

Please accept this email as a short submission on the above-mentioned area, area (a).

My experience in relation to 'improving access to justice and reducing the costs of litigation' stems from approximately 10 years of practising as a Barrister on Circuit and in Dublin.

My main point concerns the Courts Service and the management of the Lists (on the Circuit I am practising on). I would have made this point to the Courts Service when they sought Submissions for their Strategic Review but I missed the deadline. The Bar of Ireland did not, as far as I am aware, make this point.

- Communication between the Bar and the Courts Service is, to my knowledge, minimal. This is particularly so in relation to Circuit Court Listing systems, to include the Listing on the High Court when it sits outside Dublin. Some Circuits are better than others. However, the Court Offices for the various regions/courts often diary lists to clash multiple times during the legal calendar, while then leaving weeks (sometimes consecutive weeks) empty, i.e. no lists scheduled (in some cases for over a month).

- When more than one Court (e.g. Circuit Civil, plus Circuit Criminal, plus County Registrar, or High Court PI, or High Court on Appeal) is sitting in the same Courthouse/circuit, there are inevitable clashes whereby practitioners cannot be in two Courts at once. Cases are missed or adjourned or, usually, delayed. This impacts on the litigants the most, then the Judge, and the Court staff. As well as the Barristers.

- As far as I know the Courts Service do not collaborate or communicate with any stakeholders, e.g. Solicitors or Solicitor Bar Associations; they do not liaise with anyone about their Lists. The scheduling of Judges must be difficult; but there are other Court users to be taken into account.

- It is not okay to say/think that litigants can obtain a Solicitor/Counsel who is not occupied in another Court or otherwise double-booked. The litigant will have chosen their lawyers long before the matter has been set down and should not be forced to change.

- The List System outside of Dublin is not subject to any set rules or procedure as far as I know. Therefore it is hard to suggest how to improve a procedure I cannot point to. However, one thing is clear, the improvement of communication with Court-users and the liaising with stakeholders can only be a good thing in order to hear voices that advocate for litigants.

- It appears the Courts Service run the lists on old or outdated method in that it (in some cases) appears to repeat the diary from the previous years/historical past which is certainly obsolete, especially in circumstances where the modern users of the Courts are trying to point this out.

- There is no List to fix dates in some Circuit Courts. Therefore, cases are listed without knowledge and with little notice in some situations (I am putting in a separate submission on this).

Re. (e) Achieving more effective and less costly outcomes for court users, particularly vulnerable court users

I have also sent a submission under (a) and there is some cross-over.

One cost-saving measure in Circuit Court (regional) Lists would be to effect a List to Fix Dates in every Circuit for every scheduled sitting in the term or month before the sitting is scheduled.

Currently, some Court offices list cases without much or any notification. Cases are in the list and people (lawyers, litigants, witnesses) are not ready. Those cases usually get adjourned and there is added Costs to litigants.

In addition, the list comes out a week or sometimes less, before the Court sits. Sometimes the List is big, too big for the Court to get through. This has varied effects, depending on the Judge sitting.

It seems something should be done and a List to fix dates might be one option.