CIVIL JUSTICE REVIEW GROUP

Chair: The Hon. Mr Justice Kelly, The President of the High Court

REVIEW OF THE ADMINISTRATION OF CIVIL JUSTICE

A & L Goodbody Submission

INTRODUCTION

1 A&L Goodbody welcomes the Review Group's commitment to improving access to justice and reducing litigation costs and also welcomes the opportunity to make this submission.

2 This review is timely as Ireland may soon become the only significant common law jurisdiction in the European Union. As Senator McDowell observed recently:

> *"If Ireland is to attract and retain investment and economic activity, we must aspire to a legal system which is the best we can make in terms of quality and capacity and integrity of those exercised judicial power and the effectiveness of the legal processes and procedures with which they are equipped."*[1]

3 Procedural change alone will not ensure a more consistent and responsive justice system or meet evolving international standards and requirements. The increasing demands placed on Irish Courts mean that significant investment – specifically, in judicial appointments and remuneration and in support of the Courts Service – is necessary to enable the Courts and the Courts Service to meet the needs and expectations of 21st century Court users. The reforms we propose are in the public interest, to improve access to justice and reinforce Ireland's modern economy. Many will require resources to be implemented effectively.

4 Using our perspective from our work with Irish and international clients including our experience of international practice, we considered the Review Group's five proposals. Our main recommendations are:

(a) Paperless Courts should be introduced without delay;

(b) Pre-action protocols should be introduced, adequate pleadings required and lodgment procedures reformed to promote early dispute resolution;

(c) Case management and Court scheduling should be improved to reduce the time and cost of litigation, with sanctions for non-compliance;

(d) Procedural rules should be simplified and language made more user friendly;

(e) Discovery rules should be reviewed and their scope narrowed; and

(f) The Courts should continue to support alternative dispute resolution (**ADR**).

5 The views presented are not intended to bind this firm, its clients or other intermediaries and are supplied for discussion and debate only.

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[1] *"The Future of Ireland's Legal System",* Senator McDowell, Law Reform Commission Annual Conference, Dublin Castle, 1/11/17.

PROPOSAL A: PRACTICES AND PROCEDURES

(A.1) Introduce pre-action protocols, require adequate pleadings and review lodgment provisions to promote early dispute resolution

6 In our experience (in Ireland and internationally), the failure to properly particularise pleadings delays the progress and resolution of disputes. Parties are slow to negotiate or mediate until legal positions are properly articulated, allowing them to make a meaningful assessment of the position.

7 The Commercial List has demonstrated that focussed pleadings increase the likelihood of expeditious and cost-effective resolution. Parties should properly articulate the basis for their claims or defences or face sanctions. Requiring adequate pleadings supported by evidence would reduce issues in dispute and focus litigation and discovery. This would reduce costs, save parties time and reduce the use of the Courts' resources.

8 The following proposals would encourage early and fair resolutions of disputes**:**

8.1 *Pre-action protocols*

8.1.1 Pre-action protocols encourage the parties to communicate before litigating. The objective is to clarify, narrow or resolve issues, saving the parties money and avoiding unnecessary litigation. Such protocols have succeeded in comparable jurisdictions. As the Northern Irish Review Group's Report on Civil Justice (**N.I. Review**) observed, "*the purpose of protocol procedure is to assist the parties to avoid the need for, or to mitigate the length of complexity of, civil proceedings by encouraging:*

(a) *Fair and timely settlement of disputes prior to commencement of proceedings.*

(b) *Early and full disclosure of information about the dispute.*

(c) *The narrowing of issues to be determined should the case proceed to litigation."*[2]

8.1.2 UK jurisdictions successfully operate pre-action protocols, including protocols tailored to the requirements of different types of claims. Experience shows that these result in more co-operation between parties, reducing the number of disputes that proceed to trial.[3]

8.1.3 Pre-action protocols are not required in Ireland.[4] A letter before action is seen as good practice but not mandatory. Proceedings are often issued without notice. Where there is pre-action correspondence, it may not set out the respective positions with the clarity or detail required by UK protocols. Often each side's position is only outlined when formal pleadings are exchanged. Even then, motions for particulars may be required, causing delay and expense before the issues are clarified.

8.1.4 Pre-action protocols should require the plaintiff to set out its case on liability and quantum and the defendant to respond. This elucidates the issues before litigation, encourages early engagement and removes obstacles to settlement. As in other jurisdictions, there should be costs penalties for unreasonably failing to follow pre-action protocols.

[2] N.I. Review, *Review of Civil and Family Justice in Northern Ireland*, (September 2017) p. 240.

[3] Peysner and Seneviratne, *The Management of Civil Cases: The Courts and post-Woolf Landscape*, (2005) Department for Constitutional Affairs Research Series at pp. 13, 20 and 35; N.I. Review, pp. 240 – 241.

[4] A pre-action protocol in clinical negligence has been enacted but not yet commenced: The Legal Services Regulation Act 2015.

8.2 *Adequate pleadings*

8.2.1 The detail required in pleadings varies greatly across the Courts. The ability to plead vaguely complicates and delays proceedings because the real issues are not identified at the outset. Broad pleadings also increase the discovery cost and burden.

8.2.2 We agree with the Commercial Litigation of Association of Ireland (**CLAI**) submissions (discussed under Proposal B), particularly that each party should deliver (i) a narrative statement, along with their Statement of Claim or Defence, which summarises the evidence on which it intends to rely; and (ii) documents referred to in pleadings or in such statements.

8.3 *Lodgment provisions*

8.3.1 Pre-action protocols and more rigorous pleading (with cost consequences for unreasonable behaviour) would encourage early settlement, however procedural improvements are also required to facilitate settlement. (We address ADR under Proposal C).

8.3.2 At present, Irish litigants can (i) make a lodgment or (ii) send a "*Calderbank*" letter.[5] Both procedures use financial incentives and the threat of cost sanctions to promote settlement.

8.3.3 The lodgment procedure should be simplified and standardised across all Courts or, preferably, replaced by a simple, flexible rule like Part 36 of the English Civil Procedure Rules (**CPR**). The objective should be to allow either party to make a offer "without prejudice save as to costs" at any stage, which the Court must have appropriate regard to when determining the costs of the proceedings. Part 36 has led to earlier engagement and higher settlement rates in England and Wales.[6] That said, Ireland could improve on Part 36 in light of the experience of English lawyers who have identified aspects which could be simplified.

8.3.4 Even with a Part 36 regime, there is a role for Calderbanks in some situations, such as where the defendant wishes to pay an offer by instalment or there are multiple defendants.

8.3.5 The current lodgment procedure facilitates a defendant paying money into Court - effectively a settlement offer. A plaintiff who rejects the lodgment but fails to recover more at trial is liable for subsequent costs. While this is useful, there are issues with the procedure:

(a) Only the defendant can make a lodgment. A Part 36 permits either party to make offers.

(b) A lodgment only deals with monetary claims; a Part 36 or Calderbank can apply to all or any part of a claim, monetary or otherwise.

(c) The process of making and accepting a lodgment is unnecessarily elaborate. A Part 36 regime is simpler.

(d) A lodgment can only be made without leave at specific points in the proceedings. However, without detailed pleadings and discovery the defendant may not be able to assess whether or how much to lodge. Equally, the plaintiff may not be sufficiently informed to decide whether to accept a lodgment. Part 36 is more flexible, allowing an offer at any time, including before proceedings commence.[7]

[5] *Calderbank .v. Calderbank* [1976] Fam Law. 93; *O'Neill .v. Ryanair (No. 3)* [1992] 1 I.R. 166; Order 99 1A(1), Rules of the Superior Courts (**RSC**).

[6] *The Management of Civil Cases*, p. 38 - 40.

[7] If made within 21 days of trial a Part 36 offer may not retain its costs consequences.

(e) In contrast to a Part 36 or Calderbank, the lodgment procedure requires payment of money into Court. This is undesirable given the sums involved and creates an unnecessary administrative burden for the Courts Service. Where a lodgment is not accepted, the monies are retained by the Court, potentially leading to interest forgone for an extended period.

8.4 *Summary judgment*

8.4.1 In order to prevent proceedings being used for tactical reasons; such as delay, the rules should allow any party in any case to apply for summary judgment when it can be shown on affidavit there is no genuine defence or issue for trial.

8.4.2 The current test for allowing cases to proceed to plenary hearing needs to be revisited. If the case is allowed to proceed, then the Court should have a greater discretion to order security for costs or payment into Court by any party, or to impose other stipulations which are appropriate if the basis for the claim appears weak.

(A.2) Case management and scheduling

8.5 *Case management rule*

8.5.1 We welcome the Courts' emphasis over recent years on active case management and the adoption of case management rules for Chancery and Non-Jury lists. Building on the experience of the Commercial List, the rules seek to increase efficiency not only by promoting better timetabling but also narrowing issues. When implemented, the new rules will bring the Chancery and Non-Jury Lists in line with the best practice pioneered in the Commercial and, subsequently, the Competition Lists where case management has been used successfully.

8.5.2 We particularly welcome the following aspects of the new rules:

(a) Pre-trial directions as to discovery, pleadings, preliminary issues, timetables, ADR and other pre-trial steps;

(b) Case management orders and pre-trial conferences. A Pre-trial conference should be used before all significant hearings to confirm that a case is ready for trial and resolve arrangements as to witness lists, witness statements, use of technology, etc and to reduce the hearing time.

(c) Judicial certification that a case is ready for trial and provision for directions on expert evidence, management of trial time and modular hearings; and

(d) Rules on witnesses, specifically the exchange of witness statements should reduce (or replace) the time required for evidence-in-chief.

(e) Rules on experts, including exchange of expert reports, the requirement to address expert evidence in the pleadings and the experts' duty to the Court.

8.5.3 We welcome the imminent implementation of these rules in the interests of both the Courts and Court users. Similar rules should be adopted as appropriate in the Circuit and District Court.

8.6 *Scheduling*

8.6.1 The significant delays in civil proceedings in Ireland are well-documented.[8] Despite the success of the Commercial List, the overall situation has deteriorated. The Court Service Annual Report 2016 noted that the reported average length of civil proceedings in 2016 was 772 days in the

[8] "*Delays in High Court rulings 'impacting operation of justice*", The Irish Times, Conor Gallagher, 25 September 2017.

High Court and 514 in the District Court.[9] Both statistics have worsened since 2015. This is a concern for international clients as they consider where to conduct business and which jurisdiction to choose in commercial agreements.

8.6.2 We appreciate that many factors contribute to this issue. Our wider proposal of a paperless system (see Proposal D) would include an overhaul of Court scheduling, permitting Court users to access information online and providing more certainty around Court timelines. In the short term, however we ask that the Review Group consider the following proposals:

(a) The High Court (especially the Commercial List) to require the parties to adhere strictly to the estimated duration of cases or to provide an absolute time limit and, where appropriate, adjourning cases which overrun. Such a practice will encourage parties to run proceedings within the allocated time.

(b) Case management conferences should explore ways to shorten hearings and note the time required to deal with particular issues, witnesses, experts etc.

(c) Evidence in chief should be truncated where witness statements have been exchanged.

(d) Judges should be given time to read key documents (identified by the parties in advance) before hearings. The advantages will be numerous, shortening the time required for cases to be "opened" and reducing the overall length of trials.

(e) The archaic practice of reading pleadings and affidavits aloud in open Court has been dispensed with in comparable jurisdictions – its elimination would help reduce the length and cost of proceedings.

(f) Greater use should be made of technology i.e., email or skype conferences for simple case management hearings, adjournments and date fixing, subject to the right of the Judge to direct (or the parties to request) an oral hearing. Routine adjournments should be approved by emails to the Court office, although multiple adjournments should only be permitted with good reason.

(A.3) Simplify procedural rules and language

8.7 Procedural rules should be presented in a user-friendly way with simple, clear, language, in keeping with international best practice.

8.8 There is unnecessary divergence in procedure and terminology between the Superior, Circuit and District Courts. In England and Wales, the CPR - effectively a unified rule book - applies throughout the Courts hierarchy. This ensures greater consistency and develops precedent throughout the Courts. The benefits of a unified rule book should be explored, while recognising the need to avoid unnecessarily burdensome hurdles when dealing with small District Court claims.

8.9 The various Courts' rules are frequently amended. While the Courts Service is to be commended for publishing such amendments on its website, more frequent consolidations would be beneficial. The RSC and of the Circuit Court were last consolidated in 1986 and 2001 respectively. Consolidations should be frequent, ensuring that the rules are accessible in one location.

8.10 Numerous practice directions supplement the rules. Sometimes different practice directions apply in different parts of the country. It can be difficult to identify them. The Courts Service should publish a complete set and an effort should be made to reduce the numbers in force and to ensure consistency in terminology and requirements.

[9] 2016 Report, p.71.

8.11 *Procurement cases*

8.11.1 The number of significant procurement cases coming before the Courts is increasing. The cases (currently in the JR List) are often of enormous commercial significance, and must be resolved expeditiously. We propose the following reforms:

(a) We suggest a separate type of record number to identify such cases. More importantly, they should be heard in the Commercial List regardless of value. They are best suited to that forum given their commercial nature, the tight timeframes and the complex issues of Irish and EU law which arise (this would be consistent with Ireland's obligations under EU law).

(b) Given the short and strict time limits for issuing proceedings it may be desirable to introduce a simplified procedure to initiate such claims (the UK has a single online claims procedure), reducing the need for subsequent amendment.

(c) Guidance (similar to that provided by the Technology and Construction Court in the UK) would be beneficial as to the approach to discovery in procurement cases, avoiding unnecessarily intrusive disclosure of commercially sensitive information and providing for confidentiality rings and other safeguards.

PROPOSAL B: DISCOVERY

9 Discovery is one of the most expensive and time consuming elements of litigation. The current regime derives from an era where the volume of documentation was far lower. Discovery does play an important role in the resolution of disputes. Discovered documents often affect the outcome. However, thousands of documents are frequently discovered at enormous expense and not used in the proceedings, meaning that parties have been put to unnecessary effort and expense. Sometimes the cost or burden of discovery will be prohibitive and a barrier to justice (even for large corporations).

10 We support the CLAI submissions and have additional recommendations. Importantly, the rules should more explicitly recognise the need for proportionality, balancing the cost and time against the potential benefit to the proceedings.

(B.1) Electronically stored information (ESI)

11 Data volumes are increasing exponentially with technological advances. Enormous volumes of ESI are held by numerous custodians, across numerous devices and in numerous locations. Discovery should not be an unrealistic burden and expense. Traditional approaches to document review are unworkable and prohibitively expensive when dealing with huge ESI volumes. The rules should provide for a proportionate approach to ESI review and discovery, including appropriate use of technology. Such technology may include TAR, filter or search terms, or other technology and techniques as appropriate in the particular context.

12 TAR or other electronic review techniques (rather than traditional document reviews) should be the default position in large document reviews, unless one side can demonstrate why this is not appropriate in the particular case. The Courts' rules and approach should be technologically neutral to allow for evolution – for example, while the Irish (and, subsequently, English) Courts have approved TAR, more sophisticated TAR techniques (such as "*Continuous Active Learning*") or other approaches should be considered as even better technology becomes available.

(B.2) Categories of documents

13 We agree that discovery by reference to categories has not had its intended effect and has added to the cost and time of litigation.

14 The requirement to list documents individually by category is burdensome, redundant and expensive.

15 We welcome the CLAI's proposal that categories should be replaced with a general obligation to discover pre-determined classes of documents at fixed points. The obligation in England to disclose documents before commencing proceedings has been heralded by the N.I. Review as "*One of the success stories emanating from the introduction of CPR in England and Wales.*"

16 Our experience, in Ireland and internationally, shows that earlier communication between parties can facilitate quicker narrowing of issues, saving time and costs down the line. We believe that the rules should encourage the parties to meet and cooperate with regard to, firstly, the scope of discovery and, secondly, the way it should be effected.

17 A possible alternative (or additional) approach to the traditional ***Peruvian Guano*** approach would be to impose a documentary disclosure requirement along the lines of that placed on applicants for ex parte relief. This is discussed at B.4 below.

(B.3) Broad pleadings and interrogatories

18 We endorse the CLAI's suggestion that parties should deliver narrative statements with pleadings summarising evidence upon which they intend to rely and providing documents referred to. As noted above, requiring parties to properly plead and particularise their claims would reduce the ambit and cost of discovery. As in the Commercial List, parties should not be required to seek leave of the Court to deliver interrogatories which can reduce the necessity for discovery. Some recent High Court cases[10] have helpfully approved a more modern approach in the framing of interrogatories and in our recent experience, parties have started asking questions in the exchange of interrogatories that demand replies that depart from the traditional approach of requiring a simple "*yes*" or "*no*" answer. We would be supportive of that approach, subject to clear governance, which could further reduce the need for or extent of discovery. However perhaps the fundamental issue with discovery is the scope of the relevance test.

(B.4) Relevance test

19 The classic ***Peruvian Guano*** relevance test was a cogent enunciation of principle, designed to ensure that each side could test the other's case. However it needs to be revisited, in the light of exponentially increasing volumes of data. In 1882 Lord Justice Brett could scarcely have conceived that his words would be relied upon more than a century later to put parties to such effort or expense in modern litigation.

20 In Lord Justice Brett's time there were typically few copies of any individual document, whereas now, due to the ease with which technology generates data, far more duplicates are created. For example, a high volume of documents are generated in a sale of goods transaction. While arguably relevant in the ***Peruvian Guano*** sense to, say, a contract claim, most documents would not be necessary for the fair disposal of proceedings, unless for example, there was a genuine doubt as to whether the transaction actually took place. If the real issue was whether the goods were defective or complied with specifications, records of the specifications or testing may be necessary. However, many documents generated in a modern business would not be ***necessary*** for a fair trial, even if technically relevant in the ***Peruvian Guano*** sense. If applied without regard to necessity or proportionality, the test requires parties to disclose massive volumes of technically relevant documents which will not be required for the fair disposal of proceedings (or to save costs). Many Courts have not consistently applied the necessity test when considering discovery applications. Indeed, some Courts even order discovery in respect of matters admitted on the pleadings, which should rarely if ever be required.

21 Discovery should be limited to material documents, genuinely necessary, with greater regard for proportionality. No discovery should be ordered if the information may be expediently obtained by other means such as interrogatories or notices to admit. The *Peruvian Guano* test could be replaced by an obligation on each party to make disclosure of documents in terms similar to the obligation already placed on parties seeking ex parte relief. An applicant for ex parte relief must ensure that the material facts

[10] *Anglo Irish Bank Corporation Limited v Browne* [2011] IEHC 140, *per* Mr Justice Kelly.

relevant to both sides of the dispute are accurately and candidly disclosed to the court. Framing a disclosure obligation in such terms (rather than the far broader *Peruvian Guano* terms) may allow for the necessary transparency without causing unnecessary discovery.

(B.5) The obligation to list privileged documents individually

22 This requirement adds significantly to the time and cost of discovery and any benefit is dwarfed by the expense. Parties should only be required to list privileged documents generated before litigation. While parties should clearly identify the basis on which classes of documents have been withheld for privilege and the date ranges, there is little benefit in requiring parties to individually list privileged documents unless there is a doubt about a particular document or class of document which warrants further detail. The requirement should be replaced by listing the basis over which privilege has been claimed for classes of documents, with the Court retaining discretion to require further detail.

(B.6) Interim contribution to discovery costs

23 The Courts should have greater latitude to require parties making extensive discovery requests to fund (or at least share) the costs they are putting the other party to. It is unfair that a party making discovery can be exposed to enormous expense, which may not be recoverable, even if they win. Security for costs is often not unavailable for various reasons, and the cost of discovery can be a bar to access to justice in such cases. If a party seeks extensive discovery, the Court should have greater powers to require it to contribute to the cost before such discovery is furnished. If the applicant succeeds at trial, then any such costs reasonably incurred should be recoverable as costs in the proceedings. Litigants and their advisors would be incentivised to focus their discovery demands if they were liable to contribute up front to the costs.

(B.7) Proportionality

24 We agree with the CLAI that discovery must be proportionate. It can be difficult to determine what may be reasonable in complex litigation or when dealing with large electronic discovery, in particular in deciding whether an entire network needs to be reviewed or only documents relating to key individuals. There are competing considerations such as: (i) data protection (ii) privacy and (iii) commercial confidentiality. The concept of proportionality is critical and parties should be encouraged to engage to adopt a proportionate approach as to what must be done to identify responsive documents, with ultimate determination resting with the Court if parties are unable to progress the issue. In other words, whereas discovery orders have traditionally required the parties to discover **all** responsive documents, the parties should agree (and if necessary the Court should determine) the steps reasonably required to achieve this in the particular case, having regard to proportionality.

(B.8) Communication between the parties

25 Leading members of the judiciary have made clear, that the obligation to make discovery is an obligation to take reasonable steps to identify, secure and disclose responsive documents rather than an absolute obligation. While a party who breaches this obligation is liable to sanction, a party who has diligently dealt with discovery obligations but inadvertently overlooked a document should not be. However, there is often disagreement as to the steps required to comply with discovery orders. In order to ensure a more proportionate approach, the Courts should encourage parties' advisors to meet to discuss the type of documents that are relevant, the searches that each side expects, the technologies they propose to employ and the volumes of data they anticipate. If the parties are unable to reach agreement as to their respective approaches these issues can then be adjudicated by the Court. Discussion of these issues at the outset should reduce the need for late applications.

PROPOSAL C: ADR

26 It is in the public interest and generally in the parties' interests if litigation can be avoided and we support ADR methods including negotiation, mediation, conciliation and expert determination.

27 For many years we have supported mediation as a dispute resolution tool. We welcome the Mediation Act 2017 (the **Act**). The Courts, led by the Commercial List, had already signalled their support for mediation and the legislation encourages litigants to consider mediation at the outset of disputes. Further legislation or regulation would be premature until the new legislation has been in force for long enough to gauge its effectiveness. The legislation should be reviewed after 5 years, to confirm that it is having its desired effect or whether other reforms are warranted.

PROPOSAL D: ELECTRONIC COMMUNICATIONS, E-LITIGATION AND MAKING COURT DOCUMENTS AVAILABLE ON THE INTERNET

28 As society develops, its institutions must also evolve. Individuals living and companies carrying on business in Ireland are increasingly sophisticated technology users. Most businesses are changing the way they interact with consumers to allow for more efficient and user friendly online interaction. Many industries with complex documentation requirements (like insurers) have moved to a paperless environment, achieving enormous efficiencies and savings. Consumers generally welcome these changes.

29 The Irish system, unlike many comparable jurisdictions has not kept pace with this technological trend, maintaining a largely paper-based approach which is increasingly cumbersome, unnecessarily expensive and at odds with the technological sophistication of other aspects of our economy.

30 Comparable jurisdictions facilitate e-litigation and the benefits are widely accepted. The EU General Court uses the eCuria system; pleadings are issued and served via a central database accessible to the parties and the Court. This is efficient, eliminates the outdated practice of filing documents in Court in person and frees up civil servants from the administration tasks of processing hardcopy documents filed to undertake more productive tasks. It gives the Court ready access to key documents.

31 The Irish Supreme Court piloted e-litigation with an eCourt application in 2016 in *Lanigan v Barry*[11]*.* Pleadings and other documents were available on tablets allowing for electronic searching and private annotation. We urge the Review Group to build on this and introduce such technology throughout the Courts – prioritising both the Commercial List and the District Courts – so as to meet the needs of Court users. Such reforms would be particularly welcomed in the Commercial List given the benefits of electronic dissemination of data when dealing with international parties litigating in that forum. Equally, in the District Court, the ability to issue small claims online would make it easier for consumers to access justice with minimum effort and expense.

32 Ireland needs to go beyond piecemeal technological improvements and to explore the feasibility of a completely paperless Courts system. In particular, the existing manual/paper-based process must be replaced and not allowed to simply operate in parallel. Any costs or time savings gained in moving to a paperless system will be negated if hard copy documents are also required to be produced as well.

33 An e-litigation system also offers further opportunities. Routine hearings or low-cost disputes could be heard "*virtually*". Innovations that go beyond Court efficiencies and reduce legal costs or improve the quality of the justice system will follow.

34 Comparable jurisdictions have demonstrated that the challenges are not insurmountable. The resources required will be justified by the benefits. For example, such reforms in Singapore helped reduce the backlog of cases awaiting trial by 92%.[12] Since then, e-litigation has contribution to an almost 100% clearance rate annually for civil and criminal cases in the Singapore Supreme Court.[13]

[11] [2016] IESC 46

[12] "*12th Conference of Chief Justices of Asia and the Pacific – Overcoming Backlogs"*, Chief Justice of Singapore, Mr Chan Sek Keong.

[13] Supreme Court Annual Report 2014/2015, p. 47.

35 Progressing to e-litigation, we believe, would position the Irish legal system front and centre as a modern, efficient legal system complementing the economy as a whole.

PROPOSAL E: MORE EFFECTIVE AND LESS COSTLY OUTCOMES FOR COURT USERS, PARTICULARLY VULNERABLE COURT USERS

36 Costs and delay can be barriers to justice and we welcome more timely and less costly outcomes for all Court users, especially the vulnerable.

37 Most, if not all, proposals outlined in this submission would reduce costs and simplify litigation and thus reduce barriers to justice. Such measures would be a significant contribution to increasing the accessibility and effective usability of the Irish legal system for all.

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