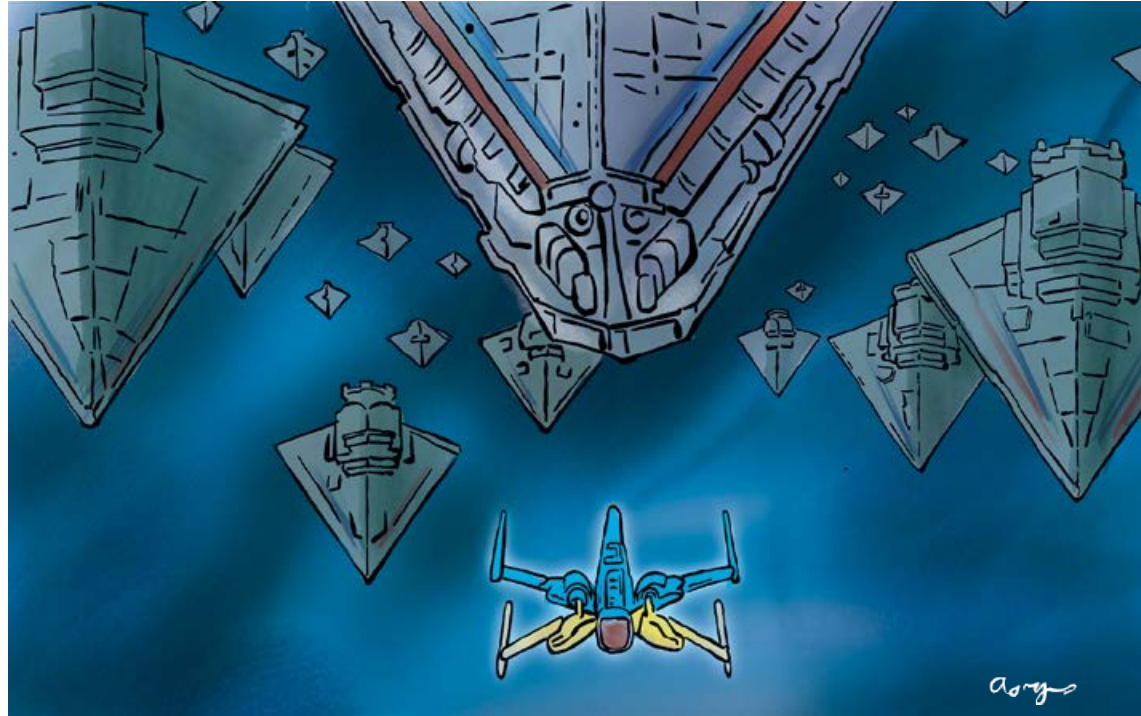


## PRO BONOBO

● *Star Wars* actor Mark Hamill has been raising funds for Ukraine in its fight against what he calls “the evil empire”. The man who played Luke Skywalker told [Bloomberg Radio](#) that the United 24 ‘[Army of Drones](#)’ project has received more than 500 drones since he became an ambassador for the programme in September.

“Ukraine needs drones. They define war outcomes, they protect their land, their people, they monitor the border, they’re eyes in the sky,” he commented. Hamill recently tweeted an image of a lone X-Wing fighter in the blue and yellow colours of Ukraine’s flag, facing off against a fleet of Imperial Star Destroyers in Russian colours.

## Attack of the drones



## Snake on a plane

● In *Snakes on a Plane*, the FBI agent played by Samuel L Jackson famously declared: “Enough is enough! I have had it with these [expletive] snakes on this [expletive] plane!” And life imitates art: a flight from Florida to New Jersey was interrupted on 17 October when a stowaway snake caused passengers to start



“shrieking and pulling their feet up”. The snake was spotted after the plane had landed in Newark.

[News 12 New Jersey](#) reports that a garter snake was later released into the wild. Garter snakes are usually 18 to 26 inches long, are nonvenomous, and only bite people when “intentionally molested”.

## Raiders of the Lost Ark

● Researchers are poring over a trove of documents found deep inside the fortified Pantokrator Monastery in Mount Athos, Greece. According to [Alarabiya.net](#), scholars are getting their first glimpse of thousands of Ottoman-era manuscripts that have been stored in the Orthodox Christian community for

centuries. “The overwhelming majority are legal documents,” says Anastasios Nikopoulos, of the Free University of Berlin. “The Ottoman state’s court decisions show that the monks’ small democracy was able to gain the respect of all conquering powers, and that is because Mount Athos was seen

as a cradle of peace, culture.” One of the first actions of the ruler who conquered the area was to draw up a document in 1430 protecting the community: “The Ottoman sultan himself ensured that the administrative system of Mount Athos was preserved and safeguarded.”

## Dial M for massive profit

● Hold on to your unopened iPhone – it could be worth a fortune in 2037!

A 15-year-old iPhone recently went for auction on the [LCG Auctions site](#). With a starting bid of \$2,500, it ended up going for 50 times the original price.

The unopened 2007 first-gen 8GB model from the year that Apple first launched its smartphone – and apparently, “a red-hot collectible” – was sold on 16 October for \$39,339.60. In 2007, it cost \$599. [g](#)



# Employment Law Conference 2022

**Thursday 15<sup>th</sup> December**

1.30-5.30pm | Distillery Building, Dublin 7 | 3.5 CPD Points

**Panel 1 Chair:**

Mr. Danny McCoy, CEO, IBEC

**Panel 2 Chair:**

The Honourable Ms. Justice Marguerite Bolger

**Beyond belief - religion and the workplace**

Barra Faughnan BL

**The live feed of social media problems in employment law**

Mairéad McKenna SC

**Mind the gap – regulating the gender pay differential**

Lorna Madden BL

**Sorry we can't help you - the impact of illegality on the employment contract in Ireland**

Kiwana Ennis BL

**From cooking a fry to delivering a pie: Denny, Domino's and the status of the worker in Irish law**

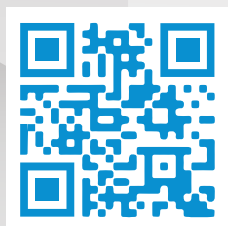
Cathy Smith SC

**Reform and amendment of the law on protected disclosures: The Protected Disclosures (Amendment) Act, 2022**

Mark Connaughton SC

**I used to work here - the future of the workplace in a post-pandemic world:**

Oisín Quinn SC



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