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December 2025



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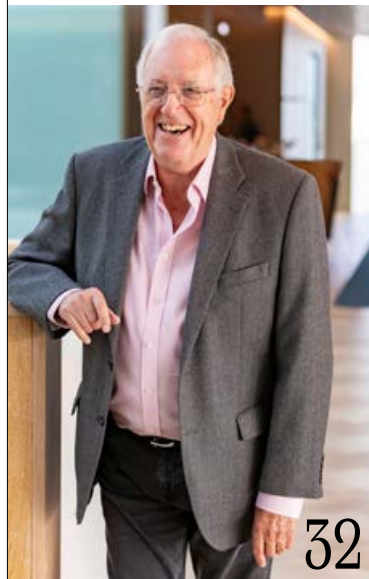
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SHINE A LIGHT

It is my honour and my privilege to serve as President of the Law Society for the coming year. I am looking forward to working together with you all, to make progress for the benefit of the public and all solicitors across the country.

I hail from Ballina, Co Mayo (born and raised), and qualified as a solicitor in 1991. I have worked for my family practice since the outset, namely Bourke, Carrigg and Loftus. The saying that 'the law runs through your veins' probably has some degree of truth to it, for four out of our family of six children qualified as solicitors – that is now stretching to the fourth generation, with my nephew receiving his parchment recently.

Legacy comes in many guises and, when it comes to Mayo, we have made our mark here in the Law Society over 60 years. A rural county, miles from the 'Big Smoke', we have made our voice heard and have fought to protect rural practices for the betterment of our members.

So I now have the great honour to become the seventh President of the Law Society from Mayo, the first female solicitor from the county, and an even greater honour to become the seventh female solicitor to grace this role.

Access to justice

During my year, I will seek to shine a light on rural practices and the trials and tribulations that they face, given the changing legal landscape on this island. In particular, there must be a greater focus on 'legal deserts' – a fast-approaching reality in so many of our rural communities.

With the difficulties of an ever-growing decline in legal services, the stagnation of trainees in rural areas, staff shortages, rising costs, and the lack of effective mergers or succession in practice, the consequences are the failure and decline of access to justice in rural Ireland. These issues are becoming more acute, so we must strive to achieve change for our members. We must have our role as solicitors heard within our strategic aims and continue to be the beating heart and voice in our communities.



We must strive to be the voice of change, particularly in the evolution and advancement of policy changes

promoting investment and inward international trade. I look forward to working with all stakeholders to effect an ever-growing market for solicitors.

Dream team

I am fortunate to be joined by a 'dream team' in senior vice-president Martin Lawlor and junior vice-president Keith Walsh SC. I look forward to working closely with them both, and with our director general Mark Garrett – a Mayo man from Ballina!

A wise lady, Mother Teresa, once said: "Not all of us can do great things. But we can do small things with great love." So, as a cohesive team, let's excel at 'doing the small things' and add to the existing scaffolding to build a better future for our noble profession.

Rosemarie Loftus

ROSEMARIE J LOFTUS
PRESIDENT

The Law Society's Strategic Plan 2024–2028 has defined the purpose, ambition, and vision for our profession. While the Law Society has made significant inroads in its implementation, there is more to be done. Enhancing the services that the Law Society provides to solicitors is another area I will be focusing on to achieve greater alignment between the Council and our membership.

Voice of change

Being forward-thinking in our ambition and vision, our already enhanced engagement with chief stakeholders must continue to be strengthened and fostered. We must strive to be the voice of change, particularly in the evolution and advancement of policy changes, especially at Government level. This is so essential for our membership, especially those practising in larger firms, so that Ireland continues to be a centre for investment and a magnet for international attraction.

Funding for courts infrastructure and judicial appointments, greater digitisation of the courts and conveyancing systems, focused leadership on AI and its monitoring, and the promotion of more efficient alternative-dispute-resolution mechanisms are just some of the projects that require our focus. They underpin a more efficient legal system that bolsters our profession's reputation and positions us as a leader in





the **BIG** *picture*

Red sky at night...

The Northern Lights were visible over Sandymount Strand, Dublin, on the night of 11 November – the day of the inauguration of Ireland's new president, Catherine Connolly. "I stand before you humbly and proudly as the tenth president of this beautiful country," President Connolly said. "The people have spoken and have given their president a powerful mandate to articulate their vision for a new republic, a republic worthy of its name where everyone is valued and diversity is cherished, where sustainable solutions are urgently implemented, and where a home is a fundamental human right."

people

■ WHO ■ WHAT ■ WHERE ■ WHEN ■



All pics: Daragh McCann

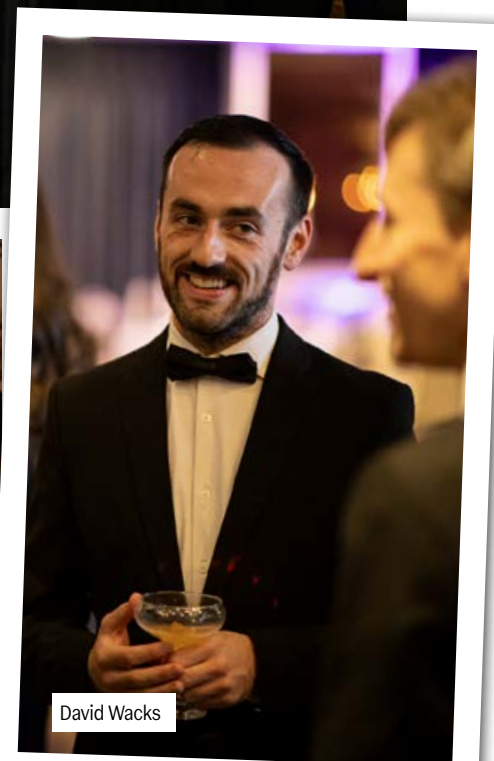
Members of the SYS committee: William Trueick, Jane Rigby, Aoife Brannigan, Rebecca Murphy, Hannah Faul, Rachel Jones, Lucy Heery, and Donal O'Sullivan

SYS celebrates 60th in Marble City

The Society of Young Solicitors (SYS) held its annual conference on 11 October in Kilkenny, *writes Rebecca Murphy*. This year's conference marked the 60th anniversary of the SYS, which was founded in 1965. The conference theme, 'Client, court, conscience: the ethical balancing act for young lawyers', was addressed by guest speakers Mr Justice David Barniville (keynote speaker), Geraldine Clarke SC, James MacGuill SC, and Joan Crawford (chief executive, Legal Aid Board).



Ciara McKeone, Geraldine Clarke SC, and Patricia Brady



David Wacks



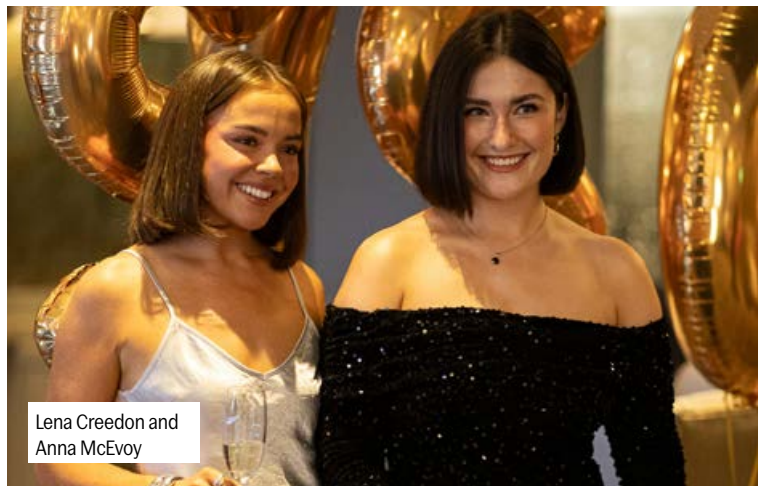
Zoe Boles



James MacGuill SC, Jane Rigby, Mr Justice David Barniville, Rebecca Murphy, Rachel Jones, Joan Crawford, and Geraldine Clarke SC



Kate Walsh, Rachel Jones, and Megan Hurley



Lena Creedon and Anna McEvoy



Stephen Lahert, Rachel Jones, Richard Christie, and Rory Purcell



Róisín Ní Chathmhaoil, Shane Dempsey, and Hannah Faul



Gerry and Debbie Halley



Maria Morrissey and John O'Donoghue



Ken Cunningham and Jill Walsh



Gerard O'Herlihy, Myles O'Connor, Donal O'Connell, and Judge John O'Leary



Eamon Quinlan and Brandon Meo

Déise's delightful annual ball!

Waterford Law Society held its annual Law Ball in the Faithlegg House Hotel on 10 October 2025. Among the invited guests were Judge Kevin Staunton, Judge James McCourt, Judge Eugene O'Kelly, Judge John O'Leary, Niall Cawley (president, Dublin Solicitors' Bar Association), Dermot Kelly (president, Southern Law Association), Michelle O'Connell (county registrar, Waterford Court Office), Brian Leonard (office manager, Waterford Court Office), and Michael Bergin (head, Department of Law and Criminal Justice, SETU, Waterford). There was a special welcome for Judge John O'Leary, who was recently appointed to the District No 21 court area, which includes Dungarvan in west Waterford.

A visit to old Amsterdam

A number of Waterford solicitors enjoyed a CPD weekend in Amsterdam recently, *writes Finola K Cronin*. They completed five hours of CPD on District Court family law and power of attorney, among other subjects. The opportunity for collegial bonding also allowed younger members of the profession to meet for the first time.



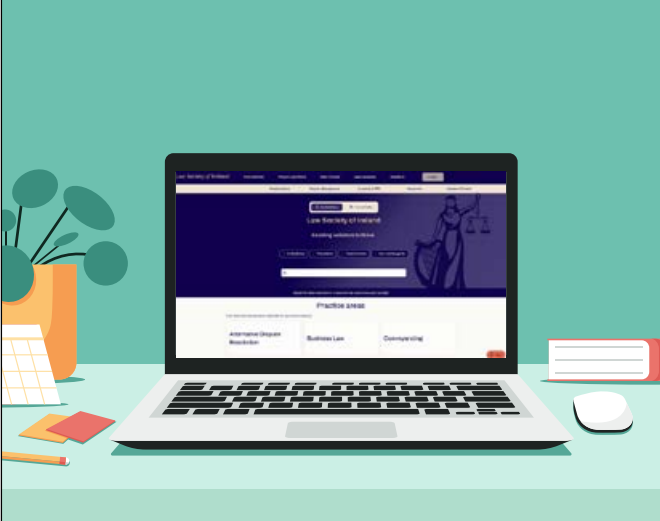
Rosa Eivers, Leona McDonald, and Ellen Hegarty




Anna O'Herlihy, Rosa Eivers, Rosie O'Flynn, Leona McDonald, and Laurie Burke



Gillian Kiersey, Fiona Gillen, and Liz Dowling




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■ E-book service launched ■ New Law Society president ■ Time for PC renewal

news

■ YOUR MONTHLY UPDATE ON ALL THINGS LEGAL ■



Photo: Rollingsnews.ie

Minister Dara Calleary

Department issues warning over 'My Future Fund'

The Department of Social Protection has warned that cases where employees are illegally obliged to join a pension scheme that would prevent them from accessing the 'My Future Fund' scheme will be fully investigated.

'My Future Fund' – the Government's automatic-enrolment retirement savings system – is currently being rolled out by the department. It aims to provide Irish employees who are not currently in a pension scheme the opportunity to save for their

retirement in a quality assured scheme. In October, [the department said](#) that it had come to its attention that a number of organisations were directly enrolling some of their employees in occupational pension schemes, saying that this was now required by a change in the law.

The department warns that "no such change in law has occurred". In fact, it is an offence to take any action that hinders or attempts to hinder an employee from participating in the My Future Fund scheme. →

LIBRARY LAUNCHES NEW E-BOOK SERVICE



Pic: shutterstock

The Law Society Library has launched a new digital service that gives solicitors and students convenient, flexible, and portable access to the Thomson Reuters ProView eBooks platform. This includes access to Thomson Reuters' Round Hall Irish collection.

ProView features include:

- Anytime, anywhere access to Round Hall publications – both online and offline – without the need to download a separate app,
- Cross-platform compatibility – access e-books on laptops, smartphones, tablets, or desktops, with a consistent book-like experience,
- Authentic reading experience – each e-book mirrors the layout of the printed version, complete with covers, page numbers, and preliminary pages, making referencing and collaboration with colleagues effortless,
- Enhanced functionality – highlight, bookmark, and annotate pages digitally.

How do I sign up?

Registration for the new service is free for members. To get started, contact the library to request access to ProView. You will receive an email with instructions on how to register. Once registered, users will have access to the entire suite of Round Hall publications for one month. When that access period ends, simply contact the library and ask a member of the team to renew your access. Priority will be given to small practice firms, sole practitioners, and in-house solicitors.

Hardcopy editions of Round Hall publications will continue to be available from the library, with books delivered directly to your office by DX tracked courier, where requested.

For more information or to register, contact the Library and Information Service at libraryenquire@lawsociety.ie or tel: 01 672 4843/672 4844.

NEW GUIDANCE ON AI

The Law Society has published new guidance for solicitors on generative artificial intelligence (Gen AI). According to the Law Society's 2025 survey, 69% of solicitors rarely or never use AI in their work, although 78% anticipate increasing their use during the next three to five years.

The guidance on AI in legal practice highlights potential uses and the limitations of tools such as ChatGPT,

Copilot, and similar solutions. It also considers how a solicitor's ethical and professional obligations apply to using these tools, informed by the *Solicitor's Guide to Professional Conduct* and international guidance. See www.lawsociety.ie/artificial-intelligence-ai/generative-ai-guidance. Watch a recording of the recent 'Legal Tech Series: New Developments in Artificial Intelligence' at www.lawsociety.ie/artificial-intelligence-ai/new-developments-in-artificial-intelligence-ai.

← The department believes that some employers intend to enrol employees into a company pension scheme to effectively block the automatic enrolment of such employees into My Future Fund. In addition, some employees are being compelled to join pension schemes where membership is not explicitly required under their contract of employment.

Payments into these pension schemes consist solely of an employer contribution of about 1% of salary. This contribution level is less than 30% of the initial contributions payable under the My Future Fund scheme, and less than 10% of those that will ultimately be payable under that scheme. This nominal contribution is unlikely to yield any material pension benefit.

The department warns that it is an offence under section 128 of the *Automatic Enrolment Retirement Savings System Act 2024* to hinder or attempt to hinder an employee from participating in the My Future Fund scheme.

Members of the legal profession who may be advising clients about these matters are asked to take note.

ECONOMICS OF DISPUTE RESOLUTION



Pic: Cian Redmond

The Law Society's Alternative Dispute Resolution Committee hosted a panel discussion at Blackhall Place on 20 October as a prelude to Dublin International Disputes Week 2025.

The event featured a detailed analysis of contemporary dispute resolution and where it's heading. The panel of Irish and international experts discussed innovations and emerging trends that are shaping practice and strategy in arbitration, mediation, and litigation.

Speakers assessed how clients and lawyers tend to make decisions and trade-offs in dispute resolution, and asked whether alternative methods of dispute resolution offer a more attractive allocation of time/money, response to risk, preservation of opportunity, and allocation of scarce court resources.

Among the speakers were High Court President David Barniville, Jonathan Wood (former world president of CI Arb and current chair of LCAM), Karen Killoran (partner, Arthur Cox), and Brian McMullin (Law Society Council member).

Rosemarie Loftus is Law Society's new president



Mayo-based solicitor Rosemarie J Loftus has become the 155th President of the Law Society. She will serve a one-year term, representing over 12,000 practising solicitors, until November 2026. Rosemarie will be supported by senior vice-president Martin Lawlor (Coghlan Kelly, Wexford) and junior vice-president Keith Walsh SC (Keith Walsh Solicitors LLP, Dublin).

Rosemarie is the daughter of the late Leo J Loftus (solicitor) and Mary Loftus. She is a partner in the firm Bourke, Carrigg & Loftus, which was founded in 1860 and is based in Ballina. She practises with her brother Marc Loftus and cousin Peter Loftus.

She attended boarding school in Loreto Abbey, Rathfarnham, Co Dublin, and went on to study law at University College Dublin. She qualified as a solicitor in 1991 and joined the family firm. She practises chiefly in the areas of commercial conveyancing, landlord and tenant law, and litigation.

Rosemarie has served on numerous Law Society committees and task forces since 1997, including as vice-chair of the Regulation of Practice Committee. She is currently chair of the Finance Committee.

Married to Brian O'Keeffe, they have one child, Zac, who is studying at UCD.

'Vital role' of local solicitors

The Mayo solicitor described it as “an honour and privilege” to serve as President of the Law Society for the next 12 months, and to be only the seventh woman to do so.

“Recognising the vital role that sole practitioners and smaller firms play in their local communities, and the unique challenges and opportunities they face, I am committed to supporting and advocating for my fellow solicitors to the best of my ability,” she stated.

“As a proud Mayo woman and solicitor practising in Ballina, I will call on my experiences of working within a smaller community to be a progressive voice, supporting and representing local and rural solicitors across the country.”

Ambitious strategy

“To represent the solicitors’ profession, both at home and on an international stage, is a privilege and is a role that I do not underestimate,” the new president said. “As the Law Society continues to deliver its ambitious strategy, supporting solicitors across the country, I will champion this work for the benefit of the legal profession, both present and future.

“Together, we will work towards the enhancement and evolution of a justice system that can best support the needs of its users. With the expertise within the solicitor’s profession and with the commitment of the Law Society and our stakeholders, we can work to create a justice system that is just, equitable, and meets the needs of Irish society.

“I look forward to building on the great work of my predecessors and serving the solicitors’ profession with optimism and commitment”.

ENDANGERED LAWYERS



Maria Bontsler, Russia

Maria Bontsler (65), a human-rights lawyer from the Russian enclave of Kaliningrad on the Baltic Sea, was arrested in May on charges of “confidential cooperation with a foreign state, aimed at undermining the national security of the Russian Federation” – carrying up to eight years in prison. As we go to press, her pre-trial custody had been continued to 26 November 2025.

Maria Bontsler chaired the now-dissolved regional Committee of Soldiers’ Mothers for 30 years. She is also known for defending clients in politically motivated cases, including Igor Baryshnikov, a prominent political prisoner, who was sentenced to seven-and-a-half years in prison for posting ‘fake news’ about the war in Ukraine. His health has rapidly deteriorated in detention, endangering his life. Just a week before her arrest in May, the EU sanctioned 28 Russian officials, including the judge in Baryshnikov’s case, in which Bontsler served as defence counsel.

“This is a deeply troubling case of judicial harassment and criminalisation of a lawyer for simply doing her job,” said Mariana Katarova (UN Special Rapporteur on the situation of human rights in the Russian Federation). “Maria Bontsler’s arrest and prosecution are politically motivated and represent yet another example

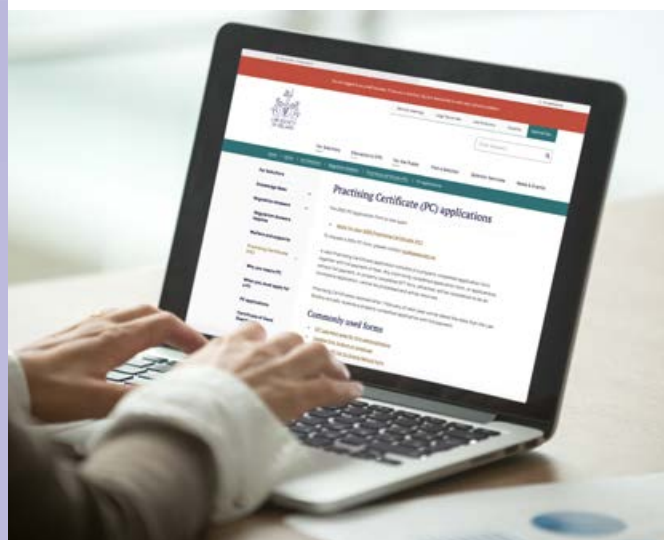
of the continuing attack on the independence of the legal profession in Russia.

“This timing raises serious concerns that Bontsler’s arrest may be retaliatory. The charges allege she passed security-related information to a foreign state – claims that contradict her legal activities as a defence lawyer and remain unsubstantiated.”

In late October, her son said that the security services were threatening his mother with more serious charges if she did not give false testimony against one of her colleagues, the legal defence advocacy organisation Slovo Zashchite reported. Russia’s Federal Security Service officers demanded that Bontsler testify against another lawyer in exchange for serving a sentence of “only two-and-a-half years” while transporting her back to the detention centre from a meeting with her lawyers at the investigator’s office on 14 September. Bontsler refused to testify against her colleague, telling her son that she would “lose respect” for herself if she did so. She told him what should be done with her body after death, in case she does not survive prison.

She is one of the few lawyers in Kaliningrad who has defended political prisoners and those charged with ‘discrediting’ the Russian military since the beginning of the war. In the detention centre, despite chronic illnesses, including hypertension and high blood pressure, she reports that she has systematically been denied medical care, restricted access to drinking water and food (she is vegetarian), and deliberately subjected to abuse. She has no blood pressure monitor and her family has been barred from providing her with medication.

Alma Clissmann was a longtime member of the Law Society’s Human Rights and Equality Committee.



PC renewal process online only for 2026

With the 2026 practising certificate (PC) renewal process now live, practitioners are reminded that all applications for the coming practice year must be submitted online through www.lawsociety.ie/pc.

This includes applications for PCs, qualifying certificates, membership, and applications by solicitors in the full-time service of the State. Solicitors wishing to apply for a certificate of good standing or certificate of attestation may contact pc@lawsociety.ie for guidance on the application process.

New payment methods

In 2025, the Law Society introduced an upgraded payment process for its members. Payments can be made by debit/credit card, Apple Pay, Google Pay, and Pay by Bank (currently supported by AIB, Bank of Ireland, PTSB, and Revolut), enabling smoother transactions for both personal and company cards.

This process involves each member and firm having their own personal VBAN (‘virtual bank account number’). You can access your VBAN by logging into your dashboard on the Society’s website. You will be required to update your bank with your new VBAN details to ensure a smooth transition when paying for your PC. A full guide on ‘How to access your

VBAN' is available at www.lawsociety.ie/payments.

Please note that the Law Society's former bank account used for PC payment is closed. Any payments made to this account will be returned and may cause additional delays with the issuing of practising certificates.

Statutory deadline

Practitioners are reminded that, to have a practising certificate bearing the date 1 January 2026, they must submit a fully completed application with full payment of fees to the Law Society on or before Sunday 1 February 2026. Any applications received after that date will bear the date when the fully completed application and fees are received by the Law Society.

This is a statutory deadline, and the Law Society does not retain any discretion to backdate an application that is received after the deadline. It is important to note that any payments made by overseas companies may take longer than usual to be received by the Law Society.

Update your details

To ensure that your PC application is processed without issue, please take the time to notify the Law Society of any changes to your place of work, position, and contact details. You can edit your own details online via the Law Society Dashboard at www.lawsociety.ie/editprofile.

Here to help

The Law Society's website features a range of instructional videos, aimed at assisting both individual solicitors and firm administrators with the application process and new payment process. Detailed guidance notes will also be provided at each stage of the application process, designed to answer the most common queries.

If you have any questions or difficulties, please contact the Practice Regulation team at pc@lawsociety.ie or tel: 01 672 4800. If you need help logging into the website, email webmaster@lawsociety.ie. You can also visit the Law Society website for additional guidance and resources at www.lawsociety.ie/pc.

If you have decided to retire from practising and are considering ceasing, transferring, or selling your practice, please email firms@lawsociety.ie.

IRLI IN AFRICA



ICJ Judge Beti Hohler with Chief Justice Siobhán Keegan

Justice knows no borders

Irish Rule of Law International (IRLI) is driven by a simple but powerful idea: that the law, when used with humility, compassion, and integrity, can help build fairer and safer societies. That belief guides all we do – from supporting justice institutions in partner countries, to strengthening the role of law in everyday life. Across our programmes, from access-to-justice work in Malawi to survivor-centred initiatives in Tanzania and anti-corruption efforts in Zambia, we aim to strengthen justice systems through collaboration with local partners and communities.

It was therefore a real privilege to announce that the Office of the Lady Chief Justice of Northern Ireland has become a co-patron of IRLI. Lady Chief Justice Siobhán Keegan joins the Chief Justice of Ireland, Donal O'Donnell, as our joint patrons – an inspiring symbol of cooperation across our two jurisdictions and of our shared commitment to justice and the rule of law.

The announcement was made during our recent Belfast event, 'Supporting justice through the rule of law', held with the Bar of Northern Ireland and the Law Society of Northern Ireland. The Lady Chief Justice opened the event, speaking about the global challenges to judicial independence and the vital importance

of solidarity among legal professionals. Judge Beti Hohler of the International Criminal Court delivered a compelling keynote speech on the rule of law in a global context.

What followed was a true celebration of IRLI's work. Northern Irish practitioners spoke about their experiences supporting our projects *pro bono*, while colleagues from Malawi described their day-to-day efforts to strengthen justice systems, empower communities, and uphold rights. As Chief Justice Keegan observed, IRLI's work is "a form of legal diplomacy ... building bridges, fostering understanding and strengthening institutions. It reminds us that the law is not just about power; it is also about protection. It is not just about enforcement; it is also about empowerment."

This partnership represents not only recognition of our work, but also a shared belief that justice knows no borders. Together with our patrons, partners, and our dedicated *pro bono* lawyers, we will continue to advance the rule of law as the foundation for democracy, accountability, and human dignity, both on this island and beyond.

Maria McCloskey is executive director of Irish Rule of Law International.

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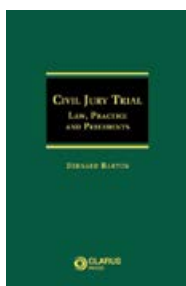


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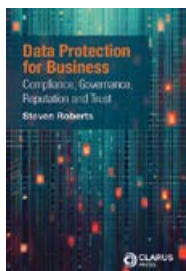


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MERGER CONTROL IN IRELAND: AN ECONOMIC APPRAISAL

Patrick Massey. Oak Tree Press (2025),
www.successtore.com. Price: €80 (incl VAT).



An economist, Patrick Massey is doubtless Ireland's leading merger-control practitioner. Of all practitioners, lawyers and economists both, he has probably acted in most Irish merger filings of consequence.

A book by anyone with such experience deserves close attention. Patrick Massey is also a fiercely independent thinker unafraid to speak truth to power. And as he rightly says: "There has been little detailed analysis of the operation of [Ireland's] merger control regime ... Such analysis is important. We need to know if the system is working and whether it can be improved."

From that inquiry, Massey's response does not shrink. The system suffers from "institutional weaknesses". The CCPC's "reasoning in many cases is vague and ambiguous". Its "treatment of efficiencies is highly unsatisfactory and needs to be revised as a matter of urgency". And its "approach to merger remedies is very much out of step with international best practice". In pursuing below-threshold deals, the CCPC is "overly cautious". But as gatekeeper, it is too lenient.

The book concludes that "considerable evidence points to

a significant level of Type II false negative errors". The "very low number of remedies/prohibitions, almost by definition, raises the possibility that a significant number of anti-competitive mergers may have gone undetected". And this is essentially the book's thesis: 23 years of Irish merger control as enforced by the CCPC "has had a relatively limited positive impact on consumer welfare", and there's been "a failure to prevent consumer harm in a significant number of cases".

In a post-Draghi political era, Irish regulators that impede business investment will likely face ever greater political pushback. Patrick Massey's well-articulated concerns may not stir Irish lawmakers to overhaul Ireland's system of reviewing mergers. But the fundamental question his book asks deserves serious consideration, including in the CCPC. If Irish merger control enforcement has overall harmed consumers, are compliance costs for business justified?

There's irony, of course, in Ireland's top practitioner arguing that the CCPC clears too many concentrative deals. But this is also what's best about the book: a first-hand account by a guy in the room where it happened.

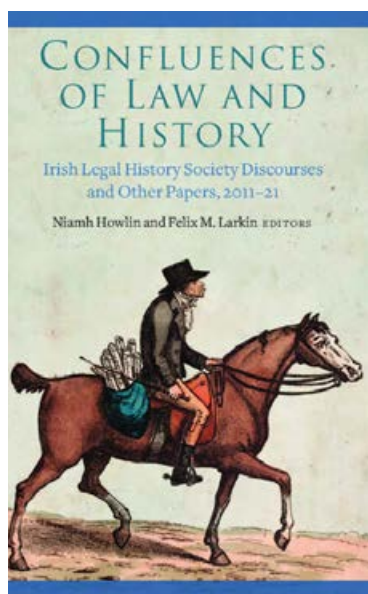
For, in addition to posing serious policy questions, Patrick Massey's book provides a fascinating account of many of Ireland's most high-profile mergers. A brilliant and insightful analysis of every interesting CCPC merger decision – including via comparative assessment of EU and UK merger review – by an experienced and independent-minded economist, it is a great contribution to the Irish competition law canon. I would commend it to every lawyer, economist, public servant, and historian.

Philip Andrews SC is co-author of Modern Irish Competition Law (Wolters Kluwer), and founder of boutique firm Andrews Law.

CONFLUENCES OF LAW AND HISTORY – IRISH LEGAL HISTORY SOCIETY DISCOURSES, 2011-2021

Niamh Howlin and Felix M Larkin.

Four Courts Press (2025),
www.fourcourtspress.ie. Price: €49.50
 (incl VAT).



How does an academic paper one has orally delivered in the past become a permanent document of record?

The answer is that the paper subsequently forms a 'chapter' in a collection of such papers included in a hard-cover book. In a nutshell, the title of the book, *Confluences of Law and History*, aptly describes that editorial purpose, but more significantly encapsulates the essence of what the Irish Legal History Society (ILHS) has been all about over the last three decades and more.

There are 16 individual chapters in this collaboration between Four Courts Press and the ILHS – and what an attraction it is. The papers

included are each discrete in their subject-matter, but their common denominator is that each was originally first delivered by a member of the ILHS, whether they be historian or lawyer (or both) during the past decade.

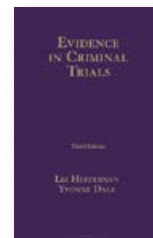
'*Confluences*' should be viewed as an enjoyable distraction from the more functional but necessary CPD-like activity. To dip into this book is to enter an Aladdin's Cave of individual legal/historical pieces that can be randomly selected to read in multiple short visits – a case of reading law based on history for its own sake! What *Gazette* patron could resist opening up this lore of well-researched material, some with attractive exotic titles, on subject-matter ranging from the lives or experiences of individuals, to legal aspects of our own 19th/20th centuries' history.

Each contributor, being a member of the ILHS, has passed the test of being intimate with the stated philosophy of the ILHS of scholarship and legal history, and each theme presented is illustrative of this important confluence of history and law. In the context of the 'illustrative', one of the papers addresses the "rich history of cartooning in Ireland" that includes many pages of coloured photographs of legal cartoons stretching back over 200 years.

I would be risking an accusation of subjective bias by specifically naming one contributor without naming all. However, the joint editors, Niamh Howlin (UCD law school) and Felix M Larkin (historian/retired public servant) manifestly performed their editorial functions with great attention to detail, notably the inclusion of lengthy informative source footnotes throughout, but without disrupting the readability of the main text. Well done! 📖

Michael V O'Mahony is a past-president of the Law Society of Ireland.

OUT NOW FROM BLOOMSBURY PROFESSIONAL IRELAND



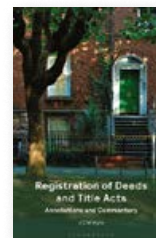
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Gerard I Lambe

1957 – 2025

We lost an inspirational colleague in recent weeks with the passing of Gerard Lambe following a short illness. A sole practitioner, Gerry practised in the Dublin suburbs of Blackrock, Monkstown, but mainly Dun Laoghaire. For over 45 years, he was an outstanding colleague, collaborative in his approach to work, deeply engaging with his loyal clients, supportive of junior colleagues, and highly capable of deciphering issues of legal complexity into a relatable medium for his clients' comprehension.

Having first cut his teeth with Gabriel Haughton in Dun Laoghaire, where his contemporaries included Ken Byrne, Ronnie Lynam, and Niall Cawley, he started his own practice on Georges Street. It was in the court of Judge Wine where the young Gerry excelled.

While legal-aid assignments were demanding, he saw the spin-off benefits of significant personal-injury work. Larger office space was secured, and a decision was made to concentrate on the civil side. He was a natural litigator, using the Bar where necessary, but also comfortable and proficient in his own drafting skills and in his own advocacy, where appropriate.

Having known Gerry since our boarding-school days, we had built a close friendship. In the run-up to Christmas in the early '90s, my lease was unexpectedly terminated. I spoke to Gerry that Christmas Eve – more in the way of sounding him out about office locations in town. He would have no talk of that and, a few days later, I was moving into his offices on Northumberland Avenue, where we were to cohabit for many years, and elsewhere in the environs. We were never in partnership – it was more a concept of practice cohabitation where we had each other's back, providing holiday cover, mutual swearing services, and other attestation functions. Occasionally,



Pic: Peter Rowen photographer

Gerard I Lambe

I would encourage his participation in CPD courses, to which he would sometimes remark: "I pick up much of what I need to know from page 3 of *The Irish Times*!" Hyperbolic, no doubt, but his uncanny ability to soak up legal nuggets and information from here and there, and to apply them to practice, always impressed.

Born in Belfast, where both parents were doctors, his father died when Gerry, the eldest of three children, was only seven. In the eulogy delivered at Gerry's funeral by his daughter Laura (herself a solicitor), she remarked that her dad at that tender age took it upon himself to become the man of the house and big brother to his sisters, Verona and Sheena.

"I think he made a decision that he was always going to be present in our lives growing up in a way that his father couldn't be in his – and he always was. Dad ran his own practice for over 40 years and was proud of the work he did. For every case and every client he brought not only skill but compassion. He so often went beyond what was expected professionally, going

out of his way to provide help, personally, when needed."

At a special sitting of the Circuit Court in Dublin in late October, Judge John O'Connor sat with Judges Fiona O'Sullivan and Christopher Callan. Present in court was Gerry's sister Verona, as well as colleagues and friends of Gerry's. Judge O'Connor noted his friendship spanning 50 years and remarked: "There was no one like Gerry to do that essential thing a lawyer must have – and that is to read the room. He knew the law, his clients, the guards, and the judge. In fact, a judge would be okay if he knew his place! It was Gerry's theatre ... Yet Gerry wore his lawyer's role lightly, with wisdom yes, but also, with a great deal of humour, determination, and confidence."

His passing is a great loss to Dublin legal life and we extend our deepest sympathies to his loving wife Denise, sons Gerard and Jeff, daughter Laura, sisters Verona and Sheena, and the extended family, colleagues and friends. ☞

K O'H



wellbeing

THE CRUEL PART OF AGEISM

The other day, I decided to run a little social experiment. I sat behind the scenes of a Zoom panel interview with someone over 50 – not to interfere, just to observe.

Because I wanted to see what ageism actually looks like in a ‘professional setting’. Spoiler alert: it’s not loud, it’s subtle – and that’s what makes it worse.

The second the camera turned on, I could feel it. Four smiling faces in perfect lighting, all younger than the candidate’s first email address. They said all the right things: “We’re so glad you’re here!”, but their tone gave away the subtext: “We were hoping for someone younger”.

The first question hit like a warning shot: “How do you stay current with technology?” Translation: ‘Prove you’re not a fossil’. The candidate smiled, calm and confident, explaining how he’d

led teams through multiple digital transitions and trained younger staff on new systems. But you could already see the polite nods – the kind people give when they’ve stopped listening and started deciding.

Cheap, green and easy

Ageism doesn’t always sound like “You’re too old”. It sounds like “You might not fit our culture”. It hides behind phrases like “We want fresh energy” or “We’re looking for someone who can grow with us”. Translation: “We want someone cheaper, greener, and easier to manage”.

At one point, a panellist who looked barely old enough to rent a car asked, “Where do you see yourself in five years?” The candidate laughed softly and said, “Hopefully working for a company that values experience over assumptions”.

You could feel the silence tighten like the Wi-Fi during a storm.

Here’s the truth: people over 50

Alexander Pyatkovsky is ‘president of vibes’, based in Illinois, USA. He describes himself as “job-search survivor and storyteller”. He is the author of several books (available on Amazon) with arresting titles like: Sorry, We Went with Another Candidate (And Other Love Letters from HR); Are You Still Watching? (Yes, I’m Still Unemployed); Sorry, That Wasn’t on Mute: The CEO, the Concert, and 69 Other Workplace Scandals; I Spent \$80K to Be Told I’m ‘Not a Culture Fit’; and We Are Family (Until Budget Cuts Say Otherwise).

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don’t struggle because they can’t adapt. They struggle because companies mistake experience for obsolescence. The same leaders who built systems that still keep businesses running are now being told they’re ‘not aligned with the future’. That’s funny: they invented the processes everyone else is now ‘innovating’.

Buzzwords

We keep hearing buzzwords like ‘diversity’ and ‘inclusion’, but somehow age rarely makes the brochure. Everyone wants mentorship – just not from someone old enough to remember dial-up. We glorify ‘disruption’, but ignore the people who know how to rebuild what gets broken.

When the interview ended, the candidate smiled, thanked them sincerely, and logged off, fully aware that the rejection email was already drafted. That’s the cruel part of ageism: the calm dignity of someone who’s been told ‘no’ by people who don’t yet realise how much they could learn from that very ‘no’.

So yes, I ran an experiment and the result was predictable. Ageism isn’t about capability; it’s about insecurity. The modern job market doesn’t fear older workers because they’re outdated, it fears them because they’re competent. And nothing terrifies a fragile system more than experience that can’t be automated, the kind of wisdom you can’t fake in a webinar or replace with buzzwords about ‘innovation’ from someone who’s never led through chaos.

Sharing personal and professional stories has long been a powerful way to create a sense of connection and belonging. It creates a space for vulnerability that can provide the listener with inspiration and hope, or newfound insight to a challenge or difficulty they too might be facing. We welcome you to get in touch with ps@lawsociety.ie to share a story for this ‘Professional Lives’ column.



Photo: Tibor Illyes/EPA/Shutterstock

Hungary - on the receiving end of three Troy Parrott goals!

ON THE RECEIVING END

A recent judgment highlights the importance of considering the legal constraints on receivers in selling properties, particularly where security is taken using standard home-loan security documents. Kenneth Egan assesses its impact

The continuing fallout from the financial crisis has yielded a number of superior court judgments in the recent past on the topic of receivers' sales. A recent Court of Appeal judgment highlights the importance of considering the legal constraints on

receivers in selling properties, particularly in circumstances where security is taken using standard home-loan security documents.

In May 2023, the Law Society's Conveyancing Committee issued a [note](#) regarding the High Court judgment in *Bank*

of Ireland Mortgage Bank v Hade (Hade), which concerned the enforcement of security by a receiver over a number of properties. The High Court found that court orders for possession and sale should have been obtained by a receiver in relation to certain properties, and made an award of damages against the receiver concerned.

It was noted then that the High Court judgment was under appeal and that the Land Registry was considering the impact of the judgment.

A Court of Appeal judgment in *Hade* issued on 7 December 2023, and leave to appeal that decision was refused by the Supreme Court on 29 August 2024.

The Land Registry amended its legal practice direction on '[Transfers of registered land](#)' on 10 July 2025, relating to receivers' sales of property owned by individuals.

This article uses 'borrower' and 'bank' for ease of reference to registered owners/chargors, and charge-holders respectively.

Receivers taking possession

The Court of Appeal in *Hade* reversed the High Court and restated the law as it would have been understood by practitioners as regards receivers taking possession of charged property – there is no general legal requirement for a receiver to obtain a court order prior to taking possession of a secured property where they are entitled to do so under the terms of the relevant charge. There may be circumstances, of course, where a receiver would be well advised to seek such an order.

This article addresses the remaining issue of the extent to which a receiver must obtain a court order before a sale of a charged property.

Statutory background

- Section 100 of the *Land and Conveyancing Law Reform Act 2009* sets out the default position that a court order must be obtained prior to a bank exercising the statutory power of sale granted by that section (see section 100(1)) absent borrower consent (see section 100(2)). There was no pre-2009 equivalent to this requirement, and so the considerations in this article apply to post-2009 act charges only.
- This requirement can be excluded by the terms of a charge if that charge is not a ‘housing-loan mortgage’, as defined in the 2009 act (section 96(1)).
- Section 108(3) of the 2009 act permits a receiver to “exercise any powers delegated by the mortgagee or other person to the receiver”.
- Section 108(4) requires

that a power delegated to a receiver “shall be exercised in accordance with this chapter” and, so, if a receiver exercises a delegated power of sale, then they are bound by the restrictions in the 2009 act that apply to sales by banks.

Forms of charge

Practitioners will be aware that receivers do not have a power to sell property solely by virtue of their appointment – a power of sale must be granted by the charge.

The *General Housing Loan Mortgage Conditions* document (published originally by the Irish Banking Federation and now by Banking and Payments Federation Ireland) is widely used in residential lending transactions. In this document, the borrower and the bank are expressed to ‘delegate’ a power of sale to the receiver.

In addition, this document does not seek to exclude section 100 of the 2009 act. This is as would be expected, as this form of charge is typically used for “housing-loan mortgage” transactions, and so an attempt to exclude section 100 in a routine home-loan transaction would be in vain.

Commercial charges typically grant a power to sell directly to receivers and exclude the application of section 100.

The *Hade* judgments

The IBF/BPFI forms of charge appear to have been used to take the security that became the subject of the *Hade* litigation.

The High Court in *Hade* found that the receiver should have obtained a court order prior to his sale, based on the court’s finding that the parties had agreed that the charges would be treated as “housing-loan

Hade demonstrates that receivers are at risk if the correct procedures regarding sales of property are not followed

mortgages”, but the better analysis might have been that (a) the relevant mortgages did not exclude section 100, and so the requirement under that section for the bank to obtain a court order applied by default; and (b) the receiver was similarly required to obtain a court order under section 108(4) as he was exercising a power of sale delegated to him.

The receiver did not appeal the High Court’s finding regarding the requirement for a court order for sale, and so the Court of Appeal judgment did not focus on this point.

It is noteworthy that the High Court awarded damages against the receiver in respect of the receiver’s sale of certain properties in the absence of a court order, and while this award was reversed on appeal on the facts of the case, *Hade* demonstrates that receivers are at risk if the correct procedures regarding sales of property are not followed.

Land Registry

Section 12 of *Tailte Éireann’s* practice direction “Transfers of registered land” deals with transfers by receivers of property owned by individuals.

The July 2025 amendment to section 12 adds the following text:


“Note: If the charge states that the Receiver so appointed shall have and be entitled to exercise all powers conferred by the Act and in addition, pursuant to section 108(3)(c) of the Act, the Mortgagor and the Secured Party delegates additional powers to any Receiver (including selling the property) and the Deed of Transfer states that the Receiver is acting as agent for the borrower pursuant to Section 108(3)(c) of the 2009 Land and Conveyancing Law Reform Act then paragraph 6



above applies to these transfers.”

The reference to ‘paragraph 6 above’ is to the registry’s requirements on a sale by a bank as owner of a charge – critically that evidence of a court order for sale should be provided.

Therefore, if the receiver’s power of sale is by way of a delegated power from the bank, then the registry’s procedures as applied to sales by charge holders will apply if it is patent from the deed that

the receiver is acting under such a delegated power. 

Kenneth Egan is a solicitor and member of the Law Society’s Conveyancing Committee. While every effort has been made by the author to ensure the accuracy and reliability of the information contained in this article, he does not accept any responsibility or liability for any errors, omissions, or consequences arising from its use. The content is intended for academic purposes only and does not constitute legal advice.

Lessons from the Hade case

- Before a receiver undertakes a sale process, and before a purchaser commits to purchase a property from a receiver, the terms of the charge being relied on should be carefully examined.
- If the charge does not exclude section 100 of the 2009 act, then a court order or borrower consent is required for the bank to sell, or for a receiver to sell under a delegated power from the bank. This is regardless of whether the property is residential or commercial.
- In a sale by a receiver of the property of an individual where section 100 is excluded, and where the receiver is relying on a power of sale delegated to them in a charge, then to satisfy the Land Registry, a purchaser should seek the proofs as to the validity of the exclusion of section 100 addressing the relevant ‘consumer’ and ‘housing-loan mortgage’ points, as described in the Conveyancing Committee’s May 2023 note.

“

If the receiver’s power of sale is by way of a delegated power from the bank, then the registry’s procedures as applied to sales by charge holders will apply if it is patent from the deed that the receiver is acting under such a delegated power

LOOK IT UP

CASES:

- *Bank of Ireland Mortgage Bank v Niall Hade and Joyce Hade* (2014/1416S) and *Niall Hade v Bank of Ireland Mortgage Bank and Michael McAleer* (2014/4328P)

LEGISLATION:

- *Land and Conveyancing Law Reform Act 2009*

LITERATURE:

- *Bank of Ireland v Hade* (guidance note from the Law Society’s Conveyancing Committee, 12 May 2023; see www.lawsociety.ie/news/news/Stories/bank-of-ireland-v-hade)
- ‘Transfers of Registered Land’ (practice direction from Tailte Éireann, December 2009; updated April 2013, August 2017, September 2017, April 2018, August 2018, and July 2025; see: tailte.ie/practise-directions-transfers-of-registered-land)
- *General Housing Loan Mortgage Conditions* (Banking and Payments Federation Ireland, version 1.2, 2018)

FROM LOSS TO REBIRTH

Former Afghan judge Mahnaz Raheeq Kohistani fled the Taliban takeover of Afghanistan in August 2021. She shares the pain of loss – and the struggles of rebuilding her life in Ireland



Photo: Ballis Press/ABACA/Shutterstock

Evacuation operations at Hamid Karzai International Airport, Kabul, Afghanistan, on 24 August, 2021, following the fall of Kabul to the Taliban

There are days in every person's life that remain etched in memory forever. For me, 14 August 2021 was not only unforgettable, but a turning point – the day my world collapsed and, at the same time, a new path quietly began. On that day, I lost everything: my home, my profession, my safety, and the country I had loved and served for years.

As a judge in Afghanistan, I had spent years on the front lines of justice, fighting against corruption, violence, inequality, and especially violence against women. For me, being a judge was not just a job: it was a deep moral responsibility. But the same

commitment that guided me also made me a target.

Letting go

When everything suddenly fell apart, I had to flee, not only to save my life, but to protect my belief in justice, human dignity, and freedom. In doing so, I left behind more than just my profession. I also left behind my family, loved ones, and even the person I was supposed to marry. Letting go of that future, of love, of connection, of the life I had envisioned, was one of the hardest decisions I've ever made. But when survival and protecting your soul become indistinguishable, the choice becomes painfully clear.

The months that followed felt like exile. When I arrived

in Ireland, everything was unfamiliar. I didn't speak the language. I didn't understand the systems. And I carried with me memories that often felt heavier than I could bear. The loneliness, the grief, the sense of disconnection – they were my constant companions. And yet, even in that darkness, a faint light remained.

Different lens

Today, I work with the Courts Service, and I view my past through a different lens. Being part of this institution, one that upholds justice, equality, and the dignity of all people, is not just a professional opportunity for me. It's a way to reclaim my voice, my identity, and my hope.

Though I have been physically

separated from my husband for over three years, and the weight of this long distance can sometimes feel overwhelming, I will never allow my hope or my determination to be reunited with him to fade.

I work alongside colleagues who lead with kindness, integrity, and respect. Here, I have felt that justice is not a distant dream – it is something we live and breathe. It is something we deliver together. For me, this work has reawakened the purpose I once feared I had lost forever.

Rising again

The path here was far from easy. There were tears shed in silence, nights haunted by the past, and days when I doubted my worth. But with time, courage, and the support of people who saw my potential, I slowly began to rise again.

Now, when I look back on that day in August 2021, I don't only grieve. I also remember it as the beginning of a new chapter. I have learned that even in the most painful circumstances, the seed of hope can survive. It may take time to bloom, but it will.

To all those who believed in me, welcomed me, and gave me the chance to begin again: thank you. You didn't just offer me a job, you helped restore my sense of belonging, dignity, and peace.

I may have lost everything once. But today, I have found something far more valuable: a renewed voice, a restored identity, and a new home in a community that truly values justice.

Mahnaz Raheeq Kohistani is a former Afghan judge who now works for the Courts Service.

BUILD YOUR NEST EGG!

The countdown to pension auto-enrolment is underway. But what does the change mean for employees and employers – and what comes next? Davin Spollen explains

Ireland's pension landscape is set to change significantly with the introduction of the Government's 'My Future Fund' – a new retirement savings scheme. From January 2026, eligible employees across all sectors will automatically enter the Government's scheme unless they are already contributing to a qualifying plan via payroll.

For legal practices, auto-enrolment represents both a compliance requirement and an opportunity to review retirement-savings arrangements. Understanding the Government's approach, key deadlines, and the options available to both employees and employers is essential for smooth implementation, informed decision-making, and ensuring the best outcomes for both employees and companies.

Employees

For some staff, this retirement savings scheme may be the first time they see automatic retirement-savings deductions. Understanding eligibility, choices, and next steps is essential. Automatic participation in a retirement savings plan helps employees start saving consistently,

Auto-enrolment should not be seen as the endpoint of retirement planning, but rather as a prompt to re-evaluate and refine how retirement savings and benefits are approached

benefiting from both employer and Government contributions. Even small contributions grow over time, and being enrolled earlier in your career ensures access to compound growth. Awareness of pension options supports long-term financial wellbeing and helps plan for a secure retirement.

Eligibility

Staff will be automatically enrolled if they:

- Are aged 23 to 60,
- Earn more than €20,000 per year, and
- Are not already contributing to a company pension scheme.

Having a personal pension outside of payroll does not exempt you from pension auto-enrolment; the exemption only applies if the pension is a qualifying payroll-deducted scheme.

It should be noted that employees working for more than one practice without a company pension are eligible for auto-enrolment at each employer separately, with contributions made independently by each.

Reviewing options

If your practice offers a pension scheme, consider whether participating aligns with your

personal retirement goals. In many cases, employer contributions to a company pension can exceed the starting 1.5% from My Future Fund. Joining a company's scheme will stop auto-enrolment deductions and provide greater flexibility over your retirement savings. Your choice will depend on your personal goals, how long you plan to save, and your current tax situation.

Tax relief

Contributions to pensions are eligible for tax relief at your marginal rate, subject to age-based limits. This can be particularly valuable for higher earners in the 40% tax band, boosting your retirement-savings potential.

If a company scheme does not exist, employees may still contribute to a Personal Retirement Savings Account (PRSA) via payroll, allowing them to save independently while still benefiting from tax relief and investment growth.

Now is a good time for employees to weigh up their retirement options – My Future Fund contributions versus the flexibility and tax benefits of a company pension or PRSA – and choose what works best for them (*see panel*).

See it as a prompt

Auto-enrolment is not just about compliance – it's a prompt for both staff and practices to take stock of retirement savings and make informed decisions for the long term.

Auto-enrolment ensures every eligible employee participates in a pension, but also provides an opportunity for practices to review their retirement-benefits strategy. Even for smaller practices, a clear and competitive pension offering can support retention,



Image: Shutterstock AI

recruitment, and staff satisfaction.

Practices may wish to review:

- Current pension arrangements and their overall benefit philosophy,
- Membership levels and potential gaps in cover,
- Employer contribution levels relative to the Government scheme and competitors, and
- Communication strategies to help staff understand the options available.

Engaging a broker or pension advisor can help ensure the approach aligns with both regulatory requirements and employee needs. Clear communication reinforces the practice's commitment to employee wellbeing and ensures that staff are aware of the value of their benefits.

From January, with pension deductions appearing on payslips for the first time, employees will be more engaged and likely to question what their employer offers. For practices competing to

attract and retain qualified solicitors and support staff, offering a thoughtful benefits programme that goes beyond the Government scheme can make a meaningful difference.

Looking ahead

While it may now be too late to establish a company pension scheme in time to exempt employees from the January 2026 auto-enrolment start, both employees and employers still have options.

Employees who are automatically enrolled can opt out after a six-month participation period. If a company scheme is later introduced, they may choose to join it and become exempt from auto-enrolment at that point. It's also worth noting that employees who opt out after six months will be automatically re-enrolled after a two-year period, so reviewing participation regularly is important.

This flexibility means that auto-enrolment should

not be seen as the endpoint of retirement planning, but rather as a prompt to re-evaluate and refine how retirement savings and benefits are approached. Even small adjustments to contribution

levels or communication can improve understanding and engagement for staff.

The Law Society recently hosted a free webinar for solicitors to help employers understand their obligations, payroll adjustments, and implications for employment contracts. The session covered an overview of the auto-enrolment framework and how it will operate in practice, an overview of employer requirements, and last-minute checks and guidance. The webinar can be viewed at www.lawsociety.ie/running-your-practice/practice-support-information-sessions.

Queries can be emailed to: contactsolicitorservices@lawsociety.ie.

Davin Spollen is vice-president of the Irish Institute of Pensions Management and CEO of Arachas Employee Benefits.

AUTO-ENROLMENT (AE) v OCCUPATIONAL PENSION SCHEME

	My Future Fund (Government AE Scheme)	Occupational pension scheme (company plan)
Employee contribution	1.5% to start, increasing over time	Employee % of salary within age-based limits
Employer contribution	1.5% to start, increasing over time	Varies by employer, often higher than AE minimum
Government contribution	0.5% top-up phased to increase over time	None – tax relief on employee contributions instead
Investment choice	Limited, managed by the Government (NAERSA)	A broad range of options for employee to choose from
Tax benefits	No tax relief available	Tax relief at marginal rate, particularly valuable for higher earners
Other benefits	Mandatory participation, simple	May include death-in-service and income protection, plus other employer-specific benefits

Bear necessities?



Photo: Shutterstock



peaking at an event in October, Taoiseach Micheál Martin stated: “I don’t think we can litigate for climate change ... if we get into a position where we’re going to challenge every single thing, saying it’s against the climate, we’re going to divide society fairly fast and then we’ll get a negative reaction against good, progressive policies that seek to address climate and very serious issues.”

So what role does litigation play in what the International Court of Justice (ICJ) describes as “an existential problem of planetary proportions that imperils all forms of life and the very health of our planet” – the urgency of which has been repeatedly emphasised by the Intergovernmental Panel on Climate Change (IPCC), which has stated that emissions reductions achieved this decade will largely determine whether global warming can be limited to *Paris Agreement* thresholds of +1.5°C or +2°C above pre-industrial levels?

Exceeding the 1.5°C threshold runs a high risk of triggering climate ‘tipping points’, which, in turn, risks further severe, abrupt, and irreversible climate change, even if global temperatures are subsequently reduced. Despite the grave and immediate nature of the risk, there is a wide gulf between what science demands and what is being delivered.

It is in this context that, around the world, people are increasingly turning to courts, seeking to hold governments and the private sector accountable to their climate obligations, with almost 3,000 climate cases filed across nearly 60 countries by the end of 2024.

The development of ‘framework’ and ‘climate-adjacent’ litigation in the Irish courts mirrors a broader global trend that harnesses the power of law to hold governments and institutions accountable for climate commitments. Rose Wall burns some turf



Insufficient ambition

Early cases targeted governments, challenging insufficient ambition of climate policies; however, increasingly, cases are being taken against corporate or financial actors, with major emitters, financiers, and supply chains seen as critical levers for change. These cases range from greenwashing claims; actions against directors, investors, or financiers for failing to manage climate risk; lawsuits holding ‘carbon majors’ responsible for harm caused by emissions; as well as cases targeting banks, insurers, or investors financing fossil-fuel expansion.

Moreover, human-rights arguments are increasingly front and centre, with courts holding that state inaction on climate may violate fundamental rights. In 2024, in the *KlimaSeniorinnen* case, the European Court of Human Rights gave judgment in its first climate case, holding that the Swiss government’s inadequate action on emissions was a breach of article 8 of the *European Convention on Human Rights*.

The court’s ruling detailed states’ positive obligations in the context of climate change “to adopt, and to effectively apply in practice” climate laws and measures capable of mitigating the existing and potentially irreversible future effects of climate change. In order for this to be genuinely feasible and to avoid a disproportionate burden on future generations, the court held that “immediate action needs to be taken and adequate intermediate reduction goals must be set for the period leading to net neutrality”.

International role

International institutions have also been playing a role, with the International Tribunal for the Law of the Sea, the ICJ, and the Inter-American Court of Human

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Around the world, people are increasingly turning to courts, seeking to hold governments and the private sector accountable to their climate obligations, with almost 3,000 climate cases filed across nearly 60 countries by the end of 2024

Rights all confirming that states have obligations under international law to address climate change.

In July, the Inter-American Court of Human Rights recognised an obligation not to cause irreversible climate harm as a *jus cogens*, placing it within the same normative framework as prohibitions on genocide, torture, and slavery. It also recognised that nature and its components may be subjects of rights.

Also in July, the ICJ confirmed that states have legal obligations under international law (including under customary international law), to prevent and respond to climate change by taking “rapid, substantial and sustained” action consistent with the best available science and the 1.5°C goal. Significantly, the court held that the duty to act includes regulating the conduct known to cause harm, which must begin with fossil-fuel activities, stating that failure to act or to regulate private actors contributing to emissions can amount to an internationally wrongful act, triggering responsibility.

Persuasive weight

While these opinions are non-binding, in the sense of being a national court judgment, they carry strong interpretive and persuasive weight. In fact, only a day after the ICJ opinion, lawyers for Coolglass distributed copies of it to the Supreme Court on the final day of hearing (see below).

In Ireland, despite the declaration by the Dáil in 2019 of a climate and biodiversity emergency and clear legally binding emissions-reductions obligations at EU and domestic level, we are one of the highest per-capita emitters of greenhouse gas (GHG) in Europe.

The EPA, the independent statutory body that reports Ireland’s GHG emissions nationally and to the EU in accordance with international guidelines, has projected that Ireland will exceed legally binding emissions-reduction targets at national level (under the first two carbon budgets), and the targets set under the *EU Effort Sharing Regulation*, by a significant margin.

‘Staggering’ compliance costs

Both the EPA and the Climate Change Advisory Council are critical of Ireland’s efforts to reduce emissions, pointing to the fact that the Government knows what needs to be done, but faces “an implementation challenge” risking “staggering” compliance costs, estimated in the region of €8 to €26 billion.

Quite apart from compliance costs, Ireland is not immune to the effects of climate change itself. These include more extreme weather, with increased risk of flooding and impacts on critical infrastructure, food production, and water supplies. It also includes risk of potential changes to Atlantic current patterns, which could lead to temperatures in Ireland plummeting by up to 15 degrees and sea levels rising even faster than expected – by tens of centimetres.

Failure to live within our climate budgets results in carrying over deficits to subsequent budgets, the effect of which is cumulative and sets Ireland on an unsustainable emissions trajectory. As argued by the applicants in the German *Neubauer* case, the faster we hurtle towards the cliff now, the harder the brakes will have to be hit later, risking an abrupt, forceful, and disorderly transition instead of a just one.

Framework climate cases

Given this level of both risk and failure, it is no surprise that we have seen a number of ‘framework’ climate cases before Irish courts, many of which are awaiting hearing or decision.

In *Climate Case Ireland*, which was instituted and heard prior to the 2021 amendments to the *Climate Action and Low Carbon Development Act 2015*, the Supreme Court quashed the first national climate plan on the basis that it lacked sufficient specificity on how Ireland would meet its 2050 target. The impact of the judgment has since been seen internationally in favourable climate judgments from Germany’s highest court and from the High Court



of England and Wales – both of which relied on the Supreme Court’s reasoning.

In July 2021, significant amendments were made to the *Climate Act 2015*, partly in response to *Climate Case Ireland*, and there are currently four judicial-review actions claiming that the Irish Government has not lived up to its obligations under the *Climate Act*, as amended in 2021. These include three actions taken by Friends of the Irish Environment (FIE) arguing, respectively, that the sectoral emissions ceilings, the Long Term Climate Strategy, and the 2023 Climate Action Plan do not comply with the State’s obligations under the *Climate Act*. The latter case was unsuccessful in the High Court and is currently under appeal, with judgment expected shortly.

A further judicial review action is being brought by Community Law and Mediation (CLM) and others challenging the Climate Action Plan 2024 (CAP24), alleging it is in breach of the *Climate Act*. In addition, the applicants argue that CAP24 violates the fundamental rights of the three individual applicants, marginalised groups that CLM works with, and future generations, under the Constitution of Ireland, the ECHR and the *EU Charter of Fundamental Rights*. The case is set down for a modularised hearing in the High Court in January.

‘Climate-adjacent’ cases

In addition to these cases, there have been a number of ‘climate-adjacent’ cases concerning section 15 of the *Climate Act*, which provides that “a relevant body shall, insofar as practicable, perform its functions in a manner consistent with” climate policies and objectives. While there is an “as far as practicable” caveat, this section was strengthened by the 2021 amendments from being a duty to “have regard to”, to a duty to “perform functions in a manner consistent with”.

Section 15 was first tested in October 2022, when An Bórd Pleanála conceded judicial-review proceedings taken by FIE, challenging the approval it granted for the Galway Ring Road. FIE argued that the board had not considered the *Climate Act* and the associated 2021 Climate Action Plan, in accordance with section 15 of the act.

In the *Coolglass Wind Farm* case, the applicant challenged An Bórd Pleanála’s refusal of planning permission for a wind farm, arguing that the board failed to comply with its obligations under section 15. In January, the High Court agreed, holding that the board had failed to act “consistently insofar as practicable with the goals and policies” contained in the *Climate Act* and that the board ought to have exercised its discretion to materially contravene the development plan in light of its section 15 obligations, unless it was not practicable for it to do so.

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The impact of the judgment has since been seen internationally in favourable climate judgments from Germany's highest court and from the High Court of England and Wales – both of which relied on the Irish Supreme Court's reasoning

Planetary survival

The High Court stated that “rapid, far-reaching and unprecedented changes to all aspects of society and the economy” and “an immediate end to business as usual” by consenting authorities is required to cut greenhouse-gas emissions and ensure planetary survival, and that repeated refusals of proposed windfarm developments were “sabotaging” Ireland’s compliance with its climate commitments.

It held that the interpretative obligation arising under EU law requires the national courts to interpret section 15 and apply EU law in a way that ensures, insofar as possible, an outcome consistent with EU climate objectives. It further held that article 8 of the ECHR imposes a positive obligation on the State to put in place a legislative and administrative framework with respect to climate change, to provide for the protection of human health and life, and to apply that framework in an effective and timely manner. The decision is under appeal to the Supreme Court, with judgment expected soon.

A very recent High Court decision, involving a challenge by Friends of Killymooney Lough to the grant of planning permission for a Tesco-led retail development, offers a glimpse into the direction of travel we might see in the courts, with large-scale projects likely facing increasingly rigorous scrutiny of their climate impacts.

Humphreys J refused leave to appeal, finding that none of the section-15 climate points were properly pleaded or argued during the original proceedings. However, the judge went on to say that, subject to any clarifications provided in relation to section 15 in the *Coolglass* appeal, “there appear to be three essential steps involved in assessing a project that causes emissions”. These include:

1) Quantifying net GHGs attributable to the project,

including Scope 3 emissions, mitigation, and offsets, compared with a baseline scenario,

- 2) Determining if net emissions fit within available national and sectoral headroom under climate-policy instruments, and
- 3) If emissions exceed available headroom, assessing whether non-compliance is justified by practical considerations (for example, energy security).

The development of ‘framework’ and ‘climate-adjacent’ litigation in the Irish courts mirrors a broader global trend that harnesses the power of law to hold governments and institutions accountable for climate commitments. The role of litigation in affecting “the outcome and ambition of climate governance” has been recognised by the IPCC itself, and there are many examples of the direct impacts of litigation or even threatened litigation, including in *Climate Case Ireland*. While we await the outcome of a number of climate cases before the Irish courts, it is clear that, as the situation becomes more urgent, we will see more litigation seeking novel routes to enforce climate obligations.

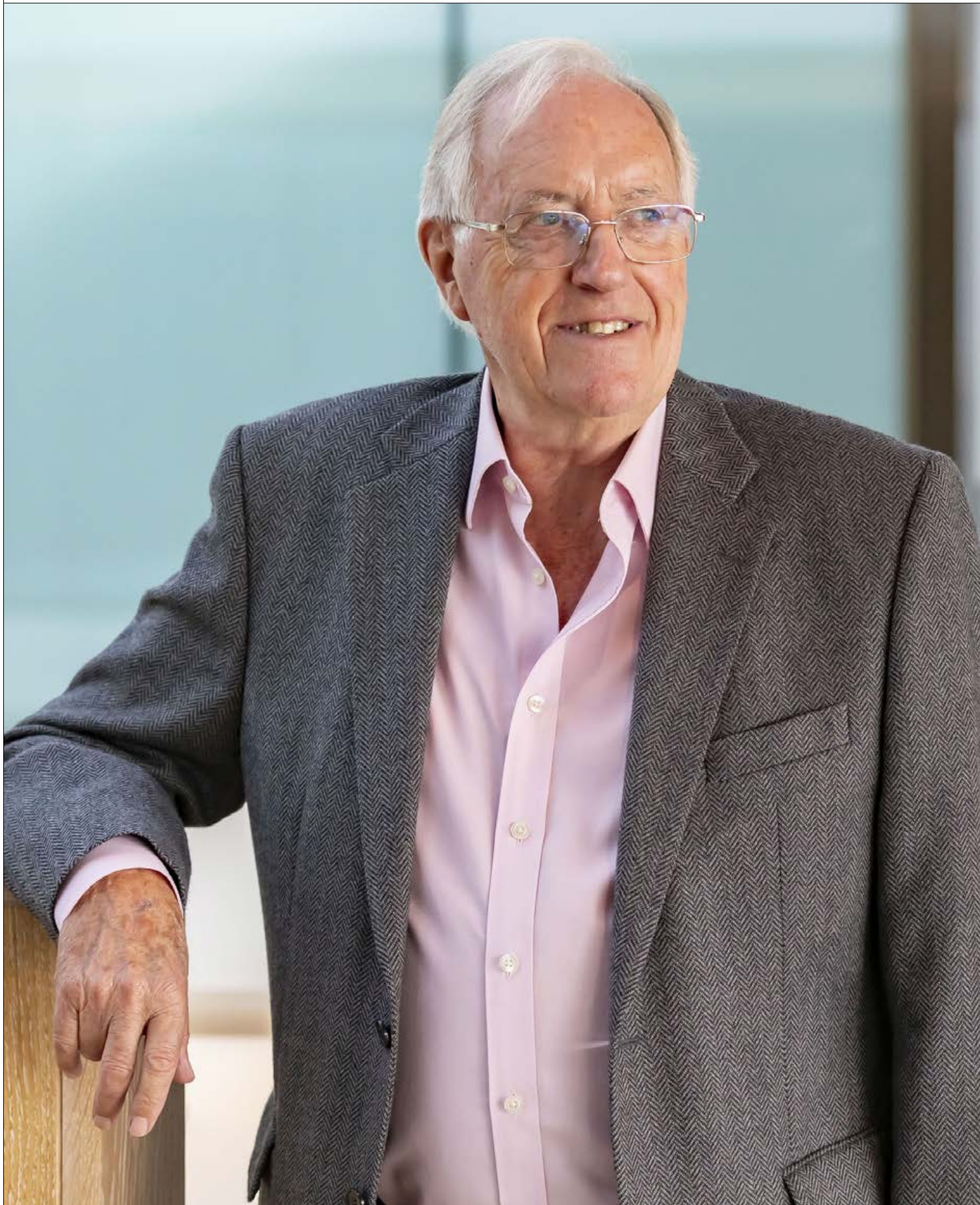
Litigating for climate change, as the Taoiseach describes it, is no substitute for political leadership on climate change, but successive failures to take action at the scale and pace required have made litigation a key mechanism for securing climate action and ensuring accountability.

Rose Wall is a solicitor and consultant specialising in environmental justice.

LOOK IT UP

CASES:

- *CLM & Ors v Minister for Environment* [2024/76 JR]
- *Coolglass Wind Farm Limited v An Bórd Pleanála* [2025] IEHC 1
- *FIE v Minister for Environment* [2025] IEHC 61
- *Friends of Killymooney Lough v An Coimisiún Pleanála & Ors (No 2)* [2025] IEHC 576
- *Friends of the Earth Ltd & Ors v Secretary of State for Business, Energy and Industrial Strategy* [2022] EWHC 1841
- *Friends of the Irish Environment v Government of Ireland & Ors* [2020] IESC 49
- *Inter-American Court of Human Rights' Advisory Opinion on the Climate Emergency and Human Rights* (3 July 2025)
- *International Court of Justice Advisory Opinion on Climate Change* (23 July 2025)
- *Neubauer et al v Germany, Federal Constitutional Court of Germany* (BvR 2656/18 [2021])
- *Verein KlimaSeniorinnen Schweiz and Others v Switzerland* (53600/20)



THE LAND LORD

The connoisseur of conveyancing and land-law leader, Prof John Wylie, reflects on decades of Irish property-law transformation. He talks to Mary Hallissey about critical reforms and the ongoing persistent challenges of dismantling archaic legislation

A

s the author of pioneering land-law and conveyancing textbooks in Ireland, legal academic John Wylie is a standout figure,

and a revered one for all practitioners in the field. *Irish Land Law* and *Irish Conveyancing Law*, by Wylie, are highly specialised volumes, widely recognised as the definitive works on Irish property law on their publication in the 1970s.

A legal reformer and academic, Wylie also does hands-on work as a consultant with A&L Goodbody and has a vast network of legal property experts at his fingertips.

Born in Belfast in 1943, Wylie's early years were shaped by the contrasting religious backgrounds of his parents – his father, a devout Ulster Presbyterian, while his mother was Church of Ireland.

It was his maternal uncle, the Reverend (later Canon) John Watson, a Greek, Latin and biblical scholar who looked after three churches in north-west Donegal and eventually became Dean of Raphoe, who was a formative influence.

As a very young child, Wylie was sent to Donegal to be cared for by his uncle, and his aunt Sheila, who helped her brother with his clergy duties.

"I didn't know any different when I was a child," he recalls. "Donegal felt like home. It was a simpler, quieter existence, and I loved it – swimming in the sea, fishing, and living off the land."

The field

His uncle's studies, as a church examiner for Greek and Latin, laid the groundwork for Wylie's future passion for classical studies. "It was no accident that I chose to study Latin, Greek, and ancient history," he reflects.

Despite this early academic inclination, family health woes redirected his path. His father, the youngest of 11 children, faced health struggles after an initial severe heart attack at the age of 46. "He was one of ten boys, and eight of his brothers, who were all married, died in their 20s. They all had massive heart attacks. Why? They all



smoked 85 a day, and they lived on the Ulster fry – indeed, every evening would have an Ulster fry," John recalls.

"I was in my teens, the eldest of four children, and his heart condition was so bad that my dad clearly was unlikely to work again. I just thought, going to university to study Classics is an indulgence."

Despite an aim to study at Oxford, Wylie, a year early, opted instead for law at Queen's and eventually secured the prestigious Frank Knox Fellowship at Harvard Law School. "My father passed away just two months before I was due to leave for Harvard," he recounts. "It was devastating. But my mother insisted that I go. It would have broken his heart if I didn't. My dad survived to see me get my undergraduate degree, and I then was appointed as a lecturer in Queen's immediately on graduation."

What followed was a poignant act of solidarity from his father's friends in Belfast law firms, including the law firm where his father worked as the managing clerk. "A solicitor arrived at our doorstep one day and said: 'Don't worry. We'll look after your family. Go to Harvard. Do it for your father.'"

This show of support allowed him to travel to America and pursue his master's degree in law at Harvard in 1966. "I was just overwhelmed. You know, people are so good, and they were wonderful. I would get these regular letters when I was at Harvard telling me everything was all right, not to worry."

Returning to Belfast after his time at



Harvard, Wylie resumed his role as a lecturer at Queen's, from 1967–71, where all sorts of interesting people passed through, including the late Ulster Unionist leader David Trimble, whom Wylie taught.

Wylie's academic career flourished, but even as a young lecturer, he was already thinking about broader law reform and the future of legal education.

Land and freedom

It was in 1971, at the age of 28, that Wylie received a pivotal invitation. Cardiff Law School was being established, and he was asked to help set it up from scratch. He set about acquiring a legal library – one with the extensive Irish material he needed personally.

A key part of Wylie's legacy would be his involvement in writing a comprehensive text on Irish land law and its groundbreaking publication in 1975.

The story behind that book is as much about relationships as it is about law.

The late John Buckley, a respected Dublin solicitor and close friend, had suggested Wylie for the project to the Law Society of Ireland. The Society felt it was time for a book on Irish land law, to be produced with the support of the Arthur Cox Foundation. Despite a heavy teaching load in Cardiff, Wylie maintained a regular routine of commuting to Dublin, where he worked closely with distinguished High and later Supreme Court judge, the late John Kenny, to finalise the manuscript. The judge read every chapter.

"He had lots of useful suggestions, which I would incorporate. And it was a very good learning experience dealing with a very experienced judge who specialised in property law," Wylie says.

Their collaboration was both intellectually rigorous and personally enriching. Their daily regime of work at the Four Courts would be followed by lunch at one, and afterwards a walk around Dublin Zoo, where Kenny was a member. "I think the animals at the zoo must have learned a lot about land law during those years!" Wylie laughs.

Prof Wylie put his foot down at the suggestion that his 1,000-page tome be published in London, fearing drastic cuts to a volume with unknown sales prospects.

Enter David Kirk, a second-hand legal-book dealer who, despite having no experience in publishing, was eager to take on the monumental task of bringing the book to print, and committed to an initial print run of 2,000. This was an extraordinarily brave thing to do, given that there were probably no more than 3,000 solicitors in Ireland at the time.

The money pit

Wylie recalls that the initial consignment of copies was stopped at customs in Rosslare, just before the Four Courts' launch in 1975, but

“

A solicitor arrived at our doorstep one day and said: 'Don't worry. We'll look after your family. Go to Harvard. Do it for your father'



a phone call by the then Law Society director general eased its passage, and almost 300 copies were sold that night, out of the boot of Kirk's car.

"Four months later, Kirk rang me up and said: 'We are doing a reprint!' In the end, over 9,000 copies of the first edition were sold, which was truly remarkable."

With the bit between their teeth, three years later the pair then decided, again with the support of the Law Society and Cox Foundation, to publish a definitive volume on Irish conveyancing law. The conveyancing volume led Wylie to strengthen his connections with Dublin property solicitors. He drew on the know-how of well-known practitioners, such as the late John Buckley, Rory O'Donnell, the late Paddy Fagan, Eric Brunker and Ernie Farrell, among others.

The most important thing in life is not just what you do, but with whom you do it, he

says. "That's when I really started to get to know solicitors in Dublin, because doing a very practical subject, such as conveyancing, I felt that I needed the help and guidance of practitioners," he says. "The people you work with, the friendships you build – those are the things that stay with you."

Land beyond the law

The greatest legacy of Wylie's work is not just the books he has written or the students he has mentored, but the enduring connections he has built along the way.

"Over the years I would find myself being consulted by Dublin solicitors on tricky points, and I then I just started publishing other books, such as *Irish Landlord and Tenant Law*." This eventually led to an invitation to become an in-house consultant with A&L Goodbody, a position he still holds over 30 years later, with duties ranging from advising fee-earners, helping to educate trainees, and running breakfast seminars for clients. "They treat me handsomely, and I have loved every minute," he beams.

As an academic, he found it very beneficial to see the practicalities of property law in action in a big corporate firm: "It was amazing to see what I regarded as obscure areas of law actually cropping up," he says.

Prof Wylie's law-firm work also gave him a clear view of those issues that caused conveyancing blockages: "I was delighted when the Department of Justice suggested I should get involved in big law-reform projects with the Law Reform Commission. I spent most of the early 2000s leading projects on land law, conveyancing reform, and so on."

These collaborations included a complete overhaul of Ireland's antiquated land-law system, much of which dated from centuries of legislation enacted by the British parliament.

The land that time forgot

Prof Wylie's involvement in drafting the *Land and Conveyancing Law Reform Act 2009* is another enduring legacy.

The reform project, which involved the repeal of over 150 pre-1922 statutes rooted in feudal law, was groundbreaking: "We had a six-month window to draft the bill, and it was a wonderful experience to see the parliamentary process in play," says Wylie.

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Available now	International Arbitration in Ireland Hub	Up to 11.5 general (by elearning), depending on courses completed	€110
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Available now	LegalED Talks - CPD Training Hub	Depending on the course(s) completed	Free



“We got rid of so much of the old nonsense, based on feudal law, that had been dumped on Ireland from the 13th century onwards.”

Prof Wylie also led a major project on reforming landlord-and-tenant law, which has so far stalled at consultation stage. “Our basic landlord-and-tenant law is still based upon the statute that was passed at Westminster in 1860, always known to Irish lawyers as *Deasy’s Act*,” he says. “Its continuance as part of our law is, in my view, outrageous, and goes against everything that successive governments here have been working towards, trying to get rid of all pre-1922 legislation. This sore thumb sticks up still.

“The bill that I drafted would have got rid of such old acts and replaced them with much more modern legislation. It would also have updated more modern post-1922 legislation relating to landlord-and-tenant law. Sadly, it has just gathered dust.”

“

I think the animals at Dublin Zoo must have learned a lot about land law during those years!

Prof Wylie suspects that the delay may stem from a lack of relevant expertise at governmental level. Speedy enactment would “get rid of all the nonsenses and ambiguities that exist in the current law”, he says.

“There may be an element of rebalancing [landlord-and-tenant rights], but it’s really a case of getting rid of complications, anomalies, ambiguities that have existed in the legislation for decades, if not centuries, and just need to be tidied up and attuned to modern life.”

Zombieland

Another example of ‘nonsense’ is the ground-rents legislation, which is riddled with complications that often seem to render it a complete and utter mess, he adds.

Prof Wylie was called as an expert witness in the Carrickmacross ground-rents case, which hinged on Earl-of-Essex lands granted in Elizabethan times, and the rights therein. “The case eventually went to the Supreme Court and, unfortunately, the judge who gave the judgment of the court seemed to get things partly wrong in several respects, because the way they were interpreting the legislation would have reduced substantially the right of tenants to buy out the freehold. The trouble was, this was a Supreme Court decision and where do you go from there?”

“The answer is that the retailers of Carrickmacross were not prepared to let it go, and they started a campaign to correct what was regarded by most property lawyers as a misinterpretation of the legislation. They eventually persuaded a local solicitor to get a private member’s bill drafted to reverse the Supreme Court rulings and I gave them some help with that.” The measures were eventually adopted and enacted as the *Landlord and Tenant (Ground Rents) (Amendments) Act 2019*.

“I have some sympathy for the Supreme Court, because I suspect that none of the judges involved in that appeal would have regarded themselves as expert property lawyers – otherwise they never would have made some of the rulings they did.

“But the ground-rents legislation is, in some respects, a complete and utter mess. It is exceptionally technical, and a major problem is that it comprises one act, which was then amended by another act, which, in turn, was amended by a further act, and so

on. Fitting them together in order to arrive at the correct interpretation of the law becomes a nightmare.

“It is extremely complicated, even for people who are expert property lawyers. But if ever that was a piece of legislation that needed complete reviewing, and to be completely redrafted in a much more straightforward and simple fashion, it is that one. Maybe someday that will happen.”

Shadowlands

Prof Wylie is not convinced that a separate profession of conveyancer is the correct route to follow, since the training required in conveyancing, if the consumer is to be adequately protected, will probably have to be equivalent to that of a solicitor in any case.

On the prospect of e-conveyancing, Prof Wylie is adamant that it will have to come. “The length of time it takes to complete conveyancing transactions has got to change, and I’m completely with the Government in their new strategy of trying to get this done. A major problem is that all the information about a property, which the purchaser needs, is held by all sorts of different bodies. What is needed is for all that information to be readily accessible in one central hub, because all these bodies vary enormously in terms of their efficiency and the degree of computerisation they have.”

While a property’s planning history going back to 1963 is still technically required, to Prof Wylie’s knowledge no such records are kept by many local authorities, which leaves many purchasers in a quandary. “There has to be a moratorium to bypass this. There are ways in which you could simplify the process. But to introduce electronic conveyancing properly you have got to make sure that all the bodies that hold information have it readily available and that their computer systems interact. If they crack that, there is no reason not to have it.”

There are ways around the impasse of digital signatures, he suggests, and a faster conveyancing process would give an immediate economic boost.

“I’m moderately hopeful,” he concludes.

Mary Hallissey is a journalist at the Law Society Gazette.

SUPREME SPEED





The Supreme Court has recently re-examined the area of the dismissal of proceedings based on prosecutorial delay and the *Primor* test in the case of *Kirwan v MJ O'Connor Solicitors and Anors*. Eoin Pentony puts the boot down

“L

itigation is a spectrum running from meritorious claims to speculative and unmeritorious, but it all has in common the fact that it should be dealt with, if not promptly, then at least without delay which can properly be described as inordinate and inexcusable”

– O’Donnell CJ.

Under order 122, rule 11 of the *Rules of the Superior Courts 1986* (RSC), a defendant can bring a motion to dismiss the proceedings for delay, for want of prosecution, where a plaintiff fails for a period of two years to progress matters by continuing to exchange pleadings or taking steps in the proceedings. The courts also have an inherent jurisdiction to dismiss proceedings for delay at their own discretion.

Order 122, rule 11 states: “In any cause or matter in which there has been no proceeding for one year from the last proceeding had, the party who desires to proceed shall give a month’s notice to the other party of his intention to proceed. *In any cause or matter in which there has been no proceeding for two years from the last proceeding had, the defendant may apply to the court to dismiss the same for want of prosecution, and on the hearing of such application the court may order the cause or matter to be dismissed accordingly* [emphasis added] or may make such order and on such terms as to the court may seem just. A motion or summons on which no order has been made shall not, but notice of trial although countermanded shall, be deemed a proceeding within this rule.”

Primor test

The seminal case on the issue of dismissing proceedings for delay was *Primor plc v Stokes Kennedy Crowley*, a Supreme Court decision from 1996. In it, the Supreme Court established the three-step test:

- 1) The court should consider whether the delay in question is inordinate,



- 2) If the delay is inordinate, then the court should consider whether the inordinate delay is inexcusable,
- 3) If the delay is both inordinate and inexcusable, the court should then consider whether the balance of justice favours the dismissal of the proceedings.

The *Primor* test established that delay, in itself, is not sufficient to dismiss proceedings. A defendant must also establish that the delay is inordinate, inexcusable, and that the balance of justice favours the dismissal of the proceedings.

In a *Gazette* article titled ‘The time has come’ (June 2022), the authors reviewed the case law in the area of delay and identified a notable trend emerging in which the judiciary is less tolerant to plaintiffs engaging in delay to progress their claim. This trend culminated in 2021, where three decisions indicated that a two-year delay in progressing proceedings is sufficient grounds for bringing an application for delay under order 122, rule 11 of the RSC.

New direction

In *Kirwan*, this year, the events giving rise to the claim occurred in 2005 and 2006, and proceedings were issued on 30 May 2013. The plaintiff alleged he delivered a notice for particulars in January 2014 and, in 2018, the defendants issued a motion to strike out the proceedings for want of prosecution under order 122, rule 11. The High Court dismissed the proceedings, applying the *Primor* test, where the delay was inordinate and inexcusable and where the balance of justice favoured the dismissal of the proceedings (in circumstances where the defendant suffered prejudice from the retirement of a solicitor from the practice).

The High Court decision was appealed to the Court of Appeal, where Power J upheld the decision of the High Court. In March 2023, the Supreme Court granted leave to appeal.

The appeal was first heard by a panel of five, but then reargued before a panel of seven where “the importance of the issue, and the desirability of seeking an authoritative statement of

the circumstances in which a case may be dismissed by a court for want of prosecution” was stressed.

The problem with *Primor*

Four judgments were provided by the Supreme Court from Justices Murray, Hogan, Collins, and Chief Justice O’Donnell. Each of the judgments examined the case law in the area and the *Primor* test from different angles. O’Donnell CJ notes a “degree of convergence from these different starting points and an end point which, as I understand it, is almost identical”.

Interestingly, O’Donnell CJ notes a degree of overlap between the jurisdictions of delay under order 122, rule 11, to dismiss proceedings as bound to fail as identified in *Barry v Buckley* and to dismiss proceedings as an abuse of process as identified in *O’Domhnaill v Merrick*. For more on jurisdictional overlap, please see the *Gazette* article ‘2fast, 2frivolous’ (April 2023).

O’Donnell CJ highlights the protracted and often highly litigious nature of the *Primor* case law leading to extensive judgments and appeals, stating “the end result can often be unsatisfactory and protracted proceedings on affidavit with unpredictable results which, particularly when they result in a refusal of the application for dismissal of the proceedings, have the perverse consequences of adding significantly to the delay in getting the proceedings to a hearing”.

The court’s view of the *Primor* case law was that the *Primor* test, ironically, fed into prosecutorial delay itself rather than assisting in reducing delay and getting the substantive matter progressed to a hearing. “The most obvious symptom of the difficulty is the fact that *Primor* claims in the High Court have become quite protracted, involving detailed debates, sometimes contained in extensive affidavits requiring considerable court time, and sometimes extensive judgments.”

O’Donnell CJ was critical of the *Primor* test where it:

- 1) “Involved a balance of a number of factors giving rise to a necessarily subjective and contestable conclusion resulting in lengthy hearings and appeals,
- 2) It proceeded on an assumption that the



“
The court’s view of the
Primor case law was that
the *Primor* test, ironically,
fed into prosecutorial
delay itself rather than
assisting in reducing delay
and getting the substantive
matter progressed to a
hearing



- jurisdiction was an interference with a right of access to court and which required particular weighty justification,
- 3) The test did not recognise and therefore did not give sufficient weight to, the fact that lapse of time alone is harmful to the administration of justice and should be a sufficient basis in itself for dismissal of proceedings.”

Kirwan control

O’Donnell CJ stated the passage of time itself is paramount to justify the dismissal of a claim and “two years of inactivity is a critical milestone”, citing the test set out in the judgment of Hogan J in *Kirwan*:

- 1) “Until the point is reached where there has been inactivity for two years, a claim should only be dismissed if the claim is an abuse of the process or there is prejudice to the defendant to the level required to ground an application under the *O’Domhnaill v Merrick* jurisdiction.
- 2) After two years of total inactivity, a claim may be dismissed for want of prosecution. It is likely that a claim will only be dismissed at this point if, in addition to the period of inactivity, a plaintiff can point to some additional prejudice or other factor pointing towards dismissal. If a court does not dismiss the claim, it would be entitled to make strict case-management directions on the basis that non-compliance with such directions would itself justify dismissal.
- 3) If there has been four years’ total inactivity, then the claim should be dismissed if it is dependent on oral evidence, so that the defendant is exposed to risk of failing recollections ... unless the plaintiff persuades the court that there are compelling reasons why the claim should not be dismissed and can



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be properly allowed to go to trial.

- 4) If there has been a cumulative period of complete inactivity for five years, the court should have a generous power to dismiss the case, unless satisfied that there is a pressing exigency of justice that requires that the case be permitted to go to trial.”

In applying the test to the facts of the *Kirwan* case and inactivity of five years, O'Donnell CJ stated that “there was an onus on the plaintiff to advance these proceedings. He did the opposite. I would dismiss the appeal.”

Kirwan in action

In the High Court in July 2025, Mr Justice Barr applied the test in *Kirwan* to proceedings commenced in 2014 in the matter of *Dennis Guilfoyle Developments Limited v Eric Wardrop*. In dismissing the proceedings, Barr J stated: “The decision in the *Kirwan* case makes it clear that a period of inactivity of two years is the inflection point beyond which a defendant can apply to have proceedings ... struck out for want of prosecution.”

Barr J further stated: “The test set down at paragraph 26 of the judgment of the Chief Justice in the *Kirwan* case provides that, if there has been four years’ total inactivity, then the claim should be dismissed if it is dependent on oral evidence so that the defendant is not exposed to the risk of failing recollections and witness reluctance that inevitably accompanies a long effluxion of time, unless the plaintiff persuades the court that there are compelling reasons why the claim should not be dismissed and can be properly allowed to go to trial.”

In applying the *Kirwan* test, Barr J stated: “I am satisfied that, given the passage of time that has elapsed to date and will inevitably elapse until the trial of the action, the defendant will be at a considerable disadvantage in dealing with this issue at the trial of the action.”

The Supreme Court has moved away from the idea of prosecutorial ‘delay’ and, instead, focuses on prosecutorial ‘inactivity’. The court’s motivation



O'Donnell CJ stated the passage of time itself is paramount to justify the dismissal of a claim and ‘two years of inactivity is a critical milestone’, citing the test set out in the judgment of Hogan J in *Kirwan*

behind this shift is to reduce *Primor* litigation, which, in itself, has led to uncertainty and delay.

Consequences of *Kirwan*

Where a motion to dismiss is issued for prosecutorial inactivity, the outcome of the motion will depend on the length of inactivity by the plaintiff in the proceedings:

- 1) Up to two years – where there has been inactivity for up to two years, a claim should only be dismissed if the claim is an abuse of process. In these circumstances, a claim will not be dismissed for delay or inactivity, but only if the claim comes within the areas as set out in the *Gazette* article ‘2fast, 2frivolous’ (April 2023).
- 2) Two years or more – where there is inactivity for more than two years, an applicant will require inactivity for more than two years and be able to raise some additional prejudice for the claim to be successfully dismissed. If there is no additional prejudice, it is likely the court will direct an ‘Unless Order’, based around strict case management of the substantive proceedings. If the case-management directions are adhered to, the substantive proceedings will continue to progress to a hearing. However, where the case-management directions are not adhered to, the substantive proceedings will be dismissed as per the terms of the order.
- 3) Four years or more – where there is inactivity for four years or more, the claim should be dismissed if it is

dependent on oral evidence or if specific prejudice can be demonstrated. As seen in *Guilfoyle*, where there was delay of four years and the proceedings were dependent on oral evidence, the proceedings were dismissed. Where the matter is not dependent on oral evidence or there is no specific prejudice demonstrated, it is likely an Unless Order based around case management of the substantive matter will be directed.

- 4) Five years – where the inactivity is for five years or more, the court should dismiss the case unless there are ‘exigency circumstances’ of the plaintiff, such as educational, social or economic disadvantage.

The Supreme Court has taken a new approach in how the courts consider applications under order 122, rule 11, and now seek to ‘save the case’ in an effort to increase court efficiency and make the area of prosecutorial delay less subjective.

Practitioners will welcome a less subjective approach taken by the courts – and clear timeframes in which to issue motions to dismiss for prosecutorial inactivity.

Eoin Pentony is a partner in Healy Pentony Solicitors LLP, Dublin 2.

LOOK IT UP

CASES

- *Barry v Buckley* [1981] IR 306
- *Dennis Guilfoyle Developments Ltd v Eric Wardrop* [2025] IEHC 414
- *Kirwan v MJ O'Connor Solicitors and Anors* [2025] IESC 21
- *O'Domhnaill v Merrick* [1984] 1 IR 151
- *Primor plc v Stokes Kennedy Crowley* [1996] 2 IR 459

LEGISLATION

- Order 122, rule 11 of the *Rules of the Superior Courts 1986*

LITERATURE

- ‘The time has come’ (*Law Society Gazette*, June 2022, p42)
- ‘2fast, 2frivolous’ (*Law Society Gazette*, April 2023, p26)

Inside insights

The In-house and Public Sector Committee has delved into the findings of the Law Society's solicitor surveys of 2023 and 2025, gaining valuable insights from the data. Colin Carroll climbs the Chinese wall

As the legal landscape continues to change and evolve, understanding the dynamics within different cohorts of the profession becomes increasingly important. The Law Society has taken significant steps to capture these insights through comprehensive surveys conducted in 2023, and again this year, by Ipsos B&A. The Law Society's In-house and Public Sector Committee has worked with the agency to draw out information from the surveys that specifically relates to in-house and public sector practitioners.

The key takeaways were summarised in a one-page summary infographic and five more detailed infographics (see www.lawsociety.ie/solicitors/knowledge-base/practice-areas/in-house/infographic-on-in-house-solicitors).

Growing optimism

One of the striking changes observed between the two surveys is the increasing optimism among in-house solicitors regarding the future of the profession.

In 2023, 49% of in-house and public-sector solicitors who responded to the survey expressed a positive outlook. By 2025, this figure had risen significantly, with 65% of private sector in-house solicitors and 53% of public-sector solicitors reporting optimism about their future. (For the profession overall, the statistic is 47%.) This shift could perhaps

be, in part, explained by the growing recognition within the business community and public sector of the great value that in-house solicitors add to their organisations, and the rise in career opportunities for in-house solicitors.

This optimism was tempered slightly when in-house solicitors were asked about whether they believed their areas of practice would grow over the next five years. In 2023, 72% believed their fields would grow over the next five years (43% 'grow a lot' and 29% 'grow a little'). By 2025, this sentiment had weakened slightly, with 62% of public-sector in-house solicitors forecasting growth, and a higher 68% among their private-sector counterparts.

The demographics

The composition of solicitors who responded to the surveys reveals a strong representation of women. In 2023, a total of 60% of private in-house solicitors were female, which rose to 70% with public-sector solicitors.

When we look at age, the median for

private in-house solicitors is 44.2 years, while public-sector solicitors average slightly older, at 46.5 years.

The 2023 survey revealed that a significant majority of solicitors (93%) reported working full-time.

Notably, the trend over the last few years towards hybrid working has continued to gain momentum, with 83% of in-house solicitors working in this way according to the results of the 2023 survey. The data indicate that half of these solicitors typically work more days from home than in the office, demonstrating a shift in work culture that is likely here to stay.

Geographically, Dublin remains the hub of legal in-house activity, with 76% of in-house and public-sector solicitors based in the capital. Delving deeper, we find that 74% of private-sector in-house solicitors, and an even higher 79% of public-sector in-house solicitors, are Dublin-based.

Evolving fields

The areas of practice for in-house solicitors are diverse. It is no surprise that commercial matters feature very highly in the surveys. In 2023, 41% of in-house



Images: Shutterstock



Law Society members' survey: key results for in-house and public-sector solicitors



GENDER



AGE

Median:
Private sector: 44.2
Public sector: 46.5

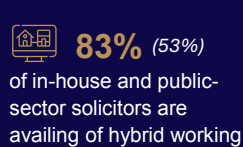
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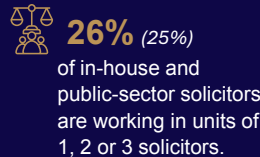
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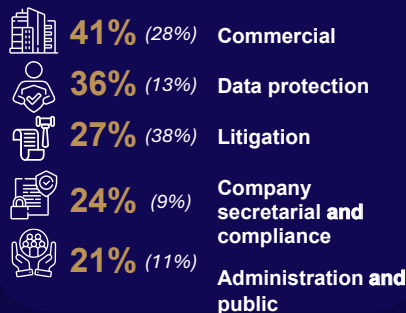
Hybridisation



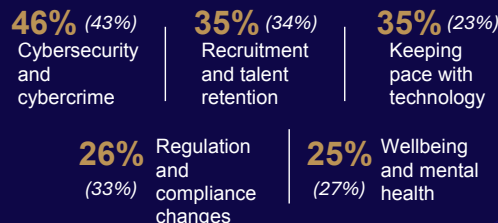
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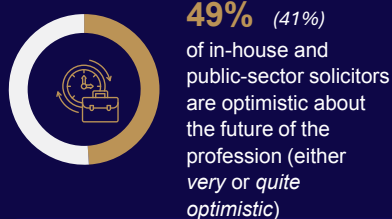
Areas of legal practice



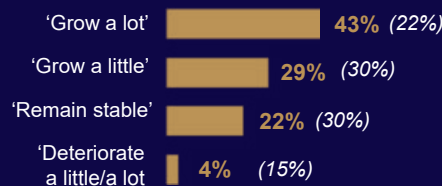
Top 5 issues facing in-house and public-sector solicitors (extremely challenging)



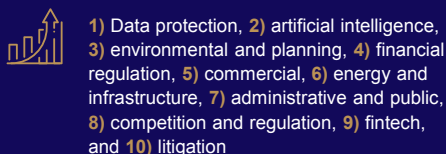
In-house and public-sector solicitors are more optimistic



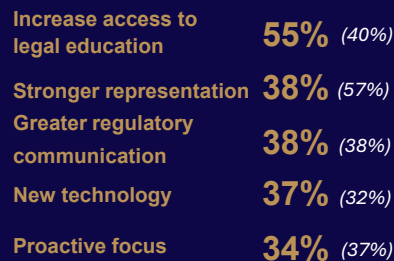
Five-year trajectory of own area of practice



Top 10 areas in-house and public sector solicitors expect to generate additional growth over the next 5 years



Top 5 areas in which the Law Society can strengthen in future



METHODOLOGY

Produced by Ipsos B&A in March 2025 based on a quantitative members study conducted by Ipsos B&A in April/May 2023. This survey was conducted online and achieved a total sample of n=2,264. This analysis primarily focuses on the responses from in-house and public-sector solicitors (n=472).

() result of total sample of the profession

Quantitative study of n=278 in-house solicitors in the private sector and n=194 solicitors in the public sector, and one focus group with in-house and public sector solicitors

“

The trend towards hybrid working has continued to gain momentum, with 83% of in-house solicitors working in this way according to the results of the 2023 survey. Half of these solicitors typically work more days from home than in the office, demonstrating a shift in work culture that is likely here to stay



lawyers said that they worked on commercial matters, rising to 50% in the 2025 survey for private in-house lawyers. The 2023 survey showed that 38% of all in-house lawyers were working on data protection, with this rising in the 2025 survey to 46% of private in-house lawyers (24% of public-sector solicitors). In 2023, litigation (27%) was the third-largest area of practice overall for in-house. The 2025 survey shed some light on this work, with 31% of public-sector solicitors working in the litigation area (25% for private-sector in-house solicitors).

As the landscape shifts, new opportunities are emerging. In-house solicitors are increasingly identifying key areas for growth. In the public sector, the focus on artificial intelligence (AI), environmental and planning law, and administrative and public law has gained traction. Conversely, private-sector solicitors are prioritising AI, technology/cybersecurity, and data protection. This alignment emphasises the critical role that technology plays in shaping the future of legal practice, with 59% of public-sector and 72% of private-sector solicitors recognising the potential of new technologies.

Challenges

Despite the prevailing optimism, challenges remain. The 2025 survey revealed that the top concerns for in-house solicitors revolve around a lack of resources, career progression, and a disconnect from colleagues regarding knowledge sharing and networking.

In both surveys, cybersecurity and cybercrime were identified as pressing challenges. In 2023, a total of 46% of solicitors flagged cybersecurity as an extremely challenging issue – a sentiment echoed in 2025 – underscoring the constant need for vigilance and adaptation in a technology-driven environment.

AI has also emerged as a focal point for solicitors, especially in the context of the ongoing digital transformation within the legal sector. While 45% of solicitors indicated they never use AI, 24% say they use it less than once a month, 14% less

than once a week, 11% said often, and 5% always, every day. Breaking down the ‘always/often’ (16%) respondents, 41% of them were in-house private, while only 11% were in-house public. The 2025 survey highlights a clear demand for upskilling, with 86% of private in-house respondents and an even higher 92% of public-sector solicitors seeking more training and information to effectively harness AI’s potential. In all, 77% of overall respondents say they have concerns about the lack of AI guidance.

Interestingly, while there is a belief among many that AI will positively transform legal practice, perspectives differ significantly between private and public-sector solicitors: 67% of in-house private solicitors believe AI will positively transform their work, compared with just 44% of their public-sector counterparts.

Looking ahead

As the Law Society reflects on the findings from the 2023 and 2025 surveys, it is clear that the landscape for in-house and public-sector solicitors is evolving. When it comes to future priorities for the Law Society, the views of in-house respondents are in line with the rest of the profession, including:

- Representation,
- Delivering high-quality education to trainees,
- Contributing to, and advising on, new legislation, regulatory requirements, and law reform,
- Maintaining high standards and regulatory compliance, and
- Providing a good quality and relevant CPD offering.

The insights gleaned from both surveys provide a roadmap for the future of in-house legal practice in Ireland. With a commitment to adaptability, ongoing education, and an openness to embracing new technologies, the in-house and public-sector solicitor community is well-positioned to navigate the complexities of the legal landscape. We believe the future is bright for the in-house legal community in Ireland. 

Colin Carroll is strategic project lead in Solicitor Services at the Law Society.

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The 2025 survey revealed that the top concerns for in-house solicitors revolve around a lack of resources, career progression, and a disconnect from colleagues regarding knowledge sharing and networking



Big wheels keep on turning

Far removed from the glamour of courtroom dramas, the Chief State Solicitor's Office provides a vital, if often unsung, service. It delivers critical legal advice, litigation, and transactional services that keep the wheels of Government turning smoothly. James Corbett brings us inside the CSSO

In the corridor outside the office of Ireland's Chief State Solicitor, Maria Browne, hangs a painting of the first holder of the office, Michael Corrigan, amidst the ruins of his bombed-out home in Rathmines in 1923. Corrigan had previously advised Sinn Féin and the new Dáil government via his eponymous legal practice, but had left it months earlier to take up the role of Chief State Solicitor following the foundation of the Irish Free State.

The decision brought consternation among the anti-treaty forces. The IRA ordered the bombing of his home, the aftermath of which is captured in Mick O'Dea's 2022 painting.

Browne, the ninth holder of the office, thankfully presides during calmer times, but the scene underscores the enduring importance and sensitivity of the Chief State Solicitor's role in upholding the rule of law.



Chief State Solicitor Maria Browne with members of the CSSO's Single Building Project team on the day its new headquarters was handed over from the Office of Public Works in September 2025

Wheels within wheels

At the heart of Ireland's governmental machinery, for years quietly operating out of unprepossessing offices in the shadow of Dublin Castle (a relocation to a new single building in Smithfield will be completed by January 2026), the Chief State Solicitor's Office (CSSO) provides a vital service as a constituent office of the Office of the Attorney General.

The CSSO specialises exclusively in supporting the Irish Government and its central departments and offices. With five dedicated divisions – Administrative Law, Commercial and Employment Law, Constitutional and State Litigation, Justice, and State Property – the CSSO addresses the State's most complex and pressing legal challenges. Its solicitors tackle everything from constitutional disputes to managing sensitive immigration cases, to overseeing significant property transactions and ensuring compliance with rigorous public-procurement laws.

The CSSO has been in existence for over 100 years, but as Browne explains, "We have tended in the past not to draw attention to ourselves – so much so that many people may not even have been aware of our existence."

That is changing. "Obviously in the drive for talent, in order to attract those

who may be interested in a career in public law, that had to change," she says. "And so, over the last few years, we have been making a concerted effort to get out there and tell our story – not just to those training to be lawyers, but also to those currently in private practice who may be looking for a change."

What sets the CSSO apart from private law firms is its profound institutional memory and insider understanding of the workings of the Irish Government. With deep-rooted knowledge about every department and interdepartmental relationships, its advice doesn't just address immediate issues – it anticipates future challenges and strategic goals.

Deirdre Walsh, who runs the CSSO's State Sales and Purchases Section, joined in 2019 after more than two decades in private practice. She describes a career in public law as "an opportunity to be part of a much bigger picture" and details a caseload that is of a breadth and significance beyond what a private law firm could ever undertake.

"The legal work undertaken for the CSSO's clients is the space where law and politics meet," says Walsh. "Agility and the ability to manage multiple agendas is a requirement. Legal advice can often be required under intense pressure during a crisis, such as the COVID pandemic."

A standout achievement in her CSSO career was her team's role in the acquisition of the Conor Pass on the Dingle Peninsula for the National Parks and Wildlife Service. Spanning 743 hectares of breathtaking natural beauty, she describes the purchase as a once-in-a-generation conservation opportunity. The newly formed *Páirc Náisiúnta na Mara, Ciarraí* – Ireland's first marine national park – integrates recent acquisitions with existing protected sites.

"Solicitors are part of something bigger than themselves, and there is no bigger stage for solicitors to practise their skills," says Walsh. "While there are no financial bonuses on offer in the public sector, the rewards are different. As the work aligns with one's own goals and values, this results in a very strong sense of job satisfaction and can also lead to a better work/life balance."

Behind the wheel

Gwen Considine runs the Office's Public Procurement Law Section, which advises central Government departments on their public-procurement obligations. Her team advises on all aspects of public procurement, from initial planning and strategy to contract-award, and beyond.

"For the public sector, successfully running complex or large procurement processes is of vital importance to their organisation," she says. "Not only is it essential to delivering value for money to

the taxpayer, but procurement is now also a tool for implementing Government policy, including job creation and energy efficiency.”

The range of work undertaken by her team is eye-watering. Considine reels off a list of contracts that span critical ICT contracts that underpin the operation of the State, advices on the establishment of the new auto-enrolment savings scheme, passport-production services and border-control gates at airports, as well as key national infrastructure, such as road-safety cameras for An Garda Síochána and, most recently, advising on the purchase of a new Government jet.

In recent years, her section has advised the Department of Children, Equality, Disability, Integration and Youth on the critical procurement of accommodation centres and services for Ukrainian refugees and international-protection applicants: “I am particularly proud of this, because it perfectly demonstrates how our section can respond quickly and effectively in times of crisis, such as in response to the war in Ukraine. It also highlights strong cross-office collaboration as we worked with other teams across our office, and how the delivery of accommodation for international-protection applicants aligns with the Government’s key priorities and its international obligations,” she says.

Wheels of steel

The CSSO has not taken on criminal casework in 25 years, when the Director of Public Prosecutions established the role of the Chief Prosecution Solicitor, although it does provide solicitor services to the Criminal Assets Bureau (CAB). CAB was established in 1996 in the immediate aftermath of the gangland murder of journalist Veronica Guerin, whose death shocked the nation.

The Criminal Assets Section (CAS) operates at the intersection of criminal, civil, and public law, working hand-in-glove with CAB to confront organised crime by denying and depriving individuals of the proceeds of criminal conduct. The legal team is currently led by Declan O’Reilly, who joined both the CSSO and CAS in 2002.

“The work with CAB has been fantastically interesting but also hugely rewarding,” he reflects. “I have held many different roles

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While there are no financial bonuses on offer in the public sector, the rewards are different. As the work aligns with one’s own goals and values, this results in a very strong sense of job satisfaction and can also lead to a better work/life balance

within the CSSO – and indeed with CAB itself – and have acquired invaluable experience in areas such as European Arrest Warrants, mutual legal assistance, and EU law.”

Solicitor Emma Griffin outlines the central focus of CAS: the recovery of proceeds of crime. “Our bread and butter is preparing High Court applications under the *Proceeds of Crime Act 1996*,” she says. “These funds are then reinvested in community initiatives through the Community Safety Fund – programmes aimed at youth diversion, tackling reoffending, and enhancing community safety. It is gratifying to see our work support tangible societal benefits.”

The team also represents CAB before the Tax Appeals Commission, in social-welfare overpayment cases, Revenue debt-recovery proceedings, and it handles all conveyancing related to CAB investigations. “We are intrinsically involved in negotiating and drafting complex settlement agreements on behalf of the bureau – work that requires not only legal acumen, but also commercial instinct,” explains Griffin.

Big wheel

The CSSO is underpinned by a strong public-service ethos, built around principles of integrity, impartiality, and accountability. Its commitment was underscored by the introduction by the Attorney General of the *State Litigation Principles in 2023*, which codify best practice in managing State legal affairs.

“The *State Litigation Principles* matter because they set the standard – not only for our clients but also for us in the CSSO – as to how we should all behave when it comes to our approach to litigation, and our conduct of that litigation on the State’s behalf,” says Maria Browne. “By articulating best practice, the principles serve as a reminder of the standards of propriety, ethics, and integrity that we and our clients must seek to emulate when operating in this area.”

Indeed, the principles have taken on increased significance given the increase in the number of cases involving litigants-in-person.



As the seventh-largest legal office in Ireland in terms of practising solicitors, the CSSO offers legal services that rival those of top-tier private firms in quality and expertise. However, as Browne explains, “our public-sector status allows us to provide these services at a significantly lower cost to the taxpayer. The CSSO’s funding model eliminates the profit motive, focusing instead on delivering value through efficient and effective legal services.”

Browne highlights the critical role that continuous learning plays in advancing the office’s work: “Aiming to be the best that we can be at our jobs demands that we ensure our legal staff remain at the cutting edge of developments in the law,” she says. “In the CSSO, we cover a wide variety of legal practice, including emerging areas of law. Enabling staff to upskill ensures that our organisation, as a whole, benefits from a culture of continuous learning and development.”

Spinning wheel

What makes the CSSO stand out as a workplace? For Browne, it comes down to purpose and values.

“To work in the public service is to work for the common good. To that extent, one of the key features of our work is the sense of purpose that accompanies it,” she says. “Our solicitors are both lawyers and public servants at



What sets the CSSO apart from private law firms is its profound institutional memory and insider understanding of the workings of the Irish Government

the same time, and so, more than anything, our work is values-driven. As a civil-service office, we are not in a position to reward employees with bonuses or similar financial incentives, and so the work itself is often the real reward – its quality, depth, range and importance. Getting to work on cases that shape the law and projects that have real impact for the public at large mean that there is a unique sense of fulfilment in the work that we do.”

Indeed, the examples highlighted in this article only scratch the surface of the scope of the CSSO’s work. The office’s five legal divisions handle an extraordinary range of legal matters that touch on virtually every aspect of Government operations.

From representing Ireland at the Court of Justice of the EU, to managing extradition and European Arrest Warrant applications; from advising on data protection and GDPR compliance, to handling maritime law and the State’s foreshore rights; from supporting tribunals of inquiry, to providing legal services in sports law and rural-development programmes – the CSSO’s remit spans the full spectrum of modern public law.


The office also plays a crucial role in employment law and equality litigation, constitutional challenges, planning and environmental law, competition and regulatory matters, and the ongoing management of the State’s extensive property portfolio. This diversity of specialist knowledge, combined with the ability to collaborate seamlessly across divisions, positions the CSSO as an indispensable pillar of Ireland’s legal infrastructure.

Shoulder to the wheel

Browne’s term as Chief State Solicitor was extended last year, and her ambitions for the office reflect both practical and aspirational goals.

“A long-held ambition for the CSSO has been to bring together all our staff in the one location – for many years the main office has been split between two premises in Dublin 8,” she says. “That ambition is now becoming a reality and, by the commencement of 2026, we will have relocated to our new home in Smithfield Hall, Dublin 7.”

The move will enable the office to equip staff to deliver an enhanced, digitally enabled legal service to clients in modern surroundings that support new ways of working.

“Allied to that, continuous improvement in all things that align with our vision of being an outstanding public-law office is the objective – whether that be legal excellence, technological innovation, or cultural wellbeing,” says Browne. “To be the best that we can be – that is the ambition.” 

James Corbett is communications officer at the Chief State Solicitor’s Office.

Verify everything, always

Tech tools are no substitute for human judgement, the In-House and Public Sector Annual Conference has heard. Mary Hallissey reports

Two decades ago, the in-house sector was seen by many as a route for those who 'couldn't quite hack' private practice. So said Kerry Group general counsel Joanne Ross at the Law Society's In-House and Public Sector Annual Conference at Blackhall Place on 8 October.

"I love being an in-house lawyer," she said. "I worked in McCann FitzGerald at the time, and a few partners tried, quite hard, to talk me out of it. But I had this hunch that if I could be dedicated to just one client, that if I could get to know that business and industry really well and get closer to the stakeholders and the decision-making process, I would, over time, be able to add greater value. Looking back 20 years later, it's been a great choice for me. I've really enjoyed my career to date," she commented. Ross draws on that experience when speaking about her five 'C's to thrive' – curiosity, courage,

connection, communication, and clarity.

She advises in-house lawyers to think as business people first, and lawyers second: "There's often quite a gap between the business people and the external lawyers, and there's a real opportunity to get in and bridge that gap, by showing curiosity," she said.

General counsels should be unafraid to grasp 'hot potatoes', Ross advised, instead 'leaning in' on dispute resolution with curiosity as to what a good outcome might look like. Having difficult conversations or leading an unpopular project requires courage, but can result in very fast learning. "Failure is not the opposite of

success – it's the tuition fee," she said

Transformative times

The in-house and public-sector cohort now comprises 27% of the profession. In-House and Public Sector Committee chair Alison Bradshaw spoke about the work that the committee has undertaken to draw out data specific to the sector from the Law Society's 2023 survey of the profession. "We're a wide-ranging, diverse group, and what we were looking for were themes that bind us together – and there are a lot of them," said Bradshaw.

She outlined recent outputs from the committee to support



All photos: Cian Redmond

Director general Mark Garrett, Tara Doyle, Alison Bradshaw, and then-President Eamon Harrington

in-house and public-sector solicitors, including an infographic illustrating sectoral trends, and the Ireland for Law factsheet to promote Ireland as a global legal hub, produced in collaboration with [Ireland for Law](#). Others included the Public Sector Careers Symposium held in May, along with enhanced collaboration with the European Company Lawyers' Association, which supports over 70,000 in-house lawyers across Europe.

Rising complexity

The Law Society was also praised for its support of the cohort, including the recent launch of a dedicated sectoral digital magazine.

Law Society President Eamon Harrington commented: "Over the past 12 months, there's been enormous growth in the understanding of the needs of the in-house sector by the Law Society, and excellent progress is being made – it's very much a top priority."

The in-house legal role is a juggling act between strategic advising, people management, and problem-solving – all against the backdrop of increasing regulatory, ethical, and resource pressures

Solicitor and AI consultant Donna O'Leary told the conference that adopting AI tools was not the same as meaningful digital transformation, although 98% of organisations have adopted AI in some form.

"Everyone in this room has 'adopted' AI. That tells me absolutely nothing," she said. Transformation doesn't happen with downloading a tool, she said, but required a solid framework and understanding of organisational needs and the real problems to be solved. Despite reported AI efficiency gains of 44%, only 24% of those gains translate to direct profits, she pointed out.

Generative AI (such as ChatGPT and Copilot) is just one subset of AI, designed primarily to generate content based on statistical patterns, she noted. Other forms, like machine learning and retrieval-augmented generation (RAG), have equally important roles, especially in enterprise settings. O'Leary cautioned that many users still didn't fully understand how these

tools worked or how they could be used safely and effectively: AI is not a "fancy Google" and cannot be relied upon for legal decision-making, she stressed.

Blind trust in AI is completely misguided and could result in professional misconduct cases, O'Leary warned, citing a matter where lawyers faced a wasted costs order after relying on false information from ChatGPT.

She drew a clear distinction between general-purpose tools, such as Microsoft Copilot, and 'vertical' legal AI tools built specifically for legal use.

Under the *EU AI Act* and GDPR, AI literacy and transparency were also becoming legal obligations, O'Leary explained: "You need to provide a safe environment for people to use tools – and people prefer working with people."

Over 51% of employees are using unapproved AI tools, often without IT department oversight. This is particularly concerning for public-sector bodies, which have been explicitly told to avoid publicly available AI tools that could compromise data security.



Donna O'Leary



Brian Connolly, Damien Moynagh, and Audrey O'Hara



Audrey O'Hara, Joanne Ross, and Catherine Byrne



Alison Bradshaw



Tara Doyle, Margaret Maguire, and Nicola Curry

Blind trust in AI was completely misguided, however, and could result in professional misconduct cases, O'Leary warned, citing a matter where lawyers faced a wasted costs order after relying on false information from ChatGPT

Tech-stack audit

From August 2026, public and private organisations across the EU will be required to train their staff in responsible AI use: "If you're using AI tools in a professional context, you are a 'deployer' under the *EU AI Act* and have obligations – even if you're just a solicitor with a laptop," O'Leary added.

The forthcoming *NIS2 Directive* and the *Freedom of Information Act* may also

have an impact on how AI-generated meeting notes or chatbot records are stored and disclosed. For example, internal AI conversations may be subject to FOI requests if used for official decision-making.

Attendees were advised to conduct an internal audit of their current tech stack, implement AI literacy training and policies, and avoid public AI tools for confidential work. AI can streamline operations but,

without guardrails, it can just as easily lead to ethical breaches, misinformation, and litigation.

O'Leary advised attendees to be brave and curious – but to verify everything, always: "You verify everything that you get, and maintain professional judgement," she said.

International pic

Matheson asset management lawyer Tara Doyle outlined Ireland's strategic efforts to

become a key player in the international legal-services market.

The Ireland for Law initiative aims to position the country as a hub for legal services in response to changing global dynamics, post-Brexit. Set up in 2019, Ireland for Law has the support of stakeholders such as the Law Society of Ireland, the Bar of Ireland, and Government departments. It seeks to boost high-quality legal-services jobs, in both private practice and in-house legal teams.

Doyle emphasised that Ireland seeks to carve out its own share of the growing international pie. As an example, she noted that attracting investment funds to domicile in Ireland is a key contributor to the legal economy.

A comprehensive fact-sheet aims to give in-house and public-sector lawyers a simple, accessible resource for explaining the benefits of Irish law to their colleagues. The document was created to help legal professionals advocate for Irish law when negotiating contracts and setting governing-law terms in their agreements.

In-house lawyers Nicola Curry of BNP Paribas and Margaret Maguire of Fexco told the conference that they already advocated for the benefits of Irish law in their respective industries.

Evolving landscape

The evolving landscape of business and regulation was examined in a panel discussion led by Brian Connolly (Accenture), who pointed to the increasing complexity of legal responsibilities. Organisations got more complex in

direct proportion to the complexity of the environment they operated in. “Communication is key,” he said, “and, as lawyers, we can be good at it – but we can get caught up in the detail and the complexity. Sometimes, our internal clients are not as interested in that as we are,” he quipped. “So, we need to understand the law and then explain it and apply it in a really practical way to demonstrate our value to the organisation.”

Joanne Ross said that global firms faced unique challenges in balancing

differing cultural expectations with diverging regulatory requirements: “You do actually need to go back to what your values are as an organisation and what you think is important. You need to stick with that, and then do whatever risk mitigation is necessary in different jurisdictions,” she said.

Audrey O’Hara (head of legal, National Transport Authority) said that a generational shift in the workforce needed to continue in order to reflect the diversity of the public it serves. In her role, O’Hara stressed that diversity wasn’t just about ethnicity or gender, but also about diversity of thought.

Damien Moynagh (Greencore Group) added that lawyers were often asked questions that didn’t have a legal aspect. He stressed the importance of communication and stakeholder management in the face of economic and political challenges: “Good communication, when it clearly explains business goals, targets and objectives, can be really effective, and it’s very good for galvanizing teams,” Moynagh said.

Catherine Byrne (head of group legal, EirGrid) commented that building a strong team of capable in-house lawyers had been an essential part of her work, particularly as EirGrid moved to play its part in securing the country’s energy by developing an offshore electricity network that would connect offshore wind farms into the system .

Mary Hallissey is a journalist at the Law Society Gazette.



Alison Bradshaw



Then Law Society President Eamon Harrington



When I'm 64

Retirement is not just a financial or professional shift, it's a personal transformation. David Rowe encourages you to plan now for making the big leap into a successful retirement

exit arrangements that are defined in a partnership agreement. The challenges are greater for those in smaller firms in particular and, in some cases, in medium-sized firms, which is the focus of this article.

For solicitors approaching retirement age, many new opportunities and challenges present themselves. Having worked in an environment that is

demanding, but certain, for a large number of years, both the individual and the firm must address a wide array of issues to ensure the transition is a success.

Larger firms have structures in place, including working and non-working consultancy periods, mentoring for those approaching retirement, and

Planning for retirement

The financial reality of retiring now from a small or medium-sized firm is that the practice sale or migration will not yield sufficient funds to support

an individual through their retirement. Sale prices are currently quite modest and vary from a small amount of goodwill and a payment for work in progress, to it costing the individual money to extract themselves from practice.

Therefore, the individual is likely to have to lean on the State pension and the pension fund that they have built up themselves, together with any private income or assets they hold. With top-rate tax relief available on pensions, this is by far the most cost-effective way of building a fund large enough to support an individual who no longer has earnings from a practice.

We see individuals in firms shying away from paying the maximum pension contribution rate, mainly because of cashflow concerns in the autumn (professional-indemnity insurance, income tax, pension and practising certs all coming together), but we would view avoiding making maximum pension contributions as a foolhardy strategy.

Avoiding the cliff edge

The cliff edge arises where a solicitor has been working hard, often in excess of five days if they are running their own business, and at a high pace, to suddenly having seven days available a week to walk the dog twice a day.

In our experience, a gradual tapering of working commitments suits most individuals. We advise individuals to consider doing a four-day week in the year approaching

The financial reality of retiring now from a small or medium-sized firm is that the practice sale or migration will not yield sufficient funds to support an individual through their retirement



retirement as an equity partner and, in the case of a sale or an internal transfer to another partner, most firms will want the retiring partner to stay on in a consultancy role for a period of time. We often see three days for one or two years, followed by two days – all depending on energy levels, health, interest levels, and needs of the new practice.

Another large influencer in this is the personal (not professional) reputation of the individual. Put bluntly, if you are seen as a difficult individual, the willingness to keep you on will be considerably lower. Being seen as a good colleague who works well with others goes a long way.

There are, of course, alternate roles outside the business for the retiring solicitor. We see roles as a locum solicitor, in mediation, arbitration, teaching, writing, *pro bono*, an in-house role, or a complete change all having worked well for retiring solicitors who wish to have some, but a reduced, work focus.

Exiting a practice

For a sole owner, exiting an Irish law firm has become a lot more difficult. This is partly because the number of younger solicitors choosing to be a sole owner is significantly fewer than the number of similar solicitors retiring – that is, there aren't enough people to fill the shoes of retiring solicitors.

While there are some individuals who want to be a sole principal, most retiring sole practitioners are now either merged with a larger firm, with the sole principal standing back from ownership, or have to face the closure option.

The number of firms having to close is increasing because of the lack of younger solicitors willing to take over firms and the fact that other local firms are probably at their maximum in terms of workload in the current economy and simply do not have the time or resources to take on more work. This is also a large factor in values on sales having fallen as supply outstrips demand.

The close-down option is



Photo: Shutterstock

not as bleak as it sounds. It is a matter of stopping taking in new files and working out the existing ones, finding a firm to hold wills, title deeds, stored files, etc, and applying to the Run-off Fund for professional indemnity insurance. The Run-off Fund has been a gamechanger for smaller firms who do not have any sale option: it provides free insurance cover for six years once admission criteria are met.

The most effective exit strategy and least change for a retiring solicitor is to have somebody coming through internally or joining that will take over the firm or their interest in the firm. It is more seamless and less unsettling for the retiring person, and there is a mutually beneficial dependence on each other in terms of migrating clients and ensuring success for the new owner.

The owners I meet are proud of the firms they have built and want the firm to go into good hands and be a success for the new owner and for clients. No

retiring solicitor wants to meet an ex-client in Main Street who tells them how great they were and how the new owner has let them down.

The Law Society's *Close of Practice* booklet outlines the regulatory requirements and obligations in greater detail, while the 'Buy/Sell/Merge' platform facilitates transitions by connecting solicitors at different stages with each other. Private entities, such as Outsource, also match buyers and sellers.

Options by firm size

Sole practitioners face the greatest challenge at the moment due to the change in demographics and career choice outlined previously. Even if a sole practitioner is lucky enough to find someone, client compatibility, compatibility with the owner, and financial viability come into play.

The merger route with a larger firm provides more certainty, but is a greater change for the exiting partner.

It also necessitates finding a firm with younger ownership in the locality that has an interest in taking the firm on.

Deal-breakers include poor professional-indemnity insurance, disciplinary issues, difficult personalities, highly personal following, and age. In reality, most owners of smaller firms need to address succession planning in their late 50s or early 60s, on the assumption they want to get out in their mid to late 60s. Most address it too late.

Presenting well - easier to sell

- A good PII record,
- A steady turnover,
- A wide spread of key clients,
- Repeat type of practice,
- Strong probate,
- Future instructions strong,
- Well-regarded staff with outer-limit retirement dates,
- Profitable, even after a 20% fall in fee income,
- Practitioner well respected with a good reputation.

Emotional and lifestyle

Retirement is not just a financial or professional shift – it is a personal transformation. Many solicitors struggle with the idea of retirement due to their deep professional identity and working commitment. Advance planning helps with this by identifying new hobbies, goals, and new roles – there will be a significant amount of extra spare time, and filling this with activities you enjoy rather than with

boredom is key.

The Law Society and other organisations offer retirement planning courses and support in this area.

Compliance obligations

Any solicitor looking to retire has obligations and liabilities to divest. If there is a continuing practice or the firm has merged with another firm, this is of considerable assistance, with many of the obligations being taken over.

The retiring sole practitioner who cannot find another firm to take over their firm must arrange run-off cover, another firm to hold files, deeds, wills and other client documents, and answer future correspondence. File storage can be an issue if the retiring practitioner has not been regularly culling files down to Law Society requirements.

Clients remain central in any retirement process. Where the person is simply closing the practice, the client must be informed of the cessation and active files transferred to

the nominated solicitor. In a continuing firm, the process of gradually migrating a portfolio of work to another solicitor takes about 18 months to two years, where fully planned. This is best achieved if there is a generational change in the client also but, in the absence of this, by introducing the younger solicitor into the work for the client gradually, most clients translate once service levels and pricing remain consistent.


The situation in relation to staff has changed over the past number of years. It was quite difficult to persuade acquiring firms to take on all staff in the past, particularly those with longer-service records, while also being mindful of the TUPE regulations. Now with a widespread shortage of support staff in particular, and also of qualified solicitors in smaller and medium-sized practices, the situation has evolved into having staff available and willing to transfer being no longer an obligation, but a prerequisite.

Final thoughts

Retirement planning for Irish solicitors is multifaceted. It involves:

- Thinking about it at least two years before the retirement date,
- Early financial planning to maximise pension benefits and tax relief,
- Exploring tapering work options to ease the transition,
- Understanding exit strategies tailored to firm size and structure,
- Complying with Law Society regulations to protect clients and reputation,
- Preparing emotionally and psychologically for a new phase of life.

Solicitors are encouraged to consult with financial advisors, legal peers, and the Law Society, and to craft a retirement plan that suits their personal and professional goals. The Law Society has recently extended the Practice

Advisory Service, provided by Outsource, at a subsidised cost to those approaching retirement, which addresses these issues on a tailored and confidential basis. 

David Rowe is managing director of Outsource, advisors to Irish law firms.

LOOK IT UP

- For more information on retirement planning and succession: www.lawsociety.ie/succession
- Law Society's ceasing practice guidelines: www.lawsociety.ie/globalassets/documents/committees/pij/close-of-practice-guidelines.pdf
- Law Society's 'Buy/Sell/Merge' service: www.lawsociety.ie/Solicitors/business-career-resources/Buying-Selling-Merging/search-buysellmerge
- Practice Advisory Service (Outsource): www.outsource-finance.ie/practice_advisory_service

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COUNCIL REPORT

Law Society Council meeting 26 September 2025

Council approved the appointment of Barry MacCarthy as a second representative to the Council of the Fédération Barreaux d'Europe for one year, to coincide with the remaining period of the Law Society's trial membership period.

Governance

Council had already approved the creation of an Audit and Risk Committee and a Remuneration Committee reporting directly to Council. Council approved proposed changes to bye-laws and regulations to facilitate the governance changes. Council noted that the bye-law review had highlighted other changes needed to update the bye-laws for electronic communications and to amend some long-standing anomalies. Council approved changes to all matters identified in the review of bye-laws. Council received notice of proposed regulation changes for approval at the November Council meeting.

Vice-presidential election

Council approved the appointment of Geraldine Clarke and Michelle Ní Longáin as scrutineers for the vice-presidential elections due to take place at the November Council meeting.

Scrutineers

Council approved the following scrutineers for the annual general meeting in 2026, together with the director general, for presentation and approval at the 2025 AGM: Owen Binchy, Andrew J O Donnelly, Philip Joyce, Michelle Linnane, Áine Lynch, Elma Lynch, Justine McKenna, Kate McKenna, Leo Mangan, Michael V O'Mahony, Hugh O'Neill, and Helen Sheehy.

Director general's report

The director general referred to three issues that merited attention, namely Tailte Éireann, enduring powers of attorney (EPAs), and vexatious complaints to the Legal Services Regulatory Authority (LSRA).

The Law Society had scheduled two

webinars on conveyancing in conjunction with Tailte Éireann, and more than 10% of the profession had enlisted for these webinars.

The Law Society recently established that emergency guidelines existed for EPAs but had not been published. Details of these are now known to the Law Society.

The LSRA has, very recently, published a report recommending a change to legislation to allow it to dismiss frivolous complaints against practitioners. Although this is a positive step, no change in current procedures is possible until the introduction and approval of legislation, which will take some time.

The director general highlighted a serious anomaly brought to the attention of Google and the LSRA. A Google search for disbarred solicitors had displayed five solicitor names, only one of whom had been struck off. The Law Society had also highlighted the matter on a message on its website.

The director general explained that recent partnerships with RIP.ie and Myhome.ie will allow those websites to provide content provided by the Law Society and podcast materials featuring some members of the Law Society.

Policy Department

Director of policy Brian Hunt delivered a presentation to Council on the work of the Policy Department. He was accompanied by Claire McGee (head of public policy) and Suzanne Scott (head of research). The purpose and ambition of the Policy Department is that the Law Society would be the influential voice on matters of law and justice in Ireland.

The Legislation and Regulation Advisory Service focuses on influencing policy and shaping legislation today. Key policy topics have been EPAs, limited liability, cost of insurance, and the LSRA complaints process.

The Centre for Justice and Law Reform is carrying out research on longer-term policy issues. It seeks to function as a 'thought

leader' and has a research programme. Planned initiatives include the intended publication of justice indicators, research on electoral integrity, legal deserts, and a number of high-profile awards.

PC fees

Council received notice of a motion for the November meeting and a briefing on the recommendations of the Finance Committee about the level of practising certificate fees for 2026. The motion to increase fees by 2.4% will come before the November Council meeting.

The chair of the Finance Committee advocated in favour of the proposed increase of the PC fee, which would provide greater flexibility for future funding and investments.

Other business

Michelle Ní Longáin, attending her final meeting as past-president, thanked Council colleagues for their support and friendship and for the wonderful journey she had experienced as a Council member.

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WILLS

Bosquette, Anthony (Tony) (deceased), late of Castlenode, Strokestown, Co Roscommon, who died on 17 August 2025. Would any person having knowledge of any will made by the above-named deceased please contact Padraig Kelly Solicitors (quoting ref B/13/25), Strokestown, Co Roscommon; tel: 071 963 3666, email: info@pksolsr.ie

Capplis, Mary (deceased), late of 'Mulvoy', The Square, Blackrock, Dundalk, Co Louth, and formerly of 99 Ath Lethan, Racecourse Road, Dundalk, Co Louth, and also formerly of 4 The Close, 55 Lennonstown Manor, Red Barns Road, Dundalk, Co Louth, who died on 28 October 2025. Would any person having knowledge of the whereabouts of any will made or purported to have been made by the above-named deceased, or if any firm is holding same, please contact McArdle & Company LLP Solicitors, 20 Seatown Place, Dundalk, Co Louth; tel: 042 933 1491, email: sharon@mcardleandcompany.ie

Cronin, Kieran (o/w Kieran James) (deceased), late of Main Street, Schull, Co Cork, and formerly of Gortnagrough, Ballydehob, Co Cork, who died on 7 May 2025. Would any person having knowledge of the whereabouts of any will made or purported to have been made by the above-named deceased, or if any firm is holding same, please contact P O'Connor & Son, Solicitors, Swinford, Co Mayo; tel: 094 925 1333, email: law@poconsol.ie

Dillon, John (deceased), late of 41 Llewellyn Grove, Rathfarnham, Dublin 16. Would any person having knowledge of a will executed by the above-named

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Deadline for the January/February 2026 Gazette is Wednesday 14 January 2026.

No recruitment advertisements will be published that include references to ranges of post-qualification experience (PQE). The *Gazette* Editorial Board has taken this decision based on legal advice that indicates that such references may be in breach of the *Employment Equality Acts 1998 and 2004*.

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deceased, who died on 8 July 2025, please contact Kay Cogan, Cogan Daly & Co, Brighton House, 50 Terenure Road East, Rathgar, Dublin 6; tel: 01 490 3394 or by email: contact@cogandalylaw.ie

Doyle, John (deceased), late of Ballinahinch, Newtownmountkennedy, Co Wicklow, who died on 1 December 2002. Would any person having knowledge of the whereabouts of any will executed by the above-named deceased please contact Cullen Tyrrell & O'Beirne Solicitors, No 3 Prince of Wales Terrace, Bray, Co Wicklow; tel: 01 274 6700, email: info@cullentyrrell.ie

Hand, John (or/Sean Hand) (deceased), late of Ardcath, Co Meath, who died on 1 September 2025. Would any person having knowledge of the whereabouts of any will made by the above-named deceased, or if any firm is holding same, please contact Michael Keane, Flynn and McMorro Solicitors, Bridge Street, Carrick-on-Shannon, Co Leitrim; tel: 071 962 0033, email: flynnmcmorrow@gmail.com

Kirby, Joan (deceased), late of 76 Woodlawn Park, Churchtown, Dublin 14, who died on 21 July 2025. Would any person having knowledge of the whereabouts of a will executed by the above-named deceased please contact Elaine Byrne Solicitors,

Main St, Athboy, Co Meath; email: info@elainebyrnesolicitors.ie

Leo, James V (deceased), late of Limerick Road, Charleville, and Old Cork Road, Charleville, Co Cork. Would any person having knowledge of a will executed by the above-named deceased, who died on 8 August 2025, please contact O'Connor O'Dea Binchy Solicitors, Charleville, Co Cork; tel: 063 81214, email: owen@oobsol.com

McKiernan, Myles (deceased), late of Parkroe, Craughwell, Co Galway; Donnellan Drive, Loughrea, Co Galway; and formerly Drumcullion, Co Leitrim, who died on 14 January 2025. Would any person with any knowledge of a will executed by the above-named deceased please contact Colman Sherry Solicitors, The Square, Gort, Co Galway; tel: 091 631 383, email: info@colmansherry.ie

Matthews, Angela Carmel (deceased), late of 19 Woodfield Terrace, Inchicore, Dublin 10, who died on 19 July 2025. Would any person holding or having knowledge of a will made by the above-named deceased, or the whereabouts of a will, please contact Higgins and Associates, 1 Dublin Road, Leixlip,

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Smith, Julie (deceased), late of 20 Glenpark Close, Woodfarm Acres, Palmerstown, Dublin 20, who died on 16 August 2023. Would any person holding or having any knowledge of a will made by the above-named deceased please contact Peter Benson, O'Connor LLP, 8 Clare Street, Dublin 2, D02 E021; DX 36; email: peter.benson@oclegal.ie

Walsh, Mary (deceased), late of 8 Clarke's Road, Ballyphehane, Cork, who died on 8 September 2025 and was born on 4 April 1941. Would any person holding or having knowledge of a will made by the above-named deceased or the whereabouts of a will please contact Martin A Harvey & Co, Solicitors, Parliament House, 9/10 Georges Quay, Cork; tel: 021 496 3400, email: lucy.oleary@martinharvey.ie

Whitehead, John Patrick (deceased), late of 27 Sullane Crescent, Raheen, Limerick, who died on 30 July 2025. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact Margaret O'Connell, Dermot G O'Donovan Solicitors, Riverpoint, Lower Mallow Street, Limerick; tel: 061 314 788, email: moconnell@dgod.ie

TITLE DEEDS

In the matter of the Landlord and Tenant (Ground Rents) Acts 1967-2019, and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978 (as amended), and in the matter of an application by Cyclone Corporate Services Group Limited, and in the matter of lands at 49, 50 and 52 Pleasants Street and 2, 3 and 4 Pleasants Lane, Dublin 8

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Pleasants Street and 2, 3, and 4 Pleasants Lane, Dublin 8, being a portion of the premises that is the subject of an indenture of lease dated 7 March 1942 between George J Nesbitt of the one part and Philip Hayes of the other part, described therein as "all that and those the premises known as nos 49, 50, 51, and 52 Pleasants Street; 2, 3, 4, 5, and 6 O'Neill's Buildings, excepting that portion of the premises underneath the premises nos 2, 3, and 4 O'Neill's Buildings as marked red on the elevation endorsed hereon; 8, 9, 10, 11, 12, 13, 13A and 14 Camden Row; nos 2, 3, 4, 6, 9 and 10 Duffy's Cottages, Camden Row; and nos. 2, 3, 4, 5, and 6 Gores Court, Camden Row, all situate in the parish of St Peter and city of Dublin" for a term of 999 years from 1 January 1942 at a yearly rent of one penny (if demanded) and subject to the covenants and conditions contained therein.

Take notice that Cyclone Corporate Services Group Limited, which holds the lessee's interest in the property demised under the said lease of 7 March 1942, intends to apply to the county registrar for the county and city of Dublin for the acquisition of the freehold interest and all intermediate interests in the aforesaid property, and that any party asserting that they hold the fee simple or any intermediate interest in the aforesaid property are called upon to furnish evidence

of title to the said property to the below-named solicitors prior to 15 December 2025.

In default of any such notice being received, Cyclone Corporate Services Group Limited intends to proceed with the application before the county registrar for the county and city of Dublin on 15 December 2025 and will apply to the county registrar 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 property are unknown or unascertained.

Date: 5 December 2025

Signed: Dillon Eustace LLP
(solicitors for the applicant), 33 Sir John Rogerson's Quay, Dublin 2

In the matter of the Landlord and Tenant (Ground Rents) Acts 1967-2019, and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978 (as amended), and in the matter of an application by Cyclone Corporate Services Group Limited, and in the matter of lands at 50 Pleasants Street (upper floor) and 51 Pleasants Street, Dublin 8

Take notice any person having an interest in the freehold estate or any intermediate interests in the property at 50 Pleasants Street (upper floor) and 51 Pleasants Street, Dublin 8, being a portion of

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the premises that is the subject of an indenture of lease dated 23 November 1945 between Patrick J Berney of the one part and Michael Joseph Lynch of the other part (as amended by an indenture of lease dated 13 May 1946 between Patrick J Berney of the one part and Michael Joseph Lynch of the other part), described therein as "all that and those the premises known as 51 Pleasants Street together with the upper storey of the premises 50 Pleasants Street situate in the parish of Saint Peter and City of Dublin" for a term of 495 years from 29 September 1945 at a yearly rent of five pounds, payable by equal half yearly payments on 25 March and 29 September every year without any deduction save for landlord's proportion of income tax, and subject to the covenants and conditions contained therein.

Take notice that Cyclone Corporate Services Group Limited, which holds the lessee's interest in the property demised under the said lease of 23 November 1945 (amended by the said lease of 13 May 1946), intends to apply to the county registrar for the county and city of Dublin for the acquisition of the freehold interest and all intermediate interests in the aforesaid property, and that any party asserting that they hold the fee simple or any intermediate interest in the aforesaid property are called upon to furnish evidence of title to the said property to the below-named solicitors prior to 15 December 2025.

In default of any such notice being received, Cyclone Corporate Services Group Limited intends to proceed with the application before the county registrar for the county and city of Dublin on 15 December 2025 and will apply to the county registrar 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 property are unknown or unascertained.

Date: 5 December 2025

Signed: Dillon Eustace LLP (solicitors for the applicant), 33 Sir John Rogerson's Quay, Dublin 2

In the matter of the Landlord and Tenant Acts 1967-2005, and in the matter of the Landlord and Tenant (Ground Rents) Act 1967, and in the matter of the purchase of the freehold estate or superior intermediate interests of property situate in Arva in the county of Cavan, at the corner of Mill Street and Longford Street, and in the matter of an application by Virginia Mills

Take notice any person having a freehold estate or any intermediate interest in the property now known as all that and those the plot of ground situate in Arva in the county of, at the corner of Mill Street and Longford Street, measuring in front of said Mill Street 82 feet, 6 inches and measuring in front of said Longford Street 151 feet, 6 inches and extending on the east side from said Mill Street 88 feet and 50 feet, in all 138 feet, and extending on the south side from Longford Street 120 feet, and which said premises are more particularly delineated on the map or plan hereto and thereon edged red [hereinafter 'the leasehold premises'] subject to an agreement for lease dated 29 May 1961 and indenture of lease dated 19 February 1963 and both made between William Wilson of 27 Finglas Road, Glasnevin in the city of Dublin, gentleman [hereinafter 'the lessor'] of the one part and John Tennyson Mills of Drumlarney, Derrylane in the county of Cavan, contractor [hereinafter 'the lessee', which expression where the context so admits or requires shall include his executors administrators and assigns] of the

other part, the leasehold premises were demised unto the said John Tennyson Mills to hold for the term of 150 years from 1 April 1961, subject to the yearly rent of £40 and to the covenants on the part of the said John Tennyson Mills and conditions therein contained; and the said John Tennyson Mills, who died on 15 February 2020, and a grant of letters of administration intestate issued forth from the District Probate Registry at Cavan to Virginia Mills on 15 December 2022.

Take notice that Virginia Mills, being the person currently entitled to the lessee's interest under the last-mentioned lease, intends to apply to the county registrar of the county of Cavan to acquire the fee simple in the aforesaid premises, and any party asserting that they hold a superior interest in the aforesaid 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, Helena M Brady Solicitors, Granard Street, Ballyjamesduff, Co Cavan (solicitors for the applicant), intends to proceed with the application before the county registrar for the county of Cavan within 21 days from the date of this notice and will apply for such orders or directions as may be appropriate on the basis that the person or persons beneficially entitled to a superior interest, including the freehold reversion in

the aforesaid property are unknown and unascertained.

Date: 5 December 2025

Signed: Helena M Brady Solicitors (solicitors for the applicants), Granard Street, Ballyjamesduff, Co Cavan

In the matter of the Landlord and Tenant (Ground Rents) 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 Christina Ryan and Peter Richardson of 601 South Circular Road, Kilmainham, Dublin 8, and in the matter of the property at 601 South Circular Road, Kilmainham, Dublin 8 (formerly known as Rialto Terrace, South Circular Road, Kilmainham, Dublin)

Take notice any person having an interest in the freehold estate or any intermediate interest in the property known as 601 South Circular Road, Kilmainham, Dublin (formerly known as Rialto Terrace, South Circular Road, Kilmainham, Dublin), held under an indenture of sublease dated 18 November 1959, made between Josephine McGuirk of the one part and James Jordan and Joan Jordan of the other part for a term of 100 years from 29 September 1959, subject to the yearly rent of £5.

Take notice that Christina Ryan and Peter Richardson intend to submit an application to the county registrar for the county and city of Dublin for the acquisition of the freehold interest in the



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forementioned property, and that any party asserting a superior interest in the aforementioned property is called upon to furnish evidence of such title to the aforementioned property to the undermentioned solicitors within 21 days from the date of this notice.

In default of such notice being received, the applicants, Christina Ryan and Peter Richardson, 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 in the county and city of Dublin for such directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest or interests, including the freehold reversion, to the aforementioned property is unknown or unascertained.

Date: 5 December 2025

Signed: Tom Collins & Co, Solicitors (solicitors for the applicants), 132 Terenure Rd N, Terenure, Dublin, D6W Y838

In the matter of the Landlord and Tenant (Ground Rents) 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 Dungiven Limited

Any person having a freehold estate or any intermediate interest in 261 Clonliffe Road, Dublin 3 (the premises) being a portion of the lands the subject of an indenture of lease dated 5 February 1880 between Francis Butterly of the first part, George Boyland of the second part, and James Derwin of the third part (the lease), whereby lands therein described as "all

that and those that piece or plot of ground on the south side of Clonliffe Road containing in front to said road 40 feet and in depth from front to rear 140 feet, bounded on the north by Clonliffe Road, on the south by an intended laneway or passage, on the east by land in possession of the said Francis Butterly, and on the west by ground leased by the said Francis Butterly to the said George Boyland and James Derwin, which said piece or plot of ground and premises are situate, lying, and being in the parish of St George and county of Dublin and are delineated and described on the map in the margin hereof" were demised to James Derwin for a term of 195 years from 29 September 1879 at a rent of one penny per annum for the first year and thereafter the sum of ten pounds per annum, subject to the covenants on the part of the lessee and conditions contained therein.

Take notice that Dungiven Limited, being the person entitled to the lessee's interest therein under the lease, intends to apply to the county registrar of the county of Dublin to vest in it the fee simple and any intermediate interests in the premises, and any party asserting that they hold a superior interest in the aforesaid 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, Dungiven Limited intends to proceed with the application before the Dublin county registrar at the end of 21 days from the date of this notice and will apply to the Dublin county registrar for such directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interests in the premises including the freehold reversion are unknown or unascertained.

Date: 5 December 2025

Signed: Byrne Wallace Shields LLP (solicitors for the applicant), 88 Harcourt Street, Dublin 2, D02 DK18

Notice of intention to acquire the fee simple: in the matter of the Landlord and Tenant (Ground Rents) Acts 1978- 2019, and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978, and in the matter of an application by Catriona O'Mahony, and in the matter of property at 8 Highfield Grove, Rathgar, in the city of Dublin, and in the matter of an application by Catriona O'Mahony

Take notice any person having an interest in any estate in the above property that Catriona O'Mahony intends to submit an application to the county registrar of the city of Dublin for the acquisition of the fee simple interest and all intermediate interest in the aforesaid property, and any person asserting that they hold a superior interest in the property is called upon to furnish evidence of title to the premises to the below named within 21 days from the date hereof. Any person having any interest in the premises, which are held by the applicant under lease of 31 July 1944 made between the National Bank Limited of the first part; Cecil Martin Edmond Winder, Francis Wise Browning, and Blayney Hamilton of the second part; and Andrew Stynes of the third part, should provide evidence to the below named.

In default of such information being received by the applicant, the applicant intend to proceed with the application before the county registrar 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 entitled to the superior interest including the freehold interest in the said premises are unknown and unascertained.

Date: 5 December 2025

Signed: Douglas Law Solicitors (solicitors for the applicant), Watergold Building East Village, Douglas, Cork ☒

EXPERT WITNESS: OPHTHALMOLOGY

Consultant Ophthalmologist Louis Clearkin is available to accept instruction in civil litigation.

Please visit:

www.louisclearkin.com

Final verdict

PRO BONOBO

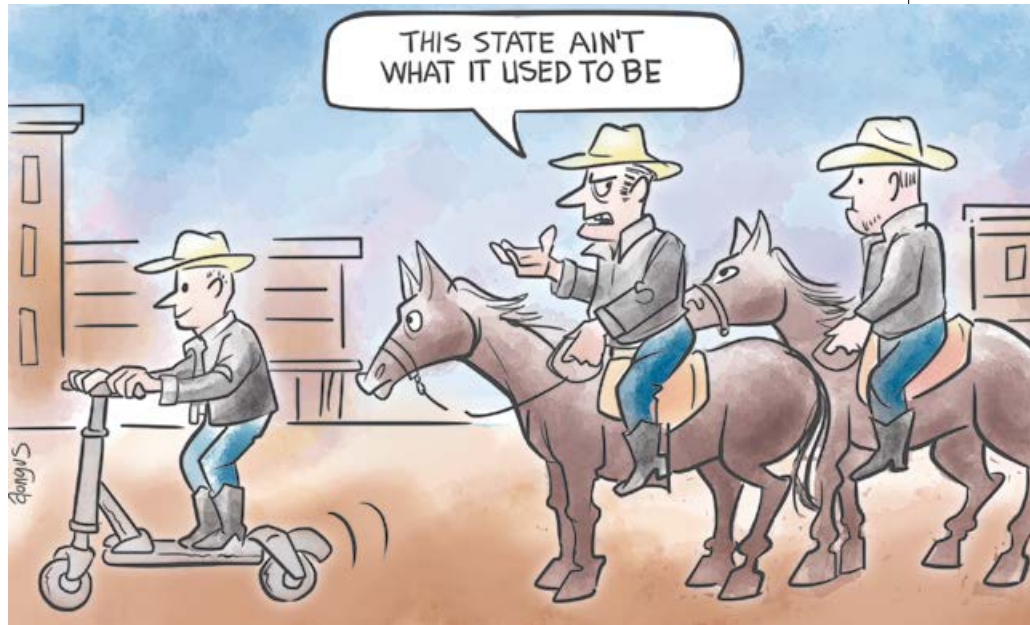


Houston's e-problem

Houston's city council has unanimously voted to ban e-scooters and similar devices between 8pm and 4am within city limits, the [Houston Chronicle reports](#).

The new rule covers all e-scooters, hoverboards, electric skateboards, and rollerskates – but excludes mobility devices. The decision follows Houston Fire Department data, which revealed that nearly 80% of more than 500 e-scooter incidents, from January 2021 to July 2025, had occurred during nighttime hours.

The curfew applies to privately owned devices – there are exceptions for people traveling home directly from work or school, and in emergencies. Violations will carry fines of up to US\$500.



Taking it seriously



Flights were grounded, police mobilised, and financial markets closed in South Korea on 13 November as more than half a million people sat the country's gruelling university entrance exams, [The Korea Times reports](#).

Flights at all airports, including Incheon International Airport, were banned from landing or take-off for 35 minutes, between 1.05pm and 1.40pm, to ensure that there were no disturbances while the students sat for the listening comprehension section of their English test. The decision affected 140 flights, including 65 international arrivals and departures.

Financial markets and offices opened an hour later than usual to allow test candidates to arrive on time for the nine-hour exam, which is seen as crucial for success in the hyper-competitive society.

'EX-TER-MIN-ATE!'

A Scottish sheriff appears to have become the first judge in the world to preside over criminal trials using computer-generated speech, after motor neurone disease robbed him of his voice, [Legal Cheek reports](#).

Sheriff Alastair Carmichael now delivers rulings through text-to-speech technology, allowing him to continue his career on the bench. Like most technology, however, there were glitches, including random American accents that suddenly introduced themselves during court business. A new system created by the Scottish Courts IT team now defaults to a British voice that the sheriff jokes makes him sound "cultured and sophisticated".

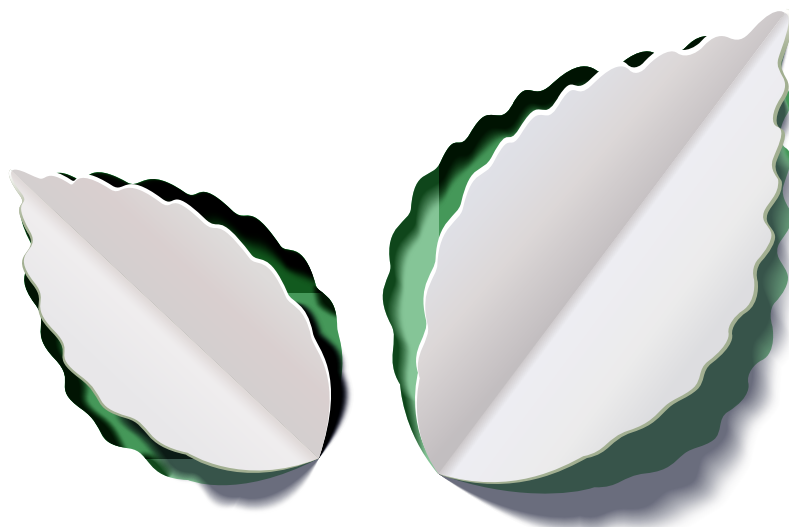
While a remarkable story of technology-assisted inclusivity, Bonobo can't help but imagine how much fun it would be if the judge enabled a 'Dalek' voice during, say, a medical negligence case, stating: "You are the dok-tor?!"

Work it out with a pencil

A Paris court has blocked the auction of one of the world's oldest calculators, halting its scheduled appearance at Christie's, according to the [BBC](#).

'La Pascaline', invented in 1642 by 19-year-old French mathematician Blaise Pascal, was set to be auctioned as the "most important scientific instrument ever offered". Valuations suggested that the machine could fetch between €2 million to €3 million. Only nine of these early calculators are known to exist. Pascal devised several models for specific purposes that included calculating decimals, commercial transactions, taxes – this one was for surveyors.

The court's ruling questions the validity of an export certificate previously approved by France's culture minister and two experts, one from the Louvre.



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