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LAW SOCIETY
November 2026

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PLUS: Institutions of international law under attack • 'No foal, no fee' clarity • Safeguarding elections

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BACK TO THE FUTURE

My year as president began brightly: bar association meetings, the Future of Legal Practice Summit in January, and the CCBE conference in February. By late February, the storm had broken.

The Government proposed a single flat fee for criminal legal aid. We told the Department of Justice exactly what we thought: this model had already failed. When flat fees hit family-law legal aid, solicitors walked away because the work became unviable. Why repeat the mistake?

Access to justice for victims of crime and defendants is now under real threat

The consequences have been predictable. Access to justice for victims of crime and defendants is now under real threat. The threat extends beyond criminal law. Proposed fee scales for environmental judicial reviews rest on the claim that they are choking housing delivery. The data says otherwise: judicial-review cases fell 19% in 2025. A fee scale will not stop weak cases being brought by the wealthy; it will stop strong cases being brought by those who can't afford the risk. Better options exist, such as non-binding cost guidelines and internal-appeal mechanisms.

While criminal legal aid has dominated the headlines this year, the Civil Legal Aid Scheme is also in crisis. The Government announced increased funding of €14.5 million investment in civil legal aid. This mirrored the ask from the Law Society in our pre-Budget submission. We called for an increase in the financial threshold for qualifying for civil legal aid, and expect this to happen. However, increasing eligibility without addressing underlying challenges, such as practitioner participation and fee sustainability, will only exacerbate existing delays and capacity constraints.

Evidence-based reform

The Law Society supports reform, but it must be evidence-based. The need for better data was an important impetus behind the *Justice Indicators* report from the Centre for Justice and Law Reform. The report drew on more than 100 data sources to assess trust, policing, courts, and prisons and received extensive coverage when it was published earlier this year.

The centre is also finalising a report on legal deserts. Shining a light on the shrinking of legal services in rural Ireland was a priority of my presidency, and I know that this important work will continue. The launch of the apprenticeship programme, which will help broaden access to the profession, represents a very positive step in this regard.

Solicitor services

Along with advocating for the profession, the Law Society works to support each of you in many different ways. I was proud to launch the new Solicitor Services Department in October. Its establishment reflects the Law Society's commitment to you and to supporting the profession as it evolves.

The department acts as both an anchor for the profession and as a connector – to information, people, expertise, and support. It brings together Psychological Services, career and practice development, plus engagement and information. Together, they offer practical support for solicitors in your business, practice, and workplace, across your careers and beyond.

A good example of this is 'Practice Essentials'. This ready-to-use collection of templates, guides, and resources tackles the real day-to-day challenges of running a practice – from people and processes to compliance and risk – and provides accessible, practical support on topics including AI, HR, and regulation. It has already been downloaded more than 2,000 times.

This is my final 'President's Message'. Thank you for letting me stand with you as president. I wish my successor Martin Lawlor every good wish and success in the year ahead. On a final note, access to justice is not guaranteed – it is built, defended, and funded by people like you.



ROSEMARIE J LOFTUS
PRESIDENT

the BIG picture

Bastille Day

Protesters gather at Bastille Square in Paris on 8 October during a demonstration over school conditions. Nationwide protests have swept France since late September 2026, driven by teacher shortages, overcrowded classrooms, resource deficits and poor learning conditions. Police have arrested 9,200 people, mostly minors, in over two weeks of unrest, and the IGPN watchdog is investigating 40 cases linked to the policing of the protests. The use of stun grenades was suspended after a 15-year-old lost his hand in Lens. Prime Minister Sébastien Lecornu defended the police response but promised proposals on student demands by the end of October, saying: "The anger of young people does not come from nowhere."





Pic: Firas Abdullah/EPA/Shutterstock

people

■ WHO ■ WHAT ■ WHERE ■ WHEN ■

Ireland and the EU – an opportunity for influence

The Law Society's EU and International Affairs Committee hosted the 'Ireland and the EU – An Opportunity for Influence' seminar on 22 September at Blackhall Place. Up for discussion were threats to the rule of law and adopting a common-sense approach to tech regulation. The keynote speaker was Justice Nicolas Guillou (International Criminal Court) who was presented with the Medal of Excellence by the Centre for Justice and Law Reform (see p26). Panellists included Liam Herrick (chief commissioner, IHREC), Noeline Blackwell, Cormac Little SC, Prof Teresa Rodríguez de las Heras Ballell (president, European Law Institute), Niamh Hodnett (commissioner, ComReg), Mark Cockerill (president, American Chamber of Commerce Ireland), and Paul Keane.



Justice Nicolas Guillou (ICC) and Rosemarie Loftus (president, Law Society)

All pics: Cian Redmond



Niamh Coyne and Prof Teresa Rodriguez de las Heras Ballell



Mr Justice Liam Kennedy and Judge Chris Callan



Judge Peter White and Siobhán Ní Chulacháin (LRC)



Noeline Blackwell and Leon Diop



Justice Nicolas Guillou and Mark Garrett



Imelda Marr, Ronan Dunne, and Catherine Pierse (DPP)



Niamh Hodnett (ComReg) and Susan McKay



Mr Justice Paul Kelly and Mr Justice Frank Clarke



(Front, l to r): Martina Ryan, Peter Doyle, Ailbhe Burke, Ms Justice Marie Baker, Siún Hurley, Annette Sheehan, and Avril Mangan. *(Back, l to r):* Keith Walsh SC, Jackie Lacey, Donagh McGowan, Edel Trainor, Orlaith Sharkey, Judith Tedders, and Brendan Dillon

Family Code launch

Members of the legal profession, judiciary and stakeholder organisations gathered at the Law Society on 8 October for the launch of the fifth edition of the *Code of Practice in Family Law*. The revised code, the first update since 2017, was launched by former Supreme Court judge Ms Justice Marie Baker. Attendees included members of the judiciary, family-law practitioners, committee members, and representatives from One Family and Women's Aid.



Judge Jennifer O'Brien, Pól Ó Murchú, Jackie Lacey, and Judge Paul Kelly (president of the District Court)

All pics: Cian Redmond



Annette Sheehan, Judith Tedders, Martina Ryan and Ailbhe Burke



Ms Justice Marie Baker

All pics: Cian Redmond


Paul Keane and Michael Carrigan


Judy O'Connell, Caroline Dee-Brown and Róisín Magee

Committees catch-up!

The Annual Committees Dinner took place in the President's Hall at Blackhall Place on 24 September. Law Society President Rosemarie Loftus thanked all present for their selfless dedication to the work of the committees on behalf of the profession. Law Society committees comprise volunteer solicitors who are members of standing committees that fulfil statutory governance and regulatory functions, and non-standing committees that cover specific practice areas, as well as task forces and steering groups set up by the Law Society's Council for specific purposes.


Keith Walsh SC


Brian McMullin, John O'Doherty, and Amanda Connolly


Juli Rea, Rosemarie Loftus (president), and Deirdre Malone


Diego Gallagher, Cristina Stamatescu and Freda Grealy


Sonia McEntee and Eamon Harrington

All pics: Cian Redmond



Justice Úna Ní Raifeartaigh, Áine Flynn, and Paul Dornan



David Irwin, Áine Flynn, Cristina Stamatescu, and Brian McMullin

ECtHR judge reaches out

European Court of Human Rights judge Úna Ní Raifeartaigh visited Blackhall Place on 1 October to deepen connections between the Strasbourg court and the legal profession here: "The court has a limited internship programme. I'm hoping to persuade the Law Society, the Bar, and a couple of the universities to provide funding," she said. Her visit was facilitated by the Law Society's Human Rights and International Affairs Committee. Judge Ní Raifeartaigh is keen to encourage a dedicated annual human-rights conference in Ireland focusing on Strasbourg jurisprudence and is encouraging Irish judges to visit the court.



Katie Mannion and Ashimedua Okonkwo



Áine Hynes and Justice Úna Ní Raifeartaigh



Mark O'Doherty and Martina Larkin



Suzanne Scott and Claire O'Mahony

■ ICC sanctions condemned ■ New solicitor designations ■ James MacGuill RIP

news

■ YOUR MONTHLY UPDATE ON ALL THINGS LEGAL ■



Photo: Rollingnews.ie

Minister for Justice Jim O'Callaghan

Fresh talks urged as legal-aid dispute escalates

The Law Society has renewed its call for Justice Minister Jim O'Callaghan to meet with representatives of the profession, as efforts continue to try to resolve the ongoing dispute over criminal legal aid.

With disruption now affecting all levels of the criminal courts, the Law Society says that direct engagement is needed to address outstanding concerns about the new scheme and restore stability to the justice system.

The Law Society has written to the minister on a number of occasions since July seeking discussions on two unresolved issues relating to the scheme. It again called on 20 October for a meeting to be arranged.

"The Law Society agrees that this matter needs to be resolved without ➔



COUNCIL ELECTION RESULTS

The results of the Law Society's Council election have been announced. Senior vice-president Martin Lawlor is elected automatically, in accordance with bye-law 6(12).

The following candidates were deemed elected in the national election:

Fiona McNulty (1,542), Áine Hynes SC (1,401), Maura Derivan (1,245), Donna O'Leary (1,241), Brian McMullin (1,193), Thomas Coughlan (1,177), Brian Conroy (1,167), Stuart Gilhooly SC (1,167), Peter Doyle (1,078), Tony O'Sullivan (1,039), Graham Kenny (1,027), Tony Collier (1,022), Garry Clarke (1,004), and Cristina Stamatescu (979).

Sonya Lanigan is elected as the Leinster provincial delegate, and Kevin McElhinney is elected as the Ulster provincial delegate.

The scrutineers' report will be considered at the Law Society's AGM on 5 November.

any further delay and again calls on the minister and his officials to meet directly, as the minister has previously ruled out mediation.

"Our objective is to secure an effective and sustainable criminal legal-aid system that protects access to justice and commands the confidence of those who use it," it concluded.

Unworkable scheme

The dispute, which has been ongoing for more than three months, centres on a €520 flat-fee payment structure introduced for criminal legal-aid cases in July. Solicitors have argued that aspects of the scheme remain unworkable, while the minister maintains that legal services continue to be provided and that a number of amendments have already been made.

The latest developments come against a backdrop of calls from senior figures within the courts system for a resolution. Both Chief Justice Donal O'Donnell and the High Court have highlighted the importance of finding a way forward.

Committee remarks

The dispute took on a political dimension on 20 October following comments made by the minister regarding the impact of industrial action on rape trials. Appearing before the Oireachtas Committee on Justice, Fine Gael TD Barry Ward criticised suggestions by the minister on RTÉ news on 19 October that rape cases had been deliberately targeted by solicitors.

The minister had expressed his "deep concern" that "the only cases deliberately affected by the withdrawal of services in the Central Criminal Court were those involving allegations of rape."

Mr Ward countered by saying: "Every trial in the Central Criminal Court yesterday was a rape trial. There is no evidence to suggest that solicitors were deliberately targeting rape cases. I think it is very unfair and I think you should consider withdrawing your remark because you don't have a basis for it."

Responding, Minister O'Callaghan said: "I am not trying to antagonise solicitors, but I do have a responsibility to point out the information that is given to me by the Courts Service."

'Risible' claim

Solicitor Eoghan O'Sullivan rejected the suggestion that rape cases had been singled out, saying that criminal-defence solicitors had withdrawn services across all courts and all categories of criminal cases. The minister's claim was "risible, but wholly inaccurate", he said.

He warned that continued uncertainty could have long-term consequences for criminal legal-aid services, while arguing that meaningful engagement remained the best route to resolving the dispute.

A High Court judgment in a legal challenge to the scheme brought by Dublin solicitor John Quinn is due on 3 November. Many within the legal profession hope progress can be made before then through direct discussions between the parties.

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IBA strongly condemns US sanctions against ICC



Pic: University of Michigan Law School

Claudio Visco: 'Unacceptable burden' on judges and lawyers

The International Bar Association (IBA) has strongly criticised new US sanctions against the International Criminal Court (ICC), warning that the measures threaten the independence of the world's only permanent international criminal court and could undermine access to justice for victims.

The sanctions, imposed on 9 October under Executive Order 14203 of 6 February 2025, add the ICC itself to the US list of specially designated nationals. Previous sanctions had targeted individual officials and judges rather than the court as an institution.

IBA president Claudio Visco said the organisation was "deeply concerned" by the move, arguing that it could jeopardise the ICC's mandate and hinder victims seeking justice. "Beyond obstructing justice for victims, these sanctions impose an unacceptable burden on the independence of judges and lawyers who are working on their behalf," he added.

'Total rejection'

IBA executive director Dr Mark Ellis described the decision as evidence of "the total rejection of the rule of law" by the Trump administration. Similar concerns were expressed by outgoing Law Society of England and Wales president Mark Evans, who said that sanctioning the court itself amounted to "a serious attack on the independence of the international justice system".

The latest dispute comes amid growing concern within the international legal community about pressure being exerted on the court. Last month, ICC judge Nicolas Guillou addressed concerns about attacks on the institution during a visit to Dublin, where he received a medal of excellence from the Law Society's Centre for Justice and Law Reform (see p26).

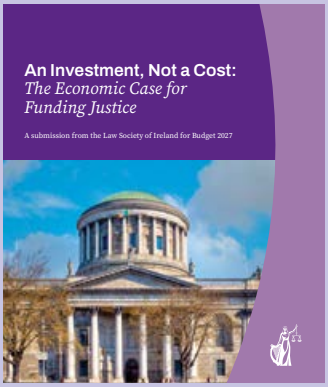
Earlier this month, ICC president Judge Tomoko Akane told an event at the Four Courts that 12 of the court's 18 judges were now subject to coercive measures. She said such actions formed part of "a broader assault against the rule of law".

ICC dismantling campaign

Announcing the sanctions, US Secretary of State Marco Rubio described the ICC as a "rogue court" and urged allies to "rein in" the institution. "If they do not, the United States will continue its campaign to dismantle the ICC, brick by brick, until Americans are threatened no longer," he said.

Responding, the ICC said: "This measure targets an independent judicial institution, created by treaty and entrusted by 125 states parties with investigating and prosecuting genocide, crimes against humanity, war crimes, and the crime of aggression.

"It is an attempt to obstruct the course of justice and to prevent the court from doing what it was created to do. It is an assault on the rule of law and on the very foundations of the international legal order, which strikes at the simple principle that no one stands above the law."



SPENDING SURGE TARGETS CRIME, COURTS, PRISONS

The justice sector is set for a major funding boost after Budget 2027 allocated €5.9 billion to the Department of Justice – an increase of more than €400 million over last year.

Justice Minister Jim O'Callaghan hailed what he described as a "historic investment in access-to-justice initiatives", with €14.5 million earmarked for reform of the civil legal-aid system. The package includes funding for the recruitment of 1,000 new gardaí, additional prison capacity, youth-justice programmes, and measures tackling domestic, sexual, and gender-based violence.

A total of €90 million has been allocated to access-to-justice initiatives, including a 67% increase in funding for free legal-advice centres.

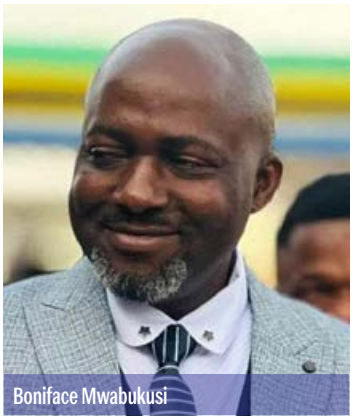
The gardaí will receive an additional €167 million, bringing its budget to €2.8 billion. The funding will support the recruitment drive, extra overtime, and the continued rollout of body-worn cameras.

The Prison Service budget will rise by €106 million, while a 40% increase in capital spending is expected to help deliver 1,500 additional prison spaces by 2031.

Funding for domestic, sexual, and gender-based violence services, including the statutory agency CUAN, will increase by €5.3 million to €84.4 million.

Youth-justice initiatives will receive almost €50 million, a 30% increase, supporting a range of programmes, including a reckless-driving prevention pilot.

ENDANGERED LAWYERS


Boniface Mwabukusi

Boniface Mwabukusi, Tanzania

Boniface Mwabukusi, president of the Tanganyika Law Society (TLS), is charged with improperly commenting on a case before the courts, proceedings of which are before Tanzania's National Advocates Committee. He risks being removed from the Roll of Advocates and his legal career being ended, as reported by the International Association of People's Lawyers (IAPL) Monitoring Committee on Attacks on Lawyers on 6 October.

At issue here is the degree to which the state can constrain the independence of lawyers. A previous president, Fatma Karume, was disbarred in 2020 after challenging the legality of a government appointment to the Court of Appeal. The message was clear – challenging the government would have its limits.

Mwabukusi had already been warned. In 2023, he was violently arrested at night on treason charges that were later dropped. His lawyer Mpale Mpoki, who is again representing him, was disbarred for six months.

Under his leadership, the TLS has taken cases over enforced disappearances, arrests, and suspected killings following disputed elections in October 2025 – elections that the African Union declared had failed to comply with its standards. As president of the TLS, he heads one of the few institutions in Tanzanian public life still willing to hold the government to account and seek to enforce limits to its powers.

Both the charge against him and the tribunal judging him are perceived to be subversions of their original functions. The charge of improperly commenting on a pending case was designed to prevent trials being conducted in the media. However, his statement in relation to the prosecution of Lissu, the opposition leader, was mandated by the TLS annual meeting. At that time, Lissu had spent a year in detention on non-bailable treason charges. The UN Working Group on Arbitrary Detention had already found that Lissu's detention was arbitrary. This was not an irresponsible statement likely to prejudice a criminal case.

The constitutional legitimacy of the National Advocates Committee is also the subject of a challenge taken by the TLS, initiated in September. Under its governing legislation, the attorney general can chair its hearings, is needed for its quorum, has a casting vote, and appoints its secretary. The TLS representative cannot sit in proceedings involving a TLS member. The NAC has no credible independence.

As summarised by the IAPL: "The danger is not simply that Tanzania is becoming more authoritarian. Tanzania retains courts, commissions, disciplinary bodies, and professional regulators. The question is whether these institutions constrain power – or increasingly serve it."

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

Airport slots 'not a property right' – CJEU



The EU's highest court has ruled that Dublin Airport's 32 million annual-passenger cap can be considered when allocating airline slots. The judgment arises from legal challenges brought by the DAA and some airlines.

The Court of Justice of the EU said that airport slot allocations must reflect the capacity actually available at a coordinated airport. Ignoring the passenger limit, it warned, could result in slots being allocated that could not be used.

Historic slot rights

Addressing airlines' arguments on historic slot rights, the court stated: "Accordingly, the taking into account of a passenger limit may exceptionally result in some series of historic slots, or components thereof, not being reallocated to airlines which would otherwise in principle be entitled to them."

The court also found that such slots, given that they were temporary and have not been definitively acquired, did not constitute a right to property within the meaning of the *EU Charter of Fundamental Rights*. It is now for the High Court to determine the case in light of the CJEU ruling.

Law Society launches new designations


Pic: Jason Clarke Photography

The Law Society has launched a new framework designed to recognise achievement at every stage of a solicitor's career, from aspiring trainees to long-serving practitioners.

Under the *Solicitors Acts 1954-2015 (Awards of Merit) Regulations 2024*, a range of professional designations has been introduced to formally acknowledge milestones along the solicitor training and career pathway.

The Law Society says that the new designations are intended to provide recognition for individuals progressing through all cycles of solicitor training and bring Ireland into line with other professions and jurisdictions that offer similar accreditations.

Pre-qualification

The new awards include pre-qualification titles. Students who successfully complete the FE1s may now use the title 'Scholastic Associate of the Law Society of Ireland' (SALSI), while those who begin a training contract may use 'Trainee Associate of the Law Society of Ireland' (TALSI).

Both SALSI and TALSI are time-limited designations that lapse once an individual qualifies as a solicitor. However, SALSI holders who do not proceed to qualification can continue to use the title as recognition of their academic achievement.

Post-qualification

For qualified solicitors, a new post-qualification structure has also been introduced. Practising solicitors who hold current Law Society membership may now use the designation 'Member of the Law Society of Ireland' (MLSI).

Meanwhile, solicitors with at least 12 years' membership of the Society are now eligible to apply for the new 'Fellow of the Law Society of Ireland' (FLSI) designation.

The Law Society says that the initiative aims to strengthen public recognition of the solicitor profession, while formally acknowledging experience and professional standing.

For further information, including application details and fees, visit www.lawsociety.ie/careers/awards-of-merit.


Pic: Central Bank of Ireland

Seána Cunningham, Central Bank director of insurance

Brakes on soaring motor insurance costs

Motor insurance costs showed signs of stabilising in late 2025, according to new figures from the Central Bank, despite average premiums remaining higher than a year earlier.

The Central Bank's latest National Claims Information Database (NCID) report found that premiums trended downward in the final two quarters of 2025. The trend is in line with CSO data, which recorded further insurance price decreases into 2026.

Central Bank director of insurance Seána Cunningham said access to reliable motor-insurance data was vital for policymakers, insurers, and consumers, noting that cover is compulsory for motorists and represents a significant household expense.

Largest cost component

The report found that claims remained the biggest driver of insurance costs, accounting for around 60% of premiums collected by insurers in 2025. Damage claims made up 32% of premiums, while injury compensation accounted for 17%. Legal and other claims-settlement costs represented about 10%. Insurers' operating expenses accounted for 22% of premiums, while broker commissions represented 8%. Reinsurance costs and contributions to the Motor Insurers' Bureau of Ireland each accounted for roughly 3%.

Declining injury claims

The Central Bank said the data continued to reflect the impact of the personal-injury guidelines, with fewer injury claims and lower average compensation levels contributing to greater market stability.

However, litigation remained the main route for settling injury claims. For claims worth less than €100,000, compensation awarded through the Injuries Resolution Board was broadly comparable with amounts secured through other settlement channels. Most motor-damage claims continued to be resolved directly between insurers and claimants, without recourse to litigation.

Shock at passing of James MacGuill SC


Pic: MacGuill and Company

James MacGuill SC

The legal profession has paid tribute to James MacGuill SC, past-president of the Law Society of Ireland and one of the country's most prominent litigation solicitors, who died on 6 September following a short illness. He was 63.

A native of Dundalk, Co Louth, Mr MacGuill died peacefully at the Mater Private Hospital in Dublin. During a distinguished legal career spanning four decades, he built a reputation as a leading practitioner in public and criminal law, while also playing a significant role in legal representative bodies at both Irish and European level.

James served as president of the Law Society in 2007/08 and chaired the Criminal Law and Human Rights Committees, among others. In 2022, he became president of the Council of Bars and Law Societies of Europe, which represents legal professions across 45 countries.

'Greatly saddened'

Law Society President Rosemarie Loftus said that the organisation was "greatly saddened" by the news, describing him as "a solicitor, past-president, and friend".

A graduate of UCC, James qualified as a solicitor in 1986 and became managing partner of MacGuill and Co. In 2020, he was among the first Irish solicitors to be awarded the title of senior counsel.

Paying tribute to his legal prowess, President Loftus said: "Over a 40-year career, James was one of the country's most prominent litigation solicitors, with a particular focus on public-law criminal defence.

"He represented clients in landmark cases in both Ireland and Europe – including representing a defendant in Ireland's first ever criminal prosecution for female genital mutilation."

Notable achievements

Among his notable achievements was acting in a successful High Court challenge that led to reforms of Ireland's criminal-injuries compensation scheme. Following a subsequent ruling by the Court of Justice of the European Union, the Government moved to align the scheme more closely with European law.

President Loftus added: "James embodied the core of what it means to be a solicitor – to achieve the object of justice for any person who needs it.

"The contribution James has made to the Law Society, the solicitors' profession, and Irish law is immeasurable. His sound judgement, advice, and wit will be missed by colleagues."

'Greatest satisfaction'

The president added: "James's career and beliefs can be summed up in a quote from a *Gazette* interview when he was appointed president of the Law Society: 'The greatest satisfaction for me in being a solicitor is where your client is the person against whom all the odds are stacked – but has justice on their side'."

FLAC, where Mr MacGuill served as a council member, described him as "a fearless, groundbreaking, and pre-eminent public-interest lawyer".

"He provided inspiration to lawyers committed to using the law to achieve social change," the organisation said, describing his death as "a huge loss to access to justice in Ireland".

The *Law Society Gazette* expresses its sincere sympathies to his son Conor Kirby MacGuill, his sister Eithne, brothers Ciarán, Daire and Conor, aunt, nephews, nieces, extended family, colleagues, and his wide circle of friends.



THE BACKBONE OF A FUNCTIONING FREE SOCIETY

From: Niamh Ní Mhurchú, Callan Tansey Solicitors LLP, Law Chambers, 3 Wine Street, Sligo, Co Sligo.

• I was privileged to attend the ceremony to mark the opening of the legal year at the ever impressive Round Hall of the Four Courts on 5 October. Chief Justice Donal O'Donnell invited the President of the International Criminal Court (ICC), Judge Tomoko Akane, to give the keynote speech. She highlighted the important contribution of Ireland to the establishment and work of the ICC, as well as the efforts taken by Irish legal practitioners in furtherance of the rule of law.

President Akane referred to the words of Seamus Heaney: "Hope is not optimism, which expects things to turn out well, but something rooted in the conviction that there is good worth working for."

We are living in most unusual and challenging times – the pressures currently being experienced by the ICC – including US sanctions – were unthinkable 20 years ago. We must never take our legal systems, the rule of law, and the absolute independence of our judiciary for granted. We are privileged to live in a society that protects and respects the rights of the individual. The current challenges experienced in the criminal and civil legal-aid systems, however, that restrict the individual's access to justice need to be immediately addressed in a respectful and collaborative fashion. This is the backbone of a functioning free society, and the situation cannot be left to deteriorate further.

(Above): **Paul Ryan (president of the DSBA and Law Society Council member), Niamh Ní Mhurchú (Council member and joint managing partner of Callan Tansey), Judge Tomoko Akane (president of the ICC), Chief Justice Donal O'Donnell, and the Japanese Ambassador to Ireland Miyagawa Manabu**



The site of the new Family Courts Complex at Hammond Lane, Dublin

SAME OLD STORY...

From: Keith Walsh SC, Keith Walsh Solicitors, 8 St Agnes Road, Crumlin Village, Dublin 12

• New law term, same old story, with little progress on the new Dublin Family Courts Complex.

Families, witnesses, stakeholders, lawyers, courts staff, and judges will be kept waiting another few years for proper courts in Dublin, as news was announced by the Courts Service at the opening of the legal year on 5 October that tenders for the building of the new complex at Hammond Lane are progressing.

No contract has been signed, however, which means that there is no deadline, and all plans can only be provisional. Parents, those getting divorced, domestic-violence victims, and others face the new legal year in the same old inadequate court buildings.

Separately, there was some good news on 6 October for access to justice in Budget 2027 – at long last! Well done to the Legal Aid Board, the Civil Legal Aid Review Groups, FLAC, Women's Aid, the Law Society of Ireland and its Family and Child Law Committee, the Bar Council, and many others who have lobbied for this increase in funding for this much-neglected sector.

The Department of Justice has been allocated €5.9 billion in the budget, including €14.5 million to start implementing key recommendations from a report last year on the civil legal-aid scheme. This will go towards reforming the financial-eligibility criteria for civil legal aid – including increases to the income thresholds and the allowances provided to assess an applicant's means.

THE 'UNTHINKING FLUNKEY'?

As a solicitor on the Decision Support Service's independent panel, where does your responsibility as a solicitor begin – and end? Niall Farrell and Maria Dillon ask whether it's time to question 'the role of the unthinking flunkey'

To borrow a phrase from a 2016 judgment of Mr Justice Barrett (*Carty & others v Mr H*), is it time to question "the role of the unthinking flunkey"?

The State may have repealed the *Lunacy Regulation (Ireland) Act 1871*, but Victorian legislation continues to have relevance in day-to-day legal practice, particularly for practising solicitors who have been appointed decision-making representatives.

The *Assisted Decision-Making (Capacity) Act 2015* (as amended) does not define the role of decision-making representative, but one can only be appointed a decision-making representative by order of either the High Court (when a relevant person is discharged from wardship) or by the Circuit Court (on foot of appropriate declarations).

If you are a solicitor on the independent panel maintained by the Decision Support Service (DSS), or if you seek your appointment on behalf of a client, where does your responsibility as a solicitor begin – and more importantly, end?

Onerous significance

Every appointment of a decision-making representative by either the High Court or the Circuit Court is on foot of a signed undertaking. Unlike a family member of a relevant person, or indeed other non-legal DSS independent panel members, the furnishing of an undertaking to the court, as an officer of the court, carries much more onerous significance for a practising solicitor.

It soon became apparent that any solicitor appointed as a decision-making representative to a relevant person should never provide legal services on behalf of that relevant person

Any solicitor appointed to the independent panel maintained by the DSS had to apply for the position and underwent a rigorous competitive interview process. Many of the solicitors originally appointed to the independent panel had significant experience as legal representatives and chairpersons of the Mental Health Tribunals. In addition, many had extensive experience in acting for the Health Service Executive, the General Solicitor for Minors and Wards of Court, and on behalf of wards of court and their committees.

It was also essential for every solicitor appointed that he or she held a current practising certificate and held professional indemnity insurance.

However, despite the fact that solicitors on the independent panel maintained by the DSS had to be eligible to practise law, be appropriately indemnified, and suitably qualified and experienced, it soon became apparent that any solicitor appointed as a decision-making representative to a relevant person should never provide legal services on behalf of that relevant person. This is the stated position of the DSS – but this 'well-reasoned position' wasn't made clear to all concerned at the outset.

Role envisaged

So, why were practising solicitors appointed to the independent decision-making representative panel in the first place? What role was envisaged by the DSS for the practising solicitor as 'unthinking flunkey'?

With the benefit of hindsight, it would have made sense to assemble an expert panel of willing and experienced solicitors who could have undertaken work on behalf of court-appointed decision-making representatives and to fund that work in the interest of vulnerable persons where legal aid was not available (as it often isn't).

Similarly, the issue of remuneration for the work carried out by a decision-making representative for services to a relevant person is equally fraught. If you are remunerated by the DSS, then it may be possible to circumvent the definition of 'client' as contained within the *Attorneys' and Solicitors' Act 1870*.

Solicitor and 'client'

However, if you are remunerated from the assets of the relevant person, as a practising solicitor on behalf of a relevant person, then it is difficult to countenance any circumstances where a

relevant person could not be deemed to be a 'client', which includes "[any] person who is or may be liable to pay the bill of an attorney or solicitor for any services, fees, costs, charges, or disbursements".

The *Attorneys' and Solicitors' Act* makes provision for an agreement to be entered into as between a solicitor and a client in respect of fees but, at section 7, expressly provides that: "A provision in any such agreement that the attorney or solicitor shall not be liable for negligence, or that he shall be relieved from any responsibility to which he would otherwise be subject as such attorney or solicitor, shall be wholly void."

Moreover, section 85 of the *Solicitors' Act 1954* affirms: "To remove doubt, it is hereby declared that the *Attorneys' and Solicitors' Act 1870* applies, and always applied, in the State."

Therefore, every solicitor who has been appointed as an independent decision-making representative should keep the circumstances of any individual appointment under continuing review.

Managing monies

As a solicitor decision-making representative, you may wish to give further consideration as to how you have been asked to manage monies on foot of a High Court or Circuit Court order, as having custody, control, and management of an account opened or maintained on behalf of a relevant person could be deemed to be a 'client account' within the meaning provided by *Solicitors Accounts Regulations 2023* (SI 118 of 2023).

If, in your capacity as a decision-making representative, you engage a third-party solicitor to perform legal services on behalf of a relevant person, what are your obligations to fellow legal professionals? Any order appointing a decision-making representative expires contemporaneously with the demise of the relevant person. If you engage a colleague to carry out legal work, and you have no means of ensuring that a colleague is paid for legal services, then this creates further professional and ethical concerns.

If the court order appointing a solicitor as a decision-making representative authorises them to take legal action on the relevant person's behalf, and the relevant person doesn't have the means to finance this, they must apply for legal aid for the relevant person. However, the Legal Aid Board may well refuse legal aid under section 28 of the *Civil Legal Aid Act 1995* (as amended). In particular, disputes regarding 'rights and interests in or over land' (subject to exceptions) will not be considered. Property rights are often the very rights that need to be vindicated for relevant persons.



Image: Alamy/ PictureLux / The Hollywood Archive

Powerlessness

This leaves solicitor decision-making representatives in the impossible position of being unable to use their skills to take action on behalf of vulnerable persons who they have been appointed to assist. Meanwhile, they are left to try and explain their powerlessness to relevant persons and their families.

In the past, the committee of many such persons was the General Solicitor for Minors and Wards of Court, whose office (and agent solicitors) took whatever legal action was required to successfully vindicate the rights of wards of court, regardless of the cost.

The commencement of the *Assisted Decision-making (Capacity) Act 2015* (as amended) was heralded as a paradigm shift in how the most vulnerable in the State would be supported. However, when a system is failing the most vulnerable in the State, it takes courage and wisdom from those in positions of responsibility to admit that mistakes have been made in the implementation of the processes supporting the legislation. And, in the meantime, there are many practising solicitors with considerable experience in acting for vulnerable adults who are ready and willing to be more than an 'unthinking flunkey'. g

Niall Farrell (managing partner at Patrick J Farrell & Company LLP, Newbridge, Co Kildare) and Maria Dillon (Horan & Son, Woodquay, Galway) are members of the Law Society's Mental Health Law and Capacity Task Force.

ELECTIONS ON AI's FRONT LINES



Ireland is being urged to build a permanent defence against disinformation, foreign interference, and AI-generated deepfakes to safeguard its democratic integrity. Mark McDermott reports

A major discussion paper on election security warns that, while Ireland has made significant progress in protecting its electoral system, the pace of technological change is creating new vulnerabilities that regulation alone cannot solve.

Safeguarding Irish Elections (published by the Law Society's Centre for Justice and Law Reform) argues that social-media algorithms, anonymous online networks, and increasingly sophisticated AI tools are transforming the way political information is being created, distributed, and consumed.

Its central message is stark: safeguarding future elections will require a coordinated, whole-of-society response involving Government agencies, regulators, technology companies, researchers, educational institutions – and citizens themselves.

The warning comes as advances in generative AI have dramatically lowered the barriers to creating highly convincing fake images, videos, and audio recordings that can be used to mislead voters, damage reputations, and distort political debate.

While misinformation and disinformation have long existed in politics, the report notes that digital technologies have enabled false narratives to spread at unprecedented speed and scale. The concern is no longer simply about inaccurate information, but about coordinated campaigns designed to manipulate public opinion and undermine trust in democratic institutions.

Four threat areas

The report focuses on four key areas: misinformation, disinformation, foreign information manipulation and interference (FIMI), and AI-generated content.

Although evidence directly linking online disinformation to electoral outcomes remains limited, the report points to increasing evidence that false and misleading content contributes to political polarisation, weakens confidence in public institutions, and erodes trust in democratic processes.

Recent elections across Europe, including in Ireland, have demonstrated how both domestic and foreign actors can exploit online platforms to circulate misleading content, target candidates, and cast doubt on election results.

The challenge is not just about polling day – researchers and policymakers are increasingly worried about the impact of sustained online manipulation, where repeated exposure to inaccurate or misleading information gradually corrodes confidence in political systems, electoral authorities, and traditional media.

The report argues that democratic legitimacy ultimately depends on voters having access to reliable information. When citizens lose confidence in the information environment, the integrity of the wider electoral process also comes under pressure.

Moreover, if hostility, intimidation, and coordinated online attacks deter prospective candidates, the diversity and representativeness of public institutions can suffer. The report suggests that representative democracy is weakened when public participation comes at too high a personal cost.

Ireland's response

Despite these concerns, the paper paints a broadly positive picture of Ireland's recent regulatory reforms. The creation of An Coimisiún Toghcháin, Ireland's independent electoral commission, is identified as a significant advancement in protecting election integrity. Alongside it, Coimisiún na Meán has emerged as a central regulator in the oversight of online safety and media regulation, and the establishment of Ireland's AI Office is an important development.

These reforms have created what the paper describes as a strong foundation for addressing digital threats. Yet significant gaps remain. The effectiveness of many measures ultimately depends on whether technology companies implement them in a meaningful and consistent way.

Questions also remain around regulatory coordination, political advertising, access to platform data, election monitoring, and the balance between combating harmful content and protecting freedom of expression.



(PIC: AP Photo/Peter Morrison)

Counting begins during Ireland's General Election at the RDS, Dublin, on 30 November 2024

KEY RECOMMENDATIONS

1) *Expand 'trusted flagger' network* – broaden the network of trusted organisations that can identify and report election-related disinformation, foreign interference, and AI-generated content to online platforms. Increase transparency around how the system operates.
2) *Formal engagement with tech platforms* – establish structured cooperation between regulators and major social-media companies to ensure compliance with political advertising rules. Improve transparency around online election advertising campaigns.
3) *Align electoral law with the* Digital Services Act – review part 5 of the *Electoral Reform Act* before commencement to ensure consistency with EU law. Clarify the respective roles of An Coimisiún Toghcháin and Coimisiún na Meán.
4) *National election information partnership* – create a framework involving Government, fact-checkers, researchers, public-service media organisations, and civil society groups to amplify reliable election information.
5) *Election integrity coordination* – establish a permanent inter-agency body to coordinate threat monitoring, information sharing, and responses to election-related digital threats.
6) *Strengthen election integrity research and monitoring* – develop a national framework to support independent research, election monitoring, and evidence-based analysis of online risks to democratic processes.
7) *Improve oversight of digital campaigning* – strengthen coordination between SIPO, An Coimisiún Toghcháin, and Coimisiún na Meán on political finance regulation, online advertising, and the use of AI in election campaigns.
8) *Expand media literacy education* – increase media literacy initiatives across schools and society to help citizens identify misinformation, assess online content critically, and build long-term resilience against digital manipulation.

Public trust

One of the report's strongest conclusions is that election protection cannot rely solely on content moderation. Instead, it advocates a broad resilience-based approach focused on building public trust and strengthening institutions.

It recommends the creation of a permanent election integrity coordination mechanism. Such a body would coordinate information sharing, monitor emerging threats, and support rapid responses during election periods. The report also calls for stronger cooperation between regulators overseeing elections, online platforms, and political finance rules.

Another key proposal is the creation of an election information partnership framework to improve the dissemination of trusted electoral information through collaborations involving fact-checkers, universities, civil society organisations, and public-service media.

Advances in generative AI have lowered the barriers to creating highly convincing fake images, videos, and audio that can be used to mislead voters, damage reputations, and distort debate

Ultimately, the report concludes that no regulatory structure can succeed without an informed public. Among its most significant recommendations is a major expansion of media-literacy programmes across schools, colleges, and wider society. Democratic resilience depends upon citizens being equipped to recognise manipulation, question dubious claims, and identify trustworthy sources of information. As AI-generated content becomes more sophisticated and foreign interference tactics become more complex, that capability will become increasingly important, the authors say.

Protecting future elections, the report concludes, will require vigilance, cooperation and sustained investment in public trust. In an era when a convincing fake video can circle the globe in minutes, preserving confidence in democracy is as important as protecting the ballot box itself. g

Mark McDermott is editor of the Law Society Gazette.



Image: Shutterstock AI

SWAMP DEVIL

Social media may be a swamp, but it is also a Garden of Eden for evidence when it comes to civil and criminal disputes. Dr David Cowan hacks through the undergrowth

Social media is a terrain that needs careful navigation by solicitors and clients alike. Adding to the swamp is the AI 'slop' that makes evidence produced through social media harder to navigate due to the volume, quality, and unreliability of the information shared.

Social media has become the digitally powered witness of crowds, and the smartphone the digitally powered personalised witness. In either case, the client cannot assume the digital witness is on their side. Solicitors need to have a sophisticated social-media strategy specific to evidence if clients are to have protection from the dangers of the swamp.

Killing floor

Social media is an area where the hackneyed phrase 'provides threats and opportunities' is more than usually apt. The threat lies in how it is weaponised and in doubts as to the credibility of content shared – but the same goes for the opportunity it offers. It is a classic double-edged sword, and it all turns on the credibility of content, which is increasingly harder to gauge.

How people use social media can both help and hinder lawyers in gathering and testing evidence. If the information is credible, then it can be used to help clients. If it is *not* credible, then it may also be used to help clients if the social-media content is shown to be false in respect to other parties. If a client has abused social media, then it is all threat.

Social-media posts – whether words, images, or reactions – are malleable. The poster puts something online in a specific context with a particular meaning at the time. It is time that becomes the enemy, because things change and social media suffers from two defects in this respect. First, even though an image post may be timestamped, it does not prove when the picture itself was taken. Second, an image posted in one context is notoriously capable of being decontextualised and thus can be easily weaponised.

This can make the content unreliable as evidence, on both sides. What started out as a spontaneous or casual post can become an exhibit in evidence. This means clients need to be careful of what they put online at all times. They need to be doubly vigilant during the time of a disputed matter. Tagged photos, feeds from friends and family-account feeds, comments on news stories, or other posts on websites can all be fodder for opposing parties. They can come back to bite the poster on the 'bahoochie', as the Scots would say.

The poster cannot always rely on the use of the image or may find that, in the course of time, different interpretations become attached. This can be just as awkward from the other side of a dispute. This is well illustrated in personal-injury cases. Insurance companies don't particularly want to pay out, and legal teams can scour social media to find images of a customer enjoying themselves when they are supposed to have had a whiplash injury.

> **Social media has become the digitally powered witness of crowds, and the smartphone the digitally powered personalised witness. In either case, the client cannot assume the digital witness is on their side**

The difficulty can come down to proving when the picture was taken. A picture from more joyous times may be posted after an injury has occurred: the insurance legal team think they have a 'gotcha' moment, while the customer needs to set about proving it was an old photo. In discovery, this can all be resolved but, in the meantime, billable hours have been spent and, perhaps, the damage done – after all a picture tells a thousand words.

How solicitors can advise clients on social-media use during a dispute (and before, if they are wise):

CLIENT ADVICE CHECKLIST		
1)	Audit	Identify all social-media accounts used and in use. Identify AI-generated material versus client-authored content.
2)	Gather social-media content	Ask for as much material as possible to be provided, bearing in mind that what the client has deleted has not necessarily disappeared.
3)	Content analysis	Review the content in light of the matter at hand, noting the context in which the material was generated, and any AI use.
4)	Use analysis	Analyse the client use and online behaviour - get a picture of how the client used social media, regularity, and any monetisation of material.
5)	Negative analysis	Discuss problematic material with the client and how it could be used or dealt with in terms of evidential value.

Do the do

Social media requires a specific case strategy that covers each account, platform visited, username and handle used. The strategy may require the client to 'go dark' during the dispute. This does not mean that they are doing something wrong. Rather, it is a protection strategy to ensure they are not adding evidence to the matter. In other words, do not fuel the flames or feed





the beast. Going dark, or saying nothing, is a hard media strategy. If the client feels wronged, they will want to clear their name. However, I have far too often seen situations in media work where this instinct has led to disastrous outcomes.

THE DO'S AND DON'TS	
• Do preserve everything, • Do check privacy settings, • Do record all advice given - for the mutual benefit of lawyer and client, • Do use AI watermarks.	• Don't delete anything, • Don't assume searches are closed, • Don't advise or agree to a client's removal of social-media, claim-related material, • Don't scrub, alter, or conceal a client's digital history, • Don't assume that privacy settings put content beyond discovery.

Digital material needs to be preserved, and deleting content does not mean it has been effectively disposed of: it simply means that the client record has been deleted. The data can remain stubbornly on servers elsewhere. It may be difficult to retrieve by the client and opposing parties alike, but it is not impossible. The obverse is to delete nothing. Although deletion can make material harder to trace, the fact that it does not disappear means that, when it comes to light – whether through active search or inadvertence – it may well have increased evidential power because it has been deleted. The deletion itself becomes interpretative.

Another aspect of social media is that its very nature means that there is no such thing as a private post or social-media space. There are many and various circumstances through which any content may be made public, even if private accounts are used. Social media needs to be treated the way microphones have long been viewed – treat it as 'live'.


Photo: Shutterstock

Suffering from whiplash? Social-media images can be gold for the prosecuting legal team

> **There are many and various circumstances through which any content may be made public, even if private accounts are used. Social media needs to be treated the way microphones have long been viewed – treat it as 'live'**

I ain't superstitious

The issue of spoliation has long applied to electronic evidence and applies equally to the digitally generated evidence of smartphones and social media. Distinguishing client and adviser content from AI content can be helped by using AI watermarks. In this way, it acts like a digital signature that singles out genuine content and verifies authorship. If such content is then repurposed via AI use, then this can be detected and set apart from what is the original content.

Liking and sharing become evidence to be interpreted. Is something shared implicitly approved, or is it a matter of mere interest or current mood? An online search, either by the client or the solicitor, can create digital evidence. It leaves a trail. On LinkedIn, for instance, if you search for a party, then your search may be made transparent to the other party if you have not disabled that function in your search.

The problem that AI poses is also that it generates its own data that can be interpreted. Thus, content and records can reveal patterns of behaviour, in addition to storing direct statements that the client has made or recorded. AI takes an individual's smartphone use and online activity, generates its own reports, and uses this learned data to inform how they are using and what may be of interest to the user, based on their past usage. In other words, the smartphone becomes sleuth and profiler.

This is about more than simply leaving a digital footprint. It leaves digital skeletons as well! The art of AI forensics is increasingly sophisticated, both in terms of the generation of AI forensic material created and the forensic tools used to track down social-media use.

I asked for water

It is important to keep records of advice related to social media provided to the client. At a later point, a client may ignore the advice, purposively or inadvertently, and then seek to blame the legal adviser. Such records can protect both sides and demonstrate the seriousness with which both adviser and client are taking the social-media threat. The essential advice should include handling of claim-related digital material, history and deletion management, and privacy settings.

Social media and AI are constantly changing, which means monitoring of all these matters needs to be undertaken on a regular and vigilant basis. The biggest threats emerging include the use of deepfakes, cybersecurity concerns, and AI interpretation of data. This means having an effective and constantly evolving social-media policy. Such a policy should be built on four key principles that are of use to the practice and client alike:

1) *Complaints handing*: should be systemic, monitored, and acted upon,
2) *Means of monitoring*: track changes in regulation of illegal and harmful online content, which means historical tracking for threats of decontextualised content,
3) *Protection measures*: content, promotion, and advertising targeted at minors, vulnerable, and disadvantaged persons, including the 'digital age of consent' and other permissions,
4) *Digital literacy*: policy checked against provisions of the *EU AI Act*, *Online Safety and Media Regulation Act 2022*, *Digital Services Act*, *Digital Markets Act*, and *Data Protection Act 2018*. Increased AI literacy, interdisciplinary approaches, and avoidance of silos of information internally.

The social-media space and technology do not stand still, so policy cannot be static either.



Dr David Cowan is assistant professor in law at Maynooth University and the author of Law and Technology *(Bloomsbury Professional Ireland, 2025) and* Effective Communication for Lawyers: A Practical Guide *(Elgar Law, 2022).*



THE EMPIRES STRIKE BACK



The ICC's Justice Nicolas Guillou told a Law Society audience recently that the "upending of the hierarchy of norms calls into question the long-term viability of the international system". Áine O'Connor reports



Justice Nicolas Guillou (ICC)

The institutions of international law are under attack, and the rule of the strongest and wealthiest is back, Justice Nicolas Guillou of the International Criminal Court has said. The aim is to "alter the course of justice so that judicial decisions are no longer made on the basis of law and facts, but on the basis of threats and punishment".

However, the judge said: "I remain optimistic, because if we are under attack, it is because international criminal justice matters, and every day it matters more and more to civil society and, first and foremost, it matters to the victims.

"What was once governed by lawlessness, chaos or violence is gradually being regulated by the rule of law. It's a slow process, but it is happening".

Justice Guillou was in Blackhall Place on 22 September to receive the Centre for Justice and Law Reform's Medal of Excellence, after which he delivered the keynote address at the 'Ireland and the EU – An Opportunity for Influence' seminar, organised by the Law Society's EU and International Affairs Committee.

Profound disappointment

Reflecting on the post-1989 optimism for a more peaceful and democratic world, the judge said: "Three decades later, the disappointment is profound. Today, we find ourselves in a dangerous world, marked by a return of the rule of the strongest and the rule of the wealthiest. A world where boundaries, whether legal or planetary, are being challenged. And yet, for nearly a century, we have succeeded in building an international order founded, at least in part, on the rule of law," he said.

"We have international organisations, multilateral treaties, and courts to enforce international law. The International Criminal Court represents the crowning achievement of this legal order."

The threats now facing that order include states calling for limits on the case law of the European Court of Human Rights, countries withdrawing from international organisations "in the name of a return to a mythologised sovereignty", and the leveraging of domestic law and "economic might" to make direct attacks on organisations dedicated to protecting the vulnerable.



Attentive attendees during the keynote address by Justice Guillou



Justice Guillou receives the Centre for Justice and Law Reform's Medal of Excellence from Law Society President Rosemarie Loftus

All pics: Cian Redmond

Acknowledging that the administration of international law has never been easy, Justice Guillou nevertheless said that the challenges today are of a different scale and that they target evidence, the courts, and the judges themselves.

Fake evidence

"In the future, we will probably see attempts to generate fake evidence or to produce evidence with the wrong date or a wrong location," he said. "But it could also be to invent crimes that were not committed."

The pressure on states to stop cooperating with the ICC is not new, the judge said, citing agreements made in the 2000s at the request of the United States to block cooperation in investigations of American nationals. However, in recent times, there has been pressure from "all American embassies all over the world to push countries to leave the International Criminal Court".

Some countries have left: "We fear that others will follow, especially this week [22 to 26 September] because it's the UN General Assembly," he said. "Although, as with Hungary, there have been reversals of decisions to leave."

Courts have faced both "very sophisticated cyber-attacks" from different parts of the globe and "espionage attacks", he continued.

Smear campaigns

Many judges had been subjected to online smear campaigns and, in December 2025, those who made decisions regarding the Ukraine war were, *in absentia*, sentenced by a Russian court for up to 15 years' imprisonment in Siberia. These judges must, accordingly, evaluate all travel for the risk of the Russian sentence being enforced.

However, Justice Guillou described the threat "from an old ally of Europe" as probably "the most preoccupying". On foot of ICC decisions made regarding Afghanistan and Palestine, nine judges and four prosecutors of the ICC are now on the United States' sanctions list.

The sanctions regime was created to deal with terrorists and drug traffickers, the judge said. "But today, in the middle of this list, you have the judges of the International Criminal Court."

> **The rejection of international law and multilateral institutions is driven by two dynamics: imperial and libertarian. The imperial dynamic is the return of the empires that want to reimpose the rule of the strongest. And we see it every day: the empires strike back**

Justice Guillou was, himself, placed on the list in August 2025. This means that the judges, their spouses and children cannot travel to the US, and any US assets are frozen.

But he described the third aspect of the sanction, whereby no US individual or company can provide any service to, or receive any service from, a sanctioned person as "by far the most important". Banking is particularly affected, even within the Eurozone because of down-the-line connections to US institutions.

No sovereign means

Justice Guillou's own French bank cancelled all his means of payment because no alternative exists. This, he said, made him realise that "in Europe we do not have any sovereign means of payment, because all our cards are American".

He gave an example of being invited to speak about the sanctions at the Council of Europe. They could not reimburse his travel costs because the bank refused to do the transfer.

The impact is also felt in digital life: "If you look at your cell phone, if you look at all the apps that you use on a daily basis, whether it's Uber, PayPal, Airbnb, whatever, everything is American."

He has given up shopping online, even on European platforms, because, if the delivery company is American, the package cannot be delivered. Even smart speakers do not work for those under sanction.

"In fact," Guillou said, "we are living a bit like we did in the 1990s, before the digitalisation of our lives. We have also discovered that the sanctions do not apply only to ourselves. They also apply to our families."

Everything stops

"When you're under sanction, everything stops," the judge said. "And this is where you realise the loss of sovereignty that we have at the moment in Europe."

Noting that there has never been a period in history where international law was fully respected, Justice Guillou said the difference now is that it is being openly violated. He interpreted this to mean that what is contested today is not international law but *progress towards* an international rule of law.

"Today, we are witnessing a movement

of rejection of international law and multilateral institutions. It is driven by two dynamics: imperial and libertarian. The imperial dynamic is the return of the empires that want to reimpose the rule of the strongest. And we see it every day: the empires strike back. This is a return to managing international relations through force. A world where there are overlords and vassals.

"The libertarian dynamic is different: it is the rule of the richest. This is a return to managing world affairs based exclusively on wealth and financial interests. This is not done in the interest of the many, but just for the fortune of the few."

The judge said that the international rule of law stands in opposition to this dual dynamic and, for this reason, it is coming under attack: "The US sanctions follow these dynamics. They are aimed at influencing judges' decisions. They are aimed at altering the course of justice, so decisions are no longer made on the basis of law and facts, but on the basis of threats and punishment. This is a system of domination through fear."

Authoritarian regimes

"A judicial system where judges do what is expected of them because they are threatened or afraid is the characteristic of authoritarian regimes," he continued. "If we accept this, it will result in a justice system that is no longer independent nor impartial – but it is not the time to give up."

Saying that, this is not the first time that the international order has been attacked, the judge stated: "We must continue to do our job as lawyers, as judges, detached from political considerations." To do this, lawyers and judges needed support from the member states of the ICC. "All the member states need to reiterate support for the court and refuse to be blackmailed by foreign powers."

He also called for support from the European Union and the enactment of the *Blocking Statute* (Regulation 2271/96), which protects EU companies from the extraterritorial effects of foreign sanctions, particularly from the US: "It is time to activate it. It will give a clear signal of what Europe stands for."

He said that this was particularly timely, considering media reports that the US is contemplating institutional sanctions against the ICC [which have since taken place].

Stressing the importance of support from civil society, he said: "Your invitation today is a very strong message of support for the court. And I thank you from the bottom of my heart for this invitation."



Mark Garrett (director general, Law Society), Noeline Blackwell (human-rights lawyer), Justice Nicolas Guillou (ICC), Rosemarie Loftus (president, Law Society), Suzanne Scott (head of the Centre of Justice and Law Reform), and Brian Hunt (director, Policy Department)


Cormac Little SC, Justice Nicolas Guillou, and Noeline Blackwell

The US sanctions follow these dynamics. They are aimed at altering the course of justice, so decisions are no longer made on the basis of law and facts, but on the basis of threats and punishment. This is a system of domination through fear

European sovereignty

Speaking not as a judge of the ICC but as a European, Justice Guillou called for Europeans to stand together to build digital and banking sovereignty, without which, he said, there will be no more legal sovereignty.

Describing algorithms as having the potential to destroy democracies, he said: "We cannot, in the 21st century, be prisoners of certain companies that have the power of life or digital death over us."

He also stressed the need for the digital euro and for a European alternative for payments, and called for legal innovation – suggesting the invention of new branches of law, such as European sovereignty law, which would be a branch of competition law.

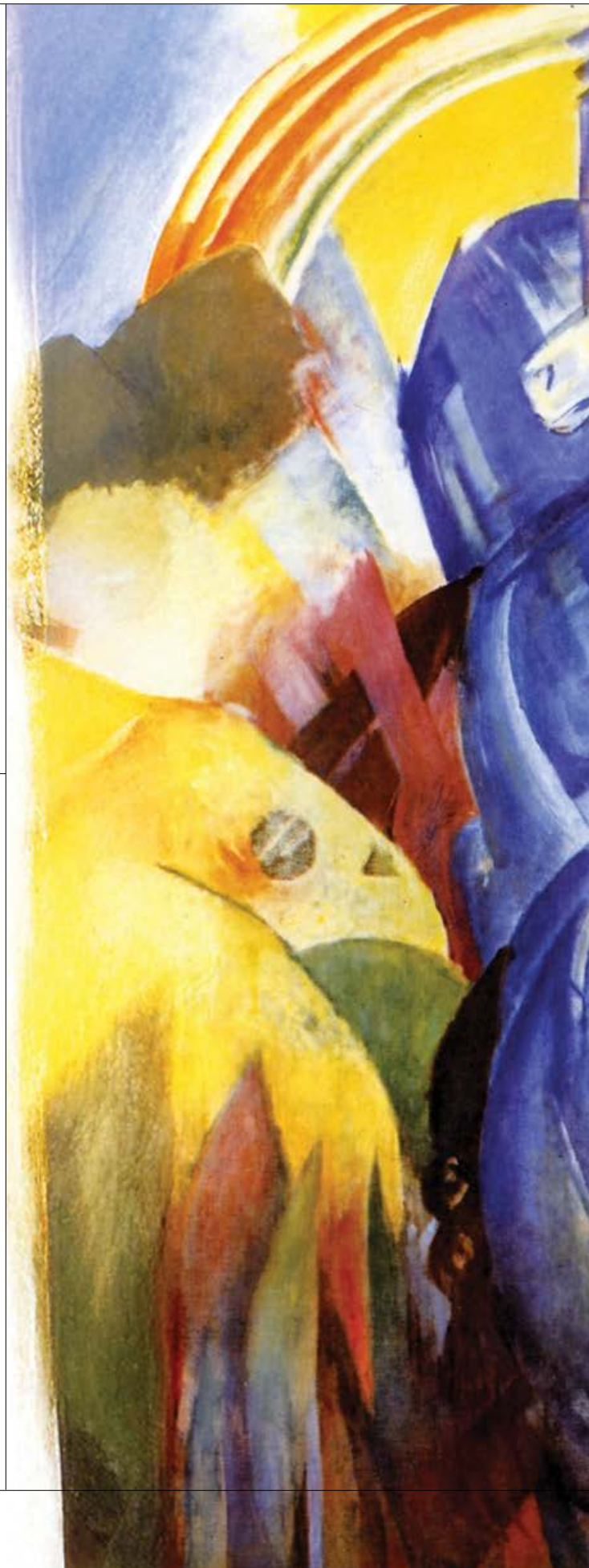
"It's up to us to impose what's needed to protect democracies and our rule of law. Regaining sovereignty will take time, but we need to start now," he said.

"There might be no perfect international rule of law yet," he concluded, "but we are making it, day by day – and it's not the moment to give up."

Áine O'Connor is a freelance journalist.

Horse of a different colour

A recent Supreme Court judgment, in which the Law Society participated as *amicus curiae*, provides clarity on the issue of 'no foal, no fee' arrangements. Jonathan White mounts up



On 17 June, the Supreme Court delivered judgment in the cases of *Howley v Howard* and *Howley v McClean*.

These appeals by Mr Howard and Ms McClean were from judgments of the High Court (16 January 2024) and Court of Appeal (28 March 2025). The appellants – as taxpayers against whom the sums of €2.4 million (including interest) and €625,000 (including interest), respectively, in unpaid taxes are due – claimed that certain contractual agreements between the Collector General (Mr Howley) and a panel of nominated solicitors, in respect of the recovery of legal costs, had champertous features, so as to render those agreements unenforceable. Champerty occurs where there is a further agreement that a person who gives the aid shall receive a share of what might be recovered in the action.

The appellants objected to two aspects of those agreements: firstly, a percentage fee structure and, secondly, what they contended was a champertous, and thus unlawful, 'no foal, no fee' element. It is primarily



Image: Franz Marc Tower of blue horses/ Photo12/Ann Ronan Picture Library

with the clarity provided by the Supreme Court on the 'no foal, no fee' aspect that this article deals.

Ride on pony

In the High Court, when granting judgment for the amount of taxes, surcharges, and interest claimed by the respondent, Quinn J did not accept the appellants' contention that the respondent's fee arrangement with a panel of solicitors was champertous. The appellants appealed to the Court of Appeal, principally on the grounds that the High Court had erred to that end. The Court of Appeal upheld the High Court decision and dismissed the appeal.

On 16 June 2025, the appellants each applied to the Supreme Court for leave to appeal to that court pursuant to article 34.5.3 of the Constitution, seeking to set aside the judgments of the High Court and Court of Appeal. By determinations dated 19 September 2025, the Supreme Court granted that leave in respect of the champerty issue.

By letter dated 9 January 2026 to the Law Society, the Supreme Court confirmed that, given the potential importance of a decision in the appeals for fee arrangements and the solicitor's profession, it would welcome the participation of the Law Society as an *amicus curiae* in those appeals. In particular, the Supreme Court sought the Law Society's views on:

- The common-law position in relation to champerty and conditional fee arrangements,
- The effect of section 11 of the *Attorneys' and Solicitors' Act 1870*,
- The effect of section 149 of the *Legal Services Regulation Act 2015*, and
- The constitutional implications (if any) of the possible interpretation of these provisions, having regard, in particular, to articles 34.1 and 40.3 of the Constitution.

The Law Society furnished written submissions on these issues, and attended to make oral submissions at a Supreme Court hearing on 19 March 2026. The attorney general also participated as an *amicus* in the appeals.

Back in the saddle

On 17 June 2026, the Supreme Court dismissed the appeals and affirmed the Court of Appeal order. The judgment of Hogan J (with whom Woulfe, Murray, Collins, and Donnelly JJ agreed) held that the contractual arrangements between the respondent and the panel of nominated solicitors providing for a fee uplift in debt-collection cases, while champertous at common law, now came within a statutory exception and were no longer unlawful. (Section 149(1)(a) of the

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Founding Editor: Mark Tottenham.

Legal Services Regulation Act 2015 permits a percentage fee structure in recovery of debts or liquidated sums.)

Further, he indicated that, as the practice of 'no foal, no fee' fee arrangements was carried over as part of the pre-existing law in 1937 by virtue of article 50.1 of the Constitution, that practice did not amount to champerty in Irish law.

Counsel for the respondent confirmed at the hearing that it was not proposed by the respondent to claim fees on the basis of, or by reference to, the 'no foal, no fee' clause in the contract in question. Hogan J held that it would, nonetheless, be in the public interest to provide clarity on the issue, on a strictly *obiter* basis, given its importance and relevance to the fee arrangements currently prevalent in the legal system [paragraphs 36-37].

Long grey mare

Hogan J considered that, before 1922, 'no foal, no fee' arrangements of the kind in question were lawful and, further, that judicial interpretation of section 11 of the *Attorneys' and Solicitors' Act 1870* reflected that. He was, therefore, of the view that this position represented the common law prior to 1922, and that this was carried forward by article 73 of the *Constitution of the Irish Free State* in 1922 and, later, by article 50 of the 1937 Constitution.

As such, he was also of the view that, as that interpretation of the 1870 act had been current for more than 150 years, the court should not disturb it. He noted that 'no foal, no fee' arrangements were long-established in the Irish legal system, with the population as a whole acting on the basis of their legality [paragraphs 38-54, 82].

Turning to the post-1922 developments in England and Wales, Hogan J noted that, while the majority of the case law suggested that 'no foal, no fee' type arrangements were unlawful, he was unpersuaded by the justifications for that approach. He was more convinced by the reasoning in *Thai Trading Co v Taylor*, a contrary English authority, and was of the view that, as such, the common-law rules as to maintenance and champerty should not be extended so as to render unlawful the 'no foal, no fee' system.

He observed that, from a series of Irish cases (including *McHugh v Keane* and *Synnott v Adekoya*) and regulatory measures (regulation 6(b) of the *Legal Services Regulation Act 2015 (Advertising) Regulations* 2020), there were clear indicators that the 'no foal, no fee' system is not regarded as unlawful.

He was also of the view that, from a constitutional right of access to the courts perspective, for that right to be effective, an existing practice (here, the 'no foal, no fee' practice) whereby persons of modest means can obtain access to justice, should not lightly be held to be unlawful [paragraphs 55-69, 83].

> **Insofar as the contractual agreement in question included a clause providing for a form of 'no foal, no fee' arrangement, that clause was not champertous or otherwise unlawful**

Hogan J concluded that, insofar as the contractual agreement in question included a clause providing for a form of 'no foal, no fee' arrangement, that clause was not champertous or otherwise unlawful [paragraphs 85-86].

Wild horses

While noting the strictly *obiter* nature of that conclusion, this judgment provides clear guidance that it is the unanimous view of the Supreme Court that 'no foal, no fee' fee arrangements are permissible.

Therefore, in the event that there is a challenge to such fee arrangements in future litigation where the issue does not fall to be determined on the facts arising, it appears clear from the extensive and detailed consideration of this issue in these appeals, and the clarity of the conclusion reached, that the *obiter* reasoning of the Supreme Court will be followed. g

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Jonathan White is a solicitor in the regulatory legal services section of the Regulation Department at the Law Society of Ireland.

LOOK IT UP

CASES:

- *Howley v Howard; Howley v McClean* [2026] IESC 34; [2025] IECA 77; [2024] IEHC 15
- *Howley v Howard* [2025] IESCDET 115; *Howley v McClean* [2025] IESCDET 114
- *McHugh v Keane* [1994] WJSC-HC 3550
- *Synnott v Adekoya* [2010] IEHC 26
- *Thai Trading Co v Taylor* [1998] QB 781

LEGISLATION:

- *Attorneys' and Solicitors' Act 1870*
- *Legal Services Regulation Act 2015*
- *Legal Services Regulation Act 2015 (Advertising) Regulations 2020*




Image: Shutterstock

Debt and taxes

Should personal insolvency arrangements have regard to wider public-interest considerations where exceptionally large personal debt write-downs are proposed? Dr Karen O'Brien tightens up the bench vice

The introduction of the *Personal Insolvency Act 2012* fundamentally reshaped Irish debt law by enabling financially distressed individuals to achieve financial rehabilitation while ensuring creditors received a fair and reasonable return.

Criticism that the act favoured creditors prompted the enactment of the *Personal Insolvency (Amendment) Act 2015*. This made a key legislative change by introducing section 115A, which strengthened that framework by empowering the High Court, in certain circumstances, to approve a personal-insolvency arrangement, notwithstanding creditor objection.

More than a decade later, the courts have developed a substantial body of jurisprudence interpreting section 115A. Yet, one question remains largely unexplored: should the legislation expressly require the High Court to have regard to wider public-interest considerations where exceptionally large personal-debt write-downs are proposed?

For most personal-insolvency arrangements, such a consideration would be unnecessary. Personal insolvency primarily resolves private disputes between debtors and creditors. However, exceptionally large debt compromises may, in rare cases, raise issues of public confidence, transparency, and the administration of justice. Whether those wider considerations should form part of the court's statutory assessment is ultimately a question of legislative policy.

Regulatory gap

Section 115A carefully defines the matters to which the High Court must have regard when deciding whether to approve a personal-insolvency arrangement. The courts' role under section 115A is carefully prescribed. They consider whether the proposal is fair and equitable, whether creditors are likely to receive a better outcome than bankruptcy, whether the debtor has acted honestly, and whether the arrangement is sustainable. These statutory criteria have served the insolvency system well. They reflect the legislation's central objective of balancing financial rehabilitation with creditor protection.

The courts have consistently applied section 115A according to the statutory criteria laid down by the Oireachtas. Those criteria appropriately focus on fairness, sustainability, and creditor protection. Decisions such as *Re Nugent* (2016) and *Re Callaghan* (2017) illustrate the courts' careful adherence to those statutory requirements. The issue explored here is, therefore, not one of judicial interpretation, but whether those statutory criteria remain complete in exceptional cases.

The current frameworks focus heavily on commercial viability and creditor consensus, often overlooking broader economic or societal impacts. What they do not expressly require is any consideration of wider public interest where exceptionally large personal debt write-downs are proposed. This omission is entirely understandable. Personal-insolvency legislation was designed to resolve private disputes rather than broader questions of public policy.

Nevertheless, exceptionally large personal-debt compromises occasionally attract considerable public attention. The sums involved, the identity of the debtor, or the involvement of regulated lenders may generate wider concerns extending beyond the immediate parties to the arrangement. At present, section 115A makes no distinction between a personal-insolvency arrangement involving debts of €500,000 and

> **The proposal is not intended to distinguish between wealthy and ordinary debtors. Honest but unfortunate debtors should remain equally entitled to rehabilitation. The distinction lies only where the scale of a proposed compromise may engage wider public interests**

one involving liabilities of €50 million. The same statutory criteria apply, irrespective of scale. Whether that approach remains appropriate where proposed debt compromises reach an exceptional scale is a legitimate matter for legislative policy.

Defining 'exceptional'

Any proposal for reform must be carefully limited. The success of Ireland's personal-insolvency regime lies in its accessibility and efficiency. Introducing additional statutory requirements for ordinary debtors would undermine those strengths. A public-interest assessment should, therefore, arise only where objectively defined statutory thresholds are met.

One possibility would be to prescribe a monetary threshold above which the court would need to consider whether wider public interests were engaged. Alternatively, legislation might identify factors, such as substantial public financial exposure, significant implications for regulated financial institutions, or exceptional levels of indebtedness.

The concept of applying different statutory rules to cases involving substantial liabilities is not unfamiliar to the *Personal Insolvency Act*. The act already recognises that exceptionally large, secured indebtedness may warrant distinct statutory treatment through the €3-million eligibility threshold in section 91. A limited public-interest assessment applying only in similarly exceptional cases would, therefore, build upon an existing legislative distinction, rather than introduce an entirely new principle.

Proposed mechanism

The proposal is not intended to distinguish between wealthy and ordinary debtors. Honest but unfortunate debtors should remain equally entitled to rehabilitation. The distinction lies only where the scale of a proposed compromise may engage wider public interests beyond the immediate parties.

The phrase 'public-interest assessment' should not be misunderstood. It would not authorise courts to determine cases according to public opinion or political considerations. Nor would it replace the carefully balanced statutory criteria already contained within section 115A. Instead, it would become one additional statutory consideration available only in exceptional cases. Where predetermined legislative thresholds were satisfied, the court could consider whether the exceptional scale of the proposed debt compromise raised issues affecting the wider administration of the insolvency system.

Any reform should operate only where clearly defined statutory thresholds are met. It would supplement, rather than replace, the existing section 115A criteria, and would permit consideration of matters such as transparency, public, and broader policy implications without conferring an unfettered judicial discretion.

A personal-insolvency practitioner could provide a concise statement addressing any relevant public-interest considerations where statutory thresholds were met. Alternatively, the court could retain discretion to seek additional evidence where necessary. The assessment would remain advisory rather than determinative. The debtor would still be required to satisfy every statutory requirement contained within section 115A. The public interest would simply become one additional factor available to the court in a very limited category of exceptional cases.

Comparative analysis

Ireland's personal-insolvency regime is founded upon a careful balance between debtor rehabilitation and creditor protection. Section 115A reflects that balance by empowering the High Court, in limited circumstances, to approve a personal-insolvency arrangement, notwithstanding creditor objection, where the statutory requirements are satisfied. The legislation is, therefore, primarily concerned with the private legal relationship between debtor and creditor. Comparative experience, however, demonstrates that modern personal-insolvency regimes increasingly recognise that insolvency law also serves wider public-policy objectives extending beyond debt enforcement alone.

In England and Wales, individual voluntary arrangements provide a statutory mechanism through which debtors may compromise their liabilities while avoiding bankruptcy. Creditor approval remains central to the process, reflecting the importance of creditor autonomy. At the same time, the legislative framework seeks to encourage financial rehabilitation and reduce the social and economic consequences of over-indebtedness. The English approach, therefore, illustrates that creditor rights and debtor rehabilitation are complementary objectives within a modern personal-insolvency system, rather than competing interests.

Australia's *Bankruptcy Act 1966* adopts a slightly different emphasis. Similarly, Canada's *Bankruptcy and Insolvency Act* reflects a dual statutory purpose. Australia and Canada recognise that personal-insolvency law pursues broader economic and social objectives alongside creditor protection.





While none of these jurisdictions has adopted an explicit statutory public-interest assessment equivalent to that proposed here, each recognises that modern personal-insolvency laws serve broader economic and social objectives alongside resolving disputes between debtors and creditors. Their experience demonstrates that insolvency legislation can legitimately promote public confidence in the legal and financial system without undermining creditor protection.

The introduction of section 115A reflected a significant policy decision that creditor opposition should not invariably defeat a sustainable restructuring proposal where the statutory safeguards are satisfied. The question explored in this article is whether that policy evolution should continue.

In the rarest cases involving exceptionally large personal-debt compromises, there may be merit in permitting the High Court to have regard to wider public-interest considerations. Such a reform would not depart from the philosophy underpinning Ireland's personal-insolvency legislation. Rather, it would build upon the internationally recognised principle that effective insolvency law must balance debtor rehabilitation, creditor protection, and public confidence in the legal and financial systems. In that context, it would represent an incremental development of section 115A, rather than a departure from its underlying philosophy.

Impact on the profession

From a professional perspective, the practical implications of reform would likely be modest. Personal-insolvency practitioners already prepare detailed financial analyses and statutory documentation. In exceptional cases, they might also provide a brief statement identifying any public-interest considerations relevant to the court's assessment.

The principal change would be evidential rather than procedural. Existing statutory documentation would remain central, with the public-interest assessment arising only where the prescribed legislative threshold was satisfied. Solicitors advising debtors and creditors would similarly consider whether a case satisfies the statutory threshold for additional review and arrange submissions, where appropriate.

For the judiciary, the proposal would represent only a modest extension of the existing statutory assessment. Because few cases would satisfy the proposed threshold, any additional administrative burden would be minimal, while enhancing transparency and public confidence

Modest proposal

Section 115A has become one of the most successful features of Ireland's personal-insolvency framework. It has enabled the courts to strike an effective balance between debtor rehabilitation and creditor protection, while ensuring that viable restructuring proposals are not defeated solely through creditor opposition. For almost every case, the existing statutory framework remains entirely appropriate. However, exceptionally large personal-debt write-downs may occasionally raise issues extending beyond the immediate interests of debtors and creditors. Those wider considerations are not currently reflected within the statutory framework.

The proposal advanced in this article is, therefore, a modest one. It is not an argument for restricting access to personal insolvency or for treating wealthier debtors differently. Rather, it asks whether, in the rarest and most exceptional circumstances, section 115A should expressly permit the court to consider whether the scale and consequences of a proposed debt compromise engage the wider public interest. The issue is not whether it has failed, but whether it should evolve to recognise that debt compromises may engage interests beyond those of the debtor and creditor alone.

More broadly, the implementation of the outstanding provisions of the *Personal Insolvency (Amendment) Act 2021* should now be treated as a legislative priority. Whether by commencing those remaining reforms or by considering further targeted amendments, the continued evolution of Ireland's personal-insolvency framework is essential to ensure that it remains responsive to both practical experience and the public interest. Ultimately, whether such reform is justified remains a matter for the Oireachtas.

Dr Karen O'Brien is a legal researcher and qualified personal-insolvency practitioner whose research focuses on Irish personal-insolvency law, comparative international-insolvency systems, and legislative reform.

LOOK IT UP

CASES:

- *Re Callaghan (A Debtor)* [2017] IEHC 332
- *Re Nugent (A Debtor)* [2016] IEHC 127

LEGISLATION:

- *Personal Insolvency Act 2012*
- *Personal Insolvency (Amendment) Act 2015*
- *Personal Insolvency (Amendment) Act 2021*

Learning to fly

Law Society Skillnet is not simply about keeping solicitors up to speed with the latest skills and tech. Increasingly, it's asking the question: 'what skills will lawyers need next?' Mary Hallissey reports



(All pics: Cian Redmond)

(Front, l to r): Katherine Kane, Deirdre Fox, and Anne Tuite; *(Second row)*: Kanza Tahir, Mark Maguire, and Richard Hammond SC; *(Third row)*: Carol Plunkett, Karolina Rozhnova, and Claire O'Mahony; *(Fourth row)*: Anne O'Neill, Paula Reid, and William Greensmyth; *(Fifth row)*: Brian McMullin, Kevin Lavin, and Conor MacGuill; *(Back row)*: Séamus Ó Ceallacháin, David Higgins, and Frank Milling

Law Society Skillnet has evolved significantly since it was first established to support the employment and reskilling needs of firms in the legal sector. As it has evolved, Skillnet has become more strategic in its aims and now works to anticipate the changing skill needs of Ireland's legal profession.

Deirdre Fox is chair of the Law Society Skillnet Steering Committee. According to her, regulation, anti-money-laundering requirements, and other compliance issues are now regular features of Law Society Skillnet training programmes.

But the ambition goes beyond simply keeping solicitors up to date with the latest rules. The aim, increasingly, is to ask a more fundamental question: 'What skills will lawyers need next?'

As the national workforce development agency of Ireland, Skillnet Ireland collaborates with industry bodies to deliver subsidised upskilling programmes and business supports to companies of all sizes. The agency's enterprise-led model has attracted international interest, with other countries examining how the Irish approach could be replicated.

Nationwide networks

Its 68 Skillnet Business Networks and five national initiatives operate across almost every sector, from engineering and hospitality to manufacturing, hairdressing, and professional services.

These networks are organised either around the shared-skills needs of specific industry sectors or as regional multi-sector networks that support businesses within a particular area. Law Society Skillnet has developed its own specialised role by responding to the changing needs of Ireland's legal profession.

The steering committee comprises a diverse group of volunteer practitioners from across the country and from law firms of different sizes. That breadth is deliberate, to engender training decisions that are not


Anne Tuite, Frank Milling, Karolina Rozhnova, Conor MacGuill, and Carol Plunkett

driven solely by the experience of large Dublin firms but that favour outcomes informed by the wide-ranging professional experience of the committee members. The volunteers identify skills gaps, share experience, and help shape training that will be most useful to the profession.

Futureproof

For solicitors who qualified before mandatory continuing professional development (CPD), access to training was limited. There was no statutory requirement to complete a set number of training hours, while opportunities to upskill locally were also limited. Practitioners in rural areas often had to travel to Dublin to attend Law Society lectures to keep their skills up to date.

The profession has changed dramatically since 1 July 2003, when mandatory CPD requirements for solicitors were introduced. Regulation has increased and technology has transformed how solicitors work.

Following the financial crisis, a significant part of Law Society Skillnet's work involved helping unemployed legal professionals to develop new skills and return to employment. Today, the emphasis is increasingly on identifying what the profession will need in the future.

Law Society Skillnet now provides training through very successful regional cluster events, as well as a much wider range of online programmes.

The brave and the bold

Deirdre Fox is a sole practitioner in Aughrim, Co Wicklow, and a long-standing member and former chair of the Conveyancing Committee.

"The needs were so basic when I joined the Skillnet Steering Committee in 2012," she says. "We needed to get people into jobs. We've gone from that to thinking: how can Law Society Skillnet develop what a solicitor offers in terms of developing them as trusted legal advisers? The Skillnet Ireland funding has allowed us to be brave about trying new things."

She describes the organisation's development as a reflection of wider changes in Irish society and the workforce: "I've seen the development of Law Society Skillnet since then. It's moved from this quite basic objective to being very, very nuanced," she says. "I think that's a reflection of the advances in the Irish workforce and society in general. The client base is now more sophisticated and, therefore, the profession needs to be more sophisticated."

Pressure and time

This has increased the importance of communication and other soft skills. While legal information is now widely available online, access to information is not the same as knowing how to apply it to a client's circumstances.

"Anyone can go to ChatGPT and find out the law, but they don't necessarily know how to apply that law to their particular

> **Skillnet has become more strategic in its aims and now works to anticipate the changing skills needs of Ireland's legal profession**


Deirdre Fox, Law Society Skillnet Steering Committee chair

circumstances," Deirdre comments. "The solicitor's role has always been to take account of the client's specific circumstances and those of their transaction and then to apply the law, but the evolution of the solicitor's role as a trusted legal adviser involves taking a holistic approach, which encompasses the client's state of mind."

For example, conveyancing and probate – both traditional areas of practice – can involve clients dealing with bereavement, relationship breakdown, financial pressures, or other highly stressful circumstances. Solicitors, therefore, need to understand how to communicate effectively with people under pressure, while maintaining professional boundaries and protecting their own capacity.

A Law Society Skillnet pilot programme on becoming a 'trusted legal adviser' is among the initiatives designed to address this changing role.

Country clusters

The 'cluster' model has been one of the major successes of Law Society Skillnet, bringing training closer to practitioners around the country, while allowing courses to respond to specific issues arising in practice.

"The clusters are such an amazing idea, firstly because they move around the country, so they're allowing people to go somewhere relatively local. Secondly, they invite reflection about the topics that need attention," Deirdre says.

"We're all lawyers working in this very regulated space. Speaking as a sole practitioner, it can feel quite overwhelming to keep on top of what's new, what's coming in, and what it all means for your practice and your clients."

The ability to experiment with niche areas of training is another benefit of the Skillnet Ireland model. For example, a shortage of affordable bookkeepers with an understanding of the particular requirements of legal practices created an opportunity for Law Society Skillnet to train people already working in law firms to take on the role.

"One of the huge success stories in the last year or two has been the introduction of training in legal bookkeeping. There was a real need for it and it has been phenomenally successful," she says.

> **Skillnet Ireland funding has allowed us to be brave about trying new things**

Get ready

Other recent initiatives have also included succession planning and advocacy. Succession can be particularly challenging for sole practitioners – it's never simply a matter of handing over files: "You need to be thinking about succession ten years ahead," Deirdre warns.

Artificial intelligence has emerged as one of the most pressing areas for further development. Large commercial firms have the resources to investigate new technologies, trial products, and develop their own systems. Smaller practices do not necessarily have the same time, money, or expertise to do so.

Law Society Skillnet is currently undertaking research into the AI needs of legal practitioners, with a particular focus on understanding what smaller firms and sole practitioners require.

"People are concerned about AI," says Deirdre. "They don't really know what they're going to do with it – and they don't know what they want or what they need. So, we're trying to do is establish that and see what we can do to help."

Desert song

The committee chair also believes that Law Society Skillnet has a role to play in tackling the emerging problem of 'legal deserts' – those parts of the country where access to legal services can become more difficult due to practitioners being attracted to larger towns and cities.

"It's not just about young people wanting to go to the bright lights," she says. "If you're a sole practitioner sitting in an office on your own, overwhelmed by all the regulation and all the information coming at you, you might think, 'I can't keep up with this anymore. I'll go and get a job somewhere else, where I'll have the benefits of support and larger resources'."

For some solicitors, setting up alone can be an attractive proposition, but it requires a very different skillset from working in a large firm.

Supporting existing rural practices, encouraging succession planning, and helping solicitors considering setting up on their own are becoming important elements of the Law Society Skillnet response.

Bigger picture

That focus on anticipating future skills needs is increasingly relevant across the wider economy. Recent research from Skillnet Ireland found that 78% of business leaders view upskilling as a strategic priority, and critical to future business success.

A report, *Ireland's Talent Landscape 2026*, found that access to skilled talent remains the single most important enabler of success. Launching the report, Minister James Lawless said that Ireland's economic strength had always depended on the talent of its people: "As businesses navigate rapid technological change and evolving market demands, investing in skills has never been more important." The research highlights the need to ensure that businesses of all sizes can access the skills required to "grow, innovate and thrive in the years ahead", he said.

That philosophy is fully reflected in the work of Law Society Skillnet: not simply providing courses, but identifying emerging needs and giving the profession the skills to respond.

Mary Hallissey is a journalist at the Law Society Gazette.

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Show me the door

The Law Society will introduce its flexible and inclusive Professional Solicitor Apprenticeship Programme from September 2027. Set to appeal to school-leavers, it will also open a new career pathway for legal executives. Mary Hallissey reports

The traditional route to becoming a solicitor in Ireland is about to get a major shake-up. From September 2027, the Law Society's new Professional Solicitor Apprenticeship Programme will offer school-leavers a new vocational 'earn-while-you-learn' route to qualifying as a solicitor without first completing a university degree. It will also create a new progression pathway for experienced law clerks and legal executives.

The initiative marks one of the most significant changes to solicitor training in recent years, reflecting growing demand for more flexible and accessible routes into legal careers.

For T P Kennedy (director of education), the programme is about more than simply adding another qualification pathway: "The apprenticeship has the potential to widen access to the legal profession by reducing financial and geographical barriers, making career pathways more visible to school-leavers, and creating new opportunities for legal executives and law clerks to progress towards qualification.

"It's an important development in how we think about professional education. We're moving beyond a predominantly university-led entry model towards a more flexible, work-based, and inclusive approach to solicitor training."

The Professional Solicitor Apprenticeship Programme will offer school-leavers a new vocational 'earn-while-you-learn' route to qualifying as a solicitor

Breaking the mould

For generations, aspiring solicitors have typically followed a familiar path: university study, professional examinations, and vocational training.

The apprenticeship offers an alternative. School-leavers will be able to begin training immediately after secondary school while earning a salary and gaining hands-on experience in practice.

Importantly, the new scheme is designed to sit alongside, rather than replace, the established university route. Importantly, while the apprenticeship provides an alternative pathway into the profession, the requirements for qualification remain the same. Apprentices will be required to pass the same FE1s, successfully complete the same Professional Practice Course, and undertake the same required period of in-office training.

The programme does not reduce the professional standards required to qualify as a solicitor – rather, it provides a different route through which those standards can be achieved.

"The introduction of an apprenticeship gives prospective solicitors greater choice in how they begin their careers," Kennedy tells the *Gazette*. "A university degree will remain an important and valuable route into the profession, but it will no longer be the only starting point available to those aspiring to become solicitors.

"We want talented people from a wide range of educational and personal backgrounds to be able to see a future for themselves in the legal profession. Creating different routes into qualification can help us reach people who may not previously have considered a career in law to be accessible to them."

On the job

At the heart of the programme is the blend of employment and education. Apprentices are expected to spend around four days each week working in a legal practice, and one day engaged in structured legal study, allowing them to develop professional skills in a real-world environment while progressing towards qualification.

Kennedy believes that the model offers benefits beyond academic learning: "Professional education is about more than acquiring legal knowledge. It's also about developing the practical skills, professional judgement, and ethical awareness that are essential to being a solicitor. By combining structured education with experience in



Photo: Michal Sikorski/Alamy

the workplace, apprentices will have the opportunity to connect what they learn with the realities of legal practice.

"The important thing is that this learning takes place within a structured framework that supports their development and maintains the standards required for qualification."

The move also reflects a wider shift towards more flexible forms of professional education, including the current hybrid and modular learning models that allow students to balance study with work and other commitments.

Beyond the Pale

The Law Society believes the apprenticeship could have benefits far beyond the individuals who take part. By enabling trainees to work and study closer to home, the programme could help reduce barriers for those who may be unable to relocate for educational or early-career opportunities. It may also give regional firms a new way to

The apprenticeship represents a broader rethink of how solicitors are recruited, trained, and developed



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Rory O'Boyle (head of PPC/education standards manager) answers questions about the new apprenticeship scheme

attract and develop local talent.

"The opportunity to train locally while earning and studying could make a real difference for some people," Kennedy says. "It allows us to consider how we can make the profession more accessible, not only in terms of educational background, but also in terms of geography and individual circumstances. It also creates an opportunity for firms to invest in talent within their own communities and to develop the next generation of solicitors."

A route for staff

The apprenticeship is not aimed solely at school-leavers. For law clerks and legal executives already working in the sector, it offers a structured pathway to qualification, while remaining in employment.

For firms, it creates an opportunity to develop staff who already understand the business, its systems, and its clients.



"Many people already working in legal practices have developed valuable experience and knowledge of the profession," Kennedy says. "Providing a structured route towards qualification can help those individuals progress in their careers, while allowing firms to continue developing talent within their organisations. It's another way of recognising that there are different starting points and different experiences that can contribute to the development of a successful solicitor."

Solicitors of the future

As the legal sector continues to evolve, the apprenticeship represents a broader rethink of how solicitors are recruited, trained, and developed.

For the Law Society, the challenge is to widen access without compromising standards. The Law Society's director of education says that "the objective is to create more opportunities for people to enter the profession, while maintaining high standards in solicitor training. The apprenticeship is not about creating a lesser route to qualification. It's about providing a different way to develop the knowledge, skills, and professional judgement required of a solicitor".

The Professional Solicitor Apprenticeship Programme could do more than create another route into the profession. It has the potential to open legal careers to a broader pool of talent, strengthen regional recruitment, and forge closer links between education and practice, reshaping how Ireland's solicitors of the future begin their careers. g

Mary Hallissey is a journalist with the Law Society Gazette.

UNLOCKING YOUR FUTURE

- *Target audience:* open to school-leavers (including Leaving Cert students), legal executives, and law clerks,
- *Start date*: the first cohort of apprentices is scheduled to start in September 2027, with expressions of interest currently open,
- *Work and study structure:* apprentices split their time between a participating law firm (roughly four days per week) and structured legal education through the Law Society (roughly one day per week),
- *Rigour and qualification:* the path remains just as rigorous as the traditional graduate model – apprentices must pass the FE1 examinations and complete the PPC Hybrid,
- *How to apply/contact:* you can express interest or register for updates by emailing the Law Society at solicitorapprenticeship@lawsociety.ie or visiting www.lawsociety.ie and searching for 'apprenticeship programme'.

Lean into the waves

Michael Walsh was MC at the 'Well Within the Law' festival. He assesses moving 'from resilience to adaptability' – and the lessons of a 30-year career as a solicitor



Standing in front of a room of colleagues at Blackhall Place recently, I opened with a confession: I was both terrified and delighted to be there. I said I hoped to get through it on the strength of my superpower – that I am very funny. The laugh was encouraging, so I deployed my back-up, quickly clarifying that my main superpower, in fact, is that I am from Cork. Bigger laugh. A good start, and from there we set off on a 70-minute journey of theatre, connection, sharing, and challenge.

The provocation for the evening was the move 'from resilience to adaptability'. Resilience asks how we withstand, recover, and keep going. It is a noble idea and one the profession embraces, sometimes to a troubling degree. Adaptability asks how we navigate hurdles, and whether there might be a healthier way through.

AI can simulate conversation, but it cannot forge that all-important bond. In a profession facing disruption, our edge is, and perhaps always will be, relational

Reading the water

I imagined that I surf, so I set the scene at Tramore beach. The metaphor (and it was a metaphor) was not accidental. Do I paddle straight out every morning regardless of conditions, taking the impact of whatever waves come my way? That is resilience.

Or do I read the water from the shore, form a plan, reassess as I go and, occasionally, decide that today is not a day for surfing? That last decision can sound like weakness, a compromise of the laser focus we prize in our profession, but it is never weakness when it is the right call.

At the Momentum Games the previous Friday, the competing firms had gone head-to-head, and it was a sight to behold – a hammer-and-tongs, utterly determined bunch. It made me wonder how often sheer determination causes us to override what our bodies, emotions, and intuition are telling us, and whether that approach is serving our clients or ourselves.

Being a cerebral bunch, I invited everyone to 'get out of their heads' for an hour and get more into what they felt – what their gut was saying. There were no right answers on offer, only what was right for each person in that moment.

The room as the show

Three theatre pieces, written and directed by Donnacadh O'Briain, were threaded through the evening. Drama does something a slideshow cannot: it lets a room watch a difficult dynamic from the outside without anyone having to own it out loud. The writing was perceptive and sharp, as were the performances. Some scenes provoked laughter; others a palpable discomfort. It was as though a mirror had been held up to the dynamics at



All pics: Cian Redmond

Michael Walsh pushes beyond his comfort zone – at least he didn't have to sing...

It made me wonder how often sheer determination causes us to override what our bodies, emotions, and intuition are telling us, and whether that approach is serving our clients or ourselves

play in our working lives.

As the audience shared responses to a series of prompts, largely centred on the challenges and opportunities of AI for our profession, the mood of the room began to circle a key question: what are we seeking more of in our professional lives? And lo and behold, it happens to be the very thing AI (even, dare I say, Grok) can arguably never give us – human connection. I put it to the audience that it was never raw intelligence that put *Homo sapiens* ahead of other human species; it was our capacity to connect, cooperate, and build trust across a group. AI can simulate conversation, but it cannot forge that all-important bond. In a profession facing disruption, our edge is, and perhaps always will be, relational.

I had been asked to share some personal reflections on a 30-something-year career in law. Whatever pre-show nerves I had were soothed by the appetite in the room for connection, and for someone to name the very human needs that require tending. We can easily lose touch with ourselves; if that happens, how can we connect with others, let alone work out how, and to what, we should adapt?

My 1995 self

One of my favourite podcasts is Elizabeth Day's *How to Fail*, in which accomplished people are asked to name three failures and say what they learned. The format works because it inverts the usual professional posture: we are trained to present the polished outcome and bury the process. So, in that spirit, I shared my whopper.

I qualified in 1995, joined Byrne Wallace Shields (then BCM Hanby Wallace) as a partner in 1999, and hitched my career to real estate. At the time it looked like the steady option – the slower, surer asset class. Needless to say, it has been nothing of the sort. But in that 'failure', I learned that I was far more adaptable and resilient than I had given myself credit for. So, what did I learn?

Time is the only commodity that matters – everything else can be replaced. Its corollary: be careful who you let in. Not everyone deserves your time. Narcissists live among us, and


Past-president Geraldine Clarke SC and Antoinette Moriarty

exiting them is an act of self-preservation.

There is enormous joy in work – provided the projects interest you and the culture of your workplace suits you. Maslow (hierarchy of needs) was right about this. For me, these two factors – far more than terms and conditions or office location – are why I continue to invest my time and belief where I do. We also have a responsibility to seek out those interesting projects and help shape workplace culture.

Purpose changes – finding it, reshaping it, and fulfilling it is a lifelong endeavour rather than a young person's task. This is where getting in touch with yourself really counts. I've had to pivot my work focus many times, having worked on large-scale town-centre and retail projects such as Dundrum Town Centre. When the 'Celtic Tiger' died, I moved focus to where the legal needs were, which led to residential-led projects. It has since become something of a passion.

Look after the machine – stretch, move, do cardio and, as the years go on, take weight-bearing exercise seriously. Get seven or eight hours' sleep, with a wind-down ritual to support it. And learn to breathe – a deep breath before responding to a stressful situation produces better outcomes. Van der Kolk's *The Body Keeps the Score* is right: slouching, sitting too long, unresolved trauma – the body warehouses all of it.

Connect with individuals and small groups – we are relational animals, and our ability and need to connect is our true superpower. Connect, too, to the network – not the web but the Law Society committees, your local bar association, the groups of solicitors meeting up and down the country. There is more comfort, learning, and support there than most of us use.

On joining the Conveyancing Committee, I was not immune to imposter syndrome. There were 'big names' on it, and what if I came across as an ass? I soon learned that, in so many ways, we are all the same, each carrying a degree of that syndrome from time to time. The support of the committee and its secretary got me past it and put me to work.

Don't be a keyboard warrior – communicate. Pick up the phone, arrange to meet, join the committee, turn up to the festival. The risks and rewards are there for us if we engage.

Manage conflict early – it is inevitable and often healthy. Listen, then ask the two questions that actually work: (a) what is bothering you, and (b) what can I do for you now? A running conflict with a colleague consumes enormous time and energy. Decide whether that is where you want to invest yours.


Vice-president Valerie Peart

Normal is a myth – everyone is going through something. Before you speak or send that correspondence, ask how it will land and what purpose it serves. And know when to stop: pausing, sleeping on a decision, or not responding at all is sometimes the strongest available move.

Find mentors – I spent three happy years at Beauchamps before moving to where I am now. My mentor there, the late great Jack Kirwan, had retired and, in meeting Brian Wallace, one of the founders of Byrne Wallace Shields, I felt I had found someone who could be a strong mentor at a time when I needed one. He remains an important figure in my professional life.

How to do it all

So how do you do all of this? "I'm already full as it is!" If your life is full, take something out before you put more in.

Some things are best subtracted: doomscrolling (I need to detox periodically from American politics); the belief that you can change people (as Maya Angelou put it, "when someone shows you who they are, believe them the first time"); bright screens late in the evening; tasks that could be eliminated, reorganised or delegated; declutter.

Subtract hypervigilance. A strength – fastidiousness – becomes a liability when overdone, and it has been my Achilles' heel from time to time. During a period of rising interest rates and construction-price inflation, a client was under pressure on a project and the cost of debt was high. I ploughed no end of effort, skill, and time into closing the deal as soon as possible and, bang on time, it did. But I lost sight of the fact that the client would not necessarily thank me for all

that time and, ultimately, was unhappy with my bill. I had not read the commercial dynamics sufficiently, and I had misjudged the trust the client had placed in me – they felt I had abused it. The rear-view mirror can be harsh. I needed to do better.

Travel, because it puts the 'weight of your own plate' into context and somehow lightens it.

My '*Hawaii Five-0*' year

When I turned 50, I reflected on what I wished I had done more of in the previous two decades and declared my '*Hawaii Five-0*' year the 'year of dance'. Ballroom, I hear you ask? No. Think Moby or Faithless at Kilmainham in July.

Sing, join a choir, form a band – there is no better way to calm the nervous system and check in with how you're doing. Walk at lunchtime, especially in winter. Keep learning where it serves your purpose. I put that into practice in 2024 with the Diploma in Company Direction at the Institute of Directors.

So how do you do all of this? "I'm already full as it is!" If your life is full, take something out before you put more in

Getting back to the books was something of a shock, but sharpen the pencil it did, and it has paid dividends, including a new network of friends.

And lastly, from time to time, sit with yourself and do nothing – what the Italians call *il dolce far niente*. There is value in this.

In her opening remarks, the Law Society's vice-president Valerie Peart noted that the flag at Blackhall Place was at half-mast as a mark of respect for our colleague, the late James MacGuill. It reminded me that growing older is a privilege.

Slagging lawyers

To finish, I addressed the slagging that lawyers get in the media, which can see us as an easy target without appreciating that we often operate under extreme pressure, at the rough edge of life. The practice of law has real social value, and we can undersell it to ourselves. How can we convey that value to clients if we don't appreciate it ourselves?

Whether you are steering a private client through a marital separation or closing a residential scheme that will house 100 families, that is a real contribution.

Connecting all of this to the main provocation, finding the right balance between resilience and adaptation takes continual soul-searching. The most useful thing any of us can do is to create the conditions and habits that leave us space to work out what is right for us in a given moment – and then trust what we find there.

There was time for one last lesson, which I saved for the end: every now and then, do something that scares you. Even if you're not from Cork!

Michael Walsh is a partner at Byrne Wallace Shields LLP.

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Meta-morphosis

A recent CJEU ruling is highly significant for press publishers and the press industry in the EU. Dr Mark Hyland gets the bug spray

Handed down by the CJEU on 12 May 2026, the landmark preliminary ruling in Case C-797/23 *Meta Platforms Ireland Ltd v Autorità per le Garanzie nelle Comunicazioni (AGCOM)* is the first ever judgment by the EU's highest court on the new press publishers' right.

This new intellectual-property right is contained in article 15 of Directive 2019/790 on copyright and related rights in the digital single market. The fact that the ruling is a Grand Chamber judgment (15 judges presiding) speaks volumes about the importance and complexity of this case, as such judgments are reserved for only the most complex cases that have an obvious impact on EU law development.

Tilted very much in favour of press publishers, this judgment provides a much-needed boost for press publishers and the press sector in the EU. The backdrop to this ruling is the ongoing litigation in Europe and beyond between press publishers and information-society service providers (ISSPs)/AI companies concerning alleged illegal aggregation of protected journalistic content. Two good examples are the EU Case C-250/25 *Like Company v Google Ireland Limited* and *Danish Press Publications' CMO (DPCMO) v OpenAI*.

The ruling is unquestionably very good news for EU press publishers. Italy's elaborate, substantive, and imaginative transposition of article 15 has been endorsed by the CJEU

Article 15

Article 15 concerns the protection of press publications in the context of online uses. The provision obliges the EU27 to transpose a press publishers' right into their domestic law. As part of this new legal protection, two important exclusive rights are granted to press publishers, namely: the reproduction right; and the right to make available to the public.

While the term 'press publisher' is not defined in the directive, we can extrapolate from the definitions section (article 2) that a press publisher publishes, for example, 'literary works of a journalistic matter' or 'general or special-interest magazines'. In an Irish context, *The Irish Times* DAC and DMG Media Ireland would both be considered press publishers under article 15 (and the equivalent transposed legislation here). DMG Media Ireland publishes, among other things, the specialist business magazine *Business Plus*.

Background

In short, the judgment concerns Italy's transposing legislation and its transposition 'mechanics' in the context of its implementation of article 15 into domestic law. The request for the preliminary ruling was made by the Regional Administrative Court, Lazio, during (local) legal proceedings between Meta Platforms Ireland Ltd and Autorità per le Garanzie nelle Comunicazioni (AGCOM) – the Italian communications regulatory authority.

More specifically, the request arose from a decision adopted by AGCOM that defines the criteria to be used to determine fair compensation for the online use by digital platforms of press publications.

Transposition

Italy transposed the directive via legislative decree (Decreto Legislativo D Lgs) 77/2021. Article 43-*bis* of Legge N 633/1941 introduced the press-publishers' right to Italian law. This transposing legislation provided Italian press publishers with the exclusive rights of reproduction, and making available to the public.

However, in an excellent example of 'gold-plating', the Italian legislature went well beyond a mere verbatim transposition of article 15 of the directive. In fact, the transposing legislation grants significant powers to AGCOM, something that was not explicitly provided for (or envisaged) in the original text of article 15.

Under the transposing law, not only does AGCOM have a significant role in determining fair remuneration in the context of an ISSP's use of journalistic material, but it also has the power to impose significant administrative fines on ISSPs

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



Seamus contemplated the radical change in his SEO analytics

who fail to supply key data necessary for the calculation of fair remuneration.

Article 43-*bis* states that ISSPs shall pay fair compensation to press publishers. This process will be facilitated by AGCOM's adoption of "a regulation identifying benchmark criteria for determining the fair compensation".

Paragraph 9 of the transposing law envisages negotiations between ISSPs and press publishers with a view to the conclusion of contracts (licensing agreements). These negotiations will take into account the benchmark criteria, such as the number of online consultations of the relevant article and the market share of the relevant press publisher. During the negotiations, ISSPs are not permitted to restrict the visibility of the press-publishers' content in their search results.

The transposing law only gives the negotiating parties 30 days to agree on the amount of compensation. If this deadline is not met, either party may apply to AGCOM and ask the authority to determine fair compensation. At this point, the non-compliant party has a further 60 days to come on-side and negotiate a fair compensation. Should this not happen, AGCOM has the power to "set out the amount of fair compensation of its own motion".

Where, following the determination of fair compensation by AGCOM, the parties do not conclude a contract, then either party may bring the matter before the Chamber of the Ordinary Court specialising in business matters.

ISSPs are required to make available, at the request of the press publisher (or CMOs/independent-management entities, if mandated) or at the request of AGCOM, the data necessary for the determination of the amount of fair compensation. The press publisher is legally obliged "to respect

the confidentiality of commercial, industrial and financial information" provided to it by the ISSP.

AGCOM's role under the transposing legislation is to monitor the ISSP's actions/level of compliance and, should the ISSP fail to provide the data to the press publisher within 30 days of the press-publisher's request, then AGCOM shall impose an administrative fine on the ISSP of up to 1% of its turnover (based on the last financial year).

Powers of AGCOM

While this comprehensive judgment addresses multiple legal issues, one particularly interesting element in this case is the set of powers conferred on AGCOM by the transposing legislation.

Under the transposing legislation – article 43-*bis* (8), (10) and (12) – AGCOM is granted some significant powers:

- To identify the benchmark criteria for determining the remuneration that ISSPs are required to pay press publishers in return for authorisation to use their publications,
- To specify the amount of remuneration to be paid by an ISSP to the press publisher where the parties have failed to reach an agreement and enter a contract,
- To supervise the provision of data by the ISSP (so that a fair remuneration can be calculated), and
- To impose an administrative fine on ISSPs that fail to comply with the obligation to provide data to either the press publisher and/or to AGCOM.

The transposing legislation must not deprive press publishers of the possibility of refusing to authorise the use of their publications. Nor should it prevent press publishers granting the use of their press publications for free (should they wish)

Public intervention

Referring to the previously outlined AGCOM powers as "public intervention measures", the CJEU confirmed that these measures fall within the detailed rules for implementing the rights enshrined in article 15. Moreover, the court also stated that "these measures do not disregard the nature and scope of those rights or the objectives pursued by that directive and article 15 thereof".

Further, the CJEU ruled that the obligation on ISSPs to provide the necessary data for the calculation of fair compensation appeared to comply with article 15. The court also found that AGCOM's powers to monitor ISSP compliance with the aforementioned obligation, along with its power to impose administrative penalties on ISSPs for infringements of obligations, "cannot be regarded as contrary to article 15, subject to compliance with the principle of proportionality".

CJEU ruling

The court's analysis of AGCOM's powers can be found at paragraphs 80-83 of its ruling.

The CJEU permits national legislation that empowers a public authority (like AGCOM) to define the benchmark criteria to be used to determine the fair remuneration. Should the two parties appearing before the public authority – that is, the press publisher and the ISSP – fail to agree fair remuneration, then the public authority itself may determine the amount of the remuneration.

The public authority is also empowered to monitor compliance by ISSPs with their obligation to provide information to press publishers. It is also empowered to impose a fine on any ISSP that fails to comply with its obligation to provide information.

Importantly, the judgment also contains several important caveats (at paragraph 103). The transposing legislation must not deprive press publishers of the possibility of refusing to authorise the use of their publications. Nor should it prevent press publishers granting the use of their press publications for free (should they wish). Any payment obligations imposed on ISSPs must relate to the actual use of press publications. And, lastly, any obligations and penalties imposed on ISSPs must observe the principle of proportionality.

Other issues

In answering some of the other questions referred to it by the Regional Administrative Court, the CJEU had to take into account article 15 itself and also articles 11, 16, 17 and 52 of the *Charter of Fundamental Rights of the EU*. As regards the charter rights, article 16 protects the freedom to conduct a business; article 17(2) enshrines the protection of one's intellectual property; and article 11(2) requires that the freedom and pluralism of the media be respected.

Article 52 is an overarching provision that governs the scope of the guaranteed rights under the charter. It stipulates that any limitations on the exercise of charter rights/freedoms be provided by law

and comply with the principle of proportionality. Moreover, limitations must be necessary and genuinely meet the objectives of general interest recognised by the EU.

In assessing the proportionality of the measures within the transposing legislation, the CJEU was obliged to reconcile the protection of these different charter rights and seek to achieve "a fair balance between them" (paragraph 96 of the judgment).

Applying article 15 and the four charter provisions mentioned above, the CJEU stated that these five legal provisions (together) must be interpreted as not precluding national legislation that does the following:

- Confers on press publishers the right to obtain fair remuneration from ISSPs in return for authorisation granted to the ISSPs to use the publishers' publications,
- Imposes on ISSPs the obligation to enter into negotiations with press publishers where the former "use or intend to use" the press-publishers' publications,
- Imposes the obligation on ISSPs not to limit the visibility of the press-publishers' content in their search results during ongoing negotiations,
- Imposes the obligation on ISSPs to make available to press publishers and a public authority (such as AGCOM) the information necessary to determine the amount of such fair remuneration.

Stop the presses!

It would be very difficult to overstate the importance of this judgment.

The ruling is unquestionably very good news for EU press publishers. In essence, the EU's most senior court has approved Italy's 'gold-plating' of article 15. Italy's elaborate, substantive, and imaginative transposition of article 15 has been endorsed by the CJEU, subject to certain caveats. This sends a clear signal to the other member states that a strong and creative transposition/enforcement of the press-publishers' right will be supported by the EU courts.

As a preliminary ruling, *Meta v AGCOM* is final and binding and carries significant authority across all EU member states. It has binding effect *erga omnes*, meaning that all national courts across the EU must apply this ruling when hearing similar cases.

The public authority is also empowered to monitor compliance by ISSPs with their obligation to provide information to press publishers. It is also empowered to impose a fine on any ISSP that fails to comply with its obligation to provide information

It is also worth noting that there are two other high-profile press-publisher cases currently pending before the EU courts. Like *Meta v AGCOM*, both are requests for a preliminary ruling. The cases in question are C-663/24 *Streamz and Others* and C-250/25 *Like Company*.

Meta and *Streamz* are substantially analogous, as the latter concerns the Belgian transposition of article 15 into domestic law. It also involves national legislation providing for a prescribed negotiation procedure between press publishers and ISSPs, supervised by an administrative authority, with the possibility of the ISSP having to remunerate a press publisher for the online use of its press publications. The oral hearings in *Streamz* were heard on 6 and 7 July, while the opinion of Advocate General Szpunar is expected to be published on 19 November. g

Dr Mark Hyland is a lecturer in the Faculty of Business, TU Dublin.

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COUNCIL REPORT

Law Society Council meeting 17 July 2026

The Council met in Ballina, Co Mayo, in July. It considered a broad range of topics and received updates on strategic priorities, risk management, committee activities, and ongoing policy work.

Members discussed current policy issues affecting the profession, including civil legal aid and criminal legal aid, where Council was provided with an update on the status of discussions.

Council approved the 2025 audited financial statements and received an update on the Law Society's Risk Register.

Director general update

The director general, Mark Garrett, provided updates on the Law Society's 2026 programme of work, including progress on strategic initiatives such as the *Justice Indicators Report* and the establishment of the Solicitor Services Department. Members also heard about ongoing advocacy work on insurance reform and were updated on the significant organisational effort being devoted to criminal legal-aid issues.

The Council confirmed the appointment of David Curran (insurance litigation partner with Holmes Solicitors) to the Professional Indemnity Insurance Committee.

Notable achievements

The meeting recognised several notable achievements across the profession, including the nomination of Séamus Given for appointment to the High Court and the appointment of Mr Justice Keenan Johson as President of the Circuit Court, as well as recent recipients at the 2026 Irish Law Awards. President Rosemarie Loftus also recognised the success of the recent Summer School hosted by the Law Society's Centre for Justice and Law Reform.

Submissions

The meeting noted the following submissions made by the Law Society:

- Submission on the use of artificial intelligence in justice and law enforcement to the Joint Oireachtas Committee on Artificial Intelligence (15 May 2026),
- Technical tax submission, Budget 2027 (22 May 2026),
- Submission on the *Statute of Limitations* and limitation period for causes of action (26 May 2026),
- Submission on the reform of non-court adjudicative bodies and appeals to courts (23 June 2026),
- Submission on bail laws in Ireland (2 July 2026),
- Submission on the taxation of interest (2 July 2026),
- Opening statement of the Law Society of Ireland on criminal legal aid (30 June 2026), and
- Opening statement of the Law Society of Ireland on bail laws (7 July 2026).

Law Society of Ireland

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NOTICES: THE HIGH COURT

In the matter of order 53D, rule 5 of the *Rules of the Superior Courts*, and in the matter of an application pursuant to section 82(2) of the *Legal Services Regulation Act 2015*, and in the matter of Christopher B Walsh (solicitor number S4940), formerly practising at Christopher B Walsh Solicitors, 90 Park Drive Avenue, Castleknock, Dublin 15 [2026/231 MCA]
Legal Services Regulatory Authority (applicant)
Christopher B Walsh (respondent)

Upon application for orders pursuant to section 85 of the *Legal Services Regulation Act 2015*, on foot of the Legal Practitioners Disciplinary Tribunal's determination dated 12 December 2024 that the respondent solicitor was guilty of misconduct in that he:

1) Failed to comply, either at all or within an adequate timeframe, with the undertaking given by him dated 14 May 2007 to Bank of Scotland (Ireland) Limited (predecessor in title of Bank of Scotland plc), either in part or in full,
2) Failed to engage adequately with Mason Hayes & Curran, the representatives of the lender, including a failure on his part to respond to one or more of the following letters/emails:
letter dated 27 March 2018,
letter dated 23 April 2018,
letter dated 7 March 2019,
letter dated 14 August 2019,
letter dated 21 August 2019,
letter dated 28 August 2019,
letter dated 4 September 2019,
letter dated 19 November 2019,
email dated 3 December 2019,
email dated 10 December 2019,
email dated 13 December 2019,
email dated 20 December 2019,
email dated 20 January 2020,
email dated 3 February 2020,
email dated 17 February 2019,
letter dated 11 March 2020,
letter dated 1 May 2020,
3) Failed to engage adequately or at all with the authority with regard to the complaint made against him,
4) Failed to comply with a notice issued to him by the Complaints Committee under section 70(6)(c) of the 2015 act, contrary to section 70(8) of the act.

On 23 June 2026, the President of the High Court ordered:

1) Pursuant to section 82(2) and/or section 85(7)(d) of the *Legal Services Regulation Act 2015*, that the respondent is hereby suspended from practice as a legal practitioner for a period of two years,
2) Pursuant to section 85(7)(h)(iii) of the act, that the respondent is directed to pay the whole of the costs of the applicant incurred in relation to the inquiry bearing the record number 2023/LPDT22 before the Legal Practitioners Disciplinary Tribunal, which costs shall be assessed by a legal costs adjudicator in default of agreement between the parties.

Niamh Muldoon, Chief Executive Officer, Legal Services Regulatory Authority
Dr Niall Connors, Registrar of Solicitors, Law Society of Ireland

In the matter of order 53D, rule 5 of the *Rules of the Superior Courts*, and in the matter of an application pursuant to section 82(2) of the *Legal Services Regulation Act 2015*, and in the matter of Con McDonnell (solicitor number S14778), formerly practising at Walsh McDonnell Solicitors, 10 Patrick Street, Kilkenny, Co Kilkenny [2026/249 MCA]
Legal Services Regulatory Authority (applicant)
Con McDonnell (respondent)

Upon application for orders pursuant to section 85 of the *Legal Services Regulation Act 2015*, on foot of the Legal Practitioners Disciplinary Tribunal's determination dated 12 March 2026 that the respondent solicitor was guilty of misconduct in that he:

1) Terminated his retainer without any or any good cause and/or without reasonable notice,
2) Failed to confirm in writing that he was ceasing to act for the complainant,
3) Failed to respond to one or more requests from or on behalf of the complainant in respect of the transfer of her file.

On 5 June 2026, the President of the High Court ordered:

1) Pursuant to section 82(2) and section 85(7)(c) of the *Legal Services Regulation Act 2015*, that the respondent be prohibited for a period of five years from practising as a legal practitioner, otherwise than as an employee,
2) Pursuant to section 82(2) and section 85(7)(h)(iii) of the act, that the respondent pay the whole of the costs of the applicant in respect of the inquiry, which costs shall be assessed by a legal costs adjudicator in default of agreement,
3) Pursuant to section 82(2) and section 85(7)(h)(ii) of the act, that the respondent pay restitution to the value of the vouched sum of €3,993 expended by the family member of the complainant, on her behalf, on legal fees she incurred as a result of the respondent's misconduct (the said sum to be paid to the person identified as 'Witness C'), and that
4) The respondent pay the applicant their costs of the application, such costs to be adjudicated in default of agreement between the parties.

In the matter of Florence Hutchinson (solicitor number S6470), formerly practising at Florence F Hutchinson & Co, Solicitors, The Mall, Ballyshannon, Co Donegal, and in the matter of the *Solicitors Acts 1954-2015* [2026 38 SA; LPDT record no 2024-LPDT27]

Law Society of Ireland (applicant)
Florence Hutchinson (respondent)

Upon application for orders pursuant to section 85 of the *Legal Services Regulation Act 2015*, on foot of the Legal Practitioners Disciplinary Tribunal's determination dated 3 May 2025 that the respondent solicitor was guilty of misconduct in that she:

1) Failed to keep any or adequate books of accounts, in breach of the *Solicitors Accounts Regulations 2014* and, in particular, regulation 13 of those regulations,
2) Failed to file her accountant's report for her year ended 31 December 2022 within six months of that date or at all, in breach of regulation 26(1) of the *Solicitors Accounts Regulations*,
3) Failed to make files available to the Society's investigating accountant during the course of an investigation,
4) Failed to stamp and register three deeds in a timely manner or at all.

On 9 June 2026, the President of the High Court ordered that the respondent legal practitioner:

1) Be censured and pay a sum of €5,000 to the Compensation Fund, pursuant to section 85(7)(a) of the *Legal Services Regulation Act 2015*,
2) Be prohibited from practising as a legal practitioner otherwise then as an employee under the supervision of a solicitor of at least ten years' practice or as an in-house legal practitioner,
3) Pay a sum of €3,012 costs to the applicant, pursuant to section 85(7)(h) of the *Legal Services Regulation Act* in respect of the Law Society's measured costs before the Legal Practitioners Disciplinary Tribunal,
4) Pay to the applicant their costs of the application, such costs being measured in the sum of €3,254.

In the matter of section 85 of the *Legal Services Regulation Act 2015*, and in the matter of Eugene Kearns (solicitor number S6452), formerly practising at Eugene P Kearns, 10 Lower Abbey Street, Dublin 1, and in the matter of the *Solicitors Acts 1954-2015* [2026 39 SA; LPDT record no 2025-LPDT24]

Law Society of Ireland (applicant)
Eugene Kearns (respondent solicitor)

Upon application for orders pursuant to section 85 of the *Legal Services Regulation Act 2015*, on foot of the Legal Practitioners Disciplinary Tribunal's determination dated 27 March 2026 that the respondent solicitor was guilty of misconduct in that he:

1) Deducted €46,853.47 VAT inclusive, in advance, in the estate of Margaret Kiernan (deceased) on 22 occasions from 2013 to 2022, in circumstances where there were no invoices on file and there was no indication that fees were agreed or authorised by the client, in breach of regulation 7 of the *Solicitors Accounts Regulations 2014*,
2) Failed to comply with a direction of the Regulation of Practice Committee made on 1 May 2024 that he file an ancillary motion in the probate matter to have the question of his entitlement to fees decided,
3) Failed to comply with section 68 of the *Solicitors (Amendment) Act 1994* and sections 150 and 152 of the *Legal Services Regulation Act 2015* in the four files reviewed, as there were no formal invoices available on the files and there was no evidence to show that clients were provided with the solicitor's dispute resolution procedure,
4) Contravened section 30A(1) of the *Criminal Justice (Money Laundering and Terrorist Financing) Act 2010*, as inserted by section 10 of the *Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2018*, by failing to carry out a business risk assessment to identify and assess the risks of money-laundering and terrorist-financing in carrying on his business activities, and breached regulation 6 (business risk assessment) of *the Solicitors (Money Laundering and Terrorist Financing Regulations) 2020* (SI 377 of 2020) in failing to carry out a business risk assessment to identify and assess the risk of money-laundering and terrorist-financing involved in carrying on the practice,
5) Contravened section 30A(6) of the 2010 act, as inserted by section 10 of the 2018 act, by failing to make a written business risk assessment available during the inspection,
6) Contravened section 30B(2) of the 2010 act, as inserted by section 10 of the 2018 act, by failing to document the client risk assessment in four regulated files inspected,
7) Contravened section 54 of the of the 2010 act, as inserted by section 26 of the 2018 act, by failing to have policies, controls, and procedures in place that specified his obligations regarding the assessment of and management of risks of money-laundering or terrorist-financing to prevent and detect the commission of money-laundering and terrorist-financing, and breached regulation 5 (risk assessment, policies, controls and procedures) of the *Solicitors (Money Laundering and Terrorist Financing) Regulations* in failing to adopt internal policies, controls, and procedures to prevent and detect the commission of money-laundering and terrorist-financing,
8) Breached regulation 8 (records) of the *Solicitors (Money Laundering and Terrorist Financing) Regulations* by failing

to keep records evidencing the internal policies, controls, and procedures applied and information obtained by the solicitor in respect of each of his clients;
9) Failed to attend before the Regulation of Practice Committee on 6 September 2023, 18 October 2023, 4 September 2024, 23 October 2024, and 4 December 2024, despite being asked and required to so attend.

On 11 June 2026, the President of the High Court ordered that:
1) The name of the respondent legal practitioner be struck off the Roll of Solicitors,
2) The respondent pay the sum of €3,762, being the applicant's measured costs before the Legal Practitioners Disciplinary Tribunal,
3) Pay the costs of the Law Society for the application to the High Court, such costs being measured in the sum of €3,254.

Niamh Muldoon, Chief Executive Officer, Legal Services Regulatory Authority
Dr Niall Connors, Registrar of Solicitors, Law Society of Ireland

In the matter of Ian McSweeney (solicitor number S14385), formerly practising at McSweeney Solicitors, 25 Dublin Street, Balbriggan, Co Dublin, and in the matter of the *Solicitors Acts 1954-2015* [2026 40 SA; LPDT record nos 2024-LPDT19 and 2025-LPDT61]
Law Society of Ireland (applicant)
Ian McSweeney (respondent solicitor)
Upon application for orders pursuant to section 85 of the *Legal Services Regulation Act 2015*, on foot of the Legal Practitioners Disciplinary Tribunal's determination dated 26 March 2026 that the respondent solicitor was guilty of misconduct in that he:
1) Allowed a deficit of client funds in the sum of €49,990.89 as of 11 November 2024, in breach of regulation 7(2)(d) of the *Solicitors Accounts Regulations 2023*,
2) Withdrew funds from the client account on a piecemeal basis from September 2023 to September 2024 for personal use, thereby causing a deficit in client funds of €49,990.89,
3) Failed to stamp and register nine properties identified, notwithstanding that he was in funds to do so,
4) Failed to reconcile the client bank account since 13 August 2023 and failed to record the majority of transactions after that date in the client ledgers,
5) Failed to prepare quarterly client account balance statements, in breach of regulation 13(8) of the *Solicitors Accounts Regulations*,
6) Failed to complete a six-monthly office account balancing statement, in breach of regulation 13(9) of the regulations,
7) Failed to have a section 150 letter filed on a number of files reviewed,
8) Failed to attach a dispute resolution procedure to bills of costs, in breach of section 152(3) of the *Legal Services Regulation Act 2015*,
9) Failed to have statements of account on client files reviewed, in breach of regulation 12(2) of the *Solicitors Accounts Regulations*,
10) Failed to retain all electronic payment and receipt confirmations on the individual client files, or in a separate file dedicated for that purpose, in breach of regulation 25(h) of the regulations.

On 11 June 2026, the President of the High Court ordered that the name of the respondent legal practitioner be struck off the Roll of Solicitors and that he:
1) Pay the sum of €10,000 to the Law Society's Compensation Fund,
2) Pay the sum of €4,524 as a contribution towards the whole of the costs of the Law Society in the Legal Practitioners Disciplinary Tribunal proceedings,
3) Pay the applicant their costs of the application to the High Court, such costs being measured in the sum of €3,254.

Niamh Muldoon, Chief Executive Officer, Legal Services Regulatory Authority
Dr Niall Connors, Registrar of Solicitors, Law Society of Ireland

In the matter of section 85 of the *Legal Services Regulation Act 2015*, and in the matter of Oisin Murphy (solicitor number S7841), currently practising at Oisin Murphy Solicitors, Station House, Station Road, Shankill, Dublin 18 [2026/41 SA, LPDT record no 2024-LPDT01]
Legal Services Regulatory Authority (applicant)
Oisin Murphy (respondent solicitor)
Upon application for orders pursuant to section 85 of the *Legal Services Regulation Act 2015*, on foot of the Legal Practitioners Disciplinary Tribunal's determination dated 11 October 2024 that the respondent solicitor was guilty of misconduct in that he failed to ensure that there was furnished to the Law Society an accountant's report for the year ended 31 July 2023 within six months of that date, in breach of regulation 26(1) of the *Solicitors Accounts Regulations 2014*.

On 9 June 2026, the President of the High Court ordered that:
1) Pursuant to section 85(7)(a) of the *Legal Services Regulation Act 2015*, the respondent be censured and pay the sum of €5,000 to the Compensation Fund,
2) Pursuant to section 85(7)(h)(iii) of the act, the respondent pay the sum of €1,762, being the applicant's measured costs in the Legal Practitioners Disciplinary Tribunal proceedings herein,
3) Pursuant to section 85(8), the respondent do pay to the applicant their costs of the application herein, such costs being measured in the sum of €3,978.

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 Ben O'Rafferty (solicitor number S4688), currently practising at 1 Merrion Place, Dublin 2, 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-LPDT93]

Complaints Committee of the Legal Services Regulatory Authority (applicant)

Ben O'Rafferty (respondent solicitor)

On 10 May 2026, the Legal Practitioners Disciplinary Tribunal found the respondent guilty of professional misconduct in that he:

1) Failed to comply, either at all or within an adequate timeframe, with the undertaking dated 29 November 2001 given by him to EBS Building Society, by failing to register a mortgage/charge over the property the subject of the undertaking, so as to ensure that EBS and its successors in title obtained a first legal mortgage/charge over said property,
2) Failed to comply, either at all or within an adequate timeframe, with the undertaking dated 29 November 2001 given by him to EBS Building Society, by failing to lodge with EBS or its successor in title the following documents related to the property the subject of the undertaking: the certificate of title; all deeds and documents related to the property, stamped and registered; the land certificate; the original mortgage.

The tribunal ordered that the respondent legal practitioner be:

1) Censured, in accordance with section 82(1)(c) of the act,
2) Directed to fully comply with the undertaking given by him to EBS Building Society on 29 November 2001, in accordance with section 82(1)(g) of the act,
3) Be directed to pay the costs of the Legal Services Regulatory Authority in respect of the inquiry (such costs to be assessed by the legal costs adjudicator in default of agreement, subject to the statutory maximum laid down by section 82), in accordance with section 82(1)(j) of the act.

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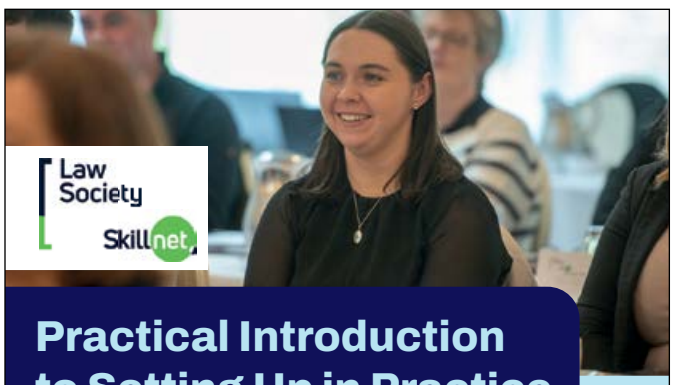
DATE:13th November, 2026
VENUE: Live Stream
FEE: €390

As well as the usual updates, (Budget 2027, Law Society Recommendations, Revenue eBriefs, Legislation and Case Law), the seminar will provide a very practical guide in relation to the passage of time for Probate and Tax practitioners and end with a Q&A session with the speakers. This seminar, as the title suggests, looks at various deadlines, as they are always nearer than you think!

It will cover CAT deadlines, deadlines for spouses/co-habitants) in testate and intestate estates, what to do if an LPR is causing delays, to avoid creditors or due to incapacity and when it's the beneficiaries who are delaying.

How long should various types of wills/trusts files be kept? Charging for time holding deeds, wills and review how to ensure you can charge for your time, when a solicitor/solicitor executor or solicitor agent. When time runs out including limitation periods and much more.

Further details can be obtained from the website or by emailing office@stephensonsolicitors.ie



Law Society Skillnet

Practical Introduction to Setting Up in Practice

Tuesday, 10 November 2026 at 10:00am to 2:30pm

2.5 professional development and solicitor wellbeing 1 client care and professional standards Total 3.5 hours (by group study)

TO BOOK

Law Society of Ireland

WILLS

Aspill (née Moore), Marie (deceased), late of Northwood Residential Home, Northwood, Dublin 9, and late of 39 Shanglas Road, Beaumont, Dublin 9, and formerly of Lorcan Crescent, Santry, Dublin 9 and Fontenoy Street, Phibsborough, Dublin 7, who died on 26 December 2024. 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 Dorothy Whelan, Roche & McGuinn Solicitors, The Square, Tullow, Co Carlow; DX 218 002 Tullow; tel: 059 91 51823, email: dorothy@krm.ie

Brien, Ann (deceased), late of 84 Swan's Nest Avenue, Kilbarrack, Dublin 5, who died on 22 April 2025. Would any person having knowledge of the whereabouts of any will made by the above-named deceased, or if any firm is holding same, please contact Brabazon Solicitors, 4 Raheny Shopping Centre, Howth Road, Raheny, Dublin 5; tel: 01 831 2466, email: info@brabazonsolicitors.ie

Brummer/Bruemmer/Butler/Bruemmer-Butler, Eva (née McCarthy) (deceased), late of Glenashling Nursing Home, Oldtown, Celbridge, Co Kildare, formerly of 10 Kilakee Court, Firhouse, Tallaght, Dublin, who died on 20 July 2026. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact Sarah Flynn, Reddy Charlton LLP Solicitors, 12 Fitzwilliam Place, Dublin 2; tel: 01 661 9500, email: sflynn@reddycharlton.ie

Byrne, Derek (deceased), late of 3 Slievenamon Road, Drimnagh, Dublin 12, who died on 13 September 2019. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact Howell Kelly Solicitors, Monastery Road, Clondalkin, Dublin D22 V0F8; tel: 01 403 0777, email: info@howellkelly.ie

Callaghan, Ivan (otherwise Joseph Ivan) (deceased), late of 30 Beech Road, Muskerry Estate, Ballincollig, who died on 27 August 2026. Would any person having knowledge of the whereabouts of a will made or purported to have been made by the above-named deceased, or if any firm is holding same, please contact James Long, Murphy Long & Taaffe, Solicitors, Kilbrogan Hill, Bandon, Co Cork; tel: 023 884 4420, email: legal@murphylong.ie

Clarke, Margaret Mary (otherwise Marjorie) (deceased), late of Tintine, The Rower, Thomastown, Co Kilkenny, who died on 14 September 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 Kelly Colfer Son & Poyntz, Delare House, South Street, New Ross, Co Wexford, Y34 PK37; tel: 051 421 212, email: info@kellycolfer.ie

Conway, Carolyn (deceased), late of Villa Maria, Cork Road, Waterford, who died on 8 September 2026. Would any firm having knowledge of the whereabouts of any will made by the above-named deceased, or if any firm is holding same or was in contact with the deceased regarding her will, please contact HD Keane Solicitors LLP, 22 O'Connell Street, Waterford City; tel: 051 874 856, email: lucy.cummins@hdkeane.com

Duff (née Skelly), Cecilia Mary (otherwise Cecily) (deceased), late of Rush Nursing Home, Palmer Road, Co Dublin, and formerly of 11 North Strand, Skerries, Co Dublin, who died on 22 August 2019. Would any solicitor or person having knowledge and details of a will made by the above-named deceased please contact Emer Lyons, Lyons Skelly Solicitors, Suites 6-7 Lakeview Point, Claregalway Corporate Park, Claregalway, Galway; tel: 091 341 069, email: info@lyons-skelly.com

Gallagher, Niall (deceased), late of 16 The Cedars, Monkstown Valley, Monkstown, Blackrock, Co Dublin, who died on 12 April 2025. Would any person having

PROFESSIONAL NOTICE RATES

RATES IN THE PROFESSIONAL NOTICES SECTION ARE AS FOLLOWS:

- **Wills** - €163 (incl VAT at 23%)
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ALL NOTICES MUST BE PAID FOR PRIOR TO PUBLICATION. ALL NOTICES MUST BE EMAILED TO catherine.kearney@lawsociety.ie 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 December 2026 *Gazette* is Wednesday 11 November 2026.

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



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knowledge of the whereabouts of any will made or purported to have been made by the above-named deceased, or if any firm is holding same, please contact P O'Connor & Son, Solicitors, Swinford, Co Mayo; tel: 094 905 0000, email: law@poconsol.ie

Kavanagh, Stephen (Steven) (deceased), late of Newtown, Borris, Co Carlow, who died on 24 April 2025. Would any person having knowledge of the whereabouts of a will made by the above-named deceased please contact Grace Solicitors LLP, Suite 6B & 7B Newpark Shopping Centre, Newpark, Kilkenny; DX 193001 Kilkenny; tel: 056 780 0636, email: info@gracesolicitors.ie

Leonard, Mary (deceased), late of 51 Sherlock Park, Skerries, Co Dublin, who died on 20 January 2022. Would any person having knowledge of any will made by the above-named deceased please contact Gerrard L McGowan Solicitors, The Square, Balbriggan, Co Dublin, quoting reference RH/MUY001; tel: 01 841 2115, email: info@glmcgowan.ie

Moore, John (deceased), late of 22 Margaret Holme, Sandymount, Dublin 4, and 15 Lea Road, Sandymount, Dublin 4, who died on 9 August 2026. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact Justin Hughes, Solicitors, 89 Phibsborough Road, Dublin 7; tel: 01 882 8583, 882 8628, email: info@justinhughes.ie

Nolan, John (deceased), late of Apartment 6, Ashurst, Mount Merrion Avenue, Blackrock, Co Dublin, and formerly of 102 Cloondara, Balisodare, Co Sligo and 4 Cherbury Gardens, Booterstown, Co Dublin, who died on 10 August 2026. Would any person having any knowledge of the whereabouts of any will made or purported to have been made by the above-named deceased, or if any firm is holding same, please contact Barror & Company, Solicitors, 45 Lower Baggot Street, Dublin 2; tel: 01 661 0677, email: info@barrorandco.ie

O'Brien, Seamus (deceased), late of National Botanical Gardens, Kilmacurragh, Co Wicklow, who died on 22 December 2025. Would any person having any knowledge of the whereabouts of a will made by the above-named deceased please contact James Cody and Sons, Solicitors LLP, The Parade, Bagenalstown, Co Carlow; DX167001 Bagenalstown; tel: 059 972 1303, email: reception@jamescody.ie

O'Brien, William (deceased), late of Friars Hill, Thomastown, Co Kilkenny, who died on 23 September 2015. Would any person having knowledge of the whereabouts of a will made by the above-named deceased please contact Grace Solicitors LLP, Suite 6B & 7B Newpark Shopping Centre, Newpark, Kilkenny; DX 193001 Kilkenny; tel. 056 780 0636, email: info@gracesolicitors.ie

O'Dwyer, Sean (deceased), late of Mainstown, Carrick-on-Suir, Co Tipperary (or Kilonerry, Carrick-on-Suir, Co Kilkenny), who died on 26 April 2026. Would any person having knowledge of the whereabouts of a will made by the above-named deceased please contact Grace Solicitors LLP, Suite 6B & 7B Newpark Shopping Centre, Newpark, Kilkenny; DX 193001 Kilkenny; tel: 056 780 0636, email: info@gracesolicitors.ie

Ryan, Thomas (deceased), late of Woodlands Nursing Home, Bishopswood, Dundrum, Co Tipperary, and formally of 17 Fr Matthew Terrace, Thomastown, Golden, Co Tipperary, who died on 28 April 2026. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact John G O' Donnell, solicitor, 6 St Michael Street, Tipperary Town, Co Tipperary, E34 H978; tel: 062 51096, email: info@jodlegal.ie

Sexton, Maurice aka Maurice Joseph (deceased), late of Apt 56A Brooke Square, South Terrace, Cork; 24 Parklane, Tralee, Co Kerry; 18 Lisdara, Oakpark, Tralee, Co Kerry; 26 Killeen Woods, Killeen, Tralee, Co Kerry, who died on 21 June 2026. Would any person having knowledge of the whereabouts of any will made by the above-named deceased, or purported to have been made by the above-named deceased, or if any firm is holding same, please contact Jenny Powell of Michael Powell, Solicitors LLP, 5 Lapps Quay, Cork: tel: 021 4270451, email: jpowell@mlpowell.ie

Tynan Connolly, Paul (deceased), late of 68 Churchfields, Kentstown, Co Meath, formerly of No 2 Whitecross, Hilltown, Ballymitty, Co Wexford and Elm Castle Park, Kilnamanagh, Tallaght, Dublin 24, who died on 29 May 2026. Would any person having knowledge of any will executed by the above-named deceased please contact RVW O'Reilly Solicitors, 12 Trimgate Street, Navan, Co Meath, C15 TC97

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TITLE DEEDS

In the matter of the *Landlord and Tenant (Ground Rents) Acts 1967-2005* between Jeffrey Thompson (applicant) and Alexander Cunningham and the estate of Thomas Thompson (deceased) (respondents): notice of application

Take notice that on 15 December 2026 or at the earliest opportunity thereafter, counsel on behalf of the applicant will apply to the county registrar for the county of Donegal, sitting at Letterkenny Courthouse for the following reliefs: (1) an order determining that that the applicant is entitled to enlarge his existing interest in the property described in the schedule hereto into a fee simple and, for that purpose, to acquire by purchase free from encumbrances the fee simple; (2) an order determining the purchase price to be paid by the applicant in respect of the acquisition of the fee simple in the property; (3) such order as may be necessary relating to the apportionment and payment of such purchase monies; (4) an order directing all parties necessary and known to join in any conveyance of the fee simple to the applicant, including a proper officer of the court in respect of any unknown or unascertained owners of any superior interests; (5) such further or other relief as may be necessary in the circumstances of the case; (6) costs.

Which said application will be grounded upon the affidavit sworn on behalf of the applicant herein, such oral evidence as may be adduced before the county registrar, the documentation produced to the county registrar, the nature of the case, the reasons to be offered and, in particular, the following facts: (a) the applicant brings this application as owner of the leasehold interest in the property, being a person to whom section 3 of the *Landlord and Tenant (Ground Rents) Act 1967* (as amended) applies and a person who has the right as incident to his existing interest in the property to enlarge that interest into a fee simple, and for that purpose to acquire by purchase the fee simple in the property and any intermediate interests therein; (b) the applicant is entitled to the leasehold interest of the property set out in the schedule hereto pursuant to (i) the terms of a lease made between the Marquis of Conyngham as 'landlord' on the first part and Charles McKane as 'tenant' on the second part, whereby the property was to be held as a yearly tenancy subject to an apportioned part to be determined on the yearly rent of £6.43p; (ii) the terms of a contract for sale dated 28 June 1974 made between Charles McKane as 'vendor' on the first part and Thomas Thompson as 'purchaser' on the second part, whereby it was a special condition of the said contract that the vendor would do all within his power to obtain the two freehold interests in the said property prior to 31 January 1975, failing which the purchaser would be permitted to acquire the property on the tenure as held by the vendor at the time of sale, subject to an apportioned sum of £5 allocated by way of yearly rent on the said property; (iii) whereby the freehold interest failed to be acquire by the vendor by 31 January 1975 and the purchaser acquired the leasehold interest only; (iv) the terms of a deed of assignment and conveyance dated 16 May 2004 made by Mrs Margaret Thompson, being the lawful spouse of the late Mr Thomas Thompson, as 'vendor' on the first part and Mr Jeffrey Thompson, as 'purchaser' on the second part, whereby the leasehold interest in the property was to be purchased for a sum of €30,000 and same would be subject to same yearly tenancy, subject to an apportioned sum of £5 allocated by way of yearly rent, as was held by the late Mr Thomas Thompson; (c) the said lease is a lease to which part II of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978* applies; (d) a copy of the contract for sale, being for all intents and purposes a lease and a map outlining the said property are set out in the affidavit of Jeffrey Thompson sworn herein on 29 January 2026; (e) the applicant is entitled under the provisions of sections 9 and 10 of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978* to purchase the fee simple and any intermediate interests in the property and is desirous of purchasing all superior interest in the same; (f) the rateable valuation of the property at the date of this notice is €254; (g) the property comprised in the said lease comprises land partly covered by permanent buildings and the part not so covered is subsidiary and ancillary to the buildings standing on the said land.

Schedule: all that and those the hereditaments and premises being a dwellinghouse and a public house, together with the garden area and surrounding lands, situate at Chapel Street, Stranorlar, Co Donegal, and more particularly delineated in red and marked with 'A' on the land registry map attached hereto.

Date: 30 October 2026
Signed: Browne & Co, Solicitors (solicitors for the applicant), Forte Lynne House, Letterkenny, Co Donegal
To: the County Registrar, Letterkenny Courthouse, Letterkenny, Co Donegal; Mr Andrew Cunningham, c/o Gleeson McGrath Baldwin Solicitors LLP, 29 Anglesea Street, Dublin

In the matter of the *Landlord and Tenant (Ground Rents) Acts 1967-2019*, and in the matter of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978*, and in the matter of

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an application by OKC Business Services Limited

Any person having or claiming a freehold estate or any intermediate interest in all that part of the premises known as Barmeen, Dartry Road, Rathmines, in the barony of Uppercross and city of Dublin, more particularly delineated on the plan annexed to an indenture of lease dated 30 September 1970 and thereon edged red, being the property now known as 29A Dartry Road, Rathgar, Dublin 6, which lease was made between Lilith Mabel Haslam and Oonah Deirdre Haslam of the one part and Dorothy Mary Rogan of the other part for a term of 999 years from 19 August 1970 at the yearly rent of one shilling (if demanded).

Take notice that OKC Business Services Limited, being entitled to the lessee's interest in the property under the lease, intends to apply to the county registrar for the county of Dublin to vest in it the fee simple and any intermediate interests in the property. Any person asserting that they hold a freehold estate or any intermediate or other superior interest in the property is called upon to furnish evidence of their title to the same to the solicitors named below within 21 days from the date of publication of this notice.

In default of any such notice and evidence being received, OKC Business Services Limited intends to proceed with its application before the Dublin county registrar after the expiry of 21 days from the date of publication of this notice and to apply to the Dublin county registrar for such directions as may be appropriate on the basis that, save insofar as may otherwise be established, the person or persons beneficially entitled to any superior interests in the property are unknown or unascertained.

Date: 30 October 2026
Signed: Lavelle Partners LLP (solicitors for the applicants), Bankside, Charlemont Street, Dublin 2, D02 VN88

In the matter of the *Landlord and Tenant (Ground Rents) Acts 1967-2019*: notice requiring information from a lessor

to O'Brien Brothers Limited, formerly of Douglas, Cork; Dónal Welstead, late of 11 Shamrock Road, Douglas, Cork; Mary Christine Welstead, late of 11 Shamrock Road, Douglas, Cork; 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 3 St Patrick's Terrace, Douglas, Cork. *Particulars of the lease or tenancy:* held under (1) a lease for the term of 200 years agreed between O'Brien Brothers Limited and James John O'Brien dated 16 January 1935, to run from 14 July 1883; (2) a sublease dated 31 May 1972 as between Victor Brodie Nicholson of the first part, Nora Mary O'Brien and Mona Kathleen O'Brien of the second part, Ann Florence O'Brien, Sheila Pauline Wallis and Jane O'Brien of the third part, and Michael Moloney of the fourth part, to run for the residue of the said leasehold term less one day, as confirmed by deed of confirmation dated 2 August 1985 between Dónal Welstead and Mary Christine Welstead as lessors and Theresa Murphy as lessee. *Part of the lands excluded*: none.

Take notice that JJP Capital Limited, being the person entitled under the above-mentioned acts, as amended, proposes to purchase the fee simple and all intermediate interest in the lands described in the foregoing paragraphs and 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: 30 October 2026
Signed: Katherina White Solicitors (solicitors for the applicants), 2nd Floor, 32 Oliver Plunkett Street, Cork



Final verdict

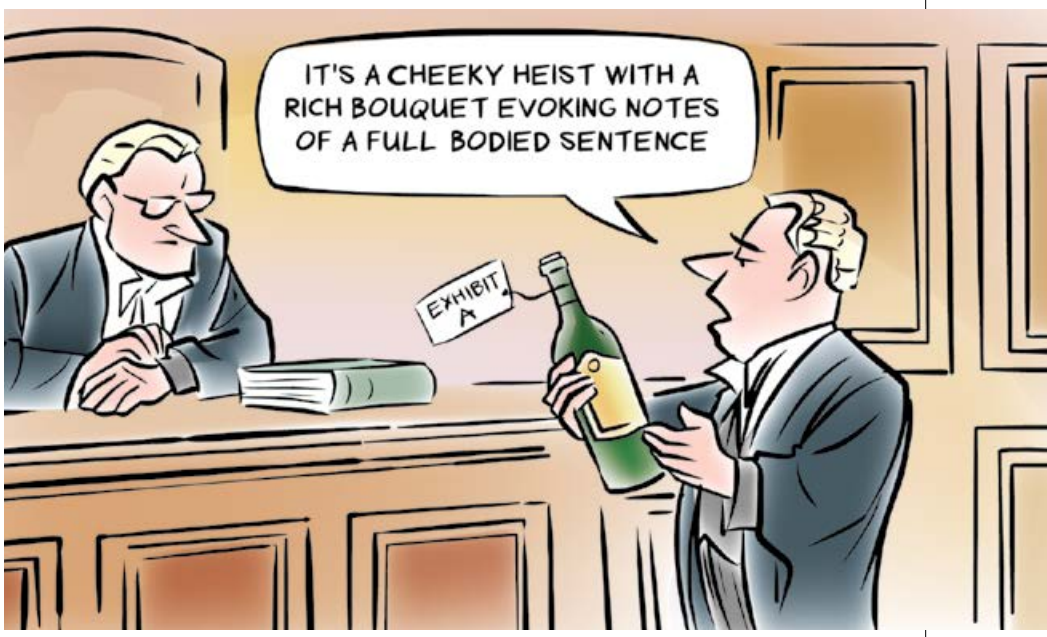
PRO BONOBO

A very good year

A masked gang used the Marchesi Antinori winery's own forklifts to steal 30,000 bottles at its Tuscan storage facility on 10 October, the BBC reports.

The €5 million haul included the vineyard's prized Tignanello, Solaia, and Guado al Tasso reds, which retail at around €150 to €500 a bottle. The theft was discovered when staff arrived for work on Monday.

Chief executive Renzo Cotarella said that the company suspects the thieves were wine connoisseurs with inside knowledge. The winery, founded in 1385, exports to 170 countries and had revenue of €263 million last year.



Mission impossible

Austin Beutner, a former LA deputy mayor and newspaper publisher, is suing insurer Chubb over a smoke-contaminated $20-million mansion once owned by Tom Cruise and Nicole Kidman.

Beutner and his wife claim that the 2025 Palisades Fire left their home contaminated, with independent tests finding lead in the walls at up to 239 times the federal hazard threshold.

The suit accuses Chubb and two consultancies of "junk science", saying that one firm had failed to test for heavy metals and proposed vacuuming and air filters. The family says that new walls, ceilings, and insulation are needed.

Nearly a third of more than 40,000 Palisades Fire insurance claims involve smoke-damaged homes. Before the fire, there were no uniform standards for determining when a smoke-damaged house was safe. California is now seeking to put new rules in place, though the regulations won't apply retrospectively.



Ant music

A South Korean restaurateur has escaped jail for serving ant-topped sorbet at her two-star Michelin restaurant, CNN reports.

Prosecutors had sought a year behind bars and a €13,350 fine, alleging that almost 49,000 ants had been served with 12,200 dishes over four years.

Lawyers representing the restaurant said that the ants had been used to add acidity to the dish. However, unlike grasshoppers, silkworms, and eight other insect species, ants are not approved for human consumption in South Korea. Authorities said that the ants, imported from the US and Thailand, contained heavy metals at up to 55 times the limit for other edible insects.

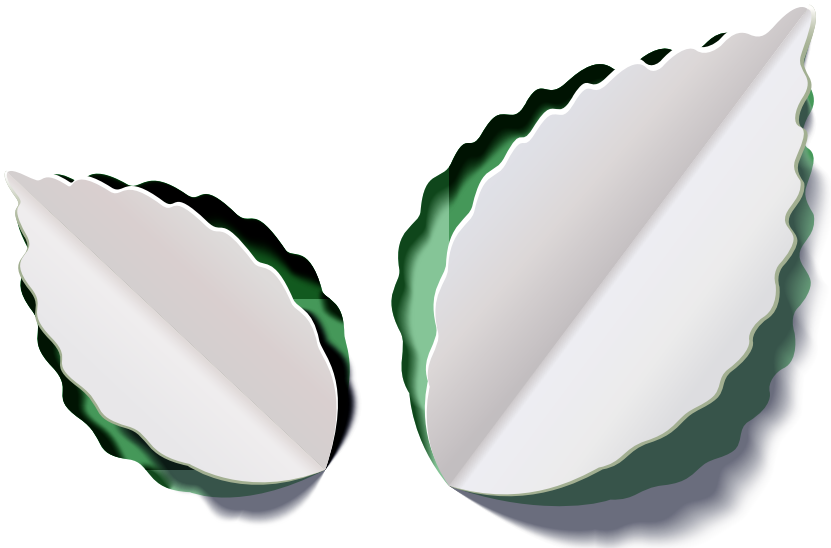
The judge noted, however, that the restaurant owner had no criminal record and that prosecutors had overstated the ant count. A €9,800 fine was imposed instead.

War of the words

More than 13 million books – roughly a third of Ukraine's annual print run – have been destroyed by Russian strikes this summer, AP reports.

Culture minister Tetiana Berezhna called it "a deliberate policy, because they understand that culture is what makes us feel resilient, what makes us feel the owners of our land, of our destiny".

The financially strapped publishers will now need to take fewer risks on debut authors and unconventional titles. Officials are drafting plans to support them, including grants and school-library purchases, but the industry says that only major government and foreign aid will save it.



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