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# gazette

LAW SOCIETY

October 2026

## Swimming with sharks

AI – safe to go back in the water?



PLUS: Lessons from Nuremberg • Indirect discrimination  
• Regulation – the view from the inside



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# gazette

LAW SOCIETY

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# CRISIS POINT

**L**egal aid, both civil and criminal, are in crisis, with serious consequences for those who rely on it and

for the solicitors who provide these essential services.

In civil legal aid, the situation is stark, as illustrated by recent Legal Aid Board figures. People are waiting an average of almost six months for a first consultation, with delays exceeding a year in some parts of the country. At the same time, the number of solicitors participating in the scheme has fallen by more than 60% over the past decade, with reductions recorded in every county. This trend is particularly concerning for rural communities, where access to legal services is already under increasing pressure and exacerbating the risk of legal deserts.

I want to acknowledge the many solicitors who serve their communities, despite these challenges. But a system that depends on goodwill alone is not sustainable. Fees have failed to keep pace with inflation and many associated costs are not reimbursed. The Legal Aid Board itself has recognised the need for increased investment to safeguard the scheme's future viability.

## Strengthening civil legal aid

In July, I wrote to the minister outlining our concerns. Following a constructive meeting with senior Department of Justice officials, the Law Society submitted proposals aimed at improving access to civil legal aid and strengthening the system for practitioners. A key recommendation is the introduction of a fair and sustainable level of remuneration for solicitors providing services under the private practitioner scheme.

With Budget 2027 due on 6 October, the Government now has an opportunity to address these longstanding challenges through meaningful investment in the civil legal-aid system. We will continue to make the case for the changes required to



**The campaign has attracted widespread media attention, helping to increase public awareness of the flaws in the scheme and solicitors' concerns**

ensure that the scheme remains viable for both service users and practitioners.

Concerns about sustainability and access to justice also lie at the heart of the ongoing dispute over the new criminal legal-aid scheme. The minister's reluctance to engage meaningfully on two key issues raised by the profession, and his decision to defer discussions until after the High Court judicial-review judgment, is deeply disappointing. As uncertainty persists, the consequences are being felt through disruption, delay and growing backlogs across the justice system.

## Impasse resolution?

The Law Society's significant endeavours to find a resolution to the impasse continues. Appearing before the Oireachtas Justice Committee in September provided an important opportunity to highlight the significant impact the current dispute is having on solicitors, court users, and the wider justice system. The campaign has also attracted widespread media attention, helping to increase public awareness of the flaws in the scheme and solicitors' concerns.

At a meeting last month of more than 240 criminal-defence practitioners, there was a clear consensus that every effort must be made to restore the effective operation of the scheme as quickly as possible. We have, therefore, renewed our call for an independent mediator.

Access to justice depends on legal-aid schemes that are properly funded, accessible to those who need them, and sustainable for the solicitors who provide them. That is the message we will continue to broadcast in the weeks ahead.

More broadly, supporting solicitors in every area of practice remains central to the Law Society's work. Smaller and rural practices play a vital role in serving communities across the country. That is why I am delighted to announce that October has once again been designated Small Practice Month, with dedicated events, discounts, and services for smaller practices nationwide. I encourage you to visit [www.lawsociety.ie/smallpracticemonth](http://www.lawsociety.ie/smallpracticemonth) to learn more about what's available.

*Rosemarie Loftus*

ROSEMARIE J LOFTUS  
PRESIDENT



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

## Golf is a four-letter word

US President Donald Trump veered from talking about golf to praising Irish business people as among the toughest he's dealt with, at US Ambassador Ed Walsh's Phoenix Park residence on 12 September. Having earlier met with President Catherine Connolly and Taoiseach Micheál Martin, Mr Trump addressed VIPs and invited guests, signalling his eagerness to get to the Irish Open at his Doonbeg resort. Praising Irish hospitality, Trump said people were drawn to Ireland "because they love you. They love the people", before adding: "There's a friendliness - there's also a viciousness and a toughness. Let me tell you, you are some of the most vicious bastards I've ever done business with. But when you want to be nice, there's nobody nicer."

Photo: AP Photo/Alamy/Julia Demaree Nikhinson

# people

■ WHO ■ WHAT ■ WHERE ■ WHEN ■

## Streets of London

On 3 September, the Law Society of Ireland launched its London Irish Network at Chancery Lane, to show its support for Irish solicitors working abroad. President Rosemarie Loftus hailed London as a launchpad for Irish legal talent across private practice, in-house, finance, tech and the public service – admitting that she'd like to have followed its “bright lights” early in her career: “Tonight is the start of an ongoing conversation, not a one-act event,” she promised the packed reading room. She pledged that the Law Society would continue its outreach among Irish solicitors everywhere and would gather feedback to continue supporting this vibrant and growing community.



Michelle Nolan (Law Society), Dana Denis-Smith OBE (deputy vice-president, Law Society of England and Wales), Ian Jeffrey (CEO, Law Society of England and Wales), and President Rosemarie Loftus

All pics: Darren Filkins



Mark Garrett (director general, Law Society), Claire Bamber (senior adviser – London litigation, at Debevoise & Plimpton LLP), Antoinette Moriarty (director, Solicitor Services), Joe Beashel (head of London office, Matheson), Rosemarie Loftus (president, Law Society), TP Kennedy (director of education), and Máille Brady Bates (Meta)





## Changing the pitch

Dublin's legal community gathered on 10 September for the 'Well Within the Law Festival', blending workshops, live music and theatre. The evening opened with themed 'Connection Workshops' run by Law Society teams, followed by street food and music from pop-rock group Belle Harmonics (*above*) in a festival marquee.

The centrepiece was *From Resilience to Adaptability*, an original theatrical piece by award-winning director Donnacadh O'Briain and Thompson Harrison, using scenes drawn from solicitors' real experiences to explore adaptability amid changing client expectations and technology. Hosted by Michael Walsh (Byrne Wallace Shields LLP), it invited audiences into the conversation before the night closed with further music and networking.

The festival now expands to Galway on 14 October 2026. Visit [www.lawsociety.ie/news/well-within-the-law-festival-2026/festival-west/](http://www.lawsociety.ie/news/well-within-the-law-festival-2026/festival-west/)







RDJ's triathlon athletes – they work hard and play harder!

## RDJ's triathletes knock it out of the park!

The Dublin City Triathlon, organised by the Piranha Triathlon Club, took place in the Phoenix Park on 22 August. Law firm RDJ was the headline sponsor of the event for the third year running, with many of its employees taking part. A total of 736 athletes entered, including 42 corporate relay teams from across Ireland, who competed in swimming, cycling and running disciplines. This included 530 sprint athletes, 50 'Try-a-Tri' participants, and 30 aqua bike competitors.



■ London Irish network launch ■ Trainees 'flexible friend' ■ 2,000 Nicaraguan lawyers disbarred

# news

■ YOUR MONTHLY UPDATE ON ALL THINGS LEGAL ■



Photo: Jason Clarke Photography

Tony Collier (solicitor), Rosemarie Loftus (Law Society President), Amanda Connolly (vice-chair, Criminal Law Committee), and Michael Finucane (solicitor)

## Courts face 'shutdown' if legal aid row goes on

Justice Minister Jim O'Callaghan was "unavailable" to appear before the Oireachtas committee on Justice on 22 September to hear a stark warning that the criminal courts face shutdown next month unless the dispute over his new criminal legal-aid payment model is resolved.

The warning came from Law Society President Rosemarie Loftus, who

appeared alongside Bar Council chair Séamus Clarke in appealing to the minister to urgently engage. Clarke said a continuation of the dispute into October could produce case backlogs akin to those seen during the COVID-19 pandemic.

He "took some comfort" from recent correspondence from the minister indicating "an openness" to look at →



## CEREMONY OF REMEMBRANCE

The Law Society took part in the annual Ceremony of Remembrance on 11 July at the Lutyens-designed National War Memorial Gardens in Islandbridge, Dublin.

Official wreaths were laid by representatives of all traditions across the island, led by senior State and civic society office-holders from both jurisdictions, including Deputy First Minister of Northern Ireland Emma Little-Pengelly.

A total of 155 solicitors and 83 apprentices enlisted in the Great War. The Law Society's wreath was laid by Judge John Campbell in memory of the 20 solicitors and 18 apprentices who were killed in action. *Ar dheis Dé go raibh a n-anamacha.*

some cases, adding this suggested there was "room for engagement".

Anything allowing complex cases to be examined could be "the seeds of some sort of agreement", he said, warning the dispute "needs not an escalation but a resolution" – otherwise the criminal-justice system "will not function in October".

### Withdrawal of services

The scheme, introduced on 1 July, replaced a per-appearance fee with a flat rate and triggered a near-blanket withdrawal of services by criminal defence solicitors. While some have returned, Loftus said most have not.

The committee heard that hundreds of people convicted of serious crimes, including rape, remain in the community awaiting sentencing, while alleged victims of domestic abuse and rape can now be personally cross-examined by the accused in court.

Amanda Connolly, vice-chair of the Law Society's Criminal Law Committee, said: "I fear that something catastrophic could happen in relation to that."

Loftus said that the impact was evident in the number of criminal legal-aid certificates granted, which fell by 93% from 10,277 in July 2025 to just 702 in July 2026. Certificates issued in August were down 86%, from 2,868 in 2025 to just 394 in 2026. Initial September

data also show a large decline compared with the 10,536 issued in September last year, according to the Courts Service.

### Ministerial engagement?

Minister O'Callaghan has pointed to more than 1,400 legal-aid certificates issued since the revised scheme began, with 99% concluding within five appearances. But striking solicitor Tony Collier dismissed those figures, saying that judges were now issuing "zombie legal-aid certificates" without solicitor applications.

The Law Society has called on the minister to engage directly and support an independent mediation process before the new legal term begins in October.

Loftus said: "Everyone accused of a criminal offence is entitled to legal representation, and the State has a responsibility to ensure that representation is available.

"The Law Society remains committed to constructive engagement and to achieving a fair and workable outcome so that meaningful progress can be made and confidence restored in the justice system."

Connolly added: "With the commencement of the new legal term only weeks away, the need to resolve the outstanding issues in this dispute is becoming increasingly urgent."

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# Law Society's London calling



The Law Society has renewed its commitment to Irish solicitors working in London, pledging sustained support, stronger networks, and an ongoing dialogue to better understand the expectations, ambitions, and experiences of this cohort, *writes Mary Hallissey.*

Speaking at the Law Society London Irish Network launch event on 3 September, held at the premises of the Law Society of England and Wales in Chancery Lane, President Rosemarie Loftus spoke about the global reach of Irish legal talent. She described London as a vital hub for legal careers, with rapid changes in the profession driven by technology, internationalisation, and evolving client expectations.

## Bright lights

"London has long been an important destination for Irish solicitors," President Loftus said, adding that, if she were at the start of her career, she would likely have been lured by the bright lights of the city.

**President Rosemarie Loftus and Director General Mark Garrett**

"Tonight is intended to be the start of an ongoing conversation, rather than just a one-act event," she told attendees, who, she said, reflected the "strength, reach and influence of the Irish legal profession, far beyond our shores".

"The Law Society of Ireland will be an anchor and connector for the lifetime of the solicitor," she told the large attendance in the Chancery Lane reading room.

## Big city

Solicitors, no matter where they were in their career, remained part of the Law Society community. The president asked for feedback on the types of support that practitioners would find most valuable.

"The Law Society is immensely proud of the contributions our solicitors make internationally," President Loftus said. "We want to ensure that the voice of solicitors remains at the centre of what we do. My hope is that this London community continues to grow and becomes a strong and enduring part of the wider legal community."

## CYBER-RISK IS NO LONGER AN 'IT ISSUE'

Law firms are increasingly being targeted by cyber-criminals. Campion Insurance says it is currently handling claims relating to unauthorised fund transfers, data breaches and hacking – the largest exceeding €500,000.

Business email compromise is among the most common threats, with criminals intercepting correspondence to insert fraudulent payment instructions. Data breaches and ransomware attacks can lock firms out of case-management systems, expose sensitive information, and cause reputational damage.

## Critical controls

While many firms invest in IT support and security software, experts warn that technology alone is not enough. Verifying changes to bank details, training staff to spot phishing attempts, and restricting access to sensitive systems are all critical.

Gavin McNelis is lead for professional indemnity for solicitors at Campion Insurance. He says: "Cyber-risk cannot sit solely with a firm's IT provider. Firms need appropriate technical safeguards, but they also need strong internal controls around access to information and the movement of money. A compromised account or fraudulent payment instruction can quickly become a significant financial and professional issue if the appropriate controls are not in place."

Cyber-insurance is not a substitute for good cyber-security or strong internal controls, but it can provide access to specialist expertise when firms need it most, including forensic investigators, data-breach experts, and recovery services. Without insurance, firms may need to source and fund these independently.

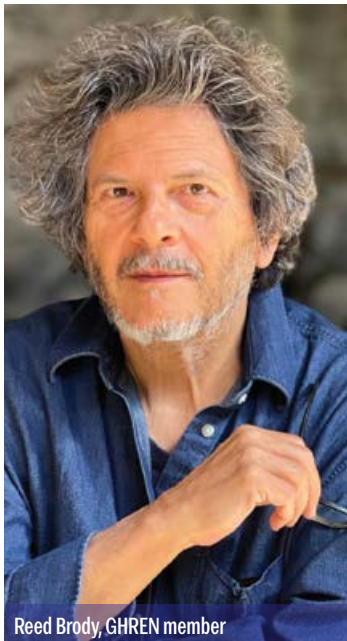
Campion has offices nationwide with a dedicated solicitors insurance team led by McNelis. He can be contacted at [gavin.mcnelis@campion.com](mailto:gavin.mcnelis@campion.com) or 085 100 0547.

## Council election 2026: vote!



Online voting in the 2026/27 Law Society Council election opens on Friday 2 October and closes at 5pm on Thursday 15 October. Solicitors with current Law Society membership are eligible to vote. The process is quick and straightforward, with members using their existing [lawsociety.ie](http://lawsociety.ie) login details to access the system and ensure the confidentiality of individual votes. For information on the candidates and to cast your vote, visit [www.lawsociety.ie/elections](http://www.lawsociety.ie/elections).

# ENDANGERED LAWYERS



Reed Brody, GHREN member

## Nicaragua - 2,000 lawyers disbarred

Reports emerged from Nicaragua in mid-July that a large number of lawyers had been disbarred with no notice, no reasons given, and no publication in the country's official *Gazette*. It reminded me of the old joke: 'What do you call 2,000 lawyers at the bottom of the sea? - A good start.'

This appears to be the thinking of the dictatorship of spouses Daniel Ortega and Rosario Murillo.

Many only found out that they had been disbarred when they tried to file papers in the courts. Their names had been arbitrarily removed from the registry of the Supreme Court of Justice. Since the first reports, there are credible estimates that the number affected is around 2,000.

As stated by Lawyers for Lawyers: "Most of those affected remain in Nicaragua, although some legal professionals are currently living in exile. This latest measure appears to be part of the government's

strategy to eliminate spaces for the independent practice of law and to exclude those it considers political opponents or individuals not aligned with its interests."

It makes the point that apart from the direct impact on legal professionals who are suddenly unable to work, these disbarments leave broad sectors of the population without legal defence or recourse. This includes women seeking protection from gender-based violence.

The UN Group of Human Rights Experts on Nicaragua (GHREN) quickly condemned the government's action. GHREN member Reed Brody stated: "The silent purge of the legal profession is one more nail in the coffin of the independence of justice in Nicaragua: first they took the judges, now they are taking the lawyers. International standards are unequivocal: no one may be barred from the practice of law without a fair hearing before an independent body. Here, there was no hearing, no independent body - just a delete key."

As reported in July by *JuristNews*: "The [GHREN] report notes an erosion of the legal profession that began in 2023 with the arbitrary and permanent suspension of at least 25 lawyers. Some were former political prisoners, and others were part of a group stripped of their nationality after being accused of being 'traitors to the homeland'."

"Additionally, in October 2023, police took over the Supreme Court of Justice, leading to numerous judicial officials being forced out. The government solidified its control over the judiciary through constitutional reforms in 2025, winning criticism from human-rights groups."

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

## Adaptability in practice



Pic: Cian Redmond

**D**ublin's legal community gathered on 10 September for the 'Well Within the Law Festival', an evening blending workshops, live music, and theatre in an unconventional approach to professional wellbeing and development.

The festival opened with a series of 40-minute 'connection workshops', run by teams from across the Law Society and hosted in spaces around the campus. Attendees could choose from a range of themed sessions offering practical insights and resources relevant to their practice, while networking with colleagues in smaller, focused settings.

### Treading the boards

The night's centrepiece, however, was an original theatrical production titled *From Resilience to Adaptability*. Created and performed by Olivier and Offie award-winning director Donnacadh O'Briain, alongside the team at Thompson Harrison, the piece used live scenes drawn from solicitors' real experiences to probe a pressing question: 'What does adaptability look like in a profession being reshaped by technology and shifting client expectations?'

### Beyond the Pale

Organisers have confirmed the festival will now expand beyond the capital, with a new event scheduled for Galway on 14 October at the Radisson RED. Aimed at solicitors and legal professionals across the region, the Galway leg promises a similar mix of connection and reflection on the pressures facing modern practice. Full programme details are yet to be released, though the Law Society is encouraging interested professionals to register now for updates and booking information. See [www.lawsociety.ie/festival-west](http://www.lawsociety.ie/festival-west).

# Trainees' new flexible friend!



**F**or years, the road to becoming a solicitor in Ireland has come with a catch: pack your bags for Dublin, clear your calendar, and put your life on hold. That all changed with the introduction of the PPC Hybrid course in December 2019.

Now the Law Society is making it even easier to become a solicitor – and while you'll still have to put in the hard slog, you'll be able to spread out your studies over a longer timeframe.

The new third route to qualification – called 'PPC Modular' – joins the existing 'PPC Full-Time' and 'PPC Hybrid' options for the Professional Practice Course, the mandatory training every solicitor in the country must complete. Unlike its predecessors, however, this one is built almost entirely around the idea that real life doesn't have to stop entirely for study.

## Bend it like Beckham

The PPC Modular flips the arrangement. Instead of one continuous academic year, the course splits into three distinct teaching blocks, set around the calendar like stepping stones – but with the option to spread modules over a five-year period: module 1 runs from December to April, module 2 covers May to July, while module 3 wraps up from August to December.

Trainees can pause between modules, pick things back up when their circumstances allow, and spread the entire course over five years from the start date of module 1 to the end of module 3.

It's quite a different rhythm from the traditional model, but the Law Society is at pains to stress that the standard hasn't dropped one iota – the same academic and professional bar applies across all three pathways, whichever route you choose.

## Your flexible friend

For anyone racing through without a break, it's important to point out that the modular route takes roughly the same 18 months of training as its more rigid counterparts, but with the option to stretch out the course over five years.

## Widening the door

Like its sister hybrid course, PPC Modular is widening the door to the profession. And while it's not lowering the bar in any way, it is removing barriers to encourage those with the talent, desire, and competence to take the next step.

To find out more, see [lawsociety.ie/ppc/ppc-modular](https://lawsociety.ie/ppc/ppc-modular) or send your queries to [c.monahan@lawsociety.ie](mailto:c.monahan@lawsociety.ie).



## Pension contributions and tax relief

**T**he deadline for the final tax payment for the 2025 tax year under the self-assessment system is fast approaching. You can still be eligible for a tax refund for 2025 by making a contribution into a pension scheme now and submitting a claim to the Revenue before 31 October 2026 (18 November if you submit your return online).

Tax relief is available at your marginal rate of tax, subject to an earnings limit of €115,000 and maximum contributions, which are dependent upon your age. There are also tax advantages at retirement, in that you can take up to 25% of your fund as a lump sum, with up to €200,000 available tax free (subject to conditions).

## Retirement Trust Scheme

Law Society members who are self-employed, in partnership, or in non-pensionable employment are eligible to make a pension contribution to the Law Society Retirement Trust Scheme. The scheme offers all the flexibility of a personal policy and, in addition, offers a number of enhanced features, including a simple and transparent charging structure and best-in-class investment management. There is also a flexible lifestyle strategy in place that gradually reduces the level of equity risk in your retirement fund the closer you get to your chosen retirement age.

For more information, see [lawsociety.ie](https://lawsociety.ie) or Mercer (now renamed 'Marsh') at [bit.ly/ContactJustASK](https://bit.ly/ContactJustASK) or by tel 01 411 8505. The explanatory booklet is on the Law Society's website – scan the QR code.

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# LAWYERS OBJECT TO TRUMP'S ILLEGAL WAR



Pic: Will Oliver/Pool via CNP/MediaPunch/Getty

During President Trump's election campaign in 2024, he gave the clear impression that he would not engage in wars which caused instability. Of all the untruths spoken by President Trump, this is particularly dangerous and damaging to the security and well-being of the United States and the world.

The law on the use of violence under international law is similar to the laws within many nations: that death and destruction may be legal: (a) if it is to defend against imminent or actual attack; and (b) if the extent of the force and harm caused is reasonable and proportionate. This reflects the generally held desire to avoid bloodshed if that is reasonably possible; to hold responsible those who cause unnecessary harm; and to recognise that a failure to uphold this law would result in escalating cycles of violence.

The US and Israel's war against Iran, including the mass killing of its political leaders, was in breach of fundamental principles of international law, and threats of 'no quarter' and of obliterating Iran's civilisation may amount to war crimes. No credible case has been made that the attack on Iran was legal. This is primarily because there was no imminent threat of an attack by Iran on the USA or Israel; and the UN Security Council did not pass a resolution permitting such a war. The purported justifications put forward by the USA, including a history of supporting third parties to carry out unlawful acts of violence; developing nuclear weapons; and human rights abuses – do not justify war under international law.

The attack on Israel launched

*From: Giollaíosa Ó Lideadha SC*

• Over 170 lawyers, including solicitors Dara Robinson and the late James MacGuill (RIP), have put their names to a public statement on Donald Trump's illegal war policies. Many solicitors have already signed, but the invitation to sign is very much still open to solicitors, many of whom did not get the opportunity to see the statement until very recently.

The statement is set out below and should any other solicitors or barristers wish to add their names to the statement, they may do so by sending an email with their name from their official work email address to [gol@lawlibrary.ie](mailto:gol@lawlibrary.ie).

Lawyers sign this statement in their personal capacity and do not purport to represent any other lawyer or organisation. The full press release and the list of SCs who signed, is available at <https://bit.ly/4A6UL6M>.

## Joint statement of objection

President Trump is executing and enabling war policies which are illegal, causing death and destruction on a massive scale. These illegal wars are apparently motivated by self-interest and yet they are causing severe damage to the USA and world economy and risk causing global catastrophe.

President Trump at a cabinet meeting on 26 March, with Secretary of State Marco Rubio (left) and 'Secretary of War' Pete Hegseth

from Gaza on 7 October was a horrendous act of terrorism and involved reprehensible war crimes. The State of Israel was entitled to take action to defend itself and to pursue those who were responsible for the attack. But Israel's right to defend itself does not give it the right to engage in unreasonable, disproportionate acts, such as killing very large numbers of civilians, including thousands of children; the use of starvation; destroying objects indispensable to the survival of the human population; forced displacement of the population; and hindering humanitarian aid. Israel's leaders have a case to answer in the International Criminal Court (ICC) in respect of "the war crime of starvation as a method of warfare; and the crimes against humanity of murder, persecution, and other inhumane acts". The State of Israel also has a very strong case of genocide to answer in the International Court of Justice.

President Trump's role in the illegal war on Gaza and in attacking the ICC: successive US administrations have supported and enabled Israel in its illegal military actions by funding and supplying military equipment and munitions and by providing political and diplomatic support. But President Trump in particular has encouraged and facilitated Israel, in his first term in office, and since January 2025. The economic sanctions ordered by President Trump against the ICC and its judges because arrest warrants were issued for Israel's prime minister and defence minister amount to an open attack on an institution which is designed to investigate and punish war crimes and crimes against humanity.

People who criticise or challenge President Trump's policies and actions are liable to be subjected to personal bullying – to be insulted/demeaned, threatened, sanctioned or worse. We note that



President Trump himself and many of his supporters have also been subjected to insulting and demeaning treatment by large sections of the media and political establishment. But that does not excuse bullying and the abuse of power.

This statement is made with respect for the President of the United States of America and for the people of the USA who elected him, despite the severity of the criticisms contained in this statement. We maintain this respect, despite anger and disgust at what has been done and said by President Trump and his administration in causing, supporting and threatening illegal death and destruction.

The statement is also made in a spirit of friendship with the people of the USA. Irish people have so many social, cultural, familial and economic ties with the US – our countries are friends. That does not mean that we do not speak truthfully and condemn the actions of friends when that is necessary. We request that the Irish Government:

**'Israel's right to defend itself does not give it the right to engage in unreasonable, disproportionate acts'**

- Clearly and publicly convey to President Trump Ireland's opposition to violence and threats of violence which are in breach of international law,
- Take effective action to ensure that the USA does not use Irish airspace or facilities (including Shannon Airport) to support illegal international violence,
- Take effective action to support the ICC and its personnel against attack or sanction,
- Take effective action to support the introduction of economic sanctions against Israel.

We request that people in Ireland consider supporting peaceful demonstrations and engage in other peaceful and lawful activities in support of those objectives.

All lawyers who have signed this statement do so in a personal capacity and do not represent or speak on behalf of any other lawyer or organisation.

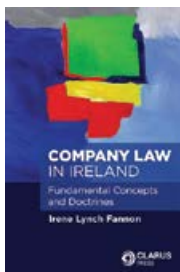
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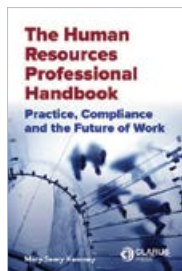
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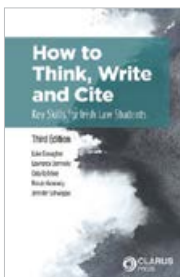
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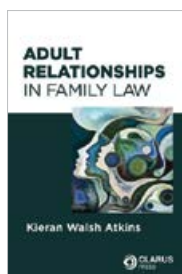
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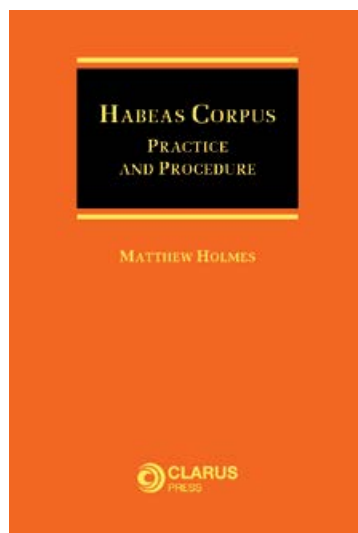
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## HABEAS CORPUS: PRACTICE AND PROCEDURE

Matthew Holmes. Clarus Press (2025), [www.claruspress.ie](http://www.claruspress.ie).

Price: €149 (hardback, incl VAT).



Matthew Holmes's *Habeas Corpus* offers a well-structured, and pragmatically oriented examination of article 40.4 of the Constitution.

The author entices us into the wonderful world of personal-liberty litigation by recounting a self-deprecating anecdote that sees him as a recently qualified barrister, briefed at the last minute, rushing up to a senior counsel in the Four Courts' yard, breathlessly asking for a steer on a 'habo'. The 'senior counsel', it turns out, was not a silk at all, but rather an actor in a drama RTÉ was filming!

Given the dearth of textbooks to guide the way through a 'habo', the panic felt by the author is both understandable and relatable. If only he had had *Habeas Corpus: Practice and Procedure*!

The book is well laid out, moving logically from fundamental historical concepts to intricate

procedural mechanics, substantive grounds, appellate avenues, and specialised statutory frameworks. Careful consideration is given to the voluminous, and at times obscure, case law stretching back from well before the foundation of the State. To its credit, the overwhelming emphasis is on Irish case law rather than on other common-law jurisdictions. Having noted that, however, the integration of ECHR jurisprudence alongside areas such as mental health, child welfare, and extradition ensures that the text accounts for modern regulatory and international dimensions of detention.

From the practitioner's viewpoint, its strength lies in its practicality: procedural and administrative matters are laid out in granular detail. Indeed, the author even goes so far as to give useful phone numbers and email addresses for applications out of hours or during vacation.

He takes us through the meaning of 'detention', the grounds for an article 40 review, and defences, including abuse of process, collateral attacks, and mootness.

The book doesn't dive too deeply into the constitutional tensions between emergency powers, administrative custody, and fundamental rights but, in fairness, that is not what it sets out to do.

Overall, *Habeas Corpus: Practice and Procedure* is an authoritative, highly practical reference text. It is, quite simply, an essential resource for practitioners in this area. Whether you are a well-seasoned practitioner or are setting out on your first 'habo', to paraphrase *Dad's Army's* Lance-Corporal Jones, 'Don't panic – reach for Holmes!'

Gary Lee, solicitor, is a former chairperson of Mental Health Tribunals.

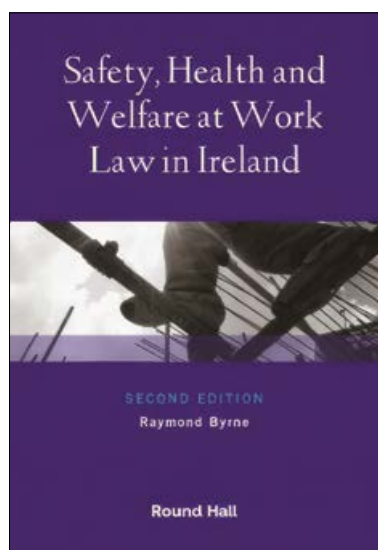
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# SAFETY, HEALTH AND WELFARE AT WORK LAW IN IRELAND (2<sup>ND</sup> EDITION)

**Raymond Byrne. Roundhall (2025),**  
[www.roundhall.ie](http://www.roundhall.ie). Price: €265  
 (hardback, ex VAT). Price: €185 (incl VAT).



**M**any of the modern workplace health-and-safety requirements and practices that we are familiar with today did not exist (or at least were not grounded in legislation) until relatively modern times.

The *Safety, Health and Welfare at Work Act 1989* was a game-changer. It completely transformed Irish workplace safety by replacing a narrow, factory-focused system with a

more modern universal framework. The health-and-safety framework evolved further again through the 2005 act, along with a wide body of supporting regulations, increasing EU-level requirements, and more active, effective regulatory oversight.

In terms of law, a combination of legislative reform, EU influence, technological change, and strengthened regulatory enforcement has created a far more complex landscape for employers, employees, and regulators alike.

While the *Safety, Health and Welfare at Work Act 2005* has been with us for over 20 years, its provisions have been amended over 50 times and it has been supplemented by over 50 sets of regulations, as well as a sizeable body of case law.

Also changed is the approach adopted to the oversight and enforcement of compliance with health-and-safety requirements. This has been aided by an increased level of staffing at the Health and Safety Authority, which has risen from 162 in 2013 (when the first edition of Byrne's work was published) to 289 in 2025 (an increase of 78%).

Through this second edition, Byrne has managed to elevate his seminal work on safety, health and welfare at work to another level. Running to 1,574 pages, this represents a fully revised and much expanded version of the earlier work (645 pages in 2013).

Consisting of 45 chapters, the initial chapters take an in-depth look

at topics such as safety, health, and welfare-at-work law; the duties that are owed; the role and powers of the Health and Safety Authority; safety statements and risk assessments; investigating workplace incidents; and AI in the workplace and AI-related employer obligations. The author then addresses specific workplace topics, including construction projects, height work, asbestos, electricity, hybrid and flexible working arrangements, workplace stress, intoxicants, and many other topics.

One thing that is particularly helpful about this work is that it does not just inform the reader of the law, it goes beyond that and equips the reader to take practical steps to apply the law in a real-world context.

Ray Byrne is widely regarded as being a leading expert in all aspects of the law on safety, health, and welfare at work in Ireland. He is known to be meticulous in every aspect of his work, and he has brought that attention to detail and practical focus to bear on every page of this book, making it the definitive legal textbook in the field.

This book is an essential resource for solicitors and barristers practising in the field. It will also serve as an invaluable reference for regulators, employers, HR leaders, facilities managers, and anyone with operational or health-and-safety responsibilities across all workplace settings. 📖

*Dr Brian Hunt is a solicitor and is the author of Murdoch and Hunt's Dictionary of Irish Law and Irish Statute Book: A Guide to Legislation.*



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# APPLYING THE RULE OF LAW

**At the European Political Community Summit in November, Ireland needs to provide political leadership to safeguard the international legal architecture that protects small states like ours. Dr Andrew Forde makes the first move**

**C**herif Bassiouni (chair of the drafting committee of the *Rome Statute* of the International Criminal Court) once said that, in a world where the rule of law is applied selectively, it ceases to be law at all – it becomes merely an instrument of power.

As Ireland prepares to host the ninth European Political Community (EPC) summit in November – the flagship event of its EU presidency – it is in our interest to put international law at the heart of the summit.

The temptation on Kildare Street will be, naturally, to avoid controversy and maximise consensus among the 40-plus European leaders. In a volatile world driven by fragile egos, parochial politics, and corporate influence, survival is a legitimate and understandable aim. However, Ireland's strategic interest isn't in managerially toeing the line – especially at that late stage in its presidency – it is in providing political leadership to safeguard the international legal architecture that protects small states just like Ireland.

## Credibility strained

The EPC was the brainchild of Emmanuel Macron in 2022 after the Russian invasion of

*The contrast between Europe's decisive early response to Russia's aggression in Ukraine and its fragmented stance on Gaza is arguably as damaging to the international rules-based order as the actions of those seeking to undermine it*

Ukraine. It sought to foster European consensus in defence of sovereignty and international law at a time of the most egregious breach of the *UN Charter* and the *Helsinki Final Act* on European soil since World War II. Being hosted in Ireland, the EPC (followed by an informal European Council) puts Irish politics and diplomacy at the heart of European and global affairs. The eyes of the world will be on Dublin in November.

Yet, over the years, Europe's credibility has been increasingly strained by the selective application of international law. The contrast between Europe's decisive early response to Russia's aggression in Ukraine and its fragmented stance on Gaza, alongside its reluctance to defend the ICC from overt attacks, is arguably as damaging to the international rules-based order as the actions of those seeking to undermine it. After all, what is the value of international law if it is not observed and defended?

For Ireland, weakening of the rule of law isn't an abstract, innocuous concern. It strikes at the very heart of our national self-interest. A weakened international legal framework directly undermines our foreign policy leverage,

our export-driven economy, and our national security. You don't need to be an economist to understand the tangible impact that a less secure, less accountable world has on supply chains, food prices and, consequently, our pockets.

## Strategic necessity

Hosting the EPC during our EU presidency offers a unique platform to demonstrate that international legal consistency is a strategic necessity for Ireland – not an *à-la-carte* diplomatic luxury. Ireland should use the occasion to push for concrete legal action at the European level.

Firstly, Dublin should lead calls to expand the *EU Blocking Statute* (Regulation (EC) no 2271/96) to explicitly shield ICC officials and national judicial bodies cooperating with the court from foreign sanctions, particularly third-country secondary sanctions, ensuring





that international courts can operate without coercion.

Second, given Israel's ongoing occupation, repression and settlement expansion, Ireland should call for the strict enforcement of human-rights clauses in EU trade agreements, specifically initiating a formal compliance review under article 2 of the [EU-Israel Association Agreement](#) (*Euro-Mediterranean Agreement*), to demonstrate that Europe itself considers its law to be binding rather than discretionary or decorative.

Thirdly, Ireland should formally call on the remaining 13 EPC states to sign and fund the Council of Europe's [Enlarged Partial Agreement on the Special Tribunal for the Crime of Aggression](#) and the associated International Claims Commission.

*Over the years, Europe's credibility has been increasingly strained by the selective application of international law*

### Foundational order

Leadership at the EPC summit cannot be measured solely by diplomatic harmony or smooth logistics. By placing international law firmly at the centre of the EPC agenda, Ireland can begin to restore European foreign-policy credibility, while defending the foundational legal order upon which our own national interests depend.

Ireland's mandate as EU Council president will inevitably be judged by its ability to forge unity, but Dublin must refuse the false dichotomy between harmony and accountability; between politics and law. Championing the rule of law is not an exercise in provocation, nor a radical or controversial gamble – it is the ultimate expression of national self-interest.

*This IRLI guest commentary – the first in a new series – has been provided by Dr Andrew Forde, deputy director of the Dublin European Law Institute at DCU.*

### The conversation continues

This conversation will continue in Dublin on 22 October, when Irish Rule of Law International hosts a public event exploring the importance of the rule of law as a cornerstone of democracy, human rights, and international cooperation.

Former President of Ireland Mary Robinson will deliver the keynote address, followed by a panel discussion chaired by Dr Andrew Forde and featuring legal practitioners with experience across international courts and justice systems. Further details will be announced shortly.



Image: BFA / Universal Pictures Alamy

# SWIMMING WITH SHARKS

**No business should organise itself around whatever technology happens to be in vogue. Applying this to AI, there's far too much happening for any small practice to follow – and there's no need to try. Sorchá Corcoran needs a bigger boat**

**W**hen it comes to small legal practices adopting managed artificial intelligence (AI), the irony is that it promises great things in terms of saving time, but, at present, many principals simply don't have the time or headspace to come up with an AI strategy, let alone actually try out any of the tools.

Getting beyond the potential risks involved, primarily around privacy and confidentiality, often seems too much of a mountain to climb, and it's getting in the way of seeing the opportunities. Simply knowing where to start is often the biggest obstacle.

"There's far too much happening in AI for any small legal practice to follow, and there's no need to try. A business shouldn't organise itself around whatever technology happens to be in vogue," says John O'Shanahan, founder of LeanBPI, a consultancy that supports Irish SMEs in improving productivity through practical digital adoption, process improvement, automation and, increasingly, AI.

He advises taking one problem within the firm and starting from there. It could be that too much of the week goes on monitoring

company emails, or maybe preparing a particular document means finding and copying the same information from multiple places.

"I would keep coming back to four questions:

- 1) What problem are we trying to solve?
- 2) What will this actually give us?
- 3) What are the risks?
- 4) What still needs human judgement?

"If you can't answer those, don't use AI for that task," he says.

"A firm that gives a few hours a month to understanding one tool, testing one use-case, and talking to other practices about what they're doing will be in a much better position after a year than a firm that tries to implement an AI strategy in one go."

## We are the champions

For solicitor and notary Dave Lane, someone within a small legal firm taking proper ownership of managed AI adoption is really important, before doing anything else. Generally referred to as 'AI champions' across sectors, such individuals act as internal advocates, helping teams move from basic experimentation to safe, repeatable and practical use of the technology.

Last year, Lane was keen to take on that role at McGroddy Brennan Solicitors, where he was working at the time as a senior associate (*see panel: 'Don't stop me now'*). Concerns around unmanaged or 'shadow' use of AI were mounting in the profession – especially in terms of employees uploading documents to their phones and risking GDPR breaches.

“

**AI adoption isn't about staff copying and pasting sensitive material to any brand of tool. It has to be embedded into properly approved systems with clear controls. Without those, you're swimming with the sharks**

“To me, effective managed adoption has always been a matter of selling AI to staff from within the firm. At McGroddy Brennan, that meant me showing everyone the practical use-cases of AI every day, starting with things as basic as drafting an email,” he says.

Influenced by his fund-accounting background, he developed a strict AI policy and devised a checklist approach – all the while ensuring adequate controls were firmly in place. Before a document was uploaded to an AI model, any private information was redacted and the model was strictly told not to use personal information for data processing.

“We only used the pro versions of AI tools – ChatGPT for drafting emails and letters and Perplexity AI for research. I provided guidance on what model to use for what task. I kept it simple, always warning that the priority was confidentiality, and once a document had been created by AI, it had to be checked and reviewed by a solicitor before being issued,” Lane explains.

The take-up was good at McGroddy Brennan, as people started to see the benefits of using the tools, particularly in relation to document review and administration. “They were getting reviews done within half an hour that would have taken half a day before. Putting in a simple direction or prompt into ChatGPT meant they could take the output as an initial draft and edit accordingly,” says Lane.

### Now I'm here

In a professional services business that John O'Shanahan worked with, staff were given AI-generated first drafts, which they then reviewed and personalised. The time spent on email administration came down by around 50%. “That process translates very well into a legal practice,” he says.

“One thing I've seen over and over, in every sector, is that confidence comes from doing rather than discussing,” he adds. “The moment one process visibly improves, and staff can see they've got time back, they start bringing the next opportunity themselves. That's

### Don't stop me now

Two years ago, Dave Lane took it upon himself to study AI and get proactive about it within the firm he was in at the time, McGroddy Brennan Solicitors. “There was talk in the profession about jumping on the bandwagon. I wanted to look under the hood. I believed it wasn't just a fad, but was going to be quite a significant technology,” he says.

A solicitor and notary public, with more than 20 years' experience in the Irish legal profession, Lane has completed three AI-related diplomas; AI training by Google, the Compliance Institute, and the Law Society; as well as starting an MSc in artificial intelligence. One of the biggest lessons Lane has learned is that ‘prompt engineering’ is key. This is about structuring, refining, and optimising the text instructions you give to AI models to maximise the output.

“An average prompt is seven to 11 words, but that's not good enough. The more thought you put in to your prompt, the harder AI has to ‘think’ about it and the better output you'll get. For example, the other day, I uploaded a commercial lease to an AI model to review – properly redacted and compliant with standards – using my own checklist, and got the response in 25 seconds.”

Not everyone is going to have the inclination to educate themselves to the extent that Lane has. But any firm deploying tools needs to bear in mind that basic AI literacy is now a legal requirement under the *EU AI Act*. In other words, they must take practical steps to ensure their staff have an appropriate understanding of AI, its risks, limitations, and proper use.

the point where adoption stops being something you're pushing. I expect AI in legal practices to follow that same pattern.”

**G**uy Fagan is a digital consultant with over 20 years of experience. He runs Guy Fagan Digital Consultancy, which focuses on digital strategy, web development, and AI integration for businesses in various sectors.

“I spend my day looking at workflows, communication, and operational efficiency with clients. Last year, I noticed that, increasingly, questions were coming from people working in the legal profession, specifically focused on what they do, day to day,” he says. “Clients were expecting faster replies. They were dealing with huge workloads, and the capacity [to adopt a formal AI project] was a major constraint.”

### Seven seas of Rhyc

Drawing on all of this interaction, Fagan identified what the ‘AI pattern’ looks like in many small and medium-sized legal practices today, to help those in the profession to navigate the situation they face:



- *AI as a first-draft and first-pass tool:* AI can produce a draft letter, a skeleton argument structure, a summary of a document bundle, or a proposed checklist. Then the solicitor revises, verifies, and applies professional judgement. “Using AI in this way is good in terms of reducing friction, so solicitors can spend more time, day-to-day, on judgement, client care, strategy and outcomes,” Fagan says.
- *AI as a ‘compression’ tool:* summarising long documents and producing chronologies can reduce the time spent getting to the core issues. This is especially helpful for smaller teams managing multiple live matters. “AI summarises well, but remember, you’re not asking it for a decision – the human element, judgement aspect, and safety are crucial here,” Fagan notes.
- *AI inside practice workflows* – not just in a browser: rather than copying client material into consumer tools, many firms are looking for AI features embedded in case- or document-management environments because ‘where data goes’ is the real question. “I say to a lot of clients that AI adoption isn’t about staff copying and pasting sensitive material to any brand of tool. It has to be embedded into properly approved systems with clear controls. Without those, you’re swimming with the sharks,” Fagan warns.

“

**Used carefully, AI can help to produce clearer drafts, better structure and more consistent tone – as long as human review is the gatekeeper**

- *AI in communication:* AI can help legal professionals to explain complex issues in clean and clear language. That clarity can never come at the expense of accuracy. Used carefully, AI can help to produce clearer drafts, better structure and more consistent tone – as long as human review is the gatekeeper.

“We know that AI is good at producing language, but it’s the professional’s job to make sure that language is true and appropriate,” Fagan says. “I do find that a lot of firms are using AI for client-friendly explanations in plain English. But you can’t build trust and relationships with raw outputs from ChatGPT. Clients need to feel that solicitors are giving a sense of themselves. You don’t want soulless responses; the humanity has to come across or client retention will suffer.” 

*Sorcha Corcoran is a freelance journalist.*

## Hammer to fall

Digital consultant Guy Fagan reckons any small legal practice that hasn’t formally embraced AI yet can’t go wrong if they start with these four steps:

- 1) Ask what AI tools staff are currently using. Ban confidential client data from unapproved tools. Pick one low-risk workflow to pilot.
- 2) Create a one-page AI policy, keeping human sign-off central.
- 3) Train staff about the dangers of hallucinations and importance of confidentiality, verification, and human checking.
- 4) Review the tools before ever using client data.

# Insider view

**Sorcha Hayes is head of Practice Regulation at the Law Society. She introduces us to the Law Society's drive to support solicitors in a changing regulatory landscape. Áine O'Connor reports**

**R**egulation has always been baked into what it means to be a solicitor. But as the rules multiply and practitioners juggle ever fuller diaries, staying on top of compliance can feel like one more job on an already overloaded plate.

The Law Society's Regulatory Performance Initiative was built to change that – not by softening the standards, but by making them easier to meet.

For Sorcha Hayes, head of Practice Regulation, the notion of trust sits at the heart of regulation. Although not a solicitor herself, Sorcha recalls being struck by what she sees as one of the defining characteristics of the profession: solicitors voluntarily agree to hold themselves to higher ethical, educational and quality standards in the interests of clients, society, the rule of law and access to justice.

"The title of solicitor is protected under statute because it represents something more than a job title. It acts as a promise of quality of service to the public and an acknowledgement of the position of trust occupied by the profession," she says.

The standards themselves are clear and are at the core of what it means to be a solicitor. Every practitioner who chooses to use the protected title accepts responsibility for meeting those

standards. The standards themselves are set by the profession through the Law Society's Council.

At the same time, Sorcha believes good regulation must recognise the practical realities facing modern practitioners: "Behind every practising certificate renewal, insurance proposal form, or regulatory obligation is an individual solicitor dealing with the realities of practice," she observes.

## Listening before acting

Rather than designing reforms from behind a desk, Sorcha and her team went out and asked solicitors directly what they needed. "It was about building trust – us going out to them and getting their feedback on what would help," she explains.

"We have medium-term projects, we have long-term projects, but I really wanted to focus on what would make a real and meaningful difference now to what solicitors are doing. What would make it easier to comply now? What could we do to help?"

The answer, repeatedly, was that solicitors knew what compliance demanded of them – they simply found the sheer volume of it overwhelming alongside everything else.

"The administrative burden on them is increasing from all angles – not solely from the Law Society," Sorcha says. "And so, while the core of traditional regulation remains, it was clear that we needed to think about a new way of doing things –





Image: Shutterstock AI

one that could proactively assist solicitors to meet their regulatory requirements, while keeping the standards high and professional obligations where they should be.”

### Resilient practices

The philosophy driving the Regulatory Performance Initiative isn’t just about staying above a minimum bar – it’s about weaving compliance into the fabric of how a practice runs, day to day. “Good systems and risk management can reduce avoidable problems, free up time and resources, and make practices more resilient.

“This, in turn, benefits clients, the profession and, crucially, the solicitor running the practice. It’s the idea that regulation doesn’t have to be a burden on the solicitor – it can actually improve the business,” she says.

Sorcha emphasises that the initiative is not a finite project but an ongoing element of the regulatory framework that will develop in response to solicitor feedback and emerging needs: “Working with colleagues across the wider Law Society where appropriate, the aim is to identify practical supports that help solicitors meet their obligations more effectively”, she says.

The standard itself does not change. What changes is the availability of practical guidance, supports, tools and services that make compliance easier to achieve and maintain. In her view, this is the essence of ‘regulation as a service’.

### Up and running

Several strands of the Regulatory Performance Initiative are already in place, including:

- Regulation Answers Helpline, offering solicitors a way to get guidance on general compliance questions,
- Regulatory Support Clinics, providing opportunities for direct engagement between solicitors and Regulation Department experts on compliance issues,
- The Regulation Matters programme, offering practical educational content through webinars and on-demand resources, and
- The Succession Hub, built with

Solicitor Services, which brings together the business and regulatory sides for solicitors weighing up retirement, succession, merger, restructuring, or firm closure.

Another project that emerged from the initiative arose from a concern raised by Council member Siún Hurley about the decline in the availability of experienced legal bookkeepers. Smaller firms, in particular, were finding it increasingly difficult to access specialised bookkeeping support. Through the Education Centre, the Law Society developed a legal bookkeeper programme aimed at helping firms access resources to maintain compliance with their financial obligations.

For Sorcha, it demonstrates the value of listening to the profession and developing meaningful responses to real-world challenges.

### Faster certificates

Practical improvements have also reached practising certificate (PC) renewals. Since the Law Society partnered with NoFriction in late 2024, every solicitor and firm has its own virtual IBAN for electronic payments, letting funds be matched automatically.

“The new system speeds up processing, and we have seen significant improvements, and same-day issuance of practising certificates,” Sorcha says.

The statutory cut-off of 1 February, however, hasn’t moved: “One of the most common mistakes we see is people not getting their payments in on time. The proper application must come in with the form and full payment received by the site for 1 February. We have no statutory power to extend that deadline,” she says. “If you don’t pay on time, you have to go to the High Court to backdate your PC.”

**I**n-house solicitors are particularly at risk, she notes, if their firm’s finance department doesn’t move fast enough: “We’ve seen in-house solicitors who have filled in the forms and sent them in, but because of their finance department’s payment cycle, they’re caught and they end up having to pay the PC fee themselves.”

“

The philosophy driving the Regulatory Performance Initiative isn’t just about staying above a minimum bar – it’s about weaving compliance into the fabric of how a practice runs, day to day

## TAKING THE INITIATIVE

The Regulatory Performance Initiative reflects a shift towards 'regulation as a service'. It is designed to complement the Law Society's statutory regulatory functions by providing greater practical support to solicitors in understanding and meeting their regulatory obligations.

The approach is based on the principle that effective regulation should help prevent problems as well as respond to them. By sharing regulatory expertise, guidance and information earlier, the Law Society aims to help solicitors identify and address compliance issues before they develop into more serious regulatory difficulties.

Regulation is also being developed as a business-enhancement tool. Good regulatory compliance can support stronger systems, better risk management, and more resilient practices, while reducing the time and resources firms need to spend resolving avoidable compliance problems.

- *Regulation Answers* – is a central element of the initiative. This free helpline and online hub provide information and guidance on general regulatory compliance issues across the regulatory life-cycle, from obtaining a first practising certificate through to retirement and cessation of practice. Regulation Answers covers a broad range of regulatory subjects, including practising certificates, professional indemnity insurance, solicitors' accounts, anti-money-laundering requirements, complaints handling, cybersecurity, sanctions and other practice-related regulatory issues.
- *Regulatory Support Clinics* – bring assistance directly to the profession. The Law Society has been piloting drop-in clinics around the country where solicitors can discuss regulatory queries and obtain practical guidance from regulation experts.
- *The Regulation Matters programme* – provides practical regulatory

education. Webinars and on-demand resources address subjects such as preparing for an inspection, solicitors' accounts, AML, cybersecurity, complaints, client onboarding, and managing client expectations.

- *Regulatory communications* – have also been strengthened. A dedicated regulatory communications function is intended to make regulatory requirements clearer, improve access to practical guidance and ensure that important regulatory developments are communicated effectively to the profession,
- *Succession and Exit Planning Hub* – the Regulatory Performance Initiative has worked jointly with Solicitor Services to develop this hub. The resource brings together regulatory guidance, practical business supports, and case studies to help solicitors plan for retirement, succession, mergers, changes in firm structure, and the orderly cessation of practice. It reflects the regulatory performance approach of combining regulatory requirements with practical support so that firms can plan transitions earlier and manage them more effectively.
- *Feedback from the profession* – helps shape regulatory supports. Engagement with solicitors and local bar associations is used to identify areas of regulatory difficulty, recurring questions, and opportunities to improve the way regulatory services are delivered.

Of course, the initiative does not reduce the Law Society's statutory regulatory responsibilities. Enforcement and protection of the public interest remain fundamental. The initiative adds a preventative and supportive dimension to regulation, helping compliant solicitors and firms meet their obligations, while allowing serious breaches, fraud, or illegality to be dealt with through the appropriate regulatory processes.

Her advice – apply in December. “The 1 February deadline is the absolute last night, not the goal.”

### Falling premiums

Professional indemnity insurance (PII) has also seen change, with a cumulative reduction in premium-pool levels of 35% over the last four years following work by the PII Committee, bringing premia to their lowest level since 2019.

Next year is expected to bring further stability – a ‘Goldilocks zone’ – where cover remains affordable for firms while the market remains attractive to insurers. Firms are encouraged to shop around using the Common Proposal Form, though Sorcha cautions that price isn't everything: “It can sometimes be worth paying a slightly higher premium, but you have a much better service from the insurer and relationship with them, which can be of huge benefit to firms, especially if something goes wrong.”

Sorcha encourages solicitors

considering retirement or practice closure to engage early, both with the Law Society and with the Special Purpose Fund manager – DWF Claims (Ireland) Limited. Early planning can create more options and reduce potential complications. She advises firms to consider closure arrangements carefully and to seek guidance before making significant decisions.

### Looking ahead

More than 20 years after joining the Law Society, Sorcha remains motivated by the purpose underpinning her work. What began as a summer role evolved into a career spanning a variety of functions within the organisation, united by a common theme: supporting a profession that plays a vital role in society. She remains particularly drawn to the challenge of balancing public protection, professional standards, and practical support in an increasingly complex regulatory environment.

“For me, regulation is ultimately about maintaining the integrity of a title that carries real meaning and real responsibility – both for the solicitors who hold it and for the clients and communities they serve.”

The Regulatory Performance Initiative reflects an effort to help solicitors meet those standards in a changing environment. It recognises that behind every protected title is a person, while never losing sight of the responsibilities that accompany that title.

The professional obligation to meet regulatory standards remains constant, but the support available to help solicitors understand and meet those standards continues to evolve.

“Regulatory compliance is the core of what it means to be a solicitor,” Sorcha concludes. “Your very job title says you've agreed to hold yourself to that standard. We're just making sure that we're helping you to meet it.” 

*Aine O'Connor is a freelance journalist.*

# THROUGH THE LOOKING GLASS

**If representing a client in an indirect discrimination case in Ireland, resources for lawyers can be extremely scarce. Siobhan Lydon shares the benefit of recent experience**

**T**he nine grounds for discrimination in Ireland – gender, civil status, family status, sexual orientation, religion, age, disability, race, and membership of the Traveller community – were introduced in what is now section 8 of the *Employment Equality Act 1998*. Women are more likely to experience discrimination on multiple grounds.

Indirect discrimination was also made illegal on foot of EU directives. To facilitate such cases, section 85A was introduced on foot of the 2006 'Recast' Directive. Once a *prima facie* case has been established by the complainant, the respondent may prove that they did not discriminate or successfully use the one defence possible. The reason for this flip is the near impossibility of the complainant demonstrating the case, given the imbalance between parties.

Very limited exceptions were included per sections 25–27. Section 24 also allows employers to engage in positive actions.

The *Employment Equality Acts 1998–2015* and, in particular, section 6(1) defines discrimination.

## Preparing a case

The test for *direct discrimination* is not complex. The complainant has a protected characteristic; they were treated less favourably than somebody else (a comparator); and that treatment was directly linked to the characteristic at issue.

Comparators further to section 28 of the *Employment Equality Acts 1998–2015* can be identified in theory or as specific people, depending on the statistics/situation involved. In the case of a competition for employment, the comparator is usually the person(s) appointed.

The test is the 'balance of probabilities' – each side presents its case. Direct discrimination has no defence, as it cannot be legally justified.





| Discrimination in employment |            |                 |
|------------------------------|------------|-----------------|
|                              | Direct     | Indirect        |
| Nature:                      | Crude      | Subtle          |
| Directed at:                 | Individual | Group of people |
| Gathering evidence:          | Easy       | Hard            |
| Proving is:                  | Easier     | Difficult       |
| Unlawful:                    | Yes        | Yes             |

## Indirect discrimination

The test for *indirect discrimination* is more complex because it is more subtle in practice. Most employers only record data regarding age/gender of applicants. If no data regarding the characteristic at issue (race, for example) was gathered during the process at issue, the case regarding discrimination will be difficult to establish. On the other hand, many people would be uncomfortable providing such information for fear it would result in elimination from the competition.

The legal test is:

- The complainant must establish a *prima facie* case. This is more than *res ipsa locutor* [‘the thing speaks for itself’] and might well be difficult to establish.
- The respondent can use the defence allowed by section 22, that their restriction was objectively justified by a legitimate aim and the means of achieving that aim are proportionate and necessary – that is, that they discriminated as little as possible.

Section 85A of the *Employment Equality Act 1998* sets out the burden of proof that applies. It requires the complainant to establish, in the first instance, facts from which it may be presumed that there has been discrimination. If that succeeds, then, and only then, is it for the respondent to prove the contrary (see *Teresa Mitchell v Southern Health Board*).

## PCP and evidence

The ‘provision, criteria and practice’ (PCP) is whatever has been identified as the criteria working as a barrier to the complainant (such as height, use of the Irish language, etc). In order for the complainant to make a *prima facie* case, they must drill into this PCP.

Documentary evidence would be the first place to begin:

- 1) Previous WRC/Labour Court cases might offer insight into the industry culture, if not specifically on this PCP/employer.
- 2) Freedom of information/data-protection requests – data might be stored in a number of locations, and it’s likely that several requests will be required to obtain evidence or confirmation that no evidence



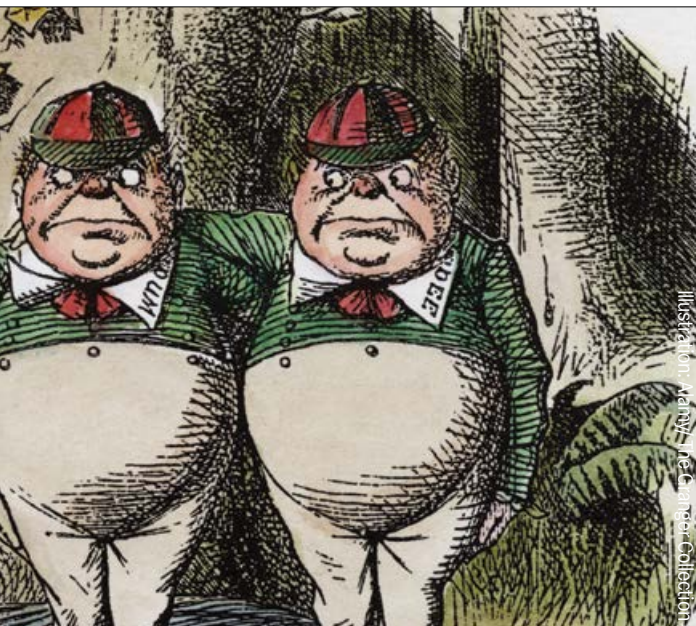
exists. Requests regarding the origins of the PCP/reviews would be essential.

- 3) If the employer is part of the public sector, then Dáil and local authority questions could yield useful information not otherwise in the public domain.
- 4) Legislation/regulations specifically relating to this industry.
- 5) Budget/employment or other reports publicly available, perhaps, from the ESRI (see [www.esri.ie/research-areas](http://www.esri.ie/research-areas)).
- 6) Cross jurisdictional industry analysis – for example, what are the PCPs in the UK? How has this industry in the USA managed a similar problem? Codes of practice?
- 7) Will any related union or organisations related to the protected class assist?
- 8) EU/UN reports on various areas of discrimination, such as the European Institute for Gender Equality (see [eige.europa.eu](http://eige.europa.eu)).
- 9) Has the Irish Human Rights and Equality Commission worked in the area?
- 10) Case law: the Workplace Relations Commission (WRC) has provided a list of cases that have found favour in the past (see ‘Look it up’ panel).

## Proportionality

A body of EU cases relate to employers that only provide benefits (such as pensions/sick leave, etc) to full-time employees, most of whom were men, whereas all of the part-time employees were women. There are also groups of cases relating to firearms/armed forces, where it was deemed that women were automatically disqualified from being hired.

*Johnston v Chief Constable of the RUC* centred on an RUC rule that allowed male officers access to firearms, but not their female-officer counterparts. An industrial tribunal posed a number of questions as to how the State might



'Tweedledum and Tweedledee Agreed to have a battle; For Tweedledum said Tweedledee Had spoiled his nice new rattle...'

balance gender equality with public safety. This is relevant when examining the question of proportionality.

*R v Secretary of State for Employment* held that no social policy could contravene the principle of equal treatment.

## Statistics

An Eastern European cluster of cases (*DH and Others* and *Corsus and others*) examined matters concerning statistics, and there is precedent for the argument that indirect discrimination may be proved without statistical evidence.

The 2014 joint report from the European Commission to the parliament and council on the application of Council Directive 2000/43/EC (*Employment Equality Directive*) noted that “the first report ‘raised concerns that the scarcity of ethnic data in most member states might hinder proper monitoring of the application of European Community legislation’. The situation is still essentially unchanged and is relevant to both directives. This problem has been flagged by many respondents (national equality bodies, FRA [EU Agency for Fundamental Rights], and NGOs), and the commission shares their concerns.”

## Tests

In *Barton v Investec Henderson Crosthwaite Securities Ltd* (a UK case), the Employment Appeal Tribunal upheld Ms Barton’s appeal and offered guidance about how EU

“

Unfortunately, in the event of discrimination, there is often dishonesty at play – at a minimum, self-deception by an employer

legislation applies in respect of the burden of proof in sex-discrimination cases. The employer had to prove that:

- There were objective reasons for the differential,
- They were unrelated to gender,
- They corresponded to a real need on the part of the undertaking,
- They were appropriate to achieving the objective perceived *and* that it was necessary to that end,
- The difference conformed to the principle of proportionality, and
- That this was the case throughout the period during which the differentials existed.

This was adopted in the landmark 2007 (Irish) Labour Court decision in *Dept of Justice, Equality & Law Reform v Civil Public and Services Union*.

In *Cork City Council v McCarthy* (16 December 2008), the Labour Court stated, as follows, about the burden of proof: “At the initial stage, the complainant is merely seeking to establish a *prima facie* case. Hence, it is not necessary to establish that the conclusion of discrimination is the only, or indeed the most likely, explanation which can be drawn from the proved facts. It is sufficient that the presumption is within the range of inferences which can reasonably be drawn from those facts.”

However, none of these cases dealt directly with the unique challenges of distinguishing between the physical performances of people by genders or ages. A 2021 decision by the Supreme Court of India (*Nitisha v Union of India*) addressed the legal investigation of physical tests. The judgment conceptually foregrounded indirect discrimination as “closely tied” to equality in the Indian context.

This opinion took a contextual look at the history and philosophy involved. The Indian Supreme Court conducted an extensive study of the approach adopted in the USA, UK, South Africa, and Canada.

Five principles were elicited from that study (in paragraphs 66–70 of that decision), adopting the framework from Judge Sandra Fredman’s 1985 opinion in *Ontario Human Rights Commission v Simpsons–Sears*. The Indian Supreme Court created a test that is largely similar to legislation in this jurisdiction.

This opinion points out that employers that practice discrimination do so in many areas – not simply in hiring and promotion – such as access to appropriate changing/showering/toilet facilities, purchase of equipment that fits, maternity policies, etc.

## How to render a decision

Unfortunately, in the event of discrimination, there is often dishonesty at play – at a minimum, self-deception by an employer. What should/should not be included in an opinion is important to consider. The science of the

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PCP, industry factors, elements specific to the case, retesting opportunities, interoperability, and public policy are all elements that the opinion may not address in full.

*Advocate General for Scotland v Brown* (otherwise *Koren Brown*) focused on how a judgment should examine such a physical test, and a large number of discrimination-related cases were reviewed in that context. The judgment also was concerned with “how the decision, based on the test above, should be rendered”?

*Meek v City of Birmingham District Council* was considered the standard. The key takeaway point regarding *Meek* is that a tribunal does not have to give reasons why it rejected alternatives to the facts found, provided it gives reasons for why it found the facts that it did.

In *Koren Brown*, the opinion examined *Hardy and Hansons plc v LAX* and how best to pierce the deception practised by employers attempting to sidestep the equality legislation. It is this type of perversity that appear to be a factor of employers’ presentations in indirect discrimination cases. The court decided that the employer’s test might stand if it is sufficient that the same aim could not be achieved by less discriminatory means.

In *Koren Brown*, the public-sector employer claimed that any change in their own hiring standards must be approved by other autonomous organisations for the purposes of ‘interoperability’. This is not an original technique to muddy the waters – what might be called the ‘Sir Humphrey Appleby inertia defence’.

### What’s next?

The defence as set out in section 22(b) of the *Employment Equality Acts* requires proving that an apparently neutral policy, criteria, or practice is *objectively justified* by a legitimate aim, and that the means used to achieve it are *proportionate and necessary*. To adopt this defence, it is likely that expert witnesses should be engaged and proof offered.

The concept of ‘proportion’ is one that falls within the law of equity, so such maxims might also be raised.

Evidence of a *prima facie* case and legitimate aims rest on an understanding of the industry. Regarding physical testing, part of the problem is perception – the male body is regarded as ‘standard’, and women who best match that standard are considered compliant. This pervades medical research, automotive testing, and workplace design.

The high barrier to entry in taking a discrimination action can be lowered. The learning curve for legal professionals, the level of research involved, and expert witnesses together create an insurmountable obstacle to justice for the ordinary complainant. This article was written to help lower that barrier to entry. 

*Siobhan Lydon is a solicitor at CW Ashe & Co, Solicitors, South Square, Macroom, Co Cork.*

## LOOK IT UP

### CASES:

- *Advocate General for Scotland v Brown* [2024] EAT 189 (otherwise *Koren Brown*), 20 November 2024)
- *Barton v Investec Henderson Crosthwaite Securities Ltd* [2003] IRLR 332
- *Cork City Council v McCarthy* EDA 0821 (16 December 2008)
- *Corsus and others v Croatia* [2010] ECHR 337 (16 March 2010)
- *Dept of Justice, Equality & Law Reform v Civil Public and Services Union* EDA13/2007
- *DH and Others v the Czech Republic* (GC no 57325/00; ECHR 2007-IV)
- *Hardy and Hansons plc v LAX* [2005] EWCA Civ 846; [2005] IRLR 726
- *Johnston v Chief Constable of the Royal Ulster Constabulary* (15 May 1986, Case 222/84)
- *Lt Col Nitisha v Union of India* (Writ Petition (Civil) No 1109/202), Supreme Court of India, 25 March 2021
- *Meek v City of Birmingham District Council* [1987] IRLR 250
- *Ontario Human Rights Commission v Simpsons-Sears* [1985] 2 SCR 536 (Supreme Court of Canada, 17 December 1985)
- *R v Secretary of State for Employment, ex p Seymour-Smith* (C-167/97)
- *Teresa Mitchell v Southern Health Board* [2001] ELR 201
- *WRC jurisprudence: list of frequently cited authorities* (Workplace Relations Commission, visit [www.workplacelrelations.ie](http://www.workplacelrelations.ie))

### LEGISLATION:

- *Employment Equality Act 1998* (consolidated, updated to 31 May 2025, Law Reform Commission)
- *Equality Directive* (2000/78/EC)
- *Racial Equality Directive* (2000/43/EC)
- *‘Recast’ Directive* (2006/54/EC)

# NUREMBERG REVISITED





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**Eighty years on from the Nuremberg Trials, Sam Whitaker notes that, while significant progress has been made on the international legal stage since then, the effectiveness and enforceability of decisions made by international courts are now being called into question**

**E**

ighty years ago, on 1 October 1946, the verdicts of guilty were handed down against 19 major Nazi defendants who had been indicted on numerous charges relating to their actions during the Second World War. The International Military Tribunal at Nuremberg, the first of its kind, led not only to convictions, but also to

what is arguably the most wide-ranging legal precedent in international law.

Aside from establishing other core principles relating to a trial under international law, the Nuremberg precedent laid down a principle that is now axiomatic – that any person charged with a crime under international law has the right to a fair trial on the facts and law. After the Nazi defendants were captured, it was decided that, in addition to the catch-all charge of conspiracy being insisted upon by the American delegation, they would be charged with three categories of crime: crimes against peace, war crimes, and crimes against humanity

### **Si vis pacem...**

Also referred to as crimes of aggression, crimes against peace can be considered as the main focus of the trials and the charge from which all others flowed. The charge encompassed waging wars of aggression against sovereign nations, striking at the very heart of international law. That this crime has been prosecuted only a handful of times during the 1940s, and not before or since, is a fact that may come as a surprise to some.

It is obvious that wars of aggression have occurred on many occasions worldwide since Nuremberg, particularly in 2022 when Russia invaded Ukraine. Crimes against peace, though extant and very much codified, are without a doubt the most difficult to prosecute of the three Nuremberg crimes. Famously, the International Criminal Court (ICC), established in 2002 under the *Rome Statute* and a direct descendant of the court at

Nuremberg, has been called ‘a giant without limbs’, underlining the reality that it relies on sovereign nations to arrest its suspects.

Focusing on Ukraine as an example, an ICC arrest warrant has been issued against Russian President Vladimir Putin and other Russian officials, specifically for the crime of aggression against Ukraine. There have been several recent instances in which these suspects travelled safely to and from countries that are signatories of the *Rome Statute*, in flagrant breach of article 86 therein, which provides that the signatories are under a legal obligation to arrest ICC suspects against whom arrest warrants have been issued when they enter their territory. The reasoning for this is almost always one relating to diplomatic and political relations between the countries, such as Putin’s 2024 visit to Mongolia (a signatory), whose government claimed that the country’s reliance on Russian energy was critical to its economic survival and that it “always maintains a policy of neutrality in all its diplomatic relations”.

### ...para bellum

More particularly referred to as ‘crimes against the laws and customs of war’, some examples of war crimes provided in the [Nuremberg Charter](#) include murder, slavery, killing and ill-treatment of prisoners of war and hostages, and plunder or destruction of property. As stated, most of the aforementioned tribunals led to countless war-crimes convictions.

**I**n the aftermath of Nuremberg, a set of principles was laid down by the fledgling International Law Commission of the United Nations. These are officially known as the *Principles of International Law Recognised in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal 1950* – less officially, the [Nuremberg Principles](#). These principles, of which there are seven, act as axioms for the implementation of international law, particularly as it relates to the Nuremberg crimes. The first four principles provide that a person who commits a crime under international law is liable for it, regardless of whether its

prohibition is domestically codified, whether they were a head of state or official, or if they were given orders to carry out the crime.

The latter principle, addressing the defence that the accused was simply following the orders of his superior – and which was raised in the first trial for war crimes on record, in 1474 – is now commonly known as the ‘Nuremberg defence’ due to its popularity among the Nuremberg defendants. This is rarely considered to be a compelling defence, and is never considered a full defence where the order requires the commission of a crime. However, the fact that the accused would have faced severe punishment and even execution can be a factor in mitigation of sentencing.

Notwithstanding its historical ineffectiveness, the Nuremberg defence has been invoked countless times since, including by Nazi and SS officer Adolf Eichmann in his famous 1961 trial in Israel; and by perpetrators of the My Lai Massacre of 1968. More recently, debate arose in relation to a soldier’s duty to refuse illegal orders when calls by Democratic members of the United States Congress to obey this recognised rule of international law drew stark condemnation from President Trump, who stated that this amounted to sedition, and even insurrection.

### ‘Man’s inhumanity to man’

While this poetic description of human-to-human cruelty penned by Robert Burns is well-known, American Supreme Court Justice and Nuremberg prosecutor Robert H Jackson’s suggested term has entered legal dictionaries worldwide. So-called ‘crimes against humanity’, as defined in the *Nuremberg Charter* and subsequent international law, include “murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population”. These, it was alleged by Jackson and the prosecutors at Nuremberg, and subsequently proved to the satisfaction of the Nuremberg judges, were carried out on a colossal scale across occupied Europe during the Second World War.

Since Nuremberg, and before the establishment of the ICC in 2002, several international courts and tribunals have prosecuted crimes against humanity,



**The first four principles provide that a person who commits a crime under international law is liable for it, regardless of whether its prohibition is domestically codified, whether they were a head of state or official, or if they were given orders to carry out the crime**



in addition to the other Nuremberg crimes and the crime of genocide, which since Nuremberg and the 1948 *Genocide Convention* has been prosecuted as its own distinct but related charge. The International Criminal Tribunal for the former Yugoslavia operated between 1993 and 2017 investigating the crimes committed during the Yugoslav Wars and led to 90 successful convictions of each Nuremberg crime. The International Criminal Tribunal for Rwanda operated between 1994 and 2015 and investigated the Rwandan genocide, convicting 61 individuals on similar charges.

A slightly different approach was taken in the case of the Khmer Rouge Tribunal. Officially known as the Extraordinary

Chambers in the Courts of Cambodia, this was a hybrid court – it was established as a national court under agreement with the UN, and applied international law and custom and employed international lawyers. Similarly, the Special Court for Sierra Leone was formed as a hybrid court between the Sierra Leonean government and the UN, charged to investigate and prosecute crimes committed during the Sierra Leone civil war.

### Arrest warrants

One of the primary functions of the ICC is to prosecute crimes when the state in which the crime was committed is unwilling or unable to prosecute. To this end, ICC arrest warrants were issued in November 2024 against Israeli Prime Minister Benjamin Netanyahu and his former defence minister Yoav Gallant for crimes carried out in the State of Palestine, most notably in the Gaza Strip since October 2023. This drew stark condemnation from Netanyahu as well as his ally President Donald Trump, who signed Executive Order 14203 imposing sanctions, asset freezes, and travel bans on all ICC personnel, and even rights groups who provided evidence to the ICC.

Showing further triumph of diplomacy over legal obligation, Hungarian leader Viktor Orban enthusiastically invited Netanyahu to Hungary the day after the ICC arrest warrant issued against him and initiated the process to withdraw Hungary's ICC membership ahead of his guest's arrival the following April. In January 2025, Polish Prime Minister Donald Tusk invited Netanyahu to Poland on the 80<sup>th</sup> anniversary of the liberation of Auschwitz and guaranteed safe passage for him.

Thankfully, the list of countries that have expressed their commitment to abide by their international-law obligations is considerably longer than those that have opposed Netanyahu's arrest. Those states who have been particularly vocal in this regard are Ireland, Turkey, and South Africa, with the latter nation having issued proceedings in the International Court of Justice against Israel in December 2023, alleging genocide.

### Reversing course

Other governments have been non-committal – Italy has called into question the warrant's legality, and France has pointed

out that Netanyahu may enjoy head-of-state immunity. Hungary has reversed course – on the election of Peter Magyar's government in 2026, the process to withdraw from the *Rome Statute* has been halted, and Magyar has expressed his intention to arrest ICC suspects.

The UN Special Rapporteur on the Rights Situation in the Palestinian Territories, Francesca Albanese, has consistently rejected any proposals exempting Netanyahu from arrest and has even gone so far as to warn that obstructing the enforcement of the warrant could be an offence in itself under article 70 of the *Rome Statute*.

In July, the mayor of New York City Zohran Mamdani called for Netanyahu's arrest on entering the USA, despite the country not being a signatory. A YouGov poll published in the wake of this controversy showed that nearly half of Americans are in support of arresting Netanyahu, while less than a quarter believe he is innocent.

Secretary of State Marco Rubio recently expressed his intention to “systematically dismantle” the ICC's ability to function. The United States and Israel have both publicly denounced the ICC, and even encouraged states to ‘review’ their membership, with Venezuela and Chad notifying the ICC of their intention to withdraw only within the last few months, after discussions with US officials.

### Veni, vidi, non vici

While significant progress has been made on the international legal stage since Nuremberg, and numerous convictions have been achieved, the effectiveness and enforceability of decisions made by international courts like the ICC can rightly be called into question. The most prominent example of this weakness being exploited is the US-led effort to form an alliance against the ICC, which it views as a threat to its national sovereignty and that of its allies whose leaders or citizens are ICC fugitives.

Concern over diplomatic relations between states has given rise to a reluctance to carry out international arrest warrants, in many cases despite a legal obligation to do so. As seen, some signatories to the *Rome Statute* have even actively invited ICC suspects to their territory for diplomatic reasons. Are these politicians and diplomats obstructing the course of justice, or are they merely preventing a breakdown in diplomatic

relations between states?

This type of diplomatic breakdown often precedes wars, most notably the First and Second World Wars – but we then must ask ourselves: is it better to let suspects of the world's worst crimes escape justice, than to risk a Third? If the answer is yes, then perhaps Nuremberg – and its offspring like the Rome-born ICC – came and saw, but failed to conquer. 

*Sam Whitaker graduated in law from Trinity College Dublin in 2023. He is a trainee solicitor at Ryans Solicitors LLP in Dublin and aims to qualify in December 2026. He wishes to thank Niall Walsh and Peter Connolly (Peter Connolly Solicitors) for reviewing this article.*

## LOOK IT UP

### LEGISLATION:

- *Principles of International Law Recognised in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal* (1950)
- *Rome Statute of the International Criminal Court* (International Criminal Court, 2021)
- *Convention on the Prevention and Punishment of the Crime of Genocide* (General Assembly resolution 260A(III), 9 December 1948)

### LITERATURE:

- ‘Advancing the United States’ campaign to address the threat posed by the International Criminal Court’ (press statement, Marco Rubio, Secretary of State, 18 August 2026)
- ‘A giant without limbs: the International Criminal Court’s state-centric cooperation regime’ (Jackson Nyamuya Maogoto, University of Manchester, 2004)
- ‘“Punishable by DEATH”: Trump threatens Democrats with sedition charges’ (Allison Griner (Al Jazeera, 20 November 2025)
- ‘Trump administration vows to ‘disable’ International Criminal Court’ (Joseph Stepansky, Al Jazeera, 13 July 2026)
- ‘UN rapporteur: France’s Netanyahu immunity claim has no legal validity’ (Middle East Monitor, 29 November 2024)
- ‘Sorry not sorry, says Mongolia after failure to arrest Putin’ (Ketrin Jochecová, *Politico*, 3 September 2024)
- *The Nuremberg Trial* (John Tusa, Ann Tusa, et al, July 2010, Allworth Press, USA)



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| Certificate in Immigration Law and Practice           | 29 October 2026             | €1,750 |
| Diploma in Education Law                              | 30 October 2026             | €2,700 |
| Certificate in Legal Skills for Legal Secretaries     | 3 November 2026             | €950   |
| Diploma in Legal Skills for Legal Executives          | 3 November 2026             | €2,500 |
| Diploma in Aviation Leasing and Finance               | 28 January 2027             | €3,265 |
| Certificate in Company Secretarial Law and Practice   | 9 February 2027             | €1,825 |
| Diploma in In-House Practice                          | 23 February 2027            | €2,800 |

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

# The compliance of science

The Law Society's existing AML supports contain helpful aids, tips, practice notes, and general information necessary to ensure compliance. Tina Beattie and Riona Leahy show us the ropes

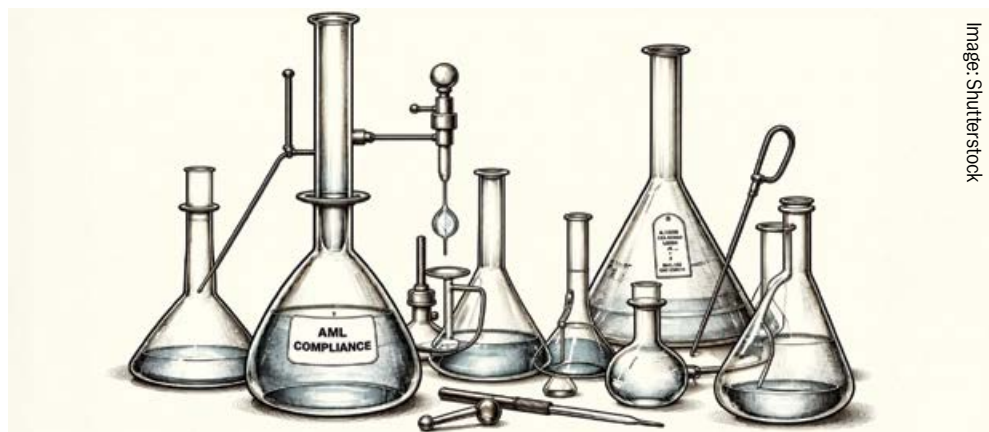


Image: Shutterstock

**S**olicitors who are currently in compliance with their statutory anti-money-laundering (AML) duties will already be in compliance with the newly introduced *Solicitors (Money Laundering and Terrorist Financing) (Amendment) Regulations 2026*. These regulations simply reflect an update to the current statutory obligations (see the note on SI 367 of 2026 by Dr Niall Connors, director of regulation, on p60 of the *Aug/Sept Gazette*).

Whether you are new to solicitor AML compliance or need a refresher, the Law Society's existing AML supports contain helpful aids, tips, practice notes, and general information necessary to ensure compliance. Updated regularly, key AML resources are accessible any time through the Law Society AML Hub ([www.lawsociety.ie/aml](http://www.lawsociety.ie/aml)).

## Free training

Solicitors can avail of updated, free Law Society AML training designed to help solicitors comply with their statutory AML duties, currently available by visiting the Law Society [LegalED Talks Hub](http://www.lawsociety.ie/legal-ed-talks-hub).

Two separate training videos can be accessed by logging in to the hub:

- Training on core AML requirements, the current statutory framework, and real-life scenarios that solicitors in practice may encounter, and
- A specific video on filing suspicious transaction reports (STRs) and using the goAML and ROS systems.

Each training video is 90 minutes long and attracts CPD points.

In addition, the Law Society's AML unit has contributed to training for non-solicitor staff in legal practices, with

*Updated regularly, key AML resources are accessible through the Law Society AML Hub at [www.lawsociety.ie/aml](http://www.lawsociety.ie/aml)*

a [training video](#) available for general viewing.

## Date for your diary

*Webinar on sanctions – 11am on Thursday 26 November 2026: in their role as competent authorities for sanctions in Ireland, the Central Bank of Ireland and the Department of Trade and Enterprise are running a free webinar*

specifically designed to assist solicitors navigating sanctions as part of AML client due diligence.

## AML Helpline

The AML Helpline supports solicitors in identifying potential money-laundering risk and navigating complex compliance considerations. While the Law Society cannot provide legal advice nor confirm the adequacy of AML documentation/approach in specific scenarios, the AML Helpline endeavours to assist solicitors in swiftly navigating relevant AML guidance. This service is available via email ([aml@lawsociety.ie](mailto:aml@lawsociety.ie)) and by telephone on 01 879 8788.

By its nature, AML compliance is complex and can be challenging for solicitors as designated persons. Developing a good understanding of legal-sector money-laundering risk is vital to adopting the risk-based approach to preventing money-laundering and also ensuring effective AML compliance

## Thematic review 2026

All firms received a notification from the director of regulation last July announcing an AML thematic review. The deadline date (30 September 2026) for submission of the form, which was sent to firms with a copy of their business risk assessment, has now passed.

If you overlooked responding on time, please act now and send the required response to [AMLThematicReviews@lawsociety.ie](mailto:AMLThematicReviews@lawsociety.ie). A report outlining key findings will be issued following the review.

*Tina Beattie is head of AML and Riona Leahy is AML executive at the Law Society of Ireland.*

# AML nitrate!

**There are five pillars that underpin AML compliance for a solicitor's practice. Kevin Kerrigan takes you through them, so you can assess where your firm stands and pick up some practical takeaways**



**T**he Law Society is currently running a thematic review of business risk assessments,

gathering data on how well practices understand and document the AML risk in the legal services they offer. Firms had until 30 September to report.

Rather than treating that deadline as a box-ticking exercise, it's worth using it as a proactive prompt: is your practice fully AML compliant, or are there gaps that need attention? If The Law Society selected your practice for a full AML inspection, would you pass with flying colours or would you be found as non-compliant?

## Pillars of compliance

### **Pillar 1: Awareness and management of AML obligations**

Every practice needs a designated money-laundering reporting officer (MLRO), or equivalent nominated officer. The appointment should be documented, and staff should know who that person is and how to report a suspicion or concern to them. Alongside this, your firm needs an up-to-date manual on AML policies, controls, and procedures (PCP) that reflects how your practice meets your AML obligations on a daily basis, and how you mitigate AML risk. It is acceptable to start from a template, but it must be tailored to your firm's services and client base and reviewed at least annually or whenever there is a material change to the practice.

**Takeaway:** *check that your MLRO appointment and PCP manual are both documented, current, and something staff can actually point to – not just something that exists in principle.*

### **Pillar 2: Firm-wide (business) risk assessment**

This is a distinct requirement from client-level due diligence,



and it's also the specific focus of the Law Society's current thematic review. A firm-wide or business risk assessment looks at the risk profile of the practice as a whole, considering the types of clients you act for, the services you provide (conveyancing, probate, trust and corporate services, etc), the transactions and industries you facilitate, the geographic spread of your client base, and the delivery channels you use. It needs to be reviewed regularly, evidenced, and refreshed as external factors change.

**Takeaway:** *this is a legal requirement that has been in place since 2018. If your business risk assessment hasn't been looked at in the last year, this is the moment to update it. It's the one document the current review is asking every firm to stand over.*

### **Pillar 3: AML training**

Staff need AML training at induction and on an ongoing basis, with an annual refresher, and that training needs to be logged, not just delivered. MLROs need their own specific training. Firms should also be able to produce an annual staff declaration confirming awareness of obligations and access to the

*AML inspectors have two statements that they love to use: 'Show me; don't tell me'; and 'If it wasn't written down, it never happened'*

firm's PCPs and training.

**Takeaway:** *a training log is only useful if it's up to date. Confirm every member of staff has a dated entry and that your MLRO's training is recorded separately.*

### **Pillar 4: Customer due diligence**

Every client needs a documented risk assessment that determines the level of due diligence applied to them for the matter at hand. You also need to identify and verify clients, screen for 'politically exposed persons' (PEPs) and sanctioned individuals, and apply the appropriate risk

classification. Due diligence is not a one-off exercise at onboarding. It needs to be monitored throughout the life of the engagement, and the file should tell that story clearly. On a risk-based approach, further scrutiny may be required to verify source of funds, source of wealth and, in the case of corporate and legal arrangements, you will need to determine the ownership and control structure and verify the ultimate beneficial owners.

**Takeaway:** *spot-check a handful of client files at random. If you can't quickly show how the risk level and due-diligence levels were determined, that's a gap worth closing.*

### **Pillar 5: AML reporting**

Firms need a clear internal structure for raising a suspicious transaction report, alongside the mechanism for determining and escalating external reporting. Each firm should be able to show periodic effectiveness reviews and compliance-gap analysis.

**Takeaway:** *make sure every member of staff, not just the MLRO, knows the internal reporting line for raising a concern. A policy nobody remembers is no better than no policy at all.*

## **Common gaps**

Across thematic reviews and AML inspections, the same gaps are regularly flagged:

- AML policies that were never tailored to the firm,
- Business risk assessments that are missing or out of date,
- Client files with missing or inadequate risk assessments; missing ID/proof of address documents; inadequate proof/evidence of source of funds,
- No evidence of PEP/sanction screening,
- No evidence of beneficial ownership checks for corporate clients,
- Training gaps for relevant staff members or training that happened once and was never refreshed or logged again.

Legal professionals are typically very effective at identifying bad actors and the red flags for money-laundering. However, when it comes to AML inspections, firms are often found short when evidence of the thought process or risk assessment is requested.

Within minutes of meeting a prospective client, your professional intuition or scepticism quickly identifies if everything appears to be in order; whether they look like an awkward client; whether the situation adds up. However, AML inspectors have two statements that they love to use during an on-site visit: "Show me; don't tell me"; and "If it wasn't written down, it never happened". 📄

*Kevin Kerrigan is COO and head of product at [AML HQ](#), a compliance platform and support service used by legal and accountancy practices across Ireland and the UK to manage their AML obligations.*

# Gainful employment

**Ronnie Neville and Susan Battye are chair and vice-chair respectively of the Law Society's Employment and Equality Law Committee. The *Gazette* gets promptly fired**

**T**he focus of the **Employment and Equality Law Committee** is on the constantly evolving landscape of the world of work, such as developments in worker status, employment rights and regulation, the use of AI, and remote and hybrid work. Over recent months, the committee was preparing for a WRC stakeholders' meeting, working on updates for the profession, and focusing on pre-Budget submissions.

The committee serves as a bridge between the legal profession, statutory bodies, and the public, providing expert analysis, insights, and contributions from its members on the rapidly evolving landscape of workplace rights. Its work is essential in ensuring that solicitors are fully briefed on complex legal developments, such as those arising from implementation of local and European legislation.

By reviewing proposed legislation and offering technical submissions, the committee helps to shape employment law. "As a committee, we often have an opportunity to engage with Government and with government bodies to share our views on draft legislation, and we can offer our views as practitioners on both sides of the fence, both employer and employee," notes Ronnie.

*The committee serves as a bridge between the legal profession, statutory bodies, and the public, providing expert analysis, insights, and contributions from its members on the rapidly evolving landscape of workplace rights*

Similarly, it can offer views and offer constructive feedback to the Workplace Relations Commission (WRC) and Labour Court. "Along with the public, we are the users of the WRC services, and of the Labour Court services," he says.

"We have stakeholder meetings with the WRC on an annual basis, and we can highlight the live issues that legal practitioners on both sides of the fence are finding using their services," Ronnie explains.

## Best practice

Beyond its legislative influence, the committee plays a cornerstone role in professional development and the promotion of best practices within the legal community. It provides solicitors with highly useful **template documents**, guidance notes, and precedents covering key workplace legislation.

Both Ronnie and Susan remarked on how enhanced press coverage of decisions by the WRC and Labour Court has increased awareness of employment law, which has been positive for society.

The committee must also grapple with the breakneck pace of change in the world of work in practice. As ways of working change, so too do the issues and complexities that employment lawyers need to resolve.

Last November's webinar, 'Employment law for everyone', sought to reach general

practitioners, so they are more familiar with, and comfortable advising on, the more common employment-law workstreams. The committee's goal is to assist practitioners to become better equipped for employment-law work, with access to all available resources and market-practice information on the basics.

The first webinar in this series offered detailed materials on how to provide employment-law advice and where to find the resources for advising on key issues, such as precedent templates and general discussion on the most common employment-law workstreams.

With the training tools at the disposal of the committee, non-specialist practitioners can empower themselves to take regular instructions in what is a fast-evolving area of the law. The webinars contribute to an overall cascading improvement in the quality of employment-law advice available in this jurisdiction.

## Busier than ever

The committee has a very wide breadth, with 25 members plus secretary Geraldine Rafferty, who Ronnie and Susan praise as the committee's backbone.

They meet eight times annually, representing a wide range of subject-matter experts, from employer organisations, such as IBEC, to worker advocates, community law centres, and those advising



Photos: Cian Redmond



employers. Because it engages regularly with the WRC and other statutory bodies, the committee can offer practical tips to practitioners on how to grapple with a range of employment-law questions. And the WRC acknowledges and welcomes this engagement.

The committee has updated practitioners on practical steps they can take to navigate WRC processes, including filing timely submissions and encouraging mediation. In return, the WRC has taken on board useful feedback provided by the committee on practical difficulties. The committee is supportive of increased resourcing for the WRC to help it achieve its valuable objectives.

It also submitted comprehensive feedback in 2024 on the Revenue Commissioners' draft guidelines regarding worker status following the landmark Supreme Court decision in *Revenue*

Ronnie Neville and Susan Battye, with (bottom, right) Geraldine Rafferty

*By reviewing proposed legislation and offering technical submissions, the committee helps to shape employment law*

*Commissioners v Karshan (Midlands) Ltd. t/a Domino's Pizza.*

More recently, the committee prepared detailed written submissions in November 2025 as part of the public consultation by the Department of Enterprise in respect of the *Platform Work Directive* (EU 2024/2831).

In March 2026, the committee prepared detailed submissions on the *Equal Pay Transparency Directive* (2023/970).

## Bright future

With regard to the now ever-present issue of AI, the pair agrees that while it may somewhat streamline legal advice, it cannot replace strategic critical thinking and the human factor inherent in employment law, which is both complex and nuanced. Employment-law advice tends to be organisation and fact-specific, the lawyers point out.

Part of the job is also

preparing clients for uncertainty of outcome, which requires the key human skills of empathy and understanding. While certain aspects of being an employment lawyer can benefit from the use of AI, there has never been a better or busier time to work in this area.

With more people working than ever before – and for longer – streamlined, consolidated employment legislation would help to give Ireland a competitive edge in a fast-changing world, the duo says.

But in the short, medium, and long term, continuing to align with the Law Society's policies for the common good will be a central focus for the Employment and Equality Law Committee.

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

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## IN-PERSON AND LIVE ONLINE COURSES

|        |                                                                     |                              |                           |      |
|--------|---------------------------------------------------------------------|------------------------------|---------------------------|------|
| 06 Oct | Law Society Skillnet Wellbeing Summit 2026 - Navigating Transitions | 2.5 professional development | Live Zoom webinar         | Free |
| 07 Oct | Inhouse & Public Sector Committee Conference 2026                   | 3.5 hours                    | Law Society of Ireland    | €175 |
| 08 Oct | General Practice Update Kilkenny 2026                               | 6 hours                      | Hotel Kilkenny, Kilkenny  | €165 |
| 13 Oct | Bitesize Briefing: Certificate of Title Update                      | 1 hour                       | Live Zoom webinar         | €65  |
| 15 Oct | Litigation Committee Annual Conference 2026                         | 3 general                    | Law Society of Ireland    | €175 |
| 16 Oct | North East CPD Day                                                  | 6 hours                      | Hillgrove Hotel, Monaghan | €165 |
| 20 Oct | Regulation Matters: Ethics for In-house lawyers                     | 1 hour                       | Live Zoom webinar         | €65  |
| 22 Oct | A Practical Introduction to Setting Up in Practice                  | 3.5 hours                    | Law Society of Ireland    | €145 |
| 22 Oct | Bitesize Briefing: Assisted-Decision Making Update                  | 1 hour                       | Live Zoom webinar         | €65  |
| 28 Oct | Property Law Annual Conference 2026                                 | 4.25 hours                   | Law Society of Ireland    | €175 |
| 30 Oct | Human Rights & Equality Committee Conference 2026                   | 3 general                    | Law Society of Ireland    | Free |
| 05 Nov | Environmental and Planning Law Committee Conference 2026            | 3 general                    | Live Zoom webinar         | €175 |
| 10 Nov | Regulation Matters: AI & Ethics                                     | 1 hour                       | Law Society of Ireland    | €65  |
| 11 Nov | Business Law Committee Conference 2026                              | 3 general                    | Law Society of Ireland    | €175 |
| 13 Nov | Criminal Law Committee Conference 2026                              | 3 general                    | Law Society of Ireland    | €175 |
| 19 Nov | Practitioner Update Cork 2025                                       | 6 hours                      | Kingsley Hotel, Cork      | €165 |
| 20 Nov | The Impact of Digitalisation of EU Criminal Law (TRAVAR 2)          | 5.5 hours                    | Law Society of Ireland    | Free |
| 26 Nov | Technology Committee Conference 2026                                | 3 hours                      | Live Zoom webinar         | €175 |

## ARTIFICIAL INTELLIGENCE (AI) TRAINING

|           |                                             |                              |                        |      |
|-----------|---------------------------------------------|------------------------------|------------------------|------|
| On-Demand | AI for Today's Lawyer                       | 1.5 professional development | On-Demand              | €75  |
| On-Demand | AI in Practice: Prompting & Responsible Use | 1.5 professional development | On-Demand              | €75  |
| 08 Dec    | AI Practical Workshop - Advanced            | 3 professional development   | Law Society of Ireland | €175 |



# The weight

**From conversation to practice, trauma-informed approaches in the legal profession are needed more than ever, says Ruth O'Sullivan**

**I**n 2020, the *Gazette* (Aug/Sept, p42) published an article by Noeline Blackwell, then CEO of the Dublin Rape Crisis Centre. Writing during the pandemic, Blackwell reflected on the often-unacknowledged psychological demands of legal work, including solicitors' exposure to traumatic material, human crisis, and sustained professional pressure. At the time, the conversation around trauma-informed practice within the legal profession was still emerging. Six years on, that conversation has continued to evolve.

In late 2025, the Law Society marked the completion of the first cohort of its 'Foundations of Trauma-Informed Practice'

microcredential. It is designed as an introduction to trauma-informed practice, bringing together perspectives from neuroscience, psychotherapy, psychology, and applied examples from other jurisdictions.

At its core, trauma-informed practice involves developing an understanding of how trauma and prolonged stress can affect communication, behaviour, memory, decision-making, professional relationships, and engagement with systems and services. Within legal contexts, this can shape not only client interactions, but also how legal professionals themselves experience and respond to the demands of their work.

While trauma-informed approaches are often associated with areas such as family,

criminal, refugee, or child law, participants in the programme reflected on the broader relevance to many areas. This included not only exposure to traumatic material or clients in distress, but also the cumulative impact of sustained pressure, high-stakes decision-making, conflict, responsibility, and emotionally demanding professional environments.

## Shine

The programme approaches trauma-informed practice not as a niche specialism, but as a broader professional framework relevant to communication, sustainability, reflective practice, and the human dimensions of legal work itself. Indeed, one of the most striking aspects of the open microcredential programme was the breadth of professional backgrounds represented within the participant group.

A key principle underpinning trauma-informed practice is that the impact of demanding work is not determined solely by exposure itself, it is also shaped by what happens afterwards.

Where difficult experiences

are not processed or reflected upon, they can accumulate over time, contributing to fatigue, emotional reactivity, disconnection, or a reduced sense of professional capacity. Where there are opportunities for reflection, regulation, supervision, or collegial support, a different process can emerge: one in which difficult experiences are more effectively understood rather than simply carried.

Across many professions, awareness of trauma-informed approaches has grown significantly in recent years, while implementation continues to be shaped by broader organisational and systemic pressures. Embedding these ideas into education and professional development is one step. Creating the conditions that allow them to be meaningfully applied in practice is another.

What is increasingly evident, however, is that conversations around trauma-informed practice are becoming part of broader discussions about professional sustainability, client engagement, organisational culture, and the long-term realities of legal work itself. ■

*Ruth O'Sullivan is psychological services executive at the Law Society and course lead of the microcredential.*

## Shake your foundations

The next open iteration of the Foundations of Trauma-Informed Practice microcredential will run from 19 October to 21 November 2026, with applications opening soon. Contact [solicitorservices@lawsociety.ie](mailto:solicitorservices@lawsociety.ie) for further information.

# Wild oats

**A recent EU Commission decision examined the various conditions that need to be met for a finding of state aid. Marco Hickey goes back to the grindstone**

**T**he *Finnish Oat Mill* case concerned a state-aid complaint made to the European Commission against Suomen Viljava Oy ('Viljava'), which was 100% owned by the Republic of Finland and its 100% subsidiary, Oat Mill Finland Oy ('Oat Mill Finland'). The measure at stake related to an investment in a new oat mill at the grain terminal at Rauma port. The allegation was that the subsidiary received state aid in various forms from the parent, including advantageous finance and the use of certain assets free or below-market value. There are various conditions that need to be met for a finding of state aid:

- 1) *Imputability to the state*: the measure must be imputable to the state. If it is carried out by a public authority, the measure will be regarded as imputable to the state, but where it is carried out by a publicly owned company, such as a semi-state body, it must be shown that the state or a public authority was involved in the measure at issue.
- 2) *Selective advantage*: the aid recipient must have been singled out in some way, or

*Economic transactions or investments carried out by public bodies (including public undertakings) do not confer an advantage on its counterpart if they are carried out in line with normal market conditions*

in EU state-aid terminology, 'selectively advantaged'. The EU courts have developed a principle called the 'market-economy operator' (MEO) test to identify the presence of state aid in cases of public investment (in particular, capital injections). For this purpose, it is necessary to assess whether, in similar circumstances, a private investor of a comparable size operating in normal conditions of a market economy would have made the investment in question on the same terms. If the state can show that the measure is in line with the MEO, there is no selective advantage for EU state-aid purposes.

## Imputability

Where a public authority grants an advantage to a beneficiary, the measure is, by definition, imputable to the state, even if the authority in question enjoys legal autonomy from other public authorities. The same applies if a public authority designates a private or public body to administer a measure conferring an advantage. Imputability is less evident if the advantage is granted through publicly owned companies, such as semi-state bodies. In such cases, it is necessary to determine whether the public authorities can be regarded as having been involved, in one

way or another, in adopting the measure.

The measure in this case was taken by the publicly owned parent company, Viljava, in respect of its subsidiary Oat Mill Finland. The commission concluded that the measure at issue was not imputable to the state and, on that basis, there was no state aid involved. The commission, in this context, highlighted the autonomy that Viljava had over its investment decisions and its margin of discretion to decide its own commercial behaviour. The commission concluded that the mere fact that Viljava was a state-owned undertaking did not establish imputability for EU state-aid law purposes.

The commission held on the facts that the Finnish State did not have the degree of involvement in the decisions in question. Despite the





Image: Wheatfield with a Reaper, Vincent van Gogh, 1889/Arny

above finding, the commission proceeded to examine whether the MEO applied in this case.

### Chairman MEO

The commission summarised the MEO as follows: “Member states and their public undertakings may intervene in the market without falling under the prohibition of article 107(1) TFEU if their interventions correspond to behaviour of a rational and profit-oriented private-market operator acting in similar circumstances under normal market conditions. In other words, economic transactions or investments carried out by public bodies (including public undertakings) do not confer an advantage on its counterpart if they are carried out in line with normal market conditions.”

The commission noted that EU state-aid case law has established that the first step is to examine whether

the MEO is applicable or not – that is, whether a state is intervening as an investor in the market, and not as a public authority. For this purpose, a distinction must be drawn between the obligations the state must assume while exercising an economic activity and its obligations as a public authority. The form of the relevant measures is not important; one must assess their nature, their subject-matter, and the rules to which they are subject, while taking into account the objective pursued.

The commission agreed with Finland, and considered that the MEO was applicable to the case at hand, since the investment was not done in the framework of an activity carried out as part of the public-authority remit, but rather as an economic investment. In this case, the investment of Finland (through

the state-owned company Viljava) was done outside its public authority and, therefore, the MEO applied. The commission examined the factual scenario in which the investment took place, which was that Viljava needed to seek new business opportunities to improve its financial performance when faced with a scenario of long-term overcapacity in its silos. Therefore, the decision to look for new markets and make the investment was linked to the objective of the company to improve its economic performance as a market operator would have done.

The commission highlighted that, once it was concluded that the MEO was potentially applicable to a particular case, the next step was for the commission to check whether the state intervened in the economy complying with the MEO. This necessitated

producing evidence showing that the oat-mill investment was based on economic evaluations comparable to those that a rational private investor would have had carried out, before making the investment, to determine its future profitability. The commission stressed that this must be done on an *ex ante* basis, having regard to the information available at the time the intervention was decided upon.

The commission referred to the fact that, before its board decided to make the oat-mill investment, it conducted economic evaluations comparable to those that a private investor in a similar situation would have carried out to determine the future profitability of the investment.

The commission noted that the board based its decision to make the oat-mill investment on an investment analysis, and the board required that an external expert estimate the capital structure and the market-based interest rate that a private investor would require for a similar investment, reflecting the return expectations of a private investor in making a similar investment.

The commission referred to the fact that the board based its decision to invest on market-based pricing assumptions between Viljava and Oat Mill Finland, which included a sensitivity analysis for different demand estimates that showed that the oat-mill investment would be profitable. The board of Viljava had considered the level of risk, future expectations, and the economic situation at the time when the transaction was decided, compared with the economic situation when the oat-mill investment was planned.

## Up the ante

As regards the *ex ante* investment plan, the commission noted that an external expert based its report on a generally accepted standard assessment methodology, and that methodology was based on the available objective, verifiable, and reliable data, which was sufficiently detailed and reflected the economic situation at the time at which the transaction was decided, taking into account the level of risk and future expectations. The external expert analysed hybrid and capital loans issued by listed or public Finnish undertakings, and solvency ratios of undertakings that were comparable with the oat-mill investment.

The investment plan included four scenarios regarding demand, namely (i) falling, (ii) conservative, (iii) growth, and (iv) booming. The report contained estimates for the internal rate of return (IRR) for the conservative and growth scenarios, and the net present value (NPV) and weighted average cost of capital (WACC).

The commission concluded that a private investor would have, in the same circumstances, taken a comparable investment decision. The commission highlighted that the board's decision on the oat-mill investment followed the conclusions of two external expert results, supporting compliance with the market-

investor test. The commission concluded that there was no state aid involved.

The commission discusses the principles governing the MOE in the following:

- [Commission notice on the notion of state aid](#) as referred to in article 107(1) of the *Treaty on the Functioning of the European Union* (*Notion of State Aid Notice*), and
- 'The market-economy operator test for risk-finance measures: practical guidance for member states' ([MOE guidance](#)).

Any risk-finance measures adopted by a member state that does not meet the MEO may be exempted under the following:

- Commission Regulation

(EU) 2023/2831 of 13 December 2023 on the application of articles 107 and 108 of the *Treaty on the Functioning of the European Union* to *de minimis* aid ([De Minimis Regulation](#)), and

- Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of articles 107 and 108 of the treaty ([General Block Exemption Regulation](#)).

Any aid not falling within any of the exemptions must be notified to, and cleared by, the EU Commission. 

*Marco Hickey is head of competition, antitrust, and foreign investment regulation at Byrne Wallace Shields LLP.*



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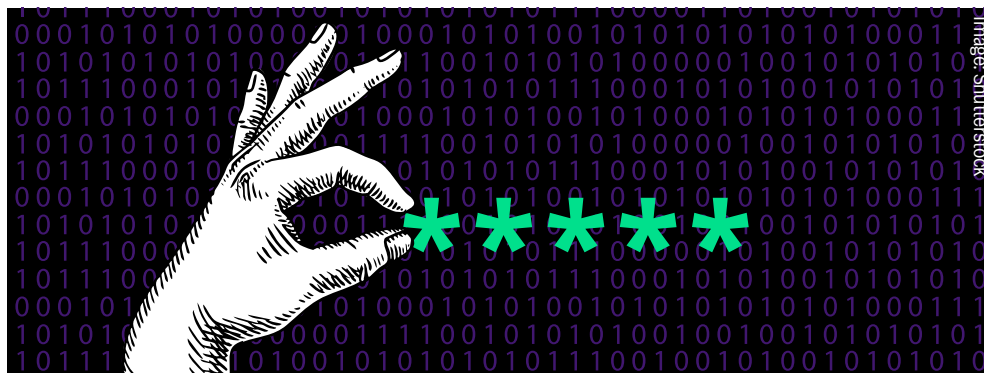
[Lawsociety.ie/elections](https://lawsociety.ie/elections)



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# Smooth criminal

**Cyber-criminals and their accessories in cyberspace threaten world stability and the rule of law. International collective security has been recognised as essential since the UN was established. More is needed, says Duncan Grehan**



**A** [Gazette.ie](#) story on 23 July announced the establishment of the Office of Criminal Justice International Cooperation “to streamline cross-border cooperation on criminal digital evidence and to make it easier for EU law-enforcement agencies to obtain and share electronic evidence as part of a criminal investigation. It was provided for in the [Criminal Justice \(International Cooperation on Electronic Evidence and Other Matters\) Act 2026](#) to implement the EU’s *eEvidence Package* in Ireland.”

The legislation fails to mention or deal with ratification of the [Budapest Convention on Cybercrime](#), which is required by our Constitution before becoming domestic law.

The *Budapest Convention* is in force since 1 July 2001. Its main provisions are the criminalisation of cybercrime,

procedures to secure e-evidence, and international cooperation.

By May 2020, 68 states around the world were parties to it. Although it signed up to it in 2002, Ireland has yet to ratify it and is the only EU state not a party to it. The convention is not part of Ireland’s law, although Ireland is the centre of administration of the world’s largest service providers, social-media platforms, and data centres. Years ago, the Government published its ‘National Cybersecurity Strategy 2019–2024’. One of its stated measures was: “As part of our commitment to combating cybercrime, we will ratify the *Budapest Convention* as soon as possible.”

Ireland’s long-awaited act (even though it fails to even mention the convention, despite the new office it creates) may now make combating cybercrime ‘easier’. By it, e-service providers within the EU and social-media

*The Budapest Convention on Cybercrime is in force since 1 July 2001. Ireland has yet to ratify it and is the only EU state not a party to it*

platforms shall now each appoint a legal representative to speedily process e-evidence preservation and procurement orders.

Furthermore, the deadline passed earlier this year (18 February) for the transposition of EU Directive 2023/1544 (it has now been transposed by the 2026 act). The breach is the subject of an EU Commission infringement case against Ireland. This is merely one of some 56 deadline breaches of Ireland’s EU law transposition duties that remain unresolved during its current presidency of the Council of the EU.

The implementation in our law of [EU Regulation 2023/1543](#) on European production and preservation orders of electronic evidence in criminal-law matters is awaited. It imposes duties and rights on service providers. It had been listed by the Government to be ready in spring 2025, but still remains outside of our domestic law. The regulation is to apply across the EU from 18 August 2026.

After the entry into force of this regulation, EU criminal-justice authorities will be able to issue and send preservation and production orders directly to service providers established in Ireland, with the latter having the obligation to provide the requested data under the conditions stipulated by the new EU legal framework on e-evidence.

Neither has Ireland yet agreed to participate in the European Public Prosecutor’s Office. Ireland’s armoury for combating criminality in cyberspace badly needs updating.

*Duncan Grehan is vice-chair of the Law Society’s EU and International Affairs Committee.*

## NOTICES: THE HIGH COURT

**In the matter of Orla Ellis (solicitor number S12319), a solicitor previously practising as Ellis & Co, Solicitors, Station House, Saint Brigid's St, Ballinamore, Co Leitrim, and in the matter of the Solicitors Acts 1954-2015 [2023/112SA]**

**Law Society of Ireland (applicant)  
Orla Ellis (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 of 9 October 2023 that the respondent solicitor was guilty of misconduct in that she:

- 1) Caused, permitted, or improperly allowed a minimum estimated deficit of €566,034 to arise on her client account as at 31 May 2022.
- 2) Caused, permitted, or improperly allowed a deficit to arise on the client file of Bernadette Comey re Katherine McTague (deceased) in the sum of €271,700, comprising €286,700 costs transfer to the office account less a reasonable legal fee of €15,000 suggested by the solicitor, and also including a failure by the solicitor to pay a bequest of €100,000 to Irish Guide Dogs for the Blind.
- 3) Caused, permitted, or improperly allowed a deficit to arise on the client files of Philomena Kearns re Frank Kearns (deceased), Liam Kearns (deceased), Vincent Kearns (deceased), and John Paul Kearns (deceased) in the sum of €194,259, in relation to costs charged €227,413 less legal fees of €7,000 plus VAT per estate, totalling €34,440. The deficit also includes a transfer of €1,286 to the unconnected client ledger account of Kathleen Duignan, probate matter DUK001/1.
- 4) Caused, permitted, or improperly allowed a deficit to arise on the client file of Cecelia Gilhooley (deceased) in the sum of €5,000, arising from the transfer of costs totalling €17,500 to

the office account in three tranches in November and December 2020, leaving a debit balance of an amount, the solicitor having transferred €17,500 from the unconnected client ledger of Vincent Kearns (deceased, KEP/001/3), and transferring costs of €5,000 to the office account on 12 February 2021, leaving a debit balance of the same amount. The solicitor did not extract a grant of probate and did not gather in the estate assets.

- 5) Causing, permitting, or improperly allowing a deficit to arise on the client file of Kathleen Duignan re Michael Duignan (deceased) in the sum of €30,015 in relation to costs transferred of €24,690, as no section 150 notice was issued to the client, and the transfer of €5,325 from an unconnected matter in which the solicitor did not extract a grant of probate.
- 6) Causing, permitting, or improperly allowing a deficit to arise on the probate file of Peter Meehan re Thomas Meehan (deceased) in the sum of €21,721, caused by cheques needing to be reissued to beneficiaries in the sum of €11,721 and costs over-transferred to the office account estimated to be €10,000.
- 7) Causing, permitting, or improperly allowing a deficit to arise on the sale file of Michael Forde in the sum of €24,430 in relation to costs over-transferred to the office account.
- 8) Causing, permitting, or improperly allowing a deficit to arise on the purchase file of Ciaran Maxwell in the sum of €2,230 caused by the over-transfer of costs to the office account.
- 9) Caused, permitted, or improperly allowed a deficit to arise on the purchase file of Robert Richardson in the sum of €1,500, caused by the transfer from unconnected matters and including transfer from unconnected matters of €240, €850,

€365 and €45 from the unconnected client ledger account of Sarah Burke BUS002/1, Sarah Frehill FRS002/1, Sarah Garden RIR001/3, and Seamus Quinn QUS001/1 to the Robert Richardson client ledger account to clear the debit balance €1,500.

- 10) Caused, permitted, or improperly allowed a debit balance to arise on the purchase file of Mark Richardson in the sum of €2,500, caused by the overpayment of €1,000 to the vendor solicitor and over-payment of costs of €1,500.
- 11) Caused, permitted, or improperly allowed a debit deficit/debit balance to arise on the sale file of Dominic McGovern in the sum of €2,679, caused by the transfers from unconnected matters totalling €7,235 less €4,656 of client funds recorded in Sarah McCann's client ledger account.
- 12) Failure to account for proper client account and bank reconciliation due to the fact that there were no uncleared cheques disclosed the period end, which significantly distorted the client balances by €63,744, contrary to regulation 13(1) and 13(2) of the *Solicitors Accounts Regulations 2014* (SI no 516 of 2014).
- 13) Failed to maintain proper books of account that would give a clear and accurate picture of clients' financial affairs, contrary to regulation 13 of the *Solicitors Accounts Regulations 2014*.
- 14) Failure to record transactions on the office side of the client ledger account in respect of each matter, contrary to regulation 11(4) of the *Solicitors Accounts Regulations*.
- 15) Failure to comply with section 150 of the *Legal Services Regulation Act 2015* on a number of files sampled and failure to show how the solicitor agreed her costs with clients. The following (*panel*) was noted in relation to estimate of costs for the files reviewed during the inspections:

| Matter                                          | Client matter                                                                                                                   | Legal type   | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COB001/1                                        | Bernadette Comey re Katherine McTague                                                                                           | Probate      | The solicitor appeared to issue a fee estimate of likely costs to the executrix on 23 April 2019 with a professional fee of €100,000 plus VAT, funeral expenses of €6,000, and fee card €500, but it is not clear the basis the solicitor used for the fee estimate or if the client actually received it. The solicitor transferred costs totalling €286,700 from the client to the office account. However, the solicitor stated on the first day of the inspection a reasonable fee for this matter to be €15,000.                                                                                                                                                                                                                                                                                                                                  |
| KEP001/1;<br>KEP001/2;<br>KEP001/3;<br>KEP001/4 | Philomena Kearns re Frank Kearns (deceased); Liam Kearns (deceased); Vincent Kearns (deceased); and John Paul Kearns (deceased) | 12 June 2026 | There is a letter from the solicitor dated 19 September 2016 to the executrix Philomena Kearns on the file stating that "the original quote of €15,000 excluding VAT per estate will now not stand due to the fact there are quite a substantial number of beneficiaries, in excess of 20 to be fair, as a result our professional fee will be increased accordingly, as we will have to file CAT returns in connection with each of the estates". The solicitor sent an email to Fintan Kearns, the nephew of the deceased and new administrator of the estate on 20 September 2019, stating that "I had originally quoted €7,000 per estate; however, that was before I was made aware of the additional beneficiaries etc. This figure no longer stands." The solicitor transferred costs totalling €227,413 from the client to the office account. |
| GIC002/1                                        | Cecilia Gilhooley (deceased)                                                                                                    | Probate      | The solicitor appeared to issue the client with an estimate of costs on 15 July 2021 where she estimated legal costs of €15,000 plus VAT. The solicitor transferred costs totalling €22,500 from the client to the office account when not in funds.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| DUK001/1                                        | Kathleen Duignan re Michael Duignan (deceased)                                                                                  | Probate      | The solicitor did not issue an estimate of costs to the client. The solicitor transferred costs totalling €24,690 from the client to the office account.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| MEP001/1                                        | Peter Meehan re Thomas Meehan                                                                                                   | Probate      | The solicitor did not appear to issue an estimate of costs to the client. However, there was a record of a notice of costs on the file, which was undated, that records legal costs to date as €5,000 plus VAT. The solicitor appeared to transfer costs totalling €24,559 from the client to the office account.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| RAE001/1                                        | Elma Ramilo re Anthony Lavin (deceased)                                                                                         | Probate      | The solicitor did not appear to issue an estimate of costs to the client. There is an undated notice on file noting legal costs to date €20,000 plus VAT. The solicitor transferred costs totalling €18,145 from the client to the office account. The solicitor did not pay one bequest in the sum of €10,000.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| FOM001/1                                        | Michael Forde                                                                                                                   | Sale         | The solicitor did not issue an estimate of costs to the client. The solicitor transferred costs totalling €25,730 from the client to the office account.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| MAC002/1                                        | Ciaran Maxwell                                                                                                                  | Purchase     | The solicitor issued an estimate of costs dated 23 April 2020 outlining a professional fee of €700 plus VAT plus outlay. The solicitor transferred costs totalling €3,152 from the client to the office account.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| MAD001/1                                        | Donal and Aisling Maguire                                                                                                       | Purchase     | The solicitor did not issue an estimate of costs to the client.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| RIM001/1                                        | Mark Richardson                                                                                                                 | Purchase     | The solicitor did not issue an estimate of costs to the client.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| KEL002/1                                        | Lisa Kennedy                                                                                                                    | Purchase     | The solicitor did not issue an estimate of costs to the client for any matter. The solicitor received the settlement cheques in the sum of €15,500 and transferred costs totalling €11,500 from the client to the office account. The client received €4,000.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| MCD001/2                                        | Dominic McGovern                                                                                                                | Sale         | The solicitor did not issue an estimate of costs to the client.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |



- 16) Failed to issue a bill of costs to client on completion of matter as noted in (15) in breach of regulation 12 of the *Solicitors Accounts Regulations* and section 152 of the *Legal Services Regulation Act 2015*.
- 17) Caused, permitted, or improperly allowed a debit balance to arise on client ledgers as set out above, caused by the solicitor instructing the bookkeeper to conceal debit balances when client ledgers are written up in arrears and transfers between clients (report from the account system included at appendix 3 of the investigating accountant's report and suspense ledger account of Sheila Test TES001/1 included in appendix 3 to the investigating accountant's report),
- 18) Failed to complete client risk assessments and only partial compliance in carrying out client due diligence and obtaining client identification documents, in breach of sections 33 and 54 of the *Criminal Justice (Money Laundering and Terrorist Financing) Act 2010*.

Take notice that, on 4 December 2023, the President of the High Court ordered that:

- 1) The respondent's name be struck off the Roll of Solicitors,
- 2) The respondent pay the sum of €128,336.56 as restitution to the Law Society's Compensation Fund for sums paid out in respect of claims made on the fund to date,
- 3) The respondent pay the sum of €8,797.50, being the applicant's measured costs before the Legal Practitioners Disciplinary Tribunal or, alternatively, such costs as are assessed by a legal costs adjudicator in default of agreement,
- 4) The respondent swear an affidavit disclosing all information relating to or contained in accounts held in her own name, or in the name of her firm, or jointly with third parties with any bank within 14 days from the date hereof,
- 5) The respondent swear an affidavit disclosing all information as to her assets either within her possession or control or within her procurement and, if no longer in her possession or control or within her procurement, her belief as to the present whereabouts of those

- assets within 14 days from the date hereof,
- 6) The respondent pay the whole of the costs of this application to the High Court as measured in the sum of €2,472.

*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 Edward O'Brien (solicitor number S10564), formerly practising at Edward J O'Brien Solicitors, 8A The Village Centre, Lucan, Co Dublin [2026/232MCA]**

**Legal Services Regulatory Authority (applicant)**

**Edward O'Brien (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 of 27 February 2026 that the respondent solicitor was guilty of misconduct in that he:

- 1) Failed to comply, either in a timely manner or at all, with the undertaking dated 19 July 2018 given to Permanent TSB in respect of the property, either in part or in full, and in particular failed to furnish Permanent TSB with the following:
  - Certificate of title in the Law Society's standard form,
  - All deeds and documents to the property, stamped and registered as appropriate,
  - The original mortgage or, if Land Registry title, counterpart mortgage (if available) and an up-to-date copy folio of the property showing the mortgage registered as a burden thereon,
  - Any deed of confirmation of life policy assignment, and
  - Land Registry dealing number,
- 2) Failed to lodge, within a reasonable timeframe or at all, the purchase deed/transfer and the mortgage

- in relation to the property so as to ensure that Permanent TSB obtained a first legal mortgage/charge on the property,
- 3) Failed to correspond adequately or at all with Permanent TSB with regard to the undertaking in respect of the property.

Take notice that, on 19 May 2026, the President of the High Court ordered that:

- 1) Pursuant to sections 82(2) and 85 (7)(c) of the *Legal Services Regulation Act 2015*, the respondent is prohibited from practising as a legal practitioner, otherwise than as an employee, for a period of ten years,
- 2) Pursuant to sections 82(2) and 85(7)(h)(iii) of the 2015 act, the respondent pay the whole of the costs of the applicant incurred in relation to the inquiry bearing the record number 2025/LPDT40 before the Legal Practitioners Disciplinary Tribunal, such costs to be assessed by a legal costs adjudicator in default of agreement between the parties,
- 3) The respondent do pay the applicant their costs of the application, such costs to be adjudicated in default of agreement between the parties.

**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 Edward O'Brien (solicitor number S10564), formerly practising at Edward J O'Brien Solicitors, 8A The Village Centre, Lucan, Co Dublin [2026/233MCA]**

**Legal Services Regulatory Authority (applicant)**

**Edward O'Brien (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 of 27 February 2026 that the respondent solicitor was guilty of misconduct in that he:

- 1) Failed to comply, either in a timely manner or at all, with the undertaking dated 26 September 2019 given to Permanent TSB in respect of the

property, either in part or in full, and in particular failed to furnish Permanent TSB with the following:

- Certificate of title in the Law Society's standard form,
  - All deeds and documents to the property, stamped and registered as appropriate,
  - The original mortgage or, if Land Registry title, counterpart mortgage (if available) and an up-to-date copy folio of the property showing the mortgage registered as a burden thereon,
  - Any deed of confirmation of life policy assignment, and
  - Land Registry dealing number,
- 2) Failed to lodge, within a reasonable timeframe or at all, the purchase deed/transfer and the mortgage in relation to the property so as to ensure that Permanent TSB obtained a first legal mortgage/charge on the property,
- 3) Failed to correspond adequately or at all with Permanent TSB with regard to the undertaking given to Permanent TSB dated 26 September 2019 in respect of the property.

Take notice that, on 19 May 2026, the President of the High Court ordered that:

- 1) Pursuant to sections 82(2) and 85(7)(c) of the *Legal Services Regulation Act 2015*, the respondent is prohibited from practising as a legal practitioner, otherwise than as an employee, for a period of ten years,

- 2) Pursuant to sections 82(2) and 85(7)(h)(iii) of the 2015 act, the respondent pay the whole of the costs of the applicant incurred in relation to the inquiry bearing the record number 2025/LPDT46 before the Legal Practitioners Disciplinary Tribunal, such costs to be assessed by a legal costs adjudicator in default of agreement between the parties,
- 3) The respondent do pay the applicant their costs of the application, such costs to be adjudicated in default of agreement between the parties.

**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 Florence Hutchinson (solicitor number S6470), formerly practising at F Hutchinson & Co, Solicitors, The Mall, Townparks, Ballyshannon, Co Donegal [2026 no 234 MCA]**

**Legal Services Regulatory Authority (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 of 17 December 2024 that the respondent solicitor was guilty of misconduct in that she:

- 1) Failed to account to her client, Teresa Hatton, either within a reasonable timeframe or at all for part of the proceeds arising from the sale of 90 Whitemple Drive, Bundoran, Co

- Donegal, in or around November 2022,
- 2) Failed to engage, either adequately or at all, with her client and/or members of the client's family (to include the complainant) in respect of the proceeds of sale,
- 3) Misled her client and/or members of her client's family (to include the complainant) in respect of whether she held the monies and/or the reason(s) as to why she could not account for the balance of the sales proceeds as referred to at (1) above.

Take notice that, on 9 June 2026, the President of the High Court ordered that:

- 1) Pursuant to sections 82(2) and 85 (7)(a) of the *Legal Services Regulation Act 2015*, the respondent be censured,
- 2) Pursuant to sections 82(2) and 85 (7)(c) of the act, the respondent be prohibited from practising as a legal practitioner otherwise than as an employee,
- 3) Pursuant to sections 82(2) and 85(7)(h)(ii) of the act, the respondent pay the sum of €10,000 as restitution or part restitution to Teresa Hatton,
- 4) Pursuant to sections 82(2) and 85(7)(h)(iii) of the act, the respondent pay to the applicant the whole of the costs the applicant incurred in relation to the inquiry bearing the record number 2023/LPDT21 before the Legal Practitioners Disciplinary Tribunal, which costs shall be assessed by a legal costs adjudicator in default of agreement between the parties.



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# 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 John Lynch (solicitor number S8613), currently practising at John Lynch & Co, Solicitors, Bridge Street, Newcastle West, Co Limerick, and in the matter of an application by the Law Society of Ireland to the Legal Practitioners Disciplinary Tribunal, and in the matter of the Legal Services Regulation Act 2015 [2024-LPDT26] Law Society of Ireland (applicant) John Lynch (respondent)**

By determination dated 2 July 2026, the Legal Practitioners Disciplinary Tribunal found the respondent guilty of misconduct in that, in respect of Paruma (client ledger account LAN0140004), he contravened regulation 5(4) of the *Solicitors Accounts Regulations 2023* by holding in a client account moneys other than clients' moneys and moneys referred to in regulation 5(1), 5(2) and 5(3) for the period 1 July 2023 to 26 April 2024.

The tribunal ordered that the respondent is hereby:

- 1) Censured, in accordance with section 82(1)(c) of the act,
- 2) Directed to pay, within six months of 3 June 2026, the Law Society's measured costs of €2,500, in accordance with section 82(1)(j) of the act,
- 3) Directed to pay, within six months of 3 June 2026, a sum of €6,000 to the Compensation Fund, in accordance with section 82(1)(l) of the act.

**In the matter of Louis O'Connell, solicitor, of Bailys Solicitors, Church Place, Church Street, Tralee, Co Kerry, and in the matter of the Solicitors Acts 1954-2011 [2025/DT02]**

**Law Society of Ireland (applicant)**

**Louis O'Connell (respondent)**

On 23 July 2026, the Solicitors Disciplinary Tribunal found the respondent solicitor guilty of professional misconduct in that he:

- 1) Failed to ensure that the sum of €10,000 was returned to the complainant's family following the purchase of his father's public house in 2013 in a timely manner or at all,
- 2) Failed to respond to the Law Society's correspondence dated 28 September 2022, 1 November 2022, 2 May 2023, 9 June 2023, and 11 October 2023 in a timely manner or at all.

The tribunal ordered that the respondent solicitor:

- 1) Stand censured,
- 2) Is directed to pay a sum of €5,000 to the Compensation Fund, such payment to be made to the applicant on or before 30 November 2026,
- 3) Is directed to pay the sum of €3,012 as payment of the costs of the applicant, such payment to be made to the applicant on or before 30 November 2026.

**In the matter of Eugene Kearns (solicitor number S6452), a former legal practitioner, formerly practising at Eugene P Kearns, 10 Lower Abbey Street, Dublin 1, and in the matter of an application by the Law Society of Ireland to the Legal Practitioners Disciplinary Tribunal, and in the matter of the Legal Services Regulation Act 2015 [2025-LPDT34]**

**Law Society of Ireland (applicant)**

**Eugene Kearns (respondent)**

By determination dated 14 August 2026, the tribunal found the respondent guilty of misconduct in that he failed to file his accountant's report for the year ended 31 October 2024 within five months of that date, in breach of regulation 26(1)(a) of the *Solicitors Accounts Regulations 2023*.

The tribunal ordered that the respondent is hereby:

- 1) Censured, pursuant to section 82(1)(c) of the act,
- 2) Directed to pay the sum of €1,512

- towards the costs of the applicant, pursuant to section 82(1)(j) of the act,
- 3) Directed to pay the sum of €7,500 to the Compensation Fund, pursuant to section 82(1)(l) of the act.

**In the matter of Eugene Kearns (solicitor number S6452), a former legal practitioner, formerly practising at Eugene P Kearns, 10 Lower Abbey Street, Dublin 1, and in the matter of an application by the Law Society of Ireland to the Legal Practitioners Disciplinary Tribunal, and in the matter of the Legal Services Regulation Act 2015 [2025-LPDT53]**

**Law Society of Ireland (applicant)**

**Eugene Kearns (respondent)**

By determination dated 21 May 2026, the Legal Practitioners Disciplinary Tribunal found the respondent guilty of professional misconduct in that he:

- 1) Failed to comply, either in a timely manner or at all, with the undertaking dated 22 March 2021 given to Permanent TSB in respect of the property, either in part or in full, and in particular failed to furnish Permanent TSB with the following:
  - Certificate of title in the Law Society's standard form,
  - All deeds and documents to the property, stamped and registered as appropriate,
  - The original mortgage or, if Land Registry title, counterpart mortgage (if available) and an up-to-date copy folio of the property showing the mortgage registered as a burden thereon,
  - Any deed of confirmation or life policy assignment, and
  - Land Registry dealing number,
- 2) Failed to lodge, within a reasonable timeframe or at all, the purchase deed/transfer and the mortgage in relation to the property so as to ensure that Permanent TSB obtained

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a first legal mortgage/charge on the property,

- 3) Failed to correspond adequately or at all with Permanent TSB with regard to the undertaking in respect of the property.

The tribunal ordered that the respondent is hereby:

- 1) Censured, pursuant to section 82(1)(c) of the act,
- 2) Directed to pay a sum of €15,000 towards the costs incurred by the Legal Services Regulatory Authority in respect of the inquiry, pursuant to section 82(1)(j) of the act, within a period of six months from the date of the signing of the order.

**In the matter of Nuala Liston (solicitor number S5002), currently practising at Liston & Co, 8 Day Place, Tralee, Co Kerry, 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-LPDT56] Complaints Committee of the Legal Services Regulatory Authority (applicant) Nuala Liston (respondent)**

By determination dated 22 June 2026, the Legal Practitioners Disciplinary Tribunal found the respondent guilty of professional misconduct in that she failed, refused, and/or neglected to return to the complainant and/or the complainant's representatives the complainant's files as requested, including files in relation to lands at Boulia, Furies, Killarney, Co Kerry and/or Listry Cross, Co Kerry, within a reasonable period or at all.

The tribunal ordered that the respondent is hereby:

- 1) Admonished, pursuant to section 82(1) (b) of the act,
- 2) Directed, pursuant to subsection (h) of section 82(1) of the act, to transfer any remaining files in her possession in respect of the lands at Boulia concerning the complainant to a solicitor nominated by the complainant, within 28 days of the complainant providing the legal

practitioner with the name and contact details of the solicitor to receive such files,

- 3) Directed to pay, within three months of 20 May 2026, a sum of €10,000, inclusive of VAT, to the Legal Services Regulatory Authority as a contribution towards its costs, pursuant to section 82(1)(j) of the act.

**In the matter of Patrick Sweeney (solicitor number S10693), currently practising at Patrick J Sweeney Solicitors, Office 3, Riverfront House, Pearse Road, Letterkenny, Co Donegal, and in the matter of an application by the Law Society of Ireland to the Legal Practitioners Disciplinary Tribunal, and in the matter of the Legal Services Regulation Act 2015 [2025-LPDT62]**

**Law Society of Ireland (applicant) Patrick Sweeney (respondent)**

By determination dated 13 May 2026, the Legal Practitioners Disciplinary Tribunal found the respondent guilty of misconduct in that he failed to ensure that there was furnished to the Law Society of Ireland an accountant's report for the year ended 31 December 2024 within five months of that date, in breach of regulation 26(1)(a) of the *Solicitors Accounts Regulations*.

The tribunal ordered that the respondent be advised in accordance with section 82(1)(a) of the act and directed to pay the agreed costs of the Law Society (a sum of €1,512) in accordance with section 82(1)(j) of the act.

**In the matter of Bridget Farrell Quinn (solicitor number S5313), currently practising at Delaney Quinn, Mohill, Co Leitrim, 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-LPDT85]**

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

**Bridget Farrell Quinn (respondent)**

By determination dated 31 July 2026, the Legal Practitioners Disciplinary Tribunal found the respondent guilty of professional misconduct in that she:

- 1) Did not account to the complainant, within an appropriate timeframe, in respect of the net sale proceeds arising from the disposal of one or more of the following properties: (a) 65 Ardnacassa Avenue, Longford, Co Longford, (b) 1 Cluain Ard, Longford, (c) 2 Palace Crescent, Longford,
- 2) Did not communicate sufficiently with the complainant in relation to the release of the net proceeds of sale arising from the transactions referred to at (1) above,
- 3) Did not deal with the complainant in a sufficiently clear manner in relation to the charging of legal costs.

The tribunal ordered that the respondent be:

- 1) Censured, pursuant to subsection (c) of section 82(1) of the 2015 act.
- 2) Directed, pursuant to subsection (e)(i) of section 82(1), to waive any outstanding fees or costs otherwise payable by the complainant to the respondent legal practitioner concerned in respect of any work carried out by the legal practitioner for the complainant, in relation to the subject matter of the complaint.
- 3) Directed, pursuant to subsection (h) of section 82(1), to transfer all files in her possession concerning the complainant to a solicitor nominated by the complainant within 40 days of the complainant providing the legal practitioner with the name and contact details of the solicitor to receive such files.
- 4) Directed, pursuant to subsection (d) of section 82(1), to arrange for the completion of the following two webinars: 'Better communication with our clients' (offered by the CPD Board) and 'Ethics and professional conduct' (offered by LaTouche Training). Both webinars are to be completed within six months of the date of the inquiry and the costs of completing the webinars is to be borne by the legal practitioner. Evidence of completion is to be provided by the legal practitioner to the authority within eight months of the date of the inquiry.
- 5) Directed to make a contribution of €10,000 (inclusive of VAT) towards the costs of the authority, pursuant to subsection (j) of section 82(1) within six months of the date of the inquiry. 

# gazette

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## WILLS

**Brangan, Mary (deceased),** late of 215 Charlemont, Griffith Avenue, Dublin 9, who died on 11 December 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 LMC Law, Solicitors, 230 Swords Road, Santry, Dublin 9; tel: 01 842 2919, email: [probate@lmc-law.ie](mailto:probate@lmc-law.ie)

**Cherry, Lynne (orsee Bernard, Lynne) (deceased),** late of Derrane Road, Four Mile House, Roscommon, Co Roscommon, and also late of Sterling Lane, Hunts Cross, Liverpool, Merseyside, United Kingdom, who died on 1 July 2018. Would any person holding or having any knowledge of a will made by the above-named deceased please contact Peter H Jones & Co, Solicitors, Goff Street, Roscommon, Co Roscommon; tel: 090 662 6925, email: [info@peterhones.ie](mailto:info@peterhones.ie)

**Conboy (née Guckian), Josephine Frances (Josie) (deceased),** who died on 25 January 2025, late of Curryline, Newtownforbes, Co Longford and formerly of Breanross, Mohill, Co Leitrim. Would any person having knowledge of the whereabouts of any will made or purported to have been made by the above-named deceased please contact Mary Cahill & Co, Solicitors, Mespil Business Centre, Sussex Road, Dublin 4, D04 T4A6; tel: 01 231 4600, email: [mcahill@marycahillsolicitors.eu](mailto:mcahill@marycahillsolicitors.eu)

**El Shalakany, Moustafa (deceased),** late of 10 The Green, Johnstown Manor, Johnstown, Co Kildare and 3 Springvale, Edmonstown Road, Rathfarnham, Dublin 16, who died on 9 May 2026. Would any person having knowledge of the whereabouts

## PROFESSIONAL NOTICE RATES

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- **Title deeds** – €325 per deed (incl VAT at 23%)
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**Deadline for the November 2026 Gazette is Monday 5 October 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*.

of any will made by the above-mentioned deceased, of if any firm is holding same, please contact Michael O'Shea, Michael O'Shea & Co Solicitors, 291 Templeogue Road, Dublin, D6W EW97; DX 154002 Templeogue; tel: 01 490 0881, email: [michael.oshea@oshea.ie](mailto:michael.oshea@oshea.ie)

**Gaughan, Patrick Joseph (deceased),** late of Corclough East, Belmullet in the county of Mayo, who died on 2 April 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 Patrick J Durcan and Co, Solicitors, James Street, Westport, Co Mayo; DX 53002 Westport; tel: 098 25100, email: [admin@patrickjdurcan.ie](mailto:admin@patrickjdurcan.ie)

**Guckian, Annie Jane (Nancy) (deceased),** who died on 30 May 2026, late of Curryline, Newtownforbes, Co Longford and formerly of Breanross, Mohill, Co Leitrim. Would any person having knowledge of the whereabouts of any will made or purported to have been made by the above-named deceased, please contact

Mary Cahill & Co, Solicitors, Mespil Business Centre, Sussex Road, Dublin 4, D04 T4A6; tel: 01 231 4600, email: [mcahill@marycahillsolicitors.eu](mailto:mcahill@marycahillsolicitors.eu)

**McEvoy, Martin (deceased),** late of Raggetstown, Ballinakill, Co Laois, who died on 23 January 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 James E Cahill & Co, Solicitors, Market Square, Abbeyleix, Co Laois; tel: 057 873 1246, email: [donalwdunne@securemail.ie](mailto:donalwdunne@securemail.ie)

**McEvoy, William (otherwise**

**Billy),** late of 68 Grange Park Road, Raheny, Dublin 5. Would any person having knowledge of any will made by the above-named deceased, who died on 8 June 2025, please contact AC Forde & Co LLP, Solicitors, 44 Serpentine Avenue, Dublin 4; tel: 01 660 8955, email: [info@acforde.com](mailto:info@acforde.com)

**McNamara, Mary (orsee Maura) (deceased),** late of Tullig, Farranastig (Farranastig), Whitechurch, Co Cork, who died on 3 December 2025. Would any person having knowledge of any will executed by the above-named deceased, please contact Finian Dullea, TJ Hegarty LLP Solicitors, 58 South Mall, Cork;

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**Noone, Marian (Margaret Marion) (deceased)**, late of 6 Burleigh Court, Burlington Road, Ballsbridge, Dublin 4, who died 2 January 2026. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact O'Connell Brennan Solicitors LLP, Armitage House, 10 Hatch Street Lower, Dublin 2, D02 HX72; tel: 01 681 4300, email: [anna@oconnellbrennan.ie](mailto:anna@oconnellbrennan.ie)

**Somerville, Martin (deceased)**, late of 49 Cord Road, Drogheda, Co Louth who died on 10 July 2026. Would any person having knowledge of

the whereabouts of any will made or purported to have been made by the above-named deceased please contact Aoife Tuite, Markey Minogue Coyle Solicitors LLP, 1 South Quay, Drogheda, Co Louth; tel: 041 983 8471, email: [info@mmcsolicitors.ie](mailto:info@mmcsolicitors.ie)

**Thomas, Richard (deceased)**, late of Kilrush Nursing Home, Killimer Road and formerly of Ennis, Co Clare, who died on 13 August 2022. Would any person having knowledge of the whereabouts of a will executed by the above-named deceased please contact Elaine Byrne Solicitors, Main St, Athboy, Co Meath; email: [elainebyrnesolicitors.ie](mailto:elainebyrnesolicitors.ie)

**TITLE DEEDS**  
**In the matter of the Landlord and Tenant (Ground Rents) Acts**

**1967-2019: to the personal representatives of Mary Louise Dring, late of Mount Patrick, Glanmire, Co Cork**

Take notice that I, Thomas Sorenson, being the person entitled under the above acts, intend to apply to the Cork Circuit Court at the first available opportunity to acquire the fee simple and any other interests, superior to my own, in those premises known as no 157 Lower Glanmire Road, Cork. Let any person having or claiming to own the freehold or any other interest in said property appear at said date and/or contact my solicitors, Malone Hegarty Solicitors LLP, Units 3&6 The Courtyard, Fairhill, Killarney, Co Kerry; tel: 064 662 0411, email: [info@malonehegarty.ie](mailto:info@malonehegarty.ie)

**Would any person having knowledge of the whereabouts of the title deeds to the premises at 9 Aughrim Villas, Aughrim Street, Grangegorman, Dublin 7** please contact David Thorpe, Thorpe & Taaffe Solicitors, 1 Main Street, Finglas, Dublin D11 FY83; tel: 01 834 4959, email: [david@thorpetaaffe.ie](mailto:david@thorpetaaffe.ie)

**Would any person having knowledge of the whereabouts of the title deeds to the**

**premises at 107 Finglas Park, Finglas, Dublin 11** please contact David Thorpe, Thorpe & Taaffe Solicitors, 1 Main Street, Finglas, Dublin D11 FY83; tel: 01 834 4959, email: [david@thorpetaaffe.ie](mailto:david@thorpetaaffe.ie)

**Property: 107 Seamount, Block 5, Blackrock, Co Dublin, A94 X795**

Would any person having knowledge of the whereabouts of the deeds for the above property, owned by Brid Roberts and the late Gerry Roberts, or if any firm is holding same, please contact Maurice O'Callaghan, O'Callaghan Legal Solicitors, F15 The Pottery, Bakers Point, Pottery Road, Dun Laoghaire, Co Dublin; tel: 01 280 3399, email: [info@ocslegal.ie](mailto:info@ocslegal.ie)

**In the matter of the Landlord and Tenant (Ground Rents) Acts 1967-2019 and in the matter of an application by Eircom Limited**

Take notice any person(s) having an interest in the freehold estate or any intermediate interest in the property known as the Telephone Exchange at Crown Alley, Temple Bar, Dublin 2, held under a lease dated 12 August 1897 and made between (1) the Right Honourable Lord Mayor, Aldermen, and Burgesses of Dublin, (2) Henry Torrens Anstruther and William Hayes Fisher, and (3) National

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Telephone Company Limited for the term of 150 years from 25 March 1889, subject to the yearly rent of £45 and to the covenants and conditions therein contained, all of which said premises are now comprised in Folio DN75303L.

Take notice that Eircom Limited intends to submit an application to the county registrar for the county of Dublin to enlarge its interest in the aforementioned property into a fee simple interest and, for that purpose, acquire by purchase the fee simple and any intermediate interests therein, and that any party asserting a superior interest in the aforementioned property is called upon to furnish evidence of their title to the property to the undermentioned solicitors within 21 days of this notice.

In default of such notice being received within 21 days from the date hereof, the applicant, Eircom Limited, will proceed with its application before the county registrar and will apply to her for such directions as may be appropriate on the basis that the person(s) entitled to the superior interest(s), including the fee simple reversion, is unknown or unascertained.

**Date: 2 October 2026**

**Signed: Maples and Calder (Ireland) LLP (solicitors for the applicants), 4<sup>th</sup> Floor, Block D, Iveagh Court, Harcourt Road, Dublin 2**

**In the matter of the Landlord and Tenant Acts 1967-2008, and in the matter of the Landlord and Tenant (Ground Rents)**

**Act 1967, and in the matter of the premises known as 43 Gardiner Street in the county of Dublin: an application by Blair Developments Limited**

Take notice any person having a freehold estate or any intermediate interest in the

premises known as 43 Gardiner Street in the county of Dublin, held under indenture of lease dated 12 October 1789 and made between the Right Honourable Luke Lord Baron Mountjoy of the one part and Michael Stapleton of the other part for the term of 999 years from 25 March 1789, subject to the yearly payment of the rent of seven pounds, ten shillings sterling and the covenants by the lessee and conditions therein contained; and indenture of sublease dated 25 March 1962 and made between Majorie Ward of the one part and B&S Bread Company Limited of the other part for the term of 999 years from 25 March 1789, subject to the yearly payment of the rent of £20 and the covenants by the lessee and conditions therein contained.

Take notice that the applicant intends to apply to the county registrar for the city of Dublin for the acquisition of the freehold interest and all intermediate interests in the premises, and any party asserting that they hold a superior interest in the premises is called upon to furnish evidence of title to same to the below named within 21 days from the date of this notice.

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

**Date: 2 October 2026**

**Signed: Sheehan (solicitors for the applicant), 1 Clare Street, Dublin 2**

## EXPERT WITNESS: OPHTHALMOLOGY

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**In the matter of the Landlord and Tenant Acts 1967-1994, and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978, and in the matter of an application by Noone Engineering Limited, having its registered office at Rathangan, Co Kildare**

Take notice any person having any interest in the freehold estate of the following premises: former convent of the Sisters of Mercy situate at New Street in the town of Rathangan and county of Kildare, comprising 0.96 acres or thereabouts statute measure.

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

In default of any such notice being received, the applicant

intends to proceed with the application before the county registrar at the end of 21 days from the date of this notice and will apply to the county registrar for the county of Kildare at the Courthouse, Naas, Co Kildare, for directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest including the freehold reversion in each of the aforesaid premises are unknown or unascertained.

**Date: 2 October 2026**

**Signed: Burns McGrath O'Sullivan LLP (solicitors for the applicants), 6 & 7 George's Street, Newbridge, Co Kildare**

**In the matter of the Landlord and Tenant Acts 1967-2019, and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978, and in the matter of the premises situate at and known as 2 Holmwood Terrace, Southern Road, Cork: an application by GS Securities Limited**

Take notice any person having any superior interest (whether

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**Founding Editor: Mark Tottenham.**



by way of freehold interest or otherwise) in the following property or who owns any encumbrance on the following property: premises situate at and known as 2 Holmwood Terrace, Southern Road, in the parish of Saint Nicholas and in the city and county of Cork, which premises is the subject of an indenture of lease dated 27 April 1967 from Dorothy Whitaker, Kathleen Hill, and Margory Brady to John Desmond for the term of 82 and a half years from 25 March 1967, subject to the yearly rent of eight pounds and to the covenants on the lessee's part and conditions therein contained.

Take notice that GS Securities Limited, who now holds the lessee's interest in the said property under the said lease, intends to submit an application to the county registrar for the county of Cork for the acquisition of the freehold interest and any intermediate interest and any superior interest in

the aforesaid property, and any party asserting that they hold a superior interest in the aforesaid premises (or any of them), including but not limited to any person(s) claiming to be entitled to the lessor's interest of Dorothy Whitaker, Kathleen Hill, and Margory Brady, and each of their respective heirs, executors, administrators, successors, and assigns, are called upon to give notice of their said claim and furnish evidence of their title to the below named within 21 days from the date of this notice.

In default of any such notice being received, GS Securities Limited intends to proceed with the application before the county registrar for the county of Cork for such directions as may be appropriate on the basis that the persons beneficially entitled to the superior interest in each of the said leases including the freehold reversion in the aforesaid premises are unknown or unascertained.

**Date: 2 October 2026**

**Signed: Powell Legal (solicitors**

**for the applicant), 81 South Mall, Cork**

**In the matter of the Landlord and Tenant (Ground Rents) (No 2) Acts 1967-2019: an application by Aubrey O'Reilly**

Take notice any person having an interest in the fee simple or any interest in an intermediate estate in "all that and those the lands, premises, and hereditaments known as 1-4 Chanel Court, Chanel Road, Coolock, Dublin 5, held, with other property, under lease dated 28 April 1944 and made between Charles Spottiswood Weir of the first part, Sir Hugo Compton Domville Poe Domville of the second part, Isabel May Foe of the third part, and Michael Joseph Lynch of the fourth for the term of 150 years from 29 September 1943, subject to the yearly rent of £100 thereby reserved and to the covenants on the part of the lessee and conditions therein contained.

Take notice that Aubrey

O'Reilly intends to submit an application to the county registrar for the county of Dublin for the acquisition of the fee simple and all intermediate interests in the property. Any party asserting that they hold a superior interest in the property is called upon to furnish evidence of their title to the below named within 21 days of this notice.

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

**Date 2 October 2026**

**Signed: Con O'Leary & Co (solicitors for the applicant), 6 The Mall, Leixlip, Co Kildare**



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# Final verdict

PRO BONOBO



## Bonanza or bust

A weathered stone bust that spent 70 years quietly mouldering in a Cotswolds back garden has been revealed as a rare marble sculpture by pioneering Victorian artist Harriet Goodhue Hosmer.

The BBC reports that Thomas Jenner-Fust of Chorley's Auctioneers spotted the piece during a routine house valuation and realised its true value. The family had no idea that it was marble, who had made it, or what it was worth, he said.

The bust depicts Daphne from Greek mythology. Only a handful of marble casts of Hosmer's debut work survive.

The sculpture is expected to fetch upwards of £18,000 at auction – though it could go for much higher. A similar statue by the same sculptor was offered for sale by Christie's in December 2008, with an estimated value of between US\$50,000 to US\$70,000.



## Not on our watch!



American dictionary Merriam-Webster has added 1,400 new words, chronicling everything from internet slang to AI-driven anxieties.

New entries include 'cuffing season' (seeking a short-term partner for the winter), 'looksmaxxing' (using extreme measures to boost physical attractiveness), 'vibe coding' (using AI to generate computer code), and 'parasocial' (a one-sided emotional connection with a celebrity or fictional character). Health and culture terms like 'superfood', 'shapewear', and 'yacht rock' (soft-rock music from the 1970s and 1980s) also make the grade, alongside 'uncanny valley' – reflecting growing unease around lifelike AI images and voices.

The words are chosen on the basis of sustained, widespread, and meaningful use and are judged by editors rather than by public vote. Bonobo will reserve judgement till we see what Oxford does. Maybe.

## Deconstruct that

IKEA has won a European trademark battle against Belgium's far-right party, Vlaams Belang, over a 2022 anti-immigration campaign that mimicked the retailer's branding.

*Politico* reports that the immigration policy's proposals were illustrated with the Swedish giant's blue-and-yellow logo and the cartoon-like figures that feature in the company's assembly instructions.

The EU's Court of Justice ruled that the party's 'IKEA-Plan' campaign could cause "significant detriment" to the firm's reputation. The fact that people might have believed that the company had endorsed the campaign figured heavily in the ruling. Judges said that using a trademark purely to amplify a political message didn't override a company's rights. The case now returns to a Belgian court, which is expected to rule against the party.

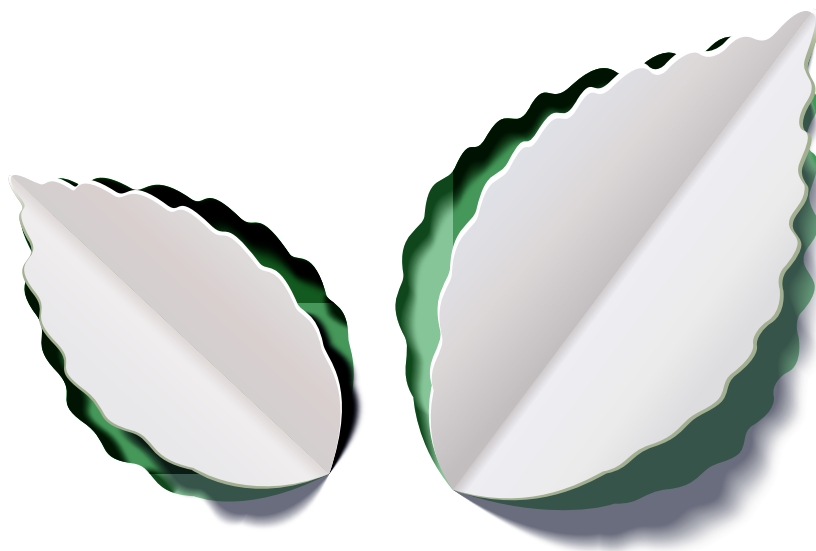
## Hard chew

Inmates at a Kansas prison have pooled their meagre wages to wipe out thousands of dollars in unpaid school-lunch bills, *WKRC* reports. Men enrolled in the 'Reaching Out From Within' programme

at Norton Correctional Facility donated US\$3,810 of their own money after learning that Norton Community Schools had ended the year \$6,000 short in unpaid meal bills. Several said they remembered going hungry

as children themselves.

Prison staff added a further US\$457, bringing the total gift to US\$4,267, which was handed over to the district superintendent. The programme encourages inmates "to become role models for nonviolence".



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