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LAW SOCIETY
June 2026

AGENTS OF CHANGE

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PLUS: *Gazette*'s solicitor survey slams State's proposals • Vetting provisions unconstitutional • In the company of Tom Courtney

€4 JUNE 2026

Law Society of Ireland

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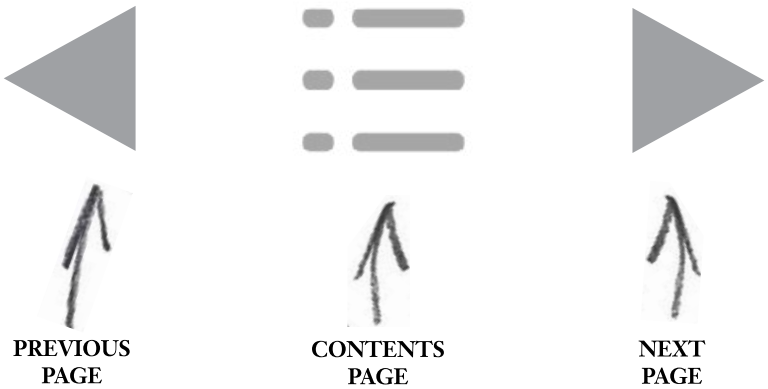

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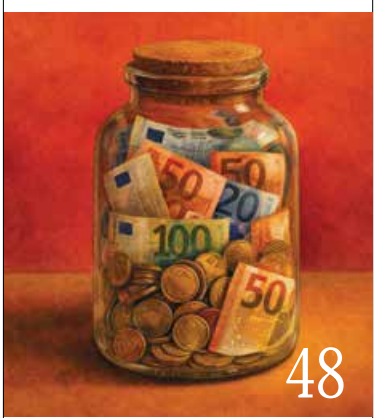

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DOWN THE BACK

PROPOSALS DO NOT REFLECT REALITY OF CRIMINAL PRACTICE

In a recent letter to the Law Society, the Department of Justice confirmed its intention to proceed with the proposed flat-fee model for criminal legal aid with effect from 1 July. This date is now fast approaching, despite the widespread objections and deeply held concerns expressed by practitioners across the country.

The Law Society has long promoted the view that reform of criminal legal aid is necessary and overdue. However, the proposals now being advanced bear little resemblance to the reality of criminal practice in the District Court. They do not reflect how cases are conducted, the impact on those in need of legal representation, nor the demands placed on solicitors working within the system.

It is particularly concerning that, notwithstanding the imminent implementation date, there remains virtually no clarity as to how these proposals will operate. The absence of detailed information leaves both those requesting legal aid and practitioners facing significant uncertainty at a time when clarity is essential.

Information meeting

In that context, all solicitors practising in criminal law have been invited to attend an information meeting hosted by the Law Society's Criminal Law Committee at 11am on Tuesday 9 June in Blackhall Place. Officials from the Department of Justice have been invited so they can provide details on what is being proposed and how it will be implemented. It will also be an opportunity for solicitors with practical knowledge of criminal law to provide feedback to the department on their proposals and reflect on their practical implications.

While the department has indicated a willingness to continue engagement, it is regrettable that the profession has been placed in this position. The Law Society will continue to emphasise that the proposals, as currently framed, will not address the underlying difficulties within criminal legal aid. The research underpinning these proposals is, in our view, fundamentally flawed. It does not account for the role of the State in the progression of cases, including the frequency with which adjournments are sought by the prosecution in the courts.

The research underpinning these proposals is, in our view, fundamentally flawed

We have intensified our engagement at political level, including with opposition justice spokespersons, members of the Oireachtas Justice Committee, and others. This has ensured that criminal legal aid has been raised repeatedly in the Dáil, and we are grateful to those across all parties who continue to highlight the issue. Engagement with civil society organisations is also ongoing to ensure a broader understanding of the potential impact of these changes. The Law Society will continue to advocate firmly and constructively on your behalf in the period ahead.

Rosemarie Loftus

ROSEMARIE J LOFTUS
PRESIDENT

the BIG *picture*

Set on you

The Artemis II crew captured a crescent Earthset on 6 April 2026 before losing radio signal with mission control as the Orion spacecraft flew around the far side of the moon. The four astronauts – NASA's Reid Wiseman, Victor Glover and Christina Koch, and the Canadian Space Agency's Jeremy Hansen – looped around our lunar companion, getting as close as 6,545km from its surface. They made history the same day, travelling 406,771km from Earth, surpassing the record for human spaceflight's furthest distance by more than 40,234km (25,000 miles), previously set by the Apollo 13 mission in 1970.

Pic: The Earth Science and Remote Sensing Unit, NASA Johnson Space Centre, USA (https://eol.jsc.nasa.gov/Collections/Artemis/Artemis2/)

people

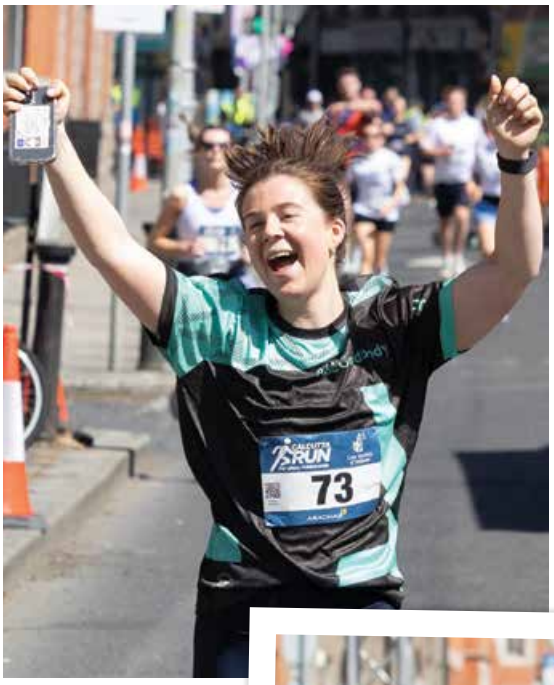
■ WHO ■ WHAT ■ WHERE ■ WHEN ■

Running for a just cause!

The Calcutta Run in Dublin, on 23 May, attracted over 1,100 participants on a sunny Saturday to run or walk in Ireland's largest legal charity fundraiser. The event supports the homeless through the charities Dublin Simon Community and The Hope Foundation. The event was attended by Olympian and world champion Sonia O'Sullivan, who described it as "a real highlight", while the Minister for Justice Jim O'Callaghan also lent his support and ran the 10k route.

All pics: Jason Clarke Photography

The women's 10k winners were (*l to r*): Emma Flynn (Wallace Corporate Counsel LLP), Orla McGovern (Arthur Cox LLP) and Jennifer O'Sullivan (Volkswagen Group Ireland)



Olympian, world champion and Team Arachas ambassador, Sonia O'Sullivan, at the Calcutta Run

Jim O'Callaghan (Minister for Justice, Home Affairs and Migration) lent his support to the Calcutta Run

Winners of the men's 10k were *(l to r):* David O'Connor (A&L Goodbody LLP), Andrew O'Brien (Maples Group) and William Quill (Office of the Attorney General)

All pics: Kenneth O'Halloran/Jason Clarke Photography)

Gráinne O'Neill prize-winners shine

The Law School hosted the winners of the National Gráinne O'Neill Memorial Legal Essay Competition on 6 May. Transition-year student Rhea Schreiber (Sacred Heart Secondary School, Tullamore) took the top prize. Aishling Heavey (Holy Rosary College, Mountbellew, Co Galway) was awarded second place, while Niamh Doyle (Our Lady's Bower, Athlone, Co Westmeath) came third.

Second place winner, Aishling Heavey (Holy Rosary College, Mountbellew, Co Galway)

Finalist Ellen O'Dwyer

Merit winner Euan Stewart (Moville Community College, Co Donegal)

Finalists in the Gráinne O'Neill Memorial Legal Essay Competition

Merit winner Louise Tynan (St Paul's Secondary School, Greenhills, Dublin)

All pics: Cian Redmond

Ciara O'Donovan, Electra Japonas, Claire Madden, Broc Cocoman, John Jeffcock

Aisling Fitzgerald, Orla Fitzpatrick

The future-ready lawyer

The Law Society's In-House and Public Sector Committee held a panel discussion on 'The future-ready lawyer' on 29 April at Blackhall Place, Dublin. Attendees heard that time spent on legal contracts may be dramatically reduced with the proper use of AI. Law Society President Rosemarie Loftus said that the in-house sector was continuing to grow and that the Society would continue to support this momentum.

Louise McNamee

John Jeffcock

Rosemarie Loftus, Broc Cocoman, Claire Madden, Ciara O'Donovan, John Jeffcock, Róisín Magee and Nora Ward

All photos: Cian Redmond

Mark Garrett, Martin Lawlor, Tánaiste Simon Harris, Rosemarie Loftus, Valerie Peart, and Keith Walsh

Reforms must be 'functional' – Tánaiste

The Law Society of Ireland held its annual dinner at Blackhall Place on 14 May 2026. Tánaiste Simon Harris described lawyers as an "underappreciated national asset," calling the rule of law the "invisible architecture" underpinning democracy and economic stability. He highlighted Ireland's position as the EU's only common-law jurisdiction as a strategic strength ahead of its Council Presidency in July. The Tánaiste said that Government reforms must be functional in practice, rather than just on paper, and committed to ongoing engagement with the Law Society's leadership to ensure that legislative changes were grounded in the reality of the courts system.

Mark Borland and Catherine Pierse

William Carmody, Hillary O'Connor

Philip Andrews SC, Frances Fitzgerald

Mary Keane

Nicholas Blake-Knox, Avril Mangan

Marion Berry, Rossa Fanning SC, Faye Breen, and June Reardon (all Office of the Attorney General)

Maria Browne

■ Landmark mediation ruling ■ Revenue *eBrief* update ■ 1,100 participate in Calcutta Run

news

■ YOUR MONTHLY UPDATE ON ALL THINGS LEGAL ■

Photo: Shutterstock

Civil legal-aid system is broken

Freedom-of-information documents released to *The Currency* show that the Legal Aid Board (LAB) has reached "a crisis point" due to a significant reduction in the number of private practitioners available to it, *writes Andrew Fanning*.

The board, which is publicly funded, provides civil legal aid and advice to people who are unable to afford a solicitor.

Minutes of quarterly governance meetings with the Department of Justice over the past 18 months also show that there were large backlogs and waiting lists of up to 60 weeks at some of its law centres due to resourcing problems.

At a meeting in March, the board said that the number of cases that it needed to refer to private-practitioner panels had jumped by 85% from 2018 to 2024. The number of private-practice solicitors, however, dropped in the same period, with no panel members available at all in some areas.

The LAB blamed the fall on the level of fees being offered.

Particular concerns

A meeting in October heard particular concerns about the LAB's lack of authority to sanction refresher fees for ➔

REVENUE *eBRIEF* UPDATE

Practitioners should note that Revenue has issued an *eBrief* (18 May 2026) and an updated version of Tax and Duty Manual Part 45-01-05 (*Requests for Clearance – Disposal of Land and Buildings by Non-resident Vendors*).

The updates to the guidance include clarification on the question of rental income where no chargeable gain arises.

The updated guidance is being reviewed by the Law Society's Taxation Committee. Updates to the related practice note will be issued shortly to take account of relevant changes.

PTSB DEEDS MANAGEMENT UNIT CHANGE OF ADDRESS

PTSB Deeds Management Unit has had a change of address and DX as of 1 May.

The new address is: *Deeds Management Unit, PTSB plc, 56-59 St Stephen's Green, Dublin 2, D02 H489 (DX 860 001*). From 30 April 2026, all correspondence to the PTSB Deeds Management Unit should be directed to the new St Stephen's Green address and new DX only.

This replaces the two former addresses of the Deeds Management Department, (PO BOX 13764, Dublin 12, DX 860002, and the Deeds Management Unit, Finches Industrial Park, Longmile Road, Dublin 12). Any correspondence sent to the former addresses may not be received.

private solicitors in cases that involved multiple court appearances.

"Where solicitors remain on the panel, law centres report how solicitors can be selective in terms of the work that they take on. This has a knock-on impact on the law-centre solicitors," it added.

According to the latest data obtained by *The Currency*, the average longest waiting time for a first consultation across the law-centre network at the end of March this year was 23 weeks.

There were some locations with significantly longer maximum waiting times, such as the law centre in Sligo, where the waiting time was up to 60 weeks. The longest waiting time at centres in Ballymun and Ennis was over 50 weeks.

Pact project team

At a meeting in October last year, the LAB also flagged that additional resources were "urgently needed" to allow it to be ready for the EU *Migration and Asylum Pact*, which comes into effect in June. The pact is aimed at streamlining the process of making decisions on applications for asylum – including a fast-tracked, 12-week asylum application process.

While the board noted that international-protection applications had fallen by 34% compared with a year earlier, it was receiving legal-aid applications in almost two-thirds of such cases.

It added that "significant delays" in the processing of appeals at the International Protection Appeals Tribunal were leading to cases remaining in solicitor caseloads for long periods of time.

Supreme Court ruling

The documents released to *The Currency* also show concerns about the impact of a Supreme Court ruling in 2025 that led to a change in how the DPP and judiciary dealt with the disclosure of counselling notes in sexual-offences trials.

The court found that disclosure was a serious intrusion into a victim's privacy, ruling that a victim must first have access to independent legal advice before consenting to any waiver of a disclosure hearing.

The minutes of an October 2025 meeting show that there had been an 800% increase in referrals for legal representation to the board in this area over the previous five years. The LAB said that each application in this area of work was a priority application and involved a significant review of records – including counselling, phone calls, texts, and medical reports.

Additional pressure

The board indicated that it did not have the resources or the expertise in criminal law necessary for this work, arguing that it would be "best supported" by a new Complainant Representation Private Practitioner Panel with expertise in criminal matters.

The minutes show that it was awaiting a decision from the Department of Public Expenditure and Reform on the new panel. *The Currency* quoted a Department of Justice spokesperson as saying that the LAB's proposal was still under consideration.

The documents also show that "significant" demand linked to assisted decision-making, particularly related to discharges from wardship, was also putting pressure on law centres.

The LAB also noted that mediation, particularly in child-abduction cases, had been effective in keeping cases away from the courts, but warned that additional resources would be needed to allow it to expand this service.

In February, representatives of the Law Society told the Oireachtas Committee on Justice, Home Affairs and Migration that the civil legal-aid system was "in crisis" and needed immediate reform, which could not happen without proper resourcing and restructuring of the system – including the Legal Aid Board.

Offaly student takes essay prize

Pic: Jason Clarke Photography

The winners at the ceremony on 6 May

A secondary-school student from Co Offaly has claimed the top prize in the Law Society's prestigious Gráinne O'Neill Memorial Legal Essay Competition 2026, beating more than 500 entries from across the country.

Rhea Schreiber, of Sacred Heart Secondary School, Tullamore, was named the winner at a ceremony held at Blackhall Place on 6 May, receiving a €1,000 prize and a cup for her school.

Judges praised her 1,500-word essay, which dealt with the topic of legal challenges in online freedom of speech, describing it as "outstanding" and praising its "excellent legal insight, originality, and clarity of argument".

"Researching and writing the essay topic gave me a chance to learn more about Irish law and consider the different legal rights that are relevant when we share views online and on social media," Schreiber said. She also paid tribute to the competition's namesake: "One of the most valuable things I learned during this process was about Judge Gráinne O'Neill. It was fascinating to learn about her life, her experiences, how she was the youngest judge. I found her passion for the law inspiring."

Aisling Heavey of Holy Rosary College, Mountbellew, Co Galway, took second place and €500, while Niamh Doyle of Our Lady's Bower, Athlone, claimed third and €250.

Seven merit certificates were also awarded: Euan Stewart (Moville Community College, Co Donegal), Nathan Keane (St Gerald's DLS College, Co Mayo), Louise Tynan (St Paul's Secondary School, Greenhills, Co Dublin), Matias O Conaill (Christian Brothers College, Co Cork), Róiri Gately (Mercy College, Co Roscommon), Muhammad Ibrahim Tariq (Marist College, Athlone, Co Westmeath), and Primrose Scully (Árdscoil na Tríonóide, Athy, Co Kildare).

The competition honours Judge Gráinne O'Neill, who became Ireland's youngest District Court judge in 2014 before her death in 2018. Members of her family were present at the ceremony, including her father Terry, who addressed the students.

Pic: Jason Clarke Photography

1,100 POUND THE PAVEMENT

Justice Minister Jim O'Callaghan lent his support to the Calcutta Run in Dublin on 23 May – the largest charity event in the legal calendar. Over 1,100 participants turned out on a sunny Saturday to run or walk in the fundraiser.

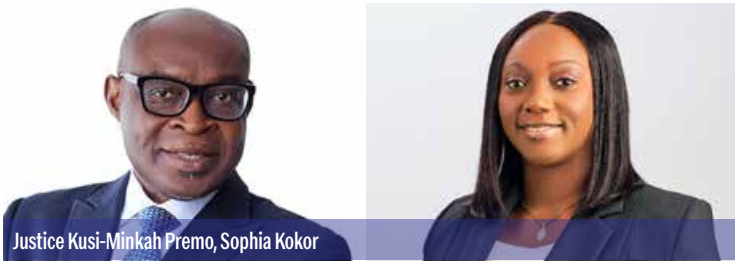
The Calcutta Run supports two charities working on the frontlines of homelessness, in Dublin and Kolkata, India – Dublin Simon Community and The Hope Foundation.

Law Society President Rosemarie Loftus said: "It is a unique opportunity for the legal community to come together for a meaningful cause and make a lasting difference."

Olympian and world champion Sonia O'Sullivan said that the run had become "a real highlight", and something that everyone taking part could be proud of.

Through the Calcutta Run, the legal profession has raised €5.9 million in support of homelessness services since its inception in 1999, when 300 runners took part.

ENDANGERED LAWYERS



Justice Kusi-Minkah Premo, Sophia Kokor

Justice Premo and Sophia Kokor, Ghana

Justice Premo ('Justice' being his first name) and Sophia Kokor are senior and junior partners, respectively, in a leading law firm in Ghana.

On 8 May, the firm issued a statement detailing the circumstances in which the above partners were arrested and detained: "Our attention has been drawn to reports, including a social-media update by the president's spokesman, Mr Felix Ofosu Kwakye, indicating that a PDS [Power Distribution Services] 'quartet' had been arrested and granted bail in respect of money 'believed' to belong to ECG [Electricity Company of Ghana]. Subsequently, a spokesperson of the AG's office indicated that the four people (including our lawyers) were arrested and granted bail for their involvement in transferring 850 million Ghana Cedis [€63.835 million] out of a CalBank account belonging to ECG."

'Inaccurate portrayal'

"The social-media post and interview have unfortunately formed the basis of several media stories that inaccurately portray our firm and its lawyers as having engaged in illicit activities.

"On Thursday 30 April 2026, Justice Kusi-Minkah Premo, a senior partner of [the firm], attended the offices of the Bureau of National Investigations (BNI) at Kawukudi to provide legal representation to Messrs Philip Ayesu and Viraj Bhat in relation to a PDS/ECG investigation. He was accompanied by Ms Sophia Kokor, a junior partner. However, the BNI and Economic Organised Crime Office officials refused to allow our lawyers to represent their clients, claiming the lawyers themselves were 'persons of interest'," the statement read.

'Unsubstantiated allegations'

"They were subjected to interrogation and arrest on vague and unsubstantiated allegations of 'dishonestly receiving' and 'abetment of money-laundering', without any specific figures being cited or identification of any objects dishonestly received.

"They were detained until the evening of the following day, Friday 1 May 2026, and then granted bail in the excessive sum of 50 million Ghana Cedis [€3.755 million] each. This is not a standard criminal investigation; it is a direct assault on the right to legal counsel and the professional immunity of lawyers.

"The four persons arrested were all participants in arbitration proceedings that commenced in 2021 between PDS, ECG and the Government of Ghana at the London Court of International Arbitration."

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

Landmark ruling on mandatory mediation

On 22 May, Mr Justice Michael Twomey delivered a judgment in *Burke v O'Connell* (IEHC 314) that addressed a fundamental question: does an Irish court have the power to order parties to mediate against their will, or is it restricted to merely inviting them?

The plaintiff engineer sought a court order not just to invite, but to direct mediation, arguing that the legal fees for a trial would likely "overshadow" any award – a situation where "there is going to be no winners apart from the lawyers". This echoes the words of the judge in *V Media* (see the article by Bill Holohan SC in the April *Gazette*).

Justice Twomey identified that disputes often become too expensive to continue, but also too expensive to stop because of "prohibitive" legal costs. Key factors in his analysis included:

- Public interest – taxpayer-funded court resources should be used only when necessary; successful mediation frees up time for other litigants,
- The best interests of litigants – the court's role is to make the system better for citizens, protecting them from the financial and psychological "destruction" of prolonged litigation,
- The 'synergy of the steps' – bringing parties together through mediation can overcome entrenched reluctance to negotiate, much like settlement talks on the morning of a trial.

In a radical development, Mr Justice Twomey concluded that Irish courts do possess the inherent jurisdiction to order mandatory mediation through statutory analogies, the *Mediation Act 2017*, the *Legal Services Regulation Act 2015*, and persuasive precedent. The court held that a direction to mediate does not breach the constitutional right of access to the courts, provided the order is proportionate and does not cause undue delay.

This judgment signals a significant shift from mediation as a voluntary option to a potentially mandatory procedural step. For practitioners and litigants, 'litigation as a last resort' is no longer just a recommendation – it is a standard the courts are now willing to enforce to protect both private interests and public resources.

Leon Carroll, Sneha Thomas, Hira Khan, and TP Kennedy (Law Society)

Ireland secures two wins at Stetson Moot

A Law Society team comprising Sneha Thomas (K&L Gates), Leon Carroll (Matheson), and Hira Khan (A&L Goodbody) recently competed in the international finals of the Stetson Environmental Moot Court Competition in Florida.

Having secured victory in the all-Ireland rounds, where their written submissions ranked first and Sneha Thomas was named 'Best Oralist', the team progressed to one of the world's leading competitions in international environmental law. The team delivered strong performances throughout, securing two wins. Hosted by Stetson University College of Law, the competition brings together participants from diverse jurisdictions, providing a valuable opportunity to develop advocacy skills and engage with complex global environmental law issues.

Notice of SBA AGM

Notice is hereby given that the 162nd annual general meeting of the Solicitors' Benevolent Association will be held at the Law Society, Blackhall Place, Dublin 7, on Friday 19 June 2026 at 12.30pm to consider the *Directors' Report and Financial Statements* for the year ended 30 November 2025, to elect directors, and to deal with other matters appropriate to a general meeting.

The *Directors' Report and Financial Statements* can be viewed on the association's website at www.solicitorsbenevolentassociation.com.

IRLI ACTIVITIES

Pic: IRLI

Sean McHale

Ireland's EU Presidency

As Ireland prepares to assume the Presidency of the Council of the EU in July 2026, the rule of law is likely to feature prominently across the European agenda. Recent polling by European Movement Ireland demonstrates that, while support for EU membership remains strong across the island of Ireland, confidence in institutions and perceptions of the EU's core values are under pressure.

At moments of political uncertainty, the rule of law becomes more than an abstract constitutional principle. It is the framework through which democratic accountability, judicial independence, human-rights protections, and public trust are sustained. In an increasingly complex geopolitical environment, it also serves as a stabilising force underpinning peaceful cooperation between states and institutions.

Rule-of-law advocate

Ireland's forthcoming presidency presents an opportunity, not merely to act as a consensus-builder within the EU, but also as a credible advocate for rule-of-law leadership grounded in rights, accountability, and democratic resilience.

For many years, Irish Rule of Law International (IRLI) has contributed to Ireland's wider international engagement through practical, partnership-based legal cooperation. Supported by the Department of Foreign Affairs, the EU, and justice-sector professionals across the island of Ireland, IRLI has developed a distinctive model of peer-to-peer engagement in support of international rule-of-law development.

Central to IRLI's approach is working in partnership, demonstrating how legal expertise and professional relationships can support wider diplomatic and development objectives. Through peer-to-peer engagement involving judges, prosecutors, lawyers, and others, IRLI has supported partners in strengthening justice institutions and improving access to justice.

Justice initiatives

That work includes justice initiatives in Malawi, Tanzania, and Zambia aimed at improving access to justice and strengthening judicial practice. Lessons from mobile courts in Malawi helped inform their adaptation and adoption in Zambia, while Irish judicial training on avoiding retraumatisation, first delivered in Tanzania, has also now been adapted and delivered in Zambia through peer-to-peer cooperation, illustrating the practical value of long-term partnership and cross-jurisdictional learning. IRLI has also facilitated judicial exchanges with counterparts from Ukraine involving institutions in Dublin and Belfast, drawing on expertise in areas including accountability and atrocity crimes.

As Ireland prepares for its presidency, organisations like IRLI demonstrate that Ireland possesses not only a strong commitment to European values, but also practical expertise capable of supporting them in meaningful and tangible ways.

Sean McHale is deputy executive director – director of programmes at IRLI.

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Diploma in Legal Skills for Legal Executives	3 November 2026	€2,500

All lectures are webcast and available to view on playback, allowing participants to catch up on coursework at a time suitable to their own needs.
Diploma Centre reserves the right to change the courses that may be offered and course prices may be subject to change. *06/26*

letters

WOMEN'S BAIL SUPPORT SCHEME ESTABLISHED

Photo: Alamy

The Dóchas Centre

From: Máire Meagher (chair) and Pauline Conroy, Women's Bail Support Scheme CLG, Blackrock. Co Dublin

• Every week, women waiting for a hearing in the District Court listen as the judge remands them with consent to bail – but they cannot take it up. So they are sent to the Dóchas Centre – the women's prison on the Mountjoy campus. The bail can be as low as €30 in cash, but they have not got it. Presumed innocent, some women are locked up. Poverty blocks their freedom. They remain confined, detained, until their case comes before the court.

The Women's Bail Support Scheme (WBSS) has established a bail fund to offer bail to those women who have been brought before the District Court for minor offences but who cannot pay their bail. Examples of minor offences include failing to obey an order of a garda, begging aggressively, petty theft, shoplifting, and being drunk and disorderly. The bail is offered free of charge.

The scheme has established itself as a company limited by guarantee. It is operated by a small board of directors and is overseen by a larger consultative committee. We have taken advice and consulted with voluntary, faith-based, and community groups operating in the criminal justice area. The directors have presented its aims to the governor of Dóchas.

The WBSS is available to women on remand in Dóchas:

- Who are not serving a sentence,
- Who have been granted bail,
- Who are waiting for a hearing in the District Court,
- Who cannot pay bail,
- Who are charged with a minor offence,
- Whose bail is not a large amount.

Women are hearing about the scheme from posters inside Dóchas. They call the WBSS phone number at 087 349 1770 and leave their name. Members of the WBSS then visit them in Dóchas to see if they can be bailed out. Such visits are covered by article 37(2) of the *Prison Rules 2007* (SI 252/2007).

There does not appear to be any data publicly available of the numbers of women who find themselves in prison through lack of means to pay cash bail. The Women's Bail Support Scheme has been facilitating the release of one woman a week since January 2026. For further information, please email wbssinformation@gmail.com.

'WHOLLY UNACCEPTABLE'

The Government's proposals for a reduction in flat-fee payments for criminal legal aid have provoked strong views from solicitors surveyed by the *Law Society Gazette*. Garrett O'Boyle reports

Almost 95% of respondents to a recent *Gazette* survey of solicitors have described the Government's proposed reduction in the flat fee for criminal legal aid in the District Court as 'wholly unacceptable', with a further 5% describing it as 'inadequate' and one solicitor branding the proposals "absolute nonsense".

Furthermore, over 70% of respondents said that they would be 'unlikely' or 'very unlikely' to continue taking on criminal legal-aid cases in the District Court. One solicitor added: "I should not be penalised for choosing this profession and defending the basic human right to a fair trial. Criminal legal aid should be available to the general public, but solicitors will withdraw from criminal law, and the justice system will suffer."

Another said: "Ireland will become a provincial legal wasteland in 15 years' time if regionally based solicitors are not encouraged to practice outside of the main population centres. This proposed step by the Department of Justice is but another nail in the coffin of provincial and regional legal representation."

After working as a solicitor in the area of criminal law for almost 20 years, it is my intention to leave criminal law this year, as the Department of Justice does not respect what we do

High response rate

The Law Society's anonymised survey was sent to practitioners on the Garda Stations Solicitors' Panel and to other criminal-law practitioners who interact with the Criminal Legal Aid Scheme. There were 212 respondents (a response rate of 80%, which suggests considerable strength of feeling on the subject).

Solicitors were asked a series of multiple-choice questions (as well as one open-ended, discursive question) on the proposed reform of the District Court Criminal Legal Aid system put forward by the Department of Justice.

Briefly, the department's proposal provides for the replacement of an appearances-based system by a flat-fee system, consisting of three types:

- Basic,
- When a barrister is involved, a fee of €600 is shared equally between the solicitor and barrister (that is, €300 each),
- Reduced for indictable cases.

The basic fee is equivalent to four appearances, with an 8% increase. If a case takes more than four appearances to conclude, the fifth and any subsequent appearances will not be paid. For more serious cases, such as indictable cases, the basic fee of €455 will be reduced to €100.

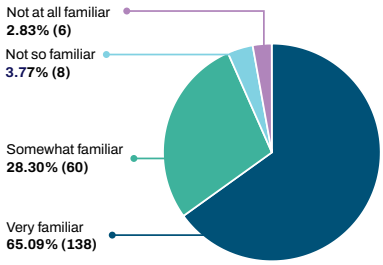
Extreme disquiet

The solicitor responses showed extreme disquiet at the proposals:

- 51.09% of respondents described the proposals as a 'fundamentally unacceptable reform that should be abandoned entirely', while a further 35.24% responded that it is a 'seriously flawed reform that should be substantially revised',
- 82.55% of respondents said that 'it is neither fair nor workable',
- 88.1% said that the proposed scheme would 'significantly' negatively affect a defendant's ability to secure legal representation, while 8.1% said that it would affect it 'to some extent' (yielding a total of 96.2%),
- 78.1% responded that it was 'very likely' that the proposals would lead to delays for defendants in securing access to legal representation, while 13.33% said that it would be 'somewhat likely' (giving a total of 91.43%),
- 81.43% believe that if the proposed reforms are to proceed, there will 'very likely' be a similar exodus from the panel, as occurred with the Civil Legal Aid Family Law Panel (a further 11.43% responded that this would be 'somewhat likely'), and
- In relation to the fact that the Department of Justice did not consult directly with criminal-law solicitors prior to proposing this reform, 95.26% responded that such consultation was

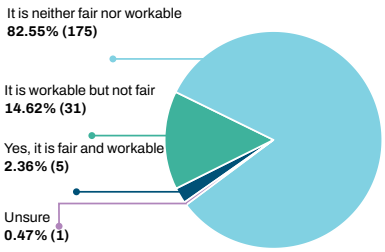
Survey on the proposed flat-fee reform of the District Court Criminal Legal Aid Scheme

How familiar are you with the Department of Justice's proposed reform to replace the current appearances-based Criminal Legal Aid system with a flat-fee model?



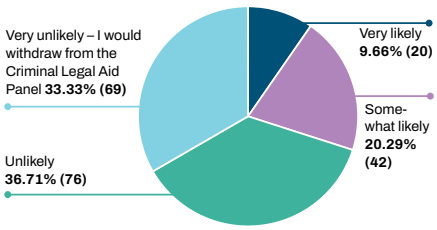
Answer choices	Percentage	Responses
Very familiar	65.09%	138
Somewhat familiar	28.30%	60
Not so familiar	3.77%	8
Not at all familiar	2.83%	6
Total		**212**

Is the proposed flat-fee structure – incorporating a basic fee for up to, but not exceeding, four appearances – a fair and workable model for remuneration in District Court criminal cases?



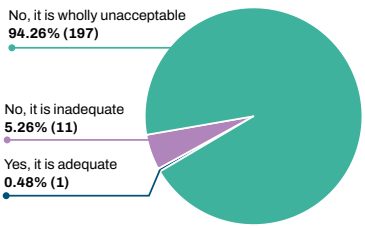
Answer choices	Percentage	Responses
Yes, it is fair and workable	2.36%	5
It is workable but not fair	14.62%	31
It is neither fair nor workable	82.55%	175
Unsure	0.47%	1
Total		**212**

If the flat-fee model is introduced as proposed, how likely are you to continue taking on Criminal Legal Aid cases in the District Court?



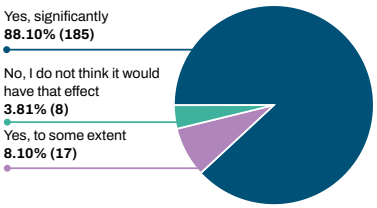
Answer choices	Percentage	Responses
Very likely	9.66%	20
Somewhat likely	20.29%	42
Unlikely	36.71%	76
Very unlikely – I would withdraw from the Criminal Legal Aid Panel	33.33%	69
Total		**207**

The proposed reform would reduce the flat fee for cases being sent forward on indictment from the basic rate of €455 to €100. Does this reduced fee adequately reflect the complexity and workload involved in indictable cases?



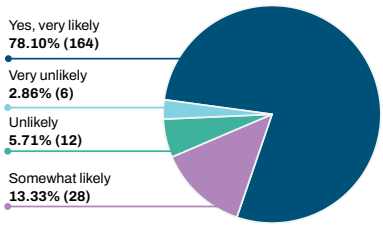
Answer choices	Percentage	Responses
Yes, it is adequate	0.48%	1
No, it is inadequate	5.26%	11
No, it is wholly unacceptable	94.26%	197
Unsure	0%	0
Total		**209**

Would the introduction of the proposed flat-fee model negatively affect a defendant's ability to secure legal representation, particularly for vulnerable individuals?



Answer choices	Percentage	Responses
Yes, significantly	88.10%	185
Yes, to some extent	8.10%	17
No, I do not think it would have that effect	3.81%	8
Unsure	0%	0
Total		**210**

If the proposed flat-fee model is introduced, do you believe that it will lead to delays for defendants in securing access to legal representation?



Answer choices	Percentage	Responses
Yes, very likely	78.10%	164
Somewhat likely	13.33%	28
Unlikely	5.71%	12
Very unlikely	2.86%	6
Total		**210**

'absolutely essential' before any reform changes were implemented.

Seriously flawed

The Law Society itself also fundamentally disagrees with the proposed reforms, saying that they are seriously flawed and will not work. Its position is that the proposals would result in substantial difficulties for a defendant in securing legal representation, eroding the rights to legal representation and fair trial, in particular for the most vulnerable members of society.

Crucially, the reforms would result in a situation where access to justice, legal representation, and a fair trial would be reserved for those who can afford it.

The Law Society says that it cannot support or endorse a proposal that would remunerate practitioners with a fixed payment for an indeterminate amount of work. As a fundamental principle, the approach to the payment of practitioners under any legal-aid system must be fair. In order to be fair, the system must have a sufficient element of flexibility that ensures that remuneration is reflective of the work done by the practitioner.

The likely failure of the current proposals would serve no one's interests and certainly not the wider public – whose safety and confidence in the criminal-justice system depend on its effective operation.

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12 Mar	Probate & Tax Update (STEP)	3 general	Closed
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27 May	Inhouse & Public Sector Panel Discussion Cork	2 professional development	Closed
24 Jun	Annual Employment Law Update for All Practitioners -webinar	3.5 general	€95
09 Sep	Younger Members Annual Conference - Cork	2 general	Complimentary
24 Sept	Human Rights & Equality Committee Annual Lecture	1 general	Complimentary
25 Sep	Family & Child Law Committee Conference	4.5 general	€175
30 Sep	Criminal Law Update 2026	3 general	€175
Sept/Oct	EU & International Affairs Committee Event 2026	1.5 general	€95
7 Oct	Inhouse and Public Sector Committee Annual Conference	3.5 prof dev/general	€175
15 Oct	Litigation Annual Update Conference 2026	3 general	€175
28 Oct	Property Law Conference 2026	4.5 general	€175
30 Oct	Human Rights & Equality Annual Conference	3.5 general	Complimentary
05 Nov	Environmental & Planning Law Annual Update Conference 2026	3 general	€175
11 Nov	Business Law Annual Conference 2026	3 general	€175
26 Nov	Technology Committee Conference 2026	3 general	€175

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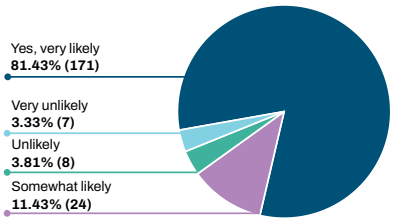
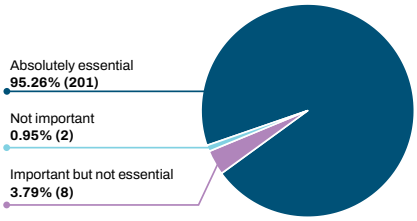
The introduction of flat fees in Civil Legal Aid family-law cases has led to a significant departure of solicitors from that scheme. Do you believe a similar exodus from the Criminal Legal Aid Panel is likely if the proposed reforms proceed?



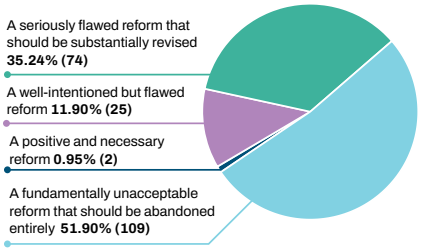
Answer choices	Percentage	Responses
Yes, very likely	81.43%	171
Somewhat likely	11.43%	24
Unlikely	3.81%	8
Very unlikely	3.33%	7
Total		**210**

The Law Society has noted that the Department of Justice did not consult directly with criminal law solicitors prior to proposing this reform. How important do you regard direct consultation with practitioners before any such changes are implemented?



Answer choices	Percentage	Responses
Absolutely essential	95.26%	201
Important but not essential	3.79%	8
Of limited importance	0%	0
Not important	0.95%	2
Total		**211**

Overall, how would you describe the proposed flat-fee reform of the District Court Criminal Legal Aid scheme?



Answer choices	Percentage	Responses
A positive and necessary reform	0.95%	2
A well-intentioned but flawed reform	11.90%	25
A seriously flawed reform that should be substantially revised	35.24%	74
A fundamentally unacceptable reform that should be abandoned entirely	51.90%	109
Total		**210**

Exodus of solicitors

When questioned in the Dáil on 14 May 2026, Justice Minister Jim O'Callaghan reaffirmed his intention to implement the reform by way of regulation to commence on 1 July 2026. While he recognises "the crucial role played by the legal professions in the effective administration of criminal justice, and equally that the Criminal Legal Aid Scheme is fundamental to upholding the constitutional and human right to a legal defence", the minister asserted that this "reform of the criminal legal-aid fee structure in the District Court will not affect the ability of legal professionals to engage in criminal legal-aid work".

Both the Law Society and survey respondents disagree, pointing to the fact that the introduction of a flat-fee approach in civil legal-aid cases involving family law led to an exodus of solicitors working under the Civil Legal Aid Scheme. It became unviable to provide the service. A similar impact seems inevitable in respect of criminal legal aid.

One solicitor responded in the *Gazette's* survey: "After working as a solicitor in the area of criminal law for almost 20 years, it is my intention to leave criminal law this year, as the Department of Justice does not respect what we do, the efforts we make on a daily basis to represent those who find themselves before the courts, in custody in prison, or detained in a garda station. Payment is not sufficient, and the Department of Justice is adding more work to our already overburdened workload and expects that work to be completed *pro bono*."

'Not financially viable'

Another said: "The Government should remember that access to justice is an essential part of our democracy. If payments made on the legal-aid scheme are mean and unjustly low, it will not be financially viable for solicitors to continue to practise in the District Court, and the system will falter."

Yet another commented: "I am genuinely surprised at how the Department of Justice expects solicitors to keep their doors open and their practices running if they are not paid properly. It's not economically viable to pay such low rates and expect solicitors to continue to take on these jobs. There will be no one left on their panels. These fees do not cover basic overheads, let alone allow solicitors to earn a living wage."

This proposed step by the Department of Justice is but another nail in the coffin of provincial and regional legal representation

Engagement plan

The Law Society has put into effect a political-engagement plan, embarking on a series of meetings with opposition spokespersons on justice, members of the Oireachtas Justice Committee, and party backbenchers to outline the Society's position. In addition, engagement with solicitors and civil-society groups is ongoing. Meetings with a number of leading organisations in the fundamental rights and justice space have already taken place.

The Law Society is calling on all solicitors to directly contact their local TDs and senators to convey the realities of criminal practice. It is urging them to make clear to politicians the level of anger and frustration among the profession at the minister's disturbing proposals. g

Garrett O'Boyle is deputy editor at the Law Society Gazette.

RED LIGHT, GREEN LIGHT

The Supreme Court delivered its most consequential judgment ever on climate law in February 2026. Two months later, the Government introduced a bill that disapplied the central obligation of that judgment. Jason Milne goes green

The *Critical Infrastructure Bill 2026* was published on 8 April. Most of the commentary is likely to focus on the designation mechanism in section 3, which is the process by which projects and programmes are identified as nationally critical and brought within the new framework. That is understandable. Designation is the gateway to everything else the bill does. However, the provision that practitioners should read first is section 7, titled 'Modification of application of section 15 of *Climate Action and Low Carbon Development Act 2015*'.

Section 15 of the 2015 act (as amended in 2021) imposes a duty on every public body to perform its functions, so far as practicable, in a manner consistent with the Climate Action Plan, the National Long-term Climate Action Strategy, the National Adaptation Framework, and Ireland's climate objectives.

For the five years that the amended section 15 has been on the statute book, its practical significance went untested. Was it a genuine substantive constraint on how public bodies exercise their functions, or a broad policy aspiration dressed up as a legal obligation? On 4 February 2026, the Supreme Court answered that question in *Coolglass Wind Farm Limited v An Coimisiún Pleanála*.

The Government has designed a fast-track consenting-and-delivery framework for nationally important infrastructure and has expressly removed the climate-consistency obligation

Unambiguous decision

The court was unambiguous: section 15 is a substantive, outcome-focused obligation. It is not a just procedural requirement to consider climate consistency and then move on. Chief Justice O'Donnell confirmed that the duty is enforceable by the courts and that it extends to all public bodies, including those whose functions are not primarily concerned with climate change. A planning authority deciding a residential application is within scope. So is a utility company exercising statutory consenting functions. So is a body making procurement decisions under statutory powers.

Coolglass gave section 15 real teeth. It made climate consistency a live ground of judicial review across a wide range of decisions. For anyone advising clients on planning, infrastructure, or regulatory matters in Ireland, it shifted the landscape. That shift lasted exactly two months and 12 days.

Section 7 of the *Critical Infrastructure Bill 2026* disapplies section 15 of the 2015 act in its entirety in respect of any relevant public body exercising functions in relation to a designated critical infrastructure project or programme. Not a modification. Not a qualification requiring decision-makers to balance climate consistency against delivery timelines. A full carve-out.

Pause for thought

The scope is worth pausing on. Section 7 switches off section 15 across three distinct dimensions. First, in the performance of any relevant function by the public body. Second, in the discharge of the section 5 duties, which are the obligations of prioritisation, expedition, parallel processing, and inter-agency cooperation that the bill introduces as the core operating model for designated projects. Third, in compliance with any ministerial direction issued under section 6.

So, the Government has designed a fast-track consenting-and-delivery framework for nationally important infrastructure and has expressly removed the climate-consistency obligation from the bodies doing the fast-tracking – the very obligation the Supreme Court spent 94 pages giving teeth to in February.

The approach taken in section 7 is deliberate. There were other options. The bill could have preserved the section 15 obligation while modifying how it applies in a fast-track context – for instance, by treating compliance with an approved sectoral pathway or a project-specific environmental assessment as sufficient to discharge the duty. It could have


Photo: Alamy

Playing peekaboo? The *Critical Infrastructure Bill 2026* aims to fast-track critical infrastructure

required a ministerial certification that the designation decision itself was consistent with climate objectives before the carve-out engaged. It did neither.

Policy rationale

The policy rationale is not difficult to infer. The bill is designed to accelerate delivery of infrastructure across energy, transport, water, and related sectors. For projects in those sectors, many of which are likely to be green energy or low-carbon infrastructure in any event, the section 15 obligation may be seen as adding procedural exposure without substantive benefit.

But the carve-out is not limited to projects that are self-evidently climate-consistent. It applies to any designated project. Designation turns on national importance and delivery urgency – not on carbon credentials. A road scheme, a data centre, a water-treatment plant all could qualify. For all of them, once a designation order is made, section 15 drops away.

For clients in the energy, transport, and water sectors, section 7 is a significant lever. Once a designation order is in place, the climate-consistency constraint that has shaped public-body decision-making since *Coolglass* does not apply to functions exercised in connection with the project. That removes meaningful litigation risk on one of the more potent grounds to emerge from Irish planning and environmental law in the past decade.

Boundary question

For public bodies, the position is more complex. Section 7 relieves them of the section 15 obligation within the four corners of a designation. It does not address how they manage the transition between designated and non-designated functions, or how they respond to situations where a decision has implications both within and outside a designation. Those boundary questions will require careful advice.

For practitioners advising on judicial-review strategy, the implications are direct. The *Coolglass* ground (failure to perform functions in a manner consistent with climate objectives) remains available in standard planning and environmental litigation. But for decisions taken in connection with a designated project, section 7 removes it. The practical effect is that the strength of the ground will depend, in part, on whether a designation order has been made, and whether the challenged decision falls within its scope.

It is worth being direct about what has happened here. The Supreme Court delivered its most consequential judgment on climate law in Irish history in February 2026. The Government's response, two months later, is a bill that expressly disapplies the central obligation that the judgment enforced – not generally, but for a class of projects where rapid delivery is most politically important.

That is a legitimate legislative choice. Parliament is entitled to modify the legal framework, and there is a credible argument that the bill's designation mechanism provides an alternative form of climate scrutiny at the point of project approval.

Whether it is adequate as a substitute for the ongoing section 15 obligation is a different question, one that, in due course, will likely be tested in the courts.

Jason Milne is a partner and head of environment and planning at William Fry.

LOOK IT UP

CASES:

- *Coolglass Wind Farm Limited v An Coimisiún Pleanála* [2025] IEHC 1

LEGISLATION:

- *Climate Action and Low Carbon Development Act 2015*
- *Critical Infrastructure Bill 2026*

LITERATURE:

- Climate Action Plan 2025 (Department of Climate, Energy and the Environment, 15 April 2025)
- National Adaptation Framework (Department of Climate, Energy and the Environment, 5 June 2024)
- Ireland's Long-term Strategy on Greenhouse Gas Emissions Reduction (Government of Ireland, 2024)

AGENTS OF CHANGE

Does the 'agentic' AI law firm spell the death knell for the billable hour? This new legal-practice model is reshaping not just the tools that lawyers use, but the very structure of how legal services are being delivered. Blathnaid Martin eyes up the future

The legal profession has long been characterised by its alleged conservatism, its attachment to precedent, and its wariness of transformative change. Yet a new model of legal practice is emerging, one that is reshaping not just the tools that lawyers use, but the very structure and economics of how legal services are delivered. This is the rise of the agentic law firm, in which AI doesn't just assist lawyers, but essentially operates as a semi-autonomous agent in legal workflows, capable of executing complex, multi-step tasks with minimal human oversight.

For some more seasoned practitioners, the age of AI may just feel like the latest trend they've experienced throughout their careers, alongside Tipp-Ex, Dictaphones, and word-processors. Sometime in the 1990s, law firms became digitised. Most practitioners gained access to computers, and firms migrated to using document-management systems, shelving physical libraries and printed books in favour of electronic databases – eventually abandoning fax machines for the convenience of Microsoft Outlook.

The vanishing

The 2010s brought the era of process automation, and law firms started using contract-lifecycle management software and e-discovery tools. All ultimately improved efficiency, but didn't necessarily revolutionise legal practices. These technologies all performed discrete, rule-bound, specific tasks, which were human operated. Instead of letters, lawyers sent emails. Instead of physically thumbing through hundreds of folders of discovery, lawyers searched, scrolled, and clicked through online databases.

Given this history of technological advancement and the slow adoption by the legal sector of new tools and practices – not to mention the fact that lawyers, by their nature, are sceptics – it can be hard to decipher whether AI will actually change legal practice or whether it is simply propaganda, spun up by those who are financially self-invested in AI's success.

Many lawyers questioning how significantly AI could threaten their job security will have already dabbled in using generative AI in practice, whether for research or basic drafting – usually plugging questions into an AI-powered chatbot. The results can be both impressive and underwhelming and, more often than not, disappointingly 'AI sounding'.

This, of course, offers comfort and assurance to those fearing replacement – a confirmation that AI isn't necessarily faster and definitely isn't capable of doing your job for you – right?

Eyes without a face

Most dubious lawyers may not have yet used agentic AI. 'Generative AI' is inherently passive: it will do what you tell it to, but much of its results will be dependent on how clear your instructions are, what context you provide, and what information it has access to. You will need to check its sources. It might offer you suggestions about what it should do next, but you will have to manage it on a task-by-task basis. Prompting generative AI is a skill in and of itself. It can be time consuming and can take a while to master.

Agentic AI, however, can operate completely autonomously. It can complete complex, multi-step tasks with limited human supervision. Agentic AI can read your emails, download draft contracts and review

Image: Shutterstock AI

comments, prepare a redline, and draft a response. It can run conflict checks, schedule meetings, take attendance notes, and raise invoices. It can continuously monitor for legislative and regulatory updates across multiple jurisdictions and alert you to new changes. It can do so much more, and it can likely do it faster, better, and cheaper than many lawyers can. Terrifying.

While the age of AI brings insurmountable anxiety to some, the general consensus seems to be that the role of the lawyer won't become entirely redundant and the profession will, instead, adapt with the times. It may seem less savoury, perhaps, than the introduction of email, but there are benefits that come with the superpowers of agentic AI. It is likely that the comparative advantage for lawyers will lie in tasks that require creativity, problem-solving, ethical reasoning, and the exercise of judgement.

Much of what lawyers do requires intrinsic human cognition and strategic thinking, of which AI is not (yet) capable. Crafting a novel legal argument for a court case, weighing up whether or not to agree to a liability cap, or navigating the political dimensions of a regulatory investigation – these are scenarios in which the human lawyer remains indispensable.

Agentic AI also raises questions of professional responsibility and ethics. Solicitors and barristers are subject to duties of competence, confidentiality, and candour that do not permit delegation without sufficient oversight. Regulators, including the Solicitors Regulation Authority in England and Wales, are beginning to grapple with the implications of agentic AI for existing codes of conduct, but comprehensive guidance remains in its early stages.

Recently, Ms Justice Eileen Roberts of the High Court advised that the Irish judiciary was developing a detailed practice note to guide lawyers on the use of AI in litigation. It is clear that when an AI agent drafts a letter of advice or reviews a contract, the supervising lawyer remains professionally responsible for the accuracy and completeness of that work.

Regulatory bodies and the judiciary are likely to seek to limit the use of AI in a way that doesn't degrade the profession or put its future economic viability at risk. At present, at least, it's clear that human lawyers will remain a requirement for the purposes of accountability and responsibility for maintaining sufficient supervision in the age of AI.

Undercover agent

Lawyers in private practice may also find AI slightly more ominous than their in-house counterparts. This varies depending on the industry, but most in-house legal teams in Ireland will already have been using agentic AI for some time and will have access to specific legal tools, with the likes of Harvey, CoCounsel (by Thomson Reuters), and Legora dominating the legal ops market. This isn't surprising, with the tech sector itself being characteristically primed to embrace and adopt these technological advancements.

> **Agentic AI can do so much more, and it can likely do it faster, better, and cheaper than many lawyers can. Terrifying**

There is also more pressure on in-house legal teams to be lean, agile, efficient and to scale with a rapidly growing business. The AI crunch is leaving in-house legal teams with less budget to hire more lawyers, while companies will have more appetite to invest in AI services that promise cost savings over time. There is a rising pressure to be more efficient, and agentic AI may seem like a gravy train you either have to board or best get off at the platform.

This likely differs from the experiences of many law firms, where legal services have historically been monetised by the billable hour model, which ties revenue directly to the number of hours worked. This model creates well-documented perverse incentives: rewarding inefficiency, discouraging investment in technology, and making it difficult for firms to scale without increasing headcount. The inherently conservative character of law firms and their low appetite for risk, married with a usually tight budget for legal ops, and this sort of revenue model that capitalises on inefficiencies might provide great comfort to a nervous practitioner contemplating AI.

It may well be the case that lawyers in private practice don't embrace AI at the same speed that in-house counsel do, but this is unexpectedly causing a gap in the market and giving rise to new firms who are taking advantage.

Invasion of the body snatchers?

Crosby AI, which launched its business in January 2025, describes itself as an "agentic law firm built for execution". Crosby utilises AI agents to speedily review contracts that may ordinarily take law firms weeks to return comments on, boasting a median review time of just 58 minutes.

They use qualified lawyers (including professionals from Harvard, Stanford, and Columbia) to oversee the review and charge their clients on a fixed-fee basis for each contract, no matter how many round of comments the contract goes through. The firm advertises that it "combines the speed and intelligence of AI with the safety of lawyers-in-the-loop to review contracts in under an hour".

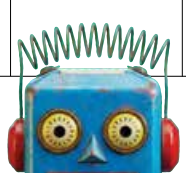



Image: Shutterstock AI

The idea is to align the firm's financial incentives with those of its clients: closing deals quickly. Charging significantly less and moving significantly faster, they are already starting to disrupt the legal market for commercial contracts. Some will point to the fact that many clients would not have the risk appetite for this approach and will want to stick with traditional big-name firms who boast experience, longevity, and 'top-tier' status. A quick scroll through Crosby's client list, however, names most of the who's who in emerging AI. They don't need to eat the whole pie to be disruptive – they can still change the market, bite by bite.

The invisible man

Another example is Radiant Law, a similar style of law firm that offers contract review on a fixed-fee basis. It has been around much longer (2011), but has recently begun utilising agentic AI. It's a popular choice in the tech sector for companies grappling with large-scale contractual amendments due to legal and regulatory changes, for example, changes required due to the recent *Digital Operational Resilience Act* (DORA) in the EU.

This type of business model is, of course, geared towards using AI for contract review, which most law firms are already tinkering with. Many will point to the fact that this is an area primed for agentic AI adoption: standardised, routine, repeatable, and based on precedents developed from market-wide approaches to certain terms.

Many will also point to the fact that other more advisory or analytical areas are not so vulnerable to competition from emerging AI businesses. There are emerging players though – for example, Vanta – that describe themselves as a "leading agentic trust platform", offering businesses compliance checklists, draft policies, and continuous monitoring for some of the more process-heavy legal frameworks, such as GDPR, the EU *AI Act* and HIPAA. While Vanta's customers may still need initial legal advice to assess their obligations under each of these frameworks, it is clear that new AI businesses are coming up with creative ways to enter the market.

> **The billable hour model creates well-documented perverse incentives: rewarding inefficiency, discouraging investment in technology, and making it difficult for firms to scale without increasing headcount**

While the impact on legal services may not be immediate, law firms will need to consider how agentic AI will change their revenue models. AI is already being utilised for some of the more tedious tasks that trainee solicitors or junior lawyers traditionally manage, such as large scale e-discovery or due-diligence projects. As more senior lawyers begin to adopt agentic AI and firms start to compete with new businesses offering fixed-fee work, many may need to assess if charging on the basis of billable hours incurred is fair, reasonable, and maintains a competitive advantage.

Could agentic AI be the death of the billable hour? Perhaps for some areas of legal services, firms will reassess how they capitalise on work and how AI could prove helpful in reducing costs. But like almost everything 'AI' right now, only time will tell.

Blathnaid Martin is a practising solicitor and in-house legal counsel at MongoDB, a publicly traded US tech company with over 70,000 customers, 7,000 employees, and over $2 billion in annual revenue. She holds a master's in EU law from King's College London.

LOOK IT UP

LITERATURE:

- 'Judiciary to issue detailed practice note on AI' (Gazette.ie, 5 May 2026)
- 'British solicitors want "clear" set of AI rules' (Gazette.ie, 13 May 2026)

WEBSITES:

- Crosby AI – 'The agentic law firm built for execution' (https://crosby.ai)
- Radiant Law – 'Your team does the deals, our team does the contracts. Really simple, really fast' (www.radiantlaw.com)
- Vanta – 'Trust is everything' (www.vanta.com)

COMPANY MAN

Dr Tom Courtney was central in the drafting of the 1,600-page *Companies Act 2014*. Now retired as a practising solicitor, he shares his thoughts with Áine O'Connor on the transition from life in a busy legal practice to his new focus on training, writing, podcasts, and as special advisor to an EU commissioner

> I know I don't know it all, and I'm at it all my life. I think that's a good approach to take to any subject. Never become complacent

After 32 years as a solicitor, the last 18 of which were as an equity partner at Arthur Cox LLP, Dr Tom Courtney gave up practice two years early, on 30 June 2024. The end of that phase of Tom's career has, however, cleared the way for a new one – from the pressures of practice to the pleasures of communication, as he focuses his expertise on company law in education, podcasts, and the corridors of the European Commission.

Dr Courtney's relationship with Irish company law is, at this point, something close to a life's work. After a degree in law in his native Galway, he moved to Dublin to do his professional training at the Law Society of Ireland. He settled in the capital and began his career.

His interest in sharing information has run parallel with this career. He published the first edition of his book, *The Law of Companies* – the definitive Irish text on the subject – in 1994, when he was just 29 years of age.

"The only thing I wonder is how I ever managed to write earlier editions when I was holding down a very busy position in Arthur Cox," he reflects. "Every weekend that I wasn't doing client work, I was working on my book. It was evenings and weekends and holidays. I had no hobbies. Well, my wife and I have two daughters, and that was the extent of our hobbies!" Tom is married to Aileen Hughes, who is a practising solicitor. Their daughters are also in law – Ally is a capital markets associate in A&O Shearman in London, while Sophie is a trainee solicitor in Arthur Cox.

Since retiring from practice, however, he said that he has more time than ever to write, teach and train in company law, with palpable enthusiasm. He is currently completing the fifth edition of *The Law of Companies*, which, he suggests, will be less of an update than a substantial reworking, as he reimagines better ways to explain company law. This latest edition is "well on the way," and is expected to be published in late 2026 or early 2027.

Tall order

Company law is an ever-evolving field. "It's ten years since I wrote the last edition," he says. "If I printed off all the decisions of the High Court, Court of Appeal, and Supreme Court in those ten years, they would be at least as tall as myself, if not taller!"

Tom checks the Irish Courts Service daily, and monitors the superior courts of the UK (including the Supreme Court, the Privy Council, and the Court of Appeal) with the same regularity. He notes that the oldest principle in company law, the doctrine of separate legal personality, established in *Salomon v Salomon* in 1897, continues to inspire judgments from Dublin to London.

"That decision is alive and well, forming the basis of judgments in our Supreme Court and High Court on a very regular basis," he says. "It is dynamic, constantly evolving – not just through case law interpreting the *Companies Act*, but through the legislation itself."

Citing the *Companies (Corporate Governance, Enforcement and Regulatory Provisions) Act 2024* and the *Employment (Collective Redundancies and Miscellaneous Provisions) and Companies (Amendment) Act 2024*, he says, "It's a busy, busy area of law."

The knowledge

He agrees that it is a lot for a practitioner to keep on top of. "I think it's well accepted at this stage that there is a need for continuous legal education. You have to keep learning until you give up your practising certificate."

He says that the Law Society "plays an important role," in ongoing education for practitioners, issuing practice notes, guidance notes, standard documents, and similar. "Every day is a school day," he says. "I know I don't know it all, and I'm at it all my life. I think that's a good approach to take to any subject. Never become complacent."

Dr Courtney has also established Courtney Governance Ltd, a training company providing bespoke company law and corporate-governance programmes. His clients include company directors and, to his

All pics: Cian Redmond

surprise, an increasing number of law firms.

"My focus had been on company directors and boards," he explains. "I just didn't expect law firms to want it. But I was absolutely delighted to be approached." The demand, it turns out, is straightforward: even firms with in-house knowledge managers benefit from a specialist whose sole focus is company law, and who has, as Courtney puts it, "their finger on the pulse as to what's happening."

The audiences, he says, make it worthwhile: "Nobody comes to these training sessions in law firms unless they really want to be there. It's a very engaged audience – and that makes it a pleasure to deliver."

He also curates an annual themed conference for Bloomsbury, designed around a principle he feels strongly about: originality. "There are so many seminars," he says. "What I try to do to be different is to really encourage presenters to show originality of thought – so that people come away with more than just CPD. They come away with tangible new learning. Good training is all about the 'value add'," he comments.

He adds to this a bi-monthly podcast with his publishers Bloomsbury Professional, called 'In Company with Courtney', in which he interviews leading figures in Irish company law – from the chief executive of the Corporate Enforcement Authority to the Law Society's company-law experts.

He describes it as not just enjoyable, but instructive for him too. "The more you engage with people on a topic, the better you understand it yourself. And equally, you gain a better insight on their understanding of the law and, indeed, where there might be deficiencies in the law in terms of its structure."

Tom was the inaugural chair of the Company Law Review Group, the statutory body tasked with keeping Irish company law under continuous review – a position he held for 18 years. Looking back at the *Companies Act 2014* with a decade's hindsight, Courtney is measured. "Broadly, we got it right," he says. The consultative process that produced the legislation was, he believes, a model of its kind: "Every stakeholder, from IBEC to ICTU, to the banks, the Law Society, Bar Council, everybody who has a legitimate interest in company law, were able to participate. The Government accepted the vast majority of the review group's recommendations."

Dr Tom Courtney with his labrador Howie

Changes

One significant structural change contained in the bill was the move away from 'Table A' – the schedule of internal governance rules that had governed companies since 1963 – in favour of approximately 150 optional provisions embedded within the act itself, applicable unless disapplied.

"It has become apparent to me that there isn't, perhaps, widespread familiarity among company-law users as to what those optional provisions are," he comments. "If we were doing it all again, I would stick with the approach we took – but I would have pushed for the inclusion of a table of optional provisions set out in a schedule to the act, so that people could readily see what they are, rather than trawling through the act to find them."

This is a gap he has filled himself by compiling his own informal table of optional provisions, available freely on his website (www.courtney-governance.com) for anyone who needs it.

The act remains, he concedes, unwieldy by any measure: the largest piece of legislation in Irish history. Its sheer volume is, perhaps, the one thing he cannot fully defend: "One of the biggest regrets I have is that it is so voluminous. Company law is inherently complex – simplifying it is something of an oxymoron. But the act is still too big! Perhaps now is the time to consider decoupling the content of financial statements from the core body of company law."

Falling down

Before the 2014 act, there was the financial collapse crisis, a time about which Tom says: "I think we will look back in years to come and marvel at how well we actually got out of that crisis."

From late 2007 through to 2013, Courtney was a central member of the Arthur Cox team advising the Department of Finance and working alongside the Attorney General's office on the suite of emergency legislation that would define Ireland's response to the financial collapse: the *Anglo Irish Bank Corporation Act 2009*, the *National Asset Management Agency*

Act 2009, the *Credit Institutions (Stabilisation) Act 2010*, the *Central Bank* and *Credit Institutions (Resolution) Act 2011*, and the *Irish Bank Resolution Corporation Act 2013*.

"These were dreadful times for the country," he comments. "But without a shadow of a doubt, it was the most exciting, interesting, and personally rewarding time of my career as a solicitor," Tom says. "To get up for work and go in and make a difference to the fate of your country and its financial institutions and its citizens – that was hugely rewarding. A great honour."

Each piece of legislation carried its own complexity. The *Anglo Irish Bank Corporation Act*, which nationalised Anglo, was, at its core, a company-law measure providing for the transfer of all shareholders' interests to the Minister for Finance, and governing what the board could and could not do.

NAMA was the creation of a statutory corporation, with carefully constructed provisions to ensure that, when NAMA acquired loans from banks, the associated security transferred intact.

Bad company

"There are some very interesting provisions in NAMA," he says, "which turn off certain switches, company-law switches, which might otherwise have operated to invalidate the security for loans acquired by NAMA. The logic was clear: taxpayers' money was being used, and it was of national importance that NAMA had the full benefit of that security."

> **It was groundbreaking. I met with the Troika when they came to Ireland, explaining how we were going to fix our banks. It was very clear to me that they were learning in that process too**

The *Credit Institutions (Stabilisation) Act* was more radical still, enabling the appointment of special managers to run institutions and empowering the minister to cut through existing company law to capitalise the banks. "It was groundbreaking," Courtney says simply. "I met with the Troika when they came to Ireland, explaining how we were going to fix our banks. It was very clear to me that they were learning in that process too."

He worked alongside Paul Gallagher SC, the attorney general at the time, of whom he says: "His commitment, knowledge and drive to get all of that legislation passed – it was a privilege to work with him. He was one of the smartest people I have ever worked with."

Regarding the lessons to be learned from those years, Courtney is direct: "Banks shouldn't overextend, but we were in the situation we were in because of a whole combination of events – over-lending in the Irish market, and then the collapse of Lehman's. It was almost a perfect storm."

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Regulation, he acknowledges, has since tightened dramatically, perhaps, he suggests, too dramatically. "You might even question whether there is over-regulation. When a bank's board is constantly focused on financial regulation and compliance, important as it is, it cannot be the only thing they focus on. That does stifle innovation and creativity."

What Ireland does have now, he argues, is a legislative toolbox that did not exist before: special resolution provisions, examinership legislation, and the Small Company Administrative Rescue Process (SCARP), introduced as part of the *Companies Act 2014*.

"The toolbox has never been more full of remedial procedures," he says. "Of course, the best procedures in the world won't magic up money. If a company is insolvent, all the legislation in the world isn't going to make it solvent. But I think we are in a stronger position now than we were 20 years ago."

Europa

Last year, Dr Courtney was appointed special advisor to the EU Commissioner for Justice, Democracy and Rule of Law, Michael McGrath – a *pro bono* position, he is careful to note – with a specific brief: to provide strategic and political advice on the development of the '28th Regime', formally known as the EU Inc.

The proposal, published on 18 March this year, represents the EU's most serious attempt yet to create a pan-European private company type – a single legal form that businesses across all 27 member states could adopt, regardless of where they are incorporated.

"It's bigger than just a company type," Tom explains. "It also seeks to promote digitisation, one-stop shops for companies – the ambition is significant."

Particularly because previous attempts have foundered: the 'Societas Europaea', introduced 25 years ago as an EU public-limited-company equivalent, gained almost no traction. Creating a pan-European company type is, Tom notes, "a notoriously difficult nut to crack". However, the current geopolitical climate, although challenging, may help work towards the success of the 28th Regime.

"There has never been a better time to think strategically and to perhaps put some national interests – I won't quite say, 'push them aside', but to wear the EU jersey with a greater sense of pride and urgency", he says. "The EU is, if not quite under attack, very much having to look after its own interests in the world today."

His advice to Commissioner McGrath (for whom Courtney has great praise for his vision and grasp of the issues) has been strategic rather than draft-focused, identifying what must and must not be included in the new regime. On one point, he feels particularly strong: the need for a uniform template set of articles of association. "For every 'EU Inc' to potentially have the same constitution – looking the same, feeling the same, broadly containing the same provisions – will go a long way towards making a very useful new legal form with which to do business across the EU."

He is pleased to report that the recommendation has been taken up. The proposed regulation makes provision for a template constitution to be developed under delegated authority by the commission. "I have stressed the importance of that being available from the get-go, as soon as the regulation comes into effect," he says. He adds that existing companies could either set up new EU Incs or it might be possible to convert existing companies into EU Incs.

Asked whether he felt he had influence in the process, he said: "I'm under no illusions that Tom Courtney in Ireland is going to turn the EU Commission on its head. But where I feel strongly on things – and I do feel very strongly on the template articles – I'd like to think I was influential in ensuring that that approach has been taken."

Retirement from practice, then, has not meant slowing down for Dr Tom Courtney. He has squeezed in some hobbies, notably walking his beloved chocolate labrador Howie, but has no intention of taking his foot off the work pedal.

"I don't think it's healthy for anybody to stop thinking or working," he says. "I think it can be very dangerous in terms of one's mental decline. It's healthier if you're thinking and you're working."

And there lies the one big, and appreciated difference in his life since retiring from being a practising solicitor. "No one rings me at five o'clock on a Friday looking for urgent training to be delivered over the weekend. It's far more relaxed."

Áine O'Connor is a freelance journalist for the Law Society Gazette.

Betting on vetting

Image: Alamy

Mr Justice Barr has held that certain provisions of the vetting legislation are unconstitutional. It now appears that the mechanism underlying this process may have been achieved at the expense of the fundamental rights of those working at the coalface. Emma Foley BL and Clare Daly raise the stakes

The *National Vetting Bureau (Children and Vulnerable Persons) Act 2012* (the *Vetting Act*) introduced a statutory system of safe recruitment of individuals who engage in relevant work with children or vulnerable persons. The act is aimed at providing a structured vetting process by ensuring employers know who they are hiring, from a child and vulnerable-adult standpoint.

But has the deck been stacked against the vetted? Can the State receive, retain, and rely upon "highly discreditable information" without informing the subject as to the content of those allegations? In a recent case, the High Court considered the fairness of the vetting process, wherein a data subject is not informed of – nor thus able to challenge – information held in the vetting register until a future employer asks for a vetting disclosure, a situation the court likened to "playing Russian roulette".

Shuffling the deck

The *Vetting Act* comprised part of a tripartite legal framework introduced in 2012, and fully implemented by 2016, to enhance child protection. Historically, child abuse had thrived in an era of silence and voluntary submissions. This legislation sought to impose statutory regimes compelling information sharing, disclosures of concern of harm, and information concerning certain scheduled criminal acts against children and vulnerable persons. This trio of legislation included the *Children First Act 2015* and the *Criminal Justice Withholding Act 2012*, wherein each sought to address disclosures of harm and knowledge of criminal activity. They set out to legally mandate vetting, require mandatory reporting by professionals, and to criminalise withholding of information about certain crimes.

The *Vetting Act* established the National Vetting Bureau, and certain relevant organisations were thereafter obliged to obtain vetting disclosures in respect of any and all employees and volunteers in their organisation.

The act also introduced a new legal definition of 'specified information' that could comprise part of a vetting disclosure. 'Specified information' is information concerning a finding or allegation of harm received by the bureau from a scheduled organisation or by an Garda Síochána, and which is of such a nature as to reasonably give rise to a *bona fide* concern that a person may harm, cause harm, put at risk of harm, attempt to harm, or incite another person to harm any child or vulnerable person. 'Scheduled organisations' set out in schedule 2 of the *Vetting Act* include the Child and Family Agency, HIQA, the National Transport Authority, and a number of professional regulatory bodies.

The threshold for submission of specified information by a scheduled organisation to the bureau is that the information raise a *bona fide* concern. Once that threshold is reached, it must make the notification "as soon as may be" or be guilty of an offence under section 19(8) of the *Vetting Act*.

The bureau retains this information on a Register of Scheduled Information, which is reviewed when a disclosure request is made by a relevant organisation.

When to hold 'em

Section 19(3) requires the scheduled organisation to notify the person of the fact of that it has such a concern and of its intention to notify the bureau of it. However, the act places no obligation to tell the person what was contained in that specified information. Therefore, the person is not entitled to the details of the specified information concerning them while it remains in the register.

However, if a vetting disclosure request is submitted, then the data subject is made aware of the specified information held in the register concerning him or her. This vetting disclosure must issue from a third-party organisation. Once the specified information to be disclosed has been identified, a copy of the material is supplied to the vetting subject. Save for that exercise, however, the person is not entitled to see what specified information concerning them is held in the register.

The key issue that arose in this case was whether the refusal to provide the person with specified information concerning them at the time the bureau received the specified information, and the retention of that information, was a breach of the *Vetting Act*.

> **The only way that the applicants can hope to learn what has been said about them is by getting some third party to make a request for a vetting disclosure on them. For the applicants, it is like playing Russian Roulette**

The court determined that this was not a breach of the act but, rather, that the act itself was unconstitutional and in breach of the *European Convention of Human Rights*.

Showing your hand

The High Court's decision in *DO'C and KL v GSOC & Ors* examined the inner workings of the legislation as regards how specified information is shared (or not shared) with a data subject, how it is retained and used by the bureau, and the constitutionality of those mechanisms.

The case concerned two gardaí who had participated in the arrest of a juvenile following a pursuit. A complaint was made to the Garda Síochána Ombudsman Commission, alleging excessive force during this arrest, resulting in an investigation by GSOC that in turn led to a file being sent to the DPP. The DPP ultimately directed no prosecution and, moreover, GSOC had also decided not to pursue any disciplinary proceedings against the two gardaí.

At the time of referring the matter to the DPP, GSOC also referred specified information to the bureau pursuant to section 19(1) of the *Vetting Act*, arising from a *bona fide* concern that the two gardaí subject to investigation may harm or cause a risk of harm to children or vulnerable persons.

Full house

The case was argued on a twofold basis. First, the applicants contended that the process engaged in by the respondents breached the provisions of the *Vetting Act*. Secondly, they argued that the act itself was repugnant to the Constitution and incompatible with the *European Convention on Human Rights*.

The court rejected the argument that the bureau and An Garda Síochána had acted contrary to the provisions of the act. However, it accepted that sections 10, 15, and 19 of the act were repugnant to the Constitution and the convention.

The central issue concerned whether the applicants' constitutional rights to fair procedures and to their good name were infringed by the retention of specified information on the register without disclosure to the data subject.

The respondents argued that the submission of specified information pursuant to section 19 did not require notification to the data subject at the point of submission or retention. It was contended that fair procedures were sufficiently provided later in the process, if it was determined that the information ought to be disclosed in the context of a vetting application. At that stage, the vetting subject would be notified of the proposed disclosure, furnished with a copy of the specified information, and afforded an opportunity to challenge the release of the material.

The vetting subjects' right to fair procedures were, therefore, engaged at the disclosure stage, insofar as the rights of the person are adequately catered for at this stage in the process and, therefore, the *Vetting Act* does not breach the person's constitutional right to fair procedures or their right to a good name.

Calling a spade a spade

However, this argument was rejected: "The court does not accept the submission that the applicants' rights to fair procedures only arise at the disclosure stage."

The court held that constitutional rights are engaged when highly discreditable information is *retained* in the register, and not at the point of disclosure. The court emphasised that the categorisation of such information as 'red flag' or 'soft intelligence' did not diminish its seriousness.

The two gardaí were informed that the section 19 referral had been made, but were not provided with the information contained in that referral. Arising from this, one of the applicants ultimately consented to a vetting disclosure being sought by a sporting organisation, solely in an effort to ascertain the nature of the specified information held about him.

Mr Justice Barr noted: "The only way that the


Photo: Shutterstock

applicants can hope to learn what has been said about them ... is by getting some third party to make a request for a vetting disclosure on them. For the applicants, it is like playing Russian Roulette."

When to fold 'em

The judge found that a person cannot defend themselves against a hidden allegation, cannot correct inaccuracies or protect their reputation, and cannot meaningfully exercise procedural rights if the law withholds the substance of an allegation from them.

The court accepted that the applicants' position was intolerable because they knew enough to know they had been accused of something grave, but not enough to defend themselves: they are "left in a situation where they must go about their ordinary lives as members of An Garda Síochána and, at least in one case, as a father, knowing that there exists on a database held by the NVB information which suggests that they pose a risk to children and vulnerable adults."

It was submitted on behalf of the applicants that their constitutional right to their good name and their right to fair procedures meant that they had a right to be informed of the specified information that had been notified to the bureau and, if necessary, to challenge its accuracy.

The court further rejected the contention that the right to fair procedures only crystallised once a vetting-disclosure request had been made and a preliminary decision to disclose had been reached by the chief bureau officer (CBO). Barr J held that the right to fair procedures arose immediately upon receipt and retention of the specified information by the bureau: "The right to be heard is not suspended until a vetting disclosure request is received and until the CBO makes a preliminary decision that it ought to be disclosed."

Ultimately, the court found that the "making of a notification of specified information" and its "retention on the register of specified information, without any opportunity being given to the data subject to have sight of that information or to challenge its accuracy until the disclosure stage, constitutes a breach of the constitutional rights of the applicants".

In all, the court held that sections 10, 15 and 19 of the *Vetting Act* are repugnant to the Constitution. The court also found a breach of article 8 of the *European Convention of Human Rights* (the right to private life), relying on established authority, such as *S and Marper v United Kingdom* and *Rotaru v Romania*, both of which recognise that State retention of personal data can interfere with private-life rights. In doing so, the court was critical of the absence of any meaningful mechanism for amendment or correction of specified information on the register, other than the limited mechanism contained in section 19(4) of the act.

Cards on the table

For 13 years, child safeguarding in Ireland has been built on a simple and widely accepted premise that if you want to protect children and vulnerable adults, you must know who you are recruiting. The *Vetting Act* made vetting mandatory for the first time and required those wishing to work or volunteer in schools, clubs, hospitals, care homes, and sporting organisations to seek a vetting disclosure prior to doing so.

It now appears, however, that the mechanism underlying this process may have been done at the expense of the fundamental rights of those working at the coalface of such organisations. Moreover, this decision now leaves a gap on how hiring organisations will safeguard in the interim.

Emma Foley BL is legal counsel general manager and Clare Daly is general manager – legal advisor in the Office of Legal Services in Tusla. *Thanks to Darragh Sheehy (trainee solicitor) for his assistance with earlier drafts of this article.*

LOOK IT UP

CASES:

- *DO'C and KL v GSOC & Ors* [2026] IEHC 26
- *Rotaru v Romania* (2000) 8 BHRC 449
- *S and Marper v United Kingdom* (30562/04, 30566/04)

LEGISLATION:

- *Children First Act 2015*
- *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012*
- *National Vetting Bureau (Children and Vulnerable Persons) Act 2012*

LITERATURE:

- Murray, K (2013), 'Protecting children and vulnerable persons: the *National Vetting Bureau (Children and Vulnerable Persons) Act 2012*', *Irish Law Times*, 31(3), pp41-44

A TALE OF TWO CAPACITIES

A recent probate case – unusually – saw one plaintiff represented separately in different legal capacities within the same action. Kim Tandy tells the tale

Contentious probate litigation frequently raises issues concerning proof of wills, family conflict, and the application of long-standing presumptions. Occasionally, however, a case gives rise to a procedural development that attracts attention beyond the substantive dispute itself. Recent High Court proceedings, *In the Estate of Mary Eastwood*, did so in an unexpected way, when one plaintiff acting as both executor and beneficiary was permitted to appear through separate legal representation in respect of those distinct capacities within the same action.

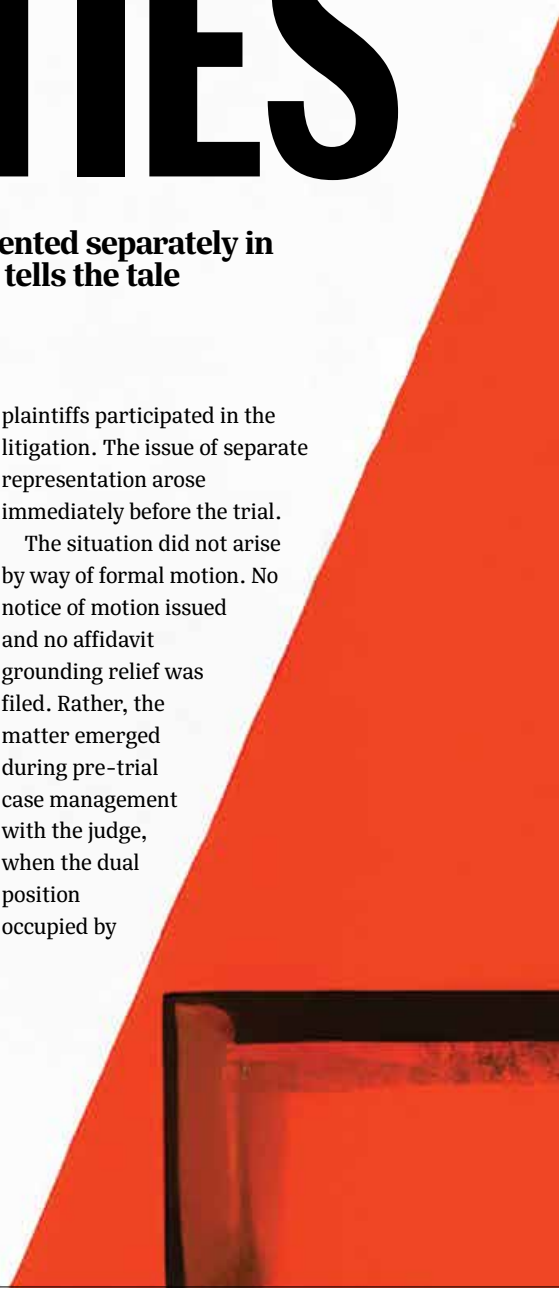
The arrangement did not arise from any formal procedural application and does not represent a change in Irish practice. Nonetheless, the manner in which the issue emerged, the objections raised, and the way in which the trial ultimately proceeded illustrates how such practical forensic difficulties may arise and be addressed in probate litigation.

The decision itself concerned the proof of a copy will and the operation of the presumption of revocation. Yet the procedural course adopted during the proceedings highlights the challenges that can arise where a single individual participates in litigation in more than one legal capacity – a circumstance not uncommon in succession disputes.

It was the best of times

The proceedings were brought by two plaintiffs seeking to prove a copy will in solemn form. Both of the plaintiffs appeared in dual capacity from the outset, both as executor named in the will and as beneficiary under it. At the commencement of the proceedings, the plaintiffs were represented by a single legal team. It was in that context that the question later arose as to whether separate legal representation might be required to reflect the distinct capacities in which one of the plaintiffs participated in the litigation. The issue of separate representation arose immediately before the trial.

The situation did not arise by way of formal motion. No notice of motion issued and no affidavit grounding relief was filed. Rather, the matter emerged during pre-trial case management with the judge, when the dual position occupied by



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one plaintiff was discussed in the context of how the action might fairly proceed.

The procedural framework governing probate litigation recognises that parties may appear before the court in distinct legal capacities. Order 125, rule 1 of the *Rules of the Superior Courts* defines probate actions as proceedings "commenced by originating summons and seeking the grant or recall of probate, or letters of administration, or similar relief". Such proceedings commonly include actions for the proof of a will in solemn form, interest actions in which entitlement to a grant is disputed, and proceedings seeking the revocation of an existing grant.

In addition, order 4, rule 10 of the rules requires that the indorsement of claim in probate proceedings identify the capacity in which the plaintiff sues. The rule provides that "the indorsement shall show whether the plaintiff claims as creditor, executor, administrator, residuary legatee, legatee, next-of-kin, heir-at-law, devisee, or in any and what other capacity".

The rules, therefore, recognise that a party may appear before the court in more than one legal capacity, but they are silent as to how representation should be managed where those capacities are held by the same individual.

Separate representation was permitted as part of the court's management of the proceedings. The development was informal in origin. At the time, it was remarked that such an arrangement appeared unfamiliar within the Courts Service, reflecting the absence of any established procedural mechanism addressing representation of a single party in multiple legal capacities within one action.

The order, therefore, derived not from any specific rule but from the court's inherent jurisdiction to regulate the conduct of litigation before it.

It was the worst of times

The course adopted was opposed by the defendant, whose objection was grounded in established evidential principle.

The potential difficulty centred on the position of the solicitor who had drafted and witnessed the will. His evidence was necessary to establish due execution, yet his handling of the original will formed part of the dispute concerning whether the presumption of revocation arose. The possibility that differing forensic approaches might be taken to the same witness raised an evidential concern familiar to common-law procedure: a party is not ordinarily permitted to impeach the credibility of a witness whom it has called, save in limited circumstances such as hostility.

Seen in that light, the issue reflected a broader concern about maintaining the coherence of adversarial examination rather than any matter particular to the personalities involved in the litigation.

It was the age of wisdom

When the matter proceeded to hearing, however, the anticipated procedural difficulty did not arise in practice.

Separate counsel appeared in respect of the executor capacity and the beneficiary capacity, alongside counsel for the defendants. Witnesses were examined and cross-examined sequentially by each legal team. As recorded in the judgment, witnesses (including the drafting solicitor) were cross-examined by counsel appointed following the earlier order permitting separate representation.

The trial judge retained firm control over the structure and scope of questioning. In practice, the questioning reflected differing forensic emphasis arising from the roles represented, rather than competing cases. The trial shows how an unusual procedural arrangement was accommodated within an ordinary plenary hearing.

It was the age of foolishness

Although novel in Ireland, questions concerning separate representation have arisen, from time to time, in England and Wales.

The leading authority arose in a libel action, *Lewis v Daily Telegraph (No 2)*, brought by Mr Lewis personally and by a company associated with him. Both plaintiffs alleged liability arising from the same publication, but their claims differed in character. Mr Lewis sought damages for personal reputational harm (general damages), whereas the company claimed

> **The question later arose as to whether separate legal representation might be required to reflect the distinct capacities in which one of the plaintiffs participated in the litigation. The issue of separate representation arose immediately before the trial**

special damages arising from alleged commercial loss.

The actions had been consolidated. Mr Lewis subsequently sought to have the proceedings separated, in part because of concern that continuation of the joint action exposed him to the costs risks associated with the company's claim. Although the plaintiffs were already separately represented, the application raised the broader question of whether the litigation should proceed independently.

The Court of Appeal refused to direct separate trials and held that the consolidated action should proceed as a single hearing. While acknowledging that severance in representation might, in principle, be justified in an exceptional case, the court regarded this separate representation as irregular in ordinary practice and emphasised the practical difficulties it would create in a jury trial, including duplicated openings, repeated cross-examination, and potential procedural imbalances between the parties.

Accordingly, the decision illustrates a distinction between the court's tolerance of separate representation as a procedural reality at interlocutory stage, and its reluctance to endorse divided advocacy at trial where the issues of liability were common.

> **It was remarked that such an arrangement appeared unfamiliar within the Courts Service, reflecting the absence of any established procedural mechanism addressing representation of a single party in multiple legal capacities within one action**

The concerns identified in *Lewis* arose in the context of a jury libel trial, where the court's focus lay primarily on the practical conduct of advocacy and the potential for procedural imbalance where multiple counsel advance overlapping arguments.

A more recent English decision illustrates the issue arising in a different setting, where the question was approached less as one of trial fairness, and more as a matter of costs and case management.

It was the epoch of belief

In *Patley Wood Farm LLP v Kicks*, the English High Court was required to consider the consequences of multiple parties within the same proceedings instructing separate firms of solicitors, while pursuing broadly aligned relief in insolvency-related litigation. The applicants occupied different legal positions within the bankruptcy structure

and maintained that independent legal advice was required, notwithstanding a shared objective.

Unlike *Lewis*, this case did not concern the structure of a trial or the risk of jury confusion. Instead, the court addressed the issue through the lens of costs and proportionality. The existence of separate representation was accepted as a practical reality, but the court examined closely whether duplication of work and expense was justified. Particular attention was paid to avoiding overlap in preparation and advocacy, and to ensuring that the opposing party was not unfairly exposed to unnecessary costs.

The decision, therefore, demonstrates a modern case-management approach: separate representation was neither treated as inherently impermissible nor positively encouraged, but assessed by reference to its practical consequences within the litigation as a whole.

It should be noted that these English authorities were not opened to the Irish court at the stage when separate representation was permitted in *Eastwood*. Their relevance to Irish probate procedure, therefore, remains to be established should a similar issue arise for formal determination in the future.

It was the epoch of incredulity

The English authorities, nevertheless, illustrate that questions of separate representation tend to arise not from abstract procedural principles, but from practical difficulties encountered in particular types of litigation – whether concerns about advocacy and jury fairness (as in *Lewis*) or issues of proportionality and duplication of costs (as in *Patley Wood Farm*).

The *Eastwood* proceedings presented yet a different context. The issue arose not from consolidated commercial claims or insolvency structures, but from the coexistence of fiduciary and personal roles within a probate action. The manner in which the Irish court addressed that situation may, therefore, be understood as case-management specific to the facts of the proceedings, rather than the application of any settled comparative approach.

> **An alternative question arising from the case is whether the evidential difficulty might instead have been addressed by treating the attesting solicitor as a witness of the court?**

It was the season of light

An alternative question arising from the case is whether the evidential difficulty might instead have been addressed by treating the attesting solicitor as a witness of the court.

In probate litigation, attesting witnesses sometimes occupy a position distinct from ordinary witnesses, given that their evidence assists the court in determining the validity of a testamentary instrument. Certain English authorities have approached such witnesses in quasi-inquisitorial terms, treating them as assisting the court rather than as witnesses aligned with either party.

As submitted on behalf of the defendants, the English authorities relied upon arose within a statutory probate framework, including powers to summon and examine testamentary witnesses for which no direct equivalent exists in Irish legislation.

In the absence of such a jurisdiction, the proceedings continued within orthodox adversarial structures. The solicitor remained a witness called in the ordinary way, and the evidential difficulty was addressed through the structure of representation rather than through alteration of the witness's status.

It was the spring of hope

The *Eastwood* proceedings do not establish a new procedural rule, nor do they suggest any general departure from the traditional exception of unified representation.

They do, however, provide an example of how the High Court addressed an unusual factual and forensic situation through pragmatic case management. The conduct of the trial suggests that existing procedural tools, particularly judicial control of advocacy and evidence, were capable of accommodating that arrangement without disruption to the orderly hearing of the action.

For practitioners, the case may therefore be of interest, not as a statement of doctrine, but as an illustration of the flexibility available to the court in managing complex probate litigation where conventional procedural assumptions do not sit easily with the realities of the dispute.

The *Eastwood* proceedings ultimately turned on established principles governing lost wills and the presumption of revocation. The procedural course adopted neither altered established principles nor created a new rule of practice. Rather, the case illustrates how probate litigation, though grounded in settled doctrine, continues to be shaped by practical realities of individual disputes.

Sometimes, the most noteworthy aspect of a case lies not in the rule it changes, but in how the court manages the situation before it.

Kim Tandy is a Dublin-based barrister practising in probate and commercial law, with particular experience in corporate governance and EU data-protection law. *She wishes to thank Stephen Moran BL for reviewing the article.*

LOOK IT UP

CASES:

- *In the Estate of Mary Eastwood (Deceased)* [2026] IEHC 63
- *Lewis v Daily Telegraph (No 2)* [1964] 2 QB 601
- *Patley Wood Farm LLP v Kicks* [2022] EWHC 3118 (CH)

Róisín Magee (committee chair), Ciara O'Donovan (NTMA), Electra Japonas (SimpleDocs), Rosemarie Loftus (Law Society president), Broc Cocoman (Anthropic), John Jeffcock (CEO, Winmark), and Claire Madden (Energia Group)

Future proof?

What is a 'future-ready lawyer'? Mary Hallissey reports on a recent In-House and Public Sector Committee panel discussion on just that topic

Time spent on legal contracts may be dramatically reduced with the proper use of AI, a panel discussion organised by the Law Society's In-House and Public Sector Committee has heard.

Speaking at the event on 29 April, Electra Japonas (chief product officer at SimpleDocs and co-founder of oneNDA) said that AI has a role in optimising legal workflows, especially in drafting contracts and providing negotiation strategy. AI-native firms have the potential to disrupt the traditional law firm model – and they will attract talent.

In-house legal roles have moved from a strategic advisory role to encompass cost-reduction functions, Japonas explained. This will involve a deep understanding of business needs as well as operation models, including contract operations, legal intelligence, and risk architecture. She said that this deep knowledge of the client organisation is crucial, regardless of whether solicitors are working in the private or public sectors.

In-house legal models are often inherited rather than deliberately designed, Electra said: "We now have a unique opportunity to be very deliberate about how we design our legal culture entering into this next era."

In-house counsel grew as a sector as regulation expanded and new risks came to the fore, she added. It then made sense, commercially and financially, to bring legal advice back inside the business.

Many hats

The post-pandemic era is a new one for general counsel, Japonas continued, with fresh regulation, ESG, and geopolitical risk assessment. This means a greater volume of legal work on desks. In light of that, "we really need to think about the way we work," she commented.

Lawyers may feel constantly under-resourced, and AI tools could assist it this regard. However, scaling legal work must be done deliberately and in a controlled fashion, with a lot of thought about how to design functions.

Legal still sees itself as an advisor, a risk checker, and a support function – but, to scale,

we need to operate at a different level. We need to be a business enabler," Japonas said.

AI presents the chance to codify judgement and scale it, but driving this strategy forward means understanding where the business is going. Routine matters can be made self-service using AI, but high-risk, high-value matters will require a different approach.

"I think AI is going to make us better lawyers," Japonas said, "but if you're going to codify your judgement into an AI tool, an AI playbook, you need to understand why you're doing the things that you're doing."

In your shoes

John Jeffcock (CEO, Winmark) said that managing geopolitical risk and stakeholder expectation is an evolving role for chief legal officers. This means being prepared for second and third-level impacts of global events.

He spoke about the need to audit and update projects to prevent incidents rather than waiting for them to occur. Lawyers must look ahead, adapt and lead, and deliver strategic impact, he said. In the AI era, a balance is needed between technical and people-management skills.

Legal and compliance considerations must be to the forefront in managing AI and other technologies, he added, in the shape of a 'legal master'.

Belt and braces

The discussion also heard from Broc Cocoman (associate general counsel, Anthropic), Claire Madden (chief legal officer, Energia Group), and Ciara O'Donovan (discussion moderator and senior legal advisor at the NTMA).

Claire Madden said that, in a complex industry, it's important to talk to peers and to keep scanning the horizon for changes: "Lawyers can be more comfortable with the piece of paper, the question that's in front of them – but actually, you need to step back a little bit to understand what's going on around you," she observed.

In the AI era, a balance is needed between technical and people-management skills. Legal and compliance considerations must be to the forefront in managing AI and other technologies

Ciara O'Donovan asked about the use of AI tools in legal practice and the challenges of data protection and confidentiality. Japonas warned against inputting confidential information into a general-purpose model, though protection is higher in enterprise models. AI use still needs an internal policy, she warned.

Broc Cocoman said that tinkering with AI on a personal level can be a useful introduction. However, he commented, "I'm very cautious. Even anonymised, I would not be keen to input clauses coming from me. You need to be really careful that the guardrails are in place."

The change already seen in software engineering work will happen in knowledge work, such as law, he said. However, while AI will replace certain tasks, legal roles will evolve in tandem.

Kid gloves

Junior lawyers should learn from reviewing AI-generated work and from working alongside senior partners, the discussion heard – this is essential in developing judgement and critical-thinking skills.

O'Donovan noted that it seemed from the discussion that legal roles were changing, with a move to more activities focusing on strategy, risk-management, and stakeholder engagement.

"Change is difficult; we resist change. But this change, more than likely, will happen," Cocoman added. AI is good at repeatable, data-heavy work, which is a positive, and is continually improving, such that hallucinations are fewer.

He suggested that companies no longer wanted lawyers in a room with their heads buried deep in documents: "They want us having time to think about the risk. What AI can't do is assess the risk, understand the different stakeholders or the politics of a business, or be able to influence people," he pointed out. Influencing, communication, and people skills – and, even more, business-minded lawyers – will become ever more important in the future, he concluded.

Mary Hallissey is a journalist with the Law Society Gazette.

THE FUTURE-READY LAWYER

Opening the event, Law Society President Rosemarie Loftus said that the in-house sector would only continue to grow, and that the Society would support this momentum. The committee's events offered a prime opportunity to meet other solicitors in similar positions, she added.

Committee chair Róisín Magee said that the volume and complexity of regulation in Ireland was something that all in-house and public-sector solicitors were grappling with in a constantly-shifting regulatory landscape. She emphasised that guidance on the use of AI was available at www.lawsociety.ie/artificial-intelligence-ai.

A place of greater safety

While counselling in the past was considered solely for those in real mental distress, the largest sea change has been in the understanding that it is a vital tool in attaining your personal and career goals. Fionnuala Walsh reports

Against a backdrop of increasing volume and complexity in legal work, there has been a sea change in how practitioners approach counselling and support services, though the structure of the legal profession as a whole continues to need to be reviewed.

Antoinette Moriarty (director of Solicitor Services) says that the integrity of the justice system rests upon lawyers being well: "If you think about the judiciary, if they are overloaded with work, not having rest time, not having an opportunity to reflect deeply, even occasionally, you can imagine the fatigue that would set in to your decision-making."

She adds: "It's pretty fundamental to me that people have the scaffolding while they're well – to maintain their wellness over the period of their careers."

Moriarty says that legal professionals can be presented with incredibly challenging work and need to process what can be horrifying material at times. She adds that while some are able to speak with counsellors and debrief, many feel that they need to figure things out alone.

"If you continue to feed practitioners with work, you increase the pace and the complexity of the work, but you don't increase the scaffolding to keep up with that," she warns. "It's no surprise then that, over time, the material about other people's trauma becomes lodged in the professionals who are also coming into contact with it."

Normal people

Moriarty says that younger trainees often have a high capacity to speak to each other about counselling. For her, the most joyful part of being involved is in providing a counselling framework and to hear young men, in particular, shouting

across a busy space, "I can't see you now because I'm going down to see my counsellor."

She adds: "In the past, counselling was largely considered to be for anybody who was in real mental distress. The biggest sea change is that this service is now understood to be something you go to while well, but curious about it. It's a space with a professional who is interested in you. They don't have a position on what you bring, and are never going to share the content of that session with another person. The counsellor is there to try to enable you to think deeply about your purpose, your mission.

"We've been very intentional in influencing that change from being something you might avail of if, for instance, you suffer a bereavement or if you go through a period of being depressed or highly anxious. Now, about 90% of trainees availing of our counselling service are probably as well as they will ever be – psychologically, emotionally and mentally."

Wretched of the earth

Human-rights lawyer Cristina Stamatescu says that lawyers are often the first person a client may have opened up to. When she talks to clients about their personal struggles, she often gets the same answer: "No one's ever asked me that before."

It's absolutely okay to take a break – the world won't end. I've recently learned that it's okay to say no to work, and it's okay to set your own boundaries and limits

Lawyers can also find themselves engaging with clients who have suffered significant trauma in their lives. Cristina says: "There are different levels of torture that people might have experienced. In international protection claims, for example, they might never have disclosed this because they've never sat across from someone who they could build up a relationship with and discuss it.

"I cry a lot, because it's getting life-changing results for people who have been extremely traumatised," she says. "It may be physical and psychological torture, and they've been in this country maybe for two, three, four years, but they've never mentioned it to anyone before."

Cristina warns that legal professionals must first be cognisant of their own wellbeing in order to fulfil their professional duties: "It's absolutely important, and I think that's part of Antoinette's work, to remind us to be aware that we need that support. We need to mind ourselves so that we can mind others."

Christina works in crime, family, employment, and general-practice law, but the strongest community she encounters is from the asylum and immigration list: "I know, with confidence, that I can pick up a phone and discuss a particular case with a colleague or call my opposite number. There is that trust that you can discuss a case or talk about the day with another colleague as you meet them in the coffee shop."

For Christina, this collegiality is a safe space, though it can't replace the level of support provided for by a counsellor: "There's a limit to how much you can reveal to a colleague but, of course, it's better than nothing. It keeps us going and we're able to talk openly and address issues and explore any common ground."

East of Eden

Having the confidence to reach out for help is difficult, but should always be encouraged, the solicitor says: "We need to accept that there's no failure whatsoever in being vulnerable or feeling that your pores are saturated with work and that you need to take a break. It's absolutely normal to reach out to a colleague, to the Law Society and Antoinette in Psychological Services, or to a family member.

"It's absolutely okay to take a break – the world won't end. I've recently learned that it's okay to say no to work, and it's okay to set your own boundaries and limits. There's a huge world out there – all you need to do is just lift your head and look around you. It's not a matter of giving up – you just need to take a break."

Fionnuala Walsh is a Courts News Ireland *journalist.*

Down to brass tax

In part 2 of their series on retirement planning, Michael Ó Scathaill and Jonathan Ginnelly consider the key tax issues arising

Part 1 of this series set out the commercial issues that legal practitioners should consider in the context of their retirement. Part 2 now addresses:

- The taxation of profits and application of the rules of cessation in the final periods,
- Reviewing pension provision,
- In certain cases where a practice is closing, the requirement to make redundancy payments to staff members and the tax treatments arising, and
- The tax treatment of disposals of goodwill and business premises and whether retirement relief and/or revised entrepreneur relief might apply.

CGT considerations may also arise in some cases. Two assets that a retiring practitioner may find themselves disposing of are practice goodwill and business premises

Taxation of profits

Section 67 of the *Taxes Consolidation Act 1997* (TCA) sets out the basis of assessment of Case I/II profits earned in both the year of cessation and the penultimate year of assessment: these are known as the 'rules of cessation'. They are best illustrated using a hypothetical example:

John is a sole practitioner who prepares accounts to 30 April each year and who recently retired on 30 April 2026. His Case II profits in recent years have been, as follows:

- Year-ended 30 April 2024: €120,000
- Year-ended 30 April 2025: €150,000
- Year-ended 30 April 2026: €180,000.

In 2024, John was taxed as normal on his profits earned in the 12-month period ending in 2024, being €120,000. For 2025, initially he was taxed on the same basis, on profits of €150,000. For 2026, however, as he has ceased practice in the year, the rules of cessation apply, meaning that he is only taxed on his profits earned from 1 January 2026 to the date of cessation – that is, 4/12^{ths} of his profits in the 12-month period ending on 30 April 2026, or €60,000.

The rules of cessation, however, also require John to compare his actual profits for the calendar year 2025 on an actual basis – that is: (€150,000 x 4/12) + (€180,000 x 8/12) = €170,000 – with the amount actually assessed (€150,000) and, if the revised amount is higher, he is taxed on that amount. In this case, therefore, John's taxable profits for 2025 are revised upwards from €150,000 to €170,000.

Even with the revision of his 2025 assessment, however, John is only taxed on total profits of €230,000 for 2025 and 2026 combined, even though his actual total profits were €330,000.

Implications

The rules of cessation will affect a retiring practitioner, regardless of the manner of their cessation (whether sale of practice, transfer to a new practitioner, or simply closing the doors). In some cases, they can also be relevant even in a non-retirement scenario where practices merge, although the details of any such merger would have to be carefully reviewed before confirming the tax treatment applicable.

The workings of the rules of cessation then give rise to a number of considerations, notably:

- A significant portion of final-year profits can effectively 'drop out' of the assessment. A practitioner who is contemplating retirement might therefore consider whether now is the time to go, if they have had a particularly strong year that is unlikely to be repeated in the foreseeable future.
- The impact of the rules, however, largely depends on what the practitioner's year-end is. In essence, an accounting year-end in the early months of the year should result in a greater drop-out than one late in the year, provided the practitioner also ceases early in the calendar year. On the other hand, the rules of cessation should make no difference where a 31 December year-end is

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used, as this practitioner is effectively already taxed on a calendar-year basis. The choice of year-end is, therefore, important in this regard, and should be considered carefully.

Finally, for clarity, it should be noted that the rules of cessation apply only to Case I/II income (that is, practice profits), whereas other income, such as rents or dividends continue to be taxed as normal.

Pension provision

A key issue for any retiring practitioner will be to review their pension provision. Specialist pension advice should be taken several years in advance of retirement, as there are a number of factors to consider, including:

The rules of cessation will affect a retiring practitioner, regardless of the manner of their cessation

- Whether there is scope to make further pension contributions having had regard to existing pension provision and, in particular, if there is any risk that the pension fund threshold (currently €2.2 million, but projected to rise to €2.8 million by 2029) might be exceeded, which could give rise to significant additional tax liabilities.
- Considering what level of lump-sum and pension income in retirement that the pension provision will fund, and the benefit of making additional contributions. This is considered in more detail in part 3 of this series.

Assuming that the practitioner does then decide to make additional contributions, they should be aware of the maximum tax relief applicable. For example, an individual aged 60 years or older can claim income-tax relief on pension contributions of up to 40% of their net relevant earnings (but capped at earnings of €115,000) in a given year. Furthermore, if the threshold in the previous year has not been utilised in full, it may be possible to make a contribution in the current year and to claim relief for it in the prior year, provided it is made before the income-tax filing deadline for that year.

The impact of the rules of cessation should also be considered, in that they may result in a much-reduced amount of assessable Case II income in the year of cessation, which in turn affects the

maximum amount on which relief can be claimed for pension contributions in that year. Consideration might therefore be given to maximising contributions in the penultimate and earlier years.

Redundancy payments

Some scenarios, such as where the practice is simply to be closed, can result in staff being made redundant. Entitlements under the *Redundancy Acts* should be established: tax legislation specifically provides that statutory redundancy payments are exempt from income tax for the recipient and are deductible against taxable profits by the payor.

Should any additional payments over and above their statutory entitlements be made, then these would be subject to PAYE and USC (but not employer's nor employee's PRSI); however, to the extent that these additional payments represent *ex gratia* as opposed to contractual entitlements, they, too, may be exempt from PAYE and USC up to a certain amount, based on formulae set out in the tax legislation. However, where a practice is ceasing, the additional payments are unlikely to be deductible for the payor, on the basis that they are not made for the benefit of the trade, which is itself ceasing.

A key issue for any retiring practitioner will be to review their pension provision. Specialist pension advice should be taken several years in advance of retirement

Capital assets

Capital gains tax (CGT) considerations may also arise in some cases. Two assets that a retiring practitioner may find themselves disposing of are practice goodwill and business premises. These are considered in more detail, below, but the proceeds of disposal of either should be liable to CGT in the hands of the retiring practitioner and, furthermore, there are two reliefs that may apply to reduce or even, in some cases, provide a full exemption from CGT.

Retirement relief (sections 598 and 599, TCA) provides a full exemption from CGT on disposals of qualifying business assets, provided the proceeds do not exceed €750,000 (or €500,000 if the vendor is aged 70 years or older). This is a lifetime cap, and all qualifying disposals are amalgamated. Where the cap is exceeded, retirement relief does not apply and CGT is calculated as normal, but marginal relief applies to cap the CGT payable at 50% of the excess above the cap.

There are a number of conditions to be met, and these should be reviewed carefully before determining if the relief applies but, in headline terms, it applies to disposals of assets that were owned by the vendor for a period of at least ten years ending on the date of disposal and were used in a qualifying business throughout that period, provided the vendor is aged at least 55 years at the date of disposal.

Revised entrepreneur relief (section 597AA, TCA) provides a reduced rate of CGT of 10% on the first €1.5 million (lifetime amount) of gains (note: *gains*, as distinct from proceeds for retirement relief) on disposals of qualifying assets. The conditions for this relief differ to those for retirement relief. Again, they must be carefully reviewed but, in headline terms, the assets disposed of must have been owned for a continuous period of at least three years falling within the five-year period ending on the date of disposal, and must have been used for a qualifying business throughout that time.

Goodwill

Part 1 of this series considers the matter of goodwill in a commercial context, and in what circumstances a payment for goodwill might arise; as noted, the attitude of the purchaser/successor on the one hand, and the retiring practitioner on the other, can diverge and the matter can be the subject of detailed negotiation.

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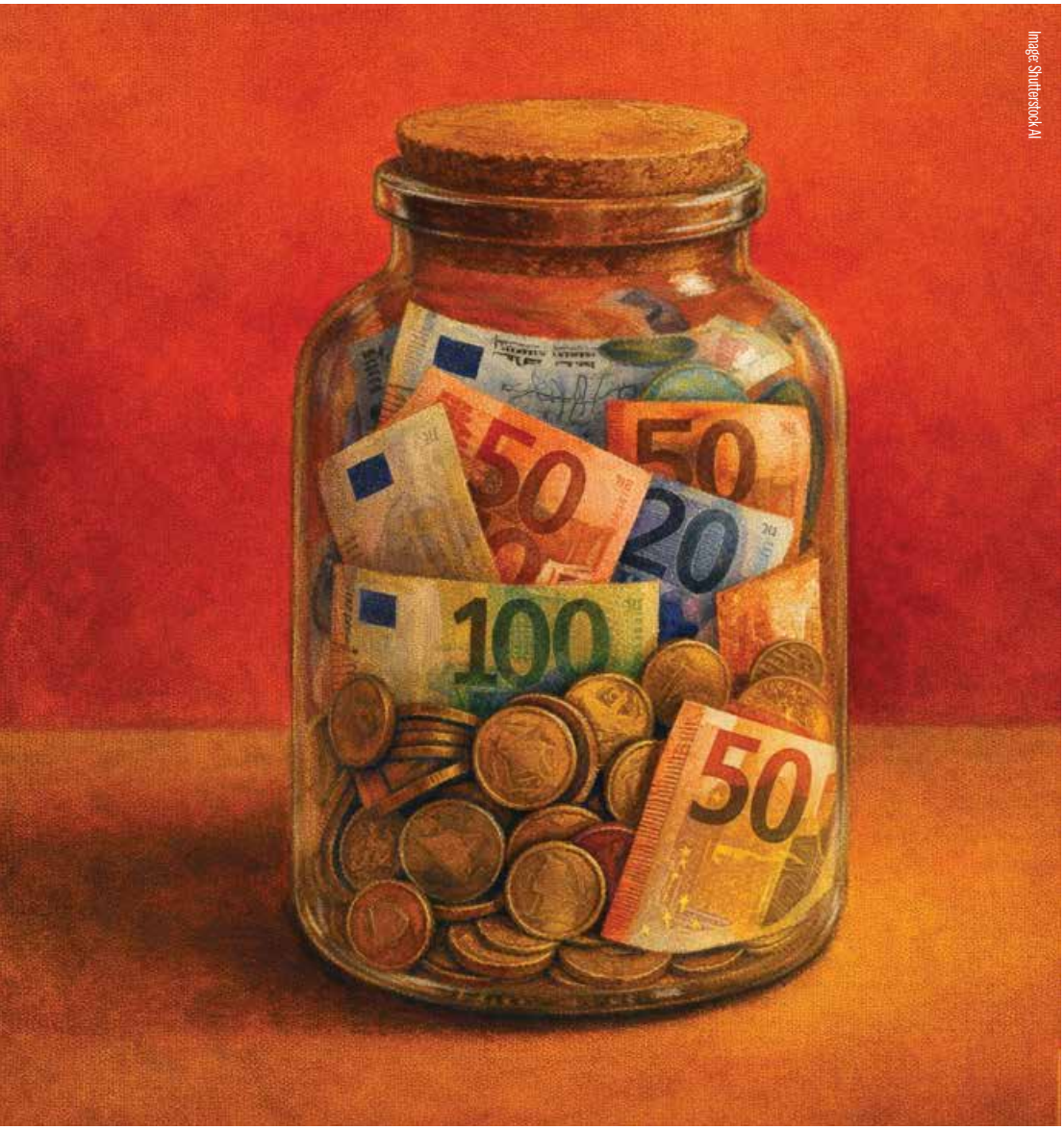
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While not the only factor, tax can play a role in the attitudes of the respective parties. The vendor/retiree may be pleased with the tax treatment, especially if one of the reliefs above applies. While the matter would have to be reviewed carefully and considered on a case-by-case basis, it is very possible that one or both of these reliefs would apply to a sale of goodwill in a solicitor's practice.

The purchaser, on the other hand, may be disappointed that they will not get an upfront tax deduction for the payment, it instead forming the base cost for the purposes of calculating CGT on any future disposal of goodwill, something that is far from certain to materialise.

Business premises

The commercial considerations and complexities regarding the business premises are discussed in part 1. The tax treatment can also be far from straightforward. Where the premises are owned by the retiring practitioner, any gain realised on their disposal should be liable to CGT. Whether such a disposal qualifies for the reliefs above is a complex matter, with a number of determining factors, including the ownership structure and timing of any disposal.

In the case of retirement relief, a key challenge can be meeting the condition that the premises are used in the business up to the date of disposal. Where, for example, the successor does not wish to acquire the premises (something that might, for instance, be especially relevant in the case of a sale to, or merger with, another existing practice), there is a risk that there will be a 'lull' period during which the premises will not be used in the business. Revenue does provide concessionary treatment in some cases where the business is closed permanently and the premises (or other relevant assets) are disposed of as nearly as may be at the same time; however, this concession only applies in narrow circumstances.

Revised entrepreneur relief may be more accessible, as the three-year period of ownership and use can fall within the proceeding five years, not necessarily the last three years up to the date of disposal.

Early engagement

There is much to consider and, again, a key point is that early engagement and planning enhance the chances of a better tax outcome on retirement.

Having navigated the exit itself, thoughts can then turn to the post-retirement phase, something that we consider in part 3. g

Michael Ó Scathaill is a director of the owner-managed business service in the tax department at Crowe. Jonathan Ginnelly, partner, leads the private clients' service in the same department.

FIND OUT MORE

For further details on succession planning and for information on supports and services available from the Law Society, contact Solicitor Services, solicitorservices@lawsociety.ie.

See the Law Society's 'Buy/Sell/Merge' service at lawsociety.ie/succession-and-exit-planning/buy-sell-merge.

RECENT DEVELOPMENTS IN EUROPEAN LAW

On the wrong side of the tracks

EMPLOYMENT

Case C-485/24 *Locatrans*, 11 December 2025

In 2002, a transport company (Locatrans, based in Luxembourg) employed a French national as a driver. His contract of employment was subject to the law of Luxembourg. He was to provide transport services in several EU states, including France. His activities started to focus increasingly on France. The employer recognised this in 2014, relying on an obligation to pay social-security contributions in France.

Locatrans asked the driver to agree a reduction in his working time. When he refused, Locatrans ended the employment relationship. He brought an action before the Labour Tribunal in Dijon. It rejected his claim after reviewing them in the context of Luxembourg employment law. The Court of Appeal set aside that decision, ruling that, under the *Rome Convention*, French law should apply, as the habitual place of work was France.

Locatrans appealed to the Court de Cassation. It referred to the CJEU on a matter of interpretation. As the parties had not chosen a governing law, the question was which state was his habitual place of work – France, where he had been working, or Luxembourg, which had been intended to become his new habitual workplace.

The Rome Convention provides that a choice of law cannot deprive an employee of the protection afforded by the mandatory rules of the law that would be applicable in the absence of a choice

The CJEU held that account should be taken of the new place of work, which is intended to become the habitual place of work, in the examination of all the circumstances, to decide which law is applicable in the absence of a choice made by the parties. The *Rome Convention* provides that a choice of law cannot deprive an employee of the protection afforded by the mandatory rules of the law that would be applicable in the absence of a choice. The convention provides for two connection factors – the country where the employee habitually carries out his work or, in the absence of that country, the law of the country in which the place of business that hired him is located. However, those factors do not apply where it appears from the circumstances that the contract is more closely connected with another country – in which case its law applies.

The court held that the first factor does not operate to identify a country where, over the course of the employment relationship, the habitual place of work has moved from one country to another. Reference must, therefore, be made to the second factor – that of the place of business through which the employee who was engaged is located: in this case, the place of business in Luxembourg.

However, it is for the French court to decide whether it appears from the circumstances, as a whole, that the contract of employment is more closely connected to France. It will have to take into consideration all the factors that characterise the employment relationship, such as the driver's most recent habitual place of work, and the obligation to pay social-security contributions in France.

They think it's all over...!

SPORT

Cases C-209/23 *RRC Sports*, C-428/23 *ROGON and others*, and 133/24 *Tondela and others*, 15 May 2025

These cases concerned regulations adopted by national or international sports associations.

In *RRC Sports*, two football agents sought to prevent the application of some rules in an international sports association's regulatory framework. They challenged rules concerning the remuneration, activities, and conduct of such agents. They argued that those rules were in violation of the freedom to provide services, of EU rules on competition, and of data-protection provisions. FIFA argued that these rules were both lawful and necessary for the integrity of soccer.

In *ROGON and others*, a German court asked similar questions in a dispute. Two undertakings concerned provide consultancy and representation

News from the EU and International Affairs Committee
Edited by T P Kennedy, Director of Education

Photo: Shutterstock AI

services to soccer players. They challenged the regulations of a national sport association governing the activities of football agents.

In *Tondela and others*, first and second-division Portuguese football clubs had reached an agreement with the national football association during the COVID-19 pandemic. They had agreed to abstain from signing players who terminated their contracts due to pandemic-related issues.

The present case concerns further questions about the autonomy of national and international sports governing bodies and the extent to which their regulations must comply with EU competition, internal market, and data-protection rules. In three separate opinions, Advocate General Nicholas Emiliou dealt with the various legal issues raised by those cases. He argued in favour of a narrow interpretation of the 'sporting exception', which permits certain rules relating solely to sport to fall outside the scope of EU rules on competition and the internal market.

EU rules on competition and free movement only apply to economic activities and intra-EU trade. Rules of self-governing bodies that influence such activities may fall outside the scope of those EU provisions if the effect is minor.

The advocate general proposed that the court should find that EU law allows sports associations to adopt regulations related to the activity of operators acting in a market upstream or downstream from those in which the association or its members are active (such as football agents). Such regulations are, in principle, acceptable. However, should they be found to have significant anti-competitive effects, they would need to be justified.

Such justification would be possible if they were pursuing legitimate sporting objectives while meeting the test of being effective and proportionate. Alternatively, they may be justified by satisfying the conditions for an exemption laid down in the treaty.

He took the view that 'no-poach' agreements are generally restrictive. However, given its specific objective and limited scope and the circumstances of the COVID-19 pandemic, he took the view that the agreement is not restrictive by object and could probably be justified.

Jumping the gun

SPORT

Case C-474/24

***NADA Austria and others*, 25 September 2025, opinion of Advocate General Spielmann**

Four professional athletes in Austria infringed the anti-doping rules. They challenged the publication or proposed publication of their names, sporting discipline, the duration of their expulsion, and the nature of the exclusion on the websites of the Austrian anti-doping agency and the Austrian Anti-Doping Legal Committee.

Austrian law permits such publication as a form of deterrence. It is also aimed at trying to prevent circumvention of the anti-doping rules by informing all persons likely to sponsor or engage the athlete that he or she is suspended.

The four athletes concerned argued that this breached the GDPR. The Austrian court referred a question of interpretation. Advocate General Dean Spielmann questioned the form of publication used. He was of the view that publishing the name to the relevant bodies and sports federations would achieve the aims in a way that is less prejudicial to the protection of personal data and more consistent with the principle of data minimisation.

The current form of publication does not meet the requirement of a proper balancing of the different interests involved. An obligation to publish personal data is permissible only where it remains proportionate.

COUNCIL REPORT

Law Society Council meeting 17 April 2026

The Council met on 17 April 2026, and the president extended her congratulations to Edward Carroll, Paula Cullinane, Tom MacSharry, Mary McAveety, Darach McCarthy, and Olivia Traynor on their appointments as ordinary judges of the District Court, and noted the nomination of Judge Paula Murphy to the Circuit Court.

Policy update

The director of policy provided updates on a range of key policy and legislative developments affecting the profession. With respect to the cost of insurance, a dual approach is being pursued, combining media engagement and political outreach via opposition spokespersons to highlight concerns affecting practitioners and consumers.

In the area of enduring powers of attorney, the Law Society has proposed a series of amendments in the Seanad to the *Assisted Decision Making (Capacity) (Amendment) Bill 2026*, including extending deadlines for discharging wardship, easing execution requirements, and removing certain notification and variation restrictions. It was also noted that a statutory review of the *Assisted Decision-Making (Capacity) Act* is expected to be accelerated, with further engagement anticipated.

Members were advised of progress on the *Civil Reform Bill*, with confirmation that proposals affecting judicial-review jurisdiction are no longer being pursued and that the bill remains a legislative priority.

An update was also provided on the work of the Centre for Justice and Law Reform, including details of the 2026 Summer School and a forthcoming research paper on electoral integrity.

On criminal legal aid, the chair of the Criminal Law Committee reminded members of the meeting that took place with the Department of Justice, and a meeting with government officials, and noted that no feedback had been received following the detailed submission to the department. Efforts are ongoing and the committee is getting significant engagement from criminal-law practitioners, and it was noted that the president will attend the next meeting. The chair assured the members that everything that could be done was being actively pursued.

New Education Hub

The chair of the Property Management Steering Group was joined by the director of finance, operations and HR and provided an update on progress relating to the new Education Hub project. Planning permission for the project was granted in March, representing a major milestone and removing one of the key delivery risks. Since the original concept was developed in 2022, the project has evolved to align with the Strategic Property Masterplan and future growth needs. Following a period of cost escalation across the construction sector, a realignment process was undertaken to ensure that the project could be delivered within the budget approved by members at the 2023 AGM.

Procurement for key professional services is currently underway, and construction is planned to commence in 2027, subject to standard planning conditions.

Solicitor services

The director of solicitor services presented an update on the work of the newly established Solicitor Services Department, which plays a central role in connecting practising solicitors with the Law Society and supporting key strategic priorities, including enabling solicitors to thrive and excellence in education and learning – all under the banner of 'Solicitor Services is the anchor and the connector between practising solicitors and the Law Society'.

Over the past year, the department recorded significant interaction with the profession, with almost 884,000 points of engagement. Key initiatives included projects focused on technology for law, leadership development, and the launch of the 'Essentials in Practice' toolkit. The Engagement and Information Team continues to support solicitors through events, networking opportunities, publications, and practical resources aligned with business and practice needs.

Psychological Services' activity was also outlined, including workplace consulting across multiple firms, participation by members of the judiciary in educational programmes, and strong uptake of clinical support services, with subsidised sessions available to practising solicitors.

Members welcomed the update, noting the value of the supports available, particularly in mental health and wellbeing, and emphasised the importance of continuing to promote these services and strengthening engagement across the profession.

Declaration of interests

Council approved the Declaration of Interests Policy. The main purpose is to provide guidance on identifying and managing potential conflicts. The policy applies to Council, committee members, and the executive team of the Law Society.

Council elections

Council approved the 2026 Council election calendar, with the nomination process opening on 24 August and closing on 10 September, with the poll opening on 2 October.

COUNCIL REPORT

Appointments

The Council confirmed Ellen Roche as an independent member of the Remuneration Committee, Marie Gavin as alternate member of the Company Law Review Group, Michelle Nolan to the disAbility Legal Network Committee, and Ailbhe Burke as vice-chair of the Family and Child Law Committee.

Submissions

The meeting noted the following submissions made by the Society:

- Initial position paper sent to the Department of Justice on the flat-fee proposals for criminal legal-aid work in the District Court (5 March 2026),
- Submission to the Department of Justice on flawed proposals to reform the model for criminal legal-aid work in the District Court (27 March 2026),
- Submission to the European Commission in relation to 'Impact Assessment on the Tax Omnibus Package' (30 March 2026).

Congratulations

The president congratulated Maura Derivan on the receipt of the inaugural *Tropheé De L'Égalité*, awarded by the Fédération des Barreaux d'Europe in recognition of her work in advancing gender equality, diversity, and inclusion.

The president, on behalf of all Council members, wished to acknowledge the significant contribution of the Gender, Equality, Diversity and Inclusion Task Force, and expressed sincere appreciation to the original task force members, chaired by Michelle Ní Longáin and vice-chair Brendan Twomey, and comprising past-president Patrick Dorgan, Council members Maura Derivan, Siún Hurley, Liam Kennedy, Michele O'Boyle, then director general Ken Murphy, as well as other members of the task force (including Rosemary Henegan, Alexandra Fortune, David Joyce, Teri Kelly, Conor Moore, Waheed Mudah, Chris Murname, and Jennifer O'Sullivan) for their foundational work in progressing these initiatives.

The president, on behalf of the members, wished to recognise and thank the founding members of the Calcutta Run who are retiring from the Calcutta Run Committee and who have contributed to the great success of the event, which has resulted in raising much-needed funds to support charities both in Ireland and in India. The retiring members are Eoin MacNeill, Joseph Kelly, Cillian Mac Domhnaill, Michael Barr, and Ciaran Ahern. They have made a lasting contribution through their outstanding work. g

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 Antoinette McMahon (solicitor no S11093), currently practising at McMahon and Co, Solicitors, 15 Forster Street, Co Galway, 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-LPDT29]
Complaints Committee of the Legal Services Regulatory Authority (applicant)
Antoinette McMahon (respondent)

By determination dated 30 March 2026, the Legal Practitioners Disciplinary Tribunal found the respondent guilty of professional misconduct in that she:

1) Failed within a reasonable timeframe, or at all, to register the ownership interest of the complainant in a property at 3 Seamus Quirke Road, Newcastle, Co Galway,
2) Failed to respond adequately or at all to the complainant on one or more dates between 30 July 2019 and 22 June 2021 in respect of the complainant's requests for information and/or documentation relating to: (a) the complainant's capital-gains-tax liability in respect of a property at Station Road, Oranmore, Co Galway, (b) the registration status of the complainant as owner of a property at 3 Seamus Quirke Road, Newcastle, Co Galway, and (c) the complainant's inheritance tax liability in respect of a property at 3 Seamus Quirke Road, Newcastle, Co Galway,
3) Failed to respond adequately or at all to requests for information and/or documentation on one or more dates between 1 March 2021 and 23 July 2021 relating to the matters from the complainant's solicitor, John Cuddy of Cuddy & Co.

The tribunal ordered that the respondent legal practitioner be admonished, pursuant to section 82(1)(b) of the act, and directed to:

1) Refund the sum of €1,500 (net of VAT) to the complainant, of the costs paid by her to the respondent legal practitioner in respect of the matter the subject of the complaint, within two months of the date of the inquiry, pursuant to section 82(1)(e)(ii) of the act,
2) Pay the sum of €600 as restitution or part restitution to the complainant within two months of the date of the inquiry hearing, pursuant to section 82(1)(i) of the act,
3) Pay the sum of €10,000 (inclusive of VAT) in part payment of the costs of the Legal Services Regulatory Authority within six months of the date of the inquiry hearing, pursuant to section 82(1)(j) of the act.

In the matter of Colum Doherty (solicitor no S16240), currently practising at CN Doherty & Co, Solicitors, 11 Steeles Terrace, Lifford Road, Ennis, Co Clare, 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-LPDT38]
Complaints Committee of the Legal Services Regulatory Authority (applicant)
Colum Doherty (respondent)

By determination dated 29 January 2026, the Legal Practitioners Disciplinary Tribunal found the respondent guilty of professional misconduct in that he failed to use his best or reasonable endeavours to recover fees that were properly due to John Gibbons SC, at the earliest possible opportunity, in connection with proceedings titled *In the matter of Michael A O'Brien, a solicitor of Michael A O'Brien & Co, Castle Street, Carrick-on-Suir, Co Tipperary, and in the matter of an application by Pat Murphy to the Solicitors Disciplinary Tribunal (record no 4405/DT12/12), and in the matter of the Solicitors Acts 1954-2008*.

The tribunal ordered that the respondent:

1) Is hereby admonished, pursuant to section 82(1)(b) of the act,
2) Is directed to pay the sum of €5,000 plus VAT as part restitution to Mr John Gibbons SC within a period of 28 days from the date of the inquiry hearing (such payment to be made via Fieldfisher LLP, the solicitors for the applicant herein), pursuant to section 82(1)(i) of the act,
3) Is hereby directed to pay the sum of €3,000 (inclusive of VAT) as a contribution of costs of the Legal Services Regulatory Authority within 56 days of the inquiry hearing (such payment to be made via Fieldfisher LLP, the solicitors for the applicant herein), pursuant to section 82(1)(j) of act.

WILLS

Barnett, Geraldine (deceased), late of 18 Drapier Green, Glasnevin, Dublin 11, who died on 24 March 2026. 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 Linda McEvoy, O'Donohoe Solicitors, 11 Fairview, Dublin 3, D03 YD78; tel: 01 833 2204, email: reception@odonohoes.com

Carney, Anthony (deceased), late of 4 Royal Canal, Phibsborough, Dublin 7, who died on 11 February 2026. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact HG Carpendale & Co, Solicitors; tel: 01 874 8455, email: info@hgcarpendalesolicitors.ie

Connolly, Joseph (deceased), late of 13 Hardiman Road, Drumcondra, Dublin 9, who died on 14 February 2026. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact Newman Doyle LLP, Unit 13 Burnell Square, Northern Cross, D17 W284; tel: 675 3837, email: info@newmandoyle.ie

Curran, Noelle Anne (deceased), late of 1 Cove Terrace, Sandycove Avenue East, Sandycove, Dublin 4. Would any person having knowledge of the whereabouts of an original testamentary document of Noelle Anne Curran (deceased), dated 22 July 2022, please contact Mary Casey, consultant solicitor, Gore & Grimes Solicitors LLP, Three Haddington Buildings, Percy Place, Dublin 4; tel: 01 872 9299, email: lawyer@goregrimes.ie

Dwyer, William (deceased), late of Deanstown House, Swords, Co Dublin, who made his last will and testament on 21 September 2018 with one map described as attached thereto. He made the said will in the accountancy practice FPM Limited (previously Francis J Woods and Co, Accountants) in North Dublin, and he subsequently died on 9 June 2022. The said map is now lost or mislaid and not forthcoming. Would any person having knowledge of the whereabouts of the said original map referred to in the will of William Dwyer (deceased), dated 21 September 2018, please contact Mary Casey, solicitor, Gore & Grimes Solicitors LLP, Three Haddington Buildings, Percy Place, Dublin 4; tel: 01 872 9299, email: lawyer@goregrimes.ie

Gibney, Agnes (née Hatton) (deceased), late of Ratoath Manor Nursing Home, Ratoath, Co Meath, and formerly of Blackwater House, Ratoath, Co Meath, who died on 17 April 2015. Would any person with knowledge of the whereabouts of any will made by the above-named please contact Andrew Turner, Hamilton Turner Solicitors, 66 Dame Street, Dublin 2; tel: 01 671 0555, email: law@hamiltonturner.com

Gilligan, Anthony (deceased), late of 7 Highfield, Carnew, Co Wicklow, and formerly of Cronyhorn, Carnew, Co Wicklow. Would any person having knowledge of a will executed by the above-named deceased, who died on 8 February 2026, please contact Cooke & Kinsella Solicitors, Wexford Road, Arklow, Co Wicklow; tel: 0402 32928, email: fergus@cookekinsella.ie

Kelly, Michael (deceased), late of 28 Vernon Drive, Clontarf, Dublin 3, who died on 29 November 2025. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact Plunkett Kirwan & Co LLP, 175 Howth Road, Killester, Dublin 3; tel: 01 833 8254, email: linda@plunkettkirwan.ie

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%)

HIGHLIGHT YOUR NOTICE BY PUTTING A BOX AROUND IT – €30 EXTRA

ALL NOTICES MUST BE PAID FOR PRIOR TO PUBLICATION. ALL NOTICES MUST BE EMAILED TO 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 July 2026 *Gazette* is Monday 8 June 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***.

Lynch, James Bernard (deceased), late of Boulineaska, Kilmaley, Co Clare, who died on 26 September 2024. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact Mark Elliott, Cahir & Co, Solicitors, 36 Abbey Street, Ennis, Co Clare; tel: 065 682 8383, email: reception@cahirsolicitors.com

Maher, Patrick (deceased), late of Shanrahan, Clogheen, Co Tipperary, who died on 3 November 2025. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact Donal T Ryan, Solicitors, Castle Street, Cahir, Co Tipperary; tel: 052 744 1244, email: gmccarthy@dtryan.ie

Moran, Anna (otherwise Anne) (deceased), late of Spiddal, Monaree, Nenagh, Co Tipperary, who died on 9 August 2025. Would any person having knowledge of the whereabouts of a will made by the above-named deceased please contact Butler Cunningham & Molony Solicitors, Main Street, Templemore, Co Tipperary; tel: 0504 31122, email: info@bcmtemplemore.ie

O'Sullivan, Carmel (deceased), late of Leeson Park Nursing Home, 10 Leeson Park, Dublin 6, formerly of 12 Roebuck Lawn, Clonskeagh, Dublin 14, who died on 26 January 2023. Would any person having knowledge of a will made by the above-named deceased please contact Leonard & Co, Solicitors, 57 Clontarf Road, Clontarf, Dublin 3; tel: 087 125 8611, email: law@leonard-solicitors.ie

Sharpe, Ivyleen (Ivy) Primrose (deceased), late of Barnahask, Bunclody, Co Wexford, and formerly of Poolaphuca, Avoca, Co Wicklow, who died on 10 September 2025. Would any person having knowledge of a will made by the above-named deceased please contact Crean & O'Flaherty Solicitors LLP, Estate House, Castle Hill, Enniscorthy, Co Wexford; tel: 053 934 500, email: info@creanandco.ie

MISCELLANEOUS

Experienced conveyancing solicitor available for short-term contracts. Contact: gpsolicitor86@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 Patrick McGowan, Michael Kiveney, and Nicolas Smith

Any person having a freehold estate or any intermediate interest in all that and those the house, offices, yard, garden, and premises then called and known as 'Hill House', situate at Gleeson Street, Athlone, in the barony of Brawney, Co Westmeath, and now known as Champaganet House, Gleeson Street, Athlone, Co Westmeath, the subject of an indenture of lease dated 17 November 1884 made between Francis Travers James Longworth and Edward James Longworth of the one part and Rev Bartholomew Woodlock and Rev Terence Martin of the other part for a term of 200 years from the later of (i) a term of 31 years from 1 May 1863 or (ii) the expiration of the natural lives of three persons named in an earlier lease of 10 October 1863 at the yearly rent of £45 sterling.

Take notice that Patrick McGowan, Michael Kiveney, and Nicolas Smith, being the persons entitled to the lessee's interest in the premises under the lease, intend to apply to the county registrar for the county of Westmeath, pursuant to the provisions of the *Landlord and Tenant (Ground Rents) Acts 1967-2019*, to have vested in them the fee simple estate in the premises together with any intermediate interests therein, and take further notice that any person or persons claiming to have a superior interest, including the freehold reversion, in the premises is hereby called upon to furnish evidence of title to such interest to the below-named solicitors within 21 days from the date of this notice, and in default of any such evidence being furnished within the said period, the applicants intend to proceed with the said application and to apply to the 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, are unknown or unascertained.

Date: 5 June 2026
Mason Hayes & Curran LLP (solicitors for the applicants), South Bank House, Barrow Street, Dublin 4

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 lands at Killeen Road, Bluebell, Dublin 12, D12 KXE6 – applicant: Killeen Motor Group Unlimited Company

Take notice any person having any interest in the freehold estate or any intermediate estate of the following property: all that and those the lands known as Killeen Road, Bluebell, Dublin 12, situate in the barony of Upper Cross and the county of Dublin, held under an indenture of lease dated 25 November 1937 made between Robert Cecil Booth and Thomas Bagnall of the one part and Cretestone Limited of the other part for a term of 99 years from 25 March 1934, saving the last day thereof, but subject to the weekly tenancy of Terence Dunn in the Gate Lodge standing thereon at a yearly rent of one penny (if demanded) therein reserved and the covenants and conditions on the part of the lessee therein contained, and under an indenture of lease dated 28 March 1934 made between Sir Compton Meade Domville of the one part and Arthur Robinson of the other part for a term of 99 years from 25 March 1934, at a yearly rent of £60, over and above all rates, taxes, cesses, and outgoings whatsoever, by equal half-yearly payments

therein reserved and the covenants and conditions on the part of the lessee therein contained.

Take notice that the applicant intends to submit an application to the county registrar for the city of Dublin for acquisition of the freehold interest in the aforesaid properties, and any party asserting that they hold a superior interest in the aforesaid premises (or any of them) are called upon to furnish evidence of the title to the aforementioned premises to the below named within 21 days from the date of this notice.

In default of any such notice being received, the applicant intends to proceed with the application before the county registrar at the end of 21 days from the date of this notice and will apply to the county registrar for the city 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 each of the aforesaid premises are unknown or unascertained.

Date: 5 June 2026
Signed: Gore & Grimes Solicitors (solicitors for the applicant), Three Haddington Buildings, Percy Place, Dublin 4, D04 T253, Co Dublin

In the matter of the *Landlord and Tenant (Grounds Rents) Act 1967-2019*, and in the matter of the lands and premises known as Riversfield, Spawell Road, Wexford: an application by Timothy Ryan, Thomas Ryan, William Ryan, and Kathleen Geraghty

Take notice any person or persons having an interest in the freehold estate or any intermediate interest in the property known as Riversfield, Spawell Road, Wexford, comprised in (1) an indenture of lease made on 10 August 1836 between James Richards as lessor of the one part and Rev Thomas White as lessee of the other part for a term of 200 years from 25 March 1836, and (2) an indenture of sublease made on 1 October 1842 between Rev Thomas White of the one part and John Barrington of the other part for a term of 190 years from 29 September 1842.

Take notice that Timothy Ryan, Thomas Ryan, William Ryan, and Kathleen Geraghty intend to submit an application to the county registrar for the county of Wexford for the acquisition of the freehold interest in the aforementioned property, and any party asserting a superior interest in the aforementioned property is called upon to furnish evidence of such title to the aforementioned property to the undermentioned solicitors within 21 days from the date of this notice.

In default of such notice being received, the applicants intend to proceed with the application before the county registrar in the county of Wexford for such directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest or interests, including the freehold reversion, to the aforementioned property is unknown and unascertained.

Date 5 June 2026
Signed: Ebrill Solicitors (solicitors for the applicant), Iberius House, Common Quay Street, Wexford, Y35 TYD0

In the matter of the *Landlord and Tenant (Grounds Rents) Act 1967-2019*, and in the matter of the lands and premises known as Woodside, Spawell Road, Wexford: an application by Timothy Ryan, Thomas Ryan, William Ryan, and Kathleen Geraghty

Take notice any person or persons having an interest in the freehold estate or any intermediate interest in the property known as Woodside, Spawell Road, Wexford, and the grounds thereof comprised in (1) an indenture of lease made on 10 August 1836 between James Richards as lessor of the one part and Rev Thomas White as lessee of the other part for a term of 200 years from 25 March 1836 and (2) an indenture of sublease made on 1 October 1842 between Rev Thomas White of the one part and John Barrington of the other part for a term of 190 years from 29 September 1842.

Take notice that Timothy Ryan, Thomas Ryan, William Ryan, and Kathleen Geraghty intend to submit an application to the county registrar for the county of Wexford for the acquisition of the freehold interest in the aforementioned property, and any party asserting a superior interest in the aforementioned property is called upon to furnish evidence of such title to the aforementioned property to the undermentioned solicitors within 21 days from the date of this notice.

In default of such notice being received, the applicants intend to proceed with the application before the county registrar in the county of Wexford for such directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest or interests, including the freehold reversion, to the aforementioned property is unknown and unascertained.

Date 5 June 2026
Signed: Ebrill Solicitors (solicitors for the applicant), Iberius House, Common Quay Street, Wexford, Y35 TYD0

In the matter of the *Landlord and Tenant (Ground Rents) Acts 1967-2019*: notice requiring information from a lessor to Allen R Tucker, late of Ormston, Glasheen Road, Cork, his heirs, 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 28 Watergate Street, Bandon, Co Cork; *particulars of the lease or tenancy:* held under an indenture of lease dated 3 January 1963 as between Allen R Tucker as lessor of the one part and Seán O'Donovan as lessee of the other part, whereby "the dwellinghouse, out offices and garden, in the occupation of the lessee, situate on the northern side of Watergate Street in the town of Bandon, parish of Ballymodan, barony of Kinalmeaky, and county of Cork, and bounded on the north by premises of John O'Donovan, on the south, by Watergate Street, on the east by a vacant plot, and on the west by premises in the occupation of Lana Deasy" were demised for the term of 99 years as and from 29 September 1962 at a rent reserved of £2/11/- per annum; *part of the lands excluded:* none.

Take notice that Karen O'Donovan, 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 require 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: 5 June 2026

Signed: Fleming & Barrett Solicitors LLP (solicitors for the applicant), 66A South Main Street, Bandon, Co Cork

In the matter of the *Landlord and Tenant Acts 1967-2005*, and in the matter of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978*: an application by Grainne Wynne

Take notice any person having an interest in the freehold estate or any intermediate interest in the property now known as 'Athena', 5 The Rear, Main Street, Blackrock, in the county of Dublin, A94 W8P4, held pursuant to an indenture of lease dated 31 December 1892 made between Fanny Byrne and Andrew Byrne of the one part, and Andrew Nolan of the other part, by which the property known as nos 5 and 7 Main Street, Blackrock, was demised to Andrew Nolan for a term of 200 years from 1 January 1893, subject to payment of a yearly rent of £26 and being described as "all that and those the dwellinghouses, shops, yards, and premises now known as nos 5 and 7 Main Street, Blackrock, in the parish of Monkstown, barony of Rathdown, and county of Dublin, and as then in the occupation of the said Fanny Byrne, containing in front to said street 22 feet, 6 inches; in the rear, 21 feet, nine inches; and in depth from front to rear on the east side thereof 99 feet, 7 inches; and on the west side, 99 feet, be the said several admeasurements, more or less bounded on the north by the Main Street of Blackrock, on the south by premises then in the occupation of Mrs John Field, on the east by the premises 9 Main Street, Blackrock, then in the occupation of the said Andrew Nolan, and on the west by the premises no 3 Main Street, Blackrock, then in the occupation of Mr Thomas Delany, and as more particularly described in the map delineated hereon and edged red".

Take notice that Grainne Wynne, being the person entitled to the lessee's interest in the said lease in respect of the said premises, intends to submit an application to the county registrar for the county of Dublin for the acquisition of the freehold interest and any intermediate interest in the aforesaid property, and any party asserting that they hold a superior interest in the aforesaid property is called upon to furnish evidence of title to the aforesaid property to the below named within 21 days of this notice.

In default of any such notice being received, Grainne Wynne intends to proceed with the application before the county registrar for the county of Dublin at the end of the 21 days from the date of this notice and will apply

to the county registrar for the county of Dublin for such orders or 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 or unascertained.

Date: 5 June 2026

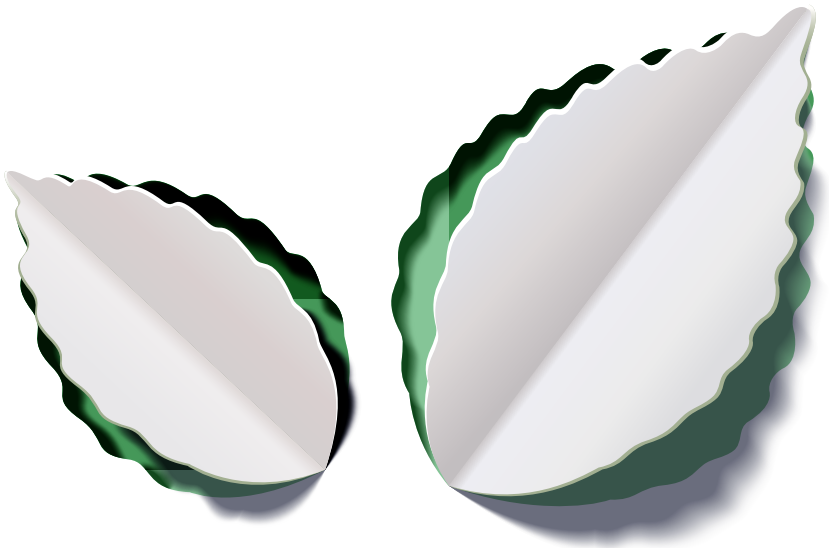
Signed: McCormack Solicitors (solicitors for the applicants), Northwest Business and Technology Park, Castlecara Road, Carrick-on-Shannon, Co Leitrim

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 premises situate at Main Street, Carrigaline, in the county of Cork: an application by Aiden Lee, John Downes and Eoltra International Limited trading as Eolas Investments Partnership LLP

Take notice any person having any superior interest (whether by way of freehold interest or otherwise) in the following property or who owns any encumbrance on the following property: the premises at Main Street, Carrigaline, in the county of Cork, the subject of a lease dated 2 September 1801 and made between Francis Stephen Dillon of the one part and William Scannell and Daniel Scannell of the other part for a term of 300 years from 29 September 1800 at the yearly rent of £71.61.

Take notice that Aidan Lee, John Downes, and Eoltra International Limited, trading as Eolas Investments Partnership LLP, who now hold the lessee's interest in the said property, intend to submit an application to the county registrar for the county of Cork for the acquisition of the freehold interest and any intermediate interest and any superior interest in the aforesaid property, and any party asserting that they hold a superior interest in the aforesaid property, including but not limited to any person claiming to be entitled to the lessor's interest of the heirs, executors, administrators, successors, and assigns of Francis Stephen Dillon (deceased), late of Brookfield in the county of Cork, are called upon to give notice of their said claim and furnish evidence of their 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, the applicants intend to proceed with the application before the county registrar for the county of Cork at the end of 21 days from the date of this notice and will



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apply to the county registrar for the county of Cork for such 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 unascertained.

Date: 5 June 2026
Signed: NMS Solicitors LLP (solicitors for the applicant), Station House, Main Street, Ballincollig, Cork

In the matter of the *Landlord and Tenant Acts 1967-2005*, and in the matter of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978*, and in the matter of an application by HFR Property Limited in the respect of premises known as 3 Home Farm Road, Drumcondra, Dublin 9

Take notice any person having a freehold estate or any intermediate interest in all that and those the property known as 3 Home Farm Road, Drumcondra, Dublin 9, being currently held by HFR Property Limited under an indenture of lease dated 26 February 1903 and made between Francis P Butterly of the one part and Michael Whelan of the other part, that the applicants, as lessees under the lease, intend to submit an application to the county registrar for the city of Dublin for the acquisition of the freehold interest in the aforesaid premises, and any party asserting that they hold a superior interest in the aforesaid premises or any of them are called upon to furnish evidence of title to the aforementioned premises to the below named within 21 days from the date of this notice.

In default of any such notice being received, HFR Property Limited intends to proceed with the application before the county registrar at the end of the 21 days from the date of this notice and will apply to the county registrar for the city 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 each of the aforesaid premises are unknown or unascertained.

Date: 5 June 2026
Signed: Griffin Solicitors (solicitors for the applicant), Gabriel House, 6 Cypress Park, Templeogue, Dublin 6W

In the matter of the *Landlord and Tenant (Ground Rents) Acts 1967-2019*: notice of intention to acquire the fee simple to Heyward John St Leger, late of London, in the county of Middlesex, England; James Isaac Carnegie, late of Belfast, in the county of Antrim; Joseph Woodley Lindsay, late of Janeville, in the county of Cork; Mary De Courcy, late of Monkstown, in the county of Cork; Mary O'Malley, late of Dalkey, in the county of Dublin; their heirs, 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 5 Harrington Row, Ballyhooley Road, Cork;

particulars of the lease or tenancy: held under a yearly lease arising by operation of law or by inference upon the expiration of a lease for the term of 150 years agreed between Heyward John St Leger of the first part, James Isaac Carnegie of the second part, Joseph Woodley Lindsay of the third part, Mary De Courcy of the fourth part, Mary O'Malley of the fifth part, and Daniel Harrington of the sixth part, dated 1 February 1869; *part of the lands excluded:* none.

Take notice that John O'Brien (as legal personal representative of Dónal O'Brien, (deceased), being the person entitled under the above-mentioned acts, as amended) proposes to purchase the fee simple and all intermediate interest in the lands and premises described in the foregoing paragraphs.

Date: 5 June 2026
Signed: Carey Murphy & Partners LLP (solicitors for the applicant), 23 Marlboro Street, Cork

Final verdict

PRO BONOBO

'We all live in a Tesla submarine'

A Texas man has been arrested after deliberately driving his Tesla Cybertruck into a lake to test the vehicle's 'Wade Mode' water-fording feature.

Jimmy-Jack McDaniel and a passenger were forced to abandon the truck after it flooded and stopped working, *CBS News* reports. He faces charges that include operating a vehicle in a closed section of the lake and lacking boat registration.

Tesla's manual specifies that Wade Mode is designed for shallow crossings capped at roughly 32 inches. Water damage, the manual adds, is not covered under warranty.

Forger foiled by printer folly

"This is a crude forgery, but the machine you typed it on is a genuine antique!"

A man who tried to sell fake ancient statues to Sotheby's was undone when forensic scientists established that his supposedly 1970s paperwork had been produced using printing technology not invented until 2001, the BBC reports.

Andrew Crowley (46) presented the auction house with three Cycladic figures from Greece and an Anatolian statuette he claimed to have inherited from his grandfather, alongside invoices purportedly typed in 1976 on embossed antique-dealer letterheads bearing a 9d stamp.

Judge Nicholas Rimmer handed Crowley a two-year suspended sentence, describing it as "a crude attempt", given how swiftly Sotheby's identified the forgeries. The judge accepted that Crowley genuinely inherited the statues and never believed them to be fakes. He was also ordered to pay stg £1,630 in costs over three months and to complete 200 hours of unpaid work.

Court no-shows fallout

Nearly 60,000 arrest warrants were issued last year for defendants who failed to appear in court in England and Wales – a rise of almost 50% since 2020 – with more than 30,000 still outstanding, figures obtained by Channel 4's *Dispatches* reveal.

Over 7,000 of those outstanding warrants predate 2020, meaning suspects have been at large for six years or more. More than a quarter relate to the most serious offences, including rape, armed robbery, and manslaughter.

Former justice secretary Alex Chalk KC described the situation as a "horror show", warning that lengthy delays give defendants every incentive to disappear.

You can't handle the truth

A book about artificial intelligence's corrosive effect on truth has itself been found to contain AI fabrications. Steven Rosenbaum's *The Future of Truth* includes more than half a dozen quotes that were either invented or wrongly attributed, apparently produced by AI during research, *The New York Times* reports.

Rosenbaum acknowledged that the book contained "improperly attributed or synthetic quotes" and said he was working with editors on corrections. Among those misquoted is tech journalist Kara Swisher, who said she never said the attributed words, adding that ChatGPT had made her "sound like I have a stick up my butt". Psychologist Lisa Feldman Barrett said two lines attributed to her work were not only non-existent, but factually wrong.

Rosenbaum suggested the episode illustrated precisely why he wrote the book.

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