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Mr Justice Peter Kelly
Chairman
Review of the Administration of Civil Justice
The Four Courts
Dublin 7
submissions@civiljusticereview.ie
BY EMAIL AND POST

7 June 2018

Your ref:

Our ref: DB/KC

MHC-18169872-1

Matter: Review of the Administration of Civil Justice

Dear Mr Justice Kelly,

I refer to my letter of 27 April last.

The following are some suggestions which have been made to me by in-house counsel working for commercial organisations which use the superior courts frequently.

- To improve efficiency and to minimise delay judges should read relevant papers before a matter is heard.
- Court sittings should commence earlier than 11am and end later than 4pm. This is particularly so if no witness evidence is being heard. Time for writing judgments should be allocated to judges in days and half days rather than sought to be accommodated prior to 11am and subsequent to 4pm and at any other times.
- The arrangements regarding court vacations should be reviewed. The courts are closed for far too long. The Long Vacation is regarded as an anachronism.
- Where possible, a judge should be assigned to a case from early in the proceedings with the intention that the judge should be responsible for all pre-trial matters and the trial at first instance. Exceptions can be made for issues such as reviewing claims of privilege. The view is that where the parties know who the trial judge is likely to be from the outset, this should promote early settlement. Furthermore, appropriate judicial signalling at interlocutory stages by the judge expected to be the trial judge could also facilitate early settlement. Such signalling by a judge who is not expected to be the trial judge is much less impactful.
- All court filings should be online.
- Acoustics in all courts should be improved.
- The digital audio record should be available and should be automatically transcribed through voice recognition software thereby saving stenographer's fees (which are viewed as very high).
- The judges of the Court of Appeal and the Supreme Court should periodically hear cases at first instance in the High Court (i.e. they should periodically sit as an ordinary High Court

judge) so that their experience of trials at first instance is reinforced and so that they can be exemplars of good practice for ordinary high court judges.

For the sake of good order, I should say that these are not our suggestions although we regard some of them as quite interesting and worthy of consideration by the review group in due course.

Yours sincerely,



Declan Black
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MASON HAYES & CURRAN