



Our Ref: 18/061/MOS

20 February 2018

Mr Justice Peter Kelly  
President of the High Court  
[submissions@civiljusticereview.ie](mailto:submissions@civiljusticereview.ie)

Dear Justice Kelly,

I write in relation to the Review of the Administration of Civil Justice being conducted under your Chairmanship, following your appointment by the then Tánaiste and Minister for Justice and Equality, Frances Fitzgerald TD.

The Cost of Insurance Working Group published the *Report on the Cost of Employer and Public Liability Insurance* on 25 January 2018. The Report makes 15 recommendations with 29 associated action points and is available on the website of the Department of Finance. The recommendations follow three broad themes, the third of which is aimed at improving the personal injuries litigation framework. The recommendations were developed following an extensive consultation process wherein the Working Group heard from a wide range relevant stakeholders in regard to their perspective on issues in the insurance sector.

A number of issues raised with the Working Group were not examined in the Report as it was felt they would be more appropriately considered through the Review of the Administration of Civil Justice. In this regard, I would like to bring your attention to section 12.5 of the Report, titled "Case Management Issues". In this section, issues raised by stakeholders relating to the management and conduct of personal injury cases which have impacted on the efficient processing and the cost burden of these cases are set out. Examples provided include the impact which an unexpected adjournment can have, or the necessity for staff members of a defending business having to attend trial for several days at the company's expense (coupled with the cost of having alternative staff covering the running of the business). This problem, it is understood, can be exacerbated by the listing of personal injury actions with clinical negligence cases. As the clinical negligence cases tend to be complex and lengthy, the hearings often run longer than the period scheduled for, with a knock-on effect on other listed cases.

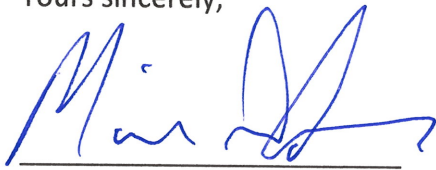
Therefore, we would like to request that your group consider as part of your review the following three proposals which the Working Group believes could help alleviate some of these problems:

1. Clinical negligence cases to be listed separately from other personal injury actions
2. Interlocutory matters to be dealt with by court personnel other than judges, for example following the process in the Circuit Court where the County Registrars successfully manage interlocutory matters

3. Appropriate “writing days” to be introduced to enable the judiciary to properly compose their judgments in a timely manner on the conclusion of a case

The Working Group understands that the review to be conducted is wide-ranging but respectfully request that these specific suggested initiatives be taken into consideration. In this regard, the Working Group would welcome any engagement in order to clarify or discuss these issues further and, finally, we wish to state our support for the extensive work which is to be undertaken.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Michael D'Arcy', written over a horizontal line.

Michael D'Arcy T.D.

Minister of State for Financial Services and Insurance