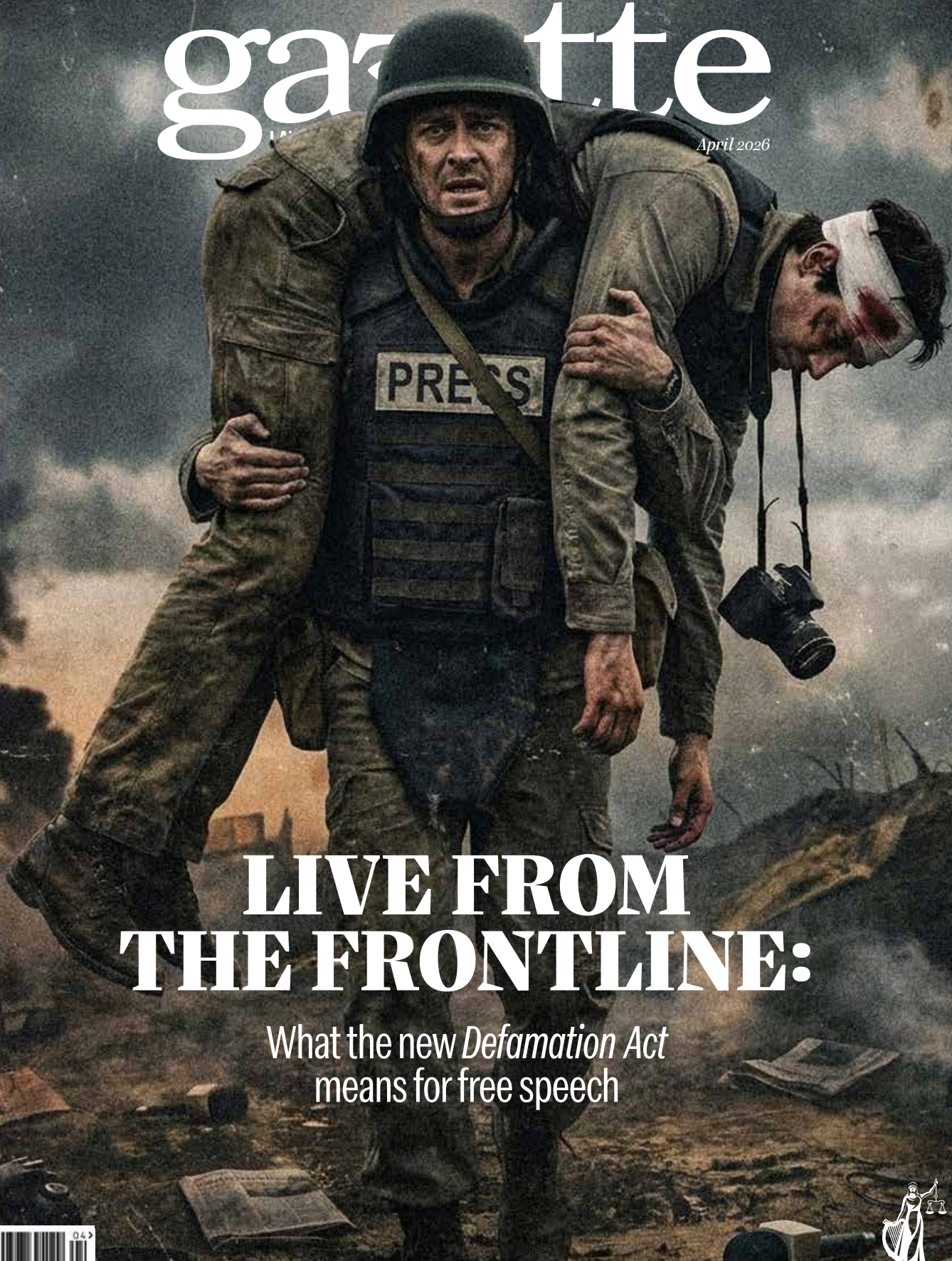




# gazette

April 2026



## LIVE FROM THE FRONTLINE:

What the new *Defamation Act*  
means for free speech



€4 APRIL 2026

PLUS: US red flags on sports-related concussion • The DG's blunt verdict on criminal legal-aid reforms • Celebrating International Women's Day



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LAW SOCIETY



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# DEPARTMENT PROPOSAL 'ASTONISHING'

solicitors working in this area, as it has done in family law. This will make it more difficult to secure legal representation. It represents a unilateral cut to criminal legal aid and would break the commitment in the current Programme for Government to “fully restore criminal legal aid”, which was cut in 2009 under FEMPI legislation.

The flat-fee decision does not constitute a restoration of these cuts. Instead, by expressly cutting the payments and seeking to limit the involvement of legal representatives, the proposal will undermine an accused's right to a fair trial without acknowledging the complexity, personal circumstances, or length of an individual case.

The Law Society has already set out its strong opposition to a flat-fee model in a meeting on 5 March with the Department of Justice and a detailed written submission reflecting input from the Criminal Law Committee and many members of the profession. We recently briefed bar associations on our engagement with the department and will be providing updates on future developments.

## Conveying your concerns

This flat-fee proposal raises significant concerns, not just for the profession, but also for the functioning of the criminal justice system itself. While the Law Society will continue to engage with the department, I would urge you to convey your concerns directly to TDs and senators in your local area, and to the Minister for Justice. As solicitors, we are best placed to explain the realities of criminal practice in our own courts and communities – engaging with TDs and senators in this way will help ensure that the profession's voice is heard.

The proposal to introduce a flat fee has galvanised the profession. We will continue to engage with the department to achieve an equitable approach that recognises the important role played by solicitors in our criminal justice system, respects the right to a fair trial, and ensures that justice in Ireland is available to everyone, and not only to those who can afford it.

ROSEMARIE J LOFTUS  
PRESIDENT

**The proposal will undermine an accused's right to a fair trial without acknowledging the complexity, personal circumstances, or length of an individual case**

**A**nger, shock, and disbelief are just some of the words to describe my reaction to the recent changes to the Criminal Legal Aid Scheme proposed by the Department of Justice.

Legal aid is a cornerstone of the justice system, serving as a vital mechanism to uphold the constitutional right to legal representation. By upholding the right to representation and a fair trial, the Criminal Legal Aid Scheme ensures that justice in Ireland remains a fundamental right for all, rather than a privilege for those who can afford it.

It is astonishing that the Department of Justice would look to impose a model widely recognised as having failed in family law when proposing changes to the Criminal Legal Aid Scheme. The previous introduction of a flat fee in civil legal-aid cases involving family law has led to an exodus of solicitors working under the Civil Legal Aid Scheme, as it became unviable to provide the service.

The Legal Aid Board, which is an independent statutory agency responsible for the provision of civil legal aid, has described immense challenges in accessing legal support. In its latest annual report, it stated that this lack of private [legal] practitioners was affecting its “ability to maintain a consistent, accessible, and uniform service nationwide”.

## Breaking commitment

Introducing one flat fee in the area of criminal legal aid imposes an indeterminate amount of work while cutting the fees provided. The move will understandably lead to an exodus of





# *the* **BIG** *picture*

## Top of the world, Ma!

Is it a bird, is it a plane?! A red-winged blackbird appears to hitch a ride on the back of a great horned owl mid-flight, near Boulder, Colorado, USA. Photographer Matt Crossley, while on a nature photo shoot, noticed “a blur coming towards me and quickly realised it was a great horned owl being chased by a red-winged blackbird”. He was able to lock focus quickly and capture a sequence, including a moment where the blackbird seemed to hitch a free ride aboard the ‘tiger of the sky’.

Pic: Matt Crossley/SolentNews/Shutterstock



# people

■ WHO ■ WHAT ■ WHERE ■ WHEN ■



All pics: Cian Redmond

## 'Give to gain' for IWD

The Law Society marked International Women's Day with an event at Blackhall Place on 5 March. (See pp50-51 for full report.)

Ciara Hanratty, Francesca McLoughlin, Genevieve Brindle, Sinead Keavey, Danielle Sumner



Tina Cronin, Lorraine Lally, Allana Hughes



Rosemarie Loftus, Hannah Carney, Claire Loftus



Cristina Stamatescu, Brian McMullin, Susan Martin, Paul Egan, Carol Plunkett, Barry McCarthy, Maire Anne Howard



Orla Coyne, Joan Crawford



Belle Harmonics singing 'Go Your Own Way' by Fleetwood Mac



Conductor of Belle Harmonics



Gayle Patton, Theresa Ham



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\*(IRISH MAGAZINE AWARDS 2018)

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*Gazette.ie* now delivers a weekly briefing of the top legal news stories, as published on *Gazette.ie*, to Law Society members and subscribers via email.





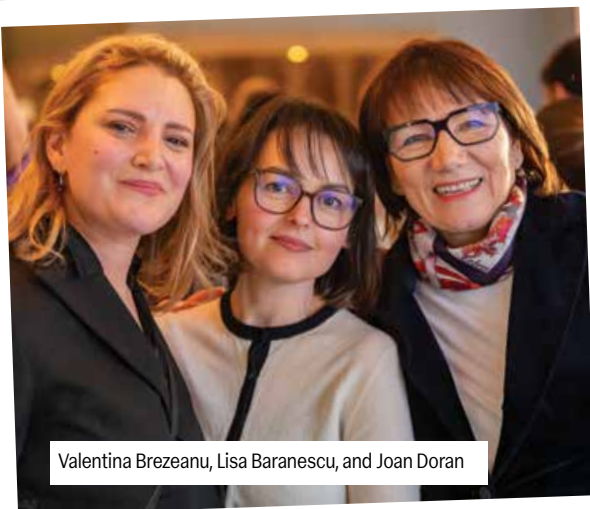
Mr Justice David Barniville (President of the High Court), author Áine Hynes SC, Mr Justice Seamus Woulfe (former Attorney General), and Rossa Fanning SC (Attorney General)

## Launch lures legal luminaries

The launch of *Irish Capacity Law and Assisted Decision-Making*, authored by Áine Hynes SC and published by Bloomsbury Professional, drew a major crowd to Blackhall Place on 11 March.

The book offers practitioners and policymakers a detailed roadmap through one of the country's most significant pieces of mental-health legislation and provides an overview of recent developments. It includes precedents to assist practitioners to navigate the new legal framework.

This in-depth guide is intended to steer practitioners and judges through the many changes and developments in this area of law and is available from [www.bloomsburyprofessional.com](http://www.bloomsburyprofessional.com) at a cost of €195.



Valentina Brezeanu, Lisa Baranescu, and Joan Doran



Christy Hynes and Fiona Hynes



Lisa Tyndal, Áine Hynes SC, and Linda Smith



Mr Justice Peter Kelly (retired) and the author



A section of the large turnout for the book launch at Blackhall Place



Michelle Ní Riain, Kevin Marnane, Áine Hynes SC, and Simon Walsh



Áine Hynes SC, Mr Justice Barry O'Donnell, and Corina Carrick



## Bid for glory falls at semi-final

The Blackhall GAA men's team did the Law School proud when it reached the semi-finals of the *Corn Comhairle Ardoideachas* on 18 February. A place in the final was not to be, however, with ATU Connemara in Mayo claiming the victory on a scoreline of 1-12 to 2-03.

Commenting on their semi-final placing, captain Tom Foley said: "We all took great enjoyment and pride from being able to represent the Law Society at this event. It was a great opportunity to make new friends and, personally, it has been my favourite part of being in Blackhall."

The team comprised Glenn Prendergast, Patrick Lewis, Seán Keegan, Seán Power, Vincent Doherty, Tom Foley, Mark Hoolahan, Algirdas Mockus, Cathal Moloney, Stephen Murphy, Robert O'Sullivan, Ben Crowley, Seán Kennedy, Padraic McKenna, Robert Hardiman, Shane Black, Callum Ashton, Niall Barrett, John Taaffe, Luke Cunningham, Evan Savage, and Seán Fahey (*bainisteoir*).

■ LSRA's new CEO ■ The Library - your 'extra team member' ■ Pro bono justice and the death penalty

# news

■ YOUR MONTHLY UPDATE ON ALL THINGS LEGAL ■



Photo: Shutterstock

Motor insurance code 'fundamentally flawed'

## New code an 'easy pass' for insurers

Ireland's new Motor Insurance Transparency Code has been condemned as a missed opportunity that protects insurers rather than empowering consumers, with the Law Society president describing the code as fundamentally flawed.

Published by the Department of Finance on 2 March as part of

the Government's 'Action Plan for Insurance Reform', the code has been criticised for being voluntary, unenforceable, and silent on the single largest component of motor insurance pricing – insurers' combined costs and profits, known as the 'price/cost mark-up'.

Law Society President Rosemarie Loftus says that the omission is a →

## LSRA APPOINTS NEW CEO



The Legal Services Regulatory Authority (LSRA) has announced the appointment of Niamh Muldoon as its new chief executive officer. She took up the role on 23 March.

The LSRA is an independent statutory body established under the *Legal Services Regulation Act 2015*. It regulates the provision of legal services by barristers and solicitors and works to maintain and improve standards in the public interest.

Muldoon joins the LSRA from the Veterinary Council of Ireland, where she served as chief executive and registrar since 2019. She previously held senior roles at the Medical Council and began her career as a solicitor in private practice. She succeeds Dr Brian Doherty, who left the LSRA in September 2025 to take up the post of deputy police ombudsman in Fiosrú.

## SUPREME COURT NOMINATIONS

Mr Justice Brian O'Moore and Ms Justice Niamh Hyland of the Court of Appeal have been nominated for appointment to the Supreme Court.

The vacancies have arisen following the recent retirement of Ms Justice Elizabeth Dunne and the scheduled retirement of Mr Justice Peter Charleton on 11 April.

Mr Justice O'Moore was educated at Trinity College Dublin. He was called to the Bar in 1984 and to the Inner Bar in 1999. He was appointed to the High Court on 2 December 2019 and subsequently to the Court of Appeal on 23 October 2023.

Ms Justice Hyland studied at Trinity College Dublin, Magdalen College Oxford, and the King's Inns. She was called to the Bar in 1994 and to the Inner Bar in 2012. She has served as a member of the board of Rehab, director of Open Spectrum CLG, a member of the Bar Council, and a board member of the Irish Commercial Mediation Association. Ms Justice Hyland was appointed to the High Court on 2 December 2019 and to the Court of Appeal on 3 October 2024.

fatal flaw, noting that insurers' costs and profits absorb 46 cents of every €1 paid in motor premiums.

To put it another way, for every €45.50 paid out in insurance claims, €7.60 covered legal costs and €0.88 covered other costs, such as medical expenses. With Irish motorists paying €1.4 billion in premiums in 2024 alone, the scale of what's being obscured is considerable.

### 'Striking story'

Central Bank data from the National Claims Information Database tells a striking story. Over the past five years, the combined costs and profits of insurers have accounted for between 46% and 61% of total premium costs. In nine of the last ten years, that figure has exceeded the compensation paid to motor-accident victims.

According to the Injuries Resolution Board's May 2025 report, road-traffic accident claims dropped by 30% between 2019 and 2024, while total award values dropped by 41% – yet premiums rose by 9% in 2024 alone.

Loftus says that the insurance industry's persistent efforts to blame legal costs and personal-injury claims for rising premiums do not stack up: "The Central Bank data shows that insurance-



Breakdown of every €100 portion of a typical motor insurance premium in 2024

Source: Private Motor Insurance Report 7 (Oct 2025) - Central Bank of Ireland's National Claims Information Database.

industry narrative does not hold up to scrutiny. The reality is that insurers have banked the benefits of a profitable run in the Irish market rather than passing them on – and continue to point the finger elsewhere when asked why they don't reduce the costs to consumers. The sector should be challenged on the data that is available and published by the Central Bank."

### Full transparency

The president adds: "Sustained high profits amid falling claims show that consumers aren't sharing in the efficiency gains, despite the Government's best efforts."

On the code's prospects for delivering real change, President Loftus is blunt: "Over the next 12 months, as renewal notices land, consumers will see whether insurers provide meaningful breakdowns. I won't hold my breath. Being half-transparent in any other walk of life is called many things, but you can't hope to deliver a solution when you ignore half of the problem.

"While a profitable and sustainable insurance market is necessary for a healthy economy, consumers deserve to know what they're paying for – and why premiums keep increasing.

"Consumers deserve to have the benefits of full transparency around the costs of insurers themselves. This level of transparency is essential to counter deflection and build a fairer system."



Mairéad O'Sullivan

# THE LIBRARY - AN 'EXTRA TEAM MEMBER' FOR FIRMS

**F**or many solicitors, the image of a library is one of quiet stacks, whispers, and the physical loaning of textbooks.

However, as the Law Society's head of library and information services Mairéad O'Sullivan points out, that perception only scratches the surface of what is actually a high-octane, national research engine.

Far from being a localised service for lawyers on-site at Blackhall Place, the library has evolved into a comprehensive, countrywide resource designed to act as "an extra team member" for every law firm in Ireland.

## Sophisticated hub

The Law Society Library has a core mission to be maximised and utilised, as much as possible. It is a sophisticated information hub with an efficient DX courier service that can deliver up to five books directly to a solicitor's office for a nominal €5 fee.

Physical book loans remain a staple,

but digital offerings have widened and strengthened the service. Members now have access to an impressive collection of 328 e-books, ensuring that geographical distance from Dublin is no barrier to high-level legal resources. The library also gives access to elite legal databases, including LexisNexis. These tools give the library staff the capability to support practitioners on complex queries that might otherwise take a sole practitioner or small firm days to figure out.

The **breadth of services** is designed to meet the modern solicitor's needs, including:

- **Legal research:** the team handles everything from quick look-ups to deep-dive research into complex company law, cyber-security, or AI regulations.
- **Precedents:** one of the most-valued services is the provision of precedents. Whether it is a partnership agreement or a specific will template, the library dispatched 463 precedents in 2025 alone.
- **Subject guides:** there are currently 12

subject guides available. These serve as 'beginner's guides' for solicitors moving into an unfamiliar area of law or those needing a refresher on rapidly evolving sectors, such as GDPR or environmental law.

- **LawWatch:** this fortnightly newsletter has become an essential briefing tool, summarising recent legislation, case law, and new library acquisitions, ensuring that solicitors stay informed. (Mairéad encourages all practitioners to [sign up.](#))

## High demand

The 2025 statistics illustrate a service in high demand. The library handled 6,033 total queries last year, most (5,258) coming directly from solicitors. Its webpage got 55,458 hits, while the Blackhall Place library welcomed over 4,400 physical visitors.

Never standing still, it is set to launch a new feature called "Trending legal queries". This initiative recognises that certain hot topics – such as assisted decision-making or enduring powers of attorney – often dominate the query desk at specific times. This new web resource will provide immediate answers to the profession's most frequent questions.

## The human factor

At the heart of this operation is a dedicated team of six. Led by Mairéad O'Sullivan, the team includes Clare Tarpey (deputy librarian), executive librarians Eddie Mackey and Anthony Lambe, and library assistants Millie Brennan and Shannon Hiday.

The team's work extends to the public and the historical – managing an archive collection that is frequently used for genealogical research, and helping families trace ancestors on the Roll of Solicitors.

The Law Society Library is a key component of the organisation's services package. Whether for sole practitioners in rural practices or partners in large international firms, the library offers support that levels the playing field. It provides the high-level research tools of a major firm to every member of the profession.

As the legal landscape becomes increasingly complex, the library ensures that no solicitor ever has to do research in a vacuum. The team's message to the profession is simple: "Contact us, avail of us, and think of us as your extra resource."

# ENDANGERED LAWYERS



Guido Vermeiren and Bart Willcox

## Investigative judge, Belgium

As reported on 9 March by *The Guardian*, an anonymous investigative judge spent four months in a safe house due to threats to his life. He wrote an open letter last October stating that extensive mafia structures had taken hold, “becoming a parallel force that challenges not only the police, but also the judiciary”.

In the same report, Guido Vermeiren, prosecutor general for the Antwerp and Limburg regions, said that multiple people working in the administration of justice were under permanent protection.

The reason for this atmosphere of threat is the illegal importation of drugs through the ports of Antwerp and Rotterdam (Netherlands), estimated by Europol to be the entry points for over 70% of the cocaine entering Europe. An estimated €1.2 billion was spent on illegal drugs in Belgium in 2023.

President of the Antwerp Court of Appeal, Bart Willcox, warned that international drug crime was undermining social stability: “The amount of money that is involved – to influence people, to corrupt people and to bribe – it is so big that it is really a danger for the stability of our society,” he told *The Guardian*.

Willcox and Vermeiren detailed the pervasive criminality that

has spawned violence, shootings, kidnappings, torture, and money-laundering. “We really have a problem, and we should make more investments in staff and in other resources to cope with it,” Willcox said.

As reported in *The Guardian*, he said that police and hospital employees had been bribed or intimidated into providing confidential information about public servants, such as the home addresses of judges.

Security scanners are still awaited at the Antwerp Court of Appeal, though promised two years ago. People working in the courts feel nervous whenever defendants or criminals enter the court with large bags. Vermeiren said that the sense of insecurity could already be having an unconscious effect on judges.

Last May, judges took part in a street protest to raise awareness of a crisis in the justice system that threatens the rule of law. They said that the courts system was at breaking point after decades of underfunding. They recommend safer courts, tackling prison overcrowding, and better salaries for courts personnel. But, to date, there has been no action by the government, though money has been pledged.

The scale of the drugs trade is enormous. This was exposed when investigators cracked the encrypted Sky ECC messaging network over five years ago. “It was even worse than we thought,” Vermeiren said.

In the adjacent Netherlands, a total of €16.4 billion was earned from illegal activities on Dutch territory in 2021, particularly through the cocaine trade.

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

# New text navigates capacity reforms

A comprehensive new legal text provides an in-depth guide to Ireland’s capacity law and examines the *Assisted Decision-Making (Capacity) Act 2015*.

*Irish Capacity Law and Assisted Decision-Making* is published by Bloomsbury Professional and authored by Áine Hynes SC

(partner with St John Solicitors, Dublin). She chairs the Law Society’s Task Force on Mental Health and Capacity Law, and led on the Society’s submissions to Government on the *Assisted Decision-Making Capacity (Amendment) Act*.

Her book offers practitioners and policymakers a detailed roadmap through one of the country’s most significant pieces of mental-health legislation. The book puts into context the key features of the 2015 act.

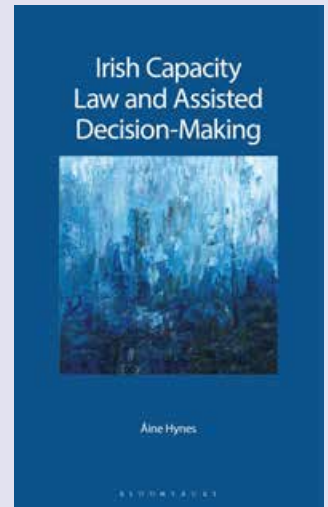
Part 1 describes the current capacity-law framework in Ireland, including the regime utilised for deprivation-of-liberty safeguards, and case law concerning consent and medical treatment.

Part 2 sets out a background to the 2015 act, with a description of the conventions that shaped it. It analyses the legislation in detail, comparing relevant case law from other jurisdictions.

The book examines recent developments in the area, including the 2018 ratification by Ireland of the *Convention on the Rights of Persons with Disabilities*.

It is an essential guide to capacity law in Ireland and its practical implications.

Find it at [www.bloomsburyprofessional.com](http://www.bloomsburyprofessional.com) (cost €195).





## Registration open for 2026 run

Registration is now open for the 2026 Calcutta Run, the legal sector's flagship charity event. Since 1999, it has raised over €5.9 million for homelessness services in Ireland and Kolkata.

This year's event takes place on Saturday 23 May and is aiming to raise €300,000 for the Law Society's charity partners, Dublin Simon Community and the Hope Foundation.

Every year, more than 2,000 people come together from across the legal community to run, walk, and fundraise – from the 6km and 10km routes starting at Blackhall Place to events in Cork and Galway, including events on the golf course, rugby pitch, and tennis courts.

Calcutta Run 2026 is proudly supported by official event partner Arachas. Register for this year's run at [www.idonate.ie/forms/c/calcuttarun262](http://www.idonate.ie/forms/c/calcuttarun262).

## Focus on death penalty

A range of international speakers will discuss *pro bono* justice and the death penalty, at Blackhall Place in April.

The event focuses on the fight against the death penalty and is presented by Arthur Cox and Amicus UK, which works for people facing the death sentence in the US.

Keynote speakers include Margot Ravenscroft (director, Amicus), Prof Raoul Shonemann (clinical professor and co-director, Capital Punishment Clinic at University of Texas School of Law), and Samantha Knight KC (Matrix Chambers). Carolann Minnock (Arthur Cox) will moderate a question-and-answer session with the speakers and panel.

The event will take place on Wednesday 22 April and will run from 5.30-8.30pm. A livestream will be available from 6-7.30pm. Registration is now open at [www.lawsociety.ie/probono](http://www.lawsociety.ie/probono).

# IRLI LEGAL EDUCATION

## Bridging the gap



Placement student Holly Parnell

As a third-year law and criminology student at the University of Galway, my placement with Irish Rule of Law International (IRLI) is providing valuable insight into the intersection of legal practice, international cooperation, and the rule of law.

IRLI works to strengthen justice systems across jurisdictions by partnering with legal professionals and institutions to promote judicial independence, institutional integrity, and access to justice. By contributing to IRLI's work, I am engaging directly with projects that have a tangible impact beyond the lecture room.

One of the most formative aspects of my placement is the opportunity to coordinate and support a high-level study visit to Dublin and Belfast for a delegation of Ukrainian judges, an experience that is deepening both my academic understanding and appreciation of the global legal community.

Engagements with legal practitioners and institutions are providing the Ukrainian delegates with insight into the legal systems operating across the

island of Ireland, including institutional governance, professional regulation, and approaches to safeguarding the independence of the legal profession. The meetings also create space for meaningful dialogue on shared challenges, particularly strengthening the rule of law during periods of political and social pressure. Beyond the formal programme, the visit fosters professional exchange and mutual understanding among Irish and Ukrainian legal professionals.

Academically, the experience with IRLI complements my studies by demonstrating how legal principles operate in real-world international contexts. Concepts such as access to justice, institutional independence, and human-rights protection – often explored in theoretical terms in university – are brought to life through engagement with practitioners working at the forefront of these issues. Observing discussions on strategic litigation, governance, and professional protection is providing key insight into the practical challenges faced by legal systems in different jurisdictions.

Organising the study visit is also enhancing my professional skills, particularly in stakeholder communication, event coordination, and working within a professional legal environment. These competencies will undoubtedly inform my future legal career.

Overall, my placement with IRLI is an invaluable component of my legal education. It bridges the gap between academic study and professional practice, while offering a rare opportunity to engage meaningfully with international legal cooperation. As I continue my studies, this experience is reaffirming my commitment to pursuing a career that promotes justice, human rights, and the rule of law – values that lie at the heart of IRLI's work.

*Holly Parnell is a placement student at IRLI.*



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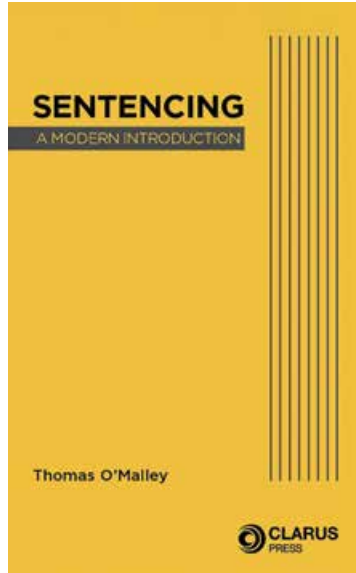


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## Books

# SENTENCING: A MODERN INTRODUCTION

**Prof Thomas O'Malley SC.** Clarus  
Press (2025), [www.claruspress.ie](http://www.claruspress.ie). Price:  
€89 (incl VAT).



**F**or many years, Irish practitioners have relied on Prof Thomas O'Malley SC's *Sentencing Law and Practice* as the leading reference in the field. With *Sentencing: A Modern Introduction*, he offers something different: a concise, structured account of sentencing principles aimed primarily at students, but also with clear value for practising solicitors.

The book arrives at a time of significant development in Irish sentencing law. The emergence of guideline judgments and the work of the Judicial Council's Sentencing Guidelines and Information Committee have contributed to a more structured and transparent approach. Against this backdrop, a text that explains not only the rules, but the underlying principles, is particularly welcome.

Prof O'Malley's central theme is that sentencing should be understood as a process rather than a single judicial act. Decisions taken at earlier stages – charging, disclosure, entering a plea, and the approach towards the trial – shape the eventual outcome. The practical impact of a sentence also depends on executive decisions, such as remission or temporary release. This perspective will resonate with solicitors, for whom effective representation at sentence often begins long before the sentencing hearing.

The book examines the purposes of punishment, constitutional limits on sentencing, proportionality, the treatment of guilty pleas, collateral consequences, and the range of sentencing options. It is not a procedural handbook, but a principled explanation of the framework within which sentencing decisions are made.

For solicitors practising in the area, its value lies in its clarity. The discussion of appellate and constitutional principles is particularly useful when advising clients on likely outcomes or assessing appeal prospects. The treatment of guilty pleas and collateral consequences also reflects issues encountered in practice.

Prof O'Malley's writing style is measured and accessible, with complex issues explained without unnecessary technicality. While it does not replace practice manuals, it complements such works by providing the conceptual foundation that underpins them.

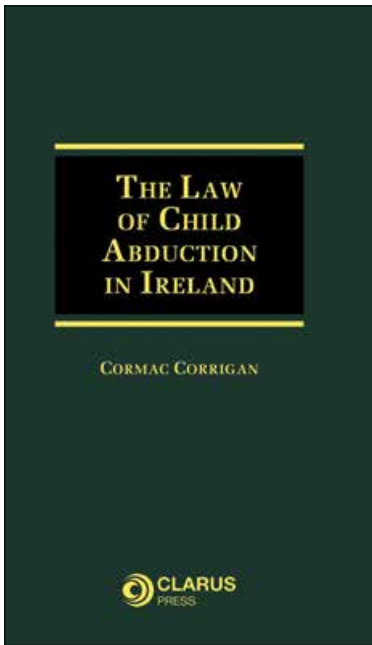
*Sentencing: A Modern Introduction* is a thoughtful and timely addition to Irish criminal-law literature and a worthwhile read for solicitors who want a clearer understanding of the principles that shape sentencing outcomes.

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*Thomas Coughlan is principal of Thomas Coughlan & Co, Solicitors, Cork.*

# THE LAW OF CHILD ABDUCTION IN IRELAND

**Cormac Corrigan SC.** Clarus Press (2025), [www.claruspress.ie](http://www.claruspress.ie). Price: €175, incl VAT (hardback).



**M**any child abductions are carried out by a parent. In some circumstances, a court may refuse to grant a return order if there is a 'grave risk' that the child's return would expose them to physical or psychological harm.

Child abduction *into* this country is on the increase. At the outset, the scope of this text is defined, with the focus primarily on abduction of children into the Republic of Ireland. The author is an experienced practitioner in this area and brings valuable insights in the form of commentaries, with hypothetical scenarios.

This book, with 16 chapters, gives necessary oversight of all the relevant legislation. The excellent inclusion of recent case law, reflecting current judgments, as well as in-depth analyses of cases from

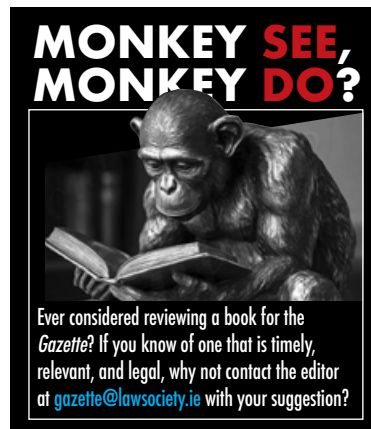
other jurisdictions, will prove most useful to practitioners.

The 1980 *Hague Convention on the Civil Aspects of International Child Abduction* is of vital importance, and is dealt with in chapter 5, covering history and the scheme of the convention. Chapter 6 discusses fundamental terms and concepts, and the central premise of 'habitual residence', including that of very young and newborn infants, as well as rights of custody. Chapter 11 addresses undertakings – in practical terms, a useful method to resolve a case.

Court procedure is expertly set out in chapter 13, with guidelines in relation to, for example, an affidavit grounding a special summons to commence *Hague Convention* or *Luxembourg Convention* proceedings. Procedure in the High Court with deadlines is well set out, as are appeals to the Court of Appeal. Interestingly, child-abduction proceedings in the High Court are not held *in camera*.

The esteemed Ms Justice Mary Finlay Geoghegan (retired) writes in the foreword that the text on this subject matter is long overdue. This is a well-constructed and researched book that reveals insightful analysis. It will assist many family-law practitioners working in this area of law.

*Aoife Byrne is a solicitor and a member of the Gazette Editorial Board, with a particular interest in family-law matters.* 📧



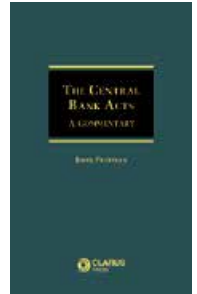
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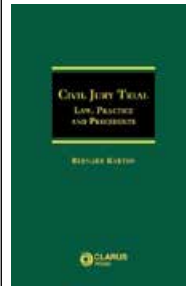


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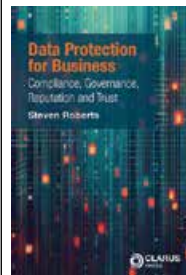


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# NATURAL SELECTION

**Last October, the Judicial Appointments Commission invited submissions from lawyers and academics on the topic of judicial selection to encompass a ‘statement of requisite knowledge, skills and attributes and statement of selection procedures’. Seth Tillman asks whether the best candidates are being selected**

**A**s a general matter, the statutory and administrative requirements governing appointments to the superior courts of Ireland require that nominees have 12 years’ experience (as practitioners or academics). There are good reasons that support this standard: that is, to ensure that nominees have practical experience, making it possible for them to participate in the ongoing duties of the courts, absent any lengthy training period.

These requirements also tend to ensure that nominees to the trial courts know how to hear a motion and how to conduct a trial (particularly before a jury) and tend to ensure that nominees to the appellate courts know how to adjudicate an appeal.

Likewise, these requirements tend to ensure that all judges know how to draft judgments, opinions, and orders meeting customary standards of professional competence.

To put it slightly differently, the commission and the

*Sometimes, what is needed are leaders who are willing to reform the judicial system because they have experienced (or, at least, observed) the system’s failures*

elected political leadership choose successful practitioners (that is, barristers and solicitors) to be judges *because it is believed* that if such candidates can successfully negotiate *yesterday’s* legal system *for their clients*, then they are likely to have the knowledge, skills, and attributes to justly administer *tomorrow’s* legal system *for all comers*.

## Justice as fairness

This scheme for selecting judicial nominees only makes sense if one’s judicial system is a successful, efficient, and just system. If it is not – if the system is slow, cumbersome, expensive, and opaque – then selecting nominees from among those who know how to successfully negotiate it (and because they have successfully negotiated it) comes with dangers. The chief danger is that the current process will place those deeply committed to continuing with institutional failure in charge of the system – the current process will ‘place the inmates in charge of the asylum’.

Indeed, it is worse than that. Successful practitioners have a remarkable tendency to believe that the system is better than it is because they have managed to successfully negotiate it, and they believe it is a just system, worthy of protection against institutional change, precisely because the system chose to elevate them to the senior judiciary. Sometimes, what is needed are leaders who are willing to reform the judicial system *because* they have experienced (or, at least, observed) the system’s failures.

The current system requires 12 years’ experience as a practitioner or academic in order to be nominated for a judicial post on one of the superior courts. Candidates should be asked: *‘Having practised for 12 years, what institutional reforms would you propose? And, once appointed, do you commit to volunteering to serve on the relevant committee(s) to lead and to implement reforms along the lines you propose?’*

If, after 12 years of practice, the candidate cannot put forward 12 such reforms (that is, one for each year of practice), then reject that candidate. Why? The judicial and wider legal culture on this island overvalues the judgment-drafting function of judges. Drafting judgments is one job of judges, but it is not the only one.

## Institutional duty

Judges have an institutional duty to *govern* the courts and the wider legal system. If they cannot do the latter effectively, then their hiding behind even beautifully worded, structured, and scholarly judgments is of little value.

Likewise, if a candidate can



Image: Shutterstock AI

only tell shallow horror stories of his unhappy personal and client experiences in the legal system, but has not taken the time to think about solutions and how to implement them, then such a candidate is perfectly useless. Why give a

judicial post to a candidate who thinks so little of his nation, its justice system, and his fellow citizens, that he has no concrete thoughts on how to fix a broken system?

Of course, if the members of the Judicial Appointments

Commission and the elected political leadership believe that all is good in the judiciary – and that the justice system needs only to be tweaked and given even greater funding – then my advice should be ignored.

But who really believes that all, in the Irish courts, is as it should be?

---

*Seth Barrett Tillman is associate professor at Maynooth University's School of Law and Criminology.*



# THE TRUTH CARRIERS

The *Defamation (Amendment) Act* was signed into law on 19 February 2026 – though not all of it has been commenced. Michael Kealey reports from the battlefield, outlining what the new legislation heralds for free speech



In one of her first such acts, President Catherine Connolly signed the *Defamation (Amendment) Act* into law on 19 February 2026. Six days later, Justice Minister Jim O’Callaghan commenced most, but not all, of the legislation from 1 March 2026. The statute’s stated purpose is to update the *Defamation Act 2009* and to give effect to the *EU Anti-SLAPP Directive (2024/1069)* insofar as it relates to defamation proceedings.

Its reforms include:

- The abolition of juries in High Court defamation cases (section 4),
- A statutory jurisdiction for the Circuit Court to make orders requiring the identification of anonymous posters of defamatory material (section 22),
- An amended and simplified defence for publication in the public interest, replacing section 26 of the 2009 act (section 11),
- Statutory defences for live broadcasting (section 13) and ‘retail defamation’ cases (section 8),
- The introduction of a ‘serious harm’ test for bodies corporate (section 6),
- Obligations on solicitors to advise clients on alternative dispute-resolution methods prior to issuing proceedings (section 21), and
- Provisions seeking to prevent abusive proceedings against public participation (SLAPPs), including early dismissal, security for costs, and the ability of targets of SLAPP proceedings to seek declarations, costs orders, and damages (section 19).

### Judge and jury

All High Court defamation proceedings issued after 1 March 2026 will be heard by a judge sitting alone. This is already the case in the Circuit Court, where judges can make awards of up to €75,000.

The act is not retrospective. In all cases issued before 1 March 2026, either party to the litigation can insist upon the trial taking place before a jury (order 36, rule 6 of the *Rules of the Superior Courts*).

Advocates of the removal of civil-jury trials believe that the change will bring greater efficiency and speed to defamation actions, and more transparency and



**For many years, the High Court has made *Norwich Pharmacal* orders obliging intermediary service providers and social-media companies to hand over information that can lead to the identification of posters. The 2026 act gives that power to the Circuit Court**

consistency in decision-making. It is also hoped that it will reduce costs.

### Identification orders

Many allegedly defamatory internet postings are made either anonymously or using fake names. For many years, the High Court has made *Norwich Pharmacal* orders obliging intermediary service providers and social-media companies to hand over information that can lead to the identification of posters. The 2026 act gives that power to the Circuit Court.

**A**s is the case with similar applications involving non-parties to litigation, the Circuit Court has a wide discretion on the awarding of costs – section 22 makes it explicit that, where appropriate, it may order an applicant to pay the intermediary service provider the costs, both of the application and of complying with it.

Nonetheless, the Government hopes that extending this power to the Circuit Court will make such applications cheaper and more accessible.

### Publication in the public interest

In 1994, in proceedings involving former Taoiseach Albert Reynolds, the UK House of Lords recognised that, in certain instances, the duty of the media to inform the public on matters of public interest outweighed the rights of individuals about whom defamatory statements were made. It was a form of qualified privilege.

To establish whether the press had acted responsibly, Lord Nicholls laid down ten non-exclusive factors to be considered. These were then largely, but not identically, set out in section 26 of the *Defamation Act 2009*.

However, there has been a widespread lack of confidence on the part of media defendants about the effectiveness



of section 26. Indeed, in the years since the 2009 act, the defence was never successfully run in a High Court trial.

The 2026 act seeks to simplify the defence and make it adaptable to change. The defendant must now prove that the publication was fair, in that it was on, and was reasonably believed to be on, a matter of public interest, and that it was published in good faith.

The requirement of 'fairness' was only introduced by the Minister for Justice after the Seanad debates. It will be interesting to see how that impacts upon the operation of the defence in practice.

### Live broadcasting

The act gives a new defence to the media where a contributor on a 'live' broadcast makes a defamatory statement, but the broadcaster has taken reasonable and prudent precautions, before and during the programme, to prevent that occurring.

**A** Government amendment at report stage made clear that a broadcaster would not lose the defence if there was a short delay in the broadcast of a 'live' programme.

Section 13 sets out examples of matters to be taken into account when deciding if reasonable and prudent precautions had been taken. These include the overall management of the programme in question and the level of effective control that the broadcaster could reasonably be expected to exercise over the contributor.

### 'Retail defamation'

While companies will remain able to bring defamation proceedings, they can now only do so successfully where there has been serious harm to their reputation, in that the publication has caused, or is likely to cause, serious financial loss.

The retail and banking industries have long called for a serious-harm test in cases involving them. However, after concerns had apparently been raised by the Office of the Attorney General about the impact of such a test on the constitutional right of access to justice, this was not included in the legislation.

Rather, a statutory defence will be afforded to retailers where the alleged defamation consists of an inquiry as to whether a person has paid for goods or services, or where the proffered means of payment was not accepted. However, the inquiry must not have been published excessively and there must be a duty or interest in making it.

This 'new' defence looks very similar to the one of qualified privilege previously enjoyed by retailers and it remains to be seen what, if any, practical effect it has.

### Solicitors and ADR

Solicitors must now, prior to issuing proceedings in cases involving the media, advise clients on the availability and costs implications of the alternative dispute-resolution methods employed by the Press Council and by the exercise of a 'right to reply' under the *Broadcasting Act 2009*. Solicitors must also, when issuing proceedings in such cases, make a statutory declaration that such advice has been given.

### SLAPP down?

SLAPPs are a form of abusive litigation that are used by powerful claimants with the aim of suppressing critical reporting on matters of public interest. Claimants are often wealthy companies or individuals who target journalists, whistleblowers, academics, and NGOs.

In April 2024, the EU *Anti-SLAPP Directive* was issued. Member states have until 7 May 2026 to



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transpose it into their own legal systems.

SLAPPs are defined in the 2026 act as: “Unfounded claims ... that are not brought to genuinely assert a right but that have as their main purpose the prevention, restriction or penalisation of public participation, frequently exploiting an imbalance of power between the parties...”

They include claims that are of a disproportionate, excessive or unreasonable nature, which involve harassment or threats by plaintiffs or their representatives, and where procedural tactics, such as a delay in progressing the litigation, are used in bad faith.

The anti-SLAPP measures in the act include:

- Accelerated strike-out applications for proceedings that are alleged to be manifestly unfounded (section 34E),
- Expedient applications by defendants for security for costs (section 34D),
- Declaratory relief identifying unfounded and abusive proceedings as a SLAPP (section 34F(1)),
- A provision for the court to award costs (on a solicitor-and-own-client basis, if appropriate) where the court has declared the proceedings to be a SLAPP (section 34F(2)), and
- The ability for targets of proceedings declared to be a SLAPP to seek damages (section 34H).

There has been some criticism that the 2026 act does not cover other forms of litigation that can be used as a SLAPP, and which are covered by the directive. These include breach of privacy, confidentiality, and data protection. To counteract such criticism, the Minister for Justice recently published a general scheme of the *Strategic Lawsuits Against Public Participation Bill*, which mirrors the provisions in the act in respect of other civil and commercial proceedings.

**T**he anti-SLAPP provisions of the act have not been commenced by the ministerial order of 25 February 2026. This is to allow for the passage of the *Strategic Lawsuits Against Public Participation Bill* through the Oireachtas and for the implementation of the defamation and non-defamation aspects of the EU directive at the same time.

Concerns have been expressed about the likely effectiveness of the anti-SLAPP provisions in the act in the absence of a serious-harm test for individuals. The tort of defamation is actionable *per se*. Damage is presumed. Generally, therefore, the viability of a defamation claim is established by reference only to the meaning of the words in an allegedly defamatory statement, and does not include a consideration of the seriousness of the harm done.

This makes Ireland an attractive jurisdiction for both foreign and domestic claimants. It also increases the



## Concerns have been expressed about the likely effectiveness of the anti-SLAPP provisions in the act in the absence of a serious-harm test for individuals

obstacles in the way of defendants who believe they are the target of a SLAPP. The presumption of harm means they must show to the satisfaction of the court that the proceedings are manifestly unfounded or abusive, when there is no parallel obligation on the plaintiff to show that they have been damaged. It may well be difficult for defendants to discharge these high burdens of proof.

Indeed, it can be argued – with considerable force – that much of the damage caused to public discourse by SLAPPs would be ameliorated by the introduction of a general serious-harm test, such as is currently in place in England and Wales. This was a missed opportunity in the 2026 act.

### Correct balance?

Any legislation on defamation will have to balance and safeguard the right to freedom of expression with the protection of a person's good name and the right of access to justice. The 2026 act has the additional aim of reducing legal costs and delays.

The fact that advocates for both plaintiffs and defendants are disappointed with aspects of the act might mean that the correct balance has been struck. However, that remains an open question.

*Michael Kealey is a media lawyer and former in-house solicitor for a large press organisation.*

## LOOK IT UP

### LEGISLATION:

- *Broadcasting Act 2009*
- *EU Anti-SLAPP Directive* – Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ('Strategic lawsuits against public participation')
- *General scheme of the Strategic Lawsuits Against Public Participation Bill*
- *Order 36, rule 6 of the Rules of the Superior Courts*



# The investigators

**A well-managed practice will invariably utilise compliance as a tool to meet its regulatory requirements. Mary Hallissey meets two of the Law Society's investigating accountants, who lift the veil on their role**



All photos: Cian Redmond



Law Society investigating accountants Noreen MacCarthy and Jim Ryan

**F**or many solicitors, the words ‘regulatory inspection’ may conjure a sense of unease, but according to the Law Society’s investigating accountants, that reaction is unwarranted. Far from being an adversarial exercise, a visit from the Law Society’s team of investigating accountants is, in practice, closer to a professional health check – a constructive, collaborative process designed to help solicitors run tighter, more financially resilient practices.

With the vast majority of Irish law firms already operating to the highest standards of accounts management and client-fund stewardship, inspections more often serve to affirm good practice than to uncover problems. In a profession built on trust, where clients routinely place significant financial interests in their solicitors’ hands, robust compliance with the *Solicitors Accounts Regulations* is not simply a legal obligation, but a cornerstone of a sustainable, well-managed practice. As the Law Society’s own inspectors are quick to point out, a compliant practice and a thriving practice are, more often than not, one and the same thing.

Law Society investigating accountants Noreen MacCarthy and Jim Ryan (part of a team of ten) stress the point that the vast majority of law firms in Ireland are compliant with the *Solicitors Accounts Regulations*.

### Proper stewardship

“Most practices maintain their books of account to the highest professional standards in accounting for clients’ moneys,” Jim Ryan points out. “As investigating accountants, the proper stewardship of clients’ moneys is a fundamental principle that underpins the way we perform our roles.”

Noreen agrees: “Complying with the regulations assists practitioners in ensuring they have sufficient client funds to meet their client liabilities,” she says. “A good bookkeeper is almost a prerequisite for keeping control of the practice’s finances and ensuring compliance with

their various regulatory and Revenue obligations.”

Jim adds: “Compliance is a tool for running a practice. Our experience has shown us that a well-managed practice will invariably meet its regulatory requirements.”

However, both note that few practices have an in-house bookkeeper working in a back office anymore. Many outsource these responsibilities to an external bookkeeping firm or person, and will use cloud-based accounting systems to facilitate this.

### Typical working day

The duo’s typical working day starts with a list of practices due for routine inspection, which occurs usually every four to five years. “Most practices fall into that category and are inspected on a routine basis,” explains Jim.

Some practices are selected for inspection based on an assessment of risk – for example, a history of late filing of the annual reporting accountants’ reports; if significant client-account deficits have been flagged; or if a serious financial complaint has been made.

Jim and Noreen are both long-serving Law Society employees and started in their roles following previous stints working in industry: “The skills needed are patience and thoroughness, because it’s very forensic and detailed work,” says Noreen.

What are they looking for during an inspection?

A typical inspection includes looking at the accounting system, at client and office-ledger accounts and transactions for a certain period, at the corresponding bank statements and bank reconciliations, followed by a review of a sample of files.

“It’s all focused on compliance with the regulations in mind,” Noreen explains. “If there are any breaches, whether major or minor, are they being spotted by the law firm within a reasonable timeframe, and have they been corrected?”

### ‘Afterthought’ accounts

“In some practices, the accounts are done as an afterthought – and that’s not good,” Noreen warns. Up-to-date accounts provide the practice with critical financial information in managing clients’ funds and in the overall management of a practice’s finances.

“You need accounts prepared and reconciled on a regular basis. Depending on the volume of transactions, that could be



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17 April	Planning for Retirement for Legal Practitioners	5 hours	Midland Park Hotel, Portlaoise	€165
20 April	Intellectual Property and Data Protection Law Committee Conference 2026	3 hours general	Law Society of Ireland	€175
22 April	From Legal Expert to Trusted Advisor	10 professional development	Live Online	€750
29 April	In-House and Public Sector Panel Discussion: The Future Ready Lawyer (Dublin)	2 hours professional development	Law Society of Ireland	€85
6 May	Regulation Matters: Dealing with Complaints	1 hour general	Live Online	€65
13 May	Probate Update with Probate Bar Association	1 hour general	Live Zoom webinar	€65
14 May	In-House and Public Sector Panel Discussion: The Future Ready Lawyer (Cork)	2 hours professional development	The Kingsley Hotel, Victoria Cross, Cork	€85
19 May	EU & International Affairs Committee Talk 2026	1.5 general	Law Society of Ireland	€65
21 May	North-West Practice Update 2026	6 hours	Lough Eske Castel Hotel, Lough Eske, Co. Donegal	€165

## ARTIFICIAL INTELLIGENCE (AI) TRAINING - IN-PERSON AND ONLINE

14 April	AI Workshops for Legal Practitioners West Cork	3 hours professional development	Inchydoney Lodge, Clonakilty	€160
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28 April	Client Onboarding/ Offboarding in Legal Practice - Legal Support Professionals	Live Zoom webinar	€65
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26 May	Data Protection in Practice	Live Zoom webinar	€65
23 June	Managing Client Expectations and Conflict in Legal Practice	Live Zoom webinar	€65

every month, every fortnight, or even daily for larger practices. What we're looking at is to make sure that the client funds are fully accounted for and accurately reflected in the books of account," Jim adds.

"When I started 30 years ago," Noreen reflects, "I was told that my job was to protect the Compensation Fund, to ensure that there was a certain standard, so that there would be minimal claims on the fund. Part of our role is to protect and support the public interest and sustain trust in the profession by ensuring effective financial regulation."

**Custodians of trust**

Jim adds: "The public puts its trust in the profession. Solicitors are the custodians of that trust. We've seen the consequences in the past, unfortunately, when that trust has been broken, the subsequent reputational damage to the profession and the Law Society but, more importantly, for individual clients who suffered financial losses. We're looking to ensure that the accounts are kept in accordance with the *Solicitors Accounts Regulations*. It's as simple as that."

**A**nti-money-laundering compliance has played an increasing role in inspections in recent years, meaning compliance with the *Solicitors (Money Laundering and Terrorist Financing) Regulations 2020* and related legislation.

The completion of a business-risk assessment and policies, controls and procedures, together with documented client-risk assessments, are key components in demonstrating best practice in anti-money-laundering compliance.

"Most solicitors find an inspection visit to be very beneficial," says Jim. "If we identify any shortcomings, we may suggest improvements to the way the accounts are maintained."

**Cybercrime threat**

On cybercrime, the accountants ask solicitors if they have antivirus software in place, and whether they are aware of the threats of cybercrime to their practices' bank accounts.

Minor breaches of the regulations are usually dealt with through correspondence – the solicitor is given time to rectify the issue. Once the issue is confirmed as



**Minor breaches of the regulations are usually dealt with through correspondence – the solicitor is given time to rectify the issue. Once the issue is confirmed as resolved, the matter is at an end**



resolved, the matter is at an end.

Where there have been serious breaches of the regulations, solicitors may be required to appear before the Regulation of Practice Committee. In these circumstances, solicitors are always advised to get separate legal representation, since, for some, appearing before the committee without an advocate can be a challenging prospect. The Law Society has many helplines and resources to assist in such situations.

**T**he investigating accountants themselves have support as they need it, and adopt a very collaborative and team-based approach to their jobs.

"There can be situations during an inspection where solicitors face very challenging professional and personal circumstances. It can be very stressful for all parties concerned," says Jim.

"It's so important for a solicitor to avail of the networks of support – from colleagues, the Law Society, and bar associations," says Noreen. "I was told by one solicitor that an inspection is like a medical check-up – you don't look forward to it, but it must be done.

"Errors do happen. But I tell people I like to see the errors being spotted and corrected within a reasonable timeframe, because then I know that the accounts on the system are real and regularly updated and reconciled."

Jim adds that some new practices are keen to have an inspection early on to make sure that everything is set up and being done correctly.

"The Regulation Department's role is to ensure effective financial regulation for practising solicitors so that they operate to the highest professional regulatory standards. This is achieved by means of regulatory compliance visits," he concludes.

Noreen agrees and offers simple advice for any solicitor preparing for an inspection: "Have the accounts up to date, a table and chair available for us, and a nice cup of tea or coffee. It should go swimmingly after that!" ☺

*Mary Hallissey is a journalist at the Law Society Gazette.*



# Headbanger's Ball

**While sports-related concussion proceedings have yet to come before the superior courts in Ireland, US frameworks – now being considered in Britain – will most likely shape the outcome of any Irish ‘test case’. Lorna McAuliffe dons her helmet**

**I**reland has not yet had a reported High Court or appellate court judgment determining liability for concussion at a sporting-governance level. That should not be mistaken for an absence of risk. Proceedings have already been issued in Ireland, and when an Irish ‘test case’ eventually reaches hearing, the outcome is likely to be shaped directly by the legal and medical framework first developed in the United States, and now being considered in Britain.

Modern concussion litigation in sport began with the claims brought by thousands of former football players against the National Football League (NFL). The players alleged that the NFL:

- Knew of the link between repetitive head trauma and long-term neurological disease,
- Failed to warn players of those risks,
- Minimised or delayed acceptance of

emerging medical science, and

- Prioritised the commercial interests of the sport over player welfare.

## Bang bang

The litigation was consolidated in *In re National Football League Players' Concussion Injury Litigation* before the United States District Court, Eastern District of Pennsylvania. The settlement was ultimately approved by the Third Circuit Court of Appeals in 2016. It is noteworthy that no admission of liability was made by the NFL.

The settlement is uncapped and has since exceeded US\$1 billion, establishing a compensation scheme for former players diagnosed with serious neurological conditions, including Alzheimer's, Parkinson's, ALS, dementia, and moderate to severe neurocognitive impairment. The settlement's uncapped nature means that the NFL has agreed to pay for all validated claims or losses without a pre-set maximum limit on the total amount payable. All former

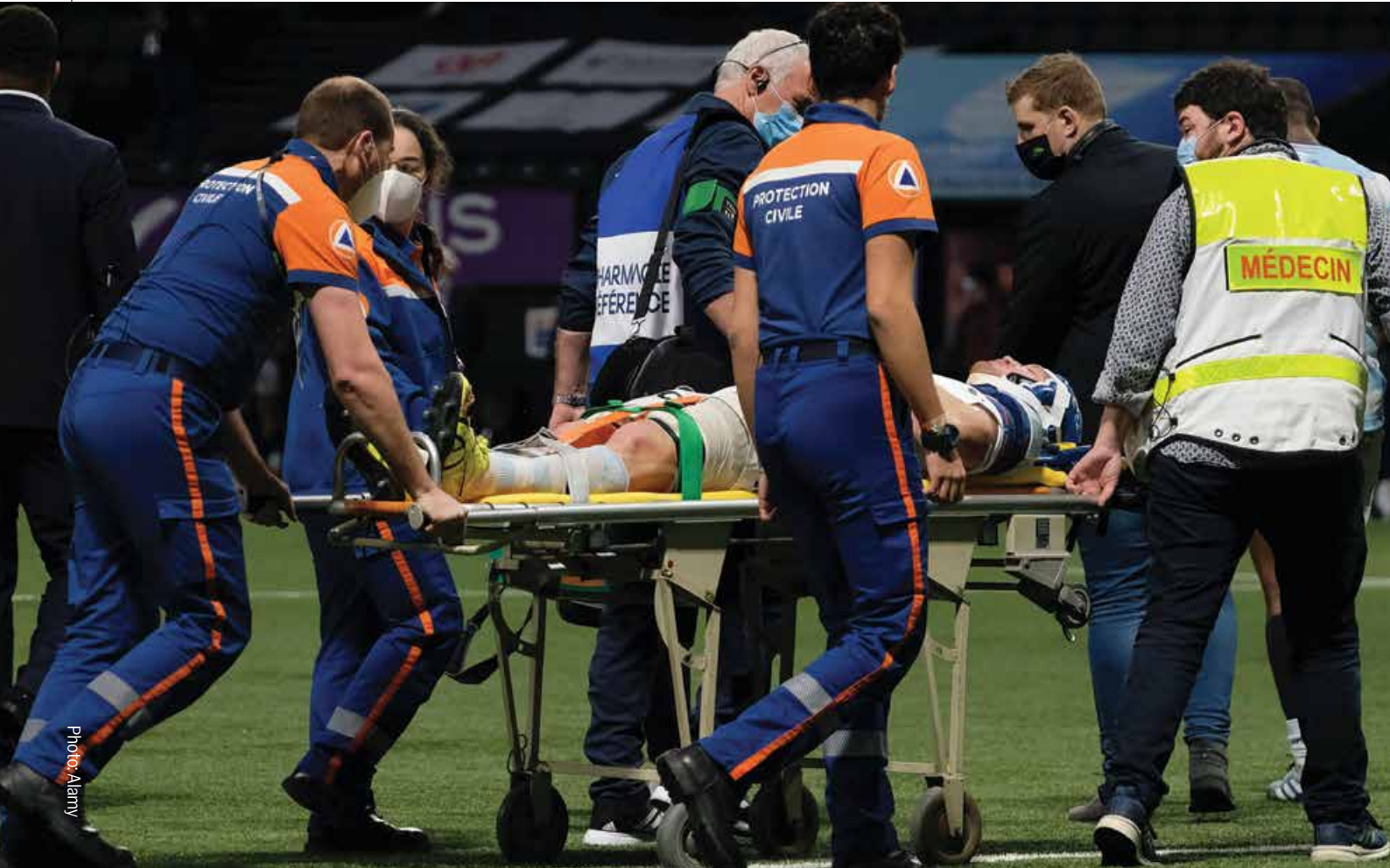


Photo: Alamy

A victim of a rugby-related concussion is transported from the field of play to hospital for further examination

players with validated claims, retired of the date the settlement received final approval, are eligible to receive compensation.

What made the NFL litigation legally transformative was not only its scale, but the basis on which the players sought to make the NFL liable. However, the settlement does not establish liability on the part of the NFL, or even that the injuries suffered came as a result of playing American football. The claims were not based on individual tackles or isolated medical decisions – they were based on:

- Organisational knowledge of the medical risk,
- Failure to warn participants,
- Suppression or minimisation of medical evidence,
- Governance responsibility, and
- Systemic risk-management failure.

This was the first time a sporting organisation was exposed to massive financial and reputational liability for failing to respond appropriately to evolving medical

“  
**By mid-2025, more than 1,100 former professional rugby players had joined the claims, making them among the largest personal-injury actions ever brought before the UK courts**

science. It is worth noting similar litigation that failed, in *Gee v National Collegiate Athletic Association (NCAA)*, where it was held that the NCAA did not have a duty to mitigate the inherent risks of American football. The NHL also resolved concussion litigation against them through settlement, although on a much smaller scale, paying out \$18.9 million and avoiding admitting any liability or wrongdoing.

### Bang and blame

In Britain, large-scale collective actions have been brought by former professional rugby players against World Rugby, the Rugby Football Union, and the Welsh Rugby Union. Over 1,100 former players are now involved in litigation, which seeks to make the defendants liable for failing to protect the players from concussion-related brain injury.

They allege that the governing bodies:

- Knew or ought to have known of the risks of concussion and cumulative brain injury,

- Failed to implement adequate protocols,
- Failed to warn players,
- Failed to control return-to-play decisions, and
- Failed to prioritise player welfare.

These claims are framed not as ‘match-day negligence’, but as systemic organisational and governance failures.

Similar claims are now being developed in professional football, where former players allege neurological injury caused by repetitive heading of the ball. There are also claims emerging in boxing and rugby league.

In the group litigation brought by former rugby players, British courts are being asked to decide whether sporting governing bodies owe a direct duty of care to players.

## Bang a boomerang

The UK proceedings remain at a pre-trial stage, and no substantive liability judgment has yet been delivered. The litigation began in 2020 and has been managed as large-scale group proceedings. By mid-2025, more than 1,100 former professional rugby players had joined the claims, making them among the largest personal-injury actions ever brought before the UK courts.

**T**he English High Court has focused heavily on disclosure and evidence management, in particular the production of full medical and neurological records. In December 2025, the court dismissed an attempt by claimants to resist those disclosure obligations, confirming that comprehensive medical evidence is a prerequisite to advancing the claims.

The next stage is the selection of a limited number of ‘test cases’, which will be used to determine the core issues of duty of care, breach, causation, and foreseeability for the wider cohort. A full liability trial is not expected to begin until sometime in 2026 – the hearing may extend into 2027.

For sporting organisations, the procedural history of the UK proceedings is instructive. It shows that concussion litigation is document-driven, medically complex, and procedurally demanding.

## Big-bang theory

There is one ongoing case of a professional rugby player who has issued High Court proceedings against the IRFU and other



**The US and UK litigation show that future Irish claims will not turn on what happened in one match. They will turn on what organisations did over many years. Sporting bodies need to be mindful that they should have their house in order with respect to governance**

bodies. In these proceedings, the player claims – in a manner similar to the UK proceedings – that the defendants are liable for long-term neurological injuries, which they say were sustained by them as a result of concussion and repeated head trauma.

There is no definitive case law that concussions suffered by sports persons are directly linked to neurological damage, but multiple case studies have been carried out examining the links. As matters stand, it appears to be an uphill battle for any player to establish the nexus.

While none of the cases have yet been heard, it is clear that neurological injuries can attract significant damages if the plaintiffs can establish a causative link between the injuries sustained and the negligence complained of – provided the players can establish negligence on the part of the governing body and/or the other defendants.

**T**he US and UK litigation show that future Irish claims will not turn on what happened in one match. They will turn on what organisations did over many years. It is noteworthy that there have been cases that have been unsuccessful, that the NFL litigation was

compromised without an admission of liability, and that the UK claims are being vigorously defended. This is against a backdrop of medical evidence that is not conclusive. Sporting bodies need to be mindful that they should have their house in order with respect to governance.

The NFL litigation showed how such litigation can give rise to billion-dollar liability. The claims brought by former players in the UK are, likewise, based on principles of common-law negligence – and it is likely that the Irish courts will be asked to apply those same principles in the claims being brought by former players here.

Concussion is no longer a medical issue when an injury occurs, but rather it is a governance risk that must be managed continuously. It is essential that sporting bodies have in place protocols to deal with concussion. We will be closely monitoring the outcomes of the litigation in the UK.

*Lorna McAuliffe is head of dispute resolution at Whitney Moore in Dublin.*

## LOOK IT UP

### CASES:

- [Gee v National Collegiate Athletic Association](#) (Second Appellate District Court of Appeals, 2024)
- [In re National Football League Players' Concussion Injury Litigation](#) (821 F.3d 410; Third Circuit Court of Appeals, 2016)

### LITERATURE:

- Alastair Telfer, ‘Rugby concussion lawsuit rises to 1,100 former players’ (BBC Sport, 2 June 2025)
- Andy Bull, ‘Five years on: rugby’s brain-damaged players wait and wait for the help they need’ (*The Guardian*, 6 December 2025)
- Elizabeth DiNardo, ‘\$18.9 Million Settlement Reached in NHL Concussion MDL’ (Counsel Financial, 14 November 2018)
- NFL Concussion Settlement official website, with programme details and payout statistics, at [www.nflconcussionsettlement.com](http://www.nflconcussionsettlement.com)
- ‘The NFL concussion settlement explained’ (Giddens Law Firm, PA)
- ‘Three ex-Irish rugby players to sue IRFU in landmark concussion case’ (RTÉ, 29 September 2022)



# Capacity for change

**The first years of the operation of the *Assisted Decision-Making (Capacity) Act 2015* have not been without difficulty – understandable, given the scope of the legislative changes. Áine Hynes SC provides an update**

**I**rish capacity law is currently undergoing its greatest change. The *Assisted Decision-Making (Capacity) Act 2015* (ADMC) was signed into law in December 2015 and was amended by the *Assisted Decision-Making (Capacity) (Amendment) Act 2022*. The majority of its provisions were commenced on 26 April 2023.

The 2015 act was implemented with the aim of enabling Ireland to fully ratify the *UN Convention on the Rights of Persons with Disabilities* (CRPD).

The legislation was also informed by the Law Reform Commission's 2005 paper *Vulnerable Adults and the Law: Capacity*. The CRPD is reflective of changes in societal attitudes towards disability: it is designed to ensure that people with disabilities enjoy fundamental human rights, including autonomy rights, equally to people without disabilities. The CRPD calls for supported decision-making for those who may suffer

from a mental disability, rather than substituted decision-making.

As practitioners will know, the ADCM provides for the phasing out of the current wardship regime and makes statutory provision for supported decision-making, with substituted decision-making as an option of last resort. It obliges any decision-maker to give effect, insofar as is practicable, to the past and present will and preferences of the relevant person, insofar as that will, and those preferences, are reasonably ascertainable.

## Equal treatment

The rights of persons lacking capacity to be treated equally within the legal system and to be treated with humanity and respect is embedded in our Constitution. Hamilton CJ articulated this with great compassion in the very tragic case of *Re a Ward of Court (No 2)*:

*“The loss by an individual of his or her mental capacity does not result in any diminution of his or her personal rights recognised by the Constitution, including the right to life, the right to bodily integrity, the right to privacy, including self-determination, and the right to refuse medical care or treatment. The ward is entitled to have all these rights respected,*

*defended, vindicated and protected from unjust attack, and they are in no way lessened or diminished by reason of her incapacity.”*

Mental illness and disability are part of the human condition. Capacity legislation to protect the rights of persons lacking capacity is not a modern creation. The origins of our wardship laws derive from the 1324 English statute *De Praerogativa Regis*. This statute provided protection for the property of a person who lost capacity.

The wardship jurisdiction was regulated ultimately in Ireland by the *Lunacy Regulation (Ireland) Act 1871*, which set out in detail the legal procedures for dealing with the person and estates of persons of unsound mind. It also established supervisory provisions, including the role of medical visitors and inspections. Over time, the jurisdiction became vested in the President of the High Court.

### Capacity lists

Mr Justice Peter Kelly took up the role of President of the High Court in 2015. He utilised the provisions of the 1871 act to the full and improved the way wardship proceedings are conducted, ensuring that the voice of the person, the subject of capacity proceedings, is heard and that appropriate legal safeguards are deployed, including regular reviews of capacity and assigning legal representation to the ward.

**I**n addition, the wardship jurisdiction has been employed to great effect over the past ten years to provide deprivation-of-liberty safeguards for those who are detained in hospital and residential settings. In *AM v HSE*, the Supreme Court described, by reference to the practice of Kelly P, the deprivation of liberty safeguards that should be applied in wardship detention cases.

It is worthwhile stating that the safeguards developed by Kelly P in wardship detention cases are those that are applied to the detention cases now dealt with under the inherent jurisdiction of the High Court – this is well described by Hyland J in *Re KK* (2023) and by O'Donnell J in *Re ND* (2025).



**The legislation provides that all adult wards of court must be reviewed and discharged from wardship by 26 April 2026. While all applications for discharge have commenced, some 1,400 wards remain undischarged, as of 17 March 2026**

Barniville P continued the practices initiated by Kelly P and has issued very important and helpful decisions in wardship and capacity cases, including *Re CF* (2023), *Governor of a Prison v XY* (2023), *Re MC (A Ward of Court)* (2024), *Re RK: DK and CK v PK* (2025), and *Re DE (a Minor)* (2025).

The first years of the operation of the ADMC have not been without difficulty – some of that is understandable, given the scope of the legislative changes.

### Discharges from wardship

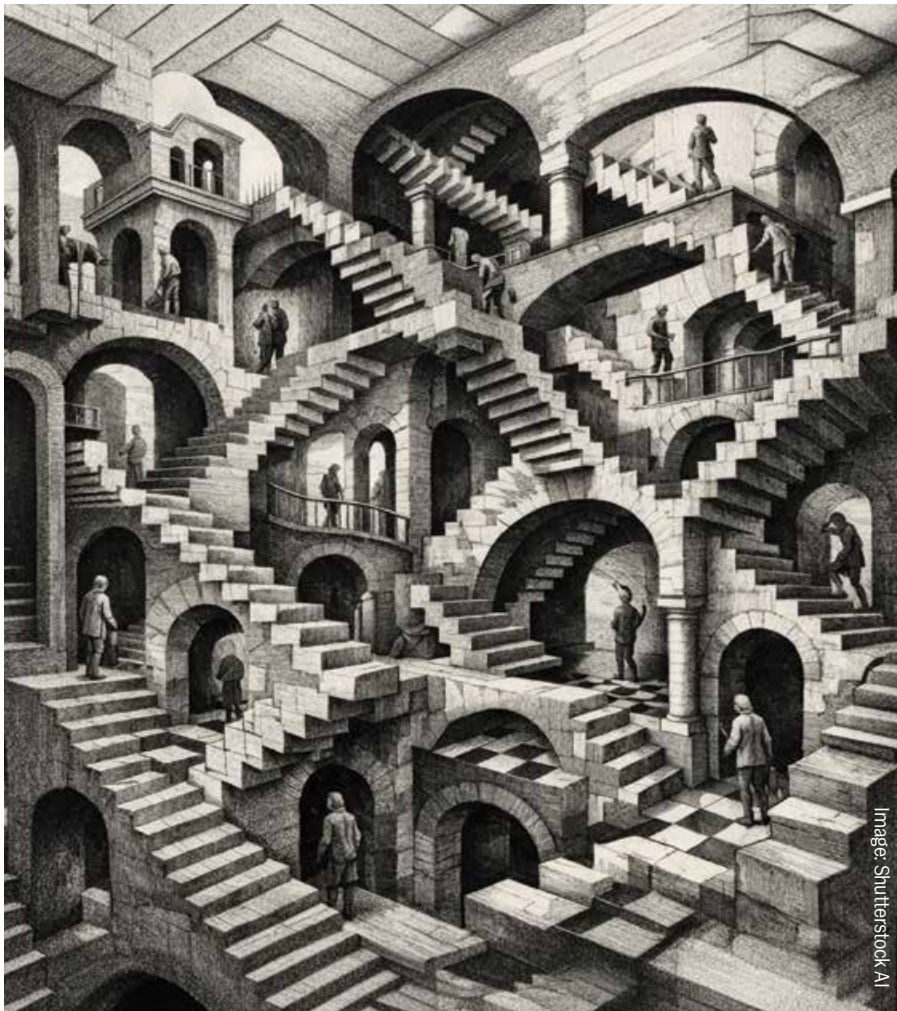
The numbers of wards seeking discharge from wardship is far less than anticipated by the Government. The legislation provides that all adult wards of court must be reviewed and discharged from wardship by 26 April 2026. As of October 2025, some 1,600 wards or their committees had not yet applied for discharge. In October 2025, Barniville P listed all of the remaining cases so as to initiate the discharge process for those remaining wards where applications had not been initiated.

Despite Barniville P and the other three judges assigned in wardship (along with the Office of Wards of Court) making every effort to initiate and progress the discharge applications, logistically, it simply wasn't possible for the statutory deadline to be met.

### Amendment Bill 2026

While all applications for discharge have commenced, some 1,400 wards remain undischarged, as of 17 March 2026. Urgent legislative amendments are tabled now by way of the *Assisted Decision-Making (Capacity) (Amendment) Bill 2026*. The intention of the legislature is that the wardship court can extend, in individual cases, the three-year time period, beyond the deadline of 26 April 2026.

**S**ection 1(a) of the *Amendment Bill* provides that an initial extension can be made by the wardship court where “good reason has been shown as to why that time period will not be met, and it is in the interests of justice to do so”. A further extension can be made in exceptional circumstances. Section 1(g) provides that “any extensions of time granted in respect of any matter by the wardship court pursuant to this subsection shall not exceed an overall time period of 18 months”.



Accordingly, in each case where it appears that a ward cannot be discharged by the 26 April 2026, the *Amendment Bill* requires the wardship court to list each of the remaining circa 1,400 cases, so that the wardship court can consider each case and be satisfied to extend the period of time for discharge in each case.

**S**peaking at a book launch on 11 March, it was stated that Barniville P and other judges assigned in wardship will need to sit over the Easter vacation to hear these cases. This is an unnecessary burden on the wardship court, the Office of Wards of Court, and practitioners – and will significantly impact on the wardship court’s ability to hear the remaining cases for discharge.

The proposal will give rise, also, to increased legal costs and will impact on wards and their families. A simple extension to the time period specified in section 54(2)

of the ADMC should be made – for perhaps one year. Should any wards remain undischarged at that time, individual cases could be set down for specific further extension for exceptional reasons.

### Circuit Court applications

The number of Circuit Court applications is lower than anticipated, with some 2,000 completed by December 2025.


Concerningly, very few co-decision-making arrangements and assisted decision-making arrangements have been completed, with just 171 co-decision-making arrangements and 194 assisted decision-making arrangements registered with the Decision Support Service (DSS) at year-end December 2025.

The numbers of registered EPAs (enduring powers of attorney) have now increased to over 5,000, which is very welcome.

These three arrangements need to be completed via the digital MyDSS portal. Due

consideration must be given to assisting those who need the arrangements the most, including removing any digital barriers to accessing these arrangements.

It is to be hoped that there will be a greater take-up of the supported decision-making arrangements and the creation of EPAs. It is, of course, essential that all of the relevant stakeholders work together constructively to overcome any remaining obstacles for the benefit of those who need the legislation the most and for whom the legislation is intended to benefit.

Our capacity laws – and, crucially, the manner in which they are implemented – must serve to advance the full and equal enjoyment of fundamental constitutional and human rights by persons with disabilities. 

*Áine Hynes SC chairs the Law Society’s Task Force on Mental Health and Capacity Law. She is the author of Irish Legal Capacity and Assisted Decision-Making, published on 11 March by Bloomsbury Professional.*

## LOOK IT UP

### CASES:

- [AM v HSE](#) [2019] 2 IR 115
- [Re a Ward of Court \(No 2\)](#) [1996] 2 IR 126
- [Re CF](#) [2023] IEHC 321 [WOC 11755]
- [Re DE \(a Minor\)](#) [2025] IEHC 604
- [Governor of a Prison v XY](#) [2023] IEHC 361
- [Re KK](#) [2023] IEHC 565
- [Re MC \(A Ward of Court\)](#) [2024] IEHC 47
- [Re ND](#) [2025] IEHC 86
- [Re RK: DK and CK v PK](#) [2025] IEHC 344

### LEGISLATION:

- [Assisted Decision-Making \(Capacity\) Act 2015](#)
- [Assisted Decision-Making \(Capacity\) \(Amendment\) Act 2022](#)
- [Assisted Decision-Making \(Capacity\) \(Amendment\) Bill 2026](#)
- [De Praerogativa Regis](#) (17 Edward c 9)
- [Lunacy Regulation \(Ireland\) Act 1871](#)
- [UN Convention on the Rights of Persons with Disabilities](#)

### LITERATURE:

- [Vulnerable Adults and the Law: Capacity \(CP37-2005\)](#) (Law Reform Commission consultation paper, 2005)

# D I G I T A L M A N I P U L A T I O N

New rules are necessary to regulate – among other things – algorithms targeting kids and young adults, but adoption of those rules will require real political determination. Philip Andrews SC and Aleksandra Pruska press pause

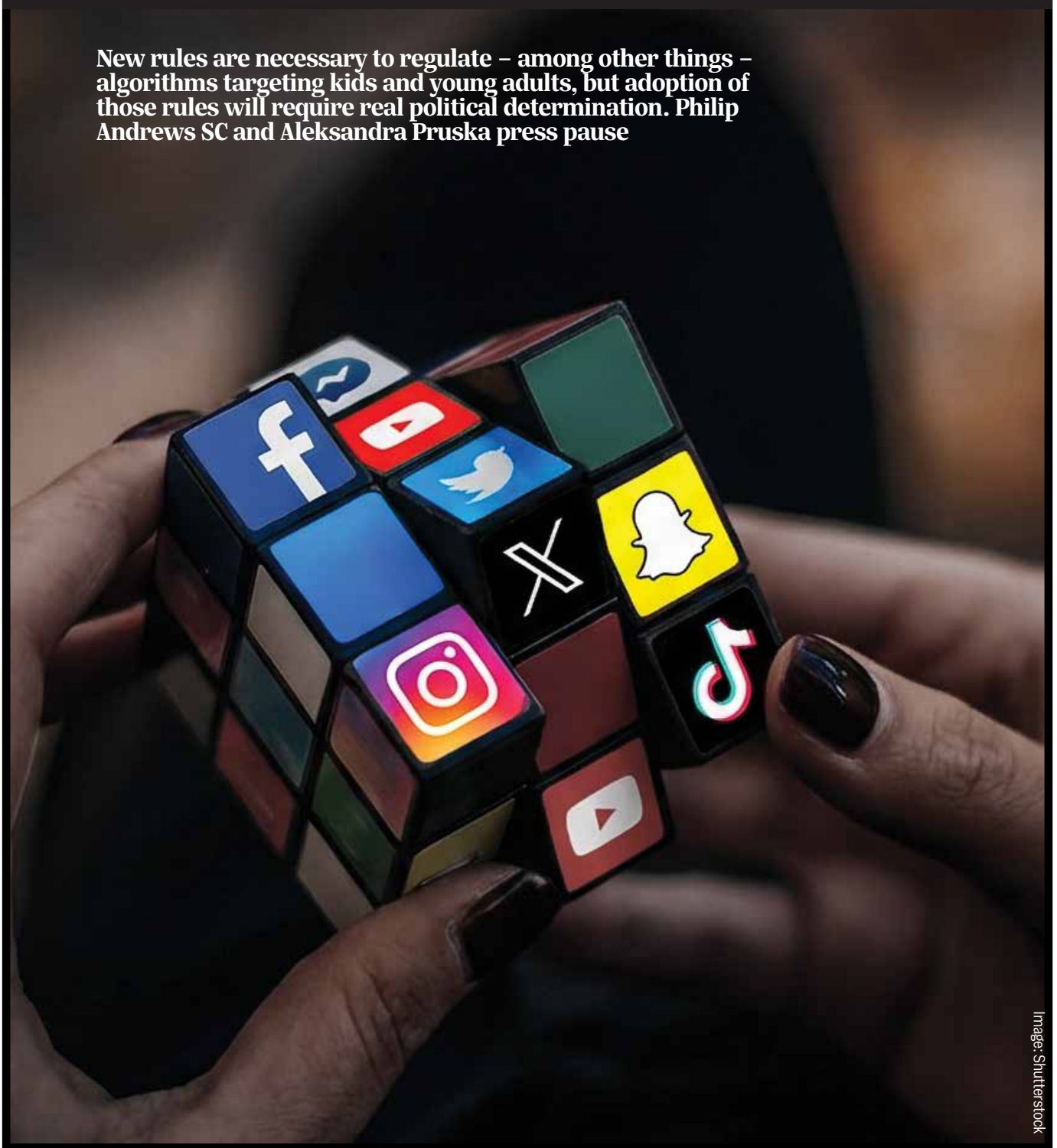


Image: Shutterstock



The *Irish Times* recently reported that Meta is lobbying the Government to use its forthcoming EU Council presidency to kill off a proposed new EU *Digital Fairness Act* (DFA). Research published in February 2026 by Corporate

Europe Observatory, a Brussels NGO monitoring corporate lobbying, similarly documents an EU-wide campaign by big tech to weaken the DFA before it has even been drafted.

EU officials have held at least 96 meetings with representatives on the DFA since December 2024 – 83% of those meetings were with industry or lobbying groups, compared with under 14% with NGOs supporting the legislation. The digital sector now reportedly spends over €150 million annually on lobbying in Brussels, deploying some 890 lobbyists.

## Digital fairness

One of the most consequential reforms to EU consumer protection in more than a decade, the *Digital Fairness Act* is intended to tackle unfair and manipulative practices in digital consumer markets, dark patterns that steer consumers toward choices they would not otherwise make, addictive design features such as infinite scroll and autoplay (including particularly those targeted at young adults), opaque personalisation, unfair pricing, problematic influencer marketing, and online contracts, including predatory subscription contracts.

The European Commission completed a public consultation on the adequacy of existing consumer protection law in regulating these practices in October 2025 and expects to publish a first draft of the DFA in Q4 2026. The results of the commission's consultation were striking: around 70% of respondents supported new binding rules on dark patterns, addictive design, personalisation, and video-game features alike. Opposition was concentrated overwhelmingly among large companies and business associations, the very constituency now lobbying Ireland.

## 'Unnecessary duplication'

The industry position (that existing laws are adequate and only enforcement needs improving) deserves a fair hearing. Concerns about regulatory overlap with existing online regulation – such as the *Digital Services Act* (DSA), *Digital Markets Act* (DMA), and the GDPR – are not confined to big tech. Some SMEs and consumer groups raised them in the consultation too, and these are legitimate questions for the legislative process. But let's not confuse regulatory volume with regulatory adequacy. The existing framework has structural weaknesses that can properly be remedied only by new legislation.

For instance, existing standards of unfairness in the EU's consumer-protection rulebook are built around the 'average consumer' as a rational, informed decision-maker. But this concept fits poorly with digital environments where consumers face algorithmic control and behavioural exploitation at every step. A European Commission 'fitness check' in 2024 documented this failure in detail. Tellingly, 65% of consultation respondents supported amending the average consumer standard to better reflect actual digital behaviour, and 58% backed reversing the burden of proof in cases where evidencing a trader's wrongdoing is disproportionately difficult.

The argument that the DSA already covers dark patterns also requires scrutiny. Article 25 of the DSA explicitly carves out practices 'covered by' the *Unfair Commercial Practices Directive* and GDPR, creating fragmentation rather than resolving it. A German appellate court ruling earlier this year, in which a consumer organisation could not rely on the DSA against alleged dark patterns on a ticketing website, illustrates this gap in practice. The case is now before the Federal Court of Justice on appeal.

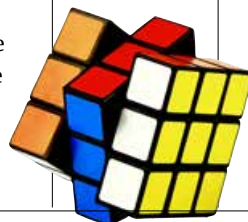
In what some say is one of the most significant findings in digital markets in recent years, the European Commission issued preliminary findings that TikTok's "addictive design" breached the DSA on 6 February 2026. If confirmed, the decision could shatter TikTok's value to content creators and advertisers. Does this jump the gun on the *Digital Fairness Act*? Possibly. But, already, legal commentators are suggesting the DSA (which doesn't mention addictive design other than in recitals to the act) doesn't provide legal basis for the commission's decision.

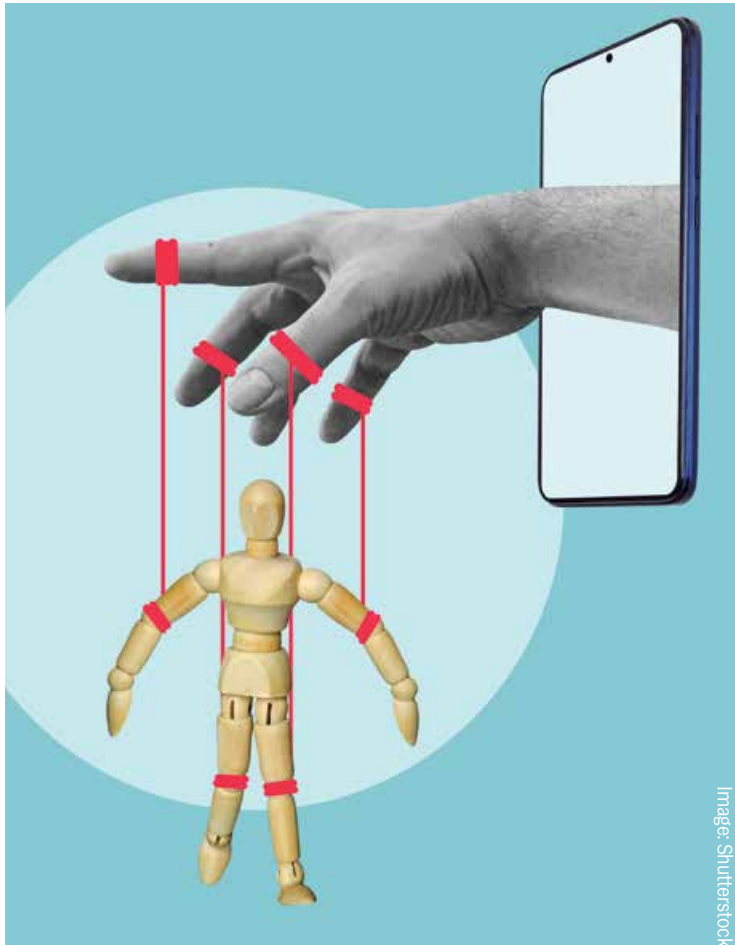
## Problematic practices

Many digital interfaces essentially use 'tricks' to sway users in a particular direction. For example, they might highlight certain options, make it harder to pick less popular choices, or keep popping up with nagging



**The *Digital Fairness Act* is intended to tackle unfair and manipulative practices in digital consumer markets, dark patterns that steer consumers toward choices they would not otherwise make**





prompts until users relent. Other tactics include confirm-shaming (using emotive language to pressure users), pre-ticked consent boxes, hidden opt-out buttons, adding items to a basket without obtaining clear consent, and making cancellation or unsubscribe processes deliberately difficult – the classic ‘roach motel’, where it is easy to get in, but hard to get out.

#### *Addictive and manipulative design*

Many digital products, especially video games, use unregulated ways to keep consumers engaged. These include reward badges, penalties for disengagement, countdown timers, gamification features, infinite scroll, autoplay, and in-game currencies. Such design choices, often targeting young adults, are intended to maximise time spent on the platform.

#### *Unfair personalisation and pricing*

Behavioural data enables online traders to tailor content and pricing, occasionally in ways that exploit vulnerabilities. This can involve targeting users based on emotional or financial stress or using unfair pricing tactics, such as vague ‘reference’ prices, drip pricing (revealing mandatory costs only at the end), and dynamic pricing, where algorithms raise prices in real time after low initial offers.



## **The digital sector now reportedly spends over €150 million annually on lobbying in Brussels, deploying some 890 lobbyists**

#### *Social-media commerce*

Influencer content and social-media advertising can potentially mislead consumers when commercial intent is not clearly disclosed. Not only is hidden advertising a concern, but so are the promotion of unsafe and unhealthy products or unrealistic beauty standards, particularly for younger users.

#### *Digital contracts*

Online consumers often face obstacles when managing digital contracts. Problematic practices include forced acceptance of unfair terms, automatic renewals, free trials that are then converted to paid subscriptions without clear consent, and unnecessarily complex cancellation procedures.

#### **The courtroom test**

Those who doubt the seriousness of digital consumer harm need only look to a Los Angeles courtroom where, in recent class-action litigation, Meta faces claims that its Instagram platform was deliberately designed to addict young people. Mark Zuckerberg took the stand before a jury and, confronted with internal documents on his firm’s practices, reportedly struggled to defend claims that it targeted young users. Whatever the jury decides, the evidence aired in Los Angeles makes a powerful empirical case that voluntary compliance and existing frameworks are not sufficient.

#### **Ireland’s moment**

Ireland’s EU presidency from 1 July to 31 December 2026 is a decisive moment. The EU is committed to robust consumer protection that keeps pace with today’s complex, data-driven economy. And the Government itself has committed to making digital online safety a key theme.

Against this, US pushback on regulatory enforcement against big data is increasing. As EU home-jurisdiction to firms like Meta, Google, Microsoft, and X, Ireland has an outsized role in EU enforcement. Let’s not forget that the Trump administration previously threatened individualised tariffs against EU member states in response to regulatory action targeted at US tech firms. And, late last year, the US Department of State imposed a visa travel ban on former European commissioner and main sponsor of the DSA,



Image: Shutterstock

Thierry Breton, and other EU consumer-rights advocates. Irish regulators could, in other words, face personal liability.

Ireland's DPC, which has imposed fines of more than €4 billion on US tech firms since the introduction of the GDPR in 2018, reportedly has five active large-scale investigations into Elon Musk's X, and at least six active High Court cases involving US tech firms on the docket. Similarly, Coimisiún na Meán, Ireland's new media and digital services regulator, is facing multiple lawsuits involving US tech platforms.

At the same time, Ireland's tax-revenue reliance on a very small number of US multinationals is significantly increasing year-on-year. In 2024, the Irish Fiscal Advisory Council estimated that the top three highest-paying corporate groups (reportedly Apple, Microsoft, and US pharma group Eli Lilly) accounted for 46% of all corporation-tax revenues, roughly €13 billion, with the top ten payers accounting for almost 60% of Ireland's annual corporate tax. Corporation tax almost doubled between 2021 and 2024, largely driven by increased payments from the top three payers, and is now the largest single contributor to Irish public spending. He who pays the piper calls the tune, you might say.



**Engaging with the concerns raised across the consultation, pressing for coherent interaction with the DSA and DMA, and ensuring that the fairness-by-design duty is calibrated proportionately could serve both Ireland's interests and the interests of consumers**

Ireland's hand is doubtless a difficult one to play. But engaging seriously with the legitimate simplification concerns raised across the consultation, pressing for coherent interaction with the DSA and DMA, and ensuring that the fairness-by-design duty is calibrated proportionately could serve both Ireland's interests and the interests of Irish and European consumers.

*Philip Andrews SC is founder of Andrews Law. He previously served as legal adviser to the Competition Authority, led the EU and Competition Group at McCann FitzGerald, and is co-author of Modern Irish Competition Law. Aleksandra Pruska is an associate at Andrews Law, practising in Ireland and Poland, specialising in Irish and EU competition law and consumer protection.*

## LOOK IT UP

### LEGISLATION:

- [Digital Markets Act](#)
- [Digital Services Act](#)
- [Unfair Commercial Practices Directive](#)

### LITERATURE:

- Andrews, Philip, & Aleksandra Pruska, ['Digital Fairness Act - a pathbreaker for EU digital consumer law'](#), *TechReg Chronicle* (Competition Policy International, February 2026)
- European Commission, [Public Consultation On the Digital Fairness Act - Factual Summary Report](#) (December 2025)
- European Commission notice, [Guidance on Directive 2005/29/EC \(UCPD\)](#) (2021 OJ C 526)
- European Commission staff working document, [Fitness Check on EU Consumer Law on Digital Fairness](#) (3 October 2024)
- European Parliament, [Resolution on Addictive Design of Online Services and Consumer Protection](#) (12 December 2023; published OJ C/2024/4164)

# Investing in the future

**The Law Society’s Finance Committee ensures fiscal discipline across a growing and increasingly complex organisation, balancing prudent expenditure with strategic investment – all while modernising the Society’s governance structures to meet the profession’s evolving needs. Mary Hallissey reports**

**M**anaging the finances of a profession that has grown by a third in just 15 years demands more than careful accounting – it requires robust governance, rigorous oversight, and a willingness to modernise.

The Law Society’s Finance Committee, under the chairmanship of Paul Egan SC, has been quietly doing exactly that: overhauling systems, strengthening structures, and ensuring that every euro spent serves the profession strategically. The results speak for themselves.

The committee’s priority is to ensure that its organisation’s coffers are robust and that there is sufficient capital for necessary investment: “That’s the fundamental task of any company director, to ensure that we do not run a deficit,” committee chair Paul Egan explains.

“Neither do we want to expand activity just because we happen to have the money. It’s about arriving at a balance. Our aim is to deliver the annual budget, in line with the Law Society’s strategy.

“There is now a maturity

*The Law Society’s Finance Committee has been quietly overhauling systems, strengthening structures, and ensuring that every euro spent serves the profession strategically*



in governance and structures that is commensurate with the size and complexity of the Law Society as an organisation and the profession it serves,” he explains. “There has been a necessary overhaul and updating of systems and structures in the Finance Department, and we still have some IT developments in train.”

## Under strain

Just 15 years ago, the number of solicitors in the country was around two-thirds of what it is now. With such rapid growth in numbers since then, organisational structures naturally came under strain.

The Law Society has representative, educational, and regulatory functions. It has complex governance that operates at various levels, including under its charter, the *Solicitors Acts*, statutory instruments, Law Society bye-laws, as well as Council regulations.

It is necessary, therefore, to delegate some of its responsibilities to various standing committees, effectively to the exclusion of the authority of the Council, the chair explains. These committees



report to Council on matters of their governance – but not, for example, on the details of operations or investigative matters.

Historically, the Finance Committee has had a portfolio of direct responsibilities, which, in turn, it delegated to subcommittees. One of these is the Audit Subcommittee, which reports, not to Council (with the exception of once a year), but to the Finance Committee, the chair explains.

## ARC light

In 2024, a governance review was instituted, the most significant result of which was the formation of a newly empowered Audit and Risk Committee (ARC). The ARC will interact with external auditors and monitor and design the



Photos: Olan Redmond

internal-audit process to ensure that procedures are properly followed. This newly formed entity will report directly to Council, and has a non-solicitor as chair, Austin Slattery, who is a past-president of Chartered Accountants Ireland.

The Finance Committee supervises the Law Society’s ongoing accounting reporting function, making sure that expenditure only takes place where it has been properly approved, with the reasons for outlay rigorously examined – thus ensuring that it is adding value to the profession.

This is governed by a procurement policy that includes a matrix for expenditure approval across the organisation, the Law Society’s finance director (and the

Richard Hammond SC (vice-chair), Paul Egan SC (chair), and Gillian Cregan (secretary)

*The priority of the Finance Committee is to ensure that its organisation’s coffers are robust and that there is sufficient capital for necessary investment*

committee’s secretary) Gillian Cregan explains: “Expenditure outside the day-to-day requirements over a value of €10,000 requires a business requirement document (BRD) to be brought to the Finance Committee for approval.”

**In good shape**

The committee meets at least five times a year in hybrid format, with close to complete attendance.

“We are fortunate that, in the Law Society of Ireland, we haven’t had some of the catastrophes that have befallen certain other organisations, with projects that go wildly over budget, or unprovided-for pension contributions,” Paul explains. “The Law Society pension is in good shape; there are rules on

how we account for pensions and what sort of contribution must go in,” he adds.

“It’s the one area where, consistently, and to the frustration of advisors, we insist on being briefed repeatedly and getting reassurance that there isn’t going to be a deficit or an unexpected funding requirement.”

The Finance Committee currently has one vacancy (for an external non-solicitor member) for its cohort of 14. Gillian says that the Law Society’s business partners ensure that costs are aligned to budget, and that the work has been done to get the right mix of skills present in the Finance Department to support them.

**Team of the year**

The Finance Department has been honoured for several recent developments during the past year. Gillian says: “We won ‘Finance Team of the Year’ and ‘Finance Project of the Year’ at the Irish Accountancy Awards for our use of the NoFriction payment system, which has streamlined the practising certificate renewal process.”

This has eliminated thousands of manually matched spreadsheet payments and improved the renewal process for the entire profession. Expense management, travel booking, and room and event planning for staff has also benefited from the upgraded software. Systems are constantly being examined and improved to enhance efficiencies and ensure delivery against the budget.

“Our responsibility is to ensure we have robust financial monitoring in place to support our statutory duties,”



Richard Hammond SC



Gillian Cregan



Paul Egan SC

Gillian adds. “Ultimately, my job is to ensure that we enable the Law Society to deliver for the profession a budgetary process aligned with agreed strategic objectives, so that when we spend, we spend strategically and efficiently.

“Everything has grown in recent years – income has grown, the profession has grown, and our costs have grown in line with that. Hence, we budget to make small surpluses, to future-proof, and reinvest. We aim for prudent surpluses,” she explains.

### Sustainable focus

Vice-chair Richard Hammond SC adds: “A significant focus of our work is ensuring that we’re able to meet our obligations under the *Legal Services Regulation Act*, in order to fund the Legal Services Regulatory Authority.”

“Our guiding purpose

is sustainable financial stewardship,” Gillian adds. “We need to ensure that the decisions we make protect the Law Society and the profession, while working in line with our long-term goals. We live in a volatile world, so we need to ensure that we are reinvesting for the day when we need it.

“Currently, we are investing in our Blackhall buildings and facilities, and we have planning permission for an extension to the Education Centre. Separately, we have made energy upgrades – all to make sure that we provide better services and value for the profession.”

Gillian explains that outsourced catering and cleaning functions, as well as work by specialist trades, have now been rolled into one facilities-management model, with one supplier to support a variable cost model and improve efficiencies.

### Strategic outlook

All suggested programmes for development and funding are examined in line with the Law Society’s strategy, the trio agree.

“One of our more important funds is helping to ensure access to the profession. We currently invest over €800k annually in providing supports to the profession, such as rural traineeship grants, CPD, and access programmes to legal training, to name a few,” Gillian explains.

Paul adds: “Our objective is to hold prudent reserves in order to absorb shocks and meet our statutory responsibilities, while ring-fencing funds for projects, such as the preservation of our heritage building at Blackhall Place.”

The return on investment is not solely assessed on commercial terms, but rather in how it can add value to the profession, as well as the long-



term strategic benefit into the future.

## Pilot platform

One such project is the development of the Law Society's eConveyancing Platform – currently in pilot and testing mode – which will incorporate identity verification and qualified e-signatures, as well as anti-money-laundering checks.

Feedback, to date, has been very promising and is receiving wide support from pilot users in small, medium, and large firms.

“We focus very much on ‘onboarding’ the client, including section 150 letters, pre-contract-stage questionnaires, and digital contracts,” Gillian explains. “The feedback from the workshops we have held with the public, particularly users who have recently bought a property or who have been part of a conveyancing process, has been phenomenal.”

The Law Society's Tech Hub has also had a strong uptake from members, with 16,000 hits since its launch last August: “It's clearly an area where there is a great need,” adds Gillian.

## Solicitor services

“We encourage members to use the Blackhall facilities, which is why we have upgraded them,” says Paul. “Undeniably, there are some solicitors who will derive more benefit from the Law Society's facilities than others.”

Those who rarely use the physical facilities at Blackhall Place avail of many other useful services, such as CPD, the *Gazette*,

*The return on investment is not solely assessed on commercial terms, but rather in how it can add value to the profession, as well as the long-term strategic benefit*

library, and educational and professional supports.

The chair refers to the Compensation Fund: “The reason why we pay into the fund is to allow solicitors to receive money for or from their clients: to retain it and pay it out – so to engage in money transmission. As a result, we have an exemption from financial-services law that would otherwise require us to be bonded and regulated by the Central Bank of Ireland.”

The educational arm of the Law Society has a discrete budget. Legal education costs must be transparent and are set with the approval of the President of the High Court.

“Solicitors have been given a statutory monopoly by the 1954 *Solicitors Act* in drafting deeds, taking out grants of probate or administration to the estates of deceased persons, drawing up contracts for the purchase or sale of real estate or movable assets, and conducting litigation,” Paul explains.

“It is incumbent on the Law Society, therefore, to make sure that every solicitor has a basic competence in those matters. We must pursue excellence and pass it on.”

All three express their confidence in the Law Society's ability to tackle anticipated imminent competition in the provision of professional legal education.

## Member value

“Return on investment in the Law Society is not viewed through the same lens as in the commercial world,” explains Gillian. “While there is, of course, an element of financial return, ROI in a commercial setting is driven

predominantly by profit. For a professional body, the return is broader and is centred on member value, professional support, and long-term impact on the profession and on society.”

“A lot of what we are investing in, such as our educational facilities – we have planning permission for a new development at Blackhall Place – and our Access Programmes, is as much about investing in the future of the profession as in the future of the Law Society”

She references the Society's significant investment in cybersecurity, which has helped block significant volumes of suspicious emails, as well as ongoing staff training and investment in new tools and software. Law Society Psychological Services is another multi-year, long-term investment in the members.

“In addition, we want to keep the PC fee as steady as we possibly can. Unfortunately, there are areas outside of our control, such as inflation and regulatory fees that we have to collect.

“We don't just look at things year by year – we're very proactive in our planning,” the finance director concludes. “We are guided by a five-year financial plan aligned with the strategic plan, which is reviewed and refined each year. This enables us to remain agile, responsive, and focused on the future needs of the profession.”

*Mary Hallissey is a journalist at the Law Society Gazette.*

# Blunt verdict

**Law Society Director General Mark Garrett has delivered a blunt verdict on the Government's proposed reforms of criminal legal aid – describing them as a cost-cutting exercise that hollows out the rule of law from within. Mark McDermott reports**





There is a particular kind of steely frustration that settles over a seasoned executive when they believe an injustice is being done – not to any one client, but to an entire system. Director General Mark Garrett is in precisely that state. The

Photo: Cian Reardon

Government’s proposed introduction of €455 for ‘one accused, one-fee payment’ for criminal legal-aid work, he says, represents not a reform, but a retreat – not a “simplification” (as officials have chosen to describe it), but a renegeing on a promise.

The current system pays solicitors €239.38 per appearance per accused, and €59.86 for each subsequent court appearance. Solicitors on the criminal legal-aid scheme carry out the vast bulk of their work in the District Court, but criminal legal-aid totals also include fees paid for work in the Circuit Court and Central Criminal Court, where higher fees apply.

The consequence, he argues, will be felt chiefly in the District Courts, where the people least able to defend themselves will find themselves without legal representation.

“It is basically a renegeing on the Government’s commitment to restore legal aid to the pre-financial-crisis era,” Garrett says. “Ultimately, it will drive solicitors out of practising in this area – there will be an exodus.”

The proposals, recently announced by Justice Minister Jim O’Callaghan, would place what Mark Garrett characterises as effective limits on legal advice for vulnerable individuals who can’t afford private representation, and who are clearly eligible for legal aid.

**Highly critical**

Speaking after a meeting with senior officials at the Department of Justice – convened specifically to discuss criminal legal aid – the director general is highly critical about both the content and the process.

“This seems to be designed devoid of knowledge of how the District Courts work in practice. What is being proposed here

*Those who designed these proposals are completely devoid of knowledge of how the District Courts work in practice. What is being proposed here is unsustainable*

is unsustainable,” he says. “These proposals haven’t come from any level of collaboration. We are fully aware of overdue reforms required within the criminal legal-aid system, but these proposals were not in any way discussed with the Law Society, the Bar Council, or with anybody who understands the practical workings of the District Courts. To be honest, we’re at a loss to understand how the department has come up with them.”

What makes the proposals particularly galling, in Garrett’s view, is that the Government appears to be reproducing a model that has already demonstrably failed. A similar scheme was introduced for family law some years ago, with consequences that the Legal Aid Board itself has been candid about: specifically, difficulty with recruiting solicitors, significant funding shortfalls for private practitioner panels at District Court level, longer waiting times, and some law centres facing potential closure because of high demand and a staffing crisis.

“This is a fundamental undermining of the justice system in this country. So, it’s quite shocking to think that the department would propose a scheme that, clearly, has not worked elsewhere and is only designed as a cost-cutting measure.”

He is careful not to frame this solely as a lawyers’ grievance. The Law Society, he insists, is raising the alarm on behalf of those who will be left without a voice: “This is about the people it will impact, right across the country.”

## Starved of investment

The criminal legal-aid controversy does not exist in isolation. It sits within a broader landscape of chronic underfunding that the Law Society has spent the past year attempting to document and quantify. The vehicle for this effort is the *Justice Indicators* report, published by the Law Society's Centre for Justice and Law Reform – a landmark piece of research that Garrett describes as the most comprehensive mapping of Ireland's justice system ever undertaken.

Drawing on more than 100 data sources from Ireland, Europe, and beyond, the report compares the Irish justice system against comparable jurisdictions, measuring trust, policing, courts, and prisons. The findings, in several respects, make for uncomfortable reading. Ireland has the lowest number of judges of any EU country. Per head of population, it has one of the lowest rates of court spending in Europe. The consequences are predictable and, the data now shows, measurable.

"The case-disposal time in Ireland is up to three times longer – in civil and criminal cases – than in other comparable European countries," the director general says. "What that means for people is that you're not getting your day in court as early as you should, compared with your peers in other countries. The data shows that a massive underinvestment in the courts is leading to real-life circumstances where people are not getting the justice they deserve in an acceptable timeframe.

"Per head of population,

*Per head of population, Ireland has one of the lowest spending rates on courts compared with other jurisdictions and it is leading to delays that have real consequences for real people*



Ireland has one of the lowest spending rates on courts compared with other jurisdictions, and this is leading to delays that have real consequences for real people," he warns.

## Absence of data

The absence of data is itself a finding. There is no comparable information on how long civil cases take to complete in the District and Circuit Courts. There is no reliable data enabling Ireland's prison system to be compared meaningfully with those of other states. The majority of the report's recommendations are, accordingly, focused on building the information infrastructure that evidence-based policymaking requires. "You cannot fix what you cannot measure," Mark Garrett emphasises.

On policing, the picture is mixed. Ireland's homicide rate is considerably lower than the European average – a genuine positive. Yet the rate of reported sexual offences is more than 40% higher than the EU average – a figure that demands careful interpretation. Garrett is appropriately cautious. Greater resources dedicated to tackling sexual violence in recent years may have increased reporting rates, and historical and recent cases may not be properly disaggregated in the data. "That's what we don't know," he says. "And that is precisely why we need more data to properly analyse what is happening."

## When investment works

The report is not merely a ledger of deficiencies. It also contains a proof of concept – evidence that when resources

are directed at the courts, the system responds. The Court of Appeal stands as the clearest example. Following a targeted increase in judicial capacity, case-disposal times have fallen significantly.

Mark Garrett is direct: "There has been some indication that the investment in the courts in recent years – additional judges that have been put in place – is showing through the data that it is improving the throughput of cases. That is a real indication that investment does work."

The Law Society has been calling for sustained investment across the courts system for many years. "Every stakeholder has talked about the underinvestment in the courts system in recent decades," Garrett says. "We feel it is long-overdue investment. We hope it will continue."

The ambition for the *Justice Indicators* report is that it will become an annual publication, updated and expanded each year, shaping a more mature national conversation about how justice is delivered. The Centre for Justice and Law Reform is also examining the question of 'legal deserts' – areas, particularly along the western seaboard, where the availability of solicitors is becoming critically thin – as well as broader questions around electoral integrity and constitutional law.

## Supporting solicitors

If the Law Society's outward-facing agenda is dominated by advocacy and reform, its internal priorities are equally revealing. The Society has established a new Solicitor Services Department, built directly from feedback from the profession and designed to



provide tangible, practical support to solicitors throughout their careers.

The scale of existing activity gives some indication of the need. Approximately 28,000 people participated in CPD courses offered by the Law Society last year. The Society's library fielded over 4,000 legal queries from practitioners around the country. The Solicitor Services Department is intended to consolidate and expand this offering – covering professional development, career support, psychological services, networking, mentoring, and leadership development.

“We want to ensure that solicitors around the country are aware of what's available to them now, and will be in the future, to help them practise law, develop their careers, and assist them in any challenges that arise,” Garrett says.

Psychological wellbeing, he notes, is an area where Ireland is ahead of comparable bar associations internationally, a conclusion informed partly by the director general's recent participation in the American Bar Association's Bar Leaders

The data proves that an increase in judges in the superior courts has worked. The shortage of judges in the lower courts, however, has led to significant delays in case progression and throughput

Institute, where he exchanged notes with counterparts from across the United States.

### Tech concerns

Technology, and artificial intelligence in particular, is a priority that runs through almost every aspect of the Law Society's plans. The organisation provided more than 28 individual CPD and training events on technology and AI for practitioners last year. Its massive open online course on AI attracted over 7,000 participants globally. In the first five months of this year alone, almost 20 events, conferences, and courses are being made available on the use of technology, AI, and cybersecurity – including a money-laundering webinar that drew 1,700 participants.

“Tech in the law is a major focus for 2026,” Mark Garrett says. The profession is acutely conscious of its exposure to cyber-threats, particularly around the handling of client funds. The Society is equally conscious that the solicitors who most need these supports – those practising in smaller firms in rural Ireland – are also those least likely to have the resources to access them independently.

It is in those rural practices that the most urgent questions about the profession's future converge. With the majority of

new traineeships concentrated in Dublin and other large urban centres, the prospect of legal deserts is not a theoretical risk, but an emerging reality.

The Law Society's response includes plans for an apprenticeship route for school-leavers who have not experienced third-level education, potentially available from 2027. This route is designed specifically to widen the access pipeline and, in doing so, to keep legal services accessible in the communities that need them most.

Whether the Society's long-term investment in access to legal training bears fruit may ultimately depend on the decisions being made right now in the Department of Justice. Mark Garrett does not hide his frustration: “This is the opposite of a collaborative process,” he says of the criminal legal-aid proposals, “and is deeply disappointing.”

The rule of law – on both sides of the Atlantic – is under pressure in ways that would have seemed unimaginable a decade ago. Ireland, he believes, should know better than to add to that pressure from within.

*Mark McDermott is editor of the Law Society Gazette.*

# ‘Give to gain’ on International Women’s Day

The contributions of women to the legal system and society were honoured at the ‘Give to gain’ event, held by the Law Society to mark International Women’s Day. Áine O’Connor reports

“**I**n a profession grounded in justice and the rule of law, it’s important to recognise the contributions of women whose work strengthens both the legal system and society.” So said Law Society President Rosemarie Loftus at a Law Society event on 5 March to mark International Women’s Day.

Loftus said it was “remarkable what we as women have achieved in this little town, in this little island of Ireland, but much more importantly, globally”.

Referring to the International Women’s Day theme, ‘Give to gain’, she encouraged reflection on what women have contributed in their personal and professional lives. She highlighted qualities she associated with women in the profession – “leadership,



*‘Think about yourself and what you have given and achieved’*

mentorship, friendship” – and the ability to “support and care for all those around us, culminating in dedication to justice and the rule of law”.

These qualities, she said, shaped families, communities, and Irish society, even if women did not always recognise their own influence. She encouraged the audience to “think about yourself and what you have given and achieved”, stressing that even small contributions were significant and enhanced the wider community.





Valerie Peart, Niamh Wade, Judge Monica Leech, Rosemarie Loftus, Michelle Ni Longain

## Bold idea

She drew a parallel with the special guests of the evening – theatre director Garry Hynes and actor Marie Mullen, who founded The Druid Theatre company over half a century ago. Describing them as women with “a great and bold idea, and the courage of their convictions”, President Loftus said that their vision and a “spine of steel” had helped them overcome challenges and create a lasting cultural legacy that connected communities across Ireland through theatre.

The Law Society’s director general, Mark Garrett, noted that “so much progress had been made” but that “there was so much more to do in recognising women’s contribution within the profession and within society”. The Law Society runs a number of programmes to promote diversity within the legal profession and to support the recognition of women’s contributions, he said.

## Connections

In conclusion, he stressed the importance of networking among peers and colleagues, a theme reiterated by Hannah Carney, MC for the gathering, who highlighted the value of “friendships, relationships and professional connections” within the profession. Carney encouraged attendees to use the evening to make new friends and have conversations with colleagues. She also referenced the work of Law Society Solicitor Services, noting that the programmes offered were designed to assist solicitors “in support of your profession, of your learning, of your development at every stage of the life-cycle”.

*Áine O’Connor is a freelance journalist.*

## Not a test

President Loftus emphasised that giving was “not a test or a competition”, but a shared effort to improve the legal profession and society.

Speaking about the role of women solicitors, the president said they were deeply embedded in their communities, “safeguarding rights and ensuring access to justice”.

“Our voice as women does make a difference,” she concluded, urging women to continue giving their best, because doing so would bring “never-ending positive gains for the betterment of society as a whole”.



Brenda Dunne, Stobhan Gaffney



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**COUNCIL REPORT**

# Law Society Council meeting 23 January 2026

**C**ouncil confirmed the appointment of Bronagh O'Neill to the Professional Wellbeing Steering Group and invited expressions of interest for the Dublin Circuit Court Civil Users Group.

**Presentations and discussions**

The Council considered the Law Society's Risk Register, as presented by the director of finance and operations.

The Centre for Justice and Law Reform presented its first report, the inaugural *Justice Indicators* research paper, which assesses the performance of Ireland's justice system in comparison with other jurisdictions.

The report draws on over 100 national and international data sources and examines the resourcing, efficiency, and effectiveness across four core areas: trust, policing, courts, and prisons. Key findings include:

- Public trust in the courts and judiciary in Ireland is significantly higher than the OECD average,
- *Per-capita* spending on courts in Ireland is approximately 25% below the European average,
- Court proceedings in Ireland take, on average, three times longer than the European benchmark,
- Ireland has the lowest number of judges per 100,000 population among Council of Europe member states.

The justice indicators are intended to support evidence-based policymaking and informed discussion on justice reform, including issues of direct relevance to many Law Society committees.

The director of education provided an overview of solicitor admissions and training trends:

- 781 new solicitors were admitted and 558 trainees qualified in 2025,
- Admissions for 2026-27 are projected at 770-800 annually,
- Female participation remains strong: 60% (PPC fulltime) and 74% (hybrid),
- The hybrid route is attracting older trainees, with 35% aged over 30,
- Only three counties had no trainees in 2025, helped by the Small Practice Grant.

Updates were also provided on diversity initiatives, QLTT review plans, and the new professional apprenticeship programme, which recently received approval in principle.

The director of policy confirmed that the Law Society has made a submission in response to the consultation process on the proposal to introduce a scale of fees, and outlined the position of the Law Society in this regard, while proposing several alternatives to a scale of fees.

Reference was also made to the fact that the Law Society has been invited to make a submission on the draft *Civil Reform Bill*, the substance of which is to place judicial review onto a statutory basis; other proposed amendments include replacing the current

discovery procedure and to introduce jurisdictional increases.

**DG's report**

The director general highlighted the programme of work for 2026 and reported:

- Strong practising certificate renewal levels,
- Progress with partnerships, including RIP.ie and the imminent MyHome.ie launch,
- Continued engagement on the proposed new education building, and
- A forthcoming meeting with Minister Robert Troy on insurance costs.

**Submissions**

The meeting noted submissions made by the Law Society, including on the *Finance (Tax Appeals and Fiscal Responsibility) Bill 2024*; the development of the priorities and policy programme for Ireland's Presidency of the Council for the EU in 2026; proposed changes to the *Companies Act 2014* and related legislation; the scale of fees; the opening statement to the Joint Committee on Justice, Home Affairs and Migration on the general scheme of the *Criminal Law Bill 2025*; and a letter to Minister Troy regarding the cost of insurance.

**Any other business**

The president reminded the members of an upcoming lecture [at time of meeting], which was a collaboration between ARINS (the Royal Irish Academy) and the Centre for Justice and Law Reform at the Law Society. Mr Justice Gerard Hogan spoke on the topic 'Is the Constitution of Ireland an obstacle to Irish reunification?'. The event took place on 5 February, and all were encouraged to register and attend.

Sonya Lanigan noted that a free AML webinar would take place on 17 February.

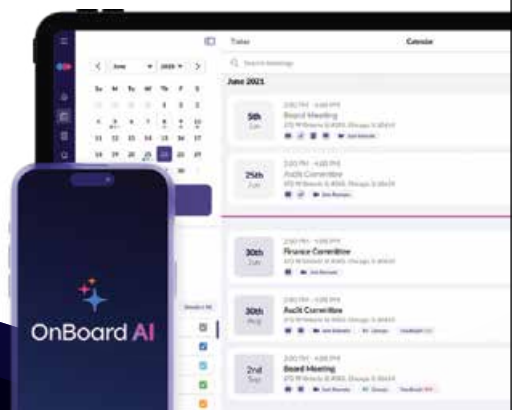


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## Sales where first registration is pending in the Land Registry

During recent webinars co-hosted by Tailte Éireann (TÉ) and the Law Society, members of the Conveyancing Committee and TÉ's Land Registry officials discussed the registry's processes where a property is sold while an application for compulsory first

registration of that property's title is awaiting registration in the Land Registry.

As first registration applications can sometimes take a considerable time to complete, the Conveyancing Committee often receives queries concerning the appropriate practice

to be followed where a sale is to take place prior to completion of first registration, and now offers guidance. See [www.lawsociety.ie/solicitors/knowledge-base/practice-notes/sales-where-first-registration-is-pending-in-the-land-registry](http://www.lawsociety.ie/solicitors/knowledge-base/practice-notes/sales-where-first-registration-is-pending-in-the-land-registry).

## Authorised signatories on client account

This practice note reminds solicitors of their obligations under regulation 9(5) of the *Solicitors Accounts Regulations 2023* in relation to authorised signatories on client accounts and the steps required where non-compliance has been identified. It is intended for partners and sole practitioners responsible for the operation and oversight of client accounts.

### Core requirement

Under regulation 9(5), an 'authorised signatory' on the client account must be a solicitor who is a partner in the firm or the sole practitioner, holding a current practising certificate.

Only such an authorised signatory may act as sole signatory in relation to client account cheques and electronic funds transfer transactions.

Payments from a client account, either by cheque or electronic funds transfer, must not be conducted solely by a staff member or only by staff members who are not a partner or sole practitioner, as this constitutes a breach of regulation 9 of the *Solicitors Accounts Regulations 2023*. The firm must ensure that its bank mandate for the client account fully reflects the

authorised signatory requirements under regulation 9(5).

### Staff as co-signatories

Regulation 9(5)(b) permits a staff member to act as an authorised co-signatory on the client account where there is more than one authorised signatory for the payment, provided that at least one of the authorised signatories is a solicitor who is a partner or sole practitioner with a practising certificate in force.

Staff must not have unrestricted access to client funds, and a non-solicitor must never act as the sole signatory on client account cheques or electronic transfers, save in exceptional circumstances authorised in writing by the Law Society of Ireland under regulation 9(5)(c).

### Where breach identified

Where it is found that payments from the client account, either by cheque or electronic transfer of funds, have been conducted by a staff member who is not a partner or sole practitioner acting as sole signatory, the firm must treat this as a breach of regulation 9(5)(a) and take immediate remedial action.

The partners or sole practitioner should promptly update the bank mandate on the client account to

ensure that only an authorised signatory (partner or sole practitioner) is recorded as sole signatory for cheques and electronic transfers, with any staff member listed only as a co-signatory in accordance with regulation 9(5)(b).

### Scope of the obligation

The obligation in regulation 9(5) relates solely to the client account and does not extend to the firm's office account.

Firms should nonetheless document clearly, in their internal procedures and bank mandates, the distinction between client and office account signatories to support effective compliance-monitoring and to demonstrate proper control over client moneys.

The requirements of regulation 9 apply to all payments being made or effected from the client bank account.

### Exceptional applications

Regulation 9(5)(a) provides that an authorised signatory on the client account must be a solicitor who is a partner in the firm or the sole practitioner, holding a practising certificate in force. Applications that seek to depart from this central requirement and request



authorisation for a non-solicitor to act as a sole authorised signatory fall to be considered by the Regulation of Practice Committee.

The committee has confirmed that the reference to an 'authorised signatory' in regulation 9(5)(a) is to a solicitor authorised under the bank mandate to sign cheques or conduct and execute electronic funds transfers on the client account themselves.

The Law Society considers it best practice to operate dual authorisation in accordance with regulation 9(5)(b). Many firms already adopt this approach. In such systems, data entry is normally carried out by accounting staff, with the solicitor-signatories (being a partner or sole practitioner) approving the payments. While some additional tasks may arise for one signatory – for example, approval of new account payees – dual authorisation does not require extensive data input by solicitors (being a partner or sole practitioner).

Exceptional circumstances

Regulation 9(5)(c) allows the Law Society, in exceptional circumstances, to authorise a person who is not a solicitor within the meaning of regulation 9(5)(a) to act as a sole authorised signatory on the client account.

The Regulation of Practice Committee will assess such applications strictly on a case-by-case basis. The committee has emphasised that:

- The threshold for approval is high,
• This pathway is not appropriate for most firms,
• Approval will only be granted where a firm demonstrates exceptional, well-documented controls and justification,
• Approval may only be granted for a defined period of time – that is, the duration of the exceptional circumstance.

Criteria for consideration

A firm applying under regulation 9(5)(c) must demonstrate, through

documented procedures, that all of the following safeguards are in place:

- The person proposed to conduct transactions is either (a) a solicitor with a current practising certificate, or (b) a member of one of the accountancy bodies listed in regulation 26(4),
• The firm maintains a documented accounting system with robust internal controls designed to prevent unauthorised withdrawals, including appropriate segregation of duties,
• The firm uses two-factor authentication for electronic payment methods,
• All transactions are executed only upon documentary evidence of approval by a partner in the firm,
• An insurance policy is in place to compensate clients in the event of fraud by a non-solicitor signatory.

Application procedure

Any firm wishing to apply for authorisation under regulation 9(5)(c) for a non-solicitor to act as a sole authorised signatory must submit a written application to the Financial Regulation Section of the Law Society's Regulation Department.

The application must include:

- A statement of the exceptional circumstances,
• Full details of the firm's internal controls for making, processing, and execution of payments on the client account, as well as the recording of same, and
• A copy of the relevant insurance policy in place to compensate clients in the event of a loss arising from fraud by a non-solicitor signatory.

The Society reiterates that such applications will only be granted where the firm can demonstrate a compelling and exceptional justification supported by strong internal controls.

Client-account protections

The sharing of online banking log-in/authorisation credentials between staff members should not occur – each staff member should have their

own log-in credentials to ensure that payments are only effected in accordance with regulation 9 and to ensure that proper controls are adhered to.

The Law Society's practice note 'Misappropriation by employees in solicitors' practices' highlights that weak payment controls and unsupervised staff access to client funds have been recurring factors in misappropriation cases. Firms should therefore ensure that the authorised signatory requirements under regulation 9 are strictly implemented and that appropriate checks – such as two-factor authorisation – are consistently applied as a safeguard against misuse of client moneys.

The firm's bank mandates for both cheque payments and online banking arrangements should be reviewed to ensure that these both comply with the requirements of regulation 9. It is not compliant with the regulations for a bank mandate to authorise or facilitate payments that would breach the provisions of regulation 9. This applies irrespective of any internal payment procedures adopted by the firm, even where such procedures may themselves be consistent with the regulations.

During regulatory inspections, confirmation of the firm's bank mandates and authorised signatories may be sought by an authorised person. These particulars must also be recorded in the firm's bank account register, as required under the regulations.

As noted above, recommended best practice is to operate dual authorisation of electronic payments – this ensures an additional layer of checks and controls in making electronic payments from the client account.

Prior to payments being executed from the client account, the client ledger should be reviewed to ensure that there are sufficient funds being held to the credit of that client to which the payment relates. [Icon]

## NOTICES: THE HIGH COURT

**In the matter of Eugene Kearns, a solicitor practising as Eugene P Kearns Solicitors at 10 Lower Abbey Street, Dublin 1, and in the matter of the Solicitors Acts 1954-2015 [H SA 2026 2]**

Take notice that, by order of the High Court made on 16 February 2026, it is ordered that Eugene Kearns, solicitor, practising as Eugene P Kearns Solicitors at 10 Lower Abbey Street, Dublin 1, is suspended from

practice from 16 February 2026 and is prohibited from holding himself out as a solicitor entitled to practise until further order of the court.

**In the matter of Louise Ní Ealaithe, a solicitor practising as Louise Healy Solicitors, Western Road, Clonakilty, Co Cork, and in the matter of the Solicitors Acts 1954-2015 [2025 no 72SA]**

Take notice that, by order of the High

Court made on 2 March 2026, it is ordered that Louise Ní Ealaithe, solicitor, practising as Louise Healy Solicitors, Western Road, Clonakilty, Co Cork, is suspended from practice from 2 March 2026 until further order and is prohibited from holding herself out as a solicitor entitled to practise until further order of the court.

*Niall Connors, Registrar of Solicitors, Law Society of Ireland.*

TRIBUNAL REPORTS

## Legal Practitioners Disciplinary Tribunal

REPORTS OF THE OUTCOMES OF LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL INQUIRIES ARE PUBLISHED, IN SUCH MANNER AS THE LEGAL SERVICES REGULATORY AUTHORITY CONSIDERS APPROPRIATE, AS PROVIDED FOR IN SECTION 88 OF THE *LEGAL SERVICES REGULATION ACT 2015*

**In the matter of Aiden Desmond (solicitor number S8859), currently practising at Dennis Healy & Co, 6 Anglesea Villas, Anglesea Street, Cork, and in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority to the Legal Practitioners Disciplinary Tribunal, and in the matter of the Legal Services Regulation Act 2015 [2024-LPDT10]**

**Complaints Committee of the Legal Services Regulatory Authority (applicant) Aiden Desmond (respondent)**

By determination dated 20 March 2025, the Legal Practitioners Disciplinary Tribunal found the respondent guilty of professional misconduct in that he:

- 1) Failed to register the complainants' interest in their apartment, no 4 Adelphi House, Upper George's Street, Dun Laoghaire, Co Dublin, in the

- Land Registry, at all or within a reasonable time period,
- 2) Failed to communicate adequately with the complainant at all or within a reasonable time period,
  - 3) Failed to reply to correspondence from the solicitor, Tom Conlon, who had been retained by the complainants, at all or within a reasonable period.

The tribunal ordered that:

- 1) The respondent be censured, pursuant to section 82(1)(c) of the act,
- 2) Pursuant to section 82(1)(i) of the act, the respondent legal practitioner pay the sum of €2,500 as part restitution to the complainants, Mr and Mrs Oberauer, such sum to be paid within 18 months of 13 February 2025 (this is unconnected with the €1,000 already paid to the complainants),
- 3) Pursuant to section 82(1)(j) of the act, the respondent legal

practitioner pay the sum of €7,500 towards the costs of the applicant, such sum to be paid within a period of 18 months of 13 February 2025.

**In the matter of Sheila Feeney (solicitor number S5682), currently practising at Con O'Leary & Co, Solicitors, 6 The Mall, Leixlip, Co Kildare, and in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority to the Legal Practitioners Disciplinary Tribunal, and in the matter of the Legal Services Regulation Act 2015 [2025-LPDT05]**

**Complaints Committee of the Legal Services Regulatory Authority (applicant) Sheila Feeney (respondent)**

By determination dated 3 December 2025, the Legal Practitioners Disciplinary Tribunal found the respondent guilty of professional misconduct in that she failed to



## TRIBUNAL REPORTS

comply with the undertaking dated 11 December 2019 given by her in her capacity as solicitor for Liam Reilly and Geraldine Reilly to the complainant in her capacity as solicitor for Kildare County Council.

The tribunal ordered that the respondent:

- 1) Be admonished, pursuant to section 82(1)(b) of the act,
- 2) Is directed to pay, within six weeks from 6 November 2025, a sum of €2,029.50 as restitution to the complainant, Jane Harte, without prejudice to any legal right of Ms Harte, pursuant to section 82(1)(i) of the act,
- 3) Is directed to pay €12,970.50 to the LSRA as a contribution towards the applicant's costs within six months of 6 November 2025, pursuant to section 82(1)(j) of the act.

**In the matter of Jacqueline Sharkey (solicitor number S7760), currently practising at O'Donnell and Sweeney, Dungloe, Co Donegal, and in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority to the Legal Practitioners Disciplinary Tribunal, and in the matter of the**

### **Legal Services Regulation Act 2015 [2025-LPDT57]**

#### **Complaints Committee of the Legal Services Regulatory Authority (applicant)**

#### **Jacqueline Sharkey (respondent)**

By determination dated 8 January 2026, the Legal Practitioners Disciplinary Tribunal found the respondent guilty of professional misconduct within the definition of misconduct contained within section 3(1) of the *Solicitors (Amendment) Act 1960* (as amended by section 7 of the *Solicitors (Amendment) Act 2002*) and, in particular, subsection (e) thereof and/or section 50(1) the act and, in particular, subsection (h) thereof, in that she:

- 1) Failed to arrange compliance, either at all or within an adequate timeframe, with the undertaking dated 11 March 2013 given to Sweeney McHugh Solicitors,
- 2) Failed to ensure that there was appropriate engagement with Sweeney McHugh Solicitors in response to correspondence received from Sweeney McHugh Solicitors following completion of the purchase in or around March 2013.

The tribunal ordered that the respondent:

- 1) Be censured, pursuant to section 82(1)(c) of the act,
- 2) Is hereby directed, within seven months of the date of the inquiry, to participate in two modules of a professional competence scheme, being (a) webinar - 'Applications - what can go wrong? Preparing applications' (offered by the CPD Board), and (b) 'Ethics and professional conduct webinar', with La Touche (this direction is made pursuant to section 82(1)(d) of the act and is in addition to the respondent legal practitioner's annual continual professional development requirements),
- 3) Is directed to comply with her undertaking of 11 March 2013 and provide updates to the Legal Services Regulatory Authority every three months until the matter has been satisfactorily resolved by completion of registration, pursuant to section 82(1)(g) of the act,
- 4) Is directed to pay the sum of €5,000 as a contribution towards the costs of the applicant, pursuant to section 82(1)(j) of the act, such sum to be discharged by the respondent within six months of the date of the inquiry.

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## WILLS

**Aylward, Mary (deceased)**, late of Valley Lodge, Vale Road, Arklow, Co Wicklow, who died on 6 December 2025. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact Oliver P Morahan & Son LLP, Unit E1 Westpoint, Altamont Street, Westport, Co Mayo; tel: 098 25075

**Bowden, John (deceased)**, late of Sheetland Road, Termonfeckin, Co Louth, and 6 Crawford Street, Unit 6B, Cambridge, MA 02139, USA, who died on 3 November 2023. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact Branigan & Matthews, Solicitors, 33 Laurence Street, Drogheda, Co Louth; DX 177006; tel: 041 983 8726, email: [estella@branmatt.ie](mailto:estella@branmatt.ie)

**Burns, Hugh Patrick (deceased)**, late of 19 Heskin Court, Elm Park, Merrion Road, Dublin 4, who died on 17 November 2015. Would any person holding or having any knowledge of a will made by the above-named deceased please contact Kevin Neary, Donnelly Neary & Donnelly Solicitors, 1 Downshire Road, Newry, Co Down, BT34 1ED; tel: 028 302 64611, email: [kevin@dndlaw.com](mailto:kevin@dndlaw.com)

**Carr (née Hurley), Eileen (deceased)**, late of HSE Dalkey Community Nursing Home, Kilbegnet Close, Dalkey, Co Dublin, and formerly of 13 Riverside, Kilcoole, Co Wicklow, who died on 6 December 2025. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact MacSweeney & Co Solicitors, 22 Eyre Square, Galway; tel: 091 532 532, email: [info@macsweeneylaw.com](mailto:info@macsweeneylaw.com)

## PROFESSIONAL NOTICE RATES

### RATES IN THE PROFESSIONAL NOTICES SECTION ARE AS FOLLOWS:

- **Wills** - €163 (incl VAT at 23%)
- **Title deeds** - €325 per deed (incl VAT at 23%)
- **Employment/miscellaneous** - €163 (incl VAT at 23%)

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ALL NOTICES MUST BE PAID FOR PRIOR TO PUBLICATION. ALL NOTICES MUST BE EMAILED TO [catherine.kearney@lawsociety.ie](mailto:catherine.kearney@lawsociety.ie) and PAYMENT MADE BY ELECTRONIC FUNDS TRANSFER (EFT). The Law Society's EFT details will be supplied following receipt of your email.

**Deadline for the May 2026 Gazette is Wednesday 15 April 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*.

**Crowley, Joseph (or se Joe, or se Joseph Patrick) (deceased)**, late of Friarsfield, Tipperary Town, Co Tipperary, and Curraghpoor, Donaskeigh, Co Tipperary, who died on 3 June 2025. Would any person having knowledge of the whereabouts of a will made by the above-named deceased please contact Donal T Ryan Solicitors LLP, 89/90 Main Street, Cashel, Co Tipperary; tel: 062 61288, email: [amodonnell@dtryan.ie](mailto:amodonnell@dtryan.ie)

**Dooley, Esther (deceased)**, late of Ballyglisheen, Drumashellig, Ballyroan, Co Laois, who died on 24 January 2021. 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 Messrs James E Cahill & Co, Solicitors, Market Square, Abbeyleix, Co Laois; tel: 057 873 1246, email: [donalwdunne@securemail.ie](mailto:donalwdunne@securemail.ie)

**Duffy, Emma Louise (deceased)**, late of 38 Bray Road, Loughlinstown, Dublin 18, and Urbanización Hacienda Los Olivos, 86 CP 41927, Mairena del Aljarafe (Seville), Spain, who died on 2 April 2006. Would any person having any 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 McKeever Rowan, Solicitors, 8 Exchange Place, IFSC, Dublin 1; tel: 01 859 0100, email: [hkhosa@mckr.ie](mailto:hkhosa@mckr.ie)

**Furlong, Lee (deceased)**, late of 13 The Bullawn, New Ross, Co Wexford, and formerly of Beaufort House, Mountgarrett, New Ross, Co Wexford, who died on 20 February 2026. Would any person having knowledge of the whereabouts of a will of the above-named deceased please contact O'Neill Law, Solicitors, The Coach House, Marsh Lane, New Ross, Co Wexford, Y34 RF38; DX 37007 New Ross; tel: 051

448 237, email: [info@oneilllaw.ie](mailto:info@oneilllaw.ie)

**Hartnett, John (deceased)**, late of Brownhill Road, Carlow, who died on 27 July 2025. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact Justin Cody, James Cody & Sons LLP, Solicitors, The Parade, Bagenalstown, Co Carlow; tel: 059 972 1303, email: [jcody@jamescody.ie](mailto:jcody@jamescody.ie)

**Keating, John (deceased)**, late of 16 Park Drive Lawn, Castleknock, Dublin 15, formerly of 12 Ormond Road, Rathmines, Dublin 6, who died on 3 December 2025. Would any person having

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knowledge of the whereabouts of a will made by the above-named deceased, or if any firm is holding same or was in recent contact with the deceased regarding his will, please contact Eamonn J Walsh & Co, Solicitors, 68 Middle Abbey Street, Dublin 1; tel: 01 440 7392, email: [info@ejwalshsolicitors.ie](mailto:info@ejwalshsolicitors.ie)

**Killilea, Nora (deceased)**, late of Shrewsbury House Nursing Home, 164 Clonliffe Road, Drumcondra, Dublin 3, formerly of 34 St Bricin's Park, Arbour Hill, Dublin 7, who died on 26 August 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 Mellotte O'Carroll Solicitors LLP, Neale House, Mountbellew, Co Galway; tel: 090 649 2692, email: [info@mocsolicitors.ie](mailto:info@mocsolicitors.ie)

**Kilroy, Thomas Joseph (deceased)**, late of 10b Henrietta House, Dublin 7, who died on 24 October 2025. Would any person having knowledge of any will made by the above-named deceased, or if any firm is holding same or was in recent contact with the deceased regarding his will, please contact Amorys Solicitors LLP, Suite 10, The Mall, Beacon Court, Sandyford Business Park, Dublin, D18 RX03, tel: 353 1 213 5940, email: [info@amoryssolicitors.com](mailto:info@amoryssolicitors.com)

**MacCormac, Una (deceased)**, late of 9 Ard Ri Place, Arbour Hill, Dublin 7, who died on 25 October 2022. Would any person having

knowledge of the whereabouts of any will made by the above-named deceased please contact ME Hanahoe, Solicitors, 21 Parliament Street, Dublin 2; tel: 01 677 2353, email: [info@hanahoe.ie](mailto:info@hanahoe.ie)

**McNally, Rita (deceased)**, late of 287 Kilbarrack Road, Raheny, Dublin 5, who died on 24 October 2020. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact Aislinn Greene, Gaffney Mullins & Co, Solicitors, Artane Roundabout, Malahide Road, Artane, Dublin 5; tel: 01 851 2264, fax: 01 831 5726, email: [agreene@gaffneymullins.com](mailto:agreene@gaffneymullins.com)

**Penny, Rupert (Rubert) Desmond (deceased)**, late of 29 Shanard Avenue, Santry, Dublin 9, who died on 30 October 2024. Would any person having any 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 Liston & Co, Solicitors, Argyle House, 103/1055 Morehampton Road, Donnybrook, Dublin 4; DX 226001 Morehampton 2; tel: 01 668 5557; email: [anne@wtliston.ie](mailto:anne@wtliston.ie)

**Valentine, Hannah (deceased)**, late of Kilcullen, Co Kildare, who died on 29 August 1979. Would any person have knowledge of the whereabouts of the original will dated 13 June 1978 made by the above-named deceased please contact Sandra Casey, Ivor

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**Wynne, Matt (Mathias) (deceased)**, late of Derryknockeran, Cloonloo, Boyle, Co Roscommon, who was born on 9 November 1923 and who died on 2 April 1997. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact Maura Crowley, tel: 083 007 0139, email: [mauracrowley6@gmail.com](mailto:mauracrowley6@gmail.com)

TITLE DEEDS

**In the matter of the Landlord and Tenant Acts 1967-2019, and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978, and in the matter of an application by John McKenna, the leasehold owner of 73 Ranelagh Road**

Any person having a freehold estate or any intermediate interest in all that and those the premises the subject of an indenture of lease dated 13 August 1862 between Henry Read of the one part and Teresa Rooney of the other part, whereby "all that lot or piece of ground situate on Ranelagh Road, formerly called Upper Charlemont Street in the county of Dublin in the Manor of Saint Sepulchre, on which

the dwellinghouses known as numbers 72, 73, 74 and 75 Euston Terrace now stand", which dwellinghouses are now known as numbers 72, 73, 74 and 75 Ranelagh Road, was demised to Teresa Rooney for a term of 200 years subject to an annual rent of £17, 12 shillings, and to the covenants on the part of the lessee and conditions contained therein.

Take notice that John McKenna, the leasehold owner of 73 Ranelagh Road, being the person entitled to the lessee's interest in 73 Ranelagh Road, intends to apply to the county registrar of the county of Dublin to vest in it the fee simple and any intermediate interests therein, and any party asserting that they hold a superior interest in this premises 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, John McKenna, the leasehold owner of 73 Ranelagh Road, 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

including the freehold reversion in the sublease premises are unknown or unascertained.

**Date:** 3 April 2026

**Signed:** *McGroddy Brennan (solicitors for the applicant), 12/15 Killelland Street, Ashbourne Town Centre, Co Meath*

**In the matter of the Landlord and Tenant Acts 1967-2005, and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978, and in the matter of certain premises situate at Glencullen House, Kylemore Road, Inchicore, Dublin 10, and in the matter of an application by Fargo Propco Limited**

Take notice any person having a freehold interest or any intermediate interest in all that and those the lands more particularly described in Folio DN156092L, together with the buildings standing thereon, being the lands and premises known as Glencullen House and situate on Kylemore Road in Inchicore, Dublin 10, held under a lease dated 16 September 1964 between (1) Precision Alloys Limited and (2) Electra Limited for a term of 147 years from 25 March 1964, less three days, and the rent therein reserved of £410, and to the covenants conditions and stipulations therein, which lands comprised in and demised by the lease are therein described as "all that plot of ground at Ring Road Ballyfermot in the city of Dublin as is delineated on the plan hereto annexed and is thereon coloured red and containing three acres, 38 perches, 14 square yards or thereabouts, statute measure".

Take notice that Fargo Propco Limited intends to submit an application to the county registrar for the county of Dublin for the acquisition of the freehold interest and

any intermediate interest in the aforesaid property, and any party asserting that they hold a superior interest(s) in the aforesaid property are called upon to furnish evidence of the title to the aforementioned property to the below named within 21 days from the date of this notice.

In default of any such notice being received, Fargo Propco Limited intends to proceed with the application before the county registrar for the county of Dublin at the end of 21 days from the date of this notice and will apply to the county registrar for the county of Dublin for directions as may be appropriate on the basis that the persons beneficially entitled to the superior interest including the freehold reversion in the aforesaid property are unknown or ascertained.

**Date:** 3 April 2026

**Signed:** *A&L Goodbody (solicitors for the applicant), 25 North Wall Quay, Dublin 1*

**In the matter of the Landlord and Tenant (Ground Rents) Acts 1967-2019, and in the matter of an intended application pursuant to section 17 of the Landlord and Tenant (Ground Rent) Acts 1967, and in the matter of an application by Richard O'Connor**

Take notice that the above-named applicant intends to acquire the fee simple interest in all that and those the dwellinghouse and premises known as no 32 Athlunkard Street in the city of Limerick, being part of the subject of an indenture of lease dated 18 July 1838 between the Earl of Limerick of the one part and William Henshaw Owen of the other part for a term of 999 years from 25 March 1838, subject to a yearly rent of £15; the subject of an indenture dated 22 December 1954 between May de Courcy as lessor of the one part and John Griffin as lessee of the other part for a term of 99

years from 25 September 1954, subject to a yearly rent of £11; and whereas the lessors and their successors in title are unknown and unascertained and/or cannot now be found.

Take notice that the applicant will apply to the county registrar sitting at the Courthouse, Merchants Quay, Limerick, at 10am on 21 April 2026, for the following orders: (a) an order confirming that the applicant is entitled to acquire the fee simple interest in the premises; (b) an order determining the purchase price payable in respect of same; (c) an order appointing an officer of the court to execute the conveyance to the applicant of the fee simple interest in the premises; (d) an order confirming the person or persons entitled to receive the said purchase monies and amount thereof, that each is to receive; and take notice that any person having or claiming entitlement to the superior interest therein or any person having knowledge of the whereabouts of any such person should forward particulars thereof within 21 days of the date hereof to or to the undersigned.

**Date:** 3 April 2026

**Signed:** *Leahy Reidy LLP (solicitors for the applicants), Park Manor, Upper Mallow Street, Limerick*

**Notice of intention to acquire the fee simple: in the matter of the Landlord and Tenant (Ground Rents) Acts 1967-2019, and in the matter of part II of the Landlord and Tenant (Ground Rents) (No 2) Act 1978, and in the matter of an application by Fr Patrick Joseph O'Driscoll, and in the matter of property at 5 Clancy Street, Fermoy, Co Cork**

Take notice any person having an interest in any estate in the above property that Fr Patrick Joseph O'Driscoll intends to submit an application to the county registrar of the county of Cork 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 are 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 a transfer order made between Fermoy Urban District Council of the one part and John L O'Sullivan of the other part, should provide evidence to the below named.

In default of such information being received by the applicant, the applicant intends to proceed with the application before the county registrar and will apply to the county registrar for the county of Cork 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:** 3 April 2026

**Signed:** *MJ O'Callaghan & O'Keefe LLP (solicitors for the applicant), New Market Square, Mitchelstown, Co Cork*

**Notice of intention to acquire the fee simple: in the matter of the Landlord and Tenant (Ground Rents) Acts 1967-2019, and in the matter of part II of the Landlord and Tenant (Ground Rents) (No 2) Act 1978, and in the matter of an application by Daniel Scannell, and in the matter of property at 6B Clancy Street, Fermoy, Co Cork**

Take notice any person having an interest in any estate in the above property that Daniel Scannell intends to submit an application to the county registrar of the county of Cork 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



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interest in the property are 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 a transfer order made between Fermoy Urban District Council of the one part and Michael Delaney of the other part, should provide evidence to the below named.

In default of such information being received by the applicant, the applicant intends to proceed with the application before the county registrar and will apply to the county registrar for the county of Cork 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: 3 April 2026**

**Signed: MJ O'Callaghan & O'Keefe LLP (solicitors for the applicant), New Market Square, Mitchelstown, Co Cork**

**In the matter of the Landlord and Tenant (Ground Rents) Act 1967-1984 and in the matter of the premises situate at Main Street, Leixlip, in the county of Kildare: Hannigan Holdings Properties (applicant)**

Take notice that the applicant herein intends to apply to the

county registrar sitting at the Courthouse, Naas, in the county of Kildare, on 27 July 2026 at 2pm, for the following reliefs: (1) an order to determine whether the applicant herein has the right as incident to its existing leasehold interest to acquire the fee simple in the premises described in the schedule hereto, together with any intermediate leasehold interests; (2) an order determining the purchase price of the said fee simple and any intermediate leasehold interests; (3) if necessary, an order apportioning such purchase in fee simple, together with any superior intermediate leasehold interests; (4) if necessary, an order pursuant to section 18 of the *Landlord and Tenant (Ground Rents) Act 1967* appointing an officer of the court to execute any conveyance or assignment of the fee simple or any intermediate leasehold interests (if necessary); (5) further or other relief, which application is to be grounded on the affidavit of Parick Gerard Hannigan sworn on 4 September 2018, the nature of the case and the reasons to be offered.

*Schedule:* all that and those the premises known as the Middle Shop Licensed Premises, Main Street, Leixlip, in the county of Kildare, shown outlined in red on map 1 attached hereto and thereon edged in red.

**Date: 3 April 2026**

**Signed: LC O'Reilly Timmins & Co (solicitors for the applicant), The Harbour, Kilcock, Co Kildare**

**In the matter of the Landlord and Tenant (Ground Rents) Act 1967-2007 and in the matter of the premises at Leixlip in the county of Kildare County Council: estate of Patrick Hannigan (deceased) (applicant)**

Take notice that the applicant herein intends to apply to the county registrar sitting at the Courthouse, Naas, in the county of Kildare, at 2pm on 27 July 2026 for the following reliefs: (1) an order to determine whether the applicant has, pursuant to his existing entitlement in the premises described in the schedule hereto (the premises), an entitlement to enlarge his existing leasehold interest into a fee simple and for that purpose to acquire the said fee simple and any intermediate leasehold interest; (2) an order determining the price to be paid by the applicant for the said fee simple and any intermediate leasehold interest and apportioning same if necessary; (3) if necessary, an order pursuant to section 8 of the *Landlord and Tenant (Ground Rents) Act 1967* apportioning an officer of the court to convey on behalf of any unknown or unascertained person entitled to any superior interest in the premises; (4) further or other relief, which application is to be grounded upon the notice of intention to acquire the fee simple dated 19 June 2019, the opinion of James Dwyer SC, the nature of the case, and the reasons to be offered.

*Schedule:* all that and those the rooms located on the first floor above the Middle Shop Licensed Premises, shown outlined in red on the map attached hereto and marked with the letter 'B' together with the roof and all structures above same.

**Date: 3 April 2026**

**Signed: LC O'Reilly Timmins & Co (solicitors for the applicant), The Harbour, Kilcock, Co Kildare**

**In the matter of the Landlord and Tenant (Ground Rents) Act 1967-2007 and in the matter of the premises at Leixlip in the county of Kildare County Council: estate of Patrick Hannigan (deceased) (applicant)**

Take notice that the applicant herein intends to apply to the county registrar sitting at the Courthouse, Naas, in the county of Kildare, at 2pm on 27 July 2026, for the following reliefs: (1) an order to determine whether the applicant has, pursuant to his existing entitlement in the premises described in the schedule hereto (the premises), an entitlement to enlarge his existing leasehold interest into a fee simple and for that purpose to acquire the said fee simple and any intermediate leasehold interest; (2) an order determining the price to be paid by the applicant for the said fee simple and any intermediate leasehold interest and apportioning same if necessary; (3) if necessary, an order pursuant to section 8 of the *Landlord and Tenant (Ground Rents) Act 1967* apportioning an officer of the court to convey on behalf of any unknown or unascertained person entitled to any superior interest in the premises; (4) further or other relief, which application is to be grounded upon the notice of intention to acquire the fee simple dated 19 June 2019, the opinion of James Dwyer SC, the nature of the case, and the reasons to be offered.

*Schedule:* all that and those all buildings and yards situate at the rear of the Middle Shop Licensed Premises, Leixlip, Co Kildare, shown outlined in red on the map attached hereto and marked with the letter 'A', together with the

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or 0862470169

right of way serving as shown on the map annexed hereto coloured yellow thereon.

**Date:** 3 April 2026

**Signed:** LC O'Reilly Timmins & Co (solicitors for the applicant), The Harbour, Kilcock, Co Kildare

**In the matter of the Landlord and Tenant (Ground Rents) Acts 1967-2019 – notice requiring information from a lessor: to Solomon Newsom, late of the city of Cork; Phoebe Ellen Margaret Parfitt, late of Braeside, Midhope Road, Woking, in the county of Surrey, England; their executors, administrators, successors or assigns**

*Description of the lands to which the notice refers:* all that and those the land, hereditaments, and premises known as 95 Lower Glanmire Road, Cork, as more particularly described in Folio CK30464L of the register of leaseholders; *particulars of the lease or tenancy:* held under (1) a lease for the term of 900 years agreed between Solomon Newsom and Strettle Jackson, to run from 29 September 1791; (2) A sublease for the term of 99 years agreed between Phoebe Ellen Margaret Parfitt and Jerome B Casey to run from 29 September 1949; *part of the lands excluded:* none.

Take notice that SCS Asset Property and Management Limited, being the person entitled under the above-

mentioned acts, as amended, proposes to purchase the fee simple and all intermediate interest in the lands described in the foregoing paragraphs and requires you to give us, within a period of one month after service of this notice on you, the following information: (a) nature and duration of your reversion in the land; (b) nature of any encumbrance on your reversion in the land; (c) name and address of (i) the person entitled to the next superior interest in the land and (ii) the owner of any such encumbrance; (d) the owner of the fee simple interest in the land and any other intermediate interest or encumbrance.

**Date:** 3 April 2026

**Signed:** O'Donovan Murphy & Partners (solicitors for the applicant), The Quay, Bantry, Co Cork

**In the matter of the Landlord and Tenant (Ground Rents) Acts 1967-2019 – notice requiring information from a lessor: to Solomon Newsom, late of the city of Cork, their executors, administrators, successors, or assigns**

*Description of the lands to which the notice refers:* all that and those the land, hereditaments and premises known as 96 Lower Glanmire Road, Cork, as more particularly described in Folio 30781L of the register of leaseholders; *particulars of the lease or tenancy:* held under

(1) a lease for the term of 900 years agreed between Solomon Newsom and Strettle Jackson, to run from 29 September 1791; *part of the lands excluded:* none.

Take notice that SCS Asset Property and Management Limited, being the person entitled under the above-mentioned acts, as amended, proposes to purchase the fee simple and all intermediate interest in the lands described in the foregoing paragraphs and requires you to give us, within a period of one month after service of this notice on you, the following information: (a) nature and duration of your reversion in the land; (b) nature of any encumbrance on your reversion in the land; (c) name and address of (i) the person entitled to the next superior interest in the land and (ii) the owner of any such encumbrance; (d) the owner of the fee simple interest in the land and any other intermediate interest or encumbrance.

**Date:** 3 April 2026

**Signed:** O'Donovan Murphy & Partners (solicitors for the applicant), The Quay, Bantry, Co Cork

**In the matter of the Landlord and Tenant (Ground Rents) Acts 1967-2019 – notice requiring information from a lessor: to Solomon Newsom, late of the city of Cork, their executors, administrators, successors, or assigns**

*Description of the lands to which the notice refers:* all that and those the land, hereditaments and premises known as 97 Lower Glanmire Road, Cork, as more particularly described in Folio 30780L of the register of leaseholders; *particulars of the lease or tenancy:* held under (1) a lease for the term of 900 years agreed between Solomon Newsom and Strettle Jackson, to run from 29 September 1791; *part of the lands excluded:* none.

Take notice that SCS Asset Property and Management Limited, being the person entitled under the above-mentioned acts, as amended, proposes to purchase the fee simple and all intermediate interest in the lands described in the foregoing paragraphs and requires you to give us, within a period of one month after service of this notice on you, the following information: (a) nature and duration of your reversion in the land; (b) nature of any encumbrance on your reversion in the land; (c) name and address of (i) the person entitled to the next superior interest in the land and (ii) the owner of any such encumbrance; (d) the owner of the fee simple interest in the land and any other intermediate interest or encumbrance.

**Date:** 3 April 2026

**Signed:** O'Donovan Murphy & Partners (solicitors for the applicant), The Quay, Bantry, Co Cork

**In the matter of the Landlord and Tenant (Ground Rents) Acts 1967-2019 – notice requiring information from a lessor: to Swithin White, late of the city of Cork, their executors, administrators, successors, or assigns**

*Description of the lands to which the notice refers:* all that and those the land, hereditaments, and premises known as 98 Lower Glanmire Road, Cork, as more particularly described in Folio 30779L of the register of leaseholders; *particulars of the lease or tenancy:* held under (1) a lease for the term of 997 years agreed between Swithin White and Joseph Austin, to run from 25 March 1747; *part of the lands excluded:* none.

Take notice that SCS Asset Property and Management Limited, being the person entitled under the above-

mentioned acts, as amended, proposes to purchase the fee simple and all intermediate interest in the lands described in the foregoing paragraphs and requires you to give us within a period of one month after service of this notice on you, the following information: (a) nature and duration of your reversion in the land; (b) nature of any encumbrance on your reversion in the land; (c) name and address of (i) the person entitled to the next superior interest in the land and (ii) the owner of any such encumbrance; (d) the owner of the fee simple interest in the land and any other intermediate interest or encumbrance.

**Date: 3 April 2026**

**Signed: O'Donovan Murphy & Partners (solicitors for the applicant), The Quay, Bantry, Co Cork**

**Notice of intention to acquire the fee simple: 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, and in the matter of an application by Margaret Rowe, and in the matter of property situate at Graball Bay, Crosshaven, in the county of Cork**

Take notice that any person having an interest in any estate in the above property that Margaret Rowe intends to submit an application to the county registrar of the county of Cork for the acquisition of the fee simple interest and all intermediate interests 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 property, which was previously demised by lease of 3

December 1959 made between Mary Leahy as lessor and John O'Driscoll as lessee, which is now held by the applicant as tenant from year to year, should provide evidence to the below named.

In default of such information being received, the applicant intends to proceed with the application before the county registrar and will apply to the county registrar for the county of Cork 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: 3 April 2026**

**Signed: Whelan Solicitors LLP (solicitors for the applicant), Grattan Court, Washington Street West, Cork**

**In the matter of the Landlord and Tenant 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 the property known as 57 O'Connell Street in the parish of St Michael and city of Limerick, V94K2AD: an application of Eddie Punch**

Take notice that any person having any interest in the freehold and/or intermediate estates in the above property, being part of the property demised by an lease dated 15 August 1930 from Henry Grant Wilkinson to Lizzie Sheehy for the term of 99 years from 1 May 1930, subject to the yearly rent of €75 and the covenants on the part of the lessee and conditions contained in the lease.

Take notice that Eddie Punch, being the person now holding the leasehold interest in the said property under the said lease, intends to apply to the county registrar for the county of Limerick for the acquisition of the freehold and any intermediate interest(s) in the said property,

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and any party or parties asserting that they hold a superior interest in the property are called upon to furnish evidence of title to the property to the below named within 21 days from the date of this notice.

In default of any such notice being received, Eddie Punch intends to proceed with the application before the county registrar at the end of 21 days from the date of this notice and will apply to the county registrar for such orders or directions as may be appropriate on the basis that persons entitled to superior interest(s) in the premises are unknown or unascertained.

**Date: 3 April 2026**

**Signed: McMahon O'Brien Tynan LLP (solicitors for the applicant), Mill House, Henry Street, Limerick, V94 K6HH**

**In the matter of the Landlord and Tenant (Ground Rents) Acts 1967-2019: an application by Sinead Flynn, Cliona Kelly Scull, and Declan Kelly in their capacity as the executors of the estate of James Kelly (deceased)**

Take notice any person having an interest in the freehold or any superior interest in the property held under a lease dated 10 November 1840 made between (1) Henry Courtney and (2) James Donbrain for the term of 150 years from 10 November 1840, subject to the yearly rent of £50 thereby reserved and the

covenants and conditions therein contained, which said premises is known as no 21 Upper Leeson Street, Dublin 4, being part of the lands at Kilmacargan situate on the west side of Upper Leeson Street in the barony of Rathdown, formerly in Dublin county but now in the city of Dublin.

Take notice that the applicants, Sinead Flynn, Cliona Kelly Scull, and Declan Kelly, in their capacity as the executors of the estate of James Kelly (deceased), intend to submit an application to the county registrar for the county of Dublin for the acquisition of the freehold interest in the aforesaid property, and any party asserting that they hold a superior interest in the aforesaid property is called upon to furnish evidence of title to the aforesaid property to the below named within 21 days from the date of this notice.

In default of such notice being received, the applicants, Sinead Flynn, Cliona Kelly Scull, and Declan Kelly, intend to proceed with the application before the county registrar for the county of Dublin for directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest including the freehold reversion in the aforesaid property are unknown and unascertained.

**Date: 3 April 2026**

**Signed: Kelly Hoban Solicitors LLP (solicitors for the applicants), Rye Cottage, Main Street, Leixlip, Co Kildare ☒**

# Final verdict

PRO BONOBO



## Vogue v Dogue

Condé Nast has sued *Dogue*, a Los Angeles print magazine devoted to canine fashion that sells around 100 copies per issue from a single Beverly Hills newsstand.

According to *People*, the publisher of *Vogue* alleges trademark infringement and wants all copies destroyed, warning that *Dogue's* continued existence could cause “irreparable” damage.

Creator Olga Portnaya countered that her publication, which secured its own trademark after a three-year review, was an obvious parody, and noted that Condé Nast had launched its own ‘Dogue’ digital project in 2024.

She has started a GoFundMe to pay for her legal fees. Her lawyer’s position: no reasonable person would confuse a dog magazine with *Vogue*. The human-fashion mag is pulling in the opposite direction.



## All at sea

A French sailor aboard the *Charles de Gaulle* aircraft carrier managed to betray the position of France’s nuclear-powered flagship with nothing more threatening than a morning jog – and an exercise app, reports *The Telegraph*.

The sailor’s Strava app dutifully uploaded his 4.3-mile deck run on 13 March, pinpointing the ship’s exact location in the eastern Mediterranean, where it had been quietly deployed amid rising US-Iran tensions.

The French military confirmed “appropriate measures are being taken”. Presumably, one of them is deleting Strava.

## Automate everything!

Jeff Bezos is reportedly courting sovereign wealth funds and major asset managers for a \$100 billion fund to acquire companies and turbocharge them with AI. According to *The Wall Street Journal*, he has set his sights on the semiconductor, defence, and aerospace sectors.

JPMorgan is in early discussions to contribute \$10 billion. Bezos has been making his pitch across the Middle East and Singapore, because apparently Amazon isn’t enough.

## Tesla robot flunks test

America’s road safety regulator has escalated its probe into Tesla’s ‘Full Self-Driving’ system after crashes linked to poor performance in low-visibility conditions. It has allegedly missed vehicles immediately ahead until moments before impact, including in one fatal crash. *The Wall Street Journal* reports that the inquiry covers 3.2 million Teslas.

Regulators say Tesla’s ‘camera-only’ approach and its visibility-detection software aren’t reliably doing their jobs. A separate inquiry is already under way over vehicles breaking red lights and driving on the wrong side of the road.

The timing is awkward: Tesla is due to begin building its steering-wheel-free Cybercab robotaxi in April.

## Invasion of the copy-snatchers

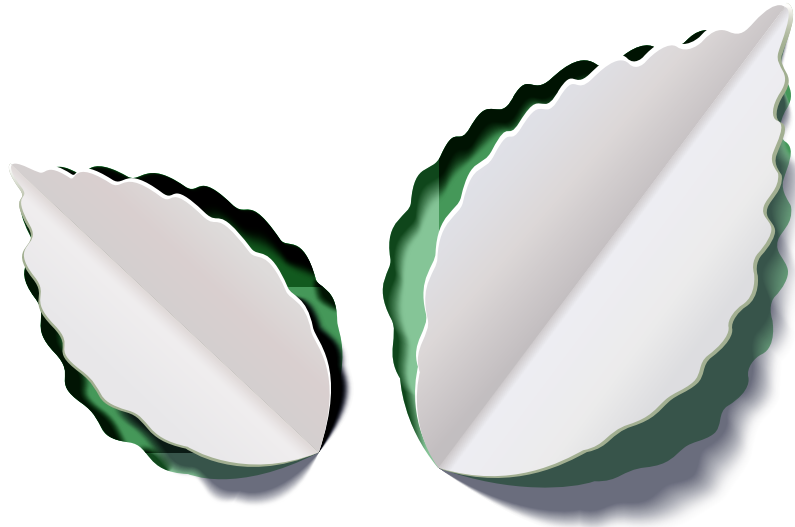
A horror novel has been culled by publisher Hachette just one day after the *New York Times* presented evidence suggesting that author Mia Ballard had “relied heavily” on AI to write it.

*Shy Girl* was pulled from publication in the US and UK sales discontinued, where 1,800 copies had already been sold.

Ballard has denied using AI, blaming an editor she hired for her self-published version. “My name is ruined for something I didn’t even personally do,” she said.

Publishers are increasingly mining self-published work for hits – a strategy that, it turns out, comes with complications. 📖





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