

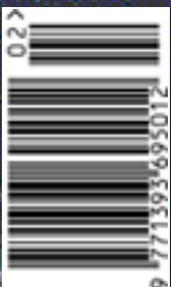
LAW SOCIETY

Gazette

€3.75 Jan/Feb 2008



MEASURE FOR MEASURE: High Court costs



INSIDE: DIVORCE 10 YEARS ON • BUYING/SELLING PRACTICES • FOCUS ON GALWAY • YOUR LETTERS

firstamerican

For peace of mind



Sale or Purchase of property delayed? We can help close that deal immediately...

- *Insurance for a wide range of identified title defects including possessory title*
- *Suitable for Commercial & Residential Properties*
- *Once-off competitive premiums*
- *Cover passes to successors in title**
- *Insures Property Owners and Lenders*
- *Prompt underwriting decisions*

**Terms and conditions apply*

First American offers an insurance policy which covers a wide range of identified title difficulties so that sales and purchases of residential and commercial property can be completed quickly.

....for peace of mind

**To find out more call us at (01) 275 2640 or visit
www.firstamerican.ie**

Office Hours 9-5.30pm, Monday - Friday
Please quote LG when contacting us.

Title Underwriting Ireland Ltd t/a
First American is a Single Agency
Intermediary with First Title
Insurance plc and is regulated
by the Financial Regulator.

Broadband at your fingertips

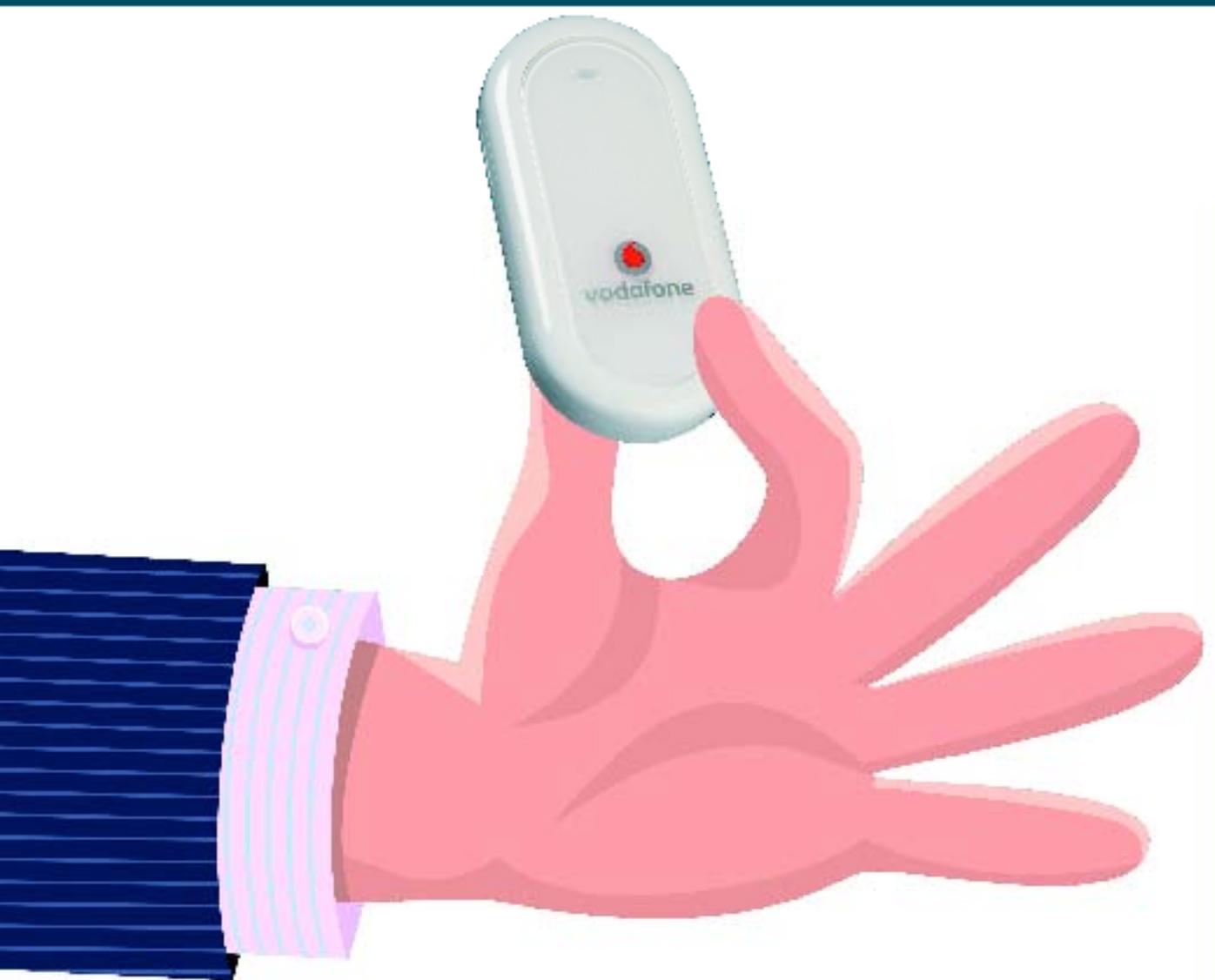


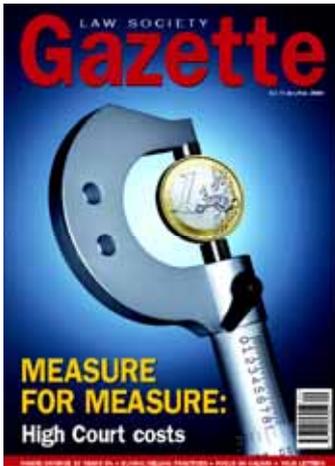
Vodafone 3G Broadband

When you do business on the move, Vodafone 3G Broadband is the easy way to get high speed access to email and internet. Just plug the modem into your desktop, laptop or Mac computer and you're free to go.

For more details drop into your local Vodafone store or call 1800 30 80 20.

Make the most of now





On the cover

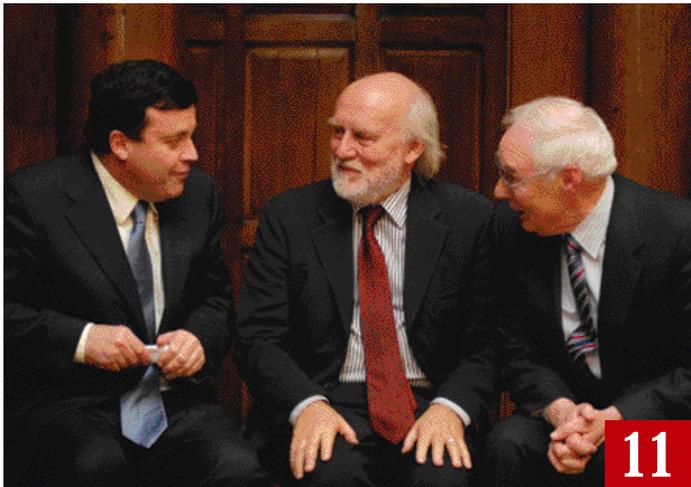
What light through yonder window breaks? 'Tis an account of High Court costs, measure for measure. Asses are made to bear, and so are you: the words expressly are "a pound of flesh". Let every eye negotiate for itself, but all that glisters is not gold
 PIC: GETTY IMAGES/GAZETTE STUDIO



Volume 102, number 1
 Subscriptions: €57

LAW SOCIETY
Gazette

Jan/Feb 08



11



47



53

REGULARS

5 President's message

7 News

13 Comment
 13 Letters

16 Analysis
 16 **News feature:** new LRC programme
 18 **News feature:** Justice Media Awards 2007
 20 **Human rights watch:** if you want blood, you've got it
 20 **One to watch:** new marriage regulations

46 People and places

51 Obituary
 Eugene Carey, 1955-2007

53 Student spotlight

55 Book review
Principles of Irish Property Law

56 Briefing
 56 Council report
 57 Practice notes
 58 Legislation update: 17 November '07 – 16 January '08
 60 Solicitors Disciplinary Tribunal
 61 Firstlaw update
 63 Eurlegal: the *Lisbon Treaty*

67 Professional notices

73 Recruitment advertising

Editor: Mark McDermott. **Deputy editor:** Dr Garrett O'Boyle. **Designer:** Nuala Redmond. **Editorial secretaries:** Catherine Kearney, Valerie Farrell. For professional notice rates (lost land certificates, wills, title deeds, employment, miscellaneous), see page 67.

Commercial advertising: Seán Ó hOisín, 10 Arran Road, Dublin 9; tel: 01 837 5018, fax: 01 884 4626, mobile: 086 811 7116, email: sean@lawsociety.ie.

Printing: Turner's Printing Company Ltd, Longford.

Editorial board: Stuart Gilhooly (chairman), Mark McDermott (secretary), Paula Fallon, Michael Kealey, Mary Keane, Aisling Kelly, Patrick J McGonagle, Ken Murphy, Philip Nolan.

Get more at lawsociety.ie

Gazette readers can access back issues of the magazine as far back as Jan/Feb 1997, right up to the current issue at lawsociety.ie.

You can also check out:

- **Current news**
- **Forthcoming events**, including the new distance learning course in District Court procedures, 23 February
- **Employment opportunities**
- **The latest CPD courses**

... as well as lots of other useful information

PROFESSIONAL NOTICES: send your small advert details, with payment, to: *Gazette* Office, Blackhall Place, Dublin 7, tel: 01 672 4828, or email: gazettestaff@lawsociety.ie.
ALL CHEQUES SHOULD BE MADE PAYABLE TO: LAW SOCIETY OF IRELAND.

COMMERCIAL ADVERTISING: contact Seán Ó hOisín, 10 Arran Road, Dublin 9, tel: 01 837 5018, fax: 884 4626, mobile: 086 811 7116, email: sean@lawsociety.ie

HAVE YOU MOVED? Members of the profession should send change-of-address details to: IT Section, Blackhall Place, Dublin 7, or to: customerservice@lawsociety.ie
Subscribers to the *Gazette* should send change-of-address details to: *Gazette* Office, Blackhall Place, Dublin 7, or to: gazettestaff@lawsociety.ie

HOW TO REACH US: *Law Society Gazette*, Blackhall Place, Dublin 7.
Tel: 01 672 4828, fax: 01 672 4877, email: gazette@lawsociety.ie

FEATURES

24 COVER STORY: Measure for measure

What is the basis of the High Court's jurisdiction to measure costs, and when is measurement of costs more appropriate than taxation? Hugh Kennedy and Brid O'Flaherty break out their measuring tapes

28 Ten years after

Ten years after divorce was introduced in Ireland, there are about 60,000 divorced people here. But what type of legal framework and practice should underpin the law in this area? Geoffrey Shannon's intentions are honourable

32 Disputed territory

The *Ryanair* judgment limits the Labour Court's jurisdiction to issue recommendations with regard to non-unionised workplaces. But it leaves many areas open to further interpretation, writes Maura Connolly

36 Breathing easy

In the third article in our series on how an economic downturn might affect solicitors, Barry Lyons says that the right knowledge can lead to new business by providing examinership solutions to difficulties faced by client companies

40 Sweetening the pot

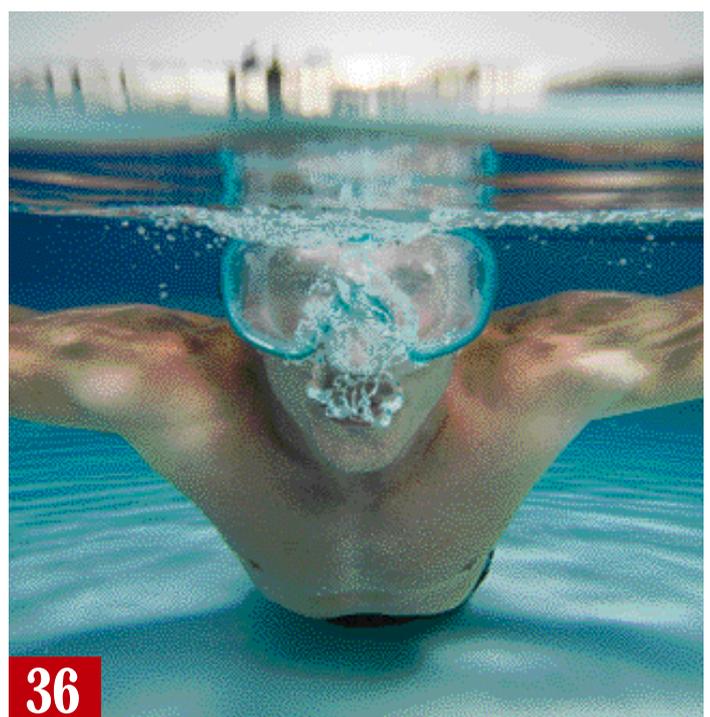
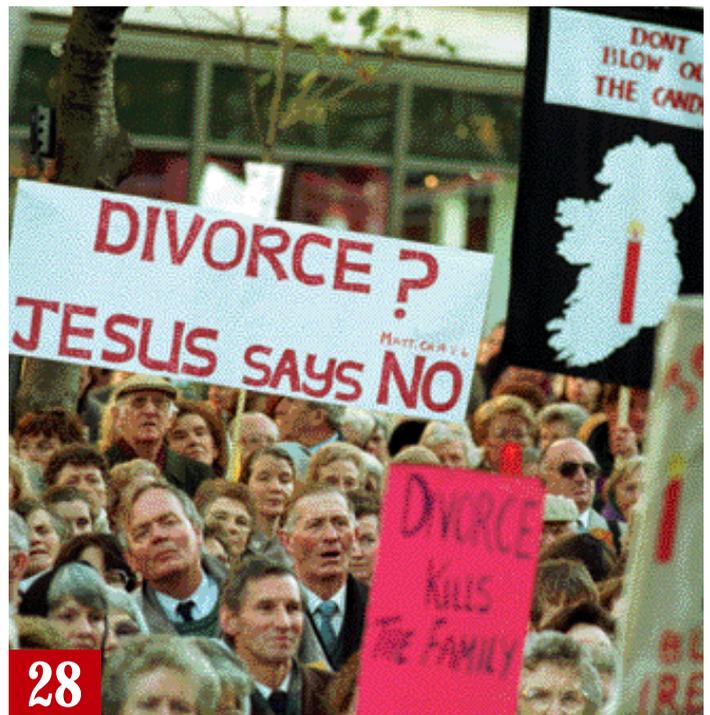
In the second of a two-part series, Hilary Haydon demystifies the complexities of valuing, buying and selling a solicitor's practice

43 Into the West

In our continuing series of snapshots of the profession around the country, Colin Murphy finds plenty of change in Galway, some of it led by a cabal of 'young guns' who think that some things could be done better

The Law Society of Ireland can accept no responsibility for the accuracy of contributed articles or statements appearing in this magazine, and any views or opinions expressed are not necessarily those of the Law Society's Council, save where otherwise indicated. No responsibility for loss or distress occasioned to any person acting or refraining from acting as a result of the material in this publication can be accepted by the authors, contributors, editor or publishers. The editor reserves the right to make publishing decisions on any advertisement or editorial article submitted to this magazine, and to refuse publication or to edit any editorial material as seems appropriate to him. Professional legal advice should always be sought in relation to any specific matter.

Published at Blackhall Place, Dublin 7, tel: 01 672 4800, fax: 01 672 4877.
Email: gazette@lawsociety.ie Law Society website: www.lawsociety.ie





NEW OFFICE NOW OPEN IN DUBLIN

Merchants House, Merchants Quay, Dublin 8
Opposite the Four Courts
Tel: 01 675 0819

Are you

Happy with the interest you are Earning?

Happy with the interest you are Paying?

Are you paying Set-Off interest on all Facilities?

Paying Uncleared Interest/Surcharge Interest?

Talk to

Kieran Finnan

I will make Money for your Practice

with my

Banking Health Check

A Nationwide Service to the Legal Profession

Call us now

Finnan Financial Limited

Dublin: Merchants House, Merchants Quay, Dublin 8 (**opposite Four Courts**) 01 675 0819

Waterford: 21 O'Connell Street, Waterford. DX 44058 Waterford 051 850672

kieran@finnanfinancial.com www.finnanfinancial.com

Mura gcuirfidh muid san earrach ní bhainfidh muid san fhomhair

Colleagues, first and foremost I would like to take this opportunity to wish you and your families every success and happiness for 2008. It is, of course, the time of the year for well-intentioned New Year's resolutions. In my own case, the resolutions are by now so familiar that I view them as the annual visit of close family friends. On this occasion, however (as so often in the past), I hope that they stay around until at least early summer!

On a professional level, it is also an opportunity for us to take stock and to plan for the year ahead. As ever, there is no shortage of doom and gloom being predicted, given that there is undoubtedly increased pressure on some traditional areas of practice.

For this reason, the Society has established a Practice Management Task Force, which aims to provide guidance and assistance to solicitors who are interested in changing their work practices to accommodate practising into their lives – rather than the other way around.

The start of a new year, coming at a time of change in the legal market place, is also an opportunity for colleagues to consider developing new expertise, perhaps in the practice areas where there is now a huge demand for legal talent. While there are many to choose from, I would like to concentrate here on the area of arbitration/mediation/alternative dispute resolution. The Society is strongly supportive of measures that can resolve contentious problems for our clients as quickly and as economically as possible. There is growing support, not only from within the profession, but also within from the public, to explore alternatives to costly and time-consuming litigation.

There are many suitable courses to train us how to participate in this work, whether representing a

client or in the capacity of an arbitrator or mediator. In the course of the year, the Society will be launching new schemes of arbitration and mediation, and I would encourage you to participate and, importantly, to bring these opportunities to the attention of your clients.

We are, of course, at the beginning of a new CPD cycle, and what better time to strategically plan to refine our existing skill sets? While, obviously, it is a matter for individual choice, increasing numbers are seeking to participate in diploma programmes, certificate courses or advanced advocacy courses as an alternative to the more traditional stand-alone lectures. The feedback we get is that longer courses bring more 'added value' and satisfaction to the participants. This is, therefore, the perfect time to plan to derive maximum benefit from the CPD obligations in the course of this present cycle.

In summary, my wish for the profession for 2008 is that, in recognising inevitable change, we embrace it as presenting opportunities rather than threats. We owe it to ourselves personally to continually reflect on whether we work to live, or live to work. There can be no doubt that if we practise smartly, our job satisfaction will be greater, and our capacity to deliver a quality service to our clients will be enhanced.

It's my hope that, in plagiarising the motto of the Munster team, we can be inspired by their tenacity: "To the brave and faithful, nothing is impossible." 

James MacGuill
President



"In the course of the year, the Society will be launching new schemes of arbitration and mediation, and I would encourage you to participate and, importantly, to bring these opportunities to the attention of your clients"



COURTS SERVICE
An tSeirbhís Chúirteanna
IRELAND

**KILKENNY
CIRCUIT COURT OFFICE
NOTICE**

**Temporary relocation of
Circuit Court sittings
pending the refurbishment of
Kilkenny Courthouse**

Please note that from January 2008 and until further notice all sittings of Kilkenny Circuit Court will be heard in the following venues:

- Criminal sittings – Carlow Courthouse, Carlow, Co. Carlow
- High Court on Circuit – Carlow Courthouse, Carlow, Co. Carlow
- Civil and Family Law sittings (including District Court Appeals) – Parade Tower, Kilkenny Castle, Kilkenny, Co. Kilkenny
- County Registrar’s Motion Courts – Parade Tower, Kilkenny Castle, Kilkenny, Co. Kilkenny
- Criminal Appeals from the District Court – Glebe Hall, Barrack Street, Kilkenny

Full details of all Sittings and any further information may be obtained from Kilkenny Circuit Court Office, Parnell House, Parnell Street, Kilkenny.

Tel: 056 7722073

Fax: 056 7751044

e-mail: kilkennycc@courts.ie
www.courts.ie

Sittings of Kilkenny District Court will continue in Kilkenny Courthouse until further notice. Alternative accommodation arrangements for District Court sittings during the period of the refurbishment will be advised shortly.

**OIFIG CHÚIRT CHUARDA
CHILL CHAINNIGH
FÓGRA**

**Athlonnú sealadach shuíonna na
Cúirte Cuarda ag feitheamh ar
athchóiriú Theach Cúirte
Chill Chainnigh**

Tabhair faoi deara le do thoil ó Eanáir 2008, agus go dtí go bhfógrófar a mhalairt, go n-éistfeadh leis na suíonna uile de Chúirt Chuarda Chill Chainnigh sna hionaid seo a leanas:

- Suíonna cóiriúla – Teach Cúirte Cheatharlach, Ceatharlach, Co. Cheatharlach
- An Ard-Chúirt Chuarda – Teach Cúirte Cheatharlach, Ceatharlach, Co. Cheatharlach
- Suíonna an Dlí Sibhialta agus an Dlí Teaghlach (Achomhairc na Cúirte Dúiche san áireamh) – Túr na Paráide, Caisleán Chill Chainnigh, Cill Chainnigh, Co. Chill Chainnigh
- Cúirteanna Tairisceana an Chlársitheora Contae – Túr na Paráide, Caisleán Chill Chainnigh, Cill Chainnigh, Co. Chill Chainnigh
- Achomhairc Cóiriúla ón gCúirt Dúiche – Halla na Gleibe, Sráid na Beairce, Cill Chainnigh

Féadfar sonraí iomlána na Suíonna uile agus aon fhaisnéis bhreise a fháil ó Oifig Chúirt Chuarda Chill Chainnigh, Teach Parnell, Sráid Parnell, Cill Chainnigh.

Tel: 056 7722073

Facs: 056 7751044

íomhphost: kilkennycc@courts.ie
www.courts.ie

Leanfaidh suíonna Chúirt Dúiche Chill Chainnigh i dTeach Cúirte Chill Chainnigh go dtí go bhfógrófar a mhalairt. Fógrófar socruithe cóiríochta malartacha do shuíonna na Cúirte Dúiche le linn na tréimhse athchóirithe gan mhóil.



Send your news to: *Law Society Gazette*, Blackhall Place,
Dublin 7, or email: nationwide@lawsociety.ie

■ SLIGO

Bar association president Seamus Monaghan, Fergal Kelly (secretary), Carol Ballantyne and Brian Gill have been working hard on behalf of their members. Following a very successful social event in the yacht club in Rosses Point, we've heard about a number of local seminars that have been held in recent months. These have been very successful and have attracted a large audience of practitioners.

■ MAYO

It is good to see the revival of an initiative on the part of solicitors that reflects well on everyone. In Dublin in the mid 1980s, we had a number of very successful Wills Week promotions, which not only generated its own publicity for worthy causes but also filled the wills cabinet.

Pat O'Connor and his team in Mayo are promoting a Wills Week (25-29 February) throughout the county. The public, through a media campaign, are being encouraged to call in to their solicitor to make a will and, in so doing, to make a donation of €100 to any Mayo charity of their choice. The will is put together free of charge by the solicitor.

■ CORK

Mortimer Kelleher, SLA vice-president, has given advance notice to the membership of a forthcoming trip to the European Parliament on 2 September. Former SLA stalwart, Leaside practitioner and now MEP, Colm Bourke, has invited a delegation to attend a session in the parliament in Strasbourg. Mortimer stresses that the trip



At the Southside Solicitors' function in the Royal St George Yacht Club were Justin McKenna (Partners at Law), John O'Malley (John P O'Malley & Co), Mr Justice Michael Peart and Jacinta Proctor

is separate and distinct from the annual 'away' trip, which takes place towards the end of September, and those interested in travelling should contact Colette Curtin, SLA secretary.

■ GALWAY

The AGM of the Galway Bar Association was held on 13 December 2007 in Galway Courthouse. The newly elected committee for 2008 is: president – James Seymour (Seymour & Co), vice-president – Ailbhe Burke (Pauline O'Reilly & Co), treasurer – Cairbre O'Donnell (John C O'Donnell & Son), secretary – David Higgins (Law Centre), PRO – Kayanne Horgan (Higgins Chambers Flanagan), committee members – Louis Bourke (Brian Lynch & Associates), Robert Meehan (Blake & Kenny), Valerie Corcoran (Corcoran McLoughlin), Cait Fitzgerald (Kilfeather & Co), Ciara O'Callaghan (Higgins Chambers Flanagan), Laura King (Higgins Chambers Flanagan).

A special word of thanks to outgoing president Ailbhe

Burke, outgoing treasurer Valerie Corcoran and outgoing secretary Yvonne Francis and the committee for their sterling work during the past year.

For 2008, it is proposed to repeat the association's day at the Galway Races in August and the Law Ball in early December, both of which were very successful. CPD courses will feature large in the coming year (see article, page 43). A number of other functions are also proposed, including wine-tastings, to be held in aid of various local charities.

■ DUBLIN

The DSBA dinner dance – held, as usual, in the Four Seasons – was a glittering occasion and a great credit to Michael Quinlan and his organiser-in-chief Geraldine Kelly. The event was oversubscribed, with up to 400 in attendance. DSBA guests included Minister for Education Mary Hanafin, the presidents of most of the courts, Dublin county registrar Susan Ryan, the president and director general of the Law Society, Catherine Treacy (chief registrar of the

Property Registration Authority), and the presidents of a number of bar associations, including Patrick Mullins from the SLA, Patrick O'Connor from Mayo, Anne Heseltine from Liverpool, Christopher Clarke from Bristol, James Cooper from the Law Society of Northern Ireland, John Guerin from Belfast, Stephen Hindmarsh from Manchester, and Catherine Allen from the SYS.

A feature of the night is the charity raffle. This year, DSBA president Michael Quinlan nominated the cystic fibrosis charity.

Michael Quinlan has also put the final touches to arrangements for the most audacious legal conference in years, namely the DSBA annual conference in China. This is to take place between 14 and 21 September and involves three nights stays in both Beijing and Shanghai. Anyone interested is asked to contact Michael or any other council member. Considering the five-star package over a basic six or seven nights, an anticipated and heavily subsidised cost (through sponsorship) seems good value indeed.

The DSBA has just moved offices, from Hatch Street, where it has been for the last three years, to larger premises on Harcourt Street beside BCM Hanby Wallace on the 'Green' side. Maura Smith and her staff (having got over a significant water leak in week one) are delighted with the move and the additional space that it gives to those involved in the association. **G**

'Nationwide' is compiled by Kevin O'Higgins, principal of the Dublin law firm Kevin O'Higgins.

Advocate General Sharpston calls for discussion on ECJ's role

The role of the European Court of Justice in the evolution of the EU was the focus of the annual *Hibernian Law Journal* lecture, delivered by Advocate General Eleanor Sharpston at Blackhall Place on 22 November. AG Sharpston examined the triumphs, challenges and limitations of the court in her lecture, which was chaired by Mr Justice Nial Fennelly of the Supreme Court.

Fresh from her viewing of the *Book of Kells* earlier in the day, AG Sharpston compared the famous opus to the *Treaty of Rome*, which admittedly was more comparable to a "rough

sketch". The ECJ had added considerable detail to that sketch, she explained, and emphasised that had the court not been so bold in its decisions, the *Treaty of Rome* might have been regarded as just one more international treaty.

Rapid expansion

The advocate general discussed the challenges currently facing the court, including those posed by the rapid expansion of the EU in recent years. The court's caseload is increasing dramatically and, accordingly, the length of time for proceedings is also increasing.



Attending the HLJ lecture were (back, l to r): Rosemary Wall, Michele Barker, Maeve Regan, Sinéad Hayes, Julia Emikh, Killian Kehoe, Emer O'Connor and TP Kennedy (director of education, Law Society). (Front, l to r): Erika O'Leary, Avril Mangan, AG Eleanor Sharpston, John-Hugh Collieran (HLJ editor), Paul Ryan and Nicholas Blake-Knox



Launching Westlaw's online access to the HLJ were (l to r): John-Hugh Collieran (editor), Lisa Scully-O'Grady (Round Hall Publishing and westlaw.ie) and TP Kennedy (director of education, Law Society)

The 23 languages of the court make it like a 'Tower of Babel', she said. AG Sharpston demonstrated through striking examples how this linguistic factor would exacerbate the increased caseload. Also, with an increased number of judges, it will be more difficult to maintain coherence in case law.

Another challenge facing the court is the specific technical expertise required of it in areas such as tax and trade law, while maintaining the broad vision necessary to deal with constitutional issues.

The AG stressed that more

discussion of the role and the current limitations of the ECJ is needed if it is to continue to respond to the challenges it faces and play a useful role in the development of EC law. She argued that member states must now engage actively with this issue.

Current editor of the *Hibernian Law Journal*, John-Hugh Collieran, also announced the launch of the HLJ on westlaw.ie. All articles published to date are now available online for the first time. The 2007 edition is currently printing and will be available shortly.

IBA annual conference scholarships

The sections and committees of the International Bar Association's (IBA) Legal Practice Division are once again offering scholarships to young lawyers who wish to participate in the IBA annual conference, but who are unable to do so owing to financial constraints.

The 2008 scholarship awards include the following:

- Free registration for the IBA

2008 annual conference, 12-17 October 2008, Buenos Aires, Argentina,

- A contribution towards travel costs to the conference,
- Cover of accommodation costs while attending the conference,
- Two year's free IBA membership, including membership of one LPD committee and one PPID constituent,

- A waiver of either the next IBA annual conference registration fee or the registration fee of one of the chosen committees' specialist conference in 2009,
- Free membership of the Scholarship Alumni Group.

For a full list of the sections and committees awarding scholarships, you should visit www.ibanet.org/legalpractice/

Scholarships.cfm.

Each application must be accompanied by a 2,500-word paper on a subject selected by each of the sections/committees (see link above).

Applicants are only permitted to apply for one section or committee scholarship and must be 35 years or under at the time of the conference. The deadline for submissions is Monday 7 April 2008.

Fermoy Courthouse opens in €7 million civic centre

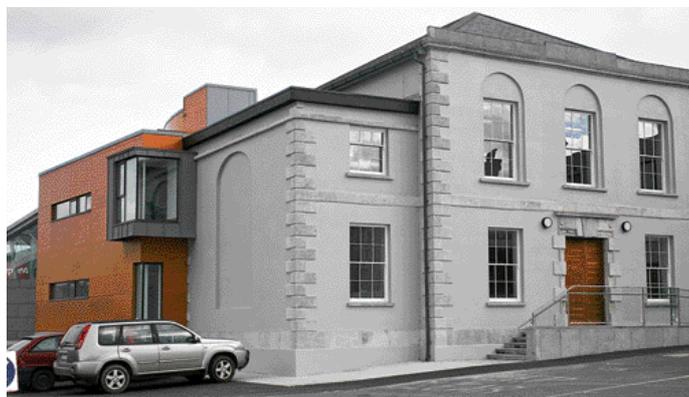
Fermoy's newly refurbished courthouse was officially opened on 17 December 2007 by Minister for Justice Brian Lenihan.

The board of the Courts Service was represented by Judge Patrick Moran, who presided over the event, while Garda Commissioner Fachtina Murphy also attended.

The courthouse, which has stood in Fermoy since 1808, features significantly improved public facilities and is located in the town's dedicated civic complex. It now boasts:

- Two courtrooms,
- Judges' chambers,
- A family law suite,
- A victim support room,
- Consultation/waiting rooms,
- New prisoner accommodation, including cells and a secure interview room, and
- Accommodation for members of the gardaí and the Prison Service.

Secure car parking and cell accommodation included in the extended building will further enhance the different uses of the building. This will allow much more District and Circuit Court



PICTURE: THE AVONDHU PRESS

The newly refurbished courthouse in Fermoy has significantly improved public facilities

business to be conducted in Fermoy.

Judge Moran commended the minister for putting in place an impressive technology system for the courts. Citizens now have easy online access to the small claims system, which enables members of the public to create and lodge small claims applications, pay the application fees and check the status of their claims. Statistics show that there was a 28% increase in total claims received in the first nine months of 2007 in 16 pilot sites compared with last year's figures. Following the satisfactory completion of the pilot scheme, six District Court offices went live on 7 December 2007,

bringing the total number of live offices to 22. The roll-out to the remaining District Court offices is expected to be completed in the first quarter of 2008. In coming years, similar projects will allow for the online payment of court payments and fines.

Information technology will also make it easier for practitioners and members of the public to track the progress of cases through the High Court. A public search facility project for the High Court Case Tracking System went live on 21 November 2007. It is available online to court users and the public via the internet. The system records all proceedings

issued and documents filed in High Court civil cases and contains court listings, dates and summaries of orders and judgments. New technology has also allowed the Courts Service to establish a central office for the processing of summons applications received electronically from An Garda Síochána.

Preserving history

Fermoy Courthouse was built by John Anderson and Archibald Grubb and erected at the east end of the town in 1808. Though the building has changed much over the past 200 years, many features remain from earlier times.

The refurbishment process has respected and retained the inherent character, quality and presence of the 200-year-old building. The porch has been removed to reveal the original Gibbs-designed door surround, and timber sash windows and doors have been retained. The courtroom furniture is believed to be original and the viewing gallery is particularly distinctive. The double-height courthouse's ceilings are formed of panelled, sheeted timber.

Where do we get our energy from?

The global warming debate is heating up, but the Law Society is playing its part in becoming greener.

For the last five years, the Society has been recycling paper, cardboard, bottles, and plastics for both staff and students. In addition, it recycles mobile phones, printer cartridges and handheld electronic devices for Temple Street Children's Hospital.

In May 2007, the Calcutta Run (the Society's annual

charity event that benefits GOAL and Fr Peter McVerry's Arrupe Society) was branded a 'green day' – the Society engaged Greyhound Recycling and Recovery to assist it so that almost 95% of the material collected on the day was recycled. The event celebrates its tenth anniversary in 2008, when it hopes to set a new record in the amount of funds raised and materials collected for recycling.

Last October, the Society

switched the contract for all waste management at Blackhall Place to Greyhound Recycling and Recovery. This has assisted the segregation of all waste at source – allowing even more material to be recovered.

The Society outputs 22 million photocopies from its print room annually. Of this figure, 98% of all output is double-sided. The Society's paper comes from International Paper (UK) Limited, which uses sustainable

forestry. Their achievements have earned them a place on the 2007 list of the world's most ethical companies.

In March 2007, the Society moved all of its electricity supply requirements to Airtricity. Airtricity receives 89% of its energy from renewable sources.

The Society has also established an Eco Friendly Task Force to build upon the achievements to date and it is considering many useful ideas.



Take ^{the} Next Step

100% Irish Owned

Documatics Office Evolution

The Rubicon Centre,
Bishopstown,
Cork City.

T. 021 4928997

F. 021 4928909

sales@documatics.com

www.documatics.com

Legal Evolve

Case Management Software



Client and Case Management system
accessible from any location



Automatic Time Recording



Indexed and Paginated Briefs and
Conveyancing Booklets



Digital Dictation



Integrated Scanning



Gwen Malone
Stenography Services Ltd.

Ireland's Leading Stenography Agency

- specialising in live feed transcription
- same day transcripts
- arbitrations and depositions
- public inquiries
- litigation support
- exhibit handling and linking
- secure internet transcription
- video conferencing
throughout Europe

Law Library, P.O. Box 5939,

145 -151 Church Street, Dublin 7.

tel. 01 878 2000 / 878 2033

fax 01 878 2058

mobile 087 249 1316 DX1071 Dublin

email- gmalone@gmss.ie



Capturing
the spoken word

agents for



**RealLegal
Binder**

www.gmss.ie

Press Council launched

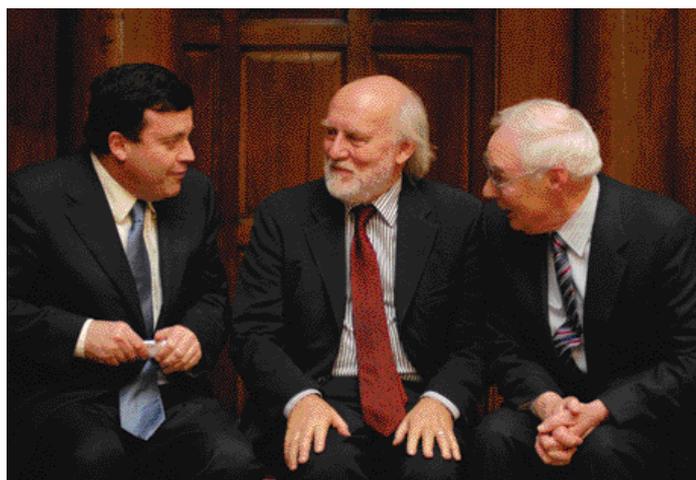
New Year's day saw the establishment of the Press Council of Ireland and the Office of the Press Ombudsman. The new Press Ombudsman's office will give everyone access to an independent press complaints mechanism that, according to the Press Council, will be "quick, fair and free".

The objectives of the Press Council and Press Ombudsman are:

- To provide the public with an independent forum for resolving complaints about the press,
- To resolve all complaints quickly, fairly and free of charge,
- To maintain the highest standards of Irish journalism and journalistic ethics, and
- To defend the freedom of the press and the freedom of the public to be informed.

The Press Council has 13 members. Seven of these, including its chairman, Professor Thomas Mitchell, are lay members representing a broad spectrum of Irish society. The remaining six come from the press industry and have senior editorial and journalistic expertise.

The Press Council of Ireland appoints the Press Ombudsman – a position that is held by Professor John Horgan of DCU. The council will make decisions on "significant or



Justice minister Brian Lenihan, Prof John Horgan and Prof Thomas Mitchell at the launch

complex" cases that have been referred to it by the Press Ombudsman. It will also decide on appeals to decisions made by the Press Ombudsman.

Press Ombudsman

The role of the ombudsman is to investigate complaints that breach the new code of practice, which the press industry signed up to in 2007. The code can be viewed at www.presscouncil.ie. The Press Ombudsman's aim is to provide the public with a way to resolve any complaints in relation to newspapers and periodicals that breach the code.

Complaints about an article or about the behaviour of a journalist can be made to the Office of the Press Ombudsman. For a complaint to be examined by the office:

- It must breach the code of practice for newspapers and periodicals, and
- The person making the complaint must show that they have been directly affected by, and involved in, the article or behaviour in question.

The ombudsman's office will, in the first instance, attempt to resolve the matter by making direct contact with the editor of the publication concerned. The ombudsman will outline the complaint to the publication and seek to resolve the matter by conciliation. If this process fails, the ombudsman will examine the case and make a decision. He may refer significant or complex cases to the Press Council of Ireland.

IT security is in your interest

A countrywide IT security awareness campaign – makeITsecure – is being launched on 11 February. The two-week public/private partnership programme will run on an all-island basis.

The campaign will stress the importance of IT security for business users and ordinary consumers. It will give guidance

on how to effectively protect yourself from IT security threats, particularly phishing, spyware, ID theft and child safety online, including social networking.

The organisers of makeITsecure say that awareness of key internet threats among consumers and small businesses is "very low". Due to "a significant number of

unmanaged and unsecured environments that are easy prey for malicious and criminal hackers", all users need to be more aware of the importance of IT security.

Further information on the security measures that businesses and consumers need to take is included on the website: www.makeitsecure.ie.

- **PRIZE BOND DRAW RESULTS HELD ON 6 NOVEMBER 2007**
- 1 x €1,250: bond number 1973 (anonymous).
 4 x €500: bond number 1471 (John O'Donnell, 'Glendine', Lynn, Mullingar, Co Westmeath); bond number 1639 (Patrick T Moran, Michael Moran & Co, Mountain View, Castlebar, Co Mayo); bond number 1713 (anonymous); bond number 2240 (Enda P O'Carroll, Wells & O'Carroll, Main Street, Carrickmacross, Co Monaghan).
 5 x €275: bond number 1221 (Kenneth Armstrong, 9 Glenart Avenue, Blackrock, Co Dublin); bond number 1860 (Brian Gallagher, Gallagher Shatter, 4 Upper Ely Place, Dublin 2); bond number 1975 (Thomas Farrell, Farrell & Partners, O'Connor Square, Tullamore, Co Offaly); bond number 2174 (Mary Twomey, David Twomey & Co, 55 Main Street, Castleisland, Co Kerry); bond number 2279 (George V Maloney, 6 Farnham Street, Cavan).

■ RULE OF LAW PROJECT LAUNCHED

The Law Society has established a Rule of Law Project. The objective is to encourage members to develop and enhance the rule of law in the developing world with the assistance of Irish Aid or otherwise, so that human rights, democracy, good governance and justice may be available to all people. This project is being run in cooperation with the Bar Council. If you are interested in becoming involved in this project, please contact ruleoflaw@lawsociety.ie for more information.

■ RETIREMENT TRUST SCHEME

Unit prices: 1 January 2008
 Managed fund: €5.893084
 Cash fund: €2.800760
 Long-bond fund: €1.362925
 All-equity fund: €1.424523

■ THOMAS ADDIS EMMET FELLOWSHIP

FLAC is giving one Irish law student the opportunity to take part in an exciting programme run in conjunction with the University of Washington, Seattle. Through its Thomas Addis Emmet Fellowship, the successful candidate will get the chance to work for two months in the USA in the field of international public interest and human rights law. Those invited to apply include law undergraduates, postgraduates, Law Society students and King's Inns students. The closing date is 8 February 2008. Full details, rules and entry form are available at www.flac.ie.

■ ACCESS TO EULIS LIVE

Landdirect.ie now offers customers the facility to search other European online land registry services. All professional users of land registration services who subscribe to landdirect.ie and are resident within the European Economic Area have been getting access to EULIS automatically since 1 December 2007. If you are an existing landdirect.ie customer and do not wish to have access to EULIS, you should email jackie.gray@prai.ie.

■ MHC SEEKS VIEWS

The Mental Health Commission has invited members of the public and organisations, individuals or groups with an interest in mental health issues to make submissions on the operation of part 2 of the *Mental Health Act 2001*. This concerns the involuntary admission of adults and children to approved centres. The closing date for submissions is 5pm on 18 February 2008. Submissions must be forwarded on a specific template, available from www.mhcirl.ie.

SUPPORT SERVICES FOR MEMBERS

HELP! I NEED SOMEBODY!

Louise Campbell summarises five separate sources of assistance and support available to the profession, independent of the Society

From 1 January 2008, the Law Society has funded the provision of the services of LawCare to the solicitors' profession in Ireland. Provided across Britain for the past ten years, LawCare offers a free and completely confidential advisory service for lawyers, their immediate families, and their staff. It helps callers to deal with health issues and related emotional problems such as stress, depression, drug and/or alcohol dependency, eating disorders, bullying, bereavement and gambling, among others.

LawCare freephone helpline

LawCare offers its service in Ireland through a freephone helpline, 1800 991 801, which operates 365 days a year, Monday to Friday, 9am to 7.30pm, and weekends/public holidays from 10am to 4pm. Out-of-hours calls are connected to an answering service and will be returned within 24 hours.

Those answering calls are lawyers trained in telephone counselling skills, who seek to identify the nature and extent of any problems. Where appropriate, they refer callers to a relevant health professional for counselling and/or treatment and to other specialist organisations who offer help.

They may also be able to offer the support of a lawyer volunteer, who has personal experience in dealing with similar problems. More volunteers are always welcome, and LawCare would be pleased to hear from any solicitor who is prepared to offer their help as a volunteer.

A board of trustees deals with LawCare's policies and development. The Law Society is



Put your best fist forward

represented on the board by Tom Murrin (Council member) and Louise Campbell (support services executive). Neither, however, have any direct involvement in the day-to-day provision of the LawCare service, which is completely confidential, and no details relating to any callers are passed to the Law Society, other than general statistical information.

DSBA confidential helpline

Since 1994, the Dublin Solicitors' Bar Association has provided its confidential helpline, tel: 01 284 8484, to assist every member of the profession with any problem, whether professional or personal. A recorded message provides the names and phone numbers of two solicitors on duty during the current week, who may be contacted in complete confidence. Over 100 solicitors do volunteer duty for one week of the year. No details relating to any callers are passed to the Law Society.

SLA confidential service

Since 2000, the Southern Law Association (SLA) has provided a confidential service to assist any

member of the SLA experiencing difficulties in practice, whether the problem is professional or personal. A panel of eight experienced and approachable Cork-based solicitor volunteers provide this confidential service. Their contact details are included on the official SLA headed notepaper on which members receive regular correspondence. No details relating to any callers are passed to the Law Society.

Mentor programme

The mentor programme provides an opportunity for solicitors setting up in practice to make contact with a more senior and experienced solicitor, for guidance and advice on an informal and voluntary basis. For a copy of the register of mentors, please contact Louise Campbell (contact details below).

Panel to assist solicitors in difficulty with the Law Society

A panel is available to assist solicitors about whom a complaint is made to the Society, or who might be in difficulty with the Society, and who require assistance with their initial response. The list of panel members is sent with the initial letter from the Society, and is also available on the Society's website, www.lawsociety.ie, in the *Law Directory*, or on request from Therese Clarke, secretary, Guidance and Ethics Committee, Manor Street, Dublin 7; tel: 01 868 1220, email: t.clarke@lawsociety.ie. **G**

For information on any Law Society member service, please contact Louise Campbell, support services executive, Blackhall Place; tel: 01 881 5712 or email: l.campbell@lawsociety.ie.

letters



Send your letters to: *Law Society Gazette*, Blackhall Place, Dublin 7, or email: gazette@lawsociety.ie

Will the Central Office ever join us in the 21st century?

From: *Liam Moloney, Moloney & Co, Naas, Co Kildare*

When one considers that the courts start between 10.30am and 11am and the Central Office doesn't even open until 10.30am each day,

what connectivity is there between the administration and practice of the court system? Why are the opening hours linked to the *Superior Court Rules*?

The filing system is a fiasco,

where one has to wait sometimes even longer than an hour to file one document so it bears the court stamp. There is absolutely no excuse for the inefficient practices being operated, which would never

be tolerated in the private sector.

Surely a few more staff can be reallocated to the Central Office to bring these outmoded practices to an end? **G**

SEI takes issue with 'BER necessities' cert

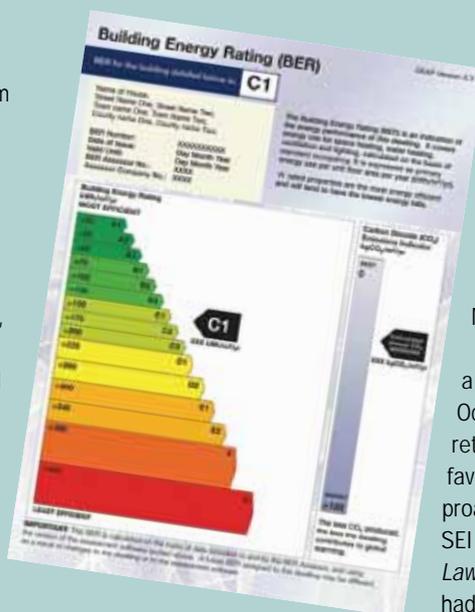
Sustainable Energy Ireland (SEI) has drawn our attention to an inaccuracy that appeared in the 'BER Necessities' article (see *Gazette*, November 2007). The article referred the reader to an illustration of a 'BER certificate' on page 41. The *Gazette* is happy to point out that the illustration on page 41 was not, in fact, a BER certificate, but rather a certificate issued by National Energy Assessors (NEA) in its own name, with no legal standing.

"Its similarity to the official BER certificate could easily lead to confusion. It would not be difficult to imagine that a solicitor would mistake an NEA certificate for an official building energy rating," says the SEI. "For these reasons, SEI has already

sought and secured a commitment from NEA to withdraw this document from circulation."

NEA responds

In reply, NEA points out the following: "Prior to 'non-mandatory BERs' being introduced in October 2007, customers who could not purchase a BER and wished to understand where their property rated on the BER scale had no solution available to them. It is for this specific reason that NEA developed its own in-house certificate. We found that this document, which was clearly NEA branded, served the purpose of demonstrating to our customers the energy



efficiency of their property. This was the precise purpose and function of this certificate.

I believe that SEI would agree that NEA has never misled any of its customers or potential customers and, since the introduction of non-mandatory BERs, following NEA representations in favour of this, we have retired the NEA certificate.

"On a request from SEI, in a letter received on 30 October, NEA immediately retired the NEA certificate in favour of the SEI cert. In a proactive fashion, we wrote to SEI to provide notice that the *Law Society Gazette*, to which we had contributed an article, had gone to press prior to receipt of the SEI request."

Hopefully this clarifies the matter.

EU counter-terrorism law

In the December issue of the *Gazette* (p17), we referred to a recent conference on EU counter-terrorism law in Dublin, where we intimated that one of the speakers, Dr Max Barrett, solicitor, believed that, "the financial sanction measures imposed by the EU add little to the existing *Criminal Justice Act*

1994". In fact, Dr Barrett would like us to point out that he indicated at the conference that he considered the financial sanction measures adopted by the European Union to be working well in tandem with the *Criminal Justice Act 1994*.

It might also be incorrectly inferred from the article that Dr

Barrett had indicated that "voluminous domestic and international obligations [had] besieged the financial sector, which appears to be no clearer on the distinction between terrorism and other criminal activity". Dr Barrett has indicated that the broad contention of his conference

presentation was that, within the financial services sector, the *Criminal Justice Act 1994* continues to be the principal deterrent to the offence of financing terrorism, notwithstanding the enactment of the *Criminal Justice (Terrorist Offences) Act 2005*. We are happy to clarify these matters.

President welcomes proposed

The Law Society president has strongly defended the Society's stance on regulation and has welcomed draft legislation that will introduce a legal services ombudsman, writes Mark McDermott

President of the Law Society James MacGuill has delivered his strongest statement yet on the subject of regulation of the legal profession. Speaking at a parchment ceremony on 20 December at Blackhall Place, which was attended by President of the High Court Mr Justice Richard Johnson, Minister for Justice Brian Lenihan, and legal affairs editor of *The Irish Times* Dr Carol Coulter, the president said that, while he had already publicly made certain observations on the subject of the regulation of the profession, it was particularly apposite to revisit the subject again.

Addressing the minister, assembled guests and the newly qualified solicitors, he said: "Opinion-formers and other commentators assume that the legal profession supports self-regulation. We don't – and won't –



Meeting of minds – Minister Brian Lenihan and director general Ken Murphy share some thoughts during the parchment ceremony

promote self-regulation," he stated. "As we have pointed out repeatedly, it is fundamentally misleading to describe the current system of regulation of solicitors in Ireland as 'self-regulation'."

Mr MacGuill pointed out that the system of regulation operated under statute and was characterised by "all-pervasive external supervision and control by independent people,

including the President of the High Court, the Minister for Justice, the independent adjudicator and the non-lawyer nominees of IBEC, ICTU and the Director of Consumer Affairs."

"These people of integrity and standing would not tolerate a system that worked other than in the public interest," he said.

Draft legislation welcomed

The system could be improved, he accepted, and said that the Law Society welcomed the draft legislation that would introduce a legal services ombudsman, together with a non-lawyer majority on the Society's Complaints and Client Relations Committee, to further increase – in the public interest – the independence, transparency and accountability of the system.

"We believe in having appropriate regulation of the profession by others, and we

will play our part in that. I believe that it is now timely that we have this review by the Oireachtas. The profession and public must be satisfied that our systems and standards have the most appropriate and best public protection measures.

"The single greatest threat to the independent legal profession is not the form of regulation that applies. It's a perception that regulation is ineffective – that it's self-serving; that it protects the lawyer, not the client – that it's geared to the profession, not the consumer.

"That is not what regulation should be about," he continued. "It is not what we are about. We work in a profession where we help people, often under great pressure in the most critical events of their lives. Their homes, futures, businesses, good names, families and even liberty depend on us. They depend on the excellence of the service we provide and the relationship of trust we have with them – the relationship of trust that every solicitor in this room guards so dearly. That," he concluded, "is what any future regulation must be about."

Legislative reforms

Responding to the president's comments, Minister Brian Lenihan said that the government had agreed a package of legislative reforms that would be specific to the legal professions.

"This reflects the government's recognition that improved regulation of the legal professions is necessary – and that is why legislative proposals for the establishment



Special guests of the Law Society at the 20 December parchment ceremony at Blackhall Place were (l to r): Law Society President James MacGuill, Minister for Justice Brian Lenihan, *Irish Times* legal affairs editor Dr Carol Coulter, President of the High Court Mr Justice Richard Johnson and Law Society Director General Ken Murphy

legal services ombudsman

of a legal services ombudsman are being progressed. The bill is being drafted for publication early in the new year," he said.

"The ombudsman will replace the Law Society's independent adjudicator and will provide both for review of individual complaints and of complaints procedures, as well as overseeing admission to the profession, particularly with regard to the adequacy of the numbers admitted."

The Law Society had been closely consulted on the development of the bill, and he said that the Society "has contributed in a very positive way and is, I am glad to state, fully supportive of the government's proposals".

In addition to this development, he continued, a number of the recommendations initiated by the Law Society by way of the *Brosnan Report* on regulatory matters in relation to solicitors were now provided for in the *Civil Law (Miscellaneous Provisions) Bill 2006*.

"For example, the bill provides for a majority of lay membership of regulatory committees. Provision is also made to ensure better enforcement of orders of the Solicitors' Disciplinary Committee."

Addressing the issue of the cases currently being investigated by the Law Society and also before the courts, the minister welcomed the fact that the Law Society and the Irish Bankers' Federation had been engaged in discussions with a view to ensuring the maintenance of a proper balance between the needs of good conveyancing, mortgage lending and banking practice.

"I understand that these discussions have been very

constructive," he said. "It is of fundamental importance that both the legal system and the banking system operate to the highest standards and that the public can have full confidence in them."

Changes to legal costs

The minister told the audience that a legal costs bill was also being developed to reform the manner in which disputed legal costs would be assessed. This would have the allied objective of making the market for civil legal services more predictable, consistent and transparent to consumers.

"It is my intention that the bill will also provide for significant improvements in the quality and quantity of the information that a solicitor is required to provide to clients," he said, "and the manner in which it is to be supplied. I am firmly of the view that the individual litigant should have a central role to play in controlling his or her legal costs.

"How the litigant can be so empowered will be addressed in the bill," he continued. "Suffice to say that the timely provision of information to clients is central to this empowerment. I want to have a new assessment of the costs system which, as part of its remit, provides information to the public on the law and on client's entitlements relating to costs. The new system should have a mechanism to collect, analyse and publish data in relation to costs, counsels' fees, witnesses' expenses and other disbursements from all court jurisdictions. Finally, the bill will also provide for legislative and procedural changes to reduce delays in court hearings and generally expedite the legal process."



Law Society President James MacGuill

ALL PICS: LENS MEN

The minister next addressed the *Legal Practitioners (Irish Language) Bill*, published in November 2007. The bill promotes the better use of the Irish language by legal practitioners and the provision of legal services through Irish. The bill, he said, would ensure that a better standard of legal services would be available to the public in Irish.

Sound advice

The ceremony also included a short speech by Carol Coulter, *Irish Times* legal affairs editor. Dr Coulter told the next generation of Irish solicitors that her interest in law and public policy stretched back 20 years, to the appeals of the Birmingham Six and the Guildford Four. This had alerted her to the great commitment that certain solicitors showed to their clients, especially clients who were isolated and widely condemned

by society.

More recently, while conducting the Family Law Reporting Project for the Courts Service, she had considered how solicitors defended their clients' interests. She warned of the danger of perceiving clients' interests as being solely concerned with a good financial outcome. Often, people had other interests, she said, "like the need to maintain good relations with their children, and their children's other parent and wider family, into the future".

She advised the newly qualified solicitors when advising such clients (who were often hurt and angry) to consider the importance of their duty to alert them to their personal and family-relationship requirements, rather than being overly concerned with the desire to obtain the best financial deal. **G**

Even better than

The LRC issued its Third Programme of Law Reform in December 2007 – intended to take it up to 2014 – and the mark of the postmodern society is all over it. Colin Murphy reports

When is a document not a document? When is a parent not a parent? When is a signature not a signature? When is a migrant not an immigrant?

When the Law Reform Commission was established in 1975, it could hardly have expected to have to tackle the kind of futuristic, existential questions that bedevil it in 2008. Information is now more easily transferred by virtual means, but the law tends to like things that are down on paper – like signatures. If the courts are to respond to the efficiency gains that technology has

brought, will they have to recognise electronic signatures and PDF contracts as being as good as the ‘real’ thing?

Evidence no longer means simply the kind of tangible clues of Cluedo. Increasingly, evidence is something that is interpreted under a microscope, or upon inspection on a computer screen of a digitised version. Electronic files can’t be labelled, locked up in a storeroom, and signed in and out – so what are the rules that should govern their transfer?

And the postmodern society isn’t simply about ‘virtual’ movement. Increasingly, it’s

characterised by movement of the most tangible legal ‘goods’ of all – people. Where once people held wakes before emigrating to America, and the few who arrived on our shores came here to stay, today people migrate rather than emigrate or immigrate – they come and go. What does that mean for the right to, and the procedures for granting, residence and citizenship, and family reunification?

For the Law Reform Commission’s director of research, Raymond Byrne, “technology is a big feature of the world that we live in – it’s

an issue that people think about, and that’s reflected in the programme”.

Achtung baby

The programme doesn’t contain answers to these questions. What it does contain is an outline of 37 law reform projects, grouped under nine headings (see panel), which are effectively legal versions of the questions above, and many others.

One of these groups – ‘Technology, innovation and the individual’ – includes three projects: ‘Legal aspects of bioethics’, ‘Legal aspects of assisted human reproduction’, and ‘Privacy’. And technological issues crop up elsewhere. In the general area of ‘Law of evidence’, there are projects on ‘Documentary evidence and technology’ and ‘Forensic evidence’, while the area of ‘Land law and property’ includes the ‘eConveyancing road map’ project.

This reflects both the new demands that scientific innovation is placing on the legal system and the widespread concerns that people have about how technology increasingly permeates their lives. As Raymond Byrne notes, “Privacy is the only topic mentioned in each of the commission’s three programmes. There is a concern [among members of the public] that our privacy is being increasingly threatened.”

Rattle and hum

What concerns the public is taken seriously by the commission. For this third programme, the commission

THE LRC’S THIRD PROGRAMME OF LAW REFORM: IN BRIEF

The programme will occupy the commission from 2008 to 2014.

Its priorities are the law relating to juries, the law relating to documentary evidence and technology, the rule on hearsay, and legal aspects of bioethics and assisted human reproduction.

The LRC intends to publish consultation papers on a number of its priority areas in 2008, with final reports on some areas possibly being presented in 2009. Each of the areas in the programme should be brought to final report by 2014.

As Raymond Byrne says, consultation papers consist of “an analysis of all the law as it exists, identifying if there are gaps in the existing law and what other countries have done to fill those gaps, and provisional recommendations”.

The programme consists of 37 law reform projects, grouped under nine major headings:

- The legal system and public law (to include the law relating to juries),
- Law of evidence (to include the law relating to documentary evidence and technology, and hearsay),
- Criminal law,

- Land law and property,
- Family law,
- Specific groups in a changing society,
- Technology, innovation and the individual (to include legal aspects of bioethics and assisted human reproduction),
- Commercial law, and
- International law.

These were chosen after a public consultation process, during which the commission received over 200 submissions suggesting over 400 areas of law for inclusion in the programme.

The commission’s criteria for deciding on the 37 projects were that they must meet a real community need, that the commission has the capacity to research them, that the final programme should include a mix of projects, and that the projects should not overlap with the work of other bodies engaged in law reform.

Since the Law Reform Commission was founded in 1975, it has published over 130 documents containing proposals for law reform, available at www.lawreform.ie.

the real thing

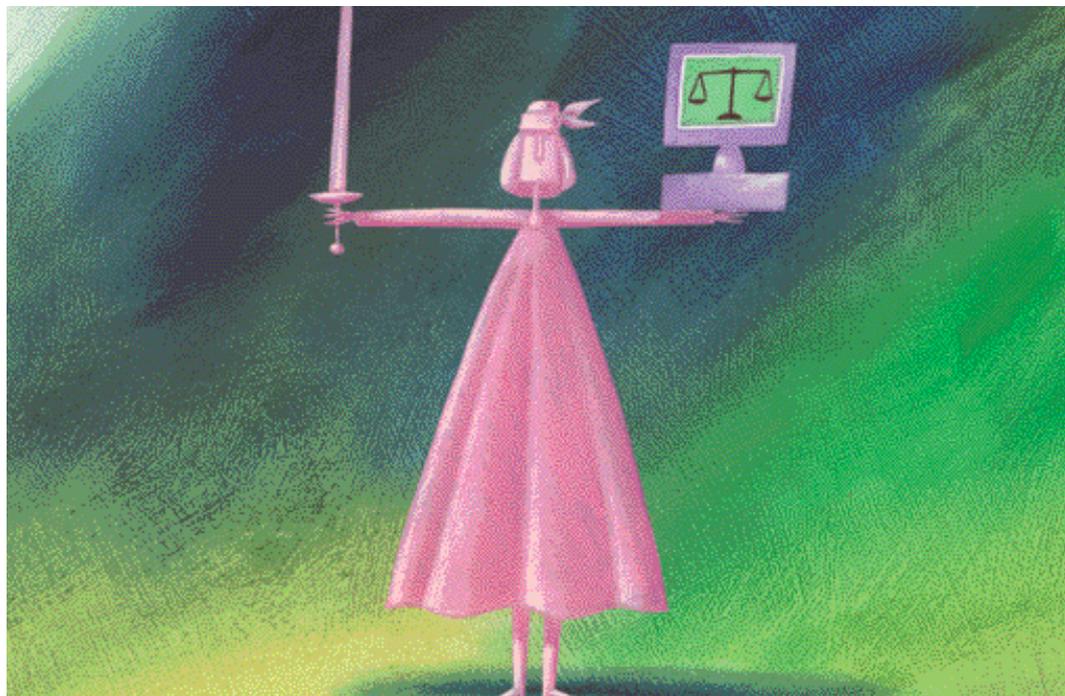
embarked on an extensive public consultation, with public meetings in Galway, Cork and Dublin during 2007. They received over 200 submissions, with over 50% of them coming from non-legal parties. Submissions could even be made over the telephone, and were strictly confidential, according to the president of the commission, Mrs Justice Catherine McGuinness.

One of the issues that the public consultations threw up, to the surprise of the commission, was the law relating to juries: “We wouldn’t have anticipated that ourselves,” said Catherine McGuinness.

A number of people described their own experiences in court and on juries in their submissions. Catherine McGuinness explained the general issue raised: “The *Juries Act* of 1976 has become outdated in a number of ways. The jury system is supposed to reflect the whole of society. People are supposed to be tried by a jury of their peers. But, by and large, it’s the people who are *available* to sit on juries who comprise them. There’s a great ‘middle’ [stratum] of society who tend to avoid jury service.”

And there are more particular concerns, such as: “If an immigrant person is being tried, there is no reflection on the jury of that particular community.”

According to the submissions received, the most prominent public concerns related to juries, to aspects of family law – including the rights and duties of fathers – and to children and the law.



Government departments make submissions also, but, according to Commissioner Patricia Rickard-Clarke, “they don’t carry particular weight just because they’re government departments”.

Unforgettable fire

Catherine McGuinness says that 70% of the recommendations contained in the second programme (2000-2007) have already found their way into law. “By international standards, by comparison with other law reform bodies, that’s a very good rate of implementation.”

Since 2000, the LRC has published a draft bill or guidelines, as appropriate, with each report, to make it as easy as possible for legislators to take on their recommendations.

In a number of cases, individual members of the Oireachtas have brought these forward as private members’

bills and the government has taken them up (such as Senator Mary Henry’s *Mental Capacity and Adult Guardianship Bill 2007*).

As a result, since 2000, “the graph [of implementation of recommendations] has gone way up”, says Patricia Rickard-Clarke.

And as Raymond Byrne says, “it would be surprising if 100% of a Law Reform Commission report were always implemented. We’re not a part of government. The Oireachtas decides what laws should be made, and it isn’t simply a rubber stamp for the LRC. Debate should happen. The reports of the commission provide a context for that debate.”

When recommendations are ignored or not prioritised, the commission continues to monitor the issue. “The commission would never forget recommendations that have been made in the past,” says Raymond Byrne. “The

commission is not a lobby group, but there is constant discussion with government departments, particularly with the Department of Justice, Equality and Law Reform, about the extent to which recommendations have or haven’t been implemented.”

Catherine McGuinness gives a pithy overview of the role of the commission. “We have had this kind of history where we were a bit inclined to say ‘forget about this, it’s difficult – leave it until there’s a huge problem and the courts have to make a decision’. That’s obviously no way to reform the law. The courts will do the best they can, but they are deciding on the facts of each case rather than on a general principle. It is of course more desirable that we would reform via legislation.”

And empowering legislators to make those reforms is the key task of the commission. **G**

Justice Media Awards 2007

The Law Society competition is now the sole one that celebrates excellence in journalism in Ireland. Mark McDermott reports on the gala awards last December

Ireland's top print and broadcast journalists were out in force at the Justice Media Awards 2007 on 7 December. The awards, which have been running for 16 years, attracted the biggest ever number of entries. The judging panel commented that there had been a noticeable improvement in the overall standard in certain categories – specifically the 'National dailies' and 'Regional' categories. 'Sundays' – traditionally the strongest performer in terms of quality – had disimproved compared with previous years, though the judges pointed out that the winners in this and all other categories continued to excel.

This year's awards were presented by President of the Law Society James MacGuill and director general Ken Murphy. The guest speaker was High Court judge, Mr Justice Garrett Sheehan.

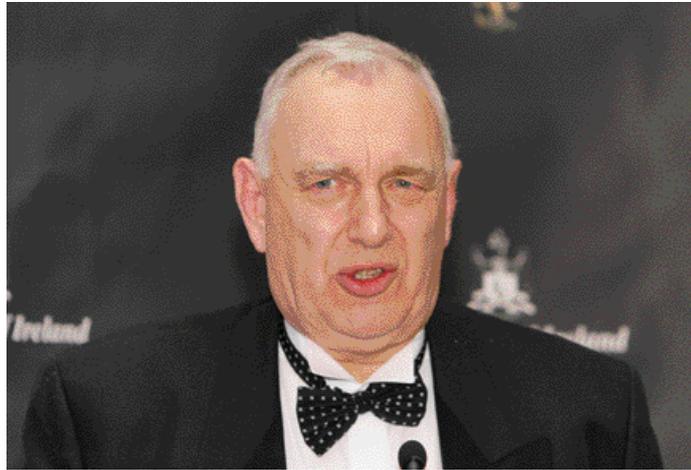
The president congratulated all those who had entered for the awards. Not everyone could be a winner on the night but, given the high standards set by the judging panel, the prestige of winning an award would ensure that journalists would be encouraged to enter again and again.

The winners in each category were presented with specially commissioned Justice Media Awards from Dublin Crystal and a cheque for €750. Runners-up received Certificates of Merit and cheques to the value of €250 each.

WINNERS

Daily newspapers

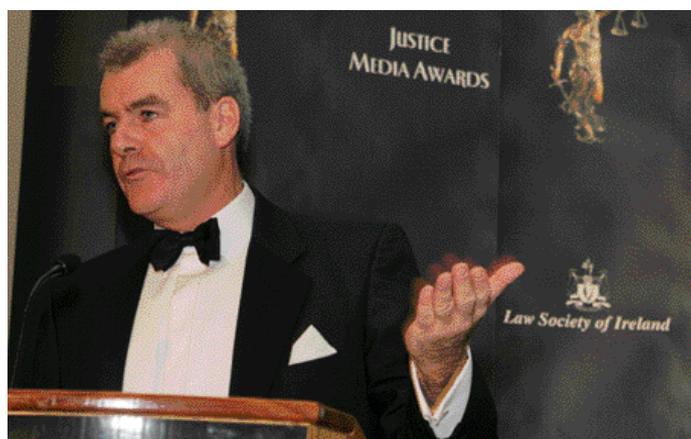
The Justice Media Award in this category went to Dearbhail McDonald of the *Irish Independent* for her series on



Guest speaker at the JMAs was High Court judge Mr Justice Garrett Sheehan



Dearbhail McDonald of the *Irish Independent* won a Justice Media Award for her series on 'Jury Reform' and receives her award from president James MacGuill and director general Ken Murphy



Chairman of the Law Society's PR Committee, Patrick Dorgan, addressed the assembled journalists and special guests

'Jury Reform' – specifically in relation to how juries are chosen. Her finding that juries

seldom represent a fair cross-section of the community as a whole points to an obvious

weakness in the system that requires urgent addressing.

Two Certificate of Merit were presented, one to Stephen Rogers of the *Irish Examiner* for his article 'Click here for sex', and the other to Paul Cullen of *The Irish Times* for his article 'Pros and Cons of the Personal Injuries Assessment Board'.

Sunday newspapers

The Justice Media Award went to Kieron Wood of the *Sunday Business Post* for his article 'Mandatory Sentencing'. This highly challenging article focused on several disquieting provisions of the *Criminal Justice Bill* that have since been enacted.

A Certificate of Merit was presented to John Burns of *The Sunday Times* for his article 'Mistrial by Internet'.

Regional newspapers

The Justice Media Award went to Maria Rolston of Cork's *Evening Echo* for her series 'Reform of the Family Law System'. Through her excellent series, she showed that regional newspapers *can* deal with the big legal issues facing the general public today.

A Certificate of Merit was presented to Paul Deering of *The Sligo Champion* for his thought-provoking article: 'Sex Offenders and the Law'.

Court reporting – print media

The Justice Media Award went to Isabel Hayes of the *Sunday Tribune* for her article 'The Children's Court'. Isabel focused on the human tragedy of child offenders, the effect on their lives and the lives of their families, and concludes that there is a real problem of

set stellar standards



ALL PICS: LENS MEN

Winners of the Justice Media Awards 2007 in the Council Chamber at Blackhall Place

children being criminalised unnecessarily without any attempt to address their behaviour.

Court reporting – broadcast media

The Justice Media Award went to Barry Cummins of RTÉ News, for his powerful series of television reports, 'On the Balance of Probabilities'. An inquest into the death of a newborn baby girl found stabbed to death in Dun Laoghaire in April 1973 was finally held in February 2007. Barry followed the case from start to finish, revealing a clarity of approach to his subject and a commendable lack of bias that added hugely to the appeal of this series of reports.

Television news

In this category, a Justice Media Award was presented to Dympna Moroney (producer),



Director general Ken Murphy was the recipient of a special 'multimedia' award, crafted in Cork silver, celebrating his close 'collaboration' with the media down the years

Charlie Bird (correspondent), and Samantha Libreri (researcher) for their road safety campaign series. This series caused many people to question their driving habits, shone a spotlight on the new legislation, and set as its goal the saving of lives.

Television features and documentaries

The winner was Paul Loughlin

of RTÉ's current affairs programme, *Prime Time*. In the run-up to the announcement of the general election, *Prime Time* transmitted a number of special programmes on the issues that were uppermost in the minds of the electorate, one of which was crime. The programme asked whether judges were out of touch with Irish citizens, to the extent that they might be returning criminals to the

community with little sign that punishment was being fairly matched to the crime committed.

The judging panel said of the programme: "It is an important contribution to a very serious legal issue. It shows that a major gulf exists between what judges and the citizens of Ireland regard to be the fair administration of justice in Irish courts."

A Certificate of Merit was presented to Mary Raftery and Sheila Ahern (RTÉ News and Current Affairs) for the *Prime Time* programme 'Making Them Pay'.

No overall winner

Notwithstanding the commendable standard of winning entries in each category, no single entry stood apart from the rest – so no overall award was presented. **G**

Religious objections to

Recent cases have highlighted the contentious issue of the right to refuse life-saving blood transfusions on religious grounds, writes Niamh Hayes

On Christmas Eve 2007, Mr Justice George Birmingham made an interim order directing the National Maternity Hospital to provide all necessary care to a premature infant known as Baby B, including a blood transfusion, should his life be in danger. Baby B had been born ten weeks prematurely on 20 December and was transferred to the neonatal intensive care unit of the hospital due to internal bleeding. He was initially treated with blood products not containing red blood cells, but his parents, both devout Jehovah's Witnesses, objected to any potential blood transfusion on religious grounds.

The initial court order was extended on 28 December, despite the objections of the child's parents, following medical advice on the deterioration of Baby B's condition and the likely necessity of a blood transfusion over the following days. If Baby B, weighing less than 1kg, were to lose as little as two teaspoonfuls of blood, his life would be under imminent threat. Mr Justice Birmingham acknowledged that the child's parents were acting out of a "deeply held conviction", but held that doctors caring for Baby

B should be authorised to perform a blood transfusion if the child's condition deteriorated further and a transfusion became absolutely necessary. He stated that it would amount to "brinkmanship" and an "abdication of responsibility" not to extend the order, as the hospital could otherwise be forced to delay life-saving treatment pending a further court application. The case was adjourned for mention to 7 March.

The Coke side of life

Some months previously, on 20 September, Mr Justice Henry Abbott ruled that doctors at the Coombe Maternity Hospital should be permitted to carry out a life-saving blood transfusion on a Congolese woman, known only as Ms K, who had lost 80% of her blood through haemorrhage while giving birth to a baby boy. Ms K was conscious and cognisant, objected to the procedure on the grounds of her religious beliefs as a Jehovah's Witness, and had asked medical staff for an alternative remedy of Coca Cola and tomatoes. Mr Justice Abbott, in an Irish legal first, overruled the stated wishes of the adult Ms K, stating that

the *Irish Constitution* required that precedence be given to the welfare of Ms K's newborn child, as to refuse the transfusion would effectively deny the child the right to its mother.

The Coombe Hospital subsequently began what may well be a landmark legal action against Ms K's refusal of the transfusion, arguing that it had a duty to protect and safeguard the woman's right to life, the family rights of the mother and child and the right of her child to be nurtured and reared by its mother. Further, lawyers for the Coombe argued that it would be contrary to public order and morality to permit Ms K to put her life in danger by refusing routine medical treatment and that her undoubted constitutional rights to freedom of conscience and freedom of religious practice did not extend to the refusal of life-saving medical treatment.

Ms K submitted a counterclaim in which she alleged that the decision to administer the transfusion was in breach of her rights under the *Irish Constitution* and the *European Convention on Human Rights*, that she was entitled to refuse such treatment and that the

hospital had committed assault and trespass upon her person. The Attorney General was joined as a defendant to the proceedings and a decision by Ms Justice Mary Laffoy is expected in the coming weeks.

Legal implications

While there is precedent in Irish law for a court order to overrule the religious beliefs and wishes of parents concerning medical treatment in the best interests of the child, Ms K's case is far more controversial. It raises issues of the right to privacy, bodily integrity, freedom of conscience and freedom of religion in relation to an adult, whose autonomy of decision making when of sound mind one could reasonably expect to be respected. Baby B's case is less ideologically fraught, as it has previously been established that the courts can and will intervene in exceptional circumstances, even overruling the wishes of a child's parents, if to do so is in the best interests of the child.

In *Northwestern Health Board v W* ([2001] 3 IR 622) (the *Baby Paul* case, involving parental objections to the PKU test), a majority of the

ONE TO WATCH: NEW LEGISLATION

Civil Registration Act 2004 (Commencement) Order 2007 (SI no 736 of 2007); *Civil Registration (Marriages) (Fees) Regulations 2007* (SI no 737 of 2007); *Marriage Registration Form Regulations 2007* (SI no 738 of

2007); *Delivery of Notification of Intention to Marry (Prescribed Circumstances) Regulations 2007* (SI no 744 of 2007)

On 5 November 2007, part 6 of the *Civil Registration Act 2004*

came into force. This part provides for the establishment of a Register of Marriages that will record all marriages taking place in the state (s13(1)(e)) and sets out in detail the substantive requirements for a valid marriage

as supplemented by regulation (ss45 to 58 inclusive).

Notification of marriage

A marriage will not be valid unless the parties to the marriage notify the registrar in writing not less than

human rights watch

blood transfusions



Supreme Court stressed that state interference in family decisions should be permitted only in truly exceptional circumstances. Chief Justice Keane's dissenting judgment argued that the constitutional protections afforded to children may oblige the state to intervene where necessary to protect their welfare and to vindicate their personal rights. Chief Justice Keane's analysis distinguished between the inherent jurisdiction of the courts to protect the rights of the child under articles 40.3, 41, and 42.5 and the *parens patriae* ('father of the people') jurisdiction by which the state assumes wardship, although in previous relevant decisions the power of wardship has been used as the authoritative basis for court-authorized medical intervention.

A leading example of this is the case of *In re a ward of Court – Baby Janice* (High Court, 18 March 2004; High Court, 5 August 2004), in which the Jehovah's Witness mother of a child born with a hole in her heart withdrew her consent to a life-saving operation due to the necessary use of blood transfusions and blood products. In March 2004, Baby Janice was made a ward of court and Mr Justice Finnegan authorised the appropriate

Vampires join the 21st century

medical treatment for the child. In August 2004, Mr Justice Abbott unambiguously extended the court order, authorising all urgently necessary remedial surgery. In September 2004 – Baby Janice having made a good recovery – the wardship order was discharged and mother and child rejoined the rest of the family in Britain.

The order made in the Baby B case did not involve temporary wardship jurisdiction, but was made over the objections of the parents in the best interests of the welfare of the child. Ms K's case, by contrast, involved court-authorized medical intervention despite the religious objections and refusal of consent of a mentally sound adult, as a

failure to do so would almost certainly result in her death. The Supreme Court has previously stated that the unenumerated right to privacy and bodily integrity extends to the right to refuse medical treatment even in cases where death would result, with or without a religious motivation for the decision (*In re a Ward of Court (Withholding Medical Treatment) (No 2)*, [1996] 2 IR 79). The right to freedom of conscience and religion contained in article 44.2.1 has been defined as guaranteeing "the right not to be compelled or coerced into living in a way which is contrary to one's conscience ... so far as the exercise, practice or profession of religion is concerned" (*per*

Walsh J, *McGee v Attorney General*, [1974] IR 284).

It is particularly interesting to note that Mr Justice Abbott based his initial emergency court order on references to the right of Ms K's newborn son to the company and care of his mother. It is questionable how significant this line of argument will be in the forthcoming judgment of Ms Justice Laffoy, since the constitutional right of children to the care and company of their parents under article 41 was not held to extend even to the prevention of the parents' deportation in the case of *Osayande & Lobe v Minister for Justice* ([2003] 1 IR 1).

Both cases will undoubtedly have a noteworthy legal impact on medical practice relating to blood transfusions in cases of religious objection. The forthcoming High Court decision in the dispute between Ms K and the Coombe Hospital has the potential to significantly redraw the boundaries between the competing rights of bodily integrity, family and freedom of religion, and will be anxiously awaited by those in the legal, medical and religious spheres. **G**

Niamh Hayes is a PhD student in the Irish Centre for Human Rights at NUIG.

three months prior to the marriage. All notifications must be delivered by both parties in person and must be accompanied by the prescribed fee of €150 and any other documents as specified by the registrar.

Notification by registered post is also possible, where a party or the parties to an intended marriage are resident outside the state and it would not be reasonable or practicable for them to comply, or are unable to comply on grounds

of ill-health, as certified by a registered medical practitioner. The notification in such cases should be delivered by registered post or, where it applies to only one of the parties, delivered in person by the other party (s46).

The parties may seek an exemption from the requirement for notification from either the Circuit Family Court or the High Court. Both parties are required to make the application, which may be made informally and may

Researchers Sentencing Information System

Applications are invited from lawyers for the provision, as independent contractors, of research services for the ongoing project to develop an Irish Sentencing Information System ("ISIS"). ISIS involves the design and development of a computerised information system to contain data on sentences and other penalties imposed for offences in criminal proceedings in previous cases. The data will serve to inform judges when they are considering the appropriate sentence to be imposed in individual cases. Preparatory work on the ISIS project is underway and is overseen by a steering committee chaired by a judge of the Supreme Court.

A further researcher is required for the project team. The research services will involve collection and collation of information on sentencing outcomes in cases on indictment in designated courts according to criteria specified by the steering committee, and related research and reporting. While attendance at court sittings will be necessary in order to undertake the research, it is anticipated that a practising barrister or solicitor should be able to combine this work with his or her own limited caseload.

Candidates should be available to commence provision of the services as soon as possible. Bar Council approval has been given for practising barristers to provide the research services.

Candidates should:

- have an excellent third level qualification in law or criminology and preferably a relevant postgraduate degree
- have a sound knowledge of and, preferably, some professional experience in, criminal law and/or criminology
- preferably, be experienced in carrying out research in the areas of law or criminology
- have excellent communications and report-writing skills and be proficient in the use of standard word-processing, spreadsheet and database packages

The contract for provision of these services will be for a period of one year (which may be extended).

McCann FitzGerald

*If you are interested in this important role, please send your curriculum vitae to:
Ann Marie Carroll, McCann FitzGerald, Riverside One, Sir John Rogerson's Quay, Dublin 2, before Friday 7 March 2008.
Applications in electronic form will be especially welcome (annmarie.carroll@mccannfitzgerald.ie)*

"The personal touch"

IRISH MADE PERSONALISED STATIONERY



Manufactured and printed in Dublin.

Please call **01 464 9829** for a brochure or check www.lavery.ie.

be heard otherwise than in public. A court fee shall not be charged in respect of it. The exemption will only be granted where the parties can show that there is a serious reason why it should be justified and that it is in their interests for the exemption to be granted. A notification of the exemption must be presented to the registrar (s47).

The parties to a marriage must attend in person at the office of the registrar not less than five days before the date of the marriage to make and sign a declaration in the presence of the registrar to the effect that there is no impediment to the marriage (s46).

Marriage registration form

Once notification has been received, the registrar must complete a marriage registration form, and this should be given to one of the parties to the marriage (s48), who in turn should pass it to the solemniser for examination. The form is set out in SI 738 of 2007 (*Marriage Registration Form Regulations 2007*). Provision is made for a situation where six months have passed since the form was given to the parties but the marriage has not yet been solemnised. In such cases, the parties are required to begin the process of notification again and the registrar will furnish them with another marriage registration form.

Immediately after the marriage, the marriage registration form shall be signed by each of the parties to the marriage, two witnesses and the solemniser. The form should be returned to

the registrar within one month of the marriage and the registrar will then register the marriage as soon as is practicable thereafter. The marriage cannot be registered without the marriage registration form. If the registrar is satisfied that the form has been lost, destroyed or damaged, the tArd Chláraitheoir may direct the registrar to complete another form and arrange for signature by all the relevant parties and to register the details of the marriage in the register (s49).

If, within 56 days of the marriage, the registrar has not received the marriage registration form, he or she may serve a notice on the parties requiring them to provide the duly completed form within 14 days. If the parties fail to comply, the registrar may serve another notice requiring one of the parties to attend on a specified date at the office of the registrar or other convenient place to provide the form (s50).

Ceremony

The following requirements are provided for in the act.

Solemniser. The marriage must be conducted by a registered solemniser in a form of ceremony that is approved by the tArd Chláraitheoir. The tArd Chláraitheoir will maintain a register of all persons empowered to solemnise marriages that is open to inspection by the public at all reasonable times (s51(1)).

Parties. Both parties to the marriage must be present. There must also be two witnesses, professing to be over the age of 18 (s51(2)).

Location. The marriage can be solemnised only at a place and time chosen by the parties to the marriage with the agreement of the registered solemniser concerned. The place where the marriage is taking place must be open to the public (s 51(2)). There is an exception made for a situation where one or both of the parties is too ill to attend at a place that is open to the public, as certified by a medical certificate, and the superintendent registrar or an tArd Chláraitheoir gives approval to the solemniser for the marriage to take place at a location chosen by the parties and agreed by the solemniser (s51, as amended by the *Health Act 2007*, schedule 2, part 5).

Declarations. The solemniser must be satisfied that the parties to the marriage understand the marriage ceremony and the declarations. The parties must declare in the presence of each other, the registered solemniser and the two witnesses, that he or she does not know of any lawful impediment to the marriage and that they accept one another as husband and wife. Once the declarations have been accepted, the parties are then considered to be married (s51(4)).

Language. If one of the parties to the marriage does not have knowledge of the language of the ceremony, a translator must be provided. The interpreter must sign a declaration in the presence of the solemniser that they understand and are able to converse in that language. Immediately after the ceremony, they must also give and sign, in

the presence of the solemniser, a certificate, in the language of the solemniser, to the effect that they have acted faithfully as an interpreter (s51(6)).

Objections

A person may object to a marriage at any time before a marriage is solemnised. The objection must be made in writing to the registrar, who will notify the parties of the stated objection and make such inquiries as he or she thinks fit. If the marriage registration form has already been given to the parties, the registrar may request the return of the form and correct it by adding any notifications to it. It will then be returned to the parties. If the registrar sees fit, the objection can be sent to the tArd Chláraitheoir, who will in turn ensure that the parties are notified of the objection lodged, the investigation, and the fact that the marriage cannot go ahead until the investigation is completed. If no impediment is found, then the parties will be notified and will be reissued with their marriage registration form. If there is an impediment found, the parties will be notified that the marriage shall not proceed, including the reason for the decision. If the marriage has already been solemnised, it shall not be registered. An appeal is available to the Circuit Family Court (s58).

More information on the new provisions is available at www.citizensinformation.ie. 

Elaine Dewhurst is the Law Society's parliamentary and law reform executive.

Get more at lawsociety.ie

Gazette readers can access back issues of the magazine as far back as Jan/Feb 1997 right up to the current issue at lawsociety.ie. You can also check out current news, forthcoming events, employment opportunities and the latest CPD courses, as well as lots of other useful information.

What is the basis of the High Court's jurisdiction to measure costs, and when is measurement of costs more appropriate than taxation? Hugh Kennedy and Brid O'Flaherty break out their measuring tools

The High Court on occasion exercises its jurisdiction to 'measure', on the spot, the costs of applications determined before it. For example, the costs of an application to restrict a director of a company have commonly been measured, the usual order for costs being that the restricted director "do pay the sum of €X as a contribution toward the costs of the applicant liquidator". In family law proceedings, the court has on occasion measured the entire costs of an action, in the interests of finality. In the Commercial Court, it is not uncommon for costs to be summarily determined and ordered to be payable immediately, particularly in interlocutory applications.

In addition, the Master of the High Court, in *Mitsubishi Electric Europe BV v Design Air Ltd*, has engaged in a pilot exercise to measure costs of common applications. The master set out in considerable detail how he believes such regularly occurring costs should be measured.

Here, we examine the basis of the High Court's jurisdiction to measure costs, and we explore the question of when measurement of costs may be more appropriate than taxation.

All the world's a stage

Order 99 of the *Rules of the Superior Courts 1986* deals with the jurisdiction of the High Court on the question of costs generally. Under order 99, rule 1,

the High Court enjoys a wide discretion in the awarding of costs of proceedings that come before it, subject to law. The court's jurisdiction to measure costs arises under order 99, rule 5, which reads: "In awarding costs, the court may direct (a) that a sum in gross be paid in lieu of taxed costs..."

Thus, it is clear that the High Court has jurisdiction to measure the costs of any proceedings in a summary manner, rather than delegating the quantification of costs to the taxing master in default of agreement by the parties.

Masters of their fates

Under order 63, rule 6, the master has jurisdiction to award costs at his discretion and "may direct payment of a sum in gross in lieu of payment of costs to be taxed". In the *Mitsubishi* case, the master engaged in a pilot exercise to measure the costs of "a random sample of applications of the sort which are made on a daily basis in the master's court". The master had already made rulings on different types of motions in 16 separate cases and had made costs awards. He then invited the parties in all the motions to return and make submissions on the *quantum* of costs of the motions; the parties did so in 13 of the cases. Three parties declined to participate: "For the record, it should be noted that three of the larger firms in Dublin ... requested the master not to measure costs in their particular cases. For whatever reason, these

MEASURE for MEASU

MAIN POINTS

- Measuring costs
- Measuring jurisdiction
- Pointers for practitioners

RE

THE PLAY'S THE THING

Some pointers for practitioners on measurement:

- The court may, of its own motion, decide to measure costs rather than direct them to be taxed in default of agreement,
- The court that hears the matter should be the one that measures, and not another court, as it is only the court that has actually heard the case and knows about it that is in a position to make a summary assessment of costs,
- If the court decides to measure, it need not ape or copy the practices and procedures of the taxing master, but can act in a summary manner,
- Under order 99, rule 5, no provision is made for the parties to be heard before the court measures, but it is clearly in the interests of justice that parties be afforded the opportunity to be heard first,
- It is open to one or both of the parties to ask the court to measure instead of tax,
- Where a party seeks to have its costs measured by the court, to aid the court, a statement of the party's costs can be presented for the court's consideration, with a copy for the other side – to avoid accusations of ambush and to allow the other party to respond, it might be prudent to send a copy to the other side prior to the hearing,
- Parties may dispute items of costs presented to the court by the other side,
- Measurement rather than taxation may be more appropriate in:
 - Short, self-contained and discrete matters that have reached a conclusion before the court,
 - Matters where finality is desirable and the aggravation of taxation proceedings would best be avoided,
 - Standard or common applications that frequently come before the court,
 - Matters where measurement and an order for immediate payment is requested because payment by the losing party is in doubt,
 - Cases where the court wishes to mark its displeasure with a party's conduct, or where some serious prejudice has been caused to the opposite party for which it is necessary immediately to compensate him,
 - Cases where 'issue-based costs orders' are made by the court,
- On the other hand, taxation may be more appropriate than measurement in:
 - Cases where there is likely to be an overall taxation at the conclusion,
 - Complex or non-standard matters that are perhaps interlinked with or referable to other proceedings where costs will be taxed,
 - Hearings that last longer than a day,
 - Matters where one party is legally aided, a minor or under a disability, or an emanation of the state,
 - Matters where a costs award covers multiple plaintiffs or defendants,
- Order 99, rule 5, appears to exclude split measured/taxed costs awards by the court,
- Measurement is not to be confined to 'simple' or 'small' cases only.

Finally, practitioners should remember that an award of measured costs has the same status as any other order of the court and is enforceable in like manner.

“The whole purpose of measurement was to avoid the expense and aggravation involved in protracted litigation arising out of a taxation”

solicitors' firms, presumably on their clients' instructions, opted to go the taxation route.”

The master warns in *Mitsubishi* that changes proposed by the Legal Costs Working Group should be monitored by the courts. The master summarises the Irish and English jurisprudence available on measurement of costs. He explains in great detail how costs should be measured.

The master then applied these principles to the 13 cases before him and measured costs accordingly. Since *Mitsubishi*, the master has been applying the principles set out there to measure and fix the costs of various types of interlocutory motions, when requested to do so.

A pound of flesh

Although it is not uncommon for the court to exercise its discretion to measure costs, there is very little case law indeed (the master's *Mitsubishi* ruling aside) dealing with when the court should exercise this discretion, and how. The provisions of order 99 are in identical terms to the pre-1999 England and

Wales equivalent rules, and the Court of Appeal has provided useful guidance.

The seminal case is *Leary v Leary*, a 1987 decision of the English Court of Appeal in matrimonial proceedings. There, when delivering judgment, the trial judge, without prior warning to the husband, had made an order under the equivalent of order 99, rule 5, directing him to pay to the wife a fixed amount of stg£31,000 costs instead of having the costs taxed. The trial judge stated that the order for costs reflected the consequences of the husband's failure to disclose his financial position during the proceedings and that the possibility of further litigation arising out of a taxation should be forestalled for the benefit of the parties.

The Court of Appeal upheld the judge's summary measurement, finding that the judge was entitled to award a fixed sum in lieu of taxed costs if he considered such an award was required to reflect the failure of a party to disclose his financial situation. The court went on to say that, generally, the power to measure costs was not confined to “modest and



simple cases". Nor was the judge required, before making the award, to conduct an inquiry in the nature of a 'preliminary taxation' in which there was a detailed investigation of the figures. The whole purpose of measurement was to avoid the expense and aggravation involved in protracted litigation arising out of a taxation. The discretion was, however, required to be exercised judicially, and the judge was required to give proper consideration to all relevant factors when measuring. Furthermore, it depended on the circumstances of the case whether the rules of natural justice required the judge to warn of his intention to measure and to give the affected party the opportunity of making submissions before doing so.

Let's kill all the lawyers

Since the introduction of the new *Civil Procedure Rules* in 1999 in England, a new regime for the awarding of costs generally, and specifically the assessment of costs, has been in operation, leading to a large gap between the practice of the Irish and English courts.

The English and Welsh courts now deal with the quantification of costs either by way of 'detailed assessment' by a costs officer (analogous to taxation) or by 'summary assessment' (akin to measurement). Summary assessment involves the court determining the amount payable at the end of the hearing, usually

LOOK IT UP

Cases:

- *Leary v Leary* [1987] 1 All ER 261
- *Lownds v Home Office* [2002] 1 WLR 2450 (summary assessment under the CPR regime)
- *Mitsubishi Electric Europe BV v Design Air Ltd* [2007] IEHC 203, unreported, 22 May 2007
- *Silva v C Czarnikow Ltd* [1960] 1 Lloyd's Rep 319 (measurement sought and granted to guarantee costs payment)
- *Veolia Water UK plc v Fingal County Council* [2006] IEHC 240, Clarke J, unreported, 22 June 2006 (issue-based costs orders)

Legislation:

- *Rules of the Superior Courts 1986*, orders 99, 63

Literature:

- Legal Costs Working Group, *Legal Costs Working Group Report*, 7 November 2005, available at: www.justice.ie/en/JELR/legalcosts.pdf/Files/legalcosts.pdf

on a relatively rough-and-ready basis. Where hearings of either trials or interim applications are disposed of within a day, all courts are obliged to make a summary assessment of the costs of that day on that day, unless there is good reason not to do so. Summarily assessed costs are normally payable within 14 days of the order.

To assist the judge, parties are required to file and serve – not less than 24 hours before the hearing – signed statements of their costs, detailing the number of hours claimed, the hourly rate, the grade of fee earner, the solicitor's costs for attending the hearing, counsel's fees and VAT. At the end of the hearing, the judge asks for the parties' statements and examines the detailed breakdown of costs actually incurred by the party to whom costs have been awarded, before measuring those costs. The court is permitted to draw on its general experience of costs in comparable cases, although judicial tariffs for different types of cases are not allowed. **G**

Hugh Kennedy and Brid O'Flaberty are barristers in general practice.



We've got the fastest title.

We hold the fastest time for solving defective titles. Just call our Legal Contingency Services Department and we'll sort out lost title deeds within 2 working days, and other title defects within 5 working days.

Phone: 01 8987404
Fax: 01 7756055



Hibernian General Insurance Limited is regulated by the Financial Regulator.

Good Thinking

TEN YEARS AFTER

Ten years after divorce was introduced in Ireland, there are about 60,000 divorced people here. But what type of legal framework and practice should underpin the law in this area? Geoffrey Shannon's intentions are honourable

In 2007, Ireland marked its first full decade of divorce legislation. Since the introduction of divorce, the country has witnessed radical change that has resulted in a more secular and less traditional society. Key among these changes has been considerable economic growth leading to increased personal wealth. Ireland now boasts approximately 33,000 millionaires, a statistic that at the time of the 1986 – and indeed the 1995 – referenda would have been unimaginable to most Irish people. In addition to growing wealth, Ireland has also been significantly influenced by its membership of the European Union.

It is within the context of this change that the divorce jurisdiction has operated in Ireland since it came into force in 1997. While marriage has remained popular, divorce has also become more common. According to the Central Statistics Office, divorce is now the fastest-growing 'marital status', with the number of divorced people in Ireland increasing from 35,100 in 2002 to 59,500 in 2006.

Undoubtedly, the rise in the number of divorced people also reflects an increasing acceptance of divorce within Irish society. Reflecting this greater acceptance of divorce, a recent survey carried out on behalf of *The Irish Times* revealed that, were a referendum on divorce now to take place, 75% of people would vote in favour of it, a substantial increase on the 50.28% in 1995. The question

facing Ireland now is what type of legal framework and practice should underpin its law in this area? What type of divorce do we want?

Watershed

The introduction of divorce marked a watershed in Irish legal and social history. The scheme of divorce entered into continues the old common-law tradition of a lifelong spousal support obligation. Since 1997, several cases have come before the Circuit, High and Supreme Courts that have provided clarification on some of the ambiguities in the divorce legislation. Moreover, the increasing internationalisation of family law has fundamentally altered the manner in which divorce advice is imparted. The result is that the manner in which the divorce remedy is now operating may bear little resemblance to the intention of the legislature that passed the original statute.

At the time of both the 1986 and 1995 divorce referenda, many people were concerned that divorce would leave first families in poverty. The basis for this assumption was unclear. Nevertheless, it hindered the development of a debate as to how financial and property issues should be dealt with on divorce.

A list of factors, as set out in the *Family Law (Divorce) Act 1996*, have to be assessed and weighed by the courts in determining proper provision.

MAIN POINTS

- **Divorce – watershed in modern Irish legal and social history**
- **Determining proper provision**
- **High degree of uncertainty**



Times have changed since the divorce referenda

Despite ten years of practice, it remains a fact that most issues are considered in light of the unique and specific facts that exist in each individual case. The divorce system allows considerable discretion, which creates a very high degree of uncertainty for couples contemplating divorce.

Ancillary relief

The Supreme Court, in the leading *T v T* case, stated that, on divorce, the courts are obliged to make “proper provision” for both spouses, taking into account all of the circumstances of each particular case. This affords judges considerable discretion in dealing with the assets of a marriage.

It is now time to formulate a set of principles for the determination of ancillary reliefs, including all maintenance orders, property adjustment orders and pension adjustment orders. This would provide greater clarity and certainty in the determination of such orders. In particular, clear principles to guide the determination of what comprises “proper provision” are needed.

Clean break

Despite the determination through the granting of a divorce that a marriage has ended and that both parties are free to remarry, there has been little or no debate on the obligations owed by one former

THE FAMILY LAW SYSTEM

During the divorce campaign, much assistance was pledged by the government of the day to 'protect from attack' the institution of marriage by way of increased financial resources for such services as marriage-guidance counselling, mediation and improved court facilities. The government-run Family Mediation Service expanded throughout the country, and the newly established Courts Service embarked on a programme of providing improved court facilities.

Progress in providing support services, however, has been slow. In particular, there is a need for greater coordination between the courts and the existing support services. In 1985, the Joint Committee on Marriage Breakdown reported that "one of the most disturbing aspects" of the court structure was the lack of any proper in-court service. While improvements have taken place since this report was published, further progress is necessary. In Australia, for example, the Australian Family Court has a large counselling service attached to it. It is now more than ten years since the publication of the Law Reform Commission's *Report on Family Courts* and many of its recommendations have yet to be implemented.

In addition to more comfortable, convenient and client-friendly court facilities, both the courts and parties to a divorce would

benefit greatly from the promotion and more widespread use of mediation and other forms of alternative dispute resolution. This would minimise the number of contested cases ending up in the courts and also reduce the level of 'brinkmanship' that sees many settlements being reached on the steps of the courts.

While the Courts Service is to be commended for its pilot work in increasing the reporting on family law cases in front of the High, Circuit and District Courts, there remain substantial gaps in the information available to practitioners, researchers and the general public in relation to the operation of divorce in Ireland. For example, it is difficult to encourage informed public debate on the actual implications of divorce without properly collected, collated and analysed data on issues such as maintenance awards, child custody cases, the treatment of the family home, the duration of proceedings and the costs involved in pursuing different approaches. In addition, the lack of information on the majority of divorce cases, that is, those heard in the Circuit Court, and the related matters that are decided in the District Court, represents a considerable gap in our knowledge of the application of Irish divorce law.



spouse to the other. The law on 'clean-break' divorce should be reviewed and consideration should be given to the practice in England where, at a minimum, 'deferred clean-break' divorce is possible by limiting the time and circumstances under which a receiving spouse can return to the courts to seek further provision.

Prenuptial agreements

The increasing use of prenuptial agreements is a further indication that couples entering into marriage want, in the event of divorce, to have clarity and certainty in relation to their financial matters. Prenuptial agreements are merely a type of contract. There is no reason why all such contracts should be *prima facie* unenforceable.

A better view would be to permit such contracts, but make them subject to the general rules and regulations governing contract and the substantive principles governing ancillary relief. With the enactment of the divorce legislation, the path is now clear for giving effect to the enforceability of prenuptial agreements in limited circumstances. No longer does article 41 of the Constitution obstruct the enforceability of such agreements. The time is therefore ripe for the matter to be addressed in a comprehensive manner by the legislature. The first step in this process has already been completed through the publication of the report of the Government Study Group. Legislative action on foot of this is now awaited.

The law should be reviewed to allow for the development of prenuptial contracts that are valid and enforceable to the extent that they support and foster the interests of children and spouses. It should be noted, however, that even if the legislature steps

in to support such agreements, the judiciary should retain a wide discretion to vary their terms.

Where the heart is

The judiciary increasingly acknowledge the contribution of women to the family home, the psychological attachment of children to the family home and its stabilising influence at a time of intense emotional upheaval in children's lives. Nonetheless, of note in this area is the wide-ranging discretion of the judiciary in deciding on the treatment of the family home. Clear principles for the treatment of the family home are required in order to give greater predictability to vulnerable and dependent family members.

Nullity

In addition to clarifying the grounds for divorce, there is a corresponding need to assess the grounds for nullity in Ireland. In particular, there is a need to review the ground that stipulates the "incapacity to enter into and sustain a proper or normal marital relationship", thereby rendering the marriage voidable.

The evolution of the law of nullity in Ireland is somewhat unique, owing to the fact that there was no system for the legal dissolution of marriage in Ireland until the introduction of divorce. Thus, the nullity ground was used by many as a means of dissolving their marriage in the absence of divorce. Now that divorce is available in Ireland, the utility and operation of this ground must be questioned.

Invisibility of children

Many would argue that the striking feature of the Irish divorce system is the relative invisibility of children. The child's perspective is underdeveloped

and often non-existent in the divorce process, where children are caught in the crossfire.

In many divorces, custody of and access to the children of the marriage are more zealously contested than the financial settlement. Although often fought over for protracted periods of time, it remains the case that children are rarely heard in divorce proceedings in Ireland. A number of reasons – some valid and others not – have been postulated for this. Accommodating the perspective of the child in divorce proceedings is not easy. Our family law system is adult-centred rather than child-centred. Moreover, the child's views and the welfare of the child are not synonymous. We must consider what works best – the direct voice of the child, the interpretation of experts or a combination of both.

Striking characteristic

In considering divorce legislation and its interpretation in the courts, Irish divorce proceedings can be seen to have one striking characteristic: the overwhelming discretionary powers of the courts to determine cases on the basis of the unique facts of each. This approach can be seen to have both positive and negative aspects.

On the positive side, those seeking a divorce have an opportunity to put their specific case, with all its unique circumstances, to the courts for their consideration. On the negative side, this discretion of the courts has resulted in a high degree of uncertainty for those seeking a decree of divorce. It also leaves the judiciary with relatively few guidelines and supports when making decisions in what are often very complex and potentially emotive cases. It would therefore be to the advantage of the judiciary, the legal profession and those seeking the remedy of

LOOK IT UP

Cases:

- *T v T* [2002] IESC 68

Legislation:

- *Bunreacht na hÉireann*, article 41
- *Family Law (Divorce) Act 1996*

Literature:

- Law Reform Commission, *Report on Family Courts* (LRC 52-1996, March 1996)

divorce were the existing legislation and practice reviewed.

In conclusion, we must look back over the first ten years of divorce in Ireland and consider the type of Irish society that (barely) allowed this relatively restrictive legislation to become possible in 1995, at the changes that have occurred since, as well as at impending national and international developments and trends.

In this broad context, we must ask ourselves if this legislative regime is one befitting our rapidly modernising, rapidly secularising, increasingly global society. Public policy, legislation and the practice of the courts should not wish, nor be allowed, to become irrelevant or even obsolete to those it purports to serve. With that in mind, we must now engage in mature and informed debate on the issues that arise as a result of divorce in 21st century Ireland. **G**

Geoffrey Shannon is the Law Society's deputy director of education and the author of 'Divorce: Law and Practice' (Thomson Round Hall, 2007).

Law Society of Ireland diploma programme

Complete one of our Diploma courses and:

- ▶ Understand the basic legal principles in the particular area of law
- ▶ Gain in-depth knowledge of a core area of law
- ▶ Appreciate what practical steps to take in applying the law
- ▶ Know where to research and find further information
- ▶ Develop confidence in your ability to properly advise clients



Courses for 07/08 include: Commercial Property, Commercial Litigation, Applied Conveyancing (cert), Employment Law, Family Law, Finance Law, Judicial Review (cert. Distance learning), Trust & Estate Planning (STEP), Legal French, Legal German (cert), Spanish Law (cert). For further details visit www.lawsociety.ie

Applying is easy - simply return the application form at the back of the Diploma Information booklet or download one from our Diploma Programme webpage on the Law Society's website.

You can obtain more information on any courses in our Diploma Programme by contacting the Diploma team at:

Tel: (01) 672 4802 | Fax: 01 672 4890 | E-mail: diplomateam@lawsociety.ie | Website: www.lawsociety.ie

DISPUTED territory

The *Ryanair* judgment limits the Labour Court's jurisdiction to issue recommendations as to the standard of terms and conditions in non-unionised workplaces. But it leaves many areas open to further interpretation, writes Maura Connolly

The Supreme Court's judgment in *Ryanair v Labour Court and Irish Municipal Public and Civil Trade Union (IMPACT)* considered the jurisdiction of the Labour Court to investigate disputes in non-unionised workplaces. The judgment has effectively slowed the developing trend where the Labour Court applied the *Industrial Relations (Miscellaneous Provisions) Act 2004* to issue recommendations as to the standard of terms and conditions to be applied in non-unionised workplaces. The 2004 act strengthened the mechanisms set out in the *Industrial Relations (Amendment) Act 2001*, by which the Labour Court could issue recommendations in these types of workplaces and ultimately issue a binding determination. With approximately 100 cases having come before the Labour Court under the 2001 act, the legislation has had a very significant impact to date and has been actively used by trade unions to strengthen their role and involvement in non-unionised organisations.

Many employers, particularly multinational employers, prefer to deal directly with employees and consult with them about business decisions as they affect the workforce, choosing not to put in place formal mechanisms for trade-union recognition. While employees have the right to join and form a trade union, the employer is not legally obliged to recognise that union for negotiation

purposes. This principle was tested in the period leading up to *Ryanair* in a number of high-profile cases involving employers such as Ashford Castle and GE Healthcare, where the Labour Court directed the employer to deal with the trade union for a variety of purposes (including individual grievance procedures and to agree rates of pay, policies and procedures, and working conditions), but did not direct trade-union recognition.

Fair procedures

In the *Ryanair* case, the Supreme Court analysed the Labour Court's jurisdiction and imposed limits on the ambit of that jurisdiction. While the judgment is of significant interest on the facts and in the context of industrial relations disputes, it may also have wider application to other employment rights bodies. In the Supreme Court, Geoghegan J criticised some aspects of the Labour Court's practice and procedure on grounds of procedural unfairness. The Labour Court's practice of relying on written submissions in determining factual matters was criticised, and the Supreme Court directed that, where factual matters were in dispute, oral evidence should be taken from the employees concerned. Written submissions are commonly prepared in the context of Rights Commissioner hearings, Equality Tribunal mediation and investigation proceedings, and internal grievance

MAIN POINTS

- **Jurisdiction of the Labour Court**
- **Definitions of 'collective bargaining' and 'trade dispute'**
- **Impact on industrial relations practice and procedure**



and disciplinary investigations. The logical implication of the Supreme Court decision is that, while the use of written submissions may continue in these employment rights bodies, whenever factual matters are contradicted, then direct evidence will be preferred.

There is an established body of case law, beginning with *Re Haughey*, which sets out the principles of fair procedures and, in particular, the right to test the evidence of witnesses through cross-examination. The effect of the *Ryanair* case may be to extend these fair procedure rights to the more informal processes of the Labour Court and other employment rights bodies. This may have the additional effect of introducing more lawyers into these forums, which have long been regarded as the home of the union and employer representatives.

In the series of cases under the 2001 act

preceding the *Ryanair* case, the employees were not directly identified in the Labour Court process and were represented throughout by the trade union. There is no minimum threshold of employees required to be represented by the trade union as a precondition to bringing a claim. The Labour Court's practice of accepting a statement on behalf of the trade union that it represented unnamed employees in the workplace concerned was a matter of concern for certain employers. An employer could be engaged in a lengthy process under the 2001 act without being aware of the significance of the outcome for it in terms of the numbers affected by the decision. This practice was criticised as unfair in the *Ryanair* case. In a recent case, *Castle T Furniture Limited v SIPTU*, the Labour Court accepted the evidence of the trade union that it represented nine out of 18 employees (of which one

Is it a bird? Is it a plane?
No, it's a typically
understanding Ryanair
representative accusing
IMPACT of 'chickening
out' of talks

was identified by name) and preferred the direct evidence of the trade union as against the written submission of the employer, who was unable to attend the hearing.

Labour Court jurisdiction

Under section 2(1) of the 2001 act (as amended by the 2004 act), the Labour Court has jurisdiction (at the request of a trade union) to investigate and make binding determinations on disputes referred to it where a number of key preconditions are met. As a preliminary matter in *Ryanair*, the Labour Court had to decide whether the preconditions were complied with. The preliminary issues were:

- Whether a ‘trade dispute’ existed,
- Whether the existing information and consultation processes in Ryanair amounted to ‘collective bargaining’, and
- Whether the internal dispute-resolution mechanisms had failed to resolve the dispute.

The Labour Court decision was judicially reviewed in the High Court and then appealed to the Supreme Court.

The Supreme Court emphasised that all of the preconditions should be satisfied before the Labour Court had jurisdiction to investigate a dispute. With this increased hurdle, it may be that unions seeking a role in workplaces will revert to the established route of Labour Court investigations under the *Industrial Relations Act 1969*, which does not require such a high threshold.

In the cases that have been reported by the Labour Court since the *Ryanair* decision, the formula adopted seems to be that the parties have agreed that the preconditions have been met, so that the Labour Court has jurisdiction. Other cases where jurisdiction was not conceded have not proceeded before the court. For employers who have in place effective consultation processes – as would be the case in many larger multinational companies – the Supreme Court definition of collective bargaining (see below) may prove a bar to the Labour Court’s jurisdiction.

Trade dispute

While the term ‘trade dispute’ is not defined under the 2001 act, the applicable definition is that set out in section 3 of the *Industrial Relations Act 1946*, where a trade dispute is defined to include any “dispute or difference between employers and workers or between workers and workers connected with the employment or non-employment, or the terms of the employment, or with the conditions of employment of any person”.

This is a different definition to that contained in the *Industrial Relations Act 1990*. The Supreme Court agreed that the relevant definition was that contained in the 1946 act, but disagreed with the Labour Court’s interpretation in *Ryanair*. The



Hoist 'em, Mr O'Leary

“The effect may be to extend fair procedure rights to the more informal processes of the Labour Court and other employment rights bodies”

Labour Court had highlighted the use of the word ‘difference’ as supporting the argument that there existed a trade dispute.

The Supreme Court disagreed that the use of the word ‘difference’ was intended to mean something different to dispute. It was stated that the inclusion of the word ‘difference’ was intended to indicate the wider meaning of the expression ‘trade dispute’.

The Supreme Court also held that the Labour Court, in determining whether there was a trade dispute, should have investigated whether there was internal machinery for resolving the perceived problem and whether that machinery had been exhausted.

Collective bargaining

The evidence before the Labour Court was that, in common with many employers, Ryanair had established consultative bodies known as Employee Representative Committees (ERCs) and held ‘town hall meetings’. Ryanair claimed that the existence of these consultative bodies and processes amounted in effect to collective bargaining, such that the Labour Court had no right to adjudicate on the dispute. It also argued that no *bona fide* trade dispute existed between the parties, and it submitted that this was part of a strategy on the part of the union to compel trade-union recognition.

The Labour Court accepted that it could not direct trade-union recognition against an employer. It determined that Ryanair’s communication and consultation processes did not amount to collective bargaining, using a definition developed by the court in *Ashford Castle v SIPTU*. Further, the factual background was that the pilots had withdrawn from the ERC process and, as such, at the time of the referral, there was not an ERC in place for the pilots. The Supreme Court held that the unilateral withdrawal from machinery put in place by the employer would not of itself entitle the employees to assert that there was no collective bargaining process in being.

The Supreme Court disagreed with the Labour Court’s approach to whether or not machinery existed for collective bargaining negotiations. While it cited the definition of ‘collective bargaining’ as developed in the *Ashford Castle* case, the Supreme Court held that the description of collective bargaining processes, while appropriate to a unionised workplace, was not necessarily applicable to a non-unionised workplace: “If there is a machinery in Ryanair whereby the pilots may have their own independent representatives who sit around the table with representatives of Ryanair with a view to reaching agreement, if possible, that would seem to be ‘collective bargaining’.”

The Supreme Court found that the Labour Court’s approach was fundamentally unfair. Ryanair officers gave evidence at the hearing to the effect that the ERC mechanism amounted to collective

bargaining. The Supreme Court held that if that factual situation was going to be disputed, it should have been done by “sworn or at the very least unsworn oral evidence before the Labour Court from pilots working in the company”. The Supreme Court held that the Labour Court’s reliance only on written submissions from the union was unfair.

The unilateral withdrawal of the pilots from the ERC mechanism did not, in the view of Geoghegan J, mean that the process had failed. Without identifying precisely the parties to the dispute (and in particular which pilots were involved in the dispute), the Labour Court did not have before it evidence on which it could conclude that the internal procedures had failed to resolve the dispute.

Wider impact

Geoghegan J summarised his criticisms of the fairness of the procedures adopted by the Labour Court:

- a) The Labour Court should not have permitted complete non-disclosure of the identity of the

persons on whose behalf the union was purporting to be acting, and

- b) In circumstances where unsworn oral evidence was given to the court by two company representatives, the court was not entitled to disbelieve that evidence without hearing evidence from at least one pilot who was an employee of Ryanair.

The Supreme Court’s decision will lead to a complete overhaul of the Labour Court’s practice and procedures and is likely to lead to the necessity for the increased application of the rules of evidence and testing of that evidence where factual matters are in dispute.

While the full impact of the *Ryanair* decision for future cases brought under the 2001 and 2004 acts remains to be seen, it has potential to radically change the procedures implemented by the Labour Court and other industrial relations and employment rights bodies in investigating workplace disputes.

The Supreme Court has identified as an element of fair process that employees ought to be identified, and this may affect the number of referrals made to the Labour Court in the future.

Depending on the outcome of the Labour Court’s further deliberations in the re-hearing of *Ryanair*, if the Supreme Court definition of ‘collective bargaining’ is accepted, it is likely that an increasing number of employers will resist intervention by the Labour Court by pointing to existing information and consultation procedures. Some commentators have regarded the lack of a definition of ‘collective bargaining’ as a legal void that will require legislation to clarify and posited that other forms of employee representation, such as works councils and other types of employee representative councils, will present a rival to the traditional trade unions.

The development of Labour Court jurisdiction and its intervention in workplaces under the 2004 act has caused concern in some sectors. The Supreme Court decision places limits on that jurisdiction but leaves many areas of the legislation open to further interpretation and consideration. **G**

Maura Connolly is a partner and head of the employment law group at Eugene F Collins Solicitors.

LOOK IT UP

Cases:

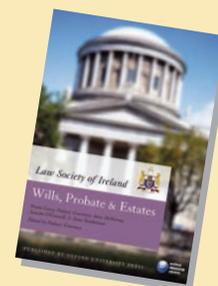
- *Ashford Castle v SIPTU* [2004] ELR 214
- *Castle T Furniture Limited v SIPTU*, CD/07/248, Labour Court Recommendation no 19002, 1 October 2007
- *GE Healthcare and Services Industrial Professional Technical Union*, CD/04/678, Labour Court Recommendation no 18013
- *Public and Civil Trade Union/Irish Airline Pilots Association v Ryanair* [2005] 16 ELR 99
- *Re Haughey*, Supreme Court [1971] IR 17
- *Ryanair v Labour Court and Irish Municipal Public and Civil Trade Union (IMPACT)*, unreported, Supreme Court, Geoghegan J, 1 February 2007
- *Ryanair v Labour Court and Irish Municipal Public and Civil Trade Union* [2006] 17 ELR 1

Legislation:

- *Industrial Relations Acts 1946, 1969, 1990*
- *Industrial Relations (Amendment) Act 2001*
- *Industrial Relations (Miscellaneous Provisions) Act 2004*

WILLS, PROBATE & ESTATES

The Law Society is now selling *Wills, Probate & Estates*, published by the Law Society of Ireland/Oxford University Press. Contact Julianne Ward: email: j.ward@lawsociety.ie or phone: 01 672 4942 if you wish to order a copy.



In the third article in our series on how a possible economic downturn may affect solicitors, Barry Lyons says that the right knowledge can lead to new business by providing dramatic examinership solutions to the commercial difficulties faced by smaller client companies

By the very nature of the work we do, solicitors understand every aspect of their clients' business affairs, from company incorporation to employment issues, from financing to company borrowings. This presents a clear opportunity during times of economic uncertainty for the solicitor to interact with client companies.

While it is often true that little insight can be offered to a company that it will not already be aware of, there are times when company directors get blinded by the predicament their company is facing. When this happens, very frequently they fail to realise that not only are they 'catching a falling knife' by following their money, but that they are doing nothing to resolve the company's underlying problems – thereby risking its ultimate survival. Solicitors do themselves no favours by ignoring sometimes obvious signals about a company's performance because, ultimately, the company will fail and the solicitor will lose a client.

Frequently, solicitors can play a vital role in the recovery of a company by analysing the issues and proposing solutions within the structure of the examinership process. This article sets out, in very general terms, the conditions required for the appointment of an examiner and, most particularly, whether the company is a candidate for the appointment of an examiner. Real-life situations are described, where companies were in dire difficulties but were saved by the process of examinership, involving asset disposals, company sales and refinancing.

The likely lads

In assessing whether a company is a candidate for the appointment of an examiner, two criteria should be employed. First, does the company's situation comply with the provisions of the *Companies (Amendment) Act 1990*, as amended by the *Companies (Amendment) (No 2) Act 1999*, which states that the company must be "likely to be unable to pay its debts" and "the court shall not make an order [appointing an examiner] unless it is satisfied that there is a reasonable prospect of the survival of the company and the whole or any part of its undertaking as a going concern".

The second criterion to be taken into account is

whether the company is sufficiently robust in terms of:

- Assets,
- Contracts,
- Turnover,
- Trading profits,
- Expertise, or
- Potential to warrant the interest of financiers (investors, lending institutions, asset purchasers) to support it by providing financing or acquiring assets from it.

Other questions that should be asked when assessing the likelihood of the survival of the company include:

- Is the company likely to survive in whole or in part as a going concern, or is the company 'terminally insolvent'?
- What are the assets of the company?
- What are the liabilities of the company and how are these liabilities secured?
- Are the assets of the company easily sold?
- Is the company trading profitably on a current basis (without including the historic debt)?
- Are the assets (or turnover) sufficiently large to justify the costs of examinership?
- What is the staffing position of the company (number of staff and length of service) and what will their reaction be to the likely changes following examinership?
- What is the regulatory position of the company, including licenses, environmental matters, key customer audits, planning permissions, and so on?
- What is the level of outside investment required to allow a scheme of arrangement to be put to the creditors?

In my experience, it is very unusual that circumstances would not allow the exploration of the examinership option, particularly where the alternative is the liquidation of the company, the loss of jobs and the ruin of the promoters.

As can be seen from the case studies below, the breathing space afforded by examinership frequently gives companies the ability to succeed in the future and:

- Relieves a company of an intolerable debt burden, and/or

MAIN POINTS

- Exploring the examinership option
- Likely candidates
- Life after restructuring

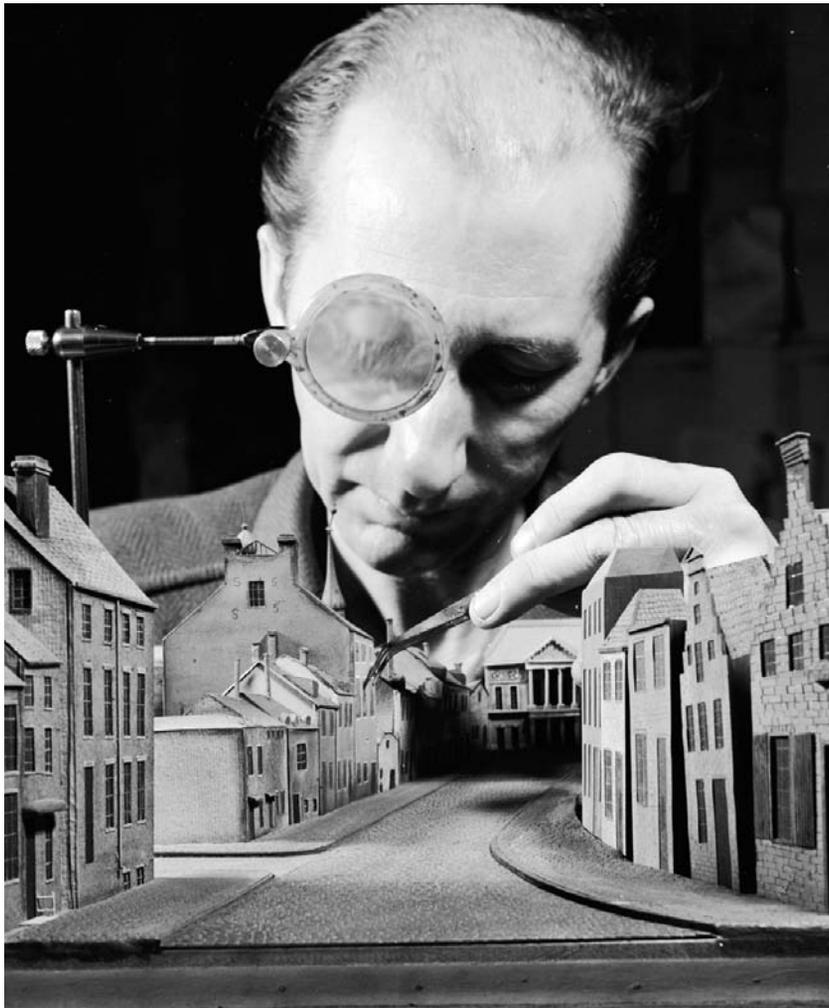
Breathing easy



- Disposes of non-core assets, and/or
- Reorganises the company's structures, and/or
- Enables refinancing, and
- Agrees a scheme of arrangement with their creditors (including the Revenue) under the oversight of the High Court.

Between 2004 and 2006, 93% of companies that went into examinership survived. In the USA, 22% of insolvent companies applied under the similar provisions of Chapter 11, with only 2% of Irish companies seeking the same protection in the same time period.

Should've gone
to Specsavers



Seamus had become rather too obsessed with examining his model village

In early 2005, Shamrock Rovers Football Club – one of the most recognisable of Ireland's soccer clubs – was beset by woes, including:

- Having no home grounds,
- Having been successfully sued by a former manager for €25,000,
- Having filed inaccurate returns to the FAI, thereby jeopardising its future in the league, and
- Having liabilities (including Revenue liabilities) in excess of €2.5 million.

Drop the dead donkey

Despite the immeasurable goodwill towards the club, there simply were not the resources required to resolve matters. However, there was hope: firstly, that the backbone of the club, a community surrounding the 31 teams playing at all levels, would assist with its survival; and secondly, a commitment from South Dublin County Council that it would make Tallaght Stadium available to the club in order to provide it with a home ground to generate revenue.

A petition for the appointment of an examiner was successful and the company was given 70 days to create a rescue package to resolve its problems, which comprised:

- Confirmation from South Dublin County Council

- that Tallaght Stadium, when completed, would be available to the club as its home ground,
- Sufficient investment to provide for a scheme of arrangement to pay the company's creditors and pay for the examinership costs,
- New commercial management, and
- The approval of the High Court of the proposed scheme of arrangement.

A group of fans put sufficient funds together to enable the examiner to propose the scheme of arrangement to the creditors of the company. A testament to the loyalty of the unsecured creditors was that they agreed to write off their debt by accepting a dividend of 3.5% of the company's liability to them.

Notwithstanding that the FAI sanctioned the club for going into examinership by docking it ten points, resulting in its demotion to the first division, in 2007 it was promoted again and finished fifth in the Eircom League.

Arrested development

Prue and David Rudd and Family Ltd was a company with insufficient cash resources that expanded too rapidly and became insolvent. The company had a strong family brand and customer certifications allowing its products to be sold by multiples such as Superquinn and Tesco. These were valuable assets, which took the company years to build and which would be lost if it went into liquidation. The company also had custom-made premises for food processing, and the lease would determine if the company went into liquidation. All value added by the company in complying with HACCP (food safety) requirements, fitting cold-rooms and so on, would have reverted to the landlord and, therefore, the company was a particularly suitable candidate for examinership.

A scheme of arrangement was agreed with the company's creditors, and it successfully emerged from examinership following investment by a local butcher who could help exploit the brand while benefiting from the use of the premises.

Keeping up appearances

In 2003, Macmine Castle Enterprises Ltd owned and operated a slaughterhouse in Enniscorthy. The company turned over €15 million per annum selling processed pig meat in Ireland and Britain. Operating in an industry with significant price fluctuation and tight margins, without any financial management systems to monitor its exposure or hedge against variations in currency and commodity prices, the company became insolvent when the commodity and currency prices conspired against it.

The company petitioned to have an examiner appointed in order to give it a chance of survival. As part of the examinership, a British company bought shares in the company and the proceeds were used

to provide for a scheme of arrangement where a 30% dividend was paid to the unsecured creditors, together with the costs of the examinership. The plant was retooled from a pork abattoir to a halal sheep and lamb slaughterhouse. The company is still trading successfully.

Robin's nest

Denber Forestry Services Ltd provides forestry management services. Customers include Coillte, some national parks, and large development companies that need industrial landscaping. It is an extremely labour-intensive business in which failure to fully complete contracts or any delay in discharging the contract price by the customer will result in cash-flow problems.

In 2007, the company undertook a number of jobs for which payment was not immediately forthcoming for a number of reasons. As is typical in these situations, the directors spent all their valuable time firefighting and trying unsuccessfully to patch up the cash-flow deficit.

Because the costs of the contracts had been discharged by the company (wages, consumables, and so on) they simply ran out of money needed to continue to trade. This was notwithstanding significant ongoing contracts, quality customers and recognition in the marketplace for expertise. The company needed time to rectify its cash-flow difficulties and successfully petitioned for the appointment of an examiner. The breathing space afforded by this allowed the directors to:

- Complete jobs on which a small amount of work remained, so that invoices could issue,
- Put an invoice discounting facility in place so that monies could be released to provide for a scheme of arrangement and the costs of the examinership, and
- Create robust terms and conditions of engagement, including stage payments for future contracts, so that these problems would not occur again.

The creditors agreed to take a dividend on the amount owed to them because, in a specialist industry, they would have the opportunity to recoup their loss from future trade with the company.

Are you being served?

Shop to Shop Ltd operates the small but busy Boccaccio restaurant in Dublin's Dame Street. In 2005, it opened another restaurant in Mullingar, with the plan that the management team would move from one outlet to another. Between traffic, the length of the commute and the antisocial hours involved, insufficient staff monitoring led to wastage problems. Not only was a significant sum expended on the fit-out of the Mullingar premises, but it also began to hemorrhage money, to the extent that it was jeopardising the Dame Street restaurant.

It was apparent that, for the company's survival, the cash-flow drain of the Mullingar outlet needed to be stopped by jettisoning it. However, the trading position of the company deteriorated dramatically when it was revealed that unpaid VAT, PAYE and PRSI were supporting its trade. Radical measures were required to avoid the Revenue taking enforcement action, which would spell the end of the company.

The company successfully petitioned for the appointment of an examiner, whose objectives were to:

- Dispose of the Mullingar restaurant – at first it appeared that there was a potential purchaser in a position to take over the lease, but this came to nothing and the lease was surrendered, and
- Attract investment to provide for a scheme of arrangement for the creditors of the company.

Investment was attracted that would provide for the scheme of arrangement and discharge the examinership costs. The High Court approved the examiner's proposals for a scheme of arrangement and, as a result, Boccaccio still serves one of the finest *rombo con patate al forno* in Dublin.

Curb your enthusiasm

Ardmore Technologies Limited is a telecommunications company that provides design, installation and maintenance services to local government, industrial, state and semi-state sectors. It has significant maintenance contracts and is also charged with installing local area networks (LANs) for a number of county councils. The company also launched a broadband internet service in 2005 and had 350 customers.

In late 2007, the company had unforeseen technical issues regarding three LAN installations. The difficulties caused delays with payment, which stalled the projects, leading to cash-flow problems. Arising from its difficulties, the company successfully petitioned to have an examiner appointed.

Given that the provision of (largely) domestic broadband services is non-core to the activities of the company, it was agreed to sell this business to another company that provides broadband services to adjoining areas and use the proceeds of the sale to provide for the scheme of arrangement with the creditors and also to discharge the costs of the examinership.

In such circumstances, it is clear that exploring the examinership option will ultimately be to the benefit of solicitors and their clients, and should be considered by advisors to distressed companies at an early stage of deliberations. **G**

Barry Lyons is a partner in Lyons Kenny Solicitors and has acted for the examiner in most of the examinerships in the state in the past five years, and also for creditors, investors and companies seeking court protection.

LOOK IT UP

Legislation:

- *Companies (Amendment) Act 1990*
- *Companies (Amendment) (No 2) Act 1999*

“Notwithstanding that the FAI sanctioned the club for going into examinership by docking it ten points ... in 2007 it was promoted again and finished fifth in the Eircom League”

In the second of a two-part series, Hilary Haydon demystifies the complexities of valuing, buying and selling a solicitor's practice

Last issue (December 2007, p32), we looked at the valuation of a practice, tax considerations and past and future profitability. In this article, we will examine assessing the practice fee income, continuation of practice, and the nature and timing of the payment and consideration, all of which are essential in determining the ultimate purchase price of a practice.

A review of the breakdown of the practice fee income over the previous three years is an essential exercise when assessing the valuation of a practice. Practices that have niche market areas of fee-income sources – for example, professional negligence medical claims or quality bank-referred assignments – can improve the overall assessment of the quality of work and practice. Similarly, industry specialisation – for example, being an advisor to the pharmacy sector – would indeed add considerable practice value to the overall goodwill assessment.

Quality street

The quality of staff is another essential ingredient in a valuable practice. A thorough commitment to client care should be evident in all staff, not just from front-line fee earners. The price that a willing purchaser would be prepared to pay for a practice should be significantly influenced upwards or downwards depending on his or her perception of the quality and commitment of staff. Clearly, a well-educated, computerised workforce that is willing to adapt to change and move with the current times would exude quality in terms of ability to succeed and would greatly assist in creating confidence with

clients and future business development.

The extent to which technology is used may be a useful indicator of the overall quality of a practice. In the past, a firm that failed to move from typewriter to word processor might not be long for this world! In today's market, one should assess the level of computerisation adopted by the practice, including accounting systems, time-management records and case-management software. The reports emanating from these systems will provide essential guides to the stability and future potential of the client base.

Another important factor that has a strong bearing on future profitability is the size and state of the wills cabinet. Although the timing and amount of future income from this source is uncertain, a well-referenced wills cabinet, giving details of the date of each will and the age of the testator, can be a very useful pointer to future income from this area, provided that the basic database is well maintained and up to date. This is particularly so where the solicitor has carried out a yearly review of the cabinet and uses his or her knowledge of the client to estimate the likely value of the estate in each case.

Smarties

A very important factor in arriving at the ultimate purchase price is the amount of assurance the buyer has that the clients will remain and will continue to prefer new work. Two factors are important here.

Firstly, the purchaser should include a 'pay if they stay' clause to protect him from a sudden haemorrhage of clients. This can be achieved by including a clause that values goodwill based on an

Sweetening THE POT



Sweetening the deal – quality staff, sweet technology and ‘sticky’ clients. Mmm, tasty!

average of past fees (say, over the last three years) and an average of future fees from the same clients (say, over two years following purchase). This may result in a higher price being paid for the goodwill – but then a purchaser should not mind paying for what they get, as long as they get what they are paying for!

Secondly, it is very desirable from the purchaser’s point of view that the vendor should appear (at least in the public eye) to retain a connection with the firm. This is obviously impossible where the purchaser is buying from the personal representatives of a deceased practitioner, but in most other situations, some type of ongoing contact should be sought. The stronger and more obvious this contact is, the greater the amount the purchaser should be willing to pay.

The inclusion of the retiring practitioner as a ‘consultant’ on the headed notepaper can assist with

this transition, with their attendance at some of the firm’s public relations activities, for example, golf outings or seminars. Similarly, a marketing letter from the retiring vendor to clients on a periodic basis can assist to create the illusion of stronger continuity in some circumstances.

Other factors affecting the continuation of the practice are the overall number of clients and the average fee per client. A practice with a small number of very large clients is much more vulnerable than a practice with a large number of small clients. Somewhere between these two extremes lies the optimum mix. However, it should be borne in mind that there are no hard and fast rules in this area, and there are exceptions to every rule.

In most acquisitions of a practice, the marketing of the transaction is often referred to as a ‘merger’ of the two firms. This is to be recommended, as many

MAIN POINTS

- **Assessing practice fee income**
- **Continuation of practice**
- **Nature and timing of payment and consideration**



clients do not like to be thought of as having been ‘bought’ by another firm. However, it is important in these instances to ensure that agreement allows for marketing in this manner – without the purchaser taking on any liability for any claims or liabilities that pertain to the vendor prior to the transaction contract closing.

Selection box

Purchasers and vendors may have very different viewpoints about the nature and timing of the payment and consideration. At its simplest, the vendor will generally want a once-off capital payment, whereas the purchaser will want to pay over an extended period. These different viewpoints may well be linked to differing taxation implications for the vendor and the purchaser.

Tax implications can have a major effect on the nature and timing of the payments. On the one hand, it may very well suit the vendor to pay capital gains tax on a capital receipt, but the purchaser will get no tax relief on the payment other than interest relief on money borrowed to fund the payment. On the other hand, it may be preferable from the purchaser’s point of view to make a stream of future payments to the vendor in respect of the latter’s continuing involvement with the practice.

This approach has obvious benefits for the purchaser, including that:

- The purchaser does not have to find a large capital sum,
- The vendor is tied to the practice for an agreed number of years,
- The purchaser will be making the payments out of the revenues generated by the practice, and
- The purchaser may be able to get tax relief on the payments, which may be charged as consultancy fees in the practice account.

To obtain these benefits, the purchaser may have to pay a considerably higher price. Conversely, the vendor should be willing to accept a considerably lower price where a once-off capital sum is involved and the vendor can walk away from the situation.

Between these two extremes there are a great many

compromise positions, and these will tend to get teased out in the negotiations between both parties. However, it is vital that professional tax advice is obtained to ensure that both parties understand the tax implications of the eventual decision.

Finger of fudge

As stated at the outset, there is no definitive, scientific and correct value that can be placed on a practice for sale. Everything depends on the precise circumstances of each case; the nature, age and style of the practice; and the particular requirements of the vendor and purchaser.

It is vital that the vendor does the necessary homework and knows exactly what is being offered for sale and is clear in his or her mind about the extent (if any) to which he or she is prepared to be associated with the practice under its new ownership.

The higher the quality of the client base, the stronger the future involvement of the vendor – and the longer the period of time over which payment can be expected, the greater the price that can be achieved.

A very much lower price will be attainable where the quality of the client base is poor, where the vendor will have no future contact (because of death, emigration, and so on), and where immediate payment is required.

Finally, it must be reiterated that it is essential for purchasers and vendors to secure adequate professional advice on all aspects of the proposed acquisition or sale of a practice.

In today’s legal world, it is very much a buyer’s market, whereby potential vendors are trying to persuade would-be buyers into the market. Therefore, vendors need to prepare their practice for a potential sale and, as such, many of the points raised here will greatly assist. Planning and preparation provide essential keys to both vendor and purchaser. Think like Keano: “Fail to prepare – prepare to fail.” **G**

Hilary Haydon is joint managing partner in Hilary Haydon & Company Chartered Accountants (Dublin and Cork). He specialises in providing accounting and business development advice to the legal profession.



CHILD SOLDIER APPEAL.

Last year, the Red Cross demobilised 1,000 child soldiers. Right now, 300,000 child soldiers are in need of rescue. The Red Cross is here to help innocent victims of war. Please support our work in many crisis zones world-wide – by making a donation today.

FOR CREDIT CARD AND STANDING ORDER DONATIONS CALL 1850 50 70 70 OR GO ONLINE WWW.REDCROSS.IE

**Irish Red Cross
Crois Dhearg na hÉireann** 



W INTO THE West

There's plenty of change in the legal profession in Galway – some of it reflecting the changes in the country as a whole and some of it led by a cabal of 'young guns' who think some things could be done better. Colin Murphy rides into the West

MAIN POINTS

- Barter payment
- *The Field*
- Free CPD
- Community service

A farmer came to Galway solicitor James Seymour last year looking for him to sort out a problem involving trespassing heifers. Seymour helped resolve the situation and, just before Christmas, called out to the farm to receive his fee. He left with a box of 30 steaks.

"I think I got paid one of the heifers," he says, "Sometimes you do have to barter."

It may be an untypical payment, but Seymour is an untypical county bar association president. He is in his early 30s, is a sole practitioner, and works from home in a suburb of Galway. He does house calls and has office hours from 6pm to 11pm on a Sunday evening to facilitate clients who can't make it during the week. He keeps his charges low, he says, and charges a flat rate for conveyancing.

If some of the ways the profession is responding

to increasing competition are through consolidation and franchise conveyancing, Seymour is a reminder that there may be another approach: keeping costs low and providing the flexibility demanded in today's market.

"Like any other business, you're selling your product to the customer, and you have to cater to their needs," he says.

He didn't plan it that way: he spent two years looking for a job in Galway before deciding to go out on his own. It seems to be working, though the Law Society isn't making things any easier for sole practitioners, he says.

"There's a perception among sole practitioners that their days are numbered, that they're being pushed into a corner. With the level of regulation increasing and the specialisation that the Law Society wants, there's a perception that the Law Society doesn't want to see sole practitioners continuing."

The Field

Over a Friday evening pint in the local legal haunt, O'Connell's on Eyre Square ("Many a case has been settled here," he says, "all the insurance companies are on the Square"), Seymour describes the peculiar intimacy of a practice that regularly takes him out to Connemara to visit clients, and even, on occasion, on the boat to Inis Mór.

Two brothers came to him for help in selling a site. They were Gaelgóirí, bachelors in their 70s, and lived together in a cottage in Connemara. But when an older family member left some land to them, one received an acre more than the other (not that any of the land was worth much then), and they fell out. They haven't spoken to each other since. They discussed the sale of their site with Seymour without speaking to each other.

When they had the basis for an agreement, one brother said to Seymour, "I'll sign. You'd better get the other fellow to sign too."

"John B Keane's *The Field* – there's a lot of that out there," he says. "The land is a strong force in people. Families can become very bitter over land and wills."

He contrasts the nature of working with people in Galway to his previous experience in a Dublin commercial firm. "In Dublin, it's more professional and clinical. People come in, they want a job done. Here, with elderly clients, they may not tell you what it is they want to talk to you about. You have to draw it out of them."

Despite his relatively young age, Seymour is not atypical on the Galway Bar Association committee. The average age of committee members is between 30 and 35, he says. A number of them studied together at Blackhall, some were even at NUI Galway together before that, and over half initially worked in Dublin before moving back to Galway. There's a strong bond there, and it seems to have

driven them to take up the mantle of the bar association together.

Kayanne Horgan, the public relations officer, says there was a "generational change" a couple of years ago. For many years, the association had done little more than organise an annual ball. In recent years, even that had lapsed. Last year, they reinaugurated the ball and established an annual event at the Galway Races. (This year's race event is on 28 July, and the ball is on 29 November – you've been given plenty of warning!)

"There's a big drive to get people to know each other," says Seymour. As across the country, the profession has seen huge growth in numbers in recent years. There are now 340 solicitors in 134 firms in Galway city and county (about half are members of the bar association).

"The big problem we have here is that you could be a well-established solicitor in Galway and you'd walk into the courthouse and you wouldn't know 10% of the people."

The committee aims to have 250 of the county's solicitors on their books by the end of the year. "We want to make it a *proper* organisation, to provide a forum for them."

Free CPD!

Social activities are one part of that, but there is a more practical incentive also. Starting in February and running throughout the year, the association is offering a complete course of continuing professional development (CPD) seminars to its members – for free.

Membership costs €50 and Seymour says the association can pay for ten hours of seminars spread throughout the year from members' subscriptions. Hotels are willing to give them conference facilities at very reasonable rates, and many of the lecturers are willing to provide their time for free, or for a nominal fee, on the basis that it's ultimately good for their business also.

On 8 February, Emer Meenaghan BL is presenting a seminar, 'Update on personal injuries and the PIAB', and, on 27 February, John Costello of Eugene F Collins is lecturing on 'Legal issues affecting elderly and vulnerable clients'. Later seminars are to be confirmed.

The idea of providing CPD for free didn't come from the young Turks of the committee, however: it was suggested at the AGM in December by a senior member, Billy Glynn. The committee was immediately persuaded.

The seminars are to be held at 4pm on Fridays, thus combining the pragmatic incentive of CPD hours with the social one of food and drink with colleagues afterwards.

"It's a stressful profession," says David Higgins, the association's secretary, "and it helps if you have a rapport outside of work with the people you're dealing with."

**"I think I
got paid
one of the
heifers.
Sometimes
you have
to barter"**



Apocalypse cow!



PICTURE: COLIN MURPHY

He points out that social events are particularly valuable to those solicitors who don't deal in litigation: "Litigators meet people in court. If you're doing conveyancing, you don't meet your colleagues."

'Browning' points

All three agree that the profession has got more challenging in recent times.

James Seymour summarises the challenges: "People are more demanding: they want lower fees, they're not afraid to question you, and there's a higher level of regulation."

David Higgins says: "A client will walk in the door and say: 'I want to see my solicitor right now.' But they'll ring ahead to see their dentist or doctor."

Kayanne Horgan, who works in a five-solicitor firm (large, by the county's standards) in the village of Headford, has had similar experiences, but puts a different spin on it.

"You have people coming in off the street with a query – it could be a consumer rights question. They might have bought a toaster and it broke – and you talk to them about it and maybe write them a letter, and you wouldn't charge for it. That's the way it should be. It's good for you in the community."

Tom O'Donnell remembers the days when "people put on their good suit to come in and see a solicitor". O'Donnell qualified 40 years ago and is the second in three generations of lawyers. His father, John C O'Donnell, set up the firm, and

Tom's son, Cairbre, is treasurer of the bar association.

O'Donnell tells a story of a client who came to him with a financial problem. There not being many banks in the West in those days, this man had chosen to hide his money in some rocks in an old fort. But when he went to withdraw it, the rats had got there first. There wasn't much legal recourse for that.

He recalls that, when he started in the 1960s, memorials had to be written out in longhand in Indian ink on special parchment paper, and briefs were prepared on special brief paper, which was much larger than normal paper, and required a special typewriter.

There were 25 to 30 solicitors in Galway then. It took three to six months to get a land registry folio or map. When the court sat in Galway, about one-third of proceedings were in Irish. In Connemara, 90% of court business was in Irish. The gardaí gave all their evidence in Irish, as they were paid extra to do so.

When he joins us, O'Donnell greets David Higgins as *Gaeilge*, and he says he does still talk to some colleagues and clients in Irish, but its use has diminished greatly.

"You're more likely to hear Polish or Latvian than Irish in court now," says Kayanne Horgan.

There's plenty of change in the legal profession in Galway – some of it reflecting the changes in the country as a whole and some of it being led by a cabal of young guns who think some things could be done better. But there's plenty of tradition there yet, and they seem to value that too. **G**

Galway's haul: James Seymour (GBA president), Kayanne Horgan (PRO), Tom O'Donnell (John C O'Donnell), David Higgins (treasurer)



PICT: LENS MEN

Past presidents and Council members of the Law Society gathered on 17 January to celebrate the Outgoing President's Dinner, held in honour of Philip Joyce. (Front, l to r): Frank O'Donnell, Judge Gerard Griffin, President James MacGuill, Philip Joyce, Moya Quinlan, Bruce St John Blake and Anthony Collins. (Back, l to r): Elma Lynch, Andy Smyth, Geraldine Clarke, Michael Irvine, Laurence K Shields, Patrick O'Connor, Owen Binchy and Michael V O'Mahony



PICT: LENS MEN

Attending a special dinner held at Blackhall Place in honour of Paul Callan SC were (back, l to r): Law Society Director General Ken Murphy, Donal Branigan, Turlough O'Donnell SC, senior vice-president John D Shaw, Donal P O'Hagan and Eamon Coffey BL. (Front, l to r): past president Moya Quinlan, Mr Justice Matthew Deery, Paul Callan SC, Law Society President James MacGuill, Mr Justice Donal Barrington and deputy director general Mary Keane



Celebrating the launch of *The Superior Courts of Law: Official Law Reporting in Ireland, 1866-2006*, by Dr Eamonn Hall, solicitor, were (back, l to r): Brian Murray SC (chairman of the Law Reporting Council of Ireland) and Ken Murphy (director general of the Law Society and ex-officio member of the council). (Front, l to r): Michael McDowell SC (former chairman of the council), Chief Justice John Murray (ex-officio member of the council) who spoke at the launch, Dr Eamonn Hall (author and former chairman of the council) and Maurice Collins SC (vice-chairman)



The former chief clerk of Cork Circuit Court, Sam Gill, presents past president of the Law Society Philip Joyce, with a copy of his CD, *Circuit Court Draft Order Precedents*

Southside solicitors convene at the yacht club

Solicitors from Dun Laoghaire, Blackrock, Dalkey, Monkstown and Stillorgan gathered for the annual Southside Solicitors' black-tie dinner in the Royal St George Yacht Club recently, writes Kevin O'Higgins. Pioneered masterfully by host-for-life Justin McKenna, this marked the 23rd year of the event, at which the guest speaker was one of our own, Judge Michael Peart, who was very well received.

It was a special night for the local firm of Thomas Montgomery & Co, which was

celebrating 100 years of legal practice serving the community of Dun Laoghaire and its environs. At least three generations of the family were present, including a very sprightly Mr Montgomery senior, all of 97 years. Special guests included Judges Gilligan, Quirke and Lavin, local Judge Claire Leonard, President of the Law Society James MacGuill, director general Ken Murphy, President of the Human Rights Commission Maurice Manning and DBSA President Michael Quinlan.



PHOTO: ROGER KENNY PHOTOGRAPHY

Thomas Montgomery & Co is celebrating 100 years of serving the community of Dun Laoghaire and its environs. Three generations of the family are represented here, including Mr Montgomery senior (97 years)



Solicitors and trainee solicitors from Partners at Law, Dun Laoghaire



The Blackrock contingent were well represented at the Southside Solicitors' function

'TRIBES' BALL

The Galway Bar Association (GBA) held its annual ball on 1 December 2007 in the Meyrick Hotel, Eyre Square, Galway. In all, 170 members attended. The night began with a cocktail reception, kindly sponsored by Irish Distillers. Following the meal, everyone strutted their stuff on the dance floor to the lively sounds of The Conquerors.

The ball was a fitting end



Guests at the GBA ball included (l to r): Judge Raymond Groarke, county registrar Marian Higgins-Chambers, Judge Geoffrey Browne, Judge Mary Fahy and Judge Gerard Keyes

to what has been a very productive year for outgoing GBA president Ailbhe Burke



PHOTOS: DEIRDRE LANGAN

The new committee of the Galway Bar Association (back, l to r): Cairbre O'Donnell, Louis Burke, James Seymour and Rob Meehan. (Front, l to r): Kayanne Horgan, Elizabeth Cazabon, Ailbhe Burke and Yvonne Francis

and her committee. The committee would like to convey its sincere appreciation

to its generous sponsors, Ulster Bank and Irish Distillers.

New VAT on Property Regime



Purcell McQuillan
TAX PARTNERS

A new VAT on Property regime will be introduced on 1 July 2008. Anyone owning or selling property and their legal advisors need to consider the impact of the new regime.

Purcell McQuillan Tax Partners can review property portfolios and advise on the implications of the new regime on existing and future property transactions. Purcell McQuillan Tax Partners is a leading independent taxation consultancy practice which was established in 2001.

Please contact Marian Lee if you would like to discuss the implications of the new regime.

Marian's contact details are as follows:

Telephone: 01 668 2700

Fax: 01 668 2750

Email: marian@pmqtax.com

Address: 17 Clyde Road, Dublin 4.



Purcell McQuillan Tax Partners also provides comprehensive VAT advisory services:

- VAT implications of particular transactions, including requirement to register for VAT, the applicable VAT rate(s) and the recoverability of VAT incurred
- Impact of legislative changes and evolving case law on transactions and businesses
- Review of client businesses to identify VAT opportunities and potential areas of exposure
- We have considerable experience in assisting businesses prior to and during VAT audits and in subsequent negotiations with the Revenue

Birds of a feather flock together at Mount Falcon ball!

The annual ball of the Mayo Solicitors' Bar Association took place in the magnificent surroundings of the recently refurbished Mount Falcon Country House Hotel, Ballina, on 8 December.

The association, now in its 102nd year, had a full house of legal diners, dancers and guests present, which is now regarded as one of the main annual social events for the legal profession in the West of Ireland.

The guest of honour was President of the High Court Mr Justice Richard Johnson, accompanied by his wife Nuala. President of the Law Society James MacGuill was also present. By tradition, no speeches

were made, save a few words of welcome from the president of the association, Pat O'Connor of Swinford. An enjoyable and memorable night, even if a little past the usual bedtime for some, was the unanimous verdict.



(Back, l to r): John Guerin (chairman, Belfast Solicitors' Association), Donal T Eakin (president, Law Society of Northern Ireland), Judge Geoffrey Browne, James MacGuill (president, Law Society of Ireland), Mrs Gillian O'Connor, and Michael Quinlan (president, DSBA). (Front, l to r): Mr Justice Richard Johnson, Judge Mary C Devins, Pat O'Connor (president, Mayo Solicitors' Bar Association) and Mrs Pat Eakin



(Back, l to r): Michael Quinlan (president, DSBA), Mr Justice Richard Johnson (president of the High Court), Pat O'Connor (president, MSBA), Paul O'Connor (dean, Faculty of Law, UCD), Dermot Hewson (vice-president, MSBA) and John O'Connor (past president, DSBA). (Front, l to r): Nollaig Browne, Paddy O'Connor, Nuala Johnson and Gillian O'Connor



President of the MSBA Pat O'Connor with his brothers John O'Connor (Law Society Council member) and Tony O'Connor SC



(Back, l to r): Marc Loftus, Caroline Barry, Tony O'Connor SC, Samantha Geraghty, Edel McCool, Judge Bernard Brennan and John O'Connor. (Front, l to r): Patsy Murphy, Minister of State Dr Jimmy Devins, Pat O'Connor (president, MSBA), and Judge John Garavan



At the launch of two new law degrees at NUI Maynooth were (l to r): Dr Robert Galavan (NUI Maynooth), Attorney General Paul Gallagher SC, Professor John Hughes (president, NUI Maynooth) and Dr Neil Maddox (NUI Maynooth)

PHOTO: MAXWELLS



Get swinging for Friends in Ireland

Kildare's business community and glamorous personalities turned out in force recently at the Newbridge Silver Restaurant to launch the Curragh Golf Classic, which takes place next May, in support of Friends in Ireland. The charity has built and established orphan-housing/feeding centres as well as day and health-care centres in South Africa. (L to r): Jacinta O'Brien, Marian Finucane and Geraldine Molloy of the Law Society

CALCUTTA RUN 2008

JOIN IN OUR 10 YEAR ANNIVERSARY

Saturday 17th May

Fun run/walk at Blackhall Place

Be one of the 1,500 solicitors, staff and friends to help reach our 10 year target of €2 million for **Goal's Orphanages in Calcutta** and the **Peter McVerry Trust's** projects for homeless boys in Dublin.



IT'S NEVER TOO EARLY

Here is the first four weeks' brisk walk/jog programme to enjoying the Calcutta Run (target 80 min)

WEEK 1, 11 FEBRUARY

1. Walk 30 min
2. Walk 30 min, jog 3-5 min
3. Walk 30 min, jog 3-5 min

WEEK 2, 18 FEBRUARY

1. Walk 20 min, jog 5-7 min, walk 10 min
2. Walk 20 min, jog 5-7 min, walk 15 min
3. Walk 25 min, jog 7 min, walk 10 min

WEEK 3, 25 FEBRUARY

1. Jog 5 min, walk 25 min, jog 5 min
2. Jog 5 min, walk 25 min, jog 7 min
3. Walk 20 min, jog 7-10 min, walk 10 min

WEEK 4, 3 MARCH

1. Walk 30 min, jog 7-10 min
2. Jog 7-10 min, walk 30 min, jog 5-7 min
3. Jog 7-10 min, walk 30 min, jog 5-7 min

Always make sure you are warmed up before you jog!

OUR TARGET IS €2 MILLION. YOUR TARGET IS €150. GET INVOLVED, GET HEALTHY, GET YOUR FAMILY AND FRIENDS INVOLVED.

For a sponsorship card, see our website www.calcuttarun.com or phone 01 672 4846



Since 1st January 2007
all new homes for which
planning permission has
been applied for and
granted must have a
Building Energy Rating
[BER] Certificate

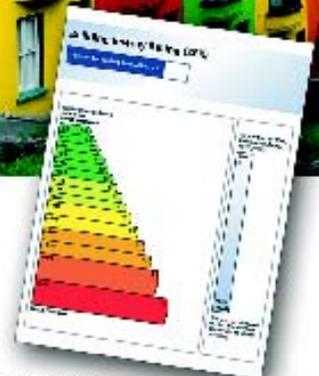
National Energy Assessors
Tel: 1890 793 793
Web: www.nea.ie
Email: info@nea.ie

Which colour is YOUR home?

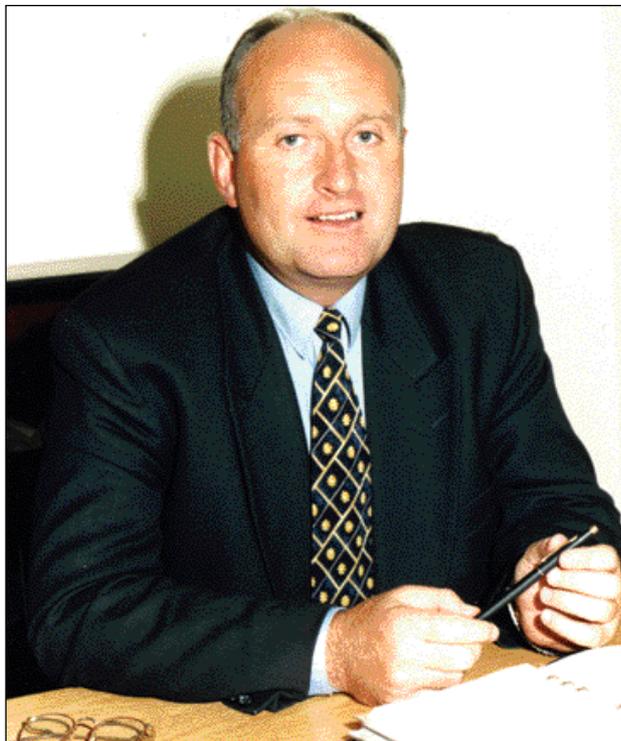


The BER Certificate tells you how energy efficient your home is. The BER is an energy label for buildings similar to that used on electrical appliances. Good ratings will help you reduce your home running costs. National Energy Assessor's services include the provision of BER Certificates, Action Plans on how to improve the energy efficiency and energy saving of your home or development, Grant Applications, Thermal Imaging and Air-Tightness Tests.

From January 2009 BER Assessors will be required to carry out a minimum of one air-tightness test on all new buildings.



Eugene Carey 1955-2007



The death of Eugene Carey on 5 December 2007 has deprived the Irish legal community of one of its best-known and most colourful characters. A native of Mallow, Co Cork, and a past pupil of St Colman's College, Fermoy, he was apprenticed to the firm of David J O'Meara & Sons, Mallow, and qualified as a solicitor in 1977. On qualifying, he worked with Wolfe Collins & O'Keeffe, Solicitors, in Skibbereen and Bantry. He returned to his native Mallow in 1982, where he joined the firm of Richard Moylan & Company. He set up his own practice in 1995 and specialised in litigation, especially road traffic cases. His drive and ingenuity frequently won him 'hopeless' road traffic cases in the District Court. He loved the cut and thrust of District Court practice and such practice encompassed most of the 26 counties.

He had a deep love of sport, in particular golf, the GAA and his beloved Manchester City. He held the position of runaí of Mallow GAA Club at the time of his death. He was a keen

sportsman and played hurling and rugby, with some success in his younger days.

He was a man of boundless energy, charm and determination. He was a wonderful raconteur and storyteller, and many of his colleagues will remember with fondness his fund of exaggerated legal tales.

He will be deeply missed by the many clients he loyally served over many years and by his loyal staff.

Eugene was diagnosed with cancer in January 2007. He did not let this interfere with his work or enjoyment of life. He continued to work in his practice until his passing on 5 December 2007. He bore his illness bravely and with great humour.

Eugene will be sadly missed by his wife Betty, and by his children, Emer, Brian and Myles, his mother Maureen, his siblings Maura and Milo, and by his legion of friends. **G**

NC



Health Support and Advice for Lawyers

Stress • Depression
Alcohol • Drugs

LAWYERS HELPING LAWYERS

Free confidential help and support when it's a real need.

Keep our number handy. You never know when you'll need us.

Freephone 1800 991801 • www.lawcare.ie

Could You Help?

LawCare needs more volunteers. People who could care for a lawyer in need based on their own experience.

If this is you please call 00 44 1268 771333

www.lawcare.ie/volunteers





Legal Aid Board Training in Collaborative Law/Practice

The Legal Aid Board is delighted to announce that Pauline Tesler is once again coming to Ireland to carry out training in Collaborative Practice for lawyers engaged in family law. Already there are about 250 lawyers in Ireland who have received this training and who are resolving cases collaboratively. Pauline will give a two day basic training course aimed at those who have not received training in the process before. Details of the course are as follows:

TWO DAY BASIC TRAINING COURSE:

Dates: 28 and 29 April 2008 Venue: Radisson SAS Royal Hotel, Golden Lane, Dublin 8

Time: 9.15am to 5.15pm Course fee: €300

The fee for the course is significantly discounted from the actual cost and will include lunch and light refreshments. The discount is part of the Legal Aid Board's commitment to the collaborative process as a means of resolving family disputes. An application form is available on the Board's website (www.legalaidboard.ie) or by contacting Killian McCarthy at 01 6441905 or kjmccarthy@legalaidboard.ie. Completed applications should be forwarded to Killian at Training Unit, Legal Aid Board, 47 Upper Mount Street, Dublin 2, DX 139, with a cheque payable to "Legal Aid Board". Numbers are likely to be limited and places on the course will be allocated on a first come, first served basis.

For those of you wondering what Collaborative Practice is about - it is a dispute resolution model that involves a commitment on the part of clients and solicitors to: (i) negotiate a settlement that is fair, (ii) round table meetings involving both the solicitors and the clients, and (iii) a commitment on the part of the solicitors that they will not go to Court on behalf of their clients (other than to rubber stamp a settlement). An information leaflet on the process is available on the Board's website.

RECRUITMENT

PENSIONS - DUBLIN

The successful candidate will be advising on a broad range of public sector and international and domestic companies on pension schemes and employee share plans. Applicants should have preferably gained experience in a large or medium size practice. **€70-80K**

BANKING - DUBLIN

Leading commercial law firms and financial institutions are currently looking for banking solicitors of various experiences and skills. Previous experience working in-house in a bank or in a reputable private practice needed. **€Neg**

PROBATE - DUBLIN

A well known commercial law firm is now looking to recruit a solicitor with good experience and a genuine interest in Probate. Successful person will ideally have completed the STEP Diploma or Diploma in Estates and Trusts. **€75K+**

COMMERCIAL CONVEYANCING - DUBLIN

Senior Commercial Conveyancing solicitor with relevant years experience in commercial conveyancing needed. The successful candidate will have experience in large deal commercial transactions advising investors, developers and financial institutions. **€80K+**

FULL-TIME/PART-TIME PSL - DUBLIN

Our client is one of Ireland's leading law firms and they currently have openings for Professional Support Lawyer. The role will ideally suit a qualified solicitor with experience in banking/corporate/commercial conveyancing who is interested in moving into a challenging legal position with a better work/life balance. **€Neg**

CORPORATE - DUBLIN

Top 10 law firm requires a corporate lawyer. This job has a varied workload of M&A, VC, securities and private equity. Good skills in drafting and negotiating commercial documents required. This firm offers great opportunities for career development. **€70-100K**

IP - DUBLIN

Niche commercial practice outside the Top 5 is looking for an IT/Intellectual Property specialist to work closely with its corporate team in developing further its IT/IP function. It works with biotech, software and manufacturing companies. **€60K+**

TAX - DUBLIN

Top 5 law firm seek an AIT qualified solicitor with practical experience in corporate taxation aspects of inward investment projects, M&A and real estate investments. **€Neg**

LITIGATOR - DUBLIN

The successful candidate will join a leading UK Law Firm in its recently opened Dublin office. The successful candidate will need to be able to work under minimal supervision in a small team. H/she will be working for numerous major insurance companies. **€65K+**

IN-HOUSE - TELECOMS - DUBLIN

Leading international telecoms company urgently requires a commercial lawyer to join its in-house legal team based in its Dublin HQ. Providing legal advice across all commercial divisions of the company including IT, Regulatory and Contract Negotiation. **€80-100K**

IN-HOUSE - FUNDS - DUBLIN

Securities division of international bank is looking to recruit an investment funds lawyer who has experience of advising on legal aspects of corporate, project and funds matters. **€70-80K**

IN-HOUSE - PHARMACEUTICAL - DUBLIN

International pharmaceutical company requires a commercial lawyer with experience in commercial contract negotiation and a good understanding of patent/intellectual property. **€80-100K**



**Contact: John Cronin, LL.B, Solicitor, PRC Recruitment
on 01-6139510 or johncronin@prc.ie**

student spotlight



Viewing the architecture of Northern politics

History is made more than it is told, and what is chosen to be told is chosen by the victors, writes *Fergal Mawe*. But as the Law Society motto says, *veritas vincet* (truth conquers). So, will the actions of the Blackhall students who travelled to Belfast on 11 January 2008 be remembered in the future?

A group of over 70 students from Cork and Dublin ventured to Belfast for what was expected to be an entertaining weekend away. It turned into a cross-border peace-building tour involving Cork and Dublin law students, members of the PSNI, UUP, SDLP and an ex-IRA prisoner group.

Gaelic football proved to be the dough in this peace dividend's cake. A high-spirited game against the PSNI ended in a draw, in the spirit of diplomacy. Present at the match and dinner afterwards were John McAllister and Basil McCrea, MLAs for the Ulster Unionist Party.

Stormont tour

Saturday saw a tour of the historic Stormont complex, after which we met SDLP MLA Alban McGuinness. Alban read



Shaking hands before the match



One of Belfast's famous murals, on the Falls Road

for the Northern Ireland Bar at Queen's University. He was subsequently called to the Northern Bar in 1976 and the Bar of Ireland in 1984. During his uplifting talk, he commented on how the progress towards peace was like Rome – neither being built in a day – and he called for those

who had campaigned for it for over 30 years never to be forgotten.

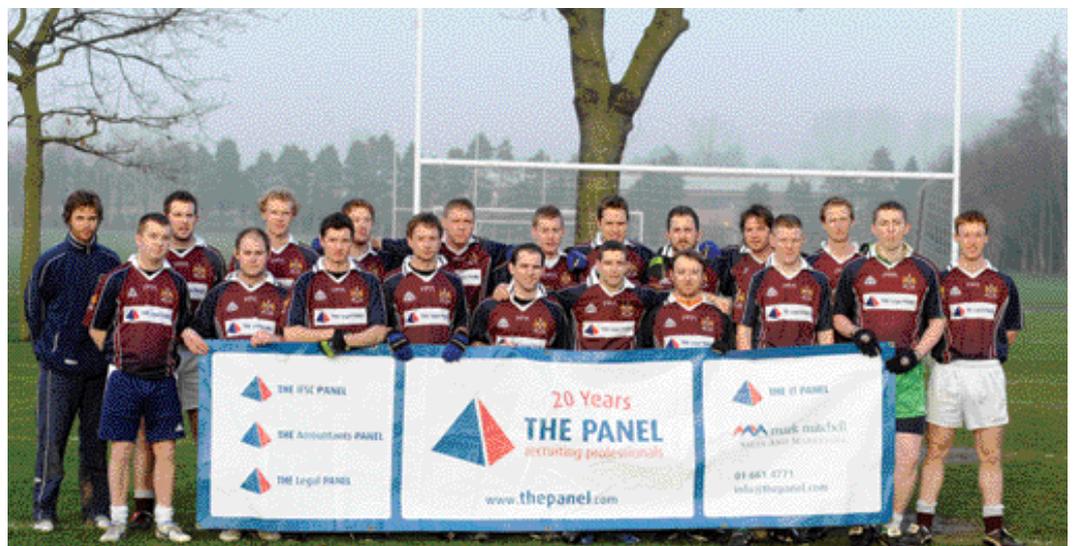
After Stormont, we headed for the Falls Road, where we met with an ex-IRA prisoner group. We were given a historical walking tour of the area – being told from the outset that it would be an

unapologetic view of the conflict from the Republican perspective. Concluding the tour at the Bobby Sands memorial, we ventured into Belfast's city centre.

No mere masons?

This trip showed students a reality that exists on our doorstep. In post-Celtic Tiger Ireland, it can be easy to forget what happened prior to the *Good Friday Agreement*. It's also easy to overlook how people continue to cope with the ever-present divisions and tensions. Sir Walter Scott once said: "A lawyer without history or literature is a mechanic, a mere working mason; if he possesses some knowledge of these, he may venture to call himself an architect." In this light, we must all begin to discover the history and truth that are visible, if we will only stop to take a look.

Thanks to David Galvin and all who attended. **G**



A word from our sponsors...



Q

Where can you find the most comprehensive and authoritative range of Irish property law in a single resource?

A

LexisNexis® Butterworths Online

LexisNexis have created a menu specifically for lawyers dealing with property issues in the Republic of Ireland.

LexisNexis® Butterworths Online is the only online research tool to offer you Irish property legal titles such as *Mary Laffoy's Irish Conveyancing Precedents* and *Wylie's Irish Land Law* as well as ALL the legislation, precedents and commentary that you would need.

We continue to provide you with the most trusted and authoritative Irish information on the market, but in a format that will help you to:

- Cut down on filing and paperwork
- Become more efficient at research while improving your workflows
- Offer more accurate advice with reduced risk of error

For more information on how LexisNexis can help your organisation work faster, work smarter please contact +353 41 98 0 1692 or laren.spink@lexisnexis.ie

SOLUTIONS FOR KNOWLEDGE-DRIVEN PROFESSIONALS

Client Engagement Research & Analytics Practice & Productivity Risk & Compliance

 LexisNexis®

books



Principles of Irish Property law

Fiona de Londras. Clarus Press (2007), Griffith Campus, South Circular Road, Dublin 8. ISBN: 978-1-905536-09-2. Price: €95.

This book has much to commend it. Written to appeal to the student reader, it is sufficiently clear, comprehensive and well referenced to also benefit the practitioner. It is, furthermore, right up to date, featuring the first coverage in a full-length work of the *Residential Tenancies Act 2004*, the *Registration of Deeds and Title Act 2006* and the *Land and Conveyancing Law Reform Bill 2006*.

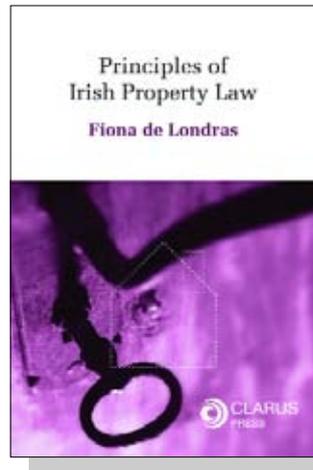
De Londras steers a careful path, in the context of the 2006 bill, between the law as it is and the law as it is likely to be. Inevitably, this obliges some curtailment of conventional coverage – notably the common law remainder rules and rules against remoteness, although the rule against perpetuities is well dealt with.

The author is obviously a capable teacher and often displays a welcome tendency to explain a technical proposition fully and then summarise its salient features. Her treatment of fee simple subject to a condition is a good instance of this. She also makes regular and effective use of examples, not least in the barring of the entail,

subsequent gifts, overreaching, indemnity covenants, legal severance of a joint tenancy, and hotchpot.

A further strength is the clear exposition of important recent case-law developments: *animus possidendi* in adverse possession, the duties of due diligence of a receiver over mortgaged property, and ongoing refinements in the licence/lease distinction controversy.

In some places, however, treatment is sketchy. Is it right to equate actual notice with actual knowledge? What about sections 12 and 13 of *Deasy's Act*? Worth more than a footnote, surely? A little more on intestacy would have been welcome. But there are compensations: a useful analysis of the problems emerging in recent case law about the rights of a judgment mortgagee regarding co-owned registered land; the use of section 7 of the *Family Home Protection Act 1976* to vitiate the right of a mortgagee to possession; her caveat about the enforcement of positive covenants by and against successors of registered land; and the underappreciated perils of section 121 of the



Succession Act 1965.

Like any writer, Fiona de Londras has her biases. These focus on the role of the family outside marriage and the land rights of those in same-sex relationships. A reader alien to these enthusiasms must make allowances. Even so, do we really need the exact same quotation twice, twinned with comparable commentary each time, from the European Court of Human Rights decision in *Karner v Austria*? Admittedly, de Londras in her introduction extols the virtue of treating human rights law as pervasive across traditionally 'stand-alone' topics. She

succeeds, but at some cost to her own cherished principle of 'proportionality'.

Certain stylistic glitches jar. Non-academic phrases like 'stymie', 'hassle-free', 'roll out' and 'tweaked' sit uncomfortably alongside more straitened scholarly usages such as 'reneger' (for the act of reneging), 'percentile' and 'the trespass paradigm' (oh, please!). There is also the consistent rendering of 'mortis' in *donatio mortis causa* as 'mortus' and several typos through which one ploughs with care. A footnote about detainees in Guantánamo Bay in an effective section on rights of residence seems to have strayed from another text altogether.

Matters perhaps to be considered for her second edition, which the author is well poised to write once the *Land and Conveyancing Law Reform Bill 2006* has been enacted. Meanwhile, land lawyers and those who aspire could usefully acquire this commendable first edition. **C**

Albert Power is author of Intangible Property Rights in Ireland.

THE LAW SOCIETY'S TRIBUNAL AND ARBITRATION CENTRE

- Five minutes walk from Four Courts
- Tribunal room with PA system and public gallery
- State-of-the-art recording system
- Five consultation rooms





Law Society Council meeting, 7 December 2007

Council members representing the Law Society of Northern Ireland

The Council approved the appointment of James Cooper, Joe Donnelly, Rory McShane and John Pinkerton as members of the Council for 2007/2008, representing the Law Society of Northern Ireland.

Appointment to the Judicial Appointments Advisory Board

The Council approved the appointment of the president, James MacGuill, as the Society's nominee on the Judicial Appointments Advisory Board for a three-year term beginning on 15 January 2008. The Council expressed its appreciation to the outgoing nominee, Laurence K Shields, who had served the Society and the profession in an exemplary manner in this capacity for many years.

Civil Law (Miscellaneous Provisions) Bill 2006

The director general reported that the government, at the initiative of the Minister for Justice, Equality and Law Reform, had decided to divide what was currently the *Civil Law (Miscellaneous Provisions) Bill 2006* into three separate bills. The first bill would deal with the Irish language and

would abolish the existing pre-qualification Irish examinations and replace them with a compulsory course on the PPCI and an optional course on the PPCII.

The second bill would involve the removal of part II of the *Civil Law (Miscellaneous Provisions) Bill* into a separate legal services bill, to be published in early 2008. The third bill, containing the remainder of the *Civil Law (Miscellaneous Provisions) Bill*, would proceed through committee stage during the following week.

Report on meeting with the Irish Banking Federation

John D Shaw briefed the Council on a meeting between the Society and the Irish Banking Federation. He said that it had been a very cordial and cooperative meeting. Among the proposals the Society had put to the IBF was that the lending institutions might establish a register of loans. The proposal was that, in cases where the lenders actually advanced funds on the security of a property, they should keep an electronic register indicating that a particular sum was advanced on the security of that particular property or address.

This would be similar to the

system the lenders already operated in relation to finance and leasing loans for motor cars. As this precedent already existed for such a register, the Society had asked the IBF if it could be adapted for residential mortgage lending.

The IBF representatives had agreed to consider the proposal and respond. The IBF, in turn, had proposed certain changes to the agreed terms of the standard solicitor's letter of undertaking. The Society was considering these and would respond to the IBF during the course of the following week.

Meeting of presidents, secretaries and PROs of bar associations

The president noted that the annual meeting of presidents, secretaries and PROs of the local bar associations would be held on 10 December. While it had been branded in the media as a 'crisis' meeting, this was not the case, and it would deal with the usual full range of topics, in addition to which each bar association had been invited to suggest topics for the agenda.

Practising cert fee 2008

Gerard Doherty reported that the Finance Committee had fixed the practising certificate

fee for 2008 at €2,036, which represented an increase of €40, or 2% on the fee payable in 2007.

Gazette

Stuart Gilhooly reported that the *Gazette* had been awarded second prize in the annual Periodical Publishers' Association of Ireland Awards, in the category of 'business-to-business specialist magazine'. This was the second year in a row that the *Gazette* had achieved this prestigious result. The Council congratulated editor Mark McDermott and the *Gazette* team for their excellent work during the course of the year.

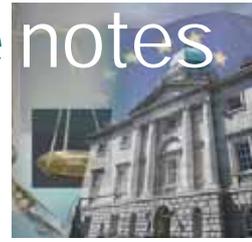
Task force on practice management

Philip Joyce reported that the task force had been established to examine the changing nature of practice and its effect on the recoverability of costs. One of the functions of the task force was to ensure that solicitors understood their cost base and obtained reasonable remuneration for the services they provided. The task force would seek to obtain comparable information from other jurisdictions and would also seek views from the profession through the e-zine. **G**

NORTH CORK SOLICITORS PRACTICE FOR SALE

THRIVING GENERAL PRACTICE

Contact David Rowe, Managing Director, Outsource,
phone 01-678 8490 or email dr@outsource-finance.com.



VALUE ADDED TAX – UNDEVELOPED PROPERTY CHARGEABLE TO VAT

Generally, practitioners treat a disposal of an interest in property as not chargeable to VAT if the property has not been developed after 31 October 1972. However, there is an exception to this rule, and VAT is chargeable where the disposal is related to development of the property.

Section 4(5) of the *VAT Act 1972*, as amended, states: "Where a person disposes of an interest in immovable goods to another person and in connection with that disposal a taxable person enters into an agreement with that other person or person connected with that other person to carry out a development in relation to those immovable goods, then:

- The person who disposes of the interest in the said immovable goods shall, in relation to that disposal, be deemed to be a taxable person,
- The disposal of the interest in the said immovable goods shall be deemed to be a sup-

ply of those goods made in the course or furtherance of business, and

- The disposal of the interest in the said immovable goods shall, notwithstanding subsection (1), be deemed to be a disposal of an interest in immovable goods to which this section applies."

Essentially, one can read this as saying that where landowner A disposes of undeveloped land to purchaser B and, in connection with that disposal, B enters an agreement with a taxable person, say a builder, to develop that land, then the disposal by A to B is chargeable to VAT, notwithstanding that A had not developed the land and that it may well be undeveloped at time of disposal.

By way of example, this captures site disposals by a landowner where the purchaser enters a contract with a builder to build a house on the site and the builder is on the site under licence from the landowner.

Revenue's *Notes for Guidance* states: "Subsection (5) provides that where a site is sold in connection with an agreement to develop that site then the sale of the site is taxable. The purpose of this provision is to prevent artificial separate VAT treatment of the sale of a site when it is in fact connected to a development of that site. The sale of an undeveloped site which is not directly linked to an agreement to develop the site is not covered by this section and is not taxable."

For VAT purposes, a subsale is treated as, firstly, a supply of the property from the vendor to the purchaser and, secondly, a supply of the property from the purchaser to the subpurchaser. Obviously, where the property in question is developed, and in the VAT net, the position is clear-cut. However, where the property is undeveloped, the subsale must be considered in the context of section 4(5). If it is the case that the purchaser develops the property in connection

with his acquisition from the vendor, then the first supply would fall within the provision. Similarly, if it is the case that the subpurchaser develops the property in connection with his acquisition from the purchaser, then the second supply would fall within the provision. However, what is not free from doubt is the scenario where the subpurchaser develops the property in connection with his acquisition of the property, and whether this could bring the first supply within the provision. While there is a case to be made that the first supply is not a VATable supply in this latter scenario, to avoid risk, the vendor may wish to seek confirmation from the Revenue that section 4(5) does not apply.

Where a practitioner is advising on the sale of undeveloped land, it would be prudent to ascertain the relevant surrounding transactions and, if necessary, confirm with the Revenue that section 4(5) does not apply.

Taxation Committee

REVENUE GUIDE TO THE *FINANCE (NO 2) ACT 2007* – NEW HOUSES OR APARTMENTS

Practitioners will be aware that the Revenue has published an online guide to the above act, which is available on the Revenue website, www.revenue.ie. It should be noted that the stamp duty exemption for all first-time purchasers of a new house/apartment occupied as the purchaser's only or principal place of residence is subject to compliance with certain conditions. These conditions are not immediately apparent on the first page of the online guide, and it is necessary to click on the links in order to establish what these conditions are.

Revenue has confirmed that there is a continuing requirement for a floor area compliance certificate in the case of new houses or apartments having a floor area of 125 square metres or less.

Practitioners should note that a floor area compliance certificate includes a requirement to meet certain building standards and will not issue automatically on proof of floor area only.

For larger houses or apartments, a certificate of floor area by a qualified architect, engineer or surveyor is also still required.

Conveyancing Committee

RPT CLEARANCE CERTIFICATES

Practitioners are reminded that residential property tax clearance certificates are no longer required in sales of residential property. Section 118 of the *Finance Act 2007* effectively abolished the clearance certificate scheme for sales completed on or after 1 February 2007. This applies both to contracts dated on or after 1 February 2007 or contracts dated prior to 1 February 2007 where the sale is to be completed on or after 1 February 2007. The committee is currently reviewing the standard *Requisitions on Title* and requisition 16.11 will be revised accordingly.

Conveyancing Committee



legislation update

17 November '07 – 16 January '08

Details of all bills, acts and statutory instruments since 1997 are on the library catalogue – www.lawsociety.ie (members' and students' areas) – with updated information on the current stage a bill has reached and the commencement date(s) of each act.

ACTS PASSED

Appropriation Act 2007

Number: 41/2007

Contents note: Appropriates to the proper supply services and purposes sums granted by the *Central Fund (Permanent Provisions) Act 1965*; makes provision in relation to deferred surrender to the central fund of certain undischarged appropriations by reference to the capital supply services and purposes, as provided for by section 91 of the *Finance Act 2004*, and makes provision in relation to financial resolutions passed by Dáil Éireann on 5/12/2007.

Date enacted: 21/12/2007

Commencement date: 21/12/2007

Copyright and Related Rights (Amendment) Act 2007

Number: 39/2007

Contents: Amends the *Copyright and Related Rights Act 2000* to provide that the Minister for the Environment, Heritage and Local Government may make regulations establishing a publicly funded public lending remuneration scheme to remunerate authors for the lending of their copyright works by public libraries in accordance with Directive 92/100/EC, and provides for related matters.

Date enacted: 4/12/2007

Commencement date: 4/12/2007

Health (Miscellaneous Provisions) Act 2007

Number: 42/2007

Contents note: Gives statutory effect to establishment orders made under section 3 of the *Health (Corporate Bodies) Act 1961* as if they were acts of the Oireachtas. The *Health (Corporate Bodies) Act 1961* provided that the Minister for Health and Children could establish bodies by order to perform functions in relation to the provision of a health service. There are currently 19 such bodies in existence (listed in the explanatory memo to the bill). Amends the establishment orders of eight of these bodies, as set out in schedule 1 of the act. Amends the *Medical Practitioners Act 2007* and the *Health Act 2004*.

Date enacted: 21/12/2007

Commencement date: 21/12/2007

Local Government (Roads Functions) Act 2007

Number: 38/2007

Contents note: Provides for the transfer of functions in relation to non-national roads and the national vehicle driver file (NVDF) from the Minister for the Environment, Heritage and Local Government to the Minister for Transport. Makes necessary amendments to the *Local Government Act 1998*, the *Roads Act 1920* and the *Transport (Railway Infrastructure) Act 2001*.

Date enacted: 26/11/2007

Commencement date: 1/1/2008 (per SI 793/2007)

Social Welfare Act 2007

Number: 40/2007

Contents note: Amends and extends the *Social Welfare Consolidation Act 2005*, as amended, to provide for increases in the rates of social insurance and social assistance payments and improvements in the family income supplement and widowed parent grant. Provides for an increase in the weekly earnings limit below which PRSI is not payable and an increase in the income ceiling above which PRSI contributions are not payable by employed or optional contributors. Amends the *Health Contributions Act 1979* to provide for an increase in the weekly and annual exemption thresholds for the health contribution levy.

Date enacted: 20/12/2007

Commencement date: Various – see act

SELECTED STATUTORY INSTRUMENTS

Building Regulations (Amendment) Regulations 2007

Number: SI 854/2007

Contents note: Amend the *Building Regulations 1997* (SI 497/1997) in relation to new dwellings by the substitution of a new part L (conservation of fuel and energy) in the second schedule to the 1997 regulations in order to set higher thermal performance standards with the aim of achieving at least a 40% reduction in energy use and related CO₂ emissions.

Commencement date: 1/7/2008, subject to transitional arrangements in certain circumstances; regulations L2(e) and L3 shall apply to the instal-

lation of oil and gas fired boilers after 31/3/2008 (per regulation 3 of the regulations)

Criminal Justice Act 2006 (Commencement) (No 4) Order 2007

Number: SI 848/2007

Contents note: Appoints 1/1/2008 as the commencement date for s38 of the act. Section 38 amends section 9 of the *Firearms Act 1925* in relation to the registration of a person in the register of firearms dealers.

Electricity Regulation (Amendment) (Single Electricity Market) Act 2007 (Commencement of Remaining Provisions) Order 2007

Number: SI 731/2007

Contents note: Appoints 1/11/2007 as the commencement date for ss4, 5, 11, 14, 15, 17, 18 and 19 of, and the schedule to, the act. Appoints 1/11/2007 as the commencement date for ss9 and 10 of the act, insofar as these sections are not already in operation.

European Communities (Misleading and Comparative Marketing Communications) Regulations 2007

Number: SI 774/2007

Contents note: Implement Directive 2006/114/EC on misleading and comparative advertising. Revoke the *European Communities (Misleading Advertising) Regulations 1988* (SI 134/1988).

Commencement date: 20/11/2007

European Communities (Undertakings for Collective Investment in Transferable

Securities (Amendment) Regulations 2007**Number:** SI 832/2007

Contents note: Amend the *European Communities (Undertakings for Collective Investment in Transferable Securities) Regulations 2003* (SI 211/2003), as amended by the *European Communities (Undertakings for Collective Investment in Transferable Securities) (Amendment) Regulations 2003* (SI 212/2003), to give effect to Directive 2007/16/EC implementing Directive 85/611 (UCITS Directive) as regards the clarification of certain definitions. These definitions relate to the eligible assets in which UCITS may invest.

Commencement date: 19/12/2007**Finance Act 2007 (Commencement of Section 104(1)) Order 2007****Number:** SI 783/2007

Contents note: Appoints 3/12/2007 as the commencement date for s104(1) of the act. Section 104(1) inserts a new s81C into the *Stamp Duties Consolidation Act 1999*. This allows a farmer to claim relief from stamp duty where the farmer sells farmland and purchases farmland in order to consolidate that farmer's holding and where both the sale and purchase of farmland occur within 18 months of each other. The relief applies to instruments executed on or after 1/7/2007 and on or before 30/6/2009.

Health Act 2007 (Commencement) (No 3) Order 2007**Number:** SI 735/2007

Contents note: Appoints 5/11/2007 as the commencement date for: (a) s105, insofar as it relates to the amendments referred to in part 5 of schedule 2, and (b) part 5 of schedule 2 to the act. These provisions amend the *Civil Registration Act 2004*, coinciding with the com-

mencement of part 6 (in relation to marriage) of that act on 5/11/2007 (per SI 736/2007).

Health (In-Patient Charges) (Amendment) Regulations 2007**Number:** SI 824/2007

Contents note: Amend the *Health (In-Patient Charges) Regulations 1987 and 2005* by raising the daily charge for in-patient services from €60 to €65 and the maximum amount payable in any period of 12 consecutive months from €600 to €660. Exemptions, including medical card holders and hardship provision, continue to apply.

Commencement date: 1/1/2008**Health (Out-Patient Charges) (Amendment) Regulations 2007****Number:** SI 825/2007

Contents note: Amend the *Health (Out-Patient Charges) Regulations 1994 and 2005* by raising from €60 to €66 the charge for attendance at accident and emergency or casualty departments, where a medical practitioner has not referred the person concerned. The charge shall not apply where such attendance results in hospital admission. Exemptions, including medical card holders and hardship provision, continue to apply.

Commencement date: 1/1/2008**Health Services Regulations 2007****Number:** SI 837/2007

Contents note: Provide for the refund of the amount by which expenditure on prescribed medicines or medical and surgical appliances exceeds €90 in any calendar month. Replace article 6 of the *Health Services Regulations 1972* (SI 88/1972) and revoke the *Health Services Regulations 2005* (SI

832/2004).

Commencement date: 1/1/2008**Markets in Financial Instruments and Miscellaneous Provisions Act 2007 (Commencement) (No 2) Order 2007****Number:** SI 782/2007

Contents note: Appoints 1/2/2008 as the commencement date for s19 of the act. Section 19 amends part V of the *Central Bank Act 1997* to provide for the authorisation and regulation of non-deposit-taking lenders by the Irish Financial Services Regulatory Authority.

Patents (Amendment) Act 2006 (Certain Provisions) (Commencement) Order 2007**Number:** SI 761/2007

Contents note: Appoints 13/12/2007 as the commencement date for the following sections (arising from the revision of the *European Patent Convention*) of the act: ss2(b), (c), (d) and (e); 3, 4, 5, 11, 13, 14, 17; 29(a), (b), (c)(i) and (d); 31(a), (b) and (d); 33, 35.

Pensions (Amendment) Act 2002 (Section 43) (Commencement) Order 2007**Number:** SI 843/2007

Contents note: Appoints 31/12/2007 as the commencement date for s43 of the act. Section 43 inserts new ss59D, 59E and 59F into the *Pensions Act 1990*.

Social Welfare and Pensions Act 2007 (Section 14) (Commencement) Order 2007**Number:** SI 749/2007

Contents note: Appoints 1/11/2007 as the commencement date for s14 of the act. This provision relates to the state pension qualified adult allowance.

Solicitors (Continuing Professional Development) Regulations 2007**Number:** SI 807/2007

Contents note: Make provision for the required number of hours of continuing professional development (CPD), in the specified time cycles, being undertaken by a solicitor as a prerequisite to being granted a practising certificate. Provide for the certifying of the hours of CPD undertaken to the Law Society and provide that a breach of the regulations may be found by the Solicitors Disciplinary Tribunal to be misconduct. Revoke the *Solicitors (Continuing Professional Development) Regulations 2003* (SI 37/2003), subject to exceptions in particular circumstances.

Commencement date: 1/1/2008**Waste Management (Packaging) Regulations 2007****Number:** SI 798/2007

Contents note: Implement Directive 94/62/EC on packaging and packaging waste, as amended by Directive 2004/12/EC. Replace the *Waste Management (Packaging) Regulations 2003* (SI 61/2003) as amended.

Commencement date: 15/12/2007 for articles 19 and 33 (1); 31/3/2008 for all other articles (per article 3 of the regulations)**Water Services Act 2007 (Commencement) Order 2007****Number:** SI 846/2007

Contents note: Appoints 31/12/2007 as the commencement date for certain provisions of the act, including the repeal of enactments set out in the schedule to the order – see SI for details. 

Prepared by the
Law Society Library

BRIEFING

Solicitors Disciplinary Tribunal

These reports of the outcome of Solicitors Disciplinary Tribunal inquiries are published by the Law Society of Ireland as provided for in section 23 (as amended by section 17 of the *Solicitors (Amendment) Act 2002*) of the *Solicitors (Amendment) Act 1994*

In the matter of Patrick J Gillespie, a solicitor carrying on practice under the style and title of P Gillespie and Company, Solicitors, of Bury Street, Ballina, Co Mayo, and in the matter of the *Solicitors Acts 1954-2002* [6919/DT79/06]

**Law Society of Ireland (applicant)
Patrick J Gillespie (respondent solicitor)**

On 18 October 2007, the Solicitors Disciplinary Tribunal found the respondent solicitor guilty of misconduct in his practice as a solicitor in that he:

- a) Failed to furnish the following documentation relating to the administration of the estate of a named person and requested by the Society:
 - i) The section 68 letter,
 - ii) A copy of the bill of costs,
 - iii) Copy statement of account,
 - iv) Copy receipt for payment of capital acquisitions for and on behalf of a named beneficiary;
- b) Failed to account for interest on monies held by him in the named estate, which monies were due for payment to the named beneficiary pursuant to the provisions of SI 372 of 2004 (*Solicitors (Interest on Clients' Monies) Regulations 2004*);
- c) Failed to respond to the Society's correspondence during the investigation of the complaint and, in particular, the Society's letters of 1 September 2005, 19 October 2005, 10 November 2005, 21

November 2005, 19 December 2005, 19 January 2006, 1 February 2006, 20 February 2006, 27 February 2006, 28 March 2006, 24 April 2006, 3 May 2006, 24 May 2006, 8 June 2006.

The tribunal ordered that the respondent solicitor:

- a) Do stand censured,
- b) Pay a sum of €2,000 to the compensation fund,
- c) Pay the whole of the costs of the Law Society of Ireland, including witnesses' expenses, as taxed by a taxing master of the High Court in default of agreement.

In the matter of Ciaran R Callan, a solicitor previously practising as Callan & Company Solicitors, River Bank House, Dodder Park Drive, Dublin 14, and in the matter of the *Solicitors Acts 1954-2002* [4316/DT16/07]
**Law Society of Ireland (applicant)
Ciaran R Callan (respondent solicitor)**

On 22 November 2007, the Solicitors Disciplinary Tribunal found the respondent solicitor guilty of misconduct in his practice as a solicitor in that he failed to ensure that there was furnished to the Society an accountant's report for the year ended 30 April 2006 within six months of that date, in breach of regulation 21(1) of the *Solicitors' Accounts Regulations 2001* (SI 421 of 2001), in a timely manner or at all.

The tribunal ordered that

the respondent solicitor:

- a) Do stand censured,
- b) Pay a sum of €2,500 to the compensation fund,
- c) Pay the whole of the costs of the Law Society of Ireland as taxed by a taxing master of the High Court, in default of agreement.

In the matter of John Fetherstonhaugh, a solicitor practising as Fetherstonhaugh Solicitors, Patrick Street, Mountmellick, Co Laois, and in the matter of the *Solicitors Acts 1954-2002* [3270/DT07/07]
**Law Society of Ireland (applicant)
John Fetherstonhaugh (respondent solicitor)**

On 22 November 2007, the Solicitors Disciplinary Tribunal found the respondent solicitor guilty of misconduct in his practice as a solicitor in that he:

- a) Failed to ensure that there was furnished to the Society an accountant's report for the year ended 28 February 2006 within six months of that date, in breach of regulation 21(1) of the *Solicitors' Accounts Regulations 2001* (SI 421 of 2001), in a timely manner or at all,
- b) Through his conduct, showed disregard for his statutory obligations to comply with the *Solicitors' Accounts Regulations* and showed disregard for the Society's statutory obligation to monitor compliance with the *Solicitors' Accounts Regulations* for the protection

of clients and the public.

The tribunal ordered that the respondent solicitor:

- a) Do stand censured,
- b) Pay a sum of €2,000 to the compensation fund,
- c) Pay the whole of the costs of the Law Society of Ireland as taxed by a taxing master of the High Court, in default of agreement.

In the matter of Patrick Moran, a solicitor of 2 Westland Square, Dublin 2, and in the matter of the *Solicitors Acts 1954-2002* [10159/DT97/06]
**Law Society of Ireland (applicant)
Patrick Moran (respondent solicitor)**

On 27 November 2007, the Solicitors Disciplinary Tribunal found the respondent solicitor guilty of misconduct in his practice as a solicitor in that he failed to ensure that there was furnished to the Society an accountant's report for the year ended 31 December 2005 within six months of that date, in breach of regulation 21(1) of the *Solicitors' Accounts Regulations 2001* (SI 421 of 2001).

The tribunal ordered that the respondent solicitor:

- a) Do stand advised and admonished,
- a) Pay a sum of €1,500 to the compensation fund,
- a) Pay the whole of the costs of the Law Society of Ireland as taxed by a taxing master of the High Court, in default of agreement. **G**



**SOLICITORS'
HELPLINE**

01 284 8484

THE SERVICE IS COMPLETELY CONFIDENTIAL AND
TOTALLY INDEPENDENT OF THE LAW SOCIETY



News from Ireland's online legal awareness service
Compiled by Bart Daly for FirstLaw

CRIMINAL LAW

Judicial review

Whether the degree of prejudice was established – whether there was prosecutorial delay – absence of essential witness – whether there were other potential witnesses, evidence and records – whether there was sufficient proximity and gravity to discharge the onus of proof – whether exceptional and unfair circumstances existed to put the applicant on trial.

The complaints in question were initiated on the basis of allegations made by the same complainant. The applicant faced a total of six charges of indecent assault and gross indecency against the applicant. The first four charges were alleged to have taken place at address A and the other two charges were expected to have taken place at address B. The complainant alleged that, as a young person, he was abused by the applicant on a number of occasions. Issues arose over a potential witness, who the applicant said lived with him at address A, but later died. The applicant claimed he would have been an essential witness, given the particular prejudice that would have arisen from the description of the house that he shared with the deceased, including the applicant's habits as described by the complainant.

McMenamin J held that judicial review was to be granted by way of prohibition in relation to the charges at address A but not in relation to address B.

O'B(C) (applicant) v Director of Public Prosecutions (respondent), High Court,

McMenamin J, 30/3/2007, 2005 1242 JR [FL14286]

Practice and procedure

Negligence on behalf of the defence – whether expert evidence could be adduced at a later stage – Courts of Justice Act 1924.

The appellant was charged with a single offence of rape. The complainant did not make a complaint for two years. The second trial convicted the appellant of the offence. Issues arose as to whether the appellant could form the view that certain medical evidence that was available at the time of the trial should have been put in issue by the defence at the time of trial.

It was held that it is not necessary to assert negligent conduct of the defence at the trial when the appellant was unsuccessful at trial. It is not open to an appellant to hold back on a point of substance for tactical reasons and then seek to deploy the point in a later appeal. The court refused to admit the expert evidence that was sought to be adduced by the applicant.

People (DPP) (respondent) v O'Regan (appellant), Supreme Court, 30/7/2007, 43/07 [FL14299]

EMPLOYMENT LAW

Judicial review

Fair procedures – audi alteram partem – certiorari – Redundancy Payments Acts 1967-2003 – whether the applicant received a fair hearing from the respondent.

The applicant sought an order of certiorari by way of judicial review quashing two decisions

of the respondent regarding redundancy payment claims brought by two of the applicant's former employees, who were the notice parties to these proceedings. The applicant claimed that it did not receive a fair hearing from the respondent, as the respondent determined the issue of redundancy payments having regard to the provisions of the *Protection of Employees (Part-Time Work) Act 2001*, despite the fact that this act was not referred to by any of the parties in their written submissions. Both parties before the respondent centred their submissions on the interpretation of the *Redundancy Payments Acts 1967-2003*. The parties initially agreed that the case should proceed by way of written legal submissions only, but later requested an oral hearing, which was denied.

Charleton J quashed the decisions of the respondent, holding that the respondent fell into error in basing its decision on a remedy created by an act to which none of the parties had referred, and in respect of which the respondent may not ever have had jurisdiction to determine, and in failing to hear evidence on a point of determination as to objective justification (for treating part-time employees in a less favourable manner compared to full-time employees) on which the parties would have been entitled to call evidence. Consequently, the decisions of the respondent regarding the payment of redundancy payments to the notice parties ought to be quashed.

Galway-Mayo Institute of Technology (applicant) v

Employment Appeals Tribunal (respondent), High Court, Charleton J, 20/6/2007, 2005 601 JR, 602 JR [FL14291]

PRACTICE AND PROCEDURE

Delay

Enlargement of time for delivery of statement of claim – Residential Institutions Redress Board – no step taken to progress plenary summons as difficulty with service – inordinate and inexcusable delay – state of mind of the plaintiff.

The plaintiff was seeking to extend time for enlargement of the delivery of the statement of claim. This was already refused by the Master of the High Court. The proceedings concerned damages for personal injury, physical abuse, sexual abuse, false imprisonment, inconvenience and expense suffered by the plaintiff as a result of the actions of the seventh defendant, who was a Catholic priest. The plaintiff was resident at BA during the years 1971-1977. The plaintiff pursued a claim under the Residential Institutions Redress Board and received an award for the period 1971 to 1977, but the content of the statement of claim related to the time after 1977. The plaintiff's solicitor had difficulty in serving the proceedings on the seventh-named defendant. No evidence of effort to locate the seventh-named defendant was given, but the *Rules of the Superior Courts* provide for the making of an application for substituted service.

Mr Justice Peart enlarged the time for the delivery of the statement of claim, finding

that, even if the plaintiff had acted with reasonable dispatch on the conclusion of her claim through the Redress Board, the justice of the case would lie in favour of allowing an enlargement of time for delivery. Although the delay was inordinate, it was not inexcusable.

L(L) (plaintiff) v FXIS, BA, Minister for Education and Science, Minister for Justice, Equality and Law Reform, CDA, TF, LC, Ireland and the Attorney General (defendants), High Court, Peart J, 16/5/2007, 2001 9906P [FL14279]

Judicial review

Reaction of deceased's brother in courtroom before empanelment of the jury – familiarity attempts with a juror – whether a fair trial would ensue – discharge of a jury – questioning jury as to the events – intimidation of a juror.

There was inappropriate interaction with the jury at or in connection with the trial of the accused. Issues arose when, at the arraignment stage of the accused's trial, and on pleading not guilty to murder but guilty to manslaughter, shouting from the public gallery was heard. Before the swearing of the jury, a garda identified a man who was the brother of the victim, who said in the courtroom that he reacted on seeing his sister's husband, who strangled her. The judge asked the jury, after

empanelment, whether the incident would cause any difficulties. One of the jurors reported that the deceased's brother made himself familiar with him on two occasions. The judge drew attention to this matter and excluded the deceased's brother and his wife from the court building and from the streets surrounding the building during the course of the trial.

The court held that the cumulative effect of the incidents involved would have led to an unfair trial. The appeal was allowed and a retrial ordered.

Director of Public Prosecutions (applicant) v Mulder (respondent), Supreme Court, 20/7/2007 [FL14306]

Jurisdiction

Criminal Assets Bureau – Brussels Regulations – civil or criminal claim – public authority – corrupt enrichment – planning permission – private individual instituting proceedings – whether court had jurisdiction – whether article 1 of the Brussels Regulation applicable – Proceeds of Crime Act 1996.

The plaintiff sought an order pursuant to s16(B)(2) of the *Proceeds of Crime Act 1996* directing the defendant to pay monies that had allegedly been corruptly enriched. The defendant sought to set aside an order for service on the

grounds that the proceedings fell within the scope of the *Brussels Regulation*. The plaintiff alleged that the proceedings were not a civil or commercial matter within the meaning thereof.

Feeney J held that the court had jurisdiction to entertain the proceedings. The proceedings were not civil or commercial. The CAB was a public body bringing proceedings that a private individual could not bring. **Criminal Assets Bureau (plaintiff/respondent) v L (JWP) (defendant/ applicant), High Court, Feeney J, 24/5/2007, 2006 14 CAB** [FL14298]

PROPERTY LAW

Property adjustment order

Judgment mortgage against the interest of the first-named defendant – whether family law proceedings effected the interest of other parties – legal priority where proceedings commenced in respect of the land prior to the judgment mortgage – Family Law Act 1995.

The plaintiff had obtained judgment against the first-named defendant in the sum of €173,994.40 plus costs to the amount of €402.60. Judgment was registered in December 2005 against the interest of the first-named defendant. The first defendant was joint owner of the fee simple interest in the lands and premises in question.

The defendants were married but were now separated. Family law proceedings were instituted between the first and second-named defendants that ordered that the respondent transfer to the applicant his entire beneficial interest in the premises. It was intended by the parties that the order would not affect the interest of the plaintiff in the instant proceedings. Issues arose in relation to priority where legal proceedings had commenced in respect of the lands prior to the judgment mortgage and whether it was entitled to rank in priority. The property adjustment order was made in favour of the second-named respondent and was made by consent in circumstances where the plaintiff was not given an opportunity to make representations on whether an order could be made.

Dunne J held that the interests of the second-named defendant ranked in priority to that of the plaintiff. The order sought was refused.

Dovebid Netherlands BV (plaintiff) v William Phelan, trading as the Phelan Partnership, and Denise O'Byrne (defendants), High Court, Dunne J, 16/7/2007, 2006 380 SP [FL14280] **G**

This information is taken from FirstLaw's legal current awareness service, published every day on the internet at www.firstlaw.ie.

DATES FOR YOUR DIARY

The Law Society of Ireland Annual Conference 2008 will take place in Budapest, capital of Hungary. The conference package includes return flights from Dublin or Cork, four nights' accommodation at the five-star Hilton Hotel, welcome reception and gala dinner.

Package price for bookings:
€1,145 per person sharing.

For more information or to register, go to www.lawsociety.ie or phone Anna Keating at Ovation, tel: 01 280 2641

Budapest

26–30 March 2008



LAW SOCIETY OF IRELAND ANNUAL CONFERENCE 2008



News from the EU and International Affairs Committee
 Edited by TP Kennedy, Director of Education, Law Society of Ireland

The Treaty of Lisbon

At the December European Council summit in Lisbon, EU leaders signed the new *Reform Treaty*, also known as the *Treaty of Lisbon*. The new treaty (together with a number of protocols and declarations) will amend the existing EU and EC treaties rather than replace them, and adopts some of the changes envisaged by the now defunct constitutional treaty.

It is seen as necessary to amend the current treaty structure in order to enable EU institutions to function effectively, as the EU has greatly expanded in recent years, both in terms of the number of its member states and the policy areas within its remit.

This article provides a brief explanation of the most significant changes envisaged by the *Reform Treaty* and the background to these changes.

Reframing the EU

Currently, there are two separate entities governed by the *EC Treaty* (the *Treaty of Rome*) and the *Treaty on European Union* (the *EU Treaty*). Broadly, the *EC Treaty* sets out the rules of the European Community, which is a supranational organisation in which member states have pooled sovereignty in relation to certain issues. The *EU Treaty* sets out the rules governing policy areas, such as the common foreign and security policy and police and judicial cooperation in criminal matters, in relation to which EU member states cooperate but have not pooled sovereignty.

The distinction between the European Union and the European Community is to be dropped, and the *Treaty of Lisbon* envisages that the EC will merge with the EU so that in future a single entity, the European Union, will exist. In addition to amending the existing treaties, the new treaty provides that the *EC Treaty* will be renamed the *Treaty on the Functioning of the European Union*.

The European Union will have legal personality that will allow it to conclude international agreements and join international organisations, where its member states unanimously agree. The *Lisbon Treaty* specifically foresees that the EU will sign the *European Convention on Human Rights*, which will allow the European Court of Human Rights to control the compliance of EU acts with the convention.

The treaty confirms that the European Union is not authorised to act beyond the competences conferred on it by member states and the policy areas over which the EU has competence are specifically identified in the *Lisbon Treaty*.

European Parliament

The role of the European Parliament is enhanced by the application of the 'co-decision' legislative procedure to 50 new areas, giving the parliament equal status to the council in these legislative procedures, where its role had previously been limited to a consultative one. Under co-decision, the

parliament and the council jointly adopt legislation, and this will now become the ordinary procedure for adopting legislation.

The treaty provides for a ceiling on the number of MEPs (751), with a lower limit of six and upper limit of 96 for any one member state. Ireland will have 12 MEPs.

European Council

The treaty formalises the European Council as an EU institution. The council (meetings of EU heads of state and government) gives political direction to the EU and is currently organised on an informal basis.

A new permanent post of President of the European Council has also been created (currently, the role rotates between member states every six months.) The president will be elected by the member states for a term of two-and-a-half years (renewable once). The functions of the president will include chairing meetings of the council and representing the EU abroad on certain matters.

Nevertheless, the position comes with no executive powers and the current system of rotating national presidencies will continue in an amended form for the Council of the EU (sometimes also called the Council of Ministers), which will remain a separate institution.

European Commission

The number of commissioners will be reduced. From 2014, two thirds of member states may nominate a commissioner at any

one time, and this right will be rotated among member states. The President of the European Commission will be 'elected' by a majority of MEPs following a nomination by the European Council. (The European Parliament's role is currently limited to approving the nominee of the European Council.)

Voting in the council

Qualified majority voting (QMV) in the council will be extended to an additional 44 areas – removing the requirement of unanimity and the possibility of national vetoes in these areas (which mostly concern the freedom, security and justice issues discussed below). A new QMV system will come into operation in 2014 that will require a double majority of (a) 55% of member states (15 of the current 27) and (b) member states representing 65% of the EU's population in order to adopt a provision. This is lower than the current majority level of approximately 74%. In practice, member states rarely hold votes on EU legislation, preferring instead to proceed by means of compromise and consensus.

National parliaments and citizens

The treaty provides national parliaments a role in overseeing the work of the EU, which includes a right to raise concerns about proposals to the commission. In order to improve transparency, meetings of the Council of Ministers will be open to the public.



Watch those salutes there, lads: it might be misconstrued...

A citizens' initiative procedure provides that a million citizens from different member states may petition the commission to bring forward a new legislative proposal.

Ratchet clause

The treaty provides for a simplified revision procedure for treaty provisions relating to internal policies and action of the EU. This will enable some changes to the treaties to be made in future by member states acting unanimously and with the approval of all national parliaments. However, the competences of the EU cannot be increased by this procedure and substantive changes to the treaties will require the convention of an IGC and the usual ratification process, which in Ireland's case includes a referendum.

Enhanced cooperation

Where at least nine member states would like to take collective action inside the union framework, they will be able to use enhanced cooperation pro-

cedures. However, this will not bind non-participating member states.

Freedom, security and justice

Under the *Treaty of Lisbon*, this policy area will change from being a matter for intergovernmental cooperation to being a matter within the supranational competence of the EU. In future, the ordinary EU legislative procedure will apply and legislative acts and actions will be subject to the scrutiny of the European Court of Justice (ECJ).

The issues covered by this policy area include judicial cooperation in criminal matters, the mutual recognition of judgments, the definition of criminal offences and sanctions, police cooperation, border checks, and a common immigration policy and asylum system. The treaty states that this shall not affect member states' responsibilities with regard to the maintenance of law and order and the safeguarding of internal security.

The treaty also provides that

a member state may request that the ordinary legislative procedure is suspended if it considers that a draft directive would affect fundamental aspects of its criminal justice system.

Ireland has chosen to opt out of the legislative procedures in this area, but it may opt in on a case-by-case basis. Ireland will append a declaration to the treaty stating its intention to opt in whenever possible. Ireland will review its opt-out three years after the treaty comes into force.

The treaty also foresees the establishment of a European public prosecutor's office to combat fraud against the EU.

External policy

The new post of High Representative of the Union for Foreign Affairs and Security Policy will be created. The high representative will be appointed by the European Council and will be a European commissioner and a vice-president of the commission. He or she will also chair

the Council of Ministers of Foreign Affairs. The new position is a development on the role currently undertaken by Javier Solana, who represents the Council of the EU but is not in charge of the European Commission's external policy portfolios.

The post is designed to increase the coherence between the different strands of EU policies that have an external element and hence the combined impact of these policies. The new treaty also contains a new chapter on external action by the EU and requires member states to take decisions unanimously under this chapter.

The treaty also provides for a European External Action Service to support the full range of the external policies of the EU and its member states – as well as the external dimension of internal policies – in a more effective and coherent way. The European External Action Service will assist the high representative and will work in cooperation

with the diplomatic services of the member states.

These new arrangements for external relations will respect the specific decision-making procedures in the area of common foreign and security policy (see 'defence', below).

The *Lisbon Treaty* includes a new article on humanitarian aid operations and foresees the creation of a European Voluntary Humanitarian Aid Corps.

Defence

The European security and defence policy will be brought more clearly into the EU framework, but will remain subject to special decision-making arrangements based on intergovernmental cooperation and falls outside the remit of EU legislative acts. The European Commission, European Parliament and ECJ have very limited roles in relation to this policy area. In addition, the use of article 308 of the current *EC Treaty* (the 'catch-all' article) is excluded.

The new treaty states that national security remains the sole responsibility of each member state. The opening article on the common security and defence policy will be amended to state: "The common security and defence policy shall include the progressive framing of a common union defence policy. This will lead to a common defence, when the European Council, acting unanimously, so decides." The corresponding article in the current *EU Treaty* ends with

"which might lead to a common defence, should the European Council so decide". At present, article 29.4.9 of the *Irish Constitution* prohibits participation in a common defence.

This section of the *Treaty of Lisbon* contains other innovations. For example, the European Defence Agency (EDA) is given a treaty basis. The EDA was established by the member states in 2004, and Ireland participates in this. The purpose of the EDA is to assist member states in relation to defence matters, for example, promoting the harmonisation of operational needs and effective procurement methods, and

the coordination of programmes and research.

Environment

The new treaty amends the current *EC Treaty* article on environmental policy to include the need to combat climate change and affirm sustainable development as objectives of this policy.

Energy

The treaty includes energy as a specific policy area, the objectives of which include ensuring the functioning of the EU energy market, the security of energy supply, the promotion of energy efficiency and saving, the development of renewable

forms of energy, and the promotion of interconnection of energy networks. A protocol to the treaty makes some minor amendments to the 1957 *Treaty Establishing the European Atomic Energy Community* (the *Euratom Treaty*).

Solidarity and civil protection

A new solidarity clause provides that the EU and its member states shall act jointly in a spirit of solidarity if a member state is the object of a terrorist attack or the victim of a natural or man-made disaster. (Decisions on action involving defence implications must be taken by the council acting unanimously.)

The new treaty also includes an article on civil protection, which aims to encourage cooperation to improve the effectiveness of systems for preventing and protecting against natural or man-made disasters.

Ratification?

The *Treaty of Lisbon* represents the next step in the European project. It needs to be ratified by all member states, and ratification by Ireland will require a referendum, which is due to be held during 2008. If it is ratified, it is envisaged that the treaty will enter into force on 1 January 2009.

A full text of the treaty documentation can be viewed at www.reformtreaty.ie. 

David Geary is head of EU, competition and regulatory law at Eugene F Collins, Solicitors, Dublin.

SOME OTHER CHANGES

- In addition to the changes outlined above, the *Treaty of Lisbon* introduces a small number of new EU policy areas, including tourism, space policy, administrative cooperation and sport.
- It accords the *EU Charter of Fundamental Rights* the same legal value as the treaties.
- A new article provides a treaty basis for the protection of intellectual property rights.
- A new article on respect for churches and religious associations or communities and non-confessional organisations provides for an open, transparent and regular dialogue with them.
- The treaty amends the existing article on public health to include a specific reference to mental health.
- It amends the provisions relating to services of general economic interest (that is, public services) to oblige member states to specify that the conditions under which these operate include economic and financial conditions.
- The treaty provides that member states remain in the EU by their own choosing and provides for a right of withdrawal.
- It further develops the right of member states to suspend a member state's rights for breach of the EU's rules and values.
- The treaty introduces new provisions with regard to enlargement so as to ensure that accession takes place only when a candidate country is fully ready to meet the demands of membership.



FOR BOOKINGS CONTACT MARY BISSETT OR PADDY CAULFIELD
TEL: 668 1806

Meet at the Four Courts

LAW SOCIETY ROOMS
at the Four Courts

BRIEFING

RECENT DEVELOPMENTS IN EUROPEAN LAW

JURISDICTION

In July 2007, a new regulation on choice of law in tort (Regulation EC no 864/2007) was introduced. The regulation will apply from 11 January 2009. This has become known as the *Rome II Regulation* to distinguish it from the *Rome I Regulation* on choice of law in contract.

It sets out a general rule that the law applicable to a non-contractual obligation arising out of a tort is the law of the state in which the damage occurs, irrespective of the state in which the event giving rise to the damage took place. For situations where the tort is manifestly more connected with another state, the regulation provides for specific rules to allow courts to treat individual cases in the most appropriate way. The parties are also

free to agree on the law applicable to their circumstances, if the choice is demonstrated with "reasonable certainty". Non-contractual obligations arising out of family relationships, matrimonial property issues and succession rights are excluded from the regulation.

From 1 July 2007, Denmark has opted in to the *Regulation on the Service of Judicial and Extrajudicial Documents in Civil and Commercial Matters* (Regulation 1348/2000).

Case C-368/05, *Color Drack GmbH v Lexx International Vertriebs GmbH*, 3 May 2007. Color Drack is an Austrian company and Lexx is a company established in Germany. They entered into a contract for the sale of goods under which Lexx

undertook to deliver goods to various retailers of Color Drack in Austria. A dispute arose over an alleged contractual obligation on the part of Lexx to take back unsold goods and to reimburse the price to Drack. Drack brought an action against Lexx in Austria. The Austrian court accepted jurisdiction on the basis of article 5(1) of regulation 44/2001 (the contract exception). Article 5(1)(b) provides that, if there is a dispute concerning the delivery of goods, the place of performance is where the goods were or should have been delivered. The Austrian appeal court referred a question to the ECJ. It asked whether article 5(1)(b) could be interpreted as meaning that a seller of goods domiciled in one member state who delivers goods to a purchaser domiciled in another member state, at var-

ious places within that other member state, can be used by the purchaser regarding a claim under the contract relating to all the deliveries – if need be, at the plaintiff's choice – before the court of one of those places of performance. The ECJ held that it could. The court held that this interpretation resulted in a forum that could be anticipated by the parties to the contract. The court having jurisdiction to hear all the actions based on the contract for the sale of goods is that in the area of the principal place of delivery, which must be determined on the basis of economic criteria. In the absence of determining facts for establishing the principal place of delivery, the plaintiff may sue the defendant in the court for the place of delivery of its choice. **G**

Publication of advertisements in this section is on a fee basis and does not represent an endorsement by the Law Society of Ireland.

ENGLISH LAW AGENCY SERVICES

Fearon & Co SOLICITORS Established 1835

Fearon & Co specialise in acting for non-residents in the fields of Probate, Property and Litigation. In particular:

- Obtaining Grants of Representation for Estates in England, Channel Islands, Isle of Man and elsewhere
- Administering English Estates
- Buying and selling homes and business premises
- Recovering compensation for accident victims
- Litigation including Debt Recovery and Matrimonial

Our offices are within easy reach of the London Airports and Central London Stations

VISIT OUR WEBSITE
www.fearonlaw.com

Westminster House, 6 Finsbury Road,
Guildford, Surrey GU1 1BA, United Kingdom
Tel: 00 44 (0)1483 540840 Fax: 00 44 (0)1483 540844
General Email: enquiries@fearonlaw.com

LITIGATION
Barbara Williams
00 44 (0)1483 540845
bar@fearonlaw.com

PROPERTY
John Phillips
00 44 (0)1483 540843
jp@fearonlaw.com

PROBATE
Francesca Firth
00 44 (0)1483 540842
fr@fearonlaw.com

Regulated by the Solicitors Regulation Authority of England and Wales



SPANISH LAWYERS

RAFAEL BERDAGUER ABOGADOS

TWENTY YEARS ADVISING CLIENTS
IN REAL ESTATE TRANSACTIONS IN SPAIN

PROFILE:

Spanish Lawyers Firm focused on serving the need of the foreign investors, whether in company or property transactions and all attendant legalities such as questions of inheritance, taxation, accounting and book-keeping, planning, land use and litigation in all Courts.

FIELD OF PRACTICES:

General Practice, Administrative Law, Civil and Commercial Law, Company Law, Banking and Foreign Investments in Spain, Arbitration, Taxation, Family Law, International Law, Litigation in all Courts.

Avda. Ricardo Soriano, 29,
Edificio Azahara Oficinas, 4 Planta, 29601 Marbella, Malaga, Spain

Tel: 00-34-952823085 Fax: 00-34-952824246
e-mail: rberdaguera@berdagueraabogados.com
Web site: www.berdagueraabogados.com

LOST LAND
CERTIFICATES

**Registration of Deeds and Title Acts
1964 and 2006**

An application has been received from the registered owners mentioned in the schedule hereto for an order dispensing with the land certificate issued in respect of the lands specified in the schedule, which original land certificate is stated to have been lost or inadvertently destroyed. The land certificate will be dispensed with unless notification is received in the registry within 28 days from the date of publication of this notice that the original certificate is in existence and in the custody of some person other than the registered owner. Any such notification should state the grounds on which the certificate is being held.

*Property Registration Authority,
Chancery Street, Dublin 7
(Published 1 February 2008)*

Section 49. Regd owner: Ambrose Quilty, Creggyconnell, Co Sligo; folio: 18527; lands: Creggyconnell; Co Sligo. In the matter of the *Registration of Title Act 1964* and in the matter of an application by Joseph Finnegan for registration as owner with an absolute title; application no: AP/DC/D2006WR0 11064B.

To whom it may concern (and in particular the next of kin of the above-mentioned Ambrose Quilty): take notice that Joseph Finnegan of Creggyconnell, Rosses Point, Co Sligo, has lodged an application under section 49 of the above act to be registered as full owner with an absolute title of the above-mentioned folio lands. The map may be inspected at the Property Registration Authority, Setanta Centre, Nassau Street, Dublin 2.

All persons objecting to such registration are hereby required to file their objections in writing, duly verified, within one calendar month from the date of publication of this notice. In the absence of objection or in the event of any objection not being sustained, registration will be effected.

Date: 1 February 2008

Regd owner: Patrick Byrne; folio: 2375F; lands: Ballynsboley and barony of Idrone East; Co Carlow; **Co Carlow**

Regd owner: Patrick O'Reilly, Cullighan Upper, Belturbet, Co Cavan; folio: 1177; lands: Drumgart; area: 9.2875 hectares; **Co Cavan**

Regd owner: Frank Hassett; folio: 14621; lands: townland of Moyriesk and barony of Bunratty Upper; **Co Clare**

LAW SOCIETY
Gazette
PROFESSIONAL NOTICE RATES

RATES IN THE PROFESSIONAL NOTICE SECTION ARE AS FOLLOWS:

- **Lost land certificates** – €138.50 (incl VAT at 21%)
- **Wills** – €138.50 (incl VAT at 21%)
- **Title deeds** – €138.50 per deed (incl VAT at 21%)
- **Employment/miscellaneous** – €138.50 (incl VAT at 21%)

These rates will apply from the Jan/Feb 2008 issue and subsequently

HIGHLIGHT YOUR NOTICE BY PUTTING A BOX AROUND IT – €33 EXTRA

ALL NOTICES MUST BE PAID FOR PRIOR TO PUBLICATION. CHEQUES SHOULD BE MADE PAYABLE TO LAW SOCIETY OF IRELAND. Deadline for *March Gazette*: 20 February 2008. For further information, contact Catherine Kearney or Valerie Farrell on tel: 01 672 4828 (fax: 01 672 4877)

Regd owner: Patrick J Howard; folio: 29355; lands: townland of Caherrush and barony of Ibrickan; area: 1 rood, 3 perches; **Co Clare**

Regd owner: Daniel Melody and Mary Melody; folio: 11171; lands: townland of Cratloemoyle and barony of Bunratty Lower; area: 20.934 hectares; **Co Clare**

Regd owner: James Brosnan (deceased); folio: 32049 and 32051; lands: plot of ground situate in the townland of Curraheen and barony of Duhallow in the county of Cork; **Co Cork**

Regd owner: Mary Buckley (deceased); folio: 50231; lands: plot of ground situate in the townland of Curraclogh and barony of Muskerry West in the county of Cork; **Co Cork**

Regd owner: Richard Griffin (deceased); folio: 3946L; lands: plot of ground situate to the south of Long Lane in the parish of St Anne's Shandon in the county borough and city of Cork; **Co Cork**

Regd owner: Michael Landers; folio: 1974L; lands: plot of ground situate in the townland of Youghal Lands and barony of Imokilly in the county of Cork; **Co Cork**

Regd owner: John Joseph McCarthy; folio: 45765/45770; lands: plot of ground situate in the townland of Ballinlough and barony of Carbery West (East Division) in the county of Cork; **Co Cork**

Regd owner: Michael Murphy; folio: 5664; lands: plot of ground situate in the townland of Ballincrossig and barony of Cork in the county of Cork; **Co Cork**

Regd owner: Denis Murphy and Hannah Mary Murphy; folio:

47603F; lands: plot of ground situate in the townland of Ballymichael and barony of Muskerry West in the county of Cork; **Co Cork**

Regd owner: Elizabeth Murphy (deceased); folio: 55108; lands: plot of ground situate in the townland of Slip and barony of Bantry in the county of Cork; **Co Cork**

Regd owner: Patrick F Murphy and Mary P Murphy; folio: 50230; lands: plot of ground situate in the townland of Maulnagrough and barony of Muskerry West in the county of Cork; **Co Cork**

Regd owner: Patrick O'Connor; folio: 4790; lands: plot of ground situate in the townland of Mullenroe and barony of Muskerry West in the county of Cork; **Co Cork**

Regd owner: Aiden O'Donovan and Elaine O'Donovan; folio: 70729F; lands: plot of ground known as no 1 College Park, situate to the north of Ashe Street in the townland of Scartagh and barony of Carbery East (East Division) in the county of Cork; **Co Cork**

Regd owner: Joseph O'Donovan (deceased); folio: 16512L; lands: plot of ground known as the ground floor plan of retail unit known as nos 6 and 7 The Quay's, situate in the parish and town of Passage West in the county of Cork; **Co Cork**

Regd owner: Michael O'Driscoll; folio: 40280; lands: plot of ground situate in the townland of Knockanamaurnagh and barony of Carbery West (East Division) in the county of Cork; **Co Cork**

Regd owner: Gerard O'Keeffe and Eileen O'Keeffe; folio: 18698F; lands: plot of ground situate in the

townland of Ballyclogh and barony of Orrery and Kilmore in the county of Cork; **Co Cork**

Regd owner: James O'Leary; folio: 3574; lands: plot of ground situate in the townland of Mashanaglass and barony of Muskerry East in the county of Cork; **Co Cork**

Regd owner: O'Mahony Bros Limited; folio: 41769/49176; lands: plot of ground situate in the townland of Douglas and barony of Cork in the county of Cork; **Co Cork**

Regd owner: Joan O'Shea and Denis M O'Shea; folio: 9614F; lands: plot of ground situate in the townland of Adamstown and barony of Kerrycurrihy in the county of Cork; **Co Cork**

Regd owner: Claire Quain; folio: 10091F; lands: plot of ground situate in the townland of Derryleigh (ED Bealock) and barony of Muskerry West, in the county of Cork; **Co Cork**

Regd owner: Jeremiah Rohan; folio: 34338F; lands: plot of ground situate in the townland of Ballynacorra West and barony of Imokilly in the county of Cork; **Co Cork**

Regd owner: Rochestown Auto Centre Limited; folio: 8943F; lands: plot of ground situate in the townland of Monfieldstown and barony of Cork in the county of Cork; **Co Cork**

Regd owner: John Sheehan; folio: 92310F; lands: plot of ground situate in the townland of Ballineadig and barony of Muskerry East in the county of Cork; **Co Cork**

Regd owner: John Spillane; folio: 13365F; lands: plot of ground situate in the townland of (1) Lisheenowen, (2) Dromboy North, and barony of

- (1) Barretts, (2) Barrymore, in the county of Cork; **Co Cork**
 Regd owner: John O'Sullivan and Joan O'Sullivan; folio: 31697F; lands: plot of ground situate in the townland of Dromanallig and barony of Muskerry West in the county of Cork; **Co Cork**
 Regd owner: Liam Webb; folio: 461F; lands: plot of ground situate in the townland of Cullen and barony of Kinalea in the county of Cork; **Co Cork**
 Regd owner: Aileen Gilleran; folio: 214F; lands: plot of ground situate to the east of the road leading from Douglas to Monkstown in the parish town of Passage West and in the county of cork; **Co Cork**
 Regd owner: Patrick O'Regan; folio: 4374; lands: plot of ground situate in the townland of Ballysimon and barony of Duhallow in the county of Cork; **Co Cork**
 Regd owner: Eileen Veronica Cunningham and Donald Henry Cunningham, Port-a-Carraig, Shroove, Greencastle, Co Donegal; folio: 1918F; lands: townland of Shroove and barony of Inishowen East; **Co Donegal**
 Regd owner: Sean Lawell and Deirdre Lawell, Loughanure, Annagry, Co Donegal; folio: 42954F; lands: Loughanure; **Co Donegal**
 Regd owner: James Patrick Martin, Goladoo, Barnesmore, Co Donegal; folio: 448; lands: Corracramph, Tawnawully and Tirhugh; **Co Donegal**
 Regd owner: Christopher Boyle and Helen O'Neill; folio: DN39346F; lands: property known as 181 Millbrook Lawns, situate to the east side of the Old Bawn Road in the town and parish of Tallaght; **Co Dublin**
 Regd owner: Kevin Buckley and Aine Buckley; folio: DN85638F; lands: property situate in the townland of Cornelscourt and barony of Rathdown; **Co Dublin**
 Regd owner: Maureen Butler; folio: DN1782; lands: property situate in the townland of Murphystown and barony of Rathdown; **Co Dublin**
 Regd owner: Seamus J Cullen; folio: DN31668L; lands: property situate to the north side of Yellow Walls - Swords Road, in the parish and town of Malahide situate in the townland of Yellow Walls and barony of Coolock; **Co Dublin**
 Regd owner: Mary Clarke (one undivided 1/3 share); folio: DN129336F; lands: property situate in the townland of Burrow and barony of Nethercross; **Co Dublin**
 Regd owner: Mary Clarke (one undivided 1/3 share); folio: DN64671F; lands: property situate in the townland of Burrow and barony of Nethercross; **Co Dublin**
 Regd owner: Jane Dever; folio: 79474L; lands: property known as flat 21, New Square, situate on the north-west side of New Row Square in the parish of St Luke and district of South Central; **Co Dublin**
 Regd owner: Liam Ebbs and Ray Ebbs and Lorraine Conneely; folio: DN130108L; lands: property being apartment 42, Block 2, fourth floor of Belmont Hall, situate at Parnell Street/Middle Gardiner Street in the parish of St George and district of North Central in the city of Dublin; **Co Dublin**
 Regd owner: Patrick Jordan; folio: DN87847F; lands: property situate to the north side of the Grand Canal in the town and parish of Clondalkin in the townland of Ballymanaggin and barony of Uppercross; **Co Dublin**
 Regd owner: Joanna Kelly; folio: DN33156L; lands: (1) property situate to the west side of Bayside Boulevard North in the parish of Kilbarrack, district of Howth, (2) property being a garage on the west side of Kilbarrack, district of Howth; **Co Dublin**
 Regd owner: Elizabeth Charlotte Mahon; folio: DN17814; lands: property situate to the east of Sandymount Road in the district of Pembroke and city of Dublin; **Co Dublin**
 Regd owner: William Arthur St George Walsh and Mona Mavourneen Walsh; folio: DN21342F; lands: property situate in the townland of Balally and barony of Rathdown; **Co Dublin**
 Regd owner: Eleanor Marie Quinlan (one undivided half share); folio: DN76453F; lands: property known as 42 Highfield Road, situate in the parish of Rathfarnham and district of Rathmines; **Co Dublin**
 Regd owner: Charles Quinlan (one undivided half share); folio: DN76453F; lands: property known as 42 Highfield Road, situate in the parish of Rathfarnham and district of Rathmines; **Co Dublin**
 Regd owner: Frank O'Sullivan and Gretta O'Sullivan; folio: DN71140L; lands: property situate in the townland of Old Orchard and barony of Rathdown; **Co Dublin**
 Regd owner: Miriam Ryan; folio: DN3812; lands: property known as no 15 Albert Park, situate on the west side of the said park in the borough of Dun Laoghaire in the townland of Bullock and barony of Rathdown; **Co Dublin**
 Regd owner: Mary MacMahon; folio: DN53019L; lands: property known as 60 Gulistan Cottages, situate in the parish of St Peter, district of Rathmines; **Co Dublin**
 Regd owner: Damien Bergin; folio: 37675F; lands: townland of Ballybritt and parish of St Nicholas; **Co Galway**
 Regd owner: Michael Conway; folio: 9142F; lands: townland of Cloonavohony and Windfield and barony of Killian; **Co Galway**
 Regd owner: Margaret Kelly; folio: 432F; lands: townland of Eighterard and barony of Moycullen; area: 2.0683 hectares; **Co Galway**
 Regd owner: Martin Mannion; folio: 8519F; lands: townland of Cloghscolta and barony of Galway; **Co Galway**
 Regd owner: Brian J O'Higgins; folio: 56521; lands: townland of Carrowmoneash and barony of Dunkellin; area: 0.7183 hectares; **Co Galway**
 Regd owner: Anne Coles; folio: 42189F; lands: townland of The Wood and barony of Corkaguiny; **Co Kerry**
 Regd owner: Cornelius Counihan; folio: 21746F; lands: townland of Doonryan and Gortnacarriga and barony of Magunihy; **Co Kerry**
 Regd owner: Patrick Doyle; folio: 24556; lands: townland of Shinnagh and barony of Magunihy; **Co Kerry**
 Regd owner: Joseph O'Sullivan; folio: 8432; lands: townland of Gortroe and Knocknagashel West and barony of Trughanacmy; **Co Kerry**
 Regd owner: Treacy Cagney of 57 Ryevale Lawns, Leixlip, Co Kildare; folio: 4115F; lands: townland of Leixlip and barony of North Salt; **Co Kildare**
 Regd owner: Tanya Delaney and Declan Duignan, of site no 3 Oldtown Heights, Sallins Road, Naas, Co Kildare; folio: 26750F; lands: north-west of the Naas/Johnstown Road in the urban district of Naas, being part of the townland of Monread South and barony of Naas North, shown as plan(s) 493M edged red on the registry map (OS map ref(s) 3509/17, 3509/18); **Co Kildare**
 Regd owner: Michael Dowling; folio: 12429; lands: Darbyshill and barony of Crannagh; **Co Kilkenny**
 Regd owner: Matthew Dunne; folio: 9830F; lands: Coolederry and barony of Portnahinch; **Co Laois**
 Regd owner: John Enright and Bridget Enright; folio: 28011; townland of Corgrig and barony of Shanid; **Co Limerick**
 Regd owner: Eamon Flynn and Marion Fitzgerald; folio: 32987F; lands: townland of Killonan and barony of Clanwilliam; **Co Limerick**
 Regd owner: Cola Fox (formerly Cola Warren); folio: 2698F; lands: townland of Glensheen and barony of Coshlea; **Co Limerick**
 Regd owner: MJ and Ita Kehoe; folio: 27113; lands: townland of Corgrig and barony of Shanid; **Co Limerick**
 Regd owner: Charles Hanley; folio: 10990F; lands: Knockdromin and barony of Connello Lower; **Co Limerick**
 Regd owner: Michael O'Donovan; folio: 4034F; lands: townland of Ballynamona and barony of Smallcounty; **Co Limerick**
 Regd owner: Eamonn O'Malley and Siobhan O'Malley; folio: 32579F; lands: townland of Gouldavoher and Pubblebrien; **Co Limerick**
 Regd owner: Anne Theresa MacNamara, Paul Gerard MacNamara; folio: 9430F; lands: parish of St Patrick's, electoral division of Abbey B; **Co Limerick**
 Regd owner: Mr Richard Culhane, Aughnaccliffe, Co Longford; folio: 12253; lands: Aughnaccliffe; **Co Longford**
 Regd owner: Paul Kenny, Drumnacross, Moatfarrell, Co Longford; folio: 904F, 8951F; lands: Moatfarrell; **Co Longford**
 Regd owner: Martin Ayres, 14 Willowdale, Bay Estate, Dundalk, Co Louth, and Geraldine Ayres, 30 Drive One, Muirhevnamore, Dundalk, Co Louth; folio: 416L; lands: Marshes Lower; **Co Louth**
 Regd owner: Brendan Kieran, Kilcrouney, Dundalk, Co Louth; folio: 3366; lands: Kilcrouney; **Co Louth**
 Regd owner: Stephen Joyce; folio: 142L; lands: townland of Carrowbeg and barony of Murrisk; **Co Mayo**
 Regd owner: Catherine McGinley; folio: 5851F; lands: townland of Behybaun and barony of Tirawley; **Co Mayo**
 Regd owner: John Coghlan and Kate Coghlan; folio: 17721F; lands: townland of Carrowbaun and barony of Burrishoole; **Co Mayo**
 Regd owner: Patrick and Mary Smith; folio: 13579; lands: Rathscanlon and barony of Gallen; **Co Mayo**
 Regd owner: Ailin Cagney; folio: 14766F; lands: Ardaneew and townland of Gilbertstown, Longwood, Enfield, Co Meath; **Co Meath**
 Regd owner: Michael Govern and Eileen Govern, 7 Beechmount Crescent, Navan, Co Meath; folio: 4131F; lands: Balreask Old; **Co Meath**
 Regd owner: Antoinette Dunne; folio: 13274; lands: Ballymacwilliam and barony of Warrenstown; **Co Offaly**
 Regd owner: John Brynt; folio: 8835; lands: Clonagh and barony of Ballycown; **Co Offaly**

Regd owner: Thomas Hogan; folio: 1210F; lands: Gortarevan and barony of Garrycastle; **Co Offaly**

Regd owner: Peter Lyons; folio: 8252; lands: Raheenglass and barony of Eglis; **Co Offaly**

Regd owner: Maurice O'Regan and Mary O'Regan, 3 St Mary's Road, Edenderry, Co Offaly; folio: 10823; lands: part of the lands of Edenderry in the barony of Coolestown, property known as 3 St Mary's Road, Edenderry, Co Offaly; **Co Offaly**

Regd owner: Pdraig Gribben; folio: 13043; lands: townland of Barnacawley and barony of Frenchpark; area: 4.3579 hectares; **Co Roscommon**

Regd owner: John Nevin; folio: 1727F; lands: townland of Lack and Kilbarry and barony of Ballintober North; **Co Roscommon**

Regd owner: Michael Kenoy and Anna May Kenoy; folio: 14542; lands: townland of Mullaghmore and barony of Boyle; area: 16.1166 hectares; **Co Roscommon**

Regd owner: John Farrell; folio: 13266; lands: townland of Newtown Farragher and barony of Ballymor; area: 13.3290 hectares; **Co Roscommon**

Regd owner: Garrett Carter; folio: 18216F; lands: townland of Lecarrow and barony of Carbury; area: 0.2960 hectares; **Co Sligo**

Regd owner: Mary Herbert; folio: 1944F; lands: townland of Muckduff and barony of Tireragh; **Co Sligo**

Regd owner: Maureen Scanlan; folio: 20021; lands: townland of Knockmoynagh, Kilcreevin and Newpark and barony of Corran; **Co Sligo**

Regd owner: Michael and Joan Hally, Middlequarter, Newcastle, Clonmel; folio: 31774; lands: townland of Middlequarter and barony of Iffa and Offa West; **Co Tipperary**

Regd owner: John Moylan; folio: 12476; lands: townland of Ballycrine and barony of Ikerrin; **Co Tipperary**

Regd owner: Patrick Mullally; folio: 15885F (part 9105); lands: townland of Gortnasculloge and barony of Slievardagh; **Co Tipperary**

Regd owner: Patrick and Anne Ryan; folio: 2687F; lands: townland of Tullow and barony of Owney and Arra; **Co Tipperary**

Regd owner: James Morrissey; folio: 36 Co Tipperary; lands: townland of Lisnamoe and barony of Upper Ormond; **Co Tipperary**

Regd owner: Timothy O'Neill and Mary O'Neill; folio: 36491; lands: townland of Newport and barony of Owney and Arra; **Co Tipperary**

Regd owner: John Carey, Sheila Carey, Teresa Carey; folio: 24404F; lands:

townland of Shanballyedmond and barony of Owney and Arra; **Co Tipperary**

Regd owner: John F Halpin (deceased); folio: 3096L; lands: plot of ground situate in the townland of Ballythomas and barony of Upperthird in the county of Waterford; **Co Waterford**

Regd owner: Laurence Hackett, Castletowngeoghegan, Co Westmeath; folio: 2360; lands: Castletown; **Co Westmeath**

Regd owner: James Foley; folio: 22612; lands: Saintkiernans and barony of Shelburne; **Co Wexford**

Regd owner: Christopher Galvin; folio: 17965; lands: Borehovel and barony of Ballaghkeen North; **Co Wexford**

Regd owner: William and Catherine Quaid; folio: 11404F; lands: Killelan and barony of Ballaghkeen South; **Co Wexford**

Regd owner: Daniel Quigley and Eileen Quigley; folio: 9689; lands: Donard and barony of Bantry; **Co Wexford**

Regd owner: Hazel Douglas, Cherrylin, Quill Road, Kilmacanogue, Co Wicklow; folio: 6541; lands: townland of Kilmacanogue South and barony of Rathdown; **Co Wicklow**

Regd owner: Angela Ford and Devin Ford of The Dew Inn, Glenealy, Co Wicklow; folio: 9736F; lands: townland of Coolnakilly and barony of Newcastle; **Co Wicklow**

Regd owner: Joseph McMahon; folio: 1431F; lands: situate in the townland of Ballinacarrig Upper in the barony of Ballinacor North and county of Wicklow; **Co Wicklow**

Regd owner: Charles Philip Walker, Ballinglen, Arklow, Co Wicklow; folio: 1057F; lands: townland of Ballinglen and barony of Ballinacor South; **Co Wicklow**

WILLS

Glacken, Mary (deceased), late of Glackenstown, Wilkinstown, Navan, Co Meath, who died on 25 September 2007 at Glackenstown, Wilkinstown, Navan, Co Meath. Personal representative: John Glacken. Would any person having knowledge of a will made by the above-named deceased please contact Oliver Shanley & Co, Solicitors, 62-63 Academy Street, Navan, Co Meath; tel: 046 909 3200, fax: 046 902 9937

Hoban, Margaret (widow) (deceased), late of Alzheimer's Care Centre, Highfield Hospital, Swords Road, Whitehall, Dublin 9, and formerly of 2 Russell Avenue, Jones's Road, Drumcondra, Dublin 9, who died on 26 June 2003. Would any person having

knowledge of a will made by the above-mentioned deceased please contact Gardlan Winters, Solicitors, 56 Lower Dorset Street, Dublin 1; tel: 01 855 7434, fax: 01 855 1075, email: info@gartlanwinters.ie

McNamara, Nicholas (or Raymond) (deceased), late of 21 Meadowcourt, Clane, Co Kildare, widower, who died on 9 March 2007 at 21 Meadowcourt, Clane, Co Kildare. Would any person having knowledge of a will made by the above-mentioned deceased please contact Patricia O'Donnell, solicitor, unit 6, College Way, Kilcock Road, Clane, Co Kildare; tel: 045 861 114, fax: 045 868 147, email: patricia.odonnell@ireland.com

Maher, Patricia (deceased), late of 20 Beauvale Park, Artane, Dublin 5, who died on 27 October 2006. Would any person having knowledge of the whereabouts of the will dated 7 May 1997 made by the deceased please contact Niall Gaffney, Gaffney Halligan & Co, Solicitors, Artane Roundabout, Malahide Road, Artane, Dublin 5; tel: 01 831 2470, fax: 01 831 5726

Martin, Anne (deceased), late of 46 O'Daly Road, Drumcondra, Dublin 9, who died on 13 October 2007. Would any person having knowledge of a will made by the above-named deceased please contact Maguire McClafferty, Solicitors, 8 Ontario Terrace, Portobello Bridge, Dublin 6; tel: 01 491 0010, fax: 01 491 0011, email: solicitors@maguiremclafferty.ie

Neligan, Winifred (deceased), late of 43 Lennox Street, Dublin 8. Would any person having knowledge of a will made by the above-named deceased, who died on 1 December 2007, please contact Michael J Kennedy & Co, Solicitors, Parochial House, Baldoyle, Dublin 13; tel: 01 832 0230, email: info@mjsolicitors.ie

O'Connor, Denis (deceased), late of Tominearly, Clonroche, Enniscorthy, Co Wexford. Would any person having knowledge of a will executed by the above-named deceased, who died on 28 October 2007, please contact Messrs Peter G Crean & Co, Solicitors, Mill Wood, Carrigduff, Bunclody, Co Wexford

O'Connor, Patrick (deceased), late of 21a Coolgreaney Road, Arklow, Co Wicklow. Would any person having knowledge of the whereabouts of a will made by the above-named deceased, who died on 13 January 2007, please contact Cooke & Kinsella, Solicitors, Wexford Road, Co Wicklow

O'Donnell, Mary (deceased), late of 3 Carrigeen Park, Waterford City. Would any person having knowledge of the whereabouts of any next of kin of the above-named deceased please contact Gerard Halley, MM Halley & Son, Solicitors, 5 George's Street, Waterford; tel: 051 874 073

O'Neill, Richard (deceased), late of Douglas Nursing Home and formerly Killacloyne, Carrigtwohill, Co Cork, retired farmer, who died on 3 November 2007. Would any person having knowledge of a will made by the above-mentioned deceased please contact Eoin C Daly & Co, Solicitors, 38 South Mall, Cork; tel: 021 427 5244, fax: 021 247 5243

O'Shea, Joseph (deceased), Mountfead, Mountrath, Co Laois, who died on 12 February 2000; **O'Shea, Thomas (deceased)**, Mountfead, Mountrath, Co Laois, who died on 16 March 2001; **O'Shea, Thomas (deceased)**, Mountfead, Mountrath, Co Laois, who died on 27 February 1961. Would any person having knowledge of any will made by any of the above-named deceased please contact Cahill & Company, Solicitors, Abbeyleix, Co Laois; tel: 057 873 1246/873 1220, fax: 057 873 1480

Quigley, Mary (deceased), late of 178 Collins Avenue East, Donnycarney, Dublin 5. Would any person having knowledge of a will being made by the above-named deceased, who died 14 November 2007, please contact O'Leary Maher, Solicitors, 191 Howth Road, Killester, Dublin 3; tel: 01 833 1900, fax: 01 833 4991

Sheridan, Eugene (deceased), late of 50 Beaumont Drive, Churchtown, Dublin 14, retired telecom supervisor, who died on 1 April 2006. Would any person having knowledge of a will made by the above-mentioned deceased please contact Stephenson, Solicitors, 55 Carysfort Avenue, Blackrock, Co Dublin; tel: 01 275 6759, email: stephensonsolicitors@eircom.net

Walsh, Maureen (deceased), late of 4 St Kinnith's View, Athboy Road, Ballivor, Co Meath (formerly of 3 Larkfield Avenue, Dublin 6, and 5 Maple Wood, Tallaght, Co Dublin), who died on 27 September 2007. Would any person having knowledge of a will made by the above-named deceased please contact Brady & Co, Solicitors, High Street, Trim, Co Meath; tel: 046 943 1034, fax: 046 943 6693, email: philbradysolicitors@eircom.net



Winning Ways Racehorse ownership made easy and affordable

Winning Ways Racing provides horseracing enthusiasts with an opportunity to experience the thrill of racehorse ownership by joining one of our professionally managed Irish national hunt syndicates.

Your Winning Ways horse will be trained by Colin Murphy, trainer of Champion Hurdle winner *Strike Inco*. The Winning Ways Team aims to provide a personal and professional service with an emphasis on regular communication and stable visits which is the key to your successful enjoyment of a Winning Ways syndicate, at a fraction of the cost of sole ownership. A Winning Ways share is ideal for both the regular and novice racing enthusiast, as a gift or among friends and work colleagues.

For further information visit us at www.winningwaysracing.ie or contact Owen on 089-8643705.

MISCELLANEOUS

London solicitors will be pleased to advise on UK matters and undertake agency work. We handle probate, litigation, property and company/commercial. Parfitt Cresswell, 567/569 Fulham Road, London SW6 1EU; DX 83800 Fulham Broadway; tel: 0044 2073 818311, fax: 0044 2073 814044, email: arobbins@parfitts.co.uk

English qualified solicitors – is your client buying or selling property in the UK or Northern Ireland? We hold current practicing certificates and insurance in the three jurisdictions of Ireland, N Ireland and the UK. With large volumes of Irish clients buying property in the UK, we can act as agent or take matter on referral. Contact Catherine Allison & Co, 6 Roden Place, Dundalk, Co Louth, at tel: 042 932 0854 or email: info@callison.ie

**ARE YOU: under pressure?
too busy? overworked?
DO YOU: need help to clear
a backlog and/or to provide
broader services to existing
clients without increasing
overheads?**

Experienced, reputable solicitor with own practising certificate and insurance available to undertake litigation, commercial, employment and family law work for solicitors' firms.

Short term, temporary, project or consultancy basis. Confidentiality guaranteed.

Caroline O'Reilly BCL, Dip E Comm. Email: info@oreillylegal.ie, mobile: +353 87 051 6526, tel/fax: +353 1 849 4226

Grand Canal Docks office available.

Solicitor with 1,500 square feet of space has two offices available for office share arrangement in new Grand Canal Docks area behind Ove Arup Building. The unit faces the waterfront with natural light. Available space includes two offices and shared use of part of an open-plan area. The offices are modern and built to the latest specifications with a phone system and internet connection already in place. Might suit sole practitioner with support staff. Contact Donal; mobile: 087 230 8408

Branch office client list for sale, Donabate/Swords area

The well-established branch office, client list (and, if required, existing lease on favourable terms in well-established location) of a Dublin city centre solicitors firm is for sale. Might suit start-up practice or as a 'bolt on' to existing practice in the area. Apply in confidence to **box no 11/08**

Articles for sale: dictaphone machines (tape).

Four transcriber tape units with handheld microphones; three typist units headphones, foot pedal and players; one Olympus handheld recorder; one remote control handheld microphone with speaker. Usual price €450 each, will sell for €250 each. All in working order. Selling due to transfer to digital. Contact John on tel: 086 366 7412

Ashford Temple & Co, law agents, law researchers and investigators. Usual range of services provided. Specialist investigations in most areas of civil and company law matters, including obtaining evidence as necessary. All assignments undertaken and/or validated by legal personnel. 29 Buckingham Village, Dublin 1; tel/fax: 01 855 4844, mobile: 087 278 0467, email: thomaspphelan@eircom.net

Storage unit for sale situate at James's Street, Dublin 8; €125k plus VAT – long lease, fully fitted out. Email: info@dmtturner.ie or tel: 087 263 2909

TITLE DEEDS

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 an application by **Charles O'Neill, Michael Noble, Conor Clarkson and Freida O'Neill**

Any person having a freehold estate or any intermediate interest in all that and those piece or parcel of ground with the house and premises thereon, formerly known as Struanhill but now known as Colmcille, together with the gate lodge and stable, coach house and garage thereon, situate at Delgany in the county of Wicklow (hereinafter referred to as 'the property'), being the lands comprised in a certain indenture of lease dated 21 October 1946 between Eileen O'Donnell of the one part and James S Edge of the other part for a term of 890 years from 25 March 1946 at a yearly rent of £39.4s.3d.

Take notice that Charles O'Neill, Michael Noble, Conor Clarkson and Freida O'Neill, being the persons currently entitled to the lessees' interests in the property, intend to apply to the county registrar for the county of Wicklow for the acquisition of the freehold interest and all intermediate interests in the property, and any party asserting that they hold a superior interest in the property is called upon to furnish evidence of title to same to the below named within 21 days from the date of this notice.

In default of any such notice being received, the said Charles O'Neill, Michael Noble, Conor Clarkson and Freida O'Neill intend 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 Wicklow for directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interests including the freehold reversion in each of the aforesaid premises are unknown or unascertained.

Date: 1 February 2008

Signed: *O'Sullivan & Associates (solicitors for the applicants), 10 Herbert Street, Dublin 2*

In the matter of the *Landlord and Tenant Acts 1967-1994* and in the

matter of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978*: an application by **Gregory Barry, Elizabeth Jordan, Joan O'Connor and Anne Barry**. Schedule: **89 and 89A Sandymount Road, Dublin 4**

Take notice that any person having an interest in the freehold estate of the property described in the schedule hereto (the premises).

Take notice that the applicant intends to submit an application to the county registrar for the city of Dublin for the acquisition of the freehold interest in the premises, and any parties asserting that they hold a superior interest in the premises (or any of them) are called upon to furnish evidence of 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, 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 city of Dublin for directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest including the freehold reversion in each of the premises are unknown or unascertained.

Date: 1 February 2008

Signed: *Daly Lynch Crowe & Morris (solicitors for the applicant), The Corn Exchange, Burgh Quay, Dublin 2*

In the matter of the *Landlord and Tenant Acts 1967-1994* and in the matter of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978* and in the matter of an application by **Rialto Foodmarket Limited** and in the matter of the properties known as numbers **455 and 457 South Circular Road (formerly known as numbers 155 and 157 respectively), Rialto, Dublin 8, in the city of Dublin**

Take notice that any person having an interest in the freehold estate or any intermediate interests in the properties known as numbers 455 and 457 (formerly known as numbers 155 and 157) South Circular Road, Rialto, in the city of Dublin held as follows: (a) as to 455 (formerly 155) South Circular Road, Rialto, Dublin 8, in the city of Dublin, held under indenture of lease dated 3 February 1936, made between James Stewart of the one part and Henry Rudge of the other part (hereinafter called the 'Rudge lease') for the term of 500 years from 5 October 1933 at a yearly rent of IR£20, subject to the covenants and conditions therein contained; and (b) as to 457 (formerly 157) South Circular Road, Rialto, Dublin 8, in the city of Dublin, held under indenture of lease dated 28 February 1936 and made between James Stewart of the

SOLICITORS RETIRING, DUBLIN:

Established Practice wishes to talk to Solicitors thinking of retirement with a view to an outright or phased take-over of their case load/clientele
Reply in confidence to Finnian G. Doyle of Doyle & Co.
123 Cabra Road, Dublin 7.
Tel: 01-838 3388 or mail@doyleandcompany.ie

one part and Margaret L Stewart of the other part (hereinafter called 'the Stewart lease') for the term of 500 years from 1 October 1933, subject to yearly rent of IR£20 and also subject to the covenants and conditions therein contained.

Take notice that Rialto Foodmarket Limited intends to submit an application to the county registrar for the county of Dublin at Áras Uí Dhálaigh, Inns Quay, Dublin 7, for the acquisition of the intermediate interests in the aforesaid properties, and any parties asserting that they hold the fee simple or any intermediate interests in the aforesaid properties are called upon to furnish evidence of title to the said properties to the below-named solicitor within 21 days from the date of this notice.

In default of any such notice being received, Rialto Foodmarket Limited 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 city of Dublin for directions as may be appropriate on the basis that the person or persons beneficially entitled to the intermediate interests, including the fee simple in the aforesaid properties, are unknown or unascertained.

Date: 1 February 2008

Signed: Joseph T Mooney & Company (solicitors for the applicant), 23 Upper Mount Street, Dublin 2

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 and in the matter of an application by Joseph Kennedy and in the matter of the property known as 'Antoni', no 47 St Finbarr's Park, Glasheen Road, Cork
Take notice that any person having an interest in the freehold estate or any

superior interest in the property known as all that and those the premises and dwellinghouse erected thereon, situate at Croughtamore in the parish of St Finbarr, barony of Cork and county of Cork, and commonly known as 'Antoni', no 47 St Finbarr's Park, Cork, being part of the hereditaments and premises comprised in and demised by an indenture of lease dated 25 November 1936 between Kennedy O'Callaghan, William O'Callaghan, James Power and Joseph Power of the one part and Joseph Kennedy of the other part for a term of 74 years from 25 March 1937 (except the last day thereof), subject to the yearly rent of one shilling and to the covenants and conditions on the part of the lessee therein contained.

Take notice that Joseph Kennedy intends to submit an application to the county registrar for the city of Cork for the acquisition of the freehold interest and any intermediary interest in the aforementioned property, and any party or parties asserting that they hold a superior interest in the aforesaid property are called upon to furnish evidence of title in the aforementioned property to the below named within 21 days of the date of this notice.

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

Date: 1 February 2008

Signed: John Henchion & Co (solicitors for the applicant), The Bakehouse, Waterloo Road, Blarney, 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 and in the matter of an application by Thomas Declan Callan and Elizabeth Callan and in the matter of the property known as no 33 St Finbarr's Park, Glasheen Road, Cork

Take notice that any person having an interest in the freehold estate or any superior interest in the property known as all that and those the premises and dwellinghouse erected thereon, situate at Croughtamore in the parish of St Finbarr, barony of Cork and county of Cork, and commonly known as no 33 St Finbarr's Park, Cork, being part of the hereditaments and premises comprised in and demised by an indenture of lease dated 14 May 1938, between Kennedy

Publication of advertisements in this section is on a fee basis and does not represent an endorsement by the Law Society of Ireland.

UNITED STATES LAWYERS

Kleeman, Abloeser & DiGiovanni, P.C. is a prominent U.S. law firm that specializes in providing the following legal services in the United States:

- 1 Travel law: Representing foreign visitors seriously injured in the United States
- 2 Personal injury litigation in the United States

Contact Michael Kleeman, Esq., at (toll free) 00-800-221-56970 or by e-mail at mkleeman@kleemanlawfirm.com

For more information about our law firm visit our website at www.kleemanlawfirm.com

O'Callaghan and William O'Callaghan of the one part and Hannah Callan of the other part for a term of 74 years from 25 March 1937 (except the last day thereof), subject to the yearly rent of one shilling and to the covenants and conditions on the part of the lessee therein contained.

Take notice that Thomas Declan Callan and Elizabeth Callan intend to submit an application to the county registrar for the city of Cork for the acquisition of the freehold interest and any intermediary interest in the aforementioned property, and any party or parties asserting that they hold a superior interest in the aforesaid property are called upon to furnish evidence of title in the aforementioned property to the below named within 21 days of the date of this notice.

In default of any such notice being received, Thomas Declan Callan and Elizabeth Callan intend to proceed with the application before the county registrar at the end of the 21 days from the date of this notice and will apply to the county registrar for the city of Cork as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest including the freehold reversion in the aforesaid premises are unknown or unascertained.

Date: 1 February 2008

Signed: John Henchion & Co (solicitors for the applicant), The Bakehouse, Waterloo Road, Blarney, Co Cork

In the matter of the Landlord and Tenant Acts 1967-2004 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978 and in the matter of the premises known as 10C Chapelizod, Dublin 20: an application by James P Mulroy

This notice is directed to any person or persons having any interest in the freehold estate of the following property: all that and those the premises known as 10C Chapelizod Road, Dublin 20, previously known as the Majestic Cinema and then the Oriel Cinema, situate in the village of Chapelizod, parish of

Chapelizod, barony of Castleknock and city of Dublin, held by the applicant under an indenture of lease dated 9 December 1694 and made between Sir John Temple of the one part and Richard Winstanley of the other part for a term of 500 years from 30 September 1694.

Take notice that James P Mulroy of 1 Matson Lodge, Ballymakenny Road, Drogheda, in the county of Louth, intends to submit an application to the county registrar for the city of Dublin for the acquisition of the freehold interest in the aforesaid property and that any party asserting that they hold a superior interest in the aforesaid property are called upon to furnish evidence of their title to the aforementioned premises, through the solicitors for the applicant named below, within 21 days from the date of this notice.

In default of such notice being received, the applicant, James P Mulroy, intends to proceed with the application before the county registrar for the city of Dublin at the end of 21 days from the date of this notice and shall apply to the county registrar for the city of Dublin for directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest including the freehold interest of the aforesaid property are unknown or unascertained.

Date: 1 February 2008

Signed: Donal Branigan & Co (solicitors for the applicant), 5 Laurence Street, Drogheda, Co Louth

In the matter of the Landlord and Tenant Acts 1967-1994 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978 and in the matter of the part of the lands and premises of Callary in the half barony of Rathdown and county of Dublin, situate at Deerpark Road, Mount Merrion, in the county of Dublin: an application by Flanagan's of Buncrana Limited

All that and those that piece or plot of ground being part of the lands of Mount

Merrion, otherwise Callary, situate in the half barony of Rathdown and county of Dublin, with the cinema and theatre and offices erected thereon, which premises are particularly delineated, measured (be the same more or less) and described on the map or plan drawn on these presents and are thereon edged red together with the right in common with the lessors and all other persons having a similar right (including all persons lawfully resorting to the said premises) at all times and for all purposes whether on foot or with horses, carts, carriages or motors to pass and re-pass over and along the road or avenue adjoining the said premises (which said road or avenue is not intended to be hereby demised) and all other roads or avenues of the lessors communicating therewith (hereinafter called 'the premises'), which were demised to The Deerpark Cinema Limited for a term of 250 years from 25 March 1953, subject to the yearly rent of stg£435 and subject to the covenants and conditions therein contained on the part of the lessee to be observed and performed.

Take notice that the applicants, Flanagan's of Buncrana Limited, being the lessee entitled under sections 8, 9 and 10 of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978*, intends 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 in the said aforesaid premises or any of them are called upon to furnish evidence of title to the aforementioned premises to the below named within 21 days from the date of this notice.

In default of any such notice being received, the said Flanagan's of Buncrana Limited 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 such directions as may be appropriate on the basis that the person or person beneficially entitled to the superior interest including the freehold reversion in the aforesaid premises are unknown or are unascertained.

Date: 1 February 2008

Signed: CS Kelly & Co (solicitors for the applicant), Market House, Buncrana, Co Donegal

In the matter of the Landlord and Tenant Acts 1967-1994 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978: an application by Tom Ryan and Ann Ryan of 12 Wasdale Grove, Terenure, Dublin 6

Take notice that any person having an interest in the freehold or any superior interest in the property known as num-

ber 26, Lower Rathmines Road, situate in the barony of St Sepulchre, parish of St Kevin and city of Dublin, which are held under: (1) indenture of lease dated 8 December 1953, made between Hilda Evelyn Kerr of the one part and Mina Wine of the other part for a term of 885 years from 29 September 1953 subject to an annual rent of £17.10.00; (2) indenture of head-lease dated 3 September 1841 and made between Christopher Edward Wall of the one part and Ralph Nash McDermott and Frances McDermott of the other part for a term of 1000 years from 25 March 1841, subject to the yearly rent of £7.03.0, should give notice of their interest to the undersigned solicitors.

Take notice that Tom Ryan and Ann Ryan intend to submit an application to the county registrar for the county of the city of Dublin for the acquisition of the freehold interest and any intermediate interests in the aforesaid premises, and any party asserting that they hold a superior interest in the aforesaid premises is called upon to furnish evidence of title to the said premises to the below named within 21 days from the date of the notice.

In default of any such notice being received, the applicants, Tom Ryan and Ann Ryan, intend to proceed with the application before the city registrar at the earliest opportunity and will apply to the county registrar for the county of Dublin for directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest including the freehold reversion to the said premises are unknown or unascertained.

Date: 1 February 2008

Signed: Tom Collins, Tom Collins & Co (solicitors for the applicants), 132 Terenure Road North, Dublin 6W

In the matter of the Landlord and Tenant Acts 1967-1994 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978: an application by Darren Fay of 2 Blackwood Close, Ongar Chase, Ongar, Dublin 15, and Keith Fay of 8 Mount Symon, The Rise, Clonsilla, Dublin 15

Take notice that any persons having an interest in the freehold estate or any superior interest in the property known as 'Clonad', 1 College Road, Castleknock, Dublin 15, being the property demised by indenture of lease dated 4 August 1967 and made between Gallagher Group Limited of the first part, Terence Keaney of the second part and Virginia Marie Gaynor of the third part for a term of 900 years from 25 March 1965, subject to the yearly rent of €1.27 thereby reserved and the covenants on the part of the lessee and conditions therein contained.

Take notice that the applicants, Darren Fay and Keith Fay, intend to submit an application to the county registrar for the city of Dublin at Áras Uí Dhálaigh, Inns Quay, Dublin 7, for the acquisition of the freehold interest in the aforesaid property, and any party asserting that they hold a superior interest in the aforesaid property is called upon to furnish evidence of title to the aforesaid property to the below named within 21 days from the date of this notice.

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

Date: 1 February 2008

Signed: Lacey & Associates (solicitors for the applicants), Main Street, Blanchardstown, Dublin 15

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 an application by Newtownheath Company Limited, having its registered office at 125 Emmett Road, Inchicore, Dublin 8 (trading as St Patrick's Athletic Football Club)

Take notice that any person having any interest in the freehold or leasehold estate of the following property: all that and those the premises demised by an indenture of lease of 28 February 1958, made between Sarah O'Reilly, John O'Reilly, Michael O'Reilly and Mary Teresa Magaharn, as lessors of the one part, and Martin Dunne, Joseph Cronin, Bartholomew Cummins, and Denis Ward, as lessees of the other part, and therein described as known as all that and those that piece or plot of ground situate on the east side of certain lands then in the occupation of the lessees and known as Richmond Park, Kilmainham, in the parish of St James, formerly in the barony of Coolock and county of Dublin, but then in the city of Dublin, which said property was more particularly shown on the map drawn on the said lease, being a strip of land with a stand erected thereon at Richmond Park, Inchicore, Dublin 8, which said lands were held by the lessors under the said indenture of lease together with other lands from Arthur Hart Guinness under an indenture of lease made on 16 April 1856 between Arthur Hart Guinness as lessor and Anthony Murphy as lessee.

Take notice that Newtownheath

Company Limited (trading as St Patrick's Athletic FC) intends to submit an application to the county registrar for the county of the city of Dublin for the acquisition of the freehold interest of the aforesaid properties, 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 title to the aforementioned premises to the below-named solicitors within 21 days of the date of this notice.

In default of any such notice being received, Newtownheath Company Limited intends to proceed with the application before the county registrar at the end of the 21 days from the date of this notice and will apply on 27 February 2008 to the county registrar for the county of the city of Dublin for directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest including the freehold reversion in each of the aforesaid premises are unknown or unascertained.

Date: 1 February 2008

Signed: Sheehan & Co (solicitors for the applicant), 1 Clare Street, Dublin 2

In the matter of the Landlord and Tenant Acts 1967-1994 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978 and in the matter of the property known as the plot of ground at Kilmainham, formerly known as 26-27 Kilmainham Lane: an application by John Ryan of 15 Glenmaroon Road, Palmerstown, Dublin 20

Take notice that any person having any interest in the freehold estate of the following property: all that and those the property known as plot of ground at Kilmainham formerly known as 26-27 Kilmainham Lane, in the city of Dublin, held under an indenture of lease dated 24 October 1905 (hereinafter called 'the lease') and made between Jane Sophia Beatty of the first part, William Joseph Beatty of the second part and Robert Spendlove and Sarah Ann Spendlove of the third part for a period of 300 years from 29 September 1905, subject to a yearly lease of £20 thereby reserved.

Take notice that the applicant, John Ryan, intends to submit an application to the county registrar for the county/city of Dublin for the acquisition of the freehold interest in the aforesaid properties, 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 title to the aforementioned 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/city of Dublin for directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest including the freehold reversion in the aforesaid premises are unknown or unascertained.

Date: 1 February 2008

Signed: McGonagle Solicitors (solicitors for the applicant), 13 Upper Ormond Quay, Dublin 7

In the matter of the Landlord and Tenant Acts 1967-1994 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978: an application by Sheila Angela O'Byrne, Marianne Clegg, Davinia Wilson, Edward O'Byrne, Sheelagh O'Byrne, Daniel O'Byrne, Kevin O'Byrne and Clodagh O'Byrne ('the said applicants')

Take notice any person having an interest in the freehold estate of the following property: all that and those part of the premises demised by lease dated 17 March 1880 between William Fitzwilliam Burton and Robert B Close, one part, and Edward Melia, other part, therein described as "all that and those part of the lands of Clondalkin marked twenty four on the estate map situate in the barony of Uppercross and county of Dublin containing ... twenty six perches late Irish Plantation measure or thereabouts now lately in the occupation of James Donough with the dwellinghouse thereto belonging or usually enjoyed therewith", and thereunder held for one year from 21 September 1879 and thereafter from year to year.

Take notice that the said applicants intend to submit an application to the county registrar for the city of Dublin for the acquisition of the freehold interest in portion of the aforesaid property, and any party or parties asserting that

they hold a superior interest in the aforesaid premises, which may have formed part of a trust known as the Burton Estate Trust, are called upon to furnish evidence of 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 said applicants intend 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 city of Dublin for directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest including the freehold reversion in the aforesaid premises are unknown or unascertained.

Date: 1 February 2008

Signed: Matbeson Ormsby Prentice (solicitors for the applicants), 70 Sir John Rogersons Quay, Dublin 2; ref: BDO/ck/647475/2

In the matter of the Landlord and Tenant Acts 1967-1994 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978 and in the matter of premises situate at 6/7 Granby Place in the parish of St Mary and city of Dublin: an application by Christopher Garry and Geraldine Garry

Take notice that any person having any interest in the freehold estate of, or any superior or intermediate interest in, the hereditaments and premises situate at 29 Asgard Park in the townland of Howth, barony of Coolock and county of Dublin (which said premises held under an indenture of lease dated 26 July 1974 made between Michael Murray & Company Limited of the one part and Christopher Garry of the other part for a term of 500 years from 25 March 1961), should give notice to the

NOTICE TO THOSE PLACING RECRUITMENT ADVERTISEMENTS IN THE LAW SOCIETY GAZETTE

Please note that, as and from the August/September 2006 issue of the *Law Society Gazette*, **NO recruitment advertisements will be published that include references to years of post-qualification experience (PQE).**

The *Gazette* Editorial Board has taken this decision based on legal advice, which indicates that such references may be in breach of the *Employment Equality Acts 1998 and 2004*.

undersigned solicitors.

Take notice that the applicants, Christopher Garry and Geraldine Garry, intend to apply to the county registrar for the city of Dublin for the acquisition of the freehold interest and all intermediate interests in the above-mentioned property, and any party asserting that they hold an interest superior to the applicants in the aforesaid property are called upon to furnish evidence of title to same to the below-named solicitors within 21 days from the date hereof.

In default of any such notice being received, the applicants intend 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 city of Dublin for such directions as may be appropriate on the basis that the person or persons beneficially entitled to such superior interest, including the freehold reversion, in the aforementioned property are unknown or unascertained.

Date: 1 February 2008

Signed: Sheehan & Co (solicitors for the applicant), 1 Clare Street, Dublin 2

RECRUITMENT

SOLICITORS' LOCUM SERVICE

Solicitor with extensive experience will consider contracts (both short and long term) in Galway (city and county), Clare, Mayo, Limerick and North Tipperary areas. Fully computer literate. Full CV and references available. Contact: Denise Ryan, Seawood House, Mountscribe, Kinvara, Co Galway; email: oscarbanahan@eircom.net, mobile: 087 240 9750, tel: 091 638922

Gore & Grimes solicitors are seeking to recruit commercial solicitors with experience in the areas of M&A, private equity and general commercial matters. Successful applicants will be required to advise generally on and to draft commercial agreements, terms and conditions etc. We are seeking strong individuals with excellent communication skills and the necessary experience. Please send applications to Brian O'Neill, Gore & Grimes, by email: brian.oneill@goregrimes.ie

Part-time locum solicitor required for Galway city centre general practice from end of February to October 2008. Experience in conveyancing and probate essential. Please reply to susan@ecsolicitors.com or Emerson & Conway, Solicitors, 1 St Francis Street, Galway

Locum solicitor: general practitioner experienced in all areas of law willing to assist in busy solicitor's firm on a full-time or part-time basis. Reply to **box no 10/08**

FREE LOCUM RECRUITMENT REGISTER

For Law Society members seeking a position as a **locum solicitor** or seeking to employ a locum solicitor.

Log onto the new self-maintained locum recruitment register on the members' area of the Law Society website, www.lawsociety.ie, or contact Trina Murphy, recruitment administrator, at the Law Society's Cork office, tel: 021 422 6203 or email: t.murphy@lawsociety.ie



Law Society of Ireland

FREE EMPLOYMENT RECRUITMENT REGISTER

For Law Society members to advertise for **all their legal staff requirements**, not just qualified solicitors.

Log onto the new expanded employment recruitment register on the members' area of the Law Society website, www.lawsociety.ie, or contact Trina Murphy, recruitment administrator, at the Law Society's Cork office, tel: 021 422 6203 or email: t.murphy@lawsociety.ie



Law Society of Ireland

Fostering successful partnerships



■ PRACTICE POSITIONS

Commercial Litigation, Associate level PP0295

This top 5 firm is seeking an ambitious solicitor to join its Litigation Department. You should have excellent academics and have had the benefit of training in a well respected firm with exposure to commercial litigation matters. Competitive salary and benefits package, commensurate with experience.

Commercial Litigation, Assistant level PP0276

This highly successful law firm is seeking a senior solicitor to join the Litigation Department. You will deal with public sector work, contentious and advisory, as well as high court litigation. You will be accustomed to a target driven work environment and have a commercial approach to your work. Very competitive remuneration applies, commensurate with experience.

Medical Litigation, Associate level PP0305

Working with a senior partner, this is a challenging role with excellent prospects for career advancement. You will be dealing with an interesting and diverse workload which will include high profile cases. You will have gained strong experience at a well respected law firm with exposure to substantial medical and negligence cases. First class salary and benefits package applies.

Litigation – Professional Indemnity Assistant level PP0350

This highly regarded UK law firm recently opened an office in Dublin's city centre and is now seeking an experienced litigator to join the team. You will work in the defence of high or medium value claims. Experience of insurance litigation/construction litigation/ADR would be an advantage. You will also have good communication skills and commercial awareness as well as the ability to work under minimal supervision. Competitive remuneration, commensurate with experience.

Pensions, Assistant level PP0298

This leading Dublin based law firm is seeking a solicitor to join the pensions department. The successful candidate will be required to provide advice on all issues that involve occupational pension schemes to international and domestic clients in both the public and private sectors. There will be some transactional work but the vast majority will be stand alone pensions advisory work. First rate salary and benefits package applies, commensurate with experience.

Commercial Property, Senior Associate level PP0308

This highly regarded law firm is in expansion mode in Dublin and now seeks to recruit a senior commercial property solicitor. You will advise a variety of clients on the full range of commercial property matters including multi-jurisdiction sales and acquisitions, sales and leasebacks, acquisitions and disposals, re-financings and investments. A strong academic record is important, coupled with the ability to foster good relationships both internally and externally. Top-flight remuneration applies.

Employment Solicitor, Assistant/Associate level PP0342

Our client is seeking an employment practitioner to join its expanding department. You will be dealing with a mixture of contentious and non-contentious matters. You will have gained post-qualification experience dealing with a range of employment matters. Your excellent academic background and first-class experience will uniquely qualify you for this position. Remuneration package will be very attractive, commensurate with experience.

For more information on these and other vacancies, please visit our website or contact Michael Benson bcl. solr. in strict confidence at:
Benson & Associates, Suite 113, The Capel Building, St. Mary's Abbey, Dublin 7.
T +353 (0) 1 670 3997 E mbenson@benasso.com

Recognising talent's one thing... finding the truly successful fit is another

Talk to the Irish Legal Recruitment Specialists

Head of Tax PP0338

An opportunity has arisen for an ambitious practitioner to establish a Tax Department at this Dublin-based law firm. You will advise clients on a broad range of issues, including stamp duty planning, corporate tax planning, compliance and advisory services for Irish and international companies, corporate finance, corporate restructuring, mergers, demergers, acquisitions, joint ventures, MBOs, floatations, securities issues and equity offerings, revenue litigation and settlement negotiations and tax planning and advisory services relating to cross border transactions. Experience of international (US/European) transactions desirable. First rate salary and benefits package applies, commensurate with experience.

Projects Solicitor, Assistant/Associate level PP0345

This top-flight firm Dublin law firm seeks an experienced solicitor to join its expanding Projects Team. You will focus mainly on the accommodation, roads, rail, water, waste & energy sectors. You will have in-depth knowledge of infrastructure projects and a working knowledge of the NDFA Template Project Agreement and/or Standardisation of PF Contracts or the Northern Ireland equivalent. This role also offers substantial scope for career progression.

Insurance, Associate level PP0296

The insurance team in this leading Dublin firm provides advice to all sectors of the insurance industry, including General Insurance, Life Assurance and Reinsurance. You will have gained solid experience advising on some of the above matters and have excellent drafting skills. First rate remuneration applies, commensurate with experience.

■ IN-HOUSE POSITIONS

Legal Executive, Funds HNB0042

This representative body of the international investment funds community in Ireland is seeking an experienced legal executive to join the legal team. You will deal with a broad range of issues including company secretarial, compliance, publishing newsletters and project related matters. You will have previous paralegal experience gained at a private practice or in-house. Some in-house experience would be an advantage. You will have had some funds exposure as well as exposure to general corporate work. Strong interpersonal skills along with a professional demeanour and the ability to work with all levels of the organisation are essential. Excellent salary and benefits package, commensurate with experience.

Assistant Counsel, IT/Telecoms HNB0043

Our client is seeking an experienced lawyer to join the legal team as assistant counsel. You will work closely with the Head of Legal, advising on primarily commercial matters from a supplier's and procurement point of view, as well as some M&A matters in a fast-paced international environment. The ideal candidate will have commercial experience, either in-house or within private practice at a well-respected law firm. Exposure to telecoms is desirable but not essential. You will have strong drafting skills and the ability to communicate effectively with senior management. Excellent salary and benefits package, commensurate with experience.



Erica Mackinnon



Alex MacKenzie

T: +44 (0) 131 226 0640
 E: erica.mackinnon@taylorroot.com
 E: alex.mackenzie@taylorroot.com

Ireland

PROJECTS DUBLIN

This premier commercial firm has been involved in many of the major infrastructure projects which have taken place in Ireland in recent years. A fantastic opportunity to join a market-leader. Excellent salary. Ref: 12145

TRUSTS & ESTATES DUBLIN

This leading Irish firm is currently recruiting into its trusts and estates team and ideally seeks a lawyer with expertise in tax matters to work as part of a specialist team. Strong academics are essential for this role. Ref: 17475

ENERGY DUBLIN

This top-tier firm has a significant energy practice. It advises many of the major companies in the Irish and international energy markets. Now recruiting into the team this is an exceptional role offering ongoing development. Ref: 15353

CONSTRUCTION DUBLIN

This premier firm has an impressive construction department and houses some of Ireland's leading experts in this sector. Now recruiting and keen to hear from those with a real interest in developing a career in this area. Ref: 17485

CORPORATE FINANCE DUBLIN

Working with key clients on a wide range of high profile mergers and acquisitions and corporate finance transactions this is an excellent role with exceptional rewards. Previous relevant experience required. Ref: 12195

BANKING SOLICITOR DUBLIN

This firm stands out for its high quality work and international scope it provides within the banking sector. A strong technical and commercial background is essential to join this friendly and supportive team. Ref: 17495

PRIVATE CLIENT DUBLIN

The private client team at this top-tier firm is well known for its highly professional standards and personal touch. You will be providing specialist advice to a variety of high net worth clients. Good prospects. Ref: 17505

COMMERCIAL PROPERTY DUBLIN

This firm covers all aspects of commercial property and will require you to take responsibility for high value property transactions and development projects. This role offers a great salary and prospects. Ref: 17525

IT / IP DUBLIN

This highly profitable Irish firm is seeking a talented IT/IP lawyer to join its specialist team. You'll have experience in intellectual property, particularly in drafting, amending and renewing contracts. Ref: 17515

London

CORPORATE £65,000 - £75,000

Highly-regarded, supportive and collegiate City firm seeks associate to work on challenging diet of corporate work. Autonomous & client-facing exposure assured. Bright, tenacious & personable lawyer sought. Ref: 570910

REAL ESTATE £75,000 - £80,000

Tremendous career development potential and varied commercial work for a blend of prestigious UK and international clients. Business development & marketing encouraged in client-facing areas. Ref: 478920

STRUCTURED FINANCE £75,000

This US firm is looking for a lawyer to join its established structured finance team. You would work on the full range of structured finance techniques in a supportive and entrepreneurial environment. Ref: 580580

INSOLVENCY £85,000

A top paying US firm in London is looking to recruit a confident and ambitious qualified lawyer. You will need to have insolvency/restructuring experience and have top academics. This is a fantastic opportunity. Ref: 508950

PROJECTS £72,000+

This award-winning projects department is offering the opportunity to be involved in wide ranging international matters, take overseas secondments and be part of a leading projects team in London. Ref: 507800

PENSIONS £64,000+

This well regarded pensions practice at this top-tier London firm is looking for confident, bright and career focused lawyers to join its team. You will gain broad experience in a dynamic environment. Ref: 570050

CORPORATE £95,000 - £110,000

This prestigious US firm's M&A team is widely regarded as one of the best in the City. It takes a truly international approach to deals and can offer work of the highest quality. Excellent training is available. Ref: 272900

PRIVATE EQUITY £105,000 - £140,000

Excellent opportunity to join a genuinely pre-eminent team. This US firm is well on the way to becoming the leading private equity law firm in Europe and across the globe. Fantastic headline deals. Ref: 420770

COMMERCIAL IT £65,000+

Join one of the world's leading IT practices. Our client is an international giant, work on the highest profile transactions for household name clients. Exceptional opportunity to join one of the best departments in this area. Ref: 550780

CORPORATE £72,000+

A fantastic opportunity has arisen to join an award-winning team. Work on a plethora of high profile M&A, JVs and private equity deals. Amazing quality of work on offer. Work under the best in the business. Ref: 05450

COMMERCIAL LITIGATION £65,000+

A brilliant opportunity has arisen for a talented commercial litigator to join this highly-regarded and prestigious City firm. Top-quality work, fantastic training and good work/life balance on offer. Ref: 552540

PENSIONS £66,000+

This City firm has recently recruited a personable and enthusiastic partner to lead its pensions practice. Excellent prospects and the chance to work on a range of matters in a supportive and collegiate environment. Ref: 577050

QUALIFYING IN 2008?

Our consultants have a wealth of experience in providing expert professional guidance at this important time of your career. Whether you are looking to focus in particular areas of the law, considering moving to another law firm in Ireland, or thinking about a move to London or overseas, Taylor Root is ideally placed to make the process run as smoothly as possible. Please feel free to contact Alex or Erica to discuss your options or visit www.taylorroot.com



CAN YOU RAISE THE BAR?

Positions Available

Commercial / Corporate Partner

Senior practitioners with an excellent pedigree are invited to apply for leading opportunities currently available with established Dublin firms.
€100,000 - €165,000 Partner - Partner designate

Locum

Solicitors interested in a range of interim vacancies are invited to apply. Positions are available with an unparalleled variety of clients covering the entirety of the legal sphere.
€Ongoing Variable

Funds

Enjoying an international presence, my client seeks to recruit an emerging name in the funds industry to develop its London office. Networking skills essential, relocation provided.
€London based salary Associate

Litigation

A highly sought position with one of Ireland's most prestigious full service practices. Litigators with experience covering a variety of contentious matters are welcome to apply.
€75,000 - €90,000 Associate - Senior Associate

Pensions

Operating in a highly buoyant market, my client seeks estates, funds or tax practitioners with an interest in pensions law and a desire to progress with Ireland's premier legal practice. A competitive salary, incentive bonus scheme and top benefits on offer.
€85,000 - €100,000 Senior Associate

Regional

A number of regional firms in the south east and midlands are currently seeking general practice and commercial solicitors. If you are planning on relocating out of Dublin ask us for assistance.
€Competitive Senior - Partnership

Corporate Solicitors

Corporate high flyers ready to break through the glass ceiling are welcome to apply for a number of unique opportunities. Due to market demand our legal teams is negotiating top salaries for future industry leaders.
€Negotiable Associate - Senior Associate

Banking & Finance Lawyer

Resulting from ongoing growth, this established top tier law firm is providing unequalled career progression to commercially minded solicitors. Stellar experience in the finance sector guarantees future exposure to blue chip international investors, and multinational commercial entities.
€80,000 - €110,000 Associate - Senior Associate - Partner designate

Construction Solicitor

Superb draftsmanship and a penchant for projects work essential for this new vacancy with one of Ireland's most established and recognisable law firms. Working alongside the elite in international construction law, my client seeks a person with future partnership ambition.
€65,000 - €85,000 Assistant - Associate

For additional assistance on these and other current vacancies please contact:

Robert Conolly robertc@meghengroup.ie 01 894 3003
Clare Scott clares@meghengroup.ie 01 894 3000

MEGHENGROUP
MG



Keane McDonald
executive legal recruitment

Keane McDonald
Fitzwilliam Business Centre
77 Sir John Rogersons Quay
Dublin 2

Tel: +353 1 841 5614
Fax: +353 1 640 1899

Web: www.keanemcdonald.com

Keane McDonald is an executive search and selection firm focusing on legal appointments. We specialise in the recruitment of high calibre legal professionals into law firms and in-house legal departments both in Ireland and overseas. Applicants are assured the utmost confidentiality and discretion when working with us.

Private Practice Opportunities:

Projects/PPP Lawyer, Dublin

One of Ireland's most respected firms is seeking experienced *Projects/PPP* Lawyers to compliment their expanding team. Candidates at all levels with experience in one or all of the following areas will be considered: construction, projects, PPP/PFI and public procurements. The firm offers genuine career prospects in a very exciting, driven and successful environment.

Commercial Litigation Lawyer, Dublin

A leading litigation practice is seeking to recruit an experienced litigator to represent clients defending professional indemnity claims. Experience in insurance litigation, construction litigation or ADR is a distinct advantage. The successful applicant will work with minimal supervision. Excellent terms on offer.

Corporate Lawyers, Dublin and Cork

Many of our clients are actively recruiting for strong corporate lawyers at all levels. Candidates must have hands on exposure to corporate transactions such as M&A, Private Equity and MBOs. We have a number of vacancies offering outstanding career prospects to include partner designate openings. Interested applicants must have ambition to work in a highly driven environment and have sound client management skills.

In-House Opportunities:

Funds Lawyer, Dublin

The investment arm of a global banking group is seeking a high calibre *Investment Lawyer*. This is an exciting and unique new role for a lawyer with funds or asset management experience. You would join the legal team supporting a structured funds business. This would be an ideal move for a lawyer who seeks to expand horizons beyond a traditional funds or asset management role and move into a derivatives and algorithm based structured funds business. This is a fantastic opportunity for such a lawyer to take his or her career to the next level.

Banking Lawyer, Dublin

A leading Irish bank has an exciting opening for a strong banking Lawyer with experience in one or all of the following areas: Capital Markets, Corporate Banking and Retail Banking. The successful applicant will be commercially aware with excellent communication skills. A highly attractive salary is on offer to the right candidate along with ongoing training and professional development.

Aircraft Finance Lawyer, Dublin

This global aircraft financing operation is seeking to recruit a Lawyer to join the expanding legal team. The successful applicants will perform a project management role with a focus on executing and completion of transactions relating to aircraft fleet. The role involves extensive client contact and requires superior communication skills together with proven transactional experience. Aircraft leasing experience is highly desirable but not essential.

*For these and other vacancies, interested applicants should contact **Yvonne Keane** in strict confidence on +353 1 8415614 or email your CV to yvonne@keanemcdonald.com.*



Keane McDonald
executive legal recruitment

*Yvonne Keane
Keane McDonald
Fitzwilliam Business Centre
77 Sir John Rogersons Quay
Dublin 2*

*Tel: +353 18415614
Fax: +353 16401899
Mob: +353 876824591*

Web: www.keanemcdonald.com

Legal Counsel - Dublin

Our Client, a global corporation, is seeking to recruit a Legal Counsel for their Dublin office.

Based in Dublin, our client's European headquarters, the new appointee will serve as the focal point for legal and company secretarial matters in the EMEA region. The successful applicant will be a member of the global legal department reporting to the General Counsel in the US.

The Responsibilities:

- Provide legal guidance and assist in the identification of potential risk factors related to the company's practices, strategic business units, as well as products and services
- Advise on all corporate transactions as well as employment and litigation matters as they arise
- Manage the company secretarial function
- Work closely with external counsel

The successful applicant will be a qualified Lawyer in a common law jurisdiction. Relevant legal experience from a leading law firm or an international organisation is essential. Strong corporate transactional experience preferred.

This is an exciting role where you will work closely with the business and have the gravitas necessary to succeed in a highly driven environment. The remuneration package will reflect the importance of the role.

Interested applicants should contact Yvonne Keane on +353 1 8415614 or email your CV to ykeane@keanemcdonald.com

PROVIDING DIRECTION FOR IN-HOUSE OPPORTUNITIES

MAKO

SEARCH

SENIOR & JUNIOR CORPORATE**€Excellent**

Our client is a high profile multinational. A leader in its field, the company is now looking to recruit high calibre commercial lawyers. You will provide general legal advice, support business initiatives, deal with compliance issues and provide training to junior members of staff when required.

Refs C1115

Contact carolmcgrath@makosearch.ie**COMPLIANCE****€70k + bonus + benefits**

This role provides an excellent opportunity to work closely with different units of the Financial Services Group. Work to include authorisation of new entities, liaising with the Regulator, providing relevant information and keeping up to date with all regulatory developments. FSA experience beneficial.

Refs C1116

Contact jennifer.purcell@makosearch.ie**INTELLECTUAL PROPERTY****€100k+ bonus + benefits**

Working as part of a team within a progressive European Trade Mark & Patent Group, you will advise on the existence, protection, licensing and commercialism of Intellectual Property while providing brand, trademark and copyright knowhow. Contentious and non contentious capability.

Refs C1117

Contact carolmcgrath@makosearch.ie**AVIATION****€100 - 150k**

A leading global aircraft leasing entity is now looking to recruit a senior inhouse lawyer. You will have gained relevant experience from a leading law firm or leasing company. There is an opportunity to work in other jurisdictions. However this is not compulsory. Excellent Terms.

Refs C1118

Contact carolmcgrath@makosearch.ie**BANKING****€80k+ bonus + benefits**

Our Client is one of the leading Financial Services Groups based in Dublin. Working closely with the Head of Legal, you will prepare and negotiate various documentation including ISDA Master Agreements, Novation and Confirmation Agreements.

Refs C1119

Contact carolmcgrath@makosearch.ie**DEBT COLLECTION****€Excellent**

Our client is seeking to recruit an experienced Debt Lawyer. Ideally you will be familiar with all aspects of control, management and recovery of debt. You will be able to work as part of a team and will liaise, where appropriate with external litigation and dispute resolution firms.

Refs C1120

Contact carolmcgrath@makosearch.ie**COMMERCIAL PROPERTY****€80k + bonus + benefits**

Leading Property Specialist is seeking to recruit a Commercial Property Lawyer. You will have gained experience in a reputable firm and now wish to develop your career in-house. Commercial surroundings, an excellent client list, the benefit of a supportive and dynamic team and excellent salary and benefits provide the perfect opportunity for an ambitious solicitor.

Refs C1121

Contact carolmcgrath@makosearch.ie**NON CONTENTIOUS INSOLVENCY****€NEG**

Our Client has built its business on solid foundations within the international banking field and is currently seeking to hire a non contentious Insolvency Lawyer. You will be familiar with domestic and crossborder restructuring and insolvency matters, will have dealings with Financial Institutions and Insolvency Office Holders.

Contact carolmcgrath@makosearch.ie

Refs C1122

TAX SPECIALIST**€90k+ bonus + benefits**

Excellent opportunity for Tax Adviser to join an international property Group. You will provide tax related property advice to support various business units within the Group thus ensuring that transactions are managed tax efficiently and to promote a high standard of tax compliance throughout the business.

Refs C1123

Contact carolmcgrath@makosearch.ie**LEGAL ADVISER 9-12 MONTH CONTRACT****€NEG**

Leading Bank seeking to hire, on a contract basis, Senior and Junior Lawyers to provide legal support, deal with legal issues as they arise, provide regulatory advice and approve marketing literature. An appreciation of the up to date legal requirements will be necessary as will an ability to train staff where appropriate.

Contact carolmcgrath@makosearch.ie

Refs C1124

TELECOMMUNICATIONS 3-4 DAY WEEK**€NEG**

Our client is a leading fibre optic network operator. The company is now seeking to recruit a lawyer with strong telecom contracts experience. Having worked with a major telecom provider or a private practice firm, you now want to move to a parttime position.

Refs C1125

Contact carolmcgrath@makosearch.ie**COMMERCIAL CONTRACTS 8 MONTHS****€NEG**

Are you a lawyer with a construction, PPP/PFI or Energy background? Our client is looking to recruit an experienced lawyer for an 8 - 10 month contract. Good commercial contract experience will also be considered. Terms are negotiable. Excellent bonus and benefits are on offer.

Refs C1126

Contact carolmcgrath@makosearch.ie

For Private Practice opportunities, please contact sharonswan@makosearch.ie
 Compliance opportunities, please contact jennifer.purcell@makosearch.ie
 In-House opportunities, please contact carolmcgrath@makosearch.ie

Mako Search, Alexandra House, The Sweepstakes, Ballsbridge, Dublin 4.
 T: 01 631 9126 F: 01 631 9001 E: admin@makosearch.ie W: www.makosearch.ie



Legal Recruitment With Guaranteed Solutions

Lex Consultancy is a unique recruitment company which operates in a specialised niche market, offering a full recruitment service for all levels of legal staff both in private practice and corporate entities within Ireland. Marrying the needs of both our clients and candidates, we offer a discreet, confidential and the highest standard of service that produces results that exceed expectations.

Please contact Michelle Nolan, Jo McAndrew and Marguerite Morgan and they will be delighted to assist you in your job search. Lex Consultancy currently have a large number of temporary / contract and permanent legal secretarial and paralegal vacancies.

■ Litigation Solicitor – Locum Position // Dublin // Neg

This city centre law firm was only established a couple of years ago but it is going from strength to strength. The two partners have big plans for the firm. They are currently seeking a Solicitor with enough experience to work on his own. Applicants must have experience of dealing with breach of contract, Debt Collection (High Court work) and Personal Injuries. This position is initially for 3-6 months but it may be made permanent depending on the candidate. Salary and working hours are negotiable. MN697.

■ Inhouse Commercial Lawyer – Telecoms Co // Dublin // 25K +

My client is looking for a senior commercial lawyer to be based in Dublin reporting directly into the head of Legal for the region, focusing on all legal issues in Ireland and working closely with senior management and the business teams. There is potential to work on cross-jurisdictional projects. You will enjoy taking the lead on the negotiation and management of a range of commercial contracts including significant supply and services agreements as well as high level outsourcing contracts. You will also gain exposure to Intellectual property, employment and licensing issues. This is an extremely hands on role requiring strong commercial acumen and pragmatism. MN694.

■ Contentious IT Associate // Dublin // Neg

My client, a well known and highly regarded law firm, are looking to add talented individuals to their Technology, Media and Telecoms team. The ideal candidate will have experience working on large technology dispute work. However, my client will also accept applications from Associates with a background in construction and/or engineering. MN1044.

■ Professional Indemnity Lawyer – Full-Time/Part-Time Position

One of the foremost professional indemnity practices in the UK is seeking a qualified lawyer to join their Dublin office. The ideal candidate will have extensive experience representing insurer's interests in professional indemnity coverage and defence work. Applicants must have experience of the workings of Irish courts. Based in modern offices in the new legal sector, you will have access to the best of technology. Salary and working hours are negotiable. MN1000.

■ Corporate & Commercial Lawyer // Dublin // 60K +

Our client is one of the highest respected private practice firms in Ireland. It is a rapidly growing firm where the partners are easy-going, approachable and respected in their craft. The firm as a whole is renowned for its culture and low turn-over. The ideal applicant will have experience. You will have a strong background within a recognised Corporate & Commercial practice. You must have excellent communication and interpersonal skills and have a proactive and enthusiastic approach. MN1046.

■ Banking Solicitor // Dublin // Neg

Join this top tier firm and act for major Irish/International banks and financial institutions in funding/finance structures. You will strive on assisting clients with their general banking and finance matters including: lending, trusts, securities and prospectus work together with some insurance matters. Team is tight knit, dynamic, bubbly with good level of communication skills, good sense of humour and social personality. Grasp this opportunity to develop your existing banking and finance law skills further, although full training is provided. MN690.

■ Know-How Lawyer – Part-Time Role // Dublin // Neg

This firm is one of the largest in Ireland. They are seeking to recruit a Professional Support Lawyer to work closely with the Banking Group. Knowledge Management in its widest sense is taken very seriously by the firm. The firm will consider applications from individuals either currently working in practice or working in a PSL/Know-How role already. You will have an academically strong CV, a high level of technical expertise, excellent communication skills and you will be coming from a well regarded practice. The firm would welcome applications from those seeking a full or part-time position or even those wishing to work two days a week from home. MN697.

■ Health Services Lawyer // Dublin // 70K +

An experienced Solicitor is required for the Health Service Department of the top 10 law firm - working with the team. The role of the successful candidate will involve all aspects of Health Care Law. A generous remuneration package will be offered to the successful applicant that will reflect the seniority and importance of the role. MN695.

■ Debt Collection Solicitor – Top Law Firm // Dublin // 68K +

A top Dublin law firm is seeking a Debt Collection Solicitor with experience. You will join a team of these Solicitors and numerous support staff. You will manage your own caseload and your duties will include: Refiling and amending debt collection processes; Dealing with case loads of sensitive and high value complex debts; Working closely with clients. You must have strong debt experience and be able to handle a large caseload for this position. MN694.

■ Wills & Probate Solicitor // Dublin // € Neg

Due to a restructuring of the Wills and Probate department, an excellent opportunity has arisen within a well-respected legal practice in Dublin, for an experienced Solicitor to join their ranks and continue to develop and promote what is a core element of the business. The successful applicant will preferably have some experience in running a department. With secretarial and team support provided, you will be required to deal with a variety of matters. An excellent career opportunity for a gifted professional. MN1042.



www.lexconsultancy.ie



The Legal Panel is a professional consultancy firm specialising in the recruitment of Newly Qualified Lawyers up to Partner and Head of Legal level. We pride ourselves on our confidential and personal approach.

For a confidential discussion on any of the opportunities below, please call Sarah Kelly or Stephen Kelly on 01 6377 012
Email: sarahk@thepanel.com or stephen@thepanel.com



PRIVATE PRACTICE

Commercial Lawyer - Top Tier

Ref: SK J13043 - €90,000+

Top tier firm is seeking a high calibre individual to work in their well respected corporate department. This is an excellent opportunity to join a dynamic and well established team at this level. The successful candidate will be required to work on high profile and complex cases, M&A's, private equity and venture capital transactions as well as joint ventures and provision of general advice to high level clients. On the commercial side you will be required to draft licensing agreements, contracts and all relevant policies and procedures.

Corporate Secretary Manager/ Director - Mid Tier

Ref: SK J21721 - €Neg. + bonus & benefits

You will work closely with the Head of the Department and run and develop your own team. There is a good possibility for this role to be a Director level, depending on experience etc. ICSA qualification is essential, as is good staff management experience. This requires an experienced company secretary who is keen to work with one of Ireland's most renowned Company Secretarial departments.

IP Lawyers - Leading Law Firm

Ref: SK J29887 - €70,000+

A hugely successful large firm currently require driven, focused and ambitious candidates to join their team in Dublin city centre. This is an excellent chance to develop your career in a firm which offers an opportunity to work mainly their expanding Intellectual Property department. You will be expected to deal with copyright, patents, trademarks, design law, counterfeiting, data protection, media and entertainment law etc. Experience in some or all of these areas is preferred.

Litigation Solicitor - Newly established law firm.

Ref: SK J25177 - €Negotiable

A recently established law firm has a newly created vacancy due to their continued growth. This firm has an excellent reputation in the UK dealing primarily with dispute resolution and claims management services for large insurance clients. For this role an experienced litigator is required, ideally having experience dealing with professional indemnity claims. You will be a competent solicitor who can work with minimal supervision and resolve claims effectively.

Corporate/Commercial Lawyer

Ref: SK J2334 - €80,000+ excellent benefits package

Top tier firm with a very strong corporate department and market leaders in dealing with domestic and international clients require a lawyer to join their expanding team. The successful candidate will be required to work on high profile and complex cases, M&A's, private equity and venture capital transactions. This is a fantastic opportunity for an ambitious solicitor with genuine career progression prospects.

Healthcare Lawyer - Dublin

Ref: SK J2113 - €Negotiable

A fantastic opportunity has arisen for a solicitor with any level of experience in Healthcare law to join this rapidly expanding department of a leading Irish law firm. This is a challenging position for a solicitor with litigation experience dealing with medical negligence for a mid or top tier firm, or alternatively a firm with a strong emphasis on medical malpractice. There are genuine career progression opportunities as well as a chance to be part of a dept being driven forward by a leading practitioner in this field.

IN HOUSE

Regulatory Engagement Manager - FIMCO

SK J24571 - €Neg. plus bonus & benefits

This is a unique opportunity for a candidate who is familiar with engaging and liaising with government bodies. As the REG you will drive, manage and support internal and external regulatory engagement processes to key political and commercial bodies as well as stakeholders and act as prime networker/contact person for all governmental bodies in Ireland. Strong regulatory experience is essential.

Legal Counsel - Aviation

SK J24567 - €130k plus bonus & benefits

You will be a qualified lawyer with exceptional experience in the area of aviation leasing. As Legal Counsel you will be engaged closely with the front end of the business. You will also represent the company in connection with the purchase, maintenance, financing and leasing of commercial aircraft and other activities relating to the business. You will report to and work closely with the Head of Legal.

Company Secretary Project Manager - Drinks Industry

Ref: SK J25197 up to €80k plus bonus & benefits

Our client, a leading player in the drinks industry, is looking for an experienced Company Secretary with strong dissolution experience. You will be working on a worldwide project taking complete responsibility for the Irish part of the project. This is a 12 month contract with a strong possibility of being extended. ICSA qual. preferable. Dissolution experience is essential.

Corporate Banking Lawyer

Ref: SK J23427 - €Competitive

One of Ireland's leading banking institutions is recruiting for their expanding Global Markets Division. You will be a qual. barrister or solicitor coming from a financial services background or from a banking department in practice. Core duties: Draft, review & negotiate legal documentation & contractual arrangements. Manage the legal aspects of the implementation of business projects. Implement new legislative and regulatory requirements. Financial services experience essential.

Company Secretary - Leading Technology Company

Ref: SK J2008 - €45,000+

One of the world's most highly regarded and popular companies to work for has a newly created vacancy for a Company Secretary in their legal department located in the heart of Dublin city centre. This role is ideally suited to a candidate with strong academics, a few years' experience in a Company Secretarial capacity and either ICSA qualified or pursuing the qualification. Fantastic working atmosphere, excellent salary (commensurate with experience) and compelling benefits package.

Commercial Lawyer - Cork

Ref: SK J2710 - €Negotiable

A large pharmaceutical company in Cork has a vacancy for a solicitor with experience in Commercial law to take on a 5 month contract beginning this coming March until mid August. You will be working with a small legal team advising across a broad range of areas including contracts, corporate, competition, regulatory, environmental and property. Salary is commensurate with experience.

Experienced Projects/PPP Lawyers

Dublin

€Excellent

Our client is one of Ireland's largest, progressive and fastest growing commercial law firms. This dynamic practice now requires a number of experienced Projects/PPP Solicitors, at varying levels, to support its growing team.

Reporting to a highly regarded Projects Partner, the roles will be both demanding and rewarding, and will offer real advancement potential for the successful candidates.

The Roles

The work will be challenging, multi-disciplinary and varied, and will involve:

- Preparation, negotiation and/or review of tender documents, concession and project agreements, operation and construction documents, funding documents and related corporate and commercial documents.
- Active involvement in the firm's continued development and expansion.

The Candidates

- Experience in any of the following areas - projects/construction/procurement/project finance.
- Expertise in at least one of the following sectors - accommodation, roads, rail, water, waste and/or energy.
- Whilst it is acknowledged that the successful candidates will be specialised in banking, construction or procurement, a working knowledge of all documents that comprise a PPP deal is required.
- Will demonstrate a practical commercial approach coupled with first class legal ability and excellent drafting skills.
- Excellent communication and interpersonal skills.
- Strong organisational skills and the ability to work as part of a team.
- High level of motivation and the ability to work on one's own initiative.

The Rewards

- Real potential for career advancement.
- Highly competitive remuneration package.
- Excellent client portfolio.

These opportunities are exceptional and will attract individuals with ambition and first class legal ability.

Interested candidates should contact John Macklin in the strictest confidence on 01 6621000 or alternatively send your CV to jmacklin@brightwater.ie

Where will the future take you?

Dublin Practice

Corporate Solicitor

€100,000 - €145,000

Our client is a well respected, leading law firm based in the city centre. They are currently seeking to expand their corporate department. The successful candidate will be involved in all aspects of corporate and commercial law. The responsibilities of this position are advising both Irish and international public and private companies in relation to a broad range of corporate transactional and advisory work. Ref: 1076

Professional Support Lawyer

€51,200+

Our client is seeking to hire a professional support lawyer to join their 'know-how' department. The role will involve drafting, updating, managing & disseminating documents, setting up or dealing with online document systems, i.e. managing know-how, precedents and standard forms. The ideal candidate will be a qualified lawyer with a corporate background. Experience as a PSL a distinct advantage but not mandatory. Ref: 1047

Wills/Estate Planning Solicitor

€ Negotiable

This highly reputable city centre based firm has grown enormously over the past 10 years. They are seeking to hire an experienced wills/estate planning solicitor to join their private client department. The role will involve advising on estate planning, wills, trusts, and probate. The role will suit a highly motivated lawyer, who is commercially aware, meeting trusted status and a member of STEP or AEP qualified. Ref: 1047

IT Solicitor

€11,000+

Our client is one of Dublin's leading law firms. They are now seeking a qualified solicitor to join their information technology team. The successful candidate will work with the head of department and be involved in all aspects of IT including electronic banking, the formation and conclusion of electronic contracts, investment in information technology ventures and project financing. Experience in IT is essential for this role. Ref: 1076

Dublin In-House

Legal Manager

€100,000

This is an outstanding opportunity to join the legal team of an aviation company as business and legal manager. Must have sufficient experience either in an airline, aircraft leasing company, or in-house with a law firm working on aircraft leasing or finance transactions. The successful candidate will have the ability to identify and manage risk in the context of the overall commercial objectives of the company. Ref: 1076

In House Legal Counsel

€75,000

This is an exciting position in the legal department of one of Ireland's leading telecommunications companies. The role involves working within a close-knit legal team (providing legal support and advice across all areas of the business) in particular dealing with general commercial, telecoms, IT, content, media, brand, online, sponsorship, marketing and consumer issues. Must have excellent communication skills and good commercial awareness. Ref: 1076

Solicitor

€75,000

This leading Irish bank is seeking a qualified solicitor or barrister to join their business within the bank division. The role will involve ensuring the company is legally protected in terms of all interactions with its clients and the successful candidate will have the ability to build effective working relationships within the business and across group legal services. Good interpersonal and IT skills are required as well as strong professionalism and competence. Ref: 1076

Legal Manager

€51,000

12 month maternity contract within a leading insurance company. Responsible for the provision of a professional legal and compliance service in support of business objectives. Must have the ability to deal and manage a varied and busy workload whilst maintaining client's expectations. Drafting and negotiating skills essential as well as the ability to communicate legal terminology in an understandable format to other areas of the business. Ref: 1076

Member of the
Brightwater
Group of Companies

100 YEARS OF SERVICE

**SEARCHING FOR THE BEST
TALENT**
www.brightwater.com

**WE ARE ALWAYS ON THE LOOK
OUT FOR THE BEST
TALENT**
www.brightwater.com



Connaught/Munster

Corporate/Commercial Property Lawyer

€70,000

Our client is a dynamic and progressive practice which has been experiencing significant growth over the last decade. They now seek to recruit a commercial solicitor. The main body of work will include commercial conveyancing but will also incorporate general corporate work as well as management buy outs, distribution agreements etc. The successful candidate will be interested in career progression and be of partnership potential. Ref: 12085

In-House Commercial Lawyer

€70,000 - €100,000

This is an excellent opportunity for an experienced solicitor in the area of commercial and corporate banking to join a thriving business in west Cork as an in-house solicitor. The successful candidate will be highly driven and assertive and will find plenty of opportunity for career progression with the expanding and dynamic company. Previous experience working on construction, energy projects and with financial institutions is necessary. Ref: 12082

In-House Lawyer

€75,000 - €85,000

A leading Irish company based in Cork seeks to recruit a corporate lawyer. This candidate will play a central role in the expansion of the legal department. The successful candidate will provide advice on a wide range of regulatory and legal issues across the business and will, where necessary, assist in drafting and negotiating a wide variety of commercial agreements. The role will also be involved in the day-to-day running of the legal department. Ref: 12083

Commercial Solicitor - Practice

€65,000 - €70,000

Our client is a dynamic and progressive firm of solicitors in Cork city. Commercial law is central to the firm's strategy. This renowned practice now requires a solicitor to strengthen their expanding commercial team. The ideal candidate will have trained in a commercially focused environment and will be eager to progress their career in a top-tier firm. The successful candidate will work on high profile complex cases and provide commercial advice to large clients. Ref: 12077

Commercial Property Solicitor - Mid East

€70,000 - €75,000

This highly reputable medium sized firm in the south east is currently seeking an experienced commercial property solicitor to join their expanding property team. Must have experience in a busy commercial property department, be hard working with excellent communication and client relationship skills. The successful candidate will join a dynamic team of solicitors at the well reported firm. Ref: 12429

Commercial Litigation Solicitor

€75,000 - €77,000

Our client seeks a commercial litigation solicitor to join their team in Galway. Must have gained solid commercial litigation experience during their legal career. This is an excellent opportunity to join a modern firm with a well established reputation in Galway. Applicants with previous expertise in commercial litigation are sought to grow and develop the burgeoning team. Remuneration will be commensurate with experience. Ref: 14029

ADDLESHAW GODDARD

Are you looking for something
identifiably different?

In a supportive &
rewarding environment?

Working for major blue-chip clients?



Lawyers London, Leeds & Manchester
Excellent package including relocation support & bonus

We are creating something 'identifiably different' in the legal landscape and are looking for talented, like-minded individuals to share in our success.

One of the UK's largest law firms – many of our teams are regularly and independently recognised as leaders in their field – we work predominantly with FTSE 350 or equivalent businesses and offer full-service legal advice from each of our three premier locations.

We expect all our lawyers to work hard, our clients demand nothing less, but we also believe that supporting our people in achieving their aspirations outside of work ultimately makes better lawyers making better decisions. So if you want a top-flight career in a genuinely flexible environment...come and talk to us.

We're interested in speaking to ambitious lawyers across the commercial range but we'd particularly like to speak to those with corporate, banking or real estate experience and will be visiting a city near you shortly. For more information on events, to discuss specific vacancies or to submit a CV please contact our retained consultant Oliver Gibbon on +44 (0)7779 025879 or email oliver.gibbon@hays.com.

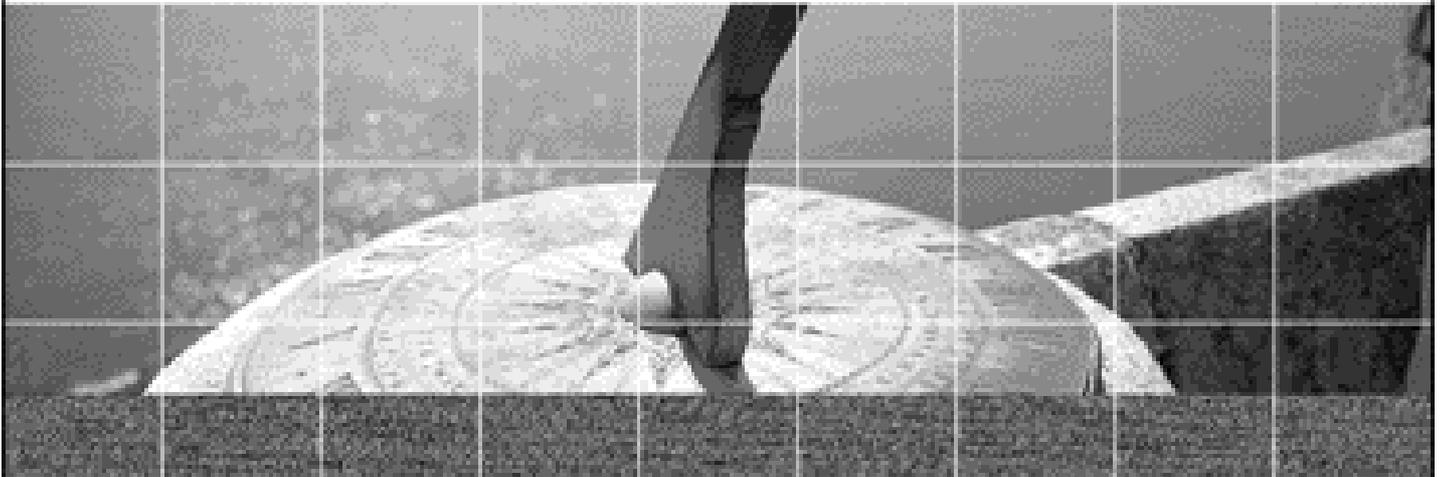
Addleshaw Goddard welcomes applications from all sectors of the community and believes in equality of opportunity for all. For more information visit our website at www.addleshawgoddard.com



INDIVIDUALLY DIFFERENT

REMARKABLE TOGETHER

outstanding legal opportunities



In-House

Senior Legal Counsel €120k + Bonus and Benefits

One of the world's leading global aerospace leasing companies wishes to recruit a Senior Legal Counsel. Reporting to the CEO, the successful individual will have overall responsibility for all legal matters relating to aircraft leasing and financing, including drafting, review and negotiation of lease agreements. The successful candidate will also be responsible for consulting and coordinating with outside counsel, local counsel, tax counsel and other professionals concerning the operation of the business. Ref: J0712840

In-House Lawyer - Retail Banking €70-80k

One of the leading financial institutions in Ireland now wishes to recruit a solicitor who will play a key role within their retail division. The bank consists of 265 branches and has more than 1.3 million customers and approximately 5,000 staff across Ireland. The purpose of the role will be to provide the bank with expert commercial, cost effective legal services in all aspects of its business activities. The role will suit a highly commercial lawyer who is looking to secure a diverse role in a professional and supportive environment. Ref: J0776660

In-House Corporate Lawyer €Negotiable

Our client is a market leader in providing high performance solutions for e-trading. Its technology allows institutions to focus on developing proprietary models and business logic. With more than 70 financial institutions in 20 different countries as clients, they now wish to recruit a qualified solicitor who will play a key role in a professional, friendly and supportive team. The role will offer an excellent opportunity for the successful candidate to move into a commercial role in a growing organisation. Ref: J0771800

Interested candidates should forward their Curriculum Vitae, in the strictest of confidence to **Claire Dunwoody** at claire.dunwoody@robertwalters.com or call +353 (0) 1 633 4111.

These are just a selection of legal roles we have at the moment, to view a comprehensive list of current opportunities visit our website www.robertwalters.ie or call our specialist team today on + 353 (0) 1 633 4111.

Robert Walters is a leading global recruitment specialist with 29 offices in 15 countries. Our Dublin legal division provides a high quality, proactive and professional service in both the private practice and in-house markets to meet your career needs in Ireland.

Robert Walters, Riverview House, 21-23 City Quay, Dublin 2. Web: www.robertwalters.ie

Private Practice

Medical Negligence Solicitor €80-100k

A leading Dublin law firm requires a Litigation Solicitor to join its well established and highly renowned Healthcare Group. Medical negligence law is a much sought-after area of law for many solicitors and this is an outstanding opportunity for an experienced individual to join one of Ireland's best law firms. The role will be broad but will include working closely within a team on high-profile medical negligence-claims, providing consultative and advisory services to medical device manufacturers as well as dealing with product liability. Ref: J0714000

IT/IP Solicitor €80-100k

An exceptional opportunity exists within a 'Top Five' firm for a qualified solicitor with IT/IP experience. This is a unique opening within a highly prestigious firm. Candidates are expected to have a good knowledge of copyright law, data protection and be able to work within a fast paced corporate environment. The ability to negotiate and draft contracts as well as other documentation in relation to all IT and e-commerce matters is required. This position offers the selected individual the chance to work alongside some of the country's leading IT/IP lawyers. Excellent remuneration package on offer. Ref: J0784121

Commercial Solicitor €80-90k

This very well established city centre commercial law firm requires a Commercial Solicitor to join their expanding boutique practice. The position involves an element of commercial property law as well as the sale and acquisition of companies and other commercial properties throughout Ireland and the UK. A solid background in corporate law is necessary and ideally the selected candidate will have experience working in a large commercial firm. Any financial services law experience is an added advantage. This is a superb and rare opportunity for an experienced solicitor to join this distinguished commercial firm. Ref: J0784100

Interested candidates should forward their Curriculum Vitae, in the strictest of confidence to **Greg Rogers, Solic.** at greg.rogers@robertwalters.com or call +353 (0) 1 633 4111.

www.robertwalters.ie

ROBERT WALTERS

AUSTRIA BELGIUM FRANCE HONG KONG IRELAND JAPAN LUXEMBOURG MALAYSIA NETHERLANDS NEW ZEALAND SINGAPORE SOUTH AFRICA SWITZERLAND UK USA

For full listings of our current opportunities please visit

www.g2legal.ie



Dublin tel 01 616 0400 email dublin@g2legal.ie

Banking

Prestigious law firm requires solicitors to join their leading banking team. The successful candidates will be working alongside the partners handling big ticket work. Candidates must have experience in banking, securitisation, structured finance, asset finance and corporate banking. You will also assist and advise their fantastic international blue chip client list. This is an outstanding opportunity to progress your career with one of Ireland's leading law firms. [see 1000466](#)

Corporate

Lead lawyer role working as part of a mid tier practice with an established commercial name. Varied workload to include: mergers and acquisitions, joint ventures and the full range of drafting and negotiating commercial documents. The practice has an entrepreneurial spirit and ambitious expansion plans. They are in state of the art commercial premises and the role presents a fantastic opportunity for a lawyer that can develop existing relationships and take the department to the next level. [see 1000466](#)

Pensions and Employee Share Plans

The successful candidate will have the full support of the Senior Partner, who has vast experience in this specialism. This new opportunity has been created by the firm's client base which is ripe for development in this area of work, utilising the corporate unit to include corporate recoveries and the employment team. This is an exciting and rare career opportunity working alongside a Legal 500 listed Partner/practice. Salary and benefits are commensurate with experience. [see 1000466](#)

EU Competition

Opportunity to join Dublin's most envied EU team in one of Ireland's leading law firms. Working under the internationally renowned partner you will advise on international and domestic anticompetitive and dominance issues for public and private bodies, including the Irish Competition Authority. Position represents a fantastic opportunity for an experienced solicitor to join a growing team handling quality work in state of the art surroundings with first class support and training. [see 1000466](#)

Insurance

Top 5 firm requires solicitors to join their progressive insurance practice advising the growing domestic and international insurance sectors in Ireland. You will have experience of providing the full range of corporate and insurance regulatory services to the insurance industry. Candidates from a strong general corporate background will be considered. Extensive benefits package and fantastic salary offered to the successful candidate. [see 1000466](#)

Insurance/Reinsurance

Prestigious city firm require solicitors to join their progressive insurance practice. Working directly with Partners from both the insurance and corporate groups the workload will involve insurance for mergers and acquisitions, portfolio transfers and other transactions including trade sales and demutualisations. Dealing with largely non-contentious issues, candidates from a strong general corporate background are encouraged to apply. Extensive benefits package and fantastic salary offered. [see 1000466](#)

Corporate

Our client, one of Ireland's leading firms are working with domestic and international clients on high profile, complex deals. Their corporate team advises on a wide range of issues including mergers and acquisitions, corporate finance, inward investment, intellectual property, investment funds and insurance. They are looking to expand this dynamic department at pace by appointing at all levels of experience. Excellent package and progression prospects on offer. [see 1000466](#)

Corporate

Leading commercial player requires senior corporate/mergers and acquisitions lawyer for its thriving practice. This lead role presents a rare opportunity to head/develop an established team. The ideal candidate will have local knowledge, marketing skills, and the desire to lead a team and build a department. Big ticket work handling a variety of entrepreneurs and established plds from the technology, finance and property sectors. Partnership prospects. [see 1000466](#)

Dublin tel 01 616 0400

Intellectual Property

Our client is a leading mid tier practice possessing a wealth of experience in intellectual property, information technology, corporate/commercial and commercial litigation. Workload to include commercial litigation, contentious and non-contentious intellectual property related work. Partnership prospects for the right candidate along with a generous basic salary and package. General commercial litigators with an interest in developing their IP experience should apply. [see 1000466](#)

Construction

This highly regarded firm have an opening for an experienced solicitor to join their growing construction department. The team have an outstanding reputation, working on some of the most high profile recent projects in Dublin and around the country. You will be involved in all aspects of the construction process from initial planning through to design, construction and handover. Additionally you will be expected to play a full part in the marketing and development of the department. [see 1000466](#)

Pensions and Employee Share Plans

One of the top firms for pension's advice in the country are expanding their team. Dealing with a mixture of national and international clients, you will offer advice and direction in managing retirement benefits for a company's employees. This represents an excellent opportunity for a junior assistant to get their teeth into some high profile and complex work. Salary and benefits are commensurate with experience but will include: gym membership, bonus, healthcare and pension. [see 1000466](#)

Projects

This leading team advises a range of public and local authorities, private sector developers, contractors and designers in relation to all aspects of construction and engineering. Current team has been involved in many of the major infrastructural developments in Ireland in recent years. They work closely with the dispute resolution team in respect of construction disputes requiring arbitration, conciliation and other dispute resolution mechanisms. Opportunities exist at all levels for the right candidates. [see 1000466](#)

Medical Negligence

Opportunity to undertake a litigation role with a market leading firm. The work is mainly medical negligence acting on behalf of insurers, medical councils and bodies, providing pragmatic advice on claims, policy claims avoidance, defence and claims management. This is an ideal opportunity to specialise in a niche and growing area of law with a dynamic practice. Excellent opportunity to progress and fantastic package and benefits on offer. [see 1000466](#)



Regions Focus tel 01 619 0400

Construction

Our client is one of the leading construction groups in Ireland. They are involved with high level national and international work. They seek academically gifted lawyers that can handle challenging work and strict deadlines in a fast paced environment. You can expect to be involved directly with existing high profile clients. Ideally you will have experience in contentious and non-contentious construction matters although opportunities exist for specialists in either or. [see page 10](#)

Corporate

This is one of Ireland's premier legal practices and they are recruiting further into their corporate team. The team offers a fully integrated service and there is significant overlap with not only the corporate finance / banking departments and tax teams but also linking with the firm's international offices and affiliated bodies. The teams work is an in-stream corporate with an emphasis on quality M&A, MBO, B2BBO as well as IPO and regulatory. Salary and benefits are commensurate with experience. [see page 10](#)

Banking

Acknowledged as the market leader in the provision of legal and regulatory advice to financial institutions, governmental bodies, regulators and both domestic and international corporations. They advise on all aspects of banking and financial services including: secured and unsecured bilateral and syndicated loans, asset finance and advising on insolvency and banking regulation. There are opportunities to join the team at assistant and associate levels. Excellent package and benefits. [see page 10](#)

Asset Finance

Our client has unrivalled expertise in asset finance, specialising in big ticket matters. The group is widely recognized as the pre-eminent practice in Ireland and has an extensive and enviable domestic and international client base of Magic Circle standard. Due to their continued expansion and growth they are seeking candidates currently working in asset finance within private practice or industry, or candidates with general banking or commercial experience who are interested in developing an expertise in this area. [see page 10](#)

Commercial Carlow

Experienced Commercial solicitor required to join the Carlow team in this renowned and dynamic practice. You will be very experienced in a similar environment and have excellent commercial knowledge and IT skills. You will offer advice on joint ventures and shareholder agreements amongst your myriad duties. The position offers an excellent opportunity for career development in an expanding commercial practice. Salary and benefits are commensurate with experience. [see page 10](#)

General Practice Cavan

This role is for a general practice solicitor who can work largely unsupervised and who is keen to undertake a broad diet of work ranging from general litigation, family law, conveyancing, wills, probate, landlord & tenant, commercial, corporate and debt collection. There is the opportunity to lean towards one area more than others if desired but ideally you will be an energetic and capable all rounder. Existing caseload and strong local in line ensures regular quality work flow. [see page 10](#)

Corporate and Commercial Cork

Our client, a successful firm in Cork is seeking a solicitor familiar with company, contract and commercial law. The successful candidate's duties will be across a broad spectrum and include: mergers & acquisitions, VC and private equity investments, joint ventures, technology transfers and a wide range of commercial agreements. The candidate will have experience of the transactional and advisory work in the fields of corporate and commercial law. Excellent package for the right candidate. [see page 10](#)

Corporate Cork

The successful candidate will provide advice on a wide range of legal and regulatory issues across the business, supervising external legal advisers, negotiating commercial, connection and purchase agreements. Expertise in the areas of energy, regulation, commercial contracts, construction, projects or a related area will be a strong advantage. The successful candidate will have exceptional analytical and communication skills and the ability to work effectively as part of multidisciplinary teams. [see page 10](#)

General Practice (Litigation) Waterford

Medium sized practice based in Waterford requires experienced solicitor capable of handling a broad range of litigious work. Workload to include: road traffic accidents, employer's liability, employment and matrimonial work. The practice also undertakes environmental and some defendant work. This traditional friendly practice possesses a wealth of experience in general practice and commercial work and is looking for an ambitious confident solicitor. [see page 10](#)

Employment Galway

Rare opportunity to join a leading firm in Galway city. Our client is looking to add an experienced employment law solicitor to its busy practice. The ideal candidate will have in depth experience in areas involving TUPE/mergers, wrongful dismissal, breach of contract and equality law. Experience in acting for both employer and employee handling contentious and non contentious issues preferred. A flair for marketing and business development would be a distinct advantage. [see page 10](#)

Commercial Property Limerick

Boutique firm in the centre of Limerick are seeking an experienced commercial property solicitor to join their growing team. The successful candidate will be fully versed in all aspects of commercial conveyancing, have acted for developers and lending institutions, be able to hit the ground running and work on their own initiative. Fantastic opportunity for candidates looking for long term prospects. Salary and benefits are commensurate with experience. [see page 10](#)

Defence Litigator Limerick

Major player in Limerick seeks experienced defence litigator for their growing team. The successful candidate will be charged with a heavy caseload working for several major insurers and be expected to become an integral part of the team. Experience of a big firm would be advantageous but is not essential. This is an outstanding career opportunity for an ambitious solicitor. Salary and benefits are commensurate with experience. [see page 10](#)

Dublin Office

t +353 (0) 1 619 0400 f +353 (0) 1 51 6000 e dublin@g2legal.ie 12 Merrion Square Dublin 2 Ireland

Out of Office Hours Paul Wingfield +353 (0) 1 619 0400

Offices also in Birmingham Brighton Bristol Edinburgh Glasgow Leeds London Manchester

OPPORTUNITIES ACROSS THE BOARD

BASE
BASE

LONDON AMSTERDAM BRUSSELS CHICAGO DUBAI DUBLIN FRANKFURT HONG KONG PARIS SAN FRANCISCO SYDNEY

Life beyond the law?

Is the law delivering everything you want from your career? Or could you be looking for an alternative? An alternative that will allow you to use your experience and training to the full. An entrepreneurial environment, where you'll be given the responsibility and support to deal with the most senior players in the Irish business world.

Established for almost 20 years and with offices in Europe, North America, the Middle East and Asia Pacific region, Laurence Simons International is one of the leading legal recruitment consultancies in the world. We work with a complete range of leading firms and in-house departments and with many of the most able and ambitious lawyers on four continents. And now we'd like to be working with you.

As part of our ambitious expansion plans, we're now seeking lawyers, looking for a results based environment. In order to further develop our operations in Ireland, we'll expect a lot from you, but we tend to attract, and retain individuals who expect a lot from us, too. We invest heavily in career development, promoting from within wherever possible and offering every opportunity to move around our global network of offices. And our reward system is quite simply one of the best in the sector – our philosophy is that our people should all receive a substantial proportion of the fee income they generate.

If you would like to learn more about working with Laurence Simons International, please contact:

Portia White

Email: portia@laurencesimons.com

Tel: +353 (0) 1 477 3063

It could turn out to be the best career decision you've ever made.

Legal Counsel, Dublin

Leading Global IT provider, require a Legal Counsel to join their team. You will be a commercial lawyer with significant experience in negotiating and drafting hardware and software agreements. Exposure to commercial contracts, EU regulatory and competition matters, employment, desirable. This is a key appointment with an international focus in a fast paced dynamic environment. Ref: PW17100

€130k plus

Senior Legal Counsel, Dublin

A leading international law firm organisation require a senior commercial lawyer. You must be commercially focused. You will be strategic and advise on the organisations corporate commercial affairs, specifically in relation to Intellectual Property Issues, including Trademarks, Patents & Copyrights. Experience in new markets and arrangements a must. This is a key position with a fast moving environment. Ref: PW10792

€ Negotiable

Senior Commercial Property Lawyer, Dublin

Our client, with a leading reputation for property matters is seeking a Senior Commercial Property Lawyer. Work will include the traditional categories of property/real estate, including freehold, acquisitions and dispositions, development, joint venture and leasing. You will have excellent transactional skills coupled with business development skills and commercial awareness. Ref: PW18209

€90k plus

Tax Partner, Dublin

Due to ongoing growth an opportunity exists to join a firm's tax practice. You will be a leading expert in corporate tax and have experience from a leading firm. You will have the ability to build the practice, manage portfolio of clients and develop new relationships. This is an exciting opportunity with a leading firm. Excellent terms on offer. Ref: PW18557

€ Excellent terms

Corporate/Commercial Lawyer, Cork

Leading Cork firm require a Corporate/Commercial lawyer at associate level. The role will involve advising public and private companies, multinationals, venture capitalists and start ups. You will also have experience from a leading firm and exposure in some of the following areas: company, commercial, corporate finance and technology related issues. Excellent opportunities for the successful individual. Ref: PW18703

€65k plus

Probate/Wealth Management Lawyer, Dublin

Our client has formed a solid reputation for professional (and) client service and seek a Probate lawyer to spearhead their team. You will have the relevant post-qualification experience from a leading local or international firm, a dynamic commercial approach and excellent client handling and business development skills. This is an opportunity with genuine career progression in a firm experiencing exceptional growth. Ref: DD10271

€85k plus

Banking Lawyer, Dublin

Leading law firm require Banking lawyer to augment their team. Access to the highest quality work is assured in an organisation with extensive expertise and experience in this area. The successful candidate will have the ability to work autonomously within part of a team, establishing both commercial and non-commercial law/industry skills. Ref: DD10300

€ Excellent

Tax Lawyer, Dublin

Our client, a pre-announced full service law firm, have a vacancy for a Tax lawyer within their commercial team. You will be working with a broad-ranging spectrum of clients from financial institutions to multi-nationals. One of the requirements for this role is a particular focus on both international and project work. A strong background from a leading law firm or in-house organisations extremely desirable. Ref: DD18117

€85k plus

Junior Funds Lawyers, Dublin

Our client, a top-tier law firm renowned for their strength in advising fund promoters and service providers, seek Junior Funds lawyers. You will have proven legal skills, of the highest calibre and commercial awareness combined with motivation, enthusiasm and the ability to work as part of a team. Excellent salary and bonus structure on offer. Ref: DD18120

€ Excellent

Insolvency Lawyer, Dublin

Recognised as a market leader within the Irish Corporate Recovery sector, our client require an experienced Insolvency lawyer as a result of unprecedented levels of growth within their department. This is an unrivalled opportunity to become part of a team that has gained an esteemed reputation on a Europe-wide basis across the fields of insolvency, recovery and restructuring. Excellent terms on offer for the successful individual. Ref: DD17034

€ Excellent

For further information regarding the jobs listed above, please contact Portia White (Tel +353 (0) 1 477 3063 or email portia@laurencesimons.com) or Donall Donnelly (Tel +353 (0) 1 477 3068 or email donall@laurencesimons.com) quoting the relevant reference number.

Harcourt Centre, Harcourt Road, Dublin 2. Tel +353 (0) 1 402 9400 Fax +353 (0) 1 402 9590

Search for positions online at www.laurencesimons.com



LAURENCE SIMONS
INTERNATIONAL LEGAL RECRUITMENT